



Court File No.

T-1319-19

FEDERAL COURT

BETWEEN:

STEPHEN BOULAY, TYSON MATTHEW BOWEN, ALISON CLARK, ALEXANDER DEELEY, BENJAMIN DOMINIE, ROGER GAUTHIER, TYLER COADY, MICHAEL BUZNY, STEPHANE CHARBONNEAU, JASON ANDERSON, ANN BASTIEN, MATTHEW BLEACH, WADE COOPER, HAROLD DICKSON, KYLE GETCHELL, IAN LANG, JORDAN LOGAN, ALI NEHME, MAXIME GABORIAULT, JUSTIN PAQUETTE, BRAD PETERS, KIRK POWELL, ISAAC PRESIDENT, ERNEST SMITH, RANDY J. SMITH, ANDREW STAFFORD, JASON LE NEVEU, DANIEL HASLIP, RICHARD FIESSEL, GARY SANGSTER, CODY KULUSKI, ADRIAN DROHOBYCKY, JIMMY LAROCQUE, LANCE COVYEOW, SALVADOR RENATO ZELADA-QUINTANILLA, TREVOR GROHS, CHRISTOPHER CHARTIER, ROB COBB, GREG HART, EWARLD HOLLY, TRAVIS JONES, DANIEL JOUDREY, JOSEPH MOORE, BRANDON KETT, WILLIAM ALDON NICKERSON, JUSTIN NORMAN, JUDY OCHOSKI, OWEN PARKHOUSE, LONDON PERRY, THOMAS BOWDEN, CURTIS GIBSON, LEO VEMB, LEROY BOURGOIN, JEREMY LEBLANC, MARK VERRALL, CONRAD KEEPING, WILLIAM PERRY, JEFFRY FLEMING, TIMOTHY MILLS, STEPHEN BARTLETT, SCOTT FIERLING, ADAM LANG, NATHAN BLAKE, CHRISTOPHER MADENSKY, GORDON MAIDMENT, MICHAEL DESMOND JOHN RYAN, TOM BRYSON, BRADLEY QUAST, JODY HARTLING, ANDREW JASON GUSHUE, ROBBIE LATREILLE, LUC CHAMPAGNE, ANTONY PETERS, DARYL INGLIS, DANIEL BOUDREAULT, JUSTIN TOBIN and QUENTEN MULLIN

PLAINTIFFS

and

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

DEFENDANT

STATEMENT OF CLAIM

TO THE DEFENDANT

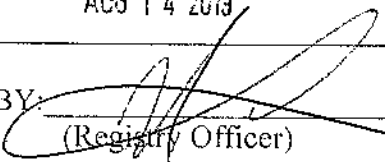
A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

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 plaintiffs' solicitor or, where the plaintiffs do not have a solicitor, serve it on the plaintiffs, 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: AUG 14 2019
ISSUED BY:  **MICHELLE GAUVIN**
(Registry Officer) **REGISTRY OFFICER**
AGENT DU GREFFE

Address of local office: 180 Queen Street West
Suite 200
Toronto, ON M5V 3L6

TO: HER MAJESTY THE QUEEN IN RIGHT OF CANADA
Ontario Regional Office
Department of Justice Canada
120 Adelaide Street West
Suite #400
Toronto, Ontario M5H 1T1

RELIEF SOUGHT

1. The Plaintiffs each claim:

- a. a Declaration that the Defendant, Her Majesty the Queen in Right of Canada, owed and was in breach of statutory and common law duties to the Plaintiffs;
- b. a Declaration that the Defendant is liable to the Plaintiffs for the damages caused by its breach of statutory and common law duties;
- c. general and aggravated damages arising from the Defendant's breach of statutory and common law duties in the amount of \$380,000.00;
- d. a Declaration that the Defendant has breached the Plaintiffs' s. 7 rights under the *Canadian Charter of Rights and Freedoms* ("Charter");
- e. damages for violation of the Plaintiffs' *Charter* rights pursuant to s. 24(1) of the *Charter* in the amount of \$5,000,000.00;
- f. special damages in an amount to be determined, including future and anticipated medical and out of pocket expenses;
- g. punitive and/or exemplary damages in the amount of \$5,000,000.00;
- h. prejudgment and post-judgment interest;
- i. the costs of this action, including HST and other taxes as applicable, on a substantial indemnity basis; and
- j. such further and other relief as this Honourable Court may deem just.

2. The Plaintiff, Judy Ochoski, claims:

- a. damages pursuant to the *Family Law Act*, R.S.O. 1990, c. F.3 in the amount of \$1,000,000.00;
- b. special damages in a sum to be disclosed before trial;
- c. prejudgment and post-judgment interest;
- d. the costs of this action, including HST and other taxes as applicable, on a substantial indemnity basis; and

e. such further and other relief as this Honourable Court may deem just.

OVERVIEW

3. From 1992 to 2017, the Canadian Armed Forces and the Department of National Defence ordered thousands of members of the Canadian Armed Forces (“CAF Members”) to take the anti-malarial drug Mefloquine before and while being deployed to malaria-endemic regions.
4. Mefloquine is a potent psychotropic anti-malarial drug that can cause severe and potentially permanent neurological and psychological health harms. The drug manufacturer warns that Mefloquine can cause prolonged and sometimes permanent severe mental problems including anxiety, paranoia, depression, hallucinations, suicidal thoughts, and mood disorders, and severe nervous system problems including dizziness, vertigo, issues with balance, tinnitus, seizures and insomnia.
5. The consequences of the Government of Canada’s decision to force its military personnel to take Mefloquine has been disastrous. The Government of Canada sent CAF Members to active combat zones while suffering from Mefloquine-induced psychosis, rages, paranoia, and hallucinations that at times made it impossible to separate reality from fantasy. CAF Members’ Mefloquine-induced mental health issues were compounded by other combat-related mental health issues including post-traumatic stress disorder.
6. The Government of Canada continued to force CAF Members to take Mefloquine on pain of court martial even after CAF Members reported severe adverse reactions in spite of the drug manufacturer’s warning that anyone experiencing adverse reactions must immediately cease taking the drug.
7. Hundreds of CAF Members have returned home with long term and in many cases permanent disabilities caused by Mefloquine that have ruined marriages, families, job prospects and lives. CAF Members describe suffering debilitating mood issues, aggression, bouts of explosive anger, violent behavior, night terrors, panic attacks, anxiety, paranoia, hallucinations, suicidal thoughts, psychotic behavior, memory loss, depression, convulsions and more. Tragically, Mefloquine toxicity has been a major factor in the suicide crisis currently plaguing military veterans and their families.

8. The above harms were entirely avoidable. The Government of Canada always had alternative anti-malarial drugs available to it that posed none of the severe neurological or psychological health risks of Mefloquine.
9. This lawsuit is one of several brought by hundreds of current and former CAF Members against the Government of Canada for harms caused by being forced to take Mefloquine.

THE PARTIES

The Defendant

10. The Defendant is Her Majesty the Queen in Right of Canada (the “Government” or “Canada”). The Department of National Defence (“DND”) and the Canadian Armed Forces (“CAF”) are the departments in the Government of Canada that are responsible for implementing government decisions concerning the operation and management of the Canadian military.

The Plaintiffs

11. The Plaintiffs are all members or former members of the Canadian Armed Forces who were ordered to take the anti-malarial drug Mefloquine, and who have suffered serious harms as a result (the “Plaintiffs”) or their family members (“Family Plaintiff(s)”).

Nature of relationship between Canada and the Plaintiffs

12. CAF Members are in a uniquely dependent and vulnerable relationship with the CAF and DND. CAF and DND have an extraordinarily high level of control over the lives of CAF Members. When CAF Members enroll in the military, they are subject to its hierarchical and authoritarian culture and command structure until such time as they are discharged. CAF Members are by law required to obey all lawful commands and orders of a superior officer on pain of court martial. Section 126 of the *National Defence Act* specifically requires CAF Members to obey all orders to submit to inoculation, vaccination and other medical treatments against infectious diseases; failure to follow such orders is punishable by up to two years imprisonment.

