



Court File No. **VLC-S-S-231171**  
No. ....  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between:

Dilmeet Chahal

Plaintiff

And

Prince George RCMP Detachment, The City of Prince George, The Attorney General  
of Canada, His Majesty the King in Right of The Province of British Columbia  
(Minister of Public Safety and Solicitor General), Kurt Gordon Chapman, Arthur  
Ashley Dalman, Dong Hee Kwok, and John Doe's and/or Jane Doe's

Defendant(s)

### **NOTICE OF CIVIL CLAIM**

*[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]*

**This action has been started by the plaintiff(s) 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(s),

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

**Part 1: STATEMENT OF FACTS**

**I. PARTIES**

1. The Plaintiff, Dilmeet Chahal (hereinafter "the Plaintiff"), is a resident of British Columbia. The Plaintiff's address for service is c/o Muldoon & Company, Suite 1205 – 355 Burrard Street, Vancouver, BC V6C 2G8.
2. The Defendant Prince George Royal Canadian Mounted Police (the "Prince George RCMP") was at all material times an agency and servant of the Federal Crown. In the alternative, the Prince George RCMP was a "provincial police force" as defined in *The Police Act*, R.S.B.C. 1996, c. 367 (the "Police Act"). The Prince George RCMP address for service is located at 455 Victoria Street, Prince George, BC V2L 0B7.
3. The Defendant, The City of Prince George, is a municipality located in the Province of British Columbia with an address for service located at 1100 Patricia Blvd, Prince George, BC V2L 3V9.
4. The Defendant Sgt. Kurt Gordon Chapman, (hereinafter referred to as "Defendant Chapman") was at all material times employed as a Sargent with the Prince George RCMP. The Prince George RCMP address for service is located at 455 Victoria Street, Prince George, BC V2L 0B7.
5. The Defendant Cst. Arthur Asley Dalman, (hereinafter referred to as "Defendant Dalman") was at all material times employed as a Constable with the Prince George RCMP. The Prince George RCMP address for service is located at 455 Victoria Street, Prince George, BC V2L 0B7.
6. The Defendant Cst. Dong Hee Kwok, (hereinafter referred to as "Defendant Kwok") was at all material times employed as a Constable with the Prince George RCMP. The Prince George RCMP address for service is located at 455 Victoria Street, Prince George, BC V2L 0B7.

7. The Defendant John Doe's and/or Jane Doe's are members of the Prince George RCMP, who at all material times were employed by the Prince George RCMP. The identity of the John Doe's and/or Jane Doe's is unknown to the Plaintiff, but is known to the other Defendants.
8. The Defendant, His Majesty the King in Right of the Province of British Columbia as represented by the Minister of Public Safety and Solicitor General ( the "Minister") is named in this proceeding pursuant to the provisions of the *Crown Proceeding Act* R.S.B.C. 1996, c. 89 (the "Crown Proceeding Act"), section 2, and *The Police Act*, section 11, and has an address for service located at PO Box 9010 Stn Prov Govt, Victoria, BC V8W 9E2.
9. The Defendant, The Attorney General of Canada, represents the federal Crown ( the "Federal Crown") and the Prince George RCMP in this proceeding pursuant to the *Crown Liability and Proceedings Act*, R.S.C. 1985, c-50, sections 23 and 36.

## **II. BACKGROUND**

10. The Plaintiff was detained by the members of the Defendant Prince George RCMP, including the Defendant Dalman, the Defendant Chapman, the Defendant Kwok, and/or Defendant John Doe's and/or Jane Doe's on or about August 21, 2022.
11. In the course of detaining the Plaintiff, the Prince George RCMP used a Tazer. The Plaintiff was tazered twice, including once in the face.

## **III. PHYSICAL ASSAULTS & THREATS**

12. Once detained, the Plaintiff was put in handcuffs and physically thrown into the back of an RCMP vehicle. While in the vehicle, the Plaintiff was physically assaulted and threatened by members of the Defendant Prince George RCMP, including the Defendant Chapman, the Defendant Dalman, the Defendant Kwok, and Defendants John Doe's and/or Jane Doe's.
13. While in the RCMP vehicle the Plaintiff was advised why he was under arrest. The Defendant's then asked the Plaintiff if he understood. The Plaintiff answered affirmatively, but was then immediately punched in the face by one of the Defendant's. The plaintiff was defenceless with his arms in handcuffs behind his back and with a tazer still attached to his face. After punching the Plaintiff in the face, the RCMP vehicle door shut was then slammed shut.
14. Seconds later, one of the defendant members of the Prince George RCMP reopened the door and the Plaintiff immediately began to plead "Yes sir, Yes sir" to avoid further assaults against him. One of the Defendant RCMP members responded "Fuck you, you fucking piece of shit. You're not in

Surrey, you're in Prince George. We dump losers like you, ok?" The Plaintiff understood the expression "we dump loser's like you" to be a threat that the Defendant Prince George RCMP members would kill him. The Plaintiff responded "No!" A Defendant Prince George RCMP member replied "Yeah, you're a fucking stupid gangster", and slammed the RCMP vehicle door.

