



Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JANE DOE #1 and JANE DOE #2

Plaintiffs

- and -

RICK DESPATIE a.k.a. RICK WATKINS and OTTAWA CATHOLIC SCHOOL BOARD

Defendants

Proceeding under the *Class Proceedings Act*, 1992

STATEMENT OF CLAIM

TO THE DEFENDANTS:

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

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

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

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

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE. IF YOU PAY THE PLAINTIFF'S CLAIM, and \$10,000.00 for costs, within the time for serving and filing your

statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$5,000.00 for costs and have the costs assessed by the court.

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

Date

Issued by.....

Local Registrar

161 Elgin St 2nd Floor
Ottawa, ON K2P 2K1

TO: RICK DESPATIE a.k.a. RICK WATKINS
24 Sims Avenue
Ottawa, ON, K1Y 3K1

TO: OTTAWA CATHOLIC SCHOOL BOARD
570 W Hunt Club Rd
Nepean, ON K2G 3R4

CLAIM

1. The plaintiffs on their own behalf and on behalf of Class members as defined below (the "Student Class" and the "Family Law Class"), seek an Order pursuant to the *Class Proceedings Act*, 1992 (the "Act"), certifying this action as a Class proceeding and appointing Jane Doe #1 and Jane Doe #2 as the representative plaintiffs for the Student Class and Family Law Class;
2. The plaintiffs on their own behalf and on behalf of Class Members as defined below (the "Student Class" and the "Family Law Class"), **claim as against Rick Despatie, also known as Rick Watkins** (referred to collectively as "Despatie") for the following:
 - (a) Damages for Jane Doe #1 and Jane Doe #2 and the Student Class in the amount of \$50,000,000 for:
 - (i) Sexual assault;
 - (ii) breach of fiduciary duty;
 - (iii) breach of confidence;
 - (iv) breach of trust;
 - (v) and negligence;
 - (b) aggravated damages in the amount of \$25,000,000 or such other amount as fixed by the court;
 - (c) punitive and exemplary damages in the amount of \$25,000,000 or such other amount as fixed by the court;
 - (d) special damages, including lost wages, lost earning capacity, out of pocket expenses and cost of future care suffered by Jane Doe #1 and Jane Doe #2 and the Student Class in an amount to be determined, particulars of which will be provided in advance of trial;
 - (e) damages for the Family Law Class in the amount of \$10,000,000 for loss of care, guidance and companionship, and for special damages incurred by the Family Law Class including lost wages, lost earning capacity, out of pocket expenses and cost of past and future care as a result of the injuries suffered by the Student Class pursuant to s. 61 of the *Family Law Act*, R.S.O. 1990, c. F.3;
 - (f) a declaration that Despatie owed to the Student Class a duty of care, a fiduciary duty and a statutory duty of care, and that he breached these duties by the inappropriate touching, fondling and sexual assault of members of the Student Class;

- (g) a declaration that Despatie is liable to the Student Class and the Family Law Class for damages caused or materially contributed to by the breaches of his fiduciary duty, statutory duty, and common law duty of care;
 - (h) a declaration that Despatie committed the tort of sexual assault as against members of the Student Class while they were in a position of vulnerability and while he exercised power and authority over them;
 - (i) such further and other relief as this Honourable Court may deem just;
3. The plaintiffs on their own behalf and on behalf of Class Members as defined below (the "Student Class" and the "Family Law Class"), **claim as against the Ottawa Catholic School Board** (referred to collectively as the "Board") for the following:
- (a) A declaration that the Board is contractually and/or vicariously liable for all the wrongful acts and/or omissions of Despatie vis a vis Jane Doe #1 and Jane Doe #2 and the Student Class, and liable for all the injuries and damages suffered by them;
 - (b) a declaration that the Board is contractually and/or vicariously liable for the injuries and damages suffered by the Family Law Class arising from the wrongful acts of Despatie vis a vis Jane Doe #1 and Jane Doe #2 and the Student Class;
 - (c) a declaration that the Board was negligent in its operation, management, administration, and supervision and control of St. Matthew Catholic High School in Orléans, Ontario, and in particular, the employment, management, training and supervision of Despatie;
 - (d) a declaration that the Board is liable to Jane Doe #1 and Jane Doe #2 and the Student Class for their negligence in relation to its operation, management, administration, and supervision and control of St. Matthew Catholic High School in Orléans, Ontario, and in particular, the employment, management, training and supervision of Despatie;
 - (e) a declaration that the Board are liable to the Family Law Class for any losses or damages that they have suffered as a result of the injuries suffered by the Student Class members arising from the wrongful acts of Despatie and/or the Board;
 - (f) a declaration that the Board owed and breached its fiduciary, statutory and common law duties to the plaintiffs and the Student Class, the particulars of their duties and breach of duties which are outlined below in this Statement of Claim;
 - (g) a declaration that the Board is liable for the breach of their fiduciary, statutory and common law duties to the plaintiffs and the Student Class;
 - (h) a declaration that the Board is liable for having failed to preserve and maintain crucial documents, emails, records, and other forms of evidence that pertain to prior complaints and reports against Despatie for misconduct. This failure constitutes

