

Court File No. CV-22-683322

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

**MOTION RECORD OF THE MOVING PARTY DEFENDANTS
(Motion Returnable September 12, 2023)
Volume 1 of 3**

January 31, 2023

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SUPERIOR COURT OF JUSTICE

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Defendants

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Tab 1

Court File No. CV-22-683322

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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

NOTICE OF MOTION

THE DEFENDANTS will make a motion to a judge on September 12, 2023, at 10:00
a.m., or as soon after that time as the motion can be heard.

PROPOSED METHOD OF HEARING: the motion is to be heard:

- ☐ In writing under subrule 37.12.1
- ☐ In writing as an opposed motion under subrule 37.12.1 (4);
- ☐ In person;
- ☐ By telephone conference;
- ☒ by video conference

at the following location: the courthouse at 330 University Avenue, Toronto, Ontario.

THE MOTION IS FOR:

- (a) an order dismissing this action;
- (b) the costs of this motion and the action on a full indemnity basis;
- (c) damages in the amount of \$100,000.00; and
- (d) such further and other relief as the circumstances of the case may require and this Court deem to be just.

THE GROUNDS FOR THE MOTION ARE:

- (a) the action arises from expression that the defendants made that relates to matters of public interest;
- (b) the action does not have merit or, in the alternative, does not have substantial merit;
- (c) the defendants have valid defences in the action, including that:
 - 1) the allegedly defamatory statements are true;
 - 2) the allegedly defamatory statements constitute fair comment;
 - 3) the allegedly defamatory statements were made in good faith on occasions of absolute or qualified privilege;
 - 4) the alleged defamatory statements were responsible communications on a matter of public interest; and
 - 5) in respect of any allegedly defamatory statements in a newspaper printed and published in Ontario or broadcast from a station in Ontario, the plaintiff did not comply with subsection 5(1) and section 6 of the *Libel and Slander Act*;

- (d) the defendants' expression did not cause harm or, in the alternative, substantial or serious harm to the plaintiff;
- (e) the public interest in permitting the action to continue does not outweigh the public interest in protecting the defendants' expression;
- (f) the plaintiff commenced the action in bad faith and/or for an improper purpose;
- (g) the plaintiff's commencement of the action has caused the defendants damages;
- (h) section 137.1 of the *Courts of Justice Act* and subrule 37.02(1) of the *Rules of Civil Procedure*; and
- (i) such other grounds as counsel may advise and this Court may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE
HEARING OF THE MOTION:**

- (a) the affidavit of Kipling Warner affirmed January 26, 2023;
- (b) the affidavit of Deepankar Gandhi affirmed January 27, 2023;
- (c) the affidavit of Donna Toews affirmed January 25, 2023;
- (d) the affidavit of Vladislav Sobolev affirmed January 27, 2023;
- (e) the affidavit of Federico Fuoco affirmed January 30, 2023, and;

(f) such further and other material as counsel may advise and this Court may permit.

January 31, 2023

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GALATI
Plaintiff

- and -

TOEWS et al.
Defendants

Court File Nos.: CV-21-00658403-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

NOTICE OF MOTION

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Tab 2

Court File No. CV-22-683322

ONTARIO
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Defendants

AFFIDAVIT OF KIPLING WARNER

(affirmed January 26, 2023)

I, **KIPLING WARNER**, of the City of Vancouver, in the Province of British Columbia,
SOLEMNLY AFFIRM as follows:

1. I am a defendant in this proceeding and Executive Director for the defendant Canadian Society for the Advancement of Science in Public Policy (the “Society”). I therefore have knowledge of the matters to which I depose in this affidavit.

The Society

2. The Society is a non-profit society incorporated under British Columbia’s *Societies Act*.

3. Its broad purposes are as set out in its constitution, a copy of which, last amended on

October 12, 2021, is marked as Exhibit “A” to this affidavit.

4. Beginning in the spring of 2020, I, and others with whom I spoke, had concerns about whether there was an adequate scientific basis for the government of British Columbia’s declaration of a public health emergency and related implementation of a series of measures in relation to the SARS-CoV-2 virus (the “coronavirus”).

5. We further believed that, to the extent that the provincial government could show that its measures were evidence-based, proportionate to and effective in mitigating the spread of the coronavirus, the government was not articulating the information based on which it had reached its conclusions to the public. We felt that it was important that the government explain the reasons for which it was taking the steps that it was given that the measures significantly affected our day-to-day lives, including our ability to see loved ones and to work.

6. Members of our community asked me to take the lead on a direct-action initiative to challenge the restrictions.

7. In late 2020 I decided to take formal steps to organize our efforts into a non-profit legal entity and, on January 14, 2021, had the Society incorporated.

8. The Society currently has approximately 193 members.

9. The Society is run entirely by volunteers. Neither I nor any of my team take a salary.

10. It is strictly non-partisan and not affiliated with any political party or ideology beyond Enlightenment-era values of science and law.

11. It is secular and not connected with any religious group or movement.

12. We have an “open tent” policy which admits persons of many different ideologies. For that reason, the Society has members across the political spectrum. We have members who would describe themselves as social conservatives, feminists, anarcho-capitalists, techno-libertarians, Marxists, environmentalists, neo-liberals, alt-right, market socialists, centrists and virtually anyone else that makes up the mosaic of Canadian society. Our membership come from all walks of life. It includes blue collar workers, nurses, individuals with disabilities, physicians, engineers, teachers, actors, law professors, lawyers and farmers.

13. The Society’s litigation mandate flows from the broader mandate set out in our constitution. This litigation mandate is published on our website:

CSASPP’s litigation mandate is to obtain any available civil remedy for the maximum number of British Columbians that:

- (a) Revert in whole or in part any COVID-19 related statute, ministerial order, regulation, or other executive, regulatory, or legislative measure; past, extant, or proposed; that constrain any activity of any person inadequately supported by either science or law; and that
- (b) May facilitate that person’s subsequent pursuit of a civil remedy brought against, with preference towards the natural over the legal, any other person complicit in the consultation, enactment, or enforcement of said.

This campaign intends to responsibly use your funds towards the costs of promoting, filing, and prosecuting a claim for injunctive, declaratory, or other appropriate relief in the Supreme Court of British Columbia in response to the COVID-19 measures and its constitutional implications. The proceeding is currently brought under the *Class Proceedings Act*, RSBC 1996, c 50. This means that the implications on our potential success would be shared by all citizens, as opposed to just one individual, business, or organization.

14. In pursuing our litigation mandate, we aim to be focused and avoid hyperbole and speculation. We try not to become entangled in debates on issues that we see as tangential or unrelated to the specific issue of challenging excessive government restrictions relating to the coronavirus because doing so, in our view, can detract from our credibility in the context of addressing an already controversial issue. We have a strategy of taking the minimum energy

trajectory whenever possible, not least of which is because we have finite resources at our disposal.

15. The Society's key values include:

- a. informed decision-making, including with respect to litigation;
- b. maximum consultation as possible with all affected stakeholders;
- c. responsible use of and accountability for the purposes to which we put donated funds;
- d. transparency to the public with respect to the steps we are taking and the decisions we are making; and
- e. precision in our communications to the public.

16. The Society held a formal banquet at VanDusen Botanical Gardens in Vancouver on July 31, 2022. We had tickets available for 120 individuals, the maximum capacity of the venue. We nearly sold out shortly after announcing the event online.

17. The Society has pursued its litigation mandate through three civil proceedings against British Columbia's provincial government.

18. Specifically, by notice of civil claim dated January 26, 2021, an amended copy of which is marked as Exhibit "B" to this affidavit, the Society commenced a proposed class proceeding against the Province of British Columbia and Dr. Bonnie Henry in her capacity as British Columbia's provincial health officer. The style of cause is *Canadian Society for the Advancement of Science in Public Policy v HMTK et al*, and the court file number is S-210831.

19. The Society has many supporters across the country, and the public has shown significant interest in attending hearings in the Society's proceedings.

20. For example, on October 1, 2021, the British Columbia Supreme Court held a judicial management teleconference with respect to our proposed class proceeding into which members of the public could dial. Because the Court's teleconference platform could only accommodate 100 listeners at a time, the Society bridged its own teleconference line to allow further listeners in. Within a few minutes of the hearing beginning, the Society's teleconference line's maximum number of listeners, 1,000, had joined. My team and I later received a multitude of reports from members of the public, in person, over the telephone and by email, advising that they had been unable to attend the teleconference because both lines had reached capacity.

21. Similar issues arose with respect to an October 28, 2021 hearing of an application for particulars in the proposed class proceeding. The Court's teleconference line reached its maximum of 100 listeners and, because the Court had changed the dial-in number a few minutes prior to the hearing, the Society was unable to bridge it with our line that had capacity for 1,000 listeners.

22. My team and I also received reports from members of the public regarding having made in-person trips to the courthouse only to be turned away because the gallery was full. Some waited outside the courthouse and approached me directly after hearings ended.

23. Based on the above, the Society had concerns that the Court would not be able to accommodate the volume of individuals interested in attending the certification hearing for its proposed class proceeding, both in its physical space and virtually.

24. To address these and other issues relating to the public's ability to attend hearings, the

Society brought an application for an order requiring a webcast of the certification hearing.

25. By decision dated November 7, 2022, a copy of which is marked as Exhibit “C” to this affidavit and can be accessed at this [link](#), Justice Crerar of the Supreme Court of British Columbia granted our webcasting application. He noted in making his decision:

The plaintiff argues that this matter, affecting all British Columbians, is a matter of widespread public interest. That public interest is not merely theoretical but actual. The plaintiff provides affidavits from individuals across the province who say that they will be unable to attend the court proceedings due to physical infirmities, work and family commitments, economic limitations, and general distance from the Vancouver Law Courts building.

[...]

There are few issues that have affected the public more than the COVID-19 pandemic and the government response to that pandemic. These matters have literally affected every British Columbian. It is clearly a matter of public interest.

26. The Court heard the Society’s application for certification of its class proceeding over five days in December 2022. We are expected to resume the hearing likely in late April 2023.

27. Beyond its class proceeding the Society has pursued two other proceedings, narrower in scope, that fall within the Society’s mandate. Specifically, it filed two petitions in response to members of the public’s lobbying it in respect of various restrictive public health measures that took effect after the commencement of our class proceeding. We could not seek injunctive relief within the class proceeding because the Court had not yet certified it at the time these measures were implemented.

28. For example, by petition issued November 26, 2021, the Society and I applied for a declaration that certain public health orders requiring that healthcare workers become double vaccinated in order to continue to work were of no force and effect because they violated the *Canadian Charter of Rights and Freedoms*, were *ultra vires*, or unreasonable or exceeded the

provincial public health officer's statutory authority (the "healthcare workers' petition").

29. The respondent applied to dismiss the healthcare workers' petition on the basis that neither the Society nor I had legal standing. The Society had commenced the proceeding on both my personal and the Society's behalf in case one or the other of us was held not to have standing.

30. By decision issued May 4, 2022, a copy of which is marked as Exhibit "D" to this affidavit and can be accessed at this [link](#), Justice Coval of the British Columbia Supreme Court found that, while I did not have private interest standing, the Society had public interest standing to bring the petition.

31. At paragraph 70 of a decision in *Action4Canada v British Columbia (Attorney General)* dated August 29, 2022, a copy of which is marked as Exhibit "E" to this affidavit and can be accessed at this [link](#), Justice Ross, in striking a pleading that the plaintiff had prepared, cited Justice Coval's decision in finding that the issues at stake were justiciable and that, therefore, he should grant leave to amend:

On whether the issues are "justiciable" I note the decision of Justice Coval in *Canadian Society for the Advancement of Science in Public Policy v Henry*, 2022 BCSC 724, where he wrote, at para. 39:

[39] Regarding justiciability, the Petition challenges state action based on legislatively-delegated discretionary powers. In my view, the petitioners are correct that whether those actions comply with the *Charter* and *JRPA* are clearly questions suitable for judicial determination (*CCD*, para 90).

32. The plaintiff has cited Justice Coval's decision as a basis for why courts should allow him to amend his clients' pleadings when confronted with motions to strike. I am aware of at least the following occasions:

- a. The plaintiff included Justice Coval's decision at tab 31 of his book of authorities in resisting motions to strike in *Action4Canada v British Columbia (Attorney General)*,

above.

b. The plaintiff cited Justice Coval's ruling in his memorandum of fact and law in resisting a motion to strike in *Adelberg et al v HMTK et al.*, in Federal Court File No T-1089-22, and included it among the authorities on which he was relying.

33. The court has not yet decided the healthcare workers' petition on its merits. Procedural hearings related to the respondents' disclosure obligations are ongoing.

34. The Society has financed its work through grassroots fundraising. To date, approximately 2,000 individuals have donated over \$367,243 to the Society for the purpose of advancing our work. Most of the donations the Society receives are small. It receives new donations on an almost daily basis whenever it is preparing for or in court. A copy of a printout dated January 24, 2023 of the Society's page on crowdfunding platform GoFundMe is marked as Exhibit "F" to this affidavit. It sets out the amounts raised as of that date and reflects that 236 individuals have commented to date on that page in support of the Society's work. The page can also be accessed at this [link](#).

35. The Society also operates a website, which can be accessed at this [link](#). A copy of the homepage's lander is marked as Exhibit "G" to this affidavit.

36. The Society has access to anonymized data concerning, among other things, the number of visitors to its website and visitors' locations. Since the creation of the website in January 2021, approximately 136,000 unique visitors have visited approximately 202,000 times. Visitors have viewed its various pages approximately 324,000 times.

37. The Society's data relating to its website does not capture the full extent of who views the

Society's content. I have observed, in keeping tabs on the Society's online presence, that visitors frequently republish materials from the Society's website on social media, blogs, and other third-party platforms.

38. The Society has never paid for radio, television, or online advertising to date.

39. It distributes flyers, a copy of an example of which is marked as Exhibit "H" to this affidavit. It has shipped approximately 52,500 flyers to various communities across British Columbia at its supporters' requests.

40. I understand that the Society's supporters generally find out about its work through word-of-mouth communication from other supporters, from our flyers and from materials shared online or directly from the Society's website.

41. Individuals from a wide variety of places, including across Canada, the United States, Latin America, Australia, South Africa, and Europe, have inquired into the Society's work.

42. The Society and its work have attracted news coverage and commentary at least 36 times. A sample of this coverage includes:

- a. an article in Global News dated September 13, 2021, a copy of which is marked as Exhibit "I" to this affidavit and can be accessed at this [link](#);
- b. an article in the Vancouver Sun dated October 28, 2021, a copy of which is marked as Exhibit "J" to this affidavit and can be accessed at this [link](#);
- c. an article in Global News dated May 6, 2022, a copy of which is marked as Exhibit "K" to this affidavit and can be accessed at this [link](#);

- d. an article in CTV News dated May 7, 2022, a copy of which is marked as Exhibit “L” to this affidavit and can be accessed at this [link](#);
- e. an article in the Vancouver Sun dated September 13, 2022, a copy of which is marked as Exhibit “M” to this affidavit and can be accessed at this [link](#); and
- f. an article in the CBC dated December 14, 2022, a copy of which is marked as Exhibit “N” to this affidavit and can be accessed at this [link](#).

The plaintiff

43. I became aware of the plaintiff and an organization that he represents, Action4Canada, which I understand purports to, like the Society, challenge measures that governments have taken in response to the spread of the coronavirus.

44. I understand that Action4Canada has raised funds from individual members of the public, purportedly to be used to fund an action against British Columbia’s provincial government.

45. A screenshot of the donation page on Action4Canada’s website, which I took on March 31, 2022, is marked as Exhibit “O” to this affidavit and can be accessed at this [link](#).

46. A copy of a video of a rally Action4Canada held in the summer of 2020 is marked as Exhibit “P” to this affidavit and can be accessed at this [link](#).

47. A balance sheet that Action4Canada filed with Corporations Canada, a copy of which is marked as Exhibit “Q” to this affidavit, reflects that it had \$208,838.16 in a legal expense account as of August 15, 2021.

48. A copy of a video recording dated September 4, 2022 of an interview in which

Action4Canada's founder, Tanya Gaw, spoke beginning at approximately the 29:50 mark to having raised funds for the proceeding is marked as Exhibit "R" to this affidavit and can be accessed at this [link](#).

49. A copy of a video recording dated September 5, 2022 of another interview in which Ms. Gaw spoke beginning at approximately the 11:25 mark about Action4Canada's fundraising is marked as Exhibit "S" to this affidavit and can be accessed at this [link](#).

50. Based on inquiries that the Society and I received and based on my review of the social media posts, articles and cases I will describe below, I concluded that it was important that the Society clarify to the public that it was not affiliated with Action4Canada or the plaintiff and that it did not believe that the way that Action4Canada engaged with various public issues was effective or that the plaintiff's approach to litigation was effective.

51. I reviewed various news articles and other commentary raising concerns with (a) accountability for funds donated to Action4Canada; (b) other matters in which Action4Canada has involved itself, such as advocating against sexual orientation and gender identity education in classrooms; and (c) the quality of the pleadings that the plaintiff had filed in various actions. For example:

- a. on August 13, 2020, CBC news published an article, a copy of which is marked as Exhibit "T" to this affidavit and can be accessed at this [link](#), entitled "Details emerge of Vaccine Choice Canada lawsuit over coronavirus response", that included the following:

Other claims made in the lawsuit are unrelated to the coronavirus pandemic.

"Researchers at the Massachusetts Institute of Technology report the development of a novel way to record a patient's vaccination history by using smartphone-readable nano crystals called 'quantum dots,' embedded in the skin using micro-

needles. In short, a vaccine chip embedded in the body. This work and research are funded by the Bill and Melinda Gates Foundation,” the lawsuit said.

The statement of claim includes a timeline that begins in the year 2000 when Bill Gates steps down as the head of Microsoft to start the Bill and Melinda Gates Foundation. It also states Gates expects a “‘twenty-fold’ return on his \$10 billion vaccine investment within the next few decades.”

Included in the timeline are references to the Chinese military, 5G networks, international vaccine programs and the Rockefeller Foundation as relevant to the creation and spread of the coronavirus, but the lawsuit isn’t clear on how.

[Assistant professor of health law and ethics at Western University Jacob] Shelley said including such references in the statement of claim without providing supporting scientific evidence could ultimately be what gets the suit dismissed before it goes to trial under Ontario’s **rules of civil procedure**.

b. on April 29, 2021, a blog called Canuck Law published a post, a copy of which is marked as Exhibit “U” to this affidavit and can be accessed at this [link](#), entitled “Another Toronto Court Challenge, But Will This One Actually Go Anywhere?” that embedded a video, a copy of which is included at Exhibit U, in which an individual who was fundraising for various actions that the plaintiff has commenced explained that 25% of donations were helping her to “continue this show, to keep growing it, to keep taking action” because “it’s taking nine hours of my day right now”;

c. on July 21, 2021, an individual named Yvonne Coelho posted to Facebook what she advised was a message from an individual named Joanne Lasoka seeking for Ms. Gaw to provide the donors to Action4Canada with “full transparency and details of all funds collected for RG BC challenge since September 2020”. Others commented on the post seeking the same. A copy of a screenshot of Ms. Coelho’s post is marked as Exhibit “V” to this affidavit.

d. on August 31, 2021, Canuck Law published a post, a copy of which is marked as Exhibit “W” to this affidavit and can be accessed at this [link](#), entitled “Action4Canada

Statement of Claim Fatally Defective, Will Never Make It To Trial”;

e. on January 27, 2022, CBC News published an article, a copy of which is marked as Exhibit “X” to this affidavit and can be accessed at this [link](#), entitled “B.C. RCMP investigating website selling fake mask and vaccine exemption ‘certificates’”, that included the following:

A police investigation is underway into a B.C.-based website selling phoney mask and vaccine exemption certificates, CBC has confirmed.

[...]

Previous versions of the Enable Air website did not include a price for issuing a certificate, but warned customers to “[mentally prepare for the invoice](#).”

The site also said that 50 per cent of “post-administrative fees” will be donated to prominent Ontario anti-vaccine lawyer Rocco Galati and the Constitutional Rights Centre, an organization he founded.

f. on May 25, 2022, a Facebook profile named “The Angry Albertan” published a Facebook post that attracted 27 shares and 394 comments, a copy of which is marked as Exhibit “Y” to this affidavit, inquiring into the status of Action4Canada’s action;

g. on August 24, 2022, Canuck Law published a post, a copy of which is marked as Exhibit “Z” to this affidavit and can be accessed at this [link](#), entitled “VCC July 6, 2020 Suit: Truth Finally Comes Out (Sort Of)”, that included the results of a court file search and concluded:

After more than 2 years, all that has happened is that: (a) there was a Notice of Discontinuance against the CBC (removing them from the case); and (b) Nicola Mercer, MOH for the County of Wellington-Dufferin-Guelph, filed a [Statement of Defense](#).

(the correspondence to which the post linked, a copy of which, dated July 15, 2022, is marked as Exhibit “AA” to this affidavit, indicates that the plaintiff discontinued Vaccine Choice Canada’s lawsuit as against the Canada Broadcasting Corporation after the latter

had proposed to commence a motion pursuant to section 137.1 of Ontario's *Courts of Justice Act*);

h. on August 26, 2022, the West Coast Standard published an article, a copy of which is marked as Exhibit "BB" to this affidavit and can be accessed at this [link](#), entitled "BC's unvaccinated doctors want to get back to work – and they hope a billboard helps them", that included the following:

Malthouse, who has favourable reviews on RateMDs among his patients, has been allegedly connected to EnableAir, a website that issued what it called "authentic medical exemptions" for a non-refundable fee. The service, which shut down in late 2021 said 50% of the "post-administrative fees" were donated to Ontario lawyer Rocco Galati, however, this claim is no longer present on its website.

Sometimes referred to as "the top constitutional lawyer in Canada," Galati is also connected to BC-based organization Action4Canada, which is listed on the "friends" section of the society's website, however there is no official partnership.

While Action4Canada is supported by many within what can be called the "freedom movement," it's increasingly questioned for its alleged lack of financial transparency by those within the same movement, and many critics distance themselves from anyone associated with the group.

Represented by Galati, the organization has been observed taking large quantities of cash donations at various rallies in Vancouver.

Action4Canada's Tanya Gaw told the Western Standard the aforementioned criticisms began about a year ago, reiterating everything is "above board" and she's "always been transparent with funds."

"Vlad from Hugs Over Masks and this nasty girl Yvonne started beaking about how we need to show who our donors are. That would be illegal for me to show my donor's list," said Gaw, noting she ignored them.

Vladislav Soboled — also known as Coach Vlad, or just Vlad — says he's openly questioned Galati at various freedom rallies in Vancouver. As a result, Soboled claims to have been "threatened and harassed for questioning the Rocco challenge in BC."

He also told the Western Standard neither he or the aforementioned Yvonne asked to see a list of donors, but claims he instead asked for more detailed updates on how said donor's money was being used.

"That's exactly what Tanya does. She twists and turns the truth and facts to portray the opposing side as bad," said Soboled.

Gaw says the same of her critics.

When asked if she would indemnify plaintiffs for potential adverse cost awards if her challenge is thrown out of court she said “that will be something for Rocco to answer.”

“The private meetings we’ve had with plaintiffs were private, and if Rocco’s going to comment on that I’d leave that to him,” said Gaw.

The Western Standard reached out to Galati on several occasions, but has yet to hear back.

- i. on September 1, 2022, Castanet published an article, a copy of which is marked as Exhibit “CC” to this affidavit and can be accessed at this [link](#), entitled “COVID-mandate lawsuit tossed for being ‘bad beyond argument’”;
- j. on September 9, 2022, the Western Standard published an article, a copy of which is marked as Exhibit “DD” to this affidavit and can be accessed at this [link](#), entitled “Action4Canada leadership under first after claim tossed”;
- k. on September 28, 2022, Global News published a video segment, a copy of the webpage for which is marked as Exhibit “EE” to this affidavit, and which can be accessed at this [link](#), describing an Action4Canada pamphlet advocating that a book relating to the sexual health education curriculum be taken out of British Columbia schools;
- l. on September 28, 2022, Castanet published an article, a copy of which is marked as Exhibit “FF” to this affidavit and can be accessed at this [link](#), entitled “Anti-[sexual orientation and gender identity] pamphlet distributed at Kelowna school parking lot”;
- m. on September 29, 2022, Canuck Law published an article, a copy of which is marked as Exhibit “GG” to this affidavit and can be accessed at this [link](#), entitled “Action4Canada Appeal Baseless, Seems Designed to Waste Time & Money”;

n. on October 4, 2022, Kelowna Capital News published an article, a copy of which is marked as Exhibit “HH” to this affidavit and can be accessed at this [link](#), entitled “Action4Canada accusations anger five Central Okanagan trustees”, that included the following:

Five Central Okanagan Board of Education trustees have struck back against what they call “baseless and harmful allegations” against the school district staff, school board and superintendent/CEO.

In a news release issued by the five trustees Monday – board chair Moyra Baxter, Norah Bowman, Wayne Broughton, Julia Fraser and Chantelle Desrosiers – they state the accusations were made by Action4Canada.

While the specific allegations are not explained in the news release, the statement does reflect on how sexual orientation, gender identity and expression are protected under the BC Human Rights Code and the Canadian Charter of Rights.

o. on October 4, 2022, infonews.ca published an article, a copy of which is marked as Exhibit “II” to this affidavit and can be accessed at this [link](#), entitled “Kelowna school trustees lash out at ‘dangerous disinformation’ on sexual orientation material”,

p. on October 4, 2022, Castanet published an article, a copy of which is marked as Exhibit “JJ” to this affidavit and can be accessed at this [link](#), entitled “SD23 trustees push back against anti-SOGI accusations”,

q. on October 12, 2022, infonews.ca published a letter to the editor, a copy of which is marked as Exhibit “KK” to this affidavit and can be accessed at this [link](#), entitled “Voters should reject the ParentsVoiceBC slate of candidates”, that included the following:

However in a September 28, 2022 news release, a right-wing political lobby/activist group, Action4Canada weighed in with a vitriolic and scurrilous tirade against SD23’s equality/inclusion program and sexual education curriculum. They assert that the SOGI program used by SD23 is like the “sexual grooming” of children by pedophiles and compare some support material to pornography. Action4Canada made these outrageous accusations against SD23 despite the fact that the program and curriculum are approved by the Ministry of Education and Child Care.

Action4Canada further alleged that the crime of child abuse is being committed and that the District superintendent is lying about the situation. The most bizarre part of all this is their overall insinuation that some kind of conspiracy is at work here. A conspiracy organized, according to the Action4Canada website, by unnamed “radical LGBTQ activists” to corrupt students.

Reading their news release and perusing the Action4Canada’s website, which has language that must be described as anti-LGBTQ, anti-Islamic, and anti-immigrant, it is clear that this group has an underlying intolerance of certain groups of people.

Clearly, the Action4Canada news release came out during the election campaign of school trustees in order to bolster support for the four SD23 trustee candidates they have endorsed under the banner of ParentsVoiceBC (whose information and promotional video are posted on the Action4Canada webpage).

Unless those endorsed candidates renounce these unsubstantiated, divisive and scurrilous accusations made by Action4Canada and reject their endorsement, voters should reject the ParentsVoiceBC slate of candidates.

We need school trustees who are not only caring and tolerant of diversity, but also think clearly and make decisions based on facts and solid research, not on wild speculation and conspiracy theories.

r. on November 1, 2022, Canuck Law published an article, a copy of which is marked as Exhibit “LL” to this affidavit and can be accessed at this [link](#), entitled “Kulvinder Gill Hit with \$1.1 Million Cost Award for Bringing SLAPP”, that contained the following:

An Ontario doctor is facing financial ruination over a decision to sue almost 2 dozen parties over pretty harmless comments. Another is looking at a significant amount as well. It’s hard to imagine why they thought taking this on would be a good idea.

[...]

Costs has been resolved, at least for this portion. Justice Stewart handed down a [\\$1.1 million award](#), primarily against Gill, the main actor in the suit.

[...]

Shortly after filing the Notice of Appeal, Galati, lawyer for Gill and Lamba, filed a Motion to be removed as counsel of record. He claimed to be too ill to continue. Much of the version publicly available is redacted as it contains privileged information. May 12, 2022, Justice Gillese granted it, leaving them scrambling to retain new counsel.

This came at a time when the pair were still dealing with the cost submissions. They did [eventually find someone](#) to take the Appeal, and for the cost submissions. Gill and Lamba then threw Galati under the bus, claiming that his prior cost

submissions were entirely inadequate. This is very plausible, considering the \$1 million (or more) at stake.

s. on November 4, 2022, the National Post published an article, a copy of which is marked as Exhibit “MM” to this affidavit and can be accessed at this [link](#), entitled “Vaccine-doubting doctor ordered to pay \$1M in legal costs after her libel suit quashed”, that contained the following:

Gill was originally represented by Rocco Galati, the firebrand Toronto lawyer who has called public-health measures to combat the virus a “vicious fraud” and protective face coverings “slave-trade masks.”

But against the wishes of clients Gill and Lamda, an Ontario judge allowed him to withdraw from the case in May, saying “he had a lengthy hospitalization and was in a coma, from which he is still recovering,” a court order posted by the [CanuckLaw.ca blog](#) indicates. In the meantime, Galati had made “superficial” submissions to the judge on the legal-costs issue without the consent of his clients, Saikaley said in a [July letter](#) to Stewart.

t. on November 14, 2022, Canuck Law published an article, a copy of which is marked as Exhibit “NN” to this affidavit and can be accessed at this [link](#), entitled “Ottawa Files Motion To Strike Federal Vaccine Passport Suit From Galati”, that contained the following:

The Federal Government has [filed a Motion to throw out the Claim](#) brought by 600 former members of the civil service. It alleges a number of serious defects, including: mootness, irrelevant issues, defects in the pleading, lack of jurisdiction, lack of factual basis, an improper filing, among other things.

The [Action4Canada \(BC\)](#) and [Vaccine Choice Canada \(ON\)](#) suits were covered in detail last year. Both were written without any consideration of the Rules of Civil Procedure in their respective Provinces. This Federal case contains most of the same errors. In many instances, it appears to be a direct cut and paste from the earlier ones.

[...]

A source told this site at the end of 2021 that such a suit was in the works. Allegedly, it would involve 500-600 individual Plaintiffs, with each paying \$1,000 towards the proceedings. For that kind of money, one would expect a serious case to go forward.

[...]

A common criticism in the Motion to Strike is that the suit makes plenty of bald assertions, without ever laying a factual foundation. In short, it makes accusations, but doesn't provide enough detail so that a Court can seriously consider them.

Many of the allegations pleaded in the Statement of Claim are in fact true. However, without pleading a factual basis for making these claims, it just makes people look insane.

As awful as the actions of the Federal (and Provincial) Governments are, they do make a valid point: these cases are written so poorly that it's impossible to know what the cases are that the Defendants are supposed to respond to.

Looking through the filings of Galati and the Constitutional Rights Centre (see below), none of them are good. They aren't even decent. Instead, the quality of the drafting ranges from mediocre to downright comical.

[Kulvinder Gill and Ashvinder Lamba](#) are out at least \$1.1 million for a failed \$12.75 million defamation suit against 23 individuals and organizations. Their case was predictably [dismissed](#) as a SLAPP.

[...]

Gill has [another \\$7 million suit](#) pending against the University of Ottawa, and one of its professors, Amir Attaran. This is even weaker, and vulnerable to another SLAPP Motion.

[Action4Canada](#) is currently [appealing](#) an August decision to strike the 391 page Notice of Civil Claim in its entirety. Instead of simply drafting it properly, this will waste time and money.

[Vaccine Choice Canada's](#) high profile suit from July 2020 has sat idle since the filing. It's nearly 200 pages, and contains plenty of irrelevant information that would lead to it getting struck. It's unclear at this point who has even been served.

[Vaccine Choice Canada](#) has an earlier lawsuit from October 2019. The last activity was March 2020, when the pleadings closed. That was 2 1/2 years ago.

[Police On Guard](#) arranged for an Application, which was filed on April 20, 2021, more than 18 months ago. It sits dormant, with no activity whatsoever. It's disjointed and nearly impossible to understand.

[Children's Health Defense \(Canada\)](#), also has an Application from April 20, 2021. It's essentially a cut and paste of the Police of Guard version. It too has sat dormant.

These are all his cases. This is what the last 2 1/2 years or so of "fighting" in the Courts has led to.

I understand that the plaintiff represents or represented each of Vaccine Choice Canada, Police on Guard, and Children's Health Defense (Canada) in the proceedings that the article

describes.

52. Between early 2021 and present, the Society's executive team and volunteers have received numerous inquiries at least weekly, and sometimes daily, with respect to, among other things:

- a. whether there is any affiliation between the Society and the plaintiff or any clients or affiliates of the plaintiff (the "Galati affiliates"). These include Action4Canada, Vaccine Choice Canada, Police on Guard, Children's Health Defense (Canada), and others for which I understand the plaintiff is legal counsel;
- b. why the Society is not working with the Galati affiliates; and
- c. whether the Society has any knowledge as to what became of funds that, they advised, they had donated to various Galati affiliates in support of litigation challenging governmental action related to COVID-19.

53. By way of example of (a), a copy of email correspondence that the Society received from an individual named Penny Reid through GoFundMe on May 24, 2021 is marked as Exhibit "OO" to this affidavit.

54. The reports with respect to (c), above, vary, but their general theme is that the Galati affiliates solicited and raised significant funds for use toward various COVID-19-related litigation but appear to have done little, if anything, to move that litigation forward.

55. While we initially did not pay significant attention to these reports, because the actions of the Galati affiliates were not directly relevant to the Society's mandate, we became increasingly concerned as inquiries continued to come in and created an administrative burden on an already

overtaxed all-volunteer team.

56. Some of those who were making these inquiries of the Society appeared to believe that the Society might be a marketing or fundraising arm for the plaintiff, akin to a subsidiary of a larger enterprise.

57. Chief among my concerns with being associated with the Galati affiliates was that the plaintiff appeared to have failed to in any substantive way move forward an action that he had commenced in Ontario, on behalf of Vaccine Choice Canada, similar to the litigation he proposed to commence in British Columbia, and for the financing of which I understand Vaccine Choice Canada had raised considerable funds from the public. A copy of a 187-page statement of claim issued July 6, 2020 is marked as Exhibit “PP” to this affidavit.

58. I am not a lawyer, but I have been involved in litigation and have some familiarity with the process. I observed that the pleading prepared by the plaintiff in the Vaccine Choice Canada action appeared to be improperly drafted. This observation was echoed by the publications I have described above.

59. I understood that, by mid-2021, a year after the plaintiff had commenced the action, none of the defendants to that action had yet filed statements of defence. It did not appear that the plaintiff had applied for injunctive relief despite, in a September 2020 interview with Ezra Levant, a copy of which is marked as Exhibit “QQ” to this affidavit and can be accessed at this [link](#), advising that he intended for the court to hear an application for an injunction with respect to a mask mandate heard before the “Christmas holidays” in 2020. This portion of the interview begins at approximately the 44:40 mark of the video.

22

60. Further, it seemed to me, in respect of his proposed proceeding in British Columbia, that the plaintiff sought far more in funding than was necessary to draft and file a pleading. My understanding was that the plaintiff sought several hundred thousand dollars to commence an action on behalf of Action4Canada (see Exhibit Q).

61. I conducted my own research into the plaintiff and the matters on which he had acted. I found, among other things, that:

a. The plaintiff was not, for any extended period of time, licenced to practice law in British Columbia. I determined this by searching for him in the Law Society of British Columbia's directory. Copies of a webpage reflecting a search query and of another webpage reflecting the results of that search from the Law Society of British Columbia's lawyer directory, dated December 21, 2022, are collectively marked as Exhibit "RR" to this affidavit.

b. While the plaintiff's supporters describe him as a "constitutional law" lawyer, there is no such professional designation in Canada of which I am aware.

c. The Globe and Mail had reported in an August 22, 2014 article, a copy of which is marked as Exhibit "SS" to this affidavit and can be accessed at this [link](#), having interviewed the plaintiff:

It's news to him that lawyers everywhere are talking about him. "That's strange," he says. The case hasn't changed his life, "except taking away time from my family and from my billable hours."

He makes his money from doing tax law, not constitutional cases.

d. In *Sivak v Canada*, a copy of which is marked as Exhibit "TT" to this affidavit and can be accessed at this [link](#), the Federal Court had struck portions of and parties to the

plaintiff's clients' claim without leave to amend, commenting:

After reviewing the Claim, my general conclusion is that the impugned portions are, as the Defendants allege, often little more than bald accusations which the Plaintiffs have attempted to bolster with colourful rhetoric and irrelevant asides instead of providing a real basis of fact. For example, a passage such as

there is no doubt, in the minds of anyone involved with refugees, particularly the members of the immigration bar, as well as notable NGOs, that this "June, 2009 Report" was manufactured by the IRB, as a means of appeasing the Minister, in order to base negative findings and refugee determinations, which would reduce the acceptance rates of Czech Roma

is a statement of what the Plaintiffs hope to prove, but it also reveals that the Plaintiffs are short of facts to support their case, and so have to fall back upon the alleged omniscience of the "immigration bar" and "anyone involved with refugees." I do not see anywhere in the rules that govern pleadings that facts can be dispensed with provided plaintiff or defendant invokes the oracular powers of their own counsel and his or her cohorts at the bar.

[...] the Plaintiffs have broadened the scope of their objectives and now wish to accuse the Canadian government of conspiring to deprive them, and other Czech Roma, of their rights under our immigration system. If the Plaintiffs wish to launch such an attack they must proceed efficiently and effectively.

[...] At this stage in the proceedings the Plaintiffs must comply with the rules that govern the form and content of pleadings. In my view, the Plaintiffs have not done this with their Claim, and the result is that this action has already taken much longer than it should have taken to reach this stage. The issues raised by the Plaintiffs have a significance for many other extant and future refugee claims, and the system could easily become trammelled as other claims are held in abeyance to await the outcome of this action. [...]

The applicable rules and jurisprudence interpreting those rules, are readily available to the Plaintiffs and their counsel. The failure to plead sufficient material facts to support a claim against the Minister of Foreign Affairs, or particular Crown servants, leads me to conclude that the Plaintiffs have no such facts and are seeking to use these proceedings as a fishing expedition.

[...]

Once again, I have to agree with the Defendants that the Claim is entirely deficient with respect to pleading the elements of the tort of conspiracy. Bald allegations of a conspiracy involving undefined Ministers, the Board, and unidentified "Defendants' officials" are made at paragraphs 23, 27 and 28(a)(iv) without any reference to the above requirements. The Plaintiffs also accuse the "Defendants' officials" of engaging in unlawful conduct at paragraph 28(b)(iii)(A), but provide no details to describe this conduct or establish its unlawfulness. This is scandalous and vexatious.

- e. In *Galati v Harper*, a copy of which is marked as Exhibit "UU" to this affidavit and

can be accessed at this [link](#), the Federal Court had held that the plaintiff's bill was "excessive and unwarranted" given the stage of the litigation. The plaintiff appealed from the costs portion of this decision. The Federal Court of Appeal held in its reasons for judgment dismissing the appeal:

The first point to be disposed of is the hourly rate used by the Mr. Galati and the CRC in their respective claims for costs. Their claim to be entitled to the substantial indemnity rate of \$800 which apparently would apply to these counsel under the [Ontario Rules of Civil Procedure](#) is puzzling. Mr. Galati and Mr. Slansky are both experienced counsel who presumably know that the costs of litigation conducted in the Federal Courts are awarded in accordance with the [Federal Courts Rules](#). They would also presumably know that the [Federal Courts Rules](#) do not provide for an hourly rate benchmark (other than an amount per unit of service as described in the Tariff) such as the [Rules of Civil Procedure](#) apparently do. Given this knowledge, it is surprising that Mr. Galati would seek an order of costs in excess of what he would have billed a client for the same services.

As a self-represented litigant, the best Mr. Galati could hope for, under the [Federal Courts Rules](#) and the jurisprudence on self-represented litigants is to recover his regular hourly rate: see *Thibodeau v. Air Canada*, 2007 FCA 115, [2007] F.C.J. No. 404, at paragraph 24.

I might add that a claim for solicitor-client costs by a self-represented litigant is an oxymoron. A self-represented litigant, by definition, has no counsel and therefore no out-of-pocket expenses for which full indemnity is appropriate.

As for the CRC, its claim for solicitor-client costs would be limited to its actual out-of-pocket expense for legal fees. If, as appears to be the case given Mr. Slansky's request that any costs awarded be paid to him personally, counsel is acting *pro bono*, then the same considerations apply. Any award of solicitor-client costs would be limited to Mr. Slansky's regular hourly rate. One is left to wonder why experienced counsel before the Federal Courts would seek costs calculated on a basis other than that provided by the [Federal Courts Rules](#).

[...]

The following passages from Mr. Galati's memorandum of fact and law encapsulates the argument which was made in this case:

With respect to the Respondent's position that the right to solicitor-client costs has no nexus to a fair and independent judiciary, the Appellant (Rocco Galati) states that in such cases, which involve nothing but protecting the integrity of the constitution, constitutionally offensive legislation, or Executive action violating the "architecture of the constitution", it has everything to do with a fair and independent judiciary. While the state apparatus is fully and amply funded to defend such violations, and a citizen who gets no personal benefit, per se, from upholding the integrity, structure and dictates of the Constitution, **in successfully**

challenging such constitutional violations, to be denied his solicitor-client costs doing so can only lead to one conclusion in fact and in perception.

That conclusion is that any Court siding with the state on such cases cannot be said to be “fair or independent” in the least sense, in fact, and in perception, that Court would be, in fact and in perception, ‘in bed’ with the state Respondents.

Mr. Galati’s memorandum of fact and law at paragraphs 20-22 (emphasis in the original).

It is important to understand what is being said here. Mr. Galati and the CRC state as a fact that a Court which, having agreed that certain government action was inconsistent with the Constitution and having therefore set it aside, will nonetheless be seen to be, and will in fact be, “in bed” with the government if it fails to award the successful applicant its solicitor client costs. The tie-in to the Constitution is that this collusion deprives the affected litigant of its constitutionally protected right to a fair and independent judiciary.

To be “in bed” with someone is to collude with that person. I do not understand how one could hope to protect the right to a fair and independent judiciary by accusing courts of colluding with the government if they don’t give the applicant its solicitor client costs. The entire Court system, it seems, must be alleged to be actually or potentially acting in bad faith in order to instill public confidence in the fairness and independence of the judiciary. This is reminiscent of the gonzo logic of the Vietnam War era in which entire villages had to be destroyed in order to save them from the enemy. The fact that this argument is made in support of an unjustified monetary claim leads to the question “Whose interest is being served here?” Certainly not the administration of justice’s. This argument deserves to be condemned without reservation.

A copy of this decision is marked as Exhibit “VV” to this affidavit and can be accessed at [this link](#).

f. In *Da Silva Campos v Canada (Citizenship and Immigration)*, a copy of which is marked as Exhibit “WW” to this affidavit and can be accessed at [this link](#), the Federal Court had struck the plaintiff’s clients’ claim in its entirety, holding, among other things:

The present Statement of Claim comes close to being incomprehensible.

[...]

The Statement of Claim, insofar as it makes allegations relating to TFWP, LMIA’s, the PNP, the Federal Skilled Workers Program, [etc.], is deficient because there are no facts or insufficient facts pled to permit the defendants and the court to understand the bases of these claims. I agree with the defendants that these pleadings are “neither complete nor intelligible.”

g. In *Committee for Monetary and Economic Reform (“COMER”) v Canada*, a copy of which is marked as Exhibit “XX” to this affidavit and can be accessed at this [link](#), the Federal Court struck the plaintiff’s client’s amended statement of claim without leave to amend on the basis that it disclosed no reasonable cause of action and had no prospect of success at trial.

h. In *Wang v Canada*, a copy of which is marked as Exhibit “YY” to this affidavit and can be accessed at this [link](#), the Federal Court of Appeal had recounted, with regard to a prior proceeding that the plaintiff had commenced for his clients in the Ontario Superior Court of Justice:

Not surprisingly, the Attorney General of Canada moved to strike the Ontario Statement of Claim as it related to CIC and the CBSA on the basis that it disclosed no cause of action and was otherwise frivolous, vexatious and an abuse of the Court process. On the day the motion was to be heard, the Plaintiffs’ then counsel (not Mr. Galati) requested and obtained an adjournment based, in part, on an argument that “new facts” had emerged “which inform the Plaintiffs’ case against the moving Defendants”. Plaintiffs’ counsel also advised the Court that he intended to amend the Statement of Claim. Thrown-away costs were awarded to the Attorney General in the amount of \$2,500.00, payable within 30 days.

The Attorney General brought the motion to strike back before the Court on June 17, 2015. Plaintiffs’ counsel failed to file any responding material and seems not to have opposed the motion. Indeed, in an apparent effort to avoid the motion to strike, the Plaintiffs filed a Notice of Discontinuance on June 11, 2015. Justice Edward Belobaba described the filing of the Notice of Discontinuance as “improper” and of no effect. He went on to strike the claims against the Attorney General without leave to amend [...]

The Court had continued:

The Ontario Superior Court found those allegations could not support a viable cause of action and the Plaintiffs are not legally entitled to relitigate that issue in this Court. To do so is an abuse of process: see *Toronto (City) v CUPE, Local 79*, 2003 SCC 63 at para 37, [2003] 3 SCR 77. Those allegations are accordingly struck from the Statement of Claim without leave to amend. [...]

There is not much of any substance that remains in the Statement of Claim, and what does remain is devoid of material facts. Prolivity, repetition and the bare pleading of a series of events are not substitutes for the requirement that a defendant know what is being factually and legally alleged so that a proper answer

and defence can be stated. What is always required is a recitation of material facts that can support an arguable cause of action. Nevertheless, there are some generalized allegations that CBSA and CIC officials knowingly fabricated a case against the Plaintiffs in order to keep them in custody. In theory, a viable cause of action for misfeasance in public office could arise, provided that there are sufficient material facts pleaded to support it. Here there are none and the remaining portions of the Statement of Claim are struck out for that reason and because what little remains is unintelligible. The Plaintiffs will, however, have leave to file a fresh Statement of Claim provided that it contains sufficient material particulars to support a cause of action for misfeasance in the prosecution of a case for the detention of the Plaintiffs.

i. In *Almacén v Canada*, a copy of which is marked as Exhibit “ZZ” to this affidavit and can be accessed at this [link](#), the Federal Court of Appeal had dismissed an appeal from a dismissal of a motion by the plaintiff’s client to set aside an order striking the plaintiff’s client’s amended statement of claim.

j. In *Al Omani v Canada*, a copy of which is marked as Exhibit “AAA” to this affidavit and can be accessed at this [link](#), the Federal Court had commented:

The statement of claim is difficult to apprehend and somewhat unwieldy. It starts off with bald allegations of various infringements, be they abuse of process, excess of authority, public misfeasance, negligence, negligent investigation, contempt of two Federal Court Judgments, as well as violation of [section 15](#) and [7](#) of the *Charter*. For good measure, there is also an allegation that [section 49](#) of the *Federal Courts Act* (prohibition of jury trials) and [72](#) of the *IRPA* (requirement that leave be granted for judicial review) are unconstitutional and of no force and effect.

Paragraphs 32 to 35 of the statement of claim that the Plaintiffs list causes of action. [...] The paragraph ends with a mere declaration, without any connection with the facts, that “tortious conduct has caused the damages”. What particular facts constitute the alleged tortious conduct is nowhere to be found in the pleading.

[...]

In the further alternative, the Plaintiffs allege a conspiracy to deny their permanent residence. This time, the allegations are barely more precise in that the Plaintiffs allege “a contrived denial made in bad faith”, delay and baseless association with Al Qaeda (para 37). I note that, again, the material facts that would give precision to the alleged conspiracy are not stated. In fact, there is a general allegation of conspiracy, but bad faith, delay and baseless association do not make a conspiracy, i.e. where there is proof of agreement and execution. The Defendant does not know who, when, where, how and what which would give rise to its liability.

[...]

I cannot see a scintilla of a cause of action in the Plaintiffs' claim that the Defendant failed to abide by the orders in bad faith. I am striking the misfeasance claim respecting the "refusal to abide by Federal Court orders" without leave to amend.

[...]

The fact that the Defendant refused to answer the Plaintiffs' questions does not show unlawful conduct. This does not show a cause of action, let alone a reasonable one. Unlike the points calculation and the inadmissibility decision, the Plaintiffs failed to point to a statutory obligation that the visa officer(s) breached or show that the officer(s) acted unlawfully in the exercise of their public functions generally. As a result, I am striking the misfeasance allegation concerning the "refusal to provide "cogent and/or sober" answers to questions posed by the Plaintiffs" without leave to amend.

[...]

There is nothing on the conduct of the investigation that led to the inadmissibility finding. I agree with the Defendant that the statement of claim fails to plead facts, let alone sufficient material facts to establish the tort of negligent investigation other than suggesting that the Plaintiffs are unhappy with the conclusion reached that they are inadmissible. The pleadings do not even begin to give any indication to support a general allegation that the investigation may have been negligent. I see no scintilla of an argument and am striking this claim without leave to amend. There is not even the faintest allegation of the who, when, where, how and what giving rise to liability. It is plain and obvious that the claim cannot succeed. The Plaintiffs throw up in the air an accusation with nothing to support it. There is nothing to amend. Actually, the Plaintiffs did not even attempt to specify how the claim could be amended (*Ward v Canada (Public Safety and Emergency Preparedness)*, 2014 FC 568, para 30). The fact of the matter is that there is no cause of action given the material facts pleaded. It is not so much that there are deficiencies which may be cured by amendment. There is no cause of action pleaded.

[...]

The pleadings are also so deficient in factual material that the Defendant would be incapable to know how to answer. They are bare assertions that are unfounded; not only they do not disclose a reasonable cause of action they could be struck as frivolous or vexatious [...].

[...]

The statement of claim fails to plead the basic elements of either *Charter* claim. These pleadings are once again so defective that they cannot be cured by simple amendment. There is not a reasonable cause of action disclosed. Since I see no scintilla of a cause of action to be cured, I have to strike both, without leave to amend.

62. I also researched the proceedings that the plaintiff has commenced specifically in relation

to coronavirus measures on behalf of various clients, and learned the following.

A. Action4Canada v British Columbia (Attorney General)

63. By 379-page notice of civil claim issued August 17, 2021, a copy of which is marked as Exhibit “BBB” to this affidavit, the plaintiff commenced an action on behalf of Action4Canada and others against, among others, the Province of British Columbia, Prime Minister Justin Trudeau, the Chief Public Health Officer of Canada and the Royal Canadian Mounted Police.

64. The plaintiff’s co-counsel on the matter was Lawrence Wong, an individual who the Federal Court had awarded costs against personally in *Tai v Canada*, a copy of which is marked as Exhibit “CCC” to this affidavit and can be accessed at this [link](#), for appearing on his own affidavit. Justice Mactavish of the Federal Court wrote in her reasons for judgment:

The affidavit provided by Lawrence Wong does not merely provide an evidentiary foundation for uncontested facts or for the admission of documents that were before the Immigration Appeal Division when it made its decision. Rather, Mr. Wong has put his litigation strategy before the IAD into issue in support of his clients’ procedural fairness arguments. It was clearly not appropriate in these circumstances for counsel to appear on his own affidavit.

[...]

The need for this adjournment is entirely attributable to Mr. Wong’s conduct. The applicants cannot be expected to be aware of the rules governing the propriety of counsel appearing on his own affidavit, and should not be liable for the costs of the adjournment. Consequently, the Court orders that the costs of this adjournment should be paid personally by Lawrence Wong. These costs are fixed in the amount of \$200.

65. Justice Bell of the Federal Court sanctioned Mr. Wong again in *Liang v Canada (Citizenship and Immigration)*, a copy of which is marked as Exhibit “DDD” to this affidavit and can be accessed at this [link](#), ordering him to pay \$1,000.00 in costs personally to the opposing party because the motion he had commenced was “an attack upon the integrity of the Court”.

66. On March 31, 2016, Canadian Lawyer published an article entitled “What was he

thinking?” commenting on Justice Bell’s decision. A copy of the article is marked as Exhibit “EEE” to this affidavit and can be accessed at this [link](#).

67. I understand, based on my review of the reported decisions on which Mr. Wong is listed as counsel, that Mr. Wong specializes in immigration law. Mr. Wong’s website, which can be accessed at this [link](#), lists “Immigration Law”, among other things, under “Our Services”. Printouts of the “Our Services” and “Immigration Law” pages of Mr. Wong’s website are collectively marked as Exhibit “FFF” to this affidavit.

68. A copy of the results of a CanLII search for the terms "Lawrence Wong" conducted December 20, 2022 is marked as Exhibit “GGG” to this affidavit. The matters on which Mr. Wong appears to have acted are highlighted in yellow in that document, and those on which he did not but which happened to be captured in the search are highlighted blue.

69. By decision dated August 29, 2022 (Exhibit E) that can be accessed at this [link](#), Justice Ross of the Supreme Court of British Columbia struck the entirety of Action4Canada’s claim in British Columbia, commenting:

The plaintiffs (individual, corporate and Action4Canada) seek general damages for breaches of their Charter rights. Each plaintiff claims a set amount of general damages. In addition, as against the defendant, Canadian Broadcasting Corporation, the plaintiffs collectively seek general damages of \$10,000,000 and punitive damages of \$10,000,000. I note that the pleading of specific amounts for general damages is clearly in violation of Rule 3-7(14) of the *Supreme Court Civil Rules*, B.C. Reg 168/2009 [*Rules*].

The first paragraph under the “THE FACTS” heading states:

44. In 2000 Bill Gates steps down as Microsoft CEO and creates the “Gates Foundation” and (along with other partners) launches the ‘Global Alliance for Vaccines and Immunization (“GAVI”). The Gates Foundation has given GAVI approximately \$4.1 Billion. Gates has further lobbied other organizations, such as the World Economic Forum (“WEF”) and governments to donate to GAVI including Canada and its current Prime Minister, Justin Trudeau, who has donated over \$1 billion dollars to Gates/GAVI.

I set out this paragraph to illustrate the wide-ranging and unconstrained nature of the allegations in the NOCC. The defendants submit that the NOCC makes allegations about the acts and motivations of many non-parties. That submission is correct.

Many of the allegations contained in the NOCC do not accord with, and specifically challenge, the mainstream understanding of the science underlying both the existence of, and the government's responses to the COVID-19 pandemic. The defendants submit that the allegations in the NOCC constitute "conspiracy theories". In response, the plaintiffs submit that they have pled material facts that expose "conspiracies". The former expression, used by the defendants, is recognized as a pejorative term. The latter, used by the plaintiffs, alleges that the NOCC is exposing an underlying systemic issue relating to the pandemic. Those allegations are, in turn, tied to allegations of misfeasance in public office. The plaintiffs also allege criminal conduct by the defendants.

[...]

On the first issue, whether the NOCC is prolix, I agree with the defendants' submission: the NOCC, in its current form, is not a pleading that can properly be answered by a responsive pleading. It describes wide-ranging global conspiracies that may, or may not, have influenced either the federal or the provincial governments. It seeks rulings of the court on issues of science. In addition, it includes improper allegations, including criminal conduct and "crimes against humanity". In my opinion, it is "bad beyond argument".

70. The court awarded costs payable forthwith in any event of the cause against the plaintiffs.

B. *Gill v Maciver*

71. On February 24, 2022, the Ontario Superior Court of Justice dismissed a claim, that the plaintiff had commenced on behalf of two doctors against over 20 defendants, pursuant to section 137.1 of the *Courts of Justice Act*. On October 31, 2022, the Court awarded full indemnity costs with certain reductions against the plaintiffs. Copies of the decisions are collectively marked as Exhibit "HHH" to this affidavit and can be accessed at this [link](#) and this [link](#).

C. "First Responders/Essential Workers" challenges

72. I found an article online, a copy of which is marked as Exhibit "III" to this affidavit and can be accessed at this [link](#), containing a link to a sample copy of a retainer agreement captioned

“RE: Ontario “First Responders/Essential Workers” (police, firefighter, paramedics/ ambulance, essential workers provincial/municipal) action against coercive vaccine mandates”, metadata dated December 19, 2021. The article asks clients to enclose a cheque for \$1,500 with the executed retainer.

