

JUN 22 2022



No. \_\_\_\_\_  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JANET WILLIAMS, LAWRENCE BAZIL, and  
MOLLY WICKHAM, on her own behalf,  
and on behalf of the Gidimt'en Clan of the Wet'suwet'en Nation

PLAINTIFFS

AND:

MINISTER OF JUSTICE FOR THE PROVINCE OF BRITISH COLUMBIA  
UNKNOWN RCMP OFFICER #1, UNKNOWN RCMP OFFICER #2,  
UNKNOWN RCMP OFFICER #3, FORSYTHE INVESTMENTS ULC  
OFF DUTY SERVICES CANADA dba FORSYTHE SECURITY, and  
COASTAL GASLINK PIPELINE LTD.

DEFENDANTS

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiffs for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the Plaintiffs.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the Plaintiffs and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

### **Time for response to civil claim**

A response to civil claim must be filed and served on the Plaintiffs,

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

## **CLAIM OF THE PLAINTIFFS**

### **Part 1: STATEMENT OF FACTS**

#### **THE PARTIES**

1. The plaintiff JANET WILLIAMS (“Ms. Williams”) is a cook with an address for delivery of 650–375 Water Street, in the City of Vancouver, in the Province of British Columbia.
2. The plaintiff LAWRENCE BAZIL (“Mr. Bazil”) is a retired construction contractor with an address for delivery of 650–375 Water Street, in the City of Vancouver, in the Province of British Columbia.
3. The plaintiff MOLLY WICKHAM (“Ms. Wickham”) is a Governance Director with the Office of the Wet’suwet’en, with an address for delivery of 650–375 Water Street, in the City of Vancouver, in the Province of British Columbia. Ms. Wickham is a plaintiff in her personal capacity and as a representative of the Gidim’én Clan of the Wet’suwet’en Nation.
4. Ms. Williams, Mr. Bazil and Ms. Wickham are hereinafter referred to collectively as the “Plaintiffs”.
5. The defendant MINISTER OF JUSTICE FOR THE PROVINCE OF BRITISH COLUMBIA (the “Minister”) has an address for delivery at 3<sup>rd</sup> Floor–1001 Douglas Street, in the

City of Victoria, in the Province of British Columbia. The Minister provides policing services within the Province of British Columbia under contract with the Royal Canadian Mounted Police ("RCMP"). The Minister is named as a defendant in right of the RCMP.

6. The defendant UNKNOWN RCMP OFFICER #1 ("Officer #1") was at all material times acting in the course of his duties as a peace officer employed by the RCMP, and has an address for delivery at 14200 Green Timbers Way, in the City of Surrey, in the Province of British Columbia.

7. The defendant, UNKNOWN RCMP OFFICER #2 ("Officer #2") was at all material times acting in the course of his duties as a peace officer employed by the RCMP, and has an address for delivery at 14200 Green Timbers Way, in the City of Surrey, in the Province of British Columbia.

8. The defendant, UNKNOWN RCMP OFFICER #3 ("Officer #3") was at all material times acting in the course of his duties as a peace officer employed by the RCMP, and has an address for delivery at 14200 Green Timbers Way, in the City of Surrey, in the Province of British Columbia.

9. The defendants HMQBC, Officer #1, Officer #2, and Officer #3 are hereinafter collectively referred to as the "Police Defendants".

10. The defendant FORSYTHE INVESTMENTS ULC ("Forsythe") is a company incorporated under the laws of the Province of Alberta and is registered as an extraprovincial company under the laws of British Columbia. Forsythe has its head office at 1100-225 6 Avenue SW, Brookfield Place, in the City of Calgary, in the Province of Alberta.

11. The defendant OFF DUTY SERVICES CANADA ("Off Duty") is a sole proprietorship registered in British Columbia doing business as FORSYTHE SECURITY, and has an address for delivery at 1100-1631 Dickson Avenue, in the City of Kelowna, in the Province of British Columbia.

12. The defendant COASTAL GASLINK PIPELINE LTD. ("CGL") is a company incorporated pursuant to the laws of British Columbia with a registered and records office at 402-707 Fort Street, PO Box 1231, in the City of Victoria, in the Province of British Columbia. CGL is a wholly-owned subsidiary of TransCanada Pipelines Limited.

## ROLES OF THE PARTIES

13. Ms. Williams and Ms. Wickham are members of the Gidimt'en Clan of the Wet'suwet'en Nation who reside on traditional and unceded Wet'suwet'en territory along the Morice River (known to the Wet'suwet'en as the Wedzin Kwa) near the District of Houston, BC.

14. Mr. Bazil is a member of the Likhsilyu Clan of the Wet'suwet'en Nation and has rights through marriage to reside on the traditional and unceded Wet'suwet'en territory.

15. The Wet'suwet'en have asserted a right to live on and protect their territory for thousands of years, as recognized by the Supreme Court of Canada in *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010.

16. Since the Fall of 2021, the Plaintiffs and other members of the Gidimt'en Clan have been actively reestablishing a historical village ("Lamprey Village") at a site approximately 44 kilometers along the Morice Forest Service Road ("Morice FSR") in the vicinity of Lamprey Creek as well as a nearby residential camp and checkpoint (the "Gidimt'en Checkpoint").

17. Since at least February, 2022, members of the Royal Canadian Mounted Police's tactical unit known as the Community-Industry Response Group ("C-IRG"), including the defendants Officer #1, Officer #2 and Officer #3, have been policing the area along the Morice FSR in an unlawful and overzealous manner designed to harass and intimidate the Plaintiffs and to discourage the Plaintiffs from occupying Lamprey Village and the Gidimt'en Checkpoint. The actions and omissions of the RCMP and C-IRG described herein have had the effect of preventing the Plaintiffs from enjoying their rights to use the land for traditional purposes, protected under section 35(1) of the *Constitution Act*.

18. Off Duty has been managed and operated as Forsythe Security and is a wholly owned subsidiary of Forsythe. At all relevant times, Off Duty and Forsythe were operated as a single entity, with Off Duty under the effective influence and control of Forsythe and exercising no independent discretion. As such, Off Duty is the alter ego of Forsythe and Forsythe is liable for the acts and omissions of Off Duty.

19. Forsythe provides security services along the Morice FSR under contract with the defendant Coastal Gaslink Pipeline Ltd. Since at least February 2022, Forsythe employees have engaged in a relentless campaign of harassment and intimidation targeting the Plaintiffs and others in an effort to discourage the Plaintiffs and others from occupying Lamprey Village and the Gidimt'en Checkpoint and preventing the Plaintiffs from enjoying their right to use the land for traditional purposes, protected under section 35(1) of the *Constitution Act*.

## THE COASTAL GASLINK PIPELINE

20. In 2012, CGL announced a proposal to build a 670-kilometer natural gas pipeline from an area near the community of Groundbirch, BC to an export facility near Kitimat, BC (the "Pipeline Project"). The Pipeline Project runs through the traditional and unceded territory of the Wet'suwet'en Nation, and within one kilometer of Lamprey Village and the Gidimt'en Checkpoint.

21. The Pipeline Project is opposed by many Nations, communities and individuals along its route, including by all five clans of the Wet'suwet'en Nation.

22. Since at least the Fall of 2018, CGL employees and agents have used the Morice FSR to access areas along that road to prepare for and in furtherance of construction of the Pipeline Project.

23. At various times since the Fall of 2018, there have been conflicts along the Morice FSR between members of the Wet'suwet'en (and their supporters) and CGL employees and agents in relation to the Pipeline Project.

## THE INJUNCTION

24. On December 14, 2018, CGL obtained an interim injunction preventing anyone from, *inter alia*, interfering with work on the Pipeline Project along the Morice FSR, or physically blockading CGL or its employees and contractors (the "Interim Injunction").

25. On December 21, 2018, the Interim Injunction was varied to include a broader geographical area including the Morice FSR (the "The Second Interim Injunction").

