



S-084915
S-084915

No.
Vancouver Registry

in the Supreme Court of British Columbia

Between:

Gabrielle Carteris

Plaintiff

And:

Central Myth Pictures Ltd., Joe Broido, Harvey Khan,
Porchlight Entertainment Inc., Front Street Pictures Inc., Porchlight Distributions Inc.,
Porchlight Worldwide Inc., Penelope Buitherhuis,
Adrian Hough, Adam Sliwinski, Jaye Gazeley, Brett Armstrong,
Marc Stevenson, Costa Vassos, Patrick Weir, Edward Hardy, ABC Company 1, ABC
Company 2, John Doe 1, John Doe 2

Defendants

WRIT OF SUMMONS

Plaintiff:

Gabrielle Carteris

Defendants:

Central Myth Pictures Ltd.
2120 West 1st Avenue
Vancouver, BC V6E 1K8

Harvey Khan
Vancouver, BC

Front Street Pictures Inc.
311 - 475 Howe Street
Vancouver, BC V6E 2E9

Adrian Hough
Vancouver, BC

Jaye Gazeley
Vancouver, BC

Marc Stevenson
Address unknown

Patrick Weir
Address unknown

Joe Broido
Los Angeles, California
USA

Porchlight Entertainment Inc.
11050 Santa Monica Blvd. 3rd Floor
Los Angeles, California
USA

Penelope Buitherhuis
Toronto, ON

Adam Sliwinski
Vancouver, BC

Brett Armstrong
Los Angeles, California
USA

Costa Vassos
Address unknown

Edward Hardy
Address unknown

Porchlight Distributions Inc.
11050 Santa Monica Blvd., 3rd Floor
Los Angeles, California, USA

Porchlight Worldwide Inc.
11050 Santa Monica Blvd., 3rd Floor Los
Angeles, California, USA

ABC Company 1
Address unknown

John Doe 1
Address unknown

ABC Company 2
Address unknown

John Doe 2
Address unknown

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: Central Myth Pictures Ltd., Joe Broido, Harvey Khan, Porchlight Entertainment Inc., Front Street Pictures Inc., Porchlight Distributions Inc., Porchlight Worldwide Inc., Penelope Buithuis, Adrian Hough, Adam Sliwinski, Jaye Gazeley, Brett Armstrong, Marc Stevenson, Costa Vassos, Patrick Weir, Edward Hardy ABC Company 1, John Doe 1, ABC Company 2, John Doe 2.

TAKE NOTICE that this action has been commenced against you by the plaintiff for the claim(s) set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST

- (a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the plaintiff's address for delivery, which is set out in this writ and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of Appearance at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU if:

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this writ is served on a person in BC, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside of BC, the time for appearance by that person, after service, is 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 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

**ENDORSEMENT ON ORIGINATING PROCESS FOR
SERVICE OUTSIDE BRITISH COLUMBIA**

The Plaintiff claims the right to serve this Writ on the Defendants, Porchlight Entertainment Inc., Porchlight Distributions Inc., Porchlight Worldwide Inc., Joe Broido, Penelope Buitherhuis, Marc Stevenson, Costa Vassos, Patrick Weir, Edward Hardy, and Brett Armstrong, outside British Columbia on the ground that the proceeding is founded on a tort committed in British Columbia [Rules 13 (1) and (2) of the *Supreme Court Rules* and Section 10 (g) of the *Court Jurisdiction and Proceedings Transfer Act*].

(1) The address of the registry is:	
(2) The plaintiff's ADDRESS FOR DELIVERY is:	
Fax number for delivery:	
(3) The name and office address of the plaintiff's solicitor is:	Robyn L. Wishart SLATER VECCHIO LLP

The plaintiff's claim is set out in the attached Statement of Claim.

