

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

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**STATEMENT OF DEFENCE  
OF TOGETHER NEWS INC. and JOHN DOE (aka WILLIAM HORTER)**

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1. Except as herein provided, the Defendants Together News Inc. (“TNI”) and John Doe (aka William Horter) (“TNI Defendants”) admit the allegations contained in paragraphs 7, 9, 10, 11 and 12 of the Statement of Claim.
2. Except as herein provided, the TNI Defendants have no knowledge, or have insufficient knowledge with which to plead, with respect to the allegations contained in paragraphs 2, 4, 5 and 6.
3. Except as herein provided, the TNI Defendants deny all of the allegations in the Statement of Claim other than the paragraphs that are admitted.

## I. THE PARTIES

4. The Defendant TNI is a corporation incorporated under the laws of British Columbia, with head office located in Campbell River, British Columbia. TNI is a media organization that focuses on publishing local stories of people, land, waters, and economy. TNI operates the websites comoxvalley.news, vanisle.news, westisle.news and northisle.news.
5. The Defendant John Doe aka William Horter (“**Horter**”) is the editor of the websites operated by TNI and a writer who wrote the article that was published on the comoxvalley.news website on September 11, 2021: “Quack Quack! These Pro-Virus Nurses Have Dangerous Ideas”.
6. The Plaintiff Canadian Frontline Nurses (“**CFN**”) is a federal corporation with a registered office located in Mississauga, Ontario.
7. The Plaintiff Sarah Choujounian (“**Choujounian**”) resides in Mississauga, Ontario and is a director of CFN. Choujounian has made statements including but not limited to:
  - (a) COVID-19 vaccines are experimental and unsafe;
  - (b) COVID-19 vaccines cause dementia and kill vaccine recipients;
  - (c) COVID-19 vaccines cannot be called vaccines because they are in fact gene therapy;
  - (d) COVID-19 vaccines genetically modify vaccine recipients;
  - (e) hydroxychloroquine, ivermectin, vitamins C and D, and zinc are viable alternatives to COVID-19 vaccines;

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(f) animal testing of coronavirus vaccines has caused all of the vaccinated animals to die when exposed to coronavirus;

(g) the majority of nurses opposed the COVID-19-related public health mandates, but are too afraid to speak out.

8. The Plaintiff Kristen Nagle (“**Nagle**”) resides in London, Ontario and is a director of CFN. Nagle was formerly employed by the London Health Sciences Centre. Nagle has made statements including but not limited to:

(a) there is no evidence to support public health mandates including masking, social distancing, and vaccination mandates;

(b) bacteria and viruses have never been proven to cause any disease, making vaccines unwarranted or unnecessary;

(c) viruses are not contagious;

(d) animal testing of COVID-19 vaccines was skipped because all the animals it was tested on are dying.

9. The Plaintiff Kristal Pitter (“**Pitter**”) resides in Tillonsburg, Ontario. Pitter has made statements including but not limited to:

(a) expressing support for a theory that the COVID-19 pandemic was planned by Bill Gates, Anthony Fauci, the World Health Organization, and the Rockefeller Foundation to cause the global population to be injected with “lethal vaccines with identification capabilities, which can track and manipulate the thoughts, movements and the whereabouts of every human being”;

(b) the Pfizer COVID-19 vaccine causes miscarriages and stillborn babies;

(c) the Pfizer COVID-19 vaccine contains the toxic ingredient luciferase;

(d) COVID-19 vaccine efficacy studies are false;

(e) COVID-19 vaccines are deadly and were rejected by an FDA Vaccine Panel;

(f) COVID-19 vaccines are failing to stop patient hospitalizations, and it is therefore not scientifically, legal or ethically justifiable to mandate vaccines.

## II. BACKGROUND

### The COVID-19 Pandemic

10. The COVID-19 Pandemic (the “**Pandemic**”) is an ongoing global pandemic of coronavirus disease 2019 and its variants (“**COVID-19**”). At various times, all of Canada’s provinces and territories declared states of emergency to combat the Pandemic.
11. The Government of Canada reported that, as of February 2, 2022, over 3 million cases of COVID-19 have been recorded in Canada. The Government of Canada has also reported over 34,000 deaths in Canada caused by COVID-19 as of February 2, 2022.
12. To inhibit the spread of COVID-19 in Canada, provinces and territories have, at varying times and to varying extents, implemented, among other Pandemic measures: vaccine mandates, mask mandates, school closures, prohibitions on gatherings, and closures of nonessential businesses.

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13. In December 2020 and early 2021, Health Canada approved certain COVID-19 vaccines, and mass vaccinations began nationwide. Canada has had a high uptake of COVID-19 vaccines according to the Public Health Agency of Canada.
14. The TNI Defendants rely upon judicial notice of facts about the Pandemic and vaccines, including: the Pandemic has resulted in a significant number of deaths and serious illness throughout Canada and the Province of Ontario; the main mitigatory steps recommended to “flatten the curve” of infection are social distancing, wearing personal protective equipment, and regular testing of the population; COVID-19 vaccines are safe and effective for use in humans; that vaccination is a safe and effective means of preventing the spread of COVID-19; and, vaccinations reduce the probability of the vaccine recipient from contracting the virus.

