

Form 4.02A

2020

Tru No. 498054

Supreme Court of Nova Scotia

Between:

Nicholas Conrad Beaton, Clinton Ryan Ellison and Ryan David Farrington

Representative Plaintiffs

and

The Estate of Gabriel Wortman, deceased, Represented by the Public Trustee (a corporation as constituted by the *Public Trustee Act*, RSNS 1989, c 379) and Berkshire Broman Corporation, a body corporate and Atlantic Denture Clinic Inc., a body corporate and Northumberland Investments Inc., a body corporate

Notice of Action: Amended May 28, 2020

Proceeding pursuant to the *Class Proceeding Act*, SNS 2007, c 28



- To: The Public Trustee, in its capacity as the Representative of The Estate of Gabriel Wortman**
- To: Berkshire Broman Corporation**
- To: Atlantic Denture Clinic Inc.**
- To: Northumberland Investments Inc.**

Action has been started against you

The Representative Plaintiffs takes action against you.

The Representative Plaintiffs started the Action by filing this Notice with the Court on the date certified by the Prothonotary.

The Representative Plaintiffs claim the relief described in the attached Statement of Claim. The claim is based on the grounds stated in the Statement of Claim.

Deadline for defending the action

Pursuant to subsection 4(6) of the *Class Proceedings Act*, a defence is not due until forty-five (45) days after a Certification Order is issued in respect of the proceeding.

Judgment against you if you do not defend

The Court may grant an order for the relief claimed without further notice, unless you file the Notice of Defence before the deadline.

You may demand notice of steps in the action

If you do not have a defence to the claim or you do not choose to defend it you may, if you wish to have further notice, file a Demand for Notice.

If you file a Demand for Notice, the Representative Plaintiffs must notify you before obtaining an order for the relief claimed and, unless the Court orders otherwise, you will be entitled to notice of each other step in the Action.

Rule 57 - Action for Damages under \$100,000

Civil Procedure Rule 57 limits pretrial and trial procedures in a defended Action so it will be more economical. The Rule applies if the Representative Plaintiffs state the Action is within the Rule. Otherwise, the Rule does not apply, except as a possible basis for costs against the Representative Plaintiffs.

This Action is not within Rule 57.

Filing and delivering documents

Any documents you file with the Court must be filed at the office of the Prothonotary:

1 Church Street, Truro, Nova Scotia B2N 3Z5 (Tel: 902.893.3953)

When you file a document you must immediately deliver a copy of it to each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a Judge orders it is not required.

Contact information

The Representative Plaintiffs designate the following address:

Robert H. Pineo
PATTERSON LAW
1801 Hollis Street, Suite 2100
Halifax, NS B3J 3N4

Documents delivered to this address are considered received by the Representative Plaintiffs on delivery. Further contact information is available from the Prothonotary.

Proposed place of trial

The Representative Plaintiffs propose that, if you defend this Action, the trial will be held in Truro, Nova Scotia.

Signature

Signed May 5, 2020.

Amendments signed May 28, 2020.

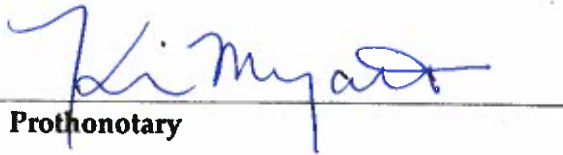


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Counsel for the Representative Plaintiffs,
Nicholas Conrad Beaton, Clinton Ryan
Ellison and Ryan David Farrington

Prothonotary's certificate

I certify that this Notice of Action, including the attached Statement of Claim, was filed with the Court on May 5, 2020.

I certify that this Amended Notice of Action, including the attached Statement of Claim, was filed with the Court on May 28, 2020.



