

Court File No. CV-22-683322-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ROCCO GALATI

Plaintiff

- and -

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

Defendants

**RESPONDING (PLAINTIFF’S) MOTION RECORD
(Response to Motion to Strike)**

**ROCCO GALATI LAW FIRM
PROFESSIONAL
CORPORATION**
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Level Toronto, Ontario M6H
1A9
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Lawyer for the Plaintiff

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Lawyers for the Defendants

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TAB 1

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Plaintiff

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

Defendants

AFFIDAVIT

I, Lee Turner, currently in the City of Kelowna in the Province of British Columbia **MAKE
OATH AND SAY:**

1. I am a lawyer licensed to practice law in British Columbia having been called to the bar in 1994.
2. I have had occasions to speak to Mr. Galati over the last few years with respect to litigation in regard to legal challenges to the Covid-19 measures imposed during the COVID-19 pandemic.
3. I am acquainted with Mr. Kip Warner as a result of his online and social media presence and online posts about his involvement with CSAPP in relation to the legal proceedings against the BC Government concerning Covid-19 measures.
4. I am aware that Mr. Galati has commenced legal action against Mr. Warner, and others.
5. I am further advised by Mr. Galati, and verily believe, that the Defendants, including Mr. Warner, brought an anti-SLAPP motion and that, in that motion, Mr. Warner filed an affidavit.

6. I am further advised by Mr. Galati, and verily believe, that Mr. Galati filed his responding affidavit, a copy of the body of which has been provided to me along with "Exhibit S" which I attach as **Exhibit "A"** to this my affidavit.
7. "Exhibit S" to the affidavit of Mr. Galati is a copy of an e-mail that I dictated and sent to Mr. Galati containing a verbatim copy of a text message conversation between myself and Mr. Warner wherein the initials LT are a reference to myself, and the reference to KW are a reference to Kip Warner. The text exchange between us is self-explanatory.
8. I further am advised by Mr. Galati, and verily believe, that Mr. Warner filed a "supplementary affidavit" a copy of the body of which has been provided to me which I attach as **Exhibit B**". At paragraph 42 of that affidavit, he asserts a solicitor-client relationship between him and I.
9. I am further advised, and verily believe, that Mr. Warner brought a motion to strike the evidence contained as "Exhibit S" of Mr. Galati's affidavit, being the text messages between myself and Mr. Warner. I further understand, and verily believe that Mr. Warner, in support of his motion to strike, has filed in that motion record, an affidavit asserting solicitor-client privilege in that conversation. I have been provided with Mr. Warner's motion record which I attach as **Exhibit "C"** to this my affidavit.
10. At paragraphs 42 of Mr. Warner's supplementary affidavit Attached as **Exhibit "B"** to this my affidavit, and at paragraphs 11-14 of **Exhibit "C"** to this my affidavit, Mr. Warner asserts a solicitor-client privilege between him and myself.
11. I have never been on record for Mr. Warner nor for CSAPP. I have never been retained by Mr. Warner or CSAPP. There has never been any suggestion by Mr. Warner or myself that any communications we had were confidential or protected by solicitor and

client privilege. There has never been a solicitor-client relationship between myself and Mr. Warner nor CSAPP. Neither Mr. Warner nor CSAPP have ever been a prospective client of mine.

12. Specifically, there was no solicitor client relationship or privilege in our text exchange with respect to Mr. Gall and Mr. Galati contained in Exhibit “S” to Mr. Galati’s affidavit.
13. I am further advised by Mr. Galati, and verily believe, that Mr. Warner was cross-examined on May 23, 2023 on his affidavits. I have been provided with a portion of the transcript of the cross-examination which deals with the issue of his claim of solicitor client privilege of the text message exchange contained in Exhibit “S”. I attach the portions of the transcript as “**Exhibit D**” to this my affidavit.
14. Contrary to what Mr. Warner states at question 274 of **Exhibit “D”**, I have never approached him wanting to provide legal advice nor have I ever given him any legal advice. Neither Mr. Warner nor CSAPP have ever approached me to request any legal advice. I have approached Mr. Warner on a few occasions through text messages, and on one occasion I left a voicemail for his lawyer Ms. Polina Furtula when CSAPP first commenced its litigation, initially to seek an understanding of the nature of the claim that they were making and thereafter to obtain an update on the progress of the litigation. Typically, Mr. Warner would simply text me back without any information and simply tell me to go to his website for his latest blog to get an update on the progress of the case.
15. Neither Mr. Warner nor his counsel contacted me before making the assertions in Mr. Warner's affidavit that we had a solicitor-client relationship and that the occasions of the text messages were covered by solicitor-client privilege.

16. If there were any reasonable possibility that a solicitor-client relationship existed between myself and Mr. Warner, or CSAPP, or the text message exchange in question gave rise to solicitor-client privilege, I would not have disclosed this information to Mr. Galati.
17. I have never had a solicitor client relationship with Mr. Warner or CSAPP, nor is their any prospect of us having such a relationship.

SWORN BEFORE ME BY VIDEO CONFERENCE

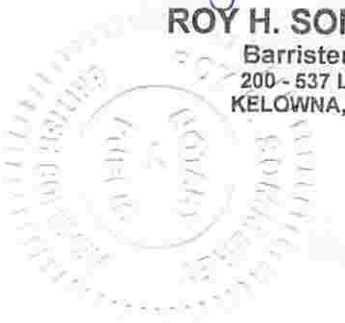
By Lee Turner of Kelowna)
In the province of British Columbia)
Before me at the City of Kelowna)
In the Province of British Columbia, on this 23 day of)
June, 2023, in accordance with O. Reg. 431/20:)
Administering Oath or Declaration Remotely.)



Lee Turner


Notary Public for B.C.

ROY H. SOMMERREY, LL.B.
Barrister & Solicitor
200 - 537 LEON AVENUE
KELOWNA, B.C. V1Y 2A9



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Court File No. CV-22-683322-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ROCCO GALATI

- 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

This is Exhibit "A" referred to in the
affidavit of ...
sworn before me at ...
in the Province of British Columbia,
this ... day of ... 2023.
A Commissioner for taking Affidavits
within British Columbia.
A Notary Public in and for the
Province of British Columbia

AFFIDAVIT

I, **ROCCO GALATI**, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am a senior lawyer, practicing in Toronto, Ontario, I have been practicing law since I was called to the bar in Ontario in 1989. I practice law through my law firm Rocco Galati Law Firm Professional Corporation incorporated under the laws of Ontario and requirements of the *Law Society Act*.
2. I am a highly regarded and sought-out lawyer. The vast majority of my clients have always come from and through other lawyers. I have been a Member of Canadian Who's Who (since 2011). In 2014 and 2015, I was named one of the Top 25 Influential Lawyers by Canadian Lawyer Magazine. In 2015 I was awarded the OBA (Ontario Bar Association) President's Award, the OBA's highest award. I was in fact the first lawyer to receive the award.

3. Between May 2015 and May 2019, I served as an elected Benchers for the Law Society of Ontario (LSO). Between May 2015 to February, 2021, I also served as a Hearing Panel Member (Adjudicator) of the Ontario Law Society Tribunal (LST). Attached, as “**Exhibit A**”, are copies of the three Canadian Lawyer Magazine editions for 2003, 2014 and 2015, as well a feature for “Saturday Night” magazine, summer edition, as well as the front cover of the two books I co-authored. The 2002 Saturday Night and 2003 Canadian Lawyer articles were both feature articles consisting of 8 pages each. Attached as **Exhibit B** is a copy of the Bar Association past President’s Award winners.
4. I have litigated, regularly, at all level Courts, including Tax Court, Federal Court, Federal Court of Appeal, all levels of Ontario, other Provincial Superior Courts, as well as the Supreme Court of Canada. I have litigated in several provinces including Ontario, British Columbia, Alberta, Manitoba, and Quebec. I have litigated and argued in French. I have, as counsel, over 400 reported cases in the jurisprudence. Some of my major cases include: *Baker v. Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817, *Reference re Supreme Court Act, R.S.C. 1985 (Nadon Reference)*, *Reference re Section 98 of the Constitution Act, 186 (Mainville Reference)* 7, *R. v. Ahmad*, [2011] S.C.J. No. 6 (Toronto 18 Terrorism Case); *Felipa v. Canada (Minister of Citizenship and Immigration)*, (2011) 422 N.R. 288 (FCA), *Wang v. Canada*, 2018 ONCA 798. Attached as “**Exhibit C**”, is a copy of my various work and expertise in law as well as my reported cases as counsel current up to 2018.
5. I have been asked to speak, and have spoken, regularly, at various Law and other Conferences, as well as Law Schools, Universities and High Schools, across Canada from 1999 to the present. In addition, from 1990 to 1992, I was part-time review counsel at

Downtown Legal Services (DLS), Faculty of Law, University of Toronto. I supervised student work at the legal aid clinic as well as taught substantive courses on the areas of the Law undertaken by the Clinic.

6. I am the Founder and Executive Director of the Constitutional Rights Centre Inc (CRC). since its inception in November, 2004. Attached as "**Exhibit D**", is a copy of the print context of the website.
7. I have co-authored two books: "*Criminal Lawyer's Guide to Immigration and Citizenship Law*" (1996), "*The Power of the Wheel: The Falun Gong Revolution*" (2001). I have also produced three Films, "*Two Letters & Counting...*" 2008-2011, written, directed and performed by multi-Genie Award winner Tony Nardi, on the state of art and culture in Canada.

- **Donna Toews**

8. I do not know Donna Toews (aka "Dawna Toews"). I have never met Donna Toews.
9. Ms. Toews has never been my client.
10. To my recollection, I have never had any direct contact with Ms. Toews.

- **Kipling Warner and Associates**

11. I do not know Kipling Warner. I have had extremely limited contact, one or two emails, and one letter, with Mr. Warner **only through Mr. Warner's solicitor**, as set out below, to issue a caution with respect to his defamatory statements against me and interfering with my solicitor-client relations, including with Vaccine Choice Canada and

Action4Canada, but not exclusive to them. The only thing I know about Mr. Warner is what is available and floating online. Attached hereto, as “**Exhibit E**”, is a copy of his resume. Mr. Warner was also contributor to a 9/11 internet cite annexed hereto as “**Exhibit F**”. In his resume at “**Exhibit E**” he cites “certification” with a company OpenPower (Foundation), Attached, as “**Exhibit G**”, is a copy of OpenPower Foundation, from its Wikipedia page with respect to the OpenPower Foundation. In addition, when one clicks on the link on page 2 of his resume on “certified” under the OpenPower reference, it opens up OpenPower Machine Learning Working Group (“OPMLWG”) of which Kip Warner is Co-chairman as attached as “**Exhibit H**”. OpenPower Foundation was aligned and now operates **under** the Linux Foundation which is in turn under the auspices of the World Economic Forum (WEF). Working Group is under and the OpenPower Foundation, when one clicks on footnote #10 of the page Wikipedia page, it in turn goes to the Linux Foundation, which comes under the auspices of the World Economic Forum (WEF). Further attached hereto as “**Exhibit I**” are the pages setting out the Linux Foundation to the WEF. The OpenPower Foundation in turn has moved under the auspices of the Linux Foundation, and in turn under the auspices of the World Economic Forum (WEF). Attached, as “**Exhibit J**” is a copy of the link and announcement. The inescapable conclusion from this is that Mr. Warner, as a self-proclaimed AI expert, works under the WEF.

- **Dee Gandhi**

12. I do not know Dee Gandhi. I have never had any direct contact with Mr. Gandhi. He has never been my client.

- **Vaccine Choice Canada**

13. Vaccine Choice Canada (hereinafter "VCC") has been a client of my law firm, Rocco Galati Law Firm Professional Corporation, incorporated in Ontario under the terms of the **Law Society Act** since 2015.
14. I act on VCC's behalf giving legal advice, consultations, issuing legal opinions, and conducting litigation for VCC, under the instructions of VCC's Board of Directors, through their president and Board of Directors.
15. I have absolutely NO role in their organization whatsoever, except to provide legal services, as described in the **Law Society Act**, as requested, directed, and instructed by their Board of Directors, through its president.

- **Action4Canada**

16. Action4 Canada has been a client of my law firm since October, 2020.
17. I act on Action4Canada's behalf giving legal advice, consultations, issuing legal opinions, and conducting litigation for them under the instructions of their Board of Directors, through its president.
18. I have absolutely NO role in their organization whatsoever, except to provide legal services, as described in the **Law Society Act**, as requested, directed, and instructed by their Board of Directors, through their president.
19. Neither Ms. Toews, Mr. Warner, nor Mr. Gandhi, are on the Board of Directors of VCC or Action4Canada.

• **Pertinent Chronology leading to Donna Toews' Complaint to the Law Society of Ontario**

20. On or about October, 2020, I and my firm, Rocco Galati Law Firm Professional Corporation, were approached by Action4Canada, and other co-Plaintiffs, in British Columbia, to possibly undertake a lawsuit, however no retainer was crystalized yet.
21. On December 5, 2020, the Defendant Kipling Warner, first contacted Tanya Gaw, the Chair of the Board of Directors for Action4Canada, indicating that Mr. Warner had organized a "similar" campaign to Action4Canada and directed Ms. Gaw view his lawsuit's GoFundMe page. Attached, as "**Exhibit K**", is a copy of Mr. Warner's email to my client.
22. On or about December 14, 2020, I received a telephone call from a lawyer from British Columbia, Ms. Polina H. Furtula. This lawyer indicated that she was contemplating legal action against the British Columbia government over the COVID-19 measures imposed there. She requested that I collaborate with her, owing to my expertise in constitutional law and proceedings against the Crown. Ms. Furtula's client(s) were Kipling Warner and his organization, the Canadian Society for The Advancement of Science and Public Policy (herein after the "Society").
23. I respectfully declined, and advised Ms. Furtula that I had been approached by a British Columbia group (Action4Canada) and other plaintiffs, and had, in principle, agreed to act for them in a challenge to the COVID-19 measures, once a retainer crystalized.

24. In January 2021, I began working on the Notice of Claim (Statement of Claim) for Action4Canada and other co-Plaintiffs, for the British Columbia Supreme Court.
25. On January 27, 2021, the Defendant, Dee Gandhi, Kipling Warner's colleague, and treasurer of Canadian Society for the Advancement of Science in Public Policy, sent an independent journalist, Dan Dicks, from "Press for Truth", a defamatory email about me. This journalist forwarded that email to my client, Action4Canada, concerned about the defamatory tone of the email. The email indicated that the Canadian Society for the Advancement of Science in Public Policy had filed their statement of claim, but then made defamatory remarks against me and the case filed by me, asserting that the Defendants had brought their case first and therefore would have "carriage of the matter", and then asked to assist them in soliciting donations on their behalf for their legal proceeding for their case. Attached, as "**Exhibit L**" is a copy of that email.
26. On January 29, 2021, I received a letter from Ms. Furtula indicating that she represented the Canadian Society for the Advancement of Science in Public Policy, that she had filed on behalf of her client(s) and therefore I could not file any proceedings on behalf of my clients because they were filing a class action. I indicated to Ms. Furtula that my clients were **not** filing a class action.
27. On February 3rd, 2021, I responded to Ms. Furtula's letter indicating that her client did not have exclusive monopoly to litigation against the Crown. I also, in the same response, issued a warning to Ms. Furtula about Mr. Warner's defamatory conduct against me. Attached, as "**Exhibit M**", is a copy of both Ms. Furtula's letter of January 29th, 2021, as well as my response of February 3rd to that letter.

28. From January 2021 onward, the Defendants, Kipling Warner, his organization Canadian Society for the Advancement of Science in Public Policy, and his associates from the Canadian Society for the Advancement of Science in Public Policy, including Dee Gandhi, continued to defame me to my clients, and others.
29. In or around June, 2021, the Defendants posted defamatory content about me on the Canadian Society for the Advancement of Science in Public Policy's webpage, which content disparaged me, and made further defamatory comments about me and the legal action(s) for which I had been retained. As a result, my clients, Action4Canada and VCC, began receiving messages from their donors concerned about the Defendants' statements. Attached, as "**Exhibit N**" are some of those comments on their website.
30. On August 17th, 2021, I finalized and issued the Action4Canada, et al, Notice of Claim (Statement of Claim) in the British Columbia Supreme Court. This claim was on behalf of various Plaintiffs, Action4Canada being one, in British Columbia Court File No.: BCSC NO. VLC-S-S-217586.
31. From August to Christmas, 2021, the Defendants in the Action4Canada Claim, dragged their heels over whether they would accept service for various Ministries and officials and requested an indulgence past the normal 30-day deadline, to respond, which I granted. They also indicated that they wished to bring an application (motion) to strike. I asked that they do so as soon as possible, under the instructions of my clients.
32. By Christmas day, 2021, the Defendants had not brought their motions to strike. Over Christmas, I became very ill. On December 25th, 2021, I was bed-ridden. On January 2nd, 2022, I was admitted for a critical illness to the ICU in hospital, in Toronto.

33. After being admitted to hospital on January 2, 2022, I entered a very serious and life-threatening 12-day coma during which coma I came, three (3) times, under a minute from being declared dead. Through the grace of God, I survived. On or about January 13th, 2022, the Defendants, in British Columbia Supreme Court file no.: VLC-S-S-217586, brought their motions to strike returnable February 22, 2022. Meanwhile, while I was in a coma and incapacitated under s.37 of the *Law Society Act*, I remained in a public hospital until my discharge on January 22, 2022. When I was no longer critical, but still acute, I was immobile and still required one-on-one nursing and acute medical care, 24 hours a day. I was discharged as a patient from a public hospital and I transferred myself to recover in a private medical setting with 24/7 care, on January 22nd, 2022.
34. I did not return home until March 2, 2022, to continue recovering.
35. The motion to strike, which had been set for February 22, 2022, in British Columbia, was adjourned by my office to May 31st, 2022 in the hopes that I would be sufficiently and competently capable of arguing the motion to strike via zoom-link. I was granted permission to appear by zoom-link and argued the motion on May 31st, 2022. The motion(s) to strike were heard on May 31st, 2022 and the Court reserved its decision. Thus, despite my severe illness, the case went from filing the claim to arguing the motion to strike in nine (9) months.
36. While I lay in a coma, in January, 2022, the Defendant Kipling Warner was conspiring and encouraging Donna Toews (aka "Dawna Toews") to file a complaint against me with the Law Society of Ontario.

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37. On January 15th, 2022, Ms. Toews filed her complaint to the Law Society of Ontario, which was forwarded to me on May 19th, 2022. The complaint alleged that I “misled” and “failed to act with integrity” because Ms. Toews, who had allegedly made a \$1,000 donation, “in her husband’s name”, to my clients, VCC and Action4Canada, to support their litigation, had not been personally apprised and updated by me, as well as not been invited to those organizations’ members-only meetings, and complained about the pace of the litigation, notwithstanding that:

- (a) Donna Toews (aka “Dawna Toews”), has never been a client of mine;
- (b) I have never met with, been contacted by, nor ever had any communications with Donna Toews (aka “Dawna Toews”),
- (c) I have had absolutely no role in my client’s (organization) nor organizational structure and not privy to my clients’ fundraising efforts nor how they spend their money apart from my legal services;
- (d) I have no role in organizing any of my clients’ members-only meetings.

I state that the substance of the complaint by Donna Toews (aka “Dawna Toews”), directed and encouraged by Kipling Warner, simply parrots the defamatory remarks made by the other three co-Defendants. Attached, hereto as “**Exhibit O**”, is a copy of the complaint, dated May 19th, 2022. Attached as “**Exhibit P**”, is a copy of my response, dated June 29th, 2022. Attached, as “**Exhibit Q**”, is a copy of the Law Society’s response dated September 12th, 2022, my reply email and the follow-up from the Law Society of Ontario, dated December 7th, 2022.

- **Donna Toews (aka “Dawna Toews”) and Kipling Warner**

38. While in hospital and in a coma, which was widely publicized (in fact false obituaries claiming I was dead emerged and are still online), Kipling Warner was in communication with Donna Toews, via email, on how to make a complaint to the Law Society about me.
39. Kipling Warner had also communicated with Alicia Johnson, which is set out in the affidavit of Alicia Johnson, filed in the within motion record. Kipling Warner, in discussions with the President of VCC, Ted Kuntz, insisted that because he (Kipling Warner) “filed first”, that the Action4Canada British Columbia claim, which VCC supported, had to be withdrawn, and all donations to Action4Canada be returned, with the implication that the donations be forwarded to him, Kipling Warner, to support his litigation instead.
40. Mr. Warner, furthermore continued to make defamatory statements against me on CSASPP’s website, <https://www.covidconstitutionalchallengebc.ca>.
41. I state that the Defendants, Mr. Warner and Mr. Gandhi, personally, in their email to my client, and through their Canadian Society for the Advancement of Sciences in Public Policy website, <https://www.covidconstitutionalchallengebc.ca>, uttered and published defamatory statements against me, conspired against me, and interfered with my solicitor-client relationship and economic interest and conspired, and in fact induced breach of contract with my clients, vis-a-vis my practice, namely:

(a) In his email to an independent journalist, dated February 1, 2021, Mr. Gandhi wrote, as follows:

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Hope you are doing well. I just wanted to update you on the fact that the Canadian Society for the Advancement of Science in Public Policy (CSASPP) has filed their pleadings against the Crown and Bonnie Henry (Provincial Health Minister) as of Jan 26th, 2021. Please see link: <https://www.scribd.com/document/492237670/Notice-of-Civil-Claim>
You are welcome to share this with anyone and everyone.

This is our certificate of Incorporation :
<https://www.scribd.com/document/492256545/CSACPP-Certificate-of-Incorporation>

Now that we have started the litigation process, we are still in need of Funding. Action 4 Canada has still not filed with Rocco. **Legally at this point Rocco can't really file in BC anymore. The case law is that for class actions, it's the first to the court house that generally has carriage of the file. If you would be so kind to share with everyone so to help the cause.**

<https://www.gofundme.com/f/bc-supreme-court-covid-19-constitutional-challenge>

this might interest you further.

Here are some talking about regarding Action 4 Canada and Rocco

(1) Rocco isn't licensed to practice here in BC. can always be retained in Ontario and in turn retain counsel in BC. But then you are paying for two law firms. You can verify that he is not licensed to practice here in BC at this page:

<https://www.lawsociety.bc.ca/lcbc/apps/lkup/mbr-search.cfm>

(2) The lawyer Rocco wishes to retain here in BC is named Lawrence Wong. He specializes in immigration law. He was sanctioned in 2010 for his conduct by a Federal Court judge and fined. See for yourself:
<http://canlii.ca/t/2bz73>

(3) A Federal Court judge wrote in his judgment a few years ago that Rocco was found to have excessively billed for his time:

<<http://canlii.ca/t/gfl0p#par7>>

(4) The same judgment questioned Rocco's competency in constitutional law:

<<http://canlii.ca/t/gfl0p#par9>>

(5) Rocco is not a "constitutional law" lawyer. There is no such

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professional designation in Canada, nor in particular in BC. That's not to say, however, that a lawyer cannot have an area of expertise like personal injury, strata, mergers and acquisitions, class actions, and the like. But in Rocco's case his area of expertise is tax law.

<<https://tgam.ca/3n8Zuyo>>

(6) Every lawyer I know that has reviewed **Rocco's Ontario pleadings said it was very poorly drafted. It will most likely get struck and never make it to trial to be heard on its merits.** The reason being is he brings in all kinds of other topics that aren't necessary (Gates, 5G, vaccines, etc.) to obtain the order that he wants. This is how it likely would be struck:

http://canlii.ca/t/8lld#sec9_5

(6) Rocco wants far too much money to get started. This seems in line with (2);

(7) Nothing has been accomplished in Ontario since Rocco filed around six months ago. The defendants haven't even filed replies, despite the option to apply for a default judgment being available for the majority of that time;

(8) Even if he won in Ontario, it wouldn't have any direct bearing on us here in BC because health care is under a provincial mandate under s 92(13) of the constitution. In other words, the Ontario Superior Court of Justice has no jurisdiction over what cabinet ministers do in BC.
See:

<<https://bit.ly/2Li6Baw>>

(9) We are (CSASPP) a non-profit, non-partisan, and secular society. We are legally required to have a certain level of accounting controls and transparency

Thank you Dan, and I look forward to your response and your help.

(b) In or around June 2021, the Canadian Society for the Advance of Sciences in Public Policy, Mr. Kipling and the other directors of the Society, posted the following "questions" and "answers", post, about me:

13

Are you affiliated with Rocco Galati? If not, why?

We receive communications regularly from Mr. Galati's past donors with concerns. We are asked what became of the substantial funds that the community raised for him or his third-party fundraising arms. We do not have any information, were not involved in raising funds for either, nor did we ever seek to retain Mr. Galati. If you have concerns about his conduct, any member of the general public can submit an electronic complaint to the Ontario Law Society to initiate a formal investigation.