spoliation of evidence, which has materially impacted the ability of the plaintiffs and Class Members to pursue justice and accountability in this matter.

- (i) Damages for Jane Doe #1 and Jane Doe #2 and the Student Class in the amount of \$50,000,000 for:
 - (i) Sexual assault;
 - (ii) breach of fiduciary duty;
 - (iii) breach of confidence;
 - (iv) breach of trust;
 - (v) negligence;
 - (vi) breach of the *Occupiers' Liability Act*; and
 - (vii) Spoliation of evidence;
- (j) aggravated damages in the amount of \$25,000,000 or such other amount as fixed by the court;
- (k) punitive and exemplary damages in the amount of \$25,000,000 or such other amount as fixed by the court;
- (l) special damages, including lost wages, lost earning capacity, out of pocket expenses and cost of past and future care suffered by Jane Doe #1 and Jane Doe #2 and the Student Class in an amount to be determined, particulars of which will be provided in advance of trial;
- (m) damages for the Family Law Class in the amount of \$10,000,000 for loss of care, guidance and companionship, and for special damages incurred by the Family Law Class including lost wages, lost earning capacity, out of pocket expenses and cost of future care as a result of the injuries suffered by the Student Class pursuant to s. 61 of the *Family Law Act*, R.S.O. 1990, c. F.3;
- (n) such further and other relief as this Honourable Court may deem just;

As Against all Defendants:

- (o) damages in an amount to be fixed by the Court for the costs of providing notice of certification of this action as a Class proceeding, and for administering the plan of distribution of the recovery of this action;
- (p) such further and other damages as may be incurred by Jane Doe #1 and Jane Doe #2, the Student Class and the Family Law Class from the date hereof until the ultimate

disposition of this matter, particulars of which will be provided to the defendants prior to trial;

- (q) an order directing a reference or giving such other directions as may be necessary to determine issues not determined at the trial of the common issues, in accordance with the plaintiffs' litigation plan or as directed by the court;
- (r) pre-judgment and post-judgment interest compounded annually or pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (s) costs of this action on a full indemnity basis or an amount that provides full indemnity pursuant to the *Victims' Bill of Rights* together with applicable taxes payable pursuant to the provisions of the *Excise Tax Act*, R.S.C. 1985, c. E-15, as amended;
- (t) in the alternative, costs of this action pursuant to the *Courts of Justice Act* or, in the further alternative, on a substantial indemnity basis together with applicable taxes payable pursuant to the provisions of the *Excise Tax Act*, R.S.C. 1985, c. E-15, as amended;
- (u) and such further and other relief as this Honourable Court may deem just.

The Plaintiffs and Class

- 4. Jane Doe #1 and Jane Doe #2 are former students of St. Matthew Catholic High School in Orléans, Ontario. They currently reside in the Province of Ontario.
- 5. Jane Doe #1 and Jane Doe #2 bring this action pursuant to the *Class Proceedings Act*, 1992 on their own behalf and on behalf of students of Despatie and the Board (the "Student Class"), defined as:

All students of the St. Matthew Catholic High School in Orléans, Ontario who were sexually assaulted by Despatie between January 1, 1989 and April 30, 2021.

- 6. Jane Doe #1 and Jane Doe #2 also bring this action pursuant to the *Class Proceedings Act*, 1992 on behalf of the Family Law Class, for the pecuniary and non-pecuniary damages they have suffered arising as a result of the injuries and losses sustained by the Student Class Members, pursuant to the provisions of s. 61 of the *Family Law Act*, R.S.O. C. F.8, as amended, defined as:

All persons who have a derivative claim, in accordance with applicable family law legislation, arising from a family relationship with the Student Class members.