Prothonotary

KIM MYATT
PROTHONOTARY

Amended Statement of Claim

The Parties

1. The Representative Plaintiffs for the proposed Class Proceeding are Nicholas Conrad Beaton of Onslow Mountain, Colchester County, Nova Scotia (hereinafter "the Plaintiff Beaton"), Clinton Ryan Ellison of Hubley, HRM, Nova Scotia (hereinafter "the Plaintiff Ellison"), and Ryan David Farrington of Trenton, Ontario (hereinafter "the Plaintiff Farrington").
2. The Defendant, the Public Trustee as the Representative of The Estate of Gabriel Wortman (hereinafter "the Estate"), is the Estate of Gabriel Wortman, formerly of Dartmouth, Halifax Regional Municipality, Nova Scotia, who died on April 19, 2020 (hereinafter "the Defendant Wortman").
 - 2A. The Defendant Berkshire Broman Corporation, (hereinafter "the Defendant Berkshire") is an extra provincial corporation incorporated in New Brunswick and owned and/or controlled by Wortman prior to his death and now owned and/or controlled by the Estate. Berkshire was registered in Nova Scotia and bears Nova Scotia Registry of Joint Stock Companies registration number 3229757.
 - 2B. The Defendant, Atlantic Denture Clinic Inc. (hereinafter "the Defendant Atlantic Denture") is a business name used in Nova Scotia by an as yet unidentified numbered company, an extra provincial corporation owned and/or controlled by Wortman prior to his death and now owned and/or controlled by the Estate.
 - 2C. The Defendant, Northumberland Investments Inc. (hereinafter "the Defendant Northumberland") is a business name used in Nova Scotia by an as yet unidentified numbered company, an extra provincial corporation owned and/or controlled by Wortman prior to his death and now owned and/or controlled by the Estate.

The Class Action

3. The Representative Plaintiffs brings the present Action on their own behalves and on behalf of the members of the three subclasses as a Class Proceeding pursuant to the *Class Proceedings Act*, SNS 2007, c 28.
4. The Representative Plaintiffs pleads that the Class Proceeding is comprised of three subclasses, defined as follows:
 - a. Subclass A: All of those persons who are entitled to advance claims pursuant to the *Fatal Injuries Act*, RSNS 1989, c 163, namely the spouses,

children and/or parents, as defined by said *Act*, of those persons killed by Wortman. Subclass A is represented by the Plaintiff Beaton.

- b. Subclass B: All of those persons, excluding Lisa Banfield, who suffered personal injuries by the actions of Wortman. Subclass B is represented by the Plaintiff Ellison; and,
 - c. Subclass C: All of those persons, including the Estates of those killed by Wortman, excluding Lisa Banfield, who suffered damage to property by the actions of Wortman. Subclass C is represented by the Plaintiff Farrington.
5. Collectively, the members of all of the three subclasses are referred to as “the Class Members”.
- 5A. A Class Member can be included in one, two or three of the subclasses.
6. The Representative Plaintiffs plead that the issues common to all of the Class Members are:
- a. the facts underlying the liability of the Estate for the losses and damages suffered; and,
 - b. the equitable division of the Estate’s assets on a *pro rata* basis in favour of each class member of the damage awards.

The Individual Claims

7. The Representative Plaintiffs plead that the individual Class Members will be required to present their own individual actions after the common issue of facts underlying the Defendants’ liability are determined by this Honourable Court. It will be presented to the Court that the trial of the individual issues within the case management context of this Class Proceeding.
8. The Representative Plaintiffs further plead that after the individual issues are determined, the second common issue, the division of the Defendants’ assets amongst the Class Members, will be determined.
9. The Representative Plaintiffs pleads that the following issues are issues individual to the Class Members and are to be determined on an individual basis by this Honourable Court:
- a. Liability of the Defendants to the individual Class Members;
 - b. The entitlement of damages of the individual Class Members; and,
 - c. The quantification of damages of the individual Class Members;

