Amended pursuant to Federal Court Rule 200 on June 2, 2021
Further Amended pursuant to Federal Court Rule 200 on April 8, 2022
Further Amended pursuant to Federal Court Rule 200 on September 1, 2022
Further Amended pursuant to Federal Court Rule 200 on March 24, 2023

Court File No. T-88-21

FEDERAL COURT

PROPOSED CLASS PROCEEDING

BETWEEN:

MARTHA KAHNAPACE and AILEEN MICHEL

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

FOURTH AMENDED STATEMENT OF CLAIM

TO THE DEFENDANT:

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 _____

Issued by: _____
[Registry Officer]

Address of local office: Federal Court of Canada
Pacific Centre, PO Box 10065
3rd Floor, 701 West Georgia Street
Vancouver, British Columbia V7Y 1B6

TO: Attorney General of Canada
Her Majesty the Queen in Right of Canada
Attn: William F. Pentney, Deputy Attorney General of Canada

Relief Sought

1. The plaintiffs claim on their own behalf and on behalf of the Class (as hereinafter defined):

    a. An order certifying this action as a class proceeding pursuant to Rules 334.16 and 334.17 of the *Federal Court Rules*, SOR/98-106;

    b. An order pursuant to Rules 334.12, 334.16 and 334.17 of the *Federal Court Rules* appointing the plaintiffs, or, alternatively, one of the plaintiffs, as the representative plaintiff(s) for the Class;

    c. General damages plus damages equal to the cost of administering the plan of distribution;

    d. Special damages in an amount to be determined, including but not limited to past or future loss of income, medical expenses and out of pocket expenses;

    e. Exemplary and punitive damages;

    f. A declaration that use of the Custody Rating Scale infringes the right to liberty and security of the person, as protected by s.7 of the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c.11, and that the infringement of such rights is contrary to the principles of fundamental justice;

    g. A declaration that use of the Custody Rating Scale infringes the right to equality, contrary to s.15 of the *Canadian Charter of Rights and Freedoms*, and financial compensation for breach of s.15 of the *Charter*;

    g.1 A declaration that any Commissioner's Directive requiring the use of the Custody Rating Scale is of no force and effect as being *ultra vires* and/or of no force and effect pursuant to s.52 of the *Constitution Act*, 1982;

    g.2 A declaration that the use of the Custody Rating Scale is contrary to s.79.1 of the *Corrections and Conditional Release Act*, SC 1992, c.20;

    g.3 A declaration that the use of the Static Factor Assessment test, the Dynamic Factor Identification and Analysis-Revised test and the Reintegration Potential test is contrary to s.79.1 of the *Corrections and Conditional Release Act*, SC 1992, c.20 ;

h. Such just and appropriate remedy as may be ordered pursuant to s.24 of the *Charter*, including damages for breach of ss.7 and 15 of the *Charter*;

i. Interim, interlocutory and permanent injunctive relief preventing the Correctional Service of Canada from using the Custody Rating Scale, Static Factor Assessment, Dynamic Factor Identification and Analysis-Revised and Reintegration Potential tests in respect of the Plaintiffs and Class Members;

j. Pre-judgment and post-judgment interest;

k. Costs; and

l. Such further and other relief as this Honourable Court may deem just.

Nature of this Action

2. This action deals with the Custody Rating Scale (the "CRS"), a 12-item standardized test that is said to grade or score federal inmates in the custody of the Correctional Service of Canada ("CSC") on their public and institutional risk, as well as other risk assessment tools referred to below. The CRS consists of an Institutional Adjustment subscale with five items and a Security Risk subscale with seven items. Each item is assigned numerical weights and the subscale with the highest score determines security classification (minimum, medium or maximum) corresponding to cut-off scores for each classification.

3. The CRS was introduced throughout CSC in 1991 and has been used on every federal inmate for three decades. Item scores, weights and cut-off scores for classification are said to be influenced by empirical data and are adjusted to comport with internal policy considerations known only to CSC.

