

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

(Court Seal)

J.S. and A.F.

Plaintiffs

and

JOHN DOE, JANE DOE and
THE CHILDREN'S AID SOCIETY OF THE COUNTY OF PRINCE EDWARD

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT(S):

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.
The Claim made against you is set out in the following pages.

FILED
MAR. 28. 2013

FILE
STYLER
TOTAL
PAGE

191.00
123.45
15.00
0.10

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 Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this Statement of Claim 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.



Date March 28/13

Issued by M. Valiquette
Local Registrar

Address of
court office: 44 Union Street
Picton, Ontario
K0K 2T0

TO: The Children's Aid Society of the County of Prince Edward
16 Macstevan Drive
Picton, ON K0K 2T0

AND TO: John Doe

AND TO: Jane Doe

CLAIM

1. The Plaintiff J.S. claims:

- (a) General damages for pain and suffering in the amount of \$350,000.00;
- (b) General damages for loss of future income in the amount of \$1,000,000.00;
- (c) General damages for future care costs in the amount of \$150,000.00;
- (d) Special damages in the amount of \$100,000.00;
- (e) Aggravated damages in the amount of \$200,000.00;
- (f) Punitive damages in the amount of \$1,000,000.00;
- (g) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (h) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (i) the costs of this proceeding, plus all applicable taxes; and
- (j) Such further and other relief as to this Honourable Court may seem just.

2. The Plaintiff A.F. claims:

- (a) General damages for pain and suffering in the amount of \$350,000.00;
- (b) General damages for loss of future income in the amount of \$1,000,000.00;

- (c) General damages for future care costs in the amount of \$150,000.00;
- (d) Special damages in the amount of \$100,000.00;
- (e) Aggravated damages in the amount of \$200,000.00;
- (f) Punitive damages in the amount of \$1,000,000.00;
- (g) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (h) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (i) the costs of this proceeding, plus all applicable taxes; and
- (j) Such further and other relief as to this Honourable Court may seem just.

3. The Plaintiffs claim the foregoing damages against the Defendant The Children's Aid Society of the County of Prince Edward ("PECCAS") for:

- (a) breach of duty of care and fiduciary duty owed to each of J.S. and A.F.;
- (b) breach of non-delegable duty owed to each of J.S. and A.F.;
- (c) negligence; and
- (d) vicarious liability.

4. J.S. and A.F. each claim the foregoing damages against John Doe and Jane Doe ("the Does") for:

- (a) sexual assault and/or physical assault and battery and/or psychological abuse and/or infliction of mental distress perpetrated upon each of J.S. and A.F. as detailed below;
- (b) breach of fiduciary obligations owed to each of J.S. and A.F. arising out of the relationship between the Does as adults and/or guardians and/or foster parents and each of J.S. and A.F. as children; and/or
- (c) intentional and negligent infliction of mental distress occasioned as a result of the sexual assault and/or physical assault and battery and/or psychological abuse, and breach of fiduciary obligations as described herein.

THE PARTIES

5. J.S. was born on March 23, 1994 and is presently nineteen (19) years old. She currently resides in the City of Belleville in the Province of Ontario.
6. A.F. was born on July 4, 1994 and is currently eighteen (18) years old. She currently resides in the City of Belleville in the Province of Ontario.
7. The Defendant PECCAS was, at all material times, an approved Children's Aid Society in the County of Prince Edward, Ontario, designated by the Ministry of Community and Social Services to, among other things, protect children in the Society's care or supervision pursuant to the *Child and Family Services Act*, R.S.O. 1990, c.C-11, as amended and its predecessor legislation. The PECCAS is responsible in fact and in law for its own negligence and breaches of its statutory and fiduciary duties as well as for the negligence and breaches of duty committed by its servants, agents and employees.

8. At all material times, the Does had a foster home into which PECCAS placed children, including J.S. and A.F. At all material times, the Does had J.S. and A.F. in their direct custody, care and control. J.S. and A.F. were also under the care, control and supervision of PECCAS.
9. Upon admission to the Does' foster home, children such as J.S. and A.F. became wards of PECCAS and PECCAS assumed all rights and duties of a legal guardian for the purpose of care, custody and control of the children, including J.S. and A.F.
10. At all material times, PECCAS had the capacity and obligation to make decisions on behalf of children, including J.S. and A.F., so that the best interests of the children were considered and certain children, including J.S. and A.F. were directed to be placed under the care of PECCAS.
11. In addition, a special relationship existed between the parties that arose as a result of PECCAS's duty to act as legal guardians over children, including over J.S. and A.F. and to care, supervise and have control over children, including J.S. and A.F. Accordingly, J.S. and A.F. each had a reasonable expectation that PECCAS would exercise due care in fulfilling their responsibility.
12. At all material times, the Does were the operators of the Doe foster home, where J.S. and A.F. were placed by PECCAS. At all material times, J.S. and A.F. were each placed under the care and supervision of the Does who acted *in loco parentis* to each of J.S. and A.F.