Background

10. The Representative Plaintiffs plead that during the evening hours of Saturday, April 18, 2020, Wortman began a spree of committing crimes that included shooting people and pets with various firearms and burning property including cars and residential structures.
11. The Representative Plaintiffs plead that the crime spree continued until approximately 11:26 a.m. on April 19, 2020.
12. The Representative Plaintiffs plead that during the crime spree, Wortman killed 22 people; caused personal injuries to at least six people; burned at least four residential structures; burned or damaged at least three motor vehicles; and, killed or injured at least five pets.
13. The Representative Plaintiffs pleads that crime spree began in Portapique, Colchester County, Nova Scotia.
14. Wortman's first victim was Lisa Banfield, a woman with whom he then or formerly had an intimate relationship. It is alleged by Banfield that at approximately 10:00 p.m. on April 18, 2020, Wortman assaulted her and she escaped into the forest and hid there until approximately 6:30 a.m. on April 19, 2020.
15. The Representative Plaintiffs plead that at approximately 10:00 p.m. on April 18, 2020, the RCMP received messages from 911 advising of shootings in the Portapique area. The RCMP arrived in Portapique at approximately 10:20 p.m. to find buildings burning.
16. The Representative Plaintiffs plead that at approximately 11:32 p.m. on April 18, 2020, the RCMP issued a notice via social medial platform Twitter, advising Portapique residents to "stay inside their homes with doors locked at this time".
17. The Representative Plaintiffs plead that at approximately 6:30 a.m. on April 19, 2020, Lisa Banfield called 911 and reported to the RCMP that Wortman had an authentic RCMP uniform and a replica RCMP police cruiser and multiple firearms.
18. The Representative Plaintiffs plead that the RCMP issued a "Be On the Look Out" alert for Wortman to other RCMP members shortly after 6:30 a.m. on April 19.
19. The Representative Plaintiffs plead that prior to Lisa Banfield informing the RCMP that Wortman was impersonating an RCMP officer (at approximately 6:30 a.m. on April 19, 2020), Wortman killed 13 victims; physically and/or psychologically injured at least five more; burned at least three residential buildings and damaged at least three motor vehicles.

20. The Representative Plaintiffs plead that at approximately 8:02 a.m. on April 19, 2020, the RCMP issued a further notice on Twitter stating that there is an "active shooter" in Portapique and asked residents to "stay inside".
21. The Representative Plaintiffs plead that Wortman left the Portapique area at some point during the overnight of April 18-19, 2020.
22. The Representative Plaintiffs plead that Wortman next traveled to Wentworth, Colchester County, Nova Scotia and killed three people and burned at least one residential building containing two dogs.
23. The Representative Plaintiffs plead that Wortman next traveled from Wentworth Station in the direction of Debert, Colchester County, Nova Scotia and killed three more people while on the road.
24. The Representative Plaintiffs plead that Wortman next traveled to Shubenacadie, Hants County, Nova Scotia and killed three more people, including Constable Heidi Stevenson, burned two motor vehicles, stole two motor vehicles and shot and injured a dog.
25. The Representative Plaintiffs plead that Wortman next traveled to Enfield, on the border of Hants County and Halifax County, Nova Scotia where Wortman was shot and killed by the RCMP.
26. The Representative Plaintiffs plead that at approximately 10:17 a.m. on April 19, 2020, the RCMP issued a further notice on Twitter stating that Wortman was impersonating an RCMP officer, was dressed in an RCMP uniform and driving a replica RCMP cruiser.
27. The Representative Plaintiffs plead that at no time did the RCMP, or anybody else on its behalf or independently, issue an alert via Alert Ready, an emergency alert system available to Nova Scotia to distribute public safety messages province-wide.

The Representative Plaintiffs

The Plaintiff Beaton

28. The Plaintiff Beaton is the widower of Kristen Nicole Beaton ("Kristen"). He is a member of Subclass A.
29. Wortman impersonated an RCMP officer to stop Kristen on the road as she traveled to work as a VON nurse. Wortman shot and killed Kristen. She was pregnant at the time of her death with their second child. Their other child is a son who was three years old at the time of Kristen's death.

30. The Plaintiff Beaton will be seeking and presumes that he will be granted the status of Personal Representative of the Estate of Kristen Nicole Beaton.
31. The Plaintiff Beaton is employed with the Town of Truro. He is willing to specifically represent the members of Subclass A, and, along with the Plaintiffs Beaton and Farrington, to represent all of the Class Members should this action be certified, to provide instructions to legal counsel, to attend discovery examinations, attend and testify at motions and trial of the common issues.