Rick Despatie (referred to as “Despatie”)

7. Rick Despatie, also known as Rick Watkins, to the knowledge of the plaintiffs, is currently a resident in the Province of Ontario.
8. Despatie worked as a teacher for approximately 32 years prior to his arrest.
9. Despatie was employed by the Ottawa Catholic School Board as a teacher, at all material times.
10. Despatie was a member of, employed by, or contracted to provide teaching services to students of the Ottawa Catholic School Board.
11. Despatie was found guilty on four counts each of sexual assault and sexual interference related to allegations from four female students who are members of the Student Class. These students were all under the age of 16 at the time of the offences.

Ottawa Catholic School Board (referred to as the “Board”)

12. The Board, according to its own website, operates 89 schools and learning sites throughout Ottawa and has over 45,000 students.
13. The Board is responsible for what happens at their schools.
14. The Board had responsibility and oversight, at all materials times, over St. Matthew Catholic High School in Orléans, Ontario.
15. The Board was the employer and supervisor of Despatie, at all material times.

THE DEFENDANTS' WRONGFUL CONDUCT

16. Using his authority as a teacher working for the Board, Despatie committed the following acts of sexual assault against Jane Doe #1 and Jane Doe #2 and members of the Student Class:
 - (a) Despatie made inappropriate comments of a sexual nature to members of the Student Class;
 - (b) Despatie would stare and leer at female students, including their chest, buttocks and legs;
 - (c) Despatie inappropriately touched or fondled members of the Student Class, including touching the shoulders, neck, thighs and legs of students;
 - (d) Despatie directed members of the Student Class to sit on his lap;

- (e) Despatie would purposefully drop items on the floor and then request that a female student bend over and pick it up for him, and this was done for his sexual gratification;
 - (f) Despatie placed his hands under the clothing of members of the Student Class;
 - (g) Despatie would unexpectedly enter female changerooms and washrooms for his sexual gratification;
- 17. The Board received numerous complaints and concerns about Despatie but failed or refused to investigate.
 - 18. The Board failed to have adequate policies and training in place to facilitate the making of complaints by members of the Student Class and their families.
 - 19. The Board, and school officials at St. Matthew Catholic High School, actively and aggressively downplayed, diminished and discounted multiple complaints made about Despatie. This was due, in part, to the fact that Despatie had close, personal relationships with these school officials, including John Purificati.
 - 20. The Board, and school officials at St. Matthew Catholic High School had the best opportunity to investigate complaints about Despatie, but refrained from conducting any investigation, or taking any steps to determine if the complaints were well-founded.
 - 21. The Board failed to preserve and maintain crucial documents, emails, records, and other forms of evidence that pertain to prior complaints and reports against Despatie for misconduct. This failure constitutes spoliation of evidence, which has materially impacted the ability to pursue justice and accountability in this matter.
 - 22. The Board had a duty to preserve relevant evidence when it became aware of complaints against Despatie. It is alleged that this duty was not fulfilled.
 - 23. The Board had, in its possession, care and control, pertinent documents, including but not limited to emails, internal communications, reports of misconduct, and investigative files, regarding prior complaints about Despatie, and these documents were either destroyed or not adequately preserved. The absence of these documents significantly impedes the ability to establish a comprehensive understanding of the extent of the Board's knowledge and response to the allegations against Despatie, which is essential for this legal proceeding.
 - 24. The Board failed to properly train its staff about the proper steps to take upon receiving complaints of misconduct by a teacher, including educating its staff on the legal requirements of reporting alleged sexual assault or abuse by a teacher.

Particulars of the Plaintiff Jane Doe #1 Encounter with Despatie

- 25. In September 2016, St. Matthew Catholic High School placed Jane Doe #1 in Despatie's grade 7 math class.

