



Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Electronically issued : 13-Dec-2021
Délivré par voie électronique : 13-Dec-2021
Toronto

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

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.
The Claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU 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.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date December 13, 2021

Issued by _____

Local Registrar

Address of
court office:

330 University Avenue
Toronto, Ontario M5G 1R7

TO: CANADIAN NURSES ASSOCIATION
50 Driveway
Ottawa, Ontario
K2P 1E2

AND TO: TIM GUEST
44 Armada Drive
Halifax, Nova Scotia
B3M 1S1

AND TO: MICHAEL VILLENEUVE
10700 County Road 43, R.R. 2
Mountain, Ontario
K0E 1S0

AND TO: TOGETHER NEWS INC.
c/o William Mitchell Horter
3-530 Trutch Street
Victoria, British Columbia
V8V 4C4

AND TO: JOHN DOE

CLAIM

1. The Plaintiffs claim against the Defendants, jointly and severally:
 - (a) general damages for defamation in the amount of \$750,000.00;
 - (b) aggravated, exemplary or punitive damages in the amount of \$250,000.00;
 - (c) an Order that the Defendants remove and or destroy any copy of or reference to the Defamatory Statements (as defined below) from any source, medium or place accessible to any third party;
 - (d) an Order permanently restraining the Defendants from making, publishing or disseminating or broadcasting the Defamatory Statements or words of like or similar effect;
 - (e) pre-judgment and post-judgment interest pursuant to the *Courts of Justice Act*, R.S.O. 1990 c., C. 43 as amended;
 - (f) their costs of this action; and
 - (g) such further and other relief as this Court may deem just.

The Parties

2. The Plaintiff, Canadian Frontline Nurses (“CFN”) is not-for-profit corporation incorporated under the *Canada Not-for-profit Corporations Act*. CFN’s registered office is located in Mississauga, Ontario.
3. CFN’s mission is to unite nurses across Canada and promote ethical healthcare.
4. The Plaintiff, Sarah Choujounian (“Choujounian”) is a registered practical nurse residing in Mississauga, Ontario and at all relevant times was a member of CFN.

5. The Plaintiff, Kristen Nagle (“Nagle”) is a registered nurse residing in London, Ontario and at all relevant times was a member of CFN.

6. The Plaintiff, Kristal Pitter (“Pitter”) is a nurse practitioner residing in Tillsonburg, Ontario and at all relevant times was a member of CFN.

7. The Defendant, the Canadian Nurses Association (“CNA”) is a not-for-profit corporation incorporated under the *Canada Not-for-profit Corporations Act*. CNA’s registered office is located in Ottawa, Ontario.

8. CNA purports to be the national and global professional voice of Canadian nursing and purports to represent registered nurses, nurse practitioners, licensed and registered practical nurses, registered psychiatric nurses, retired nurses, and nursing students across the country.

9. The Defendant, Tim Guest (“Guest”), is an individual residing in Halifax, Nova Scotia and at all relevant times served as the President of CNA.

10. The Defendant, Michael Villeneuve (“Villeneuve”), is an individual residing in Mountain, Ontario and at all relevant times served as the Chief Executive Officer of CNA.

11. The Defendant, Together News Inc. operating as comoxvalley.news and vanisle.news, (“TNI”), is a corporation incorporated under the laws of British Columbia, with head office located in Campbell River, British Columbia. TNI carries on business as a regional media outlet.

12. By design, TNI's articles do not have an author byline and its journalists remain anonymous.

13. The Defendant, John Doe is the anonymous journalist, or journalists, who was or were at all relevant times employed or contracted by TNI and wrote the Defamatory Statements published on or about September 11, 2021, described below.

Background

14. In or about September 2021, CFN organized peaceful protests across Canada advocating against vaccination mandates, and in favour of informed consent, medical freedom, and autonomy.