BACKGROUND

Mefloquine

13. Mefloquine, sometimes sold under the brand name Lariam, is a potent psychotropic anti-malarial drug that can cause severe and potentially permanent neurological and psychological health harms.
14. The manufacturer of Mefloquine has long recognized the health risks posed by Mefloquine, including the potential for long-lasting adverse neurological and psychological events that can last for years after stopping the medication. The manufacturer of the drug currently provides the following Health Canada-mandated warning regarding the potential for serious negative side effects on its product information sheet:
 - **MEFLOQUINE can cause serious mental problems in some people.** These serious side effects may occur suddenly and may last for months to years after stopping MEFLOQUINE. Symptoms of serious mental problems may include:
 - anxiety
 - unreasonable feeling that people are trying to harm you, do not like you, etc. (Paranoia)
 - depression
 - seeing or hearing things that are not there (hallucinations)
 - thought of suicide or harming yourself
 - feeling restless
 - feeling confused
 - unusual behavior
 - **MEFLOQUINE can cause serious nervous system problems in some people.** Symptoms of serious nervous system problems may include:
 - dizziness
 - a feeling that you or things around you are moving or spinning (vertigo)
 - loss of balance
 - ringing sound in your ears (tinnitus)
 - convulsions (seizures) in people who already have seizures (epilepsy)
 - unable to sleep (insomnia)
 - These serious mental and nervous system side effects may occur at any time while you are taking MEFLOQUINE, may last for months or years after stopping MEFLOQUINE, and in some cases may become permanent in some people.
15. The drug manufacturer also clearly states that Mefloquine must not be used by anyone who have currently, or in the past, suffered from any mental health illness that affects mood, thinking and behavior such as depression, anxiety, psychosis, or schizophrenia.
16. The drug manufacturer also clearly states that individuals who suffer any of the following symptoms after taking Mefloquine must stop taking the drug and get immediate medical help:

- a. mental problems, including anxiety, depression, paranoia, hallucinations, feeling restless, confused or disoriented, unusual behavior or changes to mood;
 - b. nervous system changes, including dizziness, spinning, ringing in the ears, loss of balance, seizures or convulsions; or
 - c. issues with nerves, including prickling or tingling sensations, numbness and loss of an ability to feel pain or changes in temperature, a burning or sharp pain, loss of balance or co-ordination, feeling pain from a very light touch, and muscle weakness or paralysis.
17. The drug manufacturer also warns that Mefloquine can negatively interact with alcohol and consuming alcohol while on Mefloquine, which increases the risk of experiencing mental problems.
 18. Because of the risk of the above serious adverse effects, Mefloquine should only be prescribed after a qualified health care professional conducts an individual risk assessment.

The use of Mefloquine in the Canadian Armed Forces

19. Mefloquine was developed in a US military research facility in the 1970s. By the early 1990s, Mefloquine was the anti-malarial drug of choice for the Canadian military.
20. The drug was first issued to CAF Members during the 1992-1993 mission to Somalia. At the time, Mefloquine was not licenced in Canada, and the drug was given to CAF Members as part of a botched clinical trial, in which CAF failed to implement or follow proper protocols for clinical trials, and failed to obtain informed consent from CAF Members.
21. Throughout the 1990s and continuing until 2003, over 90% of CAF Members who were deployed in regions where there was a risk of contracting malaria were ordered to take Mefloquine. Between 2004 and 2009, the rate of prescription of Mefloquine to CAF Members serving in malarial regions was approximately 50%. By 2016, that number dropped to less than 2%. In June 2017, DND announced that Mefloquine would no longer be prescribed unless either a CAF Member requests it, or as a last resort if it is not possible to prescribe other anti-malarial drugs because of contraindications.

22. From its initial use in 1992, the CAF ordered CAF Members to take Mefloquine in a number of deployments around the world including to Somalia, Cambodia, Mozambique, Papua New Guinea, Central African Republic, Western Sahara, Rwanda, Angola, Ethiopia, Eritrea, Sierra Leone, Democratic Republic of Congo, East Timor and Afghanistan. In total, CAF ordered approximately 18,000 CAF Members to take Mefloquine.

CAF Members ordered to take Mefloquine without screening and despite reports of side effects

23. Despite the fact that the Government knew that individuals at risk or with a history of psychological disorders should not take Mefloquine, CAF did not conduct any individualized screening of CAF Members before requiring them to take Mefloquine. As a result, many of the CAF Members who the Defendant ordered to take Mefloquine had a history of anxiety, depression or post-traumatic stress disorder ("PTSD").
24. Despite the fact that the Government knew that CAF Members should immediately stop taking Mefloquine if they suffered any of a number of neurological, psychiatric or neuropathic symptoms, the Government did not have in place any mechanism for reporting of or screening for such symptoms. On the contrary, even in instances where CAF Members reported symptoms, these reports were ignored, and the CAF Members in question were ordered to continue taking Mefloquine. In a particularly high profile instance, Lieutenant-General Romeo Dallaire (Ret'd) reported to DND headquarters that he was suffering from side effects from Mefloquine including issues with memory and thought process. In spite of this report, Lieutenant-General Dallaire was ordered to continue to take the drug, and told if he did not he would be court martialed.
25. Throughout, CAF and DND failed to keep records of reports of adverse reactions or side effects resulting from Mefloquine made by CAF Members.

CAF Members suffer serious side effects and problems

26. CAF Members who were forced by the Government to take Mefloquine have reported serious neurological and psychiatric side effects caused by Mefloquine including debilitating mood issues, aggression, bouts of explosive anger, violent behavior, night terrors, panic attacks, anxiety, paranoia, hallucinations, suicidal thoughts, psychotic

behavior, memory loss, depression, convulsions, dizziness, vertigo, tinnitus, loss of balance and more.

27. The neurological and psychiatric side effects caused by Mefloquine have had catastrophic impacts on the lives of hundreds of CAF Members and their families. The neurological and psychiatric damage done by Mefloquine has lead to suicide, ruined marriages, lost jobs, homes and families, permanent disability, and ruined lives.

Continued denial of problem by the Government

28. Throughout the relevant period, and up to the present time, the Government has and continues to, on both an individual and systemic level, wilfully deny and conceal the risks posed by Mefloquine to CAF Members. This willful concealment includes, but is not limited to the following:
 - a. DND and CAF has consistently denied any risk post by Mefloquine to CAF Members.
 - b. The Government prematurely shut down the Commission of Inquiry into the Deployment of Canadian Forces to Somalia prior to it being able to consider Mefloquine.
 - c. In 1999, representatives of the Government testified at the House of Commons Standing Committee on Public Accounts. A representative from Health Canada stated that it “was confident that when used properly, Lariam is a drug that is safe and effective.” A representative from the Department of National Defence testified that Mefloquine has an “established record of safety and efficacy” and “was and is a safe and very effective anti-malarial drug,” and “neither the health nor the safety of Canadian Forces personnel were compromised.”
 - d. In 2016, the Surgeon General Brigadier, General Hugh MacKay, told the House of Commons Veterans Affairs Committee that he did not think there was sound science behind the assertion that the drug has long-term side effects.
 - e. In 2017, DND and CAF released a “Surgeon General Report on Mefloquine” written by the Surgeon General’s Task Force on Mefloquine. This report continued to deny and willfully conceal the risks posed by Mefloquine, stating “[w]e did not identify any

evidence (that met our inclusion criteria) addressing potential long term adverse effects of Mefloquine or other MCP agents on health.”

- f. In 2017, Health Canada stated that there was limited evidence supporting that long-lasting and permanent neurological and psychiatric adverse events are caused by the use of Mefloquine.
- g. In June 2017, a subset of the Standing Committee on Veterans Affairs issued a supplementary report Mental Health of Canadian Veterans in which it recommended that “the Government of Canada, in cooperation with all federal, provincial and international institutions concerned, initiate an independent research program to study the long term neurotoxicity of Mefloquine. The research program should be in place no later than 12 months from the day the report is tabled in the House of Commons.” This recommendation was not adopted by the Government.

