

Court File No: CV-21-00673636-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**CANADIAN FRONTLINE NURSES, SARAH CHOUJOUNIAN, KRISTEN NAGLE,  
and KRISTAL PITTER**

**Plaintiffs  
(Responding Parties)**

**- and -**

**CANADIAN NURSES ASSOCIATION,  
TIM GUEST, MICHAEL VILLENEUVE, TOGETHER NEWS INC.  
o/a COMOXVALLEY.NEWS and o/a VANISLE.NEWS, and JOHN DOE**

**Defendants  
(Moving Parties)**

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**JOINT SUPPLEMENTARY MOTION RECORD  
(Transcripts of Cross-Examinations)  
VOLUME 3 of 3**

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Date: August 10, 2022

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**TAB 6**

# **Canadian Frontline Nurses et al. v. Canadian Nurses Association et al.**

KRISTAL PITTER  
on Friday, July 22, 2022



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Toronto, Ontario M5K 1A1

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Court File No. CV-21-00673636-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

CANADIAN FRONTLINE NURSES,

SARAH CHOUJOUNIAN, KRISTEN NAGLE,

and KRISTAL PITTER

Plaintiffs

- and -

CANADIAN NURSES ASSOCIATION,

TIM GUEST, MICHAEL VILLENEUVE, TOGETHER NEWS INC.

o/a COMOXVALLEY NEWS and o/a VANISLE NEWS,

and JOHN DOE

Defendants

-----  
--- This is the Cross-Examination On Affidavit  
Sworn on July 14, 2022, of KRISTAL PITTER, taken  
via Neesons, a Veritext Company's virtual platform,  
on the 22nd day of July, 2022.  
-----



A P P E A R A N C E S:

(All via virtual platform)

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and William Horter

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I N D E X

WITNESS: KRISTAL PITTER

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\*\*The following list of undertakings, advisements  
and refusals is meant as a guide only for the  
assistance of counsel and no other purpose\*\*

INDEX OF UNDERTAKINGS

The questions/requests undertaken are noted by U/T  
and appear on the following pages: None

INDEX OF ADVISEMENTS

The questions/requests taken under advisement are  
noted by U/A and appear on the following pages:  
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12	A Notice of Application to Divisional Court for Judicial Review for Kristal Pitter dated January 26th, 2022	45
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1 Affirmed: Kristal Pitter.

2 COURT REPORTER: Ms. Pitter, could you  
3 please state and spell your name.

4 THE WITNESS: Kristal Nicole Pitter,  
5 K-R-I-S-T-A-L, N-I-C-O-L-E, P-I-T-T-E-R.

6 COURT REPORTER: And, ma'am, you might  
7 need to speak up. You're a little bit quiet. I'm  
8 not sure why. Can you move closer? Turn up your  
9 microphone? Thank you.

10 THE WITNESS: Is that better?

11 COURT REPORTER: That is. Thanks.

12 MR. DEARDEN: May I proceed, Madam  
13 Court Reporter?

14 COURT REPORTER: Yes, you may.

15 MR. DEARDEN: Okay.

16 BY MR. DEARDEN:

17 1 Q. Good afternoon, Ms. Pitter. I'm  
18 Rick Dearden, and I represent the Canadian Nurses  
19 Association, Mike Villeneuve, and Tim Guest. I  
20 have a few questions for you, and then as you've  
21 been witnessing today, my colleague, Mr. Champ,  
22 will have questions after my questions.

23 So you swore an affidavit on  
24 July 14, 2022, that consists of 18 paragraphs and  
25 one exhibit?

1 A. Correct.

2 2 Q. And do you wish to correct  
3 anything in your affidavit?

4 A. No.

5 3 Q. Now, oh, do you have a documents  
6 brief, by the way, electronically, that's  
7 bookmarked, and it will show you 24 tabs?

8 A. I do. The CNA CSN document brief?

9 4 Q. Yes, and there should be -- like,  
10 if you put up the bookmarks, you'll see 24  
11 bookmarks of documents?

12 A. I don't actually have access to  
13 bookmarks with my particular PDF program. But what  
14 I can do is enter the page number in the upper  
15 left-hand corner if you direct me to what page it  
16 is you would like me to observe.

17 5 Q. Try page 10, which should be your  
18 Notice of Examination.

19 A. All right. Yes.

20 MR. DEARDEN: And I want to enter that  
21 as -- would it be Exhibit 10, Madam Court Reporter?

22 COURT REPORTER: Oh, I believe so. Let  
23 me double-check the last one for you. Yes, 10  
24 [sic], sir.

25 MR. DEARDEN: Okay. So Exhibit

1           Number 10 [sic] will be a Notice of Examination to  
2           Kristal Pitter to appear today for her  
3           cross-examination on her affidavit sworn  
4           July 14, 2022.

5                       EXHIBIT 11: Notice of Examination to  
6                       Kristal Pitter

7                       BY MR. DEARDEN:

8           6           Q.    So I've asked, Ms. Pitter, that  
9           you bring to this cross-examination the documents  
10          that you see listed on pages 2 and 3. And your  
11          counsel and I have dealt with objections to what  
12          you and the other co-plaintiffs can produce. And  
13          subject to what your counsel says, I don't see any  
14          need to go through that again. What was said  
15          before can apply to you.

16                      MR. DEARDEN: Are you okay with that,  
17                      counsel?

18                      MR. BOISSONNEAU-LEHNER: Yes, I'm fine  
19                      with that.

20                      BY MR. DEARDEN:

21           7           Q.    So with respect to The College of  
22           Nurses of Ontario, Ms. Pitter, it is the governing  
23           body for registered nurses, registered practical  
24           nurses, and nurse practitioners?

25                      A.    Yes, it is.

1           8                   Q.    And The College enforces nursing  
2                           standards of practice and conduct?

3                           A.    Yes, it does.

4           9                   Q.    And if you would go to Tab 7 which  
5                           is -- it should be page 33.  It's The College of  
6                           Nurses of Ontario Practice Standard Code of  
7                           Conduct?

8                           A.    Yes.

9           10                  Q.    And do you agree, looking at  
10                          page 34 of this code, that the mission of The  
11                          College of Nurses is to regulate nursing in the  
12                          public interest?

13                          A.    Yes, I agree.

14           11                  Q.    And if you flip the page to  
15                          page 35 of the brief, page 3 of the code, do you  
16                          agree that the focus of The College of Nurses is to  
17                          protect the public?

18                          A.    Yes.

19           12                  Q.    And one way they do that is by  
20                          setting and enforcing standards of practices for  
21                          all nurses in Ontario?

22                          A.    Yes.

23           13                  Q.    And about the fourth paragraph on  
24                          that same page, the code says that it:  (as read)  
25                                   "...puts patients at the centre

1 of nursing care. We know it is  
2 important that the public has  
3 confidence in the care nurses  
4 provide. Public safety is our top  
5 priority. This code of conduct  
6 supports nurses to provide patients  
7 with the care they expect and  
8 deserve."

9 Do you agree with that?

10 A. I do.

11 14 Q. And do you agree that as a nurse  
12 governed and regulated by The College of Nurses of  
13 Ontario, that you must abide by the code, The  
14 College's code of conduct?

15 A. Absolutely.

16 15 Q. And Tab 4 is Find a Nurse, a page  
17 that you'll find in The College of Nurses' website.  
18 It should be at page 20. It's Tab 4 of the  
19 documents brief.

20 A. Yes, I see it.

21 16 Q. So a member of the public can,  
22 through The College of Nurses' website, gain access  
23 to this register that provides information about a  
24 nurse's status, correct?

25 A. Correct.



1           17                   Q.    And every nurse that's registered  
2                               in Ontario has a profile on Find a Nurse, correct?

3                               A.    Correct.

4           18                   Q.    So I put your name in, and I will  
5                               come up with the pages that you see at Tab 4 of the  
6                               document brief, correct?

7                               A.    Correct.

8           19                   Q.    And if you look at the second page  
9                               of the Find a Nurse for you, Kristal Pitter, it has  
10                              you -- I'm looking at under registered nurse; so  
11                              you're an RN, but it has an RN twice. It has --  
12                              the first one is RN as a category. The class is  
13                              general. The status is current, and it runs from  
14                              December 23, 2020. And then the one underneath  
15                              that says, extended nurse practitioner, status,  
16                              current, and it runs from November 14, 2007, to  
17                              December 23, 2020.

18                              So does that mean that your class of  
19                              extended nurse practitioner ended on  
20                              December 23, 2020?

21                              A.    It did.

22           20                   Q.    And why did it?

23                              A.    The College of Nurses requires  
24                              that, if you are outside the role of practice as a  
25                              nurse practitioner for three or more years, you

1 cannot continue to maintain your status registered  
2 as a nurse practitioner.

3 21 Q. Okay. So you --

4 A. So the end of --

5 22 Q. So then --

6 A. So the end of December, because  
7 each year, before the start of a new year, we have  
8 to renew our registration. So what had happened  
9 was, at the end of the year in 2020, on  
10 December 23rd, as is indicated there, I had to  
11 basically step down from the extended registered  
12 nursing category to the general class registered  
13 nursing category because I have been outside of the  
14 nurse practitioner role of practice for three or  
15 more years.

16 23 Q. Okay. Now, Tab 8, which you  
17 should find at page 102, and it's Exhibit A to your  
18 affidavit, should be an appointment of an  
19 investigator.

20 A. You said page 102?

21 24 Q. Yes.

22 MR. BOISSONNEAU-LEHNER: That's 46 of  
23 the PDF, Ms. Pitter.

24 THE WITNESS: 106.

25 MR. BOISSONNEAU-LEHNER: No, 46.

1 THE WITNESS: 046.

2 BY MR. DEARDEN:

3 25 Q. Yes, 046. Sorry. I was looking  
4 at -- there's also a page 102 on that document.  
5 Sorry. So it's Tab 8 of the documents brief,  
6 Appointment of Investigator. And it says that:  
7 (as read)

8 "The CEO of The College has  
9 appointed Alexandra Peros to inquire  
10 into and examine the conduct or  
11 actions of Kristal Nicole Pitter to  
12 ascertain whether Kristal Nicole  
13 Pitter has committed an act of  
14 professional misconduct or is  
15 incompetent in respect of three  
16 things, the first: demonstration of  
17 knowledge, skill, and judgment; the  
18 second is use of a protected title;  
19 and the third is professional  
20 conduct outside of the workplace."

21 What was it that caused The College to appoint an  
22 investigator about your conduct?

23 A. I believe they became aware of  
24 Facebook posts I had made.

25 26 Q. Anything else?

1 A. I think that was the reason for  
2 the -- for the appointment of the investigator.

3 27 Q. Okay. The Facebook posts that you  
4 are referring to, can you produce those for me?

5 A. My lawyer has all of the Facebook  
6 posts.

7 U/A MR. BOISSONNEAU-LEHNER: Yes, I'll take  
8 that under advisement.

9 MR. DEARDEN: Okay.

10 BY MR. DEARDEN:

11 28 Q. Now, let's go at these one at a  
12 time. So to ascertain whether you committed an act  
13 of professional misconduct. So what is your  
14 alleged professional misconduct?

