

FEDERAL COURT

B E T W E E N:

CAITLIN ALEXANDER, MELANIE HATTON, CIERAN SHEARD, GENNA MANDICH,
VIVIENNE DECARLO represented by her guardian ad litem JENNIFER KAPLAN, HEATHER
MCARTHUR, DAN JENNINGS, KELLY FLEMING, ALEXA BARKLEY, ANNA PITA,
ERICA OROFINO, BRIAN SWEENEY, JANE DOE 1, and JANE DOE 2

PLAINTIFFS

- and -

HIS MAJESTY THE KING IN RIGHT OF CANADA and THE ATTORNEY GENERAL OF
CANADA

DEFENDANTS

STATEMENT OF CLAIM

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

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served 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 for serving and filing your statement of defence is sixty days.

Copies of the *Federal Court Rules* information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613.992.4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Date: March 31, 2025

Issued by: _____
(Registry Officer)

Address of local office: Federal Court
 90 Sparks St,
 Ottawa ON K1A0H9

TO: His Majesty the King in Right of Canada

AND TO: Office of the Deputy Attorney General of Canada
 284 Wellington Street
 Ottawa, Ontario K1A 0H8

CLAIM

1. The Plaintiffs claim as follows:
 - a. an order declaring that the Defendants have unjustifiably infringed and continue to unjustifiably infringe the Plaintiffs' rights under s. 7 of the *Canadian Charter of Rights and Freedoms* (the "**Charter**");
 - b. an order declaring that s. 28 and s. 29 of the *Canadian Victims Bill of Rights*, S.C. 2015, c. 13, s. 2 ("**Bill**"), infringe on the Plaintiffs' s. 7 *Charter* rights;
 - c. an order that the infringing provisions of the *Bill* be struck out under s. 52(1) of the *Constitution Act*, 1982;
 - d. an order declaring that the Defendants have a constitutional obligation to adopt and diligently implement laws, policies, and regulations that are designed to protect not just the accused person's s. 11(b) rights, but also the victim's s. 7 rights;
 - e. an order declaring that the defendants have breached and continue to breach their obligation under (d);
 - f. Damages pursuant to s. 24(1) of the *Charter* in the estimated amount of \$15,000,000.00 arising from the Defendants' breaches of s. 7 of the *Charter*;
 - g. an order retaining jurisdiction over this action until the Defendants have fully complied with the orders of this Court;
 - h. costs, including special costs on a full indemnity basis and applicable taxes on those costs; and
 - i. such further and other relief as this Honourable Court deems just.

FACTS

A. The Parties

2. The Plaintiffs are individuals residing across Canada and the United States of America who have been victims of sexual assault (“SA”) and/or intimate partner violence (“IPV”). They have been and will continue to be exposed to threats and fear of violence and harassment, interfering with their physical and psychological integrity and their ability to make fundamental life choices because of the *Jordan* law and ss. 28 and 29 of the *Bill*. The Plaintiffs have been deprived of their right to trial fairness and natural justice.
3. The Plaintiffs will continue to bear a disproportionate share of the burden and effects of *Jordan* law and ss. 28 and 28 of the *Bill*. Specific impacts to the Plaintiffs are described below.
4. Each of the Plaintiffs have constitutional rights that have been and will continue to be unjustifiably interfered with by the Defendants’ use and recognition of the *Jordan* law and existence of ss. 28 and 29 of the *Bill*.
5. Each of the Plaintiffs have a demonstrated, serious and genuine interest in the subject matter of this litigation. This claim is, in all of the circumstances, a reasonable and effective way to bring the issue before the courts for reasons that include:
 - a. the claim raises issues that transcend the interests of the Plaintiffs and clearly impact all individuals subjected to intimate partner and sexual violence and rely on the court system to obtain justice and be protected;
 - b. the Plaintiffs have the support of non-profit organizations and lawyers who have the expertise, resources and commitment to see their claim through

and who will ensure that their claim will be presented in a sufficiently concrete and well-developed factual setting; and

c. it is not reasonable to expect other victims of intimate partner and sexual violence to have to bring their own claims.