CLAIMS OF THE PLAINTIFFS

Stephen Boulay

- 29. Stephen Boulay (“Boulay”) is a former member of the Canadian Armed Forces (“CAF”). He joined the CAF in 1997 and served until 2007. Boulay was deployed to Afghanistan in 2002.
- 30. Boulay resides in Gibbons, Alberta.
- 31. Boulay was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Boulay suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, mood changes, paranoia, and anxiety attacks.

Tyson Matthew Bowen

- 32. Tyson Matthew Bowen (“Bowen”) is a former member of the CAF. He joined the CAF in 2005 and served until 2018. Bowen was deployed to Afghanistan in 2007 and 2010, and Jamaica in approximately 2012 or 2013 for two months.
- 33. Bowen resides in Three Brooks, Nova Scotia.

34. Bowen was ordered to take Mefloquine for his deployments to Afghanistan and Jamaica. He began experiencing serious adverse effects shortly after taking Mefloquine. Bowen suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, mood changes, rage issues, and anxiety attacks.

Alison Clark

35. Corporal Alison Clark ("Cpl Clark") is a former member of the CAF. She joined the CAF in 1976 and served until 2011. Cpl Clark was deployed to Afghanistan in 2008.
36. Cpl Clark resides in Napanee, Ontario.
37. Cpl Clark was ordered to take Mefloquine for his deployment to Afghanistan. She began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Clark suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, severe anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Alexander Deeley

38. Master Corporal Alexander Deeley ("MCpl Deeley") is a former member of the CAF. He joined the CAF in 1986 and retired in 2007. MCpl Deeley was deployed to Afghanistan from 2004 – 2005 and in 2006.
39. MCpl Deeley resides in Dorion, Ontario.
40. MCpl Deeley was ordered to take Mefloquine prior to, during, and after his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Deeley suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, fear of crowds, and anxiety and panic attacks.

Benjamin Dominic

41. Benjamin Dominic ("Dominic") is a former member of the CAF. He joined the CAF in 1990 and served until May 2019. Dominic was deployed to Afghanistan from 2003 – 2004 and in 2007.
42. Dominic resides in Meadowvale, Nova Scotia.
43. Dominic was ordered to take Mefloquine for his deployment to Afghanistan in 2003. He began experiencing serious adverse effects shortly after taking Mefloquine. Dominic suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, intolerance level issues, fear of crowds, difficulty concentrating, imbalance, and nausea with headaches.

Roger Gauthier

44. Master Warrant Officer Roger Gauthier ("MWO Gauthier") is a former member of the CAF. He joined the CAF in 1985 and retired in 2018. MWO Gauthier was deployed to Afghanistan in 2005.
45. MWO Gauthier resides in Minden, Ontario.
46. MWO Gauthier was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MWO Gauthier suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Tyler Coady

47. Tyler Coady ("Coady") is a former member of the CAF. He joined the CAF in 2002 and served until 2009. Coady was deployed to Afghanistan in 2007.
48. Coady resides in Charlottetown, Prince Edward Island.
49. Coady was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Coady suffered and

continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, short-term memory loss, anger issues, paranoia, anxiety and panic attacks, difficulty concentrating, random dizzy spells, and nausea with headaches.

Michael Buzny

50. Michael Buzny (“Buzny”) is a former member of the CAF. He joined the CAF in 2000 and served until 2012. Buzny was deployed to Afghanistan in 2010.
51. Buzny resides in Toronto, Ontario.
52. Buzny was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Buzny suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, and difficulty concentrating and multitasking.

Stephane Charbonneau

53. Sergeant Stephane Charbonneau (“Sgt Charbonneau”) is a former member of the CAF. He joined the CAF in 1995 and served until 2016. Sgt Charbonneau was deployed to Afghanistan in 2004, 2007 and 2009.
54. Sgt Charbonneau resides in L’Assomption, Québec.
55. Sgt Charbonneau was ordered to take Mefloquine for his deployment to Afghanistan in 2004. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Charbonneau suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, paranoia, and anxiety attacks.

Jason Anderson

56. Jason Anderson (“Anderson”) is a former member of the CAF. He joined the CAF in 2005 and served until 2014. Anderson was deployed to Afghanistan in 2008.
57. Anderson resides in Stoney Point, Ontario.

58. Anderson was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Anderson suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, hypervigilance, and anxiety attacks.

Ann Bastien

59. Corporal Ann Bastien (“Cpl Bastien”) is a former member of the CAF. She joined the CAF in 1991 and served until 2009. Cpl Bastien was deployed to Afghanistan in approximately 2004.
60. Cpl Bastien resides in Sturgeon Falls, Ontario.
61. Cpl Bastien was ordered to take Mefloquine prior to, during, and after her deployment to Afghanistan. She began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Bastien suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, fear of crowds, anxiety and panic attacks, difficulty concentrating, random dizzy spells, and nausea with headaches.

Matthew Bleach

62. Matthew Bleach (“Bleach”) is a former member of the CAF. He joined the CAF in 2006 and served until 2013. Bleach was deployed to Afghanistan in 2010.
63. Bleach resides in Wahnapiatae, Ontario.
64. Bleach was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Bleach suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, short-term memory loss, anger issues, mood changes, and anxiety and panic attacks.

Wade Cooper

65. Wade Cooper (“Cooper”) is a former member of the CAF. He joined the CAF in 1987 and served until 2007. Cooper was deployed to Afghanistan in 2002.
66. Cooper resides in Spruce Grove, Alberta.

67. Cooper was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cooper suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Harold Dickson

68. Harold Dickson (“Dickson”) is a former member of the CAF. He joined the CAF in 1988 and retired in 2016. Dickson was deployed to Afghanistan in 2002, 2005 and 2009.
69. Dickson resides in Battersea, Ontario.
70. Dickson was ordered to take Mefloquine for his deployment to Afghanistan in 2002. He began experiencing serious adverse effects shortly after taking Mefloquine. Dickson suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, and difficulty concentrating and multitasking.

Kyle Getchell

71. Master Corporal Kyle Getchell (“MCpl Getchell”) is a former member of the CAF. He joined the CAF in 2004 and served until 2014. MCpl Getchell was deployed to Afghanistan from 2006 – 2007, 2008 – 2009 and 2010 – 2011.
72. MCpl Getchell resides in Edmonton, Alberta.
73. MCpl Getchell was ordered to take Mefloquine prior to, during, and after his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Getchell suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, paranoia, anxiety and panic attacks, difficulty concentrating, and nausea.

Ian Lang

74. Ian Lang (“Lang”) is a former member of the CAF. He joined the CAF in 1997 and served until 2001. He then joined the CAF again in 2007 and served until 2016. Lang was deployed to Afghanistan from 2009 – 2010.
75. Lang resides in Bowen Island, British Columbia.
76. Lang was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Lang suffered and continues to suffer from symptoms of Mefloquine toxicity, including vivid dreams, vivid nightmares, short-term memory loss, anger issues, and anxiety attacks.

Jordan Logan

77. Jordan Logan (“Logan”) is a former member of the CAF. He joined the CAF in 2004 and served until 2007. Logan was deployed to Afghanistan in 2006.
78. Logan resides in Gimli, Manitoba.
79. Logan was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Logan suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, paranoia, and anxiety attacks.

Ali Nehme

80. Sergeant Ali Nehme (“Sgt Nehme”) is a former member of the CAF. He joined the CAF in 1993 and served until 2016. Sgt Nehme was deployed to Afghanistan from 2003 – 2004, 2005 and 2008 – 2009.
81. Sgt Nehme resides in Ottawa, Ontario.
82. Sgt Nehme was ordered to take Mefloquine prior to, during, and after his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Nehme continues to suffer from symptoms of Mefloquine toxicity, including short-term memory loss, difficulty concentrating, random dizzy spells, and headaches.

Maxime Gaboriault

- 83. Maxime Gaboriault (“Gaboriault”) is a former member of the CAF. He joined the CAF in 2001 and served until 2014. Gaboriault was deployed to Afghanistan in 2006.
- 84. Gaboriault resides in Comox, British Columbia.
- 85. Gaboriault was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Gaboriault suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, short-term memory loss, and mood changes.

