

**SUPREME COURT
OF BRITISH COLUMBIA**
Amended pursuant to Rule 6-1(1)(a)
Original filed March 25, 2021
AUG 29 2022

No. VLC-S-S-213568
Vancouver Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

JOHN STUART NUTTALL and AMANDA MARIE KORODY

Plaintiffs

And:

CANADA (ATTORNEY GENERAL), MINISTER OF PUBLIC SAFETY
AND SOLICITOR GENERAL (BRITISH COLUMBIA), OFFICER A,
OFFICER C, OFFICER D, STEPHEN MATHESON, BILL KALKAT,
STEPHEN CORCORAN, DANIEL BOND, PETER ECCLES, SHARON
STEELE, and JOHN DOE

Defendants

AMENDED NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff 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 plaintiff.

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 plaintiff 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 plaintiff,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,

- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

A. The Parties

1. The plaintiff, John Stuart Nuttall, is an individual with an address for service in this action at ~~502—815 Hornby Street, Vancouver, British Columbia.~~ 1100 – 736 Granville Street, Vancouver, British Columbia.
2. The plaintiff, Amanda Marie Korody, is an individual with an address for service in this action at ~~502—815 Hornby Street, Vancouver, British Columbia.~~ 1100 – 736 Granville Street, Vancouver, British Columbia.
3. Officers A, C, and D are individuals whose names are not known. At all material times, they were officers with the Royal Canadian Mounted Police.
4. At all material times, Stephen Matheson, Bill Kalkat, Stephen Corcoran, Daniel Bond, and John Doe were officers with the Royal Canadian Mounted Police.
5. At all material times, Stephen Matheson, Bill Kalkat, Stephen Corcoran, Daniel Bond, John Doe, and Officers A, C, and D, were employees of Canada (Attorney General).
6. In the alternative, at all material times Stephen Matheson, Bill Kalkat, Stephen Corcoran, Daniel Bond, John Doe, and Officers A, C, and D were provincial constables, auxiliary constables, or special provincial constables as defined in the Police Act, R.S.B.C. 1996, c. 367.
7. At all material times, Peter Eccles. And Sharon Steele were Crown prosecutors acting under the direction of Canada (Attorney General).

B. Background

1. Mr. Nuttall and Ms. Korody

8. In 2012, Mr. Nuttall and Ms. Korody, lived in Surrey, British Columbia. They had both experienced hardship. They had previously ~~been homeless~~ been homeless, experienced health difficulties, and been addicted to drugs. In the time period leading up to and including the RCMP investigation they were reliant on methadone.
9. Despite these difficulties, they lived together in a loving relationship and had the support of their families. As a consequence of the misconduct of the defendants, as set out herein, they have suffered serious harm, including:
- (a) Imprisonment;
 - (b) Emotional distress;
 - (c) Psychiatric injuries; and
 - (d) Damage to reputation.

2. Mr. Nuttall comes to the attention of the local authorities

10. In or about ~~June~~ July 2012, Mr. Nuttall's neighbour contacted the Surrey detachment of the Royal Canadian Mounted Police and alleged that he had heard Mr. Nuttall speaking loudly on the phone about blowing up Islamic countries. Police officers attended, who determined that the neighbour was intoxicated and irrational. Mr. Nuttall was calm and cooperated with the police. The police took no further action (the "July Complaint").
11. On or about October 17, 2012, an individual filed a complaint with the Surrey RCMP alleging that Mr. Nuttall was espousing violent Islamic beliefs. The complainant told police that Mr. Nuttall had converted to Islam in 2011. The complainant further alleged that Mr. Nuttall had claimed to have killed a Jewish woman and expressed a desire to fight a holy war in Afghanistan (the "October Complaint").

12. RCMP officers attended at Mr. Nuttall's home. Mr. Nuttall was intoxicated. The police found no evidence of any murder. They left, but returned after the complainant told them that, although Mr. Nuttall had not threatened him, he had called him a traitor. The police again spoke with Mr. Nuttall and were concerned about his mental health. They arranged for "Car 67" – a team of a police officer and psychiatric nurse – to assess ~~ment~~ Mr. Nuttall.
13. Car 67 attended at Mr. Nuttall's residence on or about October 18, 2012. The psychiatric nurse assessed that Mr. Nuttall, who was now sober and calm, ~~and~~ did not suffer from a mental illness. She concluded that Mr. Nuttall may be developmentally delayed because of his manner of speaking and difficulty understanding.

