

S/D

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0022  
HC

TO: OFFICER COMMANDING VANCOUVER SUB/DIVISION  
FM: N.C.O. I/C UNIVERSITY DETACHMENT  
RE: FEN G A O FILE 92-2943  
\*\*\*\*\*

UNIVERSITY DETACHMENT SERVED WITH A WRIT OF SUMMONS AT 1215 HOURS.  
THIS DATE RELATIVE TO AN INCIDENT OCCURRING AT UNIVERSITY OF BRITISH  
COLUMBIA 92-07-02 WHEREIN MR. GAO WAS ESCORTED OUT OF A U.B.C. BUILDING.

THIS ISSUE WAS SUBJECT TO A PUBLIC COMPLAINT SUBSEQUENT WITHDRAWN BY  
MR. GAO FOLLOWING INVESTIGATION BY S/SGT. UKRAINETZ.

DUE TO SHORT RESPONSE TIME - 7 DAYS STIPULATED IN THE WRIT - THE FILE  
AND ORIGINAL OF WRIT WILL BE CONVEYED TO PCACC - CIVIL LITIGATION BY HAND  
BY THE INVESTIGATOR CPL. N. MCKERRY.

Done  
92.10.09

S/SGT. J.B. JANSEN  
NCO I/C UNIVERSITY  
E4  
M0

INPUT 09OCT92/16:05/36  
09OCT92/16:06/11

OCT 13 1992

A/ D.C. Vancouver Sub/Div.

Supt. Cowley - For your info.

49

92E-11918



Royal Canadian Mounted Police

Gendarmerie royale du Canada

N. E. (Nancy) McKerry

Corporal

Operations N.C.O.  
University Detachment  
2990 Westbrook Mall  
Vancouver, B.C.  
V6T 2B7

Canada

Telephone: (604) 224-1322  
Fax: (604) 224-4759

The Director  
Department of Justice  
Vancouver Regional Office  
P.O. Box 11118  
2800-1055 West Georgia St.  
Vancouver, B.C.  
V6E 3P9

Dear

Re: Civil Action  
Plaintiff:  
Defendent:  
Court Registry No.:  
Location:

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I, NANCY MCKERRY, of R.C.M.P. UNIVERSITY DET.,  
British Columbia, hereby request that I  
be represented in this matter at public expense by an  
agent of the Minister of Justice or a member of the Depart-  
ment of Justice.

DATED at VANCOUVER, in the Province of British  
Columbia, this 9 day of OCTOBER, 1992

Nancy McKerry  
Member

REVIEWER ..... 9

OCT 21 1993  
129

manual - manuel  <b>ADMINISTRATION D'ADMINISTRATION</b>	chap. title - titre du chap  <b>CIVIL ACTIONS AND STATUTORY OFFENCES POURSUITES AU CIVIL ET INFRACTIONS PAR LA DÉFINITION DE LA LOI</b>	chap. no. no du chap.  <b>VIII.4</b>
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33

E. CIVIL ACTIONS (cont'd)

E. 2. Employee

E. 2. a. If a civil action is initiated against you on any matter arising from the performance of your duties, forward to your CO:

1. the name and address of the plaintiff and the plaintiff's solicitor, if applicable;
2. the name and address of all defendants named in the action;
3. the court in which the action is initiated;
4. the court number of the action;
5. a brief summary of the circumstances that gave rise to the action; and
6. whether you agree to have the action defended by and on the instructions of the Deputy Attorney General of Canada, Department of Justice Canada.

E. 2. b. You may retain your own counsel or defend the action personally but you must then be prepared to pay any adverse judgments and legal fees.

E. 2. c. If Department of Justice Canada declines to appoint counsel on the grounds the expense is not justified in the circumstances, e.g. a small claims court action in a remote area, report the details to your CO.

E. 3. CO

E. 3. a. If the employee agrees to have a civil action defended by Department of Justice Canada, forward the information and documents to the Department of Justice Canada, regional office serving the area.

