

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, **TED KUNTZ**, of the city of Kelowna in the Province of British Columbia, currently,
physically present in Mesa, state of Arizona, **MAKE OATH AND SAY:**

1. I am the President of Vaccine Choice Canada ("VCC"). I have personal knowledge of the facts and matters herein, and where I refer to information supplied to me by others, I verily believe that information to be true.
2. VCC is a not-for-profit organization established to provide information and education to the public about vaccination, to advocate for individuals to have the right to make voluntary and informed vaccination decisions, and to advocate for vaccine safety, efficacy, and informed consent.
3. I have been provided with the affidavits of Kipling (known as Kip) Warner, Donna Toews, and Vladislav ("Vlad") Sobolev, filed in their anti-slaap motion.
4. To be clear, I do **not** waive my, or Vaccine Choice Canada solicitor client privilege with respect to this motion nor my affidavit

5. VCC has retained Rocco Galati as legal counsel since 2015. Mr. Galati provides legal opinions, advice, and litigation services to VCC. He is accountable to and meets regularly with the Board of Directors of VCC.
6. On or about June 19, 2020, Dawna Toews made a \$1,000.00(one thousand dollar) donation to VCC and requested that the funds be directed to our legal efforts.
7. On June 22, 2020, Ms. Toews requested that we add a membership to her file. Due to a volunteer error, Ms. Toews was not registered as a member of VCC and did not receive our weekly "Choice Insider", invitations to regional and national zoom calls, and special meetings for VCC members. As a result, Ms. Toews did not receive or make payment to an annual invoice for her membership dues.
8. No further correspondence was received from Ms. Toews until December 20, 2021, when she asked about the status of our legal proceedings.
9. A response was filed by one of our intake volunteers, providing Ms. Toews with their personal opinion on the status of the legal proceedings. The response reflected the personal opinion of the volunteer and was not approved or vetted by the Board of Directors of VCC and does not represent the position of VCC.
10. At no time did Ms. Toews indicate that she was not receiving membership information from VCC, request further updates on the legal proceedings initiated by VCC, indicate displeasure with VCC, or request a return of her donation.
11. In the complaint filing against Mr. Galati, it was stated that Ms. Toews was contacted by someone involved with Kip Warner's legal action on December 21, 2021, who stated - "Thank you for agreeing to help us help you recover your donor funds from Rocco." Mr.

Galati never received any donor funds directly on behalf of VCC, nor was he ever privy nor had any involvement in VCC fundraising.

12. It is my understanding that Donna Toews expressed her wish to remain anonymous in her complaint against Mr. Galati.
13. Mr. Galati was retained by and acts on the instructions of the Board of Directors of Vaccine Choice Canada. Therefore, he is accountable only to the Board of Directors of Vaccine Choice Canada.
14. The Board of Directors and Mr. Galati meet regularly to discuss the status of the legal proceedings and our strategy. We have full confidence in Mr. Galati.
15. VCC is not required to reveal our legal strategy nor the details of that strategy to the public, regardless of whether an individual is a donor. Mr. Galati is not at liberty to disclose or violate our solicitor-client relationship with any party. In fact, VCC maintains and does not waive its solicitor-client privilege for the purpose of this motion and affidavit. I provided a letter to the Law Society of Ontario with respect to Ms. Toews' complaint against Mr. Galati, which is attached as "Exhibit A" to this my affidavit.
16. Mr. Galati is not involved in VCC's fundraising efforts, nor does he have access to any information pertaining to our donors. Thus, Mr. Galati is not in a position to speak to the amount of monies raised through donations, nor in what form these monies have been received and/or spent.
17. On June 17, 2021, I participated in a 90-minute zoom meeting with Mr. Warner and Mr. Vlad Sobolev at the request of Mr. Sobolev. In the meeting, Mr. Warner made a number of statements that were incorrect about VCC's and Action4Canada's legal actions. Mr. Warner was of the opinion that because his group had filed legal action in BC that

Action4Canada could not file legal action in BC and thus, Action4Canada would be required to return all donated funds back to donors. I explained to Mr. Warner that he was mistaken in this opinion.