15. A few minutes later a defendant Prince George RCMP member re-opened the RCMP vehicle door and asked the Plaintiff if he "liked being shocked?" The Plaintiff responded "No, not at all." One of the Defendant's responded by saying something to the effect of that the Plaintiff could get "fucking shot". The Plaintiff replied "Shot? Over what?" One of the Defendant Prince George RCMP members responded "Fuck around and find out, my man." Another Defendant added "Because this isn't fucking Surrey you idiot, we play different up here." The Plaintiff was then grabbed by the head and slammed face first into the seat in front of him by one or more of: the Defendant Dalman, the Defendant Chapman, the Defendant Kwok, or the Defendant Doe('s).
16. At all material times the defendant Prince George RCMP members knew that the Plaintiff had his hands behind his back in handcuffs and was not a threat, and that no violence nor threat against him was necessary. All violence and threats from the RCMP were gratuitous, excessive, demeaning, and intended to make the Plaintiff have immediate fear for his life.
17. As a result of the physical assault and threats by the Defendants, the Plaintiff has sustained personal injuries and other loss and damage and in particular has sustained:
  - a. Head injuries,
  - b. Face injuries,
  - c. Psychological injuries,
  - d. Anxiety,
  - e. Depression,
  - f. PTSD,
  - g. Other injuries as they become known to Counsel.

## **Part 2: RELIEF SOUGHT**

- a. General damages;
- b. Punitive damages;

- c. Interest on any amount awarded pursuant to the *Court Order Interest Act*, RSBC 1996, c. 79;
- d. Costs of this proceedings; and
- e. Such further and other relief as the nature of this case may require and this Honourable Court may deem just.

### **Part 3: Legal Basis**

1. This cause of action arose wholly within the jurisdiction of this Honourable Court.
2. At all material times, the defendant, The Prince George RCMP, was an agency and servant of the Federal Crown and had a duty to enforce the laws of British Columbia pursuant to the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10 (the "*RCMP Act*"). In the alternative, the Prince George RCMP were at all material times a "provincial police force" pursuant to the *Police Act* section 14(2)(a), and had a duty to enforce the laws of British Columbia pursuant to the *Police Act*.
3. At all material times the Defendant Dalman, the Defendant Chapman, the Defendant Kwok, and Defendant's Doe were members of the RCMP and were acting in their roles as servants of the Federal Crown. In the alternative, the Defendant Dalman, the Defendant Chapman, the Defendant Kwok, and Defendant's Doe(s), were each a "provincial constable" pursuant to the *Police Act* section 14(2)(b), and were each acting in their capacity as agents and employees of the Province.
4. The Minister's liability arises from the malicious willful conduct of the individual provincial constables, the Defendant Dalman, the Defendant Chapman, the Defendant Kwok, and Defendant Doe('s) in the course of their duties in British Columbia pursuant to the *Police Act*.
5. The Federal Crown's liability arises from the actions of the Defendant Prince George RCMP members who were each at all material times, the servants of the Federal Crown.
6. The City of Prince George is liable for the actions of the Prince George RCMP members.
7. At all material times the Prince George RCMP owed a duty of care to the Plaintiff to endure its members performed their duties diligently, and in accordance with the law, and to not use excessive and unreasonable force.
8. The Minister is vicariously liable for the Prince George RCMP, alternatively, the *Federal Crown* is vicariously liable for the Prince George RCMP.
9. The assaults and threats by the Defendants were caused by the Defendants which are described in paragraph 12-16 of Part 1 of this Notice of Civil Claim.

10. As a result of the breach of the Defendant's duties to the Plaintiff, the Plaintiff suffered loss and damage as described in paragraph 17 of part 1 of this Notice of Civil Claim.
11. The Plaintiff plead the Provisions of the *Police Act*, and amendments thereto.
12. The Plaintiff plead the Provisions of the *RCMP Act*, and amendments thereto.
13. The Plaintiff plead the Provisions of the *Crown Liability and Proceedings Act*, R.S.C. 1985
14. The Plaintiff plead the Provisions of the *Crown Proceeding Act* R.S.B.C. 1996, c. 89
15. *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and amendments thereto.
16. Common Law Tort of assault and battery.
17. *Canadian Charter of Rights and Freedoms*.

**Plaintiff's address for service:**

Muldoon & Company  
Barristers and Solicitors  
Suite 1205 – 355 Burrard Street  
Vancouver, BC, V6C 2G8

Telephone: (604) 974-9749  
Facsimile: (604) 974-8888

**Place of Trial:** Vancouver Supreme Court

**The address of the registry is:**

The Law Courts  
800 Smithe Street  
Vancouver, B.C., V6Z 2E1

Telephone: (604) 660-2847

Dated at Vancouver, British Columbia on February 16, 2023

  
.....  
Signature of CONOR MULDOON  
Counsel for the Plaintiff

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 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 to at trial, and
  - (c) serve the list on all parties of record.

This NOTICE OF CIVIL CLAIM is prepared by CONOR MULDOON, Barrister and Solicitor, whose place of business and address for service is Suite 1205 – 355 Burrard Street, Vancouver, British Columbia. Telephone: 604-974-9749 Fax: 604-974-8888

**APPENDIX**

[The following information is provided for data collection purposes and has no legal effect.]

**Part 1: CONCISE SUMMARY OF NATURE OF THE CLAIM:**

A claim for damages in compensation for personal injuries from the negligent operation of a motor vehicle.

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

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☒ another cause

**Part 3: THIS CLAIM INVOLVES:**

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☐ constitutional law
- ☐ conflict of law
- ☒ none of the above
- ☐ do not know

**Part 4:**