E. POURSUITES AU CIVIL (suite)

E. 2. Employé

E. 2. a. Si une poursuite au civil est intentée contre un employé par suite d'un incident qui est survenu dans l'exercice de ses fonctions, il doit transmettre au cdt div. les renseignements suivants:

1. le nom et l'adresse du plaignant et de son avocat, s'il y a lieu;
2. le nom et l'adresse de tous les défendeurs nommés dans la poursuite;
3. le tribunal où la poursuite a été engagée;
4. le numéro judiciaire de la poursuite;
5. un résumé des circonstances qui ont donné lieu à la poursuite, et
6. si l'employé consent à faire défendre sa cause par le sous-procureur général du Canada (ministère de la Justice) et selon ses directives.

E. 2. b. L'employé qui est poursuivi au civil peut être représenté par son avocat ou défendre sa cause lui-même, mais il doit être prêt à payer les frais de justice et les honoraires en cas de jugement défavorable.

E. 2. c. Si le ministère de la Justice refuse de nommer un avocat parce que la dépense n'est pas justifiée dans les circonstances, p. ex. s'il s'agit d'une poursuite dans une cour des petites créances à l'intérieur d'une région éloignée, communiquer les renseignements nécessaires au cdt div.

E. 3. cdt div.

E. 3. a. Si l'employé qui est poursuivi au civil consent à faire défendre sa cause par le ministère de la Justice, transmettre les documents et les renseignements nécessaires au bureau régional du ministère de la Justice.

3

NO.  
Vancouver Registry

6 October 1992

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IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

DR. FENG GAO

PLAINTIFF

AND:

THE UNIVERSITY OF BRITISH COLUMBIA  
and ROYAL CANADIAN MOUNTED POLICE

DEFENDANTS

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WRIT OF SUMMONS  
AND STATEMENT OF CLAIM

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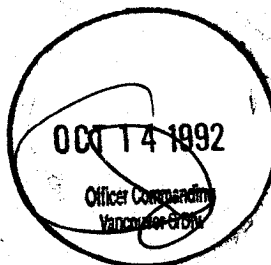
Our File Reference: 92404

Brian A. Mason, Esq.  
Maitland & Company  
Barristers & Solicitors  
#700 - 625 Howe Street  
Vancouver, B.C.  
V6C 2T6

Telephone: (604) 681-7474

Fax: (604) 681-3896

DISCUSSION WITH  
SGT KELLEY  
(CALL 41864)  
AND HIS PARTNER  
MATTIE (IN HAND).  
WE WILL HOLD  
A WORKING BRIEF  
SUBJECT TO PENDING  
CALL FROM SGT KELLEY  
(264-2864)



*J. Gao*  
N.C.O. 112 Detachment  
OCT - 9 1992



**C926136**

NO. VANCOUVER REGISTRY

6 October 1992

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

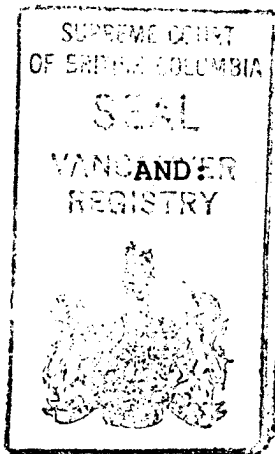
DR. FENG GAO

PLAINTIFF

THE UNIVERSITY OF BRITISH COLUMBIA  
and ROYAL CANADIAN MOUNTED POLICE

DEFENDANTS

WRIT OF SUMMONS



Name and address of the Plaintiff:

DR. FENG GAO, 201 - 1640 West 11th Avenue, Vancouver, British Columbia, V6J 2B9

Name and address of the Defendants:

THE UNIVERSITY OF BRITISH COLUMBIA, 6328 Memorial Road, Vancouver British Columbia, V6T 1Z2;

ROYAL CANADIAN MOUNTED POLICE, University Detachment, 2990 Wesbrook Mall, U.B.C.

