

Form 3-9
(Rule 3-9)

COURT FILE NUMBER 1246118
COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
JUDICIAL CENTRE SASKATOON
PLAINTIFF(S) DEBBIE BAPTISTE, in her capacity as Administrator of the
Estate of COLTEN BOUSHIE
DEFENDANT(S) GERALD STANLEY

NOTICE TO DEFENDANT

1 The plaintiff may enter judgment in accordance with this Statement of Claim or the judgment that may be granted pursuant to *The Queen's Bench Rules* unless, in accordance with paragraph 2, you:

- (a) serve a Statement of Defence on the plaintiff; and
- (b) file a copy of it in the office of the local registrar of the Court for the judicial centre named above.

2 The Statement of Defence must be served and filed within the following period of days after you are served with the Statement of Claim (excluding the day of service):

- (a) 20 days if you were served in Saskatchewan;
- (b) 30 days if you were served elsewhere in Canada or in the United States of America;
- (c) 40 days if you were served outside Canada and the United States of America.

3 In many cases a defendant may have the trial of the action held at a judicial centre other than the one at which the Statement of Claim is issued. Every defendant should consult a lawyer as to his or her rights.

4 This Statement of Claim is to be served within 6 months from the date on which it is issued.

5 This Statement of Claim is issued at the above-named judicial centre on the 8th day of August, 2018.

Court Seal

R. ROBERTSON
DEPUTY LOCAL REGISTRAR

seal ✓
P/ Local Registrar

STATEMENT OF CLAIM

1 The Plaintiff, DEBBIE BAPTISTE, a resident of Red Pheasant First Nation in the Province of Saskatchewan, is the Administrator of the estate of COLTEN BOUSHIE, deceased, who was a resident of the Red Pheasant First Nation in the Province of Saskatchewan and who was wrongfully killed August 9, 2016. This action is brought on behalf of the following members of the family of the deceased, pursuant to the *Fatal Accidents Act*, RSS 1978, Ch. F-10:

a. DEBBIE BAPTISTE, mother of the deceased.

2 The Defendant, GERALD STANLEY, is a resident of Saskatchewan.

3 On August 9, 2016, at approximately 5:00 P.M., COLTEN BOUSHIE arrived on the rural property of GERALD STANLEY and his wife LEESA STANLEY, located south of Biggar, Saskatchewan (the "Property"), as the passenger of a 2003 grey Ford Escape SUV (the "Vehicle") also occupied by four other persons including the driver and three other passengers.

4 The Vehicle arrived on the Property suffering from a flat tire.

5 At the time the Vehicle arrived on the Property, GERALD STANLEY and his son, Sheldon Stanley were constructing a fence in close proximity to the Vehicle.

6 GERALD STANLEY and SHELDON STANLEY observed the Vehicle and noticed one of the occupants leave the Vehicle and approach an All-Terrain Vehicle on the Property.

7 SHELDON STANLEY yelled at the occupant of the Vehicle that had approached the All-Terrain Vehicle at which time the occupant quickly returned to the Vehicle.

8 At this point SHELDON STANLEY and GERALD STANLEY each took steps to confront the occupants of the Vehicle, including COLTEN BOUSHIE.

9 GERALD STANLEY, LEESA STANLEY, and SHELDON STANLEY never attempted to contact law enforcement or any other authorities at any relevant time.

10 SHELDON STANLEY rushed to the Vehicle and smashed the windshield with a hammer, at which point the driver attempted to flee the Property.

11 Notwithstanding the absence of any ongoing risks, and the imminent departure of the vehicle from the property, SHELDON STANLEY rushed to the house on the Property to grab his car keys to pursue the Vehicle.

12 While SHELDON STANLEY was smashing the Vehicle's windshield with a hammer and chasing them off the Property with his car, GERALD STANLEY ran to get his handgun, a restricted firearm which he stored illegally on the Property.

13 In his haste to flee, the driver of the Vehicle struck a parked car, and began to flee on foot.

14 GERALD STANLEY then fired at least two shots in the air above the occupants of the Vehicle that fled from SHELDON STANLEY.