15 A. It's unclear what the alleged  
16 unprofessional conduct is. There has been a  
17 caution placed on my profile with The College of  
18 Nurses, but there have been no findings at this  
19 point in time.

20 29 Q. But The College must have provided  
21 you some factual basis for looking into whether you  
22 committed professional misconduct?

23 A. Well, it's my belief that The  
24 College feels that statements that I may have  
25 posted on social media that don't reflect the

1 mainstream accepted narrative with regards to how  
2 COVID was responded to is likely the cause for  
3 their alleged -- alleging professional misconduct  
4 on my part. That is my belief.

5 30 Q. And you don't have any other facts  
6 that you can convey to me as to why this  
7 investigator was appointed and they're looking into  
8 whether you committed professional misconduct?

9 A. Well, Facebook posts and protests  
10 that I have attended in the past as well as  
11 speeches that I have given in various locations.

12 31 Q. Okay. Well, that's a little more  
13 information. Are your speeches in writing or in  
14 documentary form that you can provide me a copy of?

15 A. Yes. And they're also in video  
16 form. There was one particular speech that was  
17 given outside of The College of Nurses in April  
18 of 2021.

19 32 Q. Sorry. Did you say outside of The  
20 College of Nurses?

21 A. M-hm.

22 33 Q. What does that mean?

23 A. On the street out in front of The  
24 College of Nurses in --

25 34 Q. Oh, you did it in -- you did it

1 front of The College?

2 A. Yes.

3 35 Q. Okay. That one I definitely want.

4 So you have that speech documented?

5 A. I do.

6 36 Q. And was it videoed?

7 A. Yes.

8 MR. DEARDEN: Can I have that too?

9 U/A MR. BOISSONNEAU-LEHNER: I'll take it  
10 under advisement. I'm not sure how it's relevant.  
11 I'll take it under advisement.

12 BY MR. DEARDEN:

13 37 Q. And the protests that you're  
14 referring to, Ms. Pitter, were where? Located  
15 where?

16 A. A variety of different places.  
17 London is the one that I'm thinking of on September  
18 the 1st. But I also spoke at one that was in  
19 Norwich in May. And again, I don't want to speak  
20 out of turn and give dates without having that  
21 information before me. But it can absolutely be  
22 accessed for you.

23 38 Q. Okay.

24 A. And just going back to The College  
25 question that you had asked, because The College

1 investigation is to remain confidential, I don't  
2 believe that I'm able to disclose much of that at  
3 this point in time.

4 39 Q. Yes. That was a matter that you  
5 and your counsel and I have a disagreement about  
6 because I've asked for production of the disclosure  
7 package and any other documents relating to  
8 College's investigation of you and the other  
9 co-plaintiffs. But that's -- that's for us, not  
10 for you for now.

11 Going back to the locations of the  
12 protests you believe were part of the reason you're  
13 under investigation, so the London one was  
14 September 1, 2021, right?

15 A. Correct.

16 40 Q. And the Norwich was May 2021?

17 A. I believe so, yes.

18 41 Q. Okay. Any other protests?

19 A. There were others, but I would  
20 have to review my calendar and my documents before  
21 being able to speak to any of these specifically.  
22 Two-and-a-half years is -- is a long time with a  
23 lot of different activities and things like that.  
24 And so I would need to just refer back to specific  
25 dates before --

1           42                           Q.    I understand.   And I'm only  
2                                   interested in protests that you believe were part  
3                                   of The College appointing an investigator as to  
4                                   whether you were -- you committed professional  
5                                   misconduct or were incompetent, to use their words.  
6                                   That's all I'm interested in to narrow it down,  
7                                   okay?

8                                   A.    Okay.

9           43                           Q.    And then the second part of that  
10                                  notice or appointment of investigator speaks of  
11                                  ascertaining -- the investigators to ascertain  
12                                  whether you are incompetent.   So what did you say  
13                                  or do that would support their investigation of  
14                                  incompetence regarding your knowledge or using your  
15                                  title as nurse or professional conduct outside of  
16                                  the workplace?

17                                A.    Again, I believe because my  
18                                  personal views are not in alignment with the  
19                                  mainstream accepted view of how COVID-19 was dealt  
20                                  with, they are viewing that as possible alleged  
21                                  unprofessionalism and the other things that I  
22                                  mentioned there as well.

23                                But the irony of the situation is that  
24                                  when you had shown me earlier the code of conduct  
25                                  that's expected of The College of Nurses of



1 Ontario, ethical practice is part of that code of  
2 conduct as is informed decision-making and consent  
3 and no coercion on the part the patient or the  
4 public at large.

5 And so I have a responsibility as both  
6 a human being and as a nurse to protect the public.  
7 So it is ironic, I find, that The College of Nurses  
8 stands to protect the public, as they should, but  
9 that I am also standing to protect the public by  
10 making the public aware of potential risks of harm  
11 associated with the accepted mandatory measures --  
12 things that are being implemented, the measures  
13 that are being implemented, for example, masks; for  
14 example, so-called vaccines.

15 So I am standing to protect the public  
16 from harm, to do no harm, and I have an obligation  
17 to come forward as a whistleblower whenever I  
18 become aware of the slightest possibility that  
19 there may be some harm to the public.

20 So I am upholding the standards of  
21 practice, and it appears as though The College of  
22 nurses is violating their own standards of practice  
23 because they're not allowing us to do that.  
24 They're not allowing us to bring forward any  
25 concerns that there could be potential harm from

1           these things, from the lockdowns, from the social  
2           distancing, from the masking, from the so-called  
3           vaccines. And patients and the public at large  
4           have a right to all of the information, not just  
5           some of the information.

6           44                   Q.    Did I hear you say you considered  
7           yourself a whistleblower?

8                   A.    A whistleblower in the sense that  
9           if you notice that something is potentially wrong,  
10          you have an obligation to step up and do something  
11          about it. That's part of the code of conduct.

12                   In fact, if you were to go back to that  
13          code of conduct you were referring to and look  
14          at 4.5 -- I can't remember what page that was on --  
15          but if we were to go back to that College of Nurses  
16          code of conduct --

17           45                   Q.    Page 40.

18                   A.    -- and look at --

19           46                   Q.    Page 40.

20                   A.    Page 40? There's others as well.  
21          But 4.5 is one that comes to my mind. You'll see  
22          there that nurses take action to stop unsafe,  
23          incompetent, and unethical or unlawful practice.

24                   So if I become aware at any time that  
25          the measures that are being taken and mandated upon

1 the public could potentially be unsafe, unethical,  
2 or be incompetent or unlawful practice, I have a  
3 responsibility to bring that forward.

4 47 Q. And the lockdown and masking  
5 measures, and in some cases, the mandatory  
6 vaccination requirements to get into places, that  
7 was all by law, correct?

8 A. It was all imposed by those in  
9 positions of leadership, whether they be public  
10 health experts. Whether it's law, I still feel  
11 that we have a right, God-given, inalienable  
12 rights, to decide what goes on or in our bodies.  
13 And that includes vaccines, and that includes  
14 masks.

15 48 Q. And why do you say "so-called"  
16 vaccines?

17 A. Because these specific COVID-19  
18 vaccines do not work the way that vaccines are  
19 intended to work. The intention is to introduce an  
20 antigen that would then produce an antibody  
21 response in the body so that when you, in the  
22 future, become exposed to that same antigen, your  
23 body has built a response and a defence against  
24 that antigen.

25 There is no evidence, or little

1 evidence, to support the fact that these COVID-19  
2 so-called vaccines prevent transmission or  
3 infection because we all have seen and heard of --  
4 or a lot of us have seen and heard cases of  
5 individuals who have acquired and/or transmitted  
6 COVID even though they have been singly, doubly, or  
7 even had subsequent injections with the COVID-19  
8 so-called vaccine.

9 49 Q. You don't dispute, Ms. Pitter,  
10 that millions of people have died from COVID?

11 A. I don't dispute that people have  
12 died. We still need to ascertain whether it's from  
13 COVID, and in terms of coming up with a number,  
14 that would need to be investigated fully as well  
15 because there are individuals that have had  
16 other -- what we would call in healthcare --  
17 co-morbidities; things like diabetes, being obese,  
18 overweight, cancer, any other kind of comorbidity.

19 And if they already, for example, had  
20 cancer, and then they contracted COVID and passed  
21 away or died, a lot of times I think these deaths  
22 are being recorded as COVID-19 deaths when in  
23 actuality, I think you would probably find after  
24 medical examination that it was the cancer because  
25 they already had the cancer that was preexisting.

1 So --

2 50 Q. Okay. So without putting a number  
3 on it --

4 A. It's a very -- it's a very  
5 convoluted question that needs to be investigated.

6 51 Q. Without putting a number on it,  
7 because I -- my last question spoke of millions of  
8 people dying of COVID-19, you'll agree with me that  
9 there are some people in Canada that have died from  
10 COVID-19?

11 A. I will agree that there have been  
12 some people in Canada that have died, but it is yet  
13 to be determined as to whether it was COVID-19 or  
14 something else.

15 52 Q. So you won't even concede that one  
16 person in the last two-and-a-half years, the death  
17 was caused by COVID-19?

18 A. I think I can concede that there's  
19 been at least one person, but I'm not going to try  
20 to put a number on it because I think these -- I  
21 know these things need to be investigated.

22 And my heart goes out to every single  
23 person that has -- has passed away. I have the  
24 utmost compassion and respect for every single  
25 person that has suffered loss, whether it's job

1           loss, or a family member, or actually their lives,  
2           their incomes.

3           53                   Q.    Okay.  Can you turn to page 91,  
4           which should be your Notice of Application to  
5           Divisional Court for judicial review of a decision  
6           of The College of Nurses of Ontario.  Do you have  
7           that?

8                           A.    I've got that.

9           54                   Q.    So if you go to page 93 of the  
10          documents brief or paragraph 2(a), it says:  (as  
11          read)

12                               "The grounds of the application  
13                               are that a panel of the Inquiries,  
14                               Complaints and Reports Committee of  
15                               The College of Nurses of Ontario  
16                               reviewed reports of investigation  
17                               into the Applicant's nursing  
18                               practices pursuant to the health  
19                               profession's procedural code."

20          So there was more than one report of investigation  
21          into your nursing practices?

22          R/F               MR. BOISSONNEAU-LEHNER:  I'm just going  
23          to register my objection to the line of questioning  
24          relating to the judicial review.

25                           But, Ms. Pitter, please go ahead and

1 answer Mr. Dearden's question.

2 THE WITNESS: Do you mind just  
3 repeating that question?

4 BY MR. DEARDEN:

5 55 Q. Yes, I'm looking at 2(a),  
6 paragraph 2(a) on page 93 of the brief. And it  
7 says there that the Committee reviewed reports of  
8 investigations into your nursing practices. So  
9 there's more than one investigator report into your  
10 nursing practices?