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the Defendants: University of British Columbia and Royal Canadian Mounted Police (University Detachment)

**TAKE NOTICE** that this Action has been commenced against you by the Plaintiff for the claims set out in this Writ.

**IF YOU INTEND TO DEFEND** this Action, or if you have a set off or counterclaim which you wish to have taken into account at the Trial, **YOU MUST GIVE NOTICE** of your intention by filing a form entitled "Appearance" in the above Registry of this Court within the Time for Appearance endorsed hereon and **YOU MUST ALSO DELIVER** a copy of the "Appearance" to the Plaintiff's address for delivery, which is set out in this Writ.

47

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a from of "Appearance" at the Registry.

IF YOU FAIL to file the "Appearance" within the proper Time for Appearance, JUDGMENT MAY BE TAKE AGAINST YOU without further notice.

The address of the Registry is:

800 Smithe Street, Vancouver, B.C.

Name and address of Plaintiff's solicitor is:

Brian A. Mason, Esq.  
MAITLAND & COMPANY  
Barristers & Solicitors  
#700-625 Howe Street  
Vancouver, B.C.  
V6C 2T6

681-7474

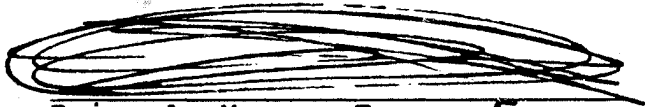
Plaintiff's address for delivery:

as above

The Plaintiff's claims against the Defendants are set forth on the **STATEMENT OF CLAIM** attached to and forming a part of this **WRIT OF SUMMONS**

The causes of Action arose wholly within the jurisdiction of this Honourable Court.

DATED at the City of Vancouver, in the Province of British Columbia, this 06 October 1992



Brian A. Mason, Esq.  
Solicitor for the Plaintiff

**TIME FOR APPEARANCE**

Where this Writ is served on a person in British Columbia, the time for Appearance by that person is 7 days from the service (not including the day of service).

Where this Writ is served on a person outside British Columbia, the time for Appearance by that person, after service, shall be 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and

46

42 days in the case of a person residing elsewhere. The Court may shorten the time for Appearance on ex parte application.

PROCESSED UNDER THE PROVISIONS OF THE  
PRIVACY ACT / PROCESSE EN VERTU DE LA LOI SUR LA PROTECTION  
DES RENSEIGNEMENTS PERSONNELS OU DE  
L'ACCÈS À L'INFORMATION

PROCESSED UNDER THE PROVISIONS OF THE  
PRIVACY ACT / PROCESSE EN VERTU DE LA LOI SUR LA PROTECTION  
DES RENSEIGNEMENTS PERSONNELS OU DE  
L'ACCÈS À L'INFORMATION

ATTACHED TO AND FORMING A PART OF THE WRIT OF SUMMONS HEREIN

STATEMENT OF CLAIM

1. The Plaintiff, Dr. Feng Gao, is a computer scientist and resides at 201 - 1640 West 11th Avenue, Vancouver, British Columbia, V6J 2B9.
2. The Defendant, The University of British Columbia ("U.B.C.") is a university within the meaning of the "University Act" R.S. 1979, c. 419, with executive offices at 6328 Memorial Road, Vancouver, British Columbia, V6T 2B3.
3. The address for the Defendant, Royal Canadian Mounted Police ("R.C.M.P.") connected with this action is at University Detachment, 2990 Wesbrook Mall, University of British Columbia, Vancouver, British Columbia, V6T 2B3.
4. At all times material to this action, Dr. Maria Klawe, was acting in the scope of her employment with the Defendant, U.B.C. as head of its Computer Science Department.
5. In or about February 1990 the Plaintiff submitted an application to Dr. Maria Klawe seeking a tenure track position with the Defendant U.B.C.
6. At a meeting in August or September 1990 between the Plaintiff and Dr. Maria Klawe, Dr. Klawe informed the Plaintiff that the Department had only one open tenure - track position with another to be available soon pending the departure of another faculty member; but that neither of these positions were in the area of the Plaintiff's expertise.
7. In fact at the time of this meeting there were a total of three available tenure - track positions one of which was open to candidates in one of the areas of the Plaintiff's expertise, namely numerical analysis.
8. Dr. Klawe knew, or reasonably ought to have known because of the special nature of the relationship between the Plaintiff and Dr. Klawe, that the Plaintiff would rely upon her representations.
9. Relying upon the aforesaid representations of Dr. Maria Klawe the Plaintiff withdrew his application for a tenure - track position and accepted a one year fixed term contract extension with the Defendant, U.B.C.
10. Dr. Maria Klawe acting on behalf and with the ostensible authority of the Defendant, U.B.C., at the aforementioned



meeting deliberately misled the Plaintiff or, in the alternative, negligently mis-stated facts to the Plaintiff by informing the Plaintiff that no tenure - track positions were open to candidates in his fields.