Justin Paquette

- 86. Justin Paquette (“Paquette”) is a former member of the CAF. He joined the CAF in 2001 and served until 2014. Paquette was deployed to Afghanistan in 2010.
- 87. Paquette resides in Windsor, Ontario.
- 88. Paquette was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Paquette suffered and continues to suffer from symptoms of Mefloquine toxicity, including vivid dreams, vivid nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and headaches.

Brad Peters

- 89. Brad Peters (“Peters”) is a former member of the CAF. He joined the CAF in 2001 and served until 2016. Peters was deployed to Afghanistan from 2008 – 2009.
- 90. Peters resides in Waasis, New Brunswick.
- 91. Peters was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Peters suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, anxiety attacks, and restlessness.

Kirk Powell

92. Kirk Powell ("Powell") is a former member of the CAF. He joined the CAF in 2008 and served until 2014. Powell was deployed to Afghanistan in 2010.
93. Powell resides in Airdrie, Alberta.
94. Powell was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Powell suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, mood changes, and anxiety attacks.

Isaac President

95. Corporal Isaac President ("Cpl President") is a former member of the CAF. He joined the CAF in 2003 and served until 2015. Cpl President was deployed to Afghanistan in 2006.
96. Cpl President resides in Ottawa, Ontario.
97. Cpl President was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl President suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, extreme and traumatic nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, difficulty concentrating, random dizzy spells, and nausea with headaches.

Ernest Smith

98. Master Corporal Ernest Smith ("MCpl Smith") is a former member of the CAF. He joined the CAF in 1998 and served until 2006. MCpl Smith was deployed to Afghanistan in 2002 and from 2004 – 2005.
99. MCpl Smith resides in Whitbourne, Newfoundland.
100. MCpl Smith was ordered to take Mefloquine for his deployment to Afghanistan in 2002. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Smith suffered and continues to suffer from symptoms of Mefloquine toxicity, including

dreams, nightmares, sleep issues, short-term memory loss, anger issues, difficulty concentrating and multitasking, and severe anxiety attacks.

Randy J. Smith

101. Warrant Officer Randy J. Smith (“WO Smith”) is a former member of the CAF. He joined the CAF in 1994 served until May 2019. WO Smith was deployed to Afghanistan in 2006, 2011 and 2013.
102. WO Smith resides in Clarks Beach, Newfoundland.
103. WO Smith was ordered to take Mefloquine for his deployments to Afghanistan in 2006 and 2011. He began experiencing serious adverse effects shortly after taking Mefloquine. WO Smith suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Andrew Stafford

104. Corporal Andrew Stafford (“Cpl Stafford”) is a former member of the CAF. He joined the CAF in 2001 and served until 2012. Cpl Stafford was deployed to Afghanistan in 2005 and 2007.
105. Cpl Stafford resides in French Lake, New Brunswick.
106. Cpl Stafford was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Stafford suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anxiety attacks, difficulty concentrating, random dizzy spells, and nausea with headaches.

Jason Le Neveu

107. Master Corporal Jason Le Neveu (“MCpl Le Neveu”) is a former member of the CAF. He joined the CAF in 1989 and retired in 2012. MCpl Le Neveu was deployed to Afghanistan in approximately 2003.

108. MCpl Le Neveu resides in Pembroke, Ontario.
109. MCpl Le Neveu was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Le Neveu suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, fear of crowds, difficulty concentrating, random dizzy spells, and headaches.

Daniel Haslip

110. Master Warrant Officer Daniel Haslip (“MWO Haslip”) is a former member of the CAF. He joined the CAF in 1972 and served until 2008. MWO Haslip was deployed to Afghanistan in 2003 and 2007.
111. MWO Haslip resides in Kingston, Ontario.
112. MWO Haslip was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MWO Haslip suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and nausea with headaches.

Richard Fiessel

113. Warrant Officer Richard Fiessel (“WO Fiessel”) is a former member of the CAF. He joined the CAF in 1995 and served until May 2019 at the end of his contract. WO Fiessel was deployed to Afghanistan in 2002, from 2005 – 2006 and 2007 – 2008.
114. WO Fiessel resides in North Vancouver, British Columbia.
115. WO Fiessel was ordered to take Mefloquine for his deployment to Afghanistan in 2002. He began experiencing serious adverse effects shortly after taking Mefloquine. WO Fiessel suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues,

mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells.

Gary Sangster

116. Sergeant Gary Sangster (“Sgt Sangster”) is a former member of the CAF. He joined the CAF in 1990 and served until 2013. Sgt Sangster was deployed to Haiti in 1996, and Afghanistan in 2003, 2005 and 2008.
117. Sgt Sangster resides in St. Albert, Alberta.
118. Sgt Sangster was ordered to take Mefloquine for his deployments to Haiti and his last two tours in Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Sangster suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, hypervigilance, difficulty concentrating, and random dizzy spells. He continues to suffer from fear of crowds, hypervigilance, and random dizzy spells.

Cody Kuluski

119. Corporal Cody Kuluski (“Cpl Kuluski”) is a former member of the CAF. He joined the CAF in 2005 and served until 2014. Cpl Kuluski was deployed to Afghanistan in 2008.
120. Cpl Kuluski resides in Thunder Bay, Ontario.
121. Cpl Kuluski was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Kuluski suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, and difficulty concentrating and multitasking. He continues to suffer from nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, and fear of crowds.

Adrian Drohobycky

122. Sergeant Adrian Drohobycky ("Sgt Drohobycky") is a former member of the CAF. He joined the CAF in 1996 and served until February 2019. Sgt Drohobycky was deployed to Afghanistan in 2002, 2004 and 2009.
123. Sgt Drohobycky resides in Smith Falls, Ontario.
124. Sgt Drohobycky was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan in 2002. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Drohobycky suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and headaches.

Jimmy Larocque

125. Jimmy Larocque ("Larocque") is a former member of the CAF. He joined the CAF in 2004 and served until 2016. Larocque was deployed to Afghanistan in 2009 and Haiti in 2010.
126. Larocque resides in Charlesbourg, Québec.
127. Larocque was ordered to take Mefloquine for his deployments to Afghanistan and Haiti. He began experiencing serious adverse effects shortly after taking Mefloquine. Larocque suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, and paranoia. He continues to suffer from nightmares, sleep issues, anger issues, mood changes, and anxiety attacks.

Lance Covyew

128. Sergeant Lance Covyew ("Sgt Covyew") is a former member of the CAF. He joined the CAF in 1992 and served until 2018. Sgt Covyew was deployed to Afghanistan in 2002, 2006 and 2009.
129. Sgt Covyew resides in Summerside, Prince Edward Island.

130. Sgt Coveow was ordered to take Mefloquine prior to, during, and after his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Coveow continues to suffer from symptoms of Mefloquine toxicity, including nightmares, sleep issues, short-term memory loss, anger issues, mood changes, fear of crowds, difficulty concentrating, random dizzy spells, and nausea with headaches.

Salvador Renato Zelada-Quintanilla

131. Private Salvador Renato Zelada-Quintanilla (“Pte Zelada-Quintanilla”) is a former member of the CAF. He joined the CAF in 2000 and served until 2003 at the end of his contract. Pte Zelada-Quintanilla was deployed to Afghanistan in 2002.
132. Pte Zelada-Quintanilla resides in Leduc, Alberta.
133. Pte Zelada-Quintanilla was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Pte Zelada-Quintanilla suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells.

Trevor Grohs

134. Private Trevor Grohs (“Pte Grohs”) is a former member of the CAF. He joined the CAF in 2001 and served until 2004 at the end of his contract. Pte Grohs was deployed to Afghanistan in 2003.
135. Pte Grohs resides in Regina, Saskatchewan.
136. Pte Grohs was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Pte Grohs suffered from symptoms of Mefloquine toxicity, including dreams, violent nightmares, sleep issues, short-term memory loss, rage issues, paranoia, anxiety and panic attacks, and random dizzy spells. He continues to suffer from short-term memory loss and paranoia.

Christopher Chartier

137. Corporal Christopher Chartier ("Cpl Chartier") is a former member of the CAF. He joined the CAF in 2005 and served until 2016. Cpl Chartier was deployed to Afghanistan in 2008.
138. Cpl Chartier resides in Fredericton, New Brunswick.
139. Cpl Chartier was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Chartier suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells. He continues to suffer from anger issues, fear of crowds, and anxiety attacks.