We are not affiliated with Mr. Galati. There are many reasons.

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.

We were advised directly by Mr. Galati 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.

A Federal Court judge noted in his reasons for judgment that some of Mr. Galati's billings were "excessive and unwarranted" in a separate proceeding. The same judge declined to award the full amount sought by Mr. Galati for his legal fees in that constitutional proceeding. The outcome has been discussed by other lawyers.

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. **According to Mr. Galati, he studied tax litigation at Osgoode Hall. The Globe and Mail reported Mr. Galati "makes his money from doing tax law, not constitutional cases."**

Mr. Galati filed a COVID-19 related civil proceeding in the Superior Court of Justice in Ontario on 6 July, 2020. To the best of our knowledge, as of 30 October, 2021, none of the twenty-one named defendants have filed replies, despite the plaintiff being at liberty to apply for a default judgment for the majority of that time. In an interview published 2 September, 2020, Mr. Galati claimed he intended to do his best to have an interlocutory mask injunction application heard

before the Christmas holidays of 2020. As of 11 June, 2021, we are not aware of any scheduled hearings and no orders appear to have been made.

Attached, as “**Exhibit R**”, is a copy of Mr. Warner’s (Society’s) website which still has this mounted.

42. Apart from the blatant false, untrue, and defamatory remarks in those publications, and apart from the blatant conspiracy to have members of the public make complaints about me on nebulous and unsubstantiated ground, those publications further mislead in that:

- (a) they blatantly assert that I am not an expert in constitutional law, standing on the specious razor's edge that “constitutional law” is not an area of “certification” under the Law Society of Ontario, notwithstanding that I have never claimed to be certified, as that term of art is understood under the *Law Society Act*;
- (b) that I had to hire Mr. Lawrence Wong in British Columbia because I am not called to the bar in British Columbia with the full and embarrassing ignorance that any lawyer called in any province can practice and litigate so long as a British Columbia lawyer is Co-listed on record which is a requirement of the British Columbia Court rules. This facilitation was made through agreements through the Canadian Federation of Law Societies. Mr. Wong has absolutely no role in the conduct of the case nor is he paid for being on record.
- (c) I was not “sanctioned” for over-billing my clients, the Defendants maliciously distort a case in which **I was self-represented**, and successful in the case (**the Nadon Reference**), and in which I was seeking Court costs, which were not fully granted. This is a far cry away from the intentional distortion of the Defendants;

(d) I did not advise the Defendants anything, let alone that I wished to retain Mr. Wong;

(e) And while they have “no information” of wrong-doing, they encourage the public, if they have “concerns”, to report me to the Law Society.

43. In fact, as recently as this month, Mr. Warner, in conversation via phone text messages, with a British Columbia lawyer, Mr. Lee Turner had this to say, in the process of similarly and unjustly trashing another solicitor, Mr. Peter Gall, where KW is Kip Warner and LT is Lee Turner:

KW: Update: As predicted, Peter Gall is a total waste of time and money. His application for document production in our health care workers' petition was just tossed by Justice Coval. I will upload judgment as soon as I can.

Update: 1 March, 2023: News on Class Action, Injection Passport, and Health Care Workers Suits

<https://www.covidconstitutionalchallengebc.ca/status-updates>

LT: It's unfortunate that you took most of your time to criticize Peter Gall. I think your criticism was misdirected.

KW: I think your political correctness is misdirected. Remember that you also defended Rocco Galati.

LT: Kip I dont know how suggesting we shouldn't be attacking each other when the court is the one deserving of criticism is politically correct. I read the decision. Your arguments were rejected also. I didn't see that explained in your update. I wish you all the best and hope you succeed. As I do for everyone else who has the courage to stand up for truth and freedom.

KW: We didn't have arguments Lee. I already told you that. You already said you didn't watch any of the hearing. Go and order transcripts and read them for yourself.

We are all being attacked when we're being robbed by Rocco's marketing arms. Rocco is a serial con artist and fraudster. Peter Gall is not as bad, but he is a grifter. The nurses are livid with him. Actually, so was Justice Coval. I

think you'd do well to go and read the transcript, or at least listen to the DARS record.

And even the arguments Peter made weren't even really his. They were his junior's.

LT: I strongly disagree with your character assassination of them. I have spoken extensively with both of them. You need to get your facts straight before you defame someone.

KW: Which facts are wrong about Rocco?

LT: Everything you said.

KW: Be specific. Tell me what specifically on our FAQ is false about him.

<http://www.suebonnie.ca/faq>

Go and look and tell me.

Can you name a single important case that he has won?

Can you tell me how many times he has been investigated by the Law Society of Ontario? Can you tell me if any of those complaints were instigated by the LSO itself?

Maybe you missed reading the rulings, but he's had two judges now in only a year, one at BCSC and another at the federal court describe his work as "bad beyond argument". <https://canlii.ca/t/jvq68#par52> <https://canlii.ca/t/jrnlm#par45>

We get complaints weekly, sometimes daily, from former Rocco donors and affiliates alleging fraud, bad faith, and other irregularities.

Attached hereto, as "**Exhibit S**", is a copy of an email sent to me, from Mr. Lee Turner, setting out the text communication between Mr. Warner and Mr. Turner, provided to me by Mr. Turner, dated March 2nd, 2023.

44. With respect, Mr. Warner is under the impression that he has a say on how other private lawyers act on their own private clients' instructions, in the course of the constitutionally protected solicitor-client relationship, and conduct of their litigation. This all based on his incantation of social media posts, and his own orbiting postulations, of what is happening

with litigation he neither is privy to nor is any of his business. Furthermore, he is under the embarrassing misunderstanding that I am spending “public funds”. Both

(a) the Constitutional Rights Centre Inc, (“CRC”); and

(b) Rocco Galati Law Firm Professional Corporation;

are both **private** entities and, with respect to the CRC, the reason for that is evident on the mission statement itself attached as part of “**Exhibit T**” of this affidavit. Lastly, based on no concrete evidence nor information, Kip Warner has no problem uttering vile defamation, that I am incompetent, not a constitutional lawyer, unable to “practice” (litigate) without doubling the costs and that I am a “serial con artist, and a fraudster” and claim protection under *s.137.1* of the *Court of Justice Act*.

45. Both as a result of Mr. Warner's and his organization written and oral defamatory remarks of me, I have received vile, hostile, and violent threats over my representation of Vaccine Choice Canada and Action for Canada, as a result of Mr. Warner and “Canuck Law” and Ms. Alexandra Moore, whom Mr. Warner sites for support, in his affidavit, for his conduct, notwithstanding that Ms. Moore has posted, on her website scandalous defamatory remarks, which include racist and anti-Semitic comments directed at me, for which I was regrettably compelled to commence an action against her and “Canuck Law”. I say regrettably because I would prefer to practice law rather than have to take action against 3rd-parties who are severely interfering with my law practice, and clients, on defamatory and racist basis. Attached hereto, as “**Exhibit U**” is it copy of the statement of claim against Canuck Law and Ms. Moore. As far as I know neither Ms.

Moore nor Canuck Law, as an organization, have any legal training nor are licensed as legal professionals. The same holds true for Mr. Kip Warner.

46. Because of Mr. Warner, and Ms. Moore, the support for the CRC, which relies on donations to do all its work, has had its donations virtually obliterated.
47. The CRC went public with its website in September, 2020. Prior to launching its website, the CRC did not solicit nor receive donations but acted on the **pro bono** services of both its Directors and others. Since launching the website, the CRC donations profile went as follows:

- (a) in the first four months, September to December, 2020 it received \$ 179,505.00;
- (b) in 2021 it received \$786,706.00, progressively tapering down, monthly, following the Defendants' defamation and tortious conduct against me.
- (c) in 2022 it received \$43,878.00.
- (d) as of to date, 2023, it has received \$4,537.00 which is 53% less than 2022.

Attached as "**Exhibit V**" are CRC's income and expense statements as well as a CRA notice of assessment for 2020, attached as "**Exhibit W**" are the same documents for 2021. Attached as "**Exhibit X**" is the PayPal total for 2022 (as tax returns have not yet been filed). Attached, as "**Exhibit Y**" is the PayPal total to date in 2023. PayPal is the sole vehicle of donations for 2022 and 2023.

48. The actions, defamation, online harassment, inducement of breach of contract, interference with economic interests and conspiracy, of Canuck Law started on October

20th, 2020, and continue to this day, despite the action against it on September 16th, 2020.

In its posts, Canuck Law accuses me of;

(a) “not having the public interest at heart”, that he should be “looked into”, that he “isn’t given the entire story”. Canuck Law call lawyers “scum”, and imply that I am also “scum” too because I am a lawyer. Canuck Law repeatedly suggest that “Rocco Galati is not doing anything” or isn’t working on his lawsuit thus alleging professional misconduct and incompetence. Furthermore, by explicit language Canuck Law falsely states over and over, that Rocco Galati is not “Canadian” but a “foreigner meddling in our affairs”, by express terms and innuendo imply that I am a terrorist, and shares terrorist ideology. Moreover, by expressed terms and innuendo the Canuck Law accuses Rocco Galati of:

- (i) Violating the rules of professional conduct for a lawyer;
- (ii) Being immoral;
- (iii) Being a fraud;
- (iv) Being a subversive foreigner;
- (v) Taking on cases not to earn a living, but rather for unethical or illegal reasons;
- (vi) Operating secretly and, by innuendo, of supporting terrorists, or of being a terrorist himself;

(vii) The Defendants further misstate the facts in the case of *Horace* who was murdered before the case was finalized;

(viii) The Defendants suggest that *Comer* case was rigged to lose by Rocco Galati;

(ix) The Defendants state that Rocco Galati, as a Director of the Constitutional Rights Centre Inc., shares terrorist ideology.

Kip Warner relies on this website for justifying his actions and conduct against me.

49. Mr. Warner commenced his defamatory remarks in June, 2021.

50. On August 9th, 2021 Canuck Law ran a piece on its website by a “Ronnie”, and:

(a) In these defamatory and malicious statements, Canuck Law accuses me of “not having the public interest at heart” and of actually actively working against public interests. Moreover, by expressed terms and innuendo Canuck Law defamatorily accuse me of:

- Being controlled opposition, and presenting a false persona;
- Actively working against Canadians;
- That the July 6, Statement of Claim is a bogus lawsuit;
- That I am is “racist” against white men;
- That I lost several cases on purpose, so as to subvert the interests of Canadians;

- That donations to the Constitutional Centre will go toward Mr. Galati's private clients;
- Violating the rules of conduct of his profession;
- Fraud;
- Being a subversive foreigner;
- Taking on cases not to earn a living, but rather, insinuating by innuendo, for unethical or illegal reasons;
- Operating secretly and, by innuendo, of supporting terrorists, or of being a terrorist myself.

51. Many donors have called, left voicemails, and sent emails to my office indicating that they were no longer donating because of what Mr. Warner and his "Society", and Canuck Law, posted.
52. The CRC is not a law firm but an advocacy and support centre, which has been in existence since 2004 and assists with all constitutional matters, not just COVID-19 related allegations. It in turn supports, financially, other lawyers who are on record for clients who need support including, but not exclusively, my law firm. Thus, the actions of the Defendants have not only financially damaged the CRC, but me as well, both through reputation as well as financial loss. Moreover, it has seriously damaged the clients we all represent. Furthermore, the CRC provides informational support, and produces informational videos, at no charge. We speak at universities, colleges, and high schools when requested. Due to Kip Warner and Canuck Law the CRC has ceased posting about its activities to shield lawyers who work with the CRC and their clients from attacks. Kip Warner's defamation has resulted in a self-censorship and has had a chilling effect on the

CRC's expression not the other way around. Mr. Warner, and his Society, and Canuck Law, have not been chilled, they continue to publicly hurl false, untrue, and viscous defamation.

- **Response to the Affidavit of Kipling Warner**

53. With respect to the affidavit of Kipling Warner, I respond, in addition to what is set out above in my affidavit, as set out below.
54. With respect to paragraphs 1-5, 7-13, 16-29, and 35-42 of his affidavit, I have little to no knowledge, nor do I care. I have never met, nor spoken, nor directly communicated with Mr. Warner whatsoever, whether by phone, e-mail, letter, nor social media. I did communicate with his legal counsel, Ms. Furtala as set out in earlier in my affidavit. I further reserve the right to fully cross examine on these paragraphs, and the entirety of his affidavit.
55. With respect to paragraph 6 of his affidavit Mr. Warner gives no hint of what "members" of what "community" approached him and why.
56. With respect to paragraph 14 of his affidavit I have no idea what he means by "hyperbole and speculation", with respect to his litigation strategy and, again, and in any event do not care because he can conduct his, and his Society's litigation as he sees fit, as he has a right to do so. This is a right he does not accord others who wish to litigate with any strategy different from his.
57. With respect to paragraphs 30 and 31 of his affidavit, I respond with a "so what", except to say that Mr. Warner had a "split decision" on standing. He correctly conveyed it as a

win on the standing that was achieved, rightfully so. However, he does not accord the same view to others, such as my client's decision in **Action4Canada** or **Adelberg, et al. vs HMTK, et al.** In **Action4Canada** the Defendants requested the dismissal with prejudice without leave to amend. This was denied by the Court. The claim was struck **with leave** to amend. The case is on appeal in the British Columbia Court of Appeal with the amended claim on ice pending disposition of the Appeal. In **Adelberg** the Federal Court struck, with prejudice, the claim against the Federal "core administration" Federal workers stating that they had to follow the labour dispute resolution mechanism. It struck the whole claim but allowed the remaining 240 employees of **Federally regulated**, non-government employees, to amend and continue with respect to challenging the same COVID-19 measures and seek damages.

58. While Mr. Warner, or anyone else for that matter, has a right to think and express criticism, he cannot cross the line into personal, false, and defamatory attacks based on any win/loss analysis of litigation, particularly on a distorted, selective, and false one at that.
59. With respect to paragraph 34 of his affidavit, while Mr. Warner sets out that "2,000 individuals have donated \$367,243.00 to his litigation fund, where he was defaming me on his website and states that I am one asking for "too much money" (without evidence or particulars), he and his colleagues further went on to say that it should not take more than \$10,000 to run a case in Court and that the problem was "greedy lawyers". Mr. Warner conveniently has one standard for himself, and other vague and baseless ones for the part of his universe not to his liking, and defames in the process.

60. With respect to paragraph 43 of Mr. Warner's affidavit he is mistaken on his assumption that Action4Canada singularly exists to challenge the COVID-19 measures, but rather is but one of its **raison d'être** and it was in existence prior to the arrival of the COVID-19 pandemic and was, and continues to be, active in activities as legal initiatives completely devoid of the COVID-19 measures. Furthermore, with respect for paragraphs 44 – 49 of Mr. Warner's affidavit, his gleaning of social media, and posts from social media and CRA filings, jumps to inaccurate and distorted conclusions and inferences that the \$208,838 filed, is strictly for Action4Canada litigation and, moreover a matter over which he has no knowledge, nor has any right to know, as a matter protected by solicitor-client privilege with respect to how, and on what legal matters, this money was spent on.
61. With respect to paragraph 50 of his affidavit, this paragraph is a disingenuous rationalization of the loss that was actually mounted on the Defendants' website in that the post goes way beyond their rationale and into gross, defamation and innuendo that I am a "dishonest", "greedy lawyer" asking for "too much money" and should be able to do the case, all in, for \$10,000, which Mr. Warner knew, or ought to have known, is neither true, fair comment, nor responsible publication. This post is also tainted and soiled with his other attempts, and (attempted) and actual conspiracies to want to see me fired, criminally charged and disbarred, by my own clients.
62. With respect to paragraph 51 of his affidavit, I respond in subparagraph kind by stating:
- (a) action4Canada's views on various topics have nothing to do with my action against the Defendants herein, and is further, irrelevant and simple mudslinging;

- (b) Mr. Warner recklessly and without proper investigation, relies on Canuck Law and its false and untrue statements. On September 7th, 2021, I commenced legal action against Alexandra Moore (who runs Canuck Law) for the racist and anti-Semitic videos and articles posted against me, as a Calabrian Jew, and stating such things as: that I have no right to litigate in the Courts because I am “not a Canadian” but a “foreigner”, born in Italy, and not a Canadian citizen, nor could I ever be, notwithstanding I came to Canada in 1966 and have been a citizen since 1972 with my father on his, and my own behalf, relinquishing Italian citizenship in exchange for Canadian citizenship; for stating that I am “controlled opposition” and do my cases just to loose them, and produce two articles by “Ronnie”, making up depraved statements and innuendo that I am a descendant of the “Jewish Cabal” [sic] and inner circle controlling the world in the lineage and tradition of Karl Marx, Trotsky and Adolf Hitler: At the CPC scheduling date held on October 12th, 2022, Mr. Warner's anti-slaap motion scheduling was on the same list as my claim against the LSO which references the Canuck Law defamation and slander. When I suggested and requested for the Court that both be heard together because of the similarity, Mr. Gleason on behalf of Mr. Warner vigorously opposed, stating that the two cases have nothing to do with each other yet here is Mr. Warner relying on Canuck Law and its postings to better his “fair comment” and “truth” about me.
- (c) With respect to this posting Re. Action4Canada fund raising, I have explained earlier, I am not responsible nor have any role in Action4Canada except as independent legal counsel, on retainer;

(d) with respect to this Canuck Law post, I repeat and rely on my comments above in sub (b) above;

(e) with respect to the CBC article cited by Mr. Warner, he chooses to leave out the fact that CBC also indicated that I **denied** that the Constitutional Rights Centre has anything to do with “Enable Air”, and that the CRC received **no** donations from Enable Air. Attached as “**Exhibit Z**” is a copy of the Global News as well as CBC articles with respect to this, which states: “Enable Air.com advertised that 50 percent of “post-administrative fees” will be donated to Galati and the Constitutional Rights Centre, an organization he founded. **However**, Galati told the CBC he had no connection to the website”. In fact, I told the CBC much more: that I did not know Dr. Goddard who ran Enable Air, never spoke to nor communicated nor ever met him and never received personally nor through the CRC any money from Enable Air or Dr. Goddard. In fact, I reported them, made a criminal complaint against them to the RCMP;

(f) (g) Again, social media chatter about what others think about any piece of litigation is **NOT** justification, nor a legal defence to defamation, conspiracy, and direct interference with economic interests, and inducing breach of conduct, in the targeted fashion Mr. Warner and Canuck law has obsessively treated me;

(h) With respect to the Western Standard article cited, I repeat that I never had anything to do with Enable Air, never got any donations from Enable Air, and furthermore it was **me** who made the formal complaint and request for an investigation by the RCMP referenced. Attached here to, as “**Exhibit AA**” is a

copy of my complaint to the RCMP with attachments, dated December 12th, 2021, with respect to Enable Air. Furthermore, this report cited by Mr. Warner, relies and states other falsehoods. It also quotes Vladislav Sobolev stating that he's openly questioned Galati at various rallies in Vancouver. I have **never** attended a rally with Vladislav Sobolev, let alone in Vancouver.

(i)(j)(k)(l) Again, social media, inaccurate and irrelevant chitchat. What is further to be noted about these (social) media posts is that they post-date the acts and defamatory statements in this action, made by the Defendants;

(m) Again, this Canuck Law post is more of the same for which Canuck Law been sued;

(n) (o) (p) (q) again posts which have nothing to do with this lawsuit or me;

(r) (s) Again, my answer is "So what"? The report sets out that I was compelled to remove myself from the record as I was still recovering from a coma and lengthy hospitalization. "I" did not file the notice of appeal, which was filed by my office as a protective measure for my clients prior to being removed. We also requested and obtained, for Dr. Gill and Dr. Lamba, a ninety 90-day extension from the date of the Court order, to obtain new counsel. Attached, as "**Exhibit BB**" is a copy of the Court of Appeal order.

(t) This contains more defamation, and online harassment from Canuck Law, singularly obsessed with personally attacking me with respect to my private practice, particularly after being sued by me, and having several Law Society

complaints by Alexandra Moore, against me and my staff, thrown out by the Law Society. Furthermore, in this subparagraph Mr. Warner, typically, through incantation, states:

“I understand that the Plaintiff represents, or represented each of Vaccine Choice Canada, Police on Guard, and Children's Health Defence (Canada).”

which is distorted, as I have never represented Police On Guard or Children's Health Defence.

63. With respect to paragraph 52 and the nebulous reference to queries from unspecified sources, I take objection to the use of the term of “Galati affiliates”. I am a lawyer, who is legal counsel to Vaccine Choice Canada and Action4Canada and an extensive number of other clients. Mr. Warner confuses his activist life and activities, which he has a perfect right to pursue, with my role as a lawyer. I do not have “affiliates” whatever he means by that other than what I surmise, in his own mind as “guilty by association” in his own mind as accuser, judge, and jury. Mr. Warner has **de facto** appointed himself LSO, Police, and arbiter of all litigation not his own.
64. With respect to paragraphs 54, 55, 56, and 57 does not explain as to why Mr. Warner did not simply post that he nor his Society, were in any way associated with me nor my clients, but went on, on this pretext, to spew false and defamatory comments at me, based, as he states in paragraph 58, on racist and anti-Semitic sources such as Canuck Law, as well as false and inaccurate (social) media stories. This further does not explain his various attempts, and expressions to others, to convince my clients to get rid of me

and his statements that he wanted to see me criminally charged and disbarred, as set out in the affidavits of Alicia Johnson, Sandra Sable, and Tanya Gaw.

65. With respect to paragraph 59 of his affidavit, Mr. Warner is arrogantly and destructively dismissive of the fact that I act on the instructions of my clients and that, shortly after the commencement of our action, the province enacted, by way of Regulation, masking exemptions which provided that anyone can declare an exemption, on very broad and liberal grounds, and was not required to provide any information or evidence to support that self-declaration of an exemption. Attached, as “**Exhibit CC**” is a copy of that Regulation. No injunction was necessary.
66. With respect to paragraph 60 of Mr. Warner's affidavit, his defamation that I am incompetent and dishonest shines in this statement as he is not privy to what funding I sought. Furthermore, I was not simply retained “to draft and file a pleading” but, on a flat fee, to conduct an action from beginning to end, including ancillary legal consultations and advice to my client, along the way. Moreover, Mr. Warner's allegation of what is sufficient, is the basis to the defamation of incompetence and dishonesty intended, and to inflict intentional harmful, tortious conduct on me.
67. With respect to paragraph 61 of his affidavit, Mr. Warner states that he conducted research, unspecified in time, whether it was post-facto to his tortious conduct, and knit-picks what he perceives as losses amongst my cases. He is myopic, selective, and very calculated in what he cites, while ignoring the preponderance of jurisprudence on which I have acted as legal counsel, at every level of Court in Canada, in various Provinces, as attached hereto above at “**Exhibit C**”. I state that these post-facto, calculated, engineered,

and extremely selective pieces of “research”, support and are further proof of his **mala fides**, absence of fair comment, and absence of responsible publication, and that they are false, intending to substantially damage my reputation as a lawyer and seriously harming me.

68. Even with the cases he cites in paragraph 60, his point is to cast aspersions on my legal competence and experience. Like any other competent lawyer, I am going to “win some and lose some”. Considering the number of cases I have litigated, and the particular examples Mr. Warner cites as a basis of his tortious conduct, this calculated anorexic selection is evidence that his defamatory statements were not true, nor fair comment, nor responsible publication, but simply fortuitous personal attack intended to injure, and laced with **mala fides**.
69. Furthermore, some of the cases, which were rulings on costs, Mr. Warner ignores the fact that, on **the merits were successful**, such as the **Nadon Reference (Galati v. Harper)**, which is a seismic case constitutionalizing the Supreme Court of Canada. Again, the only message these comments convey is that I am incompetent and dishonest.
70. Other cases, such as **Sivak, Wang, Da Silva, Comer**, were very complex processes of litigation in which the claims for damages were only part and parcel of the litigation, and overall strategy for a singular, ultimate goal and relief.
71. For example, the **Wang** decision was part of an immigration case that had simultaneous proceedings before the Refugee Board, private civil litigation on which I was **not** counsel in the Ontario Superior Court, and a **habeas corpus** application on which **I** was counsel. Wang and her husband, Mr. Yang, were subject to an immigration release which required

a **24-7 house arrest** scheme in which they were required to provide, and, pay about \$1.5 million a year or else be held in prison. I sued in Federal Court for damages and brought **habeas corpus**. Although the **habeas corpus** application in Superior Court initially was dismissed, on appeal to the Court of Appeal, the Court of Appeal issued a seminal and seismic ruling, agreeing with my argument that **habeas corpus**, in the immigration context, is a remedy available **even if the person** is not held in a custodial institution. Thus, along with the civil claim in Federal Court, this resulted in the government abandoning and entering into consensual terms that the house-arrest scheme be, in the main removed, thus resulting in saving of \$1.5 million per year, and resulting in substantial freedom for my clients pending resolution of their immigration status. Mr. Warner's selective comments on **Wang** are intended to defame and injure.