73. A copy of the linked agreement is marked as Exhibit “JJJ” to this affidavit and can be accessed at this [link](#).

D. *Adelberg et al v Her Majesty the Queen et al*

74. By statement of claim issued May 30, 2022, a copy of which is marked as Exhibit “KKK” to this affidavit, the plaintiff commenced an action on behalf of approximately 600 plaintiffs against the federal government, Prime Minister Trudeau and others.

75. I found via online search a sample copy of a retainer agreement captioned “RE: Federal Employees Action against coercive vaccine mandate, as well as challenge to the proposed Federal ‘Vaccine Passports’ with the possibility of certifying as a class action proceeding”, metadata dated October 6, 2021. I have misplaced the link but retained a copy of the document, which is marked as Exhibit “LLL” to this affidavit.

76. On November 4, 2022, the federal government moved to strike the claim in its entirety. A copy of its notice of motion is marked as Exhibit “MMM” to this affidavit.

77. Copies of the affidavit evidence and memorandum of fact and law that the plaintiff filed in response, dated November 29, 2022, are collectively marked as Exhibit “NNN” to this affidavit.

The communications at issue and this action

78. I did none of what I describe below with the purpose of injuring the plaintiff. On the contrary, I took steps to prevent the plaintiff from injuring the Society.

79. As set out above, the Society and I felt that it was prudent to clarify to the public, and especially our donors, our lack of a relationship with the Galati affiliates and our reasons for pursuing overlapping goals separately from them.

80. I further believed that, to the extent that I could educate or assist those who had donated money toward what, in my view, was substandard and ineffective legal work in pursuit of a cause that the Society shares, it was important that I do so.

81. On January 27, 2021, the Society's treasurer, Deepankar Gandhi, sent the email to Dan Dicks with Press for Truth that I understand will be marked as Exhibit A to Mr. Gandhi's affidavit in support of this motion.

82. At some time in June of 2021, the Society added to the 'frequently asked questions' page of its website a series of questions and answers addressing, among other things, its relationship with the plaintiff and with Action4Canada and the differences between the Society's and Action4Canada's approaches to litigation in relation to COVID-19 measures. Copies of screenshots of the page and of the questions and answers with which I understand the plaintiff takes issue, captured August 16, 2022 and with the hyperlinks on the original page re-added to the screenshots, are collectively marked as Exhibit "OOO" to this affidavit.

83. Everything on this page that refers to the plaintiff is, in my view, accurate.

84. By correspondence dated February 3, 2021, a copy of which is marked as Exhibit “PPP” to this affidavit, Mr. Galati advised my counsel that he considered me to have made defamatory comments based on the content of Mr. Gandhi’s email.

85. On February 4, 2021, an individual who I understand to be a friend of Ms. Gaw’s and involved with other Galati affiliates, Danielle Pistelli, sent the following message to a WhatsApp group chat for Action4Canada members:

Hey guys. Tanya wanted me to make sure that Kip stays out of our inner circle. He is slandering Rocco. He’s said a number of defamatory things in some posts. Tanya sent to Rocco to which he put together a very stern letter responding to all the things he said. He was able to justify everything this guy smeared and Rocco is giving him the opportunity to offer a public apology and retract his defamatory comments or be sued by Rocco. All the statements he’s making can make people question whether or not they donate. She is thinks he’s either a mole or just an ignorant ass. Either way stay clear!

A screenshot of this message is marked as Exhibit “QQQ” to this affidavit.

86. On June 17, 2021, I met with an individual named Ted Kuntz, president of Vaccine Choice Canada, by videoconference. Vladislav Sobolev, a community activist who had organized the meeting between Mr. Kuntz and me, attended as well. Mr. Kuntz emailed me June 16, 2021:

Hi Kip and Vlad
I’m looking forward to our conversation tomorrow and learning more of your efforts to hold the BC government accountable.
This is the zoom link for our conversation:
Topic: Ted Kuntz’s Zoom Meeting
Time: Jun 17, 2021 11:00 AM Vancouver
Join Zoom Meeting
<https://us04web.zoom.us/j/74246861518?pwd=VHJ0ZW15MGc5cGM4aktaZmRXdDVyd09>
Feel free to call me if anything comes up.
See you tomorrow.
ted
778-892-6650

A copy of this email is marked as Exhibit “RRR” to this affidavit.

87. The meeting was organized in response to the large number of complaints we were

receiving about the Galati affiliates, which included Mr. Kuntz's organization, Vaccine Choice Canada, and Mr. Kuntz's concerns regarding mitigating negative public perception of his organization. Mr. Sobolev was present throughout the meeting. I have reviewed a draft copy of the affidavit that I understand he will affirm in support of this motion with respect to what was said during that meeting and can confirm that Mr. Sobolev's evidence is accurate. Contrary to the allegations in the statement of claim, the meeting was amicable. I at no point implied to Mr. Kuntz that anyone should redirect donations to either me or the Society.

88. Mr. Kuntz emailed me following the meeting. The following is an excerpt from his email, a copy of which is marked as Exhibit "SSS" to this affidavit:

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**.

I appreciate that you are not in a position to explain to those making inquiries the rationale for the delay in filing a default 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 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.

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 Are 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.

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

89. I have not had any other meetings with Mr. Kuntz.

90. By letter dated July 13, 2021, a copy of which is marked as Exhibit “TTT” to this affidavit, I responded to negative comments Ms. Gaw of Action4Canada, another Galati affiliate, had published online about the Society’s work and how there was an alleged conspiracy on our part to undermine her work. My letter was intended to extend an olive branch to her to invite her to participate in our steering committee and provide input into the Society’s work and the litigation process. This was consistent with our “open tent” principle.

91. In January 2022 an individual named Donna Toews, who ultimately became a volunteer and fundraiser for the Society, expressed to me concerns like those that I had been hearing from others. She advised me that she had donated \$1,000.00 to each of Action4Canada and Vaccine Choice Canada in response to their soliciting funds to commence proceedings challenging government-imposed measures related to the coronavirus but had been kept in the dark as to the status of each organization’s proceeding and as to the use of her donated funds.

92. Having grown fatigued with the administrative burden in receiving complaints about the plaintiff and the effect it was having on our volunteers, I agreed to assist her in attempting to recover the funds she had donated.

93. My purpose in assisting Ms. Toews was not to injure the plaintiff: it was to assist her, and

potentially others like her, in determining what had happened to the donated funds.

94. By email dated July 19, 2022, a law clerk from the plaintiff's office sent me the statement of claim in this action. I understood that this was not proper service and did not accept service at the time.

95. I believed then, and continue to believe now, that the plaintiff has commenced this action in order to mitigate his declining brand image at the cost of my and my co-defendants' time, resources and reputations. If the plaintiff was serious about pursuing a civil remedy, I believe it would have taken little effort to properly serve me, the registered office for the Society being my home office where I spend the majority of my time.

96. On August 29, 2022 my lawyers submitted a requisition to attend civil practice court in order to schedule this motion.

The plaintiff's public comments about this action and his action against the Law Society of Ontario

97. I believe that the plaintiff is relying on the existence of, among other proceedings, this one, to prevent me and others from speaking publicly about the matters discussed in this affidavit, and to communicate to the public that the Galati affiliates' approach to litigation, among other things, is legitimate.

98. On July 13, 2022, Mr. Kuntz interviewed the plaintiff during a livestream, a recording of which Canuck Law published on YouTube on September 1, 2022. A copy of the recording is marked as Exhibit "UUU" to this affidavit can be accessed at this [link](#). Beginning at the 22:50 mark, the plaintiff said:

I've also had to sue Kip Warner out in B.C. for his vicious interference with the Action4Canada and his nonsense in instigating a complaint to the Law Society of Ontario.

I've drafted and issued a law suit against the Law Society of Ontario because I've had nine—count 'em—nine complaints in the last 14 months because of my COVID-19 litigation. Do the numbers. Nine in 14 months—what, every six weeks? Now, the first eight were dismissed but, of them, they forced me to respond to three, including these depraved, racist, anti-Semitic complainants. Now they've asked me to respond to a fourth and I've had enough. I've just had enough so I'm gonna sue them too.

So I've got—I've got four law—I have four—I will, with this UNESCO action—I will have four lawsuits in my personal name because you can't just let these things go 'cause I know where they're going—I know where they're going with this. I've always known. Call me what you want.

[...]

I'm not putting up with this shit. I never have, so [...].

Mr. Kuntz responded:

What it tells me, Rocco, is they're afraid of crossing you in court.

99. The statement of claim for the action that the plaintiff commenced against the Law Society of Ontario and its intake and resolution counsel, issued July 12, 2022 and amended November 9, 2022, is marked as Exhibit “VVV” to this affidavit.

100. On September 5, 2022, an organization called Canadian Rights Watch posted a video to its website in which Ms. Gaw had the following exchange with her interviewer:

Ms. Gaw: [...] Rocco just filed another suit about a month ago against Kipling Warner who, for a year and a half, has also been using defamatory and libelous statements just a vendetta to go after Rocco, um, and in that claim, it was because Kipling Warner as well as somebody from the law society in Ontario were coaching an individual on how to lay a complaint against Rocco, um, and again, frivolous and libellous. And so Rocco finally got fed up and as a result—

Interviewer: It's like, I get the sense that they're, like, hunting him, y'know?

Ms. Gaw: Well, yeah, they, they [...] are determined and as far as Kip Warner is concerned he's got a very narrow claim that he filed in B.C. It's sort of an exemption for health workers against Bonnie Henry.

And I knew about that a year and a half ago [...] but this guy has made it a vicious

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vendetta as well along with Vlad to try to berate Action4Canada, Vaccine Choice Canada, Rocco, David Lindsay and, um, anyways, it got to the point with Kip where he was going to independent media—a person that happened to be an ally of mine and made defamatory comments about Rocco back in January 2021 and that person—that independent reporter—sent it to me saying ‘What’s this all about?’.

And so I sent it to Rocco and Rocco got in touch with the lawyer [...] that Kip was working with at the time [...] and said, you know, your client better cease and desist. But he chose not to.

They tried to affect the legal confidence in my legal counsel, they interfered with people donating to Action4Canada and, like I say, anybody that looks up what a constitutional challenge is—all lawyers were the same—I’m a gal that likes to have my bills paid at the end of the month. I hate debt. It freaks me out. And here I was taking this huge legal challenge on and I couldn’t wait that I could check off ‘Wow, this money has been raised!’—so grateful to the grassroots for every single dime that was given and then these guys come in and try to interfere with that a year ago. Started a year ago.

This Vlad guy was on his blog and [...] but after Rocco had filed against this Kip individual somebody recently told me that Vlad and Yvonne—another girl that—just like high school vicious kind of attacks trying to cause trouble and undermine, saying I’m not transparent with the funds, *etc.*, and so they’ve been pulling statements off of their Facebook, which is a wise thing to do. But they’ve already been screenshotted. They’ve also made libellous and defamatory comments [...].

Interviewer: [...] Yeah, you should hold everyone accountable.

A copy of this video can be found at Exhibit S to this affidavit and can be accessed at this [link](#).

101. Copies of emails that I exchanged on September 8, 2022 with an individual named Candis Elliott, who referred to Ms. Gaw’s interview in advising me that she had heard that morning that there “might be some effort on [my] part to undermine the important work of R. Galatti on behalf of Action 4 Canada [*sic*]”, are collectively marked as Exhibit “WWW” to this affidavit.

102. On October 19, 2022, during a livestream held by Vaccine Choice Canada, a copy of an excerpt of a recording of which is marked as Exhibit “XXX” to this affidavit, the plaintiff said, beginning around the 6:15 mark of the recording:

I'd like to mention that, as a footnote, you know over the last 15 months I've had no less than 14 Law Society complaints I've had to defend, and after the 13th, I had warned them, stop sending this garbage because I shouldn't even have to respond to this garbage. They sent me some more garbage and I sued the Law Society.

Within two weeks of suing the Law Society, they came up with complaint number 14, for my public speech in Nathan Phillips Square in November of 2021, and they're taking issue with—and I have until the end of the month to respond—and it was a self-generated complaint from the Law Society themselves, obviously, probably because I sued them.

And the complaint was over something they say I said at Nathan Phillips Square calling Doug Ford a depraved fascist or something, and I might have injected some peppers and adjectives to that, and the second complaint was referring to some doctors and, I don't know if it was the Mayor of Toronto, for engaging in pedophilic conduct by, you know, they leave this part out, because I said, you know, they're encouraging underaged kids, under 12, to come down and get a vaccine in exchange for an ice cream truck that's gonna give them free ice cream. This is where we've come, right? And instead of cracking down on these MFers, they wanna discipline me for pointing it out—that that's what pedophiles do, is lure children to them by offering chocolate, candy and ice cream. Why is that an outrageous analogy to draw?

103. The prejudice that the Society will suffer if this action is permitted to proceed is substantial. As I have described, the plaintiff continues to use this litigation to undermine the Society's efforts for his own benefit. In addition to the chilling effect on the Society and its supporters, the plaintiff publicizes this and related litigation to solicit support for his initiatives.

This action's effects on me

104. Addressing the plaintiff's commencement of this action against me has required that I, among other things, collect the high volume of documents relevant to the issues the action raises and educate my counsel. This has taken significant time and effort on my part and has reduced the time that I can spend operating the Society on a volunteer basis, the time that I can spend on my work as a software engineer and founder of a small, independent software vendor and my free time. I would estimate that I have spent at least 150 hours so far dealing with this claim as of this writing, with more anticipated to come.

105. I have spent significant time responding to inquiries from the public in respect of the plaintiff's action against myself and the Society. By way of example, a copy of an email exchange I had with an individual named Dennis Young on August 11, 2022 is marked as Exhibit "YYY" to this affidavit. I received most of these inquiries, of which there were many, in-person or by telephone.

106. This action has caused me stress. My reputation is important to me both because of my vocation and because it reflects on the Society. As I described above, the plaintiff and several Galati affiliates are relying on the mere fact that the plaintiff commenced this proceeding as evidence of their allegations that I am attacking them without basis and causing discord in the community on whose behalf the Society advocates.

AFFIRMED BY THE DEPONENT at the City of Vancouver in the Province of British Columbia REMOTELY BY WAY OF VIDEO CONFERENCE before me at the City of Toronto in the Province of Ontario on January 26, 2023, in accordance with O Reg 431/20



A commissioner for taking affidavits
Amani Rauff, LSO No. 78111C



KIPLING WARNER

EXHIBIT “A”



CERTIFIED COPY
Of a document filed with the
Province of British Columbia
Registrar of Companies


CAROL PREST

CONSTITUTION

BC Society • Societies Act

NAME OF SOCIETY: **CANADIAN SOCIETY FOR THE ADVANCEMENT OF SCIENCE
IN PUBLIC POLICY**

Incorporation Number: S0074303
Business Number: 78811 4460 BC0001
Filed Date and Time: October 12, 2021 03:36 PM Pacific Time

The name of the Society is CANADIAN SOCIETY FOR THE ADVANCEMENT OF SCIENCE IN PUBLIC
POLICY

The purposes of the Society are:

SOCIETY ACT

CONSTITUTION

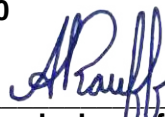
1. The name of the Society is

Canadian Society for the Advancement of Science in Public Policy

2. The purposes of the Society are:

- (a) To improve health outcomes of people by advocating for the development and implementation of government and public health policy initiatives to be based on research conducted using the scientific method;
- (b) To improve access to information on pandemic and epidemic threats and events;
- (c) To improve access to a full range of research conducted using the scientific method concerning pandemic and epidemic;
- (d) To oppose the dissemination of information that is not based on research conducted according to the scientific method;
- (e) To promote the use of and adherence to the scientific method in the development and dissemination of all public policy at any level of government of Canada or any province or territory therein; and
- (f) To promote critical thinking and public discussion that includes the widest possible expression of opinions and viewpoints in all public policy debates or discussion, regardless of the level of government of Canada or of any province or territory therein.

This is Exhibit "A" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

EXHIBIT “B”

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

Amended pursuant to Rule 6-1(1)(a) of the *Supreme Court Civil Rules*
Original filed on January 26, 2021

SEP 15 2021



BETWEEN

IN THE SUPREME COURT OF BRITISH COLUMBIA

CANADIAN SOCIETY FOR THE ADVANCEMENT
OF SCIENCE IN PUBLIC POLICY

No. S210831

Vancouver Registry

PLAINTIFF

AND

HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF BRITISH COLUMBIA
AND
DR. BONNIE HENRY IN HER CAPACITY AS PROVINCIAL HEALTH
OFFICER FOR THE PROVINCE OF BRITISH COLUMBIA

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

AMENDED NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- a. file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- b. serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- a. file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and

This is Exhibit "B" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

A Commissioner for taking affidavits
Amani Rauff, LSO No.: 78111C

- b. serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,

- a. if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- b. if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- c. if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- d. if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

Part 1: STATEMENT OF FACTS

Overview

1. Pandemic is a word that, if misused, can cause unreasonable fear, or unjustified acceptance that the fight is over for the thousands fighting for their lives in hospitals, leading to unnecessary suffering and death.¹
2. Science is the study of reality. It informs sound public policy.
3. In its response to the COVID-19 virus, the government of British Columbia has invoked extraordinary executive powers predicated on unsubstantiated scientific and legal grounds with catastrophic consequences for British Columbians.

Parties

4. The plaintiff, the Canadian Society for the Advancement of Science in Public Policy (the "Society"), a not-for-profit society duly incorporated under the *Societies Act*, SBC 2015, c. 18 with its head office at 108-2115 Cypress Street, Vancouver, British Columbia.

¹ WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020

5. The Society is a non-partisan and secular organization. Its mandate is to advocate for a greater role of science in the formation of public policy. Its directors, officers, donors, and patrons draw themselves from diverse communities and from across the political spectrum.

6. The defendant, Her Majesty the Queen in Right of the Province of British Columbia, may exclusively make laws in relation to matters that are not within the jurisdiction of the Government of Canada and its ministers may make orders pursuant to the *Emergency Program Act*, R.S.B.C. 1996, c. 111 (the "EPA"), and has an address for service care of the Attorney General, Ministry of Attorney General, PO Box 9290 Stn Prov Govt, Victoria, British Columbia (the "Provincial Government").

7. The defendant, Dr. Bonnie Henry is British Columbia's Provincial Health Officer (the "Provincial Health Officer") appointed under Part 6 of the *Public Health Act*, S.B.C. 2008, c 28.

Proposed Class

8. This action is brought on behalf of members of the class consisting of all persons residing or doing business in British Columbia who, since on or after March 17, 2020, have suffered personal injury or other damages as a result of the actions of the defendants in declaring a state of emergency pursuant to the EPA and Part 5 of the *Public Health Act* (the "Class").

8a. The following are proposed subclasses within the Class:

- i. All members of the Class with physical or mental health conditions including inability to communicate verbally, physical or psychological conditions that make wearing mask or being vaccinated dangerous to their health (the "Disability Subclass"):
- ii. All members of the Class who had medical procedures scheduled from March 17, 2021 onward, which were cancelled or delayed by order, decree or other directive of the defendants or each of them (the "Medical Subclass"):
- iii. All members of the Class who, at any time from March 17, 2020 held sincere religious beliefs that prohibited vaccination (the "Religious Subclass").

(collectively the "Subclass Members")

9. It is estimated that the Class consists of hundreds of thousands of residents and businesses owners in British Columbia.

9.a. Subclass Members form a small subset of the larger Class.

Government Declares an Emergency

10. On March 17, 2020, the Provincial Health Officer issued a notice under the *Public Health Act* (the “*PHA*”) that the transmission of the infectious agent SARS-CoV-2, had caused cases and outbreaks of an illness known as COVID-19 in British Columbia.

11. The following day, on March 18, 2020, the Provincial Government declared a “state of emergency” under the *EPA*.

12. A declaration of a state of emergency enabled the Provincial Government to exercise sweeping statutory powers under the *EPA*. This legislation has its roots in the federal *War Measures Act* of 1914. The latter was originally intended to implement a declaration of war for the First World War.

13. The declaration of a public health emergency also provided for a range of emergency powers under the *PHA*, including empowering the Provincial Health Officer to issue verbal orders that had immediate effect.

Rationale for State of Emergency

14. In the period between January 1 to March 31, 2020, there were 3 reported deaths attributed to the COVID-19 virus in British Columbia.

15. In the following months, the mortality rate attributed to COVID-19 increased but clustered around care home facilities, and especially those that were understaffed and without sufficient medical supplies.

16. In its “emergency” response, the Provincial Government closed large sectors of the British Columbia economy issuing orders prohibiting attendance at restaurants, fitness facilities, shopping centres, religious and other peaceful gatherings, issued travel bans and cancelled medical treatments.

17. While hospitals prepared for an influx of COVID-19 patients, many medical procedures and operations were cancelled under the Provincial Government’s directives. However, the high number of intensive care COVID-19 patients did not materialize. Most people infected with COVID-19 experienced mild to moderate influenza-like symptoms that abated quickly.

18. By June 24, 2020, the Provincial Government and Public Health Officer’s restrictions on non-essential travel, hotels, and film industries were lifted. By September 2020, on site and in person instruction at public schools was reintroduced.

19. The authority to exercise emergency powers under Part 5 of the *PHA* ends when the Provincial Health Officer provides notice that the emergency has passed (s. 59(1)).

20. Despite the relatively low number of persons infected by COVID-19 in British Columbia, the Public Health Officer failed to provide notice that the emergency had passed and the Lieutenant Governor in Council continued to extend the emergency declaration under *EPA*.

21. British Columbia ~~is currently~~ was in the longest state of emergency in provincial history.

21.a. Although the state of emergency was cancelled as of June 30, 2021, the Provincial Health Officer continued to issue PHA Orders pursuant to Part 5 of the *Public Health Act*, despite there being insufficient evidence or reasonable evidence that the prerequisites of s. 52 of the PHA were met.

COVID-19

22. The COVID-19 disease is similar in symptoms to influenza (also known as the common seasonal flu), but influenza, according to the World Health Organization can spread faster than COVID-19.

23. The most at risk for severe influenza infection are children, pregnant women, the elderly, those with underlying chronic medical conditions and those who are immunosuppressed. For COVID-19, older age and underlying conditions increase the risk for severe infection.

24. The infection fatality ratio of COVID-19 (the "IFR") is extremely low, comparable to the seasonal flu. The all-cause mortality of British Columbia from June 30, 2019 to July 1, 2020, the period in which COVID-19 appeared, does not differ drastically from the all-cause mortality statistics since 2016.

25. The language the defendants have used, and continue to use, in public statements respecting COVID-19 deaths misrepresent the true fatality of this disease. The defendants only report the case fatality ratio (the "CFR") rather than infection fatality ratio of COVID-19 ("IFR"). In reality, the number of persons infected but not reported is significantly higher than the cases reported. This means that the true fatality due to COVID-19 is significantly lower than reported by the defendants.

26. This misunderstanding of statistical data has caused, and continues to cause, unwarranted public alarm.

27. The defendants have refused to take responsibility for the inaccurate information provided to the public. For example, the British Columbia Centre for Disease Control (the "BCCDC"), states as follows in its disclaimer:

"... the Province of British Columbia, including the British Columbia Centre for Disease Control, the Provincial Health Services Authority and the British Columbia Ministry of Health makes no representation or warranties regarding the accuracy of the information in the dashboard and the associated data, nor will it accept responsibility for errors or omissions. (...) Anyone using this information does so at his or her own risk, and by using such information agrees to indemnify the Province of British Columbia, including the British Columbia Centre for Disease Control, the Provincial Health Services Authority and the British Columbia Ministry of Health and its content providers from any and all liability, loss, injury, damages, costs and expenses (including legal fees and expenses) arising from such person's use of the information on this website."

pp. 3-4, British Columbia COVID-19 Disclaimer and Data Notes.

COVID-19 Testing is Unreliable to a Significant Degree

28. The tests which the Public Health Officer and the Provincial Government have used, and continue to use, to determine the presence of COVID-19 in a person inaccurately slant results towards a higher number of positive cases of COVID-19 in the population than there actually are. This in turn causes needless panic and unfounded justification of government emergency orders.

29. This has caused excessive public alarm.

30. The reverse transcriptase polymerase chain reaction ("PCR") testing methodology used by the Provincial Government has produced significant COVID-19 false-positives.

31. A false-positive is a test that mistakenly appears positive, but in actuality is false.

32. This methodology has produced COVID-19 false-positives for a goat, a papaya, and a kiwi.

33. A growing number of scientists are condemning the use of PCR testing kits in COVID-19 testing, which can be used for multiple purposes.

34. According to the inventor of the PCR testing method, Dr. Kary Mullis, who earned a Nobel Prize for his work with PCR testing methodology, PCR identifies substances

qualitatively not quantitatively, detecting the genetic sequences of viruses, but not the viruses themselves.

35. The PCR test used in British Columbia purported to identify positive cases of COVID-19 is not sufficient to diagnose the presence of an infectious disease, including COVID-19. It is an aid to diagnosis only.

36. These false-positives inflate the number of alleged COVID-19 cases above the true case number of actual COVID-19 infected persons.

37. In 2019, provinces reported 147 lab-confirmed cases of flu the first week of November. This year, they reported four.

38. This comes despite testing more than twice as many people for flu than usual — almost 10,000 tests were done in the first week of November, 2020 compared to a six-year average of about 4,500.

39. Unsurprisingly, by January 18, 2021, the BCCDC confirmed it had not detected a single case of influenza circulating in the community.

40. The number of new cases reported without being qualified by information about the false-positive rate or false discovery rate also misleads the public about the danger represented by the new case number. Such danger is due to a lack of general public understanding about how disease prevalence, amount of testing, and the probability of obtaining a false-positive, affect the proportion of new cases accurately representing true-positive cases of COVID-19.

41. In spite of this a positive result has been used as a basis to enforce isolation of individuals on the grounds that they may have, and may be contagious for, a disease for which they show no symptoms, and from whom no COVID-19 virus had been isolated, purified, or shown to be biologically active.

42. This causes unnecessary fear and begets additional government policies that restrict the liberty of people to mitigate a problem which has been exaggerated by how these tests have been misused.

Compromised Medical Treatments and Therapies

43. In its “emergency” response, the Provincial Government cancelled medical treatments they deemed “non-essential” for which many residents had been on the waiting list for significant amounts of time.

44. In addition, the defendants have obstructed or discouraged licensed physicians and other treatment providers licensed under the *Health Professions Act*, R.S.B.C. 1996, c. 183, from advocating modalities or therapies with respect to the clinical approach in treating COVID-19 and related diseases, despite the physician having independently undertaken reasonable review of the scientific literature, that may improve a patient's immune system, reduce the potential negative outcome of a viral infection, and potentially accelerate the time required for recovery.

45. These include therapies that have been studied extensively in the scientific literature for more than half a century and are proven to be safe, inexpensive, ubiquitous, effective, and essential to the optimal function of the immune system (the "Complementary Therapies"), some of which are unpatentable.

46. The defendants knew, or ought to have known, that cancelling medical treatments or obstructing or discouraging the use of any of the Complementary Therapies in the treatment of disease was not grounded in science and would cause harm to the public.

Ministerial Orders

47. As of June 17, 2020, the Provincial Government had issued 30 orders under the authority of s. 10(1) of the *EPA*, including orders that were later repealed and replaced. More orders have been issued since then. All of the orders issued by the Minister contain a provision stating that they apply only for so long as the declaration of the state of emergency is in effect.

48. Most of the Provincial Government's orders do not reference a specific subparagraph in the s. 10(1) of the *EPA* and instead rely on the general provision in s. 10(1) that the Minister may "do all acts and implement all procedures necessary to prevent, respond to or alleviate the effects of any emergency or disaster."

49. The reality is that either all or some of the Ministerial orders were not necessary to "prevent, respond or alleviate" the effects of COVID-19 to the population of British Columbia.

50. The Provincial Government also failed to establish legally binding conditions on the use of sub-delegated powers to suspend, waive or otherwise alter statutory provisions for the following Ministerial orders and subsequent orders replacing them:

- i. Ministerial Order M083 was issued on March 26, 2020, after the initial declaration of a provincial state of emergency. This order applied to municipalities, regional districts and the City of Vancouver. Ministerial Order M083 was repealed and replaced by a new order on May 1, 2020, M139, subsequently in turn repealed and replaced by a new order, M192, on June 17, 2020.

- ii. M139, Local Government Meetings and Bylaw Process (COVID-19) Order No. 2, which repealed and replaced M083, Local Government Meetings and Bylaw Process (COVID-19) Order;
- iii. Ministerial Order M089, Residential Tenancy (COVID-19) Order, 30 March 2020.
- iv. Ministerial Order M179, Commercial Tenancy (COVID-19) Order, 29 May 2020;
- v. Ministerial Order M416, Food Liquor premises, Gatherings and Events (COVID-19) Order No. 2; and
- vi. Such further orders as will be provided at trial, but which are known to the defendants and listed in the Response to Demand for Particulars dated August 30, 2021.

(the "Ministerial Orders")

51. The Provincial Health Officer has issued more than 50 orders under the authority of Part 5 of the *PHA*, including verbal orders (the "PHA Orders").

52. ~~Most of~~ None of the Provincial Health Officer's PHA Orders ~~do not~~ reference the medical or scientific basis for issuing the order and do not satisfy the requirements of s. 52 of the *PHA*.

52.a. Dr. Henry has admitted that the limit on the size of gatherings is arbitrary and is not grounded in science.

52.b. Dr. Henry has admitted that wearing a mask does not protect a person from contracting COVID-19.

53. Indeed, the Ministerial Orders and PHA Orders (collectively, the "Orders") were and continue to be, inconsistent, contradictory, and contrary to reasonably established medical and scientific principles and research, and do not satisfy the requirements of s. 9 of the *EPA* and s. 52 of the *PHA*, particulars of which include, but are not limited to:

- ~~a. discouraging the public from wearing masks on the basis that they were ineffective;~~
- a. mandating that masks be worn in public places;
- b. closing in-house dining but permitting take-out;
- c. not mandating that cooks in public dining establishments wear masks while preparing food for take-out;

- d. allowing in-house dining for groups of the same household, that could sit next to groups of different households;
- e. ~~disallowing family gatherings; failing to enforce these orders;~~
- f. allowing shopping in large warehouse grocery and "big box" franchises such as Walmart, Costco, and others (the "Big Box Stores");
- g. prohibiting religious gatherings;
- h. prohibiting peaceful gatherings if unrelated to work;
- i. limiting shopping in shopping malls;
- j. prohibiting certain travel throughout British Columbia but allowing travellers from other provinces to travel within British Columbia;
- k. ~~admitting that the limit on the size of gatherings is arbitrary and was never grounded in science;~~
- k. prohibiting entering restaurants and cafes if unvaccinated but allowing eating in food courts without being vaccinated against COVID-19;
- l. such other particulars as may be proven at trial.

Effect of government measures on British Columbians

53.A. Orders limiting travel within British Columbia have limited Class members' ability to move freely within British Columbia while not restricting movement of non-residents.

~~53.B. Orders limiting peaceful assembly have stopped or limited the Class members' intent and right to publicly express or otherwise exercise political and other views between November 7, 2020 and February 10, 2021. Public protests took place on December 1, 5, and 12, 2020 in Vancouver, B.C. and organizers and attendees were issued violation tickets for contravening PHA Orders titled "Gathering and Events" in place at the time.~~

53.C. The cancellation of surgeries and additional medical diagnostic and other procedures scheduled on or after March 17, 2020 have caused and continue to cause personal injury to members of the Medical Subclass and resulted in discrimination against the members of the Medical Subclass based on physical or mental disability.

53.D. PHA Orders mandating persons be vaccinated against COVID-19 in order to secure employment or participate in various activities, attend events, restaurants, book travel accommodation and other activities that allow these persons to fully participate in British Columbia and Canadian society are forms of compulsions and prohibitions that affect fundamental life choices of Class members.

53. E. The Defendants failed to provide reasonable accommodation to Class members such as exempting persons who have recovered from COVID-19, or those who produce a negative rapid antigen COVID-19 test as an alternative to proof of vaccination, and other reasonable accommodations that become apparent from time to time.

53.F. PHA Orders mandating persons be vaccinated against COVID-19 in order to secure employment or participate in various activities, attend events, restaurants, book travel accommodation and other activities require Religious Subclass members to choose between their religion or securing employment and participating in society were and continue to be unacceptable to the personal identity of the members of the Religious Subclass.

53. G. Orders mandating face coverings that did not provide exemptions for persons with disabilities that make wearing a mask difficult or impossible causing the Medical Subclass and Disabled Subclass to be unable to attend grocery and other stores, work, or communicate while out in public spaces;

53. H. The Subclass Members are a minority in British Columbia and do not pose a danger to public health while attending public venues or dealing with members of the public due to the high rates of vaccination in the province and other measures that limit the spread of COVID-19.

53.I. The Orders fail to take into account the Subclass Members already disadvantaged positions in Canadian society and have resulted in differential treatment between Subclass Members and other member of the British Columbian and Canadian society, without providing for reasonable accommodation. This has also resulted in the perpetuation of false stereotypes of Subclass Members, by being perceived as:

- a. dangerous to the public health;
- b. ignorant;
- c. not worthy of respect;
- d. undeserving of medical treatment;
- e. such other particulars as may be provided at trial.

53. J. The September 10, 2021 PHA Orders do not allow Subclass Members of to be exempted in a timely manner, which is contrary to the principles of fundamental justice, as little or no notice was provided to Class members on how to seek reconsideration of these orders.

53. K. The process of reconsideration of the Public Health Officer's PHA Orders was slow and lacked independence, and was not proportional to the rights affected, resulting in a discriminatory effects of the Orders on Class members, including Subclass Members.

53. L. Due to a large number of reconsideration requests, the Public Health Officer stopped requests for reconsideration, by issuing her order of April 12, 2021, titled "Variance of Existing Orders to Suspend Reconsideration – April 12, 2021". The Public Health Officer stopped all reconsideration requests in or around April 12, 2021.

54. The further effects of these restrictions placed on British Columbians have caused personal injury and damage disproportionate to any threat posed by COVID-19, including but not limited to the following (the "Restriction Effects"):

- a. Significant increase in overdose deaths. For example, approximately five people die per day in B.C. due to an overdose, which is more than the number of people attributed to COVID-19 related deaths in B.C.;
- b. Increase in suicide rates;
- c. Increase in depression and mental-health illness;
- d. Loss of gainful employment;
- e. Increase in domestic violence, including child battery;
- f. Increase in bankruptcies and foreclosures;
- g. Increase in divorces and deteriorations in personal relationships;
- h. Decrease in critical services for the homeless and low income;
- i. Increase in insurance premiums;
- ii. **Refusal of medical treatment to unvaccinated persons;**
- j. Such other effects as may be proved at trial.

55. To put this in perspective, in 2018, 314 British Columbians died in motor vehicle incidents. In 2019, 984 people died from illicit drug use in British Columbia and in 2020, 1,548 people died from illicit drug use.

56. In contrast, there were 678 deaths in British Columbia attributed to COVID-19 to the end of week 50 in 2020.

57. Commercial insurers have already paid out billions in claims globally as a result of damage caused by government COVID-19 measures rather than physical injuries caused

by the virus. The increase in insurance premiums affects the costs of everyday living and doing business in British Columbia.

58. This kind of economic harm has impacted and will continue to impact British Columbians and all those who do business in British Columbia for decades by making British Columbian goods and services less competitive in the global marketplace.

Hippocratic Oath

58.a. The Hippocratic Oath (the "Oath") is an oath of ethics by which physicians are bound. It is one of the oldest legal documents in attested history.

58.b. The Oath's most sacrosanct tenet is *primum non nocere*, or first do no harm.

58.c. The Provincial Health Officer is in violation of her Oath.

Economic security of defendants versus class members

59. Many British Columbians have experienced, and continue to experience, severe economic hardship as a result of the Orders.

60. Meanwhile the Provincial Government, the Provincial Health Officer, and her staff continue to enjoy economic security through salaries, other benefits, and pensions. All government salaries, other benefits, and pensions are at public expense and far less subject to market conditions than the millions of British Columbians' lack of economic security caused by the continued state of "emergency".

61. Neither the Provincial Government nor the Public Health Officer to-date have conducted a risk assessment to assess the likelihood and severity of the negative consequences of the Orders, including those negative outcomes to economic, physical, emotional, and mental wellbeing mentioned but not limited to the Restriction Effects.

61.a. In failing to conduct a risk assessment the Provincial Government and the Public Health Officer, or each of them have:

- i. exhibited a clear disregard for the *Charter* rights of members of the Class;
- ii. failed to ensure their response to the COVID-19 virus measures impairs the constitutional rights and freedoms of Class members as little as possible.

61.b. In failing to provide reasonable accommodations to Subclass Members the Provincial Government and the Public Health Officer, or each of them have:

- i. exhibited a clear disregard for the Charter rights of Subclass Members;
- ii. failed to ensure their response to the COVID-19 virus measures impairs the constitutional rights and freedoms of Subclass Members as little as possible.

Part 2: RELIEF SOUGHT

1. A declaration that all Ministerial Orders and/or Public Health Orders be set aside as unreasonable.
2. A declaration that the following Ministerial Orders are *ultra vires* the EPA:
 - ~~a. Ministerial Order M083, issued on March 26, 2020; repealed and replaced by a new order on May 1, 2020, M139, repealed and replaced by a new order, M192, on June 17, 2020;~~
 - ~~b. Ministerial Order M089, Residential Tenancy (COVID-19) Order, 30 March 2020;~~
 - ~~c. Ministerial Order M179, Commercial Tenancy (COVID-19) Order, 29 May 2020; and~~
 - ~~d. Ministerial Order M416, Food Liquor premises, Gatherings and Events (COVID-19) Order No. 2.~~
 - a. Declaration of State of Emergency – M073-2020;
 - b. Extension of State of Emergency – OIC 155-2020;
 - c. Extension of State of Emergency – OIC 173-2020;
 - d. Extension of State of Emergency – OIC 207-2020;
 - e. Extension of State of Emergency – OIC 241-2020;
 - f. Extension of State of Emergency – OIC 264-2020;
 - g. Extension of State of Emergency – OIC 310-2020;
 - h. Extension of State of Emergency – OIC 351-2020;
 - i. Extension of State of Emergency – OIC 389-2020;
 - j. Extension of State of Emergency – OIC 436-2020;

- k. Extension of State of Emergency – OIC 458-2020;
- l. Extension of State of Emergency – OIC 482/2020;
- m. Extension of State of Emergency – OIC 494-2020;
- n. Extension of State of Emergency – OIC 506-2020;
- o. Extension of State of Emergency – OIC 570-2020;
- p. Extension of State of Emergency – OIC 571-2020;
- q. Extension of State of Emergency – OIC 572-2020;
- r. Extension of State of Emergency – OIC 581-2020;
- s. Extension of State of Emergency – OIC 592-2020;
- t. Extension of State of Emergency – OIC 611-2020;
- u. Extension of State of Emergency – OIC 700-2020;
- v. Extension of State of Emergency – OIC 001-2021;
- w. Extension of State of Emergency – OIC 013-2021;
- x. Extension of State of Emergency – OIC 057-2021;
- y. Extension of State of Emergency – OIC 088-2021;
- z. Extension of State of Emergency – OIC 107-2021;
- aa. Extension of State of Emergency – OIC 161-2021;
- bb. Extension of State of Emergency – OIC 202-2021;
- cc. Extension of State of Emergency – OIC 258-2021;
- dd. Extension of State of Emergency – OIC 285-2021;
- ee. Extension of State of Emergency – OIC 313-2021;
- ff. Extension of State of Emergency – OIC 332-2021;
- gg. Extension of State of Emergency – OIC 366-2021;
- hh. Commercial Tenancy (COVID-19) Order – M179-2020;
- ii. Electronic Attendance at Corporate Meetings (COVID-19) Order – M116-2020;

- jj. Electronic Attendance at Credit Union Meetings (COVID-19) Order – M138-2020;
- kk. Electronic Attendance at Statutory Meetings (COVID-19) Order – M167-2020;
- ll. Electronic Attendance at Strata Property Meetings (COVID-19) Order – M114-2020;
- mm. Face Coverings (COVID-19) Order – M012-2021 [REPEALED]
- nn. Face Coverings (COVID-19) Order amendment – M200-2021;
- oo. Face Coverings (COVID-19) Order repeal – M274-2021;
- pp. Food and Liquor Premises, Gatherings and Events (COVID-19) Order – M358-2020;
- qq. Food and Liquor Premises, Gatherings and Events (COVID-19) Order No. 2 – M416-2020;
- rr. Food Delivery Services (COVID-19) Order – M480-2020;
- ss. Gatherings and Events (COVID-19) Order – M314-2020;
- tt. Limitation Periods (COVID-19) Order – M086-2020;
- uu. Limitation Periods (COVID-19) Order No. 2 – M098-2020;
- vv. Local Government Meetings and Bylaw Process (COVID-19) Order – M083-2020;
- ww. Local Government Meetings and Bylaw Process (COVID-19) Order No. 2 – M139-2020;
- xx. Local Government Meetings and Bylaw Process (COVID-19) Order No. 3 – M192-2020;
- yy. Prohibition on Unconscionable Prices for Essential Goods and Supplies (COVID-19) Order – M115-2020;
- zz. Residential Tenancy (COVID-19) Order – M089-2020;
- aaa. Residential Tenancy (COVID-19) Order No. 2 – M195-2020;
- bbb. Travel Restrictions (COVID-19) Order – M172-2021;
- ccc. Travel Restrictions (COVID-19) Order No. 2 – M182-2021;
- ddd. Travel Restrictions (COVID-19) Order No. 3 – M212-2021;

eee. Travel Restrictions (COVID-19) Order No. 3 repeal – M242-2021;

fff. Use of Face Coverings in Indoor Public Space (COVID-19) Order – M425-2020.

2. A declaration that all decisions of municipal authorities made pursuant to M083, issued on March 26, 2020; repealed and replaced by a new order, M139, repealed and replaced by a new order, M192, on June 17, 2020, that do not otherwise comply with the *Local Government Act*, R.S.B.C. 2015, c. 1 or *Vancouver Charter*, S.B.C. 1953, c. 55 are of no force and effect.
3. A declaration pursuant to s. 24(1) and 52(1) of the *Canadian Charter of Rights and Freedoms* (the "*Charter*"), *Part I of the Constitution Act, 1982 being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11 (the "Constitution Act, 1982")* that each or all of the Orders made since March 17, 2020 and those currently in force are of no force or effect as they unjustifiably infringe and disproportionately limit the following:
 - a. s. 2 of the *Charter*,
 - b. s. 6(1) of the *Charter*,
 - c. s. 7 of the *Charter*,
 - d. s. 8 of the *Charter*,
 - e. s. 9 of the *Charter*, and
 - f. s. 15 of the *Charter*.
4. A declaration that any of the Orders be read so that its effects do not limit rights established under the *Charter*.
5. An injunction enjoining the defendants from issuing any administrative directive, order, or from exercising influence in any manner, including through its agents or regulators, that prevent or discourage any physician licensed under the *Health Professions Act*, R.S.B.C. 1996, c. 183 in the Province of British Columbia from advocating modalities or therapies that, in the physician's sole discretion, after the physician having independently undertaken reasonable review of the scientific literature, and having obtained their patient's informed consent, determines may improve their patient's immune system, reduce the potential negative outcome of a viral infection, and potentially accelerate the time required for recovery.
6. An injunction enjoining the defendants from issuing further orders under the *EPA* and Part 5 of the *PHA*.

7. General damages;

7.a. Damages pursuant to s.24(1) of the *Charter*.

8. Special damages;

9. Special costs, or in the alternative, Costs; and

10. An order certifying this action as a class proceeding;

11. Interest under the *Court Order Interest Act*, R.S.B.C. 1996, c. 79;

12. Such further and other relief as this Honourable Court may deem just.

Part 3: LEGAL BASIS

1. The defendants have failed to establish the legally binding conditions necessary to declare a state of emergency and erred in concluding that the criteria for declaring an "emergency" were satisfied under the *EPA* and *PHA*.

2. The continued state of emergency is disproportional and unnecessary to deal with the nature of the problems posed by COVID-19.

3. In the alternative, if the conditions under which the defendants could declare a state of emergency did exist in March 2020, such conditions no longer existed after May, 2020 and did not warrant the continued renewal of a state of emergency in British Columbia past May 2020.

Public Health Act

4. Part 5 of the *PHA* sets out the emergency powers available to medical health officers, the Provincial Health Officer, and the Minister of Health in a public health emergency.

5. The Provincial Health Officer did not have grounds to reasonably believe that the conditions set out in s. 52 of the *PHA* existed in declaring a state of "emergency".

6. In the alternative, if the Provincial Health Officer did have grounds to reasonably believe that the conditions set out in s. 52 of the *PHA* existed to provide the requisite

notice in March 2020, which is denied, then the Provincial Health Officer did not have grounds to continue to reasonably believe that such conditions existed past May 2020.

7. The authority to exercise emergency powers under Part 5 of the *PHA* ends as soon as reasonably practical after the emergency has passed, and in the case of a regional event, when the provincial health officer provides notice that the emergency has passed.

8. The Provincial Health Officer has failed to provide notice that the emergency has passed despite reasonable medical, statistical, and scientific evidence.

9. Following May 2020, the Public Health Officer continued to exercise emergency powers pursuant to Part 5 of the *PHA*, despite there being insufficient evidence or reasonable evidence that the prerequisites of s. 52 of the *PHA* were met.

10. In the alternative, if the Provincial Health Officer had grounds to be reasonably satisfied of the requirements of s. 52 of the *PHA* to continue a state of emergency, the *PHA* Orders exceeded her statutory authority and were inconsistent with established medical and scientific principles and the actual ramifications of COVID-19 in British Columbia.

11.a. The process of reconsideration of the Public Health Officer's *PHA* Orders and her order of April 12, 2021, titled "Variance of Existing Orders to Suspend Reconsideration – April 12, 2021" were contrary to the principles of fundamental justice.

Hippocratic Oath

11. ~~*[Intentionally blank]* The Hippocratic Oath (the "Oath") is an oath of ethics by which physicians are bound. It is one of the oldest legal documents in attested history.~~

12. ~~*[Intentionally blank]* The Oath's most sacrosanct tenet is *primum non nocere*, or first do no harm.~~

13. ~~*[Intentionally blank]* The Provincial Health Officer is in violation of her Oath.~~

Emergency Program Act

14. The *EPA* establishes the conditions under which the government can declare a state of emergency, for how long those declarations can last, and when they can deploy emergency powers to protect human lives and mitigate property damage.

15. Pursuant to the *EPA* an "emergency" means "a present or imminent event" that is "caused by accident, fire, explosion, technical failure or the forces of nature," and that "require[s] prompt coordination of action or special regulation of persons or property to protect the health, safety or welfare of a person or to limit damage to property" (s. 1(1)).

16. The effects of COVID-19 in British Columbia did not fit within the definition of an "emergency" under the *EPA*.

17. The Provincial Government's interpretation of the *EPA*, its assessment of the situation, and actions taken were "unreasonable" as a matter of administrative law.

18. In the alternative, if an "emergency" existed pursuant to s. 9 of the *EPA*, which is denied, the Provincial Government exceeded the limits on its power under s. 10(1) and s.10.1(1) of the *EPA*, by making Ministerial Orders that:

- a. did not fit into, or were inconsistent with, the powers specified in s. 10(1) and s. 10.1 of the *EPA*; and
- b. were not "necessary to prevent, respond to, or alleviate the effects of an emergency or disaster".

19. The *EPA* does not authorize or give the Provincial Government and its ministers absolute discretion to suspend, amend or override valid statutes or regulations when acting under s. 10(1) of the *EPA*.

20. The plaintiff says that COVID-19 mostly seriously affects senior citizens, and that the vast majority of British Columbians, even if infected, would not be in mortal or other danger, thus an emergency order affecting all citizens is a substantial and unnecessary overreach.

21. Section 26 of the *EPA*, is not a defence as it does not include ministerial orders.

22. The Provincial Government failed to establish legally binding conditions on the use of sub-delegated powers to suspend, waive or otherwise alter statutory provisions in Ministerial Orders. The Ministerial Orders do not sufficiently guard against arbitrary or inconsistent decision making by sub-delegates.

23. In addition to being unauthorized, the Ministerial Orders do not demonstrate consideration of the principle of proportionality.

24. The *EPA*'s lineage has its roots in the federal *War Measures Act* of 1914. The latter was originally intended to implement a declaration of war for the First World War.

25. The PHA Orders do not discriminate between the sick and the healthy, collectively punishing a whole group in violation of Article 33 of the *Fourth Geneva Convention of 1949*.

26. An emergency order is a hammer, and now, the defendants have seen all matters relating to COVID-19 as a nail.

Doctrine of unconscionability

27. The doctrine of unconscionability is applicable to any waiver of liability issued by the defendants in the "British Columbia COVID-19 Disclaimer and Data Notes" and related notices.

The Canadian Charter of Rights and Freedoms (the "Charter")

28. The *Charter* limits British Columbia's response to an emergency under the *EPA* and the *PHA*.

29. The Orders made under the *EPA* and *PHA* are inconsistent with the *Charter* as follows:

- a. Orders that prohibit religious gatherings infringe on the s. 2(a) *Charter* right of freedom of conscience and religion; particulars of which include:
 - i. PHA Orders: "Gatherings and Events" - August 7, 2020, September 18, 2020, November 19, 2020, December 2, 9, 15 and 24, 2020 and subsequent "Gatherings and Events" orders, each as amended from time to time;
 - ii. Ministerial Orders M314 (Aug. 20, 2020), M358 (Sept. 20, 2021), M416 (Nov. 13, 2020), M013 (January. 8, 2021); and
 - iii. Such further orders as may be advised at trial.
- b. Orders that prohibit peaceful gatherings infringe on the s. 2(c) *Charter* right of freedom of peaceful assembly and s. 2(d) *Charter* right of freedom of association, particulars of which include:
 - i. PHA Orders: "Gatherings and Events" - August 7, 2020, September 18, 2020, November 19, 2020, December 2, 9, 15 and 24, 2020, September 10, 2021 and subsequent "Gatherings and Events" orders, each as amended from time to time;
 - ii. PHA Orders: Post-secondary Institution Housing COVID-19 Preventive Measures' – September 9, 2021

- iii. Ministerial Orders M314 (Aug. 20, 2020), M358 (Sept. 20, 2021), M416 (Nov. 13, 2020), M013 (January. 8, 2021); and
 - iv. Such further orders as may be advised at trial.
- c. Orders, directives, or decrees that prohibit or limit medical procedures infringe on the s. 7 Charter right of life, liberty and security of the person and s. 15 equality rights;
- d. Orders that control or prohibit travel to or from any area of British Columbia under s. 10(1)(f) of the EPA limit the freedom of peaceful assembly” under s. 2(c) of the Charter, or “the right ... to move to and take up residence in any province” under s. 6(2)(a) of the Charter, and the right not to be arbitrarily detained or imprisoned under s. 9 of the Charter; particulars of which include:
- i. Ministerial Orders M172-2021 (April 21, 2021), M182 (April 30, 2021), M212 (May 25, 2021);
 - ii. Such further orders as may be advised at trial.
- e. Orders that require a person to render assistance of a type that the person is qualified to provide under s. 10(1)(e) of the EPA limit the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice under s. 7 of the Charter, and
- f. Orders that authorize the entry into any building or on any land, without warrant under s. 10(1)(i) of the EPA limit the right to be secure against unreasonable search or seizure under s. 8 of the Charter;
- g. Orders or actions or inactions that limit or prohibit reconsideration of PHA Orders infringe on the s. 7 Charter as they do not accord with the principles of fundamental justice, particulars of which include:
- i. PHA Order “Variance of Existing Orders to Suspend Reconsideration – April 12, 2021”; and
 - ii. Such further orders as may be advised at trial.

- h. Orders that mandate vaccination infringe on the s. 7 *Charter* right of life, liberty and security of the person and s. 15 equality rights; particulars of which include:
- i. PHA Orders "Food and Liquor Serving Premises – September 10, 2021";
 - ii. "Gatherings and Events – September 10, 2021";
 - iii. "Post-secondary Institution Housing COVID-19 Preventive Measures" – September 9, 2021
 - iv. "Covid-19 Vaccination Status and Preventive Measures Order – August 20, 2021, September 9, 2021 and further amendments;
 - v. Residential Care Staff COVID-19 Preventive Measures PHO Order – September 2, 2021
 - vi. "Variance of Existing Orders to Suspend Reconsideration – April 12, 2021"; and
 - vii. Such further orders as may be advised at trial.

30. Therefore, the Orders violate ss. 2, 6-9 and 15 by infringing on these rights in a manner that does not accord with the principles of fundamental justice. These infringements cannot be justified pursuant to the criteria of s. 1 of the *Charter*.

31. The plaintiff relies on s. 52 of the *Constitution Act, 1982*, in seeking a declaration that the Orders are unconstitutional and of no force or effect.

32. The plaintiff seeks damages pursuant to s.24(1) of the *Charter* on behalf of members of the Class.

Plaintiff's address for service: Citadel Law Corporation
1400 – 1125 Howe Street
Vancouver, BC V6Z 2K8

Fax number address for service: N/A

E-mail address for service: N/A

Place of trial: Vancouver

The address of the registry is: 800 Smithe Street, Vancouver, BC

Date: September 15, 2021



Signature of lawyer for the plaintiff
Polina H. Furtula

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
- (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

In its response to the COVID-19 virus, the government has invoked extraordinary executive powers predicated on unsubstantiated scientific and legal grounds with catastrophic consequences for British Columbians. In doing so, the defendants have overreached their authority under the *Emergency Program Act*, the *Public Health Act*, and have infringed on *Charter* rights in a manner that does not accord with the principles of fundamental justice.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- ☐ a motor vehicle accident
- ☐ medical malpractice
- ☒ another cause

A dispute concerning:

- ☐ contaminated sites
- ☐ construction defects
- ☐ real property (real estate)
- ☐ personal property
- ☐ the provision of goods or services or other general commercial matters
- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate

☒ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- ☒ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☒ constitutional law
- ☐ conflict of laws
- ☐ none of the above
- ☐ do not know

Part 4:

1. *Emergency Program Act*, RSBC 1996, c. 111;
2. *Public Health Act*, SBC 2008, c 28;
3. *Canadian Charter of Rights and Freedoms (the "Charter")*, Part I of the *Constitution Act, 1982 being Schedule B to the Canada Act 1982 (U.K.)*, 1982, c. 11.

EXHIBIT “C”

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Canadian Society for the Advancement of
Science in Public Policy v. British
Columbia*,
2022 BCSC 2108

Date: 20221107
Docket: S210831
Registry: Vancouver

Between:

Canadian Society for the Advancement of Science in Public Policy

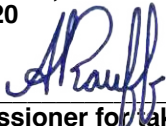
Plaintiff

And

**His Majesty the King in right of the Province of British Columbia and
Dr. Bonnie Henry in her Capacity as Provincial Health Officer
for the Province of British Columbia**

Defendants

This is Exhibit "C" to the affidavit of
Kipling Warner affirmed before me
electronically by way of
videoconference this 26th day of
January, 2023, in accordance with O
Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

Before: The Honourable Mr Justice Crerar

Oral Reasons for Judgment

(In Chambers)

Counsel for the Plaintiff:

A.D.A. Greer

Counsel for the Defendants:

C. Rajotte
E.C. Lapper

Counsel for the Attorney General of British
Columbia:

C. Bant

Place and Date of Hearing:

Vancouver
November 7, 2022

Place and Date of Judgment:

Vancouver
November 7, 2022

2022 BCSC 2108 (CanLII)

Canadian Society for the Advancement of Science in Public Policy v. British Columbia
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I. Introduction

[1] The plaintiff, Canadian Society for the Advancement of Science in Public Policy, applies for an order allowing for the filming and delayed and limited broadcast of the certification hearing in this matter, scheduled for December 12–16, 2022. During those five days of hearings, the plaintiff will attempt to convince the Court to certify its action as a class proceeding, according to the *Class Proceedings Act*, RSBC 1996, c 50, and case law on the subject. That proposed class proceeding aims to challenge and seek compensation for various actions and restrictions imposed by the provincial government and the Provincial Health Officer in response to the COVID-19 pandemic. During that week, the respondents will also argue their application to strike the plaintiff's claim as an abuse of process.¹

[2] The plaintiff argues that this matter, affecting all British Columbians, is a matter of widespread public interest. That public interest is not merely theoretical but actual. The plaintiff provides affidavits from individuals across the province who say that they will be unable to attend the court proceedings due to physical infirmities, work and family commitments, economic limitations, and general distance from the Vancouver Law Courts building.