18. Based on the foregoing, I believe that Mr. Warner is endeavoring to undermine confidence in the legal actions of Vaccine Choice Canada and Action4Canada, and wrongfully impugn the integrity of our legal counsel, Mr. Galati, and his firm.
19. My general character, and approach to life, is to attempt to build bridges between common grounds despite the differences that may exist between people. My approach tends to be diplomatic. In my exchanges with Mr. Warner, I attempted this but to no avail, albeit that I was of the viewpoint Mr. Warner was wrong about what he was saying about Mr. Galati and VCC. Attached hereto as “Exhibit B”, are the only email exchanges I had with Mr. Warner.
20. These statements, by Mr. Warner, and views were clearly without any basis. Because of Mr. Warner’s unjustified public, false and inflammatory comments, and the vile and malicious postings of Canuck Law, our membership, and members of the public, including donors, began to insist on a public exposure of our litigation strategy and demand to answer those baseless allegations. We were hesitant to do so because we did not want to expose our litigation strategy, nor reveal solicitor-client privileged material which could be used by detractors and the Defendants in our case, to hurt our case and activities. We instead issued an “update” to our member. Attached hereto, as “Exhibit C”, is a copy of that statement (“update”) that was issued within a few days of July 21st, 2021, a year after we had issued our claim in Ontario Superior Court on July 20th, 2020. What is of note is that very little of this update received any comment nor hostility

because it did not play into this baseless and false narratives being propagated by Mr. Warner and Canuck Law.

21. In addition to what I have stated above, I respond as set out below.

- **Response to Affidavit of Kip Warner**

22. As a result of Mr. Warner's actions, VCC has experienced backlash from multiple individuals and attacks online against me personally and our organization. This included from supporters, after they got wind of the slander and defamation propagated by Kipling Warner.

23. 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. Vlavislas Sobolev to undermine our solicitor-client relationship with our legal counsel, and induce a breach of our contract.

24. Mr. Warner's actions are vexatious, unfounded and intended to unjustifiably harm Mr. Galati and to harm VCC. The Law Society Complaint Kip Warner encouraged and assisted Ms. Toews, in making is completely baseless and unfounded.

25. 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 Mr. Galati's clients, including Vaccine Choice Canada as "funding arms" for Mr. Galati. I take serious objection to this, Mr. Galati is our legal counsel, and we are his clients, nothing more. We are not his "funding arms". Furthermore, VCC was established in 1982, under a predecessor name with the same objectives, scope, and activities throughout the forty (40) years we have been in existence and its activities have, and continue to be, on various issues and initiatives, and not restricted to just legal cases of

COVID-19 measures litigation in Ontario. We are a national group with members across Canada.

26. I have been provided and reviewed the affidavits of Kip Warner and Donna Toews filed by them in their motion records, in the anti-slaap motion brought by them.

27. I am now informed through the affidavit of Alicia Johnson, sworn March 11th, 2023, that Kip Warner requested that Ms. Johnson attempt to convince me, and Ms. Tanya Gaw of Action4Canada 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. I find such a request a baseless and outrageous request with no grounds whatsoever.

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

28. I have addressed Ms. Toews' assertions and complaints earlier in this my affidavit. I in fact provided a letter to the Law Society of Ontario responding to her complaints against Mr. Galati Attached, as "Exhibit B", is a copy of my letter.

29. Ms. Toews has never reached out to request a refund with respect to \$1000.00 donation which is actually in her husband's name and not hers. Her husband has NEVER communicated with VCC. There has never been a request for a refund of the donation. It is inexplicable why she would expect to have Mr. Galati account for the \$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 this may have been a second failed attempt by Mr. Warner to do what he could not do through Ms. Johnson.


• **Response to Affidavit of Vladislav Sobolev**

30. **With respect to the affidavit of Vladislav Sobolev, I stand by the contents of this my affidavit. I further add that many are aware of the animosity and ill-will held by Mr. Vladislav Sobolev against Mr. Galati for refusing to act as pro bono counsel on his Family Law litigation, a fact that was conveyed to me by Mr. Galati, more than once when issues of negative comments and posts made by Mr. Vladislav Sobolev arose.**

SWORN BEFORE ME BY VIDEO CONFERENCE

**By Ted Kuntz of Kelowna)
In the province of British Columbia)
Before me at the City of Toronto)
In the Province of Ontario, on this / 3rd day of)
March, 2023, in accordance with O. Reg. 431/20:)
Administering Oath or Declaration Remotely.)**


Ted Kuntz


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

This is Exhibit “ A ” to the Affidavit of
Ted Kuntz, sworn before me by video
conference this 13th day of March, 2023



A Commissioner for Taking Affidavits

Rocco Galati, , B.A., LL.B , LL.M.