72. The **Sivak** case resulted in a settlement for 65 families who were undocumented illegal immigrants but were granted permanent resident status, notwithstanding their failed refugee status. The cases had started as applications for judicial reviews and were converted into an action on a successful motion brought by me. In the end the case, with the action for damages, as a collateral threat, was so successful that the government insisted on a sealed settlement agreement so that no other immigration lawyers would follow suit with their clients. Mr. Warner ignores this in order to harm and injure me and my reputation.
73. **Da Saliva Campo** was part of a larger litigation to establish a Federal Ministerial construction workers' program on behalf of tens of thousands of undocumented construction workers. A program which was subsequently executed because of this, and litigation I commenced on behalf of the lawyer who represented those workers before

immigration Canada, to grant amnesty to illegal construction workers. In spite of the eventual striking of the amended claim cited by Mr. Warner. In fact the lawyer's suit is still in the court and because of the media coverage and criticism of government as a result of those cases, illegal construction workers program was established with all the Plaintiffs in the **Da Silva Campo** claim obtaining permanent residence, who are the clients of the lawyer who represented them, and whom I still represent in his own lawsuit from the same program. Mr. Warner selectively ignores this in his comments because his intent is to damage my reputation and defame me. Moreover, he is reckless in his investigating of the facts, before publicizing this, embarrassingly intentional defamation.

74. Again, the **Al Omani vs. Canada** case was commenced while litigating a refusal of a Saudi national's permanent resident visa and that of his wife and children, after two successful judicial reviews, on specific and unsubstantiated allegations of national security risks. What Mr. Warner fails to spell out, is that following the filing of the statement of claim, Mr. Al Omani and his family were granted their visas authorizing residence in Canada, before the motion to strike was heard because his intent is not to engage in fair comment but defamation and slander.
75. Clearly, and with respect, Mr. Warner is, from the standpoint of being inside a locked bathroom, peeking outside through the peep-hole of the bathroom, and trying to survey the full contents of the living room, albeit not visible through the peep-hole, and then pretend that his vantage point gave him fair and truthful basis to defame me as to what was happening in the garden while still looking through the peep-hole of the windowless bathroom he is inside. While he cites less than a dozen motions in which pleadings were struck, with or without leave, he does not mention, of the 2000+ cases argued in my

career, and over 400 reported cases, any of my “wins”. Rather he dares Mr. Turner when he texts him as he states: “Can you name a single important case that he has won”? With respect, if all the research Mr. Warner claims to have done on me, and he could not find “a single important case I [sic] have won”, that I have to respectfully state that Mr. Warner’s only intention is to cast aspersions on my legal competence and experience and with what he knows, or ought to have known, is not true, fair comment, responsible publication or public interest, in that his statements reflect.

(a) Knowingly reckless research;

(b) Distorted intellect;

(c) Lack of honesty;

(d) Lack of integrity;

But is endowed with an abundance of;

(e) Intentionally delusional and dishonest analysis;

(f) **Mala fides**; and

(g) A clear intention to defame and injure me at any and all costs.

This he shares with Canuck Law and Alexandra Moore.

76. With respect to paragraph 63, 64, 65, 66, 67, 68, 69, and 70 of Mr. Warner's affidavit, Mr. Warner again, deliberately mistakes, falsities, and postulates, while standing on quicksand, in that:

(a) Mr. Wong is **NOT** my co-counsel in that he has absolutely no involvement in the conduct of the case, but his office merely is local counsel of record, as required under the British Columbia Rules, in order for the Court to have a local BC Lawyer to contact in the event it is required. His office also assists in serving and

filing and interacting with the Court registry when necessary and when materials cannot be exchanged electronically between Toronto and Vancouver. I do not know where Mr. Warner incants his assumptions. Mr. Wong does not bill me, nor the client, for any legal services on this case except the occasional out-of-pocket **disbursements** in effecting service and filing with the Court registry, which disbursements I would incur even if the case was in Toronto, or I were a local British Columbia lawyer ;

(b) Again Mr. Warner knit-picks a few instances of costs being awarded against Mr. Wong, which are irrelevant mudslinging intended to cast aspersions. Mr. Wong has been a competent and respected lawyer for over 35 years and highly regarded, particularly in the Chinese community which he heavily represents. I have known and, at times, worked with him, on public interest cases in the immigration context for over 25 years.

77. With respect to paragraph 71 of the affidavit: This comment is irrelevant and only intended to undermine confidence in me. The case is under appeal, with new counsel due to my coma and recovery therefrom, my former clients were not prejudiced in any way. This is more non-informative, irrelevant misleading, as a pauper excuse to engage in tortious conduct against me.
78. With respect to paragraph 72 and 73 of his affidavit, apart from Mr. Warner's obsession, fixation, and targeting of me and my practice, what is the point of this?
79. With respect to the **Adelberg** case and paragraphs 74, 75 and 76, it is also irrelevant and intended to damage my legal reputation. How is this any different from Mr. Warner's

“split” decision on standing for **his** Society? Attached as “**Exhibit DD**” to this affidavit is a copy of the Federal Court decision on the motion to strike. The **Adelberg** decision was a split one in result, it is also pending appeal to the Federal Court of Appeal. Attached as “**Exhibit EE**”, is a copy of the notice of appeal. The amended claim with respect to the Plaintiffs with leave to amend, is awaiting the disposition on the Court of Appeal ruling, before being served and filed.

80. With respect to the various processes of COVID litigation I have conducted on behalf of various clients, I attach the following results:

- (a) a failed, dismissed request by the government Defendants in *Sgt. Julie Evans et al. v. AG Ontario et al.* dated April 20th, 2021 attached as “**Exhibit FF**”;
- (b) a failed dismissed request by the government Defendants in *M.A. v. De Villa, 2021 ONSC 3828* school application in *M.A. v. De Villa, 2021 ONSC 3828*, Attached as “**Exhibit GG**”;
- (c) the decision of Justice Ross in the *Action4Canada et al.* action attached as “**Exhibit HH**”;
- (d) the decision of *Dr. Turek v. CPSO* attached as “**Exhibit II**”, where the Judicial Review (JR) application was procedurally not adjudicated for prematurity, pending any discipline committee referral, which had not taken place at the time of the Judicial Review. However **Turek** obtained a significant win wherein the Court determined that Policy Guidelines prohibiting criticism of Public Health Officials and moreover punishable on threat of removal of license, were not law

(binding), and thus mere opinion and not enforceable as “conduct” leading to sanctions;

(e) the decision of the Federal Court in **Adelberg et al. v. HMTK et al.** attached in above in “**Exhibit DD**”;

81. Contrary to Mr. Warner's irrelevant views that my COVID-19 cases have been losses and a waste of time and money, in fact my clients' satisfaction, views, and confidence in their lawyer is what matter. He only provides his opinions publicly and intentionally forgetting my clients and their support base in order to undermine their confidence in me as a lawyer. The results above put the lie to his assertion which is self-serving to fundraise for himself and, does not give him licence to use it as a basis to defame me, conspire against me, and interfere with my practice and economic interest, as well as induce breach of contract, and engage in online harassment of me and my clients. Mr. Warner and his “Society” target and focus on my clients instead of his own litigation. Attached, as “**Exhibit JJ**”, is a copy of his standing case in British Columbia in which he was denied standing in a split decision, dated May 4th, 2022. Attached as “**Exhibit KK**” is a decision by Mr. Chief Justice Hinkson where he and his Society “Lost”, in **CSAASPP v. BC** dated September 12th, 2023. Also attached as “**Exhibit LL**” is a Decision of Justice Corval, in **CSAASPP v. B.C** dated February 28th, 2023. Also attached as “**Exhibit MM**” is the decision of Mr. Justice Bennett of the Ontario Superior Court, and includes a thorough canvassing of the “COVID-19” cases. Justice Bennett points out that at a ratio of “20 to 1”, the Courts have ruled in the governments favour relying on judicial notice without evidence. So why are Mr. Warner and Canuck Law obsessed and targeting me and virtually never criticizing nor attacking any other lawyer(s) who “loses”, including

Mr. Warner's own lawyer(s). The answer is to defame and damage me. Analyzed in its proper context, Mr. Warner's "case", compared to mine, are a dismissal failure.

82. With respect to paragraphs 78-85 of Mr. Warner's affidavit, I state that:

- (a) the actions of Mr. Warner speak for themselves and reflect that people who read his comments see them as defamatory, as well as Alicia Johnson and Sandy Sable who have provided affidavits in the within motion record;
- (b) that the Law Society complaint against me, engineered by Mr. Warner, is set out in the complaint to the LSO and attached documents, including emails between Ms. Toews and Mr. Warner in which Mr. Warner or one of his co-conspirators, states, found at "Exhibit O" above in this affidavit,

Thanks for agreeing to help us help you recover your donor funds from Rocco. Rick informed me this afternoon you are amenable, but would like to remain anonymous.

I don't know if our lawyer Jonathan Reilly will think anonymity is possible, but I will ask him before relying on any information you provide.

The law society can likely investigate, and should investigate, both Action4Canada and VCC. In the mean time can you please email Rick and cc me under separate cover an email Jonathan can rely on. It should state the following: Who you are, the amount donated, to who, when, how, what you were told about how the funds would be spent, any inquiries you made to learn what became of the donation, and any substantive response received.

83. With respect to paragraphs 86-93 of Mr. Warner's affidavit, what Mr. Warner conveniently omits, and thereby misleads the Court, in the following:

- (a) He deliberately omits to set out the involvement and details and context, as well as content of his conspiratorial role in the Law Society complaint against me by

Donna Toews, and what the role of the other two unknown individuals Johnathan Reilly and “Rick”, and others as well as the ex-treasurer of the Law Society, Mr. Gavin Mackenzie, involved in the Law Society complaint nor why they think that they are “to recover your donor funds from Rocco”, when I received **NO** funds from her;

- (b) Completely omits his interactions and attempts, through Alicia Johnson, to have my two clients Vaccine Choice Canada and Action4Canada dismiss me as their legal counsel, have me criminally charged for “financial fraud” and have me disbarred;
- (c) Fails to set out that Ms. Yvonne Coelho is a close friend of Mr. Warner engaging in online harassment against me and my clients;
- (d) While stating that his friend Vladislav Sobolev’s version of the conversation with Ted Kuntz is more reliable, neglects the **animus** Vladislav Sobolev holds against me for declining to represent him on his family law case **pro bono**, and Mr. Sobolev’s attempts in, through and on behalf of Mr. Warner, to Sandy Sable, who organized and assisted the “1st Responders”, from ignoring their vote to retain my firm, and instead “dump me for Kip Warner”.

84. With respect to paragraph 95 of his affidavit and Mr. Warner’s ilting statement that I have commenced this action “to mitigate his (my) declining brand image” I state that:

- (a) I do not purport to have a “brand image” I am lawyer who essentially, since 1990 have practiced law with integrity. I have no disciplinary record in the Law

Society, I restrict my practice to proceedings against the Crown, with a heavy emphasis and concentration on constitutional litigation. After 34 years of practice I continue, to have an unblemished record in that I have NEVER been brought before the Discipline Committee of the LSO; and

(b) I have been advised by my colleagues in the bar and the bench and do verily believe that I am admired for my willingness and ability to act on difficult and complex litigation. I have been recognized by, including through awards and acclamations, by my colleagues for excellence in advocacy.

(c) if my “brand image” is declining it is due to Mr. Warner's untrue, false, defamatory comments, and tortious conduct of Mr. Warner and “his affiliates” and the racist and anti-Semitic posts of Canuck Law, as well as their dogged on online harassment of me and my private practice. Which has caused substantial damage to my reputation and harm to me.

85. With respect to paragraphs 97-102 of Mr. Warner's affidavit, and my suit against the Law Society of Ontario, it speaks for itself. Attached as “**Exhibit NN**” is a copy of those pleadings. The action is for damages resulting from the Law Society operational bureaucracy requiring me, approximately **thirteen (13)** times over the course of approximately 19 months, to take note and/or respond to complaints of **non-client** third parties who object to my work on behalf of my clients, and respond to irrelevant, vile, racist and antisemitic points of view. As a lawyer of 34 years, without a **single** disciplinary hearing, or record, and as a former elected Benchers, and Law Society Tribunal (LST) member for four (4) full years, my sense of duty compelled me to take a

stand against the lack of screening, resulting in nauseating abuse. Mr. Warner may dream up and feign what he wants, it does not make it so, it is a matter before the Courts. The Law Society has a duty to competently screen and reject frivolous, baseless, and racist driven complaints **before they go to the lawyer for response**. That is why I commenced the action against the LSO. I attach some of the complaints to the LSO, with respect to my COVID-19 litigation, as follows:

- (a) **“Exhibit OO”**, Complaint from the “Two Butlers”, dated December 1st, 2020 (dismissed);
- (b) **“Exhibit PP”**, Complaint from Lindsey H, dated February 18th, 2021 (dismissed);
- (c) **“Exhibit QQ”**, 1st Complaint from Terry Polevoy, a Defendant in a case where I represented the Plaintiff, dated February 18th, 2021 (dismissed);
- (d) **“Exhibit RR”**, Complaint from Elana Goldfried, dated February 22nd, 2021 (dismissed);
- (e) **“Exhibit SS”**, 1st Complaint from Alexandra Moore, dated February 18th, 2021 (dismissed);
- (f) **“Exhibit TT”**, 2nd Complaint from Alexandra Moore, dated August 3rd, 2021 (dismissed);
- (g) **“Exhibit UU”**, 2nd Complaint from Terry Polevoy, dated February 4th, 2022 (dismissed);

(h) **“Exhibit VV”**, Complaint from Franca Lombardi, dated February 4th, 2022
(dismissed);

None of these individuals were ever my clients. I had no prior dealings nor communication, nor met any one of them whatsoever.

86. Also attached, as **“Exhibit WW”** is my “notice”, through my responses to the Law Society, as the proverbial “last straw that would break the camel’s back”. Upon ignoring me, and forwarding me the Toews complaint, I commenced action against the LSO.

87. Alexandra Moore’s (Canuck Law) also complained about my junior lawyer, Samantha Coomara twice, which were both dismissed by the LSO. The point of the action is that the LSO owes a duty to lawyers to adequately and thoroughly vet “complaints”, support for which action is evidenced by other eventual dismissals.

88. Again, this is not Mr. Warner’s business but he has taken it upon himself to act as the:

(a) Law Society of Ontario by defaming me as “dishonest”;

(b) LPIC, by defaming me as “incompetent”;

(c) Law enforcement officials by defaming me as a “serial con artist and fraudster”,
and by trying to draft others to lay charges against me, or have me disbarred or fired.

Finally, his conduct, if not corrected by the Courts as falling outside the protected realm of public interest, brings the administration of the legal profession and justice into disrepute. Such conduct has no public interest. In fact, it is antimetrical to public interest

in deliberately targeting and attacking a lawyer for representing the interests of his clients, on his clients' instructions, and satisfaction and confidence. Mr. Warner's only interest is to see that I, as a lawyer, endure the baseless stigma of "unprofessionalism", as well as suffer financial loss.

89. With respect to paragraph 103 of Mr. Warner's affidavit I state that:

(a) this lawsuit is not a "take the offensive" lawsuit. I have no interest in Mr. Warner nor his "Society". I have never initiated contact with him or his Society, for which I have never, nor will ever have, any need or desire. This action is necessary to prevent his interference with my solicitor-client relationship, my legal practice, my career and my reputation and to seek relief for the serious harm and damages caused by Mr. Warner. Along with his intentionally tortious conduct, as documented in the affidavit evidence in my motion record, to injure, jail, disbar, and affect demise on my practice, period. This lawsuit is required for Mr. Warner to cease and desist his tortious conduct as he failed to do so after a warning.

(b) I do not seek to "undermine the Society's efforts" to my benefit. I have no interest in him or his Society. He has no evidence to the contrary. I have had an extremely successful practice since my call to the bar in 1989, long before the "Johnny-come-lately" arrival of the Society Mr. Warner created in 2021. I simply want Mr. Warner and his "affiliates" to stay out of my life, and leave me alone with respect to my private practice in representing my private clients and cease and desist from damaging my reputation and to prevent further harm and damages. .

90. With respect to paragraphs 104, 105, and 106 of Mr. Warner's affidavit I state that:

- (a) he brought this action unto himself by failing to cease and desist after being cautioned and put on notice in writing;
- (b) he has yet to remove any of his defamatory remarks about me from his website and as recently as early December, 2022, he continues to make defamatory comments, unaffected by this litigation. He appeared on a Facebook and YouTube video in which he states, at the 4:42 minute mark of the video.

“Only sometimes daily at least weekly from those who have contributed to a parallel campaign various fund raising or marketing arms if you will of Mr. Rocco Galati. and while we never sought to engage him and we never donated to his campaign we've had very little interaction with him.

We have been receiving complaints for an extended period of time and initially we paid very little attention to them because it's not directly related to the business we have at hand, however these kept on going on for quite some time and the allegations vary but the general substance of them is a substantial amount of money was raised for a COVID-19 related litigation and for whatever reason little if anything ever transpired as a result of that we're obviously not a public regulator or not the police, we are not in a position to really do anything about that but in response to all those inquiries we did put up an FAQ making it clear that we're not affiliated with **Mr. Galati** because there were concerns that we might have been a marketing for **fund raising arm for him** but we have absolutely nothing to do with him.

Well, there are a number of different proceedings or action/suits whatever you want to call them that were commenced by Mr. Galati I'm only aware of one hearing one substantial hearing that ever took place for covid related litigation after one of **one of Mr. Galatis marketing arms here in British Columbia** and that hearing a believe was to have the preceding struck for having violated the rules of court and I believe that application was successful.”

and in which video he has images of me while he states the above. I state that this is yet, a continued, feigned, excuse to continue the defamation and injury to me

because the statement is false, as set out in this my affidavit, and the affidavits of Alicia Johnson, Sandy Sable, Tanya Gaw, and Ted Kuntz.

- (c) It is clear that, his continued online harassment of me, has **actually** benefited him by destroying my own donor base for the CRC, while correspondingly benefiting Mr. Warner. As such his statements are a classic case of a Freudian projection.
- (d) Except for filing this action, neither I, nor my clients have responded in kind to Mr. Warner and his Society, nor engaged with him. He has produced no evidence that there is any public interest or fair comment/discourse.
- (e) He further refers to me as a “serial con artist and fraudster,” who is “robing him”[sic], to other members of the bar.

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

- 91. With respect to the affidavit of Donna Toews, I respond, in addition to what is set out above in my affidavit, as set out below.
- 92. With respect to paragraphs 3-7 of Ms. Toews affidavit, I have no knowledge, as I have no role in Vaccine Choice Canada, except as independent legal counsel. Her concerns addressed in those paragraphs were addressed by Mr. Ted Kuntz, president of VCC , in response to her complaint to the LSO . Attached, as “**Exhibit XX**” is Mr. Kuntz’s response.

93. Ms. Toews gives no hint or sheds no light as to why she thought that I was the one who owed her answers with respect to her donations to VCC or Ms. Gaw, on behalf of Action4Canada.
94. With respect to paragraphs 10-16 of Ms. Toews I respond that:
- (a) Ms. Toews did **not** make a donation to my legal fees as she asserts in paragraph 16 of her affidavit, her donations were not sent to Rocco Galati Law Firm Professional Corporation, they apparently were sent to my clients both of whom have varied activities and programs which have nothing to do with litigation. I do not know, nor should I know and care on how they produce their valid and legal donations and spend them;
 - (b) Ms. Toews also does not offer a hint nor shed any light, on how Mr. Warner, and Mr. Gavin Mackenzie, a lawyer and ex-treasurer of the Law Society, nor Johnathan Reilly or “Rick”, came into her life, and picture, in the context of the obvious commandeering of the complaint against me by Mr. Warner;
 - (c) Ms. Toews does not indicate if and when she requested a refund of her donation to VCC and Action4Canada, but nonetheless looks to me to account for her donation to third party organizations. In fact, she never requested a refund of those donations from those organization directly which supports the inference and probability that the donation was only made for the purpose of triggering and pursuing a LSO complaint against me and that Mr. Warners’ command and steering of the complaint and fact of, Ms. Toews volunteering for Mr. Warner organization was no coincidence but a conspiracy.

• **Response to the Affidavit of Deepankar Ghandi**

95. With respect to the affidavit of Deepankar Ghandi, I respond as set out below.
96. With respect to paragraph 5 of his affidavit it is not clear how he could have been “aware of my being retained” by various groups when he was not privy to those retainers.
97. With respect to paragraph 6, the VCC claim was issued a full year before the Defendants issued their claim in British Columbia and thus it is difficult to see how the claim “overlapped” the Defendants’ claim and not the other way around.
98. With respect to paragraph 7, it is not clear how he would know that I “had (not) done anything to move the action”, nor what my instructions were from my clients with respect to the action.
99. With respect to paragraphs 8, 9, 10, and 11 of his affidavit, my clients’ fund-raising efforts, for varied and various purposes, had nothing to do with me, especially before I was even retained by my client. Moreover, with respect to paragraph 10 of his affidavit, and that my client had \$208,838.16 raised, assumes that this amount exclusively related to the litigation commenced by me.
100. With respect to paragraphs 14 and 15 of his affidavit, with respect to Dan Dicks email, notwithstanding Mr. Deepankar Ghandi’s purported intentions, Mr. Dicks forwarded the e-mail to my clients because Mr. Dicks was alarmed at the defamatory tone and substance of it. I know this because I spoke to Mr. Dicks whom I have known since I launched the *Comer* case over a decade and a half ago, when Mr. Dicks lived and reported out of Toronto.

101. With respect to paragraph 16 of Mr. Ghandi's affidavit, even under the guise of free speech, it does not give the Defendants the right to judge, assess, but moreover interfere in a public fashion, with a specific solicitor-client relationship, which is constitutionally protected.
102. With respect to paragraph 17, and his "duty" to "convey the information", is and was disingenuous because he had no knowledge as to what was happening, and moreover why, with the case, except for the Defendants wayward speculation and ill-will.
103. With respect to paragraph 18 to 20 of his affidavit, my response is that the affidavit and other Co-Defendants acted on nothing more than reckless, false, baseless, and misguided hallway rumors by simply conjuring conclusions from non-contextual (social) media posts. They acted with reckless disregard and reckless, depraved, non-investigation.
104. With respect to paragraph 21, and its subsections, I correspondently respond as follows:
- (a)(b)(c) Again, despite the fact that I had conveyed to their counsel, Ms. Furtula, that I was not commencing a class action proceeding, these statements are again disingenuous and make out contextually their defamation, conspiracy, and interference with economic interests, and inducement to breach contract.
- (d) the fact that I am not **licensed** to practice law in British Columbia is a distorted innuendo that I cannot **litigate** in BC which is not true and the Defendants know, or ought to have known, that as I have done other, high profile, cases in BC, and were otherwise reckless in not properly informing themselves before they put out that false innuendo.

(e) The fact that I intended to engage Lawrence Wong, is again a false and distorted innuendo that I was sub-counseling to Mr. Wong, and thus increasing the costs of the litigation, again with the intention and effect of attempting to remove and discredit me, and my clients, and remove me as their counsel, and how is any of this defamation, interference, and tortious conduct in the “public interest”?

(f)(g)(h) With respect to media reports on the after effect of the **Nadon reference**, in which I and the CRC, as Applicants, challenged the appointment of the Honourable Marc Nadon to the Supreme Court of Canada, **successfully**, thereby constitutionalizing the “composition of the Supreme Court”, is again distorted innuendo in that :

- (i) I was self-represented;
- (ii) the CRC, as party, was represented by CRC Co-Director, Mr. Paul Slansky;

and what was being reported on was a motion to assess costs at the Federal Court, which initiated the challenge and forced the Reference to the Supreme Court of Canada in which we were successful. In the case, one of the reliefs we sought at the Federal Court was for the government to bring a Reference at the Supreme Court of Canada. We agreed to stay the Federal Court Application pending the outcome of the Reference at the Supreme Court of Canada, with an agreement that we be given intervenor status, at the Supreme Court of Canada, in exchange for staying the Federal Court Application;

110. Furthermore, during my meetings with Mr. Sobolev, before Mr. Sobolev moved from Toronto to Vancouver, and while visiting Toronto from Vancouver, he continually asked me to represent him, in his family-law litigation with his ex-partner which, from get-go, I responded and told him that I could not because I do not, nor ever have, represented a client on a family-law case **per se**. Because his litigation involved COVID-19 vaccine issues with respect to his child or children he persisted in requesting and I persisted in declining because I have no expertise in family law and procedure.
111. It was my clear impression that he assumed that I “owed” him **pro bono** representation. Where that assumption stemmed, I have no idea. Following this, Mr. Sobolev’s, treatment, of me, in public and with others with whom I have contact, has been laced with negative comments, and allegations similar to those made by Mr. Kip Warner. There is no question that he holds a personal **animus** against me for the above reasons.
112. Attached hereto, as “**Exhibit ZZ**”, are some of Mr. Sobolev’s, as well as some of his close associates such as Yvonne Coehlo, which comments, against me, which are no means exhaustive but just examples. I have had many people relate back to me that he has made particularly disparaging and defamatory comments at rallies, and during very zoom calls and conferences. In addition, Sandra Sable sets out her interaction with him, with respect to me, in her affidavit.