THE ABUSE

J.S.

13. In approximately July 2003, J.S. (along with her twin sister) was placed by PECCAS in the Does' foster home. J.S. (and her twin sister) lived with the Does for approximately one year until the end of June 2004, at which time she returned to live with her biological mother. Over the course of her stay at the Does' foster home, J.S. was sexually abused and/or physically assaulted and/or battered and/or psychologically and emotionally abused. The abuse of J.S. included, but was not limited to:
 - (a) John Doe touching her vagina while sitting on the couch in the TV room while covered with a blanket. This occurred on several occasions. The touching was both over and under J.S.'s pants and underwear;
 - (b) John Doe touching her vagina with his hand over her bathing suit while they were swimming in the Does' pool;
 - (c) John Doe pulling J.S.'s one piece bathing suit aside and rubbing his penis against her vagina while in the Does' swimming pool;
 - (d) John Doe forcing J.S. to perform oral sex on Mr. Doe over his pants while in the Does' basement TV room;
 - (e) John Doe pulling his pants off or down and forcing J.S. to put her mouth directly on John Doe's penis while in the Does' basement TV room;

- (f) John Doe pulling down or removing his pants and forcing J.S. to put her mouth on his penis directly while in J.S.'s bedroom on the lower bunk;
- (g) John Doe watching adult pornographic material with J.S. in the Does' basement TV room and while doing so repeatedly asking her to let him perform oral sex on her, to the extent that she felt compelled and gave in to his demands, whereupon John Doe performed oral sex on her;
- (h) John Doe forcing J.S. to manually masturbate him to the point of ejaculation while John Doe had J.S. alone for a drive in his car;
- (i) Jane Doe ignoring or being wilfully blind to the fact that the abuse was occurring and not assisting J.S. in any way;
- (j) Such other and further abuses as will be advised prior to trial.

A.F

14. A.F. was placed by PECCAS in the Doe foster home (along with her older brother) in approximately July 2004, when A.F. was approximately ten (10) years old. Over the course of her stay at the Does' foster home, A.F. was sexually abused and/or physically assaulted and/or battered and/or psychologically and emotionally abused. The abuse of A.F. included, but was not limited to:

- (a) John Doe taking A.F. swimming in the Does' pool and afterwards forcing her to the ground and removing or pushing aside her bathing suit and masturbating to the point of ejaculation;

- (b) John Doe taking A.F. for a drive to the landfill and pulling off to the side of the road, removing A.F.'s pants and forcing his penis inside her vagina;
 - (c) Jane Doe ignoring or being wilfully blind to the fact that the abuse was occurring and not assisting A.F. in any way; and
 - (d) Such other and further abuses as will be advised prior to trial.
15. A.F. and J.S. were not in the Does' care at the same time, A.F. having been placed in the Does' home after J.S. had been removed from that home.

LIABILITY OF THE DOES

16. J.S. and A.F. each plead that the Does owed each of them a duty of care and that they trusted the Does because:
- (a) The Does were foster parents, authority and/or parental figures in a position of power;
 - (b) The Does were acting *in loco parentis*;
 - (c) The Does were employees or agents of PECCAS;
 - (d) The Does were older in age; and
 - (e) Such further and other reasons as may be advised prior to trial.
17. As a result of the relationships between each of J.S. and A.F. and the Does, each of J.S. and A.F. was vulnerable to the Does such that the Does owed a special duty of care or fiduciary duty:

- (a) not to commit physical assault and/or battery and/or psychological and emotional abuse against them;
 - (b) not to use their positions of power and influence to abuse each of J.S. and A.F.;
 - (c) to ensure that each of J.S. and A.F. was safe from abuse while under their care;
 - (d) to respect each of J.S.'s and A.F.'s integrity and privacy;
 - (e) such further and other duties as may be advised prior to trial.
18. At all material times, the Does assumed the fiduciary obligation of providing parental care, guidance and supervision to each of J.S. and A.F. and the obligation to provide them with the necessities of life.
19. Each of J.S. and A.F. states that the Does' actions as aforesaid constituted breach of trust, gross negligence and assault upon each of their persons.
20. The Does breached their fiduciary and statutory duties through their commission of acts of abuse, and/or omission to prevent their commission of acts by permitting such abuse to occur and by failing to provide each of J.S. and A.F. with proper ongoing care, guidance, education, training, an environment free from violence that is conducive to social, educational and emotional development.
21. The Does knew that they were pedophiles or child abusers and should have taken steps not to be in the presence of or be responsible for the care of young children.

22. The conduct of the Does was intentional, malicious and was done with the knowledge that it would cause each of J.S. and A.F. and other vulnerable children in their care to suffer humiliation, indignity, physical, emotional and mental distress and injury.
23. Further, the conduct of the Does was done with the knowledge that each of J.S.'s and A.F.'s emotional and physical anguish would increase and with wanton, careless and wilful disregard of the consequences to each of J.S. and A.F. and other vulnerable children in their care.
24. The conduct of the Does was harsh, vindictive and reprehensible. Such conduct is offensive to the ordinary standards of decent conduct in the community and is conduct that ought to be deterred and is deserving of a full condemnation and punishment. Such conduct is deserving of the fullest sanctions available to this Honourable Court including an award of aggravated, exemplary and punitive damages.

LIABILITY OF PECCAS

25. Pursuant to the provisions of the *Child and Family Services Act*, each of J.S.'s and A.F.'s attendance at the Doe foster home was mandatory, placing PECCAS in the position of *parens patriae* to each of them. The Does and PECCAS stood in the place and stead of each of J.S.'s and A.F.'s respective parents during their respective times at the Doe foster home.
26. The Plaintiffs state that PECCAS is liable for the abuse that each of them suffered while in the care of PECCAS.

27. PECCAS was, at all material times, responsible for the placement of the Plaintiffs in foster homes and/or group homes, the screening and selection of foster parents and the supervision and inspection of group homes and/or foster homes. PECCAS was also responsible for supervision and inspection of foster homes and/or group homes and/or birth homes after placement of children and employed a system whereby inspections were carried out.
28. Under the *Child and Family Services Act*, PECCAS was under statutory duties to investigate allegations or evidence that each of either of the Plaintiffs was in need of protection, to protect each of the Plaintiffs and to provide care to each of the Plaintiffs. There is no provision by which PECCAS may delegate these responsibilities.

VICARIOUS LIABILITY OF THE PECCAS

29. The Plaintiffs state that all material times the Does were employees, servants or agents of PECCAS, and that they ~~were acting in the course of their employment, service or agency~~ when they committed the aforementioned sexual assaults and/or physical assaults and battery and/or psychological and/or emotional abuse upon the Plaintiffs. As such PECCAS is vicariously liable for the acts committed by the Does.
30. The Plaintiffs further plead that PECCAS is vicariously liable for the actions of the Does since:
- (a) there was a significant connection between the creation or enhancement of the risk to each of J.S. and A.F. and the sexual abuse and/or physical assaults and battery and/or psychological and/or emotional abuse that accrued therefrom;

- (b) PECCAS created or enhanced the risk of harm to each of J.S. and A.F. by materially empowering the Does and by placing each of J.S. and A.F. under the control of the Does;
- (c) the sexual assault and/or physical assaults and battery and/or psychological and/or emotional abuse were related to the intimacy inherent in the enterprise of PECCAS;
- (d) the children in the care of PECCAS, including the Plaintiffs, were vulnerable to the wrongful exercise of power granted to the Does by PECCAS;
- (e) the Does were expected to manage and supervise children, including each of the Plaintiffs, as a function of their employment with PECCAS;
- (f) the nature of the relationship between the Does and the children in their care was parent-like or role model-like, and on its own created a considerable risk of wrongdoing;
- (g) PECCAS can effectively compensate each of the Plaintiffs; and
- (h) PECCAS will be deterred from employing and empowering individuals like the Does who are inappropriate to care for the children.

