



No. S128836  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN

KATHLEEN ISABEL TAYLOR

PLAINTIFF

AND

LAWRENCE COOPER a.k.a. FATHER DAMIAN LAWRENCE COOPER and the  
ROMAN CATHOLIC ARCHBISHOP OF THE ARCHDIOCESE OF VANCOUVER, A  
CORPORATION SOLE

DEFENDANTS

**NOTICE OF APPLICATION**

Name of applicant: Kathleen Isabel Taylor

To: Lawrence Cooper

And To: The Roman Catholic Archbishop of the Archdiocese of Vancouver

And To: Their Solicitors

TAKE NOTICE that an application will be made by the applicant to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, British Columbia V6Z 2E1 on the 6<sup>th</sup> day of September, 2013 at 9:45 a.m. for the orders set out in Part 1 below.

**Part 1: ORDERS SOUGHT**

- An order that the Defendant, the Roman Catholic Archbishop of the Archdiocese of Vancouver provide to the solicitor for the Plaintiff, within 7 days of the date of this order, unredacted copies of documents numbered 1.1, 1.4, 1.6, 1.12 and 4.1 through 4.1.8 inclusive on the Amended List of Documents of the Defendant Roman Catholic Archbishop.

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2. An order that the Defendant, the Roman Catholic Archbishop of the Archdiocese of Vancouver provide to the solicitor for the Plaintiff, within 7 days of the date of this order an amended List of Documents together with copies of:
  - (a) all documents pertaining to the Defendant Cooper kept by the Archbishop in the Secret Archives of the Archdiocese, as required by Canon Law
  - (b) Father Cooper's personnel file;
  - (c) Any reports of assessments or testing prepared with respect to Father Cooper regarding his ordination or subsequently;
  - (d) Any training or educational records regarding Father Cooper, generally and specifically in relation to counselling;
  - (e) Any evaluations done of Father Cooper at any time;
  - (f) Any job descriptions or policies regarding any role occupied by Father Cooper in the Archdiocese;
  - (g) Any references to Father Cooper or the Plaintiff in Archbishop Carney's appointment books, or records of meetings with others about Father Cooper;
  - (h) Any correspondence with any other dioceses about Father Cooper, and in particular any communications with the Vatican, the Archdiocese of Rockville Center and the Archdiocese of Portland about Father Cooper;
  - (i) Any reports made to anyone in the Catholic Church about allegations of impropriety by Father Cooper;
  - (j) Records of any canonical investigation of Father Cooper; and
  - (k) Any communications regarding the laicization of Father Cooper; and
  - (l) A copy of any insurance policy under which an insurer may be liable:
    - a. to satisfy the whole or any part of a judgment granted in the action;  
or
    - b. to indemnify or reimburse any party for any money paid by that party in satisfaction of the whole or any part of such judgment.

3. An order that the Defendant, the Roman Catholic Archbishop of the Archdiocese of Vancouver provide to the solicitor for the Plaintiff, within 14 days of the date of this order an affidavit of the Archbishop verifying its List of Documents.
4. An order that the Defendant Damian Cooper serve on the solicitor for the Plaintiff within 14 days of the date of this order an affidavit verifying his list of documents.
5. Costs.

**Part 2: FACTUAL BASIS**

1. The Defendant Cooper was ordained in the Archdiocese of Vancouver on June 28, 1986.
2. The Plaintiff attended a Roman Catholic Church camp in 1985 when she was 15 years of age. There she met the Defendant Cooper.
3. While in his pastoral role, as chaplain, as counsellor, as priest and as confessor the Defendant, Father Cooper groomed and sexually exploited the Plaintiff from 1986 until 1992, manipulating her into and to continuing a lengthy sexual involvement, which has caused her lasting psychological harm.
4. The Defendant Cooper does not deny a sexual relationship with the Plaintiff but says that she initiated it and it did not start until she was 18.
5. In or about 1987 Father Cooper advised the Claimant that he had been called into the office of the then Archbishop and told to stay away from the girls.
6. The Defendant Archbishop denies that it had any knowledge of the sexual exploitation prior to 1994 when the Plaintiff met with Archbishop Exner to report it to him.
7. After 1994 the Defendant Cooper carried on his career as a Catholic priest in Long Island and in British Columbia, including at the Fraser Valley Pregnancy Centre.
8. The Plaintiff has requested the production of specific documents, and, in particular documents from the "secret archives" that the Archbishop is required to keep according to canon law.

9. The Defendant Cooper claims he does not and has not had any relevant documents, despite the fact that the Plaintiff has produced her side of their correspondence.

**Part 3: LEGAL BASIS**

1. Rules 7-1(3), 7-1(7), 7-1(8), 7-1(10), 7-1(13) of the *Supreme Court Civil Rules*
2. Rule 14- of the *Supreme Court Civil Rules*
3. Records which may, directly or indirectly, be evidence of:
  - (a) previous conduct inconsistent with the Statement of Defence;
  - (b) credibility of the Defendant Cooper; and
  - (c) similar fact evidence
 must be produced. *Farren v. Finnan* [1994] B.C.J. No. 2711; *Baiden v. Vancouver Police Department* 2003 BCSC 1341
4. There may be evidence disclosed in the requested files that is made particularly relevant in that the Defendant Archbishop may be liable for failing to take steps to protect the young Plaintiff parishioner from a priest about whom complaints of improper conduct had been made, and, further, for creating an expectation on the part of Father Cooper that such misconduct would be treated in a tolerant manner: see *C.P.J.S. v. Pornbacher*, [1996] B.C.J. No. 2812 (S.C. Master)
5. Where punitive damages are claimed, as they are in the instant case, the documents sought would likely be relevant to the degree of culpability of both the Defendant Archbishop and the Defendant Cooper. *Rioux v. Smith* [1983] B.C.J. No. 1704.

**Part 4: MATERIAL TO BE RELIED ON**

1. Notice of Civil Claim filed December 13, 2012
2. Amended Response to Civil Claim filed March 13, 2013
3. Affidavit #1 of Christine Woolfries, sworn August 2, 2013
4. Affidavit #1 of Kathleen Taylor sworn August 6, 2013

The applicant estimates that the application will take 90 minutes.

This matter is within the jurisdiction of a master.

This matter is not within the jurisdiction of a master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
  - (i) a copy of the filed application response;
  - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
  - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Date: August 8, 2013

"MEGAN ELLIS"  
 \_\_\_\_\_  
 Signature of Megan R. Ellis QC, lawyer  
 for the applicant

To be completed by the court only:

Order made  
 in the terms requested in paragraphs ..... of  
 Part 1 of this notice of application  
 with the following variations and additional terms:  
 .....  
 .....  
 .....  
 Date: .....[dd/mmm/yyyy].....  
 Signature of  Judge  Master

**APPENDIX**

THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents

- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts

[B.C. Reg. 119/2010, Sch. A, s. 43]