11. At no times material were these misrepresentations of the Defendant, U.B.C., through its employee and agent Dr. Maria Klawe, made to the Plaintiff under the lawful authority of any statute.
12. Because of the deliberate or negligent mis-statements of Dr. Klawe the Plaintiff sacrificed the opportunity to obtain a tenure - track position at U.B.C. and has suffered serious financial loss as a result thereof.
13. The Plaintiff has made diligent efforts to mitigate his losses by finding alternative employment in his areas of expertise but at the date of this Statement of Claim has been unsuccessful in doing so.
14. That the usual practice at the Computer Science Department at U.B.C. was to allow a reasonable time after the expiration of a term of employment for faculty members to vacate their academic offices provided.
15. Following the usual practice the Plaintiff returned to his office on the morning of 2 July 1992, the first working day after formal expiration of his contract.
16. That both of the Defendants unlawfully caused the Plaintiff to be arrested, handcuffed, and incarcerated.
17. At no time material was the Plaintiff committing any offense under the Criminal Code.
18. The officers of the Defendant, R.C.M.P., (University Detachment) had no reasonable basis to believe that the Plaintiff was committing or about to commit any criminal offence which would justify the arrest, handcuffing, and incarceration which ensued on 2 July 1992.
19. The arrest of the Plaintiff and his detention was, on the part of both Defendants, without legal basis and actuated by malice.
20. As a result of the false arrest and imprisonment of the Plaintiff the Plaintiff suffered serious emotional trauma and humiliation.

WHEREFORE THE PLAINTIFF CLAIMS:

AS AGAINST THE UNIVERSITY OF BRITISH COLUMBIA

- (a) damages for deliberate misrepresentation;
- (b) in the alternative damages for negligent misrepresentation;
- (c) damages for false arrest and false imprisonment;
- (d) costs;
- (e) such further and other relief as to this Honourable Court may seem meet and just.

AS AGAINST THE ROYAL CANADIAN MOUNTED POLICE, UNIVERSITY DETACHMENT

- (a) damages for false arrest;
- (b) damages for false imprisonment;
- (c) costs;
- (d) such further and other relief as to this Honourable Court may seem meet and just.

PLACE OF TRIAL - 800 SMITHE STREET  
VANCOUVER, BRITISH COLUMBIA



Brian A. Mason, Esq.  
Solicitor for the Plaintiff

PROCESSED UNDER THE PROVISIONS OF THE  
PRIVACY / ACCESS TO INFORMATION ACT'S  
REVISE EN VERTU DE LA LOI SUR LA PROTECTION  
DES RENSEIGNEMENTS PERSONNELS OU DE  
L'ACCÈS À L'INFORMATION

PROCESSED UNDER THE  
PRIVACY / ACCESS TO  
REVISE EN VERTU DE  
L'ACCÈS À L'INFORMATION

ORI  
IND

PIRS ONLY - Authorized by  
S. R. R. J. SEUL. - Autorisé par

92 2843

REPORTED Y-A M D-J Time Heure OCCURRED BETWEEN Y-A M D-J Time Heure Y-A M D-J Time Heure  
SIGNALÉ 92 07 02 11 31 SURVENU ENTRE 92 07 02 11 50 92 07 03 11 56

Nature of event Genre d'incident  
OSR CLASS.: **TRESPASSING COMPUTER SCIENCE BLDG**  
CAT. DE S.O.:

UNITS ASSISTING Back-up Soutien Traffic Circ. GIS S.E.G. Dog Ser. Serv. des chiens Ambul. Hydro Fire Serv. de pomp. Other Autre  
UNITÉS DÉPECHÉES