Dated: July 9, 2008


Solicitor for the plaintiff

In the Supreme Court of British Columbia

Between:

Gabrielle Carteris

Plaintiff

And:

Central Myth Pictures Ltd., Joe Broido, Harvey Khan,
Porchlight Entertainment Inc., Front Street Pictures Inc., Porchlight Distributions
Inc., Porchlight Worldwide Inc, Penelope Buitenhuis,
Adrian Hughes, Adam Sliwinski, Jaye Gazeley, Brett Armstrong,
Marc Stevenson, Costa Vassos, Patrick Weir, Edward Hardy, ABC Company 1,
ABC Company 2, John Doe 1, John Doe 2

Defendants

STATEMENT OF CLAIM

1. The Plaintiff, Gabrielle Carteris, is an actress residing in the County of Los Angeles, in the State of California, in the United States of America, and has an address for delivery at

2. The Defendant, Central Myth Pictures Ltd. ("Central Myth"), is a company incorporated pursuant to the laws of the Province of British Columbia having a registered office at 2120 West 1st Avenue, in the City of Vancouver, in the Province of British Columbia.

3. The Defendant, Front Street Pictures Inc. ("Front Street"), is a company incorporated pursuant to the laws of the Province of British Columbia having a registered office at 311- 475 Howe Street, in the City of Vancouver, in the Province of British Columbia.

4. The Defendant, Porchlight Entertainment Inc. ("Porchlight"), is a company incorporated pursuant to the laws of Delaware having a principal business office at 11050 Santa Monica Blvd., 3rd Floor in the County of Los Angeles, in the State of California, in the United States of America.

5. The Defendant, Porchlight Distributions Inc. is a company incorporated pursuant to the laws of Delaware having a principal business office at 11050 Santa Monica Blvd., 3rd Floor in the County of Los Angeles, in the State of California, in the United States of America.

6. The Defendant, Porchlight Worldwide Inc. is a company incorporated pursuant to the laws of Delaware having a principal business office at 11050 Santa Monica Blvd., 3rd Floor in the County of Los Angeles, in the State of California, in the United States of America.

7. The Defendant, Harvey Kahn, is a producer, and resides in the City of Vancouver, in the Province of British Columbia.

8. The Defendant, Joe Broido, is the Senior Vice President of Porchlight and a producer, and resides in the County of Los Angeles, in the State of California, in the United States of America.

9. The Defendant, ABC Company 1, is a company with an unknown address for delivery.

10. The Defendant, John Doe 1 is a person with an unknown address for delivery.

(Collectively referred to as the "Production Group")

11. The Defendant, Penelope Buitenhuis, is a director, and resides in the City of Toronto, in the Province of Ontario.

12. The Defendant, Marc Stevenson, whose address is unknown to the Plaintiff, is a production supervisor.

13. The Defendant, Costa Vassos, whose address is unknown to the Plaintiff, is a unit manager.

14. The Defendant, Patrick Weir, whose address is unknown to the Plaintiff, is a first assistant director.

15. The Defendant, Edward "Eddy" Hardy, whose address is unknown to the Plaintiff, is a second assistant director.

16. The Defendant, Jaye Gazeley, is a line producer, and resides in the City of Vancouver, in the Province of British Columbia.

17. The Defendant, ABC Company 2, is a company with an unknown address for delivery.

18. The Defendant, John Doe 2, is a person with unknown addresses for delivery.

(Collectively referred to as the "Production Crew")

19. The Defendant, Brett Armstrong, is a stunt coordinator, and resides in the County of Los Angeles, in the State of California, in the United States of America.

20. The Defendant, Adrian Hughes, is an actor, and resides in the City of Vancouver, in the Province of British Columbia.

21. At all material times, Front Street was the parent company of Central Myth. Front Street was created for the purpose of producing the motion picture "Past Tense", filmed on location in Langley, British Columbia (the "Picture").

22. At all material times, Porchlight was engaged by Central Myth and Front Street, as the agent, trustee, partner, servant, joint venture, contractor, and/or employee for the purpose of producing and distributing the Picture.

