

Attila L. Vinczer

XXX XXXXXXX XXXXX,

Newmarket, Ontario

XXX XXX

Sent by fax and regular mail: 416-326-4007

Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON
M7A 2S9

Re: Notice of Intent to file a Statement of Claim.

March 6, 2013

Attention Attorney General:

In accordance to *Proceedings Against the Crown Act* I herewith put you on 60 day notice that I intent to file a Statement of Claim against various Ministers of the Government of Ontario and against Her Majesty the Queen in the Right of Ontario. Attached is a draft Statement of Claim laying out the gist of the facts of this claim set to be brought against you.

Yours truly,

Attila L. Vinczer

ALV/kvs

Enc. Draft Statement of Claim

24 pages

Court file No.

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN
ATTILA L. VINCZER
Personally and as litigation guardian for
S VINCZER
R VINCZER

Plaintiffs

and

STEPHEN BABER
BRETT FORAN
MARGARET ROBERTS
YORK REGIONAL DISTRICT SCHOOL BOARD
PRINCE CHARLES PUBLIC SCHOOL
MINISTER OF EDUCATION - KATHLEEN O. WYNNE
MINISTER OF EDUCATION - LEONA DOMBROWSKY
MINISTRY OF EDUCATION
HER MAJESTY THE QUEEN IN THE RIGHT OF ONTARIO

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU BY THE PLAINTIFF. 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 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 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 PLAINTIFF'S CLAIM, AND \$500.00 FOR COSTS, WITHIN THE TIME FOR SERVING AND FILING YOUR STATEMENT OF DEFENSE, 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 PLAINTIFF'S CLAIM AND \$400 FOR COSTS AND HAVE THE COSTS ASSESSED BY THE COURT.

This action is brought against you under the simplified rules of procedure provided in rule 76 of the Rules of Civil Procedure.

May , 2013

Issued by: _____
Local Registrar

Address of
Court Office _____

TO:

STEPHEN BABER
684 Strigley Street
Newmarket, Ontario
L3Y 1W9

and TO:

BRETT FORAN
684 Srigley Street
Newmarket, Ontario
L3Y 1W9

and TO:

MARGARET ROBERTS
130 Carlson Drive
Newmarket Ontario
L3Y 5H3

and TO:

PRINCE CHARLES PUBLIC SCHOOL
684 Srigley Street
Newmarket, Ontario
L3Y 1W9

and TO:

YORK REGION DISTRICT SCHOOL BOARD
The Education Centre - Aurora
60 Wellington Street West, Box 40
Aurora, ON
L4G 3H2

and TO:

MINISTER OF EDUCATION - 2009
Hon. Leona Dombrowsky
Ministry of Education
22nd Floor, Mowat Block
900 Bay Street
Toronto, Ontario M7A 1L2

and To:

MINISTER OF EDUCATION - 2011

Hon. Kathleen O. Wynne
Ministry of Education
22nd Floor, Mowat Block
900 Bay Street
Toronto, Ontario M7A 1L2

and TO:

MINISTRY OF EDUCATION

Ministry of Education
22nd Floor, Mowat Block
900 Bay Street
Toronto, Ontario M7A 1L2

and TO:

**HER MAJESTY THE QUEEN
IN THE RIGHT OF ONTARIO**

Hon. Leona Dombrowsky
Ministry of Education
22nd Floor, Mowat Block
900 Bay Street
Toronto, Ontario M7A 1L2

CLAIM

1. THE PLAINTIFF, S. A. VINCZER, a minor claims by his Litigation Guardian against the Defendants jointly and severally.
 - a. Special damages in the amount of \$1,000,000.00.
 - b. General, punitive and exemplary damages in the amount of \$1,000,000.00.

2. THE PLAINTIFF, R. P. VINCZER, a minor claims by his Litigation Guardian against the Defendants jointly and severally.
 - a. Special damages in the amount of \$1,000,000.00.
 - b. General, punitive and exemplary damages in the amount of \$1,000,000.00.

3. THE PLAINTIFF, ATTILA L. VINCZER, claims personally against the Defendants jointly and severally.
 - a. Special damages in the amount of \$1,100,000.00.
 - b. General, punitive and exemplary damages in the amount of \$1,000,000.00.
 - c. Damages in the amount of \$100,000 pursuant to the Family Law Act.

4. THE PLAINTIFFS, S. A. VINCZER, R. P. VINCZER by his Litigation Guardian and ATTILA L. VINCZER claim against the Defendants jointly and severally.
 - a. Interest on the aforesaid amount in accordance with the Courts of Justice Act;
 - b. Their cost of this action on a substantial indemnity scale;
 - c. Such further and other relief as this Honourable Court may deem just.