June 28, 2022

To the Attention of:

**Sharon Greene
Intake and Resolution Council
Law Society of Ontario**

Re: Case # 2022-261151

Dear Ms. Greene:

I am responding to the complaint to the Law Society of Ontario filed by Ms. Donna Toews on May 19, 2022, against Mr. Galati.

I am the President of Vaccine Choice Canada and am responding on behalf of the Board of Directors of Vaccine Choice Canada.

Mr. Rocco Galati has been retained by Vaccine Choice Canada to provide legal counsel, opinions, advice and litigation on behalf of Vaccine Choice Canada. We have had a solicitor-client relationship with Mr. Galati since 2015.

Mr. Galati is retained by, and accountable to, the Board of Directors of Vaccine Choice Canada. Mr. Galati and the Board of Directors meet regularly to discuss matters pertinent to Vaccine Choice Canada and to our litigation efforts in Ontario.

I can confirm that Ms. Dawna Toews did make a \$1,000.00 (one thousand) donation to Vaccine Choice Canada on or about June 19, 2020 and requested that the funds be directed to our legal efforts.

On June 22, 2020 Ms. Toews requested that we add a membership to her file. Unfortunately, due to volunteer error, Dawna Toews was not registered as a member of VCC and would not have received our weekly "Choice Insider", invitations to regional and national zoom calls, and special meetings for VCC members. As a result, Ms. Toews did not receive or make payment to an annual invoice for her membership dues.

No further correspondence was received from Ms. Toews until December 20, 2021. In the December 20, 2021 email message, Ms. Toews asked – “Can you tell me if anything came of this lawsuit? Did the courts see this yet?”

A response was filed by one of our intake volunteers. The volunteer provided Ms. Toews with her personal opinion on the status of the legal proceedings. This was an error. This response was not approved by or vetted by the Board of Directors of Vaccine Choice Canada and does not represent the position of Vaccine Choice Canada.

This is the full extent of our correspondence with Ms. Toews to date.

I would like to point out that:

- a. At no time did Dawna Toews indicate that she was not receiving membership information from VCC.**
- b. At no time did Dawna Toews request further updates on the legal proceedings initiated by VCC before or following her email of December 20, 2021.**
- c. At no time did Dawna Toews indicate displeasure with VCC.**
- d. At no time did Dawna Toews request a return of her donation.**

Thus, it was a surprise to learn in the complaint filing that Ms. Donna Toews was contacted by someone involved with Kip Warner’s legal action on December 21, 2021 who stated - “Thank you for agreeing to help us help you recover your donor funds from Rocco.”

To be clear, Mr. Galati never received any donor funds directly on behalf of VCC, nor was he ever privy nor had any involvement in VCC fundraising. He has no role in VCC except as our independent legal counsel on certain matters.

It would appear Mr. Kip Warner is involved in some kind of action to recover funds donated to Vaccine Choice Canada. If this is in fact the case, it would have been more appropriate to direct the request to Vaccine Choice Canada to whom the funds were donated.

It is interesting to note that Donna Toews expressed her wish to remain anonymous in this complaint against Mr. Galati.