26. In January, 2019, construction of the Pipeline Project commenced, including road clearing, pipeline right-of-way clearing and the construction of work camps along the Morice FSR.

27. On December 31, 2019, CGL obtained an interlocutory injunction (the "Interlocutory Injunction") in the CGL Lawsuit in substantially similar terms as the Second Interim Injunction.

28. The Interlocutory Injunction does not enjoin Wet'suwet'en people from using, occupying and residing on their land, continuing to practice their traditional activities, or engaging in peaceful, lawful and safe protest.

## ESTABLISHMENT OF THE GIDIMT'EN CHECKPOINT AND LAMPREY VILLAGE

29. On or about December 16, 2018, House Chiefs of the Gidimt'en announced the creation of the Gidimt'en Checkpoint. The decision was ratified in accordance with traditional Wet'suwet'en laws.

30. The Gidimt'en Checkpoint was established in a parcel of land south of the Morice River and approximately 44 km along Morice FSR, in the heart of the Gidimt'en's traditional and unceded territory, within the larger Wet'suwet'en Nation.

31. The Gidimt'en Checkpoint is isolated and remote. The only access is via the Morice FSR. The nearest population center is the community of Houston, BC, approximately 50 kilometers to the east. There is no cellular telephone coverage for approximately 30 kilometers.

32. The Gidimt'en Checkpoint is located in a pullout to the south of the Morice FSR. The gated entrance to the Gidimt'en Checkpoint is approximately 10 meters from the road. The Gidimt'en Checkpoint in no way impedes travel along the Morice FSR.

33. The Gidimt'en Checkpoint is bordered on one side by the Morice FSR, and on three sides by forest, including thick underbrush.

34. The Gidimt'en Checkpoint is comprised of at least a dozen buildings including cabins, canvas tents, tool and storage sheds, washroom facilities, and a large enclosure for cooking and dining. These buildings have been built by the Plaintiffs and others on a volunteer basis.

35. The Gidimt'en Checkpoint is intended to reestablish occupancy by members of the Gidimt'en Clan on territory inhabited by their ancestors for thousands of years. The site provides a base from which members engage in a variety of traditional cultural practices, including hunting, trapping, harvesting, fishing, and tanning.

36. The Gidimt'en Checkpoint is an important symbol of the Wet'suwet'en resistance to the Pipeline Project and their dedication to protecting their traditional territory. The presence of the Gidimt'en Checkpoint is intended to and does send an important political message. The Gidimt'en Checkpoint achieves this in two key ways: first, by its very presence on the unceded and traditional territory of the Gidimt'en Clan, and second, through the expressive content at the site, including words and images signifying opposition to the Pipeline Project, raising awareness of missing and murdered Indigenous women and girls, and other issues of significant public interest.

37. The Gidimt'en Checkpoint enables members of the Gidimt'en Clan, including the Plaintiffs, the ability to conduct oversight and monitoring of CGL's work on the Pipeline Project to ensure compliance with applicable laws and conditions of approval, and the preservation of the land and watershed. This oversight by the Gidimt'en Clan is important because, among other reasons, CGL has been guilty of violating multiple environmental regulations in the course of the Pipeline Project already to date.

38. The Gidimt'en Checkpoint is home to Mr. and Ms. Lawrence and a place of regular cultural practice for Ms. Wickham. Other members of the Gidimt'en Clan, neighbouring communities, volunteers, and supporters also reside at and engage in traditional cultural practices at the Gidimt'en Checkpoint, or use the site as a base for those practices.

39. The population of residents at the Gidimt'en Checkpoint has varied since its creation from a couple of residents to several dozen.

40. Wooden fences and gates delineate the Gidimt'en Checkpoint from the surrounding area. These fences and gates have been erected to create privacy for residents, to keep out unwelcome

animals and visitors, and to establish the boundaries of the site. The gates were recently destroyed by the RCMP, and have not been rebuilt.

41. Across the Morice FSR and approximately 500 meters east is Lamprey Village, an ancient village site of the Gidimt'en Clan on the banks of the Morice River.

42. Lamprey Village is located north of the Morice FSR along an access spur approximately 100 meters in length, between the Morice FSR and the Morice River at the confluence with Lamprey Creek. Lamprey Village is barely visible from the Morice FSR. It does not impede traffic along the Morice FSR at all.

43. Until recently there was a gate across the access road to Lamprey Village that prevented unwanted vehicles from accessing the site, but that gate was destroyed by the RCMP, and it has not been rebuilt.

44. Lamprey Village is being occupied by members of the Gidimt'en Clan in an effort to reestablish a presence on their traditional territory and to serve as a base from which to engage in a variety of traditional cultural practices, including hunting, trapping, harvesting, fishing, and tanning.

45. Lamprey Village is comprised of approximately half a dozen small wooden homes, canvas tents and trailers that are being used as residences for members of the Gidimt'en Clan and others who are there to work on the site, as well as cleaning, cooking and dining facilities.

46. Lamprey Village is a place of traditional cultural practice for the Plaintiffs. Other members of the Gidimt'en Clan, neighbouring communities, volunteers, and supporters also reside at and engage in traditional cultural practices at Lamprey Village.

47. A significant component of the re-establishment of the Gidimt'en Clan in the area is the construction of a new feast hall at Lamprey Village (the "Feast Hall"). A portion of Lamprey Village has recently been cleared of forest to facilitate construction of the Feast Hall, which will accommodate 200-300 people. The Feast Hall will be used for Gidimt'en Clan meetings, feasts, ceremonies and celebrations. The Feast Hall is expected to be completed by the Fall of 2022. The Feast Hall is being constructed by paid and volunteer workers including members of the Gidimt'en Clan, many of whom reside at Lamprey Village and the Gidimt'en Checkpoint.

48. The Feast Hall is an ancient and integral part of Wet'suwet'en government, law, social structure, and worldview. Feasts, or *denii ne'aas* in Wet'suwet'en, remain the core of Wet'suwet'en society, despite being outlawed for several decades under the *Criminal Code*. The Feast Hall is where people are given titles, robes, and crests, and the authority over the territory associated with those titles, witnessed by the Wet'suwet'en and members of the neighbouring Babine, Nutseni, and Gitksan Nations. Disputes are settled in the Feast Hall, and funeral feasts are held to honour

community members who have passed away. Wet'suwet'en history is passed down through the oral tradition of intergenerational knowledge transfer.

49. The Feast Hall at Lamprey Village will be the first feast hall on traditional Gidimt'en Territory since the criminalization of this cultural practice.

50. As a consequence of the cultural activity at Lamprey Village, the adjacent Provincial recreation site has been closed to the public. On May 31, 2022, the Recreation Sites & Trails division of the Ministry of the Environment for the Province of British Columbia confirmed that Lamprey Village is closed to the public under *Section 20(3) of the Forest Recreation Regulation, Forest and Range Practices Act* due to cultural use by the Gidimt'en Clan.

#### NOVEMBER 2021 RCMP ENFORCEMENT

51. Between November 18-19, 2021, approximately 29 people were arrested for alleged violations of the Interim Injunction along the Morice FSR.

52. Ms. Wickham was arrested on November 19, 2021 for an alleged breach of the Interim Injunction. At the time of her arrest, she was occupying a small residential building (known as a "tiny house") approximately 63 km along the Morice FSR.

53. The allegations against Ms. Wickham have not been proven in court.

54. The majority of the alleged contemnors, including Ms. Wickham, were held in custody for 3 to 4 days before their bail hearing. All alleged contemnors were eventually released on an undertaking to abide by certain conditions.

55. Wet'suwet'en people who were arrested were released on conditions permitting them within the "exclusion zone", defined as the Morice FSR or any other areas accessed by the Morice River FSR, for the purposes of hunting, trapping, fishing or cultural purposes, to the extent that these activities do not take place within 10 meters of a CGL worksite and do not interfere with or obstruct CGL workers. In Ms. Wickham's case, a 75-meter restriction was imposed.