Libel by CNA, Guest, and Villeneuve

15. On or about September 9, 2021, and on such further dates as the Plaintiffs are currently unaware, CNA, Guest, and Villeneuve published of, and concerning the Plaintiffs personally and in way of their office, profession, calling, trade or business the following Defamatory Statements on the CNA website (<https://www.cna-aiic.ca/en/blogs/cn-content/2021/09/09/enough-is-enough-professional-nurses-stand-for-sci>):

Enough is enough: professional nurses stand for science-based health care

The reckless views of a handful of discredited people who identify as nurses have aligned in some cases with angry crowds who are putting public health and safety at risk. They have drawn in anti-science, anti-mask, anti-vaccine, anti-public health followers whose beliefs align with theirs. For some reason they would have us believe that millions of the best educated health scientists, public health experts, physicians and nurses globally have all missed something they have not. Their outlandish assertions about science would be laughable were they not so dangerous.

now the focus is on images of surly mobs happy to stand in front of health-care settings and harass, threaten, and even assault health-care workers coming and going in the business of saving lives. These protests have stunned and saddened exhausted health-care workers. They are demoralizing, infuriating and dangerous.

Anti-public health disinformation threatens to confuse a tired and bewildered public by deliberately misrepresenting personal ideology as facts, and science as conspiracy. The public should be assured that the vast majority of Canada's 448,000 regulated nurses are united in their commitment to operate from a stringent code of ethics, and they are duty-bound to use science, evidence, and facts in assessing, planning, and evaluating the care they deliver to people across Canada. This scientific approach is a fundamental ideology of modern nursing.

16. Each of the Defamatory Statements made by CNA, Guest and Villeneuve set out above was intended to refer to, and did refer to the Plaintiffs, and could be understood to refer to them. CNA, Guest and Villeneuve knew or ought to have known that the plain meaning and innuendo of the Defamatory Statements were defamatory and libelous of the Plaintiffs, and that the words and their meaning and innuendo were false.

17. The Defamatory Statements made by CNA, Guest and Villeneuve were published online via the Internet, and as such, was and remains accessible to the public at large.

18. CNA, Guest and Villeneuve knew, or ought to have known that the Defamatory Statements, repetitions and all republications and broadcasts of them on their social media platforms, and also on their social media followers' platforms, would reach a very wide audience as a natural and probable consequence of their posting them to the CNA's Twitter account, CNA's Facebook account, and the Internet in general. As of the date of this Statement of Claim being issued, the Defamatory Statements made by CNA, Guest and Villeneuve have been retweeted 83 times and shared on Facebook 1045 times.

19. In their natural and ordinary meaning, and by innuendo, the Defamatory Statements published by CNA, Guest and Villeneuve meant and were understood to mean, *inter alia*, that:

- (a) the Plaintiffs are not professional;

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- (b) the Plaintiffs do not stand for science-based health care;
- (c) the Plaintiffs put public health and safety at risk;
- (d) the Plaintiffs are reckless;
- (e) the Plaintiffs are not educated;
- (f) the Plaintiffs are not nurses;
- (g) the Plaintiffs are discredited;
- (h) the Plaintiffs are anti-science;
- (i) the Plaintiffs are dangerous;
- (j) the Plaintiffs are bad-tempered and unfriendly;
- (k) the Plaintiffs formed part of a crowd that was intent on causing trouble or violence;
- (l) the Plaintiffs harassed health-care workers;
- (m) the Plaintiffs threatened health-care workers;
- (n) the Plaintiffs deliberately misrepresented personal ideology as facts, and science as conspiracy;
- (o) the Plaintiffs are unethical; and
- (p) the Plaintiffs do not use evidence or facts in delivering care to patients.

20. CNA is vicariously liable for the actions of its officers and employees, Guest and Villeneuve.

Libel by TNI

21. On or about September 11, 2021, and on such further dates as the Plaintiffs are currently unaware, TNI and John Doe published of, and concerning the Plaintiffs personally and in way of their office, profession, calling, trade or business the following Defamatory Statements on the

comoxvalley.news website (<https://comoxvalley.news/quack-quack-these-pro-virus-nurses-have-dangerous-ideas/>):

Quack Quack! These Pro-Virus Nurses Have Dangerous Ideas

They call themselves Canadian Frontline Nurses, but the founders are stoking fear, division, and conspiracy

While Canadian health care workers are fighting to keep people safe, a small group of disgraced nurses is putting us in danger

A small group of unhinged, conspiracy touting nurses appear to be the masterminds behind the recent anti-vax protests across Canada.

On September 1st, mobs of people swarmed hospitals to scream and hurl insults at frontline healthcare workers. A nurse was spat at while heading to her shift at Nanaimo General Hospital. They organized the anti-vax rally at Vancouver General Hospital earlier this month.