11 A. Yes.

12 56 Q. And do you have copies of those?

13 A. Yes.

14 MR. DEARDEN: And will you produce  
15 them?

16 U/A MR. BOISSONNEAU-LEHNER: Under  
17 advisement.

18 BY MR. DEARDEN:

19 57 Q. And paragraph 2(b) refers to a  
20 November 18, 2021, ICRC panel decision, and do you  
21 have a copy of that?

22 A. Yes.

23 MR. DEARDEN: And will you produce it?

24 U/A MR. BOISSONNEAU-LEHNER: Under  
25 advisement.

1 BY MR. DEARDEN:

2 58 Q. And paragraph (c), 2(c) of this  
3 Notice of Application says: (as read)

4 "In the decision, the ICRC  
5 panel found that Ms. Pitter, "failed  
6 to maintain the profession's  
7 standards by making public  
8 statements on a social media  
9 platform, Facebook, which were  
10 false, inaccurate, or seriously  
11 misleading with respect to the  
12 COVID-19 virus, vaccines, and/or  
13 pandemic response and in which she  
14 identified herself as a nurse  
15 practitioner."

16 So firstly, the Facebook messages, those are the  
17 ones you referred to earlier that you're going to  
18 produce to me?

19 A. The Facebook posts?

20 59 Q. Yes, that are referenced here in  
21 paragraph 2(c) of your application? That's the  
22 same Facebook posts or messages that you had said  
23 earlier you would produce to me?

24 A. My lawyer does have those, but  
25 because of the confidential nature of The College



1 investigation, I'm not sure if I'm able to release  
2 those at this point.

3 U/A MR. BOISSONNEAU-LEHNER: Under  
4 advisement. I'll sort that out.

5 BY MR. DEARDEN:

6 60 Q. Okay. And paragraph 2(r), as in  
7 Rick, page 96.

8 A. Yes.

9 61 Q. You're seeking a temporary stay of  
10 all College proceedings against you pending the  
11 final determination of this application for  
12 judicial review because -- and then I'm looking at  
13 the second -- you know, the two little 'I's: (as  
14 read)

15 "The applicant will suffer  
16 irreparable harm if the stay is not  
17 granted because her Charter rights  
18 will be infringed and her reputation  
19 will be damaged."

20 So is it fair to say, Ms. Pitter, that it's your  
21 position that The College's proceedings against you  
22 have damaged your reputation?

23 A. Yes.

24 62 Q. And then if we go back to Find a  
25 Nurse, which is Tab 4 of the brief, and I'm looking

1 at the page with cautions on it. So that is not on  
2 my copy. Hang on. It should be somewhere around  
3 page 24, 25 of the brief.

4 MR. BOISSONNEAU-LEHNER: Page 22, I  
5 believe.

6 MR. DEARDEN: Or, yes, page 22.

7 BY MR. DEARDEN:

8 63 Q. Do you have that, Ms. Pitter?

9 A. I do.

10 64 Q. So it's the page of the Find a  
11 Nurse, Kristal Pitter, cautions. So it says that  
12 on October 6th, 2021, as the date, and then for the  
13 details: (as read)

14 "The member was directed by the  
15 Inquiries, Complaints and Reports  
16 Committee to attend before the  
17 Committee to be cautioned with  
18 respect to the following standards  
19 and/or educational tools."

20 And there's four things listed under there:  
21 Professional standards. Code of conduct, ethics,  
22 social media, reflect before you post. So did you  
23 appear for a caution?

24 R/F MR. BOISSONNEAU-LEHNER: I'm just  
25 registering my objection.

1 Go ahead, Ms. Pitter.

2 THE WITNESS: Not as yet because there  
3 has been a stay.

4 BY MR. DEARDEN:

5 65 Q. Oh, you got the stay?

6 MR. DEARDEN: Counsel, you can answer  
7 that.

8 MR. BOISSONNEAU-LEHNER: Yes, on  
9 consent, ultimately.

10 MR. DEARDEN: So a stay of all College  
11 proceedings until your divisional court application  
12 is decided?

13 MR. BOISSONNEAU-LEHNER: Actually, the  
14 stay of -- stay of this decision, but not of all  
15 College proceedings. They're still requiring a  
16 response to the investigation arising from the 2021  
17 investigation. They're still requiring a response  
18 to that separate investigation.

19 MR. DEARDEN: So this one we're looking  
20 at, is that, like, a 2020 investigation?

21 MR. BOISSONNEAU-LEHNER: That's  
22 correct.

23 MR. DEARDEN: And then there's a 2021  
24 investigation which you have it, and you've  
25 produced the appointment of investigator for that

1 one?

2 MR. BOISSONNEAU-LEHNER: For the 2021?

3 No.

4 MR. DEARDEN: Just so that the record's  
5 clear, so at Tab A, that Appointment of  
6 Investigator, that's for the 2021 College  
7 investigation, or the 2020?

8 MR. BOISSONNEAU-LEHNER: 2021.

9 MR. DEARDEN: Okay. But there is  
10 a 2020 investigation?

11 MR. BOISSONNEAU-LEHNER: Yes, I think  
12 the -- that's when the -- there was a Notice of  
13 Appointment, and that is what -- the 2020  
14 investigation is what's resulted in this. I'll  
15 just try to clear it up as best I can so that  
16 everyone's on the same page.

17 Two investigations, as I understand  
18 from Ms. Pitter's evidence; she may actually have  
19 three investigations. In 2020, there was a Notice  
20 of Appointment of Investigator, and it's that  
21 notice, and it ran through its process. It went up  
22 to the ICRC.

23 In Ms. Choujounian's case, it led it to  
24 being referred to the Discipline Committee.

25 In Ms. Nagle's case and Ms. Pitter's

1 case, it led it to a referral to the Inquiries,  
2 Complaints and Reports Committee of the CNO.

3 The October 6th of 2021 decisions,  
4 which were released -- now, don't hold me to this,  
5 but I think November 18th of 2021, which are the  
6 subject of the judicial review, those relate to  
7 the 2020 investigation.

8 The second investigation, the one that  
9 is in the exhibit, which I think is dated -- let me  
10 just pull it up.

11 MR. DEARDEN: October 7, 2021.

12 MR. BOISSONNEAU-LEHNER: October --  
13 yes, October 7th, 2021. That has not gone to the  
14 ICRC. We are required to respond to -- a  
15 disclosure package was sent, which you have my  
16 objections and my position on that, but there was a  
17 disclosure package that was sent. And we need to  
18 respond to it by August 2nd of this year.

19 So it has not been referred up to the  
20 ICRC, and it is a notice, again, as a result of  
21 this October 7th, 2021, decision. Does that kind  
22 of make sense?

23 MR. DEARDEN: It does.

24 MR. BOISSONNEAU-LEHNER: Okay.

25 MR. DEARDEN: I didn't know there was

1 two cases or two investigations.

2 MR. BOISSONNEAU-LEHNER: I'm sorry. I  
3 was trying to -- they didn't combine it. There was  
4 just -- there's two investigations. And I was -- I  
5 don't know -- and they both pertain, as I  
6 understand it, to -- I don't know how much more --  
7 like, you stop me if you don't think this is  
8 helpful; right?

9 But in terms of your questions relating  
10 to what is the investigation about, this is really  
11 all that's given to us, that an investigation has  
12 been started for these reasons. Then there's a  
13 disclosure package, and it just says here's the  
14 results of our investigation. And it would just  
15 have all the -- but there's not really a formal  
16 report that goes with it, which makes it kind of  
17 difficult to divine exactly why -- what the --  
18 because it's up to the ICRC first to determine  
19 whether there's concerns, or ultimately, the  
20 Discipline Committee to see whether discipline is  
21 warranted.

22 The investigator's report is -- this  
23 consists -- I don't know if there is a report, but  
24 it's not disclosed. I think there's a document  
25 that outlines the concerns. And, yes, I have

1 to think about how to handle your production  
2 requests relating to the CNO. I think I have to do  
3 some thinking about how to navigate that issue.

4 MR. DEARDEN: Okay.

5 BY MR. DEARDEN:

6 66 Q. And still on this Find a Nurse,  
7 I've heard you on the cautions. Now, Ms. Pitter,  
8 there's also remedial activities also  
9 October 6, 2021, that you were directed by the  
10 Committee to: (as read)

11 "Complete remedial activities  
12 with respect to the following  
13 standards or educational tools,  
14 professional standards, code of  
15 conduct, ethics, and social media;  
16 reflect before you post."  
17 I take it that was also stayed pending the outcome  
18 of the divisional court application?

19 A. Yes.

20 67 Q. And do you have a hearing date for  
21 that divisional court application?

22 MR. BOISSONNEAU-LEHNER: We do.

23 MR. DEARDEN: When is it?

24 MR. BOISSONNEAU-LEHNER: It's in  
25 September sometime, I think.

1 MR. DEARDEN: It's okay. I don't need  
2 the specific date. September 2022, right?

3 MR. BOISSONNEAU-LEHNER: Yes.

4 BY MR. DEARDEN:

5 68 Q. And on this Find a Nurse,  
6 Ms. Pitter, I don't see any reference to charges  
7 against you, so I'm assuming that there are no  
8 charges that have been laid against you under the  
9 various acts that have dealt with the pandemic?

10 A. That's correct. There are none.

11 69 Q. Okay. So you attended the London  
12 rally?

13 A. I did.

14 70 Q. And how many people would you  
15 estimate attended that rally?

16 A. Oh, goodness. I'm not a very good  
17 estimate of numbers, but I would say hundreds,  
18 hundreds of people that were gathered on the public  
19 sidewalk that is on Wellington Street as well as  
20 Commissioners.

21 I was on the Wellington -- at the  
22 corner of Wellington and Commissioners, but there  
23 were also people lining the sidewalk going down  
24 Commissioners towards the entrance to the hospital.  
25 So I would say hundreds, hundreds of people were



1           there.

2           71                   Q.    Okay.  Did you hear people who  
3           were coming or going into and out of the hospital  
4           who expressed their disagreement with your protest?

5                   A.    No.  I was not stationed where the  
6           entrance of the hospital was.  I was really right  
7           at the public sidewalk and the fence at the corner  
8           of Commissioners and Wellington, so I was not at  
9           the entrance at all.

10          72                   Q.    Okay.  So the videos that you're  
11          going to produce to me about the  
12          September 1st, 2021, protest in London, that's  
13          going to be from where you were standing for that  
14          particular protest?

15                   A.    I didn't, myself, personally take  
16          any videos that day, I don't believe.  So if there  
17          are any videos of me, it would be someone else that  
18          videoed.

19          73                   Q.    Okay.  Well, do you have any video  
20          recordings of the London protest rally?

21                   A.    I don't believe I do.  I don't  
22          think I took a video that day.

23          74                   Q.    Okay.  And apart from this libel  
24          action, you haven't sued anyone else for libel?

25                   A.    No.

1           75                   Q.    No, meaning I'm correct, there's  
2                               only one libel action that you're a Plaintiff of?