#### **Protests Outside Hospitals (September 1, 2021)**

15. On September 1, 2021, protests took place outside hospitals in various Canadian cities, including Vancouver, Kamloops, London, Toronto, and Ottawa. Some nurses participated in these protests that were opposing Pandemic measures such as mandates for vaccines at workplaces and the wearing of masks. The Plaintiff CFN was reported by the media as the organizer of some of these protests.
16. Mainstream media and social media reported that some protesters made anti-science, anti-mask, anti-vaccination, and anti-public health statements.
17. Mainstream media and social media reported that some protesters had harassed health-care workers, inhibited their access to the hospitals, and threatened and assaulted health-care workers.
18. Mainstream media and social media reported that more protests were being organized nationwide to take place in mid-September 2021.

**Statement published by Canadian Nurses Association (September 9, 2021)**

19. On September 9, 2021, the Defendant Canadian Nurses Association (“CNA”) posted on its website ([www.cna-aiic.ca](http://www.cna-aiic.ca)) a statement: “Enough is enough: professional nurses stand for science-based health care” (the “CNA Statement”). The CNA Statement was also posted to CNA’s Twitter account, LinkedIn account, and Facebook account.
20. The CNA Statement is reproduced in full at paragraph 15 of the Statement of Claim.

**III. ARTICLE PUBLISHED BY TNI (September 11, 2021)**

21. On September 11, 2021, the TNI Defendants published an article on the comoxvalley.news website: “Quack Quack! These Pro-Virus Nurses Have Dangerous Ideas” (the “TNI Article”).
22. The TNI Article is reproduced in full at paragraph 21 of the Statement of Claim.
23. The TNI Article reported on the protests that had been occurring outside of hospitals throughout September 2021 and discussed the role of the Plaintiff CFN in organizing some of these protests.
24. The TNI Article reported on publicly available information about the creation of the Plaintiff CFN, and the role of the individual Plaintiffs within this organization. The TNI Article also reported on publicly available information about the individual Plaintiffs, including with regards to their COVID-19-related beliefs and activities and their work and disciplinary histories.
25. In the TNI Article, the TNI Defendants expressed their opinions about the Plaintiffs’ COVID-19-related statements and actions, including that these statements and actions were dangerous and unprofessional.

26. The TNI Article also reported that legitimate nursing organizations, such as the Canadian Nurses Association, had condemned the COVID-19-related statements and actions of the Plaintiffs.

#### **IV. DEFENCES**

##### **(a) Fair Comment**

27. The words complained of that constitute opinion are fair comment, made in good faith and without malice, on matters of public interest.
28. The opinions expressed by the TNI Defendants were based on fact and recognizable as comment.
29. The opinions expressed by the TNI Defendants were opinions that a reasonable person could honestly hold.

##### **(b) Responsible Communication on Matters of Public Interest**

30. The words complained of constitute a responsible communication on a matter of public interest.
31. The matters of public interest addressed by the TNI Article include:
  - (a) protests that took place outside hospitals in various Canadian cities, opposing Pandemic measures such as mandates for vaccines at workplaces and the wearing of masks;
  - (b) the roles and backgrounds of the individuals involved in organizing protests at hospitals opposing Pandemic measures;

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(c) anti-science, anti-mask, anti-vaccination, and anti-public health statements communicated by the Plaintiffs;

(d) condemnation of the Plaintiffs by legitimate nursing organizations.

32. The publication of the TNI Article was responsible and the TNI Defendants were diligent in trying to verify the allegations contained therein.

**(c) Truth**

33. The TNI Defendants plead that the following are true facts:

(a) in September 2021, protests took place outside hospitals in various Canadian cities, including outside of Nanaimo General Hospital and Vancouver General Hospital, that opposed Pandemic measures such as vaccines and masks;

(b) the Plaintiffs organized and participated in the protests outside hospitals in September 2021;

(c) prior to the date of the TNI Article, the mainstream media and social media published images of unfriendly crowds protesting in front of hospitals;

(d) prior to the date of the TNI Article, the mainstream media and social media reported that some protesters had harassed health-care workers, inhibited their access to the hospitals, and threatened and assaulted health-care workers;



- (e) prior to the date of the TNI Article, the mainstream media and social media reported that a nurse was spat on by protesters while heading to her shift at Nanaimo General Hospital;
- (f) some patients were denied access to hospital appointments and surgeries as a result of the protests outside hospitals in September 2021;
- (g) anti-public health disinformation threatens to confuse the public about Pandemic measures and COVID-19;
- (h) the Plaintiff CFN was launched in January 2021 and purports to stand for freedom and choice while denying the science around COVID-19;
- (i) the Plaintiffs Choujounian and Nagle are co-founders of the Plaintiff CFN and have biographies on the CFN website;
- (j) the Plaintiff Pitter is a member of the Plaintiff CFN and has a biography on the CFN website;
- (k) the Plaintiffs Choujounian and Nagle travelled to Washington, D.C. in January 2021 and participated in Trump-inspired protests at the U.S. Capitol;
- (l) the Plaintiff Nagle spoke at an anti-lockdown rally in Washington, D.C. before protestors invaded the U.S. Congress;
- (m) the Plaintiff Choujounian was dismissed from her job as a registered practical nurse following her travel to Washington, D.C. in violation of the non-essential travel ban in place at the time;
- (n) the Plaintiff Nagle was dismissed from her job as a neonatal ICU nurse following her travel to Washington, D.C. in violation of the non-essential travel ban in place at the time;

