



Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN  
N:**

**TAMARA LICH**

Plaintiff

-and-

**CHRIS BENSON, MAHAD HASSAN, OTTAWA POLICE SERVICES BOARD,  
OTTAWA POLICE SERVICE, MOIZ KARIMJEE, HIS MAJESTY THE KING  
in rright of ONTARIO and THE ATTORNEY GENERAL OF ONTARIO, JOHN  
DOE, and JANE DOE**

Defendants

**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 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 \$400.00 for costs and have the costs assessed by the court.**

**TAKE NOTICE: THIS ACTION WILL BE AUTOMATICALLY 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 Ontario K2P 2K1

**TO: CHRIS BENSON**  
c/o Ottawa Police Service, Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5

**TO: MAHAD HASSAN**  
c/o Ottawa Police Service, Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5

**TO: OTTAWA POLICE SERVICES BOARD**  
110 Laurier Avenue W  
Ottawa, Ontario K1P 1J1

**Mailing Address:**  
c/o Ottawa Police Service, Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5

**TO: OTTAWA POLICE SERVICE**  
Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5

**TO: MOIZ KARIMJEE**  
c/o Provincial Crown Attorney's Office  
161 Elgin Street, 2<sup>nd</sup> Floor  
Ottawa Ontario K2P 2K1

**TO: ATTORNEY GENERAL OF ONTARIO**

Crown Law Office – Civil

McMurty-Scott Building, 8<sup>th</sup> Floor

720 Bay Street

Toronto, Ontario M7A 2S9

## CLAIM

### I. Overview/Parties

1. The Plaintiff, Tamara Lich (“**Lich**”), is a resident of the City of Medicine Hat, in the Province of Alberta.
2. The Defendant, Chris Benson (“**Benson**”), is a police officer and member of the Ottawa Police Service (“**OPS**”).
3. The Defendant, Mahad Hassan (“**Hassan**”), is a police officer and member of the OPS.
4. The Defendant, John Doe, is a police officer and member of the OPS whose identity is known to the Defendants but not known to Lich.
5. The Defendant, Jane Doe, is a police officer and member of the OPS whose identity is known to the Defendants but not known to Lich.
6. The Defendant, the Ottawa Police Service Board, is the statutory nominee defendant for the OPS, and pursuant to sec. 50(1) of the *Police Services Act*, R.S.O. 1990, c. P.15, the Ottawa Police Service Board is responsible for the provision of adequate and effective police services in the municipality of Ottawa, and is liable in respect of torts committed by members of the OPS in the course of their employment.
7. The Defendant, Moiz Karimjee (“**Karimjee**”), is a Deputy Crown Attorney in the Ottawa Crown Attorney’s office employed by the Attorney General of the Province of Ontario, and is

an officer, employee or agent of the Crown for the purpose of s.8(1)(a) of the *Crown Liability and Proceedings Act*, 2019, SO 2019, c 7, Sch 17.

8. The Defendant, His Majesty the King in right of Ontario, is the designation for the Crown under the *Crown Liability and Proceedings Act* as per s.14 therein (the “**Crown**”), and the Crown is liable for the torts committed by its officers, employees or agents pursuant to s.8(1)(a) of the *Crown Liability and Proceedings Act*.

## II. The Claim of Lich

9. On February 17, 2022, Lich was arrested by members of the OPS.
10. The Justice Centre for Constitutional Freedoms (“**JCCF**”), a not-for-profit corporation, provided Lich with legal counsel for her charges and other proceedings, and Lich had a number of legal counsel that were employed by the Justice Centre for Constitutional Freedom, or arranged by them.
11. On March 7, 2022 Lich was released on judicial interim release on a number of conditions in the form of a recognizance (the “**Recognizance**”).
12. One of the conditions in the Recognizance stipulated that Lich would have no contact with Thomas Marazzo, except in the presence of legal counsel.
13. Another condition in the Recognizance was that Lich was prohibited from being physically within the Province of Ontario.

14. On May 19, 2022, Lich successfully made a bail variation application to vary the condition of the Recognizance prohibiting her from being within the Province of Ontario, so she could attend the George Jonas Freedom Award Dinner (the “**GJFA Dinner**”), organized by JCCF, in Toronto, Ontario on June 16, 2022 where she was the recipient of the George Jonas Freedom Award (the “**Amended Recognizance**”). All other conditions in the Amended Recognizance were the same as in the original Recognizance.

15. On June 16, 2022 Lich attended the GJFA Dinner with a number of her legal counsel present. In particular, the following legal counsel of Lich were present:

- a. Diane Magas,
- b. Monick Grenier,
- c. Hatim Kheir,
- d. Jorge Pineda; and
- e. John Carpay.

16. Thomas Marazzo was also present at the GJFA Dinner in Toronto, Ontario on June 16, 2022.

17. Because her legal counsel was present at the GJFA Dinner, any contact she may have had with Thomas Marazzo was not in violation of the “no contact” provision in the Amended Recognizance, because such contact was in the presence of counsel.