NEGLIGENCE, BREACH OF FIDUCIARY DUTY AND BREACH OF NON-DELEGABLE DUTY OF THE PECCAS

31. Each of J.S. and A.F. pleads that PECCAS and the Does respectively owed them a duty of care and that they trusted PECCAS because:

- (a) they were foster parents, authority and/or parental figures in a position of power;

- (b) in the case of PECCAS and the Does, they were acting in *loco parentis*;
- (c) in the case of the Does, they were employees or agents of PECCAS;
- (d) they were older in age; and
- (e) such further and other reasons as may be advised prior to trial.

32. As a result of the relationship between each of J.S. and A.F. and PECCAS and the Does, J.S. and A.F. each became vulnerable to such an emotional extent that PECCAS and the Does owed each of J.S. and A.F. a special duty of care or fiduciary duty:

- (a) not to commit sexual abuse and/or physical assault and/or battery and/or psychological and/or emotional abuse against them;
- (b) not to use their positions of power and influence to abuse J.S. and A.F.;
- (c) not to encourage or allow residents and/or other children to abuse one another;
- (d) not to use the relationship to satisfy their own desires;
- (e) to ensure that each of J.S. and A.F. was safe from abuse while under their care;
- (f) to assist each of J.S. and A.F. and arrange for the appropriate therapy for them;
- (g) to ensure that each of J.S. and A.F. was not subjected to inhumane treatment;
- (h) to respect the integrity and privacy of each of J.S.'s and A.F.'s persons; and
- (i) such further and other duties as may be advised prior to trial.

33. At all material times, PECCAS assumed the fiduciary obligation providing parental care, guidance, education and training to each of J.S. and A.F.
34. At all material times, the *Child and Family Services Act*, the *Child Welfare Act* and predecessor legislation placed non-delegable duties on PECCAS to protect children under their care or supervision, including each of J.S. and A.F., and to provide care for children assigned or committed to their care, including each of J.S. and A.F.
35. PECCAS and the Does breached their fiduciary duties by their commission of acts of abuse or by permitting such abuse to occur, and by failing to provide each of J.S. and A.F. with proper ongoing care, guidance, education, training and an environment free from violence that is conducive to social, educational and emotional development.
36. Each of J.S. and A.F. further states that PECCAS breached its duty of care and/or fiduciary duty and/or non-delegable and/or statutory duty owed to them insofar as PECCAS knew or ought to have known that the Does were cruel and would sexually and/or physically and/or psychologically and/or emotionally abuse children such as J.S. and A.F.
37. PECCAS was systematically negligent in failing to have in place management and operational procedures that would reasonably have prevented the abuse.
38. PECCAS systematically breached its fiduciary duty and/or non-delegable duty owed to each of J.S. and A.F. and other children in their care and was systematically negligent in its hiring and supervision or investigation of the Does in that they knew or ought to have known that the Does were not suitable for being foster parents, parents of or for acting in *loco parentis* to children, including each of J.S. and A.F., for the following reasons:

- (a) they failed to properly investigate or to take the appropriate action against the Does upon receiving complaints regarding the abuse by the Does;
- (b) they failed to properly investigate upon evidence or complaints of J.S., A.F. or of any other child because of a desire to protect their own interests over J.S.'s and A.F.'s respective interests;
- (c) they failed to remove the Does from their positions even though they knew or ought to know that they had tendency towards sexual assault, cruelty and violence;
- (d) they failed to advise the proper authorities, including the police, of occurrences of abuse of J.S. and A.F. or of other children by the Does;
- (e) they failed to conduct reference checks with respect to the Does or if they conducted reference checks they failed to adequately and properly do so in accordance with accepted and/or reasonable personnel procedure;
- (f) they did not provide proper, adequate or effective training or monitoring, initially or on an ongoing basis, of the Does in order to ensure that they were suitable and fit to act as employees and/or agents and/or foster parents and to be in the presence of and have relationships with children such as J.S. and A.F.;
- (g) they failed to properly train staff and/or have in place a system that might detect and respond to sexual assault and/or physical assault and battery and/or psychological and/or emotional abuse by employees, servants or agents such as the Does;

