

- *Article rank*
- *10 Mar 2012*
- *The Peterborough Examiner*
- *SARAH DEETH Examiner Police Writer*

OPP sued for \$350K

James Cumming argues he was unlawfully arrested, assaulted by officer at cattlemen's barbecue in 2009

A retired Smith-Ennismore-Lakefield firefighter is suing the OPP and one of its officers for a total of \$350,000, alleging he was unlawfully arrested and assaulted in August 2009.



James Cumming is claiming \$250,000 for assault, battery and false imprisonment, \$50,000 for aggravated damages and \$50,000 in punitive damages.

The OPP hasn't filed a statement of defence.

None of the allegations have been proven in court.

On Aug. 2, 2009, Cumming was at a cattlemen's barbecue with his wife and another couple when they saw a vehicle hit a pedestrian.

The claim states Cumming helped the injured pedestrian until paramedics and the OPP arrived, including Const. Bruce Hanna.

Cumming was peering inside the vehicle when Hanna became belligerent, the claim states, arresting Cumming and slapping a set of handcuffs on his wrists.

"Const. Hanna not only handcuffed the plaintiff, but deliberately and maliciously forced the handcuffs unnecessarily tight, causing damage and injury to the plaintiff's wrists and hands," the claim states.

The claim states Cumming was then taken to the OPP detachment, where he stayed in handcuffs for a long period of time.

- *Article rank*
- *10 Mar 2012*
- *The Intelligencer (Belleville)*
- *SARAH DEETH*

Retired firefighter suing OPP for unlawful arrest

PETERBOROUGH — A retired Smith- Ennismore-Lakefield firefighter is suing the OPP and one of its officers for a total of \$ 350,000, alleging that he was unlawfully arrested and assaulted in August 2009.

James Cumming is claiming \$ 250,000 for assault, battery and false imprisonment, \$ 50,000 for aggravated damages and \$ 50,000 in punitive damages.

The OPP hasn't filed a statement of defence.

None of the allegations have been proven in court.

On Aug. 2, 2009, Cumming was at a cattlemen's barbecue with his wife and another couple when they saw a vehicle hit a pedestrian.

The claim states Cumming helped the injured pedestrian until paramedics and the OPP arrived, including Const. Bruce Hanna.

Cumming was peering inside the vehicle when Hanna became belligerent, the claim alleges, arresting Cumming and slapping a set of handcuffs on his wrists.

"Const. Hanna not only handcuffed the plaintiff, but deliberately and maliciously forced the handcuffs unnecessarily tight, causing damage and injury to the plaintiff's wrists and hands," the claim says.

According to the claim, Cumming was then taken to the Lansdowne St. E. OPP detachment, where he stayed in handcuffs for a long period of time.

He was thrown onto the concrete floor of a cell by Hanna, the claim alleges, and repeatedly punched.

He was then left in the cell despite needing medical attention and that he had soiled himself, the claim says.

Cumming was charged with obstructing police and assaulting a police officer with an intent to resist arrest.

He was acquitted of both charges following a trial in May 2011.

The claim argues that there were no grounds to arrest and charge Cumming, and that he was falsely imprisoned as a result of the charges.

He incurred significant legal fees to defend himself, the claim states, and the malicious and wilful behaviour of Hanna constitutes unlawful assaults and batteries.

"The plaintiff states that as a result of the assaults upon him, he has sustained permanent and profound injuries, including, but not limited to, paraesthesia affecting the hands and wrists; tinnitus in his ears; headaches; dizziness; muscular and ligamentous straining and tearing in his neck and back; and multiple contusions and abrasions," the claim states.

Paraesthesia describes a burning and tickling feeling in the skin. It's more commonly known as a limb "falling asleep," or a "pins and needles" feeling.

Cumming has, or may have to undergo, hospitalization, medication, physiotherapy and, "invasive diagnostic procedures," the claim states, and suffers from anxiety and undue mental hardship as a result of police actions.

OPP sued for \$350K

SARAH DEETH Examiner Police
Writer
3/10/2012

A retired Smith-ennismore-Lakefield firefighter is suing the OPP and one of its officers for a total of \$350,000, alleging he was unlawfully arrested and assaulted in August 2009.

James Cumming is claiming \$250,000 for assault, battery and false imprisonment, \$50,000 for aggravated damages and \$50,000 in punitive damages.

The OPP hasn't filed a statement of defence.

None of the allegations have been proven in court.

On Aug. 2, 2009, Cumming was at a cattlemen's barbecue with his wife and another couple when they saw a vehicle hit a pedestrian.

The claim states Cumming helped the injured pedestrian until paramedics and the OPP arrived, in-

cluding Const. Bruce Hanna.

Cumming was peering inside the vehicle when Hanna became belligerent, the claim states, arresting Cumming and slapping a set of handcuffs on his wrists.

"Const. Hanna not only handcuffed the plaintiff, but deliberately and maliciously forced the handcuffs unnecessarily tight, causing damage and injury to the plaintiff's wrists and hands," the claim states.

The claim states Cumming was then taken to the OPP detachment, where he stayed in handcuffs for a long period of time.

couldn't be reached for comment.

NOTE: Applications to the Peaksaverplus program can be made at www.pdiconserves.ca.

Arrested man now suffers from anxiety: Suit

3/10/2012

He was thrown onto the concrete floor of a cell by Hanna, the claim states, and repeatedly punched.

He was then left in the cell despite needing medical attention and that he had soiled himself, the claim states.

Cumming was charged with obstructing police and assaulting a police officer with an intent to resist arrest.

He was acquitted of both charges following a trial in May 2011.

The claim argues there were no grounds to

arrest and charge Cumming,

and that he was falsely imprisoned as a result of the charges.

He incurred significant legal fees to defend himself, the claim states, and the malicious and wilful behaviour of Hanna constitutes unlawful assaults and batteries.

"The plaintiff states that as a result of the assaults upon him, he has sustained permanent and profound injuries, including, but not limited to, paraesthesia affecting the hands and wrists; tinnitus in his ears; headaches; dizziness; muscular and ligamentous straining and tearing in his neck and back; and multiple contusions and abrasions," the claim states.

Paraesthesia describes a burning and tickling feeling in the skin. It's more commonly known as a limb "falling asleep," or a "pins and needles" feeling.

Cumming has, or may have to undergo, hospitalization, medication, physiotherapy and "invasive diagnostic procedures," the claim states,

and suffers from anxiety and undue mental hardship as a result of police actions.

Irish Heritage Week begins

EXAMINER STAFF

3/10/2012

Peterborough's Irish Heritage Week will offer a variety of experiences throughout the week starting Saturday and running to March 18.

To launch this year's festivities on Saturday at 9:30 a.m., the Peterborough Canadian Irish Club will host a breakfast at the St. Joseph's Church Hall in Douro with traditional Irish entertainment. Cost is \$10 for adults. Limited tickets are available for this event.

Prior to the annual Peterborough St. Patrick's Day Parade, the Irish Club will oversee the official kick-off with the raising of the Irish Flag ceremony at City Hall on Sunday at 1 p.m. Peterborough Mayor Daryl