- (o) the Plaintiff Pitter was dismissed from her position in long-term care as a home inspector, in connection with her COVID-19-related statements and/or activities;
- (p) the Plaintiffs Nagle and Pitter have both been cautioned and required to participate in remedial activities by the College of Nurses of Ontario;
- (q) there was a complaint filed against the Plaintiff Sarah Choujounian with the College of Nurses of Ontario and, following an investigation by the College, a disciplinary hearing was scheduled for June 2022;
- (r) the Plaintiffs have communicated anti-public health disinformation on their social media accounts;
- (s) the Plaintiff Nagle has stated in her personal blog and/or in Facebook posts that: (i) rabies is caused by malnourishment and maltreatment, not the rabies varies; and (ii) polio and the Spanish Flu were not caused by a virus; (iii) contagion has never been proven and you cannot catch a virus; (iv) germ theory has never been proven; (v) mumps, measles and chickenpox are benign and part of childhood phases essential for development; (vi) intuition and gut instincts are the best guides to truth and lead us away from harm; and (vii) we were created divinely and perfect in God's image with no mistakes, and therefore immunizations are not only unnecessary, but harmful;
- (t) legitimate nursing organizations have condemned the Plaintiff CFN;
- (u) the Defendant CAN published a release on September 9, 2021, entitled "Enough is enough", which discredited the Plaintiffs' anti-vaccine disinformation as "conspiracy";

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(v) the COVID-19 Pandemic is a public health emergency in Canada;

(w) COVID-19 vaccines have been approved by Health Canada;

(x) COVID-19 vaccines reduce the likelihood of a vaccinated person contracting COVID-19;

(y) COVID-19 vaccines lessen the severity of COVID-19 symptoms if the vaccinated person does contract COVID-19;

(z) masks and social-distancing measures reduce the spread of COVID-19;

(aa) disinformation contributes to vaccine hesitancy (a delay in acceptance or refusal of vaccines despite availability of vaccine services);

(bb) health-care professionals can be disciplined for spreading COVID-19 misinformation.

#### **No malice**

34. The TNI Defendants acted in good faith and deny all of the allegations in the Statement of Claim that they were actuated by malice in publishing the TNI Article.

#### **V. DAMAGES**

35. The TNI Defendants deny that the Plaintiffs have suffered any damages caused by the TNI Article and put the Plaintiffs to strict proof thereof.

36. In the alternative, if the Plaintiffs have suffered any damages, which is expressly denied, the damages sought are too remote, excessive, exaggerated, and otherwise not recoverable in law.

37. In the further alternative, if the Plaintiffs have suffered any damages, which is expressly denied, the Plaintiffs have not taken sufficient steps to mitigate their damages.
38. If the Plaintiffs have suffered any damages, that is as a direct result of their own conduct and their dissemination of anti-vaccine statements, anti-mask statements, anti-science statements, and other statements opposing Pandemic measures and/or as a direct result of their participation in anti-lockdown protests. In the event that the reputations of the Plaintiffs have been damaged, that damage was the result of other causes and not the TNI Article.
39. The TNI Defendants deny that the Plaintiffs are entitled to the aggravated, exemplary or punitive damages claimed in paragraphs 1(b) and 32 of the Statement of Claim.
40. The TNI Defendants deny that the Plaintiffs are entitled to the Orders sought in paragraphs 1(c) and (d) of the Statement of Claim.
41. The TNI Defendants plead and rely on the doctrine of *de minimus non curat lex* with respect to the allegedly defamatory comments.

## VI. OTHER

42. The TNI Defendants plead and rely upon the *Libel and Slander Act*, RSO 1990, c L.12 (as amended).
43. The TNI Defendants plead and rely upon section 137.1 of the *Courts of Justice Act*, RSO 1990, c C.43 (as amended). This action is a Strategic Lawsuit Against Public Participation and is intended to draw attention to the Plaintiffs' opposition to Pandemic measures such as vaccine mandates and mask mandates.

44. The TNI Defendants request that this action be dismissed with costs against the Plaintiffs on a substantial indemnity basis.
45. The TNI Defendants propose that the trial of this action take place in the City of Ottawa, Ontario.

Date: February 28, 2022

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Court File No. CV-21-00673636-0000

**CANADIAN FRONTLINE NURSES ET AL.**

**-and -**

**CANADIAN NURSES ASSOCIATION ET AL.**

Plaintiffs

Defendants

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

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**STATEMENT OF DEFENCE OF  
TOGETHER NEWS INC. and JOHN DOE  
(aka WILLIAM HORTER)**

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