3                               A.    I guess I might need some  
4                               clarification on that question.

5           76                   Q.    It's just when we read the  
6                               transcript and I ask you a question and you say,  
7                               no, it could be taken to mean you're disagreeing  
8                               with me.

9                               A.    Oh.

10          77                   Q.    But you are agreeing that you have  
11                               only started one libel action, and that's this one  
12                               that involves the Canadian Nurses Association?

13                               A.    Yes.

14          78                   Q.    Okay. Now, Tab 24 of the  
15                               documents brief, page 132.

16                               A.    M-hm.

17          79                   Q.    This is a CBC article headlined:  
18                               (as read)

19                               "Ontario Nurse Under  
20                               Investigation After Anti-Vax COVID  
21                               Conspiracy Social Media Posts,  
22                               written by Colin Butler on  
23                               July 23, 2020."

24                               A.    M-hm.

25          80                   Q.    And it's Exhibit 25 to Mike

1 Villeneuve's affidavit. I'm looking on the --  
2 page 1 of 8. So right at the bottom, it reports  
3 that: (as read)

4 "An Ontario nurse who works as  
5 provincial long-term care home  
6 inspector is under investigation  
7 after she used social media to  
8 spread health misinformation,  
9 including the myth vaccines cause  
10 autism, and claims the coronavirus  
11 pandemic is a conspiracy whose  
12 threat to public health has been  
13 exaggerated."

14 Do you see that?

15 A. I do see that.

16 81 Q. And on the next page, it's  
17 reported: (as read)

18 "Mandating masks is  
19 irresponsible, negligent, and  
20 dangerous, Kristal Pitter wrote in a  
21 Facebook post earlier this week  
22 linking to a YouTube video that  
23 purports to detail the health risks  
24 of masks."

25 Now, is that one of the Facebook posts that The

1 College is investigating?

2 A. Yes, I believe it's part of the  
3 package. But again, because of the confidential  
4 nature of The College investigation, I'm not sure  
5 if I can provide further details to that.

6 82 Q. Yes, your counsel has taken that  
7 under advisement.

8 And then at the bottom of this page 2  
9 of 8, the CBC reports that: (as read)

10 "Pitter rails against vaccines  
11 and public health measures taken  
12 against COVID-19 on social media,  
13 claiming the pandemic is an attempt  
14 by a cabal of global elites to  
15 control the world."

16 Have you said that?

17 A. Are you referring to the post -- I  
18 think you said at the bottom of page 50? Oh, there  
19 it is. For me, it's the top of page 3. Sorry. I  
20 see it now.

21 83 Q. Or, yes, sorry. I have a  
22 different printout that's eight pages, and the one  
23 at Tab 24 is nine pages.

24 A. Okay.

25 84 Q. So, yes.

1 A. I'm not against --

2 85 Q. You're --

3 A. I'm not against vaccines, and I  
4 just want people to have all of the information  
5 that they need to have in order to make an informed  
6 decision and to consent to or against.

7 So a lot of -- like, these statements  
8 are false because I'm not against vaccines. I just  
9 want to ensure that I am abiding by The College of  
10 Nurses' standards, and those standards say that we  
11 have to provide ethical care. Those standards say  
12 that everyone deserves all of the available  
13 information on a topic so that they can make  
14 informed decisions around their health, and they  
15 can choose to either consent or not consent to  
16 treatment.

17 So these statements that are being made  
18 in these articles are false. I -- all I want is  
19 for people to be able to make their own choices  
20 because they had bodily autonomy, and they have the  
21 right to choose what goes on or in their own  
22 bodies. I'm not anti anything.

23 86 Q. Okay. Then go to page 134  
24 where --

25 A. I think --

1           87                   Q.    Third paragraph --

2                           A.    I'm there, yes.

3           88                   Q.    Third paragraph:  (as read)

4                                   "Leading advocates in the field  
5                           of nursing and elder care have  
6                           expressed concern that someone in a  
7                           regulated medical profession such as  
8                           nursing, who speaks as an authority  
9                           on health, would be promoting fringe  
10                          theories on social media that aren't  
11                          rooted in science.  "I was alarmed  
12                          by thinking that a colleague that is  
13                          a nurse would propagate such  
14                          misinformation and not use  
15                          evidence," unquote, said Doris  
16                          Grinspun, the CEO of the Registered  
17                          Nurses Association of Ontario.

18                                I understand about freedom of  
19                                expression.  Of course I do, but to  
20                                promote and propagate misinformation  
21                                of COVID and other things, it  
22                                concerns me hugely."

23                          Do you disagree with her?

24                                A.    I do disagree with her.  She has  
25                          the right to make her -- draw her own conclusions,

1 but I do disagree with her because I am absolutely  
2 rooted in science. I have science and evidence to  
3 back up what it is that I've posted. But the  
4 problem is, I have been silenced, and it's all been  
5 censored. And because it's not in alignment with  
6 the mainstream narrative and the approach that's  
7 been taken to COVID, it's completely ignored.

8 89 Q. And you'll agree that the Canadian  
9 Nurses' Association also has a right to their  
10 opinion as well; you agree?

11 A. Well, everyone has a right to  
12 their own opinion, but it's incorrect for someone  
13 to say that my beliefs are not rooted in science,  
14 because they are. I have scientific evidence to  
15 back up everything that I've said.

16 90 Q. So you think Doris Grinspun, the  
17 CEO of Registered Nurses Association of Ontario,  
18 defamed you?

19 A. I do.

20 91 Q. Okay. Now, this article, just  
21 continuing where I left off, it says: (as read)

22 "CBC News made multiple  
23 attempts to reach Pitter for her  
24 side of the story, but she declined  
25 to comment. She then contacted

1 Tillsonburg Ontario Provincial  
2 Police; is that correct?

3 A. I am not permitted to talk to the  
4 media. At the time, I was still an employee of the  
5 Ministry of Long-Term Care, and I'm not permitted  
6 to talk to the media about anything. And that is  
7 why I declined, and he continued to pursue me; so  
8 yes, I did contact the Tillsonburg OPP because he  
9 was continuing to contact me --

10 92 Q. Okay.

11 A. -- even though he had been told  
12 not to.

13 93 Q. Sorry. Say again?

14 A. Even though I had told him not to  
15 contact me, he continued to contact me.

16 94 Q. Him, being Colin Butler, the CBC  
17 reporter?

18 A. Yes. Sorry. Yes. Colin Butler.

19 95 Q. And then if you go to page 135 of  
20 the brief, the documents brief, in the middle of  
21 the page, it says: (as read)

22 "Some of Pitter's posts on  
23 Facebook have been flagged as false  
24 information by the social networking  
25 site including one post that states:



1 Tech billionaire Bill Gates plans to  
2 use a COVID-19 vaccine to  
3 permanently alter people's DNA."

4 So do you see that?

5 A. I do.

6 96 Q. So firstly, have some of your  
7 Facebook posts been flagged as false information by  
8 Facebook; is that true?

9 A. They have. They have, but again,  
10 we would need to investigate who is behind the  
11 flagging, who are the fact checkers, what is it  
12 that they're actually looking at because in all  
13 fairness, you need to look at all of the  
14 information before making and drawing any kind of  
15 conclusions.

16 97 Q. And was one of those Facebook  
17 posts dealing with Bill Gates?

18 A. Yes, I have posted about  
19 Bill Gates before. Yes.

20 98 Q. And did you say that he plans to  
21 use COVID-19 vaccine to permanently alter people's  
22 DNA?

23 A. I would need to look back at those  
24 posts and see specifically what is being referred  
25 to here. A lot of times, what I had posted was

1 just simply information that -- and I wasn't making  
2 an opinion one way or the other. I was just  
3 encouraging people to take a look at what was there  
4 and become informed. So --

5 99 Q. Okay.

6 A. -- without being able to speak to  
7 that specifically, I would have to be able to look  
8 back at a particular instance to make a comment.

9 MR. DEARDEN: Well, counsel, amongst  
10 other Facebook posts that I've requested be  
11 produced, I certainly want anything -- any Facebook  
12 posts dealing with Bill Gates that the witness just  
13 referred to, to be produced.

14 U/A MR. BOISSONNEAU-LEHNER: I'll take it  
15 under advisement.

16 MR. DEARDEN: Okay. Ms. Pitter, that  
17 completes my questioning of you now subject to me  
18 getting any further documentary -- or documents  
19 I've requested to be produced. And now my  
20 colleague, Mr. Champ, will have questions for you,  
21 and thank you for being here.

22 THE WITNESS: Thank you.

23 MR. DEARDEN: Or is it Christine  
24 Johnson that's --

25 MS. JOHNSON: Yes, it's going to be me

1                   here, Rick.

2           KRISTAL PITTER, PREVIOUSLY AFFIRMED,

3           QUESTIONED BY MS. JOHNSON:

4           100                   Q.    So, good afternoon there,

5                   Ms. Pitter.

6                   A.    Hello.

7           101                   Q.    You will see my colleague,

8                   Paul Champ, asking some questions of the other

9                   Plaintiffs. So I'm going to be asking some similar

10                  questions of you, and I shouldn't have too many

11                  here. But I do want to start off by taking you to

12                  a document that I believe you will be familiar

13                  with, which is your termination of employment

14                  letter --

15                   A.    Yes.

16           102                   Q.    -- from the Ministry from March of

17                  2021. Do you have --

18                   COURT REPORTER: Ma'am, I don't know

19                  why, but you're getting very quiet.

20                   And it's not you, Ms. Pitter. It's Ms.

21                  Johnson. Your volume is going down as you speak.

22                   (DISCUSSION OFF THE RECORD)

23                   MR. DEARDEN: So at Tab 18 of the

24                  documents brief, there's a Notice of Application to

25                  Divisional Court for judicial review dated

1 January 26th, 2022. The Applicant is Kristal  
2 Nicole Pitter, and the respondent is the College of  
3 Nurses of Ontario. And I would ask that that be  
4 entered as Exhibit 11 [sic], please.

5 COURT REPORTER: Yes.

6 MR. DEARDEN: Thank you.

7 EXHIBIT 12: A Notice of Application to  
8 Divisional Court for Judicial Review  
9 for Kristal Pitter dated  
10 January 26th, 2022

11 BY MS. JOHNSON:

12 103 Q. So in that time, Ms. Pitter, were  
13 you able to pull up in front of you a copy of your  
14 termination letter from March of 2021?

15 A. Yes, I actually have a hardcopy in  
16 front of me.

17 104 Q. Okay. Great. So I did just want  
18 to ask you some questions. So this is -- you  
19 recognize this to be the letter terminating your  
20 employment from the Ministry of Long-Term Care?

21 A. I do, the five-page letter, yes.

22 105 Q. Yes. And it's dated  
23 March 10th, 2021?

24 A. It is.

25 106 Q. Okay. And this, it's your

1 understanding that at this time, your employment as  
2 a long-term care home inspector with the Ministry  
3 of Long-Term Care was terminated for cause?