56. Non-Wet'suwet'en people who were arrested were released on conditions permitting them to engage in peaceful, lawful and safe protest, but not to be within the "exclusion zone".

#### INCIDENT ON FEBRUARY 17, 2022

57. On February 17, 2022, CGL reported an incident at a worksite approximately 63 kilometers along the Morice FSR near the turnoff to the Marten FSR. According to police and news media, approximately twenty unknown individuals caused damage to vehicles and other property (the "February 17 Incident"). In responding to the Incident, RCMP located debris blocking the Morice



FSR at approximately 41 km, where one or more unknown individuals threw objects at police. No suspects have been publicly identified and no arrests have been made.

58. The Wet'suwet'en Hereditary Chiefs issued a statement on February 19, 2022 in response to the February 17 Incident expressing concern for the safety and well-being for the Wet'suwet'en who live and trap on the territory.

59. The police have since used the November 2021 arrests and the February 17 Incident to justify police conduct that reaches far beyond a lawful or reasonable investigation into these events, as will be described below.

### THE C-IRG CAMPAIGN

60. In late February 2022, the Police Defendants commenced an organized campaign of intimidation and harassment targeting the Plaintiffs, their allies, other residents of the Gidimt'en Checkpoint and Lamprey Village, and members of the Gidimt'en Clan more generally (the "C-IRG Campaign"). The C-IRG Campaign has continued on a daily basis to date.

61. The C-IRG Campaign was originally justified by the Police Defendants to members of the Gidimt'en Checkpoint and Lamprey Village as an investigation into the February 17 Incident, despite the absence of any evidence connecting residents of the February 17 Incident to those locations. The Police Defendants have since altered the purported justification for the C-IRG campaign and now claim to be looking for people in violation of bail conditions.

62. The true reason for the C-IRG Campaign is to force or encourage the Plaintiffs and others to leave the Gidimt'en Checkpoint and Lamprey Village, to abandon their ancestral territory and cultural practices, and to permit CGL to advance the Pipeline Project unencumbered and without oversight or monitoring by the people on whose traditional territory the Pipeline Project is being built.

63. The C-IRG Campaign has predominantly focused on the residents of the Gidimt'en Checkpoint and Lamprey Village, including the Plaintiffs, but it has affected the conduct of all persons travelling or intending to travel in the area accessed by the Morice FSR.

64. Since late February 2022, there have been near-constant police patrols at the Gidimt'en Checkpoint and Lamprey Village and along the Morice FSR.

65. In March 2022, RCMP and C-IRG officers attended the Gidimt'en Checkpoint and Lamprey Village approximately 94 times. In April 2022, RCMP and C-IRG officers attended the Gidimt'en Checkpoint and Lamprey Village approximately 97 times. Between May 1-28, RCMP

and C-IRG officers attended the Gidimt'en Checkpoint and Lamprey Village approximately 78 times. Multiple officers have attended on each occasion.

66. The C-IRG Campaign has included the following police tactics which have been and continue to be employed on a regular and frequent basis:

- a. entering the Gidimt'en Checkpoint and Lamprey Village multiple times per day, harassing residents and visitors, disrupting cultural practices and ceremonies, and interrupting the construction of the Feast Hall at Lamprey Village;
- b. demanding photo identification from anyone attempting to travel along the Morice FSR;
- c. permitting only those people to travel along the Morice FSR who have a "legitimate reason" in accordance with a standard arbitrarily determined and known only to the RCMP and C-IRG;
- d. shining high-beams and spotlights into residential buildings at all hours of the night;
- e. awakening and harassing sleeping residents;
- f. demanding identification from Gidimt'en Checkpoint residents and visitors even when a person's identity is known to the officer;
- g. opening doors to storage sheds, residential buildings and other structures;
- h. seizing equipment and property;
- i. destroying locks, chains, fences and gates;
- j. following individuals to and from the Gidimt'en Checkpoint and Lamprey Village;
- k. threatening arrests;
- l. conducting unlawful arrests and detentions;
- m. demanding that people provide the terms of their conditions of release, even on an arbitrary basis where no terms have been given; and
- n. assaulting and battering residents and visitors, including the Plaintiffs.

67. The police tactics described above and collectively referred to as the C-IRG Campaign have had no lawful purpose or basis. They have been unreasonable and excessive, discriminatory on the basis of race, malicious and an abuse of police powers. They represent an effort to suppress lawful activity and the assertion of Indigenous rights and title.

#### SPECIFIC C-IRG CAMPAIGN EVENTS FROM MARCH-MAY 2022

68. The C-IRG Campaign has included, but is not limited to, the following specific events.

69. On March 6, 2022 at approximately 20:28 three RCMP vehicles parked outside the Gidimt'en Checkpoint and shone their high-beams into the residential structures. At least four officers proceeded to patrol the area on foot including inside the gated area of the Gidimt'en Checkpoint, which caused a disturbance and awakened residents of the camp.

70. On March 7, 2022 at approximately 11:27 two RCMP vehicles carrying five officers arrived at the Gidimt'en Checkpoint and threatened a resident with mischief for walking on the road. One of the officers spoke to a resident through the gate to the Gidimt'en Checkpoint.

71. That same day at 20:25 two or more RCMP vehicles carrying four or more officers attended the Lamprey camp and proceeded to explore the camp on foot with headlamps. The officers proceeded thereafter to Lamprey Village. The officers encircled Lamprey Village in waist-deep snow, shining their lights towards the residences at the site. An officer told a resident police would be returning to the camp every day to continue this harassment.

72. That same day at 22:53 one RCMP vehicle stopped in front of the Gidimt'en Checkpoint on the Morice FSR and turned on its emergency red and blue lights, crept up towards the watch building, and then retreated down the FSR at a rapid pace.

73. On March 8, 2022 at 00:55 three RCMP vehicles carrying three officers attended the Gidimt'en Checkpoint and patrolled the area on foot, including by peering into vehicles parked around the site. A resident spoke to these officers and asked them to identify themselves and was not provided with their names or badge numbers.

74. That same day at 08:38 two RCMP vehicles carrying four officers attended the Gidimt'en Checkpoint and proceeded on foot around the site to the tool shed. They took pictures of the licence plates of vehicles at the site.

75. That same day at 12:37 two unmarked RCMP vehicles attended the Gidimt'en Checkpoint and were seen speaking with Forsythe security personnel.

76. That same afternoon RCMP officers made multiple additional visits to the Gidimt'en Checkpoint.

77. That same day at 20:15 two RCMP vehicles carrying four officers attended the Gidimt'en Checkpoint and did a walk through the site before pretending to leave. The officers then adorned snowshoes and proceeded to travel around the back of the Gidimt'en Checkpoint through the forest apparently to avoid detection. When the officers were approached by a resident of the site they threatened the resident with pepper spray. They left after nearly an hour.
78. On March 9, 2022 at 12:32 three or four unmarked RCMP vehicles carrying eight officers attended the Gidimt'en Checkpoint and proceeded on foot around the site. The officers took pictures of various items and people in attendance at the site. Police presence was steady through the day.
79. That same day at 21:23 RCMP officers pulled over a resident of the Gidimt'en Checkpoint right in front of the site using their siren and emergency lights and demanded that this resident produce identification.
80. That same day at 22:38 RCMP officers attended the Gidimt'en Checkpoint and shone bright lights into the guard building from their police vehicles.
81. On March 10, 2022 at 01:11 one RCMP vehicle attended the front of the Gidimt'en Checkpoint where he parked his vehicle for several minutes before exiting his vehicle and proceeding around the site on foot. He then drove slowly down the Morice River FSR, starting and stopping his vehicle for no apparent reason.
82. That same day numerous RCMP vehicles attended the Gidimt'en Checkpoint periodically throughout the day. At 04:57 three RCMP vehicles attended the site carrying four officers who proceeded on foot around the site to the residence of the Ms. Williams and Mr. Basil. Officers proceeded to demand answers to various questions from those plaintiffs.
83. That same day at 20:08 three RCMP vehicles carrying six officers attended the Gidimt'en Checkpoint with flashing lights. Officers opened the vehicle gate and blocked the exit with their vehicle.
84. That same day at 21:40 an RCMP vehicle attended the Gidimt'en Checkpoint and the driver shone his headlights into the guard building. Approximately 50 minutes later an officer emerged from the forest and entered the vehicle and then the officers left the site.
85. On March 12, 2022 at 12:44 multiple RCMP vehicles attended the Gidimt'en Checkpoint. Officers patrolled the area throughout the day. At 20:17 an officer shone his headlights into the windows of one of the structures at the site.