DETAILS / ACTION PRÉCISIONS / MESURES Complaint Taken by - Plainte enregistrée par

**SECURITY**  
**MIGHT NEED ASSISTANCE IN SEIZING OFFICE KEYS AND REMOVING PROFESSOR IF CALL COMES IN PLEASE RESPOND**

( St. No., Street, Apt., City, Prov., Country, P. Code ) ( No, rue, app., ville, prov., pays, c. postal )

LOC. ENDR. **COMPUTER SCIENCE BLDG Room 326 6356 original**

Reg. No. Mair. Investigator Enquêteur Tel. No. No Tél. Unit Service Zone Watch Quart PRIORITY 1 P. PRIORITY 3 P.

SUB SUJ. Funct. Fonct. Rest. Status Etat No. No Surname / Bus. Name Nom de famille / du commerce

G.1. P.1. G.2. P.2. Type Genre Sex Sexe Tel. No. Home/Bus. No Tél. rés./bur. VIO CL

ADDR. ( St. No., Street, Apt., City, Prov., Country, P. Code ) ( No, rue, app., ville, prov., pays, c. postal )

Same as LOC. Même que ENDR.

DOB Y-A M D-J Age Age Height Taille Mass Masse Hair Cheveux Eyes Yeux Race Race POB L.D.N.

Driver's Licence Permis de conduire POI P. d'émission Photo No. No de photo FPS S.D. Book No. No d'écrout Citizenship Citoyenneté

Passport Passeport Deformity, Amputation, Tatoo Difformité, amputation, tatouage Build Corpulence Complexion Teint

Other descriptors Autres descripteurs Occupation Position Poste

SUB SUJ. Funct. Fonct. Rest. Status Etat No. No Surname / Bus. Name Nom de famille / du commerce

G.1. P.1. G.2. P.2. Type Genre Sex Sexe Tel. No. Home/Bus. No Tél. rés./bur. VIO CL

ADDR. ( St. No., Street, Apt., City, Prov., Country, P. Code ) ( No, rue, app., ville, prov., pays, c. postal )

Same as LOC. Même que ENDR.

DOB Y-A M D-J Age Age Height Taille Mass Masse Hair Cheveux Eyes Yeux Race Race POB L.D.N.

Driver's Licence Permis de conduire POI P. d'émission Photo No. No de photo FPS S.D. Book No. No d'écrout Citizenship Citoyenneté

Passport Passeport Deformity, Amputation, Tatoo Difformité, amputation, tatouage Build Corpulence Complexion Teint

Other descriptors Autres descripteurs Occupation Position Poste

SUB SUJ. Funct. Fonct. Rest. Sub. No. No suj. Ent. No. No inc. Alias Name Nom d'emprunt G.1. P.1. G.2. P.2.

VEH VEH. Funct. Fonct. Rest. Status Etat No. No Exhibit No. No de pièce à conviction Type Genre Licence No. No d'immatr.

Prov. L. Yr. Make Marque Model Modèle Style Year Année COLOUR COULEUR Top Toit Bottom Carrosserie

VIN NIV. VALTAG. No. No d'étiquette de val. TAG Yr. Ann. de VAL

Value Valeur No. of Occupants Nbr. d'occ. Vessel/Aircraft Name Nom du navire/de l'aéronef Moved from Déplacé de

POE P.D.E. Destination Intermediate Intermédiaire Interior Features Caractéristiques Intérieures

Exterior Features Caractéristiques extérieures Location of Veh. Empl. du véh. Disp. Mesures prises Disp. Date Mesures prises

Date concluded Date CMP Notified Assisted ORI Occurrence No. Signature ( Investigator Enquêteur ) Date

