

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

JUN 20 2022



BETWEEN:

IN THE SUPREME COURT OF BRITISH COLUMBIA

MARY REYNOLDS

PLAINTIFF

AND:

DEEP WATER RECOVERY LTD., MARK JURISICH, JOHN DOE #1,
JOHN DOE #2, JOHN DOE #3 and JOHN DOE #4

DEFENDANTS

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 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.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

The Parties

1. The Plaintiff Mary Reynolds is a retiree who resides in Union Bay, British Columbia ("Reynolds"). The Plaintiff has an address for service at 511-55 East Cordova Street, Vancouver, British Columbia, V6A 0A5.
2. The Defendant, Deep Water Recovery Ltd. ("DWR") is a company incorporated on June 29, 2016 under the *Company Act*, RSBC 1996, c.25. DWR has a registered office and records office at 1500-570 Granville Street, Vancouver, British Columbia, V6C 3P1.
3. The Defendant, Mark Jurisich, is a corporate director and operations manager of DWR ("Jurisich"). Jurisich has an address at 3764 Minto Road, Courtenay, British Columbia, V9N 9P8.
4. The Defendants, John Doe #1, John Doe #2, John Doe #3 and John Doe #4, are employees of DWR. Their addresses are known to the defendants.

Background

5. Reynolds is a retiree who enjoys hiking and photography in the Union Bay area. In the past few years, she has developed skills in nature photography and videography using remote controlled drone technology. In 2021, she purchased a DJI Mini 2 drone which comes equipped with a high resolution camera. Reynolds complies with all applicable regulations that apply to her operation of her drone.
6. Commencing in 2021, DWR began to operate a shipbreaking operation on an ocean beach outside Union Bay in Baynes Sound. Shipbreaking is the physical disassembly of boats and barges and the disposal or recycling of the residual material. Shipbreaking releases and disperses hazardous waste.
7. DWR operations in Baynes Sound are controversial. Concerned residents have denounced the operation. On April 14, 2022, Comox Valley Regional District commenced an action in the Supreme Court of British Columbia against DWR to obtain an injunction compelling DWR to cease its operations on the basis that the property zoning does not allow for shipbreaking.
8. Since approximately February of 2022, Reynolds has taken photographs and video recordings of DWR's shipbreaking operation. Reynolds posts her photos and video

to YouTube and to her own website. In so doing, she has complied with all provincial and federal regulations.

Robbery/Theft/Intimidation - June 11, 2022

9. At approximately 1:10 p.m. on June 11, 2022, Reynolds was standing beside her vehicle in the Union Bay Community Hall parking lot flying her drone. While Reynolds was bringing her drone down for a landing, Jurisich arrived in the parking lot as a passenger in a vehicle driven by John Doe #1. The vehicle carrying Jurisich stopped within fifteen feet of Reynolds' vehicle.
10. Jurisich jumped out of his vehicle in an agitated state before it had come to a complete stop and marched quickly towards Reynolds with a highly aggressive and angry demeanor. Jurisich is a middle-aged tall man approximately 6 feet in height, at approximately 250 lbs. Reynolds is 71 years of age and 5'8", at 125 lbs. Jurisich physically dominated Reynolds. Jurisich entered Reynolds' personal space standing close to her and approaching her to the point that she was backed up her against her vehicle while trying to concentrate on landing her drone.
11. When the drone was approximately 5 feet off the ground, Jurisich grabbed the drone out of the air and started yelling false accusations at Reynolds that Reynolds was harassing him. Jurisich was volatile and out of control. At that point, Reynolds did not know Jurisich's name or that he was a director and operations manager of DWR. After seizing hold of Reynolds' drone, Jurisich stalked back and forth numerous times between Reynolds and the vehicle in which he had arrived, shouting at Reynolds, putting his face in Reynolds' face and shaking his fist that was holding the drone in Reynolds' face. Reynolds feared for her safety and, out of fear of Jurisich, did not attempt to grab her drone back from Jurisich.
12. Jurisich then absconded in the vehicle driven by John Doe #1 with the drone without asking or obtaining Reynolds' consent. Jurisich and John Doe #1 knew that the drone was Reynolds' property and took it against her will and while she was under physical threat and intimidation by Jurisich.
13. Jurisich and John Doe #1 were acting in the course of their employment and at the express or implicit direction of and/or for the benefit of DWR when they stole Reynolds' drone, shouted at her, and physically intimidated her. Jurisich's intention and the intention of DWR was to deprive Reynolds of the use of her drone and to intimidate Reynolds into ceasing her lawful activity of photographing and making video recordings of DWR operations and disseminating those images. The vehicle driven by John Doe #1 is owned or leased by John Doe #1, Jurisich or DWR.