[3] The respondents argue that the hearing should not be broadcast. They emphasise the inability of the Court to control the dissemination of the video once it has been posted online. The video could be further distributed and manipulated to the detriment of the dignity of the Court itself and to court proceedings in general. The internet respects no borders. While improper use of the video within British Columbia and Canada could attract punishment through the Court's contempt of court powers, the Court would have limited powers to counter misuse outside British Columbia.

[4] The respondents also note that there are few precedents or prior examples of broadcast of a British Columbia court proceeding absent agreement by all parties.

Canadian Society for the Advancement of Science in Public Policy v. British Columbia **Page 3**

II. Historical broadcast of court proceedings

[5] Under the rule of law in Canadian society, judges determine issues based upon statutes, enactments, and the common law, represented by earlier decisions in similar circumstances by other courts. That said, there exists little binding guidance on the issue before the Court: an application to broadcast the court hearing.

[6] No statute or regulation addresses the broadcast of court proceedings. There is no common law tradition or custom in Canada of televising trial court proceedings, as exists in the United States. There is no such tradition in the United Kingdom, although it has broadcast some appellate court hearings since 2009.²

[7] Our Court's Practice Direction PD-48, "Applications for Authorization to Video Record or Broadcast Court Proceedings", provides guidelines for such applications. In that direction, ss. 8 and 9 set out what an applicant must establish:

Written Argument

8. In support of the application, the applicant must submit a written argument addressing the impact of the authorization sought on:
 - a. fair trial rights;
 - b. privacy interests;
 - c. witnesses in the proceeding; and
 - d. the Court and the administration of justice.
9. The applicant's written argument may also address any other factors which the applicant considers relevant to the application.

[8] In *Reference re: Section 293 of the Criminal Code of Canada*, 2011 BCSC 1588 at para. 41 [the "**Polygamy Reference**"], the Court noted that the existence of the Practice Direction itself recognises that it may be appropriate in certain circumstances to televise court proceedings. At the same time, there are only a few instances in British Columbia history of broadcasting court proceedings.

[9] An early instance was seen in *HMTQ v. Cho*, 2000 BCSC 1162. There, only counsel submissions and the charge to the jury were permitted to be broadcast. Neither the jury nor the accused could be filmed. The Court made the order over the

Canadian Society for the Advancement of Science in Public Policy v. British Columbia

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objections of both the Crown and the defence. The Court specifically emphasised that the broadcast order was an “experiment”: paras. 39–40.

[10] In the *Polygamy Reference*, Bauman CJSC, as he then was, permitted broadcast of the closing submissions but not the entire proceedings:

[40] The application sought only to broadcast the closing submissions, which are similar in substance to appellate submissions. Much of the lively debate surrounding televised court proceedings centres upon its impact on witnesses and jurors. Clearly, none of the reservations that have been expressed by some in this regard apply to appellate litigation. The Supreme Court of Canada has been televising its proceedings for several years now. The Ontario Court of Appeal did so as well in *R. v. Truscott*, 2007 ONCA 575.

[41] The existence of the Practice Direction is a recognition that televising court proceedings is appropriate in some circumstances. In my view, this unique proceeding was one. The issues before the Court were of public interest, and the parties and Interested Persons either consented or took no position on the matter. In the context of this case, broadcast of the closing submissions neither raised privacy concerns nor in any other way impaired the fair and proper administration of justice.

[42] On this basis, I permitted the application. As I observed at the time, this is an exceptional proceeding and my ruling does not necessarily have precedential value for future cases.

[11] The Chief Justice described the camera set-up in the courtroom:

[43] The media set up two web cameras in the courtroom which provided virtually live webcast of the entire closing submissions. I say “virtually” because it was a condition of my order that there be an approximate 10 minute delay in broadcast to permit recourse in the event of inadvertent reference to certain protected evidence. While I cannot speak for counsel, I did not find the cameras to be obtrusive or otherwise distracting. No concerns arising from the webcast have been brought to my attention.

[12] Again, in the *Polygamy Reference*, in contrast to the present case, the parties either supported or took no position on the media application to broadcast the submissions. Nor was there resistance from any participants whose faces would be shown.

[13] In *West Moberly First Nations v. British Columbia*, 2018 BCSC 1282, this Court allowed a limited broadcast of the proceedings, which concerned Indigenous claims. While the hearing appears to have been broadcast on the internet generally,

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the proceedings were broadcast specifically for the purpose of allowing members of the Indigenous group to follow those proceedings: see also *Restoule v. Canada (Attorney General)*, 2018 ONSC 114 at para. 49. Their individual and collective rights, with respect to both the present and future generations of that group, would be directly affected by the determinations of the Court. As stated in *West Moberly*:

[3] That said, I accept the plaintiffs' submission to the effect that the order sought may be justified as a means of promoting access to justice, the open-court principle and reconciliation - all of which must be balanced, however, against the proper administration of justice.

[4] On that basis, I have concluded that the order that I make should not go beyond the rationale that has been posited for it, which is a narrow one. As I understand it, it is to allow members of the plaintiff First Nations who live in remote areas to watch the proceedings as they unfold. In addition, the order should not extend beyond the rationale that is supported by the evidence, which is to a similar effect.

[14] Again, in contrast to the present case, all *West Moberly* parties and participants agreed to be broadcast, and did not object to the application.

[15] On the other hand, the leading British Columbia precedent, and the most recent British Columbia precedent, both denied broadcast.

[16] In *R. v. Pilarinos and Clark*, 2001 BCSC 1332, Justice Bennett, now of the Court of Appeal, denied a media application to broadcast the trial of Mr Pilarinos, accused of building a balcony for the then-premier, allegedly in exchange for political assistance in a casino application. Despite the public interest in holding those in power to account, the Court refused the broadcast application.

[17] The Court first distinguished *Cho* on the basis that that case did not purport to overturn the common law rule against broadcast of court proceedings, as reiterated by Esson CJSC (as he then was) in *R. v. Vander Zalm*, [1992] BCJ No 3065 (SC) at para. 3: *Pilarinos* at paras. 43–47. Rather, as stated, the *Cho* order was "an experiment" and was thus not of precedential value: *Pilarinos* at para. 47.

[18] The *Pilarinos* Court then conducted an extensive analysis of the alternative argument that refusal to allow broadcast would offend the *Charter*. The Court

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concluded that the denial of broadcast would not contravene s. 2(b) of the *Charter*, and, alternatively, if it did, it would be saved by s. 1: paras. 168–170.

[19] The Court declined to exercise its discretion to permit broadcast of the trial, which could conceivably have been heard by a judge and jury: para. 229. In this, the Court ultimately agreed with the submissions made by the Attorney General, the Crown, and the accused: all of whom opposed the broadcast of the trial.

[20] Towards the end of those lengthy and considered reasons, the Court noted that:

[225] The common law evolves gradually. Often, technology is far ahead of the both the legislature and the common law.

[21] The Court emphasised that it was not, in 2001, closing the door on the broadcast of future court proceedings:

[228] These final comments do not demonstrate any bias I have for or against television in the courtroom. The arguments put forward by the applicants are compelling. There are good reasons presented for permitting Expanded Media Coverage in a courtroom, particularly where there will be complete coverage of the trial. My simple conclusion is that we do not know the effect of Expanded Media Coverage in the courtroom. Until we do, the policy of the Supreme Court of British Columbia is a sensible and permissive approach to the issue.

[22] More recently, in *United States v. Meng*, 2020 BCSC 43, Associate Chief Justice Holmes of this Court denied the application of an international media consortium to broadcast the extradition hearing of Ms Meng. Both the accused and the Crown opposed broadcast. The *Meng* decision expressed concern that the proceedings might be rebroadcast out of context—a particular concern given that, as in the present certification and strike hearing, the alleged facts of “double criminality” were assumed, for the sake of argument, to be true: para. 39. The broadcast contemplated in *Meng* would extend beyond the borders of British Columbia and beyond the Court's contempt powers: para. 47. Specifically, it might be rebroadcast in the United States, where Ms Meng faced a criminal trial, likely before a jury, if she were ultimately to be extradited. This highlights the driving factor in the Court

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denying broadcast in *Meng*: the risk of acutely prejudicing the criminal trial of Ms Meng in a foreign country:

[37] ***The key concern is Ms. Meng's right to a fair trial in the USA, should she be extradited.*** For portions of these extradition proceedings to be broadcast – even the double criminality hearing – would in my view put that right at serious risk by potentially tainting trial witness testimony and the juror pool. ***Broadcasts would almost inevitably reach the community of the trial, given the high profile of this case in Canada and abroad, the political commentary relating to the case, and the sensationalized nature of some of the media coverage.***

...

[39] ... The question of law in the double criminality portion will be addressed on the basis that the facts set out in the Record of the Case (and the supplemental materials) are true. Counsel will accordingly argue the double criminality question as though Ms. Meng committed the alleged conduct that is the subject of the US charges, even though Ms. Meng's position in the broader proceedings is that she did not. A broadcast of counsels' submissions without an explanation of their proper context could well lead an observer unfamiliar with extradition law to take counsel to be accepting the truth of the allegations, rather than assuming their truth for the purpose of the double criminality hearing. ***To that observer, counsel would appear to be arguing against Ms. Meng's extradition on the "technical" point that her acknowledged conduct is not criminal in Canada, while accepting that she committed the conduct alleged in the charges.***

[40] For a broadcast to be made of Ms. Meng's own counsel appearing to acknowledge her guilt of the U.S. charges could entrench a public perception that Ms. Meng has no real defence to them, and that she resists extradition only on the "technical" basis relating to double criminality (as well as because of the abuse of process she alleges). ***Such an entrenched public perception could seriously damage Ms. Meng's right to a fair trial in the USA because of the potential tainting of witnesses and members of a jury pool.***

[emphasis added]

[23] That concern does not arise in the present circumstances: a certification hearing. If certification is granted, there will be no criminal trial and there will be no individual put on trial.

[24] Finally, Holmes ACJ echoes the observations made by Bennett J in *Pilarinos*, 19 years earlier, on the effect of technology on court proceedings, and the need to be cautious, but not excessively cautious:

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[46] However, the example given there of an unmaterialized risk related to the comfort of witnesses and other courtroom participants in the presence of cameras. Initial fears that cameras would always intimidate proved to be overly cautious, given the evolution of technology and the ever-increasing access to it by the general public.

[25] Outside of British Columbia, there are examples and precedents of other courts across the country broadcasting proceedings. Since 2009, the Supreme Court of Canada has broadcast its hearings live.³ The Court then archives those hearing videos on its website. Members of the public can click on a hyperlink to the broadcast of any given hearing and watch it at any given time.⁴

[26] There is also evidence in the materials that the Federal Court and the Courts of Manitoba and Nova Scotia also broadcast hearings on a regular basis.⁵

[27] With the Federal Court, one can access audio and/or video of a few, but far from all, court proceedings.⁶ Those proceedings appear to primarily concern Indigenous disputes: as in *West Moberly*, such proceedings would promote the goals of reconciliation and Indigenous access to the Court, often located far from those peoples.⁷ Further, those court hearings concern important collective and individual rights of those groups.

[28] The plaintiff provides more detail of the Manitoba courts' broadcast of their proceedings, in the Provincial Court, the Court of Appeal, and the Court of Queen's Bench (now the Court of King's Bench).⁸ Those broadcasts are not only of judicial rulings, but also submissions, and not only civil submissions, but also criminal submissions.⁹ That said, it appears from the evidence that none of those Manitoba recordings are still available to the public in an archive, on the court websites or otherwise.

[29] Ironically, in the context of the present proceedings, the pandemic provides further precedents for filming and online broadcast of court proceedings in this province. During the pandemic, the Court of Appeal has provided a public link to appeal hearings, allowing up to 500 viewers to watch the presentation of arguments

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and review of evidence. The hearings are not archived on the court website in the manner of the Supreme Court of Canada hearings or in the manner sought by the present applicant. That said, conceivably, although it would be contrary to the Court's directions and policies, the Court of Appeal video hearings would be vulnerable to unauthorised reproduction and republication through screen capture or through other means.¹⁰

[30] These broadcast hearings of our Court of Appeal, of course, have concerned many matters of intense public controversy. These have included matters relating to the pandemic itself: *Redmond v. Wiebe*, 2022 BCCA 244; *R. v. Holland*, 2021 BCCA 184. They have also concerned pre-certification class proceeding motions and other motions where the facts asserted in the hearing are assumed to be true: *British Columbia v. The Jean Coutu Group (PJC) Inc.*, 2021 BCCA 219; *Kindylides v. Does*, 2020 BCCA 330; *Sherry v. CIBC Mortgage Inc.*, 2020 BCCA 139.

[31] As set out above, this Court does not generally permit broadcasts of its proceedings. But, the Microsoft Teams hearings carried out throughout the pandemic raised and mollified some of the hypothetical spectres argued by the respondents. Online viewers, whose true identities are not necessarily known, can hypothetically attend those hearings. Further, it would not be difficult for participants—either the parties or online viewers—to breach court directives by, for example, screen capturing those proceedings and then rebroadcasting them. Again, such persons would expose themselves to contempt proceedings if they did so. But, those hearings are, to some extent, broadcast on the internet and are exposed to some of the risks addressed by the parties today.

[32] Finally, as this hearing is being heard, a member of the public can watch live streaming video of not only submissions, but witnesses testifying before the Public Order Emergency Commission in Ottawa, presided over by the Honourable Mr Justice Rouleau of the Ontario Court of Appeal. Video of each day's hearing is available to watch on the Commission website¹¹ (which provides a viewable archive of each day's hearings), and, more generally, on YouTube. While not a court, that

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tribunal provides a precedent of public expectations and interests, and an example of institutional acceptance of and competence in providing such videographic access to members of the public to a public hearing.

III. Legal framework

[33] The parties are in general agreement on the law and principles guiding the Court in this application.

[34] A decision to deny an application to film or broadcast a court proceeding is not a restriction on the open court principle protected by s. 2(b) of the *Charter*: *Canadian Broadcasting Corporation v. Fertuck*, 2021 SKQB 218 at paras. 81, 99–100; see also *Meng* at para. 53. Rather, a broadcast order extends and expands the open court principle. Refusal of a broadcast order does not prevent members of the public and media from attending the courtroom to watch the hearing and to scrutinise the proper functioning of the nation's courts. Denial of broadcast does not impinge public dissemination of information about a court proceeding in the same way as does a publication ban, a sealing order, or an *in camera* closed-door hearing order: *Pilarinos* at para. 109. As such, it does not engage the tests and considerations set out by the governing Supreme Court of Canada precedents, such as *Dagenais v. Canadian Broadcasting Corp.*, [1994] 3 SCR 835, *R. v. Mentuck*, 2001 SCC 76, *Toronto Star Newspapers Ltd. v. Ontario*, 2005 SCC 41, and *Sherman Estate v. Donovan*, 2021 SCC 25.

[35] Rather, the decision today will be based upon an exercise of the Court's jurisdiction and discretion, and its inherent jurisdiction to regulate its proper functioning: *Pilarinos* at paras. 24, 26–32, 96, 222. This discretion must be exercised judicially, with an eye to the precedents and examples cited above, insofar as they are precedents, and with an eye to the proper administration of justice.

IV. Analysis

[36] This Court exercises its discretion to grant the applicant plaintiff the order it seeks, permitting the broadcast of the certification and strike hearing.

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[37] There are few issues that have affected the public more than the COVID-19 pandemic and the government response to that pandemic. These matters have literally affected every British Columbian. It is clearly a matter of public interest.

[38] Apart from informing members of the plaintiff of the progress of the litigation, it will serve an educational purpose for the citizens of British Columbia and advance public review, public understanding, and public scrutiny of the court process.

[39] Broadcast will advance and promote the open court principle under s. 2(b) of the *Charter*. It will advance and promote the s. 2(b) values set out by Justice Cromwell in *Endean v. British Columbia*, 2016 SCC 42:

[66] The open court principle embodies “[t]he importance of ensuring that justice be done openly”, which is “one of the hallmarks of a democratic society”: [citations omitted]. As this Court has previously remarked, “[p]ublicity is the very soul of justice”: [citations omitted]. And, as Wilson J. summarized in *Edmonton Journal v. Alberta (Attorney General)*, ... [1989] 2 S.C.R. 1326, at p. 1361, the open court principle is rooted in the need

- (1) to maintain an effective evidentiary process;
- (2) to ensure a judiciary and juries that behave fairly and that are sensitive to the values espoused by the society;
- (3) to promote a shared sense that our courts operate with integrity and dispense justice; and
- (4) to provide an ongoing opportunity for the community to learn how the justice system operates and how the law being applied daily in the courts affects them.

[reformatted for clarity]

[40] I agree with the plaintiff that our recent years have witnessed a proliferation of conspiratorial and uninformed statements about the functioning of different branches of the government, including the courts. It is hoped that the broadcast of these proceedings will, in its small part, show that courts in Canada will hear and adjudicate applications before them in a principled, independent, and neutral manner, without fear or favour.

[41] Again, there are no witnesses who may be concerned about their privacy, or intimidated in their testimony, by the prospect of a camera. The hearing will largely

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consist of counsel for the plaintiff and the defendants referring to affidavits and cases, and making arguments. Those affidavits filed in a civil case would be available to any member of the public at the Court Registry or online. Those affidavits and arguments will likely be published by the plaintiff and others online, as is their right to do so. The case law, of course, is publicly available online.

[42] In short, the viewer will see a proceeding much akin to the presentation of argument before the Supreme Court of Canada, which has broadcast its proceedings since 2009, and whose website serves as an online library of those broadcasts.¹² Again, those Supreme Court hearings concern matters of the utmost controversy in Canadian society: matters that attract, as do the issues in the present case, the occasional — or perhaps frequent — intemperate, irresponsible, or misinformed statement about the issues before the Court, and, indeed, about the Court itself.

[43] Further, any member of the public could see personally all that is proposed to be broadcast by attending the Vancouver Law Courts in person during the December hearings. Indeed, a request has been made for a large courtroom to accommodate anticipated large numbers of spectators at that hearing.

[44] The respondents argue that members of the public outside of Vancouver could still enjoy and exercise their right to the open court principle by either attending at the Vancouver Courthouse or by listening to audio of the December hearings at any one of eight designated courthouses throughout British Columbia.

[45] Apart from the limitation of that experience to audio rather than visual experience, that proposal does not address the geographic or temporal challenges faced by individuals, such as the affiants or generally. Given the vast size of British Columbia, many interested individuals would still face long travel and significant expense in order to listen at a courthouse. Further, the opportunity to listen would be limited by the courthouse hours.

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[46] Returning to the broad province-wide public interest in the pandemic response measures, as well as in this particular proceeding, the Court reiterates that it is the Supreme Court of British Columbia and not the Supreme Court of Vancouver.

[47] The respondents argue that posting a video of court proceedings will cause the Court to lose control over the use of that video. In our iPhone age, it is easy to take videos from other online broadcasts and equally easy to manipulate or edit videos and then repost the results in a manner that could demean the dignity of the Court or provide the video out of context, on an infinite number of websites.

[48] While the proposed orders would prohibit republication or editing and would be backed up with powers and penalties pursuant to contempt of court, including fines and imprisonment, those powers are not a complete solution, argue the respondents.

[49] Tellingly, despite the vastness of the internet and its infinite ability to inspire human mischief through irresponsible behaviour and statements, no evidence, even anecdotal evidence, was provided to the Court of any such misuse or abuse of the Supreme Court of Canada broadcasts over the past 13 years, or the Court of Appeal broadcasts over the past nearly three years. No evidence or anecdotes were provided of Federal Court, Manitoba court, or Nova Scotia court broadcasts being trivialised or abused as a TikTok video or otherwise. Nor is there any evidence that any Microsoft Teams hearings in this Court have been screen captured and republished or abused, to the detriment of the proper administration of justice.

[50] For what it is worth, this judge is not aware of any such instances either.

[51] The Court agrees that such fears and risks should be carefully monitored and, if they do arise, the Court should consider either or both punishing any perpetrators of those acts or issuing revised orders that would take down or limit such a broadcast. That said, on the basis of the present evidence, such fears are speculative.

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[52] The respondents point to various inflammatory and at times seemingly violent reader comments on the internet, including on sites controlled by the plaintiff, in support of the argument that broadcast may demean the dignity of the Court and agitate the risk of violence. The Court repeats the point just made. It agrees that such risks and chatter should be carefully monitored. Again, if they do arise, the Court should consider issuing new orders restricting or taking down the broadcast.

[53] Again, that said, on the present evidence, those fears are speculative.

[54] Further, the internet is already a cesspit of misinformed and at times deranged statements about almost every topic, including our courts. Such poison exists regardless of whether court proceedings are broadcast. Again, the broadcast will perhaps serve to strive to convince the reasonable viewer of the fair and impartial adjudication of this matter.

[55] The respondents argue that video will provide a distorted view of the issues. Again, the certification and abuse of process applications are purely procedural: the facts alleged in the pleadings and the affidavits are assumed to be true and are not scrutinised. But that could be said of many interlocutory procedural disputes heard by the Supreme Court of Canada or the Court of Appeal, including appeals of decisions on certification and applications to strike for abuse of process or otherwise heard by those courts on a regular basis.

[56] In any case, those concerns could be addressed by words at the commencement of the hearing, either by the Court or counsel, or both. Such words could also be included under the video as it is broadcast.

[57] Further, and in any case, lawyers making such arguments in an interlocutory proceeding do not generally present such facts as truly uncontested and uncontestable. Knowing that the proceedings will be broadcast, it may be appropriate for counsel for the respondents to pepper their submissions with statements to the effect of, "While for the purpose of this application, the affidavit is presumed to be true", or, "If this matter is certified, those facts will be heavily

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contested". Such measures could make clear to the reasonable viewer that nothing said in the course of submissions is somehow thereby accepted by the respondents or by the Court as proven.

V. Conclusion and terms of the Order

[58] The order is thus granted generally along the lines of the draft order attached as a schedule to the plaintiff's notice of application. The plaintiff has set out an extensive proposed order, including provisions (a) through (w), designed to minimise disruption of the court proceedings by the addition of cameras, and to protect against inappropriate uses of the video after the fact. That order is largely based upon the Practice Direction PD-48, as well as the order in *West Moberly*.

[59] These reasons will attach as **Schedule "A"** the resulting order.

[60] The Court will make a few changes to the draft order. The Court grants the addition sought by the respondents, which addition is not resisted by the plaintiff. That amendment will be consistent with Practice Directive PD-48, art. 5: specifically, the video may only feature the faces of counsel for the plaintiff and the judge. The camera must not capture the faces of counsel for the respondents, the court clerk, the sheriff, members of the public, or other participants, unless express and clear permission is granted by those individuals. Any inadvertent video capture of a face of a non-consenting justice participant must be pixelated or deleted before broadcast.

[61] With respect to draft order para. 1(u), when the parties eventually agree upon a website and a broadcasting format, it is not to end with that agreement between counsel. This is an important matter for the Court. At the end of the day, the Court will scrutinise the proposed website and format. Accordingly, once that proposal is reached by agreement between counsel, the parties, or one party on behalf of both parties, should make that communication to the Court. The communication shall also set out the safeguards designed to minimise risks, and in particular the risks

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identified by the respondents. The Court will consider these reassurances, as well as the specifications proposed, and, if appropriate, will issue its approval.

[62] With respect to the site of the broadcast of the court proceedings, I will not micromanage that process at the front end. But, needless to say, a video of a court proceeding should not be broadcast or used in any manner or on any website where it could potentially be used as click bait, or harnessed to monetise a party or a person, or exploited to advance the argument of one party or the other.

[63] The site must provide no comment section or public ability to comment on the video.

[64] These restrictions will also address some of the respondents' concerns about control and context.

[65] To this end, the Province may well consider providing the website hosting the broadcast itself in order to address some of these concerns. For example, restrictions could be put in place with respect to direct copying of that video. There may also be an ability to monitor who has visited and watched that video, and thus potentially gather evidence for a potential contempt proceeding if the broadcast is abused or the order breached in any way.

[66] With respect to paragraph 4 of the draft order, words to the following effect should be added to the end of the proposed paragraph, in bold: "Any unauthorized use of this recording or other breach of the court order allowing its broadcast shall expose the person so doing to contempt of court proceedings and other sanctions".

[67] To address the respondents' legitimate concerns of a distorted message, also underneath the video box will be published words to the following effect: "For the purpose of this pretrial application, the facts alleged in the notice of civil claim and affidavits are assumed to be true for the sake of argument. If this matter proceeds to trial, those allegations will be contested and may, in the end, be found to be false".

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[68] As a final addition to the order, the video itself will include, as a chyron warning at the base of the screen, words to the following effect: "Reproduction or rebroadcast of this recording in any context is prohibited by the court order". It should be published in a visible font, over two lines if necessary, with a red background.

[69] I have deliberately said "words to the following effect": I will leave it to the good work of counsel to discuss the specific wording of those two provisions. I would encourage the plaintiff to listen to the concerns of the respondents and incorporate those in the additions that I have provided here.

[70] Now that the respondents have the reasons and order of the Court, I would invite the respondents to make further suggestions with respect to any amendments to the order and any other safeguards that could be implemented in this regard.

[71] The Court encourages the plaintiff to consider those requests seriously. That said, if there is disagreement on such requests, they could be addressed in a communication to the Court. The presumptive default will be that the plaintiff's draft order, with these amendments, will form the order.

[72] As in *Cho*, this order is an experiment of sorts. As noted by Bauman CJSC in the *Polygamy Reference*, it will not necessarily serve as a precedent.

[73] I conclude by echoing the wise and cautious words of Justice Milman in *West Moberly*:

[2] The first comment I will make is that this is a developing area of the law. It is a novel order that is sought and I recognize the need to tread carefully in the exercise of the discretion that I have. There is not yet an established body of rules and jurisprudence to govern the exercise of my discretion in this respect. I have therefore attempted to craft an order that will achieve the purpose for which the order is sought without infringing unduly on the orderly administration of justice.

[74] The Court encourages the parties to monitor the internet for use or abuse of the broadcast contrary to the strict terms of this order. The Court may direct that the

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recording be removed upon any evidence of use or abuse of that broadcast inconsistent with the dignity and decorum of the Court, the proper administration of justice, or the terms of the order, either on the application of a party or on the Court's own motion, at any time. The Court reiterates that anyone committing such acts would also find themselves facing a contempt of court application.

[75] Costs will be determined after the final adjudication of this matter at trial or otherwise.

[76] The Court thanks all counsel for their diligent submissions.

“Crerar J”

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Schedule A

1. The interlocutory hearings scheduled to commence at the Vancouver Law Courts on 12 December 2022 in these proceedings may be webcast and archived on the internet on the following conditions:
 - a. The plaintiff shall retain a vendor (the “**Provider**”), as agreed upon by the plaintiff, the defendants (the “**Parties**”), and Court Services Branch. The Provider will:
 - i. Record and webcast the hearings on the internet as set out below (the “**Webcast**”); and
 - ii. Make an archived copy of the Webcast available on the internet for a maximum of two years (the “**Archived Copy**”, and collectively with the Webcast, the “**Streaming Services**”).
 - b. The Provider shall record the hearings using one camera to be placed in the front row of the gallery, which camera must be arranged to face and record the presiding judge and the backs of counsel.
 - c. The camera may only record the faces of counsel for the plaintiff and the presiding judge. The camera must not record the faces of counsel for the defendants, the court clerk, sheriffs, members of the public, or other participants in the proceeding unless express permission is granted. The Provider must pixilate or redact any footage of faces recorded contrary to the terms of this order before the Provider makes the Streaming Services available to the public.
 - d. For the duration of the hearings, the Provider shall be allowed to bring into and utilize one camera and one microphone in the courtroom.
 - e. The Provider will ensure that the camera and operating personnel are in place and ready to proceed in an area designated by the Court at least 10 minutes prior to the scheduled commencement (or re-commencement) of the hearings.
 - f. If possible, the audio signal for the camera will run from the in-court audio system rather than a microphone supplied by the Provider.
 - g. Operating personnel in the courtroom must be suitably attired in business dress, and must conduct themselves in a manner keeping with judicial proceedings.

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- h. Equipment and operating personnel will be placed in an area, as agreed between the Court and the Provider, and shall not be moved or removed while the Court is in session. The area designated shall provide reasonable access to coverage and sound recording equipment will be unobtrusive and not distracting.
- i. The camera and operating personnel must remain in place while the Court is in session.
- j. All other equipment must be left outside the courtroom and must not impede public access to a courtroom or circulation within the courthouse.
- k. The streaming and recording shall be limited to the court proceedings alone. There will be no filming outside the courtroom, or at any time inside the courtroom when the court is not in session, including of any private conversations.
- l. The camera and microphone must not be made live until the court clerk pronounces "Order in Court" and the court is in session. Camera and microphones must be turned off when the Court is not in session, including during breaks.
- m. Representatives of Court Services Branch may stop the recording at any time when directed by the Court or in the event of urgency or emergency.
- n. The hearings will not be delayed, postponed, or otherwise interrupted to accommodate technical problems with recording equipment.
- o. If a party considers that the recording of the hearings is an impediment or distraction despite this order, it may apply to vary this order, including to prohibit any further recording of the hearings.
- p. The camera will use available light only and the camera will be static. No mechanical pan/tilt/zoom is permitted. The camera will not be focused on and will not record or photograph any materials on counsel tables or in counsel's possession or any materials used that have not been admitted into evidence.
- q. There will be no visual or audio recording of communications between counsel and their clients, between co-counsel of a client, or between counsel and the court privately or in camera.
- r. In the event that the camera captures, contrary to the terms of this order, any private, privileged, or confidential information or

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communication involving counsel for any of the Parties, under no circumstances shall the Parties or their counsel be deemed to have waived the privacy, privilege, or confidentiality associated with that information and/or communication.

- s. No logos will appear on the Webcast or Archived Copy at any time, including during breaks when the court is not in session.
- t. The Streaming Services shall not be broadcast on a website where the Streaming Services could potentially be used as clickbait, to monetize a party or person, or to advance the arguments of a party. There must be no comment section on the website or ability to comment on the Streaming Services.
- u. The Provider will post the Webcast and the Archived Copy on a website to be determined by the Parties, which will require the approval of the Court as follows:
 - i. The parties will coordinate to select an appropriate website and means of hosting the Webcast and the Archived Copy;
 - ii. One of the parties will send correspondence to the Court, setting out the proposed website and means for hosting the Webcast and Archived Copy, which correspondence will set out the safeguards intended to minimize any risk of the improper use, copying, or rebroadcasting of the Webcast or the Archived Copy; and
 - iii. If the Court considers the website and means of hosting the Webcast and the Archived Copy appropriate, then the Court will issue its approval by correspondence to counsel for the parties.
- v. The Provider must not make the Streaming Services available to the public in respect of any day's recording until 5:00pm the following day or as soon as practicable thereafter.
- w. The Provider will not provide an explicit download feature that would allow the further download of Streaming Services.
- x. The Provider will use a resolution of 1080p at 30 frames per second.
- y. The Provider will add a chyron to the Streaming Services, superimposing the video recording at the bottom of the frame, with the following text on a red background:

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Reproduction or rebroadcasting of this recording in any context is prohibited by an Order of the Supreme Court of British Columbia and may result in legal proceedings for contempt of court.

- z. The Provider will add a watermark stating "Reproduction Prohibited" superimposed behind the video.
 - aa. The Provider is authorized to and will redact any audio or video captured in the Streaming Services contrary to the terms of this Order.
 - bb. The Parties must be provided access to each day's recording as soon as practicable on the same day it is recorded. If the Parties agree that privileged or confidential information has been recorded, then the Parties may direct the Provider to redact such footage, in which case the Provider will do so as directed. In the event that the Parties do not agree, then a Party may request that the Court order the Provider to redact that footage. If the Court so orders, the Provider shall redact the footage according to the Court's order. Pending the Court's ruling in the event of any dispute, the Provider shall not make the Streaming Services available to the public until otherwise directed by the Court.
2. The Provider shall coordinate with Court Services Branch to implement this order.

AND THIS COURT FURTHER ORDERS THAT:

- 3. The Streaming Services must not be edited except as set out in subparagraphs 1(c), 1(y), 1(z), 1(aa), and 1(bb) of this Order, or by further Order of the Court.
- 4. The Streaming Services must not be copied, used, or rebroadcast, except as set out in this Order or by further Order of the Court. And the following notices shall be placed on the website hosting the Streaming Services:

This is a recording of judicial proceedings which may not be further broadcast, rebroadcast, transmitted, reproduced, communicated to the public by telecommunication, or otherwise made available in whole or in part in any form or by any means, electronic or otherwise, or stored in whole or in part in any information storage and retrieval system, without the prior written authorization of the Supreme Court of British Columbia.

Any unauthorized use of this recording in breach of the Order of the Supreme Court of British Columbia shall expose the person doing so to legal proceedings for contempt of court.

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For the purposes of this pretrial application, the facts alleged in the plaintiff's Amended Notice of Civil Claim are assumed to be true for the sake of argument. If this matter proceeds to trial, those allegations will be contested and may in the end be found to be false.

5. The plaintiff shall retain the Provider and will be responsible for arranging and supporting the Streaming Services and all associated costs.
6. This order may be varied at any time on the application of a party or on the court's own motion.

¹ The Court has added footnotes after delivery of these oral reasons, to provide more detail of the videographic practices of courts, for clarity, to provide more full citations and references, and to serve as a jurisprudential resource.

² Filming court proceedings for future use in educational or documentary productions (i.e. no live broadcast) has been permitted since 1992: *X. v. British Broadcasting Corporation and Lion Television Limited*, [2005] CSOH 80 at para. 4. In 2020, the *Crown Court (Recording and Broadcasting) Order 2020*, SI 2020/637, permitted the broadcast of sentencings in England and Wales. On July 28, 2022, at the Old Bailey, the public watched Justice Munro sentence Ben Oliver to life imprisonment, with a minimum of ten years and eight months, for the manslaughter of his grandfather: "English Criminal Court Case Broadcast on TV for First Time" (28 July 2022), *Reuters* <reuters.com/world/uk/english-criminal-court-case-broadcast-tv-first-time-2022-07-28/>.

³ "Scheduled Hearings", online: Supreme Court of Canada <scc-csc.ca/case-dossier/info/hear-aud-eng.aspx> (last modified November 25, 2022).

⁴ "Archived Webcasts", online: Supreme Court of Canada <scc-csc.ca/case-dossier/info/webcasts-webdiffusions-eng.aspx> (last accessed November 29, 2022).

⁵ The Nova Scotia Court of Appeal and Supreme Court periodically broadcast and archive hearings of public interest: "Live Webcasts from the Nova Scotia Courts", online: The Courts of Nova Scotia <courts.ns.ca/Webcasts/webcasts_live.htm> (last accessed November 29, 2022). Such hearings include high profile constitutional references, sentencings, and human rights cases: "Archive of Recent Webcasts (Proceedings)", online: The Courts of Nova Scotia <courts.ns.ca/Webcasts/webcasts_archive_trials.htm> (last accessed November 29, 2022).

⁶ Since 2014, the Federal Court has broadcast some hearings as part of a pilot program to expand access to hearings of "significant public interest": "Webcast", online: Federal Court <www.fct-cf.gc.ca/en/pages/media/webcast> (last modified April 4, 2022). For example, the Court broadcast the November 1, 2022 hearing where Ontario Premier Doug Ford successfully asserted parliamentary privilege to avoid testifying at the *Emergencies Act* public inquiry. Very few webcasts are archived and accessible to the public. On the Webcast page, the Court primarily posts written and audio recorded summaries of key cases in English and Indigenous languages.

⁷ As of November 29, 2022, two archived hearings are posted on the Court website: *Canada (Attorney General) v. First Nation Child and Family Caring Society of Canada*, 2019 FC 1529; and *Deegan v. Canada (Attorney General)*, 2019 FC 960. The former hearing related to the Canadian Human Rights Tribunal's landmark decision ordering the federal government to compensate Indigenous individuals for discrimination in the child and family services system. *Deegan* was a *Charter* challenge to the amendments to *Income Tax Act* that permitted the Canada Revenue Agency to disclose individuals' financial information the American Internal Revenue Service.

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⁸ Ten proceedings from all three levels of Manitoba court have been broadcast since 2014: “Broadcast of Court Proceedings”, online: Manitoba Courts <manitobacourts.mb.ca/general-information/cameras-in-courtrooms-initiative/broadcast-of-court-proceedings/> (last modified April 19, 2021). Nine were criminal proceedings and involved high-profile murders or sentencings. The lone civil case was the Progressive Conservative Party’s challenge to the government’s increase in provincial sales tax.

⁹ For example, the (then) Court of Queen’s Bench broadcast the final submissions and Justice Edmond’s reasons in *Glover v. The Progressive Conservative Party of Manitoba*, 2021 MBQB 267. There, Ms Glover challenged the results of the Progressive Conservative Party’s leadership election.

¹⁰ After the present hearing, on November 15, 2022, the Court of Appeal announced that it would return to broadcasting appeals publicly by Zoom: Court of Appeal for British Columbia, Record and Courtroom Access Policy, s. 2.2. Appeals of non-Chamber hearings will be broader, subject to limited exceptions, such as matters prosecuted under the Youth Criminal Justice Act, SC 2002, c 1; appeals subject to publication bans or sealing orders incompatible with a public broadcast; appeals where privacy, confidentiality, or other concerns are incompatible with a public broadcast; or other appeals where the Court directs that no broadcast should occur. The broadcast will be conducted live; absent exceptional circumstances, the Court will not make or keep video recordings of the hearings: Court of Appeal for British Columbia, Record and Courtroom Access Policy, s. 2.2.

¹¹ <https://publicorderemergencycommission.ca/public-hearings/> (accessed November 30, 2022)

¹² This Court’s decision adopts similar reasoning that underpins the Federal Court’s broadcast policy. The Federal Court will generally approve broadcast requests because it “acts as a court of judicial review, without witnesses and under rules similar to those applicable to appeal courts”: “Policy on Public and Media Access”, online: Federal Court <www.fct-cf.gc.ca/en/pages/media/policy-on-public-and-media-access#cont> (last modified October 7, 2022).

EXHIBIT “D”

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Canadian Society for the Advancement of
Science in Public Policy v. Henry*,
2022 BCSC 724

Date: 20220504
Docket: S2110229
Registry: Vancouver

In the Matter Concerning the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241;
and the *Public Health Act*, S.B.C. 2008, c. 28

Between:

**Canadian Society for the Advancement of Science in Public Policy
and Kipling Warner**

Petitioners

And

**Dr. Bonnie Henry in her capacity as Provincial Health Officer
for the Province of British Columbia**

Respondent

Before: The Honourable Mr. Justice Coval

Reasons for Judgment

Counsel for the Petitioners:

P.H. Furtula

Counsel for the Respondent:

J. Gibson
A.C. Bjornson

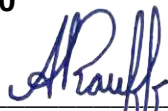
Place and Date of Hearing:

Vancouver, B.C.
April 7, 2022

Place and Date of Judgment:

Vancouver, B.C.
May 4, 2022

This is Exhibit "D" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

2022 BCSC 724 (CanLII)

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v. Henry***

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Introduction

[1] The respondent applies to dismiss this Petition on the basis that the petitioners lack legal standing. The petitioners argue, in response, that the Canadian Society for the Advancement of Science in Public Policy (“CSASPP”) has public interest standing and Mr. Warner has private interest standing.

[2] The Petition challenges public health orders made under the *Public Health Act*, S.B.C. 2008, c. 28 [PHA], requiring two COVID-19 vaccinations for healthcare providers in wide-ranging healthcare facilities across British Columbia.

[3] It alleges that the impugned orders fail to provide reasonable exemptions and accommodations for persons with religious objections, vaccination risks, immunity from prior infection, and recent negative COVID-19 testing. It seeks to set aside the orders for infringing the *Charter* rights of unvaccinated healthcare workers, and as an unreasonable exercise of statutory powers contrary to the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241 [JRPA].

[4] The respondent, the Provincial Health Officer, Dr. Bonnie Henry (“PHO”), submits that the orders are reasonable, precautionary public health measures. Implemented to limit transmission in higher-risk public settings, they protect public health, vulnerable populations, and functioning of the healthcare system.

[5] For the reasons that follow, I find that CSASPP has public interest standing to bring the Petition. Mr. Warner does not, however, have private interest standing to do so, and his claims are therefore dismissed.

Parties

[6] CSASPP is a not-for-profit society incorporated under the *Societies Act*, S.B.C. 2015, c. 18.

[7] With a head-office in Vancouver, it describes itself as a non-partisan, secular organization, advocating for the development and advancement of science in the formation of public policy in British Columbia.

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[8] Mr. Warner, a British Columbia resident, is a software engineer and the executive director of CSASPP. He describes CSASPP's directors, officers, donors, and patrons as drawn from diverse communities across the political spectrum.

[9] He deposes that, when the impugned healthcare vaccination requirements were ordered, CSASPP was contacted by more than a thousand self-identified healthcare workers in British Columbia, including many registered nurses, concerned about the medical justification for the vaccination mandates and the threat of losing their jobs.

[10] As the Public Health Officer under s. 64 of the *PHA*, Dr. Henry is the Province's senior public health official. In that role, she has led the public health response to the emergencies created by the transmission of the novel coronavirus SARS-CoV-2 and the illness known as COVID-19.

Background Facts

Emergency Powers under the PHA

[11] On March 18, 2020, the Minister of Public Safety declared a state of emergency throughout British Columbia because of the COVID-19 pandemic. The declaration expired on June 30, 2021.

[12] On March 17, 2020, Dr. Henry issued a notice, under s. 52(2) of the *PHA*, that the transmission of the infectious SARS-CoV-2 virus constituted a "regional event" under s. 51. The *PHA* defines "regional event" as an "immediate and significant risk to public health throughout a region or the province".

[13] Under s. 52, the notice enabled the PHO to exercise the "emergency powers" in Part 5 of the *PHA*. These powers include the issuance of orders for persons to do anything that the PHO reasonably believes is necessary "to prevent or stop a health hazard, or mitigate the harm or prevent further harm from a health hazard". They include the power to prohibit a class of persons from entering a particular place (*PHA*, ss. 31(1)(b), 39(3)).

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The Impugned Orders

[14] The Petition challenges three sets of orders, issued and updated by the PHO under the *PHA* emergency powers (the “Impugned Orders”):

- (i) *Covid-19 Vaccination Status Information and Preventative Measures* order of September 9, 2021, September 27, 2021 (“Vaccination Status Order”);
- (ii) *Residential Care Covid-19 Preventative Measures* order of October 21, 2021 (“Residential Care Order”); and
- (iii) *Hospital and Community (Health Care and other Services) Covid-19 Vaccination Status Information and Preventative Measures* order of October 21, 2021 (“Hospital Order”).

[15] Broadly speaking, the Impugned Orders mandate that, as of mid-October 2021, only double-vaccinated persons may provide healthcare services in a wide-range of British Columbia healthcare settings, including long-term care facilities, hospitals and community care settings.

Reconsideration Request

[16] By letter to the PHO of November 8, 2021, pursuant to s. 43 of the *PHA*, the petitioners requested a reconsideration of the Impugned Orders (“Reconsideration Request”) on behalf of a broad class of healthcare workers in British Columbia.

[17] Section 43(1) of the *PHA* says in part:

Reconsideration of orders

43 (1) A person affected by an order, or the variance of an order, may request the health officer who issued the order or made the variance to reconsider the order or variance if the person

- (a) has additional relevant information that was not reasonably available to the health officer when the order was issued or varied,
- (b) has a proposal that was not presented to the health officer when the order was issued or varied but, if implemented, would
 - (i) meet the objective of the order, and
 - (ii) be suitable as the basis of a written agreement under section 38 [*may make written agreements*], or
- (c) requires more time to comply with the order.

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[18] The Reconsideration Request contained a lengthy critique of the Impugned Orders from Dr. J. Kettner, Chief Medical Officer of Health and Chief Public Health Officer for the Province of Manitoba from 1999 to 2012. Arguing that the Impugned Orders failed to comply with generally accepted principles of public health governance and the *Charter*, it contained voluminous research, submissions regarding the principles governing public health orders, and examples of less restrictive measures in other jurisdictions.

[19] The Reconsideration Request proposed, among other things, alternative approaches to satisfy the objectives of the Impugned Orders, including the following:

- i. Natural immunity through a positive RT-PCR or rapid antigen test result demonstrating recovery from COVID-19, issued no less than 11 days and no more than 6 months after the date on which a person first tested positive (e.g. France).
- ii. Negative PCR or antigen test less than 48 hours prior to attendance at a facility (e.g. Alberta).
- iii. Single vaccination after contracting COVID-19 after an interval of at least 21 days following the illness (e.g. Quebec).
- iv. Documentation from a physician or registered nurse providing medical reason for not being fully vaccinated (e.g. Ontario).

[20] On November 9, 2021, under *PHA* s. 54(1)(h), the PHO issued a variance, with retroactive effect, halting s. 43 reconsideration requests except for medical reasons (“Reconsideration Variance”).

[21] The evidence filed on behalf of the PHO suggests that, due to hundreds of s. 43 requests, the Reconsideration Variance was necessary to protect public health until there was a significant reduction in transmissions, serious disease, and strain on the public health care system.

[22] Section 54(1)(h) says:

General emergency powers

54 (1) A health officer may, in an emergency, do one or more of the following:

...

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(h) not reconsider an order under section 43 [*reconsideration of orders*], not review an order under section 44 [*review of orders*] or not reassess an order under section 45 [*mandatory reassessment of orders*];

[23] By letter of January 17, 2022, relying on the Reconsideration Variance, the PHO declined to respond to the Reconsideration Request because it sought exemption from the Impugned Orders on non-medical grounds (“Reconsideration Response”).

The Petition

[24] The Petition alleges that the materials in the Reconsideration Request demonstrate the *Charter* violations and unreasonableness of the Impugned Orders.

[25] It seeks a declaration that the Impugned Orders are of no force and effect for unjustifiably infringing the following rights and freedoms of unvaccinated healthcare workers:

- section 2(a) (freedom of conscience and religion);
- section 2(b) (freedom of thought, belief, opinion and expression);
- section 7 (life, liberty and security of the person); and
- section 15(1) (equality rights).

[26] It seeks orders, under the *JRPA*, quashing and setting aside the Impugned Orders, or declaring them *ultra vires*, as unreasonable or exceeding the PHO’s statutory authority.

[27] The petitioners also challenge the Reconsideration Response as an unreasonable refusal to consider the Reconsideration Request.

Governing Law

[28] Public interest standing permits public-spirited litigants to prosecute issues of general interest and importance, thereby causing courts to fulfill their “constitutional role of scrutinizing the legality of government action, striking it down when it is

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unlawful and thus establishing and enforcing the rule of law” (*Council of Canadians with Disabilities v. British Columbia (Attorney General)*, 2020 BCCA 241, [CCD], para. 2).¹

[29] Challenges to standing focus on whether “the public interest litigant is an appropriate party to advance a justiciable claim, not on the detail of intended trial evidence or the claim’s ultimate prospect of success” (CCD, para. 87).

[30] The litigant has the onus to demonstrate that public interest standing is warranted in the circumstances. The assessment focuses on three factors identified in *Canada (Minister of Justice) v. Borowski*, [1981] 2 S.C.R. 575 [Borowski]:

- (i) does the claim raise a serious justiciable issue?
- (ii) is the plaintiff directly affected by the action or does the plaintiff have a genuine interest in its outcome? and
- (iii) is the action a reasonable and effective means to bring the claim to court?

[31] The assessment should be flexible and generous, to serve the underlying purposes of upholding the legality principle and providing access to justice, particularly so for vulnerable and marginalized citizens broadly affected by legislation of questionable constitutional validity (*Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45 [Downtown Eastside], paras. 31, 51).

[32] On the other side of the balance are the limiting factors of allocation of scarce judicial resources, screening of “busybody” litigants, and obtaining the viewpoints of those who are actually most directly impacted by the issues in question. For these reasons, a party with private interest standing is generally preferred to a public interest litigant seeking to advance a duplicative claim (*Downtown Eastside*, para. 37; CCD, paras. 71, 79-80, 83).

¹ Leave to appeal granted by the Supreme Court of Canada, 2021 CanLII 24821.

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Analysis and Findings

The Society's Public Interest Standing

[33] I turn to consider whether the Society satisfies the *Borowski* factors.

Serious Justiciable Issue

[34] A serious justiciable issue is one that is appropriate for judicial determination and clearly not frivolous.

[35] Justiciability asks whether the case suits the court's place in our constitutional system of government: *Canada (Auditor General) v. Canada (Minister of Energy, Mines and Resources)*, [1989] 2 S.C.R. 49 [*Auditor General*] at 90–91. Ultimately, the answer “depends on the appreciation by the judiciary of its own position in the constitutional scheme” (*Auditor General* at 91).

[36] So long as the pleading reveals at least one serious issue, it will usually be unnecessary to examine every pleaded claim for the purpose of standing (*Downtown Eastside*, para. 42; *CCD*, paras. 90, 94).

[37] The petitioners argue that challenges such as this -- to the constitutionality and legality of legislation -- are always considered justiciable (*CCD*, para 90). They say serious issues are raised by questioning the “circumvention of the legislature ... in the name of public health,” to achieve goals normally achieved through the “legislative process, which is transparent, public, and fosters democratic debate.”

[38] The PHO argues the Petition “discloses no adjudicative facts and so is non-justiciable”. The Petition, the PHO says, is devoid of any meaningful particulars permitting the inquiry sought (*CCD*, paras. 104, 107). The PHO relies on *Beaudoin v. British Columbia*, 2021 BCSC 512 [*Beaudoin*], to argue that the Reconsideration Request raises no serious issue, as in that case a similar request for reconsideration based on similar evidence from Dr. Kettner was ruled inadmissible.

[39] Regarding justiciability, the Petition challenges state action based on legislatively-delegated discretionary powers. In my view, the petitioners are correct

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that whether those actions comply with the *Charter* and *JRPA* are clearly questions suitable for judicial determination (*CCD*, para 90).

[40] Regarding a serious issue, the Impugned Orders directly impact members of a defined and identifiable group in a serious way that, at least on the surface, relates to their *Charter* rights. CSASPP alleges that its alternative proposals reflect a superior approach, taken in other Provinces and elsewhere around the world, much less intrusive on healthcare workers' *Charter* rights. In my view, this raises substantial questions that meet the threshold of "clearly not frivolous."

[41] I do not accept the PHO's argument that *Beaudoin* shows there is no serious issue to be tried regarding the Reconsideration Response. In *Beaudoin*, the reconsideration materials were ruled inadmissible because the petitioners did not challenge the reconsideration decision. In this case, however, CSASPP seeks to impugn the PHO's Reconsideration Response.²

[42] In *Beaudoin*, religious leaders challenged the PHO's prohibition of certain religious gatherings, for allegedly violating the *Charter* rights of freedoms of religion, expression, assembly and association. After the petition was filed, the PHO reconsidered the impugned orders and issued a conditional variance allowing outdoor worship services subject to certain conditions.

[43] The petitioners challenged only the PHO's initial orders, however, not the decision responding to their reconsideration request. Chief Justice Hinkson ruled the reconsideration materials inadmissible for that reason:

[79] Moreover, as the religious petitioners have chosen not to amend their petition to seek judicial review of Dr. Henry's reconsideration decision, the main evidence they seek to rely on, namely the affidavits of Dr. Warren and

² At least for purposes of this application, the Reconsideration Request and Response appear central to CSASPP's case. They are prominent in the Petition, Part 2: Factual Basis, and CSASPP's evidence and argument at the hearing. The PHO acknowledged in argument that the petitioners' written submissions sought to impugn, by judicial review, the Reconsideration Response.

Having said that, I make no findings about the adequacy of CSASPP's current pleadings regarding the Reconsideration Request and Response. As the PHO points out, they are not referred to in the Petition, Part 1: Orders Sought, and are only indirectly referred to in Part 3: Legal Basis.

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Dr. Kettner, is not admissible on this petition because that evidence was not before Dr. Henry when she made the G&E Orders. ...

[102] Had the religious petitioners amended their petition to seek judicial review of Dr. Henry's decision to grant them a variance to her G&E Orders, then the "record of proceeding" would include all of the information before Dr. Henry when she made her decision on the variance (but not before her when she issued the G&E Orders). But then the review would be of only her variance decision, not the G&E Orders.

[44] Overall, the serious justiciable issue factor supports standing.

Genuine Interest

[45] The genuine interest factor asks if a litigant has a real stake in the proceedings or is engaged with the issues in question (*CCD*, para. 98). Its purpose is to achieve "concrete adverseness", and thereby ensure sharp debate, thorough argument, and economical use of judicial resources. A litigant's engagement is assessed by its reputation, continuing interest, and link with the claim (*Downtown Eastside*, paras. 29, 43).

[46] CSASPP claims genuine interest, based on its membership, purposes, and Reconsideration Request. While not tracking personal information about its approximately 170 current members, it estimates at least 41 work in the healthcare field in British Columbia based on participation in its confidential forum for healthcare issues.

[47] The purposes described in CSASPP's constitution of January 14, 2021 are:

To challenge the provincial COVID-19 measures instituted in British Columbia.

To advocate and promote the development and advancement of science in public policy in British Columbia.

[48] Its constitution of October 12, 2021 revised the purposes to include the following:

(a) To improve health outcomes of people by advocating for the development and implementation of government and public health policy initiatives to be based on research conducting using the scientific method;

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(b) To improve access to information on pandemic and epidemic threats and events;

...

(d) To oppose the dissemination of information that is not based on research conducted according to the scientific method;

...

(f) To promote critical thinking and public discussion that includes the widest possible expression of opinions and viewpoints in all public policy debates or discussion, regardless of the level of government of Canada or of any province or territory therein.

[49] The PHO submits that CSASPP has no history of involvement in the issues raised by the Petition, and the evidence connecting its membership to healthcare is vague and weak. The PHO says CSASPP is merely a “purpose-built anti-COVID-19 measures entity”.

[50] The PHO relies on *Atkins v. Anmore (Village)*, 2014 BCSC 2402, a petition to quash municipal bylaws brought by a petitioner in her capacity “as a citizen of the municipality” (para. 5). Justice Williams found this insufficient for a genuine interest in the validity of the bylaws and declined public interest standing:

[35] ... the petitioner has [not] established that she has an interest that is materially different than any other member of the community. While it may be inferred that she brings these proceedings in some role that is supported by the two councillors, that, in my view, does not provide the basis for a finding of the type of interest that the jurisprudence suggests is necessary.

[51] In my view, creating a society committed to one side of an issue is not sufficient to create a genuine stake for purposes of standing. As in *Atkins*, the members of such a group are obviously interested in the issue but do not necessarily have a stake different from the community generally.

[52] The genuine interest factor is concerned not just with a genuine stake in an issue, however, but also with engagement. Engagement tests for “concrete adverseness” and economical use of judicial resources (*CCD*, para. 98; *Downtown Eastside*, paras. 29, 43).

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[53] In my view, CSASPP's Reconsideration Request and allegations regarding the Reconsideration Response show an engaged, concrete adverseness counting in favour of standing. Also counting somewhat in favour is the evidence, albeit vague and inferential, of CSASPP's stake based on the healthcare workers amongst its membership.

[54] Overall, the genuine interest factor supports standing.

Reasonable and Effective Means

[55] This third *Borowski* factor is concerned with "whether the proposed suit is, in all of the circumstances, a reasonable and effective means of bringing the matter before the court".

[56] The circumstances that the court should consider in making this inquiry include (*Downtown Eastside*, paras. 51-52):

- (a) The plaintiff's capacity to bring forward a claim and "whether the issue will be presented in a sufficiently concrete and well-developed factual setting";
- (b) Whether the case transcends the interests of those most directly affected by the challenged law or action;
- (c) Whether there are realistic alternative means which would favour a more efficient and effective use of judicial resources and would present a context more suitable for adversarial determination; and
- (d) The potential impact of the proceedings on the rights of others who are equally or more directly affected, especially where private and public interests may come into conflict.