4. CSC employees use the CRS to assign inmates to minimum, medium and maximum security facilities. Assignment to higher security level facilities adversely affects the living conditions of an inmate by decreasing access to sunlight, fresh air, physical exercise, social contact, rehabilitative programming, discretionary release and parole.

Overclassification of Aboriginal Offenders

5. The CRS overclassifies, and is known by CSC to overclassify, Indigenous inmates, resulting in their improper confinement in maximum and medium security facilities instead of medium and minimum security facilities. Overclassification of Indigenous inmates by CRS is, and is known by CSC to be, even more pronounced for Indigenous women. Overclassification results in deprivation of residual liberty and ineligibility for discretion release and parole. CSC's use of the CRS on Indigenous inmates results in longer and harsher prison sentences for Indigenous inmates.

6. CSC's past and present use of CRS on Class Members knowingly breached and continues to breach s.4(g), 21(1) and 79.1 of the *Corrections and Conditional Release Act*, SC 1992, c.20 (the "*CCRA*"), or, alternatively, these breaches are systemic and are the product of indifference, callous disregard, willful blindness and recklessness with respect to the rights, interests and conditions of confinement of Class Members.

Knowledge of Overclassification of Indigenous Inmates

7. CSC has known since 2004 at the latest that the CRS overclassifies Indigenous inmates. An independent study commissioned in 2004 by the Commissioner of CSC from three experts, Jim Bonta, Karl Hanson and Annie Yessine (the "2004 Expert Study") concluded:

> "The predictive validity of the Security Risk subscale for women, in general, is weak and non-existent for Aboriginal women";
>
> "[CRS] appears to be systemically biased against, and so may not be suitable for use within, the Aboriginal offender population";
>
> "Aboriginal women are rated as needing higher levels of security than Non-Aboriginal women … [yet] … [c]ompared to Non-Aboriginal women, Aboriginal women appear less likely to incur institutional infractions".

8. The 2004 Expert Study was brought to the attention of CRS senior management, including all commissioners holding the office since 2004. CRS overclassification of Indigenous inmates has been continuously and repeatedly brought to the attention of CSC senior management by the Auditor General of Canada, the Canadian Human Rights Commission, the Canadian Association of Elizabeth Fry Societies and by the Office of the Correctional Investigator.

9. CSC's obligation to eliminate discriminatory systems, practices, policies and specifically CSC's obligation to avoid implementing discriminatory standardized tests was reinforced by the Supreme Court of Canada in *Ewert v. Canada (Correctional Services)*, 2018 SCC 30 on June 13, 2018.

10. Despite knowing that CRS is systemically biased against the Indigenous inmate population, and despite repeatedly having its discriminatory effects brought to its attention, and despite being reminded of its statutory obligations to avoid discrimination and avoid reliance on faulty standardized tests, CSC actively and continuously refused and refuses to modify or replace the CRS and refuses to implement an existing alternative classification system that is not systemically biased against Indigenous persons.

11. Because it is consciously aware of the problems with CRS and the harms caused to Indigenous inmates by CRS, CSC's ongoing use of CRS on Indigenous

inmates must be recognized as the product of deliberate and conscious race-based discriminatory treatment of Indigenous inmates that resulted in, and continues to result in, longer and harsher prison sentences for Indigenous people, especially Indigenous women.

Overclassification of Female Inmates

12. CRS also overclassifies female inmates, with the same harmful effects. The 2004 Expert Report concludes:

> The CRS was originally developed for use with male offenders. Although there is some evidence for its application with men, this evidence is not overly convincing. With female offenders the evidence is much less convincing and opens the potential for systemic bias. In our opinion, continued research on the scale with women is likely to produce only minor improvements that may be insufficient to justify the use of the CRS for such a serious task as security placement.

13. Overclassification of female inmates by means of the CRS leads to the same harms and deprivations.

Static Factor Assessment, Dynamic Factor Identification and Analysis-Revised and Reintegration Potential Tests

13.1 The Static Factor Assessment ("SFA") test, Dynamic Factor Identification and Analysis-Revised ("DFIA-R") test and the Reintegration Potential ("RP") test are standardized mechanical scoring tests applied to each inmate by CSC. These tests include and rely on factors listed under s.79.1(1) of the *CCRA* to generate scores. The scores on the SFA, DFIA-R and RP influence the CSC inmate classification decision.

