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B.C. government sued on behalf of former prison inmates, sexually-abused by staff

(VANCOUVER, B.C., 10 August, 2010) - A class action lawsuit filed here today demands compensation on behalf of inmates who were victims of a staff sexual predator at the former Lower Mainland Regional Correctional Centre (Oakalla) in Burnaby.

The suit was filed by the law firm of Poyner Baxter LLP of North Vancouver under B.C.'s "Class Proceedings Act." Such a suit is typically brought in the name of one or more individuals as "representative of a class," and, if successful, would apply to all individuals who were similarly victimized.

The civil claim represents the plaintiff by his initials only, E.D.L., but specifically names the predator, Roderick David MacDougall. The facts of the situation are indisputable. MacDougall was criminally convicted of nine counts of indecent or sexual assault and he served a prison term. Previous civil actions against the government and MacDougall were also successful and compensation was usually in the area of \$50,000 - \$60,000.

MacDougall's offences spanned a period of 21 years and, during much of this time, he was in a supervisory position, including the role of Oakalla's Pass and Transfer Co-ordinator, able to approve day passes and a wide range of benefits for inmates. He used these enticements as bribes to participate in oral sex and other illicit activities. Oakalla closed for good in 1991 and it was subsequently demolished, making way for a housing development.

"What bothers me about all of this, precipitating the class-action against the government," said lawyer Jim Poyner, "is that more than 100 other victims of MacDougall had been identified by the date of a court case in 2006. Why did the government not conduct a thorough review and make sure that all of the victims were found, interviewed and helped in whatever fashion appeared to be best suited to each individual case."

Although not cited in the Notice of Civil Claim in the Class Action lawsuit, others have observed over the years that such consistent long-term abuse by one offender could not possibly have taken place without other staff knowing about it and covering up.

"Surely this had to have come to the attention of social workers, other guards, the Chaplain and maybe even the respective Wardens?", Poyner asked. "What did they do about it?"

The offences against E.D.L. occurred in 1980 and 1981 when he was in his late teens. His claim cites that as a result of MacDougall's sexual assaults and the breaches of duty by the B.C. government, he has suffered and continues to suffer personal injuries. Among difficulties caused or aggravated by the experience were more violent behaviour, an inferiority complex, alcohol and drug abuse, psychological problems, an inability to complete education, an inability to hold down a job and a legacy of fear, humiliation and embarrassment as a child and adult.

The complete text of the Notice of Civil Claim can be found at www.poynerbaxter.com.

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