3. E-INSET becomes involved

14. The October 17, 2012 ~~e~~Complaint eventually came to the attention of the RCMP Integrated National Security Enforcement Team (E-INSET). E-INSET was supposed to deal with criminal activities that posed a risk to Canadian national security. RCMP Inspector Daniel Bond (later promoted to rank of superintendent) directed an officer at E-INSET to look into the complaint. The officer determined that there was no need for any further investigation.
15. On or about November 2, 2012, at a routine meeting, Insp. Bond provided information about Mr. Nuttall to an individual employed by the Canadian Security Intelligence Service ("**CSIS**"). On or about December 20, 2012, CSIS requested, and Insp. Bond provided, further information about Mr. Nuttall. At this time CSIS had only "unverified general concerns" about Mr. Nuttall.
16. On January 16, 2013, CSIS communicated to E-INSET that it had unverified concerns that Mr. Nuttall may be a threat to public safety. Around this time, CSIS further disclosed to Insp. Bond that it was investigating Mr. Nuttall, including through surveillance. ~~At not~~ no time did CSIS ever provide information to Insp. Bond, or any RCMP officer, with specific information that could reasonably be interpreted to support this conclusion.

17. In January 2013, Insp. Bond caused the file relating to the July Complaint ~~July 2012 complaint~~ to be re-opened together with the October Complaint. ~~October 2012 complaint~~.
18. A background check into Mr. Nuttall and Ms. Korody revealed that concerns had been raised about Mr. Nuttall's mental health. He had a criminal record. Ms. Korody had no criminal record and had not been in contact with the police except in incidents involving Mr. Nuttall. There was no record that Mr. Nuttall or Ms. Korody had ever applied for or obtained a passport or left Canada. The check did not give any reasonable grounds to believe that Mr. Nuttall or Ms. Korody was a threat to national security.
19. In January 2013, Insp. Bond instructed the RCMP's "Special 'O'" unit to organize surveillance of Mr. Nuttall to determine if he was engaged in criminal activities or posed a national security risk.
 - 19.1 During the latter part of January 2013, Insp. Bond made repeated requests for additional disclosure from CSIS relating to its concerns regarding Mr. Nuttall. The RCMP wanted an advisory letter to use as a basis for commencing an investigation of Mr. Nuttall.
20. On February 1, 2013, the RCMP national headquarters informed Insp. Bond that ~~CSIS CISC was prepared~~ preparing an advisory letter to the RCMP that would say that Mr. Nuttall was attempting to obtain precursors to explosive substances. RCMP surveillance of Mr. Nuttall commenced on February 2, 2013.
21. On February 6, 2013 Sergeant Bill Kalkat was made the team commander for the E-INSET investigation into Mr. Nuttall. He reported to Insp. Bond as the monitoring officer. Superintendent Stephen Corcoran took over responsibilities as monitoring officer for ten days around February 8, 2013, and permanently on June 2, 2013. At all material times, Insp. Bond or Supt. Corcoran, and their superiors at the RCMP National Headquarters, closely monitored, supervised, and directed the investigation.

22. On February 7, 2013, CSIG CSIS forwarded an advisory letter to Insp. Bond alleging that it had learned that Mr. Nuttall had attempted to purchase potassium nitrate – a component of gunpowder one component involved in the making of black powder – from pharmacies on January 31, 2013. The source of the tip was not revealed in the letter. The RCMP did not take any steps, or in the alternative reasonable steps, to investigate this allegation. They did not have reasonable grounds to believe that Mr. Nuttall was attempting to purchase potassium nitrate or make black powder-gunpowder.
- 22.1 At this time, the RCMP did not have any evidence, apart from what was contained within the advisory letter, that Mr. Nuttall was engaged in criminal activity. Based on this information, Insp. Bond advised Sgt. Kalkat that there was no evidence to suggest that Mr. Nuttall posed an imminent threat.
- 22.2 The RCMP obtained a Dial Number Recorder (“DNR”) warrant and a production order for Mr. Nuttall’s cellphone and landline on February 16, 2013. These records did not disclose any evidence of criminal activity or any plans to commit crimes and showed no calls between pharmacies which might have been for the purpose of purchasing potassium nitrate.
23. The surveillance the RCMP conducted of Mr. Nuttall and Ms. Korody revealed that they had a very limited social circle. They had no vehicle, and stayed close to their residence. They spent most of their time at home, leaving only on occasional outings on foot and rarely venturing outside of a four-block radius of their residence.
- 23.1 It was evident to the RCMP, through their surveillance, that throughout this investigation the defendants were completely reliant on welfare with no other source of income.
24. By February 21, 2013, the RCMP determined that neither Mr. Nuttall nor Ms. Korody ~~The surveillance showed that neither Mr. Nuttall nor Ms. Korody~~ posed an imminent risk of harm to the public. The surveillance by Special “O” was discontinued. Despite this, Mr. Nuttall and Ms. Korody remained a national priority for E-INSET.