13.2 The higher the inmate's score on the SFA, DFIA-R and RP tests, the greater the elevation of their risk assessment. Higher risk elevation tends to produce higher security classification, higher security placement, greater restrictions on liberty, programs and community access for inmates, and ultimately increases the duration of their incarceration.

13.2 The SFA, DFIA-R and RP tests create an anti-*Gladue* effect, such that the greater the presence of colonial and post-colonial oppression, the higher the inmate's risk profile and the more lengthy and harsh their time in custody. <u>This is due to the fact that the items within the tests that add to the risk score are often the product of direct and inter-generational colonial oppression, including displacement from land, cultural prohibitions, forced residential school attendance, historic physical and sexual abuse, child apprehensions, and other factors well known to the Attorney General of Canada.</u> This effect <u>of increasing risk scores in the presence of *Gladue* factors</u> is the opposite of the legally intended effect. CSC is aware of this anti-*Gladue* effect and is aware that it is

breaching s.79.1 of the *CCRA* on an ongoing basis but its use of the SFA, DFIA-R, RP and CRS tests on Indigenous inmates continues unabated.

The Representative Plaintiffs

14. The Plaintiff, Martha Kahnapace, is an Indigenous woman. She was convicted on September 27, 2007, of second degree murder. Her conviction was overturned by the British Columbia Court of Appeal on April 10, 2010 on the basis that the charge to the jury was erroneous. She was held in a maximum security facility in the interim, in part based on a policy that required 2 years to be served in maximum, and thereafter was held in a maximum security facility and then a medium security facility on the basis of her CRS score, which overclassified her risk. She was released from federal custody after her successful appeal pending a new trial.

15. The Plaintiff Ms. Kahnapace was again convicted of second degree murder on June 17, 2011. Her conviction was again overturned by the British Columbia Court of Appeal on January 22, 2013, on the basis that the trial judge had made errors in the jury charge that closely resembled the errors that resulted in an order for a new trial in 2010. In the interim between her second conviction and successful second appeal, the Plaintiff was held in a maximum and a medium security facility on the basis of her CRS score, which overclassified her risk. She was released from federal custody after her second successful appeal pending a new trial.

16. On her third trial, the Plaintiff Ms. Kahnapace was acquitted by a judge sitting alone without a jury of second degree murder and convicted of manslaughter. She was sentenced to time served. She had stabbed a male companion while intoxicated but had not intended to kill him.

17. The Plaintiff Aileen Michel is a former Indigenous inmate of ~~a~~ federal correctional facilities who was overclassified by means of the CRS, SFA, DFIA-R and RP tests. She is proposed as a representative plaintiff in addition to Ms. Kahnapace. The CRS, SFA, DFIA-R and RP tests were administered on Ms. Michel on numerous occasions, including in 2002, 2008, 2013, 2015/16, 2018 and 2019, upon her admission and readmission into custody, and the test results were relied on by CSC throughout Ms. Michel's incarceration to her detriment and contrary to law as set out herein. <u>In particular, the Impugned Tests detrimentally affected Ms. Michel in the following ways:</u>

    a. <u>Ms. Michel's scores on the Impugned Tests placed upwards pressure on her security classification and placement. She was assigned medium classification for most of her incarceration even though she should have been classified as minimum risk to other inmates and staff and minimal risk of institutional infractions;</u>

    b. <u>Because she was assigned a medium classification and placed in medium</u>

security, she was told by CSC staff that she was not likely to be granted parole and would be better off delaying her applications for day parole and full parole. As a consequence of her security classification and placement, Ms. Michel waived her eligibility for a parole hearing.

c. Because she was assigned a medium classification and placed in medium security, Ms. Michel's eligibility for escorted and unescorted temporary absences was restricted, which again influenced her eligibility for parole.

d. Whenever Ms. Michel breached her parole, she was automatically assigned to a medium security setting, even when her breach did not indicate any risk of institutional infraction or risk to inmates and staff.

e. Ms. Michel's elevated scores on the Impugned Test and security classification and placement adversely affected her self-image, as it made her falsely believe that adverse stereotypes about Indigenous persons applied to her, including stereotypes that Indigenous inmates present a greater risk and are more dangerous to other inmates and staff, are less manageable, less trustworthy and require greater monitoring. These false stereotypes adversely affected Ms. Michel's self-image and self-worth.