5. The plaintiffs Attila Vinczer's, S. Vinczer's and R. Vinczer's Claim is for \$6,200,000.00 jointly and severally against the defendants for damages including but not limited to; Pain and Suffering, Defamation of Character, Mental Stress, Chronic Stress Disorder, Trauma, Loss of Earnings caused by but not limited to Negligence, Malice and violation of the Canadian Charter of Rights by the Defendants against the Plaintiffs. Furthermore, failure by the Defendants to ensure a safe and free environment for S. Vinczer and R. Vinczer at Prince Charles Public School and failure by the Defendants to adhere to and ensure the school environment operates in accordance to Canadian Law. The Defendants failed within their fiduciary responsibilities by their careless actions towards the children and the children's father. The Defendants also violated our rights in violation of UN deceleration to which Canada is a signatory forbidding children to be separated from their custodial parents.
6. The Plaintiff S. A. Vinczer resides in the Town of Newmarket in the Province of Ontario. At all relevant times he was a minor been born on August 23, 2000. He brings this action by his Litigation Guardian , the Plaintiff Attila L. Vinczer his father.
7. The Plaintiff R. P. Vinczer resides in the Town of Newmarket in the Province of Ontario. At all relevant times he was a minor been born on August 21, 2002. He brings this action by his Litigation Guardian , the Plaintiff Attila L. Vinczer his father.
8. The Plaintiff Attila L. Vinczer resides in the Town of Newmarket in the Province of Ontario. At all relevant times he was the father of Steven A. Vinczer and Ryan P. Vinczer, both minors.
9. The Defendant Stephan Baber was the duly registered Principal at Prince Charles Public School with a legal and fiduciary senior responsibility for the well being of all children during the time the children S. A. Vinczer and R. P. Vinczer were at school in his care.
10. The Defendant Brett Foran was a teacher and the acting Principle at Prince Charles Public School during the time and in the absence of duly registered Principal Stephen Baber. The Defendant had a legal and fiduciary senior responsibility for the well being of all children during the time the children S. A. Vinczer and R. P. Vinczer were at school in his care.
11. The Defendant Margaret Roberts was the duly registered Superintendent with the York Region Public School Board with a legal and fiduciary oversight responsibility for the conduct of Principle Stephen Baber and acting Vice Principle Brett Foran. The Defendant had a further responsibility to ensure that policies and protocols of the York Region Public School Board and within the schools that relied on those directives, including within Prince Charles Public School were in due bounds of all Canadian laws. Moreover, the Defendant had a superior responsibility for the safety and well being of children within Prince Charles Public School where the Plaintiffs

S. A. Vinczer and R. P. Vinczer attended school where they had the right to enjoy peaceful education.

12. The Defendant, York Regional District School Board is a corporation duly incorporated pursuant to the laws of the Province of Ontario. The Defendant is a not for profit organization designed to facilitate and maintain the safe operation of schools for children to attend and obtain their right to education.
13. The Defendant, Prince Charles Public School is a corporation duly incorporated pursuant to the laws of the Province of Ontario. The Defendant is a not for profit organization designed to facilitate, maintain and administer education within its facility for children in a safe operational environment of the school within which for children to attend and obtain their fundamental right to education with the benefit of doing so in peaceful environment
14. The Defendant, Hon. Leona Dombrowsky duly elected and currently appointed Minister of Education who holds office in the Defendants capacity to overlook all aspects of education matters. The Defendant's duties of her office is, but not limited to oversee and ensure that the education system and every component thereof operates in a manner to ensure the administration of education to children and youth in a safe and lawful manner. The Defendant's fiduciary responsibility and unique power enables the Minister to exercise authority and duty of care, such that students at all schools enjoy the benefit and right to education in a safe, secure and lawful environment free of lawlessness by any and all staff who are trained professionals including, but not limited to their capacity as educators.
15. The Defendant, Hon. Kathleen O. Wynne duly elected and formerly appointed Minister of Education who holds office in the Defendants capacity to overlook all aspects of education matters. The Defendant's duties of her office is, but not limited to oversee and ensure that the education system and every component thereof operates in a manner to ensure the administration of education to children and youth. The Defendant's fiduciary responsibility and unique power enables the Minister to exercise authority and duty of care, such that students at all schools enjoy the benefit and right to education in a safe, secure and lawful environment free of lawlessness by any and all staff who are trained professionals including, but not limited to their capacity as educators.
16. The Defendant, Ministry of Education, is a corporation duly incorporated pursuant to the laws of the Province of Ontario. The Defendant is a not for profit organization which provides legislation, direction and protocol for the lawful operation of the education system in Ontario in accordance to the law. The Defendant is the senior most entity of the education system in Ontario from where the education system derives its direction for their *modus operandi*.
17. The Defendant, Her Majesty the Queen in the Right of Ontario. The Province of

Ontario is a corporation duly incorporated pursuant to the laws of the Province of Ontario. The Defendant, is an organization run by, but not limited to the duly elected Members of the Provincial Parliament with a fiduciary responsibility to ensure the best interest of the public in every way accountable to all the actions and activities of all the Ministries including the Ministry of Education.