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

113. With respect to Fredrico Fuoco affidavit, I respond as set out below.
114. With respect to paragraphs 2, 3, 4, I had at the time, no knowledge of Mr. Fuoco's personal political activities.
115. Mr. Fuoco came on as a Plaintiff in the Action4Canada case wherein I was instructed through a committee, through Ms. Tanya Gaw. He was not part of that Committee.
116. Written retainers were signed by all individuals. Mr. Fuoco initially, did not, want the two corporations named as Plaintiffs and therefore held off on signing this one-page retainer. When I explained to him that, while Mr. Fuoco would have some basis and standing on his personal *Charter* violations, he could not personally sue to recoup the economic damages by his restaurants operated by way of his corporations. I then told him that if he wanted to sue for the economic loss of the restaurants he would have to instruct me, in writing, which he did, which accounts for his August 15th, 2021 email attached as "**Exhibit AAA**", from Frederico Fuoco's affidavit. I then got an e-mail from Tanya Gaw, on behalf of Mr. Fuoco. I then spoke to him and explained that all three, himself and his two corporations had to come on board as Plaintiffs. What is of note, that in the initial steps of the litigation in providing preliminary statements for my review Fredirico identified himself personally as a Plaintiff as early as April 2021, attached hereto is "**Exhibit BBB**".
117. Mr. Fuoco was mainly interested in suing for his restaurant's economic loss due to the measures.

118. He now “has it backwards” as to who was supposed to be named and why. Whether it is a bona fide misunderstanding on his part, or whether he is simply lying. I am not sure, but his affidavit is false. However, it has to be noted that at no time after issuing the claim, of which he had a copy, did he ever raise the fact that he was personally named, never raised by him either to me nor Ms. Gaw.
119. With respect to paragraph 10 of his affidavit, I had more than one call with Mr. Fuoco, as well as communication with him through Ms. Gaw. Mr. Fuoco was a persistence caller, relative to the other Plaintiffs.
120. With respect to paragraph 12 of his affidavit, it was explicit that any updates were to be given through Tanya Gaw. In any event, there were no pertinent updates to be given, given the course of events set out above in my affidavit, with respect to the chronology issuing the claim, to my severe illness, to my arguing the motion May 31st, 2022, and receiving the decision August 29th, 2022, all of which took only nine (9) months. (Considering that, at the moment short, and long motions are being scheduled, in Ontario, fourteen (14) months from the scheduling date).
121. With respect to paragraph 13 of Mr. Fuoco’s, affidavit, I have no knowledge of Mr. Fuoco’s, “familiarity” with Mr. Warner.
122. With respect to paragraphs 14, 15, 16, 17, 18, 19, 20:
- (a) Between August 16th to September 22nd, 2022, I was abroad undergoing further medical treatment and protocol, overseas, still recovering from the aftereffects of my coma. Initially there was miscommunication between my office and Ms. Gaw

with Ms. Gaw under the misunderstanding that I was away on “business” which was later corrected by me;

(b) communications were extremely difficult but I nonetheless communicated with Ms. Gaw who advised, and I verily believe, communicated with the other Co-Plaintiffs, as per the terms of the retainer agreement and understanding;

(c) notwithstanding the above, and my absence, I with the assistance of my office, under instructions, filed a timely appeal, and subsequently, timely perfected it, which is still pending before the BC Court of Appeal;

(d) it was not expected that I personally contact every Plaintiff individually;

(e) when Mr. Fuoco filed his notice of discontinuance, on September 6th, 2022, as he states in paragraph 18 of his affidavit, I was still overseas. My office was **never**, to this day, served with his notice of discontinuance.

(f) With respect to paragraph 19 and 20, I have never had **any** indication, from the LSO, of any complaint from Mr. Fuoco of his purported complaint to the LSO, if one exists, of which he has not provided in his affidavit.

123. Since the issuance of this action, and retention of counsel, by the defendants, Kip Warner and the Society, continued to harass and post defamatory remarks with respect to me and my private practice of law without any privity or knowledge of the scope, depth, nor details of the Plaintiffs retainer nor instructions from my varied, and independent clients. In fact, he does so even in perpetually citing past, current, and in-between, references and publications, in his affidavit, from Canuck Law. Both the posts cited and extracted in the

Canuck Law action, contained in “**Exhibit U**” of this affidavit, and along with the complaints filled out by Alexandra Moore, in her complaint(s) to the LSO, show the depths of the depraved defamation against me.

- **Damages caused by Defendants’ Conduct**

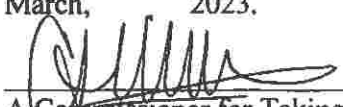
124. The Defendants, through their actions, have caused damages to me as follows:

- (a) immense damage to reputation propagating the false statements, lies, an innuendos that:
 - (i) I cannot practice in British Columbia;
 - (ii) that I am “not a constitutional lawyer”;
 - (iii) that I am not competent as a lawyer;
 - (iv) that I “ask for too much money” and am a “greedy lawyer”;
 - (v) that I am a “serial con artist”, and “fraudster”;
 - (vi) that I “misled” and am “derelict” in my duties;
- (b) Financial damages to the CRC and in turn me;
- (c) Inducement of breach of my contracts with my clients;
- (d) loss of dignity, mental anguish and anxiety, from the vile, hostile, treatment, and threats to my bodily integrity received as a result of the Defendants’ statements.

125. The Defendants cannot establish that:

- (a) Fortuitous and personal defamatory comments and publications, made with **mala fides**, and with a reckless disregard and investigation as to the facts, with respect to my private practice, and private clients, are matters of “public interest”;
- (b) The Defendants cannot establish that they can or will succeed on any of their defences put forward to the defamation while I can establish that none of their defenses to defamation are tenable;
- (c) Furthermore, the claim in conspiracy, inducement to breach of contract, interference with economic interests and the solicitor-client relationship, online harassment, and intentional infliction of mental anguish and stress, have nothing to do with “expression”, nor the scope and protection afforded by s. 137.1 of the *Courts of Justice Act*, and in any event all the causes of action including in defamation, ought to proceed.

SWORN BEFORE ME at the City)
of Toronto, in the Province of)
Ontario, on this 14th day of)
March, 2023.)


A Commissioner for Taking Affidavits
Amina Sherazee



Rocco Galati

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

Rocco Galati

-and-

Kipling Warner et al.

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

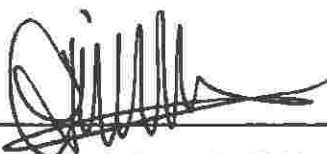
AFFIDAVIT OF ROCCO GALATI

Name: ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati
Address: 1062 College Street
Lower Level
Toronto ON M6H 1A9

Telephone No.: 416-530-9684
Fax No.: 416-530-8129

Plaintiff on his own behalf

This is Exhibit “S” to the Affidavit of
Rocco Galati, sworn before me
this 14th day of March 2023

A handwritten signature in black ink, appearing to read 'Amina Sherazee', is written over a horizontal line.

A Commissioner for Taking Affidavits

Amina Sherazee, Barrister and Solicitor

Rocco, here are text messages sent to me from Kip Warner over the last day or so and my replies.

KW: Update: As predicted, Peter Gall is a total waste of time and money. His application for document production in our health care workers' petition was just tossed by Justice Coval. I will upload judgment as soon as I can.

Update: 1 March, 2023: News on Class Action, Injection Passport, and Health Care Workers Suits
<https://www.covidconstitutionalchallengebc.ca/status-updates>

LT: It's unfortunate that you took most of your time to criticize Peter Gall. I think your criticism was misdirected.

KW: I think your political correctness is misdirected. Remember that you also defended Rocco Galati.

LT: Kip I don't know how suggesting we shouldn't be attacking each other when the court is the one deserving of criticism is politically correct. I read the decision. Your arguments were rejected also. I didn't see that explained in your update. I wish you all the best and hope you succeed. As I do for everyone else who has the courage to stand up for truth and freedom.

KW: We didn't have arguments Lee. I already told you that. You already said you didn't watch any of the hearing. Go and order transcripts and read them for yourself.

We are all being attacked when we're being robbed by Rocco's marketing arms. Rocco is a serial con artist and fraudster. Peter Gall is not as bad, but he is a grifter. The nurses are livid with him. Actually, so was Justice Coval. I think you'd do well to go and read the transcript, or at least listen to the DARS record.

And even the arguments Peter made weren't even really his. They were his junior's.

LT: I strongly disagree with your character assassination of them. I have spoken extensively with both of them. You need to get your facts straight before you defame someone.

KW: Which facts are wrong about Rocco?

LT: Everything you said.

KW: Be specific. Tell me what specifically on our FAQ is false about him.
<http://www.suebonnie.ca/faq>

Go and look and tell me.

Can you name a single important case that he has won?

Can you tell me how many times he has been investigated by the Law Society of Ontario? Can you tell me if any of those complaints were instigated by the LSO itself?

Maybe you missed reading the rulings, but he's had two judges now in only a year, one at BCSC and another at the federal court describe his work as "bad beyond argument".

<https://canlii.ca/t/jvq68#par52>

<https://canlii.ca/t/jrn1m#par45>

We get complaints weekly, sometimes daily, from former Rocco donors and affiliates alleging fraud, bad faith, and other irregularities.

Regards,

Lee Turner

Sent from my Android using voice dictation

Sent from ProtonMail mobile

Attachments:

Electronically filed / Déposé par voie électronique : 29-Jun-2023
Toronto Superior Court of Justice / Cour supérieure de justice
Date: Thu, March 2, 2023 10:45 pm
To: "Rocco Galati" <rocco@direct.com>

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

KW: There are emotions, and then there are facts. It's a fact that he is incompetent and judges have characterized his work as such.

Sent from ProtonMail mobile

Attachments:

untitled-[1]
Size:0.2 k
Type:text/plain

in the Province of British Columbia,

this 22 day of June, 2023.

A Commissioner for Taking Affidavits
within British Columbia.
A Notary Public in and for the
Province of British Columbia.

Court File No. CV-22-683322

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

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

SUPPLEMENTARY AFFIDAVIT OF KIPLING WARNER

(affirmed March 29, 2023)

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

1. I affirm this affidavit to supplement the affidavit I affirmed in support of this motion on January 27, 2023 (my "initial affidavit").
2. With respect to paragraph 42(b) of the affidavit that the plaintiff affirmed on March 14, 2023 responding to this motion (the "plaintiff's affidavit"), I retrieved an excerpt of the Law Society of British Columbia's *Law Society Rules 2015*, updated February 2023, from the website for the Law Society of British Colombia, a copy of which is marked as Exhibit "A" to this affidavit.

3. With respect to paragraph 56 of the plaintiff's affidavit, the purpose for which I described the Society's approach to litigation is to explain why I consider it important to ensure the public understands that there is no connection between the Society and the plaintiff, Action4Canada or Vaccine Choice Canada.

4. I am of the view that the plaintiff's litigation approach on behalf of Action4Canada and Vaccine Choice Canada is ineffective and a waste of court resources and the resources of those who have donated to those organizations in the hope of challenging government restrictions related to the coronavirus. I believe that the Society has taken a more effective litigation approach than the plaintiff has taken on behalf of Action4Canada in challenging the provincial government of British Columbia's restrictions related to the coronavirus.

5. I believe that the approach taken by Action4Canada, Vaccine Choice Canada and the plaintiff to such litigation has been counterproductive, and undermines the credibility of groups with legitimate concerns about the policy choices of governments in response to the pandemic. For this reason, I believe it is important to distinguish the Society from the efforts of the plaintiff and his clients.

6. With respect to paragraph 83(a) of the plaintiff's affidavit:

a. In January 2022 my co-defendant in this action Donna Toews, an individual whom I had met because she had become aware of the Society and reached out in support of our work, expressed to me concerns similar to those that I had been hearing from others about the plaintiff, Action4Canada and Vaccine Choice Canada.

b. Specifically, 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 not been kept apprised as to the status of each organization's proceeding and as to the use of her donated funds. She was only one of a long list of individuals with similar grievances.

c. She, and others who had relayed similar concerns to me, considered the plaintiff, and not just Action4Canada and Vaccine Choice Canada, to have made representations to them that the plaintiff would pursue challenges to the government restrictions effectively and on an urgent basis.

d. By the time Ms. Toews contacted me about this, the Society had concluded that it would likely be in the interest of the public and, in particular, those concerned about COVID-19 restrictions, for individuals in Ms. Toews' situation to obtain answers as to what had happened to their funds donated toward that cause.

e. The Society's volunteers had also become increasingly burdened in reviewing and responding to the public's inquiries as to what had happened to the funds donated to Action4Canada and Vaccine Choice Canada.

f. The Society retained a lawyer named Gavin MacKenzie, whom I understand to be a former Treasurer for the Law Society of Ontario and to be familiar with lawyers' professional regulation, to assist Ms. Toews.

g. To my knowledge, Ms. Toews has not waived privilege over her communications with Mr. McKenzie, nor have I or the Society.

h. Rick Thomas is a volunteer with the Society who spoke with Ms. Toews and asked me to connect her with legal counsel. Jonathan Reilly is one of the lawyers that the Society engages at times, on corporate matters.

i. The Society's purpose in assisting Ms. Toews was not to injure the plaintiff: it was to assist Ms. Toews in obtaining transparency as to what had happened to funds that she had donated toward goals similar to those the Society was pursuing and in respect of which the Society had received numerous inquiries.

7. With respect to paragraph 83(b) of the plaintiff's affidavit, I have at no point tried to persuade Action4Canada or Vaccine Choice Canada to terminate any retainer agreements they have with the plaintiff, either through Alicia Johnson or otherwise. Our statements about the plaintiff were limited to the content of the FAQ on our website, and were intended to respond to questions about why we did not retain him.

8. With respect to Ms. Johnson specifically, and in response to the affidavit that she affirmed on March 11, 2023 in response to this motion, I met Ms. Johnson for the first time at a dinner gathering at a mutual friend's home on April 23, 2021, to which she arrived at approximately 7:30 PM.

9. Ms. Johnson appears to depose at paragraph 16 of her affidavit that I spoke negatively about the plaintiff at this dinner. I did not do so, and I did not observe any other person in attendance doing so.

10. There were approximately six people who attended the dinner, all of whom were involved with advocacy on issues overlapping with those on which the Society advocates, but I did not know

any of them well.

11. I understand one of the attendees, Nemanja Nakic, will affirm an affidavit in support of this motion. He was present for the entire dinner.

12. I spoke about the Society and its goals but at no point spoke negatively about the plaintiff.

13. I had periodic but infrequent contact with Ms. Johnson after that dinner. Specifically:

a. Ms. Johnson, as an individual who was involved with advocacy on the same issues as the Society, would send me messages asking for advice as events unfolded during the lockdowns.

b. Ms. Johnson and I had a handful of voice calls and video calls, all of which were through the encrypted messaging service Signal. A copy of the entirety of our voice and video call log Signal, of which I took a screenshot on March 17, 2023, is marked as Exhibit "B" to this affidavit.

c. We did not have any phone calls.

d. I never had a video call with Ms. Johnson other than through the Signal app.

e. On every call I can recall with Ms. Johnson, she asserted that I should not work with particular individuals or organizations. I told her on multiple occasions that the Society was not interested in conflicts within the community. At one point, in response, she said words to the effect that she "respected that I always stayed out of the drama".

f. One of Signal's features is that parties to a conversation may schedule messages to automatically delete after a certain period. Ms. Johnson and I had that feature activated.

The screenshot accordingly does not set out our messaging history, but does set out all our calls through that app.

g. I did not exchange any text, *i.e.*, SMS messages with Ms. Johnson.

h. Ms. Johnson and I exchanged very few emails. My earliest email exchange with her is dated August 4, 2021. I recall her having a question regarding *Deena Hinshaw v. Patrick James King* QB Action No. 2110-00751. None of our email correspondence mentioned the plaintiff.

i. At 12:46 AM on September 23, 2021, I forwarded Ms. Johnson the email response the Society received from Action4Canada in response to a friendly introduction I had sent to them on December 5, 2020. I had not mentioned the plaintiff in it. Ms. Johnson responded the same day. I forwarded that email thread to her after having discussed it with her over the telephone for the purpose of demonstrating that we had made serious good faith efforts to have amicable relationships with everyone whenever possible. Copies of the emails I exchanged with Ms. Johnson on September 23, 2021 are collectively marked as Exhibit "C" to this affidavit.

j. I did not speak negatively about the plaintiff in any of my email exchanges or calls with Ms. Johnson, other than as described further below with respect to a Signal video call that occurred on September 23, 2021, the day prior to Ms. Johnson leaving our Signal group chat, at 9:26 PM.

14. Ms. Johnson has been a divisive figure within the community involved in advocacy on government restrictions related to the coronavirus. By way of example, a copy of a letter that

various groups and associations co-signed and published that specifically made mention of her, dated March 22, 2022, is marked as Exhibit "D" to this affidavit. A copy of a Facebook post she published on May 31, 2022 is marked as Exhibit "E" to this affidavit.

15. While I personally was on cordial terms with Ms. Johnson, I was cautious with respect to her because I knew she had disputes with many members of the community and that she was also affiliated with Action4Canada, Ms. Gaw and other affiliates of the plaintiff. I was at all times aware of a lack of trust many activists in our community placed in Ms. Johnson from the many grievances they had shared with me. I was careful in the discussions I had with her.

16. Ms. Johnson became a formal member of the Society in late August or early September 2021.

17. In order to participate in a confidential group chat on Signal in which the Society's members and directors discussed its advocacy efforts and strategy, Ms. Johnson executed a confidentiality agreement (an "NDA") dated August 30, 2021, a copy of which is marked as Exhibit "F" to this affidavit, by which she agreed not to disclose to anyone "the contents of any discussion, between or among persons who are members or directors of the Society [...]".

18. Ms. Johnson executed the NDA entirely voluntarily, because she sought to participate in the confidential group chat. In fact, she took two days to review the NDA before initialling every page and executing it.

19. I did not make the statements that Ms. Johnson alleges in paragraphs nine through 17 and 20 of her affidavit except as I specify below.

20. Ms. Johnson and I had a video call on September 23, 2021, at 9:26 PM, during which she

and I said the following:

a. Ms. Johnson asked a question to the effect of "what's the deal with [the plaintiff] anyway?"

b. I expressed to Ms. Johnson the same views that the Society had published on its website, as reproduced at Exhibit OOO to my initial affidavit.

c. I did relate to her a concern that had been related to me about the plaintiff retiring abroad on the money he was paid for his constitutional challenges, as described in paragraph 13 of her affidavit. I did not tell her that I considered the statement to be true, but rather that someone had said this to me in the context of asking about the funds donated to Action4Canada and other groups.

d. At paragraph 15 of her affidavit Ms. Johnson has mischaracterized a statement I made about the consequences of a pleading being struck out. What I told her was that, where a party's pleading is struck in an action, that party must start again, *i.e.*, re-deliver a pleading.

21. Everything I said to Ms. Johnson on September 23, 2021 was in response to her questions about the plaintiff and his clients. I at no point asked her to be a lobbyist, representative or agent of the Society to anyone.

22. I would not do so as suggested in Ms. Johnson's affidavit. Ms. Johnson was known to be affiliated with the plaintiff. It would be inconsistent with the policies and procedures of the Society, and my own cautious approach, to propose that someone as controversial as Ms. Johnson should act as an agent or representative, or lobby on behalf of the Society, without written

authorization, or any consultation with our executive team.

23. The following occurred on September 24, 2021:

- a. After some other members of the Society asked her questions about her relationship with Action4Canada and the plaintiff, Ms. Johnson 'tagged' me in a message and asked that I remove her from the Society's confidential Signal group chat.
- b. I did not participate in the discussion that Ms. Johnson describes.
- c. I disagree with Ms. Johnson's characterization of the tone of that conversation.
- d. I did, in response to her request, remove her from the group.
- e. I called Ms. Johnson after this, by telephone, not Signal video call as she claims. I did so because I understood her tagging me in a message to remove her from the group, despite her being able to simply leave the group herself, to be a plea for support. I wanted to ensure that she felt listened to and did not leave with a grievance against the Society.
- f. I did not call Ms. Johnson by Signal video, nor have the conversation with her that she describes in her affidavit after she left the channel. That has been fabricated, as demonstrated by the Signal call logs marked as Exhibit B to this affidavit.
- g. I did not make the statement Ms. Johnson describes at paragraph 16 of her affidavit. I did not know anyone, outside of the context of the Action4Canada and other COVID-19 related litigation, who the plaintiff had represented, declined to represent, or litigated against.
- h. I infer, based on the plaintiff's affidavit evidence, that Ms. Johnson may be referring

to Mr. Sobolev in paragraph 16 of her affidavit. While I was aware that Mr. Sobolev was involved in an ongoing family law proceeding, I was entirely unaware until I reviewed the plaintiff's affidavit on this motion that Mr. Sobolev and the plaintiff had ever discussed the plaintiff's potential representation of Mr. Sobolev in that litigation.

i. Had I wanted to reach out to Ms. Gaw or Mr. Kuntz, I would have done so formally, in consultation with the executive team, and in writing, as I did in the letter that is marked as Exhibit TTT to my initial affidavit.

24. The evidence at paragraph 20 of Ms. Johnson's affidavit is entirely fabricated.

25. With respect to paragraph 5 of Ms. Johnson's affidavit, I have never taken the position nor expressed that it does "not take hundreds of thousands of dollars to carry through a lawsuit in the Courts".

26. I have expressed that the Society does not believe that it needs a quarter of a million dollars to retain a lawyer to initiate a lawsuit. A copy of the video to which Ms. Johnson refers at paragraph 6 of her affidavit is marked as Exhibit "G" to this affidavit and can be accessed at this link. What I actually said was the following, with my emphasis added:

We're doing a Constitutional Challenge here in BC because healthcare is under provincial mandate and as a result, if there's any successes for any legal challenges in other jurisdictions like Ontario, it doesn't have any bearing necessarily here in BC. So we need to initiate a legal challenge here in BC Supreme Court and we believe that we can do that. We can do it economically and with a large amount of public transparency along the way. **We don't believe that we need a quarter million for a lawyer's retainer. We can get started on a fraction of that.** We want enough public transparency that people will know court hearing dates, so that people can follow all the procedural steps along the way and be able to see where every penny is going. So if you'd like to participate, use your phone on that QR code, you can go to the campaign page. There's funds flowing in right now. There's a lot of excitement about it and we wanna keep that going. Thank you.

27. This is not the first time Ms. Johnson has mischaracterized comments in the video marked

as Exhibit F. She also did so in a Facebook post she published on September 1, 2022, a copy of which is marked as Exhibit "H" to this affidavit.

28. With respect to paragraph 83(b) of the plaintiff's affidavit, I do not know what he means when he says that I tried to "have [him] criminally charged for 'financial fraud'".

29. If what the plaintiff means is that I contacted police in relation to him, I have not done so.

30. I have not taken any steps to try to persuade anyone to contact the police in relation to the plaintiff.

31. I have not taken any steps to attempt to have anyone lay criminal charges against the plaintiff.

32. With respect to paragraph 83(b) of the plaintiff's affidavit, I do not know what he means when he says that I tried to "have [him] disbarred".

33. As set out above, the Society retained a lawyer to assist Ms. Toews in relation to the complaint she filed with the Law Society of Ontario.

34. I have not filed a complaint either in a personal capacity or on behalf of the Society with any regulatory or licensing body, including the Law Society of Ontario and the Law Society of British Columbia, with respect to the plaintiff.

35. With respect to paragraph 84(b), I do not believe that the plaintiff's brand image is in decline because of anything I or the Society have said. As set out in my initial affidavit, the courts and various media sources have criticized the plaintiff. This has included, since the delivery of the defendants' moving materials on January 31, 2023, materials the Law Society of British

Columbia has published as part of its Professional Legal Training Course in which it refers to the notice of civil claim that the plaintiff prepared for Action4Canada as "a recent example of wholly inadequate pleadings". Copies of excerpts from these materials, dated February 2023, are collectively marked as Exhibit "I" to this affidavit.

36. With respect to paragraph 88 of the plaintiff's affidavit:

- a. I have at no point contacted police or other law enforcement personnel in relation to the plaintiff.
- b. I have at no point tried to "draft others to lay charges against [the plaintiff]".
- c. I have at no point attempted to have the plaintiff "fired" or to have any agreements that he has with anyone terminated.