23. On or about February 1, 2006, Gabco Productions Inc. ("Gabco"), entered into a Memorandum of Agreement with Central Myth under in which Gabco provided the services of the Plaintiff to assist in the production of the Picture.

24. On or about February 6, 2006, the Plaintiff was injured while acting in a scene of the Picture. The scene was written, produced, and directed to include choking the Plaintiff at knife point. The scene was filmed on location at 23949 - 58A Avenue in the City of Langley, in the Province of British Columbia (the "Choke Scene").

25. At all material times, the Production Group was engaged in the production and distribution of the Picture including, but not limited to, the following:

- (a) retaining agents, partners, servants, contractors, and or employees for the purpose of producing and distributing the Picture;
- (b) directing and supervising the activities of the Production Crew and actors;
- (c) training and monitoring the activities of the Production Crew and actors; and
- (d) leasing, monitoring and maintaining the premises upon which the Picture was filmed.

26. At all material times, the Production Group knew or ought to have known that they had a duty to staff, supervise, direct and film the Picture in a reasonably safe and prudent manner; the Production Group failed to exercise that duty and negligently caused or contributed to serious bodily harm to the Plaintiff (the "Accident").

27. The particulars of the Production Group's negligence include, but are not limited to, the following:

- (a) failing to provide the Plaintiff with a safe work environment;
- (b) failing to set up and implement the safe production of the Choke Scene;
- (c) failing to employ, engage, train, and or supervise trained personnel to plan and enact the Choke Scene;
- (d) failing to ensure the actor, playing opposite the Plaintiff in the Choke Scene, received proper direction;
- (e) failing to ensure that the actor, playing opposite the Plaintiff Choke Scene, received proper training and rehearsal;
- (f) failing to post, or ensure that the *Code of Safe Practices for Production* was posted, on the set of the Picture;
- (g) failing to comply with the set of *Industry Wide Safety Rules*;
- (h) failing to conduct a safety meeting prior to filming the Choke Scene;
- (i) failing to engage a stunt coordinator with the responsibility of engineering, planning and rehearsing all aspects of the Choke Scene;
- (j) failing to provide the Plaintiff with an opportunity to consult with a stunt coordinator and/or stunt director prior to filming the Choke Scene;
- (k) failing to employ a qualified stunt performer to double as the Plaintiff during the Choke Scene;
- (l) failing to use simulated and or dummy props;
- (m) permitting and encouraging scene participants to knowingly and deliberately inflict physical harm to the Plaintiff;
- (n) failing to provide a walk through prior to filming;
- (o) failing to allow the actors involved in the Choke Scene sufficient time to train and rehearse;

- (p) failing to have appropriately trained medical personnel on site during the filming of the Choke Scene or at all; and
- (q) such further and other particulars that may become known to the Plaintiff.

28. Further an in the alternative, the Production Group is liable for the acts and omissions of the Production Crew, Brett Armstrong, and Adrian Hough, referred to below, that was acting under the direction and control of the Production Group in the performance of their duties.

29. At all material times, the Production Crew, were employees, agents, or independent contractors of the Production Group.

30. At all material times, The Production Crew, were acting within the scope of their employment when they negligently caused, or contributed to the cause, of the Accident.

31. At all material times, the Production Crew knew, or ought to have known, that they had a duty to film the scene in a reasonably safe and prudent manner; the Production Crew failed to exercise that duty and negligently caused or contributed to serious bodily harm to the Plaintiff.