[57] The petitioners submit they have the necessary resources and expertise to prosecute the claim. They point to Dr. Kettner's report and the other materials in their Reconsideration Request. They say the importance of their case transcends the interests of individual healthcare workers and concerns society's interest in having healthcare decisions made in accordance with scientific research.

[58] The PHO argues the petition is not a reasonable and effective way to bring the issue before the courts. It says that directly impacted healthcare workers are

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better suited to challenge the Impugned Orders. As stated by Dickson J.A. in *CCD*, “all other relevant considerations being equal, a plaintiff with private interest standing will usually be preferred over a public interest litigant seeking to advance a duplicative claim in a separate action” (para. 83).

[59] As discussed in the hearing, numerous individual healthcare workers, allegedly having lost their jobs due to being unvaccinated, are challenging the Impugned Orders in another proceeding that is also in its early stages: *Tatlock v. Attorney General for the Province of British Columbia*, Vancouver Registry Court File No. S-222427.

[60] Given the *Tatlock* proceedings, CSASPP’s standing appears unnecessary for access to justice for impacted healthcare workers. Nevertheless, guided by Crowell J.’s flexible, purposive approach in *Downtown Eastside*, CSASPP’s petition appears to be a reasonable and effective means of bringing forward the evidence and claims regarding the Reconsideration Request and Response. It appears that no similar issue is being pursued in *Tatlock*.

[61] In my view, subject to the comments above about the shortcomings in its pleadings, the Petition represents a reasonable and effective means to bring forward the important and complex healthcare issues in the Reconsideration Request that transcend the interests of those directly involved.

[62] Overall, the reasonable and effective means factor supports standing.

Conclusion

[63] In my view, all three *Borowski* factors support CSASPP’s public interest standing particularly given its role in the Reconsideration Request.

Mr. Warner’s Private Interest Standing

[64] Private interest standing is based on personal and direct interest in an issue by virtue of its impact on the party. It arises if the party has a private right at stake, or

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was specially impacted by the issue beyond the effect on the general public
(*Downtown Eastside*, para. 1).

[65] The PHO argues that Mr. Warner is a software engineer, without any apparent connection to healthcare, and his evidence discloses no actual personal or direct interest in the issues.

[66] In argument, Mr. Warner withdrew his claim to public interest standing and argued only for private interest standing. His evidence of the personal impact of the Impugned Orders is limited to this:

... my ability to access medical services in a timely manner has been affected. For example, I have been on the waitlist for approximately one year for surgery related to a sports injury.

[67] In my view, Mr. Warner offers no evidentiary basis, beyond this unsupported, conclusory statement, to suggest any right at stake, or any personal or special impact from the Impugned Orders. There is nothing, for example, to suggest his wait for surgery was unusual or impacted by the Impugned Orders.

[68] In my view, for these reasons he does not satisfy the requirements for private interest standing.

Substitute Petitioners

[69] The petitioners brought a back-up application, in case both were denied standing, to substitute, as petitioners, two healthcare workers who allege losing their jobs due to the Impugned Orders.

[70] The PHO did not dispute the private interest standing of these two healthcare workers, but opposed their substitution because it fundamentally altered the pleadings and record. The PHO's position was therefore that, if standing were denied to the petitioners, the substitutes should commence new proceedings.

[71] Having found CSASPP to have public interest standing, I will not decide this alternative application to substitute these two petitioners.

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Conclusion

[72] CSASPP is found to have public interest standing.

[73] Mr. Warner is found not to have private interest standing and his claims are dismissed.

[74] Costs of the application are in the cause unless the parties wish to speak to them.

“Coval J.”

EXHIBIT “E”

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Action4Canada v. British Columbia*
(Attorney General),
2022 BCSC 1507

Date: 20220829
Docket: S217586
Registry: Vancouver

Between:

Action4Canada, Kimberly Woolman, The Estate of Jacqueline Woolman, Linda Morken, Gary Morken, Jane Doe #1, Brian Edgar, Amy Muranetz, Jane Doe #2, Ilona Zink, Federico Fuoco, Fire Productions Limited, F2 Productions Incorporated, Valerie Ann Foley, Pastor Randy Beatty, Michael Martinz, Makhan S. Parhar, North Delta Real Hot Yoga Limited, Melissa Anne Neubauer, Jane Doe #3

Plaintiffs

And

Her Majesty the Queen in Right British Columbia, Prime Minister Justin Trudeau, Chief Public Health Officer Theresa Tam, Dr. Bonnie Henry, Premier John Horgan, Arian Dix, Minister of Health, Jennifer Whiteside, Minister of Education, Mable Elmore, Parliamentary Secretary for Seniors' Services and Long-Term Care, Mike Farnworth, Minister of Public Safety and Solicitor General, British Columbia Ferry Services Inc. (operating as British Columbia Ferries), Omar Alghabra, Minister of Transport, Vancouver Island Health Authority, The Royal Canadian Mounted Police (RCMP), and the Attorney General of Canada, Brittney Sylvester, Peter Kwok, Providence Health Care, Canadian Broadcasting Corporation, Translink (British Columbia)

Defendants

Before: The Honourable Justice A. Ross

Reasons for Judgment

Counsel for the Plaintiffs:

R. Galati

This is Exhibit "E" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

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the Queen in Right British Columbia,
Premier John Horgan, Adrian Dix Minister of
Health, Jennifer Whiteside, Minister of
Education, Mable Elmore, Parliamentary
Secretary for Seniors' Services and Long-
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Sylvester

C. Bildfell

Place and Date of Hearing:

Vancouver, B.C.
May 31, 2022

Place and Date of Judgment:

Vancouver, B.C.
August 29, 2022

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Introduction

[1] In this action, the plaintiffs seek relief for various hardships and damages they say they have suffered. They seek damages, and other relief, from various government entities and employees. The plaintiffs allege that their damages flow from various restrictions instituted due to the COVID-19 pandemic.

[2] In this application, the defendants, individually and collectively, seek an order striking the notice of civil claim (“NOCC”) on the basis that it is deficient in both form and substance. The defendants further submit that the action should be dismissed. I set out their arguments below.

[3] In response, counsel for the plaintiffs submits that the claim should be allowed to proceed in its current form. Alternatively, counsel submits that if I find that the current pleading is improper, I should grant leave to amend it.

Issues

[4] The issues for me to decide are:

- a) Should the NOCC be struck in whole or in part?
- b) Should the plaintiffs be granted leave to amend?

[5] For the reasons set out below, my answers to these questions are:

- a) Yes, the NOCC is prolix and must be struck.
- b) Yes, the plaintiffs should be granted leave to amend.

[6] I set out my reasoning below.

The Notice of Civil Claim

[7] In order to understand my reasons below, it is necessary to describe the basis of the plaintiffs’ claims and the characteristics of the NOCC.

[8] First, this action derives from the health orders, restrictions and lockdowns declared by the Federal and Provincial governments in relation to the COVID-19 pandemic. In broad overview, the plaintiffs say that the government measures:

- a) were not based on science;
- b) exceeded the authority of the government agencies;
- c) resulted in restrictions that breached the *Charter* rights of the plaintiffs; and
- d) caused damages.

[9] The plaintiffs complain about government actions in four general areas:

- a) coercive vaccination mandates;
- b) masking;
- c) lockdowns, restrictions on gatherings and social distancing; and
- d) PCR testing.

[10] I should note that my understanding of the claim, as described in the prior two paragraphs, derives primarily from the submissions of plaintiffs' counsel at the hearing of this application and not from my reading of the NOCC itself.

[11] The NOCC is 391 pages long.

[12] The original NOCC named as plaintiffs:

- a) Action4Canada;
- b) twelve named individuals;
- c) three individuals identified as Jane Doe 1, 2 and 3;
- d) one estate; and

e) three corporate entities.

[13] Action4Canada is described as a grassroots organization centered in British Columbia. It was “co-founded” in 2019. It has no legal existence. It is not an incorporated entity.

[14] Four of the original plaintiffs are no longer involved in the action:

- a) One individual plaintiff and the estate discontinued their participation in the proceeding.
- b) One individual, Mr. Makhan Parhar, died. His claim, and the claim of his business, North Delta Real Hot Yoga Limited, have abated.

[15] Thus, as the matter now stands there are ten individual named plaintiffs, three Jane Does and two corporate entities. In addition, there is Action4Canada.

[16] The plaintiffs’ claims fall into several categories of allegations. I describe them briefly below. In summarizing the allegations, I do not mean to diminish the alleged harm suffered by any of these plaintiffs. My purpose is simply to categorize the nature of their claims. For context, the next ten subparagraphs describe the allegations set out in more than 290 subparagraphs comprising 75 pages of the NOCC.

- a) Two individual plaintiffs ran businesses that were negatively affected by the public health orders.
- b) One plaintiff alleges she was assaulted and unlawfully arrested by transit police while riding the SkyTrain without a mask.
- c) Two plaintiffs allege they were harassed by grocery store employees in Sooke, and then unlawfully arrested by the RCMP because they were not masked.

- d) Two plaintiffs allege that they were mistreated, or banned, by BC Ferries staff as a result of their refusal to wear masks.
- e) One plaintiff is a pastor who continued to hold church services after public health orders required his church to cease. The continuation of church services led to interactions with RCMP and threats of by-law infraction tickets being issued if the conduct continued.
- f) One plaintiff arrived at Vancouver Airport from an international flight and proceeded through the airport without a mask, leading to a fine of \$3,450. There is no indication whether he contested that ticket in another forum.
- g) One plaintiff, a teacher in the BC Public School system, obtained accommodations regarding mask-wearing from her employer in the 2020-2021 school year but was later advised that she would not be rehired for the next school year. There is no indication whether her employment relationship would be governed by a collective agreement.
- h) One plaintiff was a patient at St. Paul's Hospital and was forced to leave the hospital because she (and her parents) refused to wear a mask.
- i) One plaintiff is a nurse-aid in a long-term care facility who alleges that the public health measures created a stressful environment for her and many people like her. She "feels concerned not only for herself but also for her clients."
- j) One plaintiff is a health-care worker at Royal Inland Hospital who faced employer mandates to wear masks and get vaccinated. Again, there is no indication whether her employment relationship would be governed by a collective agreement.

[17] These individual claims occurred at what I will describe as the "operational" level. In each of these interactions, the public agencies involved were enforcing the

health mandates issued by the Federal Government and the Province of British Columbia.

[18] The allegations at the operational level are then linked to the allegedly overreaching and ill-advised health mandates imposed by each level of government. Those mandates, in turn, are linked to individuals within government, either elected or employed.

[19] The description of the defendants comprises 20 paragraphs set out over three pages of the NOCC. The defendants fall into five separate categories:

- a) the Crown (both Federal and Provincial);
- b) Ministers of the Crown (both Federal and Provincial);
- c) Public Health Officers (both Federal and Provincial);
- d) Crown agencies, including the Canadian Broadcasting Corporation, British Columbia Ferry Services Inc., The Royal Canadian Mounted Police, Vancouver Island Health Authority, Providence Health Care and Translink (British Columbia); and
- e) individual employees of Crown agencies.

[20] The description of “THE FACTS” in the NOCC comprises 316 paragraphs set out over 226 pages. This section of the NOCC also includes 399 footnotes, the majority of which contain links to websites.

[21] I note, for the clarity of anyone reading the pleadings, that the numbering of the paragraphs in the NOCC leads to further confusion. First, there are two paragraphs numbered “12”. More problematic, the paragraphs proceed from 1-331 followed, for no reason, by paragraphs 255-363. As a result, the section labelled “THE FACTS” appears to comprise only 240 paragraphs (44-284), when it actually consists of 316 paragraphs. It follows that the reader must be careful to address

either the first, or the second, paragraph 255 etc. I return to this issue below when discussing the second paragraph 289.

[22] The “RELIEF SOUGHT” section of the NOCC comprises 40 paragraphs, most with multiple subparagraphs, set out over 43 pages.

[23] The plaintiffs (individual, corporate and Action4Canada) seek general damages for breaches of their Charter rights. Each plaintiff claims a set amount of general damages. In addition, as against the defendant, Canadian Broadcasting Corporation, the plaintiffs collectively seek general damages of \$10,000,000 and punitive damages of \$10,000,000. I note that the pleading of specific amounts for general damages is clearly in violation of Rule 3-7(14) of the *Supreme Court Civil Rules*, B.C. Reg 168/2009 [*Rules*].

[24] The first paragraph under the “THE FACTS” heading states:

44. In 2000 Bill Gates steps down as Microsoft CEO and creates the “Gates Foundation” and (along with other partners) launches the ‘Global Alliance for Vaccines and Immunization (“GAVI”). The Gates Foundation has given GAVI approximately \$4.1 Billion. Gates has further lobbied other organizations, such as the World Economic Forum (“WEF”) and governments to donate to GAVI including Canada and its current Prime Minister, Justin Trudeau, who has donated over \$1 billion dollars to Gates/GAVI.

[25] I set out this paragraph to illustrate the wide-ranging and unconstrained nature of the allegations in the NOCC. The defendants submit that the NOCC makes allegations about the acts and motivations of many non-parties. That submission is correct.

[26] Many of the allegations contained in the NOCC do not accord with, and specifically challenge, the mainstream understanding of the science underlying both the existence of, and the government’s responses to the COVID-19 pandemic. The defendants submit that the allegations in the NOCC constitute “conspiracy theories”. In response, the plaintiffs submit that they have pled material facts that expose “conspiracies”. The former expression, used by the defendants, is recognized as a pejorative term. The latter, used by the plaintiffs, alleges that the NOCC is exposing

an underlying systemic issue relating to the pandemic. Those allegations are, in turn, tied to allegations of misfeasance in public office. The plaintiffs also allege criminal conduct by the defendants.

[27] To be clear, in these reasons, I have not attempted any weighing, limited or otherwise, in respect of the facts alleged by the plaintiffs. I have undertaken my assessment on the assumption that the plaintiffs' allegations, if properly pleaded, are capable of being proven at trial.

Basis of the Defendants' Application

[28] A summary of the defendants' submissions is as follows:

- a) The NOCC is prolix.
 - i. The *Rules* provide that a pleading must set out a concise statement of the material facts, the relief sought and a concise summary of the legal basis.
 - ii. The *Rules* on pleadings are mandatory. Failure to follow the *Rules* will lead to a striking of the pleading.
- b) Because of the prolix and wide-ranging nature of the NOCC, it is not capable of being answered by the defendants.
- c) The entirety of the claim is frivolous and vexatious. After striking the NOCC, I should not allow the plaintiffs an opportunity to amend it.

[29] In response to the application, the plaintiffs submit that the court should look to first principles:

- a) On an application to strike:
 - a. the allegations pleaded in the NOCC must be taken as true or capable of being proven to be true; and
 - b. the court's role is not to reach a decision on the claim's chance of success.

- b) The fact that a pleading reveals an arguable, difficult or important point of law, is not a justification to strike it: *Hunt v. Carey Canada Inc.*, [1990] 2 S.C.R. 959.
- c) The plaintiffs' right to seek declaratory relief is neither constrained by form nor bounded by substantive content: *Solosky v. The Queen*, [1980] 1 S.C.R. 821 at 830.
- d) The constitutionality of legislation is always a justiciable issue: *Thorson v. Attorney General of Canada*, [1975] 1 S.C.R. 138 at 151.
- e) The writ of *mandamus* is the proper writ to correct government overreach.

[30] In summary, the plaintiffs submit that there are *Charter* rights affected by government policies. This may be a long and complex piece of litigation, with difficult and troubling allegations, but that does not mean that it should be dismissed. Again, I garner that summary from the plaintiff's submissions on this application, not from the NOCC.

Analysis

[31] I will deal with the defence submission in two stages. First, whether the NOCC should be struck. Second, whether the plaintiffs should be granted liberty to amend.

Should the NOCC be struck on the basis that it is prolix?

[32] The Oxford English Dictionary defines "prolix" as writing that is "tediously lengthy". At 391 pages, the NOCC is clearly prolix.

[33] Prolixity can warrant striking a claim pursuant to R. 9-5(1), which reads:

Scandalous, frivolous or vexatious matters

(1) At any stage of a proceeding, the court may order to be struck out or amended the whole or any part of a pleading, petition or other document on the ground that

- (a) it discloses no reasonable claim or defence, as the case may be,

- (b) it is unnecessary, scandalous, frivolous or vexatious,
- (c) it may prejudice, embarrass or delay the fair trial or hearing of the proceeding, or
- (d) it is otherwise an abuse of the process of the court,

and the court may pronounce judgment or order the proceeding to be stayed or dismissed and may order the costs of the application to be paid as special costs.

[34] The defendants submit the NOCC's prolixity renders it scandalous within the meaning of subrule 9-5(1)(b). The defendants also submit that prolixity falls under subrule 9-5(1)(c) and constitutes a further basis to strike:

- a) Pleadings are embarrassing where they are prolix, contain argument, or fail to state the real issue in an intelligible way: *Sahyoun v. Ho*, 2015 BCSC 392 at para. 62 [*Sahyoun*].
- b) Regardless of the subrule, the law is clear that prolixity can be a basis for striking where the pleadings are prolix and confusing or they render it impossible for the opposing party to know the case they must meet: *The Owners, Strata Plan LMS3259 v. Sze Hang Holding Inc.*, 2009 BCSC 473 at para. 36.
- c) In certain cases, the pleadings are so overwhelmed with difficulties that it will not be possible to categorize them into specific subparagraphs of R. 9-5(1): see, for instance, *Sahyoun* at para. 64.

[35] The defendants submit that, more important than the length of the NOCC is the unlimited scope of the document. It is not a piece of legal drafting that complies with the *Rules*, or basic tenets, of pleading. It is not a document that can be properly answered in a response to civil claim. The defendants submit that those problems arise, in part, because there are multiple allegations against the defendants individually and jointly. It would be extremely difficult, if not impossible, for any individual defendant to determine whether it is required to respond to any particular allegation. Were the action to proceed in its current form, individual defendants would not be in a position to know whether they were tasked with a burden of

disproving or countering the myriad allegations. They would not know what case they were required to meet.

[36] The defendants rely on the decision in *Mercantile Office Systems Private Limited v. Worldwide Warranty Life Services Inc.*, 2021 BCCA 362 [*Mercantile*] wherein Voith J.A. wrote, in relation to the requirements of pleadings:

[44] Nevertheless, none of a notice of claim, a response to civil claim, and a counterclaim is a story. Each pleading contemplates and requires a reasonably disciplined exercise that is governed, in many instances in mandatory terms, by the *Rules* and the relevant authorities. Each requires the drafting party to “concisely” set out the “material facts” that give rise to the claim or that relate to the matters raised by the claim. None of these pleadings are permitted to contain evidence or argument.

[37] I note again paragraph 44 of the NOCC (above at paragraph 24). It is, quite clearly, the beginning of a “story”.

[38] Justice Voith continued in his conclusion in *Mercantile*:

[58] I am of the view that the Response and Counterclaim suffer from the numerous and pervasive difficulties that I have described. These difficulties cause the Response and Counterclaim to be prolix and both confusing and inconsistent in various respects. They offend various mandatory requirements of the *Rules* and they frustrate the important objects that are served by proper pleadings.

[39] I note, for context, that the response to civil claim in under discussion in *Mercantile* was 12 pages and the counterclaim was five pages.

[40] In addition, the defendants submit that the NOCC breaches other tenets of pleading. Among other problems: it pleads evidence, includes non-justiciable claims and alleges criminal conduct by the defendants. These deficiencies fall largely within the scope of R. 9-5(1)(a), in that they disclose no reasonable claim.

[41] As an example of the plaintiffs’ non-justiciable claims, the defendants point to (the second) paragraph 289 of the NOCC which seeks the following declaration:

289. A Declaration that the purported order, by Dr. Bonnie Henry, purportedly pursuant to s. 52(2) of the *Public Health Act*, that “the transmission of the infectious agent SARS-CoV-2, based on high “case

counts”, based on a PCR test, is *ultra vires* the *Act* and *non est factum*, in that:

...

- (b) The classification as such is not scientifically nor medically based;
- (c) The evidence is lacking and contrary to the scientific and medical evidence;
- (d) That “cases” [*sic*] do not equate to “deaths” and that the purported death rate is no higher than complications from the annual influenza;
- (e) That the distorted “case” counts are fraudulent, based on the fraudulent use generating cases of “PCR” test, which is a test that:
 - a) At best was designed as a “screening test” which requires a follow-up culture and blood test to ensure the detection of an infectious virus, and was never designed, nor equipped to be a diagnostic test;
 - b) That is is [*sic*] fraudulently being used as a diagnostic test;
 - c) That the PCR test has scientifically been debunked, as well as judicially determined, based on the scientific evidence, that when used at a “threshold cycle” of thirty five (35) or higher, to cause between 82% to 96.5% “false positives”;

...

[42] The defendants submit that this is (or these are) issues and remedies that are non-justiciable.

[43] In response to these submissions, counsel for the plaintiffs submits:

- a) the NOCC pleads all material facts necessary to support the causes of action;
- b) all causes of action have been fully and properly pled;
- c) there is no basis in law to strike the NOCC, in whole or in part;
- d) the court should only strike a pleading where it is plain and obvious that it is “bad beyond argument”: *Nelles v. Ontario*, [1989] 2 S.C.R. 170 at 176; and
- e) The extent and complexity of the NOCC is proportionate to the extent and complexity of the issues at hand. Counsel describes those issues as: “the purported global pandemic, these scientific/medical bases or non-basis of the

[COVID] measures, its history, and the constitutional violations imposed in Canada and abroad.”

[44] On that basis, the plaintiffs submit that they should be allowed to proceed with the litigation under the current version of the NOCC.

[45] On the first issue, whether the NOCC is prolix, I agree with the defendants’ submission: the NOCC, in its current form, is not a pleading that can properly be answered by a responsive pleading. It describes wide-ranging global conspiracies that may, or may not, have influenced either the federal or the provincial governments. It seeks rulings of the court on issues of science. In addition, it includes improper allegations, including criminal conduct and “crimes against humanity”. In my opinion, it is “bad beyond argument”.

[46] I further find that it is not a document that the court can mend by striking portions. I find that this NOCC is analogous to the Statement of Claim considered by Justice K. Smith (as he then was) in *Homalco Indian Band v. British Columbia* (1998), 25 C.P.C. (4th) 107 (B.C.S.C.) [*Homalco*]. He wrote:

[11] In my view, the statement of claim is an embarrassing pleading. It contains much that appears to be unnecessary. As well, it is constructed in a manner calculated to confuse the defendants and to make it extremely difficult, if not impossible, to answer. As a result, it is prejudicial. Any attempt to reform it by striking out portions and by amending other portions is likely to result in more confusion as to the real issues. ...

[47] As was the case in *Homalco*, attempting to bring the NOCC into compliance with the *Rules* by piecemeal striking and amending would invite more confusion and greater expenditure of the resources of all concerned.

[48] I find that the NOCC is prolix. It is not a proper pleading that can be answered by the defendants. It cannot be mended. Given that finding, I have no hesitation in ruling that it must be struck in whole.

Should the plaintiff's claim be dismissed (or should the plaintiffs be granted leave to amend)?

[49] The second issue in this case is whether the plaintiffs should be granted leave to amend the pleadings.

[50] In my discussion below, I have indicated that there may be legitimate claims that a plaintiff could advance against one or more of the defendants. However, I wish to be clear that:

- a) as noted above, I have assumed that allegations are capable of being proved;
- b) hence, by ruling that there may be claims that might properly be brought, I make no finding on the prospect of success of such claims;
- c) although I have specifically noted certain types of claims that are improperly included in the current NOCC, the absence of any comment by me should not be considered an endorsement of any specific cause of action that is in the NOCC but omitted in my discussion; and
- d) I make no ruling on the proper plaintiffs, or the proper defendants, in this action. Those will be issues for the plaintiffs to decide, in line with the proper tenets of pleading. In turn, the defendants will be at liberty to make an application, if necessary, to determine the proper parties.

[51] To put those points another way, I have indicated above that the prolix nature of the NOCC makes it impossible for the defendants to respond to it. For the same reason, I am not able to parse the 391 pages of the improperly drafted NOCC and indicate whether paragraphs, categories or claims should remain in, or should be struck. That is not the proper role of this court. It is counsel's obligation to draft pleadings that do not offend the mandatory requirements of the *Rules*.

[52] The defendants submit that the NOCC pleads to a number of claims that are improper in a civil action. In part, the defendants point to the following elements of the NOCC as inappropriate:

- a) alleging criminal conduct;
- b) seeking a declaration that the preponderance of the scientific community is of the view that masks are ineffective in preventing transmission;
- c) seeking a declaration that the motive and execution of the COVID-19 prevention measures by the World Health Organization are not related to a *bona fide* “pandemic”;
- d) seeking a declaration that administering medical treatment without informed consent constitutes experimental medical treatment which is contrary to the Nuremberg Code, the Helsinki Declaration and is a crime against humanity under the *Criminal Code* of Canada;
- e) seeking a declaration that the unjustified, irrational, and arbitrary decisions of which businesses would remain open, and which would close, as being “essential”, or not, was designed and implemented to favour mega-corporations and to *de facto* put most small businesses out of business; and
- f) seeking a declaration that the measures of masking, social distancing, PCR testing, and lockdowns are not scientifically based, and are based on a false and fraudulent use of the PCR test.

[53] I agree with the defendants that these are improper claims.

[54] I note the remarkably apposite comments of Strayer J. in *Vancouver Island Peace Society v. Canada*, [1992] 3 F.C. 42 at 51:

... It is not the role of the Court in these proceedings to become an academy of science to arbitrate conflicting scientific predictions, or to act as a kind of legislative upper chamber to weigh expressions of public concern and determine which ones should be respected. Whether society would be well served by the Court performing either of these functions, which I gravely doubt, they are not roles conferred upon it in the exercise of judicial review ...

[55] A significant underlying theme of the NOCC is the pursuit of rulings from this court on the proper interpretation of scientific data. As such, much of the NOCC

relates to non-justiciable issues. I note the extract from (the second) paragraph 289 of the NOCC quoted above (at paragraph 41). It is beyond doubt that the plaintiffs seek to turn this court into an academy of science wherein a judge will be asked to prefer their science over the government's science. Alternatively, the plaintiffs hope that this court will act as a further legislative chamber to review, criticize or overturn the policies of the legislative and executive branches of government. That is not the proper role of this court except in circumstances where those actions infringe on protected *Charter* rights or exceed the bounds of delegated authority.

[56] An additional issue, related to justiciability, is that the NOCC seeks a number of declarations of fact. In *West Moberly First Nations v. British Columbia*, 2020 BCCA 138 at para. 312, the Court of Appeal reviewed the law concerning the propriety of declaratory relief. The Court noted that even when the requirements set out in *S.A. v. Metro Vancouver Housing Corp.*, 2019 SCC 4 at para. 60 are met, declaratory relief remains discretionary:

[310] Where these factors are met, a court looks at the practical value of the declaration in assessing if it should exercise its discretion to grant such a remedy:

A declaration can only be granted if it will have practical utility, that is, if it will settle a “live controversy” between the parties: see also *Solosky v. The Queen*, 1979 CanLII 9 (SCC), [1980] 1 S.C.R. 821; *Borowski v. Canada (Attorney General)*, 1989 CanLII 123 (SCC), [1989] 1 S.C.R. 342.

Daniels at para. 11; see also *S.A.* at para. 61.

[311] This Court has also phrased the question as “whether a ‘useful purpose’ would be served by granting the order”: *Wakelam v. Wyeth Consumer Healthcare/Wyeth Soins de Sante Inc.*, 2014 BCCA 36 at para. 71; see also *Greater Vancouver Regional District v. British Columbia (Attorney General)*, 2011 BCCA 345 at para. 52 [GVRD].

[312] An assessment of the practical utility of a declaration necessarily looks at the effect of the requested remedy on the parties’ rights. Declarations must be connected to legal rights, rather than, for example, facts “detached” from those rights or “law generally”: 1472292 *Ontario Inc. (Rosen Express) v. Northbridge General Insurance Company*, 2019 ONCA 753 at para. 30; *Gouriet v. Union of Post Office Workers*, [1978] A.C. 435 at 501. Detached facts and general pronouncements of law have little utility.

[Emphasis added.]

[57] A good example of a proposed declaration of fact is set out at (the second) para. 302 of the NOCC where the plaintiffs seek:

A Declaration that the declared rationales and motives, and execution of COVID Measures, by the WHO, are not related to a bona fide, nor an actual 'pandemic', and declaration of a bona fide pandemic, but for other political and socio-economic reasons, motives, and measures at the behest of global Billionaire, Corporate and Organizational Oligarchs

[58] This is just one example, among many, of a declaration that is detached from law generally. It has little to do with the rights of the parties and instead seeks a declaration of fact about the motives of a non-party international organization. Pleading declaratory relief of this nature is improper.

[59] The defendants urge upon me that the problems with the NOCC are sufficient grounds for me to conclude that this entire action is an abuse of process and should be dismissed on the basis that it is clearly frivolous and vexatious.

[60] I do not accept that submission on behalf of the defendants. For the reasons set out below, I decline to dismiss the action.

[61] In support of the claims made within the NOCC, counsel for the plaintiffs directed me to several Canadian decisions, plus two from other countries:

- a) The Supreme Court of the United States decision indexed as *Roman Catholic Diocese of Brooklyn, New York v. Andrew M. Cuomo, Governor of New York*, 592 U.S. ____ (2020) [*Diocese of Brooklyn*]; and
- b) *Jacob Puliyeel v. Union of India* (2 May 2022), Writ Petition (Civil) No. 607 of 2021 (Supreme Court of India) [*Puliyeel*].

[62] In the *Diocese of Brooklyn* decision, the Court enjoined the state from enforcing the "severe" restrictions on religious services. The majority wrote, at page 5:

Members of this Court are not public health experts, and we should respect the judgment of those with special expertise and responsibility in this area. But even in a pandemic, the Constitution cannot be put away and forgotten.

The restrictions at issue here, by effectively barring many from attending religious services, strike at the very heart of the First Amendment's guarantee of religious liberty. Before allowing this to occur, we have a duty to conduct a serious examination of the need for such a drastic measure.

[63] Hence, the *Diocese of Brooklyn* decision assists the plaintiffs for the (obvious) proposition that constitutional rights must be protected, even within a pandemic.

[64] The plaintiffs also rely upon the *Puliyel* case from India as an example of a court striking down the COVID-vaccine measures of a government on the basis that they offended protections of bodily integrity and hence, were unconstitutional.

[65] I note that cases from the Indian Supreme Court are very rarely referenced in this jurisdiction. I accept that the judge in the *Puliyel* case engaged in a review of vaccine mandates and their impact on constitutionally protected rights. However, in my opinion, the *Puliyel* case provides limited assistance to the plaintiffs. In very brief overview, the highest level of intervention by the court consisted of directions that:

- a) the government could not force vaccinations on the populace. But, the court was clear to note that the government was not forcing vaccines on the populace. At the same time, the court confirmed that, given the pandemic, the government could restrict the activities of unvaccinated persons and is “entitled to regulate issues of public health concern by imposing certain limitations on individual rights...”
- b) required the government to release statistics to the public relating to vaccination programs; and
- c) in addition, the court made a “suggestion”, that in the context of the rapidly-evolving situation presented by the COVID-19 pandemic, the government should review the vaccine mandates.

[66] However, in my opinion, the case provides more support for the defendants’ position than the plaintiffs’. For example, at para. 89, Justice Rao wrote:

(iv) On the basis of substantial material filed before this Court reflecting the near-unanimous views of experts on the benefits of vaccination in

addressing severe disease from the infection, reduction in oxygen requirement, hospital and ICU admissions, mortality and stopping new variants from emerging, this Court is satisfied that the current vaccination policy of the Union of India is informed by relevant considerations and cannot be said to be unreasonable or manifestly arbitrary. Contrasting scientific opinion coming forth from certain quarters to the effect that natural immunity offers better protection against COVID-19 is not pertinent for determination of the issue before us.

[67] There are several other statements in the *Puliyel* decision that do not align with the plaintiffs' position in this case. For example, on paediatric vaccinations, Rao J. ruled "it is beyond the scope of review for this Court to second-guess expert opinion, on the basis of which the Government has drawn up its policy."

[68] Boiled down to its core, the *Puliyel* case provides support for two basic points that assist the plaintiffs:

- a) government policies cannot unnecessarily infringe upon the Charter rights of individuals; and
- b) the decision is an example of a court hearing, and (to some extent) ruling upon, an analogous claim on its merits. In doing so, the court dismissed the preliminary objection of the Union of India.

[69] I note that there is little need to exceed our province's borders for either of these two propositions. There is binding authority for those propositions much closer to home. In particular, Chief Justice Hinkson, in *Beaudoin v. British Columbia*, 2021 BCSC 512, ruled that the petitioners' *Charter* rights (s. 2(c) and (d)) were infringed by specific "Gathering and Events" orders issued by the Provincial Health Officer. (I note that decision is under appeal. However, at present it is binding upon me pursuant to the principles enunciated in *Hansard Spruce Mills Limited (Re)*, [1954] 4 D.L.R. 590.)

[70] On whether the issues are "justiciable" I note the decision of Justice Coval in *Canadian Society for the Advancement of Science in Public Policy v Henry*, 2022 BCSC 724, where he wrote, at para. 39:

[39] Regarding justiciability, the Petition challenges state action based on legislatively-delegated discretionary powers. In my view, the petitioners are correct that whether those actions comply with the *Charter* and *JRPA* are clearly questions suitable for judicial determination (*CCD*, para 90).

[71] Put simply, individuals have standing to question whether state actions infringe their *Charter* protected rights. Hence, in this case, there is a prospect that the plaintiffs could put forward a valid claim that certain of the COVID-based health restrictions instituted by the Federal or Provincial governments infringed their *Charter* rights. In addition, it is possible that other valid claims may exist. It will be for the plaintiff to plead those causes of action in accordance with the *Rules*. Such claims need to be framed in a manner that is intelligible and allows the defendants to know the case they have to meet. It must also confine itself to matters that are capable of adjudication by this court and relief this court is capable of granting.

[72] The existence of a single potential, viable cause of action means that it would be improper for me, at this stage, to foreclose upon the plaintiffs' right to bring their claims. I note that, in the *Homalco* decision, despite finding that the plaintiff's pleading was "embarrassing" Smith J. granted leave to amend because potential causes of action existed. In doing so, he stayed further steps pending the filing and delivery of a fresh pleading by the plaintiff. I make the same order. This action is stayed until the filing of a fresh pleading by the plaintiff.

[73] I noted above the defendants' submission that there are sufficient grounds for me to conclude that, based on the NOCC, this entire action is an abuse of process or clearly frivolous and vexatious. For the reasons set out above, I do not accept that submission. However, if the next iteration of NOCC contains the same, or similar, problems, then the defendants' arguments on these issues will be strengthened.

Summary and Conclusion

[74] In summary:

- a) I find that the NOCC, in its current form, is prolix and must be struck in its entirety;

- b) I grant the plaintiffs liberty to amend the NOCC; and
- c) This action is stayed pending the filing of a fresh pleading.

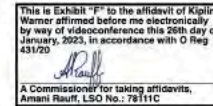
[75] On the issue of costs, I note that each plaintiff is pursuing this action seeking money damages from one or more defendant. In responding to those claims each defendant has been put to the expense of answering (if not filing a response) to the NOCC. In addition, the defendants have all been required to prepare for and conduct this application. None of those steps would have been necessary if the matter was properly pleaded.

[76] On that basis, I find it appropriate to award each defendant the costs for the necessary steps of “defending a proceeding”, and for preparing for and attending an application (opposed). Those costs are payable forthwith in any event of the cause.

“A. Ross J.”

EXHIBIT “F”

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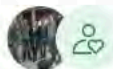
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Kip Warner and 3 others are organising this fundraiser.

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resources.

Summary

A direct action campaign brought by the Canadian Society for the Advancement of Science in Public Policy (CSASPP), a non-profit, non-partisan, secular, and volunteer driven organization. We intend to responsibly use your funds towards the costs of promoting, filing, and prosecuting a claim for injunctive, declaratory, or other appropriate relief in the Supreme Court of British Columbia in response to the COVID-19 measures and its constitutional implications. The proceeding is brought under the Class Proceedings Act, RSBC 1996, c 50. This means that the implications on our potential success would be shared by all citizens, as opposed to just one individual, business, or organization. We will provide the maximum financial transparency without compromising litigation privilege.

The Problem

As you are undoubtedly aware, British Columbians are in an unprecedented situation. The COVID-19 measures have taken their toll on businesses, individuals, and the public treasury.

The measures appear to many to be incrementally draconian. An astronomically low infection fatality ratio (IFR); testing kits producing false positives for a goat, papaya and a kiwi; dubious exercise of executive powers; the mysterious disappearance of the common seasonal flu; or an overall lack of an adequate evidential foundation is increasingly being questioned by legal scholars, private citizens, small business owners and their patrons, physicians, nurses, the scientists selling the tests, infectious disease epidemiologists and academics, pharmacists, community leaders, public officials, places of public worship, and civil liberty advocacy groups. Further, the evidence of harm as a result of these measures in Canada and similar in the United States is overwhelming.

Citizens have joined rallies and (mostly) peaceful protests. They share leaflets with their grievances and republish articles on social media daily. Documentary film makers have never been busier and petitions continue to grow in signatories by the hour.

Have these well intentioned efforts amounted to anything? Yes, they have raised awareness. But we need to go further. Success is best measured when excessive COVID-19 related measures are terminated.

An Independent Judiciary

Are our COVID-19 related measures legal? Is every regulation, statute, or administrative directive automatically legal by virtue of having been enacted? In Medieval Europe, yes. Today, sometimes not. This is not a theoretical argument, but an established fact.

As a general rule governments, like powerful corporations, do not alter their own aberrant behaviour because it is the right thing to do. They do it because the alternative is more expensive. Not complying with a court order is expensive. Obtaining one is a powerful and practical form of non-violent use of force in a civil society our system contemplates.

We live in a western liberal democracy. It is not perfect, but we have a separation of powers for the same reason a ship has multiple bulkheads to avoid the entire vessel sinking when one is ruptured. Analogously, we have an independent judiciary to safeguard us in situations exactly like the one we are in now.

But unlike the executive and legislative branches of our system, *the judiciary does not do anything on its own*. It does not grant relief (an order) where it has not been asked to do so. Someone has to start the process. Further, that someone needs to do it in their own province since the management of health care is generally agreed to be delegated under s 92(13) of our constitution to a provincial mandate.

What About Other Pressing Tangential Issues?

Consider that if you are concerned about the prospect for an eventual mandatory vaccination program for COVID-19, or the science behind vaccinations in general, the executive rationalizing the measure based on its declaration of a state of emergency, that state of emergency granting extraordinary powers to the executive it otherwise would not have had, and we succeed in demonstrating to the court that there was never a reasonable justification for that state of emergency to begin with, or at least not to the extent in which it was implemented, then indirectly we have destroyed their argument - **0145** any other doors a state of emergency may have opened for it. *This is vital for readers to*

these might be helpful, or even entertaining to follow, any success that they may enjoy does not necessarily achieve anything for people in British Columbia for the above reason.

If the first effort in British Columbia fails, it may preclude the ability to make a second attempt. For that reason it is actually in the best interest for the defendant that the first suit contain as many peripheral issues that weaken its probability of success. If that suit is dismissed, the law can make it difficult for someone to bring a more refined suit later with narrower issues to be tried.

This is why it is essential that our pleadings remain focused on what the desired orders actually turn on, and not tangential issues that would be predicated on a successful constitutional challenge in any event. As tempting as it may be for those passionate about other issues to broaden the scope of what is pled, this can create procedural vulnerabilities that allow a defendant a much lower barrier to disposing of the claim early without the substantive issues actually being heard on their merits.

That can result in the plaintiff getting hit with special costs (fined). In that event the lawyers get paid regardless, but the client is personally stuck with the consequences. This is why some lawyers joke in the absence of a naive client that they don't lose cases, clients do. We don't want that to happen. A precise, level headed, minimum energy trajectory, free of hyperbole, aimed at an Achilles' heel, is far more sound.

What Canadian Judges Already Think

"The constitution of Canada does not belong either to Parliament, or to the Legislatures; it belongs to the country and it is there that the citizens of the country will find the protection of the rights to which they are entitled." – Nova Scotia (A.G.) v Canada (A.G.) [1951] S.C.R. 31.

"After all, the Constitution is a document for the people and one of the most important goals of any system of dispute resolution is to serve well those who make use of it." – Reference Re Residential Tenancies Act [1996] 1 S.C.R. 186.

The Solution

The question of the legality of COVID-19 related measures must be put before a judge on whether they are, at the very least, constitutional. If they are not, then they will be struck down. This is not a theoretical concept, but is done routinely by our judicial system.

This campaign intends to responsibly use your funds towards the costs of promoting, filing, and prosecuting a claim for injunctive, declaratory, or other appropriate relief in the Supreme Court of British Columbia in response to the COVID-19 measures and its constitutional implications. The proceeding is currently brought under the Class Proceedings Act, RSBC 1996, c 50. This means that the implications on our potential success would be shared by all citizens, as opposed to just one individual, business, or organization.

We will provide the maximum financial transparency without compromising litigation. Expenses include disbursements like filing fees, fliers, couriers for service of process, photocopying, legal scholar consultants, expert witnesses, court reporters for examinations for discovery, and so on. But the bulk of the expenses will be allocated towards the lawyers' retainer for drafting and prosecuting the claim. Too much is at stake and so the decision was made early to not cut any corners.

Some of the appropriate legal talent has already been selected, their commitment identified, and some of the case law and arguments already researched. We have already filed. We must ask the court to make a determination as soon as possible before our collective situation continues to degrade further.

Everyone who follows this campaign will be kept apprised of our public hearing dates as they become known, which court house they will be held at, room number, how to attend, and other important procedural steps along the way. We are strong believers in the open court principle.

Who Are You?

My name is Kip Warner and I am the Executive Director behind CSASPP. This is not my day job. I am a volunteer doing this *pro bono*, like the rest of my team. You can reach us by email at reception@covidconstitutionalchallengebc.ca or by calling reception **0146** number listed on our website.

retained the lawyer. If any funds are not used, the law firm will return them to us and we will in turn return them to you. And lastly, my lawyer will have no involvement with the crowdfunding campaign.

Updates (110)

22 January 2023 by Kip Warner, Organiser

Update: 22 January, 2023: Continuation of Class Proceeding's Certification Hearing & the BC CDC

<https://www.covidconstitutionalchallengebc.ca/status-updates>

-Kip

[See older updates](#)

Donate

Share



Fundraising team (4)



Kip Warner

Organiser

Vancouver, BC

Contact



Dee Gandhi

Team member



Robyn Hill

Team member



Zubin Parihar

Team member

Words of support (236)

Please donate to share words of support.



SOTA Instruments Inc

\$1,000 · 22 hours ago

Thanks!!!



Holly Pender-Love

\$30 · a day ago

This is an important issue, and I hope that we are able to make some progress against this totalitarian state that BC has become. Thank you.



Debra Wedel

\$25 · 7 days ago

Thank You



0833961 B.C. LTD

\$200 · 16 days ago

for legal fees

God bless



Tracie Smith

\$50 • 20 days ago

LOVE YOU GUYS!!! Thanks for fighting for us.



Tracey Moffat

\$40 • 21 days ago

Let's send her straight to jail



Armin Madani-Nejad

\$100 • 22 days ago

Thank you for your work.



Tina Baudon

\$99 • 22 days ago

Thank you;)



Jordan Bates

\$50 • 22 days ago

Thank you



Atlanta Cook

\$50 • 23 days ago

I want justice for all those adversely affected by the "state of emergency" wrongly declared by many states and provinces around the world.



LARRY DUNCAN GRADY

\$250 • 25 days ago

We are seniors and so grateful for what you are doing. Our prayers go with you.



James Norie

\$500 • 25 days ago

Excellent work so far regardless of outcome.



MANN H

\$100 • 26 days ago

donation to court challenge



KYLE DANIEL EDUARD DARVASI

\$50 • 26 days ago

Thanks for all the awesome work you have been doing! Keep up the good work!



Mary Beardall

\$50 • 27 days ago

Thank you for your work. My daughter is a fired nurse in BC because of her belief in bodily autonomy and personal medical choices.



Randy R. Keats

\$25 • 28 days ago

Many thanks for your efforts. Love wine



David Allen Johnson

\$500 · a month ago

Than -you for your efforts, we all are doing what we can...



VLADISLAV NEGARA

\$50 · a month ago

BC Supreme Court COVID-19 Constitutional Challenge



Illia Ocean

\$50 · a month ago

Support for BC COVID class action lawsuit



RADMILA BAGAYEVA

\$50 · a month ago

Thank you for everything you do. Keep fighting.



Erik Barker Hansen

\$50 · a month ago

Thank you, you are fighting for our children's and Canada's future.



Alexander ~

\$50 · a month ago

Thank you so much for your effort!!



Karen Ledger

\$60 · a month ago

Thank you for your important work.



Trina Rosecat

\$30 · a month ago

thank you for all you do!



PAULETTE VALORIE STROO

\$50 · a month ago

Thanks for your work!



Brenda Bernhardt

\$50 · a month ago

Bless each and every one of you standing up for us all! Go team go!



Carol Money

\$250 · a month ago

Please use this money as needed to fight the good fight. Thank you for all you do.
Merry Christmas.



Henny Vogelzang


\$100 · a month ago

Thank you, stay strong. So many are with you in spirit!




Debra Wedel

\$50 · a month ago


 Debra Wedel

 **Cameron Roy**
\$100 · a month ago
Keep up the great work


 **Elena Khramova**
\$50 · a month ago
Keep up the fight for us! Love!


 **Steven Klassen**
\$50 · a month ago
Go get em, and prove this was a rights violation!


 **Cody Jackson**
\$50 · a month ago
Thank You!


 **0833961 B.C. LTD**
\$100 · a month ago
There is a cost to freedom. Please stay the course.


 **Livina Hiacinth**
\$25 · a month ago
Thank you for your persistence and good work


 **Valerie Cross**
\$50 · a month ago
Thank you for all the work you're doing

 **Dolores Suek**
\$50 · a month ago
Thank you so much!

 **Frank Wormald**
\$20 · a month ago
Yours is an honorable quest. Unlike the Federal judgement in October I pray you receive a fair judgement despite the shenanigans' of the corrupt BC gov't. What has this country come too? Best wishes and Merry Christmas to you and yours. F Wormald

 **Ryan Thomas Pelech**
\$35 · a month ago
Here, Not much. But I know now what we are fighting and any momentum, I know, helps. Let the world know who I am. I will fund you until the end as much as I can. Godspeed Kip and Godspeed to everyone involved in this.

 **Brenda Bernhardt**
\$50 · a month ago
Praying you on!

 **Daniel Carey Joseph Rumm**

Thankyou



Carla Wainwright

\$100 · a month ago

With love and gratitude for the essential work you are doing



Susan Scobie

\$50 · a month ago

For the class action suit work. Thank you.



Jane Whitehead

\$100 · a month ago

God bless your legal case - Thank you for doing this!



Scott Heathe

\$100 · a month ago

With sincere gratitude



WATERMATTERS FOR HEALTH AND HYDRATI...

\$100 · a month ago

thank you!!!



Saul Kahn

\$150 · a month ago

Thank you for your Herculean efforts regardless of the outcome.



Gary Ward

\$100 · a month ago

Sue Bonnie... Yeahhhhh!!!!



Katherine Dickie

\$50 · a month ago

thank you and your team for taking on this very important suit



Millie Wilson

\$100 · a month ago

Thank you for advocating for all of us British Columbians! God bless xoxo



Michelle Jenkins

\$100 · a month ago

Thanks you! from a fired ER RN and 2nd class Canadian citizen



Dhyana Harrington

\$200 · a month ago

Thank you for the great work you are doing.



Ernest Moniz Jr

\$50 · a month ago

Thanks for the important work you are doing for all of us.

all the best for our win



Lina Jakobs

\$350 · a month ago

Were behind you all the way!!



Suzanne Schiller

\$100 · a month ago

Thank you for taking this action!!!



Delaney McFarlane

\$25 · a month ago

Good Luck



Marilyn Margaret McInnes

\$50 · a month ago

Just watched you with Rainer Fuellmich. Good luck this week!!



Dorothy Hills

\$200 · a month ago

Thank you for defending us.



Laska Nadine Pare

\$50 · a month ago

Got get em



Leah Maisonneuve-Hope

\$100 · a month ago

Thank you for your work, good luck this week



Camille Mitchell

\$30 · a month ago

May truth abound



Patrick Gervais

\$50 · a month ago

I just want to help hold these criminals accountable for their actions. Thank you.
Patrick



Mary Tillberg

\$10 · a month ago

The success of this trial will lead the way for many more confidence in our judicial system and more wrongs being righted. It is of the utmost importance that we support this case.



Edward Davies

\$49 · a month ago

Keep up the good work.



Scott Heathe

\$100 · a month ago

Totally impressed by and appreciative of your work. Thank you from the bottom of my heart.



Lorna Hancock

\$50 · a month ago

May the support for this project flow strong to help you Kip and Antonina and all.
xo



Vera Meuleman

\$250 · a month ago

Praying thank you so much.



Jack Blarowski

\$30 · a month ago

I lost my job (nurse) due to the COVID-19 vaccine mandate about a year ago. No other reasons, 15 year work experience. No employment insurance, no pay of any kind, no benefits, lost all the sick hours accumulated (550+hours) which are normally paid out at 40% upon retirement. Equity? Discrimination? Justified reasons? The injection mandate was renewed in September of this year of 2022. What country and province do we live in now? I left a communitt country in 1987. Are we going in that direction?



Patricia Thomson

\$25 · a month ago

Thank you!



Erin Hobkirk

\$50 · a month ago

Thank you for leading this challenge Kip! Cheers!



Susan Heimsoth

\$50 · a month ago

I'm behind you 100%



Agata Bzowski

\$400 · a month ago

Dear Kip, I hope you realize how important you are to the world. My gratitude goes beyond words. Sincerely, Agata



Cody Jackson

\$50 · 2 months ago

Thank you!



Debra Wedel

\$25 · 2 months ago

Thank you!



Susan Yurychuk

\$10 · 2 months ago

I pray for you everyday! Keep up the amazing work. Peace out



Carol Money

\$200 · 2 months ago

Thank you for all you are doing for all of us.



Tina Baudon

\$38 • 2 months ago

BrEathe LOVE - thank you:))))



0833961 B.C. LTD

\$50 • 2 months ago

Thank you for your advocacy for freedom. Btw, you would make an excellent lawyer!



Shannon Gold

\$50 • 2 months ago

Keep up the good fight! Thank you for all the hard work and effort you are putting in on behalf of all BC residents. Sincerely, a terminated nurse.



Paula Sawadsky

\$75 • 2 months ago

Thank you.



Gregory Tanner

\$250 • 2 months ago

thank you



Desarae Karroll

\$25 • 2 months ago

TY!



Benita Arbo

\$25 • 2 months ago

Thank you for all of your hard work. I wish I could give more.



Bunny Riddell

\$100 • 2 months ago

The lies and corruption from our elected and unelected officials in this country are threatening our Charter of Rights and Freedoms and must be exposed or we will lose our democratic nation of Canada to a totalitarian regime headed by Justin Trudeau.



Susan Heimsoth

\$50 • 2 months ago

thank you for fighting the good fight



david riley

\$20 • 2 months ago

Thank God for the healers that do not co-erce....and those supporting them.....



Vera Meuleman

\$100 • 3 months ago

War chest we will win

Thank you for representing so many of us . As citizens of a "True North Strong and Free" democracy ,our Canada, we desperately need you to fight for us.



Myrna Kerr

\$100 · 4 months ago

Finally hope for the future of the Health Care providers in B.C. and perhaps Canada! These brave people taking the important action through the BC Courts are hero's for all of us to thank!



Sean Daigle

\$200 · 4 months ago

Thank you Kip!



Dave Olsen

\$20 · 4 months ago

Thanks for all your amazing work!



Michael Peric

\$100 · 4 months ago

Please keep up the good work, so much depends on this case. Thank you x 100



Leslie MacPherson

\$108 · 4 months ago

Thank you



SOTA Instruments Inc.

\$1,000 · 4 months ago

Thanks Kip!



Scott Heathe

\$100 · 4 months ago

Thank you for all your efforts



Joan Kathleen Higgs

\$100 · 4 months ago

THANKS FOR ALL YOUR HARD WORK, I'm not requesting anonymity... use my name if you like. Wish I could send more.



Edward Davies

\$50 · 4 months ago

Keep up the good work.



Georgina Loh

\$500 · 4 months ago

Received the update on [redacted]. We need to see these legal challenges until the end. Keep up the good fight & pray for your success.



Martha Facchini

\$50 · 4 months ago

Your good work is appreciated.



Vera Meuleman

\$75 • 4 months ago

Thank you



Melissa Gardinetti

\$200 • 4 months ago

thank you for your hard work, and persistence.



Georgina Loh

\$300 • 5 months ago

Thank-you for fighting this fight against Bonnie Henry.



0833961 B.C. LTD

\$50 • 5 months ago

Thank you for defending our fundamental rights and freedoms.



Ian Glass

\$55 • 5 months ago

LOVE you guys!!!



SOTA Instruments Inc.

\$1,000 • 5 months ago

Thanks Kip!!



Scott Heathe

\$50 • 5 months ago

Thank you for your incredible work



Susan Yurychuk

\$10 • 5 months ago

Thank you keep up the great work!



Leah Sara Combs

\$250 • 6 months ago

Thank you for everything!



Debra Wedel

\$100 • 6 months ago

Thank you.



SOTA INSTRUMENTS INC.

\$1,000 • 6 months ago

Thanks Kip!!!



Elizabeth Perrin

\$200 • 6 months ago

Thank you!

Thanks for fight for us.



Ronald Wenzel

\$50 · 6 months ago

In my opinion, her refusal to allow or even consider the best alternative treatments for COVID were medically unethical.



Ronald Lowry

\$100 · 6 months ago

Thanks for being there for us great unwashed.



Erin Hobkirk

\$50 · 7 months ago

Thank you for all that you are doing. So appreciated! Gives me hope.



Elena Khranova

\$50 · 7 months ago

I wish you every success in bringing henry to justice.



GAME ON HOSPITALITY INC.

\$750 · 7 months ago

Thank you - from ALL OF US that really need this legal challenge to win to make this all stop and not ever put the citizens of BC under such fear again!!



Scott Tyler

\$50 · 7 months ago

Good job with your PHO suit



S Ho

\$100 · 7 months ago

Keep up the great work in helping British Columbians seek justice, truth, and ensuring that the Charter of Rights and the Constitution are working to protect Canadian citizens. Those who are health decision makers be held accountable for human suffering.



Bunny Riddell

\$100 · 7 months ago

Thank you for all you are doing to get the truth out!



SOTA INSTRUMENTS INC.

\$1,000 · 7 months ago

Thanks for everything you are doing!



Erik Pedersen

\$100 · 7 months ago

Freedom!



Madilynn Rotar

\$100 · 7 months ago

Thank you

Thanks



Tara Hillson

\$100 · 7 months ago

Health officials who make decisions for an entire population need to be held accountable for their choices over our lives. It's as simple as that.



Anke Zimmermann

\$100 · 7 months ago

So thankful for your work!



Brian Timothy

\$250 · 7 months ago

Just found your site. Good luck!



Ray Barrett

\$200 · 7 months ago

Good luck. This fraud and this authoritarian hellscape must never happen again. Mandates and dictates by govt and public health have no place in a free society. Public servants serve, not demand or control. Get in your place.



Karine Jacob

\$111 · 7 months ago

Thank you for this very necessary work to restore our freedom



Susan Heimsoth

\$50 · 7 months ago

Thank you for the work you do for all BC residents. My full support and prayers are with you.



Avery Yackel

\$100 · 7 months ago

Thanks for your hard work, let's keep going as we are all gaining momentum!