18. A group photo with Lich, Thomas Marazzo, and others was taken at the GJFA Dinner (the “**Photo**”) and posted online.
  
19. Sometime on or before June 27, 2022, Benson, Hassan, John Doe and Jane Doe, based on seeing the Photo online, swore (or directed to be sworn) an Information for the purported breach of the Amended Recognizance on the basis of Lich having had contact with Thomas Marazzo, stating that the breach was in violation of s.145 of the *Criminal Code*, R.S.C. 1985 c. C-46, thereby commencing legal proceedings against Lich.
  
20. Sometime on or before June 27, 2022, based on seeing the Photo online, any or all of the Defendants applied, or directed that there be an application, under s.703 of the *Criminal Code*, for a Canada-wide warrant for Lich’s arrest on the basis of a breach of the condition in the Amended Recognizance prohibiting contact with Thomas Marazzo, stating the breach was in violation of s.145 of the *Criminal Code*, R.S.C. 1985 c. C-46. A Canada-wide warrant was duly issued (the “**Warrant**”).
  
21. Benson, Hassan, John Doe and Jane Doe owed Lich a duty of care to fairly and competently investigate Lich’s purported breach of the Amended Recognizance.
  
22. The standard of care owed by Benson, Hassan, John Doe and Jane Doe to fairly and competently investigate the purported breach of the Amended Recognizance is that of a reasonable police officer in like circumstances, who, before having the Information sworn and the Warrant issued and executed, would have:
  - a. interviewed those in the Photo with Lich;

- b. interviewed those in attendance at the GJFA Dinner in Toronto, Ontario;
- c. confirmed if Lich had counsel present at the June 16, 2022 Justice Centre for Constitutional Freedom's George Jonas Freedom Award Dinner in Toronto, Ontario;  
and
- d. carried out other such investigative steps as proven at summary judgment or trial.

23. In breach of their duty of care owed to Lich, Benson, Hassan, John Doe and Jane Doe:

- a. did not interview those in the Photo with Lich;
- b. did not interview those in attendance at the GJFA Dinner in Toronto, Ontario;
- c. did not confirm that Lich had legal counsel present at the GLFA Dinner in Toronto, Ontario; and
- d. did not carry out other such investigative steps that a reasonable officer in like circumstances would have carried out, as proven at summary judgment or trial.

24. Had Benson, Hassan, John Doe and Jane Doe not breached their duty of care owed to Lich, they would have discovered that Lich's counsel was present with her at the GJFA Dinner in Toronto, Ontario, and that therefore Lich was not in breach of the Amended Recognizance.

25. As a result of the aforesaid breaches of the duty of care owed by Benson, Hassan, John Doe and Jane Doe to Lich, Benson, Hassan, John Doe and Jane Doe carried out a negligent investigation. As a result, Lich has suffered damages as particularized below.

26. On June 27, 2022, as a result of Benson, Hassan, John Doe and Jane Doe's negligent investigation, the swearing of the Information, and the Warrant, Lich was arrested in Medicine Hat, Alberta.
27. Because of Benson, Hassan, John Doe and Jane Doe's negligent investigation, Lich was subject to false imprisonment from the time of her arrest on June 27, 2022 continuing until her release on July 26, 2022.
28. On June 29, 2022, Benson and Hassan attended at Calgary, Alberta, and took custody of Lich. Benson and Hassan then took Lich by airplane while hand-cuffed and shackled to Ottawa, Ontario, as a result of their, John Doe and Jane Doe's negligent investigation.
29. Benson, Hassan, John Doe and Jane Doe lacked reasonable and probable cause to initiate the proceedings by way of the Information. In particular, it was objectively clear that Lich would have legal counsel present at the GJFA Dinner in Toronto, Ontario, given some of her legal counsel were employed by JCCF.
30. The Defendant, Karimjee, continued the legal proceedings commenced by Benson, Hassan, John Doe or Jane Doe, from the date of institution up to and including October 23, 2023.
31. Karimjee lacked reasonable and probable cause to continue the legal proceedings against Lich. In particular, Karimjee knew that Lich's legal counsel were present at the GJFA Dinner in Toronto, Ontario.