18. The Defendants acted outside the scope of their authority and not in the best interest of the children specifically and not in the best interest of the public generally.
19. The Plaintiff, Attila L. Vinczer was and is the lawful parent and primary care giver to S. Vinczer, who was barely 8 years old and R. Vinczer, who was barely 6 years old at the time of the incident. Both children attended Prince Charles Public School in Newmarket, Ontario where the offences against them took place.
20. The Plaintiff, Attila L. Vinczer met with Mr. Stephen Baber at his Prince Charles office on December 3, 2008. During this meeting the Plaintiff showed Principle Baber a current Custody Court Order which Mr. Baber acknowledged as validating that Attila L. Vinczer had Custody and care of the children, S. and R. Vinczer.
21. Mr. Baber informed the father that interestingly L. Vinczer, the children's mother, had been to the school and showed him an outdated Custody Court Order earlier that same morning. Mr. Baber noted that the Custody Court Order that the father presented was a current one to the one that L. Vinczer presented.
22. The Defendant, Principle Baber suggested I pick up the children on Wednesday, December 3, 2008 ten minutes early as a measure to avert any potential conflict with L. Vinczer or her family who were planning on picking up the children without the lawful right to do so.
23. On December 4, 2008 both my children R. and S. Vinczer were , **arrested, assaulted, abducted** and unlawfully **confined** and **detained** by Mr. Stephen Baber who is the principal at my children's school.
24. The children were both led to the office by Mrs. Mooney, Ryan's grade one teacher. Mrs. Mooney told the children that their father would meet them there.
25. Steven Vinczer recalls hearing Mr. Baber talk on the phone and said, "Ok I got them, now what do you want me to do with them?"
26. The children were left unsupervised in the office of Principal Stephen Baber for roughly two hours unable to go to the washroom or to get a drink of water.
27. Steven Vinczer said he contemplated to break out of the office by throwing a chair through the window to get free and to find his dad.

28. S. and R. Vinczer were not told why they were being detained and were terrified to the point that R. Vinczer urinated and defecated in his pants as he was scared and could not get out to go to the washroom
29. The children tried to open the door, but were unable to do so.
30. The children S. and R. Vinczer were unlawfully separated from their lawful and custodial father, Attila L. Vinczer
31. The laws and statutes which Mr. Baber caused to be violated are, but not limited to the Criminal Code of Canada and the Canadian Charter of Rights and Freedoms including UN Resolutions to which Canada is a signatory prohibiting the unlawful separation of children from their lawful custodial parent(s).
32. Ms. Debbie Baber was the immediate assistant to the then York Regional Police Chief Armand Le Barge. Ms. Debbie Baber is also Mr. Stephen Baber's sister in-law.
33. The actions of Mr. Baber resulted in my children being effectively "tortured" at their school by their school principal causing, but not limited to permanent psychological damage.

Unlawful locking, detention, assault and abduction of my children by the principal, Mr. Stephen Baber - Thursday, December 4, 2008.

34. On December 4, 2008, at the end of the school day, my children were lied to and coerced by school staff and told that they were being taken to the principal's office where they were to meet their father.
35. Instead of being taken to meet their father and without any explanation as to why they were being held, the principal, Mr. Stephen Baber locked my children in his office under lock and key for nearly two hours with the clear intent to deprive myself as the lawful custodial parent of being with my children. This is in violation of the Criminal Code of Canada and in violation of the Canadian Charter of Rights and Freedoms and is clearly negligent
36. After a somewhat pleasant interaction with Mr. Baber on December 3, 2008 where he agreed that having seen the recent custody and access documentation in my favour he would willingly comply with the stipulations therein.
37. I arrived at about 3:10 on December 4, 2011 to pick up my children Steven and Ryan at the South East doors of the school where I normally get them. They were nowhere to be seen. My heart rate elevated sharply, as I anxiously searched for my children, but they were nowhere to be seen. Many thoughts of child abduction

crossed my mind and that my children were in danger as they always were at the doors on time.

38. I searched everywhere and ran to the office doors which was on the other side of the school.
39. Just one day later after my meeting with Principal Baber, on December 4, 2008 at 3.15pm Mr. Baber shocked me with the sudden and complete turnaround in his attitude and his behaviour towards me. First of all he completely ignored my presence as I politely waited to speak with him in the hall. Purposely keeping his back towards me and embarrassing me as I tried to get his attention he simply ignored me until another parent intervened on my behalf alerting him to my presence.
40. When he finally acknowledged my presence I politely asked him where my sons S. and R. were and that I had come to pick them up. Again, to my astonishment Mr. Baber turned his back on me and in a very rude voice that showed nothing but contempt for me he stated and I quote "They're with me!" Incredulously, I asked again where S. and R. were and with even more rudeness and impatience with his tone of voice he said and I quote "They're with me!" At this point, feeling very embarrassed, bewildered and shocked at the contrast in the way I was being treated today compared to yesterday I politely asked him by what authority he was keeping my children.
41. This fiasco created by Mr. Baber, he snapped at me with even greater rudeness and what appeared to be heightened impatience and intolerance with regard to my presence in the hallway and in a loud voice addressing me as if I were a dog he said, and again I quote "Wait right here!"
42. He disappeared into his office obviously making a phone call. All this time I was left out in the hall with other parents and children having been made to feel very uncomfortable and with a mounting sense of embarrassment and heightened concern for the emotions that my precious children would be going through at this time. I was unable to see where my children were and Mr. Baber did not tell me where they were or if they were alright and well.
43. Suddenly and very discourteously Mr. Baber reappeared and thrust into my hand a piece of paper stating with the same level of rudeness in a loud voice "You need to phone her!"
44. Shocked beyond belief and in a quiet voice I enquired if in fact he was referring to the Children's Aid Society! Mr. Baber responded with a loud and angry "Yes!" By this time he, who is a much larger man than myself had angrily intruded himself into my personal space causing me to step backwards and to make me feel quite

intimidated! This I submit is surely not the behaviour of a professional person fulfilling the important role of a principal within the York Region District School Board. A principal who's fiduciary duty is to ensure the safety and well being of the children in his care at his school.