86. On March 16, 2022 at 01:01 multiple RCMP officers attended the Gidimt'en Checkpoint and made several attempts to access the site, including from the forest, until about 13:38.
87. On March 20, 2022 multiple RCMP officers attended the Gidimt'en Checkpoint and stopped and questioned several residents and visitors of the site for no apparent reason.
88. On March 23, 2022 multiple RCMP officers attended the Gidimt'en Checkpoint and threatened to arrest a site visitor who had travelled to the site to participate in a Spring "water ceremony," a cultural tradition observed by the Gidimt'en Clan. There was no reasonable basis for this threat of arrest.
89. On March 30, 2022 an RCMP officer seized the lock and key to the walk-in gate at the front entrance to the Gidimt'en Checkpoint, and a chain and lock from another gate where vehicles could access the site.
90. On March 31, 2022 at 08:35 three RCMP vehicles carrying six officers attended the Gidimt'en Checkpoint and entered via the vehicle gate. Officers cut and then seized chains and locks in place to protect the site. They proceeded to walk through the site and threatened to arrest anyone who interfered with the officers with a charge of obstruction.
91. That same day at 11:36 additional RCMP officers attended the Gidimt'en Checkpoint and again walked through the site. They cut and seized additional locks and chains that were used to secure a gate. They claimed the locks were "obstructing access to Crown land."
92. That same evening, RCMP officers attended Lamprey Village and destroyed the gate.
93. On April 1, 2022 at 09:48 multiple RCMP officers attended the Gidimt'en Checkpoint, cut and seized the chain and lock to the vehicle gate, damaged the vehicle gate, and then cut and seized the chain and lock to the walk-in gate. They claimed the chains and locks were "abandoned property." They proceeded on foot through the site and knocked on the doors to various structures. They told one resident they were doing a "neighborhood inquiry."
94. On April 2, 2022 multiple RCMP officers attended the Gidimt'en Checkpoint and walked through the site at least three times between 08:08 and 12:12. A resident questioned the officers and was threatened with arrest for "obstruction." Officers also attended the Lamprey Village Site.
95. On April 4, 2022 multiple RCMP officers attended the Gidimt'en Checkpoint and cut and seized approximately 20 locks and chains that had been used to secure the gates. Officers destroyed the vehicle gate by breaking and cutting the wood and removing it from the hinges.
96. On April 4, 2022 at 12:00, RCMP officers attended the Gidimt'en Checkpoint on foot. One officer spoke with the plaintiff Ms. Williams and told her "this is not her home."

97. On April 8, 2022 at 06:25 three RCMP vehicles attended the Gidimt'en Checkpoint and entered via both gates. At least four officers patrolled the site on foot. Ms. Williams asked them to leave. The officers refused and asserted "this is Crown land."
98. On April 10, 2022 an RCMP officer wearing a green ERT uniform and a tag labelled "K9 Unit" patrolled Camp 44, giving the impression the police had brought one or more police service dogs to the site.
99. On April 11, 2022 at 12:26 four RCMP vehicles carrying eight officers attended the Gidimt'en Checkpoint and entered through both gates. They conducted a walk-through of the site and asserted their right to be there when questioned by a resident. One or more officers refused to provide badge numbers despite request.
100. On April 15, 2022 an RCMP vehicle appearing to transport a police dog attended the Gidimt'en Checkpoint.
101. On April 18, 2022 at 09:42 multiple RCMP officers including the K9 officer attended the Gidimt'en Checkpoint and patrolled the site attempting to identify all residents. Officers had a list of names and photographs and said they were there to "ensure nobody was breaching conditions."
102. That same day at 12:45 RCMP officers arrested a resident of the Gidimt'en Checkpoint ("JD"), for alleged "obstruction." Officers justified the arrest of JD on the basis that JD had refused to provide identification. There was no requirement for JD to provide identification. JD was later released without charges.
103. On April 21, 2022 at 08:50, five RCMP vehicles carrying nine officers attended the Gidimt'en Checkpoint and patrolled the site with a list of names and photographs. Ms. Williams and Mr. Bazil spoke to the officers. One officer read a prepared speech that advised residents of the site the officers were there to ensure "Criminal Code offences were not being committed."
104. Later that day, at 14:45, five RCMP officers returned to the Gidimt'en Checkpoint. Ms. Williams spoke to the officers. An officer read the same prepared speech that had been read out earlier in the day.
105. Later that day, at 19:00, six RCMP officers returned again to the Gidimt'en Checkpoint and interrupted the evening meal.
106. On April 22, 2022 at 19:52, four RCMP officers interrupted a fire ceremony at the Gidimt'en Checkpoint where Ms. Wickham was playing a song on a drum. An officer was heard questioning the legitimacy of the cultural activity that was occurring.

107. Later that same evening, at 21:20, an RCMP truck parked outside of the Gidimt'en Checkpoint as Ms. Wickham was preparing to leave with her young daughter. The officer followed Ms. Wickham and her daughter to her home on the territory. The officer flashed his lights at her, indicating she should stop. She was frightened to interact with the officer and did not stop, as it was late at night and she was in a remote location. The next day, two RCMP vehicles arrived at Ms. Wickham's home and presented her with tickets for Fail to Stop for Police, Drive Without Due Care, and Speeding.

108. On April 23, 2022 at 8:40, five RCMP officers arrived at the Gidimt'en Checkpoint and advised Ms. Williams and Mr. Bazil, who were present at their cabin, that RCMP officers would be attending the site every day.

109. Later that same day, at 13:35, five RCMP officers returned to the Gidimt'en Checkpoint. The officers refused to provide the plaintiffs with a reason for their attendance.

110. On April 24, 2022 at 15:15, nine RCMP officers attended the Gidimt'en Checkpoint and did an inspection and walk-through of the site. One RCMP officer pushed a resident of the Gidimt'en Checkpoint during the walk-through.

111. On April 25, 2022, at 13:50, six RCMP officers arrived at the Gidimt'en Checkpoint, where Ms. Williams and Mr. Bazil were meeting with members of the media. An officer demanded that a resident provide their name, and became visibly angry when the resident refused. The officer made repeated references to the RCMP's "right" to access "Crown land".

112. On April 26, 2022 at 14:30, six RCMP officers attended the Gidimt'en Checkpoint. One officer entered an outbuilding without permission or warrant.

113. Later that day, at 19:20, a single RCMP vehicle parked briefly outside of the Gidimt'en Checkpoint. An RCMP officer spoke to a Forsythe employee conducting surveillance. The Forsythe employee was heard telling the RCMP officer how to get to Ms. Wickham's home on the territory.

114. On April 28, 2022 at 14:10, four RCMP officers spent approximately 30 minutes at the Gidimt'en Checkpoint knocking on doors, and trying to open the doors to Ms. Williams and Mr. Bazil's cabin, the kitchen, and other outbuildings, all of which were locked. One officer opened the door to an RV on site. After they left, an officer spoke to a Forsythe security employee, and was heard to ask "let us know if anything happens."