6. The Defendant, His Majesty the King in Right of Canada, is named pursuant to s. 48 of the *Federal Courts Act* and the corresponding Schedule, and all references to the defendant, the Crown, or HMTQ in this claim include the Government of Canada.
7. The Defendant, the Attorney General of Canada, is named pursuant to the *Department of Justice Act*, R.S.C. 1985, c. J-2, and the *Crown Liability and Proceedings Act*, R.S.C. 1985, c. C-50.

B. The *Jordan* Law

8. The *Jordan* law became a part of common law in 2016 and arose from The Supreme Court of Canada (“SCC”) decision of *R v. Jordan*. It imposes a “presumptive” ceiling of 18 months between charge and the actual or anticipated end of a trial in provincial court, and 30 months in superior courts. Barring “exceptional circumstances”, exceeding those limits were deemed by the SCC to breach the *Charter* s. 11 (b), which requires that criminal defendants “be tried within a reasonable time.”
9. The SCC in *Jordan* acknowledged the risks of imposing judicially created time limits in s.11(b) cases. They emphasized that such limits should be set through legislation and grounded in factual evidence. However, the Federal Government has yet to effectively implement any such measures or consider any relevant factual evidence that has been raised from the *Jordan* decision.

10. The *Jordan* decision alongside the Defendants' failure to implement any relevant legislation guiding the decision has had a devastating impact on survivors of SA and IPV. Across the country. Hundreds of charges have been stayed or dropped due to the Federal Government's failure to implement legislation grounded in existing facts and address the backlog crisis in the court system as well as the many other deficiencies in the court system that have resulted in the denial of justice for victims.
11. Key facts include that nearly half of the female population experience IPV in their lifetime, and one in four women will face severe forms of IPV, such as physical assault, sexual assault, and stalking. Sexual violence is even more prevalent—one in three women will experience some form of sexual violence during their lifetime. In Canada, the majority of IPV and SA cases take over 30 months to be resolved.
12. As a result of the *Jordan* law, over 56% of cases are stayed due to trial delays exceeding the 18 or 30-month time limits. Significantly, 30% of IPV cases are also stayed, highlighting a critical issue for victims. Moreover, SA and IPV cases make up half of the cases in the Canadian criminal justice system but only 5% of the cases result in a conviction. The impact of the *Jordan* law, without any guiding legislation, on victims is profound and cannot be overlooked. It adds another barrier to the many barriers to accessing justice already existing for victims. These are facts that have been widely publicized by the media and brought to the Defendants' attention through action of non-for-profit organizations, such as EVE. This is an issue that the Federal Government is well aware of.
13. Compared to other similar nations, Canada's ability to seek and obtain justice for victims of IPV and SA is dismal.

14. In the UK, the average time to reach trial for a SA charge is approximately 8-12 months.
15. In Australia, SA and IPV cases are generally processed within 9-15 months.
16. In Germany, SA cases typically reach trial within 6-12 months.
17. The Defendants, who have responsibility for implementing legislation that shapes common law, appointing judges, and administering the courts, share responsibility for the delays, stays, dismissals, and resulting miscarriages of justice experienced by the Plaintiffs and victims everywhere. As a result, victims have been and continue to be egregiously denied justice, and those accused of serious violent crimes walk free.

C. The *Bill* and the *Charter*

18. The *Bill* was enacted to provide victims of crime with statutory rights to information, protection, participation, and restitution. In enacting the *Bill*, the Defendants explicitly recognized that victims have certain rights and implicitly acknowledged that the justice system was failing to uphold those rights.
19. Despite its intent to empower victims, the Plaintiffs plead that ss. 28 and 29 of the *Bill*, impose limitations on victims' rights, which are inconsistent with their s.7 *Charter* rights. Particularly when these rights intersect with the rights of accused persons and the administration of justice.
20. Additionally, the increasing use of the *Jordan* law to justify expedited plea deals between the Crown and the accused undermines victims' rights to information and participation in their own cases, and rights to information intended for the victim under the *Bill*.