4 A. Yes, they had indicated with  
5 cause.

6 107 Q. With cause. And it's your -- it  
7 was your understanding at the time, and in  
8 reviewing this letter, that it was based -- your  
9 for-cause termination was based on your statements  
10 on social media?

11 A. It is somewhat unclear, but it  
12 would appear that it was my -- my posts on social  
13 media and the fact that my own personal views do  
14 not align with the mandated public health measures  
15 that were implemented. That's how it would appear,  
16 but it is unclear.

17 108 Q. Okay. And the letter does, there,  
18 at page 1, the third paragraph down, it talks about  
19 before this decision was made, that you had  
20 meetings to discuss the results of an internal  
21 investigation that took place regarding posts on  
22 your public Facebook page. So it was your  
23 understanding that this was to discuss your public  
24 Facebook page posts?

25 A. Yes.

1       109                   Q.     Okay.   And then on page 2, towards  
2                           the bottom, the letter talks about some of the  
3                           concerning comments that were referenced by the  
4                           media that you made on your Facebook page.   And  
5                           this included a statement that mandating masks is  
6                           irresponsible, negligent, and dangerous.   And you  
7                           provided a link to a YouTube video that dealt with  
8                           the health risks of masks; is that correct?

9                           A.     It is correct.   I don't know  
10                          exactly which video it was because there were  
11                          several.   I would have to look back to see  
12                          precisely which one it was.   I know Danny Rancor  
13                          (phonetic) is one that was pertaining to masks.  
14                          But, yes, there is evidence.   There is evidence to  
15                          show that they're not only ineffective, but they're  
16                          harmful.

17       110                   Q.     Okay.   And --

18                          A.     [Indiscernible] catalogued.

19                          COURT REPORTER:   Pardon me, ma'am?   I  
20                          didn't hear that.   I missed your answer.

21                          MR. BOISSONNEAU-LEHNER:   Ms. Pitter,  
22                          can you --

23                          THE WITNESS:   Oh, and all of that has  
24                          been catalogued.   Sorry.  
25

1 BY MS. JOHNSON:

2 111 Q. Sorry. All of which has been  
3 catalogued? The posts that you've made on social  
4 media, or you mean the evidence in favour -- or  
5 against masking?

6 A. The evidence to support anything  
7 that I've posted.

8 112 Q. Okay. And we see here also, the  
9 letter references a link to an audio recording by  
10 the President of Ghana that you had posted. And I  
11 think in the CBC article that Mr. Dearden has  
12 already taken us through, I think it's at page 133  
13 of the document brief that we pulled up there a  
14 moment ago.

15 In that article itself, there is an  
16 excerpt from your social media, I think, that  
17 references that audio recording by the President of  
18 Ghana with a statement by you that says: (as read)

19 "Please listen to this very  
20 important audio recording."

21 And then you talk about how COVID-19 has been  
22 masterminded by Bill Gates, Anthony Fauci, together  
23 with the WHO and the Rockefeller Foundation. So  
24 that's at least one of the social media references  
25 that we see to Bill Gates. And I believe you've

1           advised that you'll look for others.

2                           A.    Well, I don't know that I advised  
3           that I would look for others, but there may have  
4           been others. This was simply me sharing  
5           information that the President of Ghana had  
6           communicated wanting to advise the public that this  
7           is something they should look at.

8   113                   Q.    Right. But you didn't post this  
9           to your social media just as a simple link to an  
10          audio. You posted a statement yourself on your  
11          social media saying, please watch -- please listen  
12          to this, and you described what types of things the  
13          audio discusses.

14                       A.    I think it's interesting that the  
15          President of Ghana would say those kinds of things.  
16          And I -- I thought it was important that the public  
17          had a listen to what he had to say.

18   114                   Q.    So would you say that it was your  
19          belief, you agreed or believed these things as well  
20          that was in that speech given by the President of  
21          Ghana?

22                       A.    I can't speak to that at this  
23          moment because that was quite some time ago, and I  
24          believe his video has been struck from the  
25          internet.



1 115 Q. Okay.

2 A. I would need to re-listen to it.

3 116 Q. Okay. So turning to page 4 of the  
4 termination letter that you have there in front of  
5 you --

6 MR. BOISSONNEAU-LEHNER: I think we've  
7 disconnected.

8 THE WITNESS: You're still with us, I  
9 think.

10 MS. JOHNSON: Are we all good?

11 MR. BOISSONNEAU-LEHNER: Yes. Sorry.  
12 I think I lost connection for a moment.

13 MS. JOHNSON: Okay.

14 MR. BOISSONNEAU-LEHNER: I'm back.  
15 Sorry. Thank you.

16 MS. JOHNSON: Okay.

17 BY MS. JOHNSON:

18 117 Q. Okay. So I was just taking you to  
19 page 4 of that termination letter.

20 A. M-hm.

21 118 Q. So if we go to the -- I guess it's  
22 the third paragraph down starting with your public  
23 posts on your Facebook page, so this is the reason  
24 given by your employer at that time for your  
25 for-cause dismissal. They say: (as read)

"Your public posts on your  
Facebook page undermine the efforts  
of all levels of government,  
including the Ministry, to minimize  
the spread and impact of COVID-19."

And then it goes on to list issues that the  
Ministry perceived with your social media posts,  
and one of the bullets says: (as read)

"Your social media posts create  
a public perception that you are not  
able to effectively and/or  
appropriately perform the duties and  
responsibilities of your role as an  
inspector of long-term care homes."

So I appreciate, Ms. Pitter, that we've heard from  
you, you disagree with the reasons that you were  
given for your dismissal, but would you agree that  
this is at least the Ministry's purported reason  
for dismissing you?

A. This is one of, yes --

Q. Okay.

A. -- the Ministry's purported  
reasons for dismissing me. I will say, though,  
that there was never anything in this document  
that -- that indicated that I was not able to do my

1 job in that I was always following policies and  
2 procedures for COVID-19.

3 And I believe that is indicated  
4 somewhere within this document. I just cannot lay  
5 my eyes on it at the given moment. But they did  
6 basically say that there was -- there were no  
7 findings with regards to workplace violations  
8 because I was following policies and procedures  
9 pertaining to COVID.

10 This was my own personal Facebook page  
11 that was not tied to the Ministry of Long-Term Care  
12 or my employment with them in any way.

13 120 Q. Right. But you would agree that  
14 at least from the Ministry's perspective that their  
15 problem was that whether or not you actually were  
16 still able to execute your duties, there's at least  
17 a risk of a public perception that was created that  
18 your -- the personal views that you were expressing  
19 were not in line with what some of your duties as  
20 an inspector of long-term care homes?

21 A. That was their view. That was  
22 their view.

23 121 Q. And I think we see at the bottom,  
24 if you flip back to the page 3, at the very bottom  
25 it says: (as read)

1 "We also acknowledge that you  
2 stated that you understood your  
3 social media posts may have harmed  
4 the reputation of the Ministry, and  
5 it was not your intention."

6 So at least, in the course of these meetings or  
7 discussions, there was some acknowledgement  
8 expressed on your part that you understood how  
9 these, your social media posts, might have created  
10 this perception or created harm to the Ministry's  
11 reputation; is that correct?

12 A. I don't know if I entirely align  
13 with the wording of that statement. But it is, as  
14 a nurse, something that's required of us that we  
15 have to indicate where we are employed, and that  
16 has to be revised on The College of Nurses'  
17 website.

18 So anyone really could go to Find a  
19 Nurse and determine where it is that I'm employed  
20 even though I never aligned myself on my personal  
21 Facebook page with the Ministry or the fact that I  
22 was an inspector there.

23 122 Q. Okay.

24 A. So it is possible for people to  
25 see it, but I don't know that I actually align

1           myself completely with the wording of that  
2           statement.

3       123                   Q.    Okay.  But if we drill down for a  
4           second and maybe just talk about, like, what your  
5           duties were in your role as a long-term care home  
6           inspector, at that point, the Ministry would have  
7           implemented very strict masking rules in response  
8           to the COVID-19 pandemic, correct?

9                   A.    M-hm.  Yes.

10      124                  Q.    And in your role as an inspector  
11           of these long-term care homes, it would have been  
12           part of your responsibility for enforcing these  
13           rules around masking and perhaps those being rules  
14           that you didn't agree with necessarily personally;  
15           is that accurate?

16                  A.    Even though I didn't necessarily  
17           agree with them personally, I was always in -- I  
18           was always in compliance with these policies and  
19           procedures in the workplace.

20      125                  Q.    Right.  But you would have been  
21           enforcing something that you personally didn't  
22           believe in; is that fair to say?

23                  A.    That's fair to say.

24      126                  Q.    Okay.

25                  A.    Yes.

1 127 Q. Okay. All right. And on page 3  
2 of this termination letter, it discusses a couple  
3 of meetings, allegation meetings that you had in  
4 December 2022 -- or 2020, excuse me -- prior to  
5 your dismissal. And this letter discusses how you  
6 made statements during those meetings, blaming,  
7 essentially, the attempts to vilify you on media  
8 reports that have been published about you; is that  
9 your recollection?

10 A. Again, I don't agree with the way  
11 in which this is stated because I wasn't placing  
12 blame. But the fact that the media articles were  
13 posted certainly didn't help the situation.

14 128 Q. Do you remember referencing a CBC  
15 and Global News article when you had those  
16 meetings?

17 A. I remember mentioning the CBC and  
18 the Global News. I would have to look at my notes.

19 129 Q. Okay. And it looks like they have  
20 a block quote there of a statement that you gave  
21 during one of these meetings, the  
22 December 17th, 2020 meeting, where you stated: (as  
23 read)

24 "This is the result of the  
25 media search or someone

1 communicating that to them, that  
2 made assumptions and published  
3 articles, defamation of my character  
4 in the Ministries. Media outlets  
5 are responsible."

6 Is that something that you recall saying?

7 A. Again, I would have to review my  
8 notes to see what, in fact, I had documented.

9 130 Q. Okay. But is it fair to say that  
10 at that time --

11 A. And actually, sorry, I don't mean  
12 to interrupt you, but that last statement there,  
13 media outlets are responsible, that's not what I  
14 said. I said media outlets are acting  
15 irresponsibly. I remember that now, and I have  
16 it -- I have it in my notes.

17 And I actually discussed that with  
18 the -- with the union at the time. But I don't  
19 know that I can go into those matters in detail.

20 131 Q. Okay.

21 A. But it was -- it was a misprint.  
22 I did not say media outlets are responsible. I  
23 said media outlets are behaving irresponsibly.

24 132 Q. Okay. That's fair. And so it was  
25 your position at the time, and it would have been

1 the types of comments you would have been making,  
2 to say that I feel like the media aren't acting  
3 responsibly in what they're publishing about me,  
4 and the comment about the media having defamed your  
5 character; those were all things that you felt and  
6 would have said at the time?

7 A. Again, I can't speak to that  
8 specifically without reviewing my notes because I  
9 don't want to go off -- that happened a long time  
10 ago, and I don't want to go off what I recall.