Proposed Class

18. The Plaintiffs proposes the following classes and/or subclasses:

    a. The class of female Indigenous inmates in custody in medium security or maximum security federal correctional facilities whose security classification was determined by means of the CRS;

    b. The class of female inmates in custody in medium security or maximum security federal correctional facilities whose security classification was determined by means of the CRS;

    c. The class of Indigenous inmates in custody in medium security or maximum security federal correctional facilities whose security classification was determined by means of the CRS; and

    d. The class of inmates in custody in medium security or maximum security federal correctional facility whose security classification was determined by means of the CRS.

Statutory Breaches

19. CSC's use of the Impugned Tests CRS violates ss.3, 4(c), 4(c.1), 4(c.2), 4(g), 24(1), 76, 77, 79, 80, 81 and 79.1 of the *CCRA*.

20. Sections 3, 4(c), 4(c.1), 4(c.2) and 4(g) of the *CCRA* provides as follows:

3 The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by

(a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and

(b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

4 The principles that guide the Service in achieving the purpose referred to in section 3 are as follows:

(c) the Service uses the least restrictive measures consistent with the protection of society, staff members and offenders;

(c.1) the Service considers alternatives to custody in a penitentiary, including the alternatives referred to in sections 29 and 81;

(c.2) the Service ensures the effective delivery of programs to offenders, including correctional, educational, vocational training and volunteer programs, with a view to improving access to alternatives to custody in a penitentiary and to promoting rehabilitation;

(g) correctional policies, programs and practices respect gender, ethnic, cultural, religious and linguistic differences, sexual orientation and gender identity and expression, and are responsive to the special needs of women, Indigenous persons, visible minorities, persons requiring mental health care and other groups

21. The Impugned Tests ~~CSC~~ breach~~es~~ s.4(g) of the *CCRA* because administration and reliance on the Impugned Tests constitute ~~CRS is~~ a policy, program or practice that does not respect gender, ethnic, cultural, religious and linguistic differences and is not responsive to the special needs of women or Indigenous persons. Use of the Impugned Tests ~~CRS~~ breaches ss.4(c), 4(c.1), 4(c.2) and 4(c.3), 76, 77, 79.1, 80 and 81 because it overclassifies inmates into more restrictive settings and restricts access to alternatives to custody in a penitentiary, restricts access to correctional, educational, vocational training and volunteer opportunities, and fails to promote rehabilitation.

22. Section 24(1) of the *CCRA* provides as follows:

24 (1) The Service shall take all reasonable steps to ensure that any information about an offender that it uses is as accurate, up to date and complete as possible.

23. CSC's use of the Impugned Tests ~~CRS~~ breaches s.24(1) of the *CCRA* by failing to take reasonable steps to ensure that Indigenous inmates and female inmates are not overclassified by the Impugned Tests ~~CRS~~.

24. Section 79.1 of the *CCRA* provides as follows:

> 79.1 (1) In making decisions under this Act affecting an Indigenous offender, the Service shall take the following into consideration:
>
> (a) systemic and background factors affecting Indigenous peoples of Canada;
>
> (b) systemic and background factors that have contributed to the overrepresentation of Indigenous persons in the criminal justice system and that may have contributed to the offender's involvement in the criminal justice system; and …
>
> (2) The factors described in paragraphs (1)(a) to (c) are not to be taken into consideration for decisions respecting the assessment of the risk posed by an Indigenous offender unless those factors could decrease the level of risk.