4. The undercover operation

25. In February 2013, Insp. Bond, Supt. Corcoran, Sgt. Kalkat, with the assistance of other RCMP officers, prepared a plan for "Project Souvenir" an undercover investigation of Mr. Nuttall and Ms. Korody. The RCMP were never given authorization to include undercover officers passing themselves off as part of a terrorist group. Project Souvenir was, and at all relevant times remained, an urgent national priority of the RCMP National Headquarters. The RCMP command team took a highly unusual level of control over Project Souvenir.
26. E-INSET obtained approval of the plan for an undercover investigation on or about February 21, 2013. This plan was approved despite the lack of evidence of any criminal activity or plans to engage in criminal activity. Corporal Stephen Matheson was made responsible for the safety and security of the undercover operators and for direction of the undercover operations. Around this time, Officer A was chosen to be the primary undercover officer to make contact with Mr. Nuttall and establish a relationship with him.
27. Officer A did not have experience in national security operations, and was not properly trained for the role he was about to undertake. He was selected because he was a Muslim.
28. Project Souvenir ultimately involved 28 scenarios of various lengths and complexity. The first scenario took place on February 23, 2013, when Officer A made eye contact with Mr. Nuttall at a gas station Mr. Nuttall and Ms. Korody frequently frequented to buy cigarettes.
29. Following this encounter, Sgt. Kalkat was concerned that the investigation was proceeding too slowly, particularly because it was a matter of national priority for E-INSET. Subsequently, Sgt. Kalkat had a high level of involvement in designing and directing scenarios. On or about March 1, 2013, knowing that Mr. Nuttall and Ms. Korody were recent converts to the Islamic faith, that they were not experienced or knowledgeable about Islamic teaching or practices, and that they were not regularly attending a mosque or in contact with an imam or other faith

leader who could educate them or guide them in the Islamic faith, the RCMP officers involved in Project Souvenir decided to use Islam to influence Mr. Nuttall and Ms. Korody.

- 29.1 Despite the lack of evidence that Mr. Nuttall was expressing extremist beliefs, Sgt. Kalkat's belief in the risk was based on the fact that Mr. Nuttall's cell phone and blog were associated with the name "Muhammad Muhammad" and Ms. Korody's conversion to the Muslim faith and her wearing of the Hijab.
30. On March 2, 2013, Officer A met Mr. Nuttall while playing the role of an Arab businessperson looking for a niece who had run away due to her family's adherence to Islamic customs. Islamic literature was placed in Officer A's car to further attract the interest of Mr. Nuttall.
31. Throughout Project Souvenir, Officer A, at the direction and encouragement of Sgt. Kalkat, used his superior knowledge of the Muslim faith to influence and control Mr. Nuttall and Ms. Korody.
32. Mr. Nuttall was extremely open and unguarded with Officer A. He openly expressed extremist views of Islam and support for violent actions. He exaggerated his prior contact with the police, and unbelievably claimed that he could hack Israeli government computers.
33. On March 3, 2013, Officer A again met with Mr. Nuttall and caused Mr. Nuttall to believe that Officer A was an important person in a large and sophisticated international terrorist organization. Officer A caused Mr. Nuttall and Ms. Korody to believe that he had been involved in nefarious activities for this international terrorist group. Mr. Nuttall again made fanciful boasts to Officer A about plans – which were quite plainly impossible – for violent action. Mr. Nuttall falsely claimed to have written a plan on his computer. The RCMP took no steps to obtain this supposed plan.
34. Officer A gave Mr. Nuttall \$100 at the end of this scenario because Mr. Nuttall had given his last dollar to a street person claiming to be Palestinian from Palestine. Officer A provided Mr. Nuttall and Ms. Korody with money and other assistance

throughout the duration of Project Souvenir. Mr. Nuttall and Ms. Korody came to expect and rely on this assistance.

35. The RCMP arranged for various other scenarios between Officer A and Mr. Nuttall that were intended to, and did:

- (a) convince Mr. Nuttall and Ms. Korody that Officer A was an important member of a large, international terrorist organization;
- (b) allow Officer A to influence and control Mr. Nuttall and Ms. Korody through his supposed superior knowledge of the Islamic faith;
- (c) build trust between Officer A, Mr. Nuttall, and Ms. Korody; ~~and~~
- (d) isolate Mr. Nuttall and Ms. Korody from others, including friends and family members, who might interfere with the RCMP's plans; and
- (e) create a dependency on Officer A for money, friendship and religious guidance.