92 07 02 92 07 02 92 2843 Hermelung 92 07 02

Enquête terminée Plaignant avisé le Ind. du serv. aidé NO d'Incident

Transaction Line No. de la ligne	Statistics Canada Statistiques Canada	Investigating/Support Unit Service d'enquête/de soutien	Jurisdiction Juridiction	Assistance to Aide à	Zone	Reported Signalé	Unf'd Non fondé	Outcome Résultat	Cleared Infraction classée	Person Data Pers. sur les personnes					Co. Charged Comp. Acc.		
										Adults Charged Accusés	Juveniles Charged Accusés	Minors Charged Accusés	Not Char. Non Acc.	Comp. Acc.			
9	10	11	12	13	14	15	16	17	18	19	20	M 21	F 22	M 23	F 24	25	26
A11A44																	

Note: To report additional SUB/VEH use the 2500-1. For property lost, stolen or found, use the 2500-2. DO NOT USE 2500-2 FOR EXHIBITS ( use the 1c25 ).

DD D.A. Y-A M D-J Copies to HQ D.G. GIS S.E.G. Other Autre

Supervisor Date 92 07 03 Report Page of

F DE

OIC ADMINISTRATIVE SERVICES  
"E" DIVISION R.C.M.P.  
PCA/CL UNIT

File No. (originator) — Dossier n° (source)  
92E-11918

TO A

DEPARTMENT OF JUSTICE  
P.O. BOX 11118  
2800-1055 WEST GEORGIA STREET  
VANCOUVER, B.C. V6E 3P9

File No. (addressee) — Dossier n° (destinataire)

Subject - Objet DR. FENG GAO V. U.B.C. & R.C.M.POLICE

COPIES OF ATTACHED "WRIT OF SUMMONS" WAS SERVED ON S/SGT. JENSEN, NCO I/C  
U.B.C. DETACHMENT ON OCTOBER 9, 1992.

I HAVE ENCLOSED COPIES OF U.B.C.'S ENTIRE FILE ON THIS MATTER, INCLUDING THE  
REQUEST FOR LEGAL REPRESENTATION FROM CPL. N.E. MCKEPRY.

IT WOULD APPEAR THE PLAINTIFF AND HIS LAWYER ARE IN THE WRONG COURT, HOWEVER  
YOUR DEPARTMENT MAY HAVE OTHER IDEAS. CPL. DENNIS GARRETT OF OUR UNIT WILL  
BE MONITORING OUR DIVISION FILE ON THIS CIVIL ACTION.

Signature

*Sgt. Frank Keeby*

Date

92-10-14

Telephone

264-2864

Reply - Réponse

*92-10-14: Sgt. Cowley OIC Vancouver S/D called on this civil matter and  
advised him the 'package' was being taken down this a.m. by Cpl.  
PACULA, while attending on another civil matter. Ask Sgt.*

75-40-21-029-0717

REVIEWER 9

Signature

Date

Telephone

OCT 21 1992

ADDRESSEE  
DESTINATAIRE

Please add reply — Keep this copy and return copy 2 to originator.  
Inscrire la réponse — Garder cette copie et expédier la copie 2 à l'initiateur

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130

Department of Justice  
Canada

Ministère de la Justice  
Canada

P.O. Box 11118  
2800 - 1055 West Georgia St.,  
Vancouver, B.C.  
V6E 3P9

Telephone: (604) 666-6542  
Facsimile: (604) 775-5942

20 October 1992

Maitland & Company  
Barristers & Solicitors  
#700 - 625 Howe Street  
Vancouver, B.C.  
V6C 2T6

Attention: Mr. Brian A. Mason

Dear Sirs:

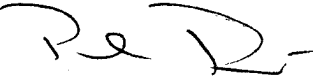
RE: **Dr. Feng GAO v. UBC and R.C.M.P.**  
**Our File No. VL-116,576**

I refer to our telephone discussion on October 15, 1992.

I confirm my suggestion to you that the named defendant, R.C.M.P., is not a legal entity capable of being sued.

I confirm your advise that you will be taking steps to amend your pleadings to name a proper defendant and that you will not take any steps in default without having first given me reasonable notice of your intention to do so.

Yours truly,



**PAUL F. PARTRIDGE**  
Barrister & Solicitor  
Vancouver Regional Office

PFP/hjb

✓ cc: Cpl. Garrett

Canada

REVIEW

OCT 21

138