21. Ss. 28 and 29 invalidate the very reason for enacting the *Bill* and with the implementation of the *Jordan* law, have left the Plaintiffs without any way to access justice for the crimes they have been subjected to by their abusers.
22. Furthermore, ss. 28 and 29 disincentivize the Defendants to properly fund and expand the judicial system, as there is no price to pay for government inaction.
23. The Plaintiffs plead that the infringements are not justified under s. 1 of the *Charter*, as reasonable limits prescribed by law and not demonstrably justified in a free and democratic society, as the objectives of the *Bill* can be achieved through less rights-infringing means, i.e. by permitting those whose rights have been infringed to seek justice via the courts.

D. The Government of Canada Failing More Than Just the *Charter* and the *Bill*

24. In addition to the *Charter* and the *Bill*, Canada is a signatory to multiple legally binding international covenants and treaties related to SA and IPV victims. The Defendants' conduct violates and or fails to uphold their legal obligations under the following covenants and treaties:
 - a) Articles 1, 2, 3, 5, 7, 8, and 10 of the Universal Declaration of Human Rights, which is not legally binding but influential.
 - b) Article 3 of the Convention on the Elimination of All Forms of Discrimination against Women.
 - c) General Recommendation No. 19 to the Convention on the Elimination of All Forms of Discrimination against Women, which recognizes gender-based violence, including IPV, as a form of discrimination.

- d) General Recommendation No. 35 to the Convention on the Elimination of All Forms of Discrimination against Women, which clarifies that IPV is a human rights violation requiring state action.
- e) Articles 3 and 12 of the International Covenant on Economic, Social and Cultural Rights.
- f) Articles 2, 3, 4, 16, and 19 of the Convention on the Rights of the Child.
- g) Articles 2, 3, 7, and 14 of the International Covenant on Civil and Political Rights.
- h) Articles 1 and 16 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- i) Declaration on the Elimination of Violence Against Women, a non-binding treaty which recognizes IPV as a violation of women's rights and urges states to take legal, policy, and protective measures.

E. Impacts Specific to the Plaintiffs

25. Caitlin Alexander is currently 33 years old and resides in the city of Los Angeles, California, in the United States. She is a survivor of intimate partner violence (IPV). In 2021, Caitlin was nearly beaten to death and left for dead by her abuser, who was charged with multiple offenses. Due to *Jordan's Law* and court backlogs, most of the charges against him were stayed despite overwhelming evidence against him. For the charges that were not stayed, she was forced to accept a peace bond because of the actions of the Crown. Caitlin had reached out to the Crown Attorney regarding her case, but was dismissed when he did not open her file or address her concerns. The Crown for the Superior Court misled Caitlin about her case and threatened her with a peace

bond when she refused to accept one with the threat of the possible application of *Jordan's* law. Throughout this process, Caitlin documented her interactions with the Crowns, noting that there are limited avenues for recourse due to the 2019 *Crowns Act*. After her abuser was set free having faced no punishment for his crimes, he began to stalk Caitlin. Fearing for her safety, Caitlin has been forced to flee Canada, as she lives in constant fear of her abuser harming her again. She now must reapply annually for a restraining order against her abuser.

26. Melanie Hatton is currently 49 years old and resides in the city of Toronto in the province of Ontario. On November 26, 2021, Ms. Hatton was nearly killed by her ex-husband and suffered massive brain trauma from the attack that happened in their home in front of their children. An immediate protection order was put in place. Charges laid included resisting arrest, assault causing bodily harm, and assault on a police officer. A trial for the charge of assault was scheduled to begin approximately 21 months after the day of the incident. However, one week before the start of the trial, the perpetrator submitted an application to the court requesting a stay of proceedings, stating that it took an unreasonably long time for the case to reach trial, citing the *Jordan* law. The charges were stayed and her abuser walked free without consequence. She has since been in constant fear for her life.

27. Melanie's ex-husband repeatedly attempted to contact her since. He has breached protection orders 37 times and putting not only her and their two children at risk. Feeling incredibly unsafe in Kelowna, Melanie has had to take her kids and relocate to Toronto in the middle of the night, with only the police aware of their move. The ministry implemented additional protective interventions due to the ongoing threats

they faced, including instances of being followed. A permanent protection order was established by their family judge, limiting all contact between her ex-husband and their children. Despite these measures, he has continued to try to reach out, leaving her in a constant state of fear. She has had to change her appearance, install security systems, and even sleeps with a golf club beside her bed for protection.