36. By March 7, 2013 – five days after they had met – Mr. Nuttall described himself as Officer A's partner for life. He was, and the RCMP officers believed him to be, absolutely loyal to Officer A. Mr. Nuttall and Ms. Korody ~~was~~ were also increasingly dependent ~~dependant~~ on food and money that Officer A provided to them.

37. There was then no in-person contact between Officer A and Mr. Nuttall until April 3, 2013. For part of this time Mr. Nuttall and Ms. Korody were under surveillance by the RCMP or CSIS, but the RCMP discontinued this surveillance because there was no evidence of an imminent risk.

38. During this period, there was a disagreement within the RCMP as to whether Officer A was going too far in unduly influencing and controlling Mr. Nuttall. ~~Stg.~~ Sgt. Kalkat advocated for an aggressive approach because of the status of Project Souvenir as a national priority.

38.1 By mid-March 2013 the investigative team had become concerned about the issue of entrapment. There were concerns that the Police were actually making him into someone who was capable of carrying out a terrorist act. The police did not listen to the team's suggestions to design scenarios that did not make Mr. Nuttall capable of doing something that he could not do for himself.

39. In March 2013, Sgt. Kalkat was in regular contact with Constable Tarek Mokdad to receive information on the Islamic faith and Islamic extremist activities. Sgt. Kalkat, Cst. Mokdad, and Officer A discussed how to use Islam to influence and control Mr. Nuttall, and identified passages from the Quran to use to influence and control Mr. Nuttall.
40. By April 2013, the RCMP decided that they would influence Mr. Nuttall and Ms. Korody to undertake some sort of violent plan by the end of June 2013. To this point, Mr. Nuttall had largely expressed fanciful and impossible plans. He had not taken any concrete steps to follow through with any plans.
41. There were a number of scenarios involving contact between Mr. Nuttall and Officer A after April 3, 2013. On April 19, 2013, Officer A and Mr. Nuttall met with two other undercover officers at a hotel room in a scenario designed to further convince Mr. Nuttall and Ms. Korody of Officer A's status as an important member of a dangerous international terrorist organization.
42. On April 23, 2013, Officer A telephoned Mr. Nuttall and led him to believe that Mr. Nuttall might attend a mosque with him. Mr. Nuttall expressed a strong desire to attend a mosque.
43. On April 26, 2013, during another scenario, Mr. Nuttall expressed concern to Officer A about Ms. Korody's health and her inability to obtain medical treatment from a female Muslim doctor. Cpl. Matheson and Sgt. Kalkat and the other RCMP officers took no steps to enable Ms. Korody to receive medical treatment or to protect her health, other than arranging for her and Mr. Nuttall to receive methadone which was necessary for them to participate in future scenarios.
44. In April of 2013, Officer A continued to pressure Mr. Nuttall to create a plan for a terrorist operation that could be carried out in the near future. Mr. Nuttall did not do so.
45. On May 3, 2013, the RCMP obtained authorization to record conversations between undercover officers and Mr. Nuttall and Ms. Korody. They generally

recorded future conversations, but Officer A deliberately stopped the recordings to hide some of his improper communications with Mr. Nuttall.

46. On May 4, 2013, Office A met with Mr. Nuttall to arrange a trip with Mr. Nuttall and Ms. Korody to Whistler. Previously, Officer A had little direct contact with Ms. Korody. This trip took place on May 5, 2013. During the May 4 meeting, Officer A learned that Mr. Nuttall had not created a plan for an operation. Officer A continued to pressure and influence him to do so.

46.1 Officer A pressured Mr. Nuttall to bring Ms. Korody to Whistler even though he told Officer A that she was very sick.

47. Also on May 4, 2013, Officer A learned that Mr. Nuttall had been seeking to learn about Islam on the internet. Officer A told Mr. Nuttall that the purpose of every Muslim was to die a martyr. Mr. Nuttall agreed to prepare a plan by May 5, 2013.

48. On May 5, 2013, during the trip to Whistler, Mr. Nuttall disclosed that he had not prepared a written plan. He said he would prepare a plan during the trip, but only talked fancifully about plans that were plainly impossible. Ms. Korody largely slept during the trip.

49. Officer A parked his vehicle for two hours and had Mr. Nuttall prepare a plan. Under the direction and influence of Officer A, Mr. Nuttall prepared a plan to take hostages on a train.