On behalf of the Board of Directors of Vaccine Choice Canada I wish to declare that:

- a. Mr. Galati was retained by, and acts on the instructions of the Board of Directors of Vaccine Choice Canada. Thus, Mr. Galati is accountable only to the Board of Directors of Vaccine Choice Canada.**
- b. The Board of Directors and Mr. Galati meet regularly to discuss the status of the legal proceedings and our strategy.**
- c. We have full confidence in Mr. Galati.**

- d. **Vaccine Choice Canada has no intention of revealing our legal strategy to the public, regardless whether an individual is a donor.**
- e. **Mr. Galati is not at liberty to disclose or violate our solicitor-client relationship either with the Law Society of Ontario or any other party.**
- f. **Mr. Galati is not involved in our fund raising efforts, nor has access to any information pertaining to our donors. Thus, Mr. Galati is not in a position to speak to the amount of monies raised through donations, nor in what form these monies have been received and/or spent.**
- g. **We have concerns as to the intentions of Mr. Warner in this matter, as well as the motives of Ms. Toews.**

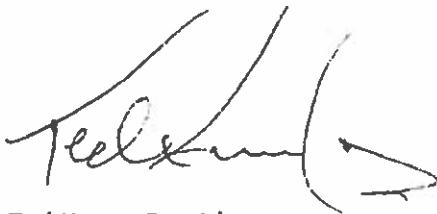
On June 17, 2021 I participated in a 90 zoom meeting with Mr. Warner and Mr. Vlad Sobolev at the request of Mr. Sobolev. In the meeting Mr. Warner made a number of statements that were incorrect about VCC's and Action4Canada's legal actions.

Mr. Warner was of the opinion that because his group had filed legal action in BC that Action4Canada could not file legal action in BC and thus, Action4Canada would be required to return all donated funds back to donors. I explained to Mr. Warner that he was mistaken in this opinion.

It appears that Mr. Warner is endeavoring to undermine confidence in the legal actions of Vaccine Choice Canada and Action4Canada, and moreover wrongfully impugn the integrity of our legal counsel Mr. Galati and his firm.

- If you require any further information, feel free to contact me at ted@vaccinechoicecanada.com.

Sincerely,



Ted Kuntz, President
Vaccine Choice Canada

This is Exhibit “ B ” to the Affidavit of
Ted Kuntz, sworn before me by video
conference this 13th day of March, 2023



A Commissioner for Taking Affidavits

Rocco Galati, , B A , LL B , LL M.

Electronically filed / Déposé par voie électronique : 15-Mar-2023

Court File No./N° du dossier du greffe : CV-22-00683322-0000

Toronto Superior Court of Justice / Cour supérieure de justice

Subject: Re: Freedom Team meeting this week? Kip Warner's correspondence

Date: Thu, March 9, 2023 6:38 pm

To: "Rocco Galati" <rocco@idirect.com>

I found one of the emails from Ted. Chuck had communication with Kip who made the following statement and then provides a list of questions below.

Kip ... " Respectfully Chuck there's information in my team's possession that you don't have. We've been receiving reports weekly, sometimes daily, alleging bad faith, fraud, or other improprieties in Rocco's various fundraising arms."

>> From: "Theodore Kuntz" <ted@vaccinechoicecanada.com>
 >> To: "Rocco Galati" <rocco@idirect.com>
 >> Cc: "Gaw Tanya" <tanyagaw@shaw.ca>
 >> Sent: Wednesday, June 29, 2022 1:59:34 PM
 >> Subject: Fwd: Freedom Team meeting this week? Kip Warner's correspondence
 >>
 >> HI Rocco and Tanya
 >>
 >> More information on Kip Warner for you.
 >>
 >> ted
 >>
 >>

>> Hi Ted,
 >> below is the email correspondence from me to Kip Warner and his responses
 >> in black. How should I respond, if at all?
 >>
 >> Courage and wisdom,
 >>
 >> Chuck
 >> 604-947-9011
 >>
 >>
 >> Hi Kip,
 >>>
 >>> Correction - the newsletter was actually produced by Tina, volunteer
 >>> webmaster with the Freedom Rising coalition.
 >>
 >> Thanks for that.
 >>
 >>> I must say that I'm saddened to hear that your group and VCC are
 >>> fundamentally not seeing eye-to-eye. There are so many things the
 >>> two groups have in common: each group has retained legal counsel,
 >>> each group has advanced a court challenge (theirs Constitutional,
 >>> yours Class Action) against the BC government over their COVID-19
 >>> mandates, each group is fighting for justice and each group is
 >>> awaiting a judicial decision on the merits of their case. It is
 >>> critically important that both groups recognize that their respective
 >>> Court Challenges are actually complementary and synergistic. Both groups
 >>> need to exercise respect and kindness in all their communications.
 >>
 >> Respectfully Chuck there's information in my team's possession that you
 >> don't have. We've been receiving reports weekly, sometimes daily,
 >> alleging bad faith, fraud, or other improprieties in Rocco's various
 >> fundraising arms.
 >>
 >> But I encourage you to do your own research and not take the word of
 >> those bringing us the reports. Here are some basic questions for you
 >> that will help:
 >>
 >> (1) What date did VCC file in Toronto?
 >>
 >> (2) How many hearings have been held since and for what?
 >>
 >> (3) Did you attend any?
 >>
 >> (4) What date was the interlocutory injunction heard that Rocco pledged
 >> to bring before Christmas of 2020?

