



No. S-236918
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

CHERYL WEEKS, ANJA BERGLER, HELEN IRVINE,
CARY RYAN, LAUREN PHILLIPS, and ANN-SUE PIPER

Plaintiffs

And:

CITY OF ABBOTSFORD, DISTRICT OF CENTRAL SAANICH, CITY OF DELTA,
TOWNSHIP OF ESQUIMALT, CITY OF NELSON, CITY OF NEW WESTMINSTER,
DISTRICT OF OAK BAY, CITY OF PORT MOODY, CORPORATION OF THE
DISTRICT OF SAANICH, CITY OF SURREY, CITY OF VANCOUVER, CITY OF
VICTORIA, DISTRICT OF WEST VANCOUVER, ABBOTSFORD POLICE BOARD,
CENTRAL SAANICH POLICE BOARD, DELTA POLICE BOARD, VICTORIA AND
ESQUIMALT POLICE BOARD, NELSON POLICE BOARD, OAK BAY POLICE
BOARD, PORT MOODY POLICE BOARD, SAANICH POLICE BOARD, SURREY
POLICE BOARD, VANCOUVER POLICE BOARD, WEST VANCOUVER POLICE
BOARD, POLICE COMPLAINT COMMISSIONER OF BRITISH COLUMBIA, HIS
MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA,
ATTORNEY GENERAL OF BRITISH COLUMBIA, and MINISTER OF PUBLIC SAFETY
AND SOLICITOR GENERAL

Defendants

Brought pursuant to the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

RESPONSE TO AMENDED NOTICE OF CIVIL CLAIM

Filed by: Nelson Police Board ("NPB")

Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

Division 1 – Defendant's Response to Facts

1. None of the facts alleged in Part 1 of the Amended Notice of Civil Claim ("ANOCC") are admitted.
2. The facts alleged in paragraphs 1-4, 17, 26-29, 35-37, 51-52 and 54-59 of Part 1 of the ANOCC are denied.

3. The facts alleged in paragraphs 5-16, 18-25, 30-34, 38-50 and 53 are outside the knowledge of the NPB.
4. To the extent that facts are alleged in Parts 2 and 3 of the ANOCC, they are denied.

Division 2 – Defendant’s Version of Facts

5. In answer to the whole of the ANOCC the NPB admits that it employs members of the Nelson Police Department, but denies that it is liable for any of the torts alleged in the ANOCC, and denies that any such torts were committed.
6. In further answer to the whole of the ANOCC, the NPB on its own behalf adopts, incorporates, and relies upon, without repeating, the facts and averments set out in Division 2 of Part 1 of the Response to Amended Notice of Civil Claim (“RANOCC”) filed by the City of Nelson (“Nelson”).

Division 3 – Additional Facts

7. In answer to the whole of the ANOCC, the NPB on its own behalf adopts, incorporates, and relies upon, without repeating, the facts and averments set out in Division 3 of Part 1 of the RANOCC filed by Nelson.

Part 2: RESPONSE TO RELIEF SOUGHT

8. The NPB opposes all of the relief sought against in paragraphs 60-62 of Part 2 of the ANOCC.
9. The NPB seeks a dismissal of all claims against it with costs payable to the NPB.

Part 3: LEGAL BASIS

10. The NPB on its own behalf adopts, incorporates, and relies upon, without repeating, the Legal Basis set out in Part 3 of the RANOCC filed by Nelson, and says that no claim lies against it for the reasons set out therein and herein.

Address for service:

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**Attention: David G. Butcher, K.C. and
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Dated: September 5, 2024



David G. Butcher, K.C. and Anila
Srivastava, lawyers for the Defendant
Nelson Police Board

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.