Rob Cobb

140. Rob Cobb ("Cobb") is a former member of the CAF. He joined the CAF in 1988 and served until 2011. Cobb was deployed to Afghanistan from 2003 – 2004.
141. Cobb resides in Regina, Saskatchewan.
142. Cobb was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cobb suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, mood changes, paranoia, anxiety and panic attacks, and nausea with headaches.

Greg Hart

143. Greg Hart ("Hart") is a former member of the CAF. He joined the CAF in 1988 and served until 2015. Hart was deployed to Afghanistan in 2002 and 2009.
144. Hart resides in Corunna, Ontario.
145. Hart was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Hart suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares,

short-term memory loss, mood changes, anxiety and panic attacks, random dizzy spells, and nausea with headaches.

Ewarld Holly

146. Sergeant Ewarld Holly ("Sgt Holly") is a former member of the CAF. He joined the CAF in 1994 and served until 2016. Sgt Holly was deployed to Afghanistan in 2005 and 2008.
147. Sgt Holly resides in Mascouche, Québec.
148. Sgt Holly was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Holly suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, mood changes, intolerance level issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating, random dizzy spells, and nausea with headaches.

Travis Jones

149. Travis Jones ("Jones") is a former member of the CAF. He joined the CAF in 1976 and served until 2013. Jones was deployed to Afghanistan in 2001 and 2008.
150. Jones resides in Sturgeon County, Alberta.
151. Jones was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Jones suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating, and nausea with headaches.

Daniel Joudrey

152. Daniel Joudrey ("Joudrey") is a former member of the CAF. He joined the CAF in 1994 and served until 2013. Joudrey was deployed to Afghanistan in 2006.
153. Joudrey resides in Winnipeg, Manitoba.

154. Joudrey was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Joudrey suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anxiety attacks, and paranoia. He continues to suffer from anxiety attacks and paranoia.

Joseph Moore

155. Master Warrant Officer Joseph Moore (“MWO Moore”) is a former member of the CAF. He joined the CAF in 1979 and served until 2014. MWO Moore was deployed to Afghanistan in 2002.
156. MWO Moore resides in Lincoln, New Brunswick.
157. MWO Moore was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MWO Moore suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, mood changes, paranoia, anxiety attacks, and difficulty concentrating.

Brandon Kett

158. Brandon Kett (“Kett”) is a former member of the CAF. He joined the CAF in 2002 and served until 2015. Kett was deployed to Afghanistan in 2007.
159. Kett resides in Owen Sound, Ontario.
160. Kett was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Kett suffered and continues to suffer from serious adverse effects related to his Mefloquine use including dreams, nightmares, short-term memory loss, anger issues, paranoia, and anxiety attacks.

William Aldon Nickerson

161. Corporal William Aldon Nickerson (“Cpl Nickerson”) is a former member of the CAF. He joined the CAF in 2001 and served until 2013. Cpl Nickerson was deployed to Afghanistan from 2006 – 2007 and in 2010.
162. Cpl Nickerson resides in West LaHave, Nova Scotia.

163. Cpl Nickerson was ordered to take Mefloquine prior to, during, and after his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Nickerson suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches. He continues to suffer from nightmares, difficulty concentrating, random dizzy spells, and nausea with headaches.

Justin Norman

164. Justin Norman (“Norman”) is a former member of the CAF. He joined the CAF in 2001 and served until 2017. Norman was deployed to Afghanistan from 2008 – 2009.
165. Norman resides in London, Ontario.
166. Norman was ordered to take Mefloquine during his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Norman continues to suffer from symptoms of Mefloquine toxicity, including nightmares, sleep issues, anger issues, mood changes, fear of crowds, anxiety attacks, and difficulty concentrating and multitasking.

Jordon Ochoski and Judy Ochoski

167. Warrant Officer Jordon Ochoski (“WO Ochoski”) was a former member of the CAF. He joined the CAF in 1990 and served until 2014. WO Ochoski was deployed to Afghanistan in 2003 and 2008. He died by suicide on May 6, 2019.
168. WO Ochoski resided in Ottawa, Ontario.
169. Judy Ochoski (“Judy”) is the mother of WO Ochoski. She brings this claim pursuant to the *Family Law Act*, R.S.O. 1990 (“*Family Law Act*”) regarding the death of her son.
170. WO Ochoski was ordered to take Mefloquine for his deployment to Afghanistan in 2003. He began experiencing serious adverse effects shortly after taking Mefloquine. WO Ochoski suffered and continued to suffer from symptoms of Mefloquine toxicity, including

dreams, nightmares, sleep issues, short-term memory loss, fear of crowds, and severe anxiety and panic attacks.

171. WO Ochoski died by suicide on May 6, 2019 as a result of the serious neurological and psychiatric side effects caused by Mefloquine.

Owen Parkhouse

172. Owen Parkhouse (“Parkhouse”) is a former member of the CAF. He joined the CAF in 1998 and served until 2008. Parkhouse was deployed to East Timor from 1999 – 2000 and Afghanistan in 2003.
173. Parkhouse resides in Morell, Prince Edward Island.
174. Parkhouse was ordered to take Mefloquine prior to, during, and after his deployments to East Timor and Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Parkhouse suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, anger issues, rage issues, and difficulty concentrating.

Landon Perry

175. Warrant Officer Landon Perry (“WO Perry”) is a former member of the CAF. He joined the CAF in 1997 and served until 2016. WO Perry was deployed to Afghanistan in 2002 and from 2009 – 2010.
176. WO Perry resides in Regina, Saskatchewan.
177. WO Perry was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. WO Perry suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, rage issues, fear of crowds, anxiety attacks, difficulty concentrating, random dizzy spells, and nausea with headaches.

Thomas Bowden

- 178. Sergeant Thomas Bowden (“Sgt Bowden”) is a former member of the CAF. He joined the CAF in 1999 and served until 2012. Sgt Bowden was deployed to Afghanistan in 2008.
- 179. Sgt Bowden resides in St. Albert, Alberta.
- 180. Sgt Bowden was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Bowden suffered and continues to suffer from symptoms of Mefloquine toxicity, including vivid dreams, vivid nightmares, sleep issues, anger issues, intolerance level issues, mood changes, anxiety attacks, and difficulty concentrating.

Curtis Gibson

- 181. Curtis Gibson (“Gibson”) is a former member of the CAF. He joined the CAF in 1992 and served until 2007. Gibson was deployed to Afghanistan in 2002 and 2006.
- 182. Gibson resides in Enfield, Nova Scotia.
- 183. Gibson was ordered to take Mefloquine for his deployment to Afghanistan in 2002. He began experiencing serious adverse effects shortly after taking Mefloquine. Gibson suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, intolerance level issues, mood changes, rage issues, paranoia, and nausea with headaches. He continues to suffer from anger issues, intolerance level issues, mood changes, and rage issues.

Leo Vemb

- 184. Second Class Petty Officer Leo Vemb (“PO 2 Vemb”) is a former member of the CAF. He joined the CAF in 1985 and served until 2016. Vemb was deployed to Afghanistan in 2002.
- 185. PO 2 Vemb resides in Prospect, Nova Scotia.
- 186. PO 2 Vemb was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. PO 2 Vemb suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams,

nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, rage issues, fear of crowds, and random dizzy spells.