37. With respect to paragraph 90(b) of the plaintiff's affidavit, in or around December 2022 an individual named James Loewen interviewed me for his YouTube channel in relation to my work with the Society. He published a video of our interview online on December 3, 2022, a copy of which is marked as Exhibit "J" to this affidavit and can be accessed at this link.

38. In response to questions from Mr. Loewen that he had not provided to me in advance, I made comments about the plaintiff's litigation on behalf of Action4Canada and others between the 4:40 and 6:44 minute marks of the video, all of which I believe to be entirely true, or my view based on true facts that I described. I did not prompt that question, and I was not aware I was going to be asked anything about the plaintiff. I had at no time prior to that interview discussed the plaintiff with Mr. Loewen.

39. I did not publish the video nor have any control over the interviewer's placement of the plaintiff's image in the top-right hand corner of the video as I made the statements described above.

40. With respect to paragraph 90(c) of the plaintiff's affidavit, I deny that I have "destroy[ed] [his] own donor base for the [Constitutional Rights Centre]" or somehow benefited from doing so.

41. I note that the decrease in donations that the plaintiff asserts that the Constitutional Rights Centre experienced corresponds to the timeline during which: (a) public discontent with respect to government measures relating to the coronavirus decreased because governments had loosened those restrictions; (b) the plaintiff's coronavirus-restriction-related litigation began to produce negative results; and (c) the plaintiff had a lengthy illness, none of which had any connection to me or the Society.

42. With respect to paragraph 90(e) of the plaintiff's affidavit, the communications that the plaintiff describes are between me and a lawyer licensed in British Columbia, Lee Turner, for the purpose of giving or receiving legal advice. I at all times understood my communications with Mr. Turner to be entirely confidential and solicitor-client privileged. I have not waived that privilege.

43. With respect to paragraphs 6 through 8 of Ms. Gaw's affidavit regarding the fees that the plaintiff charges:

- a. Copies of email correspondence from the "Federal Employee Lawsuit Panel" associated with the action in Federal Court of Appeal File No. A-67-23 to those involved in that action and of an enclosed letter requiring \$1,000.00 from each of the hundreds of plaintiffs in that action for an appeal to the Federal Court of Appeal of the order granting a

motion to strike the pleading the plaintiff prepared in that case are collectively marked as Exhibit "K" to this affidavit.

b. In a video published July 23, 2021, in a panel discussion between Ms. Gaw and, among others, Ms. Johnson, Ms. Pistilli and another individual named Amanda Forbes, the panelists had the following exchange, with my emphasis added:

TG: And so I began to talk to a couple of different lawyers asking them and trying to find out who would be the best lawyer to handle this case. Because I'd already been at it for five years, I knew the global agenda—we've been trying to warn people but they've been way too comfortable and haven't been paying attention. **And it was only when I spoke to Rocco**, which I had heard about through [...] and within five minutes I knew that this was the person for the job. He completely knew about what was globally going on. He'd been trying to warn people for the last 20 years since he was taking on the Bank of Canada. **And so—he told me—you know, this is the flat rate that he would charge. There's no way we would want to charge by the hour here, you guys, we would be raising double as much money for the time this man has put into this, and any other lawyer. And so—all stipulations from every lawyer was that you need to raise half, of the funds. The reason you need to raise half of the funds is because it's such an expensive litigation that you need to know and the lawyer needs to know that they're gonna be able to see this through. Can you imagine—it costs hundreds of thousands of dollars and you can only come up with maybe \$20,000.00, \$50,000.00—what kind of case are you gonna have on \$50,000.00?** [...] And so I spent couple of months last summer trying to raise money. [...] Anyways, we did. And you saw the amazing response we got from the crowd that day. [...] It wasn't until December 25th, as you say, that I had raised half of those funds, along with coming to the rallies [...]. And so on January, first day that the post office was open and the bank, I mailed Rocco half the funds and money sat in trust and the rest of the money sits in trust as is standard for anybody. I know that there's people out there—it's nonsense really and I don't even want to address it but to say you need to show your books and you need to do this and you need to be transparent. There's nothing to show. People have donated, and it's sitting in trust. Rocco has half of it. He's using it. He's hired another lawyer. He has five assistants. It takes money to run firms. Everybody's—why isn't he doing it for free?

AF: **He's doing it at cost, and I can tell you that because I sit in his office once a month at least.**

TG: Right, and so I'm not going to justify any of those ridiculous statements or comments people are making. The money remains in trust. As for lists of donors, it's under the *Privacy Act*. Everyone, when you donate to a cause like this you are donating freely and willingly and—

[...]

DP: [...] I want to remind the people to just trust. Trust in God, this godly woman, everything she's doing—she's being as transparent as she possibly can. There's a whole *Privacy Act*. She can't reveal who the donors are—like, we can't do that. And she's got client-lawyer confidentiality here. [...] When you have given of your heart, you're not going to have access to the books.

A copy of this video is marked as Exhibit "L" to this affidavit and can be accessed at this link.

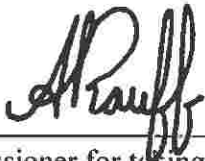
c. On March 23, 2023, an organization called the Canadian Anti-Hate Network published an article on its website, a copy of which is marked as Exhibit "M" to this affidavit and can be accessed at this link, entitled "Corporate Ledgers show Action4Canada raised over \$790K in 2022. Here's how they spent it". Copies of the documents to which the article links, documents that Action4Canada filed with the federal government, are collectively marked as Exhibit "N" to this affidavit and can be accessed at this link. Action4Canada listed among its expenses for August 2021 through August 2022 \$201,681.71 in legal fees.

44. Finally, since the filing of the defendants' moving motion materials, a YouTube video published online on March 25, 2023, a copy of which is marked as Exhibit "O" and can be accessed at this link, captures Ms. Gaw giving a lecture on St. Patrick's Day, March 17, 2023, to what the video's caption describes as a dinner crowd of about 100 in Smithers, British Columbia, at the annual general meeting of the Skeena-Bulkley Valley Christian Heritage Party. She presented visually using web pages from Action4Canada. She said:

Legal action update. Rocco any time now is going to have our new notice of civil claim. [...] And, uh, there are other things that have been going on. We're being attacked profusely. There are people who are trying to take Rocco out. He's told some of his story. When he got sick in December 2021, they tried to do him in. And he survived it. He had to learn how to walk again, talk again, and he's out there fighting. And we've got individuals that—you know—are going on social media and making disparaging comments about him, defamatory comments, and

one of them is Kip Warner and he has filed a libel suit against him. We've got emails where he's getting members that he's egging on to get Rocco disbarred. This is a very serious war we're in and we're up against very serious criminals. And so we're going about it a little different, we're not rushing into the courts, because we've got a strategy. That 391-page statement of claim was *intended* to be 391 pages, because Rocco and I said it's not a B.C. case, it's not a Canadian case, it's global. And we don't put these actors into what's happening, in our statement of claim, we got it all on record in the courts. And so the court came and says—the judge was like you have legitimate concerns but you. Need to show your notice. Which we're doing.

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
March 29, 2023, in accordance with O Reg
431/20



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



KIPLING WARNER

sworn before me at Kelowna
in the Province of British Columbia,
this 22nd day of June, 2023.
A Commissioner for taking Affidavits
within British Columbia.
A Notary Public in and for the
Province of British Columbia.

Court File No. CV-22-683322

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

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 to strike affidavit material within section 137.1 motion returnable September 12, 2023)

April 12, 2023

DEWART GLEASON LLP
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Toronto ON M5V 1R9

Tim Gleason, LSO No.: 43927A
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Lawyers for the named defendants

TO: ROCCO GALATI LAW FIRM
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1062 College Street, lower level
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Rocco Galati, LSO No.: 29488Q
Email: rocco@idirect.com
Telephone: (416) 773 0309

Plaintiff on his own behalf

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

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tab	document
1.	notice of motion dated April 12, 2023
2.	affidavit of Kipling Warner affirmed April 12, 2023
A.	screenshot of Law Society of British Columbia lawyer's profile for Lee Turner taken April 10, 2023
B.	email correspondence between Amani Rauff and Rocco Galati dated March 30 to April 6, 2023
C.	letter correspondence from Rocco Galati to Tim Gleason and Amani Rauff dated April 5, 2023
D.	notification from Lee Turner mail user agent to Kipling Warner dated April 6, 2023
E.	confidentiality and non-competition agreement between Canadian Society for the Advancement of Science in Public Policy and Alicia Johnson dated August 30, 2021
F.	Freedom Mobile voice call and text message history for Kipling Warner dated March 29, 2023

Tab 1

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

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 striking:
- i. the first sentence of paragraph 39 of the affidavit the plaintiff affirmed on March 14, 2023 in response to the defendants' motion pursuant to section 137.1 of the *Courts of Justice Act* (respectively, the "Galati affidavit" and the "s 137.1 motion");
 - ii. paragraph 43 of the Galati affidavit;
 - iii. the final sentence of paragraph 44 of the Galati affidavit;
 - iv. the final sentence of paragraph 61 of the Galati affidavit;
 - v. the final sentence of paragraph 64 of the Galati affidavit;
 - vi. paragraph 75 of the Galati affidavit;
 - vii. subparagraph 82(a) of the Galati affidavit;
 - viii. subparagraph 83(b) of the Galati affidavit;
 - ix. subparagraph 90(e) of the Galati affidavit;
 - x. subparagraph 124(a)(v) of the Galati affidavit;
 - xi. exhibit "S" to the Galati affidavit;
 - xii. paragraph 20 of the affidavit Tanya Gaw affirmed on March 11, 2023 in response to the s 137.1 motion (the "Gaw affidavit");
 - xiii. the final clause of paragraph 21 of the Gaw affidavit, beginning with "and in his failed attempt";
 - xiv. paragraph 27 of the affidavit Ted Kuntz affirmed on March 13, 2023 in response to the s 137.1 motion (the "Kuntz affidavit");
 - xv. the final sentence of paragraph 29 of the Kuntz affidavit; and

- xvi. the entirety of the affidavit Alicia Johnson affirmed on March 11, 2023
in response to the s 137.1 motion;
- (b) the costs of this motion; and
- (c) 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 impugned evidence discloses purported communications between the
defendant Kipling Warner and/or the defendant Canadian Society for the
Advancement of Science in Public Policy ("CSASPP") and British Columbia
lawyer Lee Turner that are protected by solicitor-and-client privilege;
- (b) all communications between, on the one hand, Mr. Warner and/or CSASPP
and, on the other hand, Mr. Turner, were communications between a lawyer and a
prospective client which entailed the seeking or giving of legal advice and which
the parties considered to be confidential;
- (c) neither Mr. Warner nor CSASPP has waived privileged over their
communications with Mr. Turner;
- (d) the impugned evidence contains purported communications that Alicia
Johnson disclosed in breach of a confidentiality agreement dated August 30, 2021
between her and CSASPP;
- (e) the impugned evidence is inadmissible;
- (f) the impugned evidence may prejudice or delay the fair hearing of the s.
137.1 motion;

- (g) the impugned evidence is scandalous, frivolous, vexatious and an abuse of the process of the Court;
- (h) rule 25.11 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 April 12, 2023; and
- (b) such further and other material as counsel may advise and this Court may permit.

April 12, 2023

DEWART GLEASON LLP
102-366 Adelaide Street West
Toronto ON M5V 1R9

Tim Gleason, LSO No.: 43927A
Email: tgleason@dgllp.ca

Amani Rauff, LSO No.: 78111C
Email: arauff@dgllp.ca

Telephone: (416) 971 8000

Lawyers for the named defendants

**TO: ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION**
1062 College Street, lower level
Toronto ON M6H 1A9

Rocco Galati, LSO No.: 29488Q
Email: rocco@idirect.com
Telephone: (416) 773 0309

Lawyers for the plaintiff

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

TOEWS et al.
Defendants

- and -

GALATI
Plaintiff

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at TORONTO

NOTICE OF MOTION
(motion to strike affidavit material)

DEWART GLEASON LLP
102-366 Adelaide Street West
Toronto ON M5V 1R9

Tim Gleason, LSO No. 43927A
Email: tgleason@dglp.ca

Amani Rauff, LSO No. 78111C
Email: arauff@dglp.ca

Telephone: (416) 971 8000

Lawyers for the named defendants

Tab 2

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

AFFIDAVIT OF KIPLING WARNER

(affirmed April 12, 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.
2. I affirm this affidavit (a) in support of a motion to strike parts of the plaintiff's motion record responding to a motion the defendants have commenced pursuant to section 137.1 of the *Courts of Justice Act* (the "section 137.1 motion") and (b) to make a clarification with respect to the supplementary affidavit I affirmed in support of the section 137.1 motion on March 29, 2023.

BACKGROUND

3. The Society is a non-profit society incorporated under British Columbia's *Societies Act*, SBC 2015, c 18.

4. Broadly speaking, the Society's mandate is to challenge COVID-19-related government restrictions that its membership does not consider to be adequately supported by science.

5. I am the Society's executive director.

6. In pursuing its mandate, the Society regularly consults with and retains lawyers.

7. I communicate with counsel on the Society's behalf.

8. By statement of claim issued June 28, 2022, a copy of which is included within the plaintiff's record responding to the section 137.1 motion, the plaintiff commenced this action against, among others, me and the Society.

9. The named defendants in the action commenced the section 137.1 motion, and delivered a record in support of it on January 31, 2023.

10. On March 15, 2023, the plaintiff delivered a responding record within which he has included evidence concerning purported communications between me and (a) Lee Turner and (b) Alicia Johnson (the "impugned evidence"). The impugned evidence is identified in the notice of motion.

LEE TURNER

11. Lee Turner is a lawyer who is licenced by the Law Society of British Columbia. A

screenshot of the LSBC's 'lawyer's profile' for him, taken April 10, 2023, is marked as Exhibit "A" to this affidavit.

12. Mr. Turner approached me on more than one occasion to provide legal advice concerning the Society's work and litigation strategy.

13. I have at all times understood that my communications on behalf of the Society with Mr. Turner were entirely confidential and protected by solicitor-and-client privilege.

14. I have not waived solicitor-and-client privilege over Mr. Turner's communications with me, and neither has the Society.

15. As I noted above, on March 15, 2023, the plaintiff served motion materials in which he described communications between me and Mr. Turner and marked as an exhibit Mr. Turner's dictation of messages he told the plaintiff he had exchanged with me.

16. On March 30, 2023, my counsel sent an email to the plaintiff to advise of the commencement of this motion and seek his availability for a case conference. A copy of email correspondence from Amani Rauff to Rocco Galati dated March 30, 2023 is within the email chain that is marked as Exhibit "B" to this affidavit.

17. On April 5, 2023, the plaintiff sent a letter to my counsel in response. A copy of email correspondence from Mr. Galati to Ms. Rauff dated April 5, 2023 is within the email chain that is marked as Exhibit "B" to this affidavit. A copy of the attachment to the plaintiff's April 5, 2023 is email is marked as Exhibit "C" to this affidavit.

18. At 12:16 p.m. EDT on April 6, 2023, my counsel particularized to the plaintiff that, among

other things, the defendants would be moving to strike portions of his record on the basis that the communications he had included in his responding motion record contained privileged and confidential information. The email exchange between Ms. Rauff and Mr. Galati dated April 6, 2023 is within the email chain that is marked as Exhibit "B" to this affidavit.

19. At approximately 2:04 p.m. EDT on April 6, 2023 (11:04 a.m. in my current time zone, PDT), I received an automatic email notification from Mr. Turner's mail user agent, Office365, notifying me that Mr. Turner had just deleted email correspondence I had sent to him on December 3, 2022. A copy of the notification I received is marked as Exhibit "D" to this affidavit.

ALICIA JOHNSON

20. Ms. Johnson is an individual residing in Vancouver, British Columbia who was previously involved with the Society.

21. Ms. Johnson became a formal member of the Society in late August or early September 2021.

22. In order to participate in a confidential group chat on Signal in which the Society's members and directors discussed its advocacy efforts and strategy, Ms. Johnson executed a confidentiality agreement (an "NDA") dated August 30, 2021, a copy of which is marked as Exhibit "E" to this affidavit, by which she agreed not to disclose to anyone "the contents of any discussion, between or among persons who are members or directors of the Society [...]".

23. Ms. Johnson, to my knowledge, executed the NDA entirely voluntarily, because she sought to participate in the confidential group chat.

24. From her first view of the NDA, Ms. Johnson took two days to review it before initialling every page and executing it.

25. Ms. Johnson has never been an employee of the Society.

26. Ms. Johnson has never had employment duties to the Society.

27. Neither I nor anyone at the Society has ever directed Ms. Johnson to assist an employee in the conduct of Society business.

28. Neither I nor anyone at the Society has ever instructed or authorized Ms. Johnson to disclose confidential information (as defined in the NDA).

29. Neither I nor anyone at the Society has ever made Ms. Johnson a partner with, agent, director or representative of the Society or authorized her to hold herself out as such, whether in writing or otherwise. Our policy is that our members cannot hold themselves out as agents or representatives of the Society unless appointed to the office of director or otherwise engaged as such, in writing, by the Society. To ensure this policy was made clear to her it was made explicit in s 3.1 of her NDA.

30. I understood all communications I had with Ms. Johnson on or after August 30, 2021 to be protected by confidentiality under the NDA.

CLARIFICATION

31. With respect to the supplementary affidavit that I affirmed in support of the section 137.1 motion on March 29, 2023 (the "supplementary affidavit"), the call that I described at subparagraphs 23(e) through (i):

a. occurred on September 23, 2021, not September 24, 2021, and was part of the call that I described at paragraph 20 of the supplementary affidavit.

b. was a Signal video call rather and not a telephone call.

32. As I deposed at paragraph 13(c) of the supplementary affidavit, Ms. Johnson and I never had any telephone calls. We only had Signal video and voice calls.

33. I could not remember precisely whether the calls over whatever medium that Ms. Johnson and I had were telephone or Signal voice or Signal video calls when I was first preparing the affidavit. I subsequently obtained my telephone records from my mobility provider, which confirmed that I have never spoken by telephone with Ms. Johnson. Copies of excerpts of voice call and text message logs my mobility provider sent me on March 29, 2023 for the period between March 1, 2021 and August 13, 2022 are collectively marked as Exhibit "F" to this affidavit. Ms. Johnson's telephone number is (778) 855 0545. I have excerpted the several hundred-page logs to include only the first page for context and the pages that include Ms. Johnson's phone number. They reflect that she did not answer the phone on the three occasions on which I have attempted to call her by telephone.

34. All records of calls in which I actually communicated, whether Signal voice or Signal video, with Ms. Johnson, are therefore captured in the screenshot marked as Exhibit "B" to the supplementary affidavit.

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 April
12, 2023, in accordance with O Reg 431/20



A commissioner for taking affidavits
Kristen Lloyd, LSO No. 79631U



KIPLING WARNER

Tab A

Lee Turner

Current status

Call date

Primary location

Contact address

Phone number

Fax number

Ergebnis

Current practice restrictions

Discipline history since 1983

Current regulatory proceedings

Practising

May 20, 1994

Doak Shinnell Lawyers LLP

#200 - 537 Lean Avenue

Kelowna, BC

W11V-2A9

[Show Map | Add to Outlook Contacts | Show QRCode](#)

050769 1993 JE:ent

100-210817 COL 0320
100-210818 COL 0320

250 763-4780 (toll free)
To obtain this brochure email address: info@nrc.ca

2004

2100N

Stomach

The Law Society provides a list of all unauthorized practitioners since September 2003, including related court documents. Search the database

Answers: Does your contact information need updating?

[Back](#)

New search

CONTACT US

Abstract

TERMS OF USE

6/17/2015

SUMMARY

< top



The Law Society
of British Columbia



OTTAWA LAW SOCIETY OF HONORARY COUNSELLORS

This is Exhibit "A" referred to in the affidavit of Kipling Warner affirmed before me electronically on April 12, 2023

Kileyd

A commissioner for taking affidavits
Kristen Lloyd, LSO No. 79631U

Tab B

From: Amani Rauff arauff@dglp.ca
Subject: Re: Galati v Toews et al - CV-22-683322 - case conference re: motion to stike
Date: April 6, 2023 at 12:16 PM
To: Rocco Galati rglfpc@gmail.com, Rocco Galati rocco@idirect.com
Cc: Tim Gleason tgleason@dglp.ca, Sabrina Carvalho scarvalho@dglp.ca
Bcc: Eric Kingsland ekingsland@dglp.ca

This is Exhibit B referred to in the affidavit of
Kipling Warner affirmed before 14ne
electronically on April 12, 2023

K. Lloyd

A commissioner for taking affidavits
Kristen Lloyd, LSO No. 79631U

Good afternoon Rocco,

I write in response to your letter of yesterday's date.

We will ask the Court to strike the paragraphs in your affidavit that describe communications between Lee Turner and Kipling Warner, and the related exhibit to your affidavit, on the basis that they were covered by solicitor-client privilege. Mr. Warner and Mr. Turner had no communications other than for the purpose of giving or receiving legal advice.

We will ask the Court to strike substantially all of Ms. Johnson's affidavit on the basis that she has breached the confidentiality agreement Mr. Warner marked as an exhibit to his supplementary affidavit on the section 137.1 motion.

Subsection 137.1(5) of the *Courts of Justice Act* does not preclude a party from commencing a motion within the section 137.1 motion; it only precludes fresh steps within the broader proceeding: *The Catalyst Capital Group Inc. v. West Face Capital Inc.*, 2021 ONSC 125 at ¶202; *United Soils Management Ltd. v Katie Mohammed*, 2017 ONSC 904 at ¶20.

We will agree to arguing the motion to strike on the return date of the section 137.1 motion, but still intend to seek a case conference to address timing.

Please provide Sabrina with your availability.

Thank you,

Amani



Amani Rauff (she/her)
Dewart Gleason LLP
Tel: 416.971.8000 | Fax: 416.971.8001
Suite 102 - 366 Adelaide St W, Toronto ON M5V1R9
Direct Line: 416.583.5793 | arauff@dglp.ca

From: Rocco Galati <rglfpc@gmail.com>
Date: Wednesday, April 5, 2023 at 12:47 PM
To: Amani Rauff <arauff@dglp.ca>, Tim Gleason <tgleason@dglp.ca>
Cc: Rocco Galati <rocco@idirect.com>, Rocco Galati <rglfpc@gmail.com>
Subject: Re: Galati v Toews et al - CV-22-683322 - case conference re: motion to stike

Dear Counsel,

Please see attached:

1. Ltr to Counsel in response

Thanks,
Alex Bornet
Law Clerk

On Thu, Mar 30, 2023 at 3:30 PM Amani Rauff <arauff@dglp.ca> wrote:

Good afternoon Rocco,

I write with respect to the above-noted action, and our clients' motion for its dismissal pursuant to section 137.1 of the *Courts of Justice Act*. We intend to move to strike privileged and confidential information included in the affidavits that you and Alicia Johnson affirmed responding to the section 137.1 motion. We propose to arrange a case conference before Justice Black, who scheduled the section 137.1 motion, to address the timing of the motion to strike. Our office will reach out with proposed dates.

Thank you,

Amani



Amani Rauff (she/her)

Dewart Gleason LLP

Tel: 416.971.8000 | Fax: 416.971.8001

Suite 102 - 366 Adelaide St W, Toronto ON M5V1R9

Direct Line: 416.583.5793 | arauff@dglp.ca

--

ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati, B.A., LL.B., LL.M.
1062 College Street, Lower Level
Toronto ON M6H 1A9

TEL: 416-530-9684

FAX: 416-530-8129

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"Oh why, oh why, does the wind never blow backwards?"---Woody Guthrie

Tab C

**ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION**

1062 College Street, Lower Level
Toronto, Canada M6H 1A9

Direct Line (416) 530-9684 Fax (416) 530-8129

April 5th, 2023

SENT VIA EMAIL: tgleason@dglp.ca, arauff@dglp.ca

Tim Gleason
Email: tgleason@dglp.ca
DEWART GLEASON LLP
02-366 Adelaide Street West
Toronto, ON M5V 1R9,

Amani Rauff,
Email: arauff@dglp.ca

RE: Galati v Toews et al - CV-22-683322

This is Exhibit "C" referred to in the affidavit of
Kipling Warner affirmed before me
electronically on April 12, 2023



A commissioner for taking affidavits
Kristen Lloyd, LSO No. 79631U

This is further to your e-mail/letter dated March 30th, 2023.

Firstly, I am unclear as to what you wish to strike from the affidavits filed in response to the Defendants' material.

In any event, whatever position you wish to take with the (in)admissibility of evidence, your client can make this argument on the return date of the anti-SLAPP motion date already set in September.

It is my position that this interim motion, on the purported admissibility of evidence, is barred by the terms of s.137.1(5) of the *Courts of Justice Act*. It will inevitably bifurcate, splinter, and delay the proceeding in the event of interlocutory appeals from the disposition of any such motion.