45. Mr. Baber advised me that my children were with him and that my children would not be released to me without the permission of the York Regional Children's Aid Society. Mr. Baber said that he was acting on the orders of the York Region CAS. Mr. Baber would not tell me where my children were nor could I see them anywhere. Mr. Baber had received nothing in writing from the Children's Aid Society to that effect and was acting on the verbal "off the record" telephone call from the CAS.
46. I immediately left the premises in shock and disbelief that a parent such as I could have his parental rights so seriously violated by the a principal, purportedly acting on the strength of a mere telephone call from a worker at the Children's Aid Society.

Police unable to help the children

47. I left the school and went to the local York Regional Police detachment District One seeking their help. I explained the situation that my children were being held and not released to my care by Principal Stephen Baber. I showed officers the current court Order, but they ignored it.
48. Unfortunately and to my dismay, the officers said that they were unable to help me or the children. It appeared to me that the officers were not familiar with the laws which were applicable in this sort of situation. At the time I was not aware of the various laws which should have been enforceable by the police, but I have since found out that there are several laws which do apply in my situation.
49. The police officers spoke to the CAS and then turned the phone over to me. I spoke with Ms. Sandy Griffiths the supervisor at York CAS on the phone at the police station. She was angry I went to the police and told me I would have to sign a Service Agreement in order for the children to be released back to my lawful custody.

Release of my children under threat of extortion and blackmail.

50. In light of the police telling me that there was nothing they could do to enforce the Court Order or to protect my parental rights, I felt I had no choice except to concede to whatever demands were imposed upon me to gain the release of my children.
51. I went to the CAS offices on Leslie Street where I meet with Mr. Jim Maloney and

Ms. Sandy Griffiths. Neither of the two workers indicated any specific child protection concern. I was just presented with a document stating that I would not take my children to their home and that they could not see their grandparents or reside at their home. I was told by CAS workers that if I did not sign the document put before me that my children would not be released to my lawful care. I was repeatedly led to believe with certainty that the CAS would seize my children and place them in foster care if I did not do as they say. Under severe duress I was forced to sign.

52. After I signed the document presented to me, the CAS contacted Mr. Baber by telephone to release my children to my care. Although the children and I live in a beautiful upper middle income home, we were forced to stay in a hotel for many nights.
53. In essence, Mr. Baber was the person physically locking up my children while the CAS workers forced me to sign unlawful legal documents. Since conducting research into this matter, I have come to the belief that what the CAS workers did was to commit extortion for which Mr. Baber was a willing participant. This is not the first time that a CAS agency in Ontario has been found guilty in court of extortion.
54. When the children were released by Principal Stephen Baber to my lawful care and custody, I noticed that R.'s pants were wet near and around his crotch. At this time I was unaware of what the Principal had done and went to get him changed. I was surprised to see Ryan had soiled his pants as well. Both children were clearly in shock, traumatized by the incident as they were very quiet.
55. Some time later, they finally told me that Principal Stephen Baber had locked them up and they were unable to get free. R. was very upset that he had soiled his pants understandably from the terrible fright they must have experienced by being locked up for so long and unable to get out or to get water or go to the bathroom.
56. As a professional, Mr. Baber should have known and ought to have known that the York Region Children's Aid Society had no authority to order him to unlawfully detain children from a parent. Mr. Baber should have known and ought to have known that only a child protection worker recognized under the Child and Family Services Act has the power to detain and apprehend a child and that there are specific protocols within the Child and Family Services Act and under law that CAS must follow.
57. Mr. Baber erred in that when he got the call from the Children's Aid Society, he should have told the worker to come to the school and to apprehend the children as he did not have the authority under the law to do so nor did he have any lawful excuse to detain the children.
58. The Defendant, Principal Baber took the law into his own hands egregiously

harming my children, S. and R. Vinczer and their father who was in shock with what this man was doing with his children. Words cannot describe the helplessness of not being able to ascertain what was happening to my precious children.