The Plaintiff Ellison

- 31A. The Plaintiff Ellison is an individual who suffered injuries caused by Wortman. He is also the brother of Cory Ellison who was killed by Wortman during the crime spree. He is a member of Subclass B.
- 31 B. Wortman impersonated an RCMP officer to stop the Plaintiff Ellison and his brother Cory on the road in Portapique in the late hours of April 18, 2020. Wortman shot and killed Cory Ellison and chased and hunted the Plaintiff Ellison in the nearby forest. The Plaintiff Ellison returned from the forest in the late hours of April 18, 2020 and informed the RCMP that the shooter was impersonating an RCMP officer.
- 31C. Plaintiff Ellison is currently unemployed due to the injuries that he sustained from Wortman. He is willing to specifically represent the members of Subclass B, and, along with the Plaintiffs Beaton and Farrington, to represent all of the Class Members should this action be certified, to provide instructions to legal counsel, to attend discovery examinations, attend and testify at motions and trial of the common issues.

The Plaintiff Farrington

- 31D. The Plaintiff Farrington is an individual who is a surviving adult child of Dawn Gulenchyn and step-child of Frank Gulenchyn who were killed by Wortman in Portapique. He is a member of Subclass C.
- 31 E. Wortman killed the Gulenchyns at their home at 71 Orchard Beach Drive, in Portapique, in the late hours of April 18, 2020. Wortman burned then burned their house. The house was a total loss.
- 31F. Plaintiff Farrington is willing to specifically represent the members of Subclass C, and, along with the Plaintiffs Beaton and Ellison, to represent all of the Class Members should this action be certified, to provide instructions to legal counsel, to attend discovery examinations, attend and testify at motions and trial of the common issues.

Causes of Action and Legislation

32. The Representative Plaintiffs repeat the forgoing and plead that the Estate is liable to all of the class members for the wrongful actions of Wortman and pleads and rely upon the torts of assault, battery, trespass and conversion of chattels.
- 32A. The Representative Plaintiffs plead that the Defendant Berkshire owned the replica RCMP police cruisers used by Wortman in the crime spree. The Representative Plaintiffs further plead that Berkshire was negligent in allowing Wortman to use the replica RCMP police cruisers for actions taken outside of the company's business operations.
- 32B. The Representative Plaintiffs plead that the Defendants Atlantic Dentures and Northumberland facilitated the acquisition of the accelerants used by Wortman in burning the houses and cars during the crime spree; and they housed, maintained and assisted Wortman in equipping the replica RCMP police cruisers used by Wortman in the crime spree. The Representative Plaintiffs further plead that Atlantic Dentures and Northumberland were negligent by assisting Wortman to equip himself to carry out the crime spree.
- 32C. In the alternative, the Representative Plaintiffs plead that the Defendants Berkshire, Northumberland Investments Inc. and Atlantic Dentures Inc. were alter egos on Wortman and therefore their actions related to the crime spree were, in reality, the actions of Wortman.
- 32D. The Representative Plaintiffs plead that the each of the Defendants are jointly and severally liable to the Class Members for the damages that they sustained during the crime spree.
33. The Representative Plaintiffs plead and rely upon the following statutes and the regulations made thereunder: the *Fatal injuries Act, supra*; the *Survival of Actions Act*, RSNS 1989, c 453; the *Estate Actions Act*, RSNS 1989, c 152; the *Tortfeasors Act*, RSNS 1989, c 471; and, the *Negligence Act*, RSNS 1989, c 95.

Relief Sought

34. The Representative Plaintiffs claim:
- (a) Interim and interlocutory relief to preserve the assets of the Estate, including the assets of the Defendants Berkshire, Northumberland and Atlantic Dentures, until the issue of damages is resolved;
 - (b) The certification of this proposed class proceeding for the common issues pursuant to the *Class Proceedings Act, supra*;
 - (c) An order for the equitable division of the Defendants' assets on a *pro rata* basis amongst the class members once the individual issues are determined;

- (d) A process whereby the Case Management Judge determines the Special and General Damages of the individual plaintiffs pursuant to the *Fatal Injuries Act, supra*, for the for the statutory beneficiaries comprising subclass A;
- (e) A process whereby the Case Management Judge determines the Special and General Damages of the individual plaintiffs' Special and General Damages for the members of subclass B for the injuries and damages suffered personally by those subclass members and for injuries and damages to their property;
- (f) A process whereby the Case Management Judge determines the Special and General Damages of the individual plaintiffs' Special and General Damages for the members of subclass C for the injuries and damages suffered to their property;
- (g) Pre-judgment interest;
- (h) Costs; and,
- (i) Such further and other damages or awards as this Honourable Court sees fit to grant as against the Defendants.

