



**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**CHRISTOPHER BARBER**

**Plaintiff**

- and -

**HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF ONTARIO**

**Defendant**

**NOTICE OF ACTION**

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 an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or 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 is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$1,000.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court.

If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date ..... Issued by : \_\_\_\_\_

Local registrar

Address of court office: 161 Elgin Street  
Ottawa, ON

TO: Crown Law Office – Civil  
McMurtry-Scott Building  
8th Floor, 720 Bay Street  
Toronto, Ontario, M7A 2S9

## CLAIM

1. The PLAINTIFF, Christopher Barber, claims as against the Defendant:
  - a) General and special damages in the amount of \$300,000.00;
  - b) Punitive, exemplary and aggravated damages in the amount to be determined;
  - c) All Goods and Services Tax which may be payable on any damages or costs awarded;
  - d) Prejudgment and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990 c. C 43 as amended;
  - e) His costs of this action on a solicitor and his own client basis;
  - f) Such further and other relief as this Honourable Court may deem just.

### The Parties

2. The Plaintiff, Chris Barber, was at all material times an accused individual before the Ontario Court of Justice.
3. The Defendants, His Majesty the King in Right of the Province of Ontario (the “Crown”) is named in these proceedings pursuant to the provisions of the *Crown Liability and Proceedings Act, 2019*, S.O. 2019, c. 7, Sched. 17, and the amendments thereto.
4. The Crown is the legal entity liable for the torts committed by its agents and servants pursuant to the *Crown Liability and Proceedings Act, 2019*, S.O. 2019, c. 7, Sched. 17.

### The Wrongdoing

5. On or about July 4, 2023, CTV News wrote an article regarding Mr. Barber’s UFED cellphone data extraction containing over 4000 pages of data that the media obtained from the Court. The Crown had filed this UFED data at Ms. Tamara Lich’s bail hearing which then became available to the public and the media.
6. The UFED cellphone data contained multiple text messages, phone number contacts and names, videos, photos, etc. totally irrelevant to the case of Ms. Lich and of Mr. Barber.

7. The entire UFED cellphone data should never have been filed with the Court making it available to the public and the media as it contained personal and private information that was totally irrelevant to the case. There was no proper vetting of the UFED data prior to being filed with the Court.
8. The Crown breached Mr. Barber's privacy rights in filing the UFED cellphone data with the Court without a proper vetting of same. The Plaintiff learned of the filing of the UFED data after the CTV News article became public on July 4, 2023.
9. As a result of the actions of the Defendants, the Plaintiff has suffered and continues to suffer damages.
10. The Plaintiff pleads and relies upon *Crown Liability and Proceedings Act, 2019*, S.O. 2019, c. 7, Sched. 17.
11. The Plaintiff proposes that this action be heard in Ottawa.

Date: September 10, 2024

**GRENIER LAW**  
280 Metcalfe Street, Suite 201  
Ottawa, Ontario K2P 1R7

**Monick L. Grenier (61863R)**  
Telephone: 613-755-4037  
Facsimile: 613-702-5557  
Solicitor for the Plaintiff

Plaintiffs

Defendant

*ONTARIO*  
SUPERIOR COURT OF JUSTICE  
*OTTAWA*

**NOTICE OF ACTION**

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**Monick L. Grenier (61863R)**  
Tel: 613.552.5537  
Fax: 613.702.5557  
monick@grenierlaw.ca  
**Solicitor for the Plaintiff**