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| Date:  | January 9, 2025 |
| To: | **Mayor and Council.** |
| Name and title: | Kris Dalio, Director of Finance and IT Services |
| Subject:  | Quarterly Litigation Summary Report – Q4 2024 |
| Attachment(s):  | Litigation Summary Table as of December 31, 2024 |
| Recommendation(s): |
| That Council RECEIVES FOR INFORMATION the report dated December 31, 2024, from the Director of Finance and IT Services titled “Quarterly Litigation Summary Report – Q4 2024.” |

Purpose:

For Council information.

Strategic Priorities:

Litigation matters listed in the attached summary are legal actions made on behalf of or against the City. Claims against the City may be covered under one or more policies of insurance. Currently, a $50,000 deductible applies to each claim/occurrence made against the City. The **bold text** portions of the attached Litigation Summary Table as of December 31, 2024, represent updates from the previous quarterly report.

Summary and conclusion:

In accordance with Council’s direction, subsequent reports will continue to be provided quarterly.

Respectfully submitted:

Kris Dalio, Director Finance & IT Services

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Prepared by Shawn Smith, Manager, Risk & Procurement

Approved:

Walter Babicz, City Manager

Meeting date: [2025/02/03]

Litigation Summary Table as of December 31, 2024

| eDoc | FILE # | CLAIMANT | DATE OF LOSS / ACTION | CLAIMANT'S LAWYER | CITY'S LAWYER | DESCRIPTION OF CLAIM | STATUS OF CLAIM |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 636670 | 19-049 | McCREADIE, Douglas | 21-Mar-19 | Justin Haines -HSJ Lawyers | Eve Moore (Mark Gyton covering) - Guild Yule LLP | RCMP officer slipped and fell in the parking lot on his way to work. **Discovery scheduled for January 29-30, 2025.** | Open |
| 636699 | VA19-010 | WILLIAMS, Wilfred | 20-Feb-19 | Dick Byl - Dick Byl Law Corporation | ICBC to defend – Nathanael McFadyen HSJ Lawyers | Claim against two City drivers that were operating equipment to clear snow. One City loader was involved in the collision the other was blocking traffic. **Trial dates are set for 5 days on February 24, 2025.** | Open |
| 634386 | 20-068 | HAY, Leonard / Class Action | 8-Jul-20 | Dick Byl - Dick Byl Law Corporation | Ryan Darby - Whitelaw Twining | A fire at the Econo Lodge Motel with several injuries and fatalities. The CPG is named in the lawsuit due to the issuance of a business license to the operator and the completion of fire inspection. **Mediation scheduled for March 2025.** | Open |
| 639735 | 21-041 | Rolling Mix Concrete & Rock n Roll Aggregates | 18-Feb-21 | Roy Stewart - RJS Law Corporation | Jeffrey LockeStewart McDannold Stuart | Plaintiffs have a permit issued under *The* *Mines Act* from the Province. City bylaw requirement is different than provincial permit. City has conceded issue of jurisdiction publicly. **Mediation preparation and follow up occurring.** | Open |
| 600176 | 19-057 | 054849 BC Ltd. (Doug Tyers) | Spring 2019 / Fall 2020 | Small Claims Court - Self-Represented | Doug McLaughlan, Wilson King & Co. | Plaintiff alleges that vibration from CPG Construction caused the floor of his shop to sink. Adjournment of trial to the fall was successful by the applicant. **Continuing to hold for plaintiff action.** | Hold |
| 600174 | 21-03483 | GREWAL, Tanner | 15-Sep-21 | Morgan Wright. Garth Wright Law | Jeff Locke, Stewart McDannold Stuart | Administrative Claim alleging wrongful discharge of Fill Covenant. CPG liability unlikely. **CPG taking low-cost passive approach and awaiting further plaintiff action.** | **Hold** |
| 624683 | 22-03559 | CLARK, Robert | 14-Jan-22 | Brendan Harvey - Yeager & Company Employment Law | Nicole Toye, Harris & Co. LLP | Employee claiming constructive dismissal due to vaccine mandate policy. **Hearing scheduled for February 2025 with discovery proceeding.** | Open |
| 639010 | 22-03608 | City of PG v. HDR(Chandos) | DOL-Dec 2020FiledDec 2022 | Chris Hirst, Alexander Holburn (HDR)/Lyle Brookes.Chandos Legal Counsel | Sukh Manhas, Young Anderson | Primer used for steel beams faulty, **HVAC also malfunctioning** resulting in significant remediation costs **incurred and more expected**. **CPG filed a claim against HDR in November 2024.** Chandos identified as 3rd party by HDR.  | Open |
| 643464 | 22-03619 | City of PG v Progrus | 14-Sep-2022 | Tyler Galbraith, Jenkins Marzban Logan | Kaitlyn Cumming, Stewart McDannold Stuart | Progrus claiming CPG breached construction contract, seeking outstanding payments and extension time. **Mediation occurred mid-December 2024 with final settlement occurring.** | **Closed** |
| 664149 | 23-03690 | Chahal v. RCMP et al. | 21-Aug-2023 | Connor Muldoon | Paige Gibson, Stewart McDannold Stuart | Bodily Injury claim due to alleged RCMP assault; CPG seeking dismissal of claim. Repeated letters to claimant counsel unanswered, diarized to April of 2025. **No new action.** | Hold |
| 682890 | 23-03762 | Grenon v CPG et al | 16-Apr-2023 | Garth Wright | Thomas Haughian, SMS | Plaintiff jumped into Leisure Pool as part of adult swim lesson and broke bone in foot and is seeking costs. Discovery examination completed with report pending. Mediation planned with possible settlement. **Settlement Proposal scheduled for Council Meeting February 3, 2025.** | Open |
| 675631 | 23-03747 | Yeulet v. CPG et al. | 4-Oct-20 | Kelley C. Stewart, Collette Parsons Corrin LLP | Ryan Darby, Whitelaw Twining | MVA at Davis Road and Ospika Blvd causing bodily injury while using pedestrian crosswalk which had been recently upgraded with new signage and lighting. **Examination set for March 2025 with trial scheduled for February 2026.** | **Open** |
| 655626 | 23-03654 | Johnsen v. CPG et al. | 9-Jan-23 | Andrew Kemp,Andrew Kemp | Emily Dvorak, Guild Yule | Slip and fall occurred at the RCMP detachment on Victoria Street. All allegations denied by CPG. Document collection ongoing. **Discovery planned for January 29-30, 2025 with liability assessment following.** | Open |
| 688622 | 23-03775 | Sakamoto (Heartbreaker) v. CPG, **CCC & 4-Star** | 22-Aug-23 | Roy Stewart, RJS Law Corp/ | Amelia Staunton, Dolden Wallace Folick LLLP | Plaintiff alleges CPG vicariously liable for RCMP and Bylaw failure to prevent explosion at neighboring business. CPG applied to WSBC for transfer of costs to building owner, Commonwealth Campus Corp. **Updated affidavits from McGivern and CPG. 311 call log email from 4Star supplied. Document Discovery continuing.** | Open |
| 690214 | 23-03778 | Drury v. CPG | 28-Sep-23 | TBD | Sukh Manhas, Young Anderson | Hand injury on sauna door at Canfor Leisure Pool. Claiming lost income and medical costs. Holding for Notice of Civil Claim, not yet received. **No new activity.** | Hold |
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