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>> (5) How many of the defendants have filed reply pleadings?

>>

>> (6) Was a default judgment sought?

>>

>> (7) What orders have been made since (1)?

>>

>> (8) How much money was raised?

>>

>> (9) Has either yourself or anyone else you know audited their financial records?

>>

>> For his BC campaign:

>>

>> (1) What was the date the fundraising campaign was announced?

>>

>> (2) What was the date the plaintiff filed its pleadings?

>>

>> (3) How many hearings have been held since and for what?

>>

>> (4) Did you attend any?

>>

>> (5) What orders were made?

>>

>> (6) How much money was raised?

>>

>> (7) Has either yourself or anyone else you know audited their financial records?

>>

>> (8) Did his fundraising arm agree to indemnify the individually named plaintiffs in the event an adverse cost award is made?

>>

>>> In that light I respectfully ask that you remove the adversarial language referencing Mr. Galati in the FAQ section of your website. I fear the BC government will try to leverage against you any enmity it perceives you may have towards Mt. Galati, and VCC. In our mutual struggle for the flourishing of true humanity, now more than ever we need to demonstrate unity. Together we stand, divided we fall.

>>

>> I'm not sure what you mean by adversarial. The section on Rocco went through counsel. If you find something factually wrong, please by all means feel free to point it out.

>>

>>

>> -

>> Kip Warner

>> OpenPGP signed/encrypted mail preferred

>>

Attachments:

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Electronically filed / Déposé par voie électronique : 15-Mar-2023
Toronto Superior Court of Justice / Cour supérieure de justice

Court File No./N° du dossier du greffe : CV-22-00683322-0000



Rocco Galati <rglfp@gmail.com>

Fwd: legal challenges

1 message

TANYA GAW <tanyagaw@shaw.ca>
To: Rocco ** Galati <rglfp@gmail.com>

Thu, Mar 9, 2023 at 3:28 PM

From: "Ted Kuntz" <tedjkuntz@gmail.com>
To: "Odessa Munroe" <omunroe@shaw.ca>, "Gaw Tanya" <tanyagaw@shaw.ca>
Sent: Saturday, July 17, 2021 1:04:20 PM
Subject: Fwd: legal challenges

Hi Odessa and Tanya

Thought you should see the correspondence I had with Kip in June. Vlad was copied in on this but did not respond.

I did not respond to Kip.

My comments are in the light green/blue. Kip's response is in the darker blue.

ted

Begin forwarded message:

From: Kip Warner <kip@thevertigo.com>
Subject: Re: legal challenges
Date: June 18, 2021 at 5:15:33 PM PDT
To: Theodore Kuntz <ted@vaccinechoicecanada.com>
Cc: Vlad Soboled <hugsnation2020@gmail.com>

On Fri, 2021-06-18 at 12:51 -0700, Theodore Kuntz wrote:

Hi Vlad and Kip

Hey Ted,

Thank you for the time yesterday to better understand the intention and scope of the application undertaken by the Canadian Society for the Advancement of Science in Public Policy.

My pleasure. It's actually not an application (called a "petition" here under the BC Civil Rules), but there likely will be several interlocutory applications (applications for non-final orders) along the way by the parties.

I applaud your efforts to hold Dr. Bonnie Henry, and the BC government accountable.

Thank you. It's a lot of work. We are about to initiate the process of summoning her, probably today.

I do want to ensure that there is clarity in your understanding of the legal action filed in Ontario and the pending legal action in BC.

These actions are constitutional challenges and not class actions.

Got it.