115. On April 29, 2022 at 14:23, five officers arrived at the Gidimt'en Checkpoint. They read a prepared speech and one officer showed a new officer a list of names and photographs, attempting to identify residents. Forsythe security then attended and spoke with the officers.

116. On May 1, 2022 at 16:05, eight RCMP officers attended at the Gidimt'en Checkpoint. Six of those officers entered the site. One read a prepared speech. The officers then split into two teams. One team went into the woods behind Ms. Williams and Mr. Bazil's cabin. At least two additional officers pulled up in a fourth vehicle. Before the officers left, they had a brief conversation with a Forsythe security employee who was parked outside.

117. On May 2, 2022 at 10:00, eight RCMP officers attended at the Gidimt'en Checkpoint and read from a prepared speech. Six officers in teams of two entered the property and walked into the woods behind Ms. Williams and Mr. Bazil's cabin in three different directions. The remaining two officers did a walk-through of the site.

118. Later that day, at 13:57, a C-IRG vehicle pulled up outside the Gidimt'en Checkpoint and sat parked outside for five minutes. An hour later, at 14:52, six RCMP officers arrived at the Gidimt'en Checkpoint, and entered the site in three groups, performing a perimeter check and walking around Ms. Williams and Mr. Bazil's cabin.

119. That night, at 20:30, six officers interrupted a ceremony at the Gidimt'en Checkpoint, held to grieve the death of a community member. The officers were met at the vehicle gate by Ms. Wickham and others. Ms. Wickham explained that they were conducting a ceremony and grieving the death of a community member. She asked the officers not to interrupt. An officer interrupted Ms. Wickham and read to her from a prepared speech. Four officers then entered the Gidimt'en Checkpoint and walked around the site for approximately eight minutes.

120. The next day, May 3, 2022 at 12:09, seven RCMP officers arrived at the Gidimt'en Checkpoint and read a prepared speech. Six officers entered the site in teams of two. They performed a thorough walk-through of the area. One officer entered a shed without a warrant or permission.

121. RCMP officers returned three times that same day, first at 15:07, with five officers, and then again at 20:27, when four officers attended and read a prepared speech. Three of the officers walked through the site to Ms. Williams and Mr. Bazil's cabin and around the spirit fire, a sacred spot for the Gidimt'en Clan. An hour later, at 21:24, the same officers returned, and again read the same prepared speech and walked back to the cabin and around the spirit fire, as well as to the outhouse behind the cabin.

122. On May 4, 2022 at 10:45, seven RCMP officers arrived with two conservation officers. Six RCMP officers and both conservation officers entered the Gidimt'en Checkpoint. A Mi'kmaq guest told the officers that it was a private residence on Chief Woos' territory and they were not welcome. One officer made a comment about the guest's ancestry. One officer threatened a legal observer



with arrest for obstruction. The officers walked around outbuildings, along the fence line, and behind the kitchen before leaving the site.

123. At 14:34, four RCMP officers arrived at the Gidimt'en Checkpoint. They split into two groups and walked around the site.

124. At 20:12, four RCMP officers arrived back at the Gidimt'en Checkpoint. The officers split into two teams, walked around a yurt, Ms. Williams and Mr. Bazil's cabin, and the sacred fire. The officers asked if there were any "cultural activities" happening that night.

125. On May 5, 2022, Dini ze' Woos, House Chief of Cas Yikh of the Gidimt'en Clan, prepared the following letter, addressed to the RCMP and C-IRG:

Please be advised that work is being done on Cas Yikh yintah (territory) in preparation for building a traditional Feast Hall, integral to our ability to carry on our cultural and governing practices as Wet'suwet'en people. This work includes but is not limited to:

- Harvesting and transporting logs
- Clearing land
- Building and other construction activities
- Constructing gates for worker's safety and privacy

The holder of this letter is an invited guest on my yintah and has my explicit permission to engage in building the Feast Hall on Cas Yikh yintah at Gidimt'en village and our ancient village site at Lamprey Creek Village site. As the House chief of this territory, under Wet'suwet'en law and as recognized in the Supreme Court of Canada, I condemn any harassment, criminalization or surveillance of our membership and invited guests on our sovereign lands.

126. The May 5, 2022 letter was provided to all persons performing work on the new Feast Hall at Lamprey Village. The May 5, 2022 letter was posted at Lamprey Village on May 15, 2022, as described below.

127. On May 5, 2022 at 10:44, four RCMP officers attended at the Gidimt'en Checkpoint. Three entered camp after reading from a prepared script at the entrance. The officers walked around the site, behind the cabin and into the woods, and turned around and came back out.

128. At 15:07, five RCMP officers entered the Gidimt'en Checkpoint, walked through camp, and took photographs. One officer looked into an open, small green tent with clothing in it.

129. At 20:27, four RCMP arrived at the Gidimt'en Checkpoint. Three entered the site and two officers walked around the gardens and children's playground. They continued around the camp and towards the outhouse behind the cabin.

130. Three hours later, at 23:42, a Forsythe security employee pulled up outside the Gidimt'en Checkpoint and shone lights through the window of an outbuilding near the gate. He refused to identify himself to residents and was heard communicating with the RCMP.

131. On May 7, 2022 at 10:55, six RCMP officers in three vehicles arrived at the Gidimt'en Checkpoint. One officer read from the Injunction. The officers walked through the site and were told they were unwelcome, and needed to leave. The officers continued to walk through the site.

132. At 14:34, four RCMP vehicles parked in front of the Gidimt'en Checkpoint. Eight RCMP officers exited the vehicles and read from a prepared script. One officer stayed near the gate, and the rest walked through the site, by the cabin, the spirit fire, the kitchen, and into the woods behind the outhouse. As the officers were leaving, a guest of the Gidimt'en Checkpoint arrived. The officers demanded to see the guest's licence and registration.

133. Later that day, at 20:52, six RCMP officers arrived back at the Gidimt'en Checkpoint. Five officers entered and walked through near the cabin, the gardens, and the outhouse. The officers recorded a resident and asked the resident for information about who was there.

134. Less than three hours later, at 23:37, three RCMP vehicles parked in front of the Gidimt'en Checkpoint. Seven RCMP officers exited the vehicle and all but one entered the site, and read from a prepared script. Officers walked behind an RV, another behind the kitchen, and another group went behind the cabin into the forest.

135. On May 9, 2022 at 14:17, three RCMP vehicles parked in front of the Gidimt'en Checkpoint. Five officers left their vehicles, and a Forsythe security vehicle then pulled up between the police officers and residents of the Gidimt'en Checkpoint who were observing. The Forsythe employees inside the vehicle were filming the two residents. A fourth RCMP vehicle then arrived carrying two additional officers. The residents asked the officers to leave. The officers read from a prepared script. All seven officers entered the Gidimt'en Checkpoint, walking to the gardens, the outhouse, and the kitchen. One officer was filming.

136. Later that day, at 15:30, the plaintiff Ms. Wickham was driving with her husband and young children when she was pulled over by a C-IRG vehicle at 41 km along the Morice FSR. An officer asked for Ms. Wickham's licence and registration. Ms. Wickham inquired as to the reason she was stopped. The officer referred to an unrelated matter and demanded Ms. Wickham provide her phone number.

137. After this incident, Ms. Wickam continued along the Morice FSR to Lamprey Village. Near the village, she was pulled over again by two RCMP officers, and threatened with various traffic offenses. The officers later informed Ms. Wickham they had made an error and released her.

138. That evening, at 20:14, four RCMP vehicles arrived at the Gidimt'en Checkpoint. The officers read from the prepared script as soon as they saw a resident. The officers did a walkthrough the site as far as the outhouse behind Ms. Williams and Mr. Bazil's cabin. The officers then got into their vehicles and stopped to speak to Forsythe security.

139. Also on May 10, 2022 at 13:29, six RCMP officers returned and came into the Gidimt'en Checkpoint. They read from their prepared script and walked through the site, looking into windows of private buildings.