11 I would much rather ensure that what  
12 I'm communicating is accurate. I am very much  
13 about accuracy and doing a lot of research before  
14 posting something, which is -- you know, I am very  
15 conscientious as a person and as a nurse. And I  
16 research things extensively before I post them to  
17 make sure that they are accurate. And I'm known as  
18 a very detailed person and a very detailed nurse,  
19 And the reason for that is because accuracy is  
20 important to me.

21 133 Q. Okay. And you would have been  
22 aware, though, of media articles at the time  
23 calling your beliefs into question?

24 A. Sure.

25 134 Q. For example, again, the CBC



1 article that Mr. Dearden has already taken us to  
2 from July of 2020, you were aware of at least that  
3 CBC article and other articles of that nature?

4 A. Yes.

5 135 Q. Okay. And it is your position  
6 that those articles were harmful to your  
7 reputation?

8 A. Yes.

9 136 Q. Okay. Thank you. And in terms of  
10 this letter, getting back to this letter, and the  
11 employer's, your former employer's stance, page 4,  
12 the second last paragraph towards the bottom, the  
13 Ministry in this letter states: (as read)

14 "Your failure to take  
15 responsibility for those posts and  
16 instead to blame the media signals  
17 your lack of understanding of your  
18 conduct."

19 So it's fair to say that, at least from the  
20 Ministry's perspective, they were trying to  
21 communicate that it was your conduct, not the  
22 reporting by the media, that they felt was the  
23 issue; and I know that you likely feel differently?

24 A. Well, again, I didn't blame social  
25 media. I had said that social media was behaving

1           irresponsibly. So the fact that they had written  
2           on the prior page, I think it was, just before the  
3           last paragraph there, that media outlets are  
4           responsible, that's a misquote of what I had said.  
5           I said media outlets are behaving irresponsibly.

6                       But in order to -- to know precisely  
7           what I had said, I would need to review my notes,  
8           but I know that's something that I made the union  
9           rep very aware of because it was a  
10          misrepresentation of what I had said.

11                      I never said the media outlets were  
12          responsible. And never at any point did I say that  
13          I wasn't going to take responsibility.

14   137               Q.    Okay. And you've mentioned your  
15          union rep a few times. So we've asked of the other  
16          plaintiffs, did you grieve? Did you end up  
17          grieving this decision?

18                      A.    I did.

19   138               Q.    And where is that at?

20                      A.    I was not represented properly, so  
21          we are pursuing other measures.

22   139               Q.    Okay. And have you worked in  
23          healthcare at all since that time, so that time  
24          being between March of 2021 and today?

25                      A.    No, I have not.

1 140 Q. Okay. Have you worked -- have you  
2 been employed in any capacity since that time?

3 A. I'm employed currently, yes.

4 141 Q. Okay. But not within the  
5 healthcare field?

6 A. No, not within the healthcare  
7 field.

8 142 Q. Okay.

9 A. I don't have any interest of being  
10 employed within the healthcare field at this moment  
11 in time because of the concerns I mentioned before  
12 with The College not upholding their own standards  
13 of practice and putting the public at harm by  
14 implementing or agreeing with the implementation of  
15 all of these measures.

16 It is important to ensure bodily  
17 autonomy, ethical healthcare, that everyone has all  
18 of the information before them to make informed  
19 decisions as well as consent to or against any kind  
20 of treatment or intervention, and those things are  
21 not being upheld.

22 So I have no interest, at this point in  
23 time, of pursuing a health-related position until  
24 these things are remedied and investigated.

25 143 Q. Okay. So it's by choice right now

1           that you'd say you're not employed in the  
2           healthcare field?

3                     A.    At this point, yes.

4   144               Q.    Okay.

5                     MS. JOHNSON:   And just before I move on  
6           to a few other areas of questions, Madam Reporter,  
7           I'd like to have that termination letter from  
8           March 10th, 2021, marked as an exhibit, please.

9                     EXHIBIT 13:   The termination letter of  
10           Kristal Pitter dated March 10th, 2021  
11           BY MS. JOHNSON:

12   145              Q.    So I just want to move on to a few  
13           questions about your role within Canadian Frontline  
14           Nurses.   So you are a member of Canadian Frontline  
15           Nurses?

16                     A.    I am.

17   146              Q.    Okay.   You're not a director of  
18           any sort?

19                     A.    No.   I'm part of the board.

20   147              Q.    Okay.   So you are on the board.  
21           And how many others are on the board?

22                     A.    I think there's five in total.

23   148              Q.    Okay.   And you have, like, a  
24           profile featured on the About Us page of the  
25           website, a picture with a kind of a biography; is

1                   that correct?

2                                   A.     Yes.

3     149                       Q.     Okay.

4                                   A.     And actually, just to clarify, I  
5     believe there's only four members.

6     150                       Q.     Only four board members?

7                                   A.     Only four, yes.

8     151                       Q.     Okay. So you're a board member.

9     You have a bio featured on the website. I think  
10    you've also mentioned to us you've spoken or given  
11    speeches at various events as a CFN member; is that  
12    accurate?

13                               A.     Yes. It was with other members of  
14    the Canadian Frontline Nurses, but I'm also  
15    speaking for myself personally.

16    152                       Q.     Right. But you would have  
17    identified yourself at those events as a member of  
18    CFN?

19                               A.     Yes.

20    153                       Q.     Okay. So with regards to the  
21    September 2021 protests, you've already told us you  
22    attended yourself at the London rally?

23                               A.     I did.

24    154                       Q.     And you were aware generally that  
25    CFN put out a call for people to join in protests

1 outside hospitals across Canada?

2 A. I'm aware.

3 155 Q. And CFN, to your knowledge, wanted  
4 as many people as possible to stand up across  
5 Canada and be part of these protests?

6 A. We certainly wanted to bring  
7 awareness.

8 156 Q. Okay. And you were only  
9 personally at the London protests? You weren't at  
10 any of the other protests happening on that day?

11 A. I was not. I was only at the  
12 London protest, yes.

13 157 Q. Right. So you're not personally  
14 aware of whether there may have been any unpleasant  
15 events at some of these other protests such as  
16 harassment, intimidation, threats, assault, or any  
17 sort of impeding access to healthcare services?

18 A. I don't have any firsthand  
19 information about those given that I didn't attend  
20 them.

21 158 Q. Right. And -- but you have seen  
22 some of the news stories that were published in the  
23 mainstream media after those protests reporting on  
24 some of these unpleasant types of things occurring?

25 A. I've seen the news stories. I

1 will say that I -- I don't believe that the full  
2 story is being portrayed in the -- in the media.  
3 And I don't believe -- embrace everything that the  
4 media has been putting out these days in the last  
5 two, two-and-a-half years.

6 159 Q. Okay. And with regards to --  
7 we've heard -- you were asked by Mr. Dearden about  
8 the specific -- the CBC article from July of 2020,  
9 and how you were reached out by a reporter who  
10 contacted you for comment on that story.

11 And you told us that you were still  
12 employed by the Ministry, that you didn't think you  
13 could speak out publically at that time, and you  
14 told the reporter that you couldn't, and he kept  
15 trying to contact you, so you did speak to the OPP;  
16 is that correct?

17 A. There's a policy in place with the  
18 Ministry of Long-Term Care that basically indicates  
19 that employees cannot speak directly to media.

20 160 Q. Have you spoken to media in answer  
21 to requests for comments on any other stories that  
22 you can recall that were published about you or  
23 CFN?

24 A. Since that time? Since -- since  
25 my termination with the Ministry of Long-Term Care?

1       161                   Q.    At all, yes, or before.

2                   A.    Because I've spoken to and been --  
3                   and then interviewed -- pardon me -- by the media  
4                   after my termination with the Ministry of Long-Term  
5                   Care.

6       162                   Q.    And can you recall specifically  
7                   which interviews you would have given?

8                   A.    Bright Light News, perhaps,  
9                   Canadian Liberty Coalition; those are two that come  
10                  to mind. And --

11      163                   Q.    Any -- sorry. I don't mean to cut  
12                  you off. Were there others you were going to  
13                  suggest?

14                  A.    I would have to review my notes.

15      164                   Q.    Okay. Have you given any comment  
16                  to any stories that have been published by what you  
17                  might consider mainstream media, CBC, for instance?

18                  A.    Not that I can recall.

19      165                   Q.    Okay. And just to be clear, you  
20                  are aware, as we've already gone over, of reports  
21                  or articles by media that have discussed your  
22                  affiliation with CFN and some of your controversial  
23                  social media posts regarding COVID measures.  
24                  You've advised us that you thought that some of  
25                  those stories were damaging to your reputation, and



1 as an example, the CBC article from July 2020.

2 Just to be clear, you haven't  
3 brought -- you didn't bring a defamation act -- or  
4 action against CBC or any other news organization,  
5 other than this current libel action?

6 A. Yeah.

7 166 Q. Okay.

8 MS. JOHNSON: Those are all my  
9 questions for you, Ms. Pitter. I don't know if  
10 any -- there will be any redirect.

11 MR. BOISSONNEAU-LEHNER: There will  
12 not. Thank you.

13 THE WITNESS: Thank you.

14 (DISCUSSION OFF THE RECORD)

15 Whereupon the Examination concluded at  
16 4:27 p.m.

## REPORTER'S CERTIFICATE

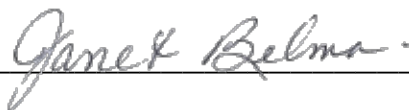
I, JANET BELMA, CSR, Certified  
Shorthand Reporter, certify;

That the foregoing proceedings were  
taken before me at the time and place therein set  
forth, at which time the witness was put under  
oath;

That the testimony of the witness  
and all objections made at the time of the  
examination were recorded stenographically by me  
and were thereafter transcribed;

That the foregoing is a true and  
correct transcript of my shorthand notes so taken.

Dated this 27th day of July, 2022.



---

NEESONS COURT REPORTING INC.

PER: JANET BELMA, CSR, B.Ed.

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Court File No.: CV-21-00673636-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N :**

CANADIAN FRONTLINE NURSES,  
SARAH CHOUJOUNIAN, KRISTEN NAGLE,  
and KRISTAL PITTER

Plaintiffs

– and –

CANADIAN NURSES ASSOCIATION,  
TIM GUEST, MICHAEL VILLENEUVE, TOGETHER NEWS INC.  
o/a COMOXVALLEY NEWS and o/a VANISLE NEWS,  
and JOHN DOE

Defendants

---

**NOTICE OF EXAMINATION**

---

TO: **KRISTAL PITTER**

YOU ARE REQUIRED TO ATTEND on **Friday, July 22, 2022**, at 10 a.m. via videoconference, hosted at the offices of Neesons Reporting, 77 King Street West, Suite 2020, Toronto, ON, M5K 1A1, Tel: 416-413-7755, for:

☒ Cross-examination on your affidavit sworn July 14, 2022

☐ Examination for discovery

☐ Examination for discovery on behalf of or in place of [identify party]

[ ] Examination in aid of execution

[ ] Examination in aid of execution on behalf of or in place of [identify party]

If you object to the method of attendance, you must notify the other parties or their lawyers. If you and the other parties cannot come to an agreement on the method of attendance, one of the parties must request a case conference for the court to make an order under Rule 1.08(8).