59. Mr. Baber was fully aware that I was the lawful parent of the children. Just days prior to this incident I personally reviewed with Mr. Baber a copy of the most current court Order dated September 8, 2008. The children's mother had a history of aggressive behaviour and I wanted to be sure that the school was fully aware of the current court Order. Mr. Baber was clearly aware of the conditions of the court order regarding myself being the lawful primary parent yet chose to ignore the court Order.
60. During the time that my children were locked and left alone in Mr. Baber's office, they were in effect terrorized. Mr. Baber refused to tell my children why they were being detained and unable to see their father. This is in violation of the Canadian Charter of Rights and Freedoms. Mr. Baber failed to tell the children what to do if they had to go to the washroom.
61. My oldest son was left crying in the office and my youngest son urinated and defecated in his pants while in the principal's office alone. Both of my children were scared and confused. At one point, my children said that they had thought in desperation of breaking the window to the principal's office to get out.
62. At one point my children attempted to leave the principal's office and tried to open the door but were unable to open the door because it was locked. They were trapped in the office of Mr. Stephen Baber. My children said that they heard the principal use his keys to lock the door when he left his office and left them alone inside.
63. In addition to the Criminal Code aspect of locking the children in his office Mr. Stephen Baber also placed my children in a very vulnerable position effectively endangering their lives as they would have been unable to be noticed should one of them had a medical emergency such as choking or any other life threatening medical crisis. If there had been a fire my children had no way of getting out except to break through the window.
64. The children at their tender ages of 6 and 8 are unable to deal with certain potential emergencies and rely on their care givers to do so. Leaving children unsupervised is irresponsible and negligent.
65. Mr. Stephen Baber is deemed a professional educator and a person of authority who is responsible for the safety of **all** children under his care in his school. As a professional, Mr. Baber, should have known or ought to have known that detaining and locking young children, any children or anyone in a room under lock and key was not only wrong but illegal.

66. After this incident, I spoke with Mr. Patrick Lake, the Executive Director of the York Region Children's Aid Society who clearly told me that what Mr. Stephen Baber did by locking and detaining the children was "not right."
67. I mentioned this incident to Mr. Jim Maloney as is required of me under the Child and Family Services Act which states that anyone who has knowledge of a child in danger must report it. When I inquired with Mr. Maloney what he was doing about this incident, he told me that there was not enough evidence to investigate. I found this answer very strange and incomprehensible.

Second Incident of unlawful detention.

68. If it wasn't enough to unlawfully detain my children on December 4, 2008 my children were again detained on Monday December 8, 2008 a second time by Mr. Bret Foran the acting step in Principal. All this was at the instruction of Mr. Jim Maloney of the York Region Children's Aid Society who was ordering school staff to detain S. and R. Vinczer without justification and without excuse, patently in violation of the law.
69. On December 8, 2008 at 3:10 pm, I went to get my children at the South East doors of the school and they were nowhere to be seen. I immediately went into shock as just days before this same incident took place.
70. A parent let me in and I went down the hall to see if the children were getting ready, but they were nowhere to be seen.
71. Mrs. Mooney, R.'s school teacher saw me in the hall in distress and greeted me. She explained to me that the children were again ordered detained and that the children were brought to the office.
72. Mrs. Mooney expressed her disgust with what they were doing to the children. She told me how insensitive the Principle was and how careless they were with the horrible mistreatment of my children. She showed clear outrage in her tone of voice and body language. She told me that what they were doing to my children was wrong.
73. Again the children were removed from their normal freedom separated from their lawful custodial father, this time detained by Mr. Brett Foran, the acting Vice Principal. I believe Mr. Foran acted on the instruction of Mr. Jim Maloney from the York Region Children's Aid Society, again under the misconception that he must obey their orders clearly in violation of the law.
74. Clearly the senior school staff had no understanding or care about the law or the rights of my children. Ignorance of the law is no excuse to abuse children and is

simply negligent.

75. I was instructed by Mr. Foran to speak with Jim Maloney on the telephone and told me the **children could not be released** to me without any explanation as to why he was detaining my children. He enabled me to use a private office where I made a call and spoke with Mr. Maloney who then spoke with Mr. Foran.
76. Only after Mr. Foran got off the phone with Mr. Jim Maloney, did he bring the children forward from the back to the front of the office. The children seemed relieved to see me, but clearly shaken.
77. Sadly I had to bear witness to further harm as both of my children showed trauma and distress with this second incident. Steven spoke in a monotone voice, his body language was stiff and Ryan would not give me a hug which was most unusual and unlike him. They were fearful when they came out of the school. I can only guess what must have caused this and what the children were thinking as they contemplate the horror of the days earlier when they were locked up by Mr. Baber.
78. Both of my children showed clear trauma with this second incident. Steven spoke in a monotone voice, his body language was stiff and Ryan would not give me a hug which was most unusual and unlike him. They were fearful when they came out of the school. I can only guess what must have caused this and what the children were thinking. Perhaps that the previous detention was going to now be repeated all over again.

Vexatious threats against me by Mr. Baber for trespass at the school.

79. Later, when I attempted to meet with Mr. Baber to discuss about what he did being very wrong, to my disbelief, instead of apologising Mr. Baber threatened to call and engage the School Board lawyers and have them issue a no trespass warrant against me.
80. I believe Mr. Baber was attempting to intimidate me hoping he would frighten me as he did my children in an effort to shut me up and make me go away. I verily believe Mr. Baber knew that what he did was unlawful and needed to create a distraction to divert attention from what he had done. I found Mr. Baber's behaviour and actions erratic, patently malicious and outright frightening!
81. I asked Mr. Baber what I did to warrant such wanton action against me? Mr. Baber told me that it was my tone of voice. I was totally perplexed by this untoward attack against me, considering I was merely speaking with him trying to let him know how wrong it was for him to abuse my children the way he did.
82. During our 20 minute conversation in his office, the same office where the children

were locked up by him on December 4, 2008, Mr. Baber admitted to me that he has detained children many times before. Sometimes the children were kept in his office as late as 9:00pm on a school day. He said it was just a part of his job.