140. At 20:32, four RCMP officers returned, read from the prepared script, and walked through the Gidimt'en Checkpoint and around the spirit fire.

141. On May 11, 2022, six RCMP officers arrived at the Gidimt'en Checkpoint in four vehicles. Ms. Williams explained to the officers that it was her birthday and there were going to be ceremonies throughout the day. She made it clear the officers would be intruding, but the officers entered and did a walk-through. At 20:44, three officers returned and conducted another walk-through of the site.

142. On May 12, 2022 at 12:36, three RCMP officers arrived on foot at Lamprey Village, where work to build the new Feast Hall had commenced. The officers spoke to residents and referred to the site as a "public park". The officers threatened to cut any locks placed on the gate.

143. The following day, on May 13, 2022 at approximately 13:00, three RCMP officers arrived at Lamprey Village in two vehicles. The officers walked up to a house and approached a resident. The resident asked the officers to leave. One of the officers threatened the resident with arrest. Officers took photos and attempted to seize property, including a notebook. An officer grabbed the resident and threatened her with arrest after she attempted to retrieve the notebook.

144. RCMP also attended the Gidimt'en Checkpoint twice on May 13 and walked through the site.

145. On May 14, 2022 RCMP officers attended Lamprey Village twice, at 10:48 and again at 20:35. On both occasions, officers walked around the site and the residential buildings there. During the encounter at 20:35, one of the six officers read from the prepared script. The officers filmed the doors and windows of the residential buildings.

146. Also on May 14, RCMP officers attended the Gidimt'en Checkpoint at 10:42, and again at 20:25. Officers read from the prepared script and walked around the site.

147. On May 15, 2022 a ceremony was held at Lamprey Village for the building of the new Feast Hall. The May 5, 2022 letter from Dini ze' Woos was posted at the gate at Lamprey Village Site.

148. Later that day, at 15:00, three vehicles of Wet'suwet'en women and children, including Ms. Wickham and Ms. Williams, were en route to a family member after attending the Feast Hall opening and learning of a death in the family. Six RCMP vehicles were lined up on the side of the road at 28KM and pulled them over. When asked why she had been stopped, Ms. Wickham was told that the officers needed to check her licence. The women were eventually allowed to proceed. During this interaction, other vehicles, including vehicles owned by CGL, were allowed to pass through without being stopped.

149. At 16:37, 12 RCMP officers in seven vehicles arrived at Lamprey Village. Two stayed on the road, two stayed at the top of the driveway, two came further down the driveway towards two residences, and two went to the fire from the earlier ceremony. They left ten minutes later.

150. The following day, May 16, 2022 at 8:54, four RCMP officers confronted Ms. Williams at the Gidimt'en Checkpoint. Ms. Williams told them not to enter and blocked the driveway with her walking stick. The officers walked through the site to the cabin and back. One officer was heard to ask another, "Did you get all the plates?", as they turned to leave.

151. Two hours later, at 10:48, five RCMP officers returned to the Gidimt'en Checkpoint again to confront Ms. Williams and other residents and guests. An officer read from the prepared script. The officers walked through the site and then left for Lamprey Village.

152. At 10:57, the same officers arrived at Lamprey Village. One officer stopped to read Dini ze' Woos' May 5, 2022 letter posted at the gate. Three officers entered the site, walking around the residences. An officer read the prepared script to Ms. Wickham's husband, who was at the fire with their young daughter.

153. Later that day, at 14:40, eight RCMP officers in four vehicles returned to Lamprey Village. They entered the site, walked around, and read from the prepared script. The officers then left for the Gidimt'en Checkpoint.

154. At 14:52, the officers arrived at the Gidimt'en Checkpoint and walked around the site, including the sacred fire, and took photographs. They left after about ten minutes, only to return 20 minutes later, looking around the site and into a tent.

155. The next day, May 17, 2022, members of the Gidimt'en Clan, including Dini ze' Woos and Ms. Wickham, wrote to the Ministry of the Environment to confirm that Lamprey Village was being used for cultural purposes by the Gidimt'en Clan, and that it is closed to the public.

156. At 10:36 on May 17, approximately five RCMP officers in three vehicles attended at the Gidimt'en Checkpoint, walking around the site, an outhouse, and the sacred fire.

157. An hour later, at 11:38, five officers in three vehicles arrived at Lamprey Village. One officer read from the prepared script at the gate. Four officers then proceeded to walk onto the site, recording the Feast Hall construction activities.

158. Four hours later, at 14:26, five officers in three vehicles returned to Lamprey Village. Ms. Wickham's husband was at the Feast Hall site with their six-year-old daughter, and he asked the officers to leave. The officers video-recorded him and his child and proceeded onto the site. Officers refused to provide an explanation for their attendance.

159. At 14:39, multiple RCMP officers arrived at the Gidimt'en Checkpoint. Ms. Williams and Ms. Wickham informed the officers they were unwelcome. The officers insisted they needed to be present to ensure no one was in breach of their bail conditions. An officer then accused Ms. Wickham of being in breach of her bail conditions and demanded that she tell him what she was doing on the site. Officers then proceeded into the site and did a walk-through.

160. On May 18, 2022, at 09:25 seven RCMP officers in four vehicles arrived at the Gidimt'en Checkpoint. An officer read from the prepared script at the top of the driveway, and the officers proceeded on site. One officer told a resident to "shut up" after the resident informed him he was unwelcome. The officer proceeded to film the interaction and threatened the resident with arrest.

161. Later that day, at 13:54, four RCMP officers attended Lamprey Village. An officer read the prepared script at the gate. Residents informed officers the officers were unwelcome. The officers proceeded onto the site to surveil the activities taking place.

162. At 14:03, the same officers then attended the Gidimt'en Checkpoint. An officer read from a prepared script. The officers did a walk-through onto the site.

163. On May 20, 2022, at 12:00, three RCMP officers attended at the Gidimt'en Checkpoint and then Lamprey Village.

164. On May 21, 2022, at 10:15, eight RCMP officers in four vehicles attended first at Lamprey Village and then the Gidimt'en Checkpoint.

165. On May 22, 2022, at 15:00, 10 RCMP officers in five vehicles first attended the Gidimt'en Checkpoint and then Lamprey Village.

166. On May 23, 2022, at 09:15, nine RCMP officers in five vehicles attended at both the Gidimt'en Checkpoint and then Lamprey Village. They returned at approximately 13:15.
167. On May 24, 2022 seven RCMP officers in four vehicles attended twice at the Gidimt'en Checkpoint, first at 8:24 and then again at 13:44.
168. On May 25, 2022 six RCMP officers in four vehicles attended at both the Gidimt'en Checkpoint and then Lamprey Village at approximately 09:30, and then again at the Gidimt'en Checkpoint at 12:30.
169. On May 26, 2022, at 09:30, seven RCMP officers in four vehicles attended at both the Gidimt'en Checkpoint and then Lamprey Village.
170. On May 27, 2022, at 13:23, seven RCMP officers in four vehicles attended at the Gidimt'en Checkpoint.
171. On May 28, 2022, at 08:30, six RCMP officers in four vehicles attended at both the Gidimt'en Checkpoint and Lamprey Village.

#### **THE FORSYTHE CAMPAIGN**

172. Since at least February 2022, Forsythe has been hired under a contract with CGL to provide security and private surveillance services along the Morice FSR (the "Forsythe Contract"). Under the Forsythe Contract, Forsythe was a servant of CGL, and its actions, so far as they are material to this proceeding, were expressly or impliedly authorized by CGL.
173. In carrying out the services under Forsythe Contract, Forsythe has engaged in its own campaign of intimidation and harassment targeting the Plaintiffs, their allies, other residents of the Gidimt'en Checkpoint and Lamprey Village, and members of the Gidimt'en Clan more generally (the "Forsythe Campaign").
174. In alignment with the C-IRG Campaign, the Forsythe Campaign has been and continues to be intended to force or encourage the Plaintiffs and others to leave the Gidimt'en Checkpoint and Lamprey Village, to abandon their ancestral territory and cultural practices, and to permit CGL to advance the Pipeline Project unencumbered and without oversight or monitoring by the people on whose traditional territory the Pipeline Project is being built.
175. The Forsythe Campaign has predominantly focused on the residents and guests of the Gidimt'en Checkpoint and Lamprey Village, including the Plaintiffs, but has affected the conduct of all persons travelling or intending to travel along the Morice FSR.