Signature

Signed May 5, 2020.

Amendments signed May 28, 2020.



Robert H. Pineo

PATTERSON LAW

1801 Hollis Street, Suite 2100

Halifax, NS B3J 3N4

Tel: 902.405.8000

Fax: 902.405.8001

**Counsel for the Representative Plaintiffs,
Nicholas Conrad Beaton, Clinton Ryan
Ellison and Ryan David Farrington**

Schedule A

Form 4.02A

2020

Tru No. 498054

Supreme Court of Nova Scotia

Between:

Nicholas Conrad Beaton, Clinton Ryan Ellison and Ryan David Farrington

Representative Plaintiffs

and

~~Pat Doe, in their capacity as Representative of The Estate of Gabriel Wortman, deceased, Represented by the Public Trustee (a corporation as constituted by the *Public Trustee Act*, RSNS 1989, c 379) and Berkshire Broman Corporation, a body corporate and Atlantic Denture Clinic Inc., a body corporate and Northumberland Investments Inc., a body corporate~~

Defendants

Notice of Action: Amended May 28, 2020

Proceeding pursuant to the *Class Proceeding Act*, SNS 2007, c 28

To: **The Public Trustee, in their its capacity as the Representative of The Estate of Gabriel Wortman**

To: **Berkshire Broman Corporation**

To: **Atlantic Denture Clinic Inc.**

To: **Northumberland Investments Inc.**

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The Representative Plaintiffs claims the relief described in the attached Statement of Claim. The claim is based on the grounds stated in the Statement of Claim.

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Contact information

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Halifax, NS B3J 3N4

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Proposed place of trial

The Representative Plaintiffs proposes that, if you defend this Action, the trial will be held in Truro, Nova Scotia.

Signature

Signed May 5, 2020.

Amendments signed May 28, 2020.

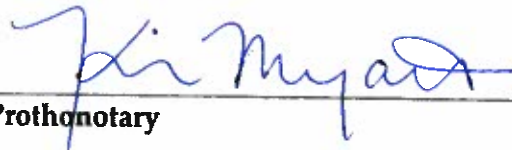


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Counsel for the Representative Plaintiffs,
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Prothonotary's certificate

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Prothonotary

KIM MYATT
PROTHONOTARY

Amended Statement of Claim

The Parties

1. The Representative Plaintiffs for the proposed Class Proceeding ~~is~~are Nicholas Conrad Beaton of Onslow Mountain, Colchester County, Nova Scotia (hereinafter "the Plaintiff Beaton"), Clinton Ryan Ellison of Hubley, HRM, Nova Scotia (hereinafter "the Plaintiff Ellison"), and Ryan David Farrington of Trenton, Ontario (hereinafter "the Plaintiff Farrington").
2. The Defendant, the Public Trustee as the Representative of The Estate of Gabriel Wortman (hereinafter "the Estate"), is the Estate of Gabriel Wortman, formerly of Dartmouth, Halifax Regional Municipality, Nova Scotia, who died on April 19, 2020 (hereinafter "the Defendant Wortman").
 - 2A. The Defendant Berkshire Broman Corporation, (hereinafter "the Defendant Berkshire") is an extra provincial corporation incorporated in New Brunswick and owned and/or controlled by Wortman prior to his death and now owned and/or controlled by the Estate. Berkshire was registered in Nova Scotia and bears Nova Scotia Registry of Joint Stock Companies registration number 3229757.
 - 2B. The Defendant, Atlantic Denture Clinic Inc. (hereinafter "the Defendant Atlantic Denture") is a business name used in Nova Scotia by an as yet unidentified numbered company, an extra provincial corporation owned and/or controlled by Wortman prior to his death and now owned and/or controlled by the Estate.
 - 2C. The Defendant, Northumberland Investments Inc. (hereinafter "the Defendant Northumberland") is a business name used in Nova Scotia by an as yet unidentified numbered company, an extra provincial corporation owned and/or controlled by Wortman prior to his death and now owned and/or controlled by the Estate.

