



Electronically issued : 22-Jun-2020
Délivré par voie électronique
Kitchener

Court File No.:

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N :

DAVID HILLIER and CASEY HILLIER

Plaintiffs

- and -

**WEST GREY POLICE SERVICES BOARD,
CONSTABLE SHEERING (#441) and CONSTABLE ROULSTEN (#435)**

Defendants

NOTICE OF ACTION

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiffs. The claim made against you is set out in the statement of claim served with this notice of action.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the plaintiffs' lawyer or, where the plaintiffs do not have a lawyer, serve it on the plaintiffs, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this notice of action is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFFS' CLAIM, and \$5,000.00 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiffs' claim and \$400.00 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: June 22, 2020

Issued by _____
Local registrar

Address of court office Waterloo Region Courthouse
85 Frederick Street, 2nd Floor
Kitchener, ON N2H 0A7

TO: West Grey Police Services Board
402813 Grey Road 4
RR 2
Durham, ON N0G 1R0

AND TO: Constable Sheering
402813 Grey Road 4
RR 2
Durham, ON N0G 1R0

AND TO: Constable Roulsten
402813 Grey Road 4
RR 2
Durham, ON N0G 1R0

CLAIM

1. In the late evening of June 5, 2020 Casey Hillier (Casey) was hosting a family gathering at his residence in Chesley, Ontario. Police with the West Grey Police Service (WGPS) were called to assist with a family dispute.
2. Two officers attended the scene including Constable Sheering, badge #441 (Cst. Sheering) and Constable Roulsten, badge #435 (Cst. Roulsten).
3. Outside of the house, Casey was trying to talk to Cst. Sheering. Casey was insisting that the officer talk to him and he also told the officer to leave. Cst. Sheering was rude and abrasive. Without any justification whatsoever, Cst. Sheering withdrew his service pistol and brandished it in front of Casey.
4. Cst. Roulsten came out of the house. Cst. Sheering rushed at Casey from behind. The two officers arrested Casey but did not say that he was under arrest or explain why he was being arrested.
5. During the arrest the two officers used outrageous and excessive force. They slammed Casey into the police cruiser. One officer put Casey in a headlock. Cst. Sheering tasered Casey in the back. Casey went to the ground. Wielding a baton, Cst. Sheering repeatedly struck Casey all over his body. Cst. Sheering struck Casey approximately 20 times with the baton.
6. All this occurred in the plain view of family members, including David. The family members pleaded with police to stop beating Casey. Eventually, David, a 68 year old man, felt that he had to intervene to try to stop this brutal assault against his son, Casey.
7. When David intervened, the response from Cst. Sheering was to unleash a similar and outrageous assault against him. Cst. Sheering tasered David who fell to the ground. Cst. Sheering struck him repeatedly with a baton. Cst. Sheering struck David approximately 20 times, landing strikes all over David's body.

8. David suffered very serious injuries including multiple broken ribs, a collapsed lung, a broken nose and widespread bruising. Despite these injuries, David was not taken to a hospital. Instead, David and Casey were taken to the WGPS police station in Durham, Ontario.
9. While on route to the station, an unknown police officer discarded David's wallet at the side of the road with all of its contents. The wallet was later found by a person who was able to locate family members and return the wallet to them.
10. At the station, paramedics were called to assist David. He was taken by ambulance to the South Bruce Grey Health Centre. His injuries were determined to be life threatening and he was then transferred by helicopter to Victoria Hospital in London. He remains in hospital in serious condition. David was not charged with any offence.
11. Casey also sustained injuries including bleeding from his head as well as scrapes, welts, and bruising.
12. Casey was charged with 2 counts of assault police and 2 counts of assault with intent to resist arrest. These charges are a malicious prosecution and are baseless and without evidence.
13. The plaintiffs claim that they were subjected to an assault and battery.
14. The plaintiffs' rights were violated, contrary to ss. 7 and 9 of *Charter of Rights and Freedoms*.
15. The plaintiffs claim that the conduct of the defendants was negligent.
16. The plaintiffs claim that the conduct of the officers, particularly Cst. Sheering, was outrageous, malicious, abusive, and carried out in bad faith and with willful contempt for the law.
17. The Special Investigations Unit (SIU) was notified and is investigating the matter.

18. On June 12, 2020 Rhonda Lantz, an employee with the WGPS, published a press release which included alleged facts surrounding the arrest of David and Casey. The press release is misleading in that it states that injuries were sustained by one male party and two police officers. Presumably the male party referred to is David, but Casey was injured as outlined above. He was certainly more seriously injured than either of the two officers who were not injured, and if they were, it was due to their own abusive and excessive conduct.

19. O. Reg. 267/10, s. 12 (1) of the *Police Services Act*, R.S.O. 1990, c. P.15 (*Police Services Act*) states:

The police force and members of a police force shall not, during the course of an investigation by the SIU into an incident, disclose to any person any information with respect to the incident or the investigation...

20. The press release breached the regulations under the *Police Services Act* and was thereby unlawful.

June 22, 2020

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Lawyers for the Plaintiffs

COURT FILE NO.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Kitchener

NOTICE OF ACTION

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