176. The Forsythe Campaign has included the following tactics which have been and continue to be employed on a regular and frequent basis against the Plaintiffs and others:

- a. Forsythe employees posing as security guards and surveillance personnel stationed along the Morice FSR around the clock, seven days per week, creating an environment of constant surveillance and intimidation;
- b. Forsythe employees stationing themselves directly outside the Gidimt'en Checkpoint and Lamprey Village, monitoring and surveilling all activity in and around the sites, visitors and residents coming and going, including cultural activities;
- c. Forsythe employees using covert and overt videorecording devices and other equipment to record all activity in and around the sites, visitors and residents coming and going, including cultural activities;
- d. Forsythe employees filming children who are visiting or residing at the Gidimt'en Checkpoint and Lamprey Village;
- e. Forsythe employees equipped with police-style clothing and equipment routinely intimidating and harassing residents and visitors including the Plaintiffs, by their presence, and by their words and actions;
- f. Forsythe employees routinely following the Plaintiffs and others in vehicles along with Morice FSR to and from the Gidimt'en Checkpoint and Lamprey Village, sometimes for up to 50 kilometers into the nearby townships; and
- g. Forsythe employees surreptitiously videorecording the Plaintiffs and their allies in areas far from the Gidimt'en Checkpoint and Lamprey Village, including in nearby townships, at people's homes, at the airport, and elsewhere.

177. There are no lawful or reasonable bases for the conduct of Forsythe employees described above. The Forsythe Campaign is designed to harm the Plaintiffs, and others, in a manner that benefits CGL, as CGL wants to advance the Pipeline Project unencumbered and without oversight or monitoring by the Plaintiffs and members of the Gidimt'en Clan.

#### **CONSPIRACY INVOLVING CGL AND FORSYTHE**

178. The Forsythe Campaign arises out of an agreement between CGL and Forsythe under which Forsythe will intimidate and harass the Plaintiffs, their allies, and the residents and visitors of the Gidimt'en Checkpoint and Lamprey Village. Forsythe has been paid by CGL under this agreement, and Forsythe has taken concerted action pursuant to that agreement. Forsythe's actions have been

intended to cause damage to the Plaintiffs, and they have caused damage to the Plaintiffs. CGL and Forsythe knew or reasonably ought to have known the Forsythe Campaign would cause damage to the Plaintiffs.

179. CGL, through its employees and agents, has actively directed the Forsythe Campaign by providing instructions to Forsythe. CGL dictates the overriding policy behind the Forsythe Campaign, while Forsythe is responsible for operational, day-to-day decisions on how that policy is carried out.

180. CGL has at all times been fully aware of the Forsythe Campaign, as described above, including the operational decisions being made by Forsythe employees, and has approved of the Campaign and those decisions.

### CONSPIRACY INVOLVING CGL, FORSYTHE AND THE POLICE DEFENDANTS

181. The C-IRG Campaign arises out of, at least in part, an agreement between Police Defendants, CGL, and Forsythe under which the Police Defendants, including members of the RCMP and C-IRG, will intimidate and harass the Plaintiffs, their allies, and the residents and visitors of the Gidimt'en Checkpoint and Lamprey Village. The Police Defendants have taken concerted action pursuant to that agreement. That action has been intended to cause damage to the Plaintiffs, and it has caused damage to the Plaintiffs. The Police Defendants, CGL and Forsythe ought reasonably to have known the C-IRG Campaign would cause damage to the Plaintiffs.

182. As part of the agreement, Forsythe employees have routinely shared information, video footage and photographs with RCMP officers as part of a joint effort to target the Plaintiffs, their allies, and residents and visitors of the Gidimt'en Checkpoint and Lamprey Village. This information has included the identification of individuals, their activities, whereabouts, and intercepted communications.

183. The C-IRG Campaign has been carried out by the Police Defendants with the full knowledge, cooperation, and assistance of Forsythe and CGL.

### INTIMIDATION

184. The actions taken by the Police Defendants, CGL and Forsythe as part of the C-IRG Campaign and the Forsythe Campaign have included threats of unlawful acts, including threats of false arrest, unlawful detention, assault and battery, and conversion. Those threats have been made by the Police Defendants, CGL and Forsythe, and their employees and agents, with the intention of coercing or compelling the Plaintiffs and others to do something they are unwilling to do, specifically, to vacate the Gidimt'en Checkpoint and Lamprey Village, to refrain from monitoring



the construction of the Pipeline Project, and to refrain from engaging in their cultural practices on their traditional territory.

185. In response to those threats, the Plaintiffs have avoided the Gidimt'en Checkpoint and Lamprey Village, limited their travel in the area, been denied the opportunity to host allies and media, refrained from monitoring the construction of the Pipeline Project, refrained from engaging in their cultural practices, and suffered psychological harm.

186. Accordingly, damages have been suffered by the Plaintiffs as a direct and indirect result of those threats, including general, monetary and psychological damages.

#### MISFEASANCE OF PUBLIC OFFICE

187. The Police Defendants have intentionally abused their powers of investigation, arrest, and enforcement of the Interim Injunction and caused harm to the Plaintiffs and others. Their actions have had no lawful purpose or basis. The Police Defendants have acted unreasonably and excessively, have discriminated against the Plaintiffs on the basis of race, and have acted with malice. The Police Defendants have tried to suppress the Plaintiffs' lawful activity and assertion of Indigenous rights and title.

188. The Police Defendants knew, or reasonably ought to have known, they lacked the legal authority to take the actions particularized above and referred to collectively as the C-IRG Campaign.

189. The Police Defendants knew, or reasonably ought to have known, the actions particularized above, and referred to collectively as the C-IRG Campaign, would cause damages to the Plaintiffs, including general, monetary, and psychological damages. In the alternative, the Police Defendants exhibited a reckless indifference to their authority or to the probable consequences of the C-IRG Campaign.

#### PRIVACY AND PUBLIC NUISANCE

190. The Plaintiffs have a distinct right to use and enjoy the lands on which the Gidimt'en Checkpoint and Lamprey Village have been built, both as members of the Wet'suwet'en Nation and the general public. The C-IRG Campaign and Forsythe Campaign constitute an unreasonable interference with that use and enjoyment of the land, and have caused the Plaintiffs and others significant damages.

191. The C-IRG Campaign and Forsythe Campaign affect all members of the public who seek to travel along the Morice FSR, or to visit or reside at the Gidimt'en Checkpoint and Lamprey Village.

The damages suffered by the Plaintiffs, as members of a Nation that has occupied the land for thousands of years, are even more substantial.

## DAMAGES

192. As a result of the conduct of the Defendants, described above, including the actions taken in furtherance of the C-IRG Campaign and the Forsythe Campaign, the Plaintiffs have suffered and continue to suffer loss and damages.

193. The Defendants' conduct has undermined the Plaintiffs' responsibility and authority over their traditional, unceded territory, and the broader system of Wet'suwet'en governance and law. The Defendants' conduct has put the advancement of genuine reconciliation between the Wet'suwet'en and the Crown at risk. In light of the Plaintiffs' prior history with the Crown, RCMP and non-Indigenous people, the resulting harm is significant.

194. The Defendants' conduct has led to a loss of the Plaintiffs' connection to their land, and a loss of their ability to effectively practise traditional cultural practices, including hunting, trapping, harvesting, fishing, and tanning. It has also led to the loss of intergenerational knowledge transfer, which represents an important aspect of Wet'suwet'en society, social structure and worldview.