- (h) they failed to adequately supervise the Does such that they would not be able to commit sexual abuse and/or physical assault and battery and/or psychological and/or emotional abuse upon children such as J.S. and A.F.;
- (i) they permitted children, including J.S. and A.F. to be placed in the care of the Does when they knew or ought to have known that the Does were incapable of safely caring for children;
- (j) they knew or ought to have known that the Does were persons with aberrant social tendencies who engaged in illegal and immoral abuse of children who were under their supervision or otherwise;
- (k) they knew or ought to have known that placing the Does in positions of trust and authority would facilitate their ability to do wrong, and that without that position of authority the wrongs could not have been perpetrated against J.S. and A.F. or other children in their care;
- (l) they knew or ought to have known that the Does inflicted the abuse and breaches during the course of their employment and/or agency;
- (m) they knew or ought to have known of the Does' actions involving each of J.S. and A.F. and other children, and they knew or ought to have known of these children's relationships with the Does;
- (n) they failed to warn potential victims, such as J.S. and A.F. , and other children in their care, that there was a risk that the Does might commit sexual assault and/or physical assault and battery and/or psychological and/or emotional abuse;

- (o) they failed to respond properly and take appropriate steps to protect potential victims, including J.S. and A.F., even where information was obtained that the Does might be committing sexual assault and/or physical assault and battery and/or psychological and/or emotional abuse;
- (p) they failed to take all precautions within their control to prevent the abuse perpetrated against each of J.S. and A.F. and other children in their care;
- (q) they breached the duty of care owed to each of J.S. and A.F. and other children in their care as they continued to employ the Does as employees and/or agents and/or foster parents when they knew or ought to have known they were not of good moral character and were not fit to perform the duties of an employee and/or agent and/or foster parent in a position of authority;
- (r) they knowingly aided, encouraged and/or permitted the Does to commit the ~~aforementioned sexual assaults and/or physical assaults and battery~~ and/or psychological and/or emotional abuse upon both each of J.S. and A.F. and other children in their care;
- (s) they failed to recognize that J.S.'s and A.F.'s physical and psychological well-being were being endangered by the Does;
- (t) they failed to properly investigate the Does prior to placing each of J.S. and A.F. in the Does' care when they knew or ought to have known that the Does would sexually, physically, psychologically and/or emotionally abuse J.S. and A.F.;

- (u) they failed to provide each of J.S. and A.F. and other children in their care with adequate care, training and treatment and proper moral, physical, academic, and vocational education and supervision;
 - (v) they failed to assist each of J.S. and A.F. and provide counselling, medical treatment and other supports to them and other children in their care following the assaults;
 - (w) they were systematically negligent in failing to have in place management and operational procedures that would reasonably have prevented the abuse; and
 - (x) such further and other particulars as may be provided prior to trial.
39. PECCAS benefited by the omissions described herein because, for example:
- (a) they desired to cover up the Does' abuse of J.S. and A.F.;
 - (b) they desired to avoid negative attention;
 - (c) they desired to avoid negative publicity that would hurt their reputation; and
 - (d) they were more concerned with cost saving measures than with ensuring proper protections were in place to care for vulnerable individuals such as J.S. and A.F.
40. Each of J.S. and A.F. further states that the negligent hiring and/or supervision of the Does by PECCAS, and the breach of fiduciary duty and/or non-delegable duty by PECCAS, materially contributed to the injuries sustained by each of J.S. and A.F. and other children in their care as a result of the actions of the Does insofar as these acts of negligence and

breach of fiduciary duty allowed the Does to continue their employment, service or agency and have access to children such as J.S. and A.F.

41. Each of J.S. and A.F. states that PECCAS knew or ought to have known that it was reasonably foreseeable that the Does would commit sexual abuse and/or physical assaults and battery and/or psychological and/or emotional abuse upon each of J.S. and A.F., and other children in their care, and that their suffering as herein described was foreseeable by each of the Defendants and was caused by the intentional and/or negligent acts referred to herein.

42. Each of J.S. and A.F. further claims that PECCAS' breaches of the duties they owed towards each of J.S. and A.F. and other children in their care were done with the knowledge that they would cause J.S. and A.F. to suffer humiliation, indignity, sexual, physical, emotional and mental distress and injury, and demonstrated a wanton, careless and wilful disregard of the consequences to each of J.S. and A.F. and other children in their care. The conduct of PECCAS, in general, is reprehensible and should be deterred, and each of J.S. and A.F. is therefore entitled to punitive and exemplary damages.