Leroy Bourgoin

187. Leading Seaman Leroy Bourgoin (“LS Bourgoin”) is a former member of the CAF. He joined the CAF in 1996 and served until 2003. LS Bourgoin was deployed to Bosnia in 2000 and Afghanistan in 2002.
188. LS Bourgoin resides in Victoria, British Columbia.
189. LS Bourgoin was ordered to take Mefloquine for his deployments to Bosnia and Afghanistan. LS Bourgoin began experiencing serious adverse effects shortly after taking Mefloquine. While deployed to Afghanistan, LS Bourgoin became extremely ill due to Mefloquine. He experienced serious adverse effects including vivid dreams and aggressive behavior that made him feel he was becoming psychotic. As a result, of these unbearable adverse effects, half way through his deployment to Afghanistan, LS Bourgoin stopped taking Mefloquine. He did not tell anyone he had stopped taking Mefloquine as he thought he would be punished.
190. LS Bourgoin suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Jeremy LeBlanc

191. Master Corporal Jeremy LeBlanc (“MCpl LeBlanc”) is a former member of the CAF. He joined the CAF in 2006 and served until 2018. MCpl LeBlanc was deployed to Afghanistan in 2009.
192. MCpl LeBlanc resides in Saint-Édouard-de-Kent, New Brunswick.
193. MCpl LeBlanc was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl LeBlanc suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues,

mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Mark Verrall

194. Mark Verrall (“Verrall”) is a former member of the CAF. He joined the CAF in 1989 and served until 2013. Verrall was deployed to Afghanistan in 2002 and from 2006 – 2007.
195. Verrall resides in Okotoks, Alberta.
196. Verrall was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan in 2002. He began experiencing serious adverse effects shortly after taking Mefloquine. Verrall suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells.

Conrad Keeping

197. Conrad Keeping (“Keeping”) is a former member of the CAF. He joined the CAF in 1999 and served until 2015. Keeping was deployed to Afghanistan from 2003 – 2004.
198. Keeping resides in Kingston, Ontario.
199. Keeping was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Keeping suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and nausea with headaches. He continues to suffer from nightmares, sleep issues, and anxiety and panic attacks.

William Perry

200. Master Warrant Officer William Perry (“MWO Perry”) is a former member of the CAF. He joined the CAF in 1977 and was released in 1979. He then rejoined the CAF in 1981 and retired in 2014. MWO Perry was deployed to Afghanistan from 2004 – 2005, 2008 and from 2011 – 2012.

201. MWO Perry resides in Moncton, New Brunswick.
202. MWO Perry was ordered to take Mefloquine for his deployment to Afghanistan in 2004. He began experiencing serious adverse effects shortly after taking Mefloquine. MWO Perry suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, rage issues, fear of crowds, anxiety attacks, difficulty concentrating, and random dizzy spells.

Jeffry Fleming

203. Private Jeffry Fleming (“Pte Fleming”) is a former member of the CAF. He joined the CAF in 2004 and served until 2007 at the end of his contract. Pte Fleming was deployed to Afghanistan in 2006.
204. Pte Fleming resides in Tiny, Ontario.
205. Pte Fleming was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Pte Fleming suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, mood changes, rage issues, and paranoia.

Timothy Mills

206. Corporal Timothy Mills (“Cpl Mills”) is a former member of the CAF. He joined the CAF in 1999 and served until 2017. Cpl Mills was deployed to Afghanistan from 2005 – 2006.
207. Cpl Mills resides in Chalk River, Ontario.
208. Cpl Mills was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Mills suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Stephen Bartlett

- 209. Chief Warrant Officer Stephen Bartlett (“CWO Bartlett”) is a former member of the CAF. He joined the CAF in 1976 and retired in 2011. CWO Bartlett was deployed to Afghanistan in 2005.
- 210. CWO Bartlett resides in Hanwell, New Brunswick.
- 211. CWO Bartlett was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. CWO Bartlett suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, restlessness, random dizzy spells, and nausea with headaches. He continues to suffer from dreams, sleep issues, anger issues, mood changes, anxiety attacks, difficulty concentrating, and restlessness.

Scott Fierling

- 212. Master Corporal Scott Fierling (“MCpl Fierling”) is a former member of the CAF. He joined the CAF in 2006 and served until 2015. MCpl Fierling was deployed to Afghanistan in 2008.
- 213. MCpl Fierling resides in Airdrie, Alberta.
- 214. MCpl Fierling was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Fierling continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, fear of crowds, anxiety attacks, and headaches.

Adam Lang

- 215. Adam Lang (“Lang”) is a former member of the CAF. He joined the CAF in 2003 and served until 2018. Lang was deployed to Afghanistan from 2008 – 2009.
- 216. Lang resides in Woodstock, Ontario.

217. Lang was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Lang suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, mood changes, anxiety and panic attacks, and difficulty concentrating and multitasking.

Nathan Blake

218. Corporal Nathan Blake ("Cpl Blake") is a former member of the CAF. He joined the CAF in 2006 and served until March 2019. Cpl Blake was deployed to Afghanistan in 2010.
219. Cpl Blake resides in Courtice, Ontario.
220. Cpl Blake was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Blake suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and nausea with headaches.

Christopher Madensky

221. Christopher Madensky ("Madenksy") is a former member of the CAF. He joined the CAF in approximately 2000 and served until approximately 2009. Madensky was deployed to Afghanistan in 2006.
222. Madensky resides in Bruce, Alberta.
223. Madensky was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Madensky suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, and short-term memory loss. He continues to suffer from anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, and difficulty concentrating and multitasking.

Gordon Maidment

224. Master Corporal Gordon Maidment (“MCpl Maidment”) is a former member of the CAF. He joined the CAF in 1991 and served until 2006. MCpl Maidment was deployed to Afghanistan from 2004 – 2005 and 2009 – 2010.
225. MCpl Maidment resides in Edmonton, Alberta.
226. MCpl Maidment was ordered to take Mefloquine for his deployment to Afghanistan in 2004. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Maidment suffered from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, hypervigilance, anxiety and panic attacks, and difficulty concentrating and multitasking. He continues to suffer from hypervigilance, and anxiety and panic attacks.

Michael Desmond John Ryan

227. Corporal Michael Desmond John Ryan (“Cpl Ryan”) is a former member of the CAF. He joined the CAF in 2002 and served until 2012. Cpl Ryan was deployed to Afghanistan in 2007 and 2010.
228. Cpl Ryan resides in Edmonton, Alberta.
229. Cpl Ryan was ordered to take Mefloquine for his deployments to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Ryan suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Tom Bryson

230. Corporal Tom Bryson (“Cpl Bryson”) is a former member of the CAF. He joined the CAF in 2008 and served until 2013. Cpl Bryson was deployed to Afghanistan from 2009 – 2010 and 2011 – 2012.
231. Cpl Bryson resides in Innisfail, Alberta.

232. Cpl Bryson was ordered to take Mefloquine for his deployment to Afghanistan in 2009. He began experiencing serious adverse effects shortly after taking Mefloquine. Cpl Bryson suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, mood changes, fear of crowds, and anxiety and panic attacks.

Bradley Quast

233. Corporal Bradley Quast ("Cpl Quast") is a former member of the CAF. He joined the CAF in 2007 and served until 2017. Cpl Quast was deployed to Afghanistan in 2009.
234. Cpl Quast resides in Medicine Hat, Alberta.
235. Cpl Quast was ordered to take Mefloquine prior to, during, and after his deployment to Afghanistan. Cpl Quast began experiencing serious adverse effects shortly after taking Mefloquine. After approximately two months, Cpl Quast stopped taking Mefloquine due to the intense side effects he was suffering. Nursing staff later discovered that he had stopped taking Mefloquine, and Cpl Quast was ordered to resume taking the drug.
236. He suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, anger issues, rage issues, and nausea with headaches.

Jody Hartling

237. Sergeant Jody Hartling ("Sgt Hartling") is a former member of the CAF. He joined the CAF 2000 and served until 2016. Sgt Hartling was deployed to Afghanistan in 2005, 2007, 2008 and 2010.
238. Sgt Hartling resides in Edmonton, Alberta.
239. Sgt Hartling was ordered to take Mefloquine for his deployment to Afghanistan in 2005. He began experiencing serious adverse effects shortly after taking Mefloquine. Sgt Hartling suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, random dizzy spells, and nausea with headaches.

Andrew Jason Gushue

- 240. Master Corporal Andrew Jason Gushue (“MCpl Gushue”) is a former member of the CAF. He joined the CAF in 2005 and served until 2014. MCpl Gushue was deployed to Afghanistan in 2008.
- 241. MCpl Gushue resides in Sherwood Park, Alberta.
- 242. MCpl Gushue was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MCpl Gushue suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, fear of crowds, and hypervigilance.