These protesters made it hard for the workers to do their jobs that day. They also made it harder for sick people to get the care they need.

So it's time to shine a light on the rotten roots of these protests.

For starters, let's talk about Sarah Choujounian, a former registered practical nurse, and Kristen Nagle, a former neonatal ICU nurse. The emphasis here is on the word "former," because they've both been fired.

Now they don't look like they are working as nurses, but rather as full-time anti-vax crusaders.

These two disgraced Ontario nurses are the co-founders of Canadian Frontline Nurses.

The organization, which launched in January 2021 (remember that date), says they stand for freedom and choice while denying the science around COVID-19.

The Canadian Frontline Nurses Facebook page was launched on January 11, 2021, its website a few days later.

They certainly had a busy January.

Do you remember what else happened in January?

That's right, a right-wing mob attacked the US Capitol Building and rioted in the streets on January 6th.

And guess who was there?

Just a few days before launching their new organization, they went down to Washington, D.C. to be part of the Trump-inspired protests

Kristen Nagle, the former baby nurse, spoke at an anti-lockdown rally before hundreds of extremists invaded the US Congress.

Interesting way to spend your vacation days.

Both of these nurses were fired from their jobs for going against the non-essential travel ban to join the MAGA mob at the White House.

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But that wasn't their first controversy. Both have organized and participated in rallies against wearing masks and government-mandated lockdowns during the COVID-19 pandemic.

Another nurse behind these protests is Kristal Pitter. She used to work in long-term care as a home inspector, but she was fired after spewing garbage about Bill Gates using a COVID-19 vaccine to alter people's DNA.

Wait—didn't a huge percentage of Ontario's COVID deaths occur in long-term care facilities?

Pitter is accused of using social media to spread health misinformation, including the myth that vaccines cause autism. She also claims the coronavirus pandemic is a huge conspiracy.

Do you think we're making this stuff up?

Read for yourself! Google their bios on Canadian Frontline Nurses. They are weirdly self-incriminating.

What Nagle doesn't say in her bio—but gleefully shares in her blog and Facebook posts—are some wild, dangerous, and unfounded ideas.

For example, she doesn't think viruses exist. Any viruses, not just the coronavirus.

She believes rabies is caused by malnourishment and mistreatment—not the rabies virus.

And she says there's no such thing as polio.

Hmmmm...

How comfortable would you be if Nagle was taking care of your very sick baby in a neonatal intensive care unit?

And then there is the question no one seems to have an answer for. Where did these conspiracy-spewing nurses who have no jobs get the money to launch a new organization with nationwide protests, fancy expensive signs, and scripted talking points?

Legitimate nursing organizations have condemned Canadian Frontline Nurses. The Canadian Nurses Association attacked their anti-vax disinformation as "conspiracy" in a release entitled, "Enough is enough."

"The reckless views of a handful of discredited people who identify as nurses have aligned in some cases with angry crowds who are putting public health and safety at risk. They have drawn in anti-science, anti-mask, anti-vaccine, anti-public health followers whose beliefs align with theirs... Their outlandish assertions about science would be laughable were they not so dangerous."

The point is not what these science-denying nurses believe or don't believe.

We live in Canada. Freedom of expression, faith, and belief are part of our society, no matter how outside of the norm some of them may be.

But what these former nurses are saying is dangerous and unprofessional.

They are using the authority of the nursing profession to make themselves sound legitimate. They create confusion and division when people need to come together.

Choujounian, Nagle and Pitter can call these protests whatever they like. But their version of freedom would lead to more COVID cases and likely more deaths. That means they're basically pro-virus and their selfish take on freedom is mostly about putting their personal desires above protecting the health of their patients, coworkers and neighbours.

Their ME-FIRST ideas have real-world impacts.

This is not innocent speech. It's like they're yelling FIRE! in a crowded theatre. Everyone panics, but there's no fire.

Doctors can lose their licenses for spreading COVID misinformation. Nurses should, too.

I suppose, if you're like Kristen Nagle and you don't believe in viruses, then none of this matters.

But if you care about your family and neighbours, then think twice before you trust these quacks.

They got fired because their own bosses didn't trust them.

Why should you?

22. Each of the Defamatory Statements made by TNI and John Doe set out above was intended to refer to, and did refer to the Plaintiffs, and could be understood to refer to them. TNI and John Doe knew or ought to have known that the plain meaning and innuendo of the Defamatory Statements were defamatory and libelous of the Plaintiffs, and that the words and their meaning and innuendo were false.