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Toronto Superior Court of Justice / Cour supérieure de justice

making inquiries the rationale for the delay in filing a certain judgement in Ontario and the delay in the BC action. I can reassure you that each of the cases are proceeding. There are important reasons for the delays.

I think it is important to explain to your supporters that:

- the actions filed by Rocco Galati are distinctly different than the action you are proceeding with
- that Rocco has been formally retained and work on these filing have been continually worked on since May 2020.
- that all donations received have gone to support the legal actions

Can I suggest that rather than try to explain to your donors what is happening with the filings, that you direct them to the Constitutional Rights Centre, Action4Canada and Vaccine Choice Canada.

I had an opportunity to discuss with the team. The consensus was that people have little difficulty in finding those organizations already. What we've gathered from the general public's inquiries is that the answers they are receiving from them they have not found adequate for whatever reason. We don't have any control over that.

I can tell you that the board of VCC meets regularly with Rocco to review the case and to discuss the best strategy to move forward.

I'm really glad to hear that.

As I mentioned, Rocco has secured international experts to address the fundamental issues of this matter and will launch when all the necessary affidavits are in place. We already have thousands of pages of expert testimony secured and experts retained.

Can I also suggest that you remove the information posted under Arc you affiliated with Rocco Galati, and if not, why not?

I personally find this information unhelpful, incomplete in its answers, and undermines confidence at a time when we need to stand behind our warriors.

We had an opportunity to discuss this internally. You are correct that there were some incorrect information in the FAQ as it pertained to Rocco. Specifically, the filing date and the type of suit (it's not a class action). The filing date was off by a month and the suit is, as you indicated on our call, not a class action. Within several minutes of our call I had that corrected in the FAQ. The original went through legal.

To ensure that it is accurate, if there's any orders that were made or any hearings that we missed, please do let us know and we will be sure to correct the FAQ.

Regarding it being unhelpful, we've actually experienced the opposite. There's been a decrease in public inquiries concerning Rocco which has freed up our team to focus on the substantive work, like in my case our case planning proposal for our upcoming judicial management conference.

This is a critical time in the history of humanity, and we need every resource we can to reclaim our rights and freedoms.

We absolutely do. But we also as executive directors of non-profits must always be mindful of our fiduciary responsibility to our stakeholders.

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as an army officer was not receiving him a popularity contest.

Sometimes we have to make difficult decisions. Sometimes we make the wrong ones. But when we make the wrong ones, we have to take responsibility for them, take corrective action, and let the caravan roll on. If we don't do that, we lose the confidence of others, including our subordinates, and then we cannot complete our mission objectives.

Let me know if you have any questions.

Thanks for reaching out Ted. Good luck with your work. We all wish your team the best.

Yours truly,

--

Kip Warner -- Senior Software Engineer
OpenPGP signed/encrypted mail preferred
<https://www.thevertigo.com>

"You can't create a solution with the same mindset that created the problem."

- Albert Einstein

This is Exhibit “ C ” to the Affidavit of
Ted Kuntz, sworn before me by video
conference this 13th day of March, 2023



A Commissioner for Taking Affidavits

Rocco Galati, , B A , LL B , LL M.

PRIVATE AND CONFIDENTIAL

Legal Challenge Update

Dear VCC Members and Supporters

Many of you have asked the current status of our legal challenge filed in July 2020. Like you, I am eager for our “day in court” and the opportunity to hold the government, public health, and the media accountable for their egregious violations of our rights and freedoms.

If you recall, when we retained and instructed Rocco Galati to prepare and issue a Statement of Claim, it was primarily because no-one else was stepping up to protect our rights. It was never our intention nor wish to have exclusive proprietary claim over challenging the COVID measures. It was a comprehensive declaration to governments to indicate that their breach of our rights is not acceptable.

If you also recall the filing in itself had some immediate impact in the first revocation of the emergency order, and a public announcement of a pending masking injunction resulted in clear and comprehensive masking exemption Regulations FOR THOSE CHOOSING TO EXERCISE THEM.

If you also recall, we reiterated that there was no magic wand or bullet to any one singular Court case.

Our goal is to win and restore our inherent rights and freedoms and not just to show up and say we tried. There is more to creating a winning strategy, as can be evidenced by the various legal proceeding that have been filed and argued to date, than simply making legal arguments in a court of law.