50. On May 7, 2013, Sgt. Kalkat and other members of the investigative team met and determined that the plan Mr. Nuttall had prepared ~~with~~ was impossible. They discussed that Mr. Nuttall seemed incapable of preparing and focusing on a single, viable, plan. The same day, Insp. Bond and ~~Stg.~~ Sgt. Kalkat met with Assistant Commissioner Wayne Rideout who instructed them to give the project the highest priority and to prepare scenarios designed to cause Mr. Nuttall to prepare a feasible plan.

51. On May 10, 2013, Officer A met with Mr. Nuttall and aggressively confronted him about the unworkable plan he had proposed. Officer A's conduct during this scenario, as well as at prior and subsequent scenarios, was calculated to and did

put Mr. Nuttall and Ms. Korody in fear that Officer A and his organization would kill them if they did not prepare and carry out a terrorist plan. Officer A told Mr. Nuttall that he had gone past the point of no return. Officer A directed Mr. Nuttall to prepare a realistic plan.

52. During this meeting, Mr. Nuttall expressed reticence about carrying out any plan that might involve violence, particularly violence against innocent citizens. He expressed his uncertainty about Muslim teachings and religious practices. He pleaded with Officer A to help him find a Muslim spiritual advisor. He had serious questions about matters that he believed jeopardized his soul. Mr. Nuttall expressed the view that killing might be prohibited by the Muslim faith. Officer A discouraged Mr. Nuttall from obtaining religious guidance. Officer A told Mr. Nuttall to speak with him about his faith. Mr. Nuttall also expressed his fear that Officer A would kill him.
53. On May 11, 12, and 13, 2013 Mr. Nuttall was emotionally distraught. He felt isolated and in need of spiritual guidance, and Ms. Korody was in need of medical assistance. Officer A did not contact Mr. Nuttall until the evening of May 13, 2013, where Mr. Nuttall again expressed his need for spiritual guidance.
54. At this point, Sgt. Kalkat took greater control of the planning of scenarios with the intention of pushing Mr. Nuttall and Ms. Korody towards preparing and carrying out a violent plan and away from any attempt to deradicalize them. Sgt. Kalkat wished to, and did, further take advantage of Mr. Nuttall and Ms. Korody's need for Islamic spiritual guidance to control their actions.
 - 54.1 Officer A told Mr. Nuttall he would find him someone to provide him with spiritual guidance. Due to the influence which Officer A held over Mr. Nuttall, Mr. Nuttall was discouraged from seeking spiritual guidance elsewhere by Officer A's assurances that he would find him an advisor.
55. In May 2013, Officer A met with Mr. Nuttall to encourage Mr. Nuttall and Ms. Korody to make a ~~recognisance~~ reconnaissance trip to Victoria. Mr. Nuttall did not want to bring Ms. Korody, but Officer A pressed him she must come. This decision was made by Officer A, not Mr. Nuttall or Ms. Korody.

56. On May 21, 2013, the RCMP National Headquarters approved an extension of Project Souvenir to August 31, 2013.
57. On May 22, 2013, Mr. Nuttall obtained permission from Officer A for Ms. Korody to meet with them as she had religious questions for Officer A. Mr. Nuttall asked Officer A for assistance in finding an imam so that he and Ms. Korody could marry. Mr. Nuttall asked, and Officer A agreed, for Officer A to be Ms. Korody's wali, or guardian, after the marriage. Officer A also prohibited Mr. Nuttall from meeting with family members who lived in Victoria during the ~~recognisance~~ reconnaissance trip, further isolating Mr. Nuttall and Ms. Korody from social connections beyond the RCMP undercover officers.
58. On May 23, 2013, Officer A telephoned Mr. Nuttall to provide instructions for printing maps for the trip to Victoria. Mr. Nuttall had not done so by May 24, 2013, when Officer A arrived to pick up Mr. Nuttall and Ms. Korody to transport them. Mr. Nuttall was unable to obtain maps. During the trip to Victoria, Mr. Nuttall again pleaded with Officer A to help them find a spiritual advisor and his concern that their actions might kill innocent people.
- 58.1 Officer A gave inappropriate and inaccurate spiritual guidance to the defendants about the Islamic faith and provided the defendants with a religious justification for the use of violence. The defendants were counselled towards violent extremism by the police purporting to speak the word and will of a religious figure of which they had no authority to speak.
59. By May 25, 2013, and subsequently, it was apparent that both Mr. Nuttall and Ms. Korody adopted the view Officer A had expressed during the trip. They both said they now had no choice but to follow the will of Allah or the path chosen for them by Allah. Ms. Korody adopted Officer A's view of pre-destination.
60. When they arrived in Victoria, Mr. Nuttall and Ms. Korody met Officer C, another undercover RCMP officer, for the first time in person. Officer C presented himself, and Mr. Nuttall and Ms. Korody believed he was, an enforcer and security expert in the international terrorist organization.

