

Court File No.:

CV-14-501891

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

QURRATUL AIN MALIK, NAMRA MALIK, TALHA SYED, SUFIYAN NADEEM,  
HASSAN FAROOQ, MOHAMMAD MIRZA, MAHA HUSSAIN, SHEIKH IBRAHIM  
SOHAIL

PLAINTIFFS

-and-

100469 ONTARIO INC. o/a YORK UNIVERSITY  
and JOHN DOE

DEFENDANTS

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

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

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff(s) lawyer or, where the plaintiff(s) do(es) not have a lawyer, serve it on the plaintiff(s), and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

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

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

Date: *April 9<sup>th</sup>, 2014*

Issued by

*S. Turbeken*  
Local registrar

393 University Avenue  
10<sup>th</sup> Floor  
Toronto, ON M5G 1E6

TO: **100469 ONTARIO INC. o/a YORK UNIVERSITY**  
4700 Keele Street  
Kaneff Tower 1050  
Toronto, ON M3J 1P3

AND TO: JOHN DOE

**C L A I M**

1. The Plaintiff, Qurratul Ain Malik, claims:
  - (a) Damages in the sum of \$18,000,000.00 (EIGHTEEN MILLION DOLLARS).
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.
  
2. The Plaintiff, Namra Malik, claims:
  - (a) Damages in the sum of \$1,000,000.00 (ONE MILLION DOLLARS).
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.
  
3. The Plaintiff, Talha Syed, claims:
  - (a) Damages in the sum of \$250,000.00.
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.
  
4. The Plaintiff, Sufiyan Nadeem, claims:
  - (a) Damages in the sum of \$250,000.00.
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*,

R.S.O. 1990, c. C.43, as amended;

- (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.
5. The Plaintiff, Hassan Farooq, claims:
- (a) Damages in the sum of \$250,000.00.
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.
6. The Plaintiff, Mohammad Mirza, claims:
- (a) Damages in the sum of \$250,000.00.
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.
7. The Plaintiff, Maha Hussain, claims:
- (a) Damages in the sum of \$250,000.00.
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just.

8. The Plaintiff, Sheikh Ibrahim Sohail, claims:
  - (a) Damages in the sum of \$250,000.00.
  - (b) Pre-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
  - (c) The costs of this action on a substantial indemnity basis and applicable Goods and Services Tax and Harmonized Sales Tax; and
  - (d) Such further and other relief as this Honourable Court may deem just
9. The Plaintiff, Qurattul Ain Malik, is an individual who resides in Toronto, Ontario, and was, at all material times, an invitee and/or student at the Keele campus of York University, located municipally at 4700 Keele Street, Toronto, ON M3J 1P3 (hereinafter "the university").
10. The Plaintiff, Namra Malik, is an individual who resides in Pickering, Ontario, and was, at all material times, an invitee and/or student at the University.
11. The Plaintiff, Talha Syed, is an individual who resides in Brampton, Ontario, and was, at all material times, an invitee and/or student at the University.
12. The Plaintiff, Sufiyan Nadeem, is an individual who resides in Toronto, Ontario, and was, at all material times, an invitee and/or student at the University.
13. The Plaintiff, Farooq Hassan, is an individual who resides in Mississauga, Ontario, and was, at all material times, an invitee and/or student at the University.
14. The Plaintiff, Mohammad Mirza, is an individual who resides in Mississauga, Ontario, and was, at all material times, an invitee and/or student at the University.
15. The Plaintiff, Maha Hussain, is an individual who resides in Mississauga, Ontario, and was, at all material times, an invitee and/or student at the University.
16. The Plaintiff, Sheikh Ibrahim Sohail, is an individual who resides in Toronto, Ontario, and was, at all material times, an invitee and/or student at the University.

17. The Defendant, 100469 Ontario Inc. o/a YORK UNIVERSITY (Hereinafter "York University") is a corporation duly incorporated under the laws of Ontario, and operating as a University and occupiers of the University.
18. The Defendant, John Doe, is an individual who at all material times was an invitee and/or student of the University.
19. The Plaintiffs state and the fact is that on or about March 6, 2014, the Plaintiffs were standing in or near the student centre at the University, when, suddenly and without warning, they heard a loud blast, and the Plaintiff, Qurratul Ain Malik felt an impact to her leg, and soon realized that she had been hit by a bullet. The Plaintiff, Namra Malik felt an impact in her leg as well, and soon realized that she had been hit with debris from the bullet's trajectory. As a result of the aforesaid incident, the Plaintiffs will suffer severe and permanent injuries.
20. The Plaintiffs state that, at all material times, the University were maintained and/or controlled by the Defendant, York University, and as such, the Defendant was responsible in law for the general condition, maintenance and safety of the University.
21. The Plaintiff states that at all material times hereto, the Defendant, York University, was the occupier of the University within the meaning of the term "Occupier" (in the *Occupier's Liability Act*, R.S.O. 1990, c.O.2 and all amendments thereto) and the Defendant breached their statutory duty to ensure that the persons entering on the University were reasonably safe while on the University.
22. The Plaintiff states that the incident of March 6<sup>th</sup>, 2014 was caused by the negligence of the Defendants, their agents, servants and employees, the particulars of which include but are not limited to:
  - A. As to the Negligence of the Defendant, York University:

- (a) They neglected to see that persons entering on the University were reasonably safe while on the University;
  - (b) They failed to maintained the University in a safe manner;
  - (c) They failed to install and/or maintain a sufficient amount of security cameras;
  - (d) They failed to hire a sufficient number of security guards to preempt and/or respond to situations such as that of March 6<sup>th</sup> 2014.
  - (e) They failed to make their policies regarding weapons and arms sufficiently known to the students and attendees of the University;
  - (f) They failed to inspect the University;
  - (g) They failed to take precautions to prevent the incident which they knew or ought to have known was likely to occur;
  - (h) They allowed the University to be left in a dangerous manner;
  - (i) They permitted a nuisance to be present in the University;
  - (j) They failed to exercise adequate care and control over a dangerous situation;
  - (k) They failed to take reasonable steps necessary to secure the safety of lawful users of the University;
  - (l) They failed to have a regular system of inspection and maintenance for the University;
  - (m) They failed to ensure that invitees and other agents and provide the safety of other persons lawfully on its University;
  - (n) They failed to adequately monitor the use of the University, to ensure it was being used in a proper and safe manner;
  - (l) They failed to protect the invitees at the University from harm.
- B. As to the Negligence of the Defendant, JOHN DOE:
- (a) He acted in a dangerous manner;
  - (b) He permitted a nuisance to be present in the University;
  - (c) He failed to exercise adequate care and control over a dangerous situation;
  - (d) He failed to take reasonable steps necessary to secure the safety of lawful users of the University;

23. By reason of the negligence of the Defendants and their agents and/or servants, the Plaintiff, Qurratul Ain Malik, suffered severe and permanent injuries to her leg, post-traumatic stress disorder, paranoia, insomnia nervousness, depression and irritability, considerable pain and suffering. The Plaintiff will continue to experience pain and suffering in the future, loss of enjoyment of life and will continue to suffer from a loss of enjoyment of life in the future.
24. By reason of the negligence of the Defendants and their agents and/or servants, the Plaintiff, Namra Malik, suffered severe and permanent injuries to her leg, post-traumatic stress disorder, paranoia, insomnia nervousness, depression and irritability, considerable pain and suffering. The Plaintiff will continue to experience pain and suffering in the future, loss of enjoyment of life and will continue to suffer from a loss of enjoyment of life in the future.
25. By reason of the negligence of the Defendants and their agents and/or servants, the Plaintiffs, Talha Syed, Sufiyan Nadeem, Hassan Farooq, Mohammad Mirza, Maha Hussain and Sheikh Ibrahim Sohail, suffered severe and permanent injuries including post-traumatic stress disorder, paranoia, insomnia nervousness, depression and irritability and considerable pain and suffering. The Plaintiffs will each continue to experience pain and suffering in the future, loss of enjoyment of life and will continue to suffer from a loss of enjoyment of life in the future.
26. The Plaintiffs state that as a result of the negligence of the Defendants, they have each suffered a permanent, serious impairments and/or disfigurement of an important physical, mental or psychological function.
27. The Plaintiffs state that as a result of the negligence of the Defendants they have each suffered a loss of competitive advantage, loss of income and will continue to suffer such a loss into the future.

28. As a result of their injuries, the Plaintiffs have been unable to maintain their previous lifestyle and have each experienced a loss of enjoyment of life. The Plaintiffs will continue to experience pain and suffering and will not be able to resume their previous lifestyles for an indefinite period of time.
29. The Plaintiffs state that as a result of the negligence of the Defendants, they have each suffered a loss of home making and home maintenance capacity, and will continue to suffer such a loss into the future.
30. By reason of the negligence of the Defendants, the Plaintiffs have each incurred out-of-pocket expenses and losses to date and will continue to incur out-of-pocket expenses and losses into the future.
31. The Plaintiffs plead and rely upon the following statutes, as amended from time to time:
- (a) *Courts of Justice Act, R.S.O. 1990, c. C. 43:*
  - (b) *Negligence Act, R.S.O. 1990, c. F.3;*
  - (c) *Occupiers' Liability Act, R.S.O. 1990, C.O.2.*
32. The Plaintiff proposes that this action be tried at Toronto.

Date:

*April 9<sup>th</sup>, 2014*

**DIAMOND AND DIAMOND**  
Personal Injury Lawyers  
5075 Yonge Street, Suite 701  
Toronto, Ontario  
M2N 6C6

**Sandra Zisckind**  
**LSUC #: 48207W**

Tel: (416) 256-1600  
Fax: (416) 256-0100

**MALIK et al.  
PLAINTIFFS**

**and**

**YORK UNIVERSITY et al.  
DEFENDANTS**

**Court File No.:** *CV-14-501891*

**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
Proceeding commenced at Toronto

**STATEMENT OF CLAIM**

**DIAMOND AND DIAMOND**  
Personal Injury Lawyers  
5075 Yonge Street, Suite 701  
Toronto, Ontario  
M2N 6C6

**Sandra Zisckind**  
**LSUC #: 48207W**

Tel: (416) 256-1600  
Fax: (416) 256-0100