Frank Walker

\$50 · 7 months ago

Keep up the great work!! It's so important for our province and country to start seeing justice, and our tyrannical governments held accountable for the massive harms and suffering they've heartlessly caused.



Charles Sketchley

\$100 · 7 months ago

Appreciate your good work for the people.



Close Elizabeth

\$300 · 7 months ago

Thank you for your good work.



Chuck Venhuizen

\$100 · 8 months ago

Thank you for your proactive work in exposing the false government covid-19 narrative and in defending our fundamental rights and freedoms.



\$50 • 8 months ago

My husband and I are both public servants who lost our jobs due to BC mandates. We deeply appreciate all the work that you're doing to hold those responsible to account.



Charlotte Krahn

\$50 • 8 months ago

Thanks for working for us in BC to restore humanity.



Karen Vestre

\$100 • 8 months ago

thanks for all you do



Erik Pedersen

\$50 • 8 months ago

Thanks for the work you do!



Kingsley Friend

\$20 • 8 months ago

Bodily autonomy... My body my choice is a basic human right



Trina Rosecat

\$50 • 8 months ago

I am getting emotional reading your updates. You are so wonderful and thorough and I thank you for all you're doing from the bottom of my heart.



R R

\$500 • 8 months ago

Thanks and keep fighting!



Trina Rosecat

\$50 • 8 months ago

Thank you for all you do!



Camille Lipford

\$100 • 8 months ago

Thank you so much for doing the work you are doing! Why did it take me so long to find you? Glad that I did.



Clayten Stedmann

\$200 • 8 months ago

Keep Going. Our charter of rights and Freedoms are Non Negotiable !



Todd Pratt

\$500 • 8 months ago

Keep them accountable. Cheers.



Walter Deutschlander

\$100 • 8 months ago

freedom

Many lives were destroyed in the name of perceived safety.



Laura V

\$50 · 8 months ago

A big thank you to Kip and team!



Benita Arbo

\$25 · 8 months ago

Thank you...I wish I could send more...



Susan Chaytor

\$25 · 8 months ago

Thank you for fighting for all our freedoms!



Dallas M. Brodie

\$500 · 8 months ago

Thank you so much for all you are doing.



Monica Fofie

\$25 · 8 months ago

Thank you for your efforts



Kelly Whitehouse

\$300 · 8 months ago

Thank you all for your perseverance.



Ryan Bougie

\$25 · 8 months ago

Feel free to use my name in any of your public communications



Scott Heathe

\$50 · 8 months ago

Thank you for your work!



Susan Heimsoth

\$50 · 8 months ago

Thank you for your work on this challenge. I cannot give much but I have shared this GoFundMe to friends. I am your greatest supporter.



Trina Rosecat

\$100 · 8 months ago

Thank you for all you do!



Kris Masson

\$100 · 8 months ago

Please keep going! We need this to never happen again.



T G

\$1,000 · 9 months ago

thank you for your work to save our freedoms

Thank you for the work you are doing on behalf of my family and British Columbians/Canadians



Erich Herchen

\$12 · 9 months ago

In the final wave, we will have no freedoms.



C J

\$50 · 9 months ago

Thank you for your hard work and dedication.



Jane Panek

\$250 · 9 months ago

Thank you!!!!



Erich Herchen

\$15 · 10 months ago

Total government overreach



erich herchen

\$11 · 11 months ago

The government exaggerated the threat.



SOTA Instruments Inc.

\$500 · 11 months ago

Thanks for all that you are doing!



Michael Foscari

\$100 · 12 months ago

Last legal chance to restore democracy



Analia Barroetavena

\$40 · 12 months ago

Thanks for fighting Bonnie in court!



SOTA Instruments Ltd.

\$1,000 · 12 months ago

Thanks Kipl!



Josh Bruni

\$100 · 12 months ago

I donated because enough is enough. Stop naming the common flu in order to scare people into giving up basic rights and freedoms. Our rights to travel, congregate, refuse medication, and breathe freely do not come from government. They are universal rights belonging to all humans. The violation any of those should be considered an act of war against our bodies and we the victims should react accordingly. My health is nobody's responsibility and the health of others, (as cold as it may sound) is not my responsibility.



Steve Summers

\$100 · 12 months ago

Medical and political authorities turn a blind eye to medical and political realities. One area where they can be forced to focus on them is through the courts.



Karen Henderson

\$25 · 13 months ago

Our future.



SOTA Instruments Ltd.

\$1,000 · 13 months ago

Thanks again for all that you and your team are doing. :)



Shannon Gold

\$20 · 13 months ago

We must fight for our rights and hold our government accountable



Mary Tillberg

\$60 · 13 months ago

It is important for liberty and justice to have a voice. When we are mandated to act in a way that threatens our economic and social understanding of life as we know it, we must stand up and ask why? And, the answer must be genuine and truthful. We have paid for as much through out taxes and our electoral system--a voice and representation.



Erich Herchen

\$25 · 14 months ago

Fighting for freedom is the only choice.



SOTA Instruments Ltd.

\$1,000 · 14 months ago

Thanks so much!



Peter Novotny

\$100 · 14 months ago

this is the most important issue in the last century - i grew up shortly after the world war II and remember the slogan "never again" but here we are and our constitutional rights are slowly errored without cause



John Pattison

\$25 · 14 months ago

Thanks for all your hard work.



Dan Anderson

\$50 · 14 months ago

I can't afford to do this, but I am. I am appalled by the government's approach, this country seems to have turned into Communist China, where our rights have been stripped, solely for the reason of exercising INFORMED CONSENT, MY BODY, MY CHOICE, MY HEALTH. My wife is losing her job with the BC Government, for no reason other than protecting her health by not taking the experimental mRNA gene therapy. We believe and acknowledge the success of Ivermectin, HCQ, Vit C&D, Zinc, Quercetin and NAC as successful early therapies, that the BC Government has ignored and BANNED. Please, please, please SAVE THE CHILDREN. These shots will be a disaster to kids if the government succeeds in their dangerous ways. Dan



Rene Cote

\$50 · 15 months ago

To support the leaders in this cause .

**Craig Pasaluko**

\$100 • 15 months ago

This is where it has to be won...

**Melissa White**

\$100 • 15 months ago

On behalf of my family, thank you so much for what you are doing for all of us.
Thank you for the updates, the professionalism and the heart behind this.

**Orion K Carrier**

\$50 • 16 months ago

Constitutionally guaranteed liberties are not retractable, even temporarily,
without the government bearing the burden of proof. Simply saying "we're
following the science" is NOT PROOF.

**David K**

\$200 • 16 months ago

Preserve our basic human rights.

**Dean McDonald**

\$200 • 16 months ago

This is the best news in months! Thanks for all you are doing.

**We Have Had Enough of this Tyranny ...**

\$50 • 16 months ago

Freedom is worth fighting for, "There is no future for the people who worship the
future and forget the past."

**Susan Heimsoth**

\$100 • 16 months ago

I fully support you guys. Thank you for doing this work for all of humanity. I am
grateful.

**SOTA Instruments Ltd.**

\$1,000 • 16 months ago

Thanks for all you do!

**Dale Arthur Stengel**

\$500 • 16 months ago

I really appreciate what you are doing.

**Susanne Whitern**

\$20 • 16 months ago

Thank for taking this essential fight on for our children's future and freedom as
they won't stop milking us once we're locked into mandatory draconian
measures, we need more lions and less sheep

**Michelle Ormsby**

\$50 • 16 months ago

Fighting for Our Canadian Rights and Freedoms!

Censorship, Authoritarianism, Autocracy - Coercion, Facism, Reign of Terror This is no longer a democracy!! There is a chance that everything our forefathers and daughters fought and gave their life for - is going to be taken away in a very short period of time - because of a "FLU" Fight back

Anastasia Kaduhr

\$75 • 16 months ago

My body my choice

Sarah Fulop

\$100 • 16 months ago

I disagree with mandated Covid vaccines. I want to contribute what I can in the fight for our freedoms. Blessed be. Thank you for standing up for so many of us.

Larry Siluch

\$75 • 16 months ago

Important that our constitutional rights and freedoms do not get taken away by unelected officials / over reach

Chris Franco

\$50 • 17 months ago

Freedom of rights and medical choice

Jacqueline Steffen

\$100 • 17 months ago

Thanks Kip and members for everything you are doing. This will never end unless we all start standing up for our human rights!

Roy Girard

\$100 • 17 months ago

I donated because we have to do something! I'm don't want to sit idly by

Nicola Richardson

\$100 • 17 months ago

To support a free world. No one of control and facism.

Catherine DiCecca

\$100 • 17 months ago

Thank you for putting forward this important effort!

SOTA Instruments Inc.

\$500 • 17 months ago

THANK YOU! Loved the recent update :)

Michael Myers

\$50 • 17 months ago

Good Luck

ANTHONY BURGOYNE

\$50 • 17 months ago

Covid measures by the government are the greatest infringement on civil liberties yet in my lifetime.



Jo Lea

\$100 • 17 months ago

Those who attempt to abolish our constitutional rights and move us ever closer to a segregated authoritarian society must be held to account. Period.



Darlene Cameron

\$10 • 17 months ago

The entire covid fiasco is a scam to rip off Canadians and citizens of other nations. All who are promoting this Fraud MUST be held accountable and face the repercussions!!!! We the people DO NOT CONSENT!!!! We do NOT consent to vaccine passports or forced or coerced vaccines or experiments in any way shape or form and we will NEVER stand down not now or in a thousand years from now!!!!!!



Bernie Moore

\$50 • 17 months ago

We have been completely hoaxed with this damn virus , and all public health must be charged for what they have done to the citizens of Canada



Carsten Schuett

\$1,000 • 17 months ago

This is an investment into the accountability of our government and the protection of our Chartered Rights.



Kan Sandhu

\$500 • 17 months ago

Great work Kip.



Kris Masson

\$50 • 18 months ago

Please don't stop we need them to be held accountable!!!



Gery Warner

\$10,000 • 19 months ago

I know you didn't choose this calling; it chose you.



Alice Webber

\$50 • 19 months ago

Thank You Thank You Sooo Much for fighting for our Freedom!! What's been perpetrated on the world is Unconscionable and Horrific!! I hope you set a precedent to stop this madness! Thank you again!!



Lan Ma

\$100 • 19 months ago

Thank you for taking on this incredible challenge! The outcome of this case will set a precedent as to how our government can manipulate our Charter of Rights and Freedoms under whatever guise they choose.



Penny Reid

\$20 • 20 months ago

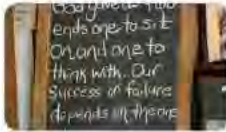
I am going to share this gofundme with many fB groups. And on Twitter. These court cases are one of the "last best hopes" to bring these draconian measures to an end, and , then, to hold the perpetrators responsible. Nuremberg 2.0 - it



Laura V.

\$50 · 20 months ago

Voting with my money to support people like Kip and his team. The time is now to stand up against this tyranny.



Jason Newcomb

\$20 · 21 months ago

It's the right thing to do.



Jacqueline Steffen

\$100 · 21 months ago

I donated because these strict measures/mandates are affecting thousands of small businesses across Canada. Where are the medical peer reviewed journals which prove mask mandates/social distancing even works....?



Rhys Jones

\$50 · 21 months ago

Thanks for the call today kip this is just the begging and am there to help in whatever way you need thanks brother



Lance Rose

\$10 · 22 months ago

The people that have locked the world down, forced masks and isolation upon us and rushed those "vaccines" into people's arms without long term testing should all be JAILED for their crimes against humanity!! The Nuremberg Code matters! Destroying democracy and silencing all those who have questions in order to accomplish these evil deeds. 14 days to flatten the curve (which I never agreed to) has turned into a year with no end in sight! They used China's lockdown's as their way to fight this. This is communism, what more proof do we need?! Spreading the pain of the virus to every single person like this is not the answer. Instead of this virus screwing up the lives of the less than 1% it kills they have effectively made sure this virus destroys everyone's lives with these communist tactics. Its a fact they copied COMMUNIST CHINA'S tactics. Lockdowns started in CHINA. What more proof do we need? Some day history will remember this as a great atrocity that did much more harm than good. This has been all fear and hype, those models were way off every time. The mass deaths never came. Sweden and South Dakota never locked down and they ended up no worse in death totals then the rest of the world. OPEN UP NOW.



Stephenson Family

\$501 · 23 months ago

My family donated, because NONE of this is really based on science - BH End the lockdowns End the mask mandates End the crimes against humanity!!!



Brian Bowling

\$20 · 23 months ago

This is so important to protect our rights and freedoms!



Patricia Gray

\$100 · 23 months ago

I hate the toll that this evil anarchy is taking on our children, our families, our communities and small businesses. We own the right to move and communicate



Tyler Winters

\$100 • 23 months ago

I'm sick of being treated like a slave!



Edward Coombs

\$100 • 23 months ago

I donated because I want to help make BC the more beautiful province my heart knows is possible...



Susan Yurychuk

\$30 • 23 months ago

Because she needs to held accountable! FULL STOP!



Jonathan Fader

\$50 • 23 months ago

My Small business has been dramatically affected. I have been following science from the start. Government responses and policies have been politically motivated more than anything. Governments need to be held accountable for bad or incorrect decisions. Enough is enough.



Susan Chaytor

\$20 • 23 months ago

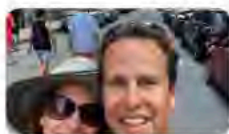
Thanks so much for taking on this fight for all of us! All government must be held accountable to the people. "The cure can't be worse than Disease"



Brad + Dawna Toews

\$10,000 • 24 months ago

We believe change is possible and that our decisions matter for the well being of all Canadians. We believe time is of the essence and that who we support is just as important as what we support. We support Kip and the team as they speak truth to power.



Brian Ashton

\$55 • 25 months ago

The shutdown is NOT required -- the deaths as a percentage of persons is tiny , tiny , tiny , & very similar to all the other flu's , asian flu , etc., etc. IT IS ALL " B.S. "



G. "Rico" Rogers Rogers

\$50 • 25 months ago

Thank you for being the first to stand up to this Tyranny ! I'm sure as word gets out you will get a lot of supporters !



Brian Ashton

\$55 · 25 months ago

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EXHIBIT “G”



Canadian Society for the
Advancement of Science in
Public Policy

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Why?

As you are undoubtedly aware, British Columbians are in an unprecedented situation. The COVID-19 measures have taken their toll on businesses, individuals, and the public treasury.

The measures appear to be incrementally draconian. An astronomically low infection fatality ratio (IFR); testing kits producing false positives for a goat, papaya and a kiwi; dubious exercise of executive powers; the mysterious near disappearance of the common seasonal flu; or an overall lack of an adequate evidential foundation is increasingly being questioned by legal scholars, private citizens, small business owners and their patrons, physicians, nurses, the scientists selling the tests, infectious disease epidemiologists and academics, pharmacists, community leaders, public officials, places of public worship, and civil liberty advocacy groups. Further, the evidence of harm as a result of these measures in Canada and similar in the United States is overwhelming.

Who are we?

The Canadian Society for the Advancement of Science in Public Policy (CSASPP) is a non-profit, non-partisan, secular, crowd funded, and volunteer driven organization that was created in response to popular community demand for a direct action initiative to counter BC's COVID-19 related measures.

CSASPP's approach engages the very premise of an alleged emergency. Without an emergency, there can be no basis for extraordinary executive powers, including everything that required or benefited from one. We filed our proposed class action on your behalf on 26 January, 2021, and intend to continue aggressively prosecuting it. Under the civil rules, Dr. Bonnie Henry must personally submit to answering our questions while under oath.

**This is Exhibit "G" to the affidavit of
Kipling Warner affirmed before me
electronically by way of videoconference
this 26th day of January, 2023, in
accordance with O Reg 431/20**



**A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C**

EXHIBIT “H”

BC Supreme Court COVID-19 Constitutional Class Action

This is Exhibit "H" to the affidavit of
Kipling Warner affirmed before me
electronically by way of
videoconference this 26th day of
January, 2023, in accordance with O
Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C



**Canadian Society for the
Advancement of Science in
Public Policy**



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We filed our class action on your behalf on January 26, 2021 and intend to continue aggressively prosecuting it. Under the civil rules, Dr. Bonnie Henry must personally submit to answering our questions while under oath.

Our civil proceeding's objectives are to obtain any available civil remedy for the maximum number of British Columbians that revert in whole or in part any COVID-19 related statute, ministerial order, regulation, or other executive, regulatory, or legislative measure; past, extant, or proposed; that constrain any activity of any person inadequately supported by either science or law; and that may facilitate that person's subsequent pursuit of a civil remedy brought against, with preference towards the natural over the legal, any other person complicit in the consultation, enactment, or enforcement of said.

If you are a business owner or individual in British Columbia, we are already advocating for you. Learn more about our progress, tools to help businesses obtain relief from their insurers, and how to deal with regulators and by-law enforcement at

www.covidconstitutionalchallengebc.ca
(604) 256-3060

This publication is not intended to be used as legal advice. Readers are encouraged to obtain their own.

EXHIBIT “I”

This is Exhibit "I" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

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HEALTH

Anti-vaccine card protesters confront sheriffs outside B.C. Supreme Court

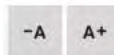


By Amy Judd • Global News

Posted September 13, 2021 2:30 pm · Updated September 13, 2021 9:00 pm



There are several groups taking a stand against the vaccine card now required for many non-essential services in this province, and one has even taken their fight to B-C Supreme Court in Vancouver. Emily Lazatin is there as dozen of people are loudly voicing their opposition – Sep 13, 2021

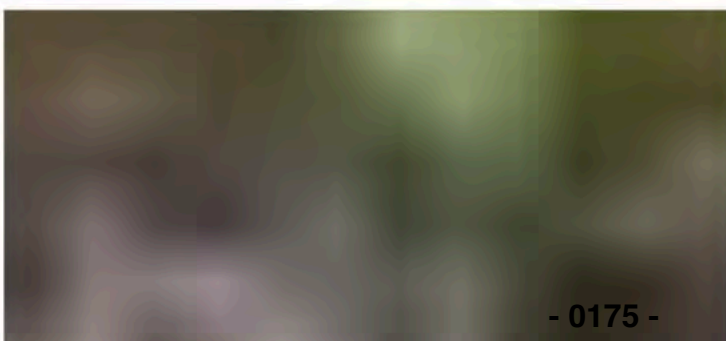


A confrontation took place between anti-vaccine card protesters and Vancouver courthouse sheriffs Monday morning.

"This is our lawful courthouse," one protester said to the sheriff who assures them they have the right to protest outside.

The protest is organized by a group called *Canadian Society for the Advancement of Science in Public Policy*.

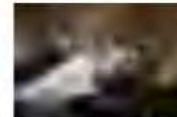
Some people in the crowd Monday are anti-vaccine, some are anti-vaccine card, some are anti-media and some are all those things.



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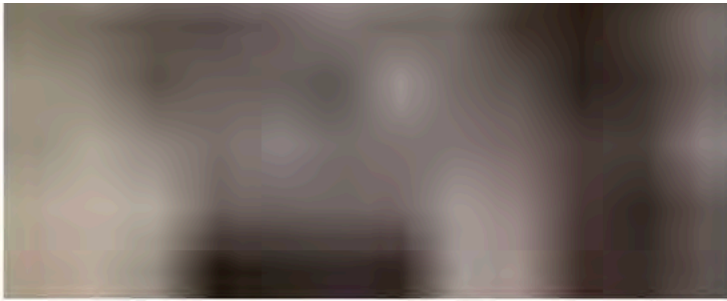
COVID-19: HKPR reports no new deaths or hospitalizations; active cases decline



WHO head 'very concerned' about COVID deaths as emergency declaration call looms

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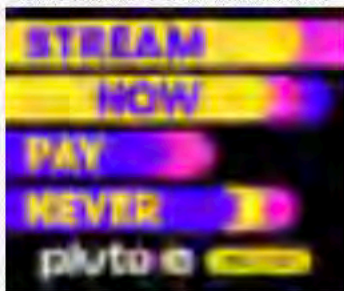




A woman holds up a sign reading 'Media is the Virus' outside B.C.'s Supreme Court Monday morning. **Global News**



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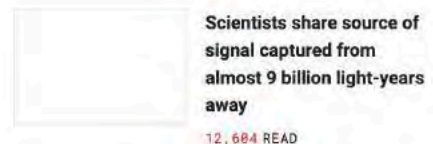
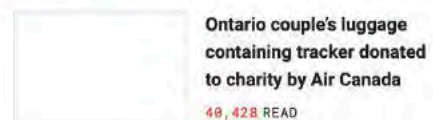
READ MORE: **Anti-vaccine card event held outside Vancouver City Hall**

The group has said it is seeking an injunction to halt B.C.'s vaccine card program.

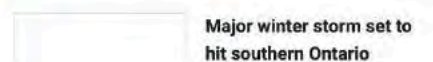
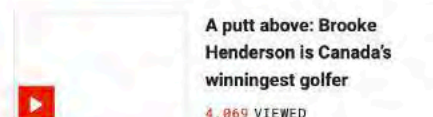
However, sheriffs told Global News the hearing does not appear on today's court list.



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3:28
B.C. vaccine passports and possible disruption

"There is a queue that we are in, apparently, that we are going to be fighting for a stay, which is an injunction, which basically means to put a stop or pause to certain policies, regulations," one of the protesters, who did not give his name, told Global News.



STORY CONTINUES BELOW ADVERTISEMENT

READ MORE: B.C.'s vaccine card comes into effect Monday. Here's what you need to know

Vancouver police said they are aware of this rally at the courthouse and the one planned for noon at city hall.

Officers said they support everyone's right to assemble and protest but anyone breaking the law or putting others at risk could be arrested.

"While we support peoples' rights to assemble, that doesn't give anyone permission to harass or endanger others, to block emergency vehicles, or to limit other peoples' ability to move around the city," Sgt. Steve Addison of the VPD said in a release.

"Anyone who breaks the law or endangers the public during a protest could be arrested."

Meanwhile, in Victoria, about 20 people gathered outside local media outlets

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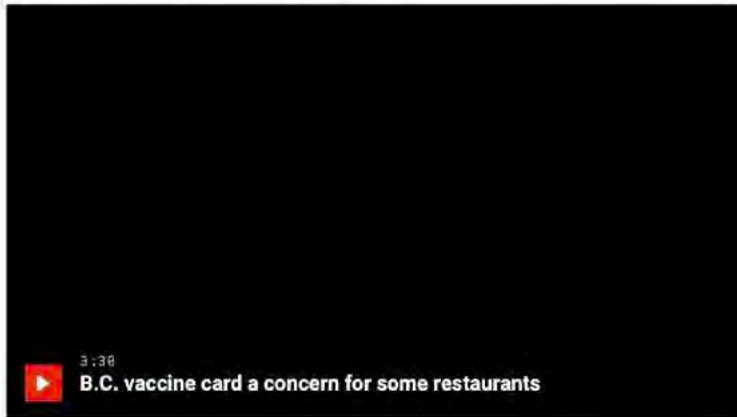
SIGN UP

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One person held a sign reading "Ignore the B.C. HELLth SCAMpaign."

Another read "Media Malfeasance enablers of medical fraud. Nuremberg 2.0."

One woman did show up to show her support of vaccines, holding a sign saying "Vaccines save lives. Ignorance kills."



Canadian COVID-19 Status

CURRENT HOSPITALIZATIONS

4,387

(7-day change: -630)

CURRENT ICU ADMISSIONS

246

(7-day change: -8)

DEATHS

49,761

(7-day average: 38)

Source: Esri Canada

Data is updated weekly on Fridays for all provinces and territories due to a change in our data provider's collection schedule.

Check out our [Coronavirus Tracker](#) for more details and maps.

Last Updated: January 21, 2023, at 3:00:23 am EST

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EXHIBIT “J”

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
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
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3






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News / Local News


Judge orders more details be provided about COVID constitutional challenge

A judge has ordered a group provide more details about its proposed class action lawsuit concerning the B.C. government's COVID 19 policies.

Keith Fraser

Published Oct 28, 2021 • 3 minute read

20 Comments




The plaintiffs want to have a judge declare the orders of provincial health officer Dr. Bonnie Henry be of no force and effect. PHOTO BY DON CRAIG /PNG

A judge has ordered a group that has filed a proposed class-action lawsuit over the B.C. government's COVID-19 public health orders to provide more details about its case.

STORY CONTINUES BELOW

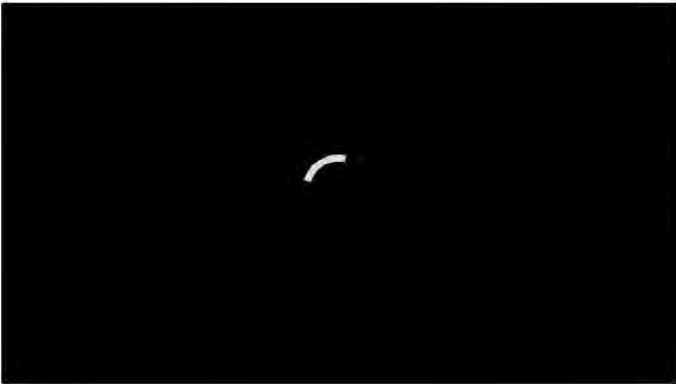
This is Exhibit "J" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20



A Commissioner for taking affidavits, Amani Rauff, LSO No.: 78111C

In January, an organization called the Canadian Society for the Advancement of

in Vancouver.



The non-profit group, which has generated more than \$144,000 in a crowd-funding campaign to support the legal action, says it is challenging the premise that the threat of the virus justifies the government's initial and continued use of emergency powers.

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It claims there are several issues, including the way statistics were collected, the method of testing for the virus, and the impact on persons with pre-existing health conditions.

The group wants to have a judge declare the orders of provincial health officer Dr. Bonnie Henry to be of no force and effect.

STORY CONTINUES BELOW

The B.C. government filed its response to the class-action suit in March, defending its actions as a necessary response to the pandemic, and has several times requested that the plaintiff provide further particulars of the lawsuit.

The case came to court Thursday following an application by the government for information about two aspects of the case.

The first concerned an allegation that the government had obstructed doctors from advocating alternative COVID therapies. The second dealt with an allegation that Henry had violated her Hippocratic Oath as a physician.

Following submissions from the lawyers in the case, B.C. Supreme Court Justice David Crerar ordered that the plaintiffs provide further details of the alleged obstruction of doctors.

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- 5

Kelowna diamond baron loses bid to prevent condo development next to his lakefront home

The judge said it would be in the best interests of the plaintiff to provide those particulars so the defendant can investigate specifics of the allegations.

He said that at this time there would be no requirement for the doctors who are making the claims to identify themselves, but added that at trial there would be a need for them to testify in open court using their names.

But the judge declined to order that further details of individuals who might be impacted by any alleged violation of Henry's Hippocratic Oath be provided by the plaintiffs.

He said it is not usual in proposed class-action lawsuits for individuals who are alleged to have been harmed to be named. The proposed class includes all B.C. residents who are alleged to have been harmed by the government's actions since the imposition of the state of emergency in March 2020.

STORY CONTINUES BELOW

The hearing was initially delayed as court officials sought to accommodate as many people as possible to participate in the proceedings, which were conducted by teleconference.

The lawyers and the judge were participating from another location and there were indications that as many as 300 people wanted to follow the proceedings.

A lawyer for the plaintiff told the judge that only 100 people were able to listen in to the proceedings by phone and applied for an adjournment.

The judge rejected the adjournment application, saying that to delay the proceedings would affect the tight deadlines that have been set for the case. But he later agreed to give the plaintiff leave to approach court officials to seek a better accommodation for members of the public.

The next court appearance in the case is expected in June.

kfraser@postmedia.com

twitter.com/keithrfraser

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Is there more to this story? We'd like to hear from you about this or any other stories you think we should know about. Email vantips@postmedia.com.



LATEST NATIONAL STORIES



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EXHIBIT “K”

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HEALTH

Judge rejects B.C. government’s bid to drop case against COVID-19 vaccine orders



By Elizabeth McSheffrey • Global News

Posted May 6, 2022 4:37 pm • Updated October 7, 2022 12:24 pm

Ad : (0:12)

A B.C. judge has given an advocacy group the green light to challenge a number of Dr. Bonnie Henry’s COVID-19 health orders in court. But as John Hua reports, that doesn’t necessarily mean the government policy on vaccinations for health-care workers will be overturned. – May 6, 2022

-A

A+

A B.C. court judge has rejected the provincial government’s bid to have a case against its **COVID-19 vaccine** orders for health-care workers thrown out.

In a Wednesday decision, Justice Simon Coval dismissed the provincial health officer’s argument that the petitioners lack legal standing in the matter, finding instead they have a “public interest standing.”


1:58

Study suggests new unvaccinated COVID-19 risk

The petition, which seeks to quash the double-immunization orders, is a “reasonable” way to bring forward important health-care issues that “transcend the interests of those directly involved,” he wrote.

STORY CONTINUES BELOW ADVERTISEMENT

How Your Body Warns You That Dementia Is Forming




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READ MORE: Petition calls for mandatory COVID-19 vaccines at Whistler Blackcomb resort

Last October, Dr. Bonnie Henry ordered staff in the bulk of health-care settings — including hospitals, long-term care homes and clinics — **be fully-vaccinated to work on-site.**

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COVID-19: HKPR reports no new deaths or hospitalizations; active cases decline



WHO head 'very concerned' about COVID deaths as emergency declaration call looms

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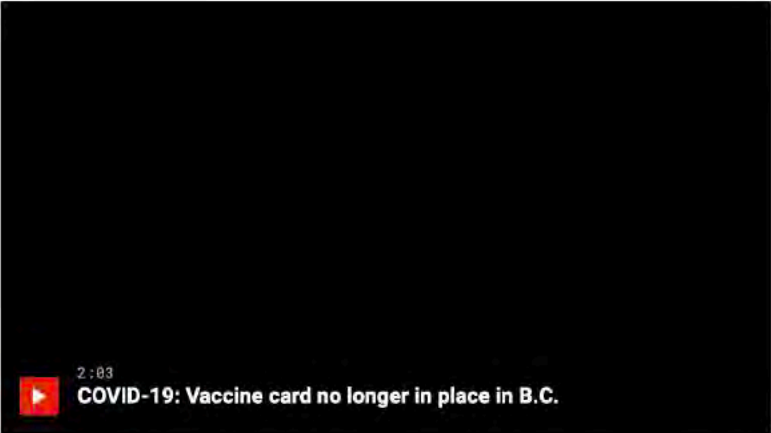
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The non-profit Canadian Society for the Advancement of Science in Public Policy (CSASPP) argues the mandate is unconstitutional, and fails to accommodate people with religious objections, vaccination risks, immunity from prior infection, and a recent, negative **COVID-19** test result.

It requested a reconsideration of the orders in November, presenting a suite of safety alternatives and examples of jurisdictions with less restrictive approaches. The provincial health officer refused, however, claiming it sought exemptions on non-medical grounds.



Henry's lawyers argued the CSASPP's petition does not present a serious issue to the court as it contains "no adjudicative facts." The advocacy group, they claimed, is a "purpose-built anti-COVID-19 measures entity," and it has no history of involvement in the issues identified in its petition.



The CSASPP claims an estimated 41 of its 170 members work in a health-care setting.

In his decision, Coval found the group satisfied "genuine interest" and engagement tests in the matter, evidenced primarily through the work it put into its November reconsideration request. The less intrusive safety measures it presented in that request raise "substantial questions" that are "clearly not frivolous," he wrote.

Canadian COVID-19 Status

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(7-day change: -630)

CURRENT ICU ADMISSIONS

246

(7-day change: -8)

DEATHS

49,761

(7-day average: 38)

Source: Esri Canada

Data is updated weekly on Fridays for all provinces and territories due to a change in our data provider's collection schedule.

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Last Updated: January 21, 2023, at 3:00:23 am EST

- COVID
- BC CORONAVIRUS
- COVID-19 VACCINE
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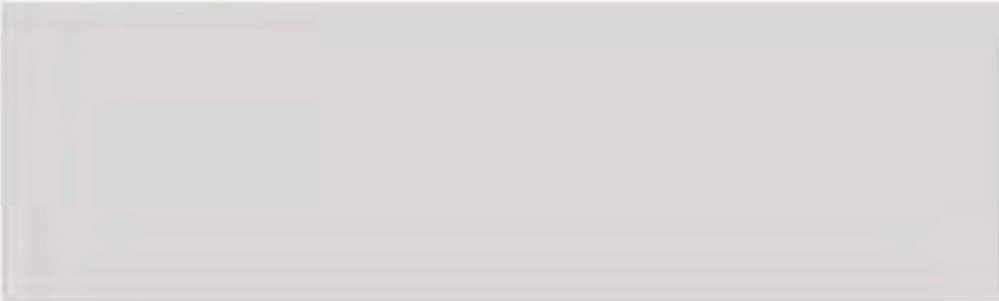


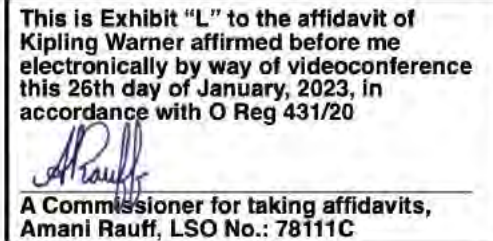
EXHIBIT “L”

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B.C. court rejects top doctor's effort to dismiss COVID-19 vaccine mandate lawsuit

Ian Holliday, Ian Holliday

5–6 minutes



The B.C. Supreme Court has rejected the provincial government's attempt to dismiss one of the lawsuits challenging COVID-19 vaccination requirements for health-care workers.

Lawyers for provincial health officer Dr. Bonnie Henry had argued that the Canadian Society for the Advancement of Science in Public Policy, which brought the lawsuit, lacked the necessary standing to raise the issue before the courts.

CSASPP's suit seeks to have Henry's public health orders requiring workers in most health-care settings to be vaccinated thrown out on the grounds that they violate the Canadian Charter of Rights and Freedoms and fail to provide reasonable exemptions and accommodations.

Henry's response to the lawsuit submits that the orders are reasonable, precautionary public health measures.

The decision issued this week by Justice Simon R. Coval does not come to a conclusion on the merits of CSASPP's allegations, but rather on the organization's standing to have its case heard.

Coval concluded that the organization did have the "public interest standing" required to bring the claim, despite the province's arguments to the contrary.

Henry's lawyers submitted that the CSASPP's claim did not raise a "serious justiciable issue," arguing it was "devoid of any meaningful particulars" that would make it worth the court's time.

Coval disagreed, writing that the petition raises "substantial questions" that are clearly within the purview of the justice system.

The provincial health officer also argued that CSASPP had not demonstrated a "genuine interest" in the questions at hand, noting that the organization's explicit purpose is to challenge COVID-19-related measures in British Columbia.

"The PHO submits that CSASPP has no history of involvement in the issues raised by the petition, and the evidence connecting its membership to health care is vague and weak," Coval wrote in his decision.

"The PHO says CSASPP is merely a 'purpose-built anti-COVID-19 measures entity.'"

The justice largely agreed with this assessment of the organization and its purpose, writing:

"In my view, creating a society committed to one side of an issue is not sufficient to create a genuine stake for purposes of standing ... The members of such a group are obviously interested in the issue but do not necessarily have a stake different from the community generally."

Nevertheless, Coval held that CSASPP had demonstrated a genuine interest in the legal questions it raised by making a

reconsideration request to Henry when the vaccination orders were first issued, and including Henry's denial of the reconsideration request in its complaint to the court.

Finally, Henry's lawyers argued that CSASPP's claims were redundant, since several other health-care workers are already suing the province over the vaccination mandate.

Coval again agreed, but only to a point. The justice wrote that ongoing litigation brought by health-care workers who lost their jobs because they were unvaccinated rendered CSASPP's challenge of the public health orders unnecessary.

However, that case does not address the request that Henry reconsider her order and allow more exemptions, something the justice said could be addressed in the CSASPP case.

"CSASPP's standing appears unnecessary for access to justice for impacted health-care workers," Coval wrote. "Nevertheless ... CSASPP's petition appears to be a reasonable and effective means of bringing forward the evidence and claims regarding the reconsideration request and response."


Though he concluded that the organization should have public interest standing and be allowed to continue with its lawsuit, Coval dismissed a claim of private interest standing brought by the CSASPP's executive director Kipling Warner.

Warner, a software engineer, claimed he had been directly and adversely affected by the vaccine mandate, saying his ability to access medical services in a timely manner had been restricted by Henry's orders, and citing a long wait for surgery as an example of this harm.

"In my view, Mr. Warner offers no evidentiary basis, beyond this unsupported, conclusory statement, to suggest any right at stake, or any personal or special impact from the impugned orders," Coval wrote. "There is nothing, for example, to suggest his wait for surgery was unusual or impacted by the impugned orders. In my view, for these reasons, he does not satisfy the requirements for private interest standing."

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B.C. Supreme Court chief judge dismisses four challenges to COVID-19 health orders


Chief Justice Christopher Hinkson found that Dr. Bonnie Henry was guided by the principles applicable to public-health decision making and, in particular, the paradigm that public health interventions be proportionate to the threat faced

Keith Fraser

Published Sep 13, 2022 • Last updated Sep 15, 2022 • 3 minute read

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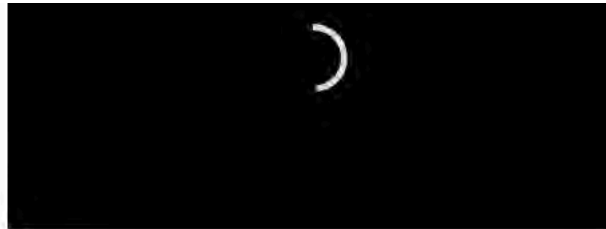
A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C



Chief Justice Christopher Hinkson has ruled that Dr. Bonnie Henry followed established scientific and legal principles in ordering vaccination and mask mandates in B.C. at the height of the pandemic. PHOTO BY FELIPE FITTIPALDI/GOVERNMENT OF /Felipe Fittipaldi/Government of

B.C.'s top trial court judge has dismissed four legal challenges to the province's COVID-19 health orders.

STORY CONTINUES BELOW



In one of the cases presided over by Chief Justice Christopher Hinkson of the B.C. Supreme Court, the judge rejected a constitutional challenge to B.C.'s COVID health orders filed by a group called the Canadian Society for the Advancement of Science in Public Policy.

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The society argued requiring vaccinations for health-care workers was unconstitutional and also that the orders failed to provide reasonable exemptions and accommodations for people with religious objections, vaccination risks, immunity from prior injection and recent negative COVID testing.

In ruling against the group, Hinkson found that Dr. Bonnie Henry, the provincial health officer, had assessed available scientific evidence to determine the COVID-19 risk for gatherings in B.C., including data regarding transmission of the virus globally, nationally and in B.C.


STORY CONTINUES BELOW

The judge said that Henry was guided by the principles applicable to public-health decision making and, in particular, the paradigm that public health interventions be proportionate to the threat faced and that measures should not exceed those necessary to address the actual risks.


In a second ruling, Hinkson rejected a petition alleging the vaccine passport provisions discriminated against persons with disabilities, contrary to the Charter. In a third ruling, he set aside a petition from a man in Victoria who argued that the vaccine passport regime offended his right to liberty in an arbitrary manner.


In a fourth ruling, he dealt with three B.C. residents who said they had participated in public vaccinations and did not challenge the orders generally.

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But they alleged that there was an unconstitutional failure to provide an effective, comprehensive and accessible regime for medical exemptions to orders requiring that people be fully vaccinated to attend restaurants and other public places imposed last year but since rescinded.

Leigh Anne Eliason, a mother and resident of Maple Ridge, argued that she had a number of medical conditions including kidney disease that, on her doctor's recommendation, should allow her to get an exemption from vaccinations. Her doctor provided an affidavit saying that he had submitted to the health authorities the medical reasons why he was recommending she not get any shots.

Dawn Slykhuis, who works as a youth crisis clinician at Fraser Health in Port Moody, said she sought an exemption after receiving the Pfizer vaccine in April, 2021, and then experiencing sharp, shooting pains on the left side of her head.

STORY CONTINUES BELOW

William Robertson Prendiville, who works in building operations in New Westminster and is a resident of Burnaby, said he began to experience pain in his chest that radiated through his upper body after getting his first COVID vaccine in May 2021. He said his cardiologist determined he had experienced a bad reaction to the vaccination and was told to avoid further shots. Prendiville says he was granted a temporary medical exemption but that he's been turned away from the majority of businesses despite the exemption.

In his ruling, Hinkson said there was no evidence that Eliason's doctor's deferral form had been received by health authorities.

The judge also noted that although Slykhuis said she had been denied an exemption, she had not submitted a deferral form despite advising health authorities of her intention to do so.

STORY CONTINUES BELOW

"At present, Ms. Eliason and Ms. Slykhuis have not engaged with the reconsideration process and thus there is no final decision for this court to review," said Hinkson. "I find that neither Ms. Eliason nor Ms. Slykhuis have exhausted all of their statutory remedies, and thus should not be permitted to pursue the relief sought in this petition until they have done so."

The judge found that in getting his exemption, Prendiville had successfully pursued the statutory remedies available to him and while he had encountered

The judge found that in setting his exemption, Prendiville had successfully

"Accordingly, I am unable to find that Mr. Prendiville's Charter rights have been infringed, and thus the relief he has sought in this petition is unjustified."

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British Columbia

Lawyer challenging B.C. COVID-19 orders says class action could result in 3 million claims



Advocacy group says lawsuit would seek damages on behalf of all adults in British Columbia

Jason Proctor · CBC News · Posted: Dec 14, 2022 7:00 AM EST | Last Updated: December 14, 2022



Dr. Bonnie Henry, left, and Adrian Dix deliver a COVID-19 briefing in Vancouver in January 2022. A group is seeking to certify a class action lawsuit against Henry and the province because of the impacts of COVID-related restrictions. (Ben Nelms/CBC)

4726 comments

The lawyer for a group seeking to certify a class action lawsuit against B.C.'s provincial health officer for damages allegedly caused by unjustified COVID-19-related orders says the proceedings could result in as many as three million claims.

Polina Furtula told B.C. Supreme Court Justice David Crerar Tuesday the Canadian Society for the Advancement of Science in Public Policy would seek both a lump sum to punish the province for breaching charter rights and specific amounts tailored to damages alleged by individuals.

- B.C. pastor found 'liable' for hosting worship service as court battles over COVID mandates rage

"Potentially, there would be three million individualized trials?" the judge asked.

"Potentially," Furtula responded. "But of course, that doesn't mean there would have to be actual trials. There's ways that this can be achieved that are practical."

'Punishing a whole group'

The exchange came on the second day of a week-long proceeding in B.C. Supreme Court in Vancouver to determine the future of the proposed class action lawsuit.

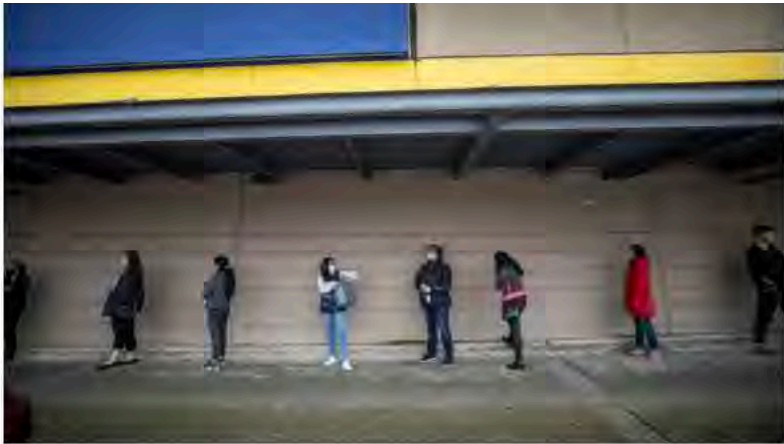
The CSASPP's website says the group is a "non-profit, non-partisan, secular, crowd-funded, and volunteer-driven organization that was created in response to popular community demand for a direct action initiative to counter B.C.'s COVID-19 related measures."

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A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C



Teachers and school staff from the Surrey School District line up to receive COVID-19 vaccinations in March 2021. A proposed class action lawsuit would represent people who are not double vaccinated and do not have an exemption. (Ben Nelms/CBC)

According to their notice of claim, the group believes Dr. Bonnie Henry and the province "invoked extraordinary executive powers predicated on unsubstantiated scientific and legal grounds with catastrophic consequences for British Columbians."

"The [Public Health Act] orders do not discriminate between the sick and the healthy, collectively punishing a whole group," the claim reads.

"The reality is that either all or some of the ministerial orders were not necessary to 'prevent, respond or alleviate' the effects of COVID-19 to the population of British Columbia."

The proposed claim says the measures violated a variety of rights guaranteed to Canadians under the Charter of Rights and Freedoms.

The CSASPP is seeking certification of a class action lawsuit on behalf of all adults residing or doing business in the province who have suffered injury or damages as a result of public health orders issued after March 17, 2020.

'Angry, depressed, lonely and isolated'

The hearing was well attended by supporters of the CSASPP — which put a call on its website for people to "join us at this historic public hearing."

If certified, Furtula said the suit would have three subclasses: 328,000 people who saw medical procedures delayed or cancelled; 376,752 people who were not double-vaccinated and did not get exemptions and 37,000 people who weren't vaccinated for religious reasons.



The Canadian Society for the Advancement of Science in Public Policy posted a call on its website for people to attend the class action certification hearing in B.C. Supreme Court this week. (Canadian Society for the Advancement of Science in Public Policy)

The lawyer read portions from a number of affidavits that spoke to the wide range of complaints from people hoping to be part of the lawsuit.

In one, a single mother who was diagnosed with lung cancer during the pandemic complained that she was unable to get a second dose of vaccine in the 21-day period recommended by the manufacturer.

In another, the mother of a child whose classmate tested positive for COVID-19 was upset that her family was told to quarantine despite the fact they all tested negative for the virus.

And in another, the "angry, depressed, lonely and isolated" head of a technology company said he was shunned because he was unvaccinated and unmasked — unable to participate in group activities or meet potential romantic partners.

'There has to be a coherent plan'

Crerar doesn't have to decide the merits of the case, but he has to determine if the lawsuit meets the requirements needed for a class action — which include common issues, an identifiable class of people and an appropriate person to represent the class.

The judge also has to decide whether a class action lawsuit is the proper way to resolve the dispute.



Under the terms of B.C. health orders, anyone who wanted access to a range of non-essential indoor services had to show proof of vaccination. A group is now seeking to verify a class action lawsuit against the province in relation to those measures. (Darryl Dyck/The Canadian Press)

In his exchange with Furtula, he pointed out how varied the possible claims are — ranging from people who were upset they couldn't get vaccinated fast enough to people who didn't want to get vaccinated at all.

He asked the lawyer for other examples of class action lawsuits which have been brought about based on alleged charter breaches or in relation to COVID restrictions.

Furtula pointed to a lawsuit in the United States where members of the military are challenging mandatory vaccination.

While helpful, the judge said that proceeding was an example of a single-issue complaint where everyone is "rowing in the same direction."

"I get your point, that you're saying these orders are no good, they're imprecise, they're not tailored, they're irrational, they're not consistent," he told Fortula.

"But in terms of implementing how the trial is going to unfold, and how if you're successful at trial, damages are going to be awarded, et cetera, there has to be a coherent plan for the logistics of that and addressing potential internal contradictions."

The Crown will make its case later this week.

- [B.C. churches file appeal of court decision upholding COVID-19 restrictions](#)
- [Risk of death cited as firefighter vaccine mandate stays in place pending union challenge](#)

In a response filed with the court, the government denies the claim, saying the health orders were made in accordance with "national and international surveillance data" as well as "local, national and international epidemiological data."

"The overriding concern is to ensure that [Public Health Act] orders and other public health guidance protect the most vulnerable members of the society while minimizing social disruption," the response says.

The province says the CSASPP has failed to meet the requirements to certify a class action lawsuit on all fronts.

And the Crown also says that any breaches of the Charter of Rights and Freedoms are allowed under Section 1 of the Charter, which allows governments to put limits on rights and freedoms so long as those limits can be shown to be reasonable in a free and democratic society.

ABOUT THE AUTHOR



Jason Proctor

@proctor_jason

Jason Proctor is a reporter in British Columbia for CBC News and has covered the B.C. courts and the justice system extensively.

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A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

E-mail us @ callto@action4canada.com

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<https://vimeo.com/458823583>

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A handwritten signature in blue ink, appearing to read 'A Rauff', is written over a horizontal line.

**A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C**

EXHIBIT “Q”

Balance Sheet

Action4Canada Inc.

As at 15 August 2021

15 AUG 2021

Assets

Bank

Action4Canada Visa	1,327.16
Investors Account	1,001.64
Legal Expense Account	208,838.16
TD Business Account	28,621.15
Total Bank	239,788.11

Fixed Assets

Office Equipment	5,196.76
Total Fixed Assets	5,196.76

Total Assets	244,984.87
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Liabilities

Current Liabilities

Owner A Funds Introduced	40.00
Rounding	(0.03)
Sales Tax	(1,276.32)
Total Current Liabilities	(1,236.35)

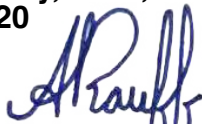
Total Liabilities	(1,236.35)
--------------------------	-------------------

Net Assets	246,221.22
-------------------	-------------------

Equity

Current Year Earnings	227,881.93
Retained Earnings	18,339.29
Total Equity	246,221.22

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Amani Rauff, LSO No.: 78111C

EXHIBIT “R”

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<https://www.youtube.com/watch?v=lxhhd1VRES0>

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See enclosure and link below.

<https://canadianrightswatch.com/action4canada-the-win-that-you-thought-was-a-loss/>

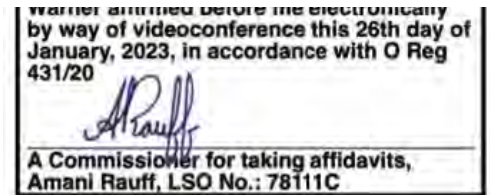
This is Exhibit "S" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

A handwritten signature in blue ink, appearing to read 'A Rauff', is written over a horizontal line.

**A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C**

EXHIBIT “T”

[cbc.ca](https://www.cbc.ca)



Details emerge of Vaccine Choice Canada lawsuit over coronavirus response | CBC News

Colin Butler · CBC News · Posted: Aug 13, 2020 4:00 AM EDT | Last Updated: August 13, 2020

8–10 minutes

CBC News has obtained an unredacted copy of a lawsuit launched by an anti-vaccination advocacy group against the government response to the coronavirus crisis, the details of which can now be independently verified and publicly reported for the first time.

The lawsuit was filed July 6 in the Ontario Superior Court of Justice in Toronto by Aylmer, Ont.-based Vaccine Choice Canada and seven individuals. The legal action is a challenge under Canada's [Charter of Rights and Freedoms](#) to the country's pandemic response measures, including compulsory face masks, the closure of businesses and the enforcement of physical distancing.

The plaintiffs are suing the governments of Canada and Ontario, the City of Toronto, senior politicians, a number of local Ontario health authorities, health officials and the CBC over their response to the pandemic.

The suit states that the closure of businesses to prevent the

spread of the virus was "extreme, unwarranted and unjustified," that self-isolation measures imposed on individuals were "not scientific, nor medically based nor proven" and that the mandatory wearing of face coverings in some public spaces imposes "physical and psychological harm."

The lawsuit alleges that the measures violate Sections 2 (right of association), 7 (life, liberty and security of the person), 8 (unlawful search and seizure), 9 (arbitrary detention of enforcement officers) and 15 (equality before and under the law) of the charter.

"The measures ... are further not in accordance with the tenets of fundamental justice in their overbreadth, nor are they justified under S.1 of the charter in that they are demonstrably justified in a free and democratic society," the lawsuit states.

Vaccine Choice Canada [describes itself](#) as a watchdog organization whose mandate is "to empower families to make educated, voluntary, and informed decisions about vaccination," but public health authorities [have criticized](#) the group for spreading false or misleading information about vaccines and immunization.

Names of plaintiffs redacted for fear of harassment

While copies of the 191-page statement of claim exist online, the names and stories of some of the individual plaintiffs have been redacted on the documents by the plaintiffs themselves. Social media posts from Rocco Galati, the lawyer representing the plaintiffs, said it was done out of precaution to protect the individuals from harassment.

CBC News has agreed not to name the individuals, who

range from a former professor to working parents, a chiropractor and people living with chronic illnesses or disabilities.

No date has been set for when the case will go to court, and it's unclear whether a judge will allow it to proceed.

The lawsuit is seeking \$1 million in general damages and \$10 million in punitive damages, plus legal costs.

No statements of defence have been filed in the case.

Legal scholar says lawsuit has claims worth examining

Among the personal stories contained in the statement of claim is that of a 23-year-old Hamilton man with autism who has the emotional capacity of a four-year-old. His guardian claims in the suit that the man doesn't have the capacity to understand pandemic health measures, which have "totally mentally devastated" him by depriving him of his routines and his social and emotional network.

Another account is of a Mississauga woman who says she can't wear a mask because it triggers a traumatic memory of having a mask forcibly held over her face during a sexual assault.





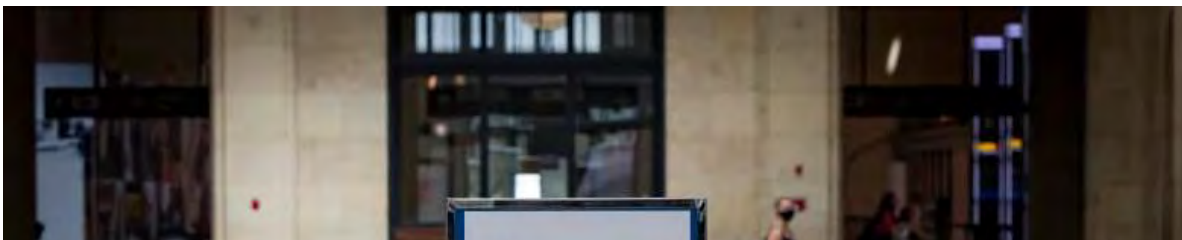
Protesters gather outside the Ontario Legislature in Toronto in May to demonstrate against government actions related to the coronavirus pandemic. (Chris Young/The Canadian Press)

The claim states the woman is often faced with a choice when she goes out in public without a mask: risk being embarrassed by disclosing her private history or be denied service at local businesses.

"I don't think we need to violate people's privacy or have them disclose medical conditions, particularly in the context of a private business," said Jacob Shelley, an assistant professor of health law and ethics at Western University in London, Ont., who examined an unredacted copy of the lawsuit provided by CBC News.

"We need to have a discussion about what does it mean to mandate masks. What does it mean to have everyone wear masks when you're indoors and you can't socially distance, because I think there are going to be legitimate instances where people are going to be unable or unwilling to wear a mask for reasons that really are their own.

"There's lucid, valid, potential issues that maybe are worth being adjudicated before the court."





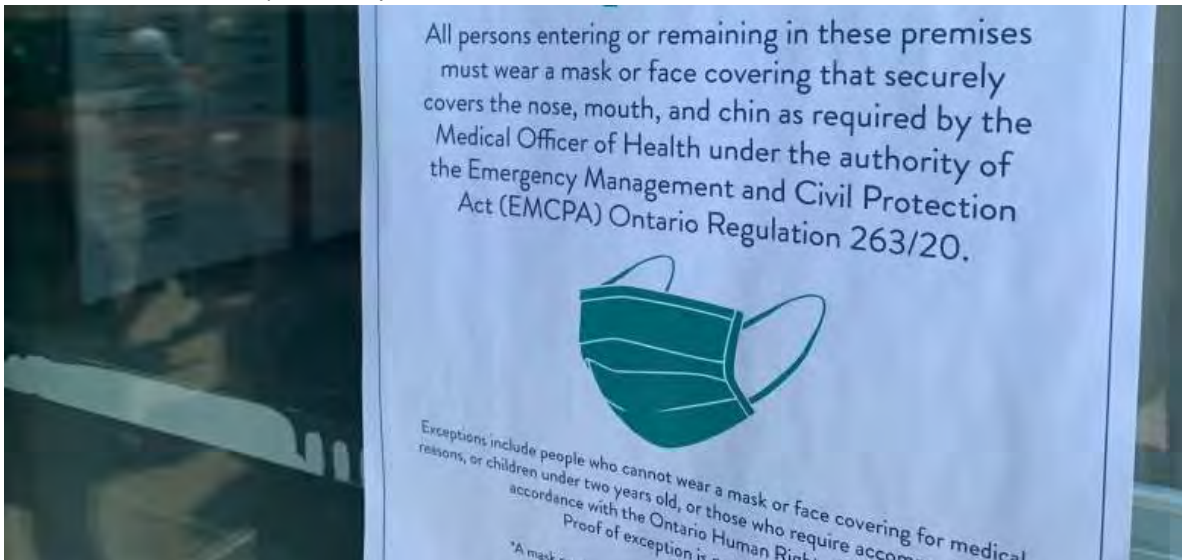
A sign encouraging physical distancing at Union Station in Toronto. The City of Toronto is one of the parties named in the suit. (Evan Mitsui/CBC)

Shelley said given the content of the lawsuit, a public debate over masks risks being overshadowed by other claims that aren't supported by science.