Intimidation – June 14, 2022

14. On June 14, 2022, at approximately 10:05 p.m., Jurisich drove up and parked in the dark on the left side of the street immediately outside Reynolds' residence in a white four-door pickup truck. He exited the vehicle through the front driver's side door, walked onto Reynolds' property and walked partway up the stairs of her front porch, and deposited Reynolds' drone onto her front porch.
15. John Doe #2 was a passenger in the white pickup truck. When Jurisich exited the pickup truck, John Doe #2 also exited the pickup truck through the front passenger door and stood guard in front of the pickup truck while Jurisich walked onto Reynolds' property and porch.
16. While Reynolds' drone was in the possession and control of Jurisich and DWR, Jurisich, DWR and other employees or contractors under the direction of Jurisich and/or DWR removed the memory card from Reynolds' drone, accessed, copied, and deleted the data and images on the memory card, and caused damage to the drone that rendered it inoperable.
17. Jurisich and John Doe #2 were acting in the course of their employment and at the express or implicit direction of and/or for the benefit of DWR when they attended at Reynolds' home at night to deliver her broken drone back to her. Delivering Reynolds' broken drone back to her at night in clandestine fashion was intended to intimidate Reynolds into ceasing her lawful activity of photographing and making video recordings of DWR operations and disseminating those images. Jurisich, John Doe #2 and DWR were sending a message to Reynolds that they could rob her, break her personal property and violate the sanctity of her home at any time they want. The white pickup driven by Jurisich on June 14, 2022, is owned or leased by Jurisich, DWR or John Doe #2.

Unlawful Confinement, Pursuit, Besetting and False Police Report – June 15, 2022

18. On June 15, 2022, at approximately 2:20 p.m., Reynolds was again parked at the Union Bay Community Hall parking lot. Her vehicle was backed in against a chain link fence. Jurisich pulled up in the parking lot in a white pickup truck and stopped the pickup directly in front of Reynolds' vehicle, preventing her exit and confining her. Jurisich intended to confine the Plaintiff's vehicle as he had other convenient parking options other than parking directly in front of Reynolds' vehicle.
19. Jurisich jumped out of his vehicle and moved quickly towards Reynolds. Jurisich was angry and agitated. Reynolds was fearful for her safety and got into her own vehicle as quickly as she could. Jurisich aggressively pushed his head fully into her

car window and yelled at Reynolds, "You are harassing us". He said, "There's her drone, I'm calling the police". Jurisich used his own phone to take a photograph of Reynolds' drone controller, which was sitting on her passenger seat.

20. Reynolds was fearful for her safety and executed a six- or eight-point turn, inching her way out from where she was trapped by the pickup truck. She was shaken and drove back to her home, which is about two blocks from the Community Hall. Jurisich got back into the white pickup truck and chased Reynolds back to her home and parked in front of her home.
21. When Reynolds got out of her vehicle at her home, Jurisich pulled up beside her vehicle. A second white pickup truck with licence plate PF839K, driven by John Doe #3 with John Doe #4 in the front passenger seat, pulled up outside Reynolds' house. Both white pickup trucks then parked perpendicular to the street outside Reynolds' house with the pickup trucks positioned to face her house.
22. Reynolds telephoned the Royal Canadian Mounted Police. When the RCMP constable arrived, Jurisich made the false statements to the constable that Reynolds was harassing him and DWR, made the false statement that Reynolds was operating her drone contrary to regulations and that DWR is in a no-fly zone, and made the false statement that Reynolds had been ordered by the RCMP not to operate her drone near the DWR facility. Jurisich made these statements to the constable knowing each of these statements to be false.
23. Jurisich blocked Reynolds' vehicle in the Community Hall parking lot with the intention of preventing her from departing and with the intention of intimidating her from taking photographs and video recordings of DWR operations and disseminating the images. Jurisich menaced and entered Reynolds' vehicle with his body without her consent with the intention of intimidating Reynolds from taking photographs and video recordings of DWR operations and disseminating the images and with the intention of causing emotional distress to Reynolds.
24. Jurisich followed Reynolds to her home in his vehicle with the intention of intimidating Reynolds from taking photographs and video recordings of DWR operations and disseminating the images and with the intention of causing her emotional distress. Jurisich, John Doe #3 and John Doe #4 lurked outside and beset Reynolds' residence with the intention of intimidating Reynolds from photographing and taking video recordings of DWR operations and disseminating the images and with the intention of causing her emotional distress. Jurisich lied to the RCMP constable to confuse the RCMP and deter the RCMP from taking or recommending action under the *Criminal Code of Canada*.

25. Jurisich, John Doe #3 and John Doe #4 were acting in the course of their employment and at the express or implicit direction of and/or for the benefit of DWR when they confined Reynolds, invaded her vehicle, followed her home, and beset her residence on June 15, 2022. These actions were intended to intimidate Reynolds into ceasing her lawful activity of photographing and making video recordings of DWR operations and disseminating those images. They were intended to and did cause Reynolds to fear for her safety. The white pickup trucks driven by the defendants on June 15, 2022, are owned or leased by Jurisich, DWR or John Doe #3 or John Doe #4.

