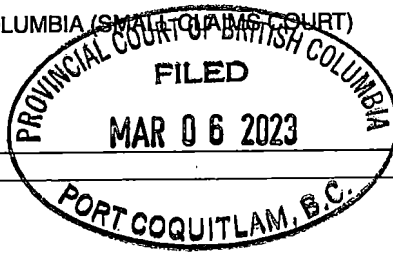


NOTICE OF CLAIM

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER G190626
REGISTRY LOCATION Port Coquitlam



NOTICE OF CLAIM

FROM:

Fill in the name of each person or business making the claim. An Address for Service (Form 38) must also be filed with your Notice of Claim

NAME Jessica Simpson CLAIMANT(S)

Form 38, Address for Service included for filing

TO:

Fill in the name, address and telephone number of each person or business the claim is against.

NAME 0869744 BC Ltd. dba, Mr. Swirl DEFENDANT(S)
ADDRESS #6 - 1623 Ketch Crt.

CITY, TOWN, MUNICIPALITY Coquitlam PROV. BC POSTAL CODE V3K 6X7 TEL # 604-435-4664

WHAT HAPPENED?

Tell what led to the claim.

Intentional infliction of emotional distress: The employer's behavior, including the repeated sexual remarks, comments about my health, and constant intimidation, is considered intentional infliction of emotional distress.

Harassment: The repeated sexual remarks and comments about my weight and size is considered harassment.

Details as provided are included on Schedule "A"

08MAR23 2300799 RIFD 156.00
35314 0192626

I am abandoning the amount of my claim that is over \$35,000, not including interest and expenses. Check this box if more space is needed to describe "what happened" and attach additional page. 4 additional pages are attached. Mark the additional pages as "Page 2 of the Notice of Claim, Page 3, etc.". A copy of the attached pages must accompany each copy of the Notice of Claim.

WHERE?

Tell where this happened.

CITY, TOWN, MUNICIPALITY Coquitlam PROV. BC

WHEN? March 25, 2021
Tell when the claimant became aware of the issue in dispute.

HOW MUCH?

Tell what is being claimed from the defendant(s). If the claim is made up of several parts, separate them here, and for each part set out the amount being claimed or the value of the property or services being claimed. Add these amounts and values and fill in the total claimed.

a General Damages - Emotional Distress caused by harassing behaviour, loss of income resulting from the termination of employment.	\$	20,000.00
b Punitive Damages - Egregious Behaviour	\$	
c Special damages - quantifiable monetary losses - lost wages resulting from the termination of employment.	\$	
d Aggravated damages - humiliation or mental distress, that is over and above that which would normally be expected from the conduct itself	\$	15,000.00
e Costs	\$	

TIME LIMIT FOR A DEFENDANT TO REPLY

The defendant must complete and file the attached reply and address for service within 14 days after being served in British Columbia or within 30 days after being served outside of British Columbia with this notice. If the defendant does not reply, a court order may be made against the defendant without any further notice to the defendant. Then the defendant could have to pay the amount claimed plus interest and further expenses.

The Court Address for filing documents is:
**2620 Mary Hill Rd
Port Coquitlam, BC V3C 3B2**

TOTAL	\$	35,000.00
+ FILING FEES		156.00
+ SERVICE FEES		<u>30 - 400.00</u>
= TOTAL CLAIMED	\$	<u>35,256.00</u>

DEBT
 OTHER THAN DEBT

35,196
court copy

COURT COPY

In the Small Claims Court of British Columbia

Between:

Jessica Simpson ("Complainant")

and

~~0869711 BC LTD. dba~~ Mr. Swirl ("Respondent")

Schedule "A" - Details of Allegations

1. The Complainant, Jessica Simpson, was employed by the Respondent, 0869711 BC LTD. dba. Mr. Swirl between Feb 16, 2021 through March 25, 2021 as a Digital Marketing Specialist.
2. The Respondent terminated the Complainant's employment on the day after the Complainant stated that she was experiencing health issues relating to her gender reassignment surgery that occurred on January 11, 2021.
3. The Respondent made repeated sexual remarks towards the Complainant, calling her "sweetheart," which made her feel very uncomfortable. The Respondent did not stop the conduct when asked to stop.
4. The Respondent kept talking about his ex-girlfriend, Leah McCrone, and how he "didn't get it in during the months we were dating," which made the Complainant feel uncomfortable. The Respondent did not stop the conduct when asked to stop.
5. The Respondent made sexual and discriminatory remarks towards the Complainant's genitals, stating with another colleague, "Max," that "she had her [balls] cut off." The Respondent did not stop the conduct when asked to stop.

6. The Respondent made repeated remarks regarding the Complainant's weight and size and what she brought into work to eat and drink. The Respondent did not stop the conduct when asked to stop.
7. The Complainant is a 200 lb transgender woman who has Type 1 diabetes and is on insulin and other medications. The Respondent acted in the following ways towards the Complainant:
 - Constant intimidation daily regarding what she ate and drank.
 - Consistent statements that she didn't require a hip brace and it's all about diet and to drink "VORTEX 9.5" water constantly.
 - Intimidation to purchase such "Vortex 9.5 PH" water from the Respondent at a very high cost of \$40.
 - When the Respondent purchased Wendy's for the team and the Complainant stated she wanted a 'Grilled Chicken Sandwich,' the Respondent argued with her, saying, "No, look at you, you're getting a salad," and purchased a 'Pair 2 Southwest Avocado Salad' while purchasing what other colleagues wanted.
 - The Respondent made remarks that the Complainant ate bad food at home and stated he wanted to come over to 'clear out my fridge and pantry,' which the Complainant found offensive, harassing, and degrading.
8. The Respondent made continued harassing remarks regarding the Complainant's hearing impairment, referring to her as "grandma" because Milo's grandma wears hearing aids.
9. The Complainant was in a car accident and has a hip injury. The Respondent continued to say that she didn't need a hip brace and it's about her diet almost on a daily basis as an intimidation tactic. The Respondent did not stop the conduct when asked to stop.
10. The Respondent made inappropriate sexual remarks towards the Complainant, calling her "sweetheart" on a repeated basis.

11. The Respondent made constant charged remarks about East Indians towards the Complainant.
12. The Respondent made constant hateful remarks that people from India are arrogant towards the Complainant.

The harm experienced by the Complainant as a result of the Respondent's actions is significant and cannot be ignored. The following is a detailed list of the harm experienced:

1. Emotional distress: The complainant experienced significant emotional distress as a result of the respondent's actions. They have felt violated, betrayed, anxious, fearful, or depressed. The emotional toll of harassment and discrimination can be severe and can impact every aspect of a person's life.
2. Professional consequences: The complainant may have experienced negative professional consequences as a result of the respondent's actions. This could include difficulty concentrating on work, decreased productivity, missed workdays. This has led to a negative impact on the complainant's career trajectory.
3. Physical harm: The harassment resulted in physical harm to the complainant. This included increased stress or anxiety.
4. Damage to reputation: The complainant's reputation was damaged as a result of the respondent's actions. Harassment has led to false rumors, gossip, or negative perceptions of the complainant within their workplace and community.
5. Interference with daily life: The complainant's daily life was significantly impacted by the respondent's actions. They were unable to attend social events or participate in activities they once enjoyed. They were unable to concentrate on their studies or complete their work assignments.

6. Loss of trust: The Complainant has lost trust in the Respondent due to their actions. The Complainant feels betrayed and violated, and the trust that once existed in their relationship has been irreparably damaged.