61. It was readily apparent to all of the RCMP officers during the trip to Victoria that Mr. Nuttall and Ms. Korody were both incapable of planning or carrying out a terrorist plot. It was also apparent that Mr. Nuttall and Ms. Korody unquestioningly looked to Officer A for religious guidance. Officer C further encouraged this.
62. Officer A continued to isolate Mr. Nuttall and Ms. Korody from others. He forbade Mr. Nuttall and Ms. Korody from leaving their hotel rooms, or telephoning Mr. Nuttall's mother even though Mr. Nuttall pleaded with Officer A.
63. Officer A continued to pressure Mr. Nuttall and Ms. Korody to prepare a realistic plan. By June 2013, when no plan was forthcoming, Officer A threatened to withhold the financial support the RCMP had been providing and upon which Mr. Nuttall and Ms. Korody were dependent unless Mr. Nuttall came up with a plan.
64. On June 5, 2013, Mr. Nuttall again sought spiritual guidance from Officer A about a re-occurring dream that Mr. Nuttall was on a ferry that sank. Officer A promised to get Mr. Nuttall spiritual guidance, but instead of contacting an imam Officer A told Mr. Nuttall something calculated to encourage Mr. Nuttall to proceed with a plan.
65. On June 6, 2013, Mr. Nuttall provided Officer A with hand drawn diagrams of a rocket and homemade explosive device using a pressure cooker copied from Al Qaeda's online Inspire Magazine. These diagrams were incomplete, and would not have produced functional devices, but the RCMP then became fixated on having Mr. Nuttall and Ms. Korody create a plan involving pressure cooker devices. Mr. Nuttall and Ms. Korody lacked both the inclination and ability to create or carry out such a plan but for the influence of Officer A and support provided by the RCMP.
66. On June 16, 2013 Officer A drove Mr. Nuttall, Ms. Korody, and Officer C to Kelowna where they were put up in hotel rooms so they could create a "plan" until they were driven back to Surrey on June 19, 2013. Officer A had not told Mr. Nuttall or Ms. Korody where they were going in advance. Officer A and Officer C pressured Mr. Nuttall and Ms. Korody to adopt the pressure cooker plan. During the drive to

Kelowna, Officer A promised to provide C4 explosives, as otherwise Mr. Nuttall and Ms. Korody had no ability to obtain explosives.

- 66.1 During the drive to Kelowna Officer A agreed with Mr. Nuttall's observation that converting to the Muslim faith was akin to "blood in, blood out" as in the Hells Angels with death being the only way out, adding that you remain a part of Islam even after death.
67. While they were in Kelowna, in a "safe room" provided by the RCMP to they could prepare a plan, Mr. Nuttall and Ms. Korody made no progress towards a plan. They did no research and did not formulate any concrete steps. The only discussions, which involved patently unrealistic brainstorming, took place when Officer A was present.
68. Officer A angrily confronted Mr. Nuttall about the failure of Mr. Nuttall and Ms. Korody to prepare a plan. He intended to, and did, make Mr. Nuttall fear that he and Ms. Korody would be killed by the international terrorist organization.
69. Under the direction and approval of Sgt. Kalkat, Officer A and Officer C both pressured Mr. Nuttall and Ms. Korody to prepare a plan involving homemade explosive devices by exploiting their reliance on Officer A, and now also Officer C, for spiritual guidance. Officer A deliberately manipulated Mr. Nuttall with regard to the pressure cooker plan, and systematically eliminated all of the obstacles that would have entirely prevent Mr. Nuttall or Ms. Korody from carrying out this plan. He knowingly caused Mr. Nuttall to fear that he and Ms. Korody would be killed by the international terrorist organization if they did not follow Officer A's directions.
70. In June 2013, despite a direction from Insp. Corcoran not to provide further money or support, Officer A provided groceries and cigarettes to Mr. Nuttall and Ms. Korody because otherwise they would not have the resources to buy pressure cookers. While the RCMP did not directly purchase the items needed to build the devices they indirectly funded the purchase of these items by paying various other expenses freeing up funds for the resources necessary to build the pressure-cooker devices.