83. Mr. Baber explicitly told me that **they must detain children** when the CAS calls them and tells them to do so.
84. When I asked Mr. Baber by what authority or law they were acting on to detain children from their parents, he explained that they follow school policy and that the Child and Family Services Act binds them to hold children if the CAS tells them to do so.
85. Mr. Baber expressed the pressure they are under for they can be fined \$10,000.00 should they not do what CAS workers tell them to do. It seems people have become comfortably complacent following the direction of CAS workers without question. Most of these CAS workers are not even registered social workers who are also violating the law by practicing social work in violation of the act that binds social workers to be registered with the College.
86. Clearly, Mr. Baber had no proper understanding of the law and was acting on the merits of here say and on a flawed school policy which can not superceded either the Canadian Charter of Rights and Freedoms nor the Criminal Code of Canada. Given his position as a professional ignorance of the law is no excuse in violation thereof.
87. On December 11, 2008 I wrote a letter to the Superintendent, Ms. Margaret Roberts of the York Regional District School Board to bring to her attention what had happened to ensure there would be no repeat of it with other children. A copy of that complaint letter was sent to Mr. Baber as a courtesy and a means to be transparent with my intentions.
88. I received a letter of apology from Mr. Baber dated January 15, 2009 apologizing for traumatizing me and admitting he acted on the direction of the CAS workers James Maloney and his supervisor Sandy Griffiths detaining the children on December 4 and Brett Foran on December 8, 2008.
89. Mr. Baber also indicated that his actions were in compliance of the school board policy and an agreement with the CAS. There is no access to this agreement that apparently Mr. Baber relied upon. Such an agreement if in fact it exists can not have higher power than the Criminal Code of Canada or the Canadian Charter of Rights and Freedoms that must be observed as primary.
90. In this letter of apology, Mr. Baber blatantly forgot about the trauma that S. and R. endured during his awful treatment of my children. There was no mention of any apology to the children what so ever.

91. If in fact the children were in the care of himself and the secretary as Mr. Baber alleges, they failed to notice that R. had urinate and defecated in his pants.
92. I wrote a letter to Ms. Margaret Roberts dated May 29, 2009 wherein I expressed to her amongst other things that there was an incident at the school where my youngest son R. Vinczer had to go the principles office. Mrs. Mooney told me that she noticed R. was clearly uncomfortable and nervous about going to see Mr. Baber unlike before the incidents on December 4 and 8, 2008
93. Within my communication I expressed my concern of the previous actions of the principal who continued to have authority over the children in light of the terrible violation of my children and myself.
94. This comprehensive letter laid out the facts and concerns about the behaviour of Mr. Baber the staff at Prince Charles Public School and the flaws in their school policy. That letter with attachments of my December 11, letter and the letter of apology from Mr. Baber was copied to the following;

Hon. Stephen Harper	Prime Minister
Hon. Rob Nicholson	Minister of Justice
Hon. Peter VanLoan	Minster of Public Safety
Hon. Dalton McGuinty	Premier
Hon. George Smitherman	Deputy Premier
Hon. Christopher Bentley	Ministry of the Attorney General
Hon. Deborah Matthews	Ministry of Children and Youth Services
Hon. Rick Bortolucci	Ministry of Community Safety and Correctional Services
Hon. Madeleine Meilleur	Ministry of Community and Social Services
Hon. Kathleen O. Wynne	Ministry of Education
Mr. Frank Klees	Local MPP
Mr. Randy Hillier	MPP
Ms. Andrea Horwath	MPP
Chief Armand La Barge	YRP Police Chief
Mr. Martin VanBeek	Trustee
Ms. Denese Belchetz	Coordinating Superintendent
Mrs. Pauline Auty	The Canadian Safe Schools Network
Com. Ann Cavoukian	FOI Commissioner

95. Communication dated June 5, 2009 was received from the office of the Hon. Madeleine Meilleur, Minister of Community and Social Services advising the issues concerning the school should be directed to the Hon. Kathleen Wynne, Minister of Education and issues concerning the Children's Aid Society to go to the Hon. Deb Matthews. This communication by the Hon. Madeleine Meilleur Minister of

Community and Social Services was copied to both Hon. Kathleen Wynne and Deb Matthews by her acting manager, Enza Ragone.