28. Cieran Sheard is currently 24 years old and resides in the city of Guelph, in the province of Ontario. Cieran experienced numerous traumatic experiences from her abuser (her ex-partner), including strangulation, human trafficking, and sex crimes. Her abuser's first arrest occurred in January 2024, and movement on the case is still pending 15 months later. Because of the *Jordon* decision, the accused is likely to walk free, leaving Cieran extremely scared for her life and worried about her safety. She fears the likely possibility that her abuser will be released without facing any consequences for his heinous actions, a situation which is highly probable. Cieran's fear is heightened by the fact that he has in the past breached contact conditions, and there are ongoing investigations involving others who physically and sexually attacked her under instruction from the abuser in an attempt to pressure her into dropping the charges. This coercion ultimately led to the conception of her daughter. Additionally, there are breach charges related to an attack he committed against her after a court appearance, along with charges for intimidation. Moreover, there have been significant issues regarding her access to information about the case. Despite her efforts to contact the Crown, she has received no updates. As a result, she lacks clarity about the current status of her abusers' case and any potential plea deals possibly being struck. She is living in constant fear for her life and security.

29. Genna Mandich, a 35-year-old resident of Mount Brydges, Ontario, is grappling with the aftermath of domestic violence at the hands of her ex-husband, who faced charges of assault and careless storage of firearms. He also has pending two additional charges of criminal harassment and mischief; however, no action has been taken by the Crown and the *Jordan* law limit is quickly approaching with the trial being set for May 2025. On March 18, 2025, her ex-husband's serious charges were withdrawn because the Crown told her they could not bring the case to trial within the *Jordan* law time limit. Genna was informed of this after waiting five hours to testify. She had dedicated an entire day, she was eager to share her story through a victim impact statement, only to be silenced when the charges were dismissed in favor of a peace bond. Her ex continues to threaten her safety; he was caught on video at a pizza shop across from her home, violating a no-contact order that prohibited him from being within 300 meters of her residence. Although he admitted to the breach, the judge found him not guilty, further deepening Genna's distress. Recently, she also caught his father videotaping her during a move, an incident that police dismissed without investigation, despite her having recorded evidence. As a consequence of her ex-husband's actions, Genna has had to make drastic life changes, including moving, creating safety plans at work, taking time off, investing in security for her family, and seeking counseling. She lives in constant fear for her life and security.
30. Vivienne DeCarlo is a 17-year-old, originally from Toronto, Ontario. She is being represented by her guardian ad litem Jennifer Kaplan. For 6 years Vivienne was sexually assaulted by her father. He was charged in February 2021. However, she was pressured to drop charges continuously by the Crown, as they cited the *Jordan* law and

told her that he would be acquitted if they chose to go forward. Vivienne and her family wanted to get justice and went ahead with the charges, however as per the *Jordan* law he was acquitted. He has constantly tried to contact Vivienne. She feared and continues to fear her safety and life and has had to leave her mother and flee from Toronto to the United States.

31. Heather McArthur, 36, resides in the city of Toronto, in the province of Ontario. In October 2021, her abuser threatened her life. While reporting this incident, Heather disclosed previous instances of abuse she experienced by the abuser. The accused was arrested and charged with assault, asphyxiation, and mischief under \$5,000 on October 12, 2021. The trial was nearly complete when the charges were withdrawn. Heather was informed that a *Jordan* application had been accepted. The case was officially withdrawn on January 22, 2024. She remains unclear about why the case was not finalized or why the charges were dropped. Ten days after the charges were officially withdrawn, the accused abducted her child. The accused is currently wanted on a Canada-wide warrant for child abduction, as of March 15, 2024. Her child remains missing, and she is worried for not only her own life and security but that of her missing child.