Your application on the anti-SLAPP should have, pursuant to s.137.2(1), been heard within sixty (60) days. This interim motion date may jeopardize the schedule already put in place.

We will oppose the scheduling of this motion and be submitting that any objections to evidence form part and parcel of the arguments made by the application Judge on the return date.

Yours very truly,
ROCCO GALATI LAW FIRM PROFESSIONAL CORPORATION
per:



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

Tab D

This is Exhibit "D" referred to in the affidavit
Kipling Warner affirmed before 18
electronically on April 12, 2023

K Lloyd

A commissioner for taking affidavits
Kristen Lloyd, LSO No. 79631U

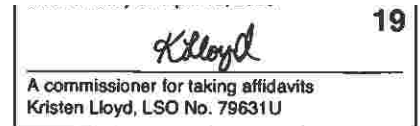
> >
From: Lee Turner <
To: kip@thevertigo.com <
Subject: Not read: Disconnected call
Date: Thu, 6 Apr 2023 18:04:28 +0000 (04/06/2023 11:04:28 AM)
X-Gnd-Status: LEGIT

Your message

To: Lee Turner
Subject: Disconnected call
Sent: Saturday, December 3, 2022 3:43:59 PM (UTC-08:00) Pacific Time (US & Canada)
was deleted without being read on Thursday, April 6, 2023 11:05:08 AM (UTC-08:00) Pacific Time (US & Canada)

✉ ✓ mail disposition report attachment
Final-recipient: RFC822;
Disposition: automatic-action/MDN-sent-automatically; deleted
X-MSEch-Correlation-Key: 0lDd2hq0qECxf+oirNynlg==
X-Display-Name: Lee Turner

Tab E



Confidentiality and Non-Competition Agreement

THIS CONFIDENTIALITY AND NON-COMPETITION AGREEMENT (the "**Agreement**") dated for reference 30 August 2021

AMONG: CANADIAN SOCIETY FOR THE ADVANCEMENT OF SCIENCE IN PUBLIC POLICY, a non-profit corporation incorporated pursuant to the *Societies Act*, S.B.C. 2015 c. 18, and having an office at 108-2115 Cypress Street, Vancouver, BC V6J 3M3
(the "**Society**")

OF THE FIRST PART

AND:

(the "**Volunteer**")

OF THE SECOND PART

WHEREAS:

- A. The Society is challenging the misuse or non-use of science and scientifically derived information for the implementation of authoritarian government or quasi-government public restrictions;
- B. The Volunteer desires to assist the Society and participate in furthering its objectives;
- C. The Society wishes to facilitate, and the Volunteer desires to participate in, candid "off-the-record" discussions where ideas, counter-ideas, rebuttals, and discussion may be exchanged frankly and freely and may be developed, rebutted, approved, or denied by participants without concern that they will be published or broadcast beyond those participating;
- D. The Society and the Volunteer each recognize that opinions, legal, political, personal, and other information that may become known to participants may be confidential in nature and the Volunteer has agreed to keep such information confidential;

The Volunteer and the Society anticipate the necessity of sharing the Society's Confidential Information (as hereinafter defined) and wish to do so without conveying any interest or rights to the Confidential Information or disclosing it to any other parties.

NOW THEREFORE, in consideration of the premises contained in this Agreement and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Volunteer hereby agrees as follows:

1.0 Confidentiality

1.1 Confidential Information

In this Agreement, "**Confidential Information**" refers to the identity of any participant, and the contents of any discussion, between or among persons who are members or directors of the Society or participating in a Society event (other than an event being broadcast by the Society to the public) and includes the identity of members, volunteers, and other participants and any discussion, conversation, information, knowledge, or opinion arising in the course thereof where such information or opinion, or the identification of a particular person in association with such information or opinion, is: not generally known to the public or the person sharing such information or opinion has not formally consented to the release of such information or opinion or their identification with its disclosure.

Without limiting the generality of the foregoing, Confidential Information includes:

- (a) The identification of members of the Society or any other contributing participants in Society affairs or events;
- (b) The opinions shared between or among members or participants in private or in the course of Society affairs or events;
- (c) The information and the sources of information shared between or among members or participants in private or in the course of Society affairs or events;
- (d) Any analysis or critique shared between or among members or participants or in the course of Society affairs or events;
- (e) Any business; event; legal, political, or marketing strategy or analysis; or any other information concerning the activities of the Society or instructions to its professional advisors; and any lists or names of members, participants, legal or financial advisors, or other connections of the Society;

provided that any such information described above may be disclosed pursuant to a judicial order, or by written approval of the source or if first disclosed by a third party through no fault of the Volunteer. For the sake of this section 1.1, Volunteer includes such the Volunteer's affiliated and associated entities, if any.

1.2 Use of Confidential Information

The disclosure of Confidential Information by the Society is solely for the purpose of facilitating the free flow, critique, and refining of ideas and will not be used for any other purpose. In particular, without limiting the generality of the foregoing, the Volunteer will not use Confidential Information for political, economic, or social gain or to politically or socially or otherwise malign any person or the reputation of any person.

1.3 Nondisclosure of Confidential Information

The Volunteer agrees that it will keep secret and treat as confidential any of the Confidential Information and, except to the extent provided in section 1.1 or required by applicable law or with the Society's prior written authorization, shall not disclose any Confidential Information to any person or entity whatsoever.

1.4 Disclosure of Confidential Information

- (a) The Volunteer shall limit dissemination of Confidential Information to the officers, directors, or solicitor of the Society who need to know such Confidential Information in connection with the business or activities of the Society. The Volunteer shall be responsible for each breach of this Agreement by its contractor's, officers, directors, agents, employees, representatives and other such affiliated individuals or entities.
- (b) Notwithstanding the foregoing, where the Volunteer is an employee or is assisting an employee in the conduct of Society business, disclosure of Confidential Information shall not be a violation of this Agreement by that person where they were instructed to do so or where it was necessary to do so in order to fulfill the employment duties of such employee.

1.5 Return of Documents and Property

Upon termination of membership or participation in the Society, the Volunteer shall promptly deliver to the Society any documents or other materials containing any Confidential Information ("**Confidential Documents**") and any other property of the other that the Volunteer may have (or may have had) in its possession or under its control, including without limitation any Confidential Documents delivered to any third party. If materials are electronic or copies of materials are in

electronic form, the Volunteer will use their best efforts to ensure that such copies or copies of copies are destroyed.

1.6 Facilitating Third Parties

The Volunteer will not, directly or indirectly, passively or actively, assist or facilitate any person to engage in activities prohibited by this Agreement.

2.0 Breach

2.1 Notice and Mitigation

Promptly on becoming aware of a breach of this Agreement, the Volunteer shall:

- (a) Notify the Society of the details of the Breach;
- (b) Take steps on an immediate, urgent basis to mitigate the breach.

2.2 Injunctive Relief

The Volunteer hereby acknowledges and agrees that, in the event of any breach of this Agreement, the Society will suffer irreparable injury, such that no remedy at law will afford it adequate protection against, or appropriate compensation for, such injury. Accordingly, the Volunteer agrees that the Society shall be entitled to specific performance under this Agreement, as well as such further injunctive or other relief as may be granted by a court of competent jurisdiction. In the event the Society seeks injunctive relieve and is successful, in whole or in part, the Volunteer hereby agrees to fully indemnify and hold harmless the Society in respect of the cost to the Society of seeking such relief.

2.3 Applicable Law

This Agreement shall be governed for all purposes by the laws of the Province of British Columbia, Canada, and the Volunteer hereby attorns to the exclusive jurisdiction of the courts of the Province of British Columbia and of Canada therein.

2.4 Arbitration

Any disputes pursuant to this Agreement shall be subject to Arbitration, in English, by the International Centre for Dispute Resolution (see: icdr.org) pursuant to their Canadian Dispute Resolution Procedures. An application for arbitration shall not prevent or preclude the Society from also seeking injunctive relief.

2.5 Insurance

In the event that a claim is made by the Volunteer against the Society, the Volunteer agrees that the maximum of any claim payable by the Society, including costs, shall be capped and the amount of the cap shall be the lesser of ONE THOUSAND DOLLARS (\$1,000⁰⁰) and the amount of insurance applicable and then in force under such policy of insurance as may then be held by the Society.

3.0 General

3.1 Not representatives of Agents

Nothing in this Agreement shall make the Volunteer a partner with or agent or representative of the Society and the Volunteer agrees that it will not hold itself out as an agent or representative of the Society unless appointed to the office of director or otherwise engaged as such, in writing, by the Society.

3.2 Communications

The Volunteer will not, unless authorized in writing to do so, exercise any administrative function, or publish or change any content, biometrics, tags, hashtags, or any other information through any

social media or other platform, whether delivered electronically or in any other form, in respect of which the Society has an account or member or administrator privileges or status analogous to that of a member or administrator of a social media account. Social media accounts include, but are not limited to platforms by which a person may publish information, photographs, video or audio recordings, coding, or any other information to an audience whether limited to members or specifically permitted persons or to the public.

3.3 Notices

Notices may be sent to the Society at the address above, or electronically to service@covidconstitutionalchallengebc.ca. Notices may be sent to the Volunteer at the address above. The Society may amend its address from time to time by filing a notice of address change with the Registrar of Companies, or by written notice to the Volunteer at the last address noted for the Volunteer in the records of the Society. The Volunteer may amend its address by delivering written notice of an amended address to the Society.

3.4 Severability

If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.

3.5 Entire Agreement/Amendments

This Agreement constitutes the complete, final and exclusive agreement between the Volunteer and the Society with respect to the subject matters addressed herein. This Agreement may not be amended or modified except by writing signed by both the Society and the Volunteer.

IN WITNESS WHEREOF the Volunteer has executed this Agreement as A DEED UNDER SEAL as of the date first above written.

SIGNED, SEALED AND DELIVERED by
Alicia Johnson in the
presence of:


Witness signature

Dee Gandhi

Witness Name

1381 18th Street East,

Witness Address

North Vancouver, BC, V7J 1M2

Treasurer

Witness Occupation



Signature

Name: Alicia Johnson

09 / 02 / 2021



TITLE	CSASPP Confidentiality Agreement
FILE NAME	CSASPP Confidentiality Agreement.pdf
DOCUMENT ID	603fd8ab59887deaff96650aac5b9445fe62983a
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	• Completed

Document History



SENT

08 / 31 / 2021

02:29:03 UTC

Sent for signature to Alicia Johnson
(aliciajohnsonvancouver@gmail.com) from
treasurer@covidconstitutionalchallengebc.ca
IP: 187.143.159.60



VIEWED

09 / 01 / 2021

01:31:35 UTC

Viewed by Alicia Johnson (aliciajohnsonvancouver@gmail.com)
IP: 72.143.234.103



SIGNED

09 / 03 / 2021

05:48:53 UTC

Signed by Alicia Johnson (aliciajohnsonvancouver@gmail.com)
IP: 85.203.44.55



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09 / 03 / 2021

05:48:53 UTC

The document has been completed.

Tab F

Freedom
mobile

This is Exhibit "F" referred to in the affidavit of
Kipling Warner affirmed before me
electronically on April 12, 2023

Killoyd

A commissioner for taking affidavits
Kristen Lloyd, LSO No. 79631U

Date: March 29, 2023
Customer Name: Kipling Warner
Request: Voice Calls & Text Messages
Account Number: [REDACTED]
Freedom Number: 6045517988
Email Address: kip@thevertigo.com

Date and Time (EST)	Originating #	Receiving #	Duration	Event Type
3/1/21 12:56 PM	[REDACTED]	[REDACTED]	[REDACTED]	Voice
3/1/21 2:20 PM				Voice
3/1/21 4:19 PM				Voice
3/1/21 4:47 PM				Voice
3/1/21 5:23 PM				SMS
3/1/21 5:23 PM				SMS
3/1/21 5:26 PM				Voice
3/1/21 5:48 PM				SMS
3/1/21 6:02 PM				SMS
3/1/21 6:13 PM				SMS
3/1/21 6:13 PM				SMS
3/1/21 6:25 PM				SMS
3/1/21 6:44 PM				SMS
3/1/21 6:44 PM				SMS
3/1/21 8:41 PM				Voice International
3/1/21 8:42 PM				SMS International
3/2/21 1:07 PM				Voice
3/2/21 2:52 PM				SMS
3/2/21 2:52 PM				SMS
3/2/21 2:52 PM				SMS International
3/2/21 2:54 PM				SMS International
3/2/21 3:02 PM				SMS International
3/2/21 3:06 PM				SMS International
3/2/21 3:06 PM				SMS International
3/2/21 3:09 PM				Voice
3/2/21 3:31 PM				Voice
3/2/21 3:54 PM				Voice Special
3/2/21 3:58 PM				Voice Special
3/2/21 4:00 PM				Voice
3/2/21 4:07 PM				SMS International

Freedom
mobile

1/15/22 11:03 PM				Voice
1/16/22 2:31 AM				SMS
1/16/22 2:31 AM				SMS
1/16/22 2:54 AM				SMS
1/16/22 3:42 AM				SMS
1/16/22 3:42 AM				SMS
1/16/22 1:58 PM				Voice Special
1/16/22 1:58 PM				Voice Special
1/16/22 4:55 PM				Voice
1/16/22 4:56 PM				Voice
1/16/22 5:15 PM				Voice
1/16/22 6:39 PM				Voice Special
1/16/22 6:40 PM				Voice Special
1/16/22 6:40 PM				Voice
1/16/22 6:41 PM				Voice
1/16/22 6:42 PM				Voice
1/16/22 6:44 PM	6045517988	7788550545	0:00:06	Voice
1/16/22 7:37 PM				Voice
1/16/22 7:37 PM				Voice
1/16/22 7:38 PM				Voice
1/16/22 7:39 PM				Voice
1/16/22 8:34 PM				Voice Special
1/16/22 9:07 PM				Voice
1/16/22 9:53 PM				Voice Special
1/17/22 9:42 AM				SMS Special
1/17/22 12:35 PM				Voice
1/17/22 12:57 PM				Voice
1/17/22 2:28 PM				Voice
1/17/22 4:05 PM				Voice
1/17/22 5:44 PM				Voice
1/17/22 5:44 PM				Voice
1/17/22 5:45 PM				Voice
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1/17/22 5:56 PM				Voice
1/17/22 7:20 PM				SMS
1/17/22 9:15 PM				SMS
1/18/22 12:06 AM				Voice
1/18/22 1:23 PM				Voice
1/18/22 1:30 PM				Voice
1/18/22 1:31 PM				Voice
1/18/22 1:33 PM				Voice
1/18/22 1:38 PM				Voice
1/18/22 1:39 PM				Voice
1/18/22 1:41 PM				Voice
1/18/22 1:48 PM				Voice
1/18/22 1:51 PM				Voice

8/10/22 3:44 PM				SMS
8/10/22 3:46 PM				SMS
8/10/22 3:54 PM				Voice
8/10/22 4:41 PM				Voice
8/10/22 4:56 PM				Voice
8/10/22 5:21 PM				SMS
8/10/22 5:22 PM				SMS
8/10/22 5:22 PM				SMS
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8/10/22 6:07 PM				SMS
8/10/22 6:12 PM				SMS
8/10/22 7:47 PM				Voice International
8/10/22 8:24 PM				SMS
8/10/22 8:24 PM				SMS
8/10/22 8:24 PM				SMS
8/10/22 9:03 PM				SMS
8/10/22 9:37 PM				Voice Special
8/10/22 9:37 PM				SMS
8/11/22 3:52 PM				Voice
8/11/22 3:52 PM				Voice
8/11/22 3:53 PM				Voice
8/11/22 5:11 PM	6045517988	7788550545	0:00:06	Voice
8/11/22 5:11 PM				Voice
8/11/22 5:17 PM				Voice Special
8/11/22 5:17 PM				Voice
8/11/22 5:26 PM				Voice
8/11/22 6:31 PM				Voice
8/11/22 10:10 PM				Voice International
8/12/22 1:13 PM				Voice
8/12/22 1:17 PM				Voice International
8/12/22 1:25 PM				Voice
8/12/22 2:17 PM				SMS Special
8/12/22 6:26 PM				SMS
8/12/22 6:26 PM				SMS
8/12/22 6:26 PM				SMS
8/12/22 6:28 PM				SMS
8/12/22 6:28 PM				SMS
8/12/22 6:35 PM				SMS Special
8/12/22 6:48 PM				Voice
8/12/22 8:30 PM				Voice
8/12/22 10:35 PM				SMS
8/12/22 10:39 PM				SMS
8/12/22 11:57 PM				SMS
8/13/22 1:50 AM				Voice
8/13/22 12:53 PM				Voice

Court File No. CV-22-683322

TOEWS et al.
Defendants

- and -

GALATI
Plaintiff

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at TORONTO

AFFIDAVIT OF KIPLING WARNER
(affirmed April 12, 2023)

DEWART GLEASON LLP
102-366 Adelaide Street West
Toronto ON M5V 1R9

Tim Gleason, LSO No. 43927A
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Lawyers for the named defendants

GALATI Plaintiff	- and -	TOEWS et al. Defendants	<div>Court File Nos.: CV-21-00658403-0000</div> <div>ONTARIO SUPERIOR COURT OF JUSTICE Proceeding commenced at TORONTO</div> <div>MOTION RECORD OF THE MOVING PARTY DEFENDANTS (motion to strike affidavit material)</div> <div>DEWART GLEASON LLP 102-366 Adelaide Street West Toronto ON M5V 1R9 Tim Gleason, LSO No. 43927A Email: tgleason@dglp.ca Amani Rauff, LSO No. 78111C Email: arauff@dglp.ca Telephone: (416) 971 8000 Lawyers for the named defendants</div>
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affidavit of Dee Turner
sworn before me at Kelowna
In the Province of British Columbia,
this 23 day of June, 2023.

Court File No. CV-22-683322-0000

ONTARIO

SUPERIOR COURT OF JUSTICE

AK/kc

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

This is the Cross-Examination of KIPLING WARNER, on
his Affidavits sworn January 26, 2023, and March 29, 2023,
taken via videoconference at the offices of VICTORY
VERBATIM REPORTING SERVICES INC., 222 Bay Street, Suite
900, Toronto-Dominion Centre, Toronto, Ontario, on the
23rd day of May, 2023.

A P P E A R A N C E S:

ROCCO GALATI
ALEX BORNAT (law clerk)

-- self-represented
Plaintiff

TIM GLEASON
AMANI RAUFF

-- for the Defendants

K. Warner - 60

1 Lowin that he had not provided to me in
2 advance, I made comments about the
3 Plaintiff's litigation on behalf of
4 Action4Canada and others between 4:40
5 and 6:44 minute marks of the video, all
6 of which I believe to be entirely true,
7 or my view based on true facts that I
8 described. I did not prompt that
9 question, I was not aware I was going to
10 be asked anything about the Plaintiff.
11 I had no time prior to that interview to
12 discuss the Plaintiff with Mr. Lowin..."

13 Was it ever an occurrence in your mind to simply
14 say, "No comment about Mr. Galati"?

15 A. No, the camera was rolling and he
16 asked a sincere question, and that was my answer.

17 270. Q. Okay.

18 A. Also, his name is pronounced
19 Lowin. James Lowin.

20 271. Q. Yes, I don't know. I have a
21 problem with Gaelic names, I have a pronunciation
22 issue myself. Now with respect to paragraph 42
23 and 43 of your Affidavit, and the texts
24 exchange...produced by me between you and Mr. Lee
25 Turner, I know you take the position that these

K. Warner - 61

1 exchanges were covered by solicitor-client
2 privilege which we oppose, and contest. I just
3 have a few questions on what you say the occasion
4 of that privilege is.

5 A. That would be covered by
6 solicitor-client privilege.

7 272. Q. Sorry?

8 A. Solicitor-client privilege.

9 273. Q. Yes, but what was the occasion of
10 the privilege, if you understand that term?

11 A. I don't.

12 274. Q. Okay. The occasion of the
13 privilege is the context of the exchange. Not
14 everything between a lawyer and his client, if he
15 is his client, is solicitor-client privileged.
16 The occasion is privileged. So, what was the
17 occasion between you and Mr. Lee Turner that had
18 him as your solicitor?

19 A. He had approached me wanting to
20 provide legal advice in respect to the work the
21 Society does. He had actually approached us a
22 number of times, including our counsel.

23 275. Q. All right. But in that exchange,
24 was he approaching you for legal advice?

25 A. Which exchange?

K. Warner - 62

1 276. Q. The exchange that is reproduced
2 in my Affidavit where you call me a "serial con
3 artist and fraudster" and "grifter".

4 A. I believe that that isn't a
5 verbatim copy of our conversation that was
6 dictated. So, it's here...

7 277. Q. Oh, it's not? Do you have the
8 verbatim copy?

9 A. No, I don't.

10 278. Q. Well, so how do you know it's not
11 a verbatim copy?

12 A. Because it says in his email to
13 you that it was dictated.

14 279. Q. It doesn't say it was dictated.

15 A. Shall we go...

16 280. Q. His email to me is dictated, not
17 the text between you.

18 A. Where does that come from?

19 281. Q. From Mr. Turner, you sent it to
20 him.

21 A. And how did he do that? He did
22 it by dictating into a microphone.

23 282. Q. He dictated the email, it was
24 sent to me by email. Now, has Mr. Turner ever
25 been on record in any court case for you?

K. Warner - 63

1 A. No.

2 283. Q. No? Do you have a written
3 retainer with Mr. Turner of any sort?

4 A. No.

5 284. Q. Would Mr. Turner agree with you
6 that that exchange...and if we can pull it up?
7 Is that an exchange at exhibit S of my Affidavit
8 in response to yours...exhibit S. It's at page
9 270 of my record.

10 A. Yes, I see it. And at the bottom
11 of the page it says,

12 "...Sent from my Android using voice
13 dictation..."

14 285. Q. Yes, the email to me at the top
15 is sent...the forward is sent by Android.

16 A. Well, it's not a forward...

17 286. Q. In any event...huh?

18 A. It's not a forward.

19 287. Q. It was forwarded to me by email.

20 A. No, it wasn't.

21 288. Q. I reproduced this page.

22 A. It was not a forward.

23 289. Q. We can argue about that later.

24 But let me ask you, when you say in the middle of
25 the page,

K. Warner - 64

1 "...We were all being attacked when we
2 were being robbed by Rocco's marketing
3 arms. Rocco was a serial con artist and
4 fraudster. Peter Gall is not as bad,
5 but he is a grifter..."

6 And I understand Mr. Gall is an attorney that was
7 co-counsel for co-applicants in one of your
8 cases, is that correct?

9 A. He was...

10 MR. GLEASON: Hold on, hold on, hold
11 on.

12 290. MR. GALATI: I'm going to continue,
13 and then I have questions, Tim.

14 MR. GLEASON: Hold on, hold on.

15 291. MR. GALATI: Continue...hold on,
16 what?

17 MR. GLEASON: You are aware that it
18 is our position that this communication
19 is privileged.

20 292. MR. GALATI: And we say it is not,
21 and I have questions...

22 MR. GLEASON: I understand that you
23 say that it is not. But we are not
24 answering questions about it.

25 293. MR. GALATI: Well, we will see. When

K. Warner - 65

1 I ask my question, then he can answer or
2 not. I haven't asked my question yet.

3
4 BY MR. GALATI:

5 294. Q. Your statement goes on to say,
6 "...The nurses are livid with him..."

7 On and on. Then Lee Turner says,

8 "...I strongly disagree with your
9 character assassination of them..."

10 He is referring to myself and Mr. Gall.

11 "...I have spoken extensively with both
12 of them. You need to get your facts
13 straight before you defame someone..."

14 And then you say,

15 "...What facts are wrong about
16 Rocco?..."

17 And Mr. Turner says,

18 "...Everything you have said...."

19 You say,

20 "...Be specific, tell me what
21 specifically on our FAQ is false about
22 him..."

23 And then you say,

24 "...Can you name a single important case
25 that he has won? Can you tell me how

K. Warner - 66

1 many times he has been investigated by
2 the Law Society of Ontario? Can you
3 tell me if any of those complaints were
4 instigated by the Law Society
5 itself?..."

6 Now do you think Mr. Turner would agree with you
7 that this occasion of this text exchange is
8 covered by solicitor-client privilege?

9 MR. GLEASON: Refused, move on. /R

10 295. MR. GALATI: Okay.

11
12 BY MR. GALATI:

13 296. Q. Why have you not provided an
14 Affidavit or a letter from Mr. Turner saying that
15 this exchange is covered by solicitor-client
16 privilege?

17 MR. GLEASON: Refused, move on. /R

18 297. MR. GALATI: Refused on what basis?

19 MR. GLEASON: It's a ridiculous
20 question.

21 298. MR. GALATI: It's not a ridiculous
22 question.

23
24 BY MR. GALATI:

25 299. Q. So, if this is covered by

K. Warner - 67

1 solicitor-client privilege, would you not agree
2 he has breached your solicitor-client privilege
3 by forwarding it to me?