25. CSC breaches s.79.1 of the *CCRA* by failing to take into account the adverse effects of the Impugned Tests ~~CRS~~ on Indigenous inmates. CSC continues to use the Impugned Tests ~~CRS~~ on Indigenous inmates despite being aware that use of the Impugned Tests ~~CRS~~ breaches s.79.1 and being aware of those adverse effects. The use of the Impugned Tests ~~CRS~~ contributes to overrepresentation of Indigenous persons in the criminal justice system by increasing the duration of and harshness of sentences, and by restricting parole and rehabilitation options by overclassifying Indigenous inmates. CSC breaches s.79.1 of the *CCRA* by using the Impugned Tests ~~SFA, DFIA-R and RP tests~~ on Indigenous inmates, and knowing that use of the Impugned Tests ~~SFA, DFIA-R and RP tests~~ breaches s.79.1 and results in adverse effects for Indigenous inmates, including increases in the duration and harshness of incarceration.

Section 15

26. Section 15 of the *Canadian Charter of Rights and Freedoms* provides that every person is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination based on race, ancestry, sex or gender, and in particular have the right not to be discriminated against on the basis of being Indigenous and/or women.

27. As set out in this Statement of Claim, the s.15 *Charter* rights of the Plaintiffs and Class Members who are Indigenous and/or female have been breached. Class Members were deprived of liberty and residual liberty; their sentences were longer and harsher because they were Indigenous and/or women, and CSC knew it and

imposed those longer and harsher sentences consciously, deliberately and with malice. In particular, CSC's use of the Impugned Tests causes or contributes to discriminatory treatment and deprivation of s.15 equality rights by the following means:

a. CSC's use and reliance on the Impugned Tests constitutes a deprivation of a protection or benefit under the law (s.79.1 of the *CCRA*) that is specifically granted by statute to Indigenous offenders, namely, a legal restriction preventing CSC from relying on systemic and background factors that have contributed to the overrepresentation of Indigenous persons in the criminal justice system and that may have contributed to the offender's involvement in the criminal justice system unless those factors could decrease the level of risk for decisions respecting the assessment of risk. Each of the Impugned Tests incorporates factors restricted by s.79.1 to elevate the level of assessed risk, including street stability (employment, family, marital/intimate relationships, education), alcohol and drug use, and intensity of involvement with the criminal justice system. Because CSC relies on the Impugned Tools along with other factors, the Impugned Tools discriminate by impermissibly tipping the scales against Indigenous inmates.

b. CSC's reliance on the Impugned Tests deprives Indigenous inmates of the protection and benefit of s.4(g) of the *CCRA* because the Impugned Tests are not responsive to the special needs of women or Indigenous persons, and, in particular, the Impugned Tests administer formal equality in risk assessment when substantive equality is required by law. The special needs of Indigenous inmates and female inmates include the need for an individual, historical, culturally appropriate and supporting assessment of risk that will support their Indigenous identity and sense of cultural belonging, rather than an assessment that places weight on supposedly objective factors that were statistically derived from a homogenous data set and are not validated for Indigenous inmates or female inmates.

c. CSC by means of the Impugned Tools mechanically assigns risk scores and makes security classification and placement recommendations that result in overclassification of Indigenous women. By overclassification, the Plaintiffs mean both that Indigenous women are assigned on the basis of the Impugned Tests to security settings that are unnecessarily high and do not correspond to their statistical risk of committing institutional infractions and that Indigenous women are assigned on the basis of the Impugned Tests recommendations to security settings that are relatively higher than non-Indigenous women.

d. CSC exercises its discretion to override and underride CRS recommendations in a discriminatory way by means of test scores, recommendations and classifications produced by the SFA, DFIA-R and RP tests. A higher number of Indigenous women are overridden to

medium security and a higher number of non-Indigneous women are underriden to minimum security, and the test scores produced by SFA, DFIA-R and RP contribute to that outcome.

e. CSC relies exclusively on CRS results for penitentiary placement within the first 90 days of intake. Because the CRS generates higher risk scores for Indigenous inmates even though Indigenous inmates do not represent a higher risk, Indigenous inmates are placed in higher security classifications without justification on a discriminatory basis during that intake period.