32. The particulars of the negligence of the Production Crew includes, but are not limited, to the following:

- (a) failing to post, or ensure that the *Code of Safe Practices for Production* was posted, on the set of the Picture;
- (b) failing to comply with the set of *Industry Wide Safety Rules*;
- (c) failing to engage a stunt coordinator with the responsibility of engineering, planning and rehearsing all aspects of the Choke Scene;
- (d) failing to provide the Plaintiff, or Adrian Hughes, with an opportunity to consult with a stunt coordinator and or stunt director prior to filming the Choke Scene;
- (e) failing to offer to the Plaintiff the services of a qualified stunt performer to double as the Plaintiff during the Choke Scene;
- (f) failing to employ a qualified stunt performer to double as the Plaintiff during the Choke Scene;
- (g) failing to use simulated and or dummy props;

- (h) failing to conduct a safety meeting prior to filming the Choke Scene;
- (i) failing to ensure that the actors involved in the Choke Scene received proper training and rehearsal;
- (j) failing to use reasonable and professional onsite judgment to ensure the safety of the Plaintiff;
- (k) allowing, directing, and retaining performers who were not qualified to participate in a dangerous scene;
- (l) failing to provide a walk through prior to filming;
- (m) failing to allow the actors involved in the Choke Scene sufficient time to train and rehearse;
- (n) failing to have appropriately trained medical personnel on site during the filming of the Choke Scene or at all; and
- (o) such further and other particulars that may become known to the Plaintiff.

33. Further, or in the alternative, the Production Crew was acting within the scope of their employment when the Accident was wrongfully and or intentionally committed.

34. At all material times, Brett Armstrong, was an employee, agent, or independent contractor of the Production Group.

35. At all material times, Brett Armstrong was acting within the scope of his employment when he negligently caused, or contributed to the cause, of the Accident.

36. At all material times, Brett Armstrong knew or ought to have known that he had a duty to engineer, plan, train and rehearse the Choke Scene with the Plaintiff and the Defendant, Adrian Hughes, in a reasonably safe and prudent manner; Brett Armstrong failed to exercise that duty and negligently caused or contributed to serious bodily harm to the Plaintiff.

37. The particulars of Brett Armstrong's negligence include, but are not limited to, the following:

- (a) failing to post, or ensure that the *Code of Safe Practices for Production* was posted, on the set of the Picture;
- (b) failing to properly engineer and plan the Choke Scene;

- (c) failing to engage, train, and/or supervise trained personnel to plan and engineer the Choke Scene;
- (d) failing to employ a qualified stunt performer to double as the Plaintiff during the Choke Scene;
- (e) failing to conduct a safety meeting prior to filming the Choke Scene;
- (f) failing to ensure that the actors involved in the Choke Scene received proper equipment, instruction, training and rehearsal;
- (g) failing to consult with the Plaintiff prior to filming the Choke Scene;
- (h) failing to use reasonable and professional onsite judgment to ensure the safety of the Plaintiff;
- (i) failing to use simulated and or dummy props;
- (j) directing performers who were not qualified to participate in filming a violent and dangerous scene;
- (k) failing to provide a walk through prior to filming;
- (l) failing to have appropriately trained medical personnel on site during the filming of the Choke Scene, or at all; and
- (m) such further and other particulars that may become known to the Plaintiff.

38. Further, or in the alternative, Brett Armstrong was acting within the scope of his employment when the Accident was wrongfully and or intentionally committed.

39. At all materials times, Adrian Hughes, was an employee, agent, or independent contractor of the Production Group.

40. At all material times, Adrian Hughes was acting within the scope of his employment when he negligently caused, or contributed to the cause, of the Accident.

41. At all material times, Adrian Hughes knew or ought to have known that he had a duty to the Plaintiff to ensure that he enacted the Choke Scene in a reasonably safe and prudent manner; Adrian Hough failed to exercise that duty and negligently caused or contributed to serious bodily harm to the Plaintiff.

42. The particulars of Adrian Hughes' negligence include, but are not limited to, the following:

- (a) failing to use reasonable and professional judgment to ensure the safety of the Plaintiff while enacting the Choke Scene;
- (b) failing to consult, train, and rehearse the Choke Scene with the Plaintiff prior to filming;
- (c) continuing to choke the Plaintiff when he knew or ought to have known that the action was causing serious injury to the Plaintiff; and
- (d) such further and other particulars that may become known to the Plaintiff.