Robbie Latreille

- 243. Master Seaman Robbie Latreille (“MS Latreille”) is a former member of the CAF. He joined the CAF in 1993 and served until 2009. MS Latreille was deployed to Afghanistan from 2007 – 2008.
- 244. MS Latreille resides in Falmouth, Nova Scotia.
- 245. MS Latreille was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. MS Latreille suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells.

Luc Champagne

- 246. Sergeant Luc Champagne (“Sgt Champagne”) is a former member of the CAF. He joined the CAF in 1985 and served until 2011. Sgt Champagne was deployed to Afghanistan in 2007.
- 247. Sgt Champagne resides in Saint-Jean-sur-Richelieu, Québec.
- 248. Sgt Champagne was ordered to take Mefloquine while deployed to Afghanistan.

249. Sgt Champagne began experiencing serious adverse effects shortly after taking Mefloquine. He suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells.

Antony Peters

250. Antony Peters (“Peters”) is a former member of the CAF. He joined the CAF in 2008 and served until 2011. Peters was deployed to Afghanistan in 2010.
251. Peters resides in Rothesay, New Brunswick.
252. Peters was ordered to take Mefloquine for his deployment to Afghanistan.
253. Peters began experiencing serious adverse effects shortly after taking Mefloquine. He suffered and continues to suffer from symptoms of Mefloquine toxicity, including vivid dreams and nightmares, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, hypervigilance, difficulty concentrating, and random dizzy spells.

Daryl Inglis

254. Sergeant Daryl Inglis (“Sgt Inglis”) is a former member of the CAF. He joined the CAF in 1994 and served until 2014. Sgt Inglis was deployed to Afghanistan from 2003 – 2004.
255. Sgt Inglis resides in Owen Sound, Ontario.
256. Sgt Inglis was ordered to take Mefloquine for his deployment to Afghanistan.
257. Sgt Inglis began experiencing serious adverse effects shortly after taking Mefloquine. He suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, anxiety and panic attacks, difficulty concentrating and multitasking, and random dizzy spells.

Daniel Boudreault

- 258. Daniel Boudreault (“Boudreault”) is a former member of the CAF. He joined the CAF in 1999 and served until 2015. Boudreault was deployed to Afghanistan in 2005 and 2007.
- 259. Boudreault resides in Carleton Place, Ontario.
- 260. Boudreault was ordered to take Mefloquine for his deployments to Afghanistan.
- 261. Boudreault began experiencing serious adverse effects shortly after taking Mefloquine. He suffered and continues to suffer from symptoms of Mefloquine toxicity, including vivid nightmares and terrors, sleep issues, short-term memory loss, anger issues, intolerance level issues, fear of crowds, difficult concentrating and multitasking, random dizzy spells, and severe headaches.

Justin Tobin

- 262. Justin Tobin (“Tobin”) is a former member of the CAF. He joined the CAF in 2001 and served until 2006. Tobin was deployed to Afghanistan in 2003.
- 263. Tobin resides in Prince George, British Columbia.
- 264. Tobin was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. Tobin suffered and continues to suffer from symptoms of Mefloquine toxicity, including dreams, nightmares, sleep issues, short-term memory loss, anger issues, intolerance level issues, mood changes, rage issues, paranoia, fear of crowds, hypervigilance, anxiety attacks, and difficulty concentrating.

Quenten Mullin

- 265. Quenten Mullin (“Mullin”) is a former member of the CAF. He joined the CAF in 1994 and served until 2013. Mullin was deployed to Afghanistan in 2002.
- 266. Mullin resides in Oromocto, New Brunswick.
- 267. Mullin was ordered to take Mefloquine for his deployment to Afghanistan. He began experiencing serious adverse effects shortly after taking Mefloquine. He suffered and

continues to suffer from symptoms of Mefloquine toxicity, dreams, sleep issues, short-term memory loss, rage issues, paranoia, fear of crowds, difficulty concentrating, and random dizzy spells.

CAUSES OF ACTION

268. Pursuant to s. 3 of the *Crown Liability and Proceedings Act*, R.S.C., 1985, c. C-50, the Defendant is directly and vicariously liable for any wrongs committed by DND, CAF or any of its employees and agents.

Negligence

269. The Government owed a duty of care to CAF Members. The Government knew or ought to have known that if it carried out its duties negligently, it could reasonably cause the kind of harm that was in fact suffered by the Plaintiffs.

270. The Government was required to:

- a. use reasonable care to ensure the safety and well-being of the Plaintiffs;
- b. obtain the informed consent of the Plaintiffs before requiring them to take Mefloquine; and
- c. use reasonable care in the operation, administration, prescribing, dispensing, managing, supervising, and monitoring of the use of Mefloquine.

271. The Government breached that duty of care by:

- a. ordering the Plaintiffs, on pain of court martial, to take a drug that it knew or ought to have known was not safe and could have serious and long term adverse health effects;
- b. ordering the Plaintiffs to take Mefloquine without conducting a proper medical screening for contraindications;
- c. failing to provide a medication guide or other information to the Plaintiffs regarding the proper use of Mefloquine;
- d. failing to adequately warn the Plaintiffs of the risks associated with taking Mefloquine;

- e. failing to warn the Plaintiffs not to consume alcohol while taking Mefloquine because of the risk of adverse interactions with alcohol, including the greatly increased risk of experiencing mental problems;
- f. failing to tell the Plaintiffs to immediately stop taking Mefloquine if they experienced any of the following symptoms: mental problems, including anxiety, depression, paranoia, hallucinations, feeling restless, confused or disoriented, unusual behavior or changes to mood; nervous system changes, including dizziness, spinning, ringing in the ears, loss of balance, seizures or convulsions; or issues with nerves, including prickling or tingling sensations, numbness and loss of an ability to feel pain or changes in temperature, a burning or sharp pain, loss of balance or co-ordination, feeling pain from a very light touch, or muscle weakness or paralysis;
- g. ordering the Plaintiffs to continue taking Mefloquine after the above symptoms were reported;
- h. failing to monitor or record adverse reactions and complications experienced by the Plaintiffs and other CAF Members as a result of taking Mefloquine;
- i. failing to properly investigate the side effects, adverse reactions and complications experienced by the Plaintiffs and other CAF Members as a result of taking Mefloquine;
- j. failing to consider and account for the risk of interaction of Mefloquine with other psychological conditions and injuries commonly experienced by CAF Members including anxiety, depression, post-traumatic stress disorder and traumatic brain injury;
- k. failing to provide and/or consider suitable alternative anti-malarial drugs to Mefloquine;
- l. requiring that the Plaintiffs take an anti-malarial drug that was unsuitable for use in a military or combat setting;
- m. failing to provide necessary medical treatment to the Plaintiffs in a timely manner;
- n. failing to refer the Plaintiffs to appropriate medical specialists in a timely manner, or at all;
- o. failing to administer Mefloquine to the Plaintiffs in a safe and competent manner;

- p. putting its own interests ahead of the interest of the Plaintiffs by ignoring and remaining wilfully blind to the risks of Mefloquine to individual CAF Members; and
 - q. such further and other particulars as may become apparent and counsel may advise.
272. As a result of the Government's breach of its duty of care, the Plaintiffs suffered damages as set out below.

Negligent Misrepresentation

273. The Plaintiffs were highly dependent on information provided by the Government regarding the risks posed by Mefloquine. The Government knew that the Plaintiffs would rely on information provided by DND and CAF to the Plaintiffs in order to make decisions regarding risks to their health and safety.
274. DND and CAF repeatedly represented to the Plaintiffs and CAF Members as a whole that Mefloquine was safe. These representations specifically downplayed or denied the risks associated with Mefloquine and were inaccurate, incomplete, false, deceptive and/or misleading.
275. Canada knew or ought to have known that the representations made by CAF and DND regarding the safety of Mefloquine were inaccurate, incomplete, false, deceptive and/or misleading.
276. The Plaintiffs state that Canada owed a duty of care to the Plaintiffs and is liable in deceit and/or negligent misrepresentation for the Representations that were inaccurate, incomplete, false, deceptive and/or misleading and as a result of which the Plaintiffs' suffered damages as set out below.