SIMILAR FACT EVIDENCE

43. Each of J.S. and A.F. pleads that the Does sexually abused and/or physically assaulted and/or battered and/or psychologically abused other children who were under their care or control. Each of J.S. and A.F. pleads that John Doe's sexual abuse of the aforementioned children included, but was not limited to: ongoing and frequent vaginal touching and digital penetration by Mr. Doe over a period of several years; John Doe giving and receiving oral sex and John Doe giving and receiving oral sex from those children. Each of

J.S. and A.F. plead that the Does' abuse of the aforementioned children was strikingly similar to the abuse perpetrated on each of J.S. and A.F., and the abuse perpetrated upon each of J.S. and A.F. was strikingly similar to the abuse perpetrated on the other. Each of J.S. and A.F. plead that the Does engaged in a pattern of conduct, system, scheme or modus operandi of abusing vulnerable children in their care.

IMPACT OF THE ABUSE

44. The individual acts of abuse against each of J.S. and A.F., together with the environment of fear and anxiety to which the Does subjected each of J.S. and A.F. and the further breach of non-delegable duty and/or fiduciary duty and/or negligence of PECCAS caused permanent and extensive injuries and losses to J.S. and A.F., some particulars of which are as follows:

- a) humiliation and indignity;
- b) alcohol and substance abuse;
- c) eating disorder;
- d) physical, emotional and mental pain;
- e) guilt, shame and self-blame;
- f) lack of self-confidence and self-esteem;
- g) inappropriate coping behaviour;
- h) problems with sexuality;
- i) inappropriate sexual behaviour;

- j) issues with sexual identity;
- k) major depression and helplessness;
- l) self-harm;
- m) suicidal ideation and suicide attempts;
- n) loss of enjoyment of life;
- o) anger, aggressions, rage;
- p) panic attacks;
- q) anxiety;
- r) insomnia, night terrors, nightmares of abuse and sleepwalking;
- s) problems with memories and flashbacks;
- t) avoidance of reminders of the abuse;
- u) a crisis in self-identity and sexuality;
- v) problems with promiscuity;
- w) serious problems with intimacy;
- x) difficulty in developing healthy and meaningful relationships;
- y) inability to trust other individuals;

- z) impairment of each of their opportunity to experience a normal childhood and development of their adolescence and adulthood;
 - aa) impairment of each of their mental health and well-being such that they will require medical treatment and counselling;
 - bb) distrust and resentment toward authority figures leading to conflicts with employers and educational institutions;
 - cc) impairment of each of their ability and opportunity to obtain an education appropriate to their abilities and aptitude;
 - dd) loss of income and loss of future income; and
 - ee) such further and other damages as may be advised prior to trial.
45. As a result of the wrongful acts, negligence, breach of trust, breach of fiduciary duty and breach of non-delegable duty, each of J.S. and A.F. states that they have suffered from and continues to suffer from loss of youth, loss of education and the loss of ability to function as a normal adult.
46. Each of J.S. and A.F. states their schooling suffered as a direct result of the harm caused by the abuse. As a result, each of J.S. and A.F. has been unable to obtain a career that each of them may otherwise have obtained had they not been abused.
47. Each of J.S. and A.F. states that their suffering herein described was reasonably foreseeable by the Defendants and was the result of the intentional and/or negligent acts referred to herein.

48. As a result of the aforementioned abuse and negligence, each of J.S. and A.F. has suffered and will continue to suffer damages. They have incurred medical expenses and will continue to require therapy and medical attention. They have each lost potential income as a result of being unable to function properly.
49. Each of J.S. and A.F. pleads and relies upon the *Negligence Act*, R.S.O. 1990, c. N-1, the *Trainings Schools Act*, 1965, S.O. 1965, c.132, the *Child and Family Services Act*, R.S.O. 1990, c.C-11, and the *Limitations Act, 2002*, S.O. 2002, c-24, Sch. B and subsequent amendments thereto and their predecessor legislation.
50. Further, each of J.S. and A.F. pleads that the Does and PECCAS, as occupiers of the facilities in which each of J.S. and A.F. lived, owed a duty of care to each of the Plaintiffs to ensure that they were reasonably safe while on the premises and that the Does and PECCAS breached their duty of care. Particulars of the breach and the injuries that resulted are particularized above. Each of J.S. and A.F. pleads and relies upon the *Occupiers' Liability Act*, R.S.O. 1990, c.0-2 and subsequent amendments thereto and its predecessor legislation and common law.
51. J.S. and A.F. propose that this action be tried in Picton, Ontario.

March 27, 2013

O'FLYNN WEESE LLP

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J.S. et al.

Plaintiffs

-and-

CHILDREN'S AID SOCIETY OF THE COUNTY OF PRINCE

EDWARD et al.

Defendants

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
PICTON

STATEMENT OF CLAIM

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