YOU ARE REQUIRED TO BRING WITH YOU and produce at the examination the following documents and things,

All original documents including any correspondence, e-mails, text messages, Instagram messages, Facebook messages, WhatsApp group chat messages, Telegram messages, Tweets or other social media communications, and copies of the same in your possession or under your control or power:

1. relating to the termination of your employment with the Ontario Ministry of Long-Term Care;
2. relating to any College of Nurses of Ontario investigations and proceedings involving your practice and conduct, including any complaints about you and the confidential disclosure package referenced in paragraphs 16 and 17 of your affidavit sworn on July 14, 2022;

3. relating to any charges against you under the *Emergency Management and Civil Protection Act*, the *Reopening Ontario (A Flexible Response to COVID-19) Act* or any other Act;
4. relating to the organization, planning, notices of (e.g. digital flyers), and attendance at the rallies organized by you and/or Canadian Frontline Nurses on or before September 9, 2021.

Date: July 1J, 2022

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Electronically filed / Déposé par voie électronique : 11-Aug-2022  
 Toronto Superior Court of Justice / Cour supérieure de justice  
**CANADIAN FRONTLINE NURSES et al.**  
**Plaintiffs**

**626**

-and-

**Court File No./N° du dossier du greffe : CV-21-00673636-0000**

**CANADIAN NURSES ASSOCIATION et al.**  
**Defendants**

**Court File No. CV-21-00673636-0000**

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
 PROCEEDING COMMENCED AT  
 TORONTO

**NOTICE OF EXAMINATION**

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 Tim Guest and Michael Villeneuve

**File Number: T1028668**

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# KRISTAL NICOLE PITTER

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[General](#) [Registration History](#) [Practice Information](#) [Employment Information](#)

### Registered Nurse (RN)

Category	RN
Class	General
Registration Number	9622374
Registration Status	Current
Initial Registration with CNO	15-Jul-1996

### Former Names

First/Middle Name	Last Name
KRISTAL	PARROTT

### Specialty Certificate

Specialty Certificate	Status
Primary Health Care	Expired

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Registration history since 04 Jun, 2009

**Registered Nurse (RN)**

Category	Class	Status	From	To	Source
RN	General	Current	23-Dec-2020		
RN	Extended (Nurse Practitioner)	Current	14-Nov-2007	23-Dec-2020	

**Specialty Certificate**

Specialty Certificate	Status	From	To
Primary Health Care	Expired	23-Dec-2020	
Primary Health Care	Current	14-Nov-2007	23-Dec-2020

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### Cautions What's this?

**DATE:**

06-Oct-2021

**DETAILS:**

The member was directed by the Inquiries, Complaints and Reports Committee (ICRC) to attend before the ICRC to be cautioned with respect to the following standards and/or educational tools:

- Professional Standards
- Code of Conduct
- Ethics
- Social Media: Reflect Before You Post

This Order of the ICRC is stayed pending a judicial review application.

### Remedial Activities What's this?

**DATE:**

06-Oct-2021

**DETAILS:**

The member was directed by the Inquiries, Complaints and Reports Committee (ICRC) to complete remedial activities with respect to the following standards and/or educational tools:

- Professional Standards
- Code of Conduct
- Ethics
- Social Media: Reflect Before You Post

This Order of the ICRC is stayed pending a judicial review application.

# Find a Nurse



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## KRISTAL NICOLE PITTER

### ENTITLED TO PRACTICE WITH NO RESTRICTIONS

**ESSENTIAL INFO: Please read**

General

Registration History

Practice Information

Employment Information

The content is based on information the nurse or nurse's employer reports to CNO. The employment contact information may be nursing or non-nursing.

#### RN EMPLOYMENT

**Ministry of Health and Long Term Care - Inspection Branch**  
609 Kumpf Dr First Floor  
Waterloo, ON  
N2V 1K8  
Canada

**Start Date**  
2018

**End Date**  
2021

#### HOSPITAL PRIVILEGES

Norfolk General Hospital  
Tillsonburg District Memorial Hospital

Court File No. 059/22

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(DIVISIONAL COURT)**

BETWEEN:



**KRISTAL NICOLE PITTER**

Applicant

-and-

**COLLEGE OF NURSES OF ONTARIO**

Respondent

**NOTICE OF APPLICATION TO DIVISIONAL COURT FOR JUDICIAL REVIEW**

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION for judicial review will come on for a hearing before the Divisional Court on a date to be fixed by the registrar by the method of hearing requested by the applicant, unless the court orders otherwise. The applicant requests that this application be heard (*choose one of the following*)

- ☐ In person
- ☐ By telephone conference
- ☒ By video conference

at the following location, Osgoode Hall, 130 Queen Street West, Toronto, Ontario M5H 2N5.

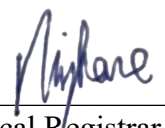
IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the office of the Divisional Court within thirty days after service on you of the applicant's application record, or at least four days before the hearing, whichever is earlier.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN TO THE APPLICANT IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

January 26, 2022

Issued by

  
Local Registrar  
Osgoode Hall  
130 Queen Street West  
Toronto, ON  
M5H 2N5

TO: College of Nurses of Ontario  
Inquiries, Complaints and Reports Committee  
101 Davenport Road  
Toronto, ON M5R 3P1

## APPLICATION FOR JUDICIAL REVIEW

1. The Applicant makes an application for:

- (a) an Order setting aside the decision of the Inquiries, Complaints, and Reports Committee of the College of Nurses of Ontario;
- (b) a declaration that the decision of the Inquiries, Complaints, and Reports Committee of the College of Nurses of Ontario infringes the Applicant's freedom of expression under section 2(b) of *The Canadian Charter of Rights and Freedoms* (the "Charter");
- (c) an Order under section 4(1) of the *Judicial Review Procedure Act* staying any proceeding against the Applicant commenced by the College of Nurses of Ontario, including the Inquiries, Complaints, and Reports Committee and the Discipline Committee proceeding;
- (d) an extension of time for the filing of the within application;
- (e) leave to file fresh evidence;
- (f) the costs of this application on the appropriate scale; and
- (g) such further and other relief as counsel may advise and that this Honourable Court deems just.

2. The grounds for the Application are:

- (a) A panel of the Inquiries, Complaints and Reports Committee (the "ICRC Panel") of the College of Nurses of Ontario ("CNO") reviewed reports of investigations into the Applicant's nursing practices pursuant to section 79(a) of the *Health Professions Procedural Code*, which is Schedule 2 to the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18.
- (b) On November 18, 2021, the ICRC Panel released its decision (the "Decision").



(c) In the Decision, the ICRC Panel found that Ms. Pitter “failed to maintain the profession's standards by making public statements on a social media platform, Facebook, which were false, inaccurate, or seriously misleading with respect to the COVID-19 virus, vaccines, and/or pandemic response, and in which [she] identified [herself] as a Nurse Practitioner.”

(d) In the Decision, the ICRC Panel stated:

In reaching this decision, the committee has considered the potential impact of this decision on your right to freedom of expression, protected under s. 2(b) of the Canadian Charter of Rights and Freedoms. The committee has concluded that a remediation program and caution is a proportionate response to these concerns and conduct. The overriding objective of any order of this committee is to safeguard the public interest, which includes the standing and reputation of the profession. Certain of your comments are false and may seriously mislead the public with respect to a public health crisis, and/or may harm the public perception of nursing. The committee’s decision is primarily remedial, and will allow you to consider and reflect on the nature of the conduct, and ensure that it is not repeated in the future. The decision will further the public interest as it signals to you, the profession, and the public, your conduct is unacceptable and harms the public interest. The impact on your Charter rights is minimal, given the preventive, educational and remedial nature of this decision. In all, the committee’s view is that this decision balances CNO’s statutory objectives and the Charter rights and values which are engaged.

(e) The Decision does not discuss the elements of a section 2(b) *Charter* breach nor does the ICRC Panel provide reasons on how it reached its decision by applying the required elements of a section 2(b) *Charter* analysis.

(f) The ICRC Panel’s failure to discuss the elements of a section 2(b) *Charter* breach and its failure to provide reasons on how it reached its Decision by applying the required elements of a section 2(b) *Charter* analysis do not meet the standard required in the circumstances.

(g) Once the ICRC Panel determined that the Decision infringes the Applicant’s section 2(b) *Charter* rights, the ICRC Panel did not provide any reasons concerning a section 1 *Charter* analysis. Notably, section 1 of the *Charter* is not referenced at all in the Decision.

- (h) The reasons given by the ICRC Panel contain fundamental gaps and reveal that the Decision is based on an unreasonable chain of analysis, including the ICRC Panel's failure to address the section 1 analysis required after finding that the Applicant's section 2(b) rights are infringed by the Decision.
- (i) The reasons provided to the Applicant do not reflect the stakes. The Decision threatens the Applicant's liberty and rights under section 2(b) of the *Charter*. The ICRC Panel did not adequately explain how its decision can be squared with the infringement of the Applicant's *Charter* rights, and the Decision is inconsistent with the legislature's intention behind the *Charter* and the *Regulated Health Professions Act*.
- (j) The reasons for the Decision, including the lack of reasons pertaining to the infringement on the Applicant's *Charter* rights, do not support rationality internal to the reasoning process and the Decision is untenable in light of the relevant factual and legal constraints that bear on it.
- (k) The Decision does not exhibit the requisite degree of justification, intelligibility, and transparency and contain, *inter alia*, unfounded generalizations, logical fallacies, and circular reasoning.
- (l) The ICRC Panel ignored, failed to consider, or misapprehended the evidence in concluding that the Applicant failed to maintain the profession's standards by making public statements on a social media platform which were false, inaccurate, or seriously misleading with respect to the COVID-19 virus, vaccines, and/or pandemic response.
- (m) The ICRC Panel exceeded its jurisdiction by making findings of fact and making findings of professional misconduct.

- (n) The Decision, including the rationale and the outcome which it led are incorrect, or in the alternative, unreasonable.
- (o) The ICRC Panel and the Decision deprived the Applicant of procedural fairness.
- (p) There are apparent grounds for the relief sought and no substantial prejudice or hardship will result as a result of the delay in bringing this Application.
- (q) Fresh evidence is required to show a complete lack of evidence to support a material finding of fact by the ICRC Panel and to set out general background that would assist the Court.
- (r) A temporary stay of all CNO proceedings against the Applicant pending the final determination of this application for judicial review of proceedings under section 4 of the *Judicial Review Procedure Act* is appropriate because:
- i. whether there is a breach of procedural fairness, infringement of the Applicant's Charter rights, or the decision is unreasonable are serious issues to be determined;
  - ii. the Applicant will suffer irreparable harm if the stay is not granted because her *Charter* rights will be infringed and her reputation will be damaged; and
  - iii. the balance of convenience favours granting the stay.
- (s) The Applicant relies on the following legislation, rules, and regulations:
- i. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11, s 91(24);
  - ii. *Judicial Review Procedure Act*, RSO 1990, c. J. 1;

- iii. *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22;
- iv. *Rules of Civil Procedure*, R.R.O 1990, Reg. 194;
- v. *Courts of Justice Act*, R.S.O 1990, c. C. 43; and
- vi. *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18.