"The 'pandemic' is false, and the measures phony, designed and implemented for improper and ulterior purposes, at the behest of the WHO, controlled and directed by billionaire, corporate oligarchs," the statement of claim says.

"The plaintiffs state, and the fact is, that the evidence is that far many more people have died as a result of the 'pandemic' measures themselves than purportedly from the 'COVID-19 deaths,' even if one takes the deaths 'caused' by COVID as a given."





A sign put up by Ottawa public health authorities specifying mask rules and who is exempt from them. The lawsuit alleges that measures such as mandatory mask-wearing are 'extreme, unwarranted and unjustified' and some may even impose 'physical and psychological harm.' (Kate Porter/CBC)

Other lawsuit claims

Other claims made in the lawsuit are unrelated to the coronavirus pandemic.

"Researchers at the Massachusetts Institute of Technology report the development of a novel way to record a patient's vaccination history by using smartphone-readable nano crystals called 'quantum dots,' embedded in the skin using micro-needles. In short, a vaccine chip embedded in the body. This work and research are funded by the Bill and Melinda Gates Foundation," the lawsuit said.

The statement of claim includes a timeline that begins in the year 2000 when Bill Gates steps down as the head of Microsoft to start the Bill and Melinda Gates Foundation. It also states Gates

expects a "'twenty-fold' return on his \$10 billion vaccine investment within the next few decades."

Included in the timeline are references to the Chinese military, 5G networks, international vaccine programs and the Rockefeller Foundation as relevant to the creation and spread of the coronavirus, but the lawsuit isn't clear on how.

- [COVID-19 conspiracy theories creating a 'public health crisis' in Canada, experts say](#)
- [Anti-masking groups draw from anti-vaccination playbook to spread misinformation](#)

Shelley said including such references in the statement of claim without providing supporting scientific evidence could ultimately be what gets the suit dismissed before it goes to trial under Ontario's [rules of civil procedure](#).



Toronto lawyer Rocco Galati, who is representing plaintiffs in the

suit, initially agreed to speak to CBC News but then did not respond to follow-up requests for comment. (Trevor Hagan/The Canadian Press)

CBC News reached out multiple times to Galati, who is listed as the spokesperson for the lawsuit in a press release issued by Vaccine Choice Canada. He spoke with a reporter last Wednesday but did not agree to an on-the-record interview.

Galati told CBC News he would be available last Thursday for a recorded interview but did not respond to requests for comment on Thursday or the following Monday.

The CBC has also been named as a defendant in the lawsuit for allegedly propagating misinformation and "false news" about the coronavirus crisis.

Vaccine Choice Canada has also issued an intent to sue the CBC over other coverage relating to the anti-vaccination and anti-mask movements.

EXHIBIT “U”

CANUCK LAW

Reporting You're Not Getting Elsewhere (Do Your Own Research To Verify)

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APRIL 29, 2021 BY RONNIE

Another Toronto Court Challenge, But Will This One Actually Go Anywhere?



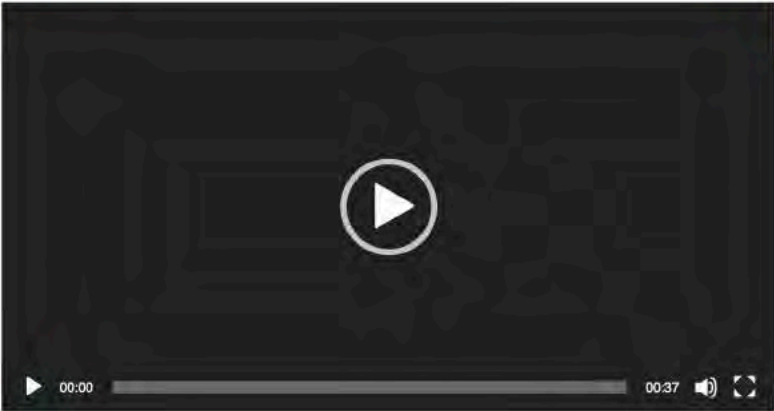
There was an online announcement of a [Notice of Application](#) filed in the Toronto Branch of Ontario Superior Court, Civil Division. Predictably, it caused a buzz in the alternative media. Several commented that it was disappointing the mainstream outlets chose not to cover it.

While that is a valid point, there is another one to raise: how come other complaints have dropped off of people's radars? There was one filed in [October 2019](#) that is collecting dust 18 months later. There is also a high profile suit filed [July 2020](#) with no defenses submitted almost a year later. True, there was a temporary moratorium on filing deadlines, but that lapsed [September 14, 2020](#). There doesn't appear to have been any attempt to either force that case ahead, or seek default judgement.

The average person may not know this, but it's quite easy to [search](#) for a case in Ontario and see what progress, if any, has been made. If Parties aren't even represented, that can also be found out.

Despite there being no movement in those cases, a defamation lawsuit was filed in [December 2020](#). Interesting how actual human rights violations are worth only \$11 million, but mean words on Twitter is worth \$12.75 million. Perhaps there is some deeper insight that isn't obvious.

Now, what people choose to do in their private lives is their business. That being said, when asking for donations from the public to finance a lawsuit, it's worthwhile to ensure the money is going where it's supposed to be.



Note: see enclosure for video

pocketing 25% of it.

It sounds great (on the surface) that another challenge was launched. However, it must be asked: will anything become of it? Or will it fade away, like its predecessors?

On the topic of covering court cases: it's worth pointing out that various Libel & Slander Acts provide a number of defenses for people reporting on them. These include truth, opinion, public interest, and acting in good faith. Also, there are anti-SLAPP laws (strategic lawsuits against public participation), that ensure reporters and journalists will have a wide breadth to cover important events. For anyone wanting to publish information on court cases, this is important to know.

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[Vaccine Choice Canada Suit: 2 Years Later, No Defenses Filed](#)
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[6 Months In, No Progress Whatsoever In High Profile Toronto Anti-Mask/Anti-Vaxx Lawsuit](#)
January 2, 2021
In "Canada"

CANADA, GRIPPERS, HUMAN RIGHTS, MEDIA, NGO/CS, PROCEDURAL, VACCINES, WARS

3 Replies to "Another Toronto Court Challenge, But Will This One Actually Go Anywhere?"



purplefungus

APRIL 30, 2021 AT 1:55 AM

Clearly there are honest and legitimate intentions to seek remedy in the courts that have been and are blocked/stalled by the AG. We have seen it with another case from Alan Whiteley in Ontario where he was dragged on for 6 years with constant delays FORCED by the courts.

Unfortunately he passed before he could ever get his day in court and his final letter expressed deep concern for the injustice and of the inability to seek remedy in the courts for civilians who are harmed by government actions/policies.

It's filthy when politics interfere in the justice system.

★ Loading...

Reply



purplefungus

APRIL 30, 2021 AT 1:57 AM

This is the suit of active and retired police challenging the governments actions.

The charge to dismantle the Crown Proceedings ACT as unconstitutional is, IMO, so very important.

<https://www.constitutionalrightscentre.ca/20CRC16/wp-content/uploads/2021/04/police-nca-redacted.pdf>

★ Loading...

Reply



Andrew

MAY 3, 2021 AT 4:31 PM

Good question. I've been wondering the same thing.

Attorney Generals cannot interfere with civil claims, so that's not an excuse. But they definitely can, and do, interfere with private criminal prosecutions.

★ Loading...

Reply

Attorney Generals cannot interfere with civil claims, so that's not an excuse. But they definitely can, and do, interfere with private criminal prosecutions.

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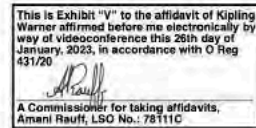
EXHIBIT “V”

facebook



Yvonne Sunshiney Coelho is with **Karie Sunshine** and **50 others**.

21 July 2021 · 🌐



Truth Talk....

Because I love all people.

The facts speak for themselves.

Thank you [Joanna Lasoka](#) for this account of events and your courage to speak up for the people of BC. 🙏🙏🙏🙏🙏



Tanya Gaw we the donors, will need full transparency and details of all funds collected for RG BC challenge since Sept 2020.

Please bring your accounting books as I'm sure all transactions are accounted for, for monies held in trust, to the July 24 rally in Vancouver... as we are privy to that information. Thank you.

May others have courage to do the right thing for British Columbians.

I WOULD EXCHANGE ANY SIGN, ANY BANNER AT THIS POINT FOR 150K PEOPLE TAKING TO THE STREETS HERE IN VANCOUVER!

Here are the facts and I'm posting here in the open, so it is on the records and not swept under the carpet. This whole charade of posts, comments would have been avoided, if there was open dialogue among the leaders and it's not the case. Yvonne Sunshiney Coelho came out because she had enough of the bullying. People in a leadership position should be held accountable. I'm repeating myself, people's role is not to build a leader! leaders are here to support and unite people!

1)

I sent an e-mail to Tanya Gaw in November and in that e-mail I asked her about Reiner Fuellmich. She responded to me that there is a deception going on with Reiner. The screenshot is attached.

2)

I learned about another lawsuit in BC in February from someone. It was Kip's lawsuit. I asked this person to pass the message to Kip about Reiner Fuellmich and I said that Kip should contact Reiner because #1 he is experienced in class action lawsuits (he won against DeutscheBank and Volkswagen, I have this VW diesel model and was compensated \$5,000 thanks to him winning this class action lawsuit) and #2 Reiner is very much interested in supporting and sharing everything he knows with other lawyers internationally to build as big as possible network to fight this globalist beast. Kip contacted Reiner and Reiner responded to him and both of them now have a very close working relationship.

Here is the link to Reiner's sessions: <https://odysee.com/@Corona-Ausschuss:3?>

- 0227 -

hundreds of hours now of recordings of different doctors, specialists

hundreds of hours now of recordings of different doctors, specialists, scientists, independent journalists like Whitney Webb, her website:

<https://linktr.ee/whitneywebb>

People like Dr. Peter McCulough and Robert Kennedy J are referring to her findings in their interviews. She also works with The Last American Vagabond - brilliant page - very detailed reporting on Covid and all the agendas:

<https://www.facebook.com/247405975.../videos/287680743089627>

My question is where from Tanya Gaw got this idea that there is DECEPTION going on around Reiner ??????

You as an independent journalist should ask her this question! Odessa Orlewicz

3)

I eventually contacted Kip Warner directly and he shared with me what happened back in December 2020. My sense of Kip is that he is a very private person and very meticulous with his approach to everything he does.

I have no permission to share the screenshot shot of the e-mail I exchanged with Kip but what really happened in December. Kip came to one of the rallies and was approached by one of the campaign organizers at

Vancouver Freedom Rally. This campaign organizer asked Kip to contact Tanya Gaw and he did. Kip shared his campaign link to GoFundMe and expressed in the e-mail to Tanya Gaw that if she would like to learn more beyond what is available on the campaign page, he'd be happy to correspond or take a call to discuss further. Here is the GOFundMe page about the lawsuit with all the detailed updates anyone can check:

<https://www.gofundme.com/.../bc-supreme-court-covid19...>

Here is the very interesting thing, the response that Kip received from Tanya Gaw to his e-mail:

"Hi Kip,

I have forwarded your email to Tanya, I believe you spoke with her yesterday. I interacted with one of your people handing out your notices.

I have to say the card is not, in my opinion, well thought out. It does not say who you are, or anything about you, it actually made me think it was some type of scam.

I looked at your GoFundMe and your financial goal is limited. You are playing with the Federal Government; they play hard and fast.

Anything you do in court will have an effect on other court challenges around the country.

I hope you have a good constitutional lawyer of the caliber of Rocco Galati. It would be my hope that you could work with Action4Canada and help us raise all the funds needed to get our legal action moving."

Tanya Gaw might have good intentions but I don't understand why she treated Kip Warner this way? There was no reason whatsoever to ignore Kip Warner this way. There is enough abundance for everyone. And why people don't even know about Kip Warner's case while coming to the rallies??

Kip is very open to sharing all he has.

Kip also works very closely with Adam Skelly, they exchange ideas, strategies and support each other's cases, and both work very closely with Reiner Fuellmich. And that's the healthy dynamic!

Canadian Front Line Nurses are represented by the same lawyer Micheal Swinwood - all the cases are posted on this website:

<https://elderswithoutborders.ca/legal-action>

You as a journalist should report on all of this, not cherry-picking because of your "friendship"

It's not a "girl club" we signed up for. We are in a war zone and I don't

know when you all will wake up from the lalalala land of "freedom fighters" and Hollywood productions. You're not fighting for my freedom and none of you ever will - it's a very egoistic statement from anyone who says that. That's why we are in this mess because you think you fight for my freedom and the "leaders" can't let go of this, And if you wait for my gratitude for what you're all doing, you're in the wrong "business". You're taking on this responsibility as an independent journalist, you're taking on a huge responsibility of being a nonpartisan and honest reporter!

and I want to address here Mark Friesen . I talked to him last night and my goal was to ask him to be a moderator for all the leaders here in BC. I commend Mark for handling the backlash with Chris Sky. He faced the confrontation with honesty. That's why I asked him to be a moderator. And I learned that he was supposed to talk to a "couple" of them. And my question is why not to all of them? All of them came to the PPC Town Hall presentation in Burnaby.

It's time to act with maturity and integrity.

Now, the last part:

About rallies here in Vancouver:

Danielle and Alicia pushed away all the other organizers. I attended the best rally on March 20th. There were no banners, no "highly acclaimed speakers", no drama, but there were PEOPLE UNITED and it was very palpable. Talk to anyone who attended this rally! Monika Podolski and Chris Vee were totally ignored afterward. Monika Podolski asked Danielle and Alicia to speak at the next so-called World Freedom Rally and she was met with total ignorance from Alicia. Then Odessa slammed, slander/trashed Monika publicly. After this rally, Danielle contacted me privately and asked me, 'Hi, I'm curious what you liked at the last rally'

And my response to her:

"Yes, none of it will work if we are not united

I'm glad you are asking me about the last rally

It was electric, it felt like it was about all of us.

The moment I walked into the grounds at VAR I could feel an extremely united field of energy.

But I know it was coming from Chris and Monika.

It was so simple and yet extremely powerful.

I would suggest you reach out to Monika and Chris.

I would really suggest to work with them and ask them the questions I've been to all the rallies and all the Sunday's marches

The last rally with Monika and Chris was the only rally when I felt this energy.

They were able to ignite this spirit of unity.

Nothing extraordinary in terms of signs or even speeches but these two emanated this amazing spirit.

We can't really effort the constant push and pull who is "leader" , "their" activity, "your" activity

Their speeches were so simple yet connecting so much with people. I could feel it while standing there.

There were so many young faces/ people that came for the very first time and they liked it too. I talked to few of them.

In general, it was mainly new people and lots of them. The crowd was big - almost the whole area there filled with people

During marching, at some point, the whole crowd started chanting - freedom freedom freedom freedom - it was so powerful and came about very spontaneously from the whole crowd. I know that this was coming from all of us feeling this unity somehow, it was so palpable without even any direction on what to do

Monika and Chris did not tell anything what to do, how to do and yet we were all so united in what we were doing, especially during marching

People standing on the sidewalks just stood there frozen and did not

Most of the time we just marched. There was no screaming at people - do this or that, take off your mask, nothing but I didn't have any need to do it.

We were just rolling with our very powerful energy and this in itself was speaking volume for everyone around.

We didn't even have many signs.

Somehow Chris and Monika were able to set the tone in the beginning - we are all here fighting for our freedom.

Talk to them, they have this energy and attitude that really works

And I would suggest unifying as much as possible.

Chris and Monika make things so simple and it really works and will attract people from many walks of life.

Talk to them, connect with them and support them."💎

I was happy to answer but later I thought why Danielle can't ask directly Chris and Monika, why she has to ask me privately ??

She never contacted Monika and Chris about this particular rally, she never asked them questions about this particular rally. And I can see the same pattern over and over again - messaging people privately and managing the status quo of great "freedom fighters".

I DON'T NEED A HOLLYWOOD-STYLE PRODUCTION RALLY. THE MONEY YOU SPENT ON THIS RALLY ON JULY 1ST WOULD COVER YOUR LAWSUIT WITH ROCO GALATI IF YOU ARE SO PASSIONATE ABOUT IT. IT IS UTTERLY IRRESPONSIBLE AND I'M NOT SUPPORTING IN ANY WAY THIS KIND OF BEHAVIOUR IN THE MIDDLE OF THE HOLOCAUST!

NOW, I'll express myself in layman's terms:

WAKE UP EVERYONE BEFORE THEY WILL INSERT THE NEEDLE INTO ALL OF US! IT'S TIME TO UNITE AND CUT THE BS.

AND HERE IS THE BEST SOLUTION FOR ALL OF YOU FOR THE BIG RALLIES, CREDIT TO Sadaf Gilani

<https://www.facebook.com/sadaf.gilani.77/posts/10158119623486641>

IT IS UTTERLY UNIMAGINABLE FOR ME WHAT HAS BEEN HAPPENING IN CANADA. PEOPLE IN CANADA HAVE TO BEG FOR UNITY AMONG GROUPS AND LEADERS! AND WE ARE IN THE MIDDLE OF THE BIGGEST HOLOCAUST EVER PERPETRATED ON HUMAN BEINGS. I have no words! let that sink into any leader! AND TO ANYONE READING THIS POST - YOU HAVE TO BE VIGILANT IN ANY DECISION YOU TAKE, IT IS YOUR LIFE AND TAKE RESPONSIBILITY FOR IT - ASK QUESTIONS, IT IS YOUR GIVEN RIGHT, DON'T RELY BLINDLY ON ANYTHING YOU HEAR, SEE, DO YOUR OWN RESEARCH AND COME TO YOUR OWN CONCLUSION. THERE IS ENOUGH MISINFORMATION CIRCULATING ONLINE! NO ONE WILL SAVE YOUR LIFE, STOP WAITING FOR THE POLITICIANS, LAWYERS, LEADERS, GOVERNMENT. THERE ARE MANY GREAT PEOPLE WHO TAKE REAL ACTION TOWARDS FREEDOM AND YOU CAN JOIN THEM OR COME UP WITH YOUR IDEAS AND MAYBE OTHERS WILL BE INSPIRED BY YOUR ACTIONS AND JOIN YOU AND MOST OF ALL UNITE ALL THE EFFORTS!

AND I DON'T NEED YOU TO FIGHT FOR MY FREEDOM, STOP BEING EGOISTIC. YOU ARE NO LEADER WITHOUT THE PEOPLE! YOU NEED PEOPLE TO BE THE LEADER AND PEOPLE WILL TAKE TO THE STREETS IN MASSES ONCE YOU ACT IN INTEGRITY AND HONESTY!

I WILL SUPPORT ANYONE IN THEIR EFFORTS AND I DID BUT STOP CLAIMING YOU ARE FIGHTING FOR MY FREEDOM.

- 0231 -



Like Reply 1 y



Joanna Lasoka

Valerieann Foley yes, I've heard about it. That would be a very good idea to do it here

Like Reply 1 y



Yvonne Sunshiney Coelho

Valerieann Foley Yes people are good. And people behave poorly.. all humans. When or if we are off track we must be held accountable. Personhood and behaviours are separate. A good person can behave poorly.. the behaviours May need correction. Let us have compassion , forgiveness, love for others as we do for ourselves.



Like Reply 1 y Edited



Valerieann Foley

Yvonne Sunshiney Coelho I agree , dragging this out day after day isn't Good . It's not Beneficial to united non compliance we Need UNITY !!! I can't wait to see you on the Island and give you a Big Warm Squishy Hug 🤗❤️🇨🇦✌️🙏🙏

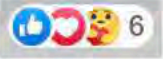
Like Reply 1 y



Yvonne Sunshiney Coelho

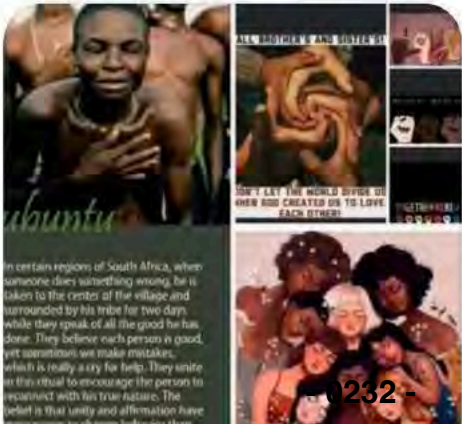
❤️❤️.interesting who is actually dragging this out. ?! People are just speaking truth. .. we should embrace it... actually applaud it. The problem is a lack of accountability. As I see it, In good relationships we hold one another accountable, make amends where needed , and then move on....I don't see accountability. I see a lot of egoic defense. 🙏. See you in a Nanaimo. Should be great.

Like Reply 1 y Edited



Valerieann Foley

Yvonne Sunshiney Coelho





Like Reply 1 y



Valerieann Foley
Yvonne Sunshiney Coelho this is so Unbelievably BEAUTIFUL 🙏

Like Reply 1 y Edited

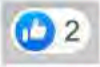


Yvonne Sunshiney Coelho
I love this!! There is no division. Unless you refer to people being pushed out of groups?? And people and groups being consistently attacked and not supported ... by other groups...

I'm not sure you see this??

truth and accountability.. 🙏

Like Reply 1 y



Eileen Smith
Not sure why anyone would align themselves with this Tyler, who is trying to blackmail people by telling them to remove a post or else.....

Like Reply 1 y

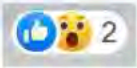


Write a reply...

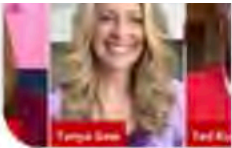


Karie Sunshine
I agree about the accounting please **Tanya Gaw**. I have donated considerably to action4canada and thru my recommendation my friend donation \$10,000 back in Nov 2020. I hope everything is on the up and up! Thank you!!

Like Reply 1 y



Tanya Gaw
Hi Karie, thank you for supporting the Constitutional legal challenge. I assure you your donation is sitting in trust for use in this case. We raised half the needed funds by Dec. 25 2020 and those funds were sent to our lawyer which is standard practice. The additional funds raised are in a trust account. This has always been made public and, as I said, is standard practice when preparing for a case this size. There is no accounting to be made available, I have no idea what this group is going on about other than causing division, mistrust and creating doubts. Donors are protected under the privacy act and it would be a violation for me to make that publicly available. The following video interview will answer any further questions you may have. Best regards,
<https://rumble.com/vk62en-odessa-interviews-tanya-gaw-and...>



Odessa interviews Tanya Gaw and Ted Kuntz

Like Reply 1 y



Karie Sunshine

Tanya Gaw oh ok I'm not asking for donor names just the transactions - so how much was exact amount of half & sent to Rocco? What was the original goal? and what did change from original plan?

Like Reply 1 y



Joanna Lasoka

Karie Sunshine

Mr. Galati is not licensed to practise law in British Columbia for any extended period of time. He can always be retained in Ontario, and in turn retain counsel in British Columbia. This is not unusual. However, then you are paying for two law firms. Anyone can verify whether a lawyer is licensed to practise law in British Columbia here:

<https://www.lawsociety.bc.ca/lcbc/apps/lkup/mbr-search.cfm>

Please verify with Tanya if this is still current info. People should be informed about it. Mr. Galati confirmed himself that the lawyer he wished to retain in British Columbia is Lawrence Wong. Mr. Wong was personally sanctioned in 2010 for his conduct by a Federal Court judge with a fine.

Mr. Galati is sometimes described by his followers as our nation's "top constitutional law" lawyer, yet there is no such professional designation in Canada, nor in particular in British Columbia. That is not to say that a lawyer cannot have an area of expertise like personal injury, strata, mergers and acquisitions, class actions, and the like.



LAWSOCIETY.BC.CA
Lawyer Directory

Like Reply 1 y



Joanna Lasoka

Tanya Gaw The Privacy Act is for the conduct of government institutions. Which section of the Privacy Act are you referring to:

<https://canlii.ca/t/7vk9>

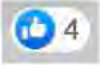
CANLII.ORG

Captcha | CanLII

Like Reply 1 y - 0234 -

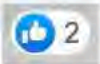
have shared your notices of liability and website with many and will continue to do so, and have said so repeatedly. 🙏 When it came to my attention that many had questions about the case , I made a post. If you review that post, I merely asked questions. Direct answers should have sufficed as the questions come from those who donated wholeheartedly including myself. Instead we heard an egoic defense and attacks on kip in your comments, and I received a threat of a lawsuit for asking questions and more. Division is not caused by those who ask questions Tanya, rather division was caused long ago when Reiner and Kip became your adversaries rather than comrades. They are brilliant men with much experience. Division is also caused when individuals and groups are attacked and maligned because of envy.. which began long ago, and not by those who respond to the divisive actions. In your loyalty, it seems you stand beside those who launched an assault on good people instead of holding their behaviours accountable, and your own for that matter. When you take on the responsibility of representing the people in BC , you work for the people and as I see it must keep your own ego and self in check.. as we all must. Please reveal the dollar amount of the funds in trust as this information has not been made transparent to the people. thank you again. Respectfully. 🙏❤️

Like Reply 1 y Edited



Ryan Kulbaba
Yvonne Sunshiney Coelho Theres a few comments you mentioned that really resonate with me because it happened to me directly and has happened to others.
The division happened 9 months ago. People were attacked, slandered, accused of sick shit, ppl were humiliated and bullied out of groups and movements. And yes, certain people have aligned with those who destroyed others. 100%. Props to Yvonne for saying it. I've been repeatedly accused of dividing when all I do is ask questions or point out divisive behaviors.
The truth is going to surface soon and I will make sure of it.

Like Reply 1 y



Yvonne Sunshiney Coelho
Ryan Kulbaba I asked questions and spoke truth based on facts .. and it's time to move on focusing on what needs to get done before the fall.. as I see it. getting stuck in the junk is of no help to others or the movement. I will move forward with all those who wish to serve others selflessly... for the purpose of helping to free BC..

Like Reply 1 y Edited



question how much Rocco has accessed of the funds in trust. This was a little hard to follow because Tanya said that the funds are in trust but I also understood that Rocco has access to the funds so not sure if I misunderstood. Does Rocco just take what he needs when he figures he needs it or does he put in an invoice for payment for what is owed. I think maybe Tanya misunderstands that people want to make sure that Rocco is paid for his services as he provides them and doesnt just take the funds out of the trust as needed. I see this as a move to protect Tanya to make sure Rocco is accountable for his spending of the funds.

Like Reply 1 y



Mellie Marie
Tanya Gaw BS .this fake lawsuit has been going on for 2 Tanya .

Like Reply 39 w



Write a reply...



Karie Sunshine
Thank you Yvonne for writing all of that! Very true and very good points!!

Like Reply 1 y



Yvonne Sunshiney Coelho
Karie Sunshine hey Joanna Lasoka wrote this....

Like Reply 1 y



Dayna Furst
☀️☀️☀️☀️ Not sure who can be trusted, as egos take over the heart. I did speak to Kip and he got me one of the best lawyers in Canada! 🙏❤️

Like Reply 1 y Edited



Bose MB
Did she reveal the details of the accounting at the rally today?

Like Reply 1 y



Yvonne Sunshiney Coelho
Rob Smith what is the total dollar amount in the trust Rob? The BC donors would like to know .. still waiting and waiting.

Like Reply 1 y Edited



Eileen Smith
Rob Smith How much in dollars is 92%??

Like Reply 1 y



Joanna Lasoka
Rob Smith there is a saying - learn the hard way

Like Reply 1 y Edited



Bose MB
Rob Smith I am asking a question, but you interpret that as whining & complaining? My question was for Yvonne to answer.

In fact, I support all constitutional challenges, and I wish that we will win all of them. But people need updates ... it is not unreasonable to ask for



Write a reply...





Lucas William Robert Robinson
strange how my comment defending
Tanya/Rocco/Action4 has been deleted.....

Like Reply 1 y



Yvonne Sunshiney Coelho
Lucas William Robert Robinson an apology will
suffice! Are You an agitator?

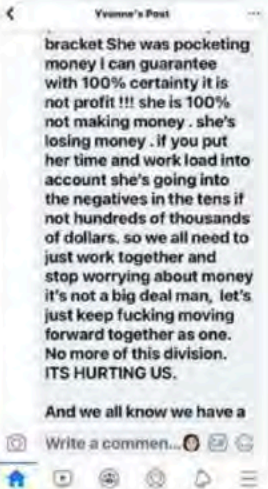
Interesting how the sound and was it stage issues
just before Chris Sky event in May ??



Like Reply 1 y Edited



Yvonne Sunshiney Coelho
Lucas William Robert Robinson




Like Reply 1 y



Yvonne Sunshiney Coelho
Lucas William Robert Robinson



Like Reply 1 y



Yvonne

my apologies.


I thought it was removed.

No I'm not an agitator.

Wanna hang out?

Like Reply 1 y


Write a reply...



Lucas William Robert Robinson

I thought we were all AGAINST censorship... ?????


Like Reply 1 y



Yvonne Sunshiney Coelho

Lucas William Robert Robinson nothing was deleted. Unless you did so yourself. ?? An apology will suffice!


Like Reply 1 y Edited



Yvonne Sunshiney Coelho

Lucas William Robert Robinson we are

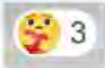
Like Reply 1 y




Mary Salley

Hi, really weird event happening to me right now... I'm in the hospital..... I got infection in my blood.... 2 different Dr's asked if I wanted the covid shot... my response, No!!!

Like Reply 1 y






John Chamelion

Mary, stay strong. Do you know how the infection happened?


Like Reply 1 y



Mary Salley

John Hetherington not really


Like Reply 1 y



Eileen Smith

Mary Salley Which Hospital Mary? I know my son needs upcoming knee surgery and I wouldnt want him to feel any pressure being asked by Doctors to get this jab.

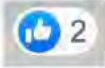
Like Reply 1 y




Jack Hummell


Support or protest teams located outside the hospitals that are willing to witness video or confront name and publish corrupt doctors that think it's legal to badger patients?

Like Reply 1 y





Write a reply...



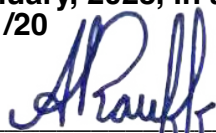
Write a comment...

EXHIBIT “W”

CANUCK LAW

Research, Investigative Journalism, Independent Media (Truth You're Not Getting Elsewhere)

This is Exhibit "W" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

AUGUST 31, 2021 BY RONNIE

Action4Canada Statement Of Claim Fatally Defective, Will Never Make It To Trial



This consolidation is current to August 24, 2021.
See "Amendments Not in Force" for amendments
effective after August 24, 2021.

[Link to consolidated regulation \(PDF\)](#)

[Link to Point in Time](#)

Court Rules Act

SUPREME COURT CIVIL RULES

[Last amended March 2, 2021 by B.C. Reg. 53/2021]

Action4Canada and several others recently filed a Statement of Claim (or SoC) against the B.C. Government, BCPHO Bonnie Henry, Premier John Horgan, Health Minister Adrian Dix, Solicitor General and Public Safety Minister Mike Farnworth, and several others. The Plaintiffs are being represented by Rocco Galati and Lawrence Wong.

While this should be cause for excitement, that is not the case here. The SoC is filled with obvious defects which will lead to it getting thrown out, if the Government ever decides to

challenge it.

Just looking at Rules 3-1 and 3-7 of the British Columbia Supreme Court Civil Rules, it already becomes clear that there will be issues with the pleading. These aren't minor problems, but ones that seriously and repeatedly violate basic rules of the B.C. Supreme Court.

And no, this isn't "infighting". It's difficult to believe that "Canada's top constitutional lawyer" could draft such garbage unless it was done intentionally. People are being asked to donate to a case that doesn't stand a chance in hell of going ahead. And maybe that was the point all along.

To begin the critique, let's first look at a few parts of the Rules Of Civil Procedure for B.C. Although not identical to Ontario, they are quite similar, and set up much the same way. And Lawrence Wong is a lawyer in B.C., so presumably he's familiar with how things are done in that Province.

For reference, B.C. provides a template for such documents. This is done for all forms, in all Courts across Canada. Just fill out the appropriate sections.

- Part 1: Statement of Facts
- Part 2: Relief Sought
- Part 3: Legal Basis

Rule 3-1 — Notice of Civil Claim

Notice of civil claim

(1) To start a proceeding under this Part, a person must file a notice of civil claim in Form 1.

.

Contents of notice of civil claim

(2) A notice of civil claim ***must do the following:***

.

(a) set out ***a concise statement of the material facts giving rise to the claim;***

- (b) set out the ***relief sought by the plaintiff against each named defendant***;
- (c) set out ***a concise summary of the legal basis for the relief sought***;
- (d) set out the proposed place of trial;
- (e) if the plaintiff sues or a defendant is sued in a representative capacity, show in what capacity the plaintiff sues or the defendant is sued;
- (f) provide the data collection information required in the appendix to the form;
- (g) ***otherwise comply with Rule 3-7.***

Rule 3-7 is quite long, but here are some of the more relevant portions which apply to this Statement of Claim. The reasons will soon become obvious.

Rule 3-7 — Pleadings Generally

Content of Pleadings

.

Pleading must not contain evidence

(1) A pleading must not contain the evidence by which the facts alleged in it are to be proved.

.

Documents and conversations

(2) The effect of any document or the purport of any conversation referred to in a pleading, ***if material, must be stated briefly and the precise words of the documents or conversation must not be stated, except insofar as those words are themselves material.***

.

When presumed facts need not be pleaded

(3) A party need not plead a fact if

- (a) the fact is presumed by law to be true, or
- (b) the burden of disproving the fact lies on the other party.

Assuming that this SoC doesn't just sit indefinitely, like both with Vaccine Choice Canada are, it's most likely to be struck when challenged. Rule 9-5 lays out how and why Pleadings are thrown out. Going through the SoC, it becomes clear it could happen for many reasons.

Rule 9-5 — Striking Pleadings

Scandalous, frivolous or vexatious matters

(1) At any stage of a proceeding, the ***court may order to be struck out or amended the whole or any part of a pleading, petition or other document*** on the ground that

(a) it ***discloses no reasonable claim or defence, as the case may be,***

(b) it is ***unnecessary, scandalous, frivolous or vexatious,***

(c) it may prejudice, embarrass or ***delay the fair trial or hearing*** of the proceeding, or

(d) it is otherwise an ***abuse of the process*** of the court,

and the court ***may pronounce judgment or order the proceeding to be stayed or dismissed*** and may order the costs of the application to be paid as special costs.

[am. B.C. Reg. 119/2010, Sch. A, s. 22.]

Admissibility of evidence

(2) ***No evidence is admissible on an application under subrule (1) (a).***

Now, let's address specific criticisms of the SoC.

1. No Concise Set Of Material Facts Provided In Statement Of Claim

Rule 3-1(2)(a) says that a Claim should have a concise set of material facts. This does not. Instead, this is a rambling, redundant, horribly repetitive monster that should have been gutted a long time ago. 391 pages was not needed, as this could have been done in a fraction of that. The SoC — if ever challenged — is likely to be struck because of the exceptionally poor writing alone.

Paragraphs in SoC are typically supposed to contain 1 main idea or fact. This makes it

easy for the other side to simply “admit” or “deny”. But throughout this, many are crammed full of other information, which complicates things.

Moreover, many of the allegations are things that each Defendant could claim they had no knowledge of. And there are plenty of bald assertions, without underlying facts being pleaded.

2. Section On Relief Sought Is A Complete Mess

Rule 3-1(2)(b) states that a Claim shall “set out the relief sought by the plaintiff against each named defendant”. In this filing, that section starts at page 312, and ends at 356. Yes, it takes 44 pages to outline what is being asked for in the Claim. It’s incredibly redundant and repetitive.

At page 341, we finally get to monetary damages.

- \$1,000,000: Action4Canada
- \$2,000,000: Kimberly Woolman
- \$2,000,000: Estate of Jaqueline Woolman
- \$200,000: Brian Edgar
- \$200,000: Amy Muranetz
- \$2,000,000: Jane Doe #2
- \$2,000,000: Valerie Ann Foley
- \$250,000: Linda Morken
- \$250,000: Gary Morken
- \$500,000: Pastor Randy Beatty
- \$500,000: Ilona Zink
- \$750,000: Federico Fuoco
- \$750,000: Fire Productions Limited, and F2 productions Incorporated
- \$250,000: Michael Martinz
- \$250,000: Makhan S. Parhar
- \$750,000: North Delta Real Yoga Real Hot Yoga Limited
- \$250,000: Melissa Anne Neubauer

-\$750,000: Jane Doe #3

\$14.65 million (if this is added up correctly), is the amount being sought by individuals and organizations. But there is more to this. Although some private parties are named, it's unclear who exactly is supposed to be paying these people the Charter damages they seek. A number of Government Officials are named. It seems that the Judge would just be expected to figure it out for himself.

On page 355, it is stated that \$20 million is sought against CBC. However, it's not clear who would get it. Would the Plaintiffs share it, or is that the lawyer fees?

\$14.65 million for the Plaintiffs, and \$20 million for who exactly?

3. No Concise Summary Of The Legal Basis For Claim

Rule 3-1(2)(c) requires that the SoC "set out a concise summary of the legal basis for the relief sought". The legal basis starts on page 356, and ends at page 384. Obviously, this is far from being concise. But beyond that, the SoC isn't really stating a legal basis. Instead, it mostly rehashes the declaratory relief sought in Part 2 of the SoC. It looks like it was just a cut-and-paste job, done without anyone checking to see if it made sense.

What SHOULD have been include was a list of the various laws and statues that would be relied on at Trial. If necessary, the relevant parts can be quoted. Instead of that, Part 3 just goes through the same demands made earlier.

At times, it also appears that conclusions are being drawn, when it should just be stating the law.

4. Evidence Being Pleaded In Statement Of Claim

Rule 3-7(1) explains that an SoC should not plead evidence. Nonetheless, this document

spends a lot of time pleading just that This isn't supposed to happen at this stage. The SoC should outline the facts that the Plaintiff(s) are trying to establish.

Additionally, the bulk of the evidence cited wouldn't be allowed in even if it were okay to include here. Going through the SoC, a good chunk of the citations are media articles. That may be fine for research, or for other publication, but Courts do have a higher standard.

5. Long Quotes Listed In Statement Of Claim

Rule 3-7(2) tell us that: "The effect of any document or the purport of any conversation referred to in a pleading, if material, must be stated briefly and the precise words of the documents or conversation must not be stated, except insofar as those words are themselves material." Throughout the SoC there are very long quotes of conversations and documents. Sure, references are fine, and short bits of text, but entire paragraphs are devoted to this purpose.

6. Content That Is Unnecessary, Vexatious, Delay Proceedings

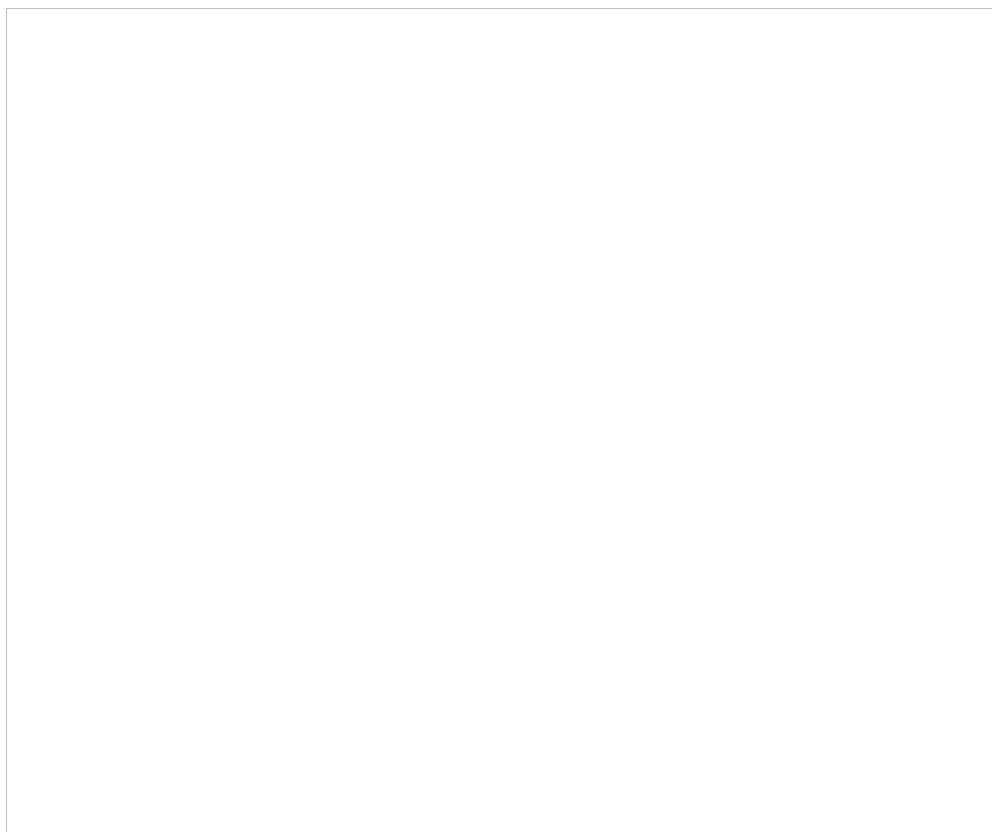
Rule 9-5(1) allows for Pleadings to be struck if they contain any of the following elements:

- (b) it is unnecessary, scandalous, frivolous or vexatious,
- (c) it may prejudice, embarrass or delay the fair trial or hearing of the proceeding, or
- (d) it is otherwise an abuse of the process of the court,

Starting at page 188, the SoC goes on and on about Bill Gates, GAVI, the World Economic Forum, Alan Dershowitz, and media collusion. Granted, the bulk of this is completely true. However, unless these people and organizations are either being sued, or called as witnesses, their presence doesn't help. Moreover, it's not just a brief mention, but entire pages.

Are these lawyers unaware that the Defendants are entitled to challenge every statement and allegation made? This is just asking for such a Motion.

7. Proofreading Not Exactly Up To Par



This is from page 118. Sure, it's very minor in the scheme of things, but shouldn't lawyer fees come with an expectation of proofreading? Jagmeet Singh and Jason Kenney aren't being sued, so why are they even in here? Singh is the head of a 3rd Party Federally, and Kenney is Premier of Alberta.

This last error is more a nuisance than anything. However, the other ones could (by themselves) get the SoC struck if anyone ever challenged it. These are not minor errors or oversights, and are not something that could be cured by Amendment, or a revised Statement.

Also, starting on page 122, Denis Rancourt is listed and discussed as an expert. Considering that he “is” an expert witness in the police case and the schools case, and also a Plaintiff in the July 6, 2020 case, there may be some conflict of interest here. Beginning on page 128, there is the pleading of expert opinion. If they are, or ever became witnesses, this would be more pleading of evidence, in violation of Rule 3-7(1).

And this is nitpicking, but Bonnie Henry co-owns a winery in Keremeos, not Keremios. See page 121.

But hey, at least the service addresses were included this time, so take that as a small victory.

Now, this is a (non expert) look at things, but R. v. Imperial Tobacco Canada Ltd., 2011 SCC 42 (CanLII), [2011] 3 SCR 45 seems to be the standard for Motions striking out Pleadings. It uses the “plain and obvious” test for making that determination. The SoC violates the Rules in glaringly obvious ways, and there isn’t any real fix possible.

Why draft a Claim this badly? One possible explanation is that this is never intended to go to Trial. See here for background information.

Consider, for example, the July 6, 2020 Claim from Vaccine Choice Canada. It contained the same defects as this. Despite those problems, it has never been challenged by Trudeau, Ford, Tory or anyone else. No default judgement was ever sought either, despite having no response in over a year. The only plausible explanation is collusion, where the parties agreed to leave it in limbo, for whatever reason.

However, donors pump money into these cases, unaware that there is no urgency in bringing them forward. In fact, it doesn’t seem they (the lawyers) ever planned to take any of them to Trial, despite the hype. This diverts money, energy, hope and time into Court challenges designed to go nowhere. By taking on all these cases — and letting them sit — the Great Reset moves ahead relatively unopposed. Not that the people in the comments would notice.

Vladimir Lenin is famously quoted as saying: “The best way to control the opposition is to lead it ourselves”. And that’s exactly what this looks like.

- (1) https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/168_2009_00
- (2) <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/supreme-civil/1-notice-of-civil-claim.pdf>
- (3) https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/courthouse-services/court-files-records/court-forms/civil_numerically.pdf
- (4) <https://www.constitutionalrightscentre.ca/20CRC16/wp-content/uploads/2021/08/21.08.17-FILED-Notice-of-Civil-Claim-Action4Canada.pdf>
- (5) [Action4Canada Statement Of Claim](#)
- (6) <https://www.canlii.org/en/ca/scc/doc/2011/2011scc42/2011scc42.html>
- (7) <https://canucklaw.ca/vaccine-choice-canada-action4canada-want-more-money-for-cases-still-not-happening/>
- (8) <https://www.youtube.com/watch?v=keWV-xD5sfA&>

📁 CANADA, CORRUPTION, GLOBALISM, GRIFTERS, HUMAN RIGHTS, IDENTITY/RELIGION, NGO/CS, PROCEDURAL

29 Replies to “Action4Canada Statement Of Claim Fatally Defective, Will Never Make It To Trial”



Andrew

SEPTEMBER 1, 2021 AT 8:45 AM

Excellent work Ronnie! I agree with you. Rocco’s controlled opposition.
Thanks for exposing the unfruitful works of darkness again.

★ Loading...

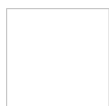


Heather

SEPTEMBER 5, 2021 AT 5:35 PM

I knew it all along. They are SWINDLERS – Tanya Gaw, Rocco Galati and their ‘Jane Doe,’ LL friends.

★ Loading...



Heidi

SEPTEMBER 1, 2021 AT 1:28 PM

May these dishonest people be richly rewarded for their treasonous acts.

★ Loading...



Gordon S Watson

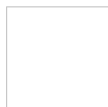
SEPTEMBER 4, 2021 AT 8:41 AM

hold on a minute : Tanya Gaw, Ted Kuntz, Linda Morken and others are NOT “dishonest”. They are babes-in-the-woods who have no idea about how it goes in the legal racket. Mr Galati, though, is another story. No halfway competent lawyer would put his name on this piece of garbage. He has taken a third of a million \$\$s – so far! – for what amounts to a circus act.

worse : the Plaintiffs have put demselves in jeopardy of being tagged with Costs if/ when this thing gets dismissed. Not bloody likely those Costs will come out of Rocco Galati’s hide, nor the pocket of Larry Wong

it would be laughable, but = there is no other, more logical reason this monstrosity is being promoted, but that it’s CONTRIVED to dis-grace the authentic populist movement to END THE GOD DAMNED LOCKDOWN

★ Loading...



Rob

SEPTEMBER 1, 2021 AT 3:25 PM

Great assessment.

★ Loading...



DianeDi

SEPTEMBER 1, 2021 AT 4:38 PM

Your work / research is outstanding. I can't praise you enough for your efforts in trying to help educate others and with any luck STOP what is about to unfold on the world. My sincere thanks to you and everything you stand for!

★ Loading...



Julie Hitchcock

SEPTEMBER 2, 2021 AT 9:18 AM

What does this all mean I'm confused

★ Loading...



Ronnie

SEPTEMBER 2, 2021 AT 12:34 PM

It means the Statement of Claim has no chance whatsoever of making it to Trial. There are serious, fundamental issues and violations of the Rules of Civil Procedure for B.C. Supreme Court. If it's ever challenged, it will be thrown out. Aside from its length, it's incredibly poorly done. Now, this could just be shoddy work, but I suspect it's deliberate.

★ Loading...



John Southern

MAY 19, 2022 AT 5:55 AM

It means, if you gave them money. You got played.

★ Loading...



Jo-Leen

SEPTEMBER 2, 2021 AT 2:04 PM

Im still lost. If its poorly done is there still away to fix it because I feel that our charter of rights and freedoms needs to be enforced. We are being forced to put experimental vaccinations in our body and I think it is completely wrong.

★ Loading...



Ronnie

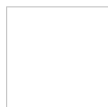
SEPTEMBER 2, 2021 AT 2:22 PM

There is a way.

Discontinue this one, draft a proper SoC, then refile.

The point was that this version was written so badly (with all the reasons listed), that it would never make it to trial as is. It's too far gone to simply fix with amendments. Then again, it takes a lot of effort to make a mess like this. It's not the work of someone serious about taking down Trudeau, Horgan, Dix, Farnworth and Henry.

★ Loading...



John

SEPTEMBER 4, 2021 AT 5:07 AM

CSASPP.CA

★ Loading...



Joan Higgs

SEPTEMBER 4, 2021 AT 6:28 PM

Oh, dear. It doesn't sound good, though I think the term "controlled opposition gets thrown around rather loosely.

★ Loading...



Dingo

SEPTEMBER 4, 2021 AT 8:53 PM

I read the first two paragraphs of the statement of claim and could see straight away this was useless. at first I thought it was compiled by some 'sovereign' group or similar, but it's been done by a lawyer FFS!

Here in Australia there are two cases being instituted against the NSW govt for primarily similar issues, but I fear they are probably doing the same thing – using it as a tactic to make money.

No court case I have seen has bothered or is bothering to challenge the science govts are using (which would require expert testimonials) which means the courts will be compelled to assume the science is sound and will rule against any challenge on grounds of public health safety.

Now I would pose to serious lawyers who claim to be worth their salt, that if you claim that it will be too costly to bring in expert scientists who can demonstrate the govts science is faulty, remember that most of these scientists who have been talking out about this stuff have

everything to lose and nothing to gain by publicly calming the govt science is wrong – therefore, I do not think the claim that they will be too expensive to testify in court is very sound, particularly in todays climate where everyone zooms and I see no reason why this can't be the case in a court setting

★ Loading...



Ronnie

SEPTEMBER 4, 2021 AT 10:10 PM

Not just any lawyer.
Galati is supposedly “Canada’s top constitutional lawyer”

★ Loading...



Dingo

SEPTEMBER 4, 2021 AT 9:00 PM

I would also add that any case should be asking for injunctive relief, or declatory relief at minimum, and not damages.

★ Loading...



Dingo

SEPTEMBER 4, 2021 AT 9:03 PM

“AFL SOLICITORS seek “INJUNCTIVE RELIEF” restraining Minister Brad Hazzard and Dr Kerry Chant from making any further Orders under section 7 of The Public Health Act 2010 (NSW)”

This filed by Ashley Francina Leonard & Associates.

★ Loading...

★ Loading...



Mike M1A

SEPTEMBER 5, 2021 AT 8:29 AM

Yes, keen analytical perception. Remarkable in magnitude of “defective by design” as the saying goes.

As for being the top constitutional lawyer, this is easily challenged, as not being aware that the 1982 Constitution is illegal, with the corresponding illegal transfer of power, the bogus Queen and the violation of changing the form of government are only some of the things oblivious to perception, awareness and acknowledgement.

The Bank of Canada fiasco, was another coup d’état by anti nation state enemies, collaborateurs, traitors, and not so evidently is who is in the courts, with the illegal transfer of power with no recourse to such things as a medical fascist tyranny or treasury bond electronic debt, compound interest.

People do not realize it is not a pandemic but enforced genocide by bio-weapons aka vaccines, which are technically not vaccines, additionally, the understanding that supra national governments or arbitrary proxy and asymmetrical warfare scenarios are fully engaged in all out war.

Fake news, fake litigation, fake lawyers (with allegiance to a foreign criminal agency and entity) fake mass media publicity and hype (the star saviour, star lawyer, the plan) are bogus and detrimental for an individual to be pro-active and accept personal responsibility in addition to the eventually that all out war must be met with a do or die all multiple choice points in the time line of empowerment.

getting bogged down with technicalities and lawyers in a social engineering experiment involving total war and genocide in a theatre or environment that real law and civilized behaviour is not par for the course, can only be met with pure justice...

of course, some interesting reading is found at : modernfathers1867.wordpress.com and associated sites....

the idea that the penalty of treason is death and that the penalty of high treason is death was normal, traditional, effective....

the knights of the round table church members have no problem, any weapon can be a ceremonial weapon....

forced vaccinations are illegal and represent genocide and war, anyone doing that is an enemy combatant, engaged in acts of aggression, wars of aggression, they are enemies foreign and domestic along with mass media that is owned, controlled, voted, edited and censored by the enemies of nation state sovereignty, our enemies who are at war with us...

now what are you going to do with the sociopath, homicide, genocide maniac, serial killer terrorist with a bio-weapon? Are you afraid of hate speech now? are you ready to lay down your life and die, perhaps to some satanic child sacrifice mass murderer with bogus id hiding behind a fake name, fake character with no morals, values, character, someone that hates you and all life and has zero reservations or guilt with medical assault with a dangerous weapon, a bio-weapon? Hmmmm

★ Loading...



Guffman

SEPTEMBER 5, 2021 AT 9:20 PM

So many here ripping this SoC apart... yet none of these legal geniuses are offering up a better solution as our freedoms and rights are being wrenched away from us. C'mon big talkers, let's see your legal prowess!!! I'm guessing I wont see it though, because more than likely, you're "all talk, no action".

At least Tanya and Rocco are TRYING to do something... even if it doesn't meet your platinum standard.

★ Loading...



Connie K

NOVEMBER 27, 2021 AT 1:41 AM

100% agreed. No one else is stepping up. And Canada is way behind the 8 ball for non compliance. Every small business is going down if they keep this up. Come on Canada, Dont wait till its too late. Stop Complying Immediatly. And Go Rocco, give it your best shot. Im quite sure there are many people that could use a hand getting many lawsuits together, so all you people that have something to say by dissing Rocco should all get your own ass in court, start charging the criminals and work it for what it is; Criminal corrupt government and medical. Pure evil.

★ Loading...

Thomas Kuntz

SEPTEMBER 6, 2021 AT 11:27 AM

It is not clear to me who this expert is that is tossing around these accusations. Why aren't they providing their name and photo and track record. I suspect if they do that Rocco will have them for breakfast. They appear to be controlled opposition to me. Identify yourself.

★ Loading...

Dingo

SEPTEMBER 6, 2021 AT 12:00 PM

I emailed a constitutional lawyer of 30 yrs an asked him why there are so few court cases being filed when there is so much conjecture going around, and why those that have been filed are going nowhere. I highlighted the one exception wherein the Spanish Supreme Court recently ruled against mandatory vaccine passports. Here was his response (suffice to say, all the cases close to me in Australia which have all been failing are failing for the same reasons it appears).

“Court cases on complex subjects are difficult to plan, which requires attorneys with a great deal of practical experience. When scientific questions are involved, expert testimony is necessary—which requires attorneys with a sufficient background in the subject-matter to know

how best to use the available experts. All of this costs a great deal (unless the attorneys and experts can afford to work pro bono publico). Cases of this type can be “cost effective” when large awards of damages and attorneys’ fees can be obtained; otherwise, not. I could give you other reasons, too; but these are enough to explain why few cases have been brought so far—and the few which have show little sign of success so far.”

So this is essentially the problem. In Australia, all the major cases that have not gone anywhere in recent times were all ruled in favour of govt on grounds of public health and safety, because, none of these cases challenged the govts science, and until such a challenge is mounted, the courts are compelled to assume the govts science is sound. You must demonstrate there is science to the contrary and you need experts to do this.