32. Dan Jennings is currently 53 years old and resides in the city of Sault Ste. Marie in the province of Ontario. On July 5, 2023, his 22-year-old daughter Caitlin Jennings was murdered by her partner in London, Ontario. Her murderer was charged with 2nd-degree murder, and a pretrial date is scheduled for June 4, 2025. The pretrial for the murder has been set for 23 months from the point of Caitlin's murder, and charges were laid. The Crown has failed to keep him informed about the status of the case, though

he has persistently inquired. There is a high likelihood that the murderer will have the charges against him stayed as the *Jordan* limit is soon approaching. The police had already let his daughter down by not recognizing the pattern of abuse she was suffering, and the court system continued to let her down by failing to have the trial within reasonable timelines or addressing his requests for information. Furthermore, as he will likely not face any repercussions for his actions and is a known repeat offender, the life and security of his community are at risk.

33. Kelly Fleming is currently 45 years of age and resides in the city of Toronto, in the province of Ontario. On January 29, 2019, her then-spouse was charged with uttering threats of death from that date, as well as charged with assault (strangulation and spitting on her) and uttering threats of bodily harm from February 2018. All crimes were committed in the presence of her then-infant son. On bail, in 2019, her ex moved to a home around the corner from her, less than 100 meters outside his bail release conditions distance of 100m. A trial occurred on December 3, 2019, during which the Judge stayed the charges against her ex from 2018 under the *Jordan* law, and her ex only had to stand trial for uttering threats of death, for which the judge acquitted him, citing that the matter was better suited for family court due to the "he said, she said" nature of the case. Kelly had reasonable evidence from 2018 CAST records, where her ex admitted to putting his hands on her neck. She believes that if he had stood trial for all three counts and evidence had been presented, it would have helped establish a pattern of abuse, one her ex even admitted to in CAST.

34. The trial of her ex was chaotic, with one Crown attorney assigned in the morning and another in the afternoon, ultimately suggesting a Peace Bond that he refused. She was

unable to submit a victim impact statement since her ex's charges were stayed, and he was acquitted of a 2019 death threat charge. He continued a pattern of coercive control and post-separation abuse, frequently spending time at a bar across from her previous home and lurking outside, which forced her to keep the blinds drawn and made her fearful of leaving due to potential confrontations. Concerns from her neighbors about his stalking-like behavior were valid, especially after a troubling incident in 2022 when her jogging stroller was stolen and a piece of concrete with “FU” was left at her door, just after a family court appearance where he sought to terminate her spousal support, which was denied. Though she couldn't prove his involvement, she filed a police report. His ongoing intimidation and manipulation created a constant atmosphere of fear, particularly when he escalated situations. She moved residences to escape the stalking and installed security cameras for added safety while receiving support from High-Risk Victim Services as she navigated her ex's criminal and their family court proceedings. As she was restricted from moving outside of Toronto nor was allowed to travel for work with her son, she was forced to abandon her successful career in the US running a private therapy practice and has endured significant impact to her personal and professional security.

35. Alexa Barkley is currently 44 years old and resides in the city of Mississauga, in the province of Ontario. In November of 2020, Alexa reported a historical sexual assault to the Toronto Police Service. The assault, which has had a catastrophic and lasting impact on Alexa's life, involved molestation by her youth pastor while she was a teen in 1995. Based on the contents of her report and the results of the police investigation, the perpetrator was arrested and charged with sexual exploitation in January of

2021. The related trial, held in April of 2022, resulted in a conviction and sentence of 14 months of house arrest. The perpetrator appealed both the conviction and the sentence which resulted in the conviction being upheld and the sentence being reduced to 6 months of house arrest for the sexual exploitation of a child. The sentence levied on appeal failed to account for the damaging effects of childhood sexual abuse, the inherent cost of engaging the court system, or the impact that further injustice would have on Alexa. She had limited contact with the Crown, only attending two meetings—one early in the case and another before her testimony, where she received preparation. The process questions she had were directed to VWAP, who rarely had answers. During the appeals process, VWAP informed her that his appeal had failed, then unexpectedly revealed that there was another appeal, which she had never been informed about, that had succeeded in reducing his sentence to 6 months.