32. On July 26, 2022 Lich was released from custody, over the opposition of Karimjee. Karimjee continued the prosecution of Lich, despite being aware that Lich's legal counsel had been present at the GJFA Dinner.
33. On October 23, 2023, Siobhain Wetscher, another Ottawa Crown Attorney, stayed the charge against Lich and the one year limitation period for the Attorney General of Ontario to re-institute the proceeding expired on October 23, 2024.
34. Lich pleads that the stay of the proceedings against Lich amounts to their termination in Lich's favour.
35. Benson, Hassan, John Doe and Jane Doe acted with malice or improper purpose in commencing the proceedings, by:
- a. commencing the prosecution of Lich without having performed a reasonable investigation, or any investigation at all;
  - b. commencing baseless charges in furtherance of a grudge, to intimidate, or harass Lich;
  - c. commencing baseless charges for their own career advancement;
  - d. commencing baseless charges to appease public opinion; and
  - e. such other malicious conduct as proven at summary judgment or trial.
36. Karimjee acted with malice or improper purpose in continuing or pursuing the proceedings against Lich, by:

- a. continuing or pursuing the prosecution after clear evidence of Lich's innocence emerged, in particular that Lich's legal counsel had been present at the GJFA Dinner;
- b. opposing Lich's release knowing Lich's counsel had been present at the GJFA Dinner;
- c. continuing or pursuing baseless charges as a grudge, to intimidate, or harass Lich;
- d. continuing or pursuing baseless charges for career advancement;
- e. continuing or pursuing baseless charges to appease public opinion; and
- f. such other malicious conduct as proven at summary judgment or trial.

37. As a result of Benson, Hassan, John Doe and Jane Doe's negligent investigation, and all the Defendants' malicious prosecution of Lich, Lich has suffered and continues to suffer, at minimum, the following damages:

- a. physical imprisonment from June 27, 2022 to July 26, 2022;
- b. emotional, physical and psychological harm;
- c. impairment of mental and emotional health and well-being;
- d. impaired ability to participate in normal family affairs and relationships;
- e. alienation from family members;
- f. depression, anxiety, emotional distress and mental anguish;

- g. development of new mental, psychological and psychiatric disorders;
- h. pain and suffering;
- i. a loss of self-esteem and feelings of humiliation and degradation;
- j. an impaired ability to obtain employment, resulting either in lost or reduced income and ongoing loss of income;
- k. an impaired ability to deal with persons in positions of authority;
- l. an impaired ability to trust other individuals or sustain relationships;
- m. a requirement for medical or psychological treatment and counselling;
- n. an impaired ability to enjoy and participate in recreational, social and employment activities;
- o. an impaired ability travel;
- p. loss of friendship and companionship;
- q. the loss of general enjoyment of life; and
- r. such other particulars of damage as proven at summary judgment or trial.

38. As a result, Lich is entitled to an award of general damages from the Defendants.

39. The harm caused by the Defendants is amplified by the callous, reprehensible, and high-handed nature of misconduct as detailed above herein, warranting an award of aggravated damages.

40. The nature of the Defendants' wrongdoing as described above is highly reprehensible, clearly wrong, harsh, callous, and departs to a marked degree from ordinary standards of decent behaviour warranting an award of punitive damages.

41. Pursuant to s.50(1) of the *Police Services Act*, the Ottawa Police Service Board is liable for all heads of damage for both the negligent investigation, and commencement of the malicious prosecution, by Benson, Hassan, John Doe and Jane Doe.

42. Pursuant to s.8(1)(a) of the *Crown Liability and Proceedings Act*, the Crown is liable for all heads of damages arising from Karimjee's malicious prosecution of Lich.

### **III. Remedies Sought by Lich**

43. Lich therefore seeks judgment against any and all Defendants, in the following amounts:

a. an award of general damages in the amount of \$500,000.00, or such other amount as proven at summary judgment or trial;

b. an award of special damages, to be proven at summary judgment or trial;

c. an award of aggravated damages in the amount of \$250,000.00, or such other amount as proven at summary judgment or trial;

d. an award of punitive damages, in the amount of \$1,000,000.00, or such other amount as proven at summary judgment or trial;

e. costs on a full indemnity basis, or such other basis or quantum that the Court deems

appropriate;

- f. pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43;
- g. any other such relief as Lich may seek, and this Court may permit.

#### IV. Statutes Plead by Lich

44. Lich pleads and relies on the following statutes and authorities:

- a. *Canadian Charter of Rights and Freedoms*, being Part 1 of the *Constitution Act*, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11;
- b. *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50;
- c. *Courts of Justice Act*, RSO 1990, c. C-43, and
- d. *Police Services Act*, R.S.O. 1990, c. P.15,

45. Lich reserves their right to plead any other statute not plead herein.

46. Lich proposes that the trial of this matter take place in Ottawa.

October 21, 2025

**WILSON LAW OFFICE**  
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**Keith Wilson, K.C.**

  
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Counsel for the Plaintiff

**TAMARA LICH -and- CHRIS BENSON, MAHAD HASSAN, OTTAWA POLICE SERVICES BOARD, OTTAWA  
POLICE SERVICE, MOIZ KARIMJEE, HIS MAJESTY THE KING in right of ONTARIO  
and THE ATTORNEY GENERAL OF ONTARIO, JOHN DOE, and JANE DOE**

PLAINTIFF

DEFENDANTS

*Court File No.*

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*ONTARIO*  
**SUPERIOR COURT OF JUSTICE**  
PROCEEDING COMMENCED AT OTTAWA

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**STATEMENT OF CLAIM**

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