195. The Defendants' conduct has led to financial losses for the Plaintiffs, including expenses related to security, monitoring, communication, safety, and transportation, as well as replacement costs of damaged and seized property, and other losses to be proven at trial.

196. The Defendants' conduct has led to psychological harm to the Plaintiffs, including depression, anxiety, post-traumatic stress disorder, sleep loss, headaches and other harms to be proven at trial.

197. The Defendants' conduct has caused the Plaintiffs general damages in addition to those damages particularized above.

## AGGRAVATED DAMAGES

198. The Plaintiffs claim aggravated damages against the Defendants, and each of them. The facts upon which the Plaintiffs rely in support of this claim are as follows:

- a. the actions of the Defendants described herein were sufficiently harsh, reprehensible, and malicious to warrant an award of aggravated damages; and
- b. the actions of the Defendants described herein caused and continue to cause the Plaintiffs humiliation, degradation, anguish and mental distress of such duration and depth as to have had a significant influence on the Plaintiffs' lives.

## PUNITIVE DAMAGES

199. The Plaintiffs claim punitive damages against the Police Defendants, and each of them. The facts upon which the Plaintiffs rely in support of this claim are as follows:

- a. the actions of the Police Defendants described herein were unprovoked, unwarranted and in complete disregard of ordinary standards of morality or decent conduct;
- b. the actions of the Police Defendants described herein show a shocking and callous disregard for innocent members of the public whom the Police Defendants have an obligation to serve and protect;
- c. the Police Defendants acted with an intent to harm the Plaintiffs;
- d. the Police Defendants have targeted the Plaintiffs on the basis of their race, culture and membership within the Gidimt'en Clan of the Wet'suwet'en Nation;
- e. the Police Defendants have not been punished or sanctioned in any way for their actions described herein; and
- f. allowing the Police Defendants to escape punishment or sanction for their shocking and callous behaviour would cause the community's respect for the law and for the administration of justice to be diminished and would, in addition, cause the law and the administration of justice in British Columbia to be brought into disrepute.

## HEALTH CARE COSTS RECOVERY ACT

200. As a direct or indirect result of the injuries suffered by the Plaintiffs that have arisen from the negligence of the defendants, and each of them, the Plaintiffs have required and will continue to require "health care services" as defined by Section 1 of the *Health Care Costs Recovery Act*, R.S.B.C. 2008, c. 27 (the "Act"). Particulars of the cost and nature of the health care services received will be provided when known.

## Part 2: RELIEF SOUGHT

201. The Plaintiffs claim against the defendants, and each of them:

- a. general damages;
- b. special damages;

- c. aggravated damages;
- d. punitive damages;
- e. *Charter* damages;
- f. declarations of *Charter* breaches;
- g. costs, including special or increased costs;
- h. interest pursuant to the *Court Order Interest Act*, RSBC 1996, c 79;
- i. such further and other relief as to this Honourable Court may seem just.

### Part 3: LEGAL BASIS

202. The actions and omissions of the Police Defendants, as described above, constitute the torts of conspiracy, intimidation, misfeasance of public office, private and public nuisance, intentional infliction of mental distress, invasion of privacy, conversion, assault and battery, false arrest, false imprisonment, and trespass.

203. The actions and omissions of Officer #1, Officer #2, and Officer #3, as described above, constitute malicious or wilful misconduct.

204. The actions and omissions of Forsythe and CGL, as described above, constitute the torts of conspiracy, intimidation, private and public nuisance, intentional infliction of mental distress, and invasion of privacy.

205. CGL is vicariously liable for the actions and omissions of Forsythe on the basis that Forsythe has been acting in the course of its contract of employment with CGL as described above.

206. Pursuant to sections 11 and 14 of the *Police Act*, RSBC 1996, c 367, and section 20 of the *Royal Canadian Mounted Police Act*, RSC 1985, c R-10, the defendant Minister is jointly and severally liable for torts committed by provincial constables in the performance of their duties.

207. The actions and omissions of the Police Defendants, as described above, constitute breaches of the Plaintiffs' rights as guaranteed by the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act*, 1982, being Schedule B to the *Canada Act* 1982 (UK), 1982, c. 11 (the "*Charter*").

208. The actions and omissions of the Police Defendants violated the Plaintiffs' rights to freedom of expression guaranteed by section 2(b) of the *Charter*, as the existence of the Gidimt'en Checkpoint and Lamprey Village and the cultural and political practices that take place at and around those sites constitute protected forms of expression.

209. The actions and omissions of the Police Defendants violated the Plaintiffs' rights to security of the person guaranteed by section 7 of the *Charter*, as they had a profound effect on the Plaintiffs' psychological integrity and wellbeing.
210. The actions and omissions of the Police Defendants violated the Plaintiffs' rights not to be subjected to unreasonable search and seizure as guaranteed by section 8 of the *Charter*.
211. The actions and omissions of the Police Defendants violated the Plaintiffs' rights not to be arbitrarily detained or imprisoned guaranteed by section 9 of the *Charter*.
212. The actions and omissions of the Police Defendants violated the Plaintiffs' rights to equality before and under the law and equal protection and benefit of the law guaranteed by section 15 of the *Charter*, as the Police Defendants have discriminated against the Plaintiffs on the basis of race.
213. The Plaintiffs are entitled to monetary damages pursuant to section 24(1) of the *Charter*. Such damages are appropriate and just because they will serve the objectives of (1) compensating the Plaintiffs for the loss and suffering caused by the *Charter* violations; (2) vindicating the Plaintiffs by emphasizing the importance and the gravity of these violations of the Plaintiffs' rights; and (3) deterring state agents from committing future breaches.
214. The Plaintiffs plead and relies on, *inter alia*:
- (a) the *RCMP Act*, RSC 1985, c R-10 and regulations;
  - (b) the *Police Act*, RSBC 1996, c 367 and regulations;
  - (c) the *Criminal Code*, RSC 1985, c C-46 and regulations;
  - (d) the *Negligence Act*, RSBC 1996, c 333 and regulations;
  - (e) the *Constitution Act*, 1982, c 11 (UK), Schedule B;
  - (f) the *Interpretation Act*, RSBC 1996, c 238 and regulations; and
  - (g) the *Crown Liability and Proceedings Act*, RSC 1986, c C-50 and regulations.

Plaintiffs' address for service:

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**Attention: Neil M.G. Chantler**

Fax number for service:

(604) 424-8455

Place of trial: Vancouver, B.C.

The address of the registry is: The Law Courts  
800 Smithe Street  
Vancouver, B.C. V6Z 2E1

Date: June 22, 2022



Counsel for the Plaintiffs  
Neil M.G. Chantler (he/him)  
Frances Mahon (she/her)

This Notice of Civil Claim is filed and delivered by Neil M.G. Chantler of the firm of Chantler & Company, whose place of business and address for delivery is 650-375 Water Street, Vancouver, B.C., V6B 5C6 | Tel: (604) 424-8454

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

## Appendix

### Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The Plaintiffs' claim is for damages caused by the intentional actions and omissions of the defendants, and each of them.

### Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

### Part 3: THIS CLAIM INVOLVES:

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflict of laws
- none of the above

[ ] do not know

**Part 4: STATUTES**

1. the *RCMP Act*, RSC 1985, c R-10 and regulations;
2. the *Police Act*, RSBC 1996, c 367 and regulations;
3. the *Criminal Code*, RSC 1985, c C-46 and regulations;
4. the *Negligence Act*, RSBC 1996, c 333 and regulations;
5. the *Constitution Act*, 1982, c 11 (UK), Schedule B;
6. the *Interpretation Act*, RSBC 1996, c 238 and regulations;
7. the *Crown Liability and Proceedings Act*, RSC 1986, c C-50 and regulations; and
8. the *Health Care Costs Recovery Act*, SBC 2008, c 27.