Breach of Fiduciary Duty

277. The Government owed the Plaintiffs a fiduciary duty. The relationship between the Plaintiffs and the Defendant is one of complete trust, reliance and dependency. While in the Canadian Armed Forces, the Government had extraordinary and unilateral powers over the lives of CAF Members. Because of the hierarchical and authoritarian command structure of the CAF, the binding nature of enrolment in the CAF, the oaths and declarations required by CAF Members, and the strict requirement to follow all orders of

superiors, the Plaintiffs were in a position of complete vulnerability and dependence on the CAF and DND. In particular, the Plaintiffs were at the Government's mercy regarding what drugs they were ordered to take prior to and during deployment. Prior to and while deployed, the Government was solely responsible for the protection of the health, safety and well-being of the Plaintiffs.

278. The Government breached its fiduciary duties to the Plaintiffs. The particulars of the breach include:
- a. putting its own interests ahead of the interest of the Plaintiffs by ignoring and remaining wilfully blind to the risks of Mefloquine to individual CAF Members;
 - b. ordering the Plaintiffs to take Mefloquine;
 - c. ordering the Plaintiffs to take Mefloquine without conducting a proper medical screening for contraindications;
 - d. ordering the Plaintiffs to continue taking Mefloquine after adverse symptoms were reported; and
 - e. failing to safeguard the physical and psychological health of the CAF Members.

Charter claim (breach of s. 7)

279. The Government's action in forcing the Plaintiffs to take a drug that seriously impaired the Plaintiff's mental and physical health and caused severe psychological harm is an infringement of the Plaintiff's right to security of the person as enshrined in s. 7 of the *Canadian Charter of Rights and Freedoms*. This infringement is not justified in accordance with the principles of fundamental justice.
280. The breaches of the Plaintiffs' *Charter* rights are not demonstrably justified in a free and democratic society.
281. The Plaintiffs are entitled to a declaration that their *Charter* rights were infringed.
282. The Plaintiffs are also entitled to a monetary remedy pursuant to section 24(1) of the *Charter* in order to:
- a. compensate the Plaintiffs for pain and suffering;

- b. vindicate the Plaintiffs' fundamental human rights; and
- c. deter systematic violations of a similar nature by the Government in future.

Battery

283. The Plaintiffs assert that the forced ingestion of Mefloquine without their informed consent, in the circumstances pleaded above, amounts to battery.

Wilful Concealment

284. The Government has and continues to willfully conceal the fact that the injuries suffered by the Plaintiffs were caused by the fact that the Government ordered the Plaintiffs to take Mefloquine.

Mental and psychological state

285. The Plaintiffs have suffered severe and debilitating mental and psychological conditions as described above as a result of taking Mefloquine and otherwise. As a result of these severe and debilitating mental and psychological conditions, the Plaintiffs were previously incapable of commencing a claim against the Defendant.

Misdiagnosis

286. The Plaintiffs have been misdiagnosed by doctors, including doctors employed by the Government, as suffering only PTSD or Traumatic Brain Injuries, when in fact, the Plaintiffs were suffering from neurological and psychological injuries caused by Mefloquine.

DAMAGES

287. The Plaintiffs have suffered at the hands of the Government, and are entitled to damages, including pecuniary and non-pecuniary general damages, special damages and aggravated, exemplary and punitive damages.
288. Both before and after the Government ordered CAF Members to take Mefloquine, the Government knew or ought to have known that Mefloquine can cause, contribute to, or materially increase the risk of neurological and psychological harm.

289. As a result of being forced to take Mefloquine, the Plaintiffs have suffered and continue to suffer prolonged psychological symptoms, including anxiety, paranoia, depression, hallucinations, thoughts of suicide or self harm, aggression, bouts of explosive anger, violent behavior, night terrors, panic attacks, memory loss, and a lack of emotional regulation.
290. As a result of being forced to take Mefloquine, the Plaintiffs have suffered and continue to suffer prolonged neurological symptoms including dizziness, vertigo, loss of balance, tinnitus, convulsions and insomnia.
291. As a result of being forced to take Mefloquine, the Plaintiffs have suffered and continue to suffer prolonged neuropathological symptoms including prickling or tingling sensations, numbness and loss of an ability to feel pain or changes in temperature, a burning or sharp pain, loss of balance or co-ordination, feeling pain from a very light touch, and muscle weakness or paralysis.
292. As a result of the actions, errors and omissions of the Government as set out above, the Plaintiffs suffered damages including:
- a. Creation or exacerbation of neurological disorders and illnesses, including damage to the brain stem and nervous system;
 - b. Creation or exacerbation of psychological disorders and illnesses;
 - c. Creation or exacerbation of neuropathological disorders and illnesses;
 - d. Emotional and psychological harm and distress;
 - e. Impairment of mental and emotional health;
 - f. Impairment of ability to participate in or transition to a normal family life, including alienation from family, spouses and children;
 - g. Impairment of ability to perform household chores and to perform certain daily tasks;
 - h. Impairment of ability to participate in recreational, school, social, and athletic activities;

- i. Impairment of the capacity to function in the work place and a corresponding loss of income, a loss of competitive advantage in the employment field and a diminution of income earning capacity;
- j. Pain and suffering, a loss of enjoyment of life and a loss of amenities; and
- k. Such further and other harms and injuries as shall be discovered and/or particularized.

293. As a further result of the injuries suffered, the Plaintiffs have incurred, and will continue to incur expenses, including expenses for: hospitalization, medication, therapy, rehabilitation, medical treatment, and other forms of care and out-of-pocket expenses, the full particulars of which are not within the Plaintiffs' knowledge at this time.

Punitive, Aggravated and Exemplary Damages

294. The Government forced the Plaintiffs, on pain of court martial and imprisonment, to take a drug that has caused great neurological and psychological damage. The Canadian Government treated the issue surrounding Mefloquine with wanton and callus disregard for the Plaintiffs' interests, health, safety and well-being. Canada has responded to the growing crisis regarding Mefloquine toxicity within the military veteran community by concealing, denying and downplaying the problem, even as those suffering from Mefloquine toxicity continue to die by suicide.

295. Canada's wrongful conduct is of such a reprehensible nature as to warrant an award of aggravated, exemplary and/or punitive damages in order to deter Canada from taking such wrongful acts in the future.

Family Law Act Claims

296. The Defendant owed WO Ochoski the same duty of care and fiduciary duty that it owed to the CAF Plaintiffs as set out above, and breached it in the same manner as set out above.

297. Plaintiff Judy Ochoski brings a claim pursuant to the *Family Law Act*, R.S.O. 1900 ("*Family Law Act*") with regard to the death of her son WO Ochoski consisting of a claim for:

- a. reasonable expenses incurred for the benefit of WO Ochoski;

- b. loss of guidance, care and companionship; and
- c. reasonable allowance for the value of or the loss of income related to providing nursing, housekeeping and other services to WO Ochoski.

Provincial Health Insurers

298. As a consequence of the misconduct set out above, OHIP and the comparable provincial and territorial health insurers have incurred various expenses with respect to the medical treatment of the Plaintiffs. As such, OHIP and other provincial and territorial health insurers have suffered, and will continue to suffer, damages including the ongoing medical support for the Plaintiffs, and they are entitled to be compensated by virtue of their subrogated and direct rights of action in respect of all past and future insured services. This action is maintained on behalf of OHIP and all other provincial and territorial health insurers.

APPLICABLE LEGISLATION

299. The Plaintiffs plead and rely upon the following:

Federal Courts Act, R.S.C., 1985, c. F-7;

Federal Courts Rules, (SOR/98-106);

Crown Liability and Proceedings Act, R.S.C., 1985, c. C-50, ss. 3, 21, 22, and 23;

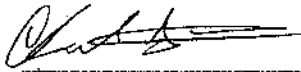
Canadian Charter of Rights and Freedoms, ss. 7 and 24;

National Defence Act, R.S.C., 1985, c. N-5; and

Family Law Act, R.S.O., 1990, c. F.3, ss. 61-63.

300. The Plaintiffs propose that this action be tried at Toronto, Ontario.

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