The Class Action

3. The Representative Plaintiffs brings the present Action on their his own behalf behalves and on behalf of the members of the three subclasses as a Class Proceeding pursuant to the *Class Proceedings Act, SNS 2007, c 28*.
4. The Representative Plaintiffs pleads that the Class Proceeding is comprised of three subclasses, defined as follows:
 - a. Subclass A: All of those persons who are entitled to advance claims pursuant to the *Fatal Injuries Act, RSNS 1989, c 163*, namely the spouses,

children and/or parents, as defined by said *Act*, of those persons killed by Wortman. Subclass A is represented by the Plaintiff Beaton.

- b. Subclass B: All of those persons, excluding Lisa Banfield, who suffered personal injuries by the actions of Wortman. Subclass B is represented by the Plaintiff Ellison; and,
- c. Subclass C: All of those persons, including the Estates of those killed by Wortman, excluding Lisa Banfield, who suffered damage to property by the actions of Wortman. Subclass C is represented by the Plaintiff Farrington.

5. Collectively, the members of all of the three subclasses are referred to as "the Class Members".

5A. A Class Member can be included in one, two or three of the subclasses.

- 6. The Representative Plaintiff pleads that the issues common to all of the Class Members are:
 - a. the facts underlying the liability of the Estate for the losses and damages suffered; and,
 - b. the equitable division of the Estate's assets on a *pro rata* basis in favour of each class member of the damage awards.

The Individual Claims

- 7. The Representative Plaintiffs pleads that the individual Class Members will be required to present their own individual actions after the common issue of facts underlying the Defendants' Estate's liability are determined by this Honourable Court. It will be presented to the Court that the trial of the individual issues within the case management context of this Class Proceeding.
- 8. The Representative Plaintiffs further pleads that after the individual issues are determined, the second common issue, the division of the Defendants' ~~Estate's~~ assets amongst the Class Members, will be determined.
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 - a. Liability of the Defendants Estate to the individual Class Members;
 - b. The entitlement of damages of the individual Class Members; and,

c. The quantification of damages of the individual Class Members;

Background

10. The Representative Plaintiffs pleads that during the evening hours of Saturday, April 18, 2020, Wortman began a spree of committing crimes that included shooting people and pets with various firearms and burning property including cars and residential structures.
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at least five more; burned at least three residential buildings and damaged at least three motor vehicles.

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26. The Representative Plaintiffs pleads that at no time did the RCMP, or anybody else on its behalf or independently, issue an alert via Alert Ready, an emergency alert system available to Nova Scotia to distribute public safety messages province-wide.

The Representative Plaintiffs

The Plaintiff Beaton

27. The ~~Representative~~ Plaintiff Beaton is the widower of Kristen Nicole Beaton ("Kristen"). He is a member of Subclass A.
28. Wortman impersonated an RCMP officer to stop Kristen on the road as she traveled to work as a VON nurse. Wortman shot and killed Kristen. She was pregnant at the

time of her death with ~~her and the Representative Plaintiff's~~ their second child. Their other child is a son who was three years old at the time of Kristen's death.

29. The ~~Representative~~ Plaintiff Beaton will be seeking and presumes that he will be granted the status of Personal Representative of the Estate of Kristen Nicole Beaton.
30. The ~~Representative~~ Plaintiff Beaton is employed with the Town of Truro. He is willing to specifically represent the members of Subclass A, and, along with the Plaintiffs Beaton and Farrington, to represent all of the Class Members should this action be certified, to provide instructions to legal counsel, to attend discovery examinations, attend and testify at motions and trial of the common issues.

The Plaintiff Ellison

- 31A. The Plaintiff Ellison is an individual who suffered injuries caused by Wortman. He is also the brother of Cory Ellison who was killed by Wortman during the crime spree. He is a member of Subclass B.
- 31 B. Wortman impersonated an RCMP officer to stop the Plaintiff Ellison and his brother Cory on the road in Portapique in the late hours of April 18, 2020. Wortman shot and killed Cory Ellison and chased and hunted the Plaintiff Ellison in the nearby forest. The Plaintiff Ellison returned from the forest in the late hours of April 18, 2020 and informed the RCMP that the shooter was impersonating an RCMP officer.
- 31C. Plaintiff Ellison is currently unemployed due to the injuries that he sustained from Wortman. He is willing to specifically represent the members of Subclass B, and, along with the Plaintiffs Beaton and Farrington, to represent all of the Class Members should this action be certified, to provide instructions to legal counsel, to attend discovery examinations, attend and testify at motions and trial of the common issues.