36. Anna Pita is 59-years-old and resides in the town of Binbrook in the province of Ontario. She left an abusive marriage in 2009 and went through a devastating experience in the criminal and family court. In 2004, her ex pleaded guilty to uttering death threats against her and their baby girl when she was 1 year old. In 2018, her ex was charged again, but this time with mischief, as he had destroyed her home in a rage. While he was doing this, she had to run out of her house with their two children and call 911. Following the charge, he quickly breached a no-contact order. His appearance in the criminal court was delayed for years because he was permitted to delay each court appearance. As a result of the delays, a plea deal was struck, and he pleaded guilty just before trial, and the charges were dropped. From the time of the

charge to the point of a plea deal, it took nearly 4 years, starting in 2018 and ending in 2023, with no real justice being provided for Anna.

37. Dealing with the Crown was a traumatic experience for her, as they played her 911 call to make her relive that day and pressured her ex into pleading guilty, who had wanted to go to trial. She often found refuge in the victim services office due to the distress of the situation. During a crucial meeting with the Crown, she encountered a police officer who had treated her poorly that night, while another officer was kind. Victim services even filed a complaint against the unprofessional officer, who appeared friendly with her ex and acted inappropriately at the scene, showing a cold demeanor that contributed to her younger son experiencing a full-blown anxiety attack. Although her ex fought against her victim impact statements, the Crown ultimately allowed three submissions—one from her and two from her children, with the Crown reading the children's statements in court since they were too upset to face their father. Since the no contact order was lifted last year, her ex has attempted to contact her and expressed a desire to visit her home, but she firmly told him no and he has not shown up. However, she always feels uneasy, constantly looking over her shoulder, as she never feels completely safe, despite having fought for a lifelong no contact order that the courts largely ignored. This ordeal has greatly impacted her life, forcing her to work three jobs to pay off the debt incurred, which was not something she envisioned at her age. It's a struggle to manage this workload, and she has had to dip into her retirement savings and take on an additional mortgage for her home, all while choosing not to move to prevent disrupting her children's lives.

38. Erica Orofino is 34-years-old and resides in the city of Toronto, in the province of Ontario. Her ex-boyfriend was charged with physical assault and forcible confinement, but after the charges were laid, they were dropped, and he received a de-facto peace bond. The Crown informed Erica that her ex was 'in therapy' and suggested this should suffice for her. When she requested the opportunity to speak in court and provide a victim's statement, she was told 'no.' Her rights were disregarded for Crown's goal to close a case quickly.
39. Brian Sweeney, a 66-year-old resident of Sault Ste. Marie, Ontario, tragically lost his 41-year-old daughter, Angeline Sweeney, in 2023 when she was murdered by her partner in a murder-suicide. The incident also claimed the lives of her partner's three children. Angeline's death was a direct consequence of failures within the justice system. In December 2019, prior to them dating, her ex-partner was charged with three offenses, including mischief and assaulting a police officer. However, his trial was delayed until July 2021 due to the backlog of cases within the system. Despite the severity of his charges, the Crown handled his case in what appeared to be the easiest way possible. He was granted a conditional discharge, allowing him to return to society without facing the consequences he deserved. This lack of proper accountability and justice allowed Brian's daughter's ex-partner to remain free and ultimately take Angeline's life, along with the lives of his three children. The failure to address these systemic issues and hold dangerous individuals accountable is a significant source of pain and anger for Brian and many others affected by similar tragedies.
40. Jane Doe 1 is a 49-years-old woman residing in the city of Toronto, in the province of Ontario. Her ex-husband was incredibly abusive. He was charged with assault, death

threats (including threats to murder her lawyer and a judge) and breaching a restraining order. However, all charges against the accused were dropped one at a time. In addition to the charges against Jane Doe 1, he had assault charges for assaulting another woman, however, because of *Jordan's* law they were dropped.

41. Jane Doe 1 experienced many issues regarding access to information about the case and plea deals. After emailing victim services with questions, she received no response. She also reached out to the Crown multiple times for clarification once the charges were laid but discovered that the assault charges had been dropped without her being notified or offered any peace bond. During a video call with the Crown, she learned they had no answers for her and suggested the accused's expensive legal representation could have played a role in the dropped charges. The death threats were dismissed after the then-girlfriend of the accused recanted her statement. Once again, Jane Doe 1 was not informed of this development or given any options for recourse. The breaches of the restraining order were dropped with her consent, largely because the Crown presented an intimidating picture of what a trial might entail. Jane Doe 1 felt overwhelmed and frightened at the prospect of her ex-husband cross-examining her directly. In discussing her feelings of distress, she noted that she was concerned about her mental health and the potential trauma of facing her ex in court. Despite having a restraining order, she felt increasingly vulnerable as the situation unfolded.