43. Further, or in the alternative, Adrian Hughes was acting within the scope of his employment when the Accident was wrongfully and or intentionally committed.

44. As a result of the Accident and the negligence and/or breach of duty of the Defendants, the Plaintiff has sustained physical injuries and other loss and damage and in particular has sustained:

- (a) nerve damage;
- (b) left facial paralysis;
- (c) numbness in the hands;
- (d) headaches;
- (e) severe neck pain;
- (f) severe facial pain
- (g) sever jaw pain;
- (h) severe back pain;
- (i) sound loudness sensitivity;
- (j) facial and neck spasms;
- (k) facial weakness;
- (l) slurred speech;
- (m) fatigue;
- (n) depression; and

- (o) such other further and other injuries that may become known to the Plaintiff,

all of which injuries, loss and damage have caused and will continue to cause the Plaintiff pain, suffering, loss of enjoyment of life, permanent physical disability, loss of earnings, past and prospective, and loss of income earning capacity.

45. As a further result of the injuries sustained in the Accident, the Plaintiff will be more susceptible to future injury and degenerative changes.

46. As a further result of the Accident, the Plaintiff has sustained certain special damages, loss and expense for medical treatment and the Plaintiff continues to undergo such medical care and treatment and continues to sustain such loss and expense particulars of which will be provided by the Plaintiff at the trial of this action.

47. The Plaintiff claims general and special damages as a Trustee for and on behalf of her family members in relation to services which were rendered and will be rendered in the future for and on behalf of the Plaintiff following the Accident.

48. The Plaintiff claims punitive damages against the Defendants. The particulars upon which the Plaintiff relies in support of her claim are as follows:

- (a) the actions of the Defendants constituted wanton disregard of the Plaintiff's rights and amounts to battery or intentional infliction of harm; and
- (b) the conduct of the Defendants was callous, outrageous, extreme, represented a marked departure from ordinary standards of reasonable behavior, having regard to the standards of decent conduct in the film industry.

49. The Plaintiff claims aggravated damages against the Defendants. The particulars upon which the Plaintiff relies in support of her claim are as follows:

- (a) as a result of the conduct of the Defendants, the Plaintiff has suffered ongoing physical and emotional injuries, including pain, anguish, grief, humiliation, damages self confidence, self esteem and injury to her feelings, dignity and pride in all aspects of her personal and vocational pursuits;
- (b) the nature of the physical and emotional injuries are manifestly obvious to the Plaintiff and those around her and, therefore, witnessed on a daily basis by members of the public, including friends, co-workers and employers who may observe and interact with the Plaintiff; and
- (c) as a result of the physical and emotional injuries, the Plaintiff is treated in a different manner, by friends, peers, co-workers and employers than she had been treated prior to being harmed but the conduct of the Defendants.

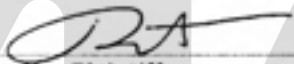
50. The Plaintiff pleads and relies on the provisions of the *Negligence Act*, RSBC 1996, c. 333 and amendments thereto.

WHEREFORE THE PLAINTIFF CLAIMS:

- (a) general damages;
- (b) special damages;
- (c) aggravated damages;
- (d) punitive damages
- (e) interest pursuant to the *Court Order Interest Act*;
- (f) costs;
- (g) such further and other relief as to this Honourable Court may deem just.

PLACE OF TRIAL: Vancouver, British Columbia.

DATED at the City of Vancouver, in the Province of British Columbia, this 9 day of July, 2008.


Solicitor for the Plaintiff

Name and address of solicitor:

Robyn L. Wishart
Slater Vecchio LLP
Barristers and Solicitors
18TH Floor 777 Dunsmuir Street
Vancouver, BC V7Y 1K4
Telephone: 604-682-5111