The Plaintiff Farrington

- 31D. The Plaintiff Farrington is an individual who is a surviving adult child of Dawn Gulenchyn and step-child of Frank Gulenchyn who were killed by Wortman in Portapique. He is a member of Subclass C.
- 31 E. Wortman killed the Gulenchyns at their home at 71 Orchard Beach Drive, in Portapique, in the late hours of April 18, 2020. Wortman burned then burned their house. The house was a total loss.
- 31F. Plaintiff Farrington is willing to specifically represent the members of Subclass C, and, along with the Plaintiffs Beaton and Ellison, to represent all of the Class Members should this action be certified, to provide instructions to legal counsel, to

attend discovery examinations, attend and testify at motions and trial of the common issues.

Causes of Action and Legislation

32. The Representative Plaintiffs repeats the forgoing and pleads that the Estate is liable to all of the class members for the wrongful actions of Wortman and pleads and ~~relies~~ rely upon the torts of assault, battery, trespass and conversion of chattels.
- 32A. The Representative Plaintiffs plead that the Defendant Berkshire owned the replica RCMP police cruisers used by Wortman in the crime spree. The Representative Plaintiffs further plead that Berkshire was negligent in allowing Wortman to use the replica RCMP police cruisers for actions taken outside of the company's business operations.
- 32B. The Representative Plaintiffs plead that the Defendants Atlantic Dentures and Northumberland facilitated the acquisition of the accelerants used by Wortman in burning the houses and cars during the crime spree; and they housed, maintained and assisted Wortman in equipping the replica RCMP police cruisers used by Wortman in the crime spree. The Representative Plaintiffs further plead that Atlantic Dentures and Northumberland were negligent by assisting Wortman to equip himself to carry out the crime spree.
- 32C. In the alternative, the Representative Plaintiffs plead that the Defendants Berkshire, Northumberland Investments Inc. and Atlantic Dentures Inc. were alter egos on Wortman and therefore their actions related to the crime spree were, in reality, the actions of Wortman.
- 32D. The Representative Plaintiffs plead that the each of the Defendants are jointly and severally liable to the Class Members for the damages that they sustained during the crime spree.
33. The Representative Plaintiffs pleads and ~~relies~~ rely upon the following statutes and the regulations made thereunder: the *Fatal injuries Act, supra*; the *Survival of Actions Act*, RSNS 1989, c 453; the *Estate Actions Act*, RSNS 1989, c 152; the *Tortfeasors Act*, RSNS 1989, c 471; and, the *Negligence Act*, RSNS 1989, c 95.

Relief Sought

34. The Representative Plaintiffs claims:
- (a) Interim and interlocutory relief to preserve the assets of the Estate, including the assets of the Defendants Berkshire, Northumberland and Atlantic Dentures, until the issue of damages is resolved;

- (b) The certification of this proposed class proceeding for the common issues pursuant to the *Class Proceedings Act, supra.*;
- (c) An order for the equitable division of the ~~Estate's~~ Defendants' assets on a *pro rata* basis amongst the class members once the individual issues are determined;
- (d) A process whereby the Case Management Judge determines the Special and General Damages of the individual plaintiffs pursuant to the *Fatal Injuries Act, supra*, for the for the statutory beneficiaries comprising subclass A;
- (e) A process whereby the Case Management Judge determines the Special and General Damages of the individual plaintiffs' Special and General Damages for the members of subclass B for the injuries and damages suffered personally by those subclass members and for injuries and damages to their property;
- (f) A process whereby the Case Management Judge determines the Special and General Damages of the individual plaintiffs' Special and General Damages for the members of subclass C for the injuries and damages suffered to their property;
- (g) Pre-judgment interest;
- (h) Costs; and,
- (i) Such further and other damages or awards as this Honourable Court sees fit to grant as against the ~~Estate~~ Defendants.

Signature

Signed May 5, 2020.

Amendments signed May 28, 2020.



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