23. The Defamatory Statements made by TNI and John Doe were published online via the Internet, and as such, was and remains accessible to the public at large.

24. TNI and John Doe knew, or ought to have known that the Defamatory Statements, repetitions and all republications and broadcasts of them on their social media platforms, and also on their social media followers' platforms, would reach a very wide audience as a natural and probable consequence of their posting them to the comoxvalley.news Facebook account and the Internet in general. As of the date of this Statement of Claim being issued, the Defamatory Statements has been shared on Facebook 20 times.

25. In their natural and ordinary meaning, and by innuendo, the Defamatory Statements

published by TNI and John Doe meant and were understood to mean, *inter alia*, that:

- (a) the Plaintiffs are fraudulent or ignorant pretenders to medical skill;
- (b) the Plaintiffs are pro-virus;
- (c) the Plaintiffs have dangerous ideas;
- (d) the Plaintiffs are stoking fear;
- (e) the Plaintiffs are stoking division;
- (f) the Plaintiffs are disgraced;
- (g) the Plaintiffs are putting the public in danger;
- (h) the Plaintiffs are highly disturbed and unstable;
- (i) the Plaintiffs assaulted a health-care worker;
- (j) the Plaintiffs hurled insults at frontline health care workers;
- (k) the Plaintiffs interfered with health care workers' performance of their jobs;
- (l) the Plaintiffs prevented sick people from getting the care they needed;
- (m) the Plaintiffs are not nurses;
- (n) Choujounian and Nagle, travelled to the United States to partake in Trump-inspired protests;
- (o) Choujounian and Nagle, joined the right-wing mob at the White House and attacked the Capitol building;
- (p) Pitter was terminated from her employment for alleging that Bill Gates used a COVID-19 vaccine to alter people's DNA;
- (q) Pitter was responsible for COVID deaths in long-term care facilities;
- (r) the Plaintiffs are dangerous;
- (s) the Plaintiffs are selfish;

(t) the Plaintiffs put their own desires over protecting the health of their patients, coworkers, and neighbours; and

(u) Choujounian, Nagle, and Pitter were terminated because their employers did not trust them.

26. TNI is vicariously liable for the actions of its agent and/or employee, John Doe.

Liability and Damages

27. The Plaintiffs intend to rely on the entirety of the Defamatory Statements made by the Defendants support of this action, and all earlier and subsequent versions of the Defamatory Statements published by the Defendants

28. The Defamatory Statements are, in their entirety and in their context, false and defamatory of the Plaintiffs, has caused great harm to their reputation, and will continue to do so if they do not get appropriate legal redress.

29. The Defamatory Statements published by the Defendants, and the innuendo arising from them, are false and were maliciously published by the Defendant knowing that they were false or with careless disregard as to whether they were true or not.

30. As a result of the publication of the Defamatory Statements, the Plaintiffs have been subjected to ridicule, hatred and contempt. Choujounian, Nagle, and Pitter have been injured in their feelings, their personal and professional character and reputation and in their office, profession, calling, trade or business. They continue to suffer personal embarrassment and humiliation, and have experienced great emotional anxiety as a result of the Defendants' actions.

31. CFN has also been subjected to ridicule, hatred and contempt and its reputation has been injured by the Defamatory Statements published and broadcast by the Defendants. In the days that followed the publication of the Defamatory Statements, CFN and its members received numerous threats and hate messages from the public.

32. The malicious, high-handed and arrogant conduct of the Defendants warrant an award of punitive or exemplary damages to ensure that they are appropriately punished for their conduct and deterred from such conduct in the future.

33. The Plaintiffs plead that as a result of all of the foregoing, they have suffered and will continue to suffer damages for which the Defendants are liable.

34. The Plaintiffs propose that this action be tried at Toronto.

35. The Plaintiffs plead and rely on Rule 17.02(g) of the Ontario Rules of Civil Procedure for service outside of Ontario, Canada.

December 13, 2021

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CANADIAN FRONTLINE NURSES et. al.
Plaintiffs

-and-

CANADIAN NURSES ASSOCIATION et. al
Defendants

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STATEMENT OF CLAIM

JOHNSTONE & COWLING LLP

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RCP-E 4C (May 1, 2016)