26. In the beginning of the school year in 2016, Jane Doe #1 attended math class everyday taught by Despatie.
27. Despatie also attended Jane Doe #1's gym class, which he was not scheduled to teach.
28. Despatie also attended Jane Doe #1's morning period class, which he was also not scheduled to teach.
29. Within the first few months of school, Despatie isolated Jane Doe #1 from her peers and subjected her to intimate one-on-one conversations and interactions, during which time Despatie inappropriately touched her thighs, breasts and neck. Despatie massaged Jane Doe #1's shoulders and touched her collarbone under her shirt. Despatie also made inappropriate comments of a sexual nature towards Jane Doe #1.
30. Despatie also inappropriately touched or made comments of a sexual nature towards Jane Doe #1 in front of her peers in the math class. He pressed his chest into her back during class.
31. Upon the first inappropriate and non-consensual interaction with Despatie, Jane Doe #1 telephoned her mother, who reported the incident with Vice Principal John Purificati who failed to conduct an investigation or report the complaints to the school board or police.
32. As a result of Despatie's conduct and St. Matthew Catholic High School's negligence, Jane Doe #1 stopped attending the grade 7 math class and would sign out of the period by speaking with the St. Matthew Catholic High School secretary.
33. As a result of Despatie's conduct and St. Matthew Catholic High School's negligence, Jane Doe #1 switched high schools at the end of the 2016-2017 school year.

Particulars of the Plaintiff Jane Doe #2 Encounter with Despatie

34. In September 2014, St. Matthew Catholic High School placed Jane Doe #2 in Despatie's grade 7 math class.
35. In the beginning of the school year in 2014, Jane Doe #2 attended math class everyday taught by Despatie. Her math class was the first class of the school day.
36. Jane Doe #2's high school locker was located outside of Despatie's classroom.
37. With the first month of school, Despatie made Jane Doe #2 feel uncomfortable through unwanted and non-consensual touching and inappropriate comments of a sexual nature in front of her peers in the math class. Despatie inappropriately touched her thighs, breasts and neck. He pressed his chest into her back during class.
38. Despatie massaged Jane Doe #2's shoulders and touch her collarbone under her shirt.
39. In grade 7, Jane Doe #2 had over 100 missed days for Despatie's math class alone.

40. Despite missing Despatie's math class, Despatie isolated Jane Doe #2 at her locker during the other periods of the school day and inappropriately touched and made comments to Jane Doe #2.
41. Due to Despatie's conduct and St. Matthew Catholic High School's negligence, towards the end of the 2014-2015 school year, Jane Doe #2 stopped attending school all together.
42. Due to Despatie's conduct and St. Matthew Catholic High School's negligence, Jane Doe #2 failed grade 7 math that school year.
43. Jane Doe #2 reported Despatie's conduct to the school principal, Debbie Clark, who failed to conduct an investigation or report the complaints to the school board or police.
44. Jane Doe #2 reported Despatie's conduct to Vice Principal John Purificati and the guidance counsellor, who failed to conduct an investigation or report the complaints to the school board or police.

LIABILITY OF DESPATIE

45. Jane Doe #1 and Jane Doe #2 and the members of the Student Class trusted Despatie and the Board because they were in a vulnerable position as minors and students.
46. As an adult, teacher, and employee of the Board, Despatie enjoyed a special position of power, authority, and trust vis-a-vis Jane Doe #1 and Jane Doe #2. and members of the Student Class, all of whom were minors when they first met Despatie.
47. At all material times, Despatie owed Jane Doe #1 and Jane Doe #2 and the Student Class a duty of care and a fiduciary duty to act in their best interests and not abuse his dominant position in relation to them, nor exploit their vulnerabilities or dependency on him, nor betray the trust they reposed in him, nor otherwise act disloyally towards them by placing his own selfish interests ahead of theirs.
48. By making sexually inappropriate comments and by inappropriately touching and/or fondling Jane Doe #1 and Jane Doe #2 and members of the Student Class, Despatie committed the tort of sexual assault, and breached his fiduciary duty and the duty of care that he owed to Jane Doe #1 and Jane Doe #2 and the Student Class.

LIABILITY OF THE BOARD

49. At all material times, the Board owed a special, elevated duty to Jane Doe #1 and Jane Doe #2 and members of the Student Class, pursuant to which it was obligated to take all reasonable steps to safeguard their welfare, safety and well-being. As such, at all material times the Board owed Jane Doe #1 and Jane Doe #2 and the other members of the Student Class a duty of care and a fiduciary duty to protect them from Despatie's wrongful conduct.