4 A. Yes.

5 300. Q. Okay, have you reported him to
6 the Law Society for that breach?

7 A. No.

8 301. Q. Why not?

9 A. Are you asking me to give you
10 legal advice?

11 302. Q. Not legal advice, I'm asking you
12 for a factual answer. If that's a breach of your
13 privilege, have you reported it to the Law
14 Society?

15 A. I will wait to see what a judge
16 says on that before I take it and make a
17 decision.

18 303. Q. Well, my suggestion to you is
19 that Mr. Lee Turner will deny that that was a
20 privileged exchange.

21 MR. GLEASON: So? Move on.

22 304. MR. GALATI: And that's why you
23 haven't reported him to the Law Society.

24 MR. GLEASON: That's...

25 305. MR. GALATI: This assertion...

K. Warner - 68

1 MR. GLEASON: Look, you are not here
2 to argue with him.
3 306. MR. GALATI: I'm asking him, Tim.
4 You can interrupt as many times as you
5 want, I am entitled to ask him and I am
6 going to suggest to you...
7 MR. GLEASON: And it's refused...
8 307. MR. GALATI: ...this is a...
9 MR. GLEASON: ...so move on.
10 308. MR. GALATI: Refused what? You
11 haven't heard the question.
12 MR. GLEASON: Yes, I have.
13 309. MR. GALATI: Maybe you don't
14 understand solicitor-client privilege
15 and the difference between...
16 MR. GLEASON: See, you are asking the
17 witness...
18 310. MR. GALATI: ...asking questions
19 about the privilege...
20 MR. GLEASON: You are asking the
21 witness...
22 311. MR. GALATI: ...and the privilege
23 itself.
24 MR. GLEASON: You are asking...
25 312. MR. GALATI: Okay.

K. Warner - 69

1 MR. GLEASON: ...the witness what
2 another person, his lawyer, would say.
3 That's not a proper question, and he is
4 not answering it, move on.

5 313. MR. GALATI: Okay. And I moved on
6 from that question already, and I am
7 asking him why he hasn't reported the
8 lawyer to the Law Society for the breach
9 of his privilege.

10 MR. GLEASON: And he has answered
11 that.

12 314. MR. GALATI: And that's a valid
13 question, if there is a privilege, okay?
14 And I am going to suggest to him that
15 this privilege on this communication
16 where he accuses me of the criminal act
17 of being a serial con artist and
18 fraudster, is a convenient figment of
19 his imagination to shield him from
20 dealing with this in court.

21 MR. GLEASON: That's not a question,
22 move on.

23 315. MR. GALATI: So, apart from your
24 assertion, Mr. Warner, do you have any
25 other evidence that this exchange is

K. Warner - 70

1 covered by solicitor-client privilege?

2 MR. GLEASON: Refused, moved on. /R

3 316. MR. GALATI: No, that's a valid
4 question. Apart from this assertion, do
5 you have any other evidence that this is
6 covered by solicitor-client privilege?

7 MR. GLEASON: You have his evidence.

8 317. MR. GALATI: And what's the answer to
9 the question, Tim?

10 MR. GLEASON: You have his evidence.

11 318. MR. GALATI: No, that's not a
12 question...that's not an answer to my
13 question.

14 MR. GLEASON: Well, you are just
15 going to have to move on.

16 319. MR. GALATI: All right.

17

18 BY MR. GALATI:

19 320. Q. Mr. Warner, tab B of your
20 supplementary Affidavit, you attach a text from
21 Alicia Johnson, but on my copy from Facebook...

22 A. Rocco?

23 321. Q. ...the right side is cut off, I
24 can't...

25 A. Hold on.

Court File No.: CV-22-683322

Rocco Galati

Kipling Warner et al.

-and-

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT

Name: ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati

Address: 1062 College Street
Lower Level
Toronto ON M6H 1A9

Telephone No.: 416-530-9684

Fax No.: 416-530-8129

Lawyer for the Plaintiff,
on his own behalf

TAB 2

Court File No. CV-22-683322-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ROCCO GALATI

Plaintiff

- and -

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

Defendants

AFFIDAVIT

I, Alicia Johnson, of the City of Richmond in the Province of British Columbia,

MAKE OATH AND SAY:

1. I am a resident of British Columbia.
2. I have been provided with the affidavit of Kipling (known as Kip) Warner filed in his motion brought by him in this action, to strike my affidavit.
3. In response to Mr. Warner’s affidavit, contained in his motion record to strike my evidence, based on the Non-Disclosure Agreement (“NDA”), attached hereto as “**Exhibit A**”, I respond as set out below.
4. In response to Paragraph 22 of Kip Warner’s affidavit, I state as follows:
5. When the NDA was proposed to all members, in the signal group, it was specifically explained by Kip Warner that the intent of the NDA was to protect any and all litigation strategies of the Society that were going to commence being discussed in the coming months outside of the signal group.

6. This did not include topics of discussion that were casually discussed in the group that did not pertain to the Society's litigation strategies. Members specifically asked Kip Warner (post signing of the NDA) if other topics that were currently being discussed in the signal group could be shared outside the group. Kip Warner responded that as long as it does not pertain to the Society's litigation and/or strategies for litigation, it is OK to be discussed outside of the group.
7. It was my understanding that only the Society's litigation strategy was protected under the NDA in which I never discussed these matters outside of the signal group.
8. Furthermore, in the three (3) short weeks that I was in the signal group, that was under an NDA, there were no litigation strategies being discussed at that time.
9. I will affirm again that Kip Warner made a personal request of me to contact Tanya Gaw, Ted Kuntz, and Odessa Orlewicz which was outside of the CSASSP signal group which had nothing to do with CSASSP litigation strategies, for the purpose set out in my first affidavit.
10. In response to Paragraph 28 of Kip Warner's affidavit, I state as follows:
11. The personal request of Kip Warner was not confidential information, nor did it pertain to the Society, or its litigation strategy.
12. In response to Paragraph 30 of Kip Warner's affidavit, I state that as follows:
13. Kip Warner sent personal messages / personal calls / personal video calls via his personal signal application outside of the CSASSP signal group to make a personal request of me to reach out to Tanya Gaw, Ted Kuntz, and Odessa Orlewicz and share the information that he wanted to relay through me which had no relation to the Society and or its litigation strategy.

14. Furthermore, it is distressing that Mr. Warner persists in misleading the Court in response to my initial affidavit, in his “supplementary affidavit”, on the anti-SLAPP motion which I clarify below.

15. In response to Paragraph 13 (i) of Kip Warners supplementary affidavit, I state as follows:

16. The email Kip Warner sent me corroborates my initial affidavit, as my response to him was thanking him for sending me this and that anything I can use to “bridge this together” is helpful.

17. That was to “bridge” Tanya Gaw, Ted Kuntz and Odessa Orlewicz with Kip Warner’s request of me because he had been unsuccessful and he knew that I had a closer connection to them than he did. Kip Warner sent this email to show me that he had kind intentions towards Tanya Gaw. He also sent me a private letter that he wrote to Tanya Gaw aside from this and wanted to show me his good will towards her. The reason for this is because I asked him what his deal was with the Plaintiff, Rocco Galati, as mentioned in my initial affidavit. It was to show me he didn’t have an issue with Tanya Ted or Odessa, just the Plaintiff, Rocco Galati, Tanya and Ted’s lawyer.

18. This was the reason for this email dated 12:46am on September 23, 2021, contained in Kip Warner’s supplementary affidavit.

19. In response to Paragraph 14 of Kip Warner’s supplementary affidavit, I state as follows:

20. In regard to Kip Warner’s paragraph 14, “Exhibit D”, where he is trying to paint me as “divisive” in the movement, the full context that led up to that “collective” letter by the individuals which included CSASSP members Vladislav Sobolev & Yvonne Coehlo (“We are all essential/Hugs over masks”), Rick Thomas (“No New Normal”), and Marcella Desjarles (“Hugs Over Masks” and “now Stand United” a group she created with James

Davison), all of whom participated in the Chris Sky orchestration of attempting to Hijack our WWR 7.0 event March 19th, 2023.

21. My organizing partner Danielle Pistilli was forced to temporarily shut down her social media pages because of the threats that she was receiving from Chris Sky and those who follow Chris Sky (a known friend and affiliate of Vladislav Sobolev & Yvonne Coehlo) as manifested and attached hereto as “**Exhibit B**”. Both Vladislav and Yvonne participated in fuelling this aggression by participating in this as well with Vladislav citing that “we” the “elite freedom club” are all done (Alicia Danielle Tanya Gaw Odessa) and Chris Sky responding, “stick a fork in them”. Attached hereto as “**Exhibit C**” is a copy of those posts. This all started when my organizing partner, Danielle Pistilli, refused to work with Chris Sky. This text message exchange to Marcella Desjarles is attached hereto as “**Exhibit D**”.
22. Because of the harassment and threats which continued for several days the police were called, a file was created, which explains why we had immense police presence at the WWR 7.0 event. Something that our events never required in the past.
23. Police On Guard / Mama Bears Project / Action4Canada / Canadian Frontline Nurses / World Wide Rally Group & ourselves Freedom Rally World collectively made a public statement in regards to the flyers that were circulating by Chris Sky, Vladislav Sobolev & Marcella Desjarles, attached hereto as “**Exhibit E**” is a copy of the public statements.
24. This is not the first attempt at doing something like this. Vladislav tried to impede and undermine WWR 4.0 (September 13, 2021) & 5.0 (November 20, 2021) with Yvonne Coehlo and others who participated in that attempt citing they were going to “take back the stage”. I have several screen shots & screen recordings of evidence of this type of aggression we had to endure since the summer of 2021 after we chose to stop working with

Vladislav Sobolev (“Hugs over masks/We are all Essential”) in spring of 2021 because of what we were seeing in his behaviour that didn’t align with our values.

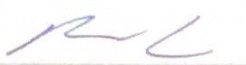
25. All of the above is to explain why, from that point the aggression just got worse through 2021 which includes the harassment/bullying I received as set out in my initial affidavit in the CSASSP signal chat, and why I asked to be removed from participating in this group.
26. In response to paragraph 23 of Kip Warner’s supplementary affidavit, I state as follows:
27. The Members of the Society did not ask me about my relationship with Action4Canada and the Plaintiff, Rocco Galati, which garnered my request to be removed. The members (Vladislav Sobolev and Yvonne Coehlo) already knew since fall of 2020 that I was associated with assisting in fundraising for Action4Canada’s lawsuit with the Plaintiff, Rocco Galati as their lawyer, as they were also participants to fundraise for the same suit themselves. Attached hereto as “**Exhibit F**” is a copy of the Signal group chat.
28. These members of the Society were harassing and bullying me as to why I did not mention Kip Warner’s case at the “World Wide Rally 4.0” that **my** organization hosted on September 18th, 2021 or any rallies or social media prior to that date.
29. Kip Warner states he did not participate in this discussion. This is not accurate nor is it the truth as he did participate in this as did members Dee Ghandi. I have screen shot evidence of all parties mentioned participating in this conversation (Vladislav Sobolev, Yvonne Coehlo, Dee Ghandi, Kip Warner), as seen in “**Exhibit F**” attached above.
30. Kip Warner disagrees with my characterization of the conversation - I have screen shot evidence showing harassment and bullying from members of the Society that I cited in my initial affidavit, as seen in “**Exhibit F**” attached above.

31. I can attest that Kip Warner did in fact remove me from the CSASSP signal group, per my request, and offered that I am welcome back to the signal group anytime, that I only need to ask as seen in “**Exhibit F**” attached above. The invitation to come back anytime is also within my screen shot. In 2021 after I had met Kip Warner, I personally invited Kip to speak at a rally in which he declined. His reason was he doesn’t do public speaking engagements. Yet he did not divulge that information to any members of the CSASSP signal group that were harassing and bullying me - he chose to stay silent and participate and allow for this to go on until I chose to be removed from the group. Not only was I harassed in the signal group but outside of the signal group, as well by Vladislav Sobolev and Yvonne Coehlo, as I have been documenting the ongoing aggression since summer of 2021 from these individuals. This is why I have the evidence that I refer to in this affidavit.
32. All conversations that are stated in my first affidavit were personal messages between Kip Warner and myself, including signal phone and video calls, in which are all disclosed in my first affidavit and are true in their facts.
33. I have not fabricated any of my discussions with Kip Warner. He has misled the Court.
34. Mr. Warner is guilty of intentional fabrication under oath to protect his own interest.
35. To re-iterate and summarize:
- (a) Nothing in my first, nor the within affidavit, breached any terms, as understood and conveyed to us, of the NDA;
 - (b) Kip Warner, in his “supplementary” affidavit in response to my first affidavit, and in his affidavit in support of his motion to strike my first affidavit, misleads the Court.

7

SWORN BEFORE ME BY VIDEO CONFERENCE

By Alicia Johnson of Richmond)
In the province of British Columbia)
Before me at the City of Toronto)
In the Province of Ontario, on this 28th day of)
June, 2023, in accordance with O. Reg. 431/20:)
Administering Oath or Declaration Remotely.)


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


Alicia Johnson

This is **Exhibit “A”** referred to in the
affidavit of **Alicia Johnson**
of the City of Richmond, in the province of
British Columbia, sworn before, at the City of Toronto
in the Province of Ontario this 28th day of June 2023
in accordance with [O. Reg. 431/20](#).



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



Confidentiality and Non-Competition Agreement

THIS CONFIDENTIALITY AND NON-COMPETITION AGREEMENT (the "**Agreement**") dated for reference 30 August 2021

AMONG: **CANADIAN SOCIETY FOR THE ADVANCEMENT OF SCIENCE IN PUBLIC POLICY**, a non-profit corporation incorporated pursuant to the *Societies Act*, S.B.C. 2015 c. 18, and having an office at **108-2115 Cypress Street, Vancouver, BC V6J 3M3**
(the "**Society**")

OF THE FIRST PART

AND:
(the "**Volunteer**")

OF THE SECOND PART

WHEREAS:

- A. The Society is challenging the misuse or non-use of science and scientifically derived information for the implementation of authoritarian government or quasi-government public restrictions;
- B. The Volunteer desires to assist the Society and participate in furthering its objectives;
- C. The Society wishes to facilitate, and the Volunteer desires to participate in, candid "off-the-record" discussions where ideas, counter-ideas, rebuttals, and discussion may be exchanged frankly and freely and may be developed, rebutted, approved, or denied by participants without concern that they will be published or broadcast beyond those participating;
- D. The Society and the Volunteer each recognize that opinions, legal, political, personal, and other information that may become known to participants may be confidential in nature and the Volunteer has agreed to keep such information confidential;

The Volunteer and the Society anticipate the necessity of sharing the Society's Confidential Information (as hereinafter defined) and wish to do so without conveying any interest or rights to the Confidential Information or disclosing it to any other parties.

NOW THEREFORE, in consideration of the premises contained in this Agreement and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Volunteer hereby agrees as follows:

1.0 Confidentiality

1.1 Confidential Information

In this Agreement, "**Confidential Information**" refers to the identity of any participant, and the contents of any discussion, between or among persons who are members or directors of the Society or participating in a Society event (other than an event being broadcast by the Society to the public) and includes the identity of members, volunteers, and other participants and any discussion, conversation, information, knowledge, or opinion arising in the course thereof where such information or opinion, or the identification of a particular person in association with such information or opinion, is: not generally known to the public or the person sharing such information or opinion has not formally consented to the release of such information or opinion or their identification with its disclosure.

Without limiting the generality of the foregoing, Confidential Information includes:

AT

- (a) The identification of members of the Society or any other contributing participants in Society affairs or events;
- (b) The opinions shared between or among members or participants in private or in the course of Society affairs or events;
- (c) The information and the sources of information shared between or among members or participants in private or in the course of Society affairs or events;
- (d) Any analysis or critique shared between or among members or participants or in the course of Society affairs or events;
- (e) Any business; event; legal, political, or marketing strategy or analysis; or any other information concerning the activities of the Society or instructions to its professional advisors; and any lists or names of members, participants, legal or financial advisors, or other connections of the Society;

provided that any such information described above may be disclosed pursuant to a judicial order, or by written approval of the source or if first disclosed by a third party through no fault of the Volunteer. For the sake of this section 1.1, Volunteer includes such the Volunteer's affiliated and associated entities, if any.

1.2 Use of Confidential Information

The disclosure of Confidential Information by the Society is solely for the purpose of facilitating the free flow, critique, and refining of ideas and will not be used for any other purpose. In particular, without limiting the generality of the foregoing, the Volunteer will not use Confidential Information for political, economic, or social gain or to politically or socially or otherwise malign any person or the reputation of any person.

1.3 Nondisclosure of Confidential Information

The Volunteer agrees that it will keep secret and treat as confidential any of the Confidential Information and, except to the extent provided in section 1.1 or required by applicable law or with the Society's prior written authorization, shall not disclose any Confidential Information to any person or entity whatsoever.

1.4 Disclosure of Confidential Information

- (a) The Volunteer shall limit dissemination of Confidential Information to the officers, directors, or solicitor of the Society who need to know such Confidential Information in connection with the business or activities of the Society. The Volunteer shall be responsible for each breach of this Agreement by its contractor's, officers, directors, agents, employees, representatives and other such affiliated individuals or entities.
- (b) Notwithstanding the foregoing, where the Volunteer is an employee or is assisting an employee in the conduct of Society business, disclosure of Confidential Information shall not be a violation of this Agreement by that person where they were instructed to do so or where it was necessary to do so in order to fulfill the employment duties of such employee.

1.5 Return of Documents and Property

Upon termination of membership or participation in the Society, the Volunteer shall promptly deliver to the Society any documents or other materials containing any Confidential Information ("**Confidential Documents**") and any other property of the other that the Volunteer may have (or may have had) in its possession or under its control, including without limitation any Confidential Documents delivered to any third party. If materials are electronic or copies of materials are in

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electronic form, the Volunteer will use their best efforts to ensure that such copies or copies of copies are destroyed.

1.6 Facilitating Third Parties

The Volunteer will not, directly or indirectly, passively or actively, assist or facilitate any person to engage in activities prohibited by this Agreement.

2.0 Breach

2.1 Notice and Mitigation

Promptly on becoming aware of a breach of this Agreement, the Volunteer shall:

- (a) Notify the Society of the details of the Breach;
- (b) Take steps on an immediate, urgent basis to mitigate the breach.

2.2 Injunctive Relief

The Volunteer hereby acknowledges and agrees that, in the event of any breach of this Agreement, the Society will suffer irreparable injury, such that no remedy at law will afford it adequate protection against, or appropriate compensation for, such injury. Accordingly, the Volunteer agrees that the Society shall be entitled to specific performance under this Agreement, as well as such further injunctive or other relief as may be granted by a court of competent jurisdiction. In the event the Society seeks injunctive relieve and is successful, in whole or in part, the Volunteer hereby agrees to fully indemnify and hold harmless the Society in respect of the cost to the Society of seeking such relief.

2.3 Applicable Law

This Agreement shall be governed for all purposes by the laws of the Province of British Columbia, Canada, and the Volunteer hereby attorns to the exclusive jurisdiction of the courts of the Province of British Columbia and of Canada therein.

2.4 Arbitration

Any disputes pursuant to this Agreement shall be subject to Arbitration, in English, by the International Centre for Dispute Resolution (see: icdr.org) pursuant to their Canadian Dispute Resolution Procedures. An application for arbitration shall not prevent or preclude the Society from also seeking injunctive relief.

2.5 Insurance

In the event that a claim is made by the Volunteer against the Society, the Volunteer agrees that the maximum of any claim payable by the Society, including costs, shall be capped and the amount of the cap shall be the lesser of **ONE THOUSAND DOLLARS (\$1,000.00)** and the amount of insurance applicable and then in force under such policy of insurance as may then be held by the Society.

3.0 General

3.1 Not representatives of Agents

Nothing in this Agreement shall make the Volunteer a partner with or agent or representative of the Society and the Volunteer agrees that it will not hold itself out as an agent or representative of the Society unless appointed to the office of director or otherwise engaged as such, in writing, by the Society.

3.2 Communications

The Volunteer will not, unless authorized in writing to do so, exercise any administrative function, or publish or change any content, biometrics, tags, hashtags, or any other information through any

AT

social media or other platform, whether delivered electronically or in any other form, in respect of which the Society has an account or member or administrator privileges or status analogous to that of a member or administrator of a social media account. Social media accounts include, but are not limited to platforms by which a person may publish information, photographs, video or audio recordings, coding, or any other information to an audience whether limited to members or specifically permitted persons or to the public.

3.3 Notices

Notices may be sent to the Society at the address above, or electronically to service@covidconstitutionalchallengebc.ca. Notices may be sent to the Volunteer at the address above. The Society may amend its address from time to time by filing a notice of address change with the Registrar of Companies, or by written notice to the Volunteer at the last address noted for the Volunteer in the records of the Society. The Volunteer may amend its address by delivering written notice of an amended address to the Society.

3.4 Severability

If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.

3.5 Entire Agreement/Amendments

This Agreement constitutes the complete, final and exclusive agreement between the Volunteer and the Society with respect to the subject matters addressed herein. This Agreement may not be amended or modified except by writing signed by both the Society and the Volunteer.

IN WITNESS WHEREOF the Volunteer has executed this Agreement as A DEED UNDER SEAL as of the date first above written.

SIGNED, SEALED AND DELIVERED by
Alicia Johnson in the
presence of:



Witness signature

Dee Gandhi

Witness Name

1381 18th Street East.

Witness Address

North Vancouver, BC, V7J 1M2

Treasurer

Witness Occupation



Signature

Name: Alicia Johnson

09 / 02 / 2021





Audit Trail ²³

TITLE	CSASPP Confidentiality Agreement
FILE NAME	CSASPP Confidentiality Agreement.pdf
DOCUMENT ID	603fd8ab59887deaff96650aac5b9445fe62983a
AUDIT TRAIL DATE FORMAT	MM / DD / YYYY
STATUS	● Completed

Document History



SENT

08 / 31 / 2021
02:29:03 UTC

Sent for signature to Alicia Johnson
(aliciajohnsonvancouver@gmail.com) from
treasurer@covidconstitutionalchallengebc.ca
IP: 187.143.159.60



VIEWED

09 / 01 / 2021
01:31:35 UTC

Viewed by Alicia Johnson (aliciajohnsonvancouver@gmail.com)
IP: 72.143.234.103



SIGNED

09 / 03 / 2021
05:48:53 UTC

Signed by Alicia Johnson (aliciajohnsonvancouver@gmail.com)
IP: 85.203.44.55



COMPLETED

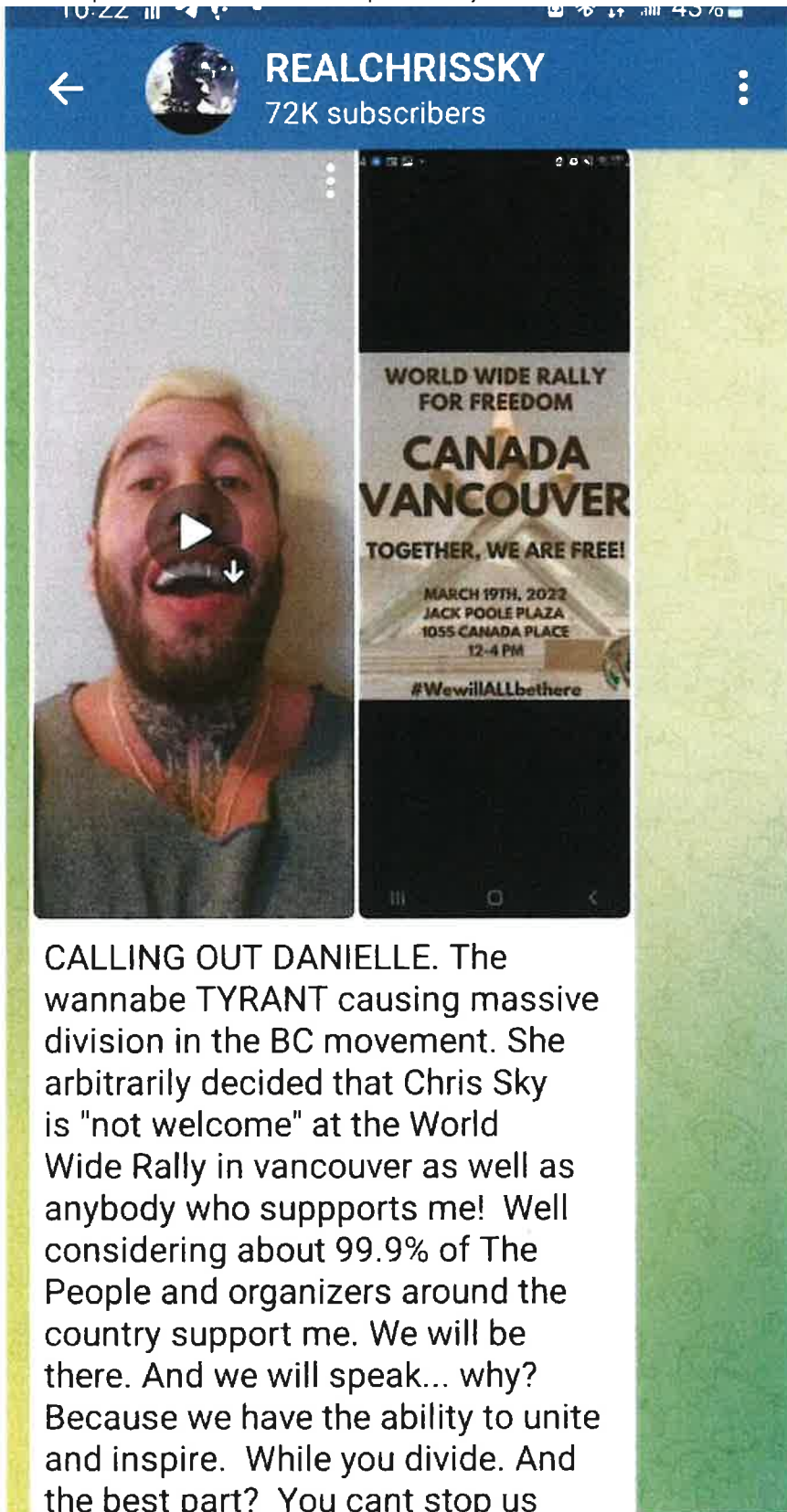
09 / 03 / 2021
05:48:53 UTC

The document has been completed.