71. On June 25, 2013, Officer A pressured Mr. Nuttall and Ms. Korody to carry out their plan on July 1, 2013, Canada Day. Mr. Nuttall felt that this date, July 1, 2013 was too rushed and wanted to wait. Officer A orchestrated this decision.
72. On June 26, 27, and 28, 2013, Mr. Nuttall and Ms. Korody attempted to purchased the items they would need to create the explosive devices. An RCMP officer had been able to purchase the items needed to construct timers for \$8 in 30 minutes. Mr. Nuttall and Ms. Korody were not equal to the task. They would have been entirely unable to do it without the direction and assistance provided by Officer A. Mr. Nuttall and Ms. Korody used money they received from social assistance to buy the necessary items, leaving themselves unable to pay their rent.
73. Officer A also continued to socially isolate Mr. Nuttall and Ms. Korody during this period. He knew Ms. Korody was suffering from anxiety and did not have her medication. The RCMP arranged for Mr. Nuttall and Ms. Korody to obtain methadone. Mr. Nuttall was unable to actually construct the explosive devices.
74. Officer A had advised Mr. Nuttall and Ms. Korody that they would meet with a senior member of the international terrorist organization prior to the plan being executed. On June 28, 2013, Officer A told Mr. Nuttall that if he and Ms. Korody were unable or unwilling to complete the explosive devices and carry out the plan then they would be killed by the terrorist organization.
75. On June 29, 2013, Officer A had Mr. Nuttall and Ms. Korody meet with Officer D, an undercover police officer who posed as the boss of the international terrorist organization. Officer A again caused Mr. Nuttall and Ms. Korody to believe that Officer D was a powerful man who would kill them if they were a liability to the terrorist organization.
76. The RCMP arranged for Mr. Nuttall and Ms. Korody to meet separately with Officer D. Officer D pressed Mr. Nuttall about his plans. Officer D became angry and frustrated with Mr. Nuttall. Officer A asked him to give Mr. Nuttall another chance. This was calculated to, and did, put Mr. Nuttall in fear for his life and the life of Ms. Korody if they did not go through with the plan.

77. Officer D also exploited Mr. Nuttall and Ms. Korody's religious beliefs to compel them to complete the mission. Officer D also arranged for Mr. Nuttall and Ms. Korody to prepare a video explaining the reasons behind the attack. The RCMP supplied a black jihadist flag used in the video, as well as providing an undercover officer who posed as a video expert.
78. On June 29, 2013, Officer A took possession of the three pressure cooker devices. RCMP explosives experts placed a gram of real C4 into the devices, and surrounded it with a substance that looked like C4. They also supplied fake detonators for the devices.
79. On the morning of June 30, 2013, while Mr. Nuttall and Ms. Korody were alone, Ms. Korody was in a state of panic. She did not think that she would be able to plant one of the devices. Mr. Nuttall, out of fear that Ms. Korody would be killed if she did not participate, pressured her to do so.
80. Officer A and the RCMP arranged to transport Mr. Nuttall and Ms. Korody to Victoria. Officer A paid for the ferry. During the trip, Officer A directed Mr. Nuttall and Ms. Korody that they were not to bury the explosive devices – Mr. Nuttall and Ms. Korody had never reached a firm plan as to what to do with the devices – but instead to plant them above ground.
81. During this trip, Mr. Nuttall again sought spiritual guidance from Officer A. He was concerned that Allah would be angry at him if he carried out the mission. Mr. Nuttall was concerned that Allah said not to kill an innocent man. Officer A pressured Mr. Nuttall to continue with the plan. Mr. Nuttall said he needed to speak with a spiritual adviser, but Officer A discouraged him and said that an imam was not a true spiritual advisor.
82. Officer A took Mr. Nuttall and Ms. Korody on a further ~~reecognisance~~ reconnaissance trip to Victoria to choose targets to plant the pressure cooker devices. After they did not do so, Officer A took them to the Parliament Buildings and suggested two bushes where the devices could be hidden. Mr. Nuttall and Ms. Korody ultimately selected bushes closer to the building because they thought ~~there~~ their message would garner more sympathy if the building was damaged but

no one was killed. Mr. Nuttall and Ms. Korody ultimately planted the three devices in bushes near the Parliament Buildings.

83. Officer A then drove Mr. Nuttall and Ms. Korody to the ferry terminal and paid for their return trip to the mainland. He drove them to a hotel, where they stayed until they were arrested on July 1, 2013.