50. By employing Despatie and permitting him to teach Jane Doe #1 and Jane Doe #2 and members of the Student Class unsupervised, the Board vested Despatie with power and authority over Jane Doe #1 and Jane Doe #2 and the members of the Student Class. As such, the Board placed Despatie in a position that enabled him to engender the trust and compel the obedience of Jane Doe #1 and Jane Doe #2 and the Student Class.
51. As the relationship between Despatie and the Board was sufficiently close, and Despatie's wrongful conduct was sufficiently connected to conduct authorized by the Board, the Board is vicariously liable for Despatie's breach of his fiduciary duty towards Jane Doe #1 and Jane Doe #2 and the Student Class, as well as for Despatie's sexual assaults and other tortious conduct.
52. In addition, the Board is directly liable to Jane Doe #1 and Jane Doe #2 and the Student Class in negligence, breach of fiduciary duty, and occupiers' liability. It was an explicit and/or implied term of their agreement to attend the St. Matthew Catholic High School that the Board and the school would take all reasonable steps to safeguard their safety, security and well-being while attending the school.
53. The Board owed Jane Doe #1 and Jane Doe #2 and members of the Student Class a duty of care and a fiduciary duty to protect them from foreseeable harm and injury caused by Despatie.
54. The Board had a duty to act loyally and never put its own interests ahead of the interests of the Student Class.
55. By employing Despatie and continuing to employ Despatie when it knew, ought to have known or was wilfully blind to his wrongful acts, the Board breached these duties and is therefore liable to the Class Members. Particulars of these breaches include:
 - (a) failing to conduct any, or adequate, investigations into complaints that Despatie had engaged in inappropriate conduct, towards members of the Student Class;
 - (b) failing to implement any, or adequate, screening systems to determine and ensure the appropriateness of its employees, including Despatie;
 - (c) failing to adequately train, supervise, and counsel its employees, including Despatie;
 - (d) failing to implement any, or adequate, guidelines or directives about the importance of maintaining proper boundaries between teachers and students;
 - (e) failing to investigate and monitor on an ongoing basis the suitability of its employees, including Despatie, and to take necessary or sufficient steps to detect, prevent, or stop all inappropriate conduct by Despatie towards members of the Student Class;

- (f) failing to implement any, or adequate, mechanisms to enable students, including Jane Doe #1 and Jane Doe #2 and the Student Class, to come forward with complaints relating to the conduct of its employees, including Despatie.
56. At all material times, the Board owned and/or had physical control over the facilities where Despatie worked as a teacher, including St. Matthew Catholic High School. As such, it was responsible for the safety and condition of the premises, including the acts of individuals permitted to use the premises, and owed an affirmative duty of care to ensure that entrants and users of the premises, including Jane Doe #1 and Jane Doe #2 and the Student Class, were safe. By failing to take reasonable steps to ensure the safety and security of the school facilities for Jane Doe #1 and Jane Doe #2 and the Student Class, the Board breached its duty in this regard including the *Occupiers' Liability Act*. Consequently, the Board is liable to Jane Doe #1 and Jane Doe #2 and the Student Class for any harms and injuries arising from Despatie's misconduct at the Board's facilities.

DAMAGES

57. As a result of the defendants' wrongful conduct pleaded herein, it was reasonably foreseeable that injury and harm would be suffered by Jane Doe #1 and Jane Doe #2 and members of the Student Class.
58. As a result of the defendants' wrongful conduct pleaded herein, Jane Doe #1 and Jane Doe #2 and the Student Class have suffered and/or continue to suffer the following harm and injuries, which have caused or materially contributed to their ongoing pain, suffering and loss of enjoyment of life:
- (a) emotional, physical and psychological harm;
 - (b) impairment of mental and emotional health and well-being;
 - (c) intense anguish, humiliation, shame and self-blame;
 - (d) chronic anxiety, as well as profound and occasionally overwhelming depression;
 - (e) suicidal ideation and other self-injuring behaviour;
 - (f) post-traumatic stress disorder or symptoms analogous to post-traumatic stress disorder, including panic attacks;
 - (g) profound issues with trust and authority figures, which have created difficulty in their interpersonal relationships and employment;
 - (h) alcohol and substance abuse;
 - (i) difficulties engaging in intimate sexual relationships;