As for costs, I challenged the lawyer on this. I said (to which I have not had a reply), all the experts who claim the science the govt is relying on is faulty are coming out at high risk of losing their licenses, for being banned, censored, persecuted, and yet they still come out wherever they can. They have everything to lose and nothing to gain which suggests to me, we shouldn’t just assume they wont be more than happy to testify in court to their science. Further, with the use of Zoom etc, this should be made even easier. If they are prepared to be interviewed on alternative media, then they should be more than happy to testify in court.

What is frustrating is that in recent days several cases in Aust have been launched, one was denied, the other I feel is also going to be denied because they are not going to challenge the science. I have repeatedly asked them if they plan to challenge the science and I get no response.

★ Loading...



Michael Muise

SEPTEMBER 7, 2021 AT 2:31 PM

You ‘re a bloody idiot... You don’t know what the fuck you’re talking about Moron.. Do you honestly think a 31 year Constitutional lawyer whose successfully sued politicians in the past is not going to do his friggin homework, you fucking idiot? Do you think for a moment, that Gelati would put his impressive career and reputation on the line and represent this civil suit if he didn’t know what the fuck he was doing you bloody moron? Go back to whatever the hell

you were doing before you got into Law.. Just goes to show you, People can take up training, education etc and still not have a bloody clue about anything..

★ Loading...



Gordon S Watson

SEPTEMBER 27, 2021 AT 9:41 PM

perhaps go back and read the actual Claim, Mr Muise. Stooping to profanity only reveals you don't have 2 clues to rub together on the issue of how badly-done it is. No ordinary person could have done such a ridiculous piece of trash : this one took talent

★ Loading...



DianeDi

SEPTEMBER 7, 2021 AT 4:33 PM

Gee, this is one popular post Ronnie – I think you struck a few nerves. Keep up the great reporting. I think most know by now that Galati (not Gelati as mentioned in previous comment) is a big time fraud. Time will tell of course, but after all this time and nothing to show for it, you would think there would be some serious critical thinking going on. Oh well, the sheep will wait for others to save them – they will be waiting a very long time.

★ Loading...



Charles Ball

SEPTEMBER 19, 2021 AT 3:19 PM

The matter is quite simple. The weak link in the chain is Bonnie Henry. As Chief Medical Officer for the province of B.C. she has failed to carry out her duties as described in the Act that governs her conduct. Have a lawyer send her a registered letter demanding she exercise her responsibilities to the B.C. public. If she fails to do so file in the courts and and seek an

order that she act according to her Legislative mandate. If she does not proceed accordingly she is certainly guilty of acting illegally and her removal can be sought.

★ Loading...



Karen Selick

JANUARY 17, 2022 AT 11:33 AM

The defendants (or one of them) has now brought an application to strike out this entire Statement of Claim. It's just unfortunate that the plaintiffs wasted so much money having this prepared. <https://www.scribd.com/document/553277228/2022-01-12-Application-to-strike-Rocco-Galati-Action4Canada-BC-Suit>

★ Loading...



Ted

JANUARY 21, 2022 AT 3:07 PM

Common Law is the way this lawsuit should be done.
The court system they have now is corrupt and I'm sure every lawyer knows this.

★ Loading...



Ted Beck

JANUARY 21, 2022 AT 3:04 PM

Why go through these corrupt courts ? Common Law is the way to go with these corrupt criminals.
Look at awarriorcalls , Common Law is the way this lawsuit should be filed.

★ Loading...

EXHIBIT “X”



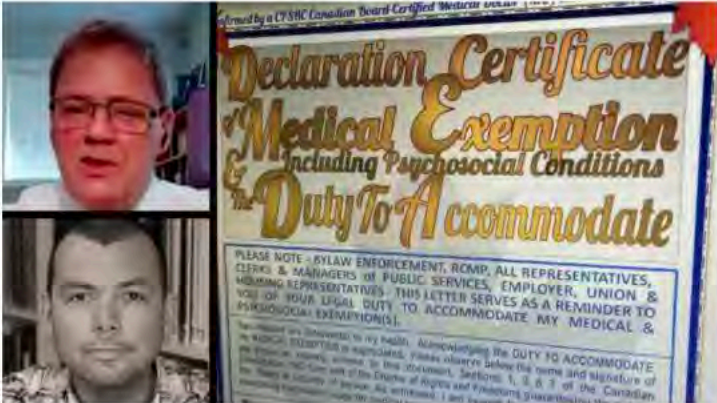
British Columbia

B.C. RCMP investigating website selling fake mask and vaccine exemption 'certificates'



Mounties in Chilliwack are handling probe into EnableAir.com, which has been linked to a local doctor

Bethany Lindsay · CBC News · Posted: Jan 27, 2022 7:00 AM EST | Last Updated: January 27, 2022



A phoney mask and vaccine exemption 'certificate' purportedly signed by Dr. Stephen Malthouse, pictured in the top left, is shown here. It appears to have been produced through the website EnableAir.com, which has been linked to Dr. Gwyllyn Goddard, bottom left. (Canadian Doctors Speak Out/Gwyllyn.com/CBC)

comments

A police investigation is underway into a B.C.-based website selling phoney mask and vaccine exemption certificates, CBC has confirmed.

Officers with the Chilliwack RCMP detachment are conducting the investigation into EnableAir.com, which has advertised "authentic medical exemptions" for people who are "concerned with totalitarian mainstream narratives" related to COVID-19.

As CBC first reported in October, the website appears to be connected to Dr. Gwyllyn Goddard, who is based in Cultus Lake, an area policed by Chilliwack RCMP.

Mounties have declined to provide further information about their investigation, and Goddard did not reply to requests for comment by email or phone.

The contact information displayed on an [Enable Air certificate](#) obtained by CBC matches publicly listed contact information for Goddard and his Kelowna-based cannabis business. It was apparently signed by Dr. Stephen Malthouse, a B.C. physician facing multiple allegations of spreading misinformation about COVID-19 and vaccines.

Malthouse said Wednesday that he couldn't comment on the RCMP investigation, and declined to answer questions about how many exemption certificates he has signed.

2 B.C. doctors linked to website selling bogus mask and vaccine exemption 'certificates'

Goddard's medical licence is "temporarily inactive," according to the College of Physicians and Surgeons of B.C. Malthouse is currently fully licensed with no restrictions on his practice.

A copy of the same certificate has been sent to the college, and they are investigating as well.

B.C.'s Health Ministry says there is no such thing as an exemption "certificate" for either masks or vaccines, and Provincial Health Officer Dr. Bonnie Henry has said that writing a [fake exemption](#) constitutes fraud.

No refunds even though certificates 'may not work'

Most of the Enable Air website is currently offline, but the [most recent version of the site](#) included a disclaimer about the effectiveness of the certificates.

"It may not work and we cannot offer refunds due to the fact that we have no control over the extreme ignorance being programmed into the minds of the public via the mainstream media which appears to have been completely hijacked," it said.

The website also described CBC's previous stories on Enable Air as "defamatory slander."

Certificates produced through Enable Air don't offer any specifics about why the bearer should be exempted from mask and vaccine mandates, but offers a long list of possible reasons, including vaccine allergies, HIV, autism, "impaired social development," asthma, eczema, migraines and "personal belief."

Expert says 'bold' action needed on B.C. doctors and nurses accused of anti-vaccine misinformation

Speaking to a CBC reporter in Terrace on Wednesday, Malthouse claimed he signs these exemptions because people are being "coerced" into being vaccinated.



This is Exhibit "X" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

A Commissioner for taking affidavits,
Amani Rauf, LSO No.: 78111C

"A lot of people are asking for exemptions to not get a very dangerous shot that does no good"



Dr. Stephen Malthouse, a B.C. family physician pictured here on Wednesday, has been the subject of numerous complaints related to spreading misinformation about COVID-19 and vaccines. (Georgie Smyth/CBC)

According to the latest statistics from the province, an unvaccinated British Columbian is more than four times more likely to end up in hospital with COVID-19 than someone with two shots.

Data from the B.C. Centre for Disease Control shows that adverse reactions to the vaccines have been rare, and most often involve allergic reactions, numbness or tingling, and swelling or pain at the injection site.

Previous versions of the Enable Air website did not include a price for issuing a certificate, but warned customers to "mentally prepare for the invoice."

The site also said that 50 per cent of "post-administrative fees" will be donated to prominent Ontario anti-vaccine lawyer Rocco Galati and the Constitutional Rights Centre, an organization he founded.

Galati told CBC in the fall that he has no connection to the website. He has been in hospital for a "private medical matter" since Jan. 2, according to his organization's website.

- 4 doctors not co-operating with investigations into COVID practices: Ontario medical regulator
- Physicians writing bogus vaccine exemptions are committing fraud, Dr. Bonnie Henry says

Enable Air has previously advertised the services of five unnamed Canadian physicians.

In addition to Malthouse, the College of Physicians and Surgeons of Ontario has alleged that suspended physician Dr. Rochagne Kilian provided exemptions through the website.

Meanwhile, B.C.'s college posted a notice in October in response to reports of fraudulent exemption letters circulating in the province. It includes guidance for businesses or employers about how to identify a valid exemption, and outlines a very short list of valid reasons for an exemption.

With files from Lyndsay Duncombe

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EXHIBIT “Y”

This is Exhibit "V" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

A. Rauff

A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

The Angry Albertan
25 May · 🌐

Is Rocco Galati even alive anymore??? Whatever happened to his completely bogus court challenges that A4C fundraised hundreds of thousands for??? So many scammers.... I'm losing count. Paging Tanya Gaw.... Paging Tanya Gaw.... Your A4C is looking like a total SCAM....

👍👍 Elena Bax, Carmen Broad and 425 others

394 comments 27 shares

👍 Like

💬 Comment

➦ Share

All comments ▾

Write a comment...

🗨️ 📷 📺 📧 📧

Danielle Kinchella-Pistilli

Rocco will be in court on Tuesday via zoom w Tanya who will be there live. They will be disputing the defence, who is going to try and have the case thrown out, which is a typical delay tactic as well as attempt to undermine the case. Of course the defence isn't going to just say "ok you're right, we were wrong" so they are trying to say we don't have a case, that it's too long, that it's based on conspiracy theories blah blah blah... we all know that's not true though. People lost their businesses, parents died alone, health care workers were fired and many people were discriminated against and physically and mentally assaulted. The people in this case all have heart wrenching and traumatic experiences. Any judge would be off his rocker to say the case was not worth listening to.

Those who want more information should really consider signing up for the **Action4Canada** weekly news letter and 3x weekly zoom calls, where there are plenty of updates.

Respectfully, in a world where we are trying to educate people to do their own research it sure would be nice if we all practiced what we preached rather than expect it to get served to us on a silver platter and put out doubt and criticism. There are a lot of good people that are deeply invested in this case and this lawsuit, along with others, are going to take a long time bc the courts are slow as hell.

In the meantime feel free to reach out if you would like a short cut to updates. Always happy to help and will always stand beside Tanya, who is working her ass off every single day for us all! 🙌🙌

Much appreciate those that are praying over this case 🙏

Like Reply 13 w

👍👍👍 52

Slavica Vukmanovic

Danielle Kinchella-Pistilli Rocco is not licensed in BC so he would have to hire a lawyer in BC who is and that has not happened. Also the one lawsuit for the province he is licensed he is representing only seven people who are named. He is not representing people in a class action lawsuit and has never won a lawsuit. Why has this lawsuit been dragging on so much when others have gone to court and the issues raised and argued and we know that the judges are bought and are Trudeau's puppets but at least they have been brought to court and even though not won many have had a first go and are being appealed. The first thing out of Rocco's mouth at his first press conference was that he was going to file for a injunction for masks. That was in July 2020. He is representing how many various people or groups and yet not one appearance in court. What happened yesterday? Are we ever going to see Galati in court? Is there any court case of him in court in his how many years of practice?

Like Reply 13 w

👍 3

Kim Jensen-Laevens

Danielle Kinchella-Pistilli great info Danielle ❤️❤️❤️❤️❤️ thank you Tanya for all your hard work !!!

Like Reply 13 w

👍👍👍 4

Tanya Leigh

Danielle Kinchella-Pistilli well said Miss! Glad to hear Rocco is ok as also!

Like Reply 13 w

👍 4

Reply to Danielle Kinchella-Pistilli...

🗨️ 😊 📷 📺 📧 📧

ThirtyStreet

Such a cringeworthy, untrue statement. **Action4Canada** is the greatest organization fighting for our freedom in the country.

Like Reply 13 w

👍👍👍 57

ThirtyStreet

And then there's Tanya Gaw. The most incredible hard working Patriot, with laser focus on gathering evidence of the governments corruption and then holding them to account with written NOLs that have been having a ripple of success for people all across the country.

We ❤️ **Action4Canada!**

Like Reply 13 w

👍👍👍 18

Lisa Modele

ThirtyStreet what success?

Like Reply 13 w

👍 5

Barbara Diamant

Yes what success?

Like Reply 13 w


👍 4

ThirtyStreet

Lisa Modele getting masks off people, lifting vaccine mandates. The Notices of Liability empower people in standing up to Employers or Services that are violating their personal choice and freedom.

Don't take my word for it, here are some testimonials.


<https://action4canada.com/nol-testimonies/>



ACTION4CANADA.COM


Testimonies of Successful NOL Campaigns,
Individual and Collective

Like Reply 13 w 4




Barbara Diamant
Where did all the money go?

Like Reply 13 w 3




Charlie Schweitzer
ThirtyStreet NOL's are not legally binding in any way. They shouldn't be promoted as such.

Like Reply 13 w 2




Charlie Schweitzer
ThirtyStreet Not to mention, this just keeps people spinning their wheels with non-legally binding bullshit instead of taking actual legal actions and actually working to change things. Most of what they promote is a distraction and takes away from people actually making change, wasting time with NOL's. Their strategy is harmful.

Like Reply 13 w 2



Mike Salmon
Charlie Schweitzer agreed. Would like to see ACTUAL PROOF that these Nols do ANYTHING.


Like Reply 13 w 1



Charlie Schweitzer
Mike Salmon I run the Alberta-wide university students against mandates group, and those NOL's have yet to do anything.


They might have more impact on smaller businesses, but corporations and the universities entirely disregard them and ignore them, and it wastes time that students don't have.

Like Reply 13 w 1




Jennifer Paquette
ThirtyStreet I gave him a down payment and no word from anyone.

Like Reply 13 w 4




ThirtyStreet
Jennifer Paquette thank you for your donation. It is sitting in trust and will be going toward these legal proceedings
[https://action4canada.com/legal-action/...](https://action4canada.com/legal-action/)



ACTION4CANADA.COM


Action4Canada Legal Action Against the BC and Federal Government

Like Reply 13 w 1




Collin Rothwell
ThirtyStreet Taynia is a guest and speaker at our WeUnify conference this weekend in Victoria B.C

Like Reply 13 w 4




Janet Grace
Collin Rothwell good to know

Like Reply 13 w 1




Collin Rothwell
Janet Grace watch Odessa librti.com/odessa Ken Drysdale



LIBRTI.COM


Odessa Orlewicz

Like Reply 13 w 1




Sandra Cutler
I never wore a mask to begin with. And one has to agree to a mandate for it to work and I never agreed. So I don't know who this person is, that you speak of, but they certainly didn't do anything for me.

Like Reply 13 w 3




Mike Salmon
ThirtyStreet the issue is everyone doesn't want to do what's really reqd. You can't just put up a website with covid material/data and expect to fight govt this way. Ain't gonna work. Govt can take this all day long without flinching.

Like Reply 13 w 2




ThirtyStreet
Mike Salmon people are taking the material from the website, using it and getting results. You should join your local **Action4Canada** Chapter and get involved in our fight against the tyrannical government in your local community 🙏

Like Reply 13 w 1




Jean Ross
ThirtyStreet You're either prepped for the great re-set with stocking up food, or you won't survive what is coming. Full stop and period.

Like Reply 13 w 1



Reply to ThirtyStreet...


1



Csilla Kovacs Wilson

Action4Canda is splintering off as it seems that it is Tanya's way or the highway for many of the chapter leaders. The word is that she doesn't want to work with any of the freedom groups and doesn't respect anyone's opinions in her own organization. Now they have done many things already but yes Rocco is nowhere to be seen. Accountability on all fronts is required.

Like Reply 13 w Edited



Denise Ott

Csilla Kovacs Wilson

Rocco Galati Update

I hope everybody is doing well in their struggles towards regaining our constitutional rights and freedoms. At the moment, I would like to say the following:


(1) the vicious, vile, and racist version of my premature death are extremely exaggerated;

(2) I am currently recuperating from a ten (10) day coma;

(3) I will be in perfect good health when I am fully recovered. God willing.

Rocco Galati


Like Reply 13 w



Csilla Kovacs Wilson

Denise Ott glad he is alive and still fighting


Like Reply 13 w



Anna Papadakis

Denise Ott that's back in February.


Like Reply 12 w



Charlie Schweitzer

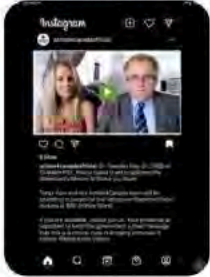
Csilla Kovacs Wilson ...None of them want to work with her because the organization doesn't actually do anything except NOL's.. which aren't legally binding and are a waste of time.

Like Reply 13 w




Margot Forman

Csilla Kovacs Wilson




Like Reply 13 w



Csilla Kovacs Wilson

Margot Forman glad that he is finally back! Still true about the splintering though!


Like Reply 13 w



Rosemary Turmel

We need people that think the best and stand with those honest hard working people like Tanya Gaw and Rocco. This kind of vitriol doesn't sit well with me because if you are not for us, you are definitely against.


Like Reply 13 w



Val Canfield

Rosemary Turmel well said

Like Reply 13 w




Jenn Stanners

No one is or was going to save us

Like Reply 13 w Edited


Hide 15 replies



Lorraine Holowachuk

Jenn Stanners Just wait.....for those who have or haven't been harmed by the shot , those who have perpetrated this fraud on us will be held accountable soon.


Like Reply 13 w



George Wipf

Lorraine Holowachuk If nothing else I sure hope you're right I sure hope somebody is getting held accountable


Like Reply 13 w



Jenn Stanners

Lorraine Holowachuk I would like to believe that.

Like Reply 13 w



Lorraine Holowachuk

George Wipf Look up on Laura Lynn Tyler Thompson's page and listen to the interview of Reiner Fullmich. He use to practice with Rocco Gilati. He has compiled testimony from over 120 Expert witnesses and lawsuits will move forward using that in September. Those who perpetrated this fraud on us will be held accountable for the harm done.

Like Reply 13 w

- 0269 -

- Lorraine Holowachuk

George Wipf

Oh they will be.

Like Reply 13 w
- Lorraine Holowachuk

Jenn Stanners

Believe it. Listen on Laura Lynn Tyler Thompson's page where she interviews Reiner Fullmich a couple of weeks ago. See details in my comments above.

Like Reply 13 w
- Yehudit Aviva

Mr. Angry,

you need to get your facts Straight before you make accusations. A4C is not a scam, I am on with them every week. Rocco is still alive and A4C is going strong. Why are you so negative and full of hate and always trying to cut good people down? It only makes you look bad, not anyone else.

Like Reply 13 w
- Lorraine Holowachuk

Yehudit Aviva

There are over 120 Chapters of 'A4C' in Canada and they are going strong.

Like Reply 13 w
- Jennifer Fehr

Lorraine Holowachuk

who's going to hold them accountable? The fake romana? Lol

Like Reply 13 w
- Lorraine Holowachuk

Jennifer Fehr

Read my messages above- that's who.

Like Reply 13 w
- Sylvia Reed

George Wipf

I 🙏🏻 this is true.

Like Reply 13 w
- Csilla Kovacs Wilson

Lorraine Holowachuk

there is problems brewing though with Chapter leaders and Tanya. I am part of a group that is splintered off due to issues.

Like Reply 13 w
- Jill Beers McNeil

Yehudit Aviva

I asked if he was still alive also. No one has seen high nor hair of him since we heard he was ill. Would be nice to see him out speaking somewhere again.

Like Reply 13 w
- Yehudit Aviva

Jill Beers McNeil

he just did an interview a few days ago.

Like Reply 13 w
- Debbie Masters

Lorraine Holowachuk

they never get held accountable

Like Reply 13 w
- Debbie Masters

Lorraine Holowachuk

I will pray that happens , but it never ever happens.

Like Reply 13 w
- Reply to Lorraine Holowachuk...

Like Reply 13 w
- Shelley Deschamps

Jenn Stanners

Dr.E Martin is holding Trudeau and Fauci accountable for their actions. Believe me there are so many fighting for Canadians . Good always prevails over Evil.

Like Reply 13 w
- Noel Flitton

Shelley Deschamps

good only prevails in the apocalypse. Until then, evil runs the show.

Like Reply 13 w
- Shelley Deschamps

Noel Flitton

The show is just about over. No need for a apocalypse to have it over. Dr Martin has enough evidence. Good will prevail!

Like Reply 13 w
- Raymond Le Heiget

Shelley Deschamps

what will he do with that information?

Like Reply 13 w
- Debbie Masters

Shelley Deschamps

yes but to many are on the side of the Nazis and or do not have a clue about what's going on with the WEF so we will never unite ..

Like Reply 13 w
- Shelley Deschamps

Debbie Masters

World Economic Forum . Klaus Schwab and all his elites makes me sick. The new agenda 21 and Klaus Schwab "you will own nothing and be happy." We all need to unite and stop complying. I

own nothing and be happy." we all need to unite and stop complying. I will never be jabbed with any of these MRNA jabs.

Like Reply 13 w

Debbie Masters
Shelley Deschamps I have said that for 2 years now, I shared all this information for 2 years now .. I'm not Jabbed but so many are brainwashed beyond help .. Yes we need unity but most are oblivious.

Like Reply 13 w

Shelley Deschamps
Debbie Masters I agree some are brainwashed. But if I could help just one person it's worth it.

Like Reply 13 w

Mike Salmon
Shelley Deschamps please explain what this means. How is martin holding them accountable? How does this look like. Does the RCMP come to his Trudeau's cottage and arrest him??? No, because the RCMP is Trudeau's little bitch. Again, who's going to do the arressting/prosecuting??? Who?

Like Reply 13 w

Shelley Deschamps
Mike Salmon there are 3 police agencies that are working with Dr Martin and many others including Lawyer's. I'm sure they are well aware of Trudeau and his besties. The documents Dr Martin has proves Trudeau and Fauci is responsible and will be held accountable. Let's watch and see.

Like Reply 13 w Edited

Shelley Deschamps
Mike Salmon https://fb.watch/dd_GLb_PJQ/

Like Reply 13 w

Merrilyn Jacobsen-Martens
Eldon Sweet Is this the link you meant to share? It goes to "GORDOX & MUCA - Monark Talks #28" and is in another language.

Like Reply 13 w

Shelley Deschamps
Raymond Le Helget https://fb.watch/dd_GLb_PJQ/

Like Reply 13 w

Eldon Sweet
Merrilyn Jacobsen-Martens no it shared something else Dr Martin has lots of info on Rumble is what i was trying to post .

Like Reply 13 w

Reply to Shelley Deschamps...

Adam Fowler
Jenn Stanners exactly, people need to save themselves

Like Reply 13 w

Lori Lee
Shelley Deschamps David Martin's website has a lot of freemasonic symbolism. He's not working for us.

Like Reply 13 w

Shelley Deschamps
Lori Lee He's differently has enough evidence to proceed legally and he is. I watched a zoom meeting with Dr Martin and believe me Trudeau and Fauci is running scared.This is criminal and they will be held accountable.

Like Reply 13 w

Babaj Joha
Lori Lee can you provide pics or video of this please?

Like Reply 13 w

Eldon Sweet
Lori Lee you best look again he has video explaining what the symbols are about none mason

Like Reply 13 w

Mike Salmon
Eldon Sweet I can't believe people are so heavy into this nonsense. It takes away from what we should all be fighting for.

Like Reply 13 w

Lori Lee
Shelley Deschamps I don't disagree with David's info, I'm sure it's correct. Just saying that he is highly likely controlled opposition and nothing is likely to come of it. I would like to be wrong, however.

Like Reply 13 w

Shelley Deschamps
Lori Lee there are 3 law enforcement agencies are involved so hopefully Dr Martin gets it done.

Like Reply 13 w Edited



Mike Salmon

Lori Lee you're right though. All these people saying 'boom', 'bombshell', 'justice is coming' are they themselves full of BS

Like Reply 13 w



Shelley Deschamps

Mike Salmon Wow Mike ! Have some faith , we need to unite not divide.

Like Reply 13 w



Shelley Deschamps

Lori Lee https://fb.watch/dd_GLb_PJQ/

Like Reply 13 w



Stacie Price

Jenn Stanners straight up no one's going to save us we need to start standing together and we need to come up with our own restart we need to beat them at their own game but we need to do it in a way that they can do whatever and it won't matter because they won't have anybody to be facilitating in their takeover that's all all we have to do is not buy into it. That's what's going to save us if we stand beside each other and work as one if they divide us they win if we work as one we win

Like Reply 13 w



Lisa Modele

Stacie Price it's not going to happen

Like Reply 13 w



Stacie Price

Lisa Modele oh I totally know that Lisa. I have been a victim of human trafficking that I have pretty much had government turned a blind eye because the organizations are being fully funded by all three levels of government and is actually facilitating in human trafficking trafficking human beings but it's being facilitated underneath the vulnerable population that are being targeted and that are being blamed for their own human trafficking I mean this has been going on well with my case specific since 2010 and still nothing being done about it and I do have a lot of evidence to support my case specifically but what good is evidence when you can't use it right so I do know that nobody's going to come save us and that's not going to happen because society has sold us out as human beings we are now products we are now considered tradable again. We spent so many years fighting the good fight just to get back to square one but you know like everybody's saying oh Nuremberg two and all this that they're going to save us no what they are about is collecting the information and put the information out there society can see for themselves at it just not the covid-19 thing it's a whole blanket of things by a few people but over a long period of time and now it's coming to an end for their completion of their agenda. We got to come in reality of that and a lot of people just want to continue turning a blind eye and tell it's too late they want to exterminate 6.5 billion people so I mean really what real chance do any of us have besides trying to fend for ourselves and our families and at this point I couldn't even trust that I mean families are selling out families they're turning their own family members away on the government narrative. I don't know Lisa but I hope and pray for you and your family to be safe and everybody else that has not been sold out to this narrative and selling out people in the name of greed.

Like Reply 13 w



Lori Lee

Joanie Holler Here is his site, logo at the very top.
<https://www.m-cam.com/about-us/>



M-CAM.COM

M-CAM | About Us



Janet Sala

Jenn Stanners you are correct and why should anyone expect other's to do what is there responsibility?

Like Reply 13 w



Shelley Deschamps

Eldon Sweet Viva Frei and Burns, loves these two guys . I'm on rumble

Like Reply 13 w



Correy Salter

Jenn Stanners
You are absolutely right!
I have said this since the very beginning; we have to save ourselves!

Like Reply 13 w



Collin Rothwell

Jenn Stanners Odessa librti.com/odessa Ken Drysdale



LIBRTI.COM

Odessa Orlewicz

Like Reply 13 w

Kathleen Donnelly

Exactly dont buy into it..don't give your consent - if everyone ignored them and used their own Authority.. they wouldn't get far.. their system doesn't work.. so don't follow it.

Like Reply 13 w

Don Smith

Jenn Stanners That's why I put my faith, trust, and hope in Paul's message. PAUL REVEALS HOW A PERSON IS SAVED: Acts 13:39; Romans 1:16-17; 1 Corinthians 15:1-4; Romans 3:21-26; Romans 4:5-12; Romans 10:9; Ephesians 2:8-9

Like Reply 13 w

Jean Ross

Jenn Stanners yep

Like Reply 13 w

RG MacLean

Jenn Stanners I believe you have the right idea, we cannot trust any of them.

Like Reply 13 w

Reply to Jenn Stanners...

Don Smith

I know it is frustrating, but pray for him to get well and for a successful outcome. Patience is a fruit of the spirit that comes from YHWH to those who believe in Him, His word, and His Son.

Like Reply 13 w Edited

John Pavene

Don Smith you don't live in real do you

Like Reply 13 w

Bryn Gomer

John Pavene not helpful. Have you tried being helpful? Encouraging, etc.?

Like Reply 13 w

Don Smith

John Pavene I live in a real house. I even built it myself with real materials.

Like Reply 13 w

Antoinette Bowser

John Pavene John Pavene no, his eyes are on something much higher.

Like Reply 13 w

John Pavene

Antoinette Bowser Watch out for seagulls because they s*** on you when you're looking up because there's nothing else

Like Reply 13 w

Antoinette Bowser

John Pavene if you're right I lose nothing, if I'm right you lose everything. Choices

Like Reply 13 w

John Pavene

Antoinette Bowser I have no doubts about my choice but obviously you Want to hedge all bets

Like Reply 12 w

Antoinette Bowser

John Pavene nope, I'm all in for Jesus

Like Reply 12 w

John Pavene

Antoinette Bowser I guess it's Get you through A-day but I don't need that

Like Reply 12 w

Reply to John Pavene...

Mike Salmon

Don Smith he's well by now. Rocco's just a terrible communicator.

Like Reply 13 w

Reply to Don Smith...

CJ Rusty

He's still going after everyone. Court takes time. You need to be patient.

Like Reply 13 w

Michele Fink

CJ Rusty it will never work because he is using the Charter. He has lost before he even starts!

Like Reply 13 w

Star Destiny

Michele Fink That's very true ! Was he not aware of this I wonder...

Was he not aware of this I wonder

Like Reply 13 w

Trudy Rands

Star Destiny - he'd, most certainly, know. He's part of the club.

Like Reply 13 w

Rolonne Fry Ross

Michele Fink We are going after them on more than ONE front. What have you done? Write letters, rally, protest, Paper flyers or cards on windows of vehicles in YOUR community???

Like Reply 13 w

Michele Fink

Rolonne Fry Ross yes, but using the bill!

Like Reply 13 w

Barbara Diamant

Rolonne Fry Ross that does nothing!!!!!! When their is an agenda none of that works. Ughhhhh smdh

Like Reply 13 w

Barbara Diamant

CJ Rusty just stop already. You remind me of the people that think the Vax is good for their health 🤔

Like Reply 13 w

Jean Ross

CJ Rusty you are either prepped for the great re-set with food stocked up etc or you will not survive what is coming. Period.

Like Reply 13 w

Reply to CJ Rusty...

Photokenkelowna Ken

It has taken this long for the courts to hear the case. Get informed!

Like Reply 13 w

Jean Ross

Photokenkelowna Ken meanwhile the jabbed die, and people lose jobs. Hope you are prepared for the great re-set.

Like Reply 13 w

Reply to Photokenkelowna Ken...

Jenn A

Dear Angry Albertan.... I respect your cause, your tenacity, and your doggedness in pursuit of that cause. In this instance however you are emphatically wrong. It's a lawsuit. On what planet could you possibly think you should be privy to the particulars about it? Rocco is on the mend and is more determined than ever. Do your homework before you spew utter nonsense.

Like Reply 13 w

The Angry Albertan

Jenn A Have you read his court filings? Because, I have, and he is going to lose hard.... I'd bet money on it. Lots of it.

Like Reply 13 w

Bryn Gomer

The Angry Albertan probably not helping...

Q: I undersrand the conflict you have with the other team, but, do all groups and individuals opposing the lockdowns etc, get your vitriol? No sarcasm, just a genuine question. Do you support anyone not in your group?

Like Reply 13 w

The Angry Albertan

You bet I do... You've just never heard of them because of the grifting fraud artists always hogging centre stage.... The best information that gets sent to me, is from researchers who have no desire for fame and fortune... Unlike the A4C frauds... Now you asked me a question so I have one for you... Have you ever read Galati's court filings? And a second question, have you ever thouroughly read A4C's website? If yes, did you notice any contradictions, or problems? Because I SURE AS HELL DID..... Let's discuss this.

Like Reply 13 w Edited

RJ James

The Angry Albertan I agree, been looking into these influencers for a while. The ones that are in jail are breaking. If you want to get involved as a leader be prepared to do the time. It's all fine speaking from your computer or on stage but when push comes to shove and your in jail be prepared to do time and stick to your guns, especially when you broke no laws and exercising your democratic rights. Nelson Mandela spent almost his entire life in prison for his people and we have our freedom leaders caving and making deals after only a couple months. As far as Rocco goes, if your sick keep people updated even on a zoom call or recorded video but nothing. He could have been threatened and would explain why or bribed. Ether way the cabal with all their influence and power will not let a couple people foil there plans. We the people,

power will not let a couple people foil there plans. We the people, collectively have the power and we the people are the only ones that can stop this, not a politician, not a freedom fighter leader (influencer) THE PEOPLE! Once the majority realize this it's over and they will all be held accountable and lined up a executed for genocide and crimes against humanity. In a court of law.

Like Reply 13 w Edited



Dawn Criss

RJ James I don't know if we can rely on having the "majority" realize anything at this point. We will be in a lot more hot water before that happens. History shows that it's always been a minority who goes into battle. My sincere wish would be for all these small groups to join on at least one seed of common ground and show some unity for the "majority" to follow. Wishful thinking I know.

Like Reply 13 w



RJ James

Dawn Criss you have a point but I've been hearing that there's a large silent majority that are speaking up more and more now. High gas prices and food shortages on the way means a lot more people will get vocal. Also more and more are clueing in that they were poisoned and that's another crisis in itself. The more they push the more wake up because their not merely inconvenienced now, their ability to live and feed themselves is impacted. Up until now, take the nurses for example, lose your job and find another one. Take away a persons ability to feed their families and shit gets real FAST. It's actually good that they are pushing so hard as it wakes up the silent majority and more and more will fight back. Everything that's happened so far has left people still with options. Watch what happens when you leave people with no options. People will go after the ones perpetrating this and turn them in or worse. So I say bring it!!!! Push people to far and watch the dominos fall

Like Reply 13 w



Mike Salmon

RJ James Angry Albertson, I reiterate, WHO is going to hold them accountable? Who? Who's going to do the arresting and prosecutions? Who?

Like Reply 13 w



Mike Salmon

Dawn Criss Won't happen. Ever. To many orgs to count, including Chris Sky. All jacking up their numbers while spinning their wheels. Peaceful non compliance simply WILL NOT WORK.

Like Reply 13 w

RJ James

Mike Salmon the institutions we depend on need to fall. It's the only way, if that happens the ones in power are screwed.

Like Reply 13 w



RJ James

Dawn Criss take food off their table and as well as being able to make your own medical decisions (already happened) and take away your rights as parents in bringing up your your own children (going to happen) and voilà, not the minority fighting anymore but the majority 🙏

Like Reply 13 w Edited



Chrystal Herr

The Angry Albertan he took everyone's money

Like Reply 13 w

Jenn A

The Angry Albertan why is he going to lose?

Like Reply 13 w

The Angry Albertan

I'd tell you, but I'd get sued. You'll just have to read his filings for yourself.

Like Reply 8 w

Reply to The Angry Albertan...



Stacie Price

Jenn A you know what when you say do your homework to people maybe you should listen to your own advice.

Like Reply 13 w



Stacie Price

Jenn A and the reason I say this Jen is because nothing is going to go through our courts to help us at a higher level because our Charter of Rights have been changed if you really do your homework and you really look at the new Charter that has been put in place go underneath Justice Canada the one that has that covid-19 whatever there and I will show you here

100% 100%

100%

The rights and freedoms the Charter protects

Freedom of expression

Freedom of thought, belief, opinion and conscience

Freedom of religion

Freedom of assembly

Freedom of association

Freedom of movement

Freedom of residence

Freedom of choice of occupation

Freedom of choice of language

Freedom of choice of education

Freedom of choice of employment

Freedom of choice of residence

Ryann Bri Callihoo


- 0277 -

Open Discussion

Like

Reply

13 w




Judith de Haan
This is reassuring.

Like

Reply

13 w




Marjaleena Repo
Christian Lafleche Who are the "we?"

Like

Reply

13 w




Christian Lafleche
Marjaleena Repo
I'm sorry, To what are you referring ?

Like

Reply

13 w




Marjaleena Repo
Christian Lafleche The note says: "join us," that's the "we" I am asking about. Can't tell from the notice.

Like

Reply

13 w




Christian Lafleche
Marjaleena Repo
Ah ok I see .
You can see the info for yourself on the vaccine choice website
<https://vaccinechoicecanada.com/.../catherine-austin.../>

Like

Reply

13 w




VACCINECHOICECANADA.COM
VCC Live - Catherine Austin Fitts and Rocco Galati Have Urgent Warnings Regarding Mr....

Like

Reply

13 w




Merrilyn Jacobsen-Martens
Christian Lafleche That's from 2021.

Like

Reply

13 w




Christian Lafleche
Merrilyn Jacobsen-Martens
If you are referring to my reply to marjaleena yes it is . But that was not why I posted it .

If you are referring to my other coment to her, it specifically says Thursday may 26th 2022 7pm eastern time .

Like

Reply

13 w




Reply to Christian Lafleche...

Like

Reply

13 w




Reply to Marjaleena Repo...

Like

Reply

13 w




David Wilkes
He has health issues. I'm out!

Like

Reply

13 w




Zane Kushnirak
I heard he almost died, for real and once better will return to court. That was a while ago..

Like

Reply

13 w

Edited




Denise Ott
Zane Kushnirak He was in a coma for a week or two.

Like

Reply

13 w




Lisa Modele
Zane Kushnirak he had Covid, had to be on life support

Like

Reply

13 w




Josie Donato
Lisa Modele no the story is covid. But I heard different.
I hope he is better!

Like

Reply

13 w




Chrystal Herr
Josie Donato it was Covid

Like

Reply

8 w




Josie Donato
Chrystal Herr no it was not. The real reason is being kept quiet

Like

Reply

8 w



Chrystal Herr
Josie Donato no. He had Covid


Like

Reply


8 w

- 0279 -

Like Reply 13 w




Don Smith
Karen Treit I found that Obituary and it's not the same Rocco Galati.
<https://memorials.dufferin.bernardofuneralhomes.com/...>



MEMORIALS.DUFFERIN.BERNARDOFUNERALHOMES.COM


Rocco Galati - Friday, April 22nd, 2016

Like Reply 13 w




Karen Treit
No I found the actual Rocco Galati- Constitutional Lawyer. .. I just dont know how to share it

Like Reply 13 w





Mel Ens
Karen Treit there were many false obituaries for **Mark Friesen PPC** . He is very much alive Let's hope that's true for Rocco. I did see him on a freedom news station after he was recovering from, whatever he had. I can't be sure of the date.


Like Reply 13 w Edited





Reply to Karen Treit...
















Christine Marshall White
Yes. Happy that I and my fellow coworkers dodged that bullet. Saw through it straight away. Unfortunately, many here in Ontario did sign on.

Like Reply 13 w




Lorraine Holowachuk
Christine Marshall White Read my comment above

Like Reply 13 w




Christine Marshall White
Lorraine Holowachuk our systems are corrupt, the bar serves the Corp. Even if Rocco is not controlled OP , the system will fail us. The only way out is on mass by the people, then accountability can happen. I'm not interested in playing in the devils playground.

Like Reply 13 w




Lorraine Holowachuk
Christine Marshall White Read my comments above. Dr. Fullmich will do it to win.

Like Reply 13 w



Christine Marshall White
Lorraine Holowachuk I did read your comments. My original comment was replying to this post about Rocco. Fullmich is a whole other bag and he knows that the cartcannot be put before the horse. He will ride in when the line is held and we run our own proceedings lawfully. Not in the devil system that protects the Corp


Like Reply 13 w



Author


The Angry Albertan
Lorraine Holowachuk Instead of wasting our time Lorraine.... Have you actually READ any of Rocco's Covid related filings?? Because I have.... And he is going to lose and quickly. My guess, is that he knows it too, and has delayed the inevitable....

Like Reply 13 w




Denise Ott
Lorraine Holowachuk I cannot find your 'comments above'?

Like Reply 13 w



Lorraine Holowachuk
The Angry Albertan There will be new documents prepared with what he gets from Reiner Fullmich.


Like Reply 13 w



Author


The Angry Albertan
Lorraine Holowachuk You are DREAMING.... These con artists have placed you outside of the arena, you are no longer in the game.... You are just watching pro sports and picking teams.... WAKE UP...

Like Reply 13 w



Lorraine Holowachuk
You don't know anything. Is there a reason your name is 'Angry Alberton'?

Like Reply 13 w



Barbara Diamant
Lorraine Holowachuk I don't always agree with the Albertan but from

- 0280 -

Lorraine Holowachuk I don't always agree with the Albertan but from what I have seen he is a realist and can see the bigger picture

Like Reply 13 w

Lorraine Holowachuk


Barbara Diamant He obviously doesn't know the plans of a Lawyer. I have listened to Reiner Fullmich who was Rocco Gilati's former partner who stated that Gikati would file a new case when the Expert evidence is available.

Like Reply 13 w

Author

The Angry Albertan

Lorraine Holowachuk This is the filing Fullmerich was involved with in Canada. It was immediately dismissed. Look at the list of defendants..... Either this is a bad joke, or deliberate self-sabotage.



Like Reply 13 w

Lorraine Holowachuk

Not necessarily.....anyway, they will now approach it a different way.

Like Reply 13 w

Barbara Diamant

Lorraine Holowachuk ur not getting the bigger picture. And if I'm wrong I pray I am. Because unfortunately all sides seem to be in conjunction with eachother and this new evidence is all part of the show to keep people distracted from what's to come

Like Reply 13 w

Andja Tamburi

The Angry Albertan You mean Reiner Fullmich?

Like Reply 13 w

Reply to Lorraine Holowachuk...

Like Reply 13 w

Dana Middlemiss

He had covid and ended being put in a coma

Like Reply 13 w Edited

Brooks Lori

Dana Middlemiss I don't know why people are still entertaining that they have Covid or they had Covid covet does not exist it never has been isolated or has been verified that it exists

Like Reply 13 w

Tabitha Ptr

Brooks Lori it does exist alright. I had a friend pass away from it his wife was fine but he didn't do well as odds were against him. But they did inflate the numbers, blow up the infection rates, exaggerate the symptoms and purposely prevent people from being able to purchase medications that are harmless, natural and lifesaving

Like Reply 13 w

Christian Lafleche

Tabitha Ptr

Brooks is right . Whatever he passed away from (R.I.L) it was not covid .

Like Reply 13 w

Babaj Joha

Tabitha Ptr many thousands of people die from influenza every year. He could not have died from COVID because Covid doesn't exist

Like Reply 13 w

Vicki O'Krane

Tabitha Ptr Most do or did not know until recently that all they did was rename influenza to covid.. Dr's were killing patients with ventilators tuned up to high.. every one that passed away was marked covid when they arrived at the morgues.. but the coroner's around the world have been saying for over a year now that none of these people died from covid.

Like Reply 13 w Edited

Lisa Modele

Brooks Lori hahaha. That's not what Laura Lynn says

Like Reply 13 w


Greta Alushi

Tabitha Ptr

- 0282 -


almost inactive, she said they are doing their own separate projects now, so...

Like Reply 13 w Edited

 **Tammy Mack**


He was in a coma for 10 days eh. That's serious. But he recovered thank heaven. He's doing a conference for Grassroots Education next month. Patience Angry Albertan, feeling the frustration too.

Like Reply 13 w

 **Tammy Mack**


Ooops, I meant for RefoundEd.

Like Reply 13 w


 **Tony Barros**

Tammy Mack Calgary still doing freedom rallies, Edmonton not so much.

Like Reply 13 w


 Reply to Tammy Mack...

Like Reply 13 w

 **John Pavene**


The government is the biggest scammers of all

Like Reply 13 w

 **Ellen Solberg-Geldreich**


It's in the courts. All money is accounted for. And let's be honest. This crush you have on Tanya, you need to let it go buddy.

Like Reply 13 w

 **Pauline Ann Friesen**


Ellen Solberg-Geldreich Is it actually? I have been wondering what happened to him!

Like Reply 13 w


 **Ellen Solberg-Geldreich**

Pauline Ann Friesen he almost died. So that delayed things.

Like Reply 13 w

 Reply to Ellen Solberg-Geldreich...


Like Reply 13 w

 **Douglas Elliott**

Any fight against the crown in the crown's court is going to be a challenge at minimum. Until we have judicial reforms in Canada, we are subjected to the King's (Justin's) court.


Ya good luck to Rocco against the king 🙏.

Like Reply 13 w

 **Sarah Robinson**


He's alive and still fighting. He was sick and it does take quite some time to recover when you have had the COVID bad as he did. Give him a break. He was under a ton of stress so maybe it's good he isn't all over the media right now. Be patient. Court cases are happening. Shit is starting to come out. He needs our support.

Like Reply 13 w Edited

 **Josée Roy**


He's alive.. he was very sick for a while but he's alive.. this post is public so I don't want to say too much, as you know spies are everywhere.. I'm part a lawsuit with him and we are getting updates regularly. 😊

Like Reply 13 w


 **Josée Roy**

Also note that he will be doing a live with the Foundation for the defense of people's rights and freedom on JUNE 1ST to give updates on his files!

Like Reply 13 w Edited


 Reply to Josée Roy...

Like Reply 13 w

 **Rae Laurie**


What happened to being united??? I began following you but this fighting and calling out and pointing fingers is BS. UNITED is what we need... we have enough enemies

Like Reply 13 w

 **Oliver Nemark**


Rae Laurie exactly, I checked the website, Rocco is preparing with A4C for court date May 31, maybe Angry Albertan should do research and pull his head out of his ass !!

Like Reply 13 w Edited


 **Rae Laurie**

Oliver Nemark not even just that... focus energy on helping someone who has a case before the courts. Like the 4 cases against the fed gov regarding travel restrictions and segregation, and the court cases before the court like **Chad McDonald** in GP about the science of it all and bogus restrictions and mandates. Let's work together and help each other... united people!


Like Reply 13 w


 **Oliver Nemark**

Rae Laurie Yes everyone together !!



**Rae Laurie**


Oliver Nemark with AA and his affiliates it's been consistently like a competition between him and other groups. Makes a person wonder what the motives are

Like Reply 13 w  2

**Chad McDonald**


Rae Laurie my case includes all the science but is focused around contract. So the breaches of fiduciary duty, the breach of statute. And more

Like Reply 13 w   2


**Oliver Nemark**


Rae Laurie they need attention !!

Like Reply 13 w





**Chad McDonald**


Rae Laurie when the officers closed my company, it was done in perjury.

Like Reply 13 w 








Reply to Oliver Nemark...




Reply to Rae Laurie...


**Melanie Braaten Tiefenbach**


I would call you the mean Albertan. Divisive. Never adding a solution just pulling people apart. You have a platform. Use it for good.

Like Reply 13 w


**Rolonne Fry Ross**


DON'T be Angry. Get BUSY with being engaged in SOMETHING other than complaining. It takes EVERYONE to do something.. Write letters, rally, protest, get litigation going, paper vehicle windows with flyers and cards. Anything. Be productive. If not for yourself , do it for your children, friend, Mother ,Father ,sister , brother or GRANDCHILD!!! ❤️❤️❤️

Like Reply 13 w  3

**Leila Kostyk**


These sorts of ad hominum attacks are the reason I don't join your demonstrations at the Leg on Saturdays.

Like Reply 13 w 

**Jake Eskesen**


Leila Kostyk he doesn't do those anymore

Like Reply 13 w





**Lisa Modele**


Leila Kostyk are those still going on?

Like Reply 13 w





Reply to Leila Kostyk...

**Mel Ens**


I don't follow you Angry Albertan. I am not sure what started me reading this thread. I have a question, I am asking innocently, not accusingly. With the following you have and the people listening to you, are you you using any of your power to help keep Canada Free or unit those that want freedom? Or do you use all your energy being mad and discrediting those who are trying to make a difference?

Like Reply 13 w  2





**Oliver Nemark**


Mel Ens He seems to enjoy being a useless ass !!

Like Reply 13 w





Reply to Mel Ens...


   

**Tracey Halliday**


On Tuesday May 31, 2022 at 10:00am PDT, Rocco Galati is set to address the defendant's Motion to Strike via Zoom. The case will take place at the Vancouver Supreme Court at 800 Smith Street.
If you are in the Vancouver area please join Tanya and the Action4Canada team in person. Your presence is important to send the government a clear message that this is a critical case in bringing criminals to justice...and we demand justice. Action4Canada commenced legal action in August of 2021 against the BC and federal government. We have retained Rocco Galati, a top constitutional lawyer, who is willing to take on the defence of our Charter Rights and Freedoms in response to the extreme and destructive emergency measures and Bill 19.

Like Reply 13 w  3

**Margot Forman**








You are really starting to sound like a ranting Alex Jones. Too bad he turned out to be controlled opposition funded by Mossad....
People need to be careful who they follow...use discernment. There are toads in every crowd.
Here is the latest announcement from A4C.
Rocco will be present by zoom for a Supreme Court hearing May 31
You're welcome.


<https://www.facebook.com/100662685570537/posts/319417560361714/>

Like Reply 13 w




Roberto Oreste
This guy thinks you just walk into the Supreme Court and start your case. It's like Mordor, my friend. One does not simply walk into Mordor.

Like Reply 13 w




Chris ElljaykayCee
Imagine thinking normal people care about trolls suing each other.

Like Reply 13 w




Rolonne Fry Ross
As Rocco Galati said. "The courts are not Speedy Gonzales" Next year the "Statement of Claim " will be going through.

Like Reply 13 w




Gus Kalo
Rocco definitely didn't have covid. Totally 100%.

Like Reply 13 w




Darlene Ross
He is still at it. One of his lawyers was arrested in France. He is heavily censored. Have shared a video his, recently.

Like Reply 13 w




Beth White
Or perhaps The Angry Albertan is a bitter man who wants to lash out at somebody.

Like Reply 13 w




Martin Brousseau
Rocco been around many many years, this is not his first, nor his last rodeo.

Like Reply 13 w




Celly Narsh
Didn't they try a Kill him , that would be enough to shake anyone up , same a Jorden Peterson I believe.

Like Reply 13 w




Mariette Klee Mola
Bank of canada lawsuit??? No one aware of it ???without consent???

Like Reply 13 w




Nancy L. Arcand
Good call

Like Reply 13 w




Jackie Bob
Good question. Haven't seen much but I was off the grid for a while

Like Reply 13 w




Tina Cres
this is the video where stephane blais said he met rocco galati (it's in french)
<https://www.facebook.com/FDDL.P.ORG/videos/1000686687250594>

Like Reply 13 w Edited




Claudette Leece
Sort of like BLM little scheme, let's suck in the " white guilt" they called it for millions to pay the businesses their people burned down but oh wait. They bought millions of dollars in property for themselves and Patrice hired half her family for bogus jobs then lied to the IRS but alas they caught up with her and her partner. Of coarse we all know what happened next they cried racist, their triggered, media being mean for calling them out. Folks never learn there's scammers born everyday because it's so darn easy now to suck people in

Like Reply 13 w



Jordan Smith



Like Reply 13 w

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Write a comment...

54 of 132

EXHIBIT “Z”

CANUCK LAW

Reporting You're Not Getting Elsewhere (Do Your Own Research To Verify)

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Pension ▾ Pharma ▾ Property ▾ Privacy ▾ Trade ▾ Trafficking ▾ UN/WHO ▾ Voting ▾ Wars ▾
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This is Exhibit "Z" to the affidavit of
Kipling Warner affirmed before me
electronically by way of videoconference
this 26th day of January, 2023, in
accordance with O Reg 431/20

A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

AUGUST 24, 2022 BY RONNIE

VCC July 6, 2020 Suit: Truth Finally Comes Out (Sort Of)

Ontario						Menu	
ATTORNEY GENERAL FOR ONTARIO	N/A	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00		Case Opened Date:	2020-07-06			
Most Recent Order Type:	N/A		Most Recent Order Date:	N/A			
Next Event:	N/A		Next Event Date:	N/A			
ATTORNEY GENERAL OF CANADA	N/A	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00		Case Opened Date:	2020-07-06			
Most Recent Order Type:	N/A		Most Recent Order Date:	N/A			
Next Event:	N/A		Next Event Date:	N/A			

Ontario						Menu	
CITY OF TORONTO	N/A	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00		Case Opened Date:	2020-07-06			
Most Recent Order Type:	N/A		Most Recent Order Date:	N/A			
Next Event:	N/A		Next Event Date:	N/A			

Ontario						Menu	
FORD	DOUG	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00		Case Opened Date:	2020-07-06			
Most Recent Order Type:	N/A		Most Recent Order Date:	N/A			
Next Event:	N/A		Next Event Date:	N/A			
GARNEAU	MARC	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00		Case Opened Date:	2020-07-06			
Most Recent Order Type:	N/A		Most Recent Order Date:	N/A			
Next Event:	N/A		Next Event Date:	N/A			

Ontario		Menu					
HMQ IN RIGHT OF CANADA	N/A	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00	Case Opened Date:	2020-07-26				
Most Recent Order Type:	N/A	Most Recent Order Date:	N/A				
Next Event:	N/A	Next Event Date:	N/A				
<hr/>							
HMQ IN RIGHT OF ONTARIO	N/A	CV20006434510000	Toronto	VACCINE CHOICE CANADA et al v. TRUDEAU et al	N	-	+
Rep Name:	UNREPRESENTED						
Amount:	\$0.00	Case Opened Date:	2020-07-26				
Most Recent Order Type:	N/A	Most Recent Order Date:	N/A				
Next Event:	N/A	Next Event Date:	N/A				

Here is the latest on the (second) Vaccine Choice Canada lawsuit, filed July 6, 2020.

This website has been about the only media outlet that has fully and truthfully reported on a number of high profile "anti-lockdown" lawsuits. Despite the hype surrounding them — and the endless requests for donations — there is stunningly little to report.

It's not an exaggeration to say that nothing has been happening. According to the Ontario Court, these are all the documents that are available as of today, August 24, 2022.

- (1) VCC – Statement Of Claim Unredacted
- (2) VCC – Discontinuance Against CBC
- (3) VCC – Mercer Statement Of Defense
- (4) VCC – Mercer Affidavit Of Service

After more than 2 years, all that has happened is that: (a) there was a Notice of Discontinuance against the CBC (removing them from the case); and (b) Nicola Mercer, MOH for the County of Wellington-Dufferin-Guelph, filed a Statement of Defense.

CBC implied in August 2020 that they were never served. They said they "obtained an unredacted copy", which implies they contacted the Court directly. This is not proper service, and doesn't start the 20 day time limit. Now, they threaten to bring a SLAPP Motion?! When were they served?

Interestingly, the Affidavit of Service came from Nicola Mercer's lawyer when serving the Statement of Defense. There doesn't appear to be any Affidavits of Service from the Plaintiffs for the Statement of Claim. Therefore, it's a fair question to ask who has actually been served.

Considering the Claim is missing most service addresses, that alone may open it up to procedural challenges.

Here are a few points from Mercer's Statement of Defense:

- A "good faith" defense is raised with respect to issuing orders
- There are statutory provisions to allow for such orders
- Mercer was following the so-called scientific consensus
- Mercer relies on a provision granting immunity
- Paragraphs 25 and 26 say that all orders have expired, and that the issue is moot.