3. The following documentary evidence will be used at the hearing of the application:

- (a) the record of proceedings of the ICRC Panel;
- (b) the Affidavit of Kristal Nicole Pitter, to be sworn; and
- (c) such further and other materials as the Applicant may indicate, and this Honourable Court may allow.

January 26, 2022

**JOHNSTONE & COWLING LLP**

441 Jarvis Street  
Toronto, Ontario  
M4Y 2G8

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Lawyers for the Applicant

Court File No:

KRISTAL NICOLE PITTER

-and -

COLLEGE OF NURSES OF  
ONTARIO

Applicant

Respondent

**SUPERIOR COURT OF JUSTICE  
(DIVISIONAL COURT)**

**NOTICE OF APPLICATION  
TO DIVISIONAL COURT FOR  
JUDICIAL REVIEW**

**JOHNSTONE & COWLING LLP**

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Toronto, Ontario  
M4Y 2G8

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Lawyers for the Applicant

**Ministry Long-Term Care**

Long-Term Care Inspections Branch  
Long-Term Care Homes Division

Central West Service Area Office  
1<sup>st</sup> Floor, 609 Kumpf Drive  
Waterloo ON N2V 1K8  
Tel.: 888 432-7901  
Fax: 519 885-2015

**Ministère des Soins de longue durée**

Inspection de soins de longue durée  
Division des foyers de soins de longue durée

Bureau régional de services de Centre Ouest  
1<sup>er</sup> étage, 609 rue Kumpf  
Waterloo ON N2V 1K8  
Tél.: 888 432-7901  
Télééc.: 519 885-2015



March 10, 2021

*Delivered by Email and Courier*

Kristal Pitter  
1 Otter Court  
Tillsonburg ON N4G 5B1

Dear Ms. Pitter,

**RE: Termination of Employment**

---

This letter is a follow up to three (3) meetings that were held with you last fall:

- A fact-finding meeting held September 2, 2020; and
- Two (2) allegation meetings on December 2, 2020 and December 17, 2020.

All three (3) meetings were held with you, your Union Representative, SAO Manager Dorothy Ginther, HR Advisor Yasmin Kapadia, and me in attendance.

The purpose of the three (3) meetings was to discuss the results of an internal investigation that took place regarding posts on your public Facebook page, as well as to allow you the opportunity to provide any mitigating factors or information that should be considered by management prior to making any disciplinary determination.

Specifically, the four (4) allegations discussed were as follows:

1. You contravened the rules, regulations, policies, and guidelines of all levels of government, including but not limited to the *Social Media Guidelines for OPS Employees*, publicly undermining emergency regulations and guidelines promulgated by public health and espoused by all levels of government, particularly in the context of your work in Long-Term Care Homes.
2. You violated your duty of loyalty to the Crown, and you have failed to demonstrate that you can carry out the duties and responsibilities of your role as a Long-Term Care Homes Inspector in Ontario effectively, appropriately, and with integrity.

3. Your actions have led to concerns from your colleagues, members of the public and the College of Nurses of Ontario regarding your ability to carry out the duties and obligations of your role as a Long-Term Care Home Inspector appropriately, effectively, professionally, and with integrity.
4. You have brought the administration of the programs, policies, and directions of the Ministry of Health and the Ministry of Long-Term Care into disrepute and into question by your actions and conduct.

On July 16, 2020, an anonymous complaint was filed with the Ministry regarding content you posted on your public Facebook page. The anonymous complainant cited concerns regarding your professionalism and ability to perform the duties of your role on behalf of the Ministry while holding these views.

On July 17, 2020, the Ministry of Long-Term Care's Media Line was contacted by the CBC regarding the posts on your public Facebook page related to the COVID-19 pandemic, specifically citing your belief that the pandemic is fueled by a conspiracy, and that you also posted content regarding the ineffectiveness of masks.

On July 23, 2020, a number of media outlets, including CBC and Global News published articles in which they identified you as a nurse practitioner working as an inspector of Long-Term Care homes for the Ministry. In the media reports, the CEO of the Registered Nursing Association of Ontario, as well as lawyer and CEO of CanAge, Canada's National Senior Advocacy Organization, were quoted, noting concerns regarding your promotion and propagation of misinformation, and questioning your ability to perform your role as an Inspector of Long-Term Care homes given your apparent distrust in science and evidence-based information.

Some of the concerning comments referenced by the media that you made on your public Facebook page include:

- A statement that "mandating masks is irresponsible, negligent, and dangerous", with a link to a YouTube video that purports to detail the "health risks" of masks.
- A link to an audio recording by the President of Ghana with the accompanying statement that read in part:

...COVID-19 is masterminded by Bill Gates, Anthony Fauci, together with WHO and the Rockefeller Foundation...It was "predicted" that humanity would be subject to a global pandemic and lethal vaccines with identification capabilities, which can track and manipulate the thoughts, movements and the whereabouts of every human being.

Please LISTEN to this and share to all your contacts!!!

On July 24, 2020, you posted the following statement:

Thank you so very much everyone for taking time out your busy lives to support me in the wake of the recent media publication. The number of calls, messages, and texts I have received is overwhelming !!! Just knowing that you all love, support, and are praying for me means more than you will ever know !!! I am profoundly touched.

On July 24, 2020 at 3.30 pm, you met with SAO Manager Dorothy Ginther, Director Stacey Colameco, Union Representatives, HR Advisor Yasmin Kapadia, and me at which time you were suspended with pay pending investigation. Shortly after the meeting on July 24, 2020, you converted your public Facebook page to "private".

At both the fact-finding and the allegation meetings, you admitted to posting the comments, including the statements and the links referenced above, and you offered a number of reasons for your social media posts, some of which are set out below.

At the fact-finding meeting on September 2, 2020, you stated in part:

I research extensively to make sure it's medically and scientifically sound before I post them. I am a truth seeker.

I have an obligation to educate and inform as a nurse with CNO. There needed to be a balancing of mainstream media.

It is my opinion and not reflective of the Ministry.

At the allegation meeting on December 2, 2020, you reiterated much of what you said at the fact-finding meeting but added that the articles by the media (CBC & Global news) were attempts to vilify you and to call into question your role and the Ministry. You further noted that in your view the posts were not the problem, the problem was the media.

At the request of your Union, a second allegation meeting was held on December 17, 2020 to allow you an additional opportunity to provide any mitigating factors or additional information you would like to offer the Ministry prior to any disciplinary determination. Again, you reiterated much of what you said at the fact-finding and the first allegation meeting, and again blamed the media stating in part that:

...this is the result of the media search or someone communicating that to them, made assumptions and published articles, defamation of my character and the Ministry's. Media outlets are responsible.

We acknowledge that you confirmed you have never brought your personal views into the workplace. We also acknowledge that you stated you understood your social media posts may have harmed the reputation of the Ministry and it was not your intention.



I have considered all relevant factors, including the information you provided at the fact-finding and the allegation meetings and have determined that all four (4) allegations are substantiated.

As you are aware, Long-Term Care homes have suffered a significant number of COVID-19 outbreaks resulting in considerable loss of life during the global pandemic. In your professional role as a nurse inspector of Long-Term Care homes in the province of Ontario, you enforce compliance with provincial regulations pursuant to the *Long-Term Care Homes Act and Regulations*. Your professional enforcement role has been heightened during the pandemic to ensure compliance with all public health guidelines, promulgated by all levels of government, to make all efforts to minimize the spread and impact of COVID-19. As an employee of the Ontario Public Service you must at all times comply with all policies of the government including the social media guidelines.

Your public posts on your Facebook page undermine the efforts of all levels of government, including the Ministry, to minimize the spread and impact of COVID-19. Your social media posts:

- undermine the emergency regulations and guidelines promulgated by public health and espoused by all levels of government, particularly in the context of your work in Long-Term Care homes
- violate your duty of loyalty to the Crown
- create a public perception that you are not able to effectively and/or appropriately perform the duties and responsibilities of your role as an Inspector of Long-Term Care homes
- have given rise to concerns from your colleagues, members of the public, the RNAO, and the Ontario College of Nurses
- bring the administration of the programs, policies, and directions of the Ministry into disrepute

In making my decision, I have taken into consideration your employment record, your short service, and your responses at the fact-finding meeting and the allegation meetings. Of particular concern is your failure to understand the seriousness of the posts you made on social media and its impact on the Ministry and the public, including the public perception of your ability and integrity as an employee of the Ministry of Long-Term Care to undertake your role and responsibilities appropriately. Moreover, your failure to take responsibility for those posts, and instead to blame the media, signals your lack of understanding of your conduct.

As a Nurse Inspector, employed by the Ministry of Long-Term Care to enforce compliance with Ministry laws, regulations, policies, and guidelines, your conduct is unacceptable and cannot be tolerated. Your decision to engage in such questionable public conduct has resulted in a fundamental breach of trust in the employment relationship. I have concluded that your actions are just cause for dismissal.

Accordingly, by the authority delegated to me under Section 44 of the *Public Service of Ontario Act*, I hereby dismiss you for cause in accordance with section 34 of the *Act*, effective today. You have the right to grieve your dismissal in accordance with the terms and conditions of your collective agreement. Pursuant to section 11.5 of the Employment Policy, you are prohibited from seeking future employment with the Ontario Public Service.

Please return your Ministry of Long-Term Care Inspector Card and Travel Card by March 17, 2021. Information on how to return these items will be sent to you via email. The personal contents of your workstation will be collected and sent to you at your home address by no later than March 17, 2021.

A copy of this letter will be placed on your corporate file.

Sincerely,



Tammy Szymanowski  
Senior Manager

cc: Corporate Personnel File  
Brad Robinson, (A) Director, Long-Term Care Inspections Branch  
Stacey Colameco, Director, Long-Term Care Inspections Branch  
Tammy Szymanowski, Senior Manager  
Dorothy Ginther, (A) SAO Manager  
Yasmin Kapadia, Human Resources Advisor



Court File No. CV-21-00673636-0000

**CANADIAN FRONTLINE NURSES ET AL.**

**-and -**

**CANADIAN NURSES ASSOCIATION ET AL.**

Plaintiffs  
(Responding Parties)

Defendants  
(Moving Parties)

---

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
(PROCEEDINGS COMMENCED AT TORONTO)

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**JOINT SUPPLEMENTARY MOTION RECORD**  
(Transcripts of Cross-Examinations)  
**VOLUME 3 of 3**

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**CHAMP & ASSOCIATES**  
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**Lawyers for the Defendants (Moving Parties),  
Together News Inc. and John Doe (aka William  
Horter)**