f. In the aggregate, Indigenous female inmates are assigned higher security classifications and are placed in higher security settings than non-Indigenous offenders. Higher risk ratings and higher security placements propagate the false stereotypes that Indigenous inmates present a greater risk and are more dangerous to other inmates and staff, are less manageable, less trustworthy and require greater monitoring. These false stereotypes adversely affect the self-image and self-worth of all Indigenous inmates and affect the attitudes of all inmates and staff towards Indigenous inmates. Negative stereotypes and attitudes then provide implicit internal justification for the use of the Impugned Tools and a convenient institutional excuse for the widely known differential outcomes for Indigenous inmates, including lower rates of escorted and unescorted temporary absences, lower rates of parole, higher rates of incarceration until statutory release, and higher classification levels than non-Indigenous inmates.

g. In respect of Aileen Michel, her scores on the Impugned Tests placed ongoing pressure on CSC personnel to elevate her security classification and place her in a higher security setting. While the scores on the Impugned Tests were not the only factors considered by CSC in determining security classification and placement, the test scores placed an ongoing incessant upward pressure on those decisions and contributed to elevating her classification to medium and prolonging her placement in medium security and resisted her cascading down to minimum security. Absent the Impugned Test scores, there would have been little reason for CSC not to assign Aileen Michel to minimum security, which would have hastened her parole and made escorted and unescorted absences easier to obtain. Aileen Michel was told by CSC staff that she had little or no chance of achieving parole with a medium security placement and high risk scores from the Impugned Tests, so she deferred her parole hearings past her dates of eligibility, which extended her period of incarceration. Were it not for her scores on the Impugned Tests, Aileen Michel would have applied for and received parole earlier.

28. Discriminatory treatment meted out to the Plaintiffs and Class Members created substantive inequality and perpetuated prejudice and fostered the stereotype that Indigenous offenders are more dangerous than non-Indigenous offenders and

deserve harsher and longer prison sentences.

Section 7

29. Section 7 of the *Charter* provides that everyone has the right to liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

30. CSC deprived the Plaintiffs and Class Members of their security of the person, liberty and residual liberty as a result of harsher and longer sentences meted out to Class Members. The deprivations are inconsistent with the principles of fundamental justice because the use of CRS on Indigenous and/or female inmates is overbroad, arbitrary, discriminatory, grossly disproportionate and contrary to the rule of law as they infringed ss.3, 4(c), 4(c.1), 4(c.2), 4(g), 21(1), 76, 77, 79, 80, 81 and 79.1 of the *CCRA*.

Commissioner's Directives

31. Commissioner's Directives, including Commissioner's Directive 705-6 and 705-7 refer to and appear to direct employees of CSC to use the CRS, SFA, DFIA-R and RP on all inmates, including Indigenous and female inmates. The Plaintiffs says that all Commissioner's Directives that require use of the CRS, SFA, DFIA-R and PR on Indigenous and/or female inmates are:

    a. of no force and effect because Commissioner's Directives generally do not carry the force of law and are not legally binding on any staff or employees of CSC;

    b. in the alternative, if Commissioner's Directives are generally binding in law on staff or employees of CSC, then Commissioner's Directives that require the use of the CRS on Indigenous and/or female inmates are *ultra vires* s.96 of the *CCRA* and of no force and effect because they are contrary to ss.3, 4(c), 4(c.1), 4(c.2), 4(g), 24(1), 76, 77, 79.1, 80 and 81 of the *CCRA*; and

    c. in the further alternative, if Commissioner's Directives that require the use of CRS on Indigenous and/or female inmates are not *ultra vires* s.96 of the *CCRA*, then they are of no force and effect pursuant to s.52 of the *Constitution Act, 1982*.

Dated this 29th day of March, 2023

(Original filed January 11, 2021)
(Amended Statement of Claim filed June 2, 2021)
(Further Amended Statement of Claim filed April 8, 2022)
Third Amended Statement of Claim filed September 1, 2022

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