- (j) difficulties with emotional regulation;
 - (k) eating disorders, and difficulties with body-image;
 - (l) recurrent nightmares, night terrors, and sleep disturbances;
 - (m) difficulties with memory, concentration, and clear thinking;
 - (n) intense flashbacks;
 - (o) a general loss of enjoyment of life; and
 - (p) such further and other harms and injuries as shall be discovered and/or particularized.
59. As a result of these harms and injuries, Jane Doe #1 and Jane Doe #2 and the Student Class have required and/or will require ongoing therapy, counselling and treatment. They claim the cost of both past and future therapy, counselling and treatment, as well as any other expenses arising from the defendants' wrongful conduct.
60. As a result of the harms and injuries suffered by Jane Doe #1 and Jane Doe #2 and the Student Class, the Family Law Class have suffered loss of care, guidance and companionship of Jane Doe #1 and Jane Doe #2 and the Student Class. They also required and or will require ongoing therapy, counselling and treatment. They claim the cost of both past and future therapy, counselling and treatment, as well as any other out of pocket expenses and loss of income arising from the defendants' wrongful conduct.
61. As a result of the defendants' wrongful conduct, Jane Doe #1 and Jane Doe #2 and the Student Class never reached their true academic or vocational potential, and/or experienced a delay of entry into the workforce and/or have further experienced a disrupted and unstable employment history. Jane Doe #1 and Jane Doe #2 and the Student Class have therefore suffered economic loss in the form of lost income, lost economic opportunity, and loss of competitive advantage.
62. As a result of the defendants' wrongful conduct, Jane Doe #1 and Jane Doe #2 exhibited self-harming behaviours, including wrist cutting and attempted suicide.
63. In caring for Jane Doe #1 and Jane Doe #2 and the Student Class for the harms and injuries they have suffered, the Family Law Class have suffered and will suffer loss of income, lost economic opportunity and loss of competitive advantage.
64. The defendants are jointly and severally liable for the damages which they caused or materially contributed to in respect of the plaintiff and the Student Class.

AGGRAVATED, EXEMPLARY AND PUNITIVE DAMAGES

65. The selfish, high-handed and callous conduct of the defendants warrants condemnation of the Court through awards of both aggravated, exemplary and punitive damages.

66. The prolonged, intrusive and exploitative nature of the mistreatment to which Jane Doe #1 and Jane Doe #2 and the Student Class were subject at the hands of Despatie, who showed no regard for their bodily integrity or emotional wellbeing, represented a willful betrayal of their trust and vulnerabilities and was of such a serious nature as to justify an award of both aggravated, exemplary and punitive damages against Despatie.
67. In addition to being vicariously liable for the harm and injuries caused by Despatie, an award of aggravated, exemplary and punitive damages is justified against the Board in its own right, given its actual or constructive knowledge of the risk of harm and injury which Despatie presented to Jane Doe #1 and Jane Doe #2 and the Student Class, their complicity and/or willful blindness towards Despatie's ongoing wrongdoing, and their failure to prevent and/or mitigate the effects of this wrong-doing through appropriate and timely investigations, interventions, and/or support.
68. The defendants are jointly and severally liable for the aggravated, exemplary and punitive damages owed to Jane Doe #1 and Jane Doe #2 and the Student Class for the prolonged and abhorrent nature of their collective actions, including their callous disregard for the physical and mental health and wellbeing of Jane Doe #1 and Jane Doe #2 and the Student Class, putting their own personal interests ahead of those of Jane Doe #1 and Jane Doe #2 and the Student Class.

STATUTES RELIED UPON

69. The plaintiff and Class Members plead and rely upon:
- (a) The *Negligence Act*, R.S.O. 1990, c. N.1;
 - (b) The *Occupiers' Liability Act*, RSO 1990, c O.2;
 - (c) The *Limitations Act, 2002*, S.O. 2002, c. 24, Sched. B, as amended;
 - (d) The *Victims' Bill of Rights*, 1995, S.O. 1995, c. 6;
 - (e) The *Canadian Victims Bill of Rights*, S.C. 2015, c. 13;
 - (f) The *Criminal Code*, R.S.C., 1985, c. C-46.
70. The Plaintiff proposes that this action be tried in Ottawa, Ontario.

Date of Issue:

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Members

JANE DOE #1 and JANE DOE #2

and

**RICK DESPATIE and OTTAWA CATHOLIC SCHOOL
BOARD**
Defendant

Plaintiffs

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding under the *Class Proceedings Act, 1992*,
SO 1992, c 6, as amended

Proceeding commenced at OTTAWA

STATEMENT OF CLAIM

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