This is **Exhibit “B”** referred to in the
affidavit of **Alicia Johnson**
of the City of Richmond, in the province of
British Columbia, sworn before, at the City of Toronto
in the Province of Ontario this 28th day of June 2023
in accordance with [O. Reg. 431/20](#).



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

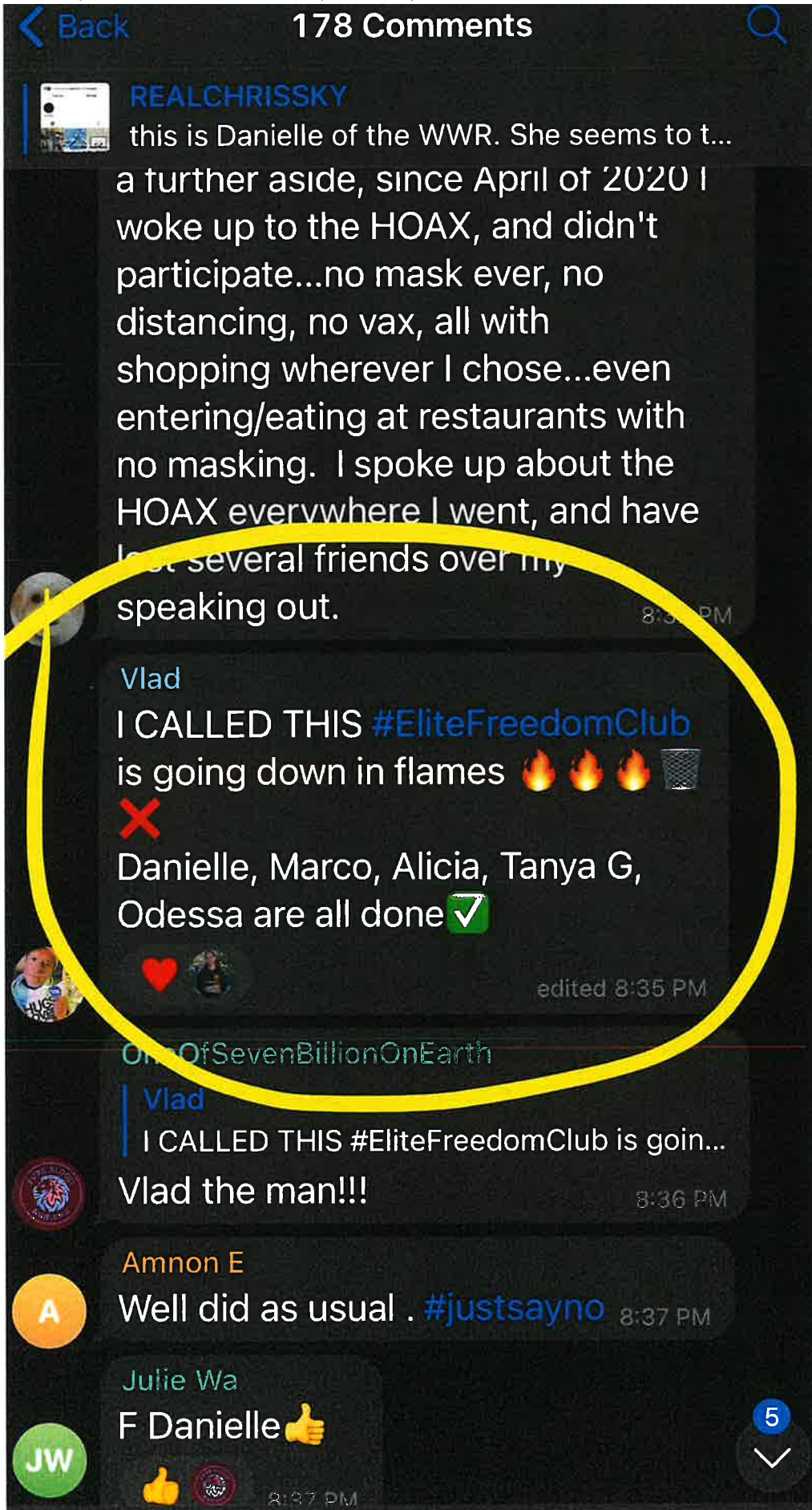


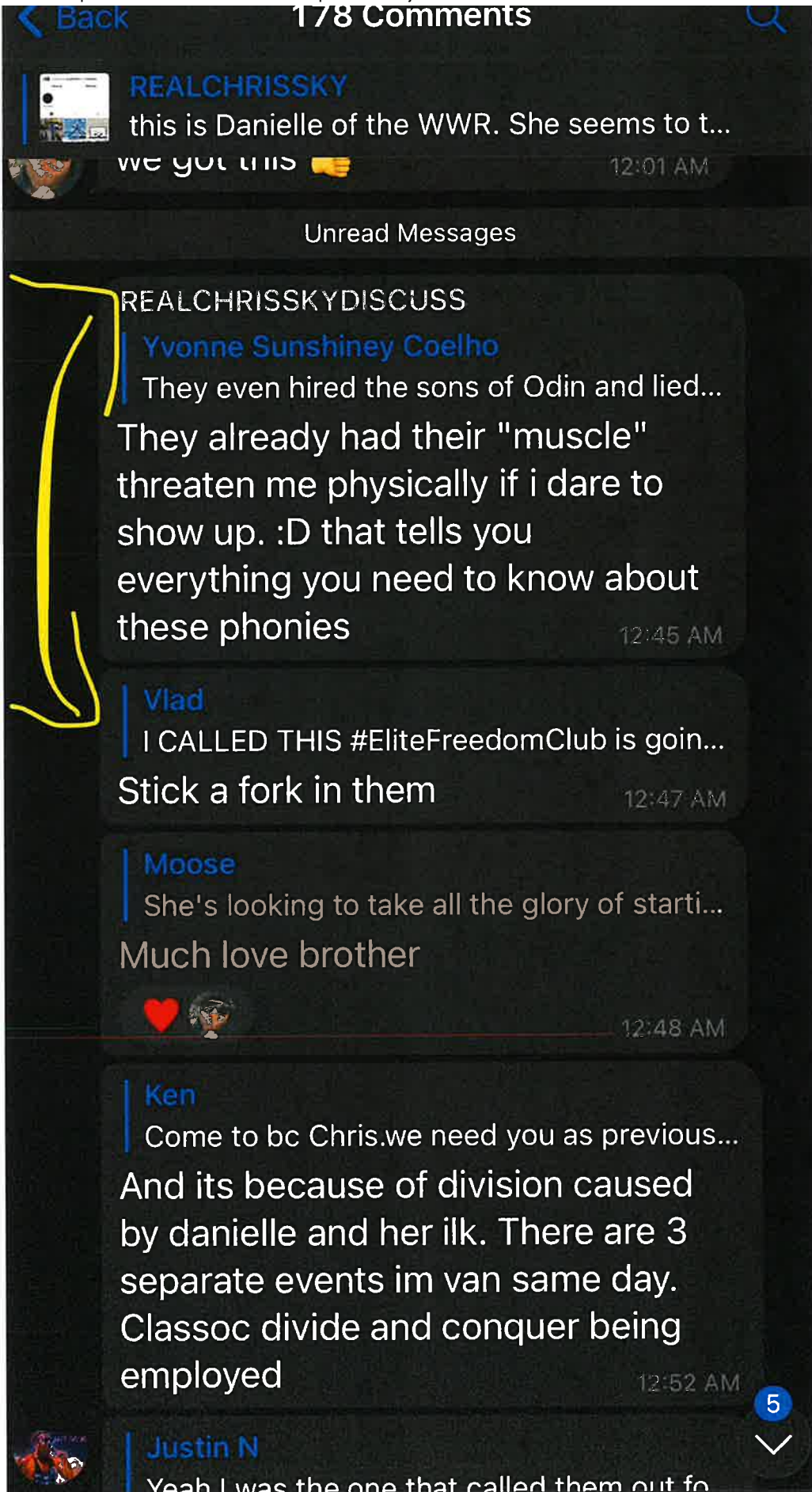
MUTE

This is **Exhibit “C”** referred to in the
affidavit of **Alicia Johnson**
of the City of Richmond, in the province of
British Columbia, sworn before, at the City of Toronto
in the Province of Ontario this 28th day of June 2023
in accordance with [O. Reg. 431/20.](#)



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





This is **Exhibit “D”** referred to in the
affidavit of **Alicia Johnson**
of the City of Richmond, in the province of
British Columbia, sworn before, at the City of Toronto
in the Province of Ontario this 28th day of June 2023
in accordance with [O. Reg. 431/20.](#)



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



Marcella >



Hey there!

Quick question.....

Would you ever consider
Chris Sky for a WWR?

Nope I won't work with
people who treat people
the way he does.

Alrighty. Thank you for re-
sponding.

Np



iMessage



This is **Exhibit “E”** referred to in the
affidavit of **Alicia Johnson**
of the City of Richmond, in the province of
British Columbia, sworn before, at the City of Toronto
in the Province of Ontario this 28th day of June 2023
in accordance with [O. Reg. 431/20.](#)



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

World Wide Rally for Freedom UNLEASHED!!



The World Wide Rally for Freedom is intended to bring all independent groups standing for freedom together at the local level on the same day.

These bi-monthly mega rallies are essential for communicating updates and action steps to the newly awakened, seasoned freedom warriors and general public alike. As such, it is critical to provide an opportunity for all local “boots on the ground” initiatives to address the crowd.

WHAT YOU CAN EXPECT TO SEE IN VANCOUVER ON MARCH 19th

To accommodate ALL freedom groups, an additional stage has been arranged at Jack Poole Plaza and a speakers list is currently being formed. Our goal is to create a peaceful, festival-like atmosphere and all in attendance will have the ability to enjoy both stages.

The following groups and individuals have already committed to speaking on the second stage: Stand United, Make Canada Free Again, No New Normal, A Celebration of Freedoms and Rights, Unmask Our Children, Peoples of the Salmon, Victory Canada, Vancouver Skywalkers, Unity in Freedom, Real Truth Report, Pandemic Papers, Union of the People, Kim Brundell, Bert Mayo, Marius Malciu, Ben Scharbach and Chris Sky. In addition, Sixxxx'tre, Alex the Comic, Hailey Wise, Red Pill Rapper, Axel Verstraeten and Dub V will be performing

We welcome ALL freedom focused groups to speak on this stage. If interested, please contact Marcella Desjarlais on telegram (@bellamarcella) by Wednesday - 7pm PST. Please include the name of group, speaker's name and focus of speech.

We are also excited to announce the truck convoy from Ottawa will be showing up in time to support this World Wide Rally for Freedom UNLEASHED!

See you ALL Saturday!



Make Canada Free Again

World Wide Rally for Freedom UNLEASHED!

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See you ALL Saturday!



Freedom Rally World



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Freedom Rally World



Mar 10, 2022 · 🌐

NEWS RELEASE:

It has come to our attention that there is a flyer circulating that Chris Sky will be speaking at the Vancouver WWR 7.0 at Jack Poole Plaza.

We regret to inform all who are attending that Chris Sky is not a scheduled speaker.

We would like to address that Sky has not reached out to FRW personally & there has been no direct conversing between himself and the 2 organizers of FRW.

Unfortunately with an aggressive libelous social media campaign to incite hatred, bullying, and harassment of our organizers, FRW will not be extending any invitations now or in the future.

Sadly there have been rallies where aggression has taken place by Sky, speaking at events in Nanaimo BC where attendees and their families were accosted, berated & sworn at with their small children being subjected to this verbal assault.

Freedom Rally World together with World Wide Rally Canada, Police on Guard, Action4Canada, Canadian Frontline Nurses, & Mama Bears do not advocate for any group, organization, or individual



Freedom Rally World 5 ▼



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who incites and/or encourages any type of aggression towards organizers or attendees. Nor do we advocate for any group, organization, or individual who contribute to further engaging in agitating.

This is not a representation or morale that FRW & WWR embodies. We stand for Peace, Love, Honor, Respect & Integrity.

We hope those who attend the Vancouver WWR 7.0 are understanding of the advocacy of a loving, peaceful & integral environment for all, especially our children.

We encourage all attendees to avoid anyone who is participating in this attempt to undermine the Vancouver WWR 7.0 peaceful demonstration as we anticipate there will be some form of measure to cause confusion.

We will always advocate for Freedom of Speech & Association. But we do not support all forms of aggression, intimidation, harassment, hostility & bullying of groups and/or individuals who impose, impede, and undermine other organizations, groups and or individuals demonstrations & events.

~ How do we stand up to a Government who holds no respect for its people when we do not stand and



Freedom Rally World 5 ▾



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set the example of respecting people ourselves ~

Please make sure to look for the Freedom Rally
World signage to be directed to the official WWR
7.0

And most importantly please report any issues
directly to the VPD who will be on site.

See you all soon!!
Freedom Rally.World

<https://policeonguard.ca/news-release-vancouver-bc-world-wide-rally-and-chris-sky/>

<https://www.canadaforfreedom.info/infors-and-news>

<https://t.me/canadaworldwide/711>

<https://mamabearsproject.com/>

<https://www.canadianfrontlinenurses.ca/>

<https://action4canada.com/>



Freedom Rally World 5

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FREEDOM RALLY WORLD

WORLD WIDE FREEDOM RALLY 7.0

RALLY & MARCH EVERYONE WELCOME WE DO NOT DISCRIMINATE

Guest Speakers:

- BC's most outspoken Dentist
Dr Robert Johnson
- Main Stream Media Speaks Out
Sonia Khandekar, Global News Director
Catherine Skouni, News Anchor & Veteran Journalist
- Jobless Jobs
George Dalakas
- BC Restaurateur
Federico Fucio
- People's Union of Canada
Tamara Davidson
- Ready to Thrive Survival School
Jeffrey McCaskill
- Action4Canada
Tanya Grew
- Police On Guard
Rob Carmichael
- Respirator Specialist
Chris Schaefer
- Activist
Matt Boddy
- Music & Entertainment
Jenni Doyle, Sasha Jensen, Jonas, & Jeannette

Date:
SATURDAY MAR 19th, 2022
Speeches & March 12-4PM
Music & Dance 4-8PM

Location:
JACK POOL PLAZA
1055 Canada Place
Vancouver, BC

IT'S TIME TO ROAR!

#WowilALLbetheare

ACTION4CANADA

CANADIAN FRONTLINE NURSES

Mama Bears
It's okay to wait

WORLD WIDE RALLY

FREEDOM RALLY WORLD

POLICE ON GUARD FOR FREE
WILL YOU STAND?

Logos at the bottom: Action4Canada, VaxAid, and others.



Boost this post to reach up to
4519 more people if you spend
\$25.

Boost post

FREEDOM RALLY.WORLD

We would like to issue this statement below to assist in giving clarity regarding questions that are being asked re: flyers that have been erected a few days ago circulating that there is a group(s) setting up a second stage by a select few individuals who are organizing with the intentions of inciting an audible impediment of the WWR 7.0 event under the guise of "Unity". Please note that some of the logos/individuals seen on this flyer may be unknowingly participating in a direct plan to undermine the WWR 7.0. We do not hold those responsible for this malicious endeavor.

For clarity we would like all who've attended our rallies for the last year to learn a little history so that you are able to make an informed contemplation.

The WWR Association formally requested Freedom Rally World to represent the WWR Vancouver since spring of 2021. Please note that we are separate organizations who work in partnership together. We have never told an individual or group that they are not welcome to attend the event at any given time. The other group who is behind the circulation of this "second stage flyer" was also given the opportunity to represent WWR months ago in Abbotsford, but the floods in BC forced the cancellation of their event. Thereafter they chose to come to the WWR 5.0 Vancouver event as they have attended several times in the past and set up their tent. We did not impede them from attending because again we have never told anyone they cannot attend.

However this group continues to put up distasteful videos, spread libelous & defamatory statements which are not based in truth, continually slanders Organizations such as Action4Canada & then demands from us that we come to their events and promote them because they are not getting the attendance they expect.

We will not attend nor promote events from any organizers/groups who feel bullying and incitement of libel is going to force our attendance to be there and with that being said because of this we are met with more hostility & libel. This is not what FRW represents. Nor do we wish to work alongside those who incite hate speech towards our brothers and sisters. This group spends its time debasing others, including aggressing the public on the street who does not share their views. And we cannot advocate for this as we represent freedom & respect of everyone's personal choice. So, we choose to remain distanced.

Freedom also means the right to affiliation. The WWR Association & FRW does not advocate nor condone this type of behaviour and therefore has the right to choose who they partner with and present with. Is this not what we are all fighting for? Respect of choice without force and/or repercussion?

We cannot cherry pick that we all want freedom but then be forced to do something that isn't in alignment of our moral values to individuals and/groups who are abusive & malicious. As for who can and cannot have a rally, this is very misconstrued. There is no impediment of these individuals from having their own event at any given day/time elsewhere, but because we will not advocate for Chris Sky (because of his abusive nature directed to organizations, individuals, and ourselves personally) this group has decided to maliciously create and promote a flyer which poses to be "amicable" and in "Unity" but with the intent of setting up a second stage to cause confusion, audible impediment and essentially be disrespectful to all who attend & are scheduled to speak at the WWR 7.0 that has been planned for several weeks in advance.

Unfortunately this is case and point as to why we cannot work with certain individuals who use aggression to bulldoze others to force their demands. Sadly, this is the same tactics the government uses that they say they are fighting against so valiantly.

Because of malicious actions towards WWR organizers and attendees for the past several months these groups/individuals will no longer receive support from the WWR Association nor will they be advocated for on their official website because it is not representative of WWR values which is Peace, Love, Honor, Respect & Integrity.

If we want to win this war we cannot emulate the government's own playbook, which is through gaslighting, hate speech, bullying & libel.

We want to apologize to all who are being misled and misguided by false information and/or intentions. Please know all are welcome to attend FRW facilitated events and we welcome learning about any new initiatives that are formed and/or that we are unaware of.

Please be mindful to remember we are human beings too and we do our best to facilitate events that are well rounded and diverse.




Please reach out to us @ infofreedomrallyworld@gmail.com





This is **Exhibit “F”** referred to in the
affidavit of **Alicia Johnson**
of the City of Richmond, in the province of
British Columbia, sworn before, at the City of Toronto
in the Province of Ontario this 28th day of June 2023
in accordance with [O. Reg. 431/20](#).





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



Signal





Like Minded People 6:28 PM
Kelcey: <https://www.instagram.com/tv/CUT...>



Power Squad 10:09 AM
Tania The Herbalist: Sell outs



Kip Warner Fri
You are welcome back any time. Don't hesitate to ask.



CSASPP: Patron's Cor... Fri
Kip Warner removed you.



Kristen Nagle Wed
Ya no worries!...



Matthew Badgry Sep 19
We are all guiding lights Matt. All of us 🙏❤️🌹



Ty Nicholson Sep 16
I know it's late. Sorry. After my procedure I was so tir...



Dennice P. Sep 14
🗳️ Keep Canada Free, Vote PPC!



dmystify29 Sep 13
Message Request


Gandhi Sep 3
No prob. Thanks for your patience 😊


Marco Marco Sep 2
Missed call


Freedom Org Aug 28
Group was created.



CSASPP: Patron's Core (Confid.)
1w


Rick Thomas

Wed, Sep 22

Advertisement for Australian quarantine camps.. coming to a Canadian city near you...

<https://www.facebook.com/branden.ritchey.9/videos/569311437592325/>


coachvlad

You

Or she was replaced for not towing the line. "Resignation" happens often to dissenters.

HOW COME NO RESPONSE TO MY QUESTION ABOUT CENSORING THIS REAL BC CLASS ACTION FROM ALL RALLIES YOU & DANIELLE EMPOSED YOURSELF TO HOST **!! ??** ALSO WOULD YOU LIKE TO EXPLAIN YOURSELF & Danielle where you were explicit insisting that people would stay far far away from @Kip Warner & this case to me & and many others on instructions by Tanya Gaw since last year And before you ignore all these questions - just know - you are only getting more exposed #ChumpCrew



DOCTORS REPENT NOW, TELL THE TRUTH - THERE IS NO ESCAPE -- Scott McKay

😊 Get The Best VPN 50% OFF 4 LIFE! Click Here: <https://virtualshield.com/deals/active/sgtreport> Make Yourself Anonymous Online!... www.bitchute.com

Leilani R

<https://www.bitchute.com/video/9YBKURI0S1im/>

This message was deleted.

Signal  

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Wed, Sep 22

coachvlad

You
@Gandhi @Kip Warner you have no idea who Yvonne is and what she has done for...

DEAR ALICIA - LETS STAY FOCUSED pls :) Before you continue deflecting & SLANDERING me & Yvonne - who is more leader & real activist that you ever gonna be #WANNABE - JUST ANSWER TO EVERYONE HERE - 🙌 simple question - why don't you, forget promote, even mention Kip & this case at any rallies including ones you & Danielle imposed yourself!?

ps
Freedom Is Not Going to be trademarked & your #EliteFreedomClub won't last #TruthAlwaysPrevails

pps
I came up at the end Saturday rally, quietly on a side, tapped Danielle on a shoulder, gave her a hug & said I'd like to speak for few mins - After she & you said I won't speak, I just stood quietly - you sent off Marko from other side of the stage to antagonize me & to cause a scene

9:22 PM

C

If you want to start watching the freedom org FFC's to find it you're welcome to.

I'm not entertaining pettiness.




9:23 PM


Kip Warner


You
If you want to start watching the freedom org FFC's to find it you're welcome to....


Hundreds of your followers shared concern is petty?


9:23 PM



Signal





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You Thu, Sep 23
 You are correct. I should not be waisting my valuable time trying to reason with 2 indivi...

Your show sabotages hard working lawyers and activists and censors and blocks anyone who does not meet your "standards", slanders, verbally attacks, harassed and assaults us and we're unhinged??? 😂😂😂 Check yourself .. get off your high egotistical horse and actually do some activist work instead of attach yourself to those who will give you the appearance of grandeur. Most of what you and your Crew does is to feed your own ego, and "reputation". And NOT for the freedom of all British Columbians.. as evidenced on Saturday. While the rest of us actually do the work. Hanging out with a paid operative is also not a good look. Seeing that he has literally attacked ALL BC freedom fighters, anyone group or person who has done tremendous work and is threatening to the govt, Susan, Raoul, Ryan, Vlad, Kyle, and Chris Sky and Kip, And you all continue to do so too by sabotaging all the work we do and CSASPP does by purposely withholding information and thensome. When have you ever promoted anything other than yourself? Or a group that you attach yourself to? And you stilll could not answer a yes or no question.. did you promote Kip on Sept 13 afternoon at the courthouse when 1000 people were there? And have you ever promoted kip at your events? Check. Mate. 1:41 PM 🗨️

Gandhi
 Others are still waiting for an answer though.

She won't she's a smooth talker like her

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

Rocco Galati

Kipling Warner et al.

-and-

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

AFFIDAVIT OF ALICIA JOHNSON

Name: ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati

Address: 1062 College Street
Lower Level
Toronto ON M6H 1A9

Telephone No.: 416-530-9684
Fax No.: 416-530-8129

Lawyer for the Plaintiff,
on his own behalf

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

Rocco Galati

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-and-

Plaintiff

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO

RESPONDING (PLAINTIFF'S) MOTION RECORD

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Lawyer for the Plaintiff,
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