A significant aspect to any successful legal challenge of this nature is having credible experts fully prepared to testify in support of the arguments put forward. Rocco has repeatedly stated – the legal arguments are the easiest part of our action. To have a successful outcome, compelling expert testimony is needed to enable a judge to stand against the fraudulent government and media narrative.

Almost every legal filing to date by other lawyers has failed because of a lack of adequate expert testimony. It has taken many, many months to secure the appropriate experts and to complete the necessary affidavits.

Since the filing of our claim other battles appeared on the front that were in concert with our initial challenge and the Board of Vaccine Choice Canada decided to collaborate and mesh with those efforts as they were not separate from ours. We decided, and instructed and agreed with

our legal counsel, that all the other dimensional challenges which were in fact part and parcel of our own would be co-ordinated.

For example, the need to protect the right of our medical doctors, nurses, teachers, public health officials and law enforcement officers to speak their truth without fear of reprisal. As you are all aware, the Colleges of Physicians and Surgeons of Ontario and BC and other institutions have been unapologetic in their efforts to intimidate into silence medical professionals and others who dare to question the medical basis for the measures, or to share their observations on the front lines. Dr. Malthouse, Dr. Trozzi, Dr. Hoffe, Dr. Hodgkinson, Dr. Gill, Dr. Patrick, Dr. Milburn and Dr. Christian, to name a few, have been the targets of these efforts to censor expert opinion.

Thus, since our last update in January 2021, in concert with that overall plan, other legal actions have been filed. These include:

1. The defence of doctors in Ontario and BC, before their Colleges, who have been the subject of tyrannical censor by their Colleges. This includes two Divisional Court applications, with another three to be filed this week in Ontario, as well as a judicial review on behalf of Dr. Malthouse in BC.

These Court applications take a constitutional challenge to the Colleges' attempts to muzzle and gag these doctors who include Drs. Gill, Phillips, Turek, Benoit, Matheson, Amani, Malthouse, Trozzi and others. In addition, action for damages, as well as the unconstitutional conduct by their Colleges, are being prepared on behalf of these doctors.

2. On April 30th, 2021 an application on behalf 24+ police officers who are challenging the enforcement of the Covid Measures as violating their Oath to uphold the Constitution. This application challenges such things as:
 - (a) the fining or arrest of persons who attend protest and petitions and assembly against government;
 - (b) the imposition of restriction of entry at Provincial borders;
 - (c) lockdowns;
 - (d) church and other religious gathering closures and events;
 - (e) the halting of coercive measures to vaccinate.
3. On May 7th 2021, an Application to re-open the schools in Ontario, without any of the Covid-measures was filed. (Interesting that within a few weeks of its filing Ontario reversed its position of not opening the schools in September 2021). The application is still proceeding and challenges:
 - (a) any isolation in the school setting;
 - (b) any masking;
 - (c) the fraudulent use of PCR testing and ceasing of testing; and

(d) any segregation between PCR-tested / vaccinated vs. PCR-untested/ unvaccinated children.

The preparation of this application has entailed a masking expert affidavit exceeding 2,600 pages of expert testimony and annexed reports; a PCR expert affidavit exceeding 6,100 pages of expert testimony and annexed data and expert reports concluding that the PCR test is being fraudulently used to elevate "case numbers" with a false positive rate of 96.5%; an expert report on the detrimental and developmental damages caused by masks especially on children; an expert report on the detriment of the measures and online learning on children; as well as over 30 affidavits by the Applicants, who include children, parents and teachers, outlining the ordeal they have suffered, establishing the required factual evidence and basis for their seeking of constitutional relief. All in all, there will be well over 11,000 pages of evidence filed in this application, just on the part of the applicants.

4. In addition, an action has been proceeding and well under way, suing in defamation those who have viciously maligned doctors on social media, who post information and expert opinion contrary to the state narrative.
5. An action will be filed imminently against the Government of BC, Premier John Horgan, Health Minister Adrian Dix, Public Safety Minister Mike Farnworth, and Public Health Officer Dr. Bonnie Henry. This action, spanning 425+ pages, will hold these individuals and institutions accountable for the harm and deaths caused by their actions and failure to act responsibly in response to COVID-19.
6. The defence of those instrumental in organizing protests, a constitutionally protected right.
7. A Federal challenge to federal vaccine passports for international travel is contemplated and, in the works, as will be a Provincial vaccine passport if implemented.