42. Ultimately, Jane Doe 1 was forced to agree to a peace bond, which required the accused to donate to a women's charity. However, she was not allowed to suggest the amount or the specific charity herself. The peace bond she received, which she did not see until after it was signed, was only valid for one year and reflected outdated language from

an old restraining order. Jane Doe 1 realized that this peace bond did not provide the necessary protection she needed. She mistakenly made an impact statement for the assault charges without knowing it, as she had been intimidated by her ex's threats regarding his law license and their mortgage. After expressing her concerns to victim services, she learned that the charges had already been dropped. Since the legal proceedings, Jane Doe 1 has had to face ongoing intimidation from her ex. This has necessitated significant changes in her life, including moving and making drastic adjustments to ensure her safety.

43. Jane Doe 2 resides in the province of Ontario and is a survivor of IPV. Her abuser was charged, and the day before the trial, the Crown agreed to withdraw the charges in exchange for a peace bond. The Crown cited the *Jordan* decision as the cause of this. Jane Doe 2 has been denied her right to justice and lives in fear.

Legal Basis

A. Infringement of Section 7

44. S. 7 of the *Charter* states as follows:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

45. The *Jordan* law has allowed alleged violent criminals to be released back onto the streets without prosecution. Thereby, evading justice and threatening the safety and security of the Plaintiffs and the general public as they are now able to commit acts of violence with the realization that prosecution is unlikely due to the *Jordan* law and the

backlog in our courts.

46. This decision infringes on the Plaintiffs' right to life, liberty, and security by allowing dangerous individuals to reoffend and harm the Plaintiffs and others without the fear of

prosecution. This compromises their ability to live safely and disrupts their well-being, as seen in cases like Caitlin's and many other of the Plaintiffs.

47. *Jordan's* Law also oversteps the Plaintiffs' right to trial fairness under s.7 of the Charter.
48. The Defendants, through the use of *Jordan* law to garner plea deals, failure to implement any legislation based on existing facts, failure to appoint sufficient judges in a timely manner, and failure to adequately fund the judicial system and fix the issues within it have failed in their duty to protect the Plaintiffs from harm and violate their s. 7 rights.
49. The Defendants have chosen to remain complacent and allow the crisis in the criminal justice system to worsen. The Defendants know, or ought to know, that their lack of action and urgency to enact legislation to guide the issues related to the *Jordan* law has seriously and negatively impacted the lives of individuals victim to SA and/or IPV. They have allowed by their abusers to walk free, criminal cases to be unjustly stayed and victims to be stripped of their right to justice and safety.
50. The Plaintiffs continue to live in communities alongside not only their perpetrators, but other individuals accused of serious violent crimes against them— in constant physical and mental fear.
51. The consequences and realities that the Plaintiffs are facing in exchange for the rights of accused are not in accordance with fundamental justice, specifically s. 1 of the *Charter*. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

B. Basis for Seeking Special Costs

52. The Plaintiffs seek special costs on a full indemnity basis on the basis that this is public interest litigation of exceptional importance.

53. The Plaintiffs rely on ss. 7 and 24 of the *Charter*, s. 52 of the *Constitution Act, 1982*, s. 17 of the *Federal Courts Act*, s. 22(1) of the *Crown Liability and Proceedings Act*, this Court's plenary jurisdiction, and such other statutory provisions and material that counsel will advise, and this Honorable Court permits.

Date: March 31, 2025

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Plaintiff

Court File No.:

**V. HIS MAJESTY THE KING IN RIGHT OF CANADA
and THE ATTORNEY GENERAL OF CANADA**

Defendant

FEDERAL COURT

Proceeding commenced at OTTAWA

STATEMENT OF CLAIM

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