C. The Criminal Proceedings

84. On July 1, 2013, the Crown preferred a directed indictment against Mr. Nuttall and Ms. Korody on four terrorism related offences.
85. The defendants Peter Eccles and Sharon Steele were, at all material times, Crown prosecutors who initiated and led the prosecution of Nuttall and Korody on behalf of the Crown.
86. Mr. Nuttall and Ms. Korody were tried by a jury. The trial commenced in the Supreme Court of British Columbia on February 2, 2015. A directed verdict of acquittal was made on count 3, but the jury convicted Mr. Nuttall and Ms. Korody on counts 1 and 4. A conditional stay of proceedings was entered on count 2.
87. The court then heard an application by Mr. Nuttall and Ms. Korody for a stay of the proceeding based on entrapment and abuse of process. This application was granted on July 29, 2016.
88. The Crown appealed the stay of proceedings to the Court of Appeal. The appeal was dismissed on December 19, 2018. The Crown did not appeal the dismissal of the appeal to the Supreme Court of Canada, and so the criminal proceeding terminated in favour of Mr. Nuttall and Ms. Korody.
89. At all material times, as a result of the improper conduct of the police, there was no reasonable chance that the prosecution of Mr. Nuttall and Ms. Korody would end other than in an acquittal or a stay of proceedings as a result of entrapment and abuse of process.
90. In commencing and advancing the prosecution, Mr. Eccles and Ms. Steele, acted with malice in the form of a deliberate and improper use of the office of the Crown.

D. Breach of the *Charter*

91. During the course of Project Souvenir, Officer A, Officer C, Officer D, and the other police officers involved in the operation came to totally dominate and control Mr. Nuttall and Ms. Korody. They accomplished this in part through the deliberate exploitation of Mr. Nuttall and Ms. Korody's religious beliefs, and they interfered with Mr. Nuttall and Ms. Korody's freedom of conscience and religion contrary to section 2(a) of the *Charter of Rights and Freedoms*.

91.1 The Officers interfered with Mr. Nuttall and Ms. Korody's ability to seek religious counsel.

91.2 Officer A provided religious guidance to Mr. Nuttall and Ms. Korody, purporting to speak with knowledge of the Muslim faith and proffer the guidance of Allah without the proper knowledge, learning or understanding of Islam.

91.3 The Officers insighted extremist views and fostered the plaintiffs' belief that certain violent action is allowed or encouraged by Islam.

E. Intentional Infliction of Mental Suffering

92. The actions of the RCMP officer defendants, as set out above, was flagrant and outrageous. The defendants intended to cause emotional harm to the plaintiffs, or in the alternative knew or did not care that their conduct would cause harm. As a consequence of their improper actions, the plaintiffs have suffered harm including visible and provable illness.

F. Unlawful Means Conspiracy

93. The actions of the RCMP officer defendants were the result of an agreement or concerted action between the defendants, or some of them. As is set out above, the conduct of the defendants was unlawful, was directed towards the plaintiffs, the defendants knew or ought to have known that it would result in harm to the plaintiffs, and the plaintiffs did suffer such harm as a result.

Part 2: RELIEF SOUGHT

1. The plaintiff seeks the following relief against the defendant:

- (a) Charter damages;
- (b) general damages;
- (c) special damages;
- (d) punitive damages;
- (e) interest pursuant to the Court Order Interest Act, R.S.B.C. 1996, c.79; and
- (f) costs.

Part 3: LEGAL BASIS

1. The defendants Peter Eccles and Sharon Steele have committed the tort of malicious prosecution.
2. The defendants Officers A, C, and D, Stephen Matheson, Bill Kalkat, Stephen Corcoran, Daniel Bond, John Doe, and Canada (Attorney General) have committed the torts of intentional infliction of emotional suffering and unlawful means conspiracy.
3. The defendants Canada (Attorney General) and Minister of Public Safety and Solicitor General (British Columbia) are vicariously liable for the torts committed by the RCMP officers and the Crown Prosecutors.
4. The defendant Canada (Attorney General) has breached s. 2(a) of the *Charter of Rights and Freedoms* and is liable for damages.

Plaintiff's address for service:

YAN MUIRHEAD LLP
1100 – 736 Granville Street
Vancouver, BC V6Z 1G3

E-mail address for service:

nmuirhead@ymlaw.ca
service@ymlaw.ca
[to all email addresses]

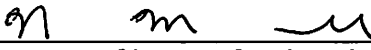
Place of trial:

Vancouver, BC

The address of the registry is:

800 Smithe Street
Vancouver, BC V6Z 2E1

Date: August 29, 2022



Signature of lawyer for the plaintiffs,
Nathan Muirhead

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1100 – 736 Granville Street
Vancouver, BC V6Z 1G3
Telephone: 604-283-8540

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.

**ENDORSEMENT ON ORIGINATING PLEADING OR PETITION FOR SERVICE
OUTSIDE OF BRITISH COLUMBIA**

The plaintiffs, John Stuart Nuttall and Amanda Marie Korody, claims the right to serve this pleading on the defendants, outside of British Columbia on the grounds that this claims concerns a tort that, to a substantial extent, was committed in British Columbia.

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

A claim for *Charter* damages and tort damages.

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