96. Communication dated June 17, 2009 was received from the office of the Hon. Deb Matthews, Minister of Children and Youth Services stating that the issues I raised with respect to the incident at Prince Charles Public School was one that falls under the direction of Ministry of Education.
97. The Hon. Madeleine Meilleur, Minister of Community and Social Services communicated to me that she trusted Ministers Matthews and Deb or Ministry staff would address my concerns.
98. It is odd how Ms. Margaret Roberts said she went to the Prince Charles Public School and said she checked the door and it could not be locked. Mr. Patrick Lake on the other hand told me how he has an exact same locking door which he said locks automatically and requires a key to open. Mr. Lake expressed to me how very inconvenient this is to have to reach for his keys all the time when the door locks automatically.
99. Regardless of how the door works the children were effectively locked up and even if it is implied, it is in violation of the law and simply wrong.
100. On June 15 2009, I sent a letter to Superintendent Ms Margaret Roberts asking her to speak with Mr. Baber as the children were most uncomfortable to be spoken to and disciplined by a person who severely violated their rights.
101. Ms Margaret Roberts sent communication to me dated June 15, 2009 advising me that she had informed Mr. Baber not to communicate with my children. I had no way of knowing if in fact this was being enforced or adhered to.
102. Towards the end of the 2009 school year, Mrs Mooney spoke with me and expressed her deep concerns about the bullying like behaviour of Mr. Baber with other staff and children. She warned to be extra careful as Mr. Baber instructed the secretaries to be sharp with my children giving them zero latitude.
103. Clearly Mr. Baber had a vendetta against me and was clearly ready and willing to make life difficult for my children S. and R. Vinczer at school who were his victims of crime. Mr. Baber had no right to inflict such wanton vexatious action against two young innocent children who he abused by locking them up in his office. This action diametrically opposes his intimation of remorse. On the contrary it shows a total disregard for the well being of the children who he clearly intended to harm by making life difficult for them.
104. Consequently, I had to remove the children from their school and find a new school

for them. While the children were relieved to be free from the clutches of a mean spirited school principal they were sad and hurt by having to leave their friends many of whom they knew from Junior Kindergarten.

105. In a letter dated June 25, 2009 from Superintendent Ms. Margaret Roberts, she indicated to me sections of their protocol that she told me the school relies upon which provides their direction to detain children by the mere phone call of a CAS worker. The explanation was nebulous at best and a haphazard attempt to explain what was unlawful actions by school staff. Undoubtedly the Board Procedure is flawed and in violation of the law which a Board Procedure can not supercede.
106. Police chief Armand Le Barge of the York Regional Police was contacted with an affidavit outlining what had happened and asking for an investigation which ensued under the direction of Det. Brian Orouke of District One YRP.
107. Again I reiterate that Mr. Stephen Baber is the brother in-law to Ms. Debbie Baber the then immediate assistant to the Chief of Police Armand Le Barge.
108. It came to light that the YRP failed to provide all the evidence presented to them for their investigation and submission to the Crown Prosecutor.
109. It further came to light after waiting nearly 15 months to receive the entire components of the police investigation that sworn statements by Mr. Baber and others were inconstant with my detailed notes and such statements would have the effect of misleading the criminal investigation.
110. Detective Brian Orouke suggested to me that I could take Civil Action against Mr. Baber.
111. The Plaintiffs further plead that the Defendants owed a fiduciary duty to the Plaintiffs S. A. Vinczer and R. P. Vinczer being in a position of authority and control over the physical surroundings in which they found themselves and being vulnerable individuals relying upon them for proper care. Such a fiduciary obligation was breached without justification by the Defendants who failed to discharge their obligations and fiduciary responsibilities in a responsible and professional manner.
112. As a result of the trauma sustained by S. A. Vinczer, R. P. Vinczer they experienced pain and suffering, emotional distress, fear and inhibition with respect to participating in school activities in premises outside of their home, interrupted sleep and loss of self-confidence. At this time, they continue to suffer from many of these ailments and will continue to do so in the foreseeable future.
113. The Plaintiff, Attila Vinczer brings this action in his personal capacity for loss of care, guidance and companionship from the co-Plaintiffs pursuant to the Family Law Act including but not limited to severe and recurring fear and trauma of the event that

took place against him and his children on December 4 and 8, 2008.

114. The Plaintiffs plead that the conduct of the Defendants herein was high-handed, wanton, abusive and showed total and complete disregard to the safety and health of vulnerable and young children in their care and custody. They will therefore seek punitive and exemplary damages at the trial of this action.
115. My children no longer trust the Principal and have repeatedly said so. They are now afraid to approach him and have inhibitions towards others at school. Both of my sons know that what Mr. Baber did to them was wrong. They knew they were lied to by their principal and by school staff, yet they are taught themselves not to lie.
116. My children have lost all respect for the Children's Aid Society. They think that Mr. Jim Maloney with the CAS is nothing but a liar and a person not to be trusted. Mr. Maloney is not even registered with the College of Social workers and as such is not supposed to be practising social work in the Province of Ontario.
117. The children have had and continue to have nightmares about this terrible and unjust ordeal as have I causing countless sleepless nights. As a parent in the community, I am absolutely appalled that an injustice can so easily be perpetrated against myself and my children with just an "off the record" phone call between a school official and an employee with a CAS agency which is nothing more than a privately owned and operated corporation. Nobody has the right to lock up anyone in Canada and special care must be taken with young vulnerable children.
118. It is clear that there appears to be widespread abuse of children's and parent's rights by many school officials under the common misconception that workers within privately owned and operated CAS agencies have the power to instruct school officials to break the law when they call.
119. It is also apparent that police officers are unaware of laws involving children and parents which they have a duty to uphold and to protect. I verily believe that a strong message must be sent out to both CAS agencies and schools that the due process of law must be followed before children can be detained at school arbitrarily and certainly never without just cause.
120. I verily believe that public officials must be reminded about the fundamental laws which are in place to protect all Canadian children and parents, which laws can not be violated without consequence or with impunity.
121. I also believe that the public's interest is at stake because Mr. Baber told me that he has done this before to other children and mentioned that it happens once or twice every year. Mr. Baber told me of other principals that do the same as he has done. Mr. Baber has told me that if the CAS tell him to hold children that he must do this, even if based on just a phone call. Mr. Baber indicated that this is policy of