15 In an attempt to flee, COLTEN BOUSHIE entered the driver's seat of the Vehicle in a continued attempt to drive away.

16 Before he could do so, GERALD STANLEY ran up behind COLTEN BOUSHIE and fired a third shot into the back of COLTEN BOUSHIE's head at point blank range.

17 LEESA STANLEY, a Registered Nurse in the Province of Saskatchewan, did not take any action to assess the condition of COLTEN BOUSHIE or to provide life saving measures.

18 GERALD STANLEY did not take any immediate action to assess COLTEN BOUSHIE'S condition, did not contact emergency medical services, or take any other action to address the injuries caused to COLTEN BOUSHIE by his discharge of the firearm.

19 COLTEN BOUSHIE died of the injuries caused by the bullet GERALD STANLEY discharged from his gun.

20 The death COLTEN BOUSHIE is a direct result of the negligent, reckless or intentional acts of the Defendant, GERALD STANLEY particulars of which are as follows:

- a. Failure to properly assess the initial risk;
- b. Failure to monitor any ongoing risk;
- c. Failure to contact any authorities to deal with any potential risk;
- d. Administering excessive force when it was uncalled for;
- e. Fatally shooting COLTEN BOUSHIE at point blank range when he represented no risk;
- f. Illegal storage of firearms on his property;
- g. Failure to render any emergency medical assistance;
- h. Failure to contact any authorities on a timely basis after the shooting;
- i. Failure to properly maintain and store firearms;
- j. Negligently brandishing of firearms.

21 As a result of negligent, reckless and/or intentional acts of the Defendant, Gerald Stanley, and the consequent death of the Deceased, the Plaintiff has suffered and incurred, and will continue to suffer and incur, injury and damages, including:

- a. For grief, loss of guidance, care and companionship of the Deceased;
- b. Past and future loss of income, loss of earning capacity;
- c. Loss of future earning capacity;
- d. Loss of valuable services;
- e. Expenses and fees including without limitation:
 - i. Expenses of the funeral and the disposal of the body of the Deceased, including all things supplied and services rendered in connection with the funeral and disposal;

- ii. Fees paid or to be paid for grief counselling or other treatment related to the death of the Deceased; and
- iii. Other related expenses.
- f. Special and general damages as may be proven and awarded at trial;
- g. Aggravated, exemplary and punitive damages as may be proven and awarded at trial;
- h. Such further and other relief as this Honourable Court may deem fit.

22 The Plaintiff pleads and relies upon the Fatal Accidents Act, R.S.S. 1978, Ch. F-11 and claims the following amounts pursuant to sections 4 and 4.1 of the said Act:

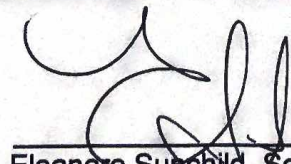
- a. \$30,000 to the mother, DEBBIE BAPTISTE;
- b. Funeral expenses of \$20,000.00;
- c. Grief Counselling in the amount of \$60,000;
- d. Out-of-Pocket expenses in the amount of \$60,000.

23 The Plaintiff, DEBBIE BAPTISTE, states that as a result of the death of COLTEN BOUSHIE, she was unable to pursue employment opportunities and thereby lost employment earnings in excess of \$100,000.00.

24 The Plaintiff therefore claims as against the Defendant:

- a. \$30,000 to DEBBIE BAPTISTE;
- b. Funeral expenses of \$20,000;
- c. Out-of-pocket expenses in the amount of \$60,000;
- d. Lost employment earnings of DEBBIE BAPTISTE in excess of \$100,000;
- e. Special damages in an amount to be proven at trial;
- f. Aggravated, exemplary and punitive damages to be proven at trial in the amount of \$200,000;
- g. Costs of this action;
- h. Interest pursuant to *The Pre-Judgment Interest Act* R.S.S. 1984 c.P-22.2;
- i. Such further and other relief as counsel may advise and as this Honourable Court may allow.

DATED at the First Nation of Poundmaker, Saskatchewan, this 8th day of August, 2018.



Eleanore Sunchid, Solicitor for the Plaintiff,
Debbie Baptiste

CONTACT INFORMATION AND ADDRESS FOR SERVICE**If prepared by a lawyer for the party:**

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