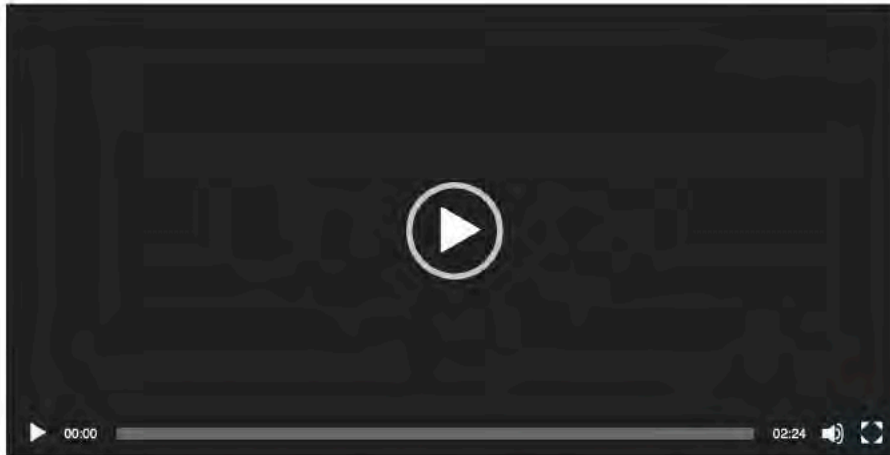
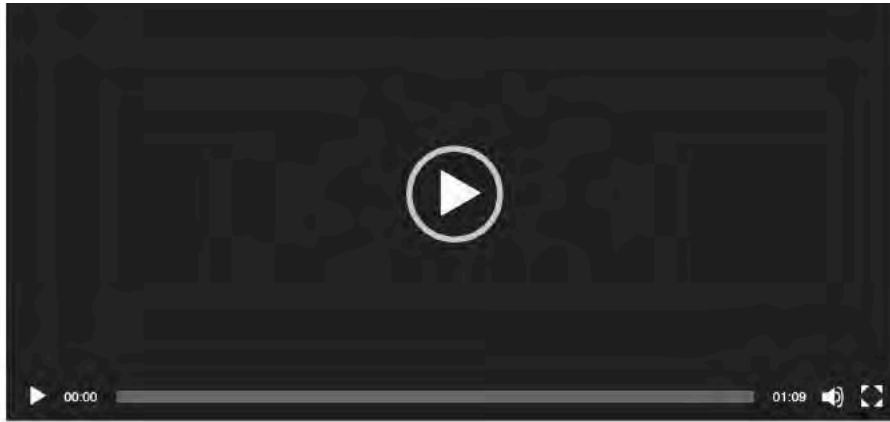
That last point is of particular concern. By doing nothing for 2 years, the Defendants, or at least this one, can now say there's no issue, as the orders are over. "Moot" in the legal sense refers to something that has already been resolved, and thus, there's no reason to bring to Court.

In essence, Mercer claims (as one defense) that so much time has elapsed, the issue of the various orders is no longer relevant.

This site covered the Action4Canada and Vaccine Choice Canada lawsuits. It was described in great detail how both Claims were horribly defective, and likely to be thrown out on a preliminary challenge.

This wasn't designed to smear or defame anyone. Instead, these critiques were meant to be brutally honest reviews about what was wrong with the pleadings. They were drafted so poorly that it was difficult to view this as anything other than intentional.

This is from a recent stream. Don't worry, more is available:



The above clips are from Vaccine Choice Canada's July 13, 2022 livestream. Quotes from these are very revealing as to what's really been going on.

- "Most people measure the effectiveness of a Court submission based upon what a Judge decides.... There's [more to] the impact of your legal proceedings than simply what happens within the Court."
- "It's also how the Defendants respond, and how the public responds."
- "We brought awareness to a dynamic that was hidden from the public."
- "I would suggest that maybe this was the most important impact we had to date."
- "The VCC case was initiated as a shot across the bow."
- "It was aimed at [mandatory vaccines and mask exemptions]."
- "As soon as we filed, they quickly back-peddled in Ontario and put in regulations that allowed for masking exemptions, in the wording we were advocating for."
- "This is not Hollywood. Constitutional issues are not always resolved in the Courtroom."
- "They're resolved by pre-emptive action that makes the Government have a sober second thought."
- "It's not as if the VCC challenge has had no effect, particularly in Ontario."
- "A lot of the issues being raised in the umbrella challenge are not being pursued [within other challenges]."

These video clips are essentially admissions that the July 6, 2020 lawsuit was brought for reasons other than to diligently pursue a Trial. Pretty moronic. It's obvious from the total lack of progress that there was never any urgency in bringing this forward.

Yes, other people have filed lawsuits with ulterior motives in the past. Others will do so in the future. But few are dumb enough to brag on a livestream that this is what was really happening.

It takes a special kind of stupid to admit this. While the Ontario Attorney General could always file a Motion to strike (for a variety of reasons), this makes it much easier. Beyond that, filing lawsuits with no intention to pursue them could lead to serious issues with the Law Society of Ontario, or whichever Province one practices in.

It's unclear how this July 6, 2020 case was used to "leverage" anything out of the Ford Regime. It was written in such a disjointed manner, and contained so much irrelevant information, it would have been easy to get struck. This isn't a document that would shake and scare the A.G.'s Office. It's the kind of rant that would make most lawyers laugh.

Many people donated in good faith to these lawsuits, believing that proceeding to Trial was the ultimate goal. But that apparently isn't the case.

In the Summer of 2021, new talking points emerged about there being "Affidavits of evidence" that totaled in the thousands of pages. However, they haven't been filed anywhere, if they even exist. A likely explanation is that this was done to quell concerns about the complete lack of activity.

And now that the various orders are (for now, at least) gone, it wouldn't take much to get the case tossed for mootness. This 2 year delay made this possible.

Also, consider the Action4Canada case as a reference point. Brief responses were filed by the Defendants, followed by Applications to Strike. The B.C. Attorney General's Office argued that the long delays were used to drive up donations, while making no real progress. It was admitted in the May 31, 2022 session that over \$750,000 had been raised. Currently, Judgement is reserved on various Applications to strike that suit as frivolous, vexatious and an abuse of process.

All of this was laid out last August.
Vindication is bittersweet.

It's not a stretch to see the Vaccine Choice Canada case going down that same path. The much longer delay is curious, and again raises questions of when Defendants were actually served.

The admissions that the July 6 case was a "shot across the bow", or done "as pre-emptive action", or done "to educate the public", make it clear there were other agendas at play.

Donors should demand their money back, and Vaccine Choice really needs to open up the books for public inspection.

Now, about those rumours....

It's not really a secret that this website (and anyone directly or indirectly associated) was sued last year for \$7,000,000. The main issue was reporting the observation that it didn't appear these anti-lockdown suits were ever meant to go to Trial. The problems, including defects with the pleadings themselves, were covered in great detail. More on that another time.

VACCINE CHOICE CANADA COURT DOCUMENTS

- (1) VCC – Statement Of Claim Unredacted
- (2) VCC – Discontinuance Against CBC
- (3) VCC – Mercer Statement Of Defense
- (4) VCC – Mercer Affidavit Of Service

ACTION4CANADA COURT DOCUMENTS

- (1) A4C Notice of Civil Claim
- (2) A4C Response October 14
- (3) A4C Legal Action Update, October 14th 2021 Action4Canada
- (4) A4C Notice of Application January 12
- (5) A4C Notice of Application January 17
- (6) A4C Affidavit Of Rebecca Hill
- (7) A4C Response VIH-Providence January 17
- (8) A4C Response to Application BC Ferries January 19
- (9) <https://action4canada.com/wp-content/uploads/Application-Record-VLC-S-S217586.pdf>
- (10) https://drive.google.com/file/d/1BfS_MyxA9J11WeYZmk8256G7GsWEFZ62/view

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Lockdowns](#)
January 7, 2021
In "Canada"

[Will The VCC July 6, 2020 Suit Be
Targeted Next?](#)
September 2, 2022
In "Canada"

CANADA, GLOBALISM, GRIFTERS, HUMAN RIGHTS, PROCEDURAL, VACCINES

6 Replies to "VCC July 6, 2020 Suit: Truth Finally Comes Out (Sort Of)"

gracejoubarne461654805

AUGUST 24, 2022 AT 1:12 PM

I guess the truth hurts...apparently \$7 million worth of hurt.

Well done! You have a right to report what is happening and in this case, not happening. We have a right to know and apparently, we will never get a straight answer from the Galati gang.

These people are starting to sound like grifters of the highest order, but I will await the Court's decision and while I wait, will enjoy the image in my mind of them squirming.

★ Loading...

↩ Reply

Karen Selick

AUGUST 24, 2022 AT 1:51 PM

As a VCC member, I've emailed a couple of times to the executive saying that they need to disclose how much was raised and what the money has been used for. At first they would tell me an update was coming. Now they just ignore me.

★ Loading...

↩ Reply

Chris Weisdorf

AUGUST 24, 2022 AT 7:12 PM

Unacceptable. Inexcusable. Infuriating.

Contributors deserve more than... this.

★ Loading...

↩ Reply

TR M

AUGUST 24, 2022 AT 7:53 PM

How do jccf.ca rate in your view?

★ Loading...


↩ Reply

Ronnie

AUGUST 27, 2022 AT 2:32 PM

The stuff they draft is far, far better.
They do also frequently get into court.

★ Loading...



Fakeologist
AUGUST 25, 2022 AT 10:36 AM
Good work. Always appreciate the critics of the critics.
★ Loading...
[↩ Reply](#)

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Vaccine Choice Canada Makes First Court Appearance, 2 1/2 Years Later

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Ryan Imgrund, Former "Pandemic" Expert, To Face Second O.C.T. Hearing

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eTransfers: red.ensign14@yahoo.com

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Freedom Of Information Requests: Fluoride Free Peel

Gladue Rights, Race Based Discounts: Reviews

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Immigration, Population Replacement (UN)

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EXHIBIT “AA”

**ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION**

1062 College Street, Lower Level
Toronto, Canada M6H 1A9

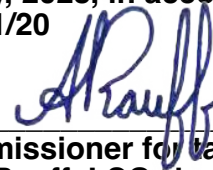
Direct Line (416) 530-9684 Fax (416) 530 8129

July 15, 2022

SENT VIA EMAIL

Julia L. Lefebvre
THOMSON BLACKBURN LANE LEFEBVRE LLP
Barristers, Solicitors
181 University Avenue, Suite 2200
Toronto, Ontario
Canada M5H 3M7
lefebvre@tbl.ca
Tel: 416-982-3802
Direct: 416-982-3810
Fax: 416-982-3801

This is Exhibit "AA" to the affidavit of
Kipling Warner affirmed before me
electronically by way of
videoconference this 26th day of
January, 2023, in accordance with O
Reg 431/20



A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

This is further to your correspondence with respect to the proposed s.137.1 Courts of Justice motion ("Anti-SLAAP").

While we do not agree, procedurally nor substantively, with your client's dilatory proposed motion, due to the fact that once an Anti-SLAAP motion procedurally puts the entire action on hold pending the outcome of the motion, and any subsequent appeals therefrom, my clients have decided to discontinue against your client, the CBC.


My clients will not agree to an order "dismissing" the action against your client due to the misleading optics that the Court actually dismissed it, but chooses to discontinue in accordance with the **Rules**, in accordance with the jurisprudence on the issue, in, *inter alia*, the Federal Court of Appeal decision in *Philipos v. Canada (Attorney General)*, 2016 FCA 79 (CanLII), [2016] 4 FCR 268.

Therefore, find attached notice of discontinuance, in accordance with the **Rules of Civil Procedure**.

Yours truly

ROCCO GALATI LAW FIRM PROFESSIONAL CORPORATION

Per:



Rocco Galati, B.A., LLB, LL.M.
c.c. – Other Defendants' Counsel
c.c. - Clients

COURT FILE NO. CV-20-00643451-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

Vaccine Choice Canada (VCC),

Plaintiffs

-and-

Justin TRUDEAU, Prime Minister of Canada, Dr. Theresa TAM, Chief Medical Officer for Canada, Marc GARNEAU, Canadian Transport Minister, Doug FORD, Premier of Ontario, Christine ELLIOT, Minister of Health and Long-Term Care for Ontario, Stephen LECCE, Minister of Education for Ontario, Dr. David WILLIAMS, Ontario Chief Medical Officer, CITY OF TORONTO, John TORY, Mayor City of Toronto, Dr. Eileen DE VILLA, Toronto Chief Medical Officer, The County of WELLINGTON- DUFFERIN-GUELPH ("CWDG"), Nicola MERCER (Chief) Medical officer for CWDG, WINDSOR-ESSEX COUNTY, Dr. Wajid AHMED (Chief) Medical Officer for Windsor-Essex County, Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of Ontario, Attorney General of Canada, Attorney General of Ontario, **The Canadian Broadcasting Corporation ("CBC")**, Johns and James DOE, officials and employees of the above-noted

Defendants

Defendants

NOTICE OF DISCONTINUANCE

The Plaintiffs, through their lawyer, hereby discontinue the claim in the within action against one (1) of the Defendants, The Canadian Broadcasting Corporation ("CBC").

July 15th, 2022


ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati, B.A., LL.B., LL.M.
1062 College Street, Lower Level
Toronto, Ontario M6H 1A9
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VCC et al
Plaintiffs

v.

TRUDEAU et al
Defendants

Court File No.: CV-20-00643451-000

SUPERIOR COURT OF JUSTICE

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NOTICE OF DISCONTINUANCE
(As against Canadian Broadcasting Corporation [CBC])

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EXHIBIT “BB”

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FEATURED

BC's unvaccinated doctors want to get back to work – and they hope a billboard helps them

By Reid Small Aug 26, 2022 11



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UPDATED: 'Why the secrecy?' Leslyn Lewis questions Canada's signing of WEF's Agile Nations Charter

This is Exhibit "BB" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 28th day of January, 2023, in accordance with O Reg 431/20



A Commissioner for taking affidavits, Amani Rauf, LSO No.: 78111C

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Drivers on the West Kelowna stretch of BC's Highway 97 saw a massively displayed message from some of the province's unvaccinated doctors.

"Allow us to do our part to help BC's collapsing healthcare," reads a billboard from the Canadian Society for Science & Ethics in Medicine (CSSEM), noting it has 50 unvaccinated doctors who've been terminated, but are ready to work.

The society — not to be confused with the entirely separate BC-based group the Canadian Society for the Advancement of Science in Public Policy — says its members banded together to support one another in their fight for medical freedom around COVID-19 vaccines, particularly for children.

Healthcare strains due to staffing shortages are felt across the province and officials remain firm on maintaining vaccine mandates, blocking some doctors and healthcare workers from their ability to work.

Putting a spotlight on the lack of access to primary care, the BC College of Family Physicians recently said one million British Columbians are currently without a family doctor and remain unable to get one. A research poll released by the college in April shows 40% of those who do have a family doctor in BC are worried they will be lost to practice closure or retirement.

As for BC healthcare workers, those in hospitals, long-term care, and community care settings must be vaccinated against COVID in order to work, and the BC Public Service Agency also requires its 30,000 employees to have been twice injected.

To address the growing lack of access to family physicians, the provincial government — in unison with Doctors of BC — announced Wednesday it will provide a \$118 million stabilization fund to family doctors in an effort to ensure patients continue to have access to primary care.

Highlighting rising operational costs affecting family doctors' ability to provide patient care, BC Health Minister Adrian Dix said the funding is a "key" supportive action while provincial officials work towards a long-term solution set to be detailed in the fall.

As for nurses, the province previously announced it will allocate \$12 million to help Internationally Educated Nurses (IEN) enter the healthcare system in a more streamlined manner. Bursaries for at least 1,500 nurses to help pay assessment fees will also be included in the first year, as well as a marketing campaign to promote BC as a "desirable destination" for IENs.

What hasn't been publicly considered is a removal of the remaining proof-of-vaccination mandates.

"I continue to work in my community office, but vaccine mandates have prevented me from attending my patients in hospital, hospice, and long-term care. I also lost my contract to work at an addiction treatment centre due to the vaccine mandates," says society member working in family medicine, Dr. Joshua Nordine.

In June, the society filed a legal petition in the BC Supreme Court seeking for a judicial review of the ongoing mandates, which it says will be heard in November.

The society lists Dr. Stephen Malthouse as the second member on its list of BC health professionals.

Malthouse, who has favourable reviews on RateMDs among his patients, has been allegedly connected to EnableAir, a website that issued what it called "authentic medical exemptions" for a non-refundable fee. The service, which shut down in late 2021 said 50% of the "post-administrative fees" were donated to Ontario lawyer Rocco Galati, however, this claim is no longer present on its website.

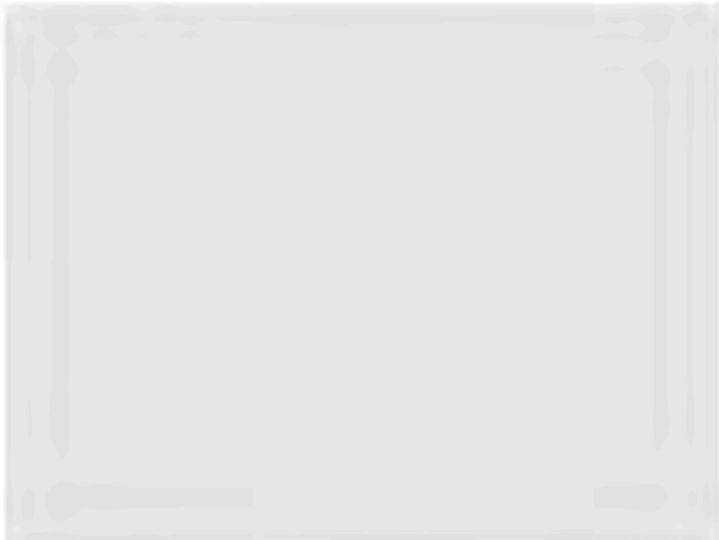
- 0304 -



Sometimes referred to as "the top constitutional lawyer in Canada," Galati is also connected to BC-based organization Action4Canada, which is listed on the "friends" section of the society's website, however there is no official partnership.

While Action4Canada is supported by many within what can be called the "freedom movement," it's increasingly questioned for its alleged lack of financial transparency by those within the same movement, and many critics distance themselves from anyone associated with the group.

Represented by Galati, the organization has been observed taking large quantities of cash donations at various rallies in Vancouver.



Action4Canada's Tanya Gaw told the *Western Standard* the aforementioned criticisms began about a year ago, reiterating everything is "above board" and she's "always been transparent with funds."

"Vlad from Hugs Over Masks and this nasty girl Yvonne started beaking about how we need to show who our donors are. That would be illegal for me to show my donor's list," said Gaw, noting she ignored them.

Vladislav Sobolev — also known as Coach Vlad, or just Vlad — says he's openly questioned Galati at various freedom rallies in Vancouver. As a result, Sobolev claims to have been "threatened and harassed for questioning the Rocco challenge in BC."

He also told the *Western Standard* neither he nor the aforementioned Yvonne asked to see a list of donors, but claims he instead asked for more detailed updates on how said donor's money was being used.

"That's exactly what Tanya does. She twists and turns the truth and facts to portray the opposing side as bad," said Sobolev.

Gaw says the same of her critics.

When asked if she would indemnify plaintiffs for potential adverse cost awards if her challenge is thrown out of court she said "that will be something for Rocco to answer."

"The private meetings we've had with plaintiffs were private, and if Rocco's going to comment on that I'd leave that to him," said Gaw.

The *Western Standard* reached out to Galati on several occasions, but has yet to hear back.

"That likely means no, the other plaintiffs will be thrown under the bus," said one critic who asked to remain anonymous.

"Rocco isn't a plaintiff. It's entirely up to the party directing the litigation, in this case Tanya Gaw, to decide whether to indemnify her co-plaintiffs from any adverse cost award. All of the plaintiffs are jointly and severally liable in such an event. They need to know, and deserve to know, if Tanya will have their back or not. Her status as a leader turns on this."

The same critic had complimentary things to say of CSSEM's petition as well as its lawyer Peter Gali, who is well known for his handling of administrative and constitutional litigation in BC.

The *Western Standard* reached out to the society to hear its spokesperson's thoughts regarding Action4Canada's mounting criticisms and the implications of an online association between the two groups, even if seemingly trivial in nature, however Dr. York Hsiang says its news to him.

"We don't have any active joint campaigns with Action4Canada," said Hsiang.

"We're aware of them and we often run into their members at rallies but we don't have any mutual campaigns going on concurrently."

Hsiang is a professor emeritus of surgery and former head of the Department of Vascular Surgery at UBC. He was also a consultant surgeon at Vancouver General Hospital involved in research and teaching.

"I chose to retire when vaccine mandates were enforced," said Hsiang.

More on CSSEM, as well as donation options can be found [here](#).



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More on CSSEM, as well as donation options can be found [here](#).

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Reid Small

Reporter (BC)

Reid Small is a BC Reporter for the Western Standard and West Coast Standard based in the Vancouver Bureau. He has worked as a freelance photojournalist and in independent media.

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(11) comments

Mgmeyers

Aug 27, 2022 12:41pm

I suppose we were all so very happy that the government covers most of the costs of healthcare in this country. But in return for that we have doctors who cannot practice outside of the "system". We are unable to utilize the services of these doctors at any cost. We also have years long waiting for anything considered not life threatening. The government has handled healthcare the same way they do everything. Half the service for twice the price. COVID has only brought the truth of the system to our greater attention.

Tatanka

Aug 27, 2022 9:53am

Those are the doctors I would want. Not those muzzle wearing T-u-r-d mandate complying coward pill pusher "family" doctors that you can't get hold of anyway today.

Mars Hill

Aug 26, 2022 5:51pm

Those college of surgeons and doctors better be replaced or disbanded, this is a good start. I'm confident they will.

Goose

Aug 26, 2022 1:34pm

And likely 50 of the best doctors with the most courage and character and ethics.

Left Coast

Aug 26, 2022 1:09pm

Nobody with more than 3 functioning brain cells ... Not You Adrian Dix ... does not believe that ALL of these Drs. have Natural Immunity from Covid after working for 2 years in that environment.
Even the US CDC admits Natural immunity is 20 Xs better than the VAX and may last for life.
As the VAXED in BC are coming down with Covid, the VAXED are Dying from Covid and likely the SARS Deaths are mostly if not ALL VAXED, the BC Govt Health Minister & Dr. Bonnie want to preserve the Myth that the VAX works.
And remember folks, the VAX was to protect you from the Wuhan Flu that most healthy folks had only a 99.96% chance of recovery from.
Time for this corrupt Circus to end ...

xxxxhighwoodxxx

Aug 26, 2022 2:40pm

This^^^

Only Freedom Matters Now

Aug 26, 2022 5:25pm

Unfortunately, the circus cannot end for ending it would be an admission that the circus was fraud. And when the sheeple understand they were conned they will be out for blood.

guest50

Aug 26, 2022 12:02pm

As Alberta has a shortage of doctors and nurses, once Danielle becomes Premier she should invite these unvaccinated professionals to come work in Alberta. We could use more thinking professionals.

Only Freedom Matters Now

Aug 26, 2022 5:28pm

Yes. Can you imagine how much talent Alberta will attract when we become one of the freest jurisdictions in Canada? And all of that talent with the ability to think for themselves. Can't wait.

Joco57

Aug 27, 2022 7:55am

Totally agree, that's why the members need to come out and vote for the person who stand nearly alone in this leadership race. We have to convince any and everyone one we know that is thinking of voting for any of these other do nothing candidates that Alberta needs this SA and will not settle for anything less than what Saskatchewan has and what Quebec has been doing for 50 years

Spudnick_1111

Aug 27, 2022 11:22pm

Everyone keeps saying go vote, how is this going to change anything? There is no integrity in the voting system do long as there is foreign interference and mail in ballots. If someone knows something I don't know about this issue being rectified, please share it. Our Government has been infiltrated over 50% tell me how it is going to change?
I'm praying for it every day that this is rectified peacefully!

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0306 -

EXHIBIT “CC”

BC

COVID-mandate lawsuit tossed for being 'bad beyond argument'

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This is Exhibit "CC" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

Aman Rauff


A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

A small inset image showing a live webcam feed of a Vancouver waterfront scene. The text "Vancouver Webcam" is overlaid in the top left corner of the image.


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FEATURED

Action4Canada leadership under fire after claim tossed

By Reid Small Sep 9, 2022 9



A BC Supreme Court judge has ruled that Action4Canada's high-profile notice of civil claim (NOCC) will be tossed out of court for reasons long predicted by some critics.

However, rather than axing the entire case, the judge will allow a fresh claim to be filed.

Action4Canada — which describes itself as “a grassroots movement reaching out to millions of Canadians and uniting our voices in opposition to the destructive policies tearing at the fabric of this nation” — spearheaded the filing of the claim against the BC government, various organizations, and multiple government officials both provincially and nationally in August 2021.

The claim is intended to “hold multiple parties accountable for their actions with respect to COVID-19 measures.”

While there was cause for excitement among many in BC when the nearly 400-page claim was filed, others were not so thrilled, suggesting it wasn't in-line with the **rules of court** — which require claims to be concise.

Now, more than a year later, Justice Alan Ross ruled the NOCC cannot proceed in its current form due to a violation of the aforementioned rules, however he's given the plaintiffs permission to refile the claim as opposed to axing the case in its entirety.

“Because of the prolix and wide-ranging nature of the NOCC, it is not capable of being answered by the defendants,” said Ross, adding that “the entirety of the claim is vexatious and frivolous.”

The *Oxford English Dictionary* defines prolix as writing that is “tediously lengthy,” and Ross says the claim, at 391 pages, is “clearly prolix.”

“It is not a proper pleading that can be answered by the defendants. It cannot be mended. Given that finding, I have no hesitation in ruling that it must be struck in whole,” said Ross.

“It is counsel's obligation to draft pleadings that do not offend the **0311** mandatory requirements of the rules.”

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This is Exhibit “DD” to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

A. Rauff

A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

While the organization is supported by many within what can be called the broader "freedom movement," it's increasingly questioned for its alleged lack of financial transparency by those within the same movement, and many critics distance themselves from anyone associated with the group.

Action4Canada's Tanya Gaw told the *Western Standard* the aforementioned criticisms began last year, reiterating everything is "above board" and she's "always been transparent with funds."

When asked if she would indemnify plaintiffs for potential adverse cost awards if her challenge is thrown out of court she said "that will be something for Rocco to answer."

"They [Action4Canada] convinced a lot of people to come into this lawsuit saying they'd have our backs, yet they can't even properly submit paperwork," Amy Muranetz, one of the plaintiffs in Action4Canada's claim, told the *Western Standard*.

"They said they would file a lawsuit that would have a very strong argument for winning, they did not say that they were going to submit an unprofessional case."

In an email sent to the plaintiffs Saturday provided to the *Western Standard*, Gaw accused Muranetz of "conspiring" to have the other plaintiffs pull out of the case.

"Amy's position is that Rocco has not done his job and that the plaintiffs will be stuck with a massive bill to pay costs and that the plaintiffs need to raise further funds for the appeal and to continue," reads Gaw's email.

"These allegations are false. Rocco is 100% doing his job as our legal council and is representing the plaintiffs by advancing the best strategy he believes will ultimately have us win this legal challenge."

Andrew Dodge, former Ridge Meadows chapter leader for Action4Canada also shares some of Muranetz's concerns.

"I was a volunteer. I guess you could say they fired me because I challenged Tanya on a couple of things regarding the direction in which she was going," Dodge told the *Western Standard*.

"A number of chapter leaders in the Lower Mainland questioned her and had concerns, and eventually resigned because of the situation."

Dodge says he joined the freedom movement to unite people with the common goal of "defending our rights, the right to choose" in response to COVID-19 mandates.

"Tanya is a dictator — she's no better than Justin Trudeau," said Dodge.

"It's her way or the highway and you've got to do exactly what she says and when she says it. I know a lot of people left because there was zero transparency. She was held accountable to no one. It was all about Tanya."

Dodge, who says he's connected to more than 400 freedom groups across North America says he "can confidently say 95% of the freedom movement doesn't have the time of day" for Gaw anymore.

As for Action4Canada's counsel, financial grilling is nothing new, as Galati's billings have been questioned in the past. In 2014 a federal court judge referred to his billings in one case as "excessive and unwarranted."

"Because I heard he was the 'top constitutional lawyer,' I reached out to him," Adam Skelly, who made headlines in 2020 for refusing to close his Ontario restaurant, told the *Western Standard*.

"He wanted \$250,000. That was one of the first things we talked about. A few months later we spoke again and it was the same thing. He wanted \$250,000, half upfront. He told me there were three people in Canada who could handle a constitutional challenge like mine. One is dead, another is a lawyer at his firm, and himself — therefore the only people capable of handling my case was apparently a dead guy and two lawyers at his firm."

Skelly decided to go with a different lawyer.

EnableAir, a website that issued what it called "authentic medical exemptions" for a non-refundable fee also said it was flowing money to Galati. The service, which shut down in late 2021 said 50% of the "post-administrative fees" were donated to Galati, however, this claim is present on its website.

investigated Malthouse for allegedly signing false vaccine exemptions, posting an *interim order* on the matter in March this year.



The *Western Standard* reached out to Galati for comment repeatedly but has yet to hear back. His voicemail inbox is now full.

As for the money allocated to Galati through Action4Canada, critics increasingly question what the money was used for and why the lawyer would file a claim that is, as Ross put it, "not a proper pleading."

Action4Canada has also been observed taking large quantities of cash donations at various rallies in Vancouver, during which Gaw has said her organization doesn't need a day in court to be successful.

"Are you aware that Justin Trudeau reversed his travel mandates two weeks after Rocco filed a 23 page SOC against him. I do not think that this was a coincidence," said Gaw in her Saturday email to plaintiffs.

Gaw also credits her NOCC for BC Ferries not mandating proof-of-vaccination for passengers as well as the BC Minister of Education not mandating COVID vaccines for school staff, however there is no concrete evidence to support these claims.

"All decisions regarding the vaccination status of our crew and passengers were made based on the recommendations or requirements of the minister of transport of Canada, Transport Canada, and the provincial health officer," BC Ferries Executive Director Deborah Marshall told the *Western Standard*.

Education ministry representatives have yet to provide a comment.

During a Labour Day long weekend appearance on Liberty Talk Canada with Odessa Orlewicz, Gaw said — in reference to this looming story — that the *Western Standard* "came up with the article, and no doubt at all that he [reporter] didn't say any of the good work that Action4Canada was doing, but however he does have this strange ability at the *Western Standard* to always support the legal actions of the JCCF and Kip Warner."

Kip Warner is the Canadian Society for the Advancement of Science in Public Policy's (CSASPP) executive director.

In Ross' decision to axe Action4Canada's NOCC as it stands, he cited one of CSASPP's petitions as an example of an actually justiciable claim.

CSASPP's case precedent which established its public interest standing "may have been Action4Canada's saving grace in allowing Ross to grant it a second chance," as one follower closely monitoring the organization put it.

origin of said concerns to a select few individuals, specifically mentioning Vladislav Sobolev.

Sobolev told the *Western Standard* he's openly questioned Galati at various freedom rallies in Vancouver. As a result, Sobolev claims to have been "threatened and harassed for questioning the Rocco challenge in BC."

And he's not the only one to make such claims.

A former Action4Canada donor, who asked not to be named, made a Facebook post in July 2021 calling for more transparency.

"What's really going on? Are we being misled?" read the post.

Afterwards Orlewicz sent the individual a voice message in which she warned of forthcoming legal action if the former donor didn't delete the post.

"I want to warn you, because I work with Action4Canada, Rocco, my family has donated heavily to the case, my family in America — and I know everything about the case. Everything," said Orlewicz.

"Some stuff you said on Facebook is so badly incorrect that unfortunately they are going to come after you with a defamation suit, and I've asked that they let me mediate this."

Orlewicz explained that a file could be put together within three hours.

"They will sue you for defamation if you don't take it down, and you will lose," she said.

The post is still up.

Kimberly Brundell, who's become well known in Vancouver's freedom movement told the *Western Standard* she's also been attacked for asking questions.

"The only thing I've been asking over and over and over again is will you indemnify your co-plaintiffs. That is her [Gaw] decision, it's not Rocco's. She can take advice from him on that subject but she's the one who is paying him, it's her call," said Brundell.

"My only concern is the financial harm that that they could possibly cause her co-plaintiffs on this suit."

Gaw said in an email to plaintiffs that Galati will be "appealing the order for costs." She also says he's out of the country and expects him back on September 22.



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Reid Small

Reid Small

Reporter (BC)

Reid Small is a BC Reporter for the Western Standard and West Coast Standard based in the Vancouver Bureau. He has worked as a freelance photojournalist and in independent media.



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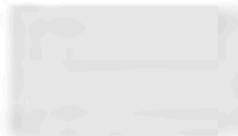
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If Rocco had any sense of patriotism, he would stop trying to get rich off of Canada's demise and fight tooth'n'nail for the country that has afforded him almost limitless freedom and opportunities. PS. I've donated. I've stood. I've quit. I've sold. I've left. I'll walk the walk (as I am suggesting Rocco should as well).



K_Selick Sep 12, 2022 7:40am

Some of the quotations in this article are real howlers. I think they should ask the dead guy to carry on with the case.



John Southern Sep 12, 2022 1:01am



LOL!!!!!!! I was warning people this would happen Day 1 back in July 2020.

I was viciously attacked, threatened and told I was "Trying to hurt the movement".

It was a grift from day one. An old style legal grift.

Collect money with tons of promises using a few big names and then sabotage the case and keep the money.

The fact that Rocco Galati lived in Cuba for 2 years helping free terrorists should have been the first red flag he's a scumbag.



Tiberius Sep 10, 2022 9:22pm

This whole thing stinks badly. A quick summary of what happened here is that The lawyer, Rocco Galati, submitted hundreds of pages of anti-covid gibberish to the court (as opposed to a concise legal argument), and as one would fully expect (and in fact legal experts predicted in advance), the case was "struck" from the court, or in other words tossed out for being frivolous.

Why did Rocco Galati do that?

Why did Action4Canada let him do that?

Why are they still retaining a lawyer that is, at best, very bad at his job, and possibly much worse?

Who benefits when anti-mandate legal cases are poorly argued and tossed from court?



John Southern Sep 12, 2022 1:11am

It's an old scam.

Promise a big lawsuit, collect as much money as possible (Usually cash) and then sabotage the case and walk away with the money, Most of which is untraceable.

Odessa Orlewitz who was involved with this, did the same thing in 2020

promising to sue Bonnie Henry. She collected at least \$35K in CASH at the Art Gallery

in Vancouver passing a box around, no receipts, nothing.

She never sued anyone and just stopped talking about it and the idiots who gave her money despite being warned by people like myself it was a scam just forgot about it

and she got away with it. She led the rallies for 2 years.

She pulled another stunt with the Convoys, claiming hundreds of trucks were coming every week. She collected CASH and fuel cards for months. NO TRUCKS CAME.

Vlad was no different, he just got pushed out by better and more popular scammers.

His game was claiming to be broke to get donations while living in a Condo in Yaletown, one of Vancouver most expensive areas downtown.

They are all scammers. 99.9% of the so called "leaders" in the Freedom movement.



Upperkits Sep 10, 2022 3:52pm

Thank you for this well written article.

The information is clear and supported by many individuals including plaintiffs, volunteers and donors. It seems a few plaintiffs have backed out of the lawsuit and several volunteers have quit the organization due to an abuse of power and a lack of transparency, which follows ongoing complaints by donors and now volunteers also. It is important to bring this information forward so that the public can hear two sides rather than just one which appears to be withholding some truths. Thank you for holding those in leadership accountable when they cannot do it for themselves.

Thank you again.



MD Sep 10, 2022 9:09am

Tanya and Odessa have always been honest! They put so much on the line for the fight for freedom.



John Southern Sep 12, 2022 1:14am

Oh really?

So where is that lawsuit Odessa claimed she'd file against Bonnie Henry?

She collected over \$35K for that and filed nothing.

I'm still around Odessa.. always watching. Closer then you think.



Boris Hall Sep 9, 2022 9:57am

God bless Tanya for fighting against the tyranny and satanic evil that the vile psychotic maggot dictator Trudeau has brought to Canada

Welcome to the discussion.

[Log in](#)

EXHIBIT “EE”

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The 2023 Contest Closes for Entries on December 1, 2022 Best School Year Ever

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EDUCATION

Action4 Canada Pamphlet causes controversy

Posted September 28 2022 08:20pm

A local woman was shocked to find a pamphlet on her windshield from a Canadian activist group. This particular pamphlet, which is produced by ACTION4CANADA demands that a certain book be banned from all B.C. schools.

REPORT AN ERROR

This is Exhibit "EE" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

A Commissioner for taking affidavits, Amani Rauff, LSO No.: 78111C

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Interview with school trustee on aging Rutland Middle School

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GLOBAL NEWS AT 11 OKANAGAN

Okanagan-Similkameen School District drops elementary school letter grades

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EXHIBIT “FF”



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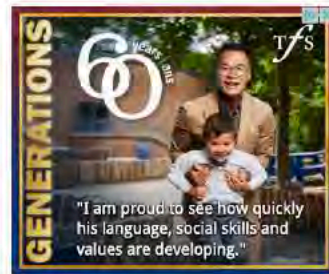
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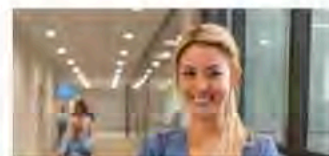
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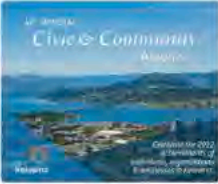


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Daily Dose

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Kelowna Road Report

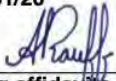
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SEPTEMBER 29, 2022 BY RONNIE

Action4Canada Appeal Baseless, Seems Designed To Waste Time & Money

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Case Number Type	Style of Cause	Status	Party	Date Initiated	Role	View
CA48578 Civil	ACTION4CANADA (A) v. HIS MAJESTY THE KING IN RIGHT BRITISH COLUMBIA	Active	ACTION4CANADA	28Sep2022	Appellant	View

There are times when people really need to cut their losses. However, it seems that not everyone is taking that advice.

With the specific case at hand, it appears that Justice Ross' quite reasonable decision has not been heeded. Instead of fixing the defects in the previous pleadings, the Plaintiffs are going to appeal.

It's not clear to what extent there has been collaboration among all the parties. Was this a joint decision, or a unilateral one? Still, this is a very bad move, and we'll get into why.

This site long ago predicted NOCC would get struck out

August 17th, 2021, the Notice of Civil Claim (NOCC) was filed.

August 31st, 2021, this site wrote that the NOCC was fatally defective, riddled with serious and basic errors, didn't follow the Rules of Civil Procedure, and would never make it to Trial.

September 7th, 2021, Rocco Galati sued this site, and everyone “directly or indirectly associated” for \$7 million. He also demanded that anyone “directly or indirectly associated” be banned from posting on the internet again, presumably on any subject. Although there were allegations of racism and anti-Semitism, the main issue was the harsh and detailed critiques and reviews of his various anti-lockdown lawsuits. Guess the truth hurts.

May 31st, 2022, the Application to Strike was finally heard. The Defendants attempted to get the case thrown out without leave to amend. This was on the grounds that the NOCC was so incomprehensible, that it was impossible to answer it.

August 29th, 2022, Justice Ross strikes the NOCC in its entirety, for a litany of defects. Being too long (prolix) was just one issue. However, the Court did allow for the NOCC to be amended and refiled, if it were done properly.

September 28th, 2022, a Notice of Appeal is served, challenging portions of the August ruling. Instead of properly drafting the NOCC, it appears the next move is to just appeal.

Plaintiffs are bailing, as they see the writing on the wall

Appellants listed:

- Action4Canada
- Linda Morken
- Gary Morken
- Jane Doe #1
- Brian Edgar
- Jane Doe #2
- Ilona Zink
- Valerie Ann Foley
- Pastor Randy Beatty
- Michael Martinz
- Melissa Anne Neubauer
- Jane Doe #3

Plaintiffs who have since left:

- Kimberly Woolman
- The Estate of Jaqueline Woolman
- Amy Muranetz
- Federico Fuoco
- Fire Productions Limited
- F2 Productions Incorporated
- Makhan S. Parhar
- North Delta Real Hot Yoga Limited

In fairness, one of the Plaintiffs had passed away prior to the May 31st hearing. Still, it's not a sign of confidence that this will go ahead.

People are realizing that the NOCC, filed in August 2021, was complete garbage. There's no way to spin this as some sort of victory, hard as they try. Consequently, many don't want to face financial devastation with the cost awards that are coming.

Notice of Appeal asks for things Appellate Court can't grant

These are the grounds of appeal that are listed:

- The grounds of appeal are as follows:
- (a) That the Learned motions judge erred, in law, and jurisprudence with respect to Justice Ross' ruling on **declaratory and other relief at paragraphs 52 to 55 and Declarations at paragraph 56 to 58**;
 - (b) That the Learned judge erred, in law, contrary to the Supreme Court of Canada jurisprudence on the test to be applied on a motion to dismiss/strike;
 - (c) That the Learned motions judge erred, in law, in **ruling sufficient facts were not pleaded to support the causes of action advanced**;
 - (d) That the Learned motions judge erred, in law, in usurping the function of the trial judge, and making determinations of fact, mixed fact and law, on the basis of bare pleading(s);
 - (e) The award of costs to the Defendants in circumstances where no costs should have been awarded, or an order of costs in the cause should have been awarded in that the results of the motion were split;
 - (f) Such further and other grounds as counsel may advise and this Honourable Court permit

To start with the obvious one, the Notice alleges that Justice Ross erred in determining that certain topics were outside of his authority. Sounds reasonable, until you see what this actually refers to.

- [52] The defendants submit that the **NOCC pleads to a number of claims that are improper in a civil action**. In part, the defendants point to the following elements of the NOCC as inappropriate:
- a) **alleging criminal conduct**;
 - b) seeking a declaration **that the preponderance of the scientific community** is of the view that masks are ineffective in preventing transmission;
 - c) seeking a **declaration that the motive and execution of the COVID-19 prevention measures by the World Health Organization** are not related to a bona fide "pandemic";
 - d) seeking a declaration that administering medical treatment without informed consent constitutes experimental medical treatment which is contrary to the **Nuremberg Code, the Helsinki Declaration and is a crime against humanity under the Criminal Code of Canada**;
 - e) seeking a declaration that the unjustified, irrational, and arbitrary decisions of which businesses would remain open, and which would close, as being "essential", or not, was **designed and implemented to favour mega-corporations and to de facto put most small businesses out of business**; and
 - f) seeking a declaration that the **measures of masking, social distancing, PCR testing, and lockdowns are not scientifically based, and are based on a false and fraudulent use of the PCR test**.

determine what "the science" shall be.

The plain fact is that the B.C. Supreme Court has no authority to do any of this, so this had to be struck. The B.C. Court of Appeal isn't going to reverse this. It's time to face reality.

Additionally, these things appear repeatedly in the various Actions and Applications launched by the Constitutional Rights Centre. It would make all of them vulnerable to being struck.

Also worth mentioning: costs are largely discretionary. The Court of Appeals won't (except in extremely rare cases) interfere with the decision. Considering there is no award yet — just the entitlement to one — it would be hard to challenge it.

BCCA isn't going to overturn decision to strike NOCC

Keep in mind: Justice Ross didn't throw the case out completely. Instead, he did something better. He told the Plaintiffs they could refile, *if the NOCC were drafted properly*. In other words, he gave the opportunity to fix it.

The NOCC was disorganized, cluttered, and contained plenty of irrelevant information. It went on lengthy tirades about non-parties such as Bill Gates and Klaus Schwab. None of this is appropriate, and it fell far short of what should be expected of veteran lawyers.

Granted, it will be a huge headache to rewrite a 400 page document. However, in the Application to Strike, one of the remedies sought by the Plaintiffs was the ability to rewrite the NOCC. The Court allowed it. Pretty hard to challenge an outcome that one sought.

Is Lawrence Wong actually involved in this case?

A bit off topic, but worth asking once again: is Lawrence Wong a part of this lawsuit? Or is his name listed just so there is a B.C. lawyer "on file"? Would be nice to know.

Will a Cross-Appeal be filed by the Respondents?

Most people have heard of an Appeal, but far fewer know what a *Cross-Appeal* is. Essentially, it's like a counterclaim, but at the higher level.

Consider this: the Application to Strike was brought (largely) on the grounds that the NOCC was frivolous, vexatious, and an abuse of process. Defense lawyers asked that the case be struck without leave (or permission) to amend. However, the Court did allow an amended version to be filed.

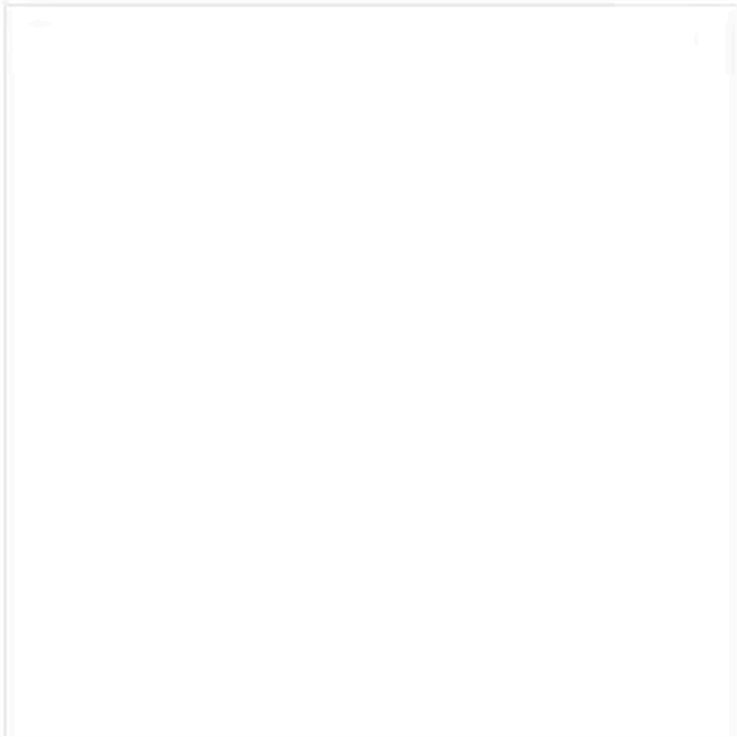
Yes, this is speculation, but what if that provision were to get overturned by the BCCA? What if the BCCA decided that the Appeal was frivolous and abusive, and decided to not allow a rewrite of the original NOCC? A Panel could very easily rule that this entire matter isn't being done for legitimate reasons, and block it altogether.

If Witten, Wedge and the other lawyers are going to be in front of the BCCA anyway, there's really nothing to stop them from attempting such a tactic.

Consider Kulvinder Gill, Ashvinder Lamba as cautionary tale

Yes, this is a different case, but there are some striking parallels that need to be pointed out. It's also a decision from 2022, so very recent.

One question that potential litigants always need to ask: what happens if I start a messy, prolonged, or expensive suit, and ultimately lose?



Regular readers will know that Kulvinder Gill and Ashvinder Lamba tried to sue 23 individuals and media outlets over mean words on Twitter. They sought \$12.75 million in damages over juvenile comments. Predictably, the case was dismissed as a SLAPP, or a strategic lawsuit against public participation.

That ruling was inexplicably appealed. Shortly afterwards, Galati left, claiming to have a prolonged illness that made his participation impossible. Gill and Lamba apparently are still going ahead with this, and have retained new lawyers. They'll have to face additional costs when the Appeal is ultimately dismissed, and it's likely it will be. This could very well push the total bill over \$1.5 million.

Gill also has another suit pending against the University of Ottawa. She sued the school, and one of their professors, Amir Attaran, for \$7 million over 2 rude tweets. If they ever decide to file an anti-SLAPP Motion, Gill will be the hook for that as well.

Absurdly, many in the "freedom community" cheered at these efforts to forcibly shut down the free speech of people they disagreed with.

When successful with an anti-SLAPP Motion, Defendants are typically given costs on a full indemnity (or 100%) scale. Gill and Lamba are staring down \$1.2 million at least. Given the damage they sought to inflict, the Defendants are expected to show no mercy. These 2 are facing bankruptcy, or at least being put on payment plans for the rest of their lives.

In an interesting turn of events, Gill and Lamba have since sued Galati and Samantha Coomara (his assistant). It would be nice to know how that turns eventually out.

If the Action4Canada Plaintiffs don't want to go down this same path, consider getting out. Remember, it's not the lawyers who are stuck with the 6 and 7 figures. It's the clients.

What exactly is the point of this Appeal?

The obvious question has to be asked: why is this happening?

The BCCA isn't going to rule that the B.C. Supreme Court should preside over criminal matters, or crimes against humanity. It's not going to rule that a disorganized and confusing case shouldn't be rewritten. It's not going to rule that a Judge can't award a successful party costs.

Instead of drafting a proper NOCC, the decision is to file a baseless Appeal with zero prospect of success. The result will be (about) another year wasted, along with hundreds of thousands of dollars spent. None of this will get the Plaintiffs closer to the relief they seek.

And to address comments from Action4Canada, (archive here):

For some reason ***Canuck Law, The Western Standard and Castanet are consistently working to put the worst possible spin on the facts of A4C's case and to disparage Rocco, Tanya Gaw and Action4Canada. It appears they are on a mission to create doubt and distrust in the public's eye by providing twisted versions of the truth*** and claiming that Action4Canada lacks integrity and transparency. Nothing could be further from the truth.

It is also interesting that ***none of these "Independent" media outlets*** have ever reported on Action4Canada's campaigns and tireless work in providing Canadians, at no charge, with resources that are effectively protecting their children, their jobs, their right to travel, their bodily autonomy and so much more.

Their style of reporting doesn't serve anybody well and ***brings into question whose side they are really on.***

Real independents are on no one's side.

A journalist or reporter should have one commitment: to show the truth. Anything less than that means that they are shilling for a particular group.

And the truth is that this case (and many related ones) are written so poorly that they have zero prospect of ever getting to Trial. They have been covered in extensive detail, with specific references to the Rules of Civil Procedure for Ontario, B.C. and Federally.

Does revealing this information cut into the money that donors are willing to pay? Absolutely it does. But then, how "independent" are journalists who gloss over or ignore these obvious defects?

If someone chooses to sue another in their private lives, that is their business. However, the moment that public donations are sought, it becomes a reportable case. Considering that Action4Canada is *still* asking for money, it's fair game.

When someone tries to destroy this site (or anyone, really) for simply telling the truth, don't expect any sympathy or favourable coverage of the ongoing grifting.

ACTION4CANADA COURT DOCUMENTS:

- (1) A4C Notice of Civil Claim
- (2) A4C Response October 14
- (3) A4C Legal Action Update, October 14th 2021 Action4Canada
- (4) A4C Notice of Application January 12
- (5) A4C Notice of Application January 17
- (6) A4C Affidavit Of Rebecca Hill
- (7) A4C Response VIH-Providence January 17
- (8) A4C Response to Application BC Ferries January 19
- (9) <https://action4canada.com/wp-content/uploads/Application-Record-VLC-S-S217586.pdf>
- (10) https://drive.google.com/file/d/1BfS_MyxA9J11WeYZmk8256G7GsWEFZ62/view
- (11) <https://www.canlii.org/en/bc/bcsc/doc/2022/2022bcsc1507/2022bcsc1507.html>
- (12) A4C Notice of Discontinuance Federico Fuoco Fire Productions
- (13) A4C Notice of Discontinuance Amy Muranetz
- (14) A4C Notice Of Appeal September 28 2022

- (A) Gill & Lamba v. Maciver decision CV-20-652918-0000 – 24 Feb 2022
- (B) Gill & Lamba Notice of Appeal and Appellants' Certificate
- (C) Gill & Lamba Appeal – Notice of Intention to Dismiss Appeal for Delay

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[Ottawa Files Motion To Strike Federal Vaccine Passport Suit From Galati](#)
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In "Canada"

CANADA, CANADIAN DECISIONS, GRIFTERS, HOW TO, PROCEDURAL

4 Replies to "Action4Canada Appeal Baseless, Seems Designed To Waste Time & Money"

Fakeologist

SEPTEMBER 30, 2022 AT 8:56 AM

This is SLAPPstick comedy. Keep up the great reporting.

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Reply

Dom

SEPTEMBER 30, 2022 AT 8:27 PM

Thank you for your reporting !!!

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Gordon S Watson

OCTOBER 1, 2022 AT 4:47 AM

I was under the impression, that, before a matter can be heard by the Court of Appeal, costs awarded in the Court below, must be paid in to Court. If so, then it will be another year to resolve just that much.
when I put in a short complaint to the BC Law Society, a year ago, about both Rocco Galati / Larry Wong in the Action4Canada thing, the Law Society declined to consider it, saying that it has no authority over Galati, since he's in Ontario. So tell me how Mr Galati can practice law in BC, appearing in Court here, via television? In other situations, a lawyer who is not licenced to practice in BC, can get special permission to do so, for a limited time / case. UN-learned in the law as I am, my guess is > the Law Society did give Mr Galati such a permit as he appeared in the Action4Canada appearance May 31 2022. Either that, or he was practicing law, here, without a licence> Inquiring minds want to know

Apparently there are 2 lawyers named Larry Wong in BC. But one of them did not have a Certificate of Practice for 2021. A person can be an Agent for someone, without being a practicing lawyer

Loading...

Reply

Gordon S Watson

OCTOBER 14, 2022 AT 4:04 PM

I was at the Registry in Vancouver on Tuesday Oct 11th 2022. There were a few documents in the file. Notably, the Affidavit of Roberta Winter from the Legal Services Branch. Her affidavit cites certain Exhibits. Yet there was no copy of those exhibits attached. The Registry Clerk told me... "oh, we don't do that anymore". When I queried how to go about viewing the Exhibits, the supervisor advised that I "would have to ask the Lawyer".
what I was after, was > to view originals of the Affidavits tendered as Evidence by Action4Canada supporting its Claim.. There were none in hard copy. None showing in the computer log for this action.
Over the year that she was out in public, soliciting fund\$s for this lawsuit, Tanya Gaw repeatedly told audiences "we have thousands of pages of Affidavits" ... meaning, from parties aggrieved by the Covid LOCKDOWN. Yet when it got right down to the short strokes, Action4Canada has la handful of nothin'.
in the Petition by Kip Warner and his Society, one of the main reasons the Chief Justice dismissed it, was, lack of an evidentiary foundation. S219760 Reasons sept 12 2022. Thus, possibility of Action4Canada prevailing in an Appeal or the ruling by Ross J., is = less than Zero
Rocco Galati was exposed by Mister Justice Ross as incompetent. Galati taking more fund\$s to press an appeal, is nothing less than FRAUD

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Declaration on the North American Partnership for Equity and Racial Justice

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1/20
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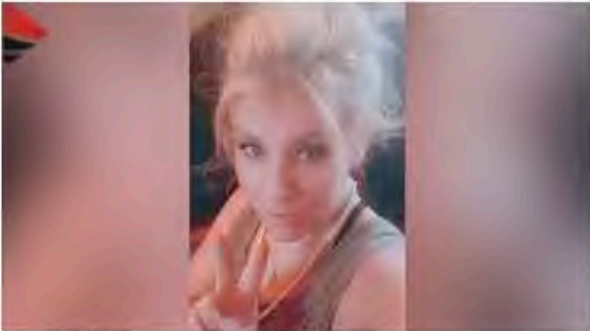
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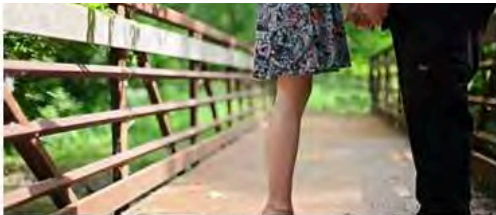


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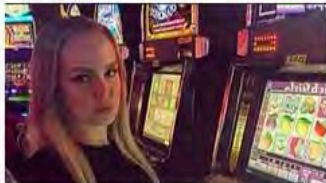
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EXHIBIT “II”

This is Exhibit "I" to the affidavit of Kipling Warner affirmed before me electronically by way of videoconference this 26th day of January, 2023, in accordance with O Reg 431/20

Amani Rauff

A Commissioner for taking affidavits,
Amani Rauff, LSO No.: 78111C

A portrait of a woman with short, straight white hair and bangs. She is wearing black-rimmed glasses and a black turtleneck sweater. She has a slight smile and is looking directly at the camera. The background is dark and out of focus.

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It says, among other things, that the sexual orientation material in schools contain "pornographic images, vulgar language and promote rape and incest."

The school trustees countered by saying: "These baseless and harmful allegations undermine the hard work of our staff and negatively impact our students, many of whom already face serious challenges."

"Sexual orientation, gender identity and expression are protected under the B.C. Human Rights Code and the Canadian Charter," the trustees wrote. "It is the responsibility of boards, district staff, administrators, teachers and support staff to provide inclusive environments where all students can thrive. Inclusive, equitable and non-discriminatory practices and policies are integral to supporting students."

The trustees goes on to say the sexual orientation material is not a course but provides resources to ensure schools align with the B.C. Human Rights Code and "create inclusive environments."

"We teach our students about the rights and responsibilities of free speech, including protecting human rights," the trustees wrote. "The harmful lies and deception by Action4Canada and those affiliated with them underscore the importance of this work."

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