

Court File No. CV-22-683322-0000

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**ROCCO GALATI**

Plaintiff

- and -

**DONNA TOEWS (AKA "DAWNA TOEWS"), KIPLING WARNER, CANADIAN  
SOCIETY FOR THE ADVANCEMENT OF SCIENCE AND PUBLIC POLICY  
("CSAPP"), DEE GANDHI, JANES AND JOHNS DOE**

Defendants

**AFFIDAVIT**

**I, TANYA GAW, of the City of Surrey, in the province of British Columbia, HEREBY SWEAR  
AND SAY AS FOLLOWS:**

1. I reside in the City of Surrey, British Columbia with my elderly mother, who is in my care.
2. In August of 2019 I founded "Action4Canada", a grassroots organization centred in British Columbia. The activities of Action4Canada are in direct response to government legislation that undermines Canada's *Constitution*, including the *Charter*, and Canadian democratic institutions and values.
3. I am the President of Action4Canada.
4. Action4Canada is one of the plaintiffs in a Constitutional challenge (Civil Litigation) against the BC and Federal Government.
5. Mr. Rocco Galati is representing Action4Canada and other Plaintiffs in this Constitutional challenge on a fee for service basis.

6. In a complaint to the Law Society of Ontario against Mr. Galati, Ms. Toews made a claim that \$3.5 million dollars has been raised and questions the management of the funds. However, I have no knowledge of such funds being raised. She gives no source nor particulars for this assertion.
7. Rocco's rate was in line with multiple other quotes I received when we were sourcing a lawyer for a Constitutional challenge in 2020.
8. Rocco made no representation to donors on behalf of Action4Canada and I object to anyone providing third parties with Action4Canada's private information. This includes the Law Society. In my view, the solicitor-client privilege is a sacred agreement which cannot be violated. To be clear, I do **not** waive my, or Action4Canada's solicitor-client privilege with respect to this motion nor my affidavit
9. Mr. Galati acts under the instruction of Action4Canada's board.
10. Mr. Galati has no role in Action4Canada except to act as independent legal counsel for us. He is not privy to our fundraising efforts, how much monies are collected, from whom, nor how any of these monies are spent. He is paid by Action4Canada on a fee for legal service basis. He does not engage with nor make any representations to our donors.
11. Kipling ("Kip") Warner has a history of attempting to create doubt about the integrity of Action4Canada's case and has consistently made defamatory and libelous statements publicly, on social media, and to Independent reporters, about Mr. Galati, myself and Action4Canada. Mr. Warner's actions have caused fear, uncertainty, and a lack of confidence in the legitimacy of our case and the ability of Rocco Galati to oversee our case. Mr. Warner has interfered with Action4Canada's economic interest and our legal representation. All his accusations are vile, untrue, and malicious. Moreover, they relate

to matters which are none of his business. Needless to say, Mr. Warner has no role or involvement with Action4Canada.

- **Response to Affidavit of Kip Warner**

12. As a result of Mr. Warner's actions, Action4Canada experienced backlash from multiple individuals and attacks online against me personally and our organization. This made me feel unsafe. This included from supporters, after they got wind of the slander and defamation purported by Kipling Warner, at rallies, online, as well chats and zooms. For example, attached as "Exhibit A" is an e-mail in which a supporter states that Mr. Galati "is being renamed Rocco the gangster Galatti [sic]", as opposed to "Kip who is moving forward for less money".
13. Mr. Warner's intent is to have people donate to his case and cause while wrongfully calling into question the expertise, competence, and integrity of our legal counsel Mr. Galati, and the merits of our case. He has no business or right to do so.
14. We have every confidence in Mr. Galati's expertise, competence, and integrity and loudly object to the attempts by Ms. Toews, Mr. Warner (and Mr. Vlavislad Sobolev even though he is not a Defendant), to undermine our solicitor-client relationship with our legal counsel, and attack me and Action4Canada.
15. Mr. Warner's actions are vexatious, unfounded and intended to unjustifiably harm Mr. Galati and to harm Action4Canada. The Law Society complaint Kip Warner encouraged and assisted Ms. Toews, in making is completely baseless and unfounded. I have personally been informed that Mr. Warner has spoken to several individuals and stated that he wants to see Rocco's clients fire him, have him criminally charged, and disbarred. For what? I have no clue.

16. Mr. Warner has referred, publicly, and in this affidavit, to myself and Vaccine Choice Canada, and anyone he connects, in his own thinking, with Mr. Galati, as “Galati affiliates”. He in turn refers to Action4Canada and Vaccine Choice Canada as “funding arms” for Mr. Galati. I take extreme offence to this. Mr. Galati is our lawyer and we are his clients. We are not his “funding arms”. Furthermore, Action4Canada was established in 2019 and its activities have, and continue to be on various issues and initiatives, and not restricted to a single case of COVID-19 measures litigation in British Columbia. We have 100 chapters across Canada.
17. Both Mr. Kip Warner as well as Vladislav Sobolev, who is a very close associate of Kip Warner in British Columbia, and who has actively and publicly raised money for Kip Warner, have been on a defamatory and insidious public campaign, both at rallies, and on social media, and on zoom and chat groups to defame, malign and baselessly discredit both Mr. Galati and myself and Action4Canada, which has also included some of their inner circle and supporters such as Yvonne Coelho who have both harassed me and Action4Canada.
18. While Kip Warner pretends, in his affidavit, that Yvonne Coelho is just an acquaintance, I am advised by others, and verily believe, that she is she is a close friend to Mr. Warner. Although I do not know how long Donna Toews has been working with Kip Warner and Vladislav Sabolov, she made her complaint to the LSO of Ontario against Mr. Galati on January 13th, 2022, while Mr. Galati was in a coma, public posts by Ms. Toews, lauding Vladislav Sobolev, in her group of 44, were publicly posted as early as July 28th, 2021. Attached, as Exhibit “B”, is a copy of that group with Donna Toews included, as well as

Yvonne Coelho. Also attached as “Exhibit C”, is a post by Vladislav Sobolev referring to Mr. Galati as a “clown”.