In all of these proceedings constitutional declarations are sought against all these measures and the authority of public officials imposing them.

Essentially, these other focused applications cover everything that our statement of claim covered with the exception of vaccines which have not yet been made mandatory by government.

Our statement of claim has, and continues to act, as the umbrella for these sectorial challenges.

The expert evidence prepared in these other proceedings will also be used to the benefit and will be available to the VCC challenge when our counsel decides to pull the trigger on our challenge now that the evidence has been obtained, (which he does not want to reveal here in this communication for obvious reasons).

In addition to these Court proceedings, “actions on the ground” have been on-going with the assistance and consultation and legal advice of our counsel, such as:

1. Notices of Liability

Notices of Liability was developed through a collaboration of the Constitutional Rights Centre and Action4Canada to hold school superintendents, administrators, Principals, Teachers Unions, and teachers personally liable for injury to children and adults in the public school system, as well as their unlawful efforts to coerce children to partake in an experimental gene treatment without the knowledge or consent of parents.

This effort has resulted in the majority of the Superintendents, Principles and Teachers Unions being formally served with a Notice of Liability. The actions to formally serve these individuals has been documented for future legal action should they persist in illegal, immoral and unlawful actions.

This action has resulted in a number of Teachers Unions issuing directives to teaching staff to not engage in any effort that may coerce a child to partake in the vaccination experiment.

2. A letter-writing campaign

Vaccine Choice Canada, in collaboration with the Constitutional Rights Centre and Canada Health Alliance have launched a letter writing campaign where the focus of the campaign are the Premiers, Ministers of Health and the Chief Public Health Officers of the various provinces and territories. Our goal is to make clear to these key decision-makers how their measures and policies in response to COVID 19 have failed to address the health needs of the public as well as the need to protect and preserve our Constitutional rights and freedoms.

Collaborative Effort

The reality is that a number of organizations are participating in a complex strategy with our legal counsel to hold our governments, public health officers, colleges, media and others accountable for the harm and deaths caused by their unwarranted and unconstitutional actions. These organizations include: The Constitutional Rights Centre, Vaccine Choice Canada, Action4Canada, Children’s Health Defence Canada, Stand On Guard for Thee, Canada Health Alliance, and other organizations and individuals.

Each of these efforts are central and critical to our overall success. In each of these proceedings the same constitutional challenges set out in our original claim, as applied to the circumstances, are being advanced.

It is important to recognize that these matters are legally and scientifically complex, and constantly evolving. As new information and research emerges, this information needs to be incorporated into future statements of claim and actions.

While we appreciate the frustration in witnessing the ongoing, systemic violations of our rights and freedoms by those we entrusted to protect Canadians, we are confident that we are making a difference and that our collective actions to hold government and others accountable is causing governments and others to reconsider their measures.

We are compelled to state, on the fervent insistence of our legal counsel, that he resists, objects and finds frustrating having to reveal our legal strategy in this fashion and that he takes absolutely no responsibility in the blow-back to the litigation strategy that may ensue when government becomes aware of this newsletter, and government will get wind of it, most likely in a distorted version and misinterpretation of the content as has happened in the past with comments made by our Counsel to the membership.

Citizen Action

I remind you that legal action alone cannot stop the systemic violations by our governments, health agencies and mainstream media. These violations must also be addressed by direct individual action.

This includes engaging your elected representatives, holding the media accountable for deception and distortion, educating family and friends, being unwilling to comply with illegal, unconstitutional and unwarranted measures, and being vocal in challenging illegal and unconstitutional measures.

The ending of tyranny cannot be brought about by a single court case, a single lawyer, or a single organization, but rather by each of us engaging in action to defend our rights and freedoms.

Thank you for your patience and continued support.

Sincerely,

The Board of Directors of Vaccine Choice Canada

Court File No.: CV-22-683322-0000

Rocco Galati

Kipling Warner et al.

-and-

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

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