the Board and with the police as well. Mr. Baber stated that on one occasion he held a child until 6:00 pm and yet on another occasion till 9:00 pm in the evening. Mr. Baber clearly is being misinformed to take the law into his own hands and violate it.

122. Another example that supports the public interest element. I spoke with Ms. Margaret Roberts the Superintendent of Schools on June 8, 2009 at 11.31 am. Ms Roberts said that even she did not fully know the school protocol dealing with child detention nor was she cognisant of the laws that she must rely upon that bind school officials.
123. Clearly even the Superintendent of Schools who gives direction on these matters when dealing with children and their rights and the rights of parents is void of proper knowledge about the law.
124. Ms. Roberts admitted "I have very little knowledge of the (Criminal) Code." Ms. Roberts also admitted she was not sure if "CAS instructing a Principal to hold kids are entitled to do that." Instead of ascertaining from credible sources Ms. Roberts told me she would seek legal advice of CAS pertaining to legal matters and the law.
125. I respectfully submit that CAS is not mandated or funded to provide legal advice or direction to School Boards.
126. I have recently uncovered that some school boards in Ontario have published policies which instruct school officials to unlawfully detain children based on just a phone call from CAS employees, even if they are not registered social workers. It is clear that there is a widespread misunderstanding of the law which is creeping into various public institutions and consequently the rights of Canadian children and parents are being regularly violated without scrutiny or accountability.
127. I verily believe that these misunderstandings of the law and violations to the laws as a result are costing the taxpayers significant financial resources which is another reason which supports changes being made in the public's interest.
128. How can we expect public officials to respect the laws when they are not enforced? Misunderstanding of the law by public officials are consuming the resources of police, schools and the courts as my case clearly is just one example. I verily believe that there would be far less abuse of the CAS, schools and police if CAS were forced to follow proper legal protocol and to not have children detained with just a mere phone call.
129. While my children and I are seeking compensation for damages, there is not an amount that could right the terrible suffering that my family has had to endure as a result of the wanton, egregious, neglectful misconduct of school officials that has permanently scarred this family for life and deprived the children of a peaceful

environment wherein to get an education. This trauma continues to linger and fester in our minds with fears of a recurring instance

130. The Plaintiffs respectfully plead to exercise their rights under the rules of procedure that this matter, given it's nature, be tried by jury to ensue the best interest of the public and justice is served.
131. In addition to the claim for damages, the plaintiffs further seek;
 - I. That the Ministry of Education fully investigates this incident that put my children S. Vinczer and R. Vinczer in harms way and is currently common practice by school officials in violation of various laws and our Canadian Charter of Rights and Freedoms.
 - II. To ensure that our children's and parent's rights are upheld and honoured in accordance to the Canadian Charter of Rights and Freedoms that protects our children's rights to enjoy a safe and vibrant environment at school free of unlawful detention where they can learn and be educated in peace.
 - III. An order for the Children's Aid Societies to cease and desist ordering school officials by any communication to unlawfully detain children at school in violation of various laws and our Canadian Charter of Rights and Freedoms circumventing the Child and Family Services Act that provides the lawful means for CAS agencies to intervene when warranted to do so.
 - IV. Order the schools and school boards to review all polices and protocols and common practices and adopted practices to ensure they are not in violation of any laws and that they are in compliance of the Canadian Charter of Rights and Freedoms.
 - V. Order that the Ministry of Education be examined as to why they have allowed policy and protocol to exist that are clearly in violation of the Canadian Charter of Rights and Freedoms as well as various other laws that govern the lawful conduct of school officials and Children's Aid Societies despite the fact that I brought this serious matter to their attention.
 - VI. Order that the Ministry of education fully examine all policy that school boards, schools and school officials rely on for direction and conduct of school officials to ensure nothing they have or give as direction is in violation of any law and the Canadian Charter of Rights and Freedoms.
 - VII. Order that the Children's Aid Societies review polices and protocols and common practices and adopted practices to ensure they are not in violation of any laws and that they are in compliance of the Canadian Charter of Rights and Freedoms with what they do within the school environment,

directly or indirectly affecting the well being of children.

- VIII. Order that the Children's Aid Society cease and desist harassing and interviewing children at school without the written consent of the parent(s) or the lawful custodial parent(s)

May , 2013

Attila L. Vinczer
XXX XXXXXXX XXXXX
Newmarket, Ontario
XXX XXX

Phone: XXX-XXX-XXXX

RCP-E 14C (JULY 1, 2007)