19. I have been provided and reviewed the affidavits of Kip Warner and Fredrico Fuoco, and Donna Toews filed by them in their motion records, in the anti-slaap motion brought by them.
20. I was informed by Ms. Alicia Johnson that Kip Warner requested that Ms. Johnson attempt to convince me, and Mr. Kuntz (president of VCC) to drop Mr. Galati as our legal counsel and to take initiatives to have Mr. Galati criminally charged for financial fraud, as well as take steps to have him disbarred, all of which I found outrageous and criminal itself. And of course, I took no such scandalous steps because there were and are absolutely no grounds to do so.

- **Response to the Affidavit of Donna Toews**

21. Ms. Toews Has never reached out to Action4Canada with respect to her issue of her \$1000.00 donation. She has never requested a refund of her donation. I do not understand why she expects to have Mr. Galati account for her \$1000.00 donation, through a Law Society complaint against Mr. Galati, with a request that the Law Society investigate our books through that complaint except to say that, having looked at the Law Society complaint, it is evident that Mr. Kip Warner organized that complaint. particularly in light of his statements, on his website in his defamatory rant against Mr. Galati, and in his failed attempt through Ms. Johnson to convince me and Mr. Kuntz to criminally charge, attempt to disbar, and fire Mr. Galati.

- **Response to the Affidavit of Fredrico Fuoco**

22. In response to Federico Fuoco's affidavit, I simply respond that his assertions are blatantly false in that:

- (a) he initially wished to be named as a Plaintiff in his own name only. Attached hereto, as "Exhibit D", are the short synopses requested about the early stages after we retained Mr. Galati, in which Mr. Fuoco sets out himself as the Plaintiff and not the two corporations running his restaurant;
- (b) subsequently, in conversations with Mr. Galati, upon learning that his restaurant companies could not recoup financial damages if they were not named, **under Mr. Galati's request**, He emailed Mr. Galati to confirm that he also wanted the two companies added, which is his email request August, 2021 reproduced here as Exhibit "E";
- (c) he then communicated with me to clarify as to whether he should sign the retainer on behalf of "all three" (himself, and the two companies). I wrote an e-mail to Mr. Galati, who responded that he should set out all three, which email is attached as "Exhibit F";
- (d) what is not in dispute is that he retained, along with the other Plaintiffs, Mr. Galati to proceed, which he does not deny, but reverses reality by claiming he never retained Mr. Galati in his **personal** capacity, notwithstanding that in the **entire** time leading up to the filing his notice of discontinuance on September 6th, 2022 without notifying, serving either Mr. Galati or me, Mr. Fuoco further never raised this issue.

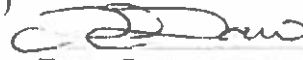
23. With respect to communication with respect to the decision of Justice Ross of the British Columbia Supreme Court, the events were as follows:
- (a) Mr. Galati was away between August 16<sup>th</sup> to September 22<sup>nd</sup>, 2022 seeking further medical treatment and therapy from the lengthy aftermath and physical problems still lingering from his coma;
  - (b) the decision was released on August 29<sup>th</sup>, 2022, at which time I was traveling with very limited abilities to communicate. I did however manage to be in contact with Mr. Galati abroad, although the time-difference and Mr. Galati own challenges made that communication difficult, but I was able to communicate with Mr. Galati's office;
  - (c) on September 1st, 2022 I wrote an e-mail to the other Plaintiffs, attached hereto as "Exhibit G". In that e-mail I indicated that Mr. Galati was away on "business" because that is what Mr. Galati's office indicated to me, not wanting to divulge his private medical condition. After I sent the e-mail I was able to connect, directly, with Mr. Galati who advised me that he was away for medical reasons;
  - (d) Mr. Galati (and his office) filed a timely appeal from Justice Ross' decision, for the Plaintiffs who wish to appeal, including appealing the cost order, and further perfected the appeal in a timely fashion, and is in Court awaiting a schedule date for hearing. Unfortunately, due to a derelict mis-and non-reading of the decision itself, some rumors circulated that the Plaintiffs were liable to as much as \$10 million in costs, having misread a paragraph in the decision that the quantum of damages for \$10 Million against CBC should not have been specifically pleaded as to quantum, as prohibited by the Rules. The actual cost order, cumulatively

requested, by all the parties , totals about \$13,000.00 which Action4Canada has decided to cover and pay on behalf of the other Co-Plaintiffs, notwithstanding that their retainers specifically stated that they were liable for costs, because Action4Canada was in turn carrying the entire legal fees;

(e) I had several and lengthy conversations with Mr. Fuoco during this time period which ended up being abusive on his part, some of which are archived on my phone.

SWORN BEFORE ME BY VIDEO CONFERENCE

By Tanya Gaw of Surrey )  
In the province of British Columbia )  
Before me at the City of Toronto <sup>th</sup> )  
In the Province of Ontario, on this    day of )  
March, 2023, in accordance with O. Reg. 431/20: )  
Administering Oath or Declaration Remotely. )

  
Tanya Gaw

  
A Commissioner for Taking Affidavits  
Rocco Galati, B A . LL . B . LL . M