Coordination and Agreement by Electronic Communications

26. The defendants DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4 coordinated their actions by communicating with one another and/or agreeing to act prior to, in preparation for, and during their coordinated actions on June 11, June 14 and June 15, 2022. In so doing, the coordinated actions of DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4 were the product of one or more agreements made and directions given by means of telephonic and electronic messages by cell phone, email, text messaging or other electronic messaging applications.

Consequences of Theft, Treats and Intimidation

27. Reynolds was unable to use her drone to lawfully take photographs and video recordings after it was stolen and damaged by Jurisich, John Doe #1 and DWR on June 11, 2022.
28. The conduct of DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4, on June 11, June 14 and June 15, was intended to threaten and cause Reynolds to apprehend harm to her person and cause her to fear for her safety and bodily integrity. The defendants, jointly and each of them, intended to convey and conveyed implicit threats to cause physical harm to Reynolds on those dates and an implicit threat to cause physical harm to Reynolds in the future if she continued to photograph or video record DWR operations or disseminate images of DWR operations.
29. The threatening and intimidating behaviour of DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4 actually caused Reynolds significant emotional distress and caused her to fear for her safety. The threatening and intimidating behavior of DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4 caused Reynolds to lose sleep and caused her to experience distress, fear and anxiety.

30. Although Reynolds has obtained a replacement drone, out of fear of personal injury and further menacing and besetting by DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4, Reynolds temporarily, from June 15, 2022 until June 20, 2022, ceased her lawful activity of operating her drone to take photographs and video recordings of DWR's shipbreaking activities.

Threats and Intimidation of DWR Critics

31. In February and March of 2022, Jurisich attended the residences of community members who have publicly criticized DWR shipbreaking operations as posing risks to the environment, and has engaged in threatening behaviour, including pounding on doors and windows, and threatening to bankrupt them if they continue to criticize DWR operations.
32. On the basis of the actions of Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4 on June 11, 14 and 15, 2022, and on the basis of intimidation of other community members in February and March of 2022, Reynolds is reasonably fearful for her safety.

Part 2: RELIEF SOUGHT

33. The Plaintiff claims damages from the Defendants as follows:

- (a) general damages;
- (b) special damages, including the replacement cost for her drone;
- (c) aggravated damages;
- (d) punitive damages;
- (e) an interim, interlocutory and permanent injunction requiring the Defendants and any employee of DWR with notice of the injunction order from approaching within 100 feet of Reynolds or her residence;
- (f) costs, including special costs and applicable taxes on those costs;
- (g) interest pursuant to the *Court Order Interest Act*, RSBC 1996, c. 79, and amendments thereto; and
- (h) such further and other relief as to this Honourable Court may seem just.

Part 3: LEGAL BASIS

1. The conduct of Jurisich, DWR and John Doe #1 on June 11, 2022, as set out above, constitutes conversion by theft of Reynolds' drone, conversion by damaging Reynolds' drone, harassment, assault and intimidation.
2. The conduct of Jurisich, DWR and John Doe #2 on June 14, 2022, constitutes harassment, assault and intimidation.
3. The conduct of Jurisich and DWR to immobilize Reynolds' vehicle and prevent her from leaving the Community Hall constitutes unlawful confinement, assault and intimidation. The conduct of Jurisich and DWR in following and besetting Reynolds on her way home constitutes harassment, assault and intimidation..
4. The conduct of Jurisich, DWR, John Doe #3 and John Doe #4 in besetting Reynolds at her home on June 15, 2022, constitutes harassment, assault and intimidation.
5. The coordinated and concerted actions of DWR, Jurisich, John Doe #1, John Doe #2, John Doe #3 and John Doe #4 on June 11, June 14 and June 15, 2022, constitute an unlawful conspiracy to injure, threaten, harm, intimidate and cause emotional distress to Reynolds, by unlawful means including besetting and threatening, with the intention of harming Reynolds in retaliation for filming DWR operations and intimidating her from lawfully photographing and video recording DWR's shipbreaking operations.
6. The conduct of the defendants justifies the issuance of an injunction preventing Jurisich and any employee of DWR from approaching within 100 feet of Reynolds or Reynolds' residence.

Plaintiff's address for service: Gratl & Company

Barristers and Solicitors
511-55 East Cordova Street
Vancouver, BC V6A 0A5
Attn: Jason Gratl

Place of Trial: Vancouver

The address of the registry is: The Law Courts
800 Smithe Street
Vancouver, BC V6Z 2E1

Date: June 20, 2022



Signature of Jason Gratl
for: Lawyer for 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 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.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This is a claim for compensation and injunctive relief against a corporation and its directors and employees for trying to intimidate a retired lady from photographing and videotaping a beachfront shipbreaking operation.

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:

[Check all boxes below that apply to this case]

☐ a class action

☐ maritime law

☐ aboriginal law

☐ constitutional law

☐ conflict of laws

☒ none of the above

☐ do not know

Part 4: