

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

**TRANSCRIPT BRIEF OF THE MOVING PARTY DEFENDANTS**

(motions pursuant to section 137.1 of the *Courts of Justice Act* and to strike evidence  
returnable September 12, 2023)

July 25, 2023

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Plaintiff on his own behalf

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**TAB 1**

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  
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Defendants

- - - - -

This is the Cross-Examination of DEEPANKAR GANDHI, on his Affidavit sworn January 27, 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

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1 --- upon convening at 10:00 a.m.

2 --- upon commencing at 10:10 a.m.

3

4 DEEPANKAR GANDHI, affirmed

5 CROSS-EXAMINATION BY MR. GALATI:

6 1. Q. Good morning, Mr. Gandhi. My  
7 name is Rocco Galati, I will be asking you some  
8 questions this morning. If you don't understand  
9 the question, just please say so, and I will  
10 clarify it. You swore an affidavit in this anti-  
11 SLAPP motion dated January 27, 2023, correct?

12 A. Correct.

13 2. Q. And you have that Affidavit in  
14 front of you?

15 A. I do, yes.

16 3. Q. Okay. You will have to speak up  
17 for the court reporter, I think. I can hardly  
18 hear you.

19 A. I do. Is this loud enough?

20 4. Q. Yes. Okay. And you confirm that  
21 that is your signature at page 9 of the 24-  
22 paragraph Affidavit?

23 A. That is correct.

24 5. Q. Okay. And do you affirm that the  
25 contents are true?



D. Gandhi - 4

1 A. I do.

2 6. Q. Are there any corrections you  
3 wish to make to your affidavit before I proceed?

4 A. No.

5 7. Q. All right. Now in terms of your  
6 affidavit, I simply go through it  
7 chronologically, and I will ask you the  
8 occasional question. You state that you became  
9 treasurer of the Society...I will simply refer to  
10 the Society for the Advancement of Science and  
11 Public Policy as "the Society", okay?

12 A. Understood.

13 8. Q. You became treasurer of the  
14 Society, when?

15 A. Back in 2021.

16 9. Q. Approximate month?

17 A. In January.

18 10. Q. Okay. So, you were the treasurer  
19 when you emailed Dan Dicks on January 27th,  
20 correct? 2021.

21 A. Correct.

22 11. Q. Which is exhibit A to your  
23 Affidavit. At paragraph 6 of your Affidavit, you  
24 say,

25 "...I understood that the Plaintiff had

D. Gandhi - 5

1                   commenced an action in Ontario in July  
2                   2020 on behalf of Vaccine Choice Canada,  
3                   and others..."

4                   How did you understand this at the time you  
5                   swore...you sent the email in January of 2021?

6                   A.           Can you clarify the question as  
7                   to how I understood this?

8           12.           Q.           Well, that's what I want to know.  
9                   You say that you understood that I had commenced  
10                  an action for VCC, how did you understand that I  
11                  had commenced an action for VCC?

12                  A.           I was provided some articles and  
13                  some documents regarding the action that was  
14                  commenced, and I took it as fact, and I just...

15           13.           Q.           Okay. And how did you conclude,  
16                  "The issues overlapped with the issues that the  
17                  Society advocates"?

18                  A.           Again, I was provided documents  
19                  regarding the cases and I...the information  
20                  satisfied me, and so, I understood that was  
21                  the...

22           14.           Q.           At the time you sent the email to  
23                  Mr. Dicks, did you actually read the Statement of  
24                  Claim in the Ontario court before you sent the  
25                  email?

D. Gandhi - 6

1 A. Yes.

2 15. Q. You did?

3 A. Most of it.

4 16. Q. What do you mean by "most of it"?

5 A. I didn't read every single word  
6 that was in the document, but I read...I skimmed  
7 through most of it.

8 17. Q. That doesn't mean anything to me.  
9 I mean, you know, did you flip it and just lay an  
10 eye on every page? What does "skimming" for you  
11 mean? Did you read it, or not?

12 A. I did.

13 18. Q. You read all of it?

14 A. Most of it.

15 19. Q. Okay, which part didn't you read?

16 A. I don't...I can't remember  
17 exactly.

18 20. Q. All right. Paragraph 7 of your  
19 Affidavit, you say,

20 "...It did not appear that the Plaintiff  
21 had done anything to move that  
22 action..."

23 What do you mean by that?

24 A. Well, I was provided evidence and  
25 shown some documents regarding this information.

D. Gandhi - 7

1                   It satisfied me, and this is what I came to  
2                   understand.

3           21.                   Q.           That is meaningless to me. I am  
4                   asking you, what did you mean that it appeared  
5                   that I had done nothing to move the action? What  
6                   does "moving an action" mean in your mind?

7                   A.           To me, it means that there has to  
8                   be some forward motion in the courts.

9           22.                   Q.           Okay. Well, let's...

10                   A.           And moving...

11           23.                   Q.           Let's pin that down. Do you mean  
12                   there has to be a step towards adjudication?

13                   A.           It also means to me that there  
14                   was no updates being given.

15           24.                   Q.           Oh, so, I have a duty to give  
16                   updates to whom, you?

17                   A.           Not particularly, but there was  
18                   no information being provided.

19           25.                   Q.           Okay. So, you take the view that  
20                   a private lawyer acting on behalf of private  
21                   clients has a duty to publicly give information  
22                   on the progress of his cases?

23                   MR. GLEASON:           That's not what he  
24                   said.

25           26.                   MR. GALATI:           Well, I am asking him to

D. Gandhi - 8

1 clarify, Tim.

2

3 BY MR. GALATI:

4 27. Q. What does that mean?

5 MR. GLEASON: You are the one who  
6 said you had a duty, he didn't say you  
7 had a duty.

8 28. MR. GALATI: All right.

9

10 BY MR. GALATI:

11 29. Q. So, my question is, so what that  
12 no information had been provided? So, what does  
13 that mean to you? What do you conclude from  
14 that?

15 A. It just means that I wasn't  
16 updated. So, I...from what I understood, there  
17 was no action being done.

18 30. Q. Okay. You weren't updated. Who  
19 was supposed to update you in your mind?

20 A. I was supposed to look for  
21 information, but I found nothing that was done.

22 31. Q. Okay, well...

23 A. From my understanding, there was  
24 nothing being provided. So...

25 32. Q. Okay. So, you are talking seven

D. Gandhi - 9

1 months after the Statement of Claim was issued,  
2 in your view, nothing had been done. And what is  
3 that conclusion based on?

4 A. No further information being  
5 provided, that's what I based it on.

6 33. Q. Okay, we are going in circles,  
7 Mr. Gandhi.

8 A. M'hmm.

9 34. Q. No further information provided  
10 by whom?

11 A. Well, either your clients or  
12 yourself.

13 35. Q. And why do myself or my client  
14 need to provide further information to anyone on  
15 their case in court?

16 A. Well, it's on behalf of, you  
17 know, the people that they are helping.

18 36. Q. Well, there are specific  
19 Plaintiffs on the claim, sir. They are not  
20 helping anybody, except I am representing those  
21 Plaintiffs on the Statement of Claim. Why do you  
22 think they have a duty to provide updates to  
23 anybody else apart from the Plaintiffs as between  
24 client and solicitor?

25 A. Because they had been providing

D. Gandhi - 10

1 updates in the past.

2 37. Q. Why, because they announced that  
3 the Statement of Claim was issued?

4 A. There were other updates as well,  
5 yes.

6 38. Q. Okay. So, when you concluded  
7 that nothing had been done, were you privy to my  
8 clients' instructions to me on the case?

9 A. I was not.

10 39. Q. No. Were you privy to the  
11 communications I had with the other lawyers for  
12 the other parties on how we, ideally, would like  
13 to proceed with the case?

14 A. I was not.

15 40. Q. Were you privy of any extension  
16 of time to plead was requested, or granted, by  
17 lawyers on the other side or by myself?

18 A. Can you repeat that again, sorry?  
19 I missed the last part.

20 41. Q. Were you privy to anything about  
21 the case when you concluded that?

22 A. I was not.

23 42. Q. No. So, in fairness to you, you  
24 concluded that nothing had been done on the case  
25 in seven months, because there hadn't been any

D. Gandhi - 11

1 motions or steps either scheduled or adjudicated,  
2 correct?

3 A. Yes.

4 43. Q. Yes? You can't nod, Mr. Gandhi.  
5 The court reporter has to transcribe your  
6 testimony.

7 MR. GLEASON: He said, "Yes".

8 THE DEPONENT: I said, "Yes".

9 44. MR. GALATI: Thank you.

10

11 BY MR. GALATI:

12 45. Q. In paragraph 8 of your Affidavit,  
13 you say that I also understood that,  
14 "...An organization with which the  
15 Plaintiff was associated in British  
16 Columbia Action4Canada had raised funds  
17 from the public purportedly to fund the  
18 proceeding it intended to commence..."

19 What do you mean in that paragraph that I was  
20 associated with action for Canada?

21 A. Well, you were the lawyer for  
22 Action4Canada, you were the counsel for  
23 Action4Canada.

24 46. Q. Well, do you know when I became  
25 the lawyer for Action4Canada?



D. Gandhi - 12

1                   A.       I can't be certain of the dates,  
2                   no.

3       47.            Q.       Was I the lawyer for  
4                   Action4Canada when you sent your email to Mr. Dan  
5                   Dicks on January 27, 2021?

6                   A.       Yes, I believe so.

7       48.            Q.       And how do you conclude that?

8                   A.       From the videos and the  
9                   interviews that were being shared online.

10       49.           Q.       Oh, okay. So, you concluded that  
11                   from social media? What if I told you I had not  
12                   been retained in January, and that was conveyed  
13                   to your lawyer days after your email to Mr. Dicks  
14                   was sent, and when I had been in contact with the  
15                   Society's lawyer, I made it clear that I had been  
16                   approached, but no retainer had yet crystalized?  
17                   And, in fact, I didn't issue the claim until  
18                   August of 2021. So, in your mind, an association  
19                   on social media means I am retained?

20                   A.       Well, it's from the information  
21                   and the videos that I had been seeing from  
22                   Action4Canada's website, and other people talking  
23                   about it. They were speaking very highly of you,  
24                   and they...if I am not mistaken, I was...I heard  
25                   that you were being retained and I was satisfied

D. Gandhi - 13

1 with the information, and I took it to be fact.

2 50. Q. Okay, moving on to paragraph 10  
3 of your Affidavit. You set out that...quite a  
4 few paragraphs of your Affidavit you are relying  
5 on evidence that is going to be tendered by Mr.  
6 Warner. Did you read that evidence before you  
7 swore your Affidavit?

8 A. I did, yes.

9 51. Q. And why didn't you, therefore,  
10 attach that evidence to your Affidavit if you  
11 read it before Mr. Warner put it forward in his  
12 affidavit?

13 A. Well, I let Mr. Warner and Tim  
14 Gleason take care of this information, and I  
15 agreed with their assessment, and I was  
16 satisfied.

17 MR. GLEASON: Okay, it doesn't matter  
18 what I said to you. The point is, Mr.  
19 Galati, it's not necessary to reproduce  
20 more paper on the record for no reason.  
21 He can refer to a document which is in  
22 the record in his Affidavit.

23 52. MR. GALATI: Yes, I understand that,  
24 Tim. I question whether or not he even  
25 reviewed the material. Because he is

D. Gandhi - 14

1                   referring, in his Affidavit, to evidence  
2                   that will be tendered by Mr. Warner. My  
3                   question is simple, yes or no, and if it  
4                   is no, we will move on. Did you have  
5                   that evidence before you when you swore  
6                   this Affidavit?

7                   MR. GLEASON:       He answered that  
8                   question...

9           53.           MR. GALATI:       No, he didn't.

10           MR. GLEASON:       ...and he said, "Yes".

11           54.           MR. GALATI:       No, he didn't. He did  
12                   not answer that question.

13

14           BY MR. GALATI:

15           55.           Q.       Were the exhibits Mr. Warner put  
16                   in in front of you when you swore this Affidavit,  
17                   Mr. Gandhi?

18                   A.       It wasn't presented to me as  
19                   exhibits, exhibit Q, and so on and so forth. But  
20                   I did refer to these documents, and I did see the  
21                   numbers and I did see the legal expenses. Yes.

22           56.           Q.       Okay. All right. So, you say  
23                   that my client, Action4Canada, from filings with  
24                   Corporations Canada, by August 15, 2021, had  
25                   raised \$208,838, is that correct?

D. Gandhi - 15

1                   A.       As it says so in the exhibit 3,  
2                   yes.

3       57.            Q.       Okay. And so, what is the import  
4                   of that? So, what? What's the point of that?

5                   A.       Well, I am guessing Mr. Warner  
6                   will talk to you more about that.

7       58.            Q.       No, but I am not asking Mr.  
8                   Warner, I am asking you, it is in your Affidavit.  
9                   What is the, in your mind, the import of that?

10                  A.       In my mind, that is a lot of  
11                  money to be...have raised, and...

12       59.            Q.       And how do you conclude that?  
13                  That it is a lot of money to have raised?

14                  A.       Because it is a very high number.

15       60.            Q.       What, just in the abstract it is  
16                  a high number without any context?

17                  A.       No, to file a lawsuit...it is a  
18                  very high number, yes.

19       61.            Q.       How much has the Society raised  
20                  and spent on its lawsuits? You're the treasurer.

21                  A.       Yes.

22       62.            Q.       So far, how much have you spent  
23                  and raised on your lawsuits?

24                  A.       Well, from what I understand, it  
25                  does not take \$200,000 to file a notice of claim.

D. Gandhi - 16

1           63.                   Q.           You are not answering my  
2                                   question, Mr. Gandhi. How much has the Society  
3                                   raised and spent on your lawsuit so far? You are  
4                                   the treasurer, tell me.

5                                   A.           We have raised somewhere about,  
6                                   north of \$300,000 to close to \$400,000, and over  
7                                   time, we have spent close to about \$300,000  
8                                   to...for lawyers' fees and counsel.

9           64.                   Q.           Okay. But you are offended by my  
10                                  clients raising \$208,000?

11                                  A.           Time matters in this context, I  
12                                  believe. We have raised north of...

13           65.                   Q.           Okay. So, let me ask you...

14                                  A.           ...\$300,000.

15           66.                   Q.           Let me ask you, I take it from  
16                                  your paragraph 10 that you assume that that money  
17                                  was strictly for the litigation that I am  
18                                  carrying, correct?

19                                  A.           Not all of it, no.

20           67.                   Q.           Right. My clients have other  
21                                  activities, correct?

22                                  A.           I'm sure, yes.

23           68.                   Q.           Yes. You don't know how many  
24                                  other lawyers or legal services they are  
25                                  retaining, correct?

D. Gandhi - 17

1 A. It is correct, yes.

2 69. Q. All right. So, you would agree  
3 with me that that number in the abstract...in the  
4 context of everything that we are talking about  
5 is irrelevant?

6 MR. GLEASON: It's, what, did you  
7 say?

8 70. MR. GALATI: Irrelevant.

9 MR. GLEASON: Well, that's not for  
10 him...that is not...that's a legal  
11 question, that is not a question for  
12 this witness.

13 71. MR. GALATI: No, it's not a legal  
14 question, he put it in his affidavit,  
15 Tim.

16 MR. GLEASON: That's an argument.

17 72. MR. GALATI: If he's opposed to it,  
18 it must have some import for him as the  
19 affiant.

20 MR. GLEASON: He's not...

21 73. MR. GALATI: It's a matter of fact he  
22 is opposed to.

23 MR. GLEASON: He is not answering  
24 that question. /R

25 74. MR. GALATI: He's not answering,

D. Gandhi - 18

1                                   okay.

2

3           BY MR. GALATI:

4           75.                       Q.           Okay. In fairness to you, Mr.  
5                                   Gandhi, is it fair to say that a large part of  
6                                   your Affidavit is simply deferring to Mr. Kip  
7                                   Warner's depositions? And if that is the case,  
8                                   we will be a lot quicker this morning.

9                                   A.           Well, there are few paragraphs  
10                                   that I refer to Mr. Warner's Affidavit and his  
11                                   exhibits, yes.

12           76.                       Q.           If we can move on to this email  
13                                   of yours to Mr. Dicks, first of all, did you  
14                                   consult Mr. Warner before you drafted this email?

15                                   A.           There were some discussions with  
16                                   Mr. Warner.

17           77.                       Q.           Was he in agreement, or as the  
18                                   executive director, did he direct you to send  
19                                   this email?

20                                   A.           He did not.

21           78.                       Q.           I'm sorry?

22                                   A.           He did not.

23           79.                       Q.           So, you sent it on your own  
24                                   volition?

25                                   A.           I did.

D. Gandhi - 19

1           80.                   Q.           Okay. Now some of the paragraphs  
2                                   in that email are hauntingly similar to the post  
3                                   on the Society's website, is that correct?

4                                   A.           That is correct.

5           81.                   Q.           Okay. Now you say in your  
6                                   Affidavit that the purpose of your email was  
7                                   trying to educate the citizens of British  
8                                   Columbia, on which you were doing, and why that's  
9                                   important, that you felt you had a duty to do so  
10                                  and la-de-da-dee-da. And I take all of that, but  
11                                  when we...when I take you to your email, it seems  
12                                  that the only paragraph that relates to your  
13                                  society is the simple opening paragraph. And if  
14                                  you can go to exhibit A of your Affidavit.

15                                  A.           I'm there.

16           82.                   Q.           It says,  
17                                   "...Hope you are doing well. I just  
18                                   wanted to update you on the fact that  
19                                   the Canadian Society has filed their  
20                                   pleadings against the Crown and Bonnie  
21                                   Henry on January 26, 2021. Please see  
22                                   link..."

23                                  That's the only place in the email that you  
24                                  actually point to what you and your society are  
25                                  doing. The rest of the email is to say that, you



D. Gandhi - 20

1 know, "Rocco is this and that, and he is not  
2 that, and he is not this, and he is this". The  
3 entire email is slagging me. It has nothing to  
4 do with your case. So, why is nothing in your  
5 Affidavit as to the purposes of the email, in  
6 your actual email?

7 A. Would you like me to answer that  
8 question? I don't want...

9 83. Q. Of course I expect an answer. Go  
10 ahead.

11 A. What is your question again? I  
12 don't entirely...

13 84. Q. My question is, in your  
14 Affidavit, you state the purposes of your email  
15 to Mr. Dicks, but that is nowhere to be seen in  
16 your email. All your email does is slander and  
17 defame and downgrade me and sling mud at me. How  
18 do you explain that?

19 A. Again, I have information and I  
20 have links that I provided with the email that I  
21 sent to Dan Dicks. I found them satisfactory and  
22 I shared it with Dan just so he can see and he  
23 can relay that to his viewership.

24 85. Q. Why?

25 A. I wanted to...I want people to

D. Gandhi - 21

1 see the difference that people...that stuff was  
2 happening, that we were doing...

3 86. Q. What difference? I am not even  
4 retained by Action4Canada for another five  
5 months. What difference? It is just, "let's  
6 attack Rocco Galati" day. What difference? I am  
7 not even on board.

8 A. Well, again, as I said, I was  
9 just taking information, sharing it with Dan  
10 Dicks, because he has a large viewer base and I  
11 found his viewer base to be like-minded and I  
12 thought they could use the information that we  
13 provided.

14 87. Q. I put it to you that it is fair  
15 to read this as to try to chop Action4Canada's  
16 fundraising efforts at the knees. And I make no  
17 judgment about that, you are free to do that.  
18 But this is not about Action4Canada. It's about  
19 a lawyer they may retain, and you are slugging,  
20 and defaming, with untruthful statements that  
21 lawyer. How does that get you anywhere except  
22 slugging me?

23 A. Again, there are some links that  
24 I provided with every statement that I made so...

25 88. Q. Yes, that is not my question,

D. Gandhi - 22

1           sir. That's not my question. Why would you even  
2           send these links about Rocco Galati. Why didn't  
3           you send me them links of my seismic, monumental  
4           wins in the Supreme Court of Canada? Why didn't  
5           you send them my links about the fact that  
6           twice...two years in a row I was named one of top  
7           25 influential lawyers of Canada? Or received  
8           the president's award from the Ontario Bar  
9           Association? You just sent these slagging,  
10          negative links that you got from where?

11                   A.       There was...it was collated  
12           together on social media and on our channels.  
13           And it was put together...I shared it with Dan  
14           Dicks, and found the information satisfactory.  
15           So, I just had to share it with...

16          89.                   Q.       Who put it together?

17                   A.       It was a bunch of people. There  
18           was...

19          90.                   Q.       Name them.

20                   A.       I can't...I don't know the names  
21           exactly. It was a lot of people, it was online,  
22           it was social media. So, it was a lot of people  
23           on there.

24          91.                   Q.       No, but who compiled it, Mr.

25           Gandhi? Who compiled it for Dan Dicks?

D. Gandhi - 23

1                   A.       Dan Dicks. I believe this was  
2                   mostly compiled by Kip Warner.

3           92.           Q.       Okay.

4                   A.       So, it was there.

5           93.           Q.       All right. Okay. Do you know  
6                   why Dan Dicks forwarded me the email?

7                   A.       Well, I believe he had asked me  
8                   if he can forward it to Tanya Gaw, she is the  
9                   Action4Canada head. And he asked me if he could  
10                  do so, and I said, "Of course you could".

11          94.           Q.       Okay, but do you know why he  
12                  forwarded it to me?

13                  A.       I didn't know...

14          95.           Q.       It's in my...

15                  A.       ...he forwarded it to you.

16          96.           Q.       ...Affidavit material.

17                  A.       I...at the time I didn't know why  
18                  he forwarded it to you.

19          97.           Q.       Well, he forwarded it to me,  
20                  because he was concerned about the defamatory  
21                  tone of it.

22                  MR. GLEASON:       All right, that is not  
23                  evidence in the record, and it is not a  
24                  proper question for this witness.

25          98.           MR. GALATI:        It is evidence in the

D. Gandhi - 24

1 record. It's in my Affidavit, Tim.

2 MR. GLEASON: But, no, Mr. Dicks has  
3 not given evidence about his purpose,  
4 and neither are any...neither do any of  
5 the documents in your Affidavit suggest  
6 his purpose. And so...

7 99. MR. GALATI: That's not right.

8 MR. GLEASON: ...that's not a proper  
9 question.

10 100. MR. GALATI: We will argue about that  
11 in court, that's just wrong.

12 MR. GLEASON: That's fine, that's  
13 fine. The record is the record, but...

14 101. MR. GALATI: Okay.

15 MR. GLEASON: ...that's not a proper  
16 question for this witness.

17 102. MR. GALATI: All right.

18

19 BY MR. GALATI:

20 103. Q. To what extent did you,  
21 personally, review the sources cited in this  
22 email?

23 A. I went to the links that were in  
24 the source material.

25 104. Q. Okay, and did any of these

D. Gandhi - 25

1 sources, or statements, come from Canuck Law  
2 website?

3 A. I can't remember. They...I can't  
4 remember at this time.

5 105. Q. Okay. Do you know Canuck Law?

6 A. I have read some of the articles,  
7 yes.

8 106. Q. All right. And have you read  
9 their anti-Semitic rant on me?

10 A. I can't be certain if there was  
11 any anti-Semitic rants. I haven't read any of  
12 those.

13 107. Q. Oh, so, in your research you  
14 didn't look at any other articles concerning me?  
15 There are plenty of them on there that are  
16 racist, anti-Semitic. You didn't come across any  
17 of them when you were looking at the website?

18 A. I didn't see any anti-Semitic  
19 racist comments that were made on the website. I  
20 read many articles, but never saw any of those.

21 108. Q. Did you read the Overdue  
22 Revolution article?

23 A. I can't remember at this time.

24 109. Q. I'm sorry?

25 A. I can't remember at this time.

D. Gandhi - 26

1 110. Q. Okay.

2 A. The Overdue article?

3 111. Q. Overdue Revolution.

4 A. I can't say...

5 112. Q. The article that says I am part  
6 of the Jewish Kabbalah that controls the world,  
7 you didn't read that article?

8 A. No, I did not.

9 113. Q. Oh, okay. Well, I guess, then, I  
10 will put it to you, respectfully, your research  
11 abilities are deficient. In paragraph 21(b), you  
12 talk about,

13 "...To the extent that Action4Canada  
14 intended to commence a proposed class  
15 action..."

16 Where did you get that wrong notion that  
17 Action4Canada intended to present a class action  
18 when I had told your lawyer days within your  
19 email that we were not proceeding with a class  
20 action? Where did you get this notion that we  
21 were proceeding with a class action on behalf of  
22 my clients?

23 A. This might have come from social  
24 media, again. And...

25 114. Q. Oh, okay.

D. Gandhi - 27

1                   A.       ...that information satisfied me  
2                   and, therefore, I took it as fact.

3       115.           Q.       Okay. And in preparation for  
4                   your cross-examination, have you read my  
5                   Affidavit?

6                   A.       Yes.

7       116.           Q.       Okay. And you also make  
8                   statements about Mr. Wong...Lawrence Wong, who is  
9                   B.C. solicitor of record on the Action4Canada  
10                  case?

11                  A.       Yes.

12       117.           Q.       And so, what is the purpose of  
13                  slagging him? That he had a cost order in  
14                  federal court in one of his cases in his 35-year  
15                  career? What is the purpose of that, Mr. Gandhi?

16                  A.       Again, looking at the information  
17                  that I was provided from social media, and it was  
18                  compiled, I thought it was important because...

19       118.           Q.       No, compiled by Mr. Warner, you  
20                  just testified, right? Okay.

21                  A.       Him, but...him and other social  
22                  media links that were...

23       119.           Q.       Right.

24                  A.       ...provided as well.

25       120.           Q.       And how do you conclude that



D. Gandhi - 28

1 because, as required, I have a B.C. lawyer of  
2 record in order to appear as a visiting lawyer  
3 under the B.C. Rules, how do you conclude that  
4 Action4Canada had to pay two law firms? Where  
5 did you dream that up from?

6 A. Again, the information that was  
7 provided from social media, and other areas, they  
8 took...I was satisfied at the time, and then I  
9 forwarded it to Dan Dicks.

10 121. Q. Okay. So, but you didn't do your  
11 own independent research of the media you  
12 were...of the information you were provided,  
13 correct?

14 A. Well, the links were provided in  
15 there, and I read them, I took what I could for  
16 the facts...

17 122. Q. But you didn't do any fact  
18 checking of those links? You didn't scrutinize  
19 the veracity, or truth, of those posts in the  
20 links, correct?

21 A. There is some truth to that;  
22 however, there is sometimes I did go into details  
23 behind the links. But...

24 123. Q. Which ones did you go into  
25 details behind the links? Which ones, Mr.

D. Gandhi - 29

1 Gandhi?

2 A. From the email?

3 124. Q. Yes, from the sources that you  
4 provided to Dan?

5 A. Well, of course the first two  
6 links that were in the email, which are notice of  
7 civil claim and then the certificate of  
8 corporation, that's of course a given. Then, of  
9 course, you know...I did go into the Law Society  
10 of B.C., and I read through it. Again, I am not  
11 a lawyer, I am not a judge. So, the language  
12 that was in there, it is not always easy for me  
13 to understand. So, from what I understood, it  
14 satisfied me, and I thought this was fact, and I  
15 presented it to Dan Dicks.

16 125. Q. Okay. Including the statement  
17 that, "Rocco is not a constitutional lawyer",  
18 well, that's big news to the entire bar in this  
19 country. How did you conclude I am not a  
20 constitutional lawyer?

21 A. Well, from the information and  
22 research that I did from the links provided to  
23 me, it says you are a tax lawyer. And...

24 126. Q. Well, I'm that too, but I am a  
25 constitutional lawyer. Do you know that every

D. Gandhi - 30

1 constitution in the western civilization started  
2 as a tax revolt. Did you know that tax law and  
3 constitutional law are inseparable? Of course  
4 you wouldn't know that, you are not a lawyer.

5 A. That is true.

6 127. Q. But that is not the impression  
7 you are giving the reader. It gives the  
8 impression that I am lying about being a  
9 constitutional lawyer. And then you say,

10 "...Every lawyer I know that has  
11 reviewed Rocco's Ontario pleading, said  
12 it was very poorly drafted..."

13 Can I just have the names? Not the discussions,  
14 but the names of all the lawyers that said that?

15 A. This statement, I feel, was  
16 discussed as a group is CSASPP. So, the lawyers  
17 associated with CSASPP were talking about that.

18 128. Q. Who is that?

19 A. Well, our counsel, Polina  
20 Furtula.

21 129. Q. Who is that?

22 A. Well, Polina...

23 130. Q. Oh, Ms. Furtula, who is a strata  
24 lawyer by expertise, I understand, correct? She  
25 is a real estate lawyer by expertise, as I

D. Gandhi - 31

1 understand?

2 A. I would assume so.

3 131. Q. With whom I refuse to cooperate  
4 on her challenge and wished her good luck. Okay,  
5 Mr. Gandhi, thank you very much for...I think  
6 those are my questions. Let me just check my  
7 notes. Oh, the last thing I want to ask you on  
8 your last substantive paragraph. It says,

9 "...I believe that everything I wrote to  
10 Mr. Dicks was accurate and necessary to  
11 convey the Society's position with  
12 respect to why its approach to  
13 litigation concerning government  
14 restrictions in relation to SARS is more  
15 likely to achieve results for those who  
16 the restrictions have affected..."

17 And where in the email do you outline your  
18 approach to litigation to Mr. Dicks?

19 A. Well...

20 132. Q. Mr. Gandhi?

21 A. ...it's in our notice of civil  
22 claim, in the first paragraph...

23 133. Q. Oh, really? So, he is supposed  
24 to incant from the Statement of Claim? Rather  
25 than slugging Rocco after paragraph 1 until the

D. Gandhi - 32

1           end of the email, couldn't you have outlined what  
2           your approach to litigation is? And I tell you,  
3           if you had, and say that Action4Canada proposes  
4           something different, and we disagree, I wouldn't  
5           be here today. But you chose to slag a possible  
6           lawyer they were going to retain up the road in  
7           your email.

8                           MR. GLEASON:           Is there a question?

9           134.                   MR. GALATI:           Those are my questions,  
10                           sir, thank you.

11                           THE DEPONENT:           Thank you.

12

13           ---   upon adjourning at 10:42 a.m.

D. Gandhi - 33

1  
2  
3  
4  
5  
6  
7  
8  
9

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**TAB 2**



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 DONNA TOEWS, on her  
Affidavit sworn January 25, 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

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1 --- upon commencing at 10:50 a.m.

2

3 DONNA TOEWS, affirmed

4 CROSS-EXAMINATION BY MR. GALATI:

5 1. Q. Good morning, my name is Rocco  
6 Galati, I will be asking you questions this  
7 morning. Can you please state your legal name  
8 and spell it for us?

9 A. Yes, legal name is Donna, last  
10 name is Toews. Spelled D-O-N-N-A T-O-E-W-S.

11 2. Q. Okay, and you pronounce it  
12 "Taves"?

13 A. Correct.

14 3. Q. Okay, thank you. You are also  
15 sometimes known as Dawna, D-A-W-N-A, correct?

16 A. That's correct.

17 4. Q. Okay. And so, you swore an  
18 Affidavit on this anti-SLAPP motion dated January  
19 25 of this year, 2023, is that correct?

20 A. That I am aware of, yes.

21 5. Q. Yes. Do you have it in front of  
22 you?

23 A. I have documents in front of me,  
24 yes.

25 6. Q. Okay. And so, you confirm that

D. Toews - 4

1 at page 4 of your 16-paragraph Affidavit that is  
2 your signature?

3 A. Yes.

4 7. Q. All right. And you still swear  
5 to the truth of the contents of this Affidavit?

6 A. Yes.

7 8. Q. Sorry?

8 A. Yes.

9 9. Q. And are there any changes to this  
10 Affidavit you want to make, or any mistakes,  
11 before we start?

12 A. No.

13 10. Q. Okay. And can you tell me what,  
14 in addition...you reviewed your Affidavit in  
15 preparation for this morning, correct?

16 A. Correct.

17 11. Q. And can you tell me if you have  
18 reviewed anything else in preparation for this  
19 morning?

20 A. No.

21 12. Q. You have not reviewed your Law  
22 Society complaint about me?

23 A. Today I have reviewed...let me  
24 just look at what I reviewed today. I reviewed  
25 what I felt like I needed to. So...

D. Toews - 5

1           13.                   Q.       Okay.

2                           A.       ...yes.

3           14.                   Q.       Well, it will help me in terms of  
4                           how slowly or quickly I go, that's the only  
5                           reason I am asking you, okay?

6                           A.       Okay.

7           15.                   Q.       There is no hidden agenda here.  
8                           I just want to know. If you haven't reviewed  
9                           something, I will take you through the materials  
10                          slowly, although it's what you...some of it is  
11                          your own material, okay?

12                          A.       Okay.

13           16.                   Q.       All right. So, on paragraph 3 of  
14                          your Affidavit, you state,

15                                 "...On June 19, 2020, I donated \$1,000  
16                                 in my husband's name to Vaccine Choice  
17                                 Canada..."

18                          Okay. Can you explain to me, was it your money  
19                          or your husband's money that you donated?

20                          A.       My husband and I have a joint  
21                          account, and everything, and so, it was both.

22           17.                   Q.       Okay. So, that is inaccurate  
23                          there, it wasn't in your husband's name, it was  
24                          both your names?

25                          A.       It was in my husband's name, but

D. Toews - 6

1 I am referring to just who owns the money.

2 18. Q. Okay. So, when you donated it,  
3 you put his name as the donor?

4 A. Correct.

5 19. Q. Okay. So, why didn't he make the  
6 complaint to the Law Society?

7 A. I chose to do it. I asked him  
8 to...he manages our money, and so, I asked him to  
9 do it. So, he just did it in his name.

10 20. Q. He did what in his name?

11 A. He donated.

12 21. Q. I know, but my question was, if  
13 he donated the money, why didn't he make the  
14 complaint to the Law Society?

15 A. Like I said, I donated the money,  
16 asked him to do it. So, it was my...how do I  
17 word this for you? It was my choice to donate,  
18 and he did it on my behalf.

19 22. Q. In his name?

20 A. In his name.

21 23. Q. You are still not answering my  
22 question. Why did he not make the complaint to  
23 the Law Society? Because he...the donation was  
24 in his name.

25 A. It was...

D. Toews - 7

1 MR. GLEASON: She did answer your  
2 question,

3 24. MR. GALATI: No, she hasn't answered  
4 my question, Tim.

5 MR. GLEASON: She said because the  
6 donation was on her behalf.

7 25. MR. GALATI: Okay. Well, I read the  
8 exact opposite, but anyway, that's fine.  
9 We can argue about that if it is even  
10 relevant. But I was just trying to  
11 clarify.

12

13 BY MR. GALATI:

14 26. Q. Okay. And then you say you also  
15 donated \$1,000 to Action4Canada, correct?

16 A. That's correct.

17 27. Q. I know it is in your Affidavit,  
18 but you will confirm here today, I have never met  
19 you or spoken to you in my life before today,  
20 correct?

21 A. Correct.

22 28. Q. We have never talked on the  
23 phone, correct?

24 A. Correct.

25 29. Q. All right. So, you donated

D. Toews - 8

1 \$1,000 to my clients...two of my clients, right?  
2 What made you think that I am to answer as to  
3 what happened to those donations to you, a person  
4 I have never met?

5 A. I donated and made a very  
6 specific request that it went to you.

7 30. Q. Yes, but would that...what does  
8 that have to do with me?

9 A. They had asked for...if you  
10 wanted it to go to you, that we had to state  
11 where we wanted the money to go to. So, I asked  
12 them, specifically, for that money to go to you.

13 31. Q. And so what? Did I have control  
14 of the donations or where they went?

15 A. I don't know.

16 32. Q. Well, obviously not. Why did you  
17 not take your complaint up with them and why did  
18 you never ask for a refund of your money if you  
19 were dissatisfied with them?

20 A. It wasn't obvious to me that it  
21 had nothing to do with you. To me, it was  
22 obvious that it did, in my opinion. And...

23 33. Q. Okay, so tell me how in your mind  
24 it had to do with me?

25 A. They were donating directly to



1           you. The money that I donated went to you is  
2           what they said.

3           34.                   Q.           They retained me as a lawyer. I  
4           don't work on donations, I work on retainers.  
5           So, you gave them money in furtherance of one of  
6           their legal challenges. I am not the only lawyer  
7           they retain their services from. So, why not go  
8           to them for answers about your \$1,000? And if  
9           you were not satisfied, why not go to them for a  
10          refund? And why have you, today, to this day,  
11          not asked for a refund of your money of my  
12          clients?

13                           A.           I went to them, I emailed them,  
14           and asked, specifically, about the donation that  
15           went to you. And they responded...

16          35.                   Q.           I understand...

17                           A.           They responded and they told me  
18           that you didn't want to give any answers, there  
19           is an email. And they said to me that you said  
20           that you didn't want to give...I don't have it in  
21           front of me. But that you weren't giving any  
22           accountability to my question. So, I did...

23          36.                   Q.           You didn't...yes, you didn't get  
24           that from me, did you? You got it from a  
25           volunteer at VCC?

D. Toews - 10

1 A. They told me...

2 37. Q. But you still haven't answered my  
3 question. Why have you never asked for a refund  
4 of your money?

5 A. I wanted it to go through. I  
6 didn't want a refund, I wanted to know what my  
7 money was doing.

8 38. Q. And so, who is to answer that?  
9 Me or them?

10 A. It was my opinion that it was  
11 you.

12 39. Q. Based on what?

13 A. Based on the money that I had  
14 asked to go to was you.

15 40. Q. I get a retainer from a client, I  
16 don't know what the sources are. I have nothing  
17 to do with their fundraising. Based on what, you  
18 think the answers would come from me?

19 A. They were very clear...

20 41. Q. Telepathy?

21 A. They were very clear that your  
22 name was on this...on the lawsuit.

23 42. Q. So?

24 A. So, then to me the connection was  
25 clear.

D. Toews - 11

1 43. Q. The clients to whom you donated  
2 retained me, so I am supposed to answer for the  
3 funds they collected? That's what you are  
4 saying? Is that rational or sober?

5 MR. GLEASON: That's not a proper  
6 question.

7 44. MR. GALATI: Yes, it is. I am going  
8 to put that question. Is that rational  
9 or sober?

10 MR. GLEASON: That's refused. That's  
11 refused. /R

12 45. MR. GALATI: How is that rational to  
13 assume that?

14 MR. GLEASON: She's just refused to  
15 answer that question. /R

16  
17 BY MR. GALATI:

18 46. Q. Okay. So, if you donate to the  
19 Salvation Army and you have concerns about how  
20 they are using the money, you go to their  
21 litigation lawyer for an answer?

22 MR. GLEASON: Refused. /R

23 47. MR. GALATI: Refused?

24 MR. GLEASON: Yes.

25 48. MR. GALATI: Why is that refused,

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1 Tim?

2 MR. GLEASON: Because it's irrelevant  
3 and it is argumentative.

4 49. MR. GALATI: It's not argumentative.  
5 I need an answer as to how she concludes  
6 that I am the person to account to her  
7 as a lawyer...

8 MR. GLEASON: Well, you are not  
9 getting one.

10 50. MR. GALATI: ...for a client to whom  
11 she has donated.

12 MR. GLEASON: You got an answer for  
13 that.

14 51. MR. GALATI: Which was...

15 MR. GLEASON: You are not getting  
16 answers...

17 52. MR. GALATI: ...what?

18 MR. GLEASON: ...to your hypothetical  
19 question.

20 53. MR. GALATI: Why don't you repeat  
21 your client's answer to that question,  
22 Tim? What was the answer?

23 MR. GLEASON: It's on the record, she  
24 told you why she thought that you were  
25 responsible.

D. Toews - 13

1 54. MR. GALATI: And why was that? I  
2 didn't get it. But you got it...

3 MR. GLEASON: Statements they made to  
4 her.

5 55. MR. GALATI: ...so repeat it to me.  
6 Huh?

7 MR. GLEASON: I'm not giving  
8 evidence.

9 56. MR. GALATI: No, you can repeat your  
10 client's evidence, because apparently  
11 you gauged the answer. What was her  
12 answer to my question?

13 MR. GLEASON: Her answer is on the  
14 record.

15

16 BY MR. GALATI:

17 57. Q. You said at paragraph 13,  
18 "...I do not believe that I interfered  
19 with any of the Plaintiffs relationships  
20 or economic interests. I am not aware  
21 of any publication of my complaint to  
22 anyone..."

23 What does publication of your complaint have to  
24 do with interfering with my contractual  
25 obligations to my client?

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1 A. Can you repeat the question?

2 58.

Q. Yes, you say,

3 "...I am not aware of any publication of  
4 my complaint to anyone..."

5 So, what does publication of your complaint have  
6 to do with your interference of my economic  
7 interests and contractual obligations with my  
8 client? You say you didn't interfere with those  
9 with the complaint because it wasn't published.  
10 So, what has publication got to do with the  
11 interference?

12 A. Just looking what page is this  
13 on...

14 59. Q. Sorry? It's paragraph 13, you  
15 can read it for yourself, it's your statement.

16 A. Yes, I am just looking.

17 MR. GLEASON: The word "because" is  
18 not in that sentence, Mr. Galati. There  
19 are two separate sentences there.

20 60. MR. GALATI: I said that, yes. I  
21 repeated the paragraph, Tim, and I asked  
22 her a question.

23 MR. GLEASON: But you inserted the  
24 word "because". She didn't say that the  
25 reason for her belief that she didn't

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1                   interfere in your relationships is that  
2                   she hadn't publicised her complaint.  
3                   Those are two separate sentences. She  
4                   is saying...

5           61.           MR. GALATI:       Now you are giving  
6                   evidence.

7                   MR. GLEASON:     No, no.

8           62.           MR. GALATI:       She could have given  
9                   that evidence. Now you are giving  
10                  evidence. Yes.

11

12           BY MR. GALATI:

13           63.           Q.       What is the import of that second  
14                  sentence in your paragraph, Ms. Toews? What's  
15                  the import of it?

16                   A.       What is the what sorry?

17           64.           Q.       The import, I-M-P-O-R-T.

18                   A.       What is the import? Can you  
19                  clarify what that means?

20           65.           Q.       Why is that sentence there? The  
21                  fact that you didn't publish the complaint. So,  
22                  what? I am trying to make sense of that  
23                  sentence, that paragraph with two sentences in  
24                  it. What does it mean?

25                   A.       Based on what I saw from what you





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1           70.                   MR. GALATI:           And the second one, in  
2                                   the same paragraph, logically somehow  
3                                   would be tied to the first sentence.  
4                                   And that is what I am trying to get...

5                                   MR. GLEASON:           Well that's an  
6                                   argument...

7           71.                   MR. GALATI:           ...her to clarify...

8                                   MR. GLEASON:           ...that you...

9           72.                   MR. GALATI:           And I object to you  
10                                  interfering with your own nourishment of  
11                                  the record by giving evidence for your  
12                                  client.

13                                  MR. GLEASON:           She can...

14           73.                   MR. GALATI:           She can answer her  
15                                  simple statement.

17           BY MR. GALATI:

18           74.                   Q.           So, did you not think that once  
19                                  you made the complaint that I would have to  
20                                  advise my clients of the complaint and send them  
21                                  a copy?

22                                  A.           Sorry, can you clarify the  
23                                  question?

24           75.                   Q.           Yes. Did you not think that once  
25                                  you sent the complaint into the Law Society, I

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1                   would have an obligation to advise my clients and  
2                   send them a copy of the complaint because it  
3                   concerned them?

4                   A.           I didn't know what you needed to  
5                   do with that, I don't understand the question.

6           76.           Q.           Well, you had two lawyers  
7                   advising you, didn't they advise you of that?

8                   MR. GLEASON:       That's privileged.

9           77.           MR. GALATI:        Okay.

10

11           BY MR. GALATI:

12           78.           Q.           So, you didn't think of it?

13                   A.           I didn't think...

14           79.           Q.           Okay, in paragraph 14, you  
15                   believe that the Law Society would have the  
16                   ability and would have the duty to look into me  
17                   to explain what happened to your \$1,000, and that  
18                   was based on what, Mr. Warner's representations  
19                   to you?

20                   A.           Can you repeat the question?

21           80.           Q.           You said that you thought the Law  
22                   Society would have a duty and could investigate  
23                   me to try to figure out what happened to your  
24                   \$1,000. What is the basis of that assumption?  
25                   Is that based on what Mr. Warner told you?

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1 A. No, not at all.

2 81. Q. Okay, what did you base it on?

3 A. When I wanted to see what the  
4 answers to my question was, and when the email  
5 came back and said that you didn't want to say  
6 anything about it, I wanted to know if there was  
7 going to be some accountability on all the money  
8 that was being sent to you. So...

9 82. Q. Yes, but...

10 A. ...I...

11 83. Q. You emailed my client, and your  
12 emails to Kip and Rick Thomas were less than a  
13 day apart. You were already planning and  
14 executing a Law Society complaint. So, one  
15 didn't follow the other, and I will take you to  
16 those emails in a second, that were forwarded to  
17 me by the Law Society. So, it is not as if you  
18 got the email from VCC and then pondered a Law  
19 Society complaint. They were in the works. The  
20 Law Society complaint was already in the works,  
21 correct? Before you got that answer.

22 A. No...

23 84. Q. Yes or no? Huh?

24 A. Not that I remember.

25 85. Q. Oh, you don't remember now?

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1                   Okay.

2                   A.        To that specific question, no.

3           86.        Q.        Paragraph 16 of your Affidavit,  
4                   "...I do not know the Plaintiff outside  
5                   of the context of having made donations  
6                   towards his legal fees..."

7                   Just to be clear, you didn't make donations to me  
8                   for my fees, you didn't send a cheque to Rocco  
9                   Galati Law Firm for a \$1,000 donation towards any  
10                  case. You sent a donation to my client, and  
11                  their purported legal fees, correct?

12                  A.        With a clear request that it went  
13                  to you.

14           87.        Q.        Yes, but that had nothing to do  
15                  with me, correct? I was not privy to that,  
16                  correct?

17                  A.        It was my opinion that you were.

18           88.        Q.        How?

19                  A.        It was my belief that you were.

20           89.        Q.        And what is your belief based on?

21                  A.        Based on them saying that they  
22                  were utilizing you for the services of what I was  
23                  donating to.

24           90.        Q.        So, why didn't you contact me  
25                  before you made the donation and clarify it with

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1 me beforehand?

2 A. It was my belief I didn't need  
3 to. My belief was that they were saying that  
4 they would contact you directly, that they were  
5 utilizing you directly. They were...

6 91. Q. So, then it has nothing to do  
7 with me. It is they saying it and you sent your  
8 money to them. So, they should account to you,  
9 not me.

10 A. They...

11 92. Q. Let alone to the Law Society  
12 investigation.

13 A. I requested that it went directly  
14 to you.

15 93. Q. So what? It still has nothing to  
16 do with me. What you...

17 A. It was...

18 94. Q. ...request.

19 A. It was my...

20 95. Q. What you intended. What you  
21 wanted. I was not part of the conversation, nor  
22 did I have any knowledge...

23 MR. GLEASON: You are arguing with  
24 the witness.

25 96. MR. GALATI: ...of it until your Law

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1 Society complaint.

2 MR. GLEASON: These are not  
3 questions.

4 97. MR. GALATI: They are questions. I  
5 am just asking her to clarify in clear  
6 terms, apart from vague, nebulous  
7 beliefs, why she thinks I have to  
8 account to a Law Society investigation.

9

10 BY MR. GALATI:

11 98. Q. I am going to direct...I don't  
12 know if you have it available for your client,  
13 Tim. I am going to direct you, Ms. Toews, to  
14 Exhibit O to my affidavit, which is a copy of the  
15 actual Law Society complaint, and I have a few  
16 questions based on that. Do you have that, Ms.  
17 Toews? My motion record, my affidavit, and it  
18 would be at Exhibit O, as in Oz.

19 A. Let me find that. Sorry, I have  
20 the...it says where it is, but I am looking.

21 99. Q. It starts at page 217 of my  
22 record, if you see the pagination.

23 A. Sorry, I'm looking.

24 MR. GLEASON: If it helps I can put  
25 it on the screen, Rocco.







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1 with them if necessary at a later  
2 date..."

3 So, I know who Gavin MacKenzie is, he is an ex-  
4 treasurer of the Law Society and bencher as was  
5 I. And you don't have to tell me any solicitor-  
6 client privilege on this, but did you actually  
7 ever meet with Mr. MacKenzie, or did Mr. Kip  
8 Warner stickhandle that for you with Mr.  
9 MacKenzie?

10 MR. GLEASON: That's refused,  
11 solicitor-client privilege.

/R

12 107. MR. GALATI: I'm sorry?

13 MR. GLEASON: That's refused,  
14 solicitor-client privilege.

15 108. MR. GALATI: Well, what's the  
16 occasion that's privileged?

17 MR. GLEASON: Solicitor-client  
18 privilege. Any communications that she  
19 has with Gavin MacKenzie are privileged,  
20 and she is not going to answer questions  
21 about that.

22 109. MR. GALATI: I didn't ask her to, all  
23 I asked was did she have direct  
24 communications with Mr. MacKenzie,  
25 that's all I'm asking.

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1 MR. GLEASON: That's right, she is  
2 not answering that question.

3 110. MR. GALATI: That occasion is not  
4 privileged, because it is not an  
5 occasion. Solicitor-client privilege  
6 law is clear, it is the occasion that is  
7 privileged, not the facts. And if the  
8 occasion is privileged, any content is  
9 privileged, but I am just asking whether  
10 or not she directly communicated with  
11 Mr. MacKenzie, that's all.

12 MR. GLEASON: It's refused.

13 111. MR. GALATI: How could that be  
14 privileged? It's in the email. To the  
15 extent it is in the email, that  
16 privilege in itself is waived. She...

17 MR. GLEASON: I'm not arguing with  
18 you.

19 112. MR. GALATI: ...forwarded this to the  
20 Law Society. So, you are still  
21 maintaining your refusal?

22 MR. GLEASON: Yes.

23 113. MR. GALATI: All right.

24

25 BY MR. GALATI:

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1           114.           Q.       So, now if I could draw your  
2                           attention now, Ms. Toews, you sent this complaint  
3                           on the 15th, but you had been working on it  
4                           before December 20, correct, of 2021?

5                           A.       I don't remember.

6           115.           Q.       You don't remember?

7                           A.       [Inaudible].

8           116.           Q.       That's a short three weeks before  
9                           that occurrence. Do you remember working on it  
10                          just before Christmas of the previous year? It's  
11                          not a long time ago.

12                          A.       I don't remember.

13           117.           Q.       Okay. So, maybe I will draw your  
14                          attention to the actual body of the complaint  
15                          that starts at page 224, Tim. And I will direct  
16                          your attention, Ms. Toews, to 228, which is your  
17                          description of your complaint to the Law Society.  
18                          Do you see that, Ms. Toews? Do you remember  
19                          writing that? Or...

20                          A.       Yes.

21           118.           Q.       ...did you in fact write that or  
22                          have somebody else write it for you?

23                          A.       No, those are my words.

24           119.           Q.       Those are your words? I have a  
25                          few questions on that. You say five lines from

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1 the top,

2 "...I understand that Vaccine Choice  
3 Canada, Action4Canada and a third  
4 organization in Quebec have raised  
5 approximately \$3.5 million to finance  
6 litigation in Ontario, British Columbia  
7 and Quebec..."

8 Do you see that?

9 A. I see that.

10 120. Q. Okay. So, the first question I  
11 have is, where did you get that figure from?

12 A. So, I asked for help on this part  
13 because I...

14 121. Q. [Inaudible].

15 A. ...was curious. And so...

16 122. Q. I'm sorry?

17 A. I was curious about the answer to  
18 this question, and so I got help from that.

19 123. Q. Who helped you with this  
20 question? Who came up with the \$3.5 million, was  
21 it Kip Warner?

22 A. No.

23 124. Q. Was it Rick Thomas?

24 A. I believe so, yes.

25 125. Q. So, Rick Thomas came up with this

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1 figure. How long have you known Rick Thomas?

2 A. Since putting this together, like  
3 last year. I believe it was last year or the  
4 year before.

5 126. Q. It would have to be the year  
6 before, because you were in communication with  
7 Rick Thomas in December of 2021, correct?

8 A. Correct.

9 127. Q. Okay. So, you have known Rick  
10 Thomas since 2021? Do you know if he is a member  
11 of the Society?

12 A. I'm...I don't know.

13 128. Q. Okay. Are you a member of the  
14 society?

15 A. The Law Society of Ontario?

16 129. Q. No, the society. Kip Warner's  
17 society.

18 A. I believe so, yes.

19 130. Q. Since when?

20 A. I don't know.

21 131. Q. Was it not sometime in January of  
22 2021 when you made a \$10,000 donation to him and  
23 his society?

24 A. I don't know if that's when I  
25 became a member.

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1           132.           Q.       Okay. But you did make a  
2                            donation to him in January of 2021 for about  
3                            \$10,000?

4                            A.       That's correct.

5           133.           Q.       Okay. So, Rick Thomas gave you  
6                            this \$3.5 million figure. Did you take any steps  
7                            to try to verify it?

8                            A.       I asked for help, and this is  
9                            what was given to me and I...

10          134.           Q.       By Rick Thomas?

11                            A.       Again...

12          135.           Q.       Okay. Do you know if Rick and  
13                            Kip knew each other at the time he gave you this  
14                            information?

15                            A.       I assumed, yes.

16          136.           Q.       You assumed that, okay. And not  
17                            that I would know or care about how much money  
18                            anybody has raised anywhere, but is this somehow  
19                            supposed to be related to me in this Law Society  
20                            complaint? This \$3.5 million?

21                            A.       Can you clarify the question?

22          137.           Q.       Well, this \$3.5 million that you  
23                            say is raised by Ontario, B.C. and Quebec, right?

24                            A.       M'hmm.

25          138.           Q.       How is it related to me? Because

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1 it is in your Law Society complaint against me.

2 A. You are asking why I believe that  
3 this figure was necessary in the complaint?

4 139. Q. Why is that statement necessary  
5 at all in your complaint, yes. Vis-à-vis me.

6 A. Because I believe that in  
7 addition to my donation, that there was a lot of  
8 money donated to you, and I wanted to see if  
9 there was going to be any accountability.

10 140. Q. Okay. So, you believe that \$3.5  
11 million was "donated" to me?

12 A. Either directly or indirectly,  
13 yes.

14 141. Q. What does that mean, directly or  
15 indirectly?

16 A. That you were hired by...

17 142. Q. Right.

18 A. ...these organizations.

19 143. Q. Right. And so, clients who hire  
20 me don't donate to me. They pay me a retainer  
21 for legal fees rendered.

22 A. Those donations go to you.

23 144. Q. My clients retain me. Where they  
24 get their donations, they don't tell me. It is  
25 none of my business. They don't go to me, they

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1 hire me.

2 MR. GLEASON: That's not a question,  
3 you are arguing with the witness again.

4 145. MR. GALATI: Well, I am asking for  
5 her response to that.

6  
7 BY MR. GALATI:

8 146. Q. So, which organizations in  
9 Ontario, B.C. and Quebec did you have in mind  
10 that had raised this \$3.5 million for me?

11 A. I felt like this was necessary in  
12 order for information that I was...

13 147. Q. That's not my question, Ms.  
14 Toews. That's not my question. My question is,  
15 do you have specific organizations in mind when  
16 you made this statement, that raised this money  
17 for me?

18 A. Vaccine Choice Canada,  
19 Action4Canada.

20 148. Q. What about the Quebec  
21 organization? Which one is that?

22 A. There was a few...I don't have  
23 the names at the top of my head, but there was a  
24 few that I knew about that had also, I believed,  
25 was donating to you.





D. Toews - 34

1 necessary. I didn't want it...

2 152. Q. Well, what's the...

3 A. ...I wanted it to be about  
4 accountability.

5 153. Q. Right. But what was the downside  
6 in your mind if I knew who you were?

7 A. I didn't know.

8 154. Q. I'm sorry?

9 A. I did not know.

10 155. Q. I don't understand that answer.  
11 Obviously you didn't want me to know who you  
12 were, that's why you asked them not to tell me.  
13 But why?

14 A. I didn't know, so I just rather  
15 not...I'd rather be anonymous.

16 156. Q. Why? My question is still why?

17 A. I didn't know.

18 157. Q. I don't understand. What didn't  
19 you know?

20 A. I didn't know what this...I just  
21 chose to anonymous, it was just a choice.

22 158. Q. Yes, but that still doesn't  
23 answer my question.

24 A. In my mind, I chose to be  
25 anonymous because I felt like that would just be

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1 a good idea.

2 159. Q. Yes, but that still doesn't  
3 answer my question of why? You are not answering  
4 the question.

5 A. The answer is...to me it answers  
6 it.

7 160. Q. Why? How does it answer it?

8 A. Because I told you that I just  
9 felt like it would be a good idea.

10 161. Q. What is good about it?

11 A. The unknowns. I just wanted...

12 162. Q. Yes.

13 A. ...I wanted to be anonymous.

14 163. Q. I know that, but I am asking why,  
15 and you said, "It was a good idea", and I asked  
16 you "What was good about the idea?", and your  
17 answer is?

18 A. Because it was a good idea. It  
19 was my choice. There was...I didn't know  
20 anything in regard to this...what would come from  
21 the Law Society of Ontario and the investigation.  
22 And so, I chose to be anonymous. I asked to be  
23 anonymous.

24 164. Q. Well, you have to forgive me. I  
25 don't want to come across as insulting, Ms.

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1 Toews, but you had Mr. Rick Thomas, Mr. Kip  
2 Warner and none other than two lawyers advising  
3 you, and you didn't know?

4 A. I didn't know what?

5 165. Q. Whatever you didn't know that you  
6 didn't tell me?

7 A. I did not...

8 166. Q. You had four people advising you,  
9 two of them are lawyers, and you pretend to be in  
10 the dark?

11 A. I'm not pretending to be in the  
12 dark...

13 167. Q. You are pretending to be in the  
14 dark, but anyway. How could you...I don't even  
15 know what you mean by you didn't know, but there  
16 is...in my mind, it is just not credible that you  
17 couldn't know any question in your mind with two  
18 people like Kip and Rick Thomas and two lawyers  
19 advising you.

20 A. I wasn't being advised, I asked  
21 to be anonymous with the Law Society of Ontario.

22 168. Q. But so, you weren't advised on  
23 this complaint?

24 MR. GLEASON: That's privileged.

25 169. MR. GALATI: Well, she just answered



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1 Rick informed me this afternoon that you  
2 are amenable but would like to remain  
3 anonymous. I don't know if our lawyer,  
4 Jonathan Reilly, will think anonymity is  
5 possible, but I will ask him before  
6 relying on any information you provide.  
7 The Law Society can likely investigate,  
8 and should investigate, both  
9 Action4Canada and VCC. In the meantime,  
10 can you please email Rick and CC me  
11 under separate cover an email Jonathan  
12 can rely on? It should state the  
13 following, who you are..."

14 Et cetera. And then I take it that you emailed  
15 back on January 2nd to Rick Thomas, is that  
16 correct? At the top of the page?

17 A. The question to...can you clarify  
18 the question?

19 171. Q. Yes. Is that email at the top of  
20 the page, January 2, 2022, directed to Richard  
21 Thomas in response to Kip Warner's email and  
22 direction to you below on December 21st? That's  
23 your email to Rick Thomas, correct? Because it  
24 says, "I donated \$1,000". It can't be anybody  
25 else, correct?

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1 A. I...correct.

2 172. Q. Okay. Now if you can...so, as of  
3 December 21, 2021, at 4:54 p.m., you are already  
4 moving to finalize the complaint against me at  
5 the Law Society, correct?

6 A. Can you repeat the question?

7 173. Q. As of December 21, 2021, when Kip  
8 Warner emails you with final steps to the Law  
9 Society complaint about me, you had already  
10 started working on the complaint, correct, with  
11 Kip and Rick?

12 A. I was asking, yes, about that. I  
13 see that, yes.

14 174. Q. Right? Prior to the 21st?  
15 Obviously. It didn't come through telepathy,  
16 right?

17 A. It did not come through  
18 telepathy, no.

19 175. Q. Right. So, do you remember how  
20 many days or weeks before this email you had been  
21 in consultation with Kip and Rick on reporting me  
22 to the Law Society?

23 A. I do not remember.

24 176. Q. Was it one, two, three? Give me  
25 a range.

D. Toews - 40

1 A. I do not remember.

2 177. Q. Was it just the day before?

3 A. I don't remember.

4 178. Q. Okay. You don't remember? Do  
5 you remember how many days it was before you  
6 contacted VCC about an update on the case and  
7 when you got a response from VCC?

8 A. No, I don't remember off the top  
9 of my head.

10 179. Q. Well, isn't it a fact you're your  
11 planning and execution of the complaint against  
12 me with the Law Society was likely before your  
13 query to VCC and that the query to VCC was a  
14 surreptitious query designed to just make the  
15 complaint?

16 A. Can you clarify that question?

17 180. Q. Yes, you planned the query to VCC  
18 to bolster your complaint against me?

19 A. Just the...

20 181. Q. You weren't really interested to  
21 know where the funds went or a refund. This was  
22 all a plan to take Rocco down between you, Kip  
23 and Rick.

24 A. That is not correct.

25 182. Q. Well, okay. Let me put it to you



D. Toews - 41

1           that it is not coincidental that your  
2           communication with VCC is only a day before you  
3           finalized the complaint with Kip and the rest  
4           against me at the Law Society. Let me move on,  
5           Ms. Toews. Did you ever receive my response to  
6           the Law Society to your complaint?

7                     A.       Not that I recall.

8       183.           Q.       You don't recall? Okay. So, to  
9           this day, you don't know what my response to the  
10          Law Society was?

11                    A.       Not that I remember seeing.

12       184.           Q.       Okay. Do you remember responding  
13          to the Law Society to my response?

14                    A.       At this point, there is so much  
15          information that I don't remember.

16       185.           MR. GALATI:       Okay. So, I would like  
17           to put a couple of documents to you that  
18           are not in the record. And I am  
19           wondering, Tim, if we could please pull  
20           up the list of documents that I sent you  
21           this morning. Would you do that for me?

22                    MR. GLEASON:       Yes.

23       186.           MR. GALATI:       Otherwise I can get Alex  
24           here to share screen. But you seem to  
25           be tech-savvy. You are obviously not

D. Toews - 42

1 over 22.

2 MR. GLEASON: Barely over 22.

3 187. MR. GALATI: Oh, okay. For the  
4 record, we are joking here. Because  
5 sometimes transcripts come across cold.

6 MR. GLEASON: Amani, do you have that  
7 document handy?

8 MS. RAUFF: Yes, I'll pull it up.

9 MR. GLEASON: She's closer to 22 than  
10 I am.

11 188. MR. GALATI: Oh, okay. My mother,  
12 when she heard any age under 50, because  
13 she made it to 95, would joke that she  
14 had a headache that old.

15 MS. RAUFF: Which page of it do you  
16 want me to...

17 189. MR. GALATI: Okay. So, I would like  
18 you to go to tab 1, Amani, please.  
19 That's tab 1, second page.

20

21 BY MR. GALATI:

22 190. Q. Ms. Toews, I am showing you what  
23 appears to be your donation 28 months ago, which  
24 would place it in January of 2021 to Kip Warner  
25 and his organization. And it is both in...your

D. Toews - 43

1 husband is named Brad, is that correct?

2 A. Correct.

3 191. Q. Okay. It is in yours and your  
4 husband's name for \$10,000, you will confirm  
5 that?

6 A. I confirm, yes.

7 192. Q. Okay. And that was January of  
8 2021, almost a full year before you executed and  
9 planned and sent the Law Society complaint  
10 against me. Over the page, if we can, Amani,  
11 please, the next page? Is that a picture of you  
12 and your husband?

13 A. Yes.

14 193. Q. Ms. Toews?

15 A. I answered yes.

16 194. Q. That's you. This was also taken  
17 from the GoFundMe Kip Warner Society page, and it  
18 is an addendum to the \$10,000 donation. I have  
19 had my law clerk type up below, which is not  
20 visible, which is faint, if you go to the website  
21 on the top-right corner. And you and/or your  
22 husband made the following statement,

23 "...We believe change is possible, and  
24 that our decisions matter for the well-  
25 being of all Canadians. We believe time

D. Toews - 44

1 is of the essence, and that who we  
2 support is just as important as what we  
3 support. We support Kip and the team as  
4 they speak truth to power..."

5 That's your statement, correct?

6 A. Can you hear me?

7 195. Q. Yes, is that your statement...

8 A. Yes.

9 196. Q. ...Ms. Toews? Okay. So, I would  
10 like to enter the two pages as Exhibit 1 to this  
11 examination, Tim.

12 MR. GLEASON: That's fine.

13

14 --- EXHIBIT NO. 1: Two pages from Kip Warner's  
15 GoFundMe page

16

17 BY MR. GALATI:

18 197. Q. Now I am going to refer you to  
19 tab 2, and I will be using these exhibits for  
20 other witnesses, Tim, so I might as well put them  
21 in now, because this client has the knowledge.  
22 Tab 2...

23 MR. GLEASON: Provided she can  
24 identify them, that's fine.

25 198. MR. GALATI: Sorry?

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1 MR. GLEASON: Provided that she can  
2 identify them, that's fine.

3 199. MR. GALATI: Sure, sure.

4

5 BY MR. GALATI:

6 200. Q. Do you know a Vladislav...do you  
7 know Vlad as he is commonly known?

8 A. Very briefly I have met him.

9 201. Q. Okay. When did you first meet  
10 him?

11 A. It was at a rally in Toronto.

12 202. Q. What year, what month, if you can  
13 recall?

14 A. I don't remember.

15 203. Q. Was it in 2021?

16 A. Maybe.

17 204. Q. Okay. I am showing you a media  
18 page from Vlad dated July 28, 2021, and he thanks  
19 people for their appreciation of his work, and  
20 you are listed there as "Donna Toews". So, you  
21 knew of him, or knew him, at least as early as  
22 July 28, 2021?

23 A. Okay.

24 205. MR. GALATI: Okay. So, I would like  
25 to tender that as Exhibit 2 to her

D. Toews - 46

1 affidavit, Tim, please?

2 MR. GLEASON: No, she hasn't  
3 identified this document and...

4 206. MR. GALATI: Okay.

5 MR. GLEASON: ...I still don't know  
6 what it is.

7 207. MR. GALATI: Okay.

8

9 BY MR. GALATI:

10 208. Q. Are you familiar with this  
11 document?

12 A. I saw it today.

13 209. Q. Yes.

14 A. I am not...what is this? A  
15 Facebook thing?

16 210. Q. Yes.

17 A. I have my tags blocked. So,  
18 somebody can tag me, but I don't have it put on  
19 my own Facebook page. So, I wouldn't necessarily  
20 see this.

21 211. Q. Okay. But were you on a page  
22 with Vlad in 2021?

23 A. On a what?

24 212. Q. On a Facebook page or media page?  
25 I don't know, I am over 22 and I don't pretend to

D. Toews - 47

1 know how...

2 A. Not necessarily this one.

3 213. Q. ...these things work. Huh?

4 A. I don't remember this one, no.

5 214. Q. But you know Vlad?

6 A. I met him.

7 215. Q. Okay. All right. I can ask

8 Vlad, Tim, but I will...

9 MR. GLEASON: That's fine.

10 216. MR. GALATI: I would like to at least  
11 enter this as an exhibit for  
12 identification purposes, Exhibit A to  
13 your cross-examination?

14 MR. GLEASON: That's fine. Yes,  
15 that's fine. For identification, yes.

16 217. MR. GALATI: Yes, okay.

17

18 --- EXHIBIT A: Media page from Vlad Sobolev,  
19 dated July 28, 2021

20

21 BY MR. GALATI:

22 218. Q. Next page, I refer you to tab 3,  
23 if you can, Amani, thank you. Right there. This  
24 is some sort of a victory rally. I don't pretend  
25 to know what it is or who was there. But it is

D. Toews - 48

1 an advertising for victory rally, and at the  
2 bottom, it sets out its attendees, and one of  
3 them is Rick Thomas and Maria Boss, Victory  
4 Canada, members of the Canadian Society for  
5 Advancement of Science and Public Policy  
6 Vancouver. That is the same Rick Thomas that  
7 assisted you with your complaint, correct?

8 A. I can only assume yes or no.

9 219. Q. Okay. Assume for me, go ahead.

10 A. I can't assume because I wasn't  
11 there. So, I don't know if this...

12 220. Q. Okay.

13 A. ...was the Rick Thomas that I  
14 talked to.

15 221. Q. Okay. Do you know any other Rick  
16 Thomas?

17 A. Personally, no.

18 222. Q. That's active in the anti-COVID  
19 measures movement?

20 A. I don't know.

21 223. MR. GALATI: Okay. I would like to  
22 enter this as an exhibit as well, Tim.

23 MR. GLEASON: She hasn't identified  
24 the document and I still don't know what  
25 it is.



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1 224. MR. GALATI: Okay. It is just a  
2 pamphlet for a rally, it's obvious from  
3 the face of the documents. We can do  
4 Exhibit B for ID purposes.

5 MR. GLEASON: Sure.

6

7 --- EXHIBIT B: Pamphlet for victory rally

8

9 BY MR. GALATI:

10 225. Q. Okay. And the last document I  
11 would like to show you, Ms. Toews, is this  
12 article published March 21 of this year in  
13 FreePolitik called "Nothing Burger Lawsuits", and  
14 it is written by Rick Thomas. Are you familiar  
15 with this article written a few months ago?

16 A. No.

17 226. Q. Have you seen this article? Do  
18 you know about this article?

19 A. No.

20 227. MR. GALATI: No? Okay. All right,  
21 those are my questions.

22 MR. GLEASON: Okay. No re-direct.

23

24 --- upon adjourning at 11:38 a.m.

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REPORTER'S NOTE:

Please be advised that any undertakings, objections, under advisements and refusals are provided as a service to all counsel, for their guidance only, and do not purport to be legally binding or necessarily accurate and are not binding upon Victory Verbatim Reporting Services Inc.

---

I hereby certify the foregoing to be a true and accurate transcription of the above-noted proceedings held before me on the **23rd DAY OF MAY, 2023**, and taken to the best of my skill, ability and understanding.



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**Certified Correct:**

A handwritten signature in black ink, appearing to read "Akshaya".

---

**Akshaya Kulaveerasingam**  
Verbatim Reporter

### Donations (0) See all donations

Be a top donor for Kip Warner with \$2,330 or more.

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- Anonymous  
\$9,991 (Offline) • 13 mos
- Anonymous  
\$9,950 (Offline) • 14 mos
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We believe change is possible and that our decisions matter for the well being of all Canadians. We believe time is of the essence and that who we support is just as important as what we support. We support Kip and the team as they speak truth to power.

We believe change is possible and that our decisions matter for the well being of all Canadians. We believe time is of the essence and that who we support is just as important as what we support. We support Kip and the team as they speak truth to power.

**TAB 3**

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 VLADISLAV SOBOLEV,  
on his Affidavits sworn January 27, 2023, and March 28,  
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

ALSO PRESENT:

Kipling Warner



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1 --- upon commencing at 2:29 p.m.

2

3 VLADISLAV SOBOLEV, affirmed

4 CROSS-EXAMINATION BY MR. LAWYER:

5 1. Q. Good afternoon, Mr. Sobolev.

6 Could you please state your name and spell it for  
7 the record?

8 A. Sure. Vladislav Sobolev, V-L-A-  
9 D-I-S-L-A-V S-O-B-O-L-E-V.

10 2. Q. And I understand you are known at  
11 large as Vlad, is that okay if I call you Vlad  
12 during this cross-examination?

13 A. That's fine.

14 3. Q. Thank you. Now you swore two  
15 Affidavits in this proceeding.

16 A. Yes.

17 4. Q. One on January 27, 2023, and then  
18 you did a supplementary Affidavit on March 28,  
19 2023. Do you have them in front of you or  
20 available to you on your computer?

21 A. Yes, yes.

22 5. Q. Okay. So, with respect to the  
23 first Affidavit, which is a short two-page  
24 Affidavit, can you look at page 2 and look at  
25 that signature and confirm that that is your

V. Sobolev - 4

1 signature?

2 A. Yes.

3 6. Q. And do you still affirm that the  
4 contents of that Affidavit are true?

5 A. Yes.

6 7. Q. Yes. And are there any changes  
7 you would like made to that Affidavit before I  
8 proceed to ask you questions?

9 A. No.

10 8. Q. All right. So, the first  
11 question I have for you is, how long have you  
12 known Mr. Kip Warner?

13 A. Since December of...well, I guess  
14 the first time I heard of Kip would be in the  
15 fall of 2020. And the first time we met in  
16 person was end of 2020, December 31st.

17 9. Q. December 31, 2020, okay. And  
18 have you worked with his organization, the  
19 Society, since then?

20 A. I have been assisting the  
21 organization since shortly after the lawsuit was  
22 filed in January of '21.

23 10. Q. Whose lawsuit, his?

24 A. The CSASPP lawsuit was filed on  
25 January, I think 15 or 16 of '21.

V. Sobolev - 5

1           11.                   Q.       Right. Okay. And I know...you  
2                           are now living where, in Vancouver these days?

3                           A.       I'm back in Richmond Hill in  
4                           Ontario.

5           12.                   Q.       Oh, so you are back in Ontario?

6                           A.       Yes, sir.

7           13.                   Q.       Can you give us just a brief  
8                           timeline of your residence since the outbreak of  
9                           the pandemic? Just briefly. You lived in  
10                          Toronto until what month and year until you moved  
11                          to Vancouver?

12                          A.       I moved to Vancouver at the end  
13                          of 2020, and I stayed in Vancouver until vaccine  
14                          mandate for the airplane took effect in end of  
15                          '21. At that point we went back to Ontario. I  
16                          have lived in Ottawa briefly during the trucker's  
17                          convoy protest, then back in Richmond Hill after  
18                          that.

19           14.                   Q.       And that was when in...

20                          A.       in '21...in '22.

21           15.                   Q.       '21...'22? Spring of '22?

22                          A.       Yes.

23           16.                   Q.       All right. So, if I can direct  
24                          you to paragraph 5 of your Affidavit, and this  
25                          refers to a conversation that you are responding

V. Sobolev - 6

1 to from an Affidavit of Mr. Ted Kuntz. Do you  
2 know Mr. Kuntz?

3 A. Yes.

4 17. Q. And would you say he is an  
5 honourable honest man?

6 A. I think Ted is a great man, and  
7 he does great things for this country.

8 18. Q. Okay. And you wouldn't say he is  
9 the type of person...although he may  
10 misunderstand, you are not saying he is the type  
11 of person who would lie, right?

12 A. I think everybody lies.

13 19. Q. Oh, you think everybody lies.  
14 Oh, that's...I didn't expect that answer with  
15 anything. So, what do you mean by that?  
16 Everybody lies about everything at all times?

17 A. It depends on the circumstances.  
18 It depends on the circumstances, right? It's  
19 just...

20 20. Q. Okay.

21 A. ...the question is pretty broad,  
22 right?

23 21. Q. Right. So, do you think he is  
24 lying about his retelling of the conversation he  
25 had with Kip Warner?

V. Sobolev - 7

1                   A.       For me, I just based on my  
2                   recollection of what took place on that Zoom, and  
3                   that's basically what I stand for.

4       22.            Q.       Right, I understand that, and  
5                   that's fair enough. But you don't think he is  
6                   lying about it? Do you think he is sincere of  
7                   his recollection?

8                   A.       I cannot comment on that.

9       23.            Q.       Okay. Now you are very  
10                  active...you are a very prolific activist, would  
11                  you say that is fair?

12                  A.       Yes.

13       24.            Q.       And would you say it is fair you  
14                  have meetings virtually everyday?

15                  A.       Some days more than one, yes.

16       25.            Q.       Okay. And so, this meeting that  
17                  we are talking about happened what? Two years  
18                  ago?

19                  A.       I guess so.

20       26.            Q.       Yes. And so, you have had  
21                  probably over 1,000 meetings since, have you not?

22                  A.       I think Ted Kuntz had more than  
23                  me.

24       27.            Q.       No, I am asking you, Vlad.

25                  A.       Sure.



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1                   that you are confident that Mr. Warner did not  
2                   say what he said, correct?

3                   A.        I stand by my Affidavit.

4        35.           Q.        Okay. Do you know that Mr. Kuntz  
5                   had follow up emails about the meeting, and so he  
6                   put some of the meeting in writing?

7                   A.        Possibly, yes.

8        36.           Q.        Okay. And do you have any reason  
9                   to believe that Mr. Kuntz's recollection is any  
10                  more faulty than yours?

11                  A.        I can only speak for myself.

12        37.           Q.        Okay. So, if we could move to  
13                  your second Affidavit that you...or after my  
14                  motion record was filed in the court. You say at  
15                  paragraph 2 that you had met me and either at the  
16                  very end of May 2020 or beginning of June 2020  
17                  with four other people. I am going to suggest to  
18                  you that that is a faulty memory, because I met  
19                  you and Mr. Chris Sky in the same meeting after I  
20                  issued the VCC Statement of Claim on July 20 of  
21                  2020. What would you say...

22                  A.        That is not correct.

23        38.           Q.        ...to that? Huh?

24                  A.        The meeting took place at your  
25                  residence office on College Street with myself,



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1 Kelly Anne Wolfe, Chris Sky and I forget the  
2 lady, Domenica or whatever her name was, from  
3 Quebec. And the extent of our meeting was to  
4 discuss either launching a lawsuit ourselves, and  
5 then retaining you, or supporting the lawsuit as  
6 is, and just help with the fundraising, or  
7 potentially to be added as a plaintiff to the  
8 lawsuit and specifically what you told us is that  
9 you would suggest helping with fundraising  
10 because to amend, at that stage, the proceeding  
11 would delay the process and we didn't want to do  
12 that. And...

13 39. Q. Let me stop you right there.

14 Amend the proceedings, which means the  
15 proceedings were already issued. I wouldn't have  
16 to amend proceedings if I hadn't issued them,  
17 correct?

18 A. Again, the conversation was that,  
19 at that point, you had to file it...no, the  
20 conversation was that you still had to file it,  
21 and if you started to add more plaintiffs to the  
22 filing, it would delay the process. So, what we  
23 agreed on, we were just going to help with the  
24 fundraising for this lawsuit that you were about  
25 to file shortly after the meeting.

V. Sobolev - 11

1           40.                   Q.           That is not what we agreed to.  
2                            You guys...Chris Sky approached me to be co-  
3                            Plaintiff with VCC and my client said, "No", and  
4                            that was the end of it. There was no discussion  
5                            about a separate retainer to file on behalf of  
6                            Mr. Sky and...

7                            A.           No, no, again...

8           41.                   Q.           ...there certainly...let me  
9                            finish. No issue about fundraising. Now you say  
10                           you fundraise it from my clients. Did you ever  
11                           send me money?

12                           A.           Me specifically?

13           42.                   Q.           Rocco Galati Law Firm?

14                           A.           Me, specifically? No.

15           43.                   Q.           Okay. So, you didn't fundraise  
16                           for my law firm to carry the VCC lawsuit,  
17                           correct?

18                           A.           I assisted with the fundraising  
19                           on multiple occasions with...

20           44.                   Q.           What does that mean...

21                           A.           ...VCC.

22           45.                   Q.           ...assisted in fundraising?

23                           A.           I promoted the lawsuit,  
24                           personally. And with spreading the, you know,  
25                           fundraising links and whatever else, all through

V. Sobolev - 12

1 2020.

2 46. Q. Okay, fair enough. Do you have  
3 any written evidence or receipts of cheques sent  
4 by you to my client, VCC?

5 A. By me personally? No, but...

6 47. Q. Okay.

7 A. ...as I included the...a picture  
8 of me holding the sign, which has a link to the  
9 fundraising for VCC case. And that picture was  
10 taken in front of 100,000 people in Montreal, and  
11 that picture was also posted, then, on my social  
12 media and it gathered a ton of support and likes  
13 and comments, et cetera.

14 48. Q. Okay. I understand that, Vlad.  
15 Again, I will ask you the same questions about  
16 our meeting which I say you have misloded in  
17 your memory. Do you have any notes of that  
18 meeting, or any recording of our meeting?

19 A. I don't have notes or recording  
20 of that meeting, but again, the meeting  
21 definitely took place before you filed the VCC  
22 case.

23 49. Q. Well, I say it didn't, but  
24 anyway. I don't think anything hinges on it  
25 except your faulty memory. Let me ask you

V. Sobolev - 13

1 something else, did Chris Sky ever retain me to  
2 your knowledge, separately?

3 A. I cannot speak for Chris.

4 50. Q. Okay.

5 A. So, I don't know.

6 51. Q. In fact, I had nothing, and  
7 wanted nothing to do with Chris Sky, including  
8 never attending an invitation to speak at his  
9 rallies, isn't that correct?

10 A. My understanding was that you  
11 didn't want to attend the rallies because you  
12 didn't want to compromise being disbarred from  
13 attending the rallies, that's what I understood.

14 52. Q. No, I didn't want to attend the  
15 rallies because I am not an activist, I am a  
16 lawyer and I didn't want to attend the rallies  
17 with Chris Sky because...

18 A. You [inaudible] rallies...

19 53. Q. ...he is completely unhinged.

20 A. ...where there are multiple  
21 examples of you attending the rallies. So, I was  
22 confused when you said initially you didn't want  
23 to attend the rallies because you didn't want to  
24 be disbarred. And then after that, you were  
25 attending the rallies so I was not sure.

V. Sobolev - 14

1           54.                   Q.       I attended speaking engagements,  
2                            I don't organize or attend rallies. I have  
3                            spoken at gatherings, but...

4                            A.       Well, what is the difference?  
5                            You...

6           55.                   Q.       What is the difference?

7                            A.       ...were at Nathan Phillips  
8                            Square...you were at Nathan Phillips square at  
9                            the two-day rally in '21, I believe.

10          56.                   Q.       I spoke at the invitation of Mr.  
11                            Vincent Gursej (phon.)...

12                            A.       Was it a rally...

13          57.                   Q.       ...at that gathering. But can  
14                            you tell me a bit about Chris Sky, are you still  
15                            affiliated with him?

16                            A.       What do you mean by "affiliated"?

17          58.                   Q.       Well, do you do work together  
18                            still?

19                            A.       I support his efforts and he  
20                            supports my efforts, because we support the  
21                            freedom efforts.

22          59.                   Q.       Okay. Now with respect to what  
23                            you say about me refusing to represent you on  
24                            your family law matter. Our meeting as you  
25                            described in your Affidavit, you will agree with

V. Sobolev - 15

1 me, was a meeting with the door half open at my  
2 office, right? It was not a lengthy  
3 consultation. You said you had a family dispute,  
4 and I told you very clearly, "I do not do family  
5 law, and I am sorry, I can't do it". Is that not  
6 correct?

7 A. Initially when I met you the  
8 first time you said that if I am able to find a  
9 family lawyer that can work with you, then  
10 potentially you can help me with my family  
11 custody case. In fact, my understanding that you  
12 tried to call, even in front of me, one of the  
13 lawyers, and then you attempted to call some  
14 other lawyers after that, but my understanding  
15 was nobody wanted to take that case, and we moved  
16 on.

17 60. Q. And do you have any notes or  
18 email as to that effect? Because I don't agree  
19 that that is what happened. Do you have any  
20 other evidence, apart from your own, that that is  
21 what happened?

22 A. No, I...

23 61. Q. Okay.

24 A. ...am just going by what  
25 happened, and you know better because that's what

V. Sobolev - 16

1                   happened.

2           62.                   Q.           And you agree I never assisted or  
3                   represented you on your family law case?

4                   A.           No, the extent was us meeting  
5                   twice regarding my case, and me dropping off the  
6                   endorsement. And in fact, we were looking into  
7                   doing the appeal, but then later we realized that  
8                   I missed the deadline, because my understanding  
9                   was the appeal would be within 30 days. But  
10                  because it was an urgent motion, I only had one  
11                  week. So, in fact, we figured out that I already  
12                  missed the deadline for the appeal for that  
13                  endorsement that took place on July 2020. That's  
14                  why I know the meeting that took place with us  
15                  happened way before that, because the endorsement  
16                  for my family court happened on July 7 of 2020.

17           63.                   Q.           Well, all of this is news to me,  
18                   Vlad. All I remember is that you asked, and I  
19                   nipped it in the bud by reminding you that I have  
20                   never done family law cases, and never will. At  
21                   any rate, I will move on to your Affidavit. You  
22                   say that you harbour no ill will toward me for  
23                   declining to represent you, and that you have  
24                   never made negative comments about me since  
25                   declining to represent you, is that correct?

V. Sobolev - 17

1 A. It's partially correct.

2 64. Q. It's partially correct?

3 A. Yes.

4 65. Q. Okay, well, explain that.

5 A. I don't hold grudges against you  
6 for not representing my family case, but I have  
7 been extremely critical of you since '21, because  
8 it just became very obvious that, you know, the  
9 work that you have done, specifically within  
10 freedom movement, is very unfortunate. And, in  
11 fact, at this point, as a reflection, I am  
12 actually happy that you never represented my  
13 family case, because all the other cases part of  
14 the freedom movement not going anywhere anyway.

15 66. Q. Okay. And you will agree that  
16 you have publicly called me a clown and a  
17 grifter?

18 A. That's the accurate statement  
19 from me being critical of you, yes.

20 67. Q. Okay, do you know what a grifter  
21 is, Vlad?

22 A. Someone that takes the money and  
23 doesn't do anything for it.

24 68. Q. A fraud artist.

25 A. Sure.



V. Sobolev - 18

1           69.                   Q.           So, you are saying I am a fraud  
2                            artist?

3                            A.           I am just saying that a lot of  
4                            promises that you have made have not actualized  
5                            and the legal framework of your work in terms of  
6                            filing the cases, which was...which will evident  
7                            not to go anywhere, and that's what actualized.  
8                            So...

9           70.                   Q.           Right. That's your opinion, and  
10                           I deal with that in my Affidavit. Since you are  
11                           not a party to these proceedings, I am not going  
12                           to go further than that. But what is your basis  
13                           of saying that I am a fraud? I mean, that's an  
14                           allegation of criminal conduct. What are the  
15                           bases for that?

16                           MR. GLEASON:        Show him in his  
17                           Affidavit where he called you a fraud.

18           71.                   MR. GALATI:         He just admitted to  
19                           calling me grifter. That's a fraud,  
20                           Tim. I'm not going to pull out a  
21                           dictionary for him. It's a 1930s film-  
22                           flam man reference. It's a con artist.

23  
24           BY MR. GALATI:

25           72.                   Q.           So, on what basis do you call me

V. Sobolev - 19

1 a grifter?

2 A. On the basis of filing the  
3 lawsuits that are not going anywhere.

4 73. Q. Okay. And how do you know they  
5 have not gone anywhere?

6 A. Because everyone knew that filing  
7 200 pages for VCC and 400 pages for Action4Canada  
8 would be dismissed by the court. Every single  
9 person knew that, except you, I guess.

10 74. Q. None of them were dismissed.  
11 They were...

12 A. They were not dismissed?

13 75. Q. ...struck with leave to...no,  
14 they are not. Do you understand the difference  
15 between dismissal with prejudice, which is  
16 what...

17 A. Have they moved...

18 76. Q. Let me finish my question.

19 A. They have not moved forward.

20 77. Q. Let me finish my question. Do  
21 you understand the difference between a dismissal  
22 and being struck with leave to amend the  
23 pleadings is?

24 A. So, why are you filing an appeal  
25 when you just had to amend the pleadings?



V. Sobolev - 21

1 the end of 2022..."

2 You are talking about the first VCC. Do you  
3 understand that after I brought that Statement of  
4 Claim the province enacted masking regulations  
5 that allowed you to freely self-declare an  
6 exception and that mandatory vaccines had not  
7 been mandated? Therefore, there was no need for  
8 an injunction, do you understand that?

9 A. All I know is that people  
10 continued to be discriminated from wearing the  
11 masks and then harassed and assaulted and  
12 everything. So, I don't know...

13 83. Q. Right. And I control the world,  
14 do I?

15 A. But was injunction filed or not?

16 84. Q. There was no need for an  
17 injunction. Anybody could self-declare their own  
18 exemption. I would be thrown out if I brought...

19 A. But the point is...

20 85. Q. ...an injunction...

21 A. ...that you said you would file  
22 it.

23 86. Q. ....to declare something that was  
24 already the law. No?

25 A. But you didn't file it, right?

V. Sobolev - 22

1           So, I am just saying. You promised to file it  
2           and you didn't file it. I understand you...

3           87.           Q.        Because the government moved fast  
4           and gave me what we...gave us what we wanted  
5           without having to go to court, that's why.

6           A.        Okay. Now the other thing you  
7           are saying in paragraph 9,

8                     "...When I asked, I received pushback.  
9                     I was frustrated with the lack of  
10                    transparency..."

11           What are you referring to here? My clients or  
12           me?

13           A.        We are talking about  
14           Action4Canada.

15           88.           Q.        Yes.

16           A.        And the transparency in terms of  
17           how much money was raised, and what is the  
18           proceeding time schedule, et cetera.

19           89.           Q.        Okay. So, that's an issue that  
20           you have with my client, right?

21           A.        Yes, I wasn't asking...

22           90.           Q.        Paragraph 9 is directed to my  
23           client?

24           A.        I wasn't asking you for  
25           transparency, I was asking Tanya Gaw at

V. Sobolev - 23

1 Action4Canada...

2 91. Q. Okay.

3 A. ...for transparency.

4 92. Q. Fair enough, that's what I was  
5 trying to establish, thank you. So, you  
6 understand, as a lawyer I act on the instructions  
7 of my clients, do you?

8 A. I understand you have  
9 instructions from your client, yes.

10 93. Q. Yes. And you understand I have  
11 no duty. In fact, I can't be transparent  
12 contrary to my clients' instructions, you  
13 understand that, right?

14 A. Yes, I never asked you for  
15 transparency. I was asking your clients for the  
16 transparency.

17 94. Q. So, why am I being slagged as a  
18 grifter?

19 A. Because, again, the laws...the  
20 cases that was filed...dodgy cases that were  
21 filed, didn't go anywhere.

22 95. Q. And how do you know...what do you  
23 mean they didn't go anywhere? So, let me give  
24 you one example, Vlad. Action4Canada was filed  
25 August 21, 2021. The government lawyers asked

V. Sobolev - 24

1 for 90 days to plead, because it was a long  
2 pleading. I said, "Okay". Then they say, "We  
3 want to bring a motion to strike". I said, "Go  
4 ahead, make it soon". They brought a motion to  
5 strike returnable February 22nd. In January, I  
6 went into a coma, and didn't recuperate until  
7 summer of last year. Yet, despite my state, they  
8 had adjourned it to May 22nd...May 29th, and I  
9 fully argued the motion to strike. So, August to  
10 next May, after having survived a coma that  
11 almost killed me, we had our first step, motion  
12 to strike. That's too slow for you?

13 A. No, the point is, you filed the  
14 case in August of '21, almost a whole year after  
15 the fundraising for that case started by Tanya  
16 Gaw at Vancouver rally in literally a year before  
17 that.

18 96. Q. So?

19 A. That was the frustration where,  
20 why it had to take a whole year to file the case  
21 where...

22 97. Q. Because I needed to be retained.  
23 I wasn't retained for the case. I filed August,  
24 I had a coma...

25 A. That's why...





V. Sobolev - 26

1 A. What do you want me to comment  
2 on?

3 103. Q. I don't want you...

4 MR. GLEASON: That's not a question.

5 104. MR. GALATI: ...comment on anything,  
6 I am just saying that you don't address  
7 her Affidavit.

8 MR. GLEASON: Okay, but that's not  
9 what we are here for.

10 105. MR. GALATI: Sorry?

11 MR. GLEASON: For you to say things.  
12 You are supposed to be asking questions.

13

14 BY MR. GALATI:

15 106. Q. Yes, the question is, do you  
16 think Sandy Sable is lying in her Affidavit?

17 A. Sandy Sable was...

18 MR. GLEASON: Take him to the...

19 107. MR. GALATI: No, I'm not going to  
20 take him...

21 MR. GLEASON: ...exactly what it is.

22 108. MR. GALATI: ...to anything, Tim. He  
23 has the Affidavit. He has responded to  
24 anything else, he didn't respond to her.  
25 I will leave that question as it is.

V. Sobolev - 27

1                   And those are my question for Mr.  
2                   Sobolev.  
3                   MR. GLEASON:       Okay, no re-direct.  
4                   Thanks very much, Vlad.  
5                   THE DEPONENT:      Thank you.  
6  
7            ---     upon adjourning at 2:54 p.m.

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REPORTER'S NOTE:

Please be advised that any undertakings, objections, under advisements and refusals are provided as a service to all counsel, for their guidance only, and do not purport to be legally binding or necessarily accurate and are not binding upon Victory Verbatim Reporting Services Inc.

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I hereby certify the foregoing to be a true and accurate transcription of the above-noted proceedings held before me on the **23rd DAY OF MAY, 2023**, and taken to the best of my skill, ability and understanding.



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**Certified Correct:**

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**Akshaya Kulaveerasingam**  
Verbatim Reporter

**TAB 4**

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

-- self-represented

ALEX BORNAT (law clerk)

Plaintiff

TIM GLEASON

-- for the Defendants

AMANI RAUFF

K. Warner

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1 --- upon commencing at 12:34 p.m.  
2  
3 KIPLING WARNER, affirmed  
4 CROSS-EXAMINATION BY MR. GALATI:  
5 1. Q. Good afternoon, Mr. Warner.  
6 A. Good afternoon.  
7 2. Q. I can't hear you.  
8 A. Can you hear me now?  
9 3. Q. No. You are very faint.  
10 A. Settings here. Any better now?  
11 Can you hear me?  
12 4. Q. Hardly.  
13 A. Tim, can you hear me?  
14 MR. GLEASON: Yes, I can hear you  
15 just fine.  
16 THE DEPONENT: Yes, it's maximum  
17 amplified.  
18  
19 BY MR. GALATI:  
20 5. Q. Okay. If you could just raise  
21 your voice a little for me, I don't have  
22 headphones.  
23 A. Okay.  
24 6. Q. So, I noticed Mr. Gleason does,  
25 but I don't.

1 A. Amani, can you hear me okay?  
2 7. Q. I can hear you now, yes.  
3 A. Okay.  
4 8. Q. So, Mr. Warner can you just state  
5 your full legal name for the record?  
6 A. Kipling Conrad Singh Warner.  
7 9. Q. Okay. And you swore two  
8 affidavits in support of your motion. One,  
9 January 26, 2023, and one March 29, 2023, is that  
10 correct?  
11 A. Let me check a moment. 26th of  
12 January, 2023, the second one was 29th of March,  
13 2023.  
14 10. Q. Correct.  
15 A. The third one was the 12th of  
16 April, 2023.  
17 11. Q. Sorry, I couldn't hear the  
18 last...  
19 A. The third one was on the 12th of  
20 April, 2023.  
21 12. Q. That's in support of your motion  
22 to strike certain evidence, correct?  
23 A. I believe so, yes.  
24 13. Q. Okay. To which we haven't  
25 responded yet. I'm only going to be referring to

1 your first two affidavits, to be fair to you,  
2 because I shouldn't be cross-examining you on  
3 your affidavit and your motion to strike until we  
4 file our motion record and affidavit material in  
5 response, okay? So, we may have to have another  
6 round of cross-examinations. So, today I am only  
7 concentrating on your first two affidavits. I am  
8 not allowed to cross-examine you on an affidavit  
9 until I file my material in response to that  
10 affidavit. Okay. So, referring first to your  
11 first affidavit, you have it before you?  
12 A. Yes.  
13 14. Q. If you can go to page 41 of that  
14 affidavit, 106 paragraph affidavit, to the  
15 signature page, and confirm that is your  
16 signature?  
17 A. Sorry, what is the page number?  
18 15. Q. It's page 41 of your affidavit.  
19 A. Yes, that's my signature.  
20 16. Q. All right. And you still affirm  
21 that everything in that affidavit is accurate and  
22 true?  
23 A. There are some corrections. That  
24 was the...  
25 17. Q. Okay, well, let's slowly go

1 through the corrections and I will make note of  
2 them for the record.  
3 A. Actually, no, correct...I'm  
4 correcting myself on the corrections. The  
5 corrections are for the supplemental affidavit I  
6 affirmed on the 29th of March.  
7 18. Q. Okay. We will get to that later.  
8 We will get to that later. But there are no  
9 corrections on the first affidavit?  
10 A. I don't believe so.  
11 19. Q. Okay. So, I will take you  
12 through it, then. I don't plan to take you  
13 through the entire affidavit. But my first  
14 question refers to paragraph 13 of your  
15 affidavit.  
16 A. On page 3?  
17 20. Q. Yes. At paragraph 13, it states  
18 as follows,  
19 "...The Society's litigation mandate  
20 flows from the broader mandate set out  
21 in our constitution..."  
22 So, you would agree with me a client has a right  
23 to set out their litigation mandate and strategy  
24 in consultation with their legal counsel?  
25 MR. GLEASON: That's a legal

1 A. Okay, well, I can't compare the  
2 mandates unless I can see it.  
3 26. Q. No, you have made comment on  
4 their litigation strategy.  
5 A. Well, strategy and mandate are  
6 two different things. Mandate...  
7 27. Q. Okay, well, you explain the  
8 difference to me?  
9 A. Mandate is what you are trying to  
10 achieve, strategy and tactics are how you go  
11 about implementing it.  
12 28. Q. Oh, I see. And so, you have the  
13 right to pass judgment on other people's  
14 litigation strategy?  
15 A. Do I not have that right?  
16 29. Q. I can't hear you, Mr. Warner, I'm  
17 sorry.  
18 A. I'm not clear on your question.  
19 Are you asking a moral question, a legal  
20 question, a philosophical one? Do I have the  
21 right to criticize a non-profit? I don't  
22 understand what you are asking.  
23 30. Q. Do you feel you have the legal  
24 right to attack a private client's lawyer based  
25 on their litigation strategy?

1 question.  
2 THE DEPONENT: Yes, that is a...  
3 21. MR. GALATI: Well, he has made a  
4 statement...  
5 MR. GLEASON: That's a legal  
6 question.  
7 22. MR. GALATI: ...about his litigation  
8 mandate.  
9 MR. GLEASON: Yes, you can ask him  
10 about his litigation mandate, you can't  
11 ask him legal questions about a client's  
12 rights.  
13  
14 BY MR. GALATI:  
15 23. Q. Okay. So, you have a litigation  
16 mandate?  
17 A. We have a litigation mandate.  
18 24. Q. Okay. And so, why do you and  
19 your material take the position that my client's  
20 litigation mandate is wrong-headed and wasteful  
21 and useless?  
22 A. Could you take me to their  
23 mandate?  
24 25. Q. That's solicitor-client  
25 privilege. Their strategy is privilege.

1 A. Well, your question is loaded  
2 because...  
3 31. Q. It's not loaded, it's the subject  
4 of your depositions and publications. That's a  
5 question.  
6 A. But you haven't been attacked.  
7 There is a difference between being criticized  
8 and being attacked.  
9 32. Q. Okay. Well, you tell me that  
10 difference.  
11 A. Well, attacking someone is where  
12 you are trying to do exactly that. Criticising  
13 them can be constructive, as well. I receive  
14 constructive criticism all the time through the  
15 work that I do.  
16 33. Q. So, when your treasurer, Mr.  
17 Gandhi, sent an email on January 27th, 2021, in  
18 consultation with, and having obtained links from  
19 you that are selectively negative, is that a  
20 criticism or an attack?  
21 A. I didn't write that email.  
22 34. Q. Sorry?  
23 A. I did not write that email, I did  
24 not instruct Dee to send that.  
25 35. Q. Oh, so you had no input into that

Page 10

1 email?  
2 A. I did not even know that email  
3 was sent until I saw it in the materials.  
4 36. Q. Oh, I see, okay. Well, that  
5 wasn't his evidence, but we will argue about that  
6 with the judge. Okay. So, at paragraph 14 of  
7 your Affidavit, paragraph 14(d).  
8 A. 14(d)?  
9 37. Q. Yes.  
10 A. There is no paragraph 14(d).  
11 38. Q. I'm sorry, 15(d), my apologies.  
12 A. Okay. I'm there.  
13 39. Q. Okay. So, these are your  
14 values...your society's values, correct?  
15 A. Yes.  
16 40. Q. Okay. Go to paragraph 47 of your  
17 Affidavit.  
18 A. Yes.  
19 41. Q. You have it?  
20 A. Yes.  
21 42. Q. So, what is the import of that  
22 Affidavit? So what that my clients raised this  
23 much for legal expenses in August 15 of 2021?  
24 A. Well, you are drawing it to my  
25 attention, so I don't know why...

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1 that portion of the paragraph 47 where I say that  
2 all of that was allocated for you?  
3 48. Q. Okay then, let's break it down  
4 again. Do you know for what purpose and where  
5 this \$208,000 that you say was raised?  
6 A. According to what was annotated  
7 in the financial statements, it was for a legal  
8 expense account.  
9 49. Q. Okay. So, what do you conclude  
10 from that?  
11 A. I draw the inference that the  
12 lion's share of that was probably allocated for  
13 you.  
14 50. Q. Why is that?  
15 A. Because you are...  
16 51. Q. Do you have any knowledge that I  
17 am the only legal expense that my clients has?  
18 A. I don't know that.  
19 52. Q. Okay. So, you can't conclude  
20 that, can you?  
21 A. That's not what the paragraph  
22 claims.  
23 53. Q. Well, you just gave testimony  
24 that you assumed that.  
25 A. No, I am assuming that the lion's

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1 43. Q. Sorry?  
2 A. What is it that you are asking?  
3 44. Q. I'm asking why is this in your  
4 Affidavit? Why is it of any relevance to this  
5 anti-SLAPP motion that they have fundraised this  
6 much money?  
7 A. Because one of the criticisms  
8 that you have been receiving is that the amount  
9 of money that you have raised is disproportionate  
10 to the work that was actually performed.  
11 45. Q. Based on what?  
12 A. Based on exactly the paragraph  
13 that you just drew our attention to.  
14 46. Q. No, based on what? What is  
15 disproportionate about that money being raised?  
16 First of all, it assumes that all that money has  
17 gone to me of which you have no knowledge. But  
18 just because that money has been raised, it is  
19 disproportionate to what?  
20 A. Well, that assumption that it was  
21 all raise for you, is that in the Affidavit?  
22 47. Q. Well, it has got to be, because  
23 you just said that it is disproportionate for  
24 what I am doing.  
25 A. Could you draw my attention to

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1 share of that was for you.  
2 54. Q. Well, same difference. How can  
3 you assume that? Do you know what legal services  
4 my clients procure and pay for?  
5 A. Based on their corporate...their  
6 financial statements, yes. There was a \$200,000  
7 wire that was sent to you.  
8 55. Q. All right. And so, again, why is  
9 that disproportionate for the purpose of what  
10 they have retained me for? Are you privy to my  
11 retainer with them?  
12 A. I've seen your retainer  
13 for...several of the retainers. I believe they  
14 are in evidence.  
15 56. Q. No, have you seen my retainer for  
16 Action4Canada?  
17 A. I don't believe so.  
18 57. Q. All right. So, you have no clue  
19 of what I have been retained for, on what basis,  
20 and what sum?  
21 A. Well, that's not correct. As I  
22 said, \$200,000 was wired to you. This \$208,000  
23 that is noted in the Affidavit. There is a  
24 difference of \$8,000. So, as I said, the lion's  
25 share of that was allocated for you.



1 58. Q. Well, what services do you know  
2 that account for that amount? How can you  
3 possibly conclude that that is excessive, when  
4 you don't know what services I provide to my  
5 client?  
6 A. That's not what the paragraph  
7 says.  
8 59. Q. Well, no, that's what you said  
9 earlier, a few minutes ago.  
10 A. You were asking how I think that  
11 money was spent. I don't know the details of how  
12 it was spent, but we do know that \$200,000 of the  
13 \$208,000 was sent to you.  
14 60. Q. Okay, but you don't know for  
15 what.  
16 A. But that's a different question.  
17 You were asking...  
18 61. Q. Okay, well...  
19 A. ...how much was sent to you, and  
20 I am saying the lion's share of it. What  
21 specifically you spent it on, I don't have  
22 particularized invoices...  
23 62. Q. Right, but you made a comment  
24 earlier in your testimony that that amount is  
25 excessive for the purposes of what it was spent

1 A. I don't know. It...  
2 70. Q. Was it before or after you posted  
3 your article on me and a Q & A on me on your  
4 website?  
5 A. You are referring...when you say  
6 "article" you are referring specifically to the  
7 FAQ on our website, is that correct?  
8 71. Q. Yes, yes, yes.  
9 A. It was after that.  
10 72. Q. How long after?  
11 A. Long after. I don't...  
12 73. Q. What does "long after" mean?  
13 A. Well, exactly that. So, the date  
14 of the publication of the FAQ, I believe, is in  
15 evidence. So, sometime well after that.  
16 74. Q. What do you mean by "sometime"?  
17 Give me an approximate timeframe.  
18 A. I don't have that on hand.  
19 75. Q. When was your FAQ published?  
20 A. I believe that's in evidence  
21 somewhere.  
22 76. Q. Okay, June of 2021. So, how long  
23 after June of 2021 did you have contact with  
24 Alexandra Moore?  
25 A. I believe you asked that already,

1 for. And you have no clue what it was spent for,  
2 correct?  
3 A. I don't know everything that...  
4 63. Q. Okay...  
5 A. ...it was spent for.  
6 64. Q. ...fine. We will move on. So,  
7 in your Affidavit you have various references,  
8 most of them post your article on your website  
9 from Canuck Law. Do you know anyone at, or do  
10 you know Canuck Law?  
11 A. I know of the publication, yes.  
12 65. Q. Do you know the person  
13 responsible for the publication?  
14 A. I know one of the principals, I  
15 don't know if there are others.  
16 66. Q. Who is that?  
17 A. I believe her name is Alexandra  
18 Moore.  
19 67. Q. And when did you first meet, or  
20 contact, Alexandra Moore?  
21 A. I haven't met her, we have  
22 talked. When, specifically, I don't recall.  
23 68. Q. Well, give me a year, if that.  
24 A. I don't have that on hand.  
25 69. Q. Approximately.

1 my answer is the same.  
2 77. Q. Well, with respect, I think you  
3 are being evasive, it is less than two years ago.  
4 You don't have an approximate time of when you  
5 contacted her? Really?  
6 MR. GLEASON: He has answered the  
7 question.  
8  
9 BY MR. GALATI:  
10 78. Q. All right. When was the last  
11 time you had any contact with her?  
12 A. I believe it was a few days ago.  
13 79. Q. A few days ago?  
14 A. Yes.  
15 80. Q. And what was the nature of that  
16 contact?  
17 A. I don't remember, but I think it  
18 was something to do with our banquet.  
19 81. Q. Oh, you don't remember. So,  
20 between a few days ago and just sometime after  
21 June of 2021, approximately how many times did  
22 you have contact with Alexandra Moore?  
23 A. I haven't been keeping a diary of  
24 that.  
25 82. Q. Just approximately.

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1 A. I'm not going to speculate.  
2 83. Q. Okay. So, you selectively pull  
3 out some of her publications on her website in  
4 your Affidavit. Were you aware that that I sued  
5 her for defamation for making racist and anti-  
6 Semitic comments about me on her website?  
7 A. I was aware that you had  
8 commenced a civil action against her or her  
9 publication, whatever it is...  
10 84. Q. When were you aware of that?  
11 A. I think when you first brought it  
12 to the world's attention, you had publicized it.  
13 85. Q. Oh, that was before you...before  
14 or after you put your FAQ on your website?  
15 A. I don't know the date that you  
16 commenced that action.  
17 86. Q. Okay.  
18 A. Be that I came to know about it  
19 through one of your online websites.  
20 87. Q. Page 19 of your Affidavit, at the  
21 bottom of page 26 of your record. That would  
22 be...it's a long paragraph with all the cites  
23 from all these publications. I will read it to  
24 you, maybe that's easier. You state,  
25 "...I understand that the Plaintiff

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1 separate entity from Children's Health Defense  
2 Canada, which is what the Affidavit says.  
3 91. Q. No, I said, "Children's Health  
4 Defense Canada". I'm reading from your  
5 Affidavit. I'm just asking, where did you get  
6 the misinformation that I represent Police on  
7 Guard and CHD Canada?  
8 A. I believe that is in evidence for  
9 Police on Guard, there is a copy of the retainer  
10 somewhere in that massive motion record. And as  
11 for Children's Health Defense Canada, I believe  
12 you are listed as a director.  
13 92. Q. Yes, I don't represent them as  
14 legal counsel, though. I'm a director.  
15 A. Okay.  
16 93. Q. Okay. And the retainer you  
17 reproduced is not a Police on Guard retainer, it  
18 is for individual plaintiffs. Police on Guard is  
19 not a plaintiff in that action, is it?  
20 A. Sorry, what is your question?  
21 94. Q. Paragraph 57, I just want some  
22 clarity on your offensive term. I find it  
23 offensive as to what you mean by, "Galati  
24 Affiliates". You make it sound like I am a  
25 circus coordinator and I have affiliates. I have

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1 represents, or represented, each of  
2 Vaccine Choice Canada, Police on Guard  
3 and Children's Health Defense Canada in  
4 the proceedings that the article  
5 describes..."  
6 And the article, I think, refers to an article in  
7 Canuck Law. I do not represent Police on Guard  
8 and Children's Health Defense. Where are you  
9 getting your understanding that I do?  
10 A. Children's Health Defense is not  
11 what I said in the Affidavit.  
12 88. Q. I'm reading it right here.  
13 A. And what I read...  
14 89. Q. I will read it to you again. It  
15 says,  
16 "...I understand that the Plaintiff  
17 represents, or represented, each of  
18 Vaccine Choice Canada, Police on Guard  
19 and Children's Health Defense Canada in  
20 the proceedings that the article  
21 describes..."  
22 A. Right.  
23 90. Q. That's you talking, is it not?  
24 A. Yes, but you previously said  
25 "Children's Health Defense", which is a totally

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1 clients. What are you referring to as "Galati  
2 Affiliates" and "Funding arms" as you state?  
3 A. I think the evidence is self-  
4 explanatory that there are organizations that are  
5 associated with you.  
6 95. Q. All my clients are associated  
7 with me in a solicitor-client relationship, but  
8 that is not the tone and texture that you put.  
9 What does a "Galati affiliate" mean?  
10 A. As I said, an organization that  
11 is associated with you.  
12 96. Q. Explain "associated".  
13 A. Well, what is it that you don't  
14 understand about the colloquial meaning of the  
15 word "associate"?  
16 97. Q. I don't understand it's precise  
17 meaning. I am associated with you this hour  
18 cross-examining you, are you a Galati affiliate?  
19 A. No, but I...  
20 98. Q. So, explain "associated".  
21 Contact is association? Solicitor-client  
22 relationship is an association?  
23 A. That's one such, yes.  
24 MR. GLEASON: How about one question  
25 at a time?

1 99. MR. GALATI: Well, how about an  
2 answer to any of my questions, Tim?  
3 MR. GLEASON: Just one at a time.  
4 100. MR. GALATI: Then stop this evasive  
5 nonsense.  
6  
7 BY MR. GALATI:  
8 101. Q. What do you mean by "associated  
9 with"?  
10 A. As in you are listed in their  
11 promotional materials, you put out videos, you're  
12 represented as their counsel, things of that  
13 nature. More than a material association of  
14 simply showing up on a zoom call today.  
15 102. Q. Paragraph 58,  
16 "...I am not a lawyer, but I have been  
17 involved in litigation and have some  
18 familiarity with the process..."  
19 What does that mean?  
20 A. As in, I am executive director  
21 for...  
22 103. Q. Can you speak up please, I can't  
23 hear you.  
24 A. As in, I am listed as the  
25 executive director for a non-profit, and I

1 A. Let's find out. Just a moment. I  
2 believe it is tab E of your responding motion  
3 record, which is...begins at page 145. And in  
4 there, are courses on page 8 of 10 of my CV. Law  
5 and Military Justice, I took courses from various  
6 NATO schools as well on international law.  
7 Introduction to Aid and Geneva Law. NATO Rules  
8 of Engagement, and various other courses. So,  
9 no, I am not...  
10 111. Q. Okay.  
11 A. ...a lawyer. But...  
12 112. Q. Okay.  
13 A. ...I have taken some courses...  
14 113. Q. So, Martial Law you would agree  
15 is a discrete different type of law? And none of  
16 your courses were in civil litigation or the  
17 process, correct?  
18 A. Not quite. I took a course also  
19 on being representing officers who are being  
20 court marshalled.  
21 114. Q. Before...and the court marshal  
22 context? That's military law.  
23 A. Yes.  
24 115. Q. Okay.  
25 A. I have also done Aid to Civil

1 oversee our litigation.  
2 104. Q. Okay. So?  
3 A. What is the question?  
4 105. Q. Well, the question is, what does  
5 it mean you are familiar with the process just  
6 because you are a client? You are familiar with  
7 what aspect of the legal process? To what  
8 degree?  
9 A. Basic civil procedures.  
10 106. Q. I don't know what that means,  
11 but...  
12 A. I agree.  
13 107. Q. You are not a lawyer, you have no  
14 legal training, correct?  
15 A. No, that's not correct. I am not  
16 a lawyer, but I have taken courses in law.  
17 108. Q. What courses in law have you  
18 taken?  
19 A. I believe you have reproduced my  
20 CV, I will be happy to take you to it.  
21 109. Q. You tell me, I am sure you  
22 remember what courses in law you took.  
23 A. No, I don't, I have taken many.  
24 110. Q. At what level and who taught  
25 them?

1 Power, as well, and courses...  
2 116. Q. Paragraph 60 of your Affidavit,  
3 you state as follows about the Action4Canada  
4 case,  
5 "...Further it seemed to me in respect  
6 of his proposed..."...  
7 A. All right, just a moment.  
8 117. Q. ..."proceeding in British  
9 Columbia"...  
10 A. I'm just trying to find it.  
11 118. Q. I'm sorry?  
12 A. I'm just trying to find it.  
13 119. Q. Okay, paragraph 60, page 29 of  
14 your record.  
15 A. Got it.  
16 120. Q. I will repeat myself. You say,  
17 "...Further, it seemed to me in respect  
18 of his proposed proceeding in British  
19 Columbia, that the Plaintiff got far  
20 more in funding than was necessary to  
21 draft and file a pleading..."  
22 What knowledge did you have what I sought? What  
23 the terms of my retainer with my client are?  
24 A. I...  
25 121. Q. And what I charged for what?

1 A. I believe your clients had made  
2 representations online about specifically what  
3 they had engaged you for.  
4 122. Q. Yes, they engaged me to take  
5 civil action in the B.C. court. Do you have any  
6 details of the terms of the retainer, whether it  
7 was hourly, flat fee, or otherwise?  
8 A. Yes, I believe that is in  
9 evidence, too.  
10 123. Q. That's not in evidence, you tell  
11 me what it was.  
12 A. Well, give me a moment and let me  
13 pull that up.  
14 124. Q. Your assumptions may be in  
15 evidence, but not the actual retainer is not in  
16 evidence.  
17 A. Page 14 of my second Affidavit,  
18 the 29th of March, 2023.  
19 125. Q. I'm still on your first  
20 Affidavit, Mr. Warner.  
21 A. Would you like to restrict the  
22 questions then to...  
23 126. Q. When you signed your first  
24 Affidavit, what evidence of the retainer did you  
25 have? Okay, I will let you go ahead and say what

1 the retainer amount is, and on what basis that  
2 retainer is, whether hourly or flat fee. I am  
3 asking you, where did you assume what it was, and  
4 why was it too much?  
5 A. I believe that answer is also on  
6 page 86 of my second Affidavit. I know that  
7 there is a wire of \$200,000 to Rocco Galati Law  
8 Firm Professional Corp.  
9 131. Q. We have been through...we have  
10 covered that ground, Mr. Warner. We still don't  
11 know why it is too much and what you think I was  
12 doing for them, of which you have absolutely no  
13 knowledge.  
14 MR. GLEASON: Is there a question in  
15 there?  
16 132. MR. GALATI: Yes, there's a question.  
17 He made a statement at paragraph 60. I  
18 am still waiting for an answer.  
19 THE DEPONENT: I think I have  
20 answered that.  
21 133. MR. GALATI: He is implying, in fact,  
22 erroneously and stating that the funding  
23 that I was seeking in his own mind,  
24 whatever it was, was simply to draft and  
25 file a pleading.

1 was your understanding, go ahead. On what  
2 basis...what knowledge did you have of my  
3 clients' retainer with me?  
4 A. Based on watching a video that  
5 was published 23rd of July 2021. There was a  
6 panel discussions between Ms. Gaw, who is your  
7 client, Ms. Johnson and Ms. Pistilli, and another  
8 individual named Amanda Forbes. The panel was  
9 having an exchange, which is noted on page 14 of  
10 that Affidavit.  
11 127. Q. Right. And what was the exchange  
12 and who said what?  
13 A. Well, it's a bit long. Do you  
14 want me to read all of it?  
15 128. Q. No, I just want to know where you  
16 get your understanding...  
17 A. Well, that's it.  
18 129. Q. ...on what amount I was being  
19 paid, and why that was too much.  
20 A. According to your client, you  
21 were doing it at cost, and it is all there if you  
22 want to read it. It's at page 15 of the  
23 supplementary motion record.  
24 130. Q. Yes, I have read it, Mr. Warner.  
25 Neither my client, nor I, have ever revealed what

1  
2 BY MR. GALATI:  
3 134. Q. Where are you getting that  
4 misassumption from? That my retainer was simply  
5 to draft and file a pleading?  
6 A. Okay. It's just based on the  
7 best information that I had at the time and I...  
8 135. Q. It's based...I would put it to  
9 your fairly that it is based on your reckless and  
10 selective research.  
11 MR. GLEASON: So, yes, that's not  
12 what this is about. You are not here to  
13 argue with him, or put things...  
14 136. MR. GALATI: No, I am putting...  
15 MR. GLEASON: ...to him. You can ask  
16 him questions.  
17 137. MR. GALATI: I am putting a  
18 proposition to him, which is a perfectly  
19 legitimate and reasonable thing to do on  
20 cross-examination, Tim. And you know  
21 it.  
22 MR. GLEASON: Listen, I disagree with  
23 you.  
24  
25 BY MR. GALATI:

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1 138. Q. Moving on to paragraph 61 of your  
2 first Affidavit. In paragraph 61 you extract  
3 about half a dozen...  
4 A. Rocco, hold the phone, I just  
5 need to find the paragraph.  
6 139. Q. Sorry?  
7 A. I just need to find the  
8 paragraph.  
9 140. Q. Well, it's the next paragraph to  
10 the last one, 61.  
11 A. Yes, that paragraph...  
12 141. Q. All right.  
13 A. ...is several pages long. Which  
14 page?  
15 142. Q. Yes, it goes from page 22 to 28  
16 of your affidavit. Paragraph 61, and you  
17 highlight about half a dozen, or so, what you  
18 view as losses on motions to strike. And there  
19 are six or seven of them, and you say based on  
20 your research. And these span over years and  
21 years. And I am going to put it to you, that  
22 these are very maliciously collected research,  
23 because you don't highlight all the motions to  
24 strike I won over the course of the last 34  
25 years, in over 400 reported cases in a 34-year

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1 every person not in a coma in this country who  
2 knows anything, knows that I won. And I put it  
3 to you that you are selective. Yes, you can  
4 laugh all you want, of the record, and cover your  
5 mouth. And I put it to you, that your selective  
6 choice for these cases is not only evidence of  
7 malice, but it is evidence of your reckless  
8 disregard in making statements about me in  
9 representing my clients. At paragraph 67...  
10 A. Just a moment.  
11 147. Q. ...in reference to my British  
12 Columbia associate, Mr. Lawrence Wong...  
13 A. Just a moment.  
14 148. Q. ...who is solicitor of record as  
15 to B.C. lawyer, as required.  
16 A. Rocco, I just need to find the  
17 paragraph...  
18 149. Q. You say, and I quote...paragraph  
19 67, yes.  
20 A. Okay, I got it.  
21 150. Q. You say,  
22 "...I understand based on my review of  
23 the reported decisions on which Mr. Wong  
24 is listed as counsel, that Mr. Wong  
25 specializes in immigration law..."

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1 career. So, why are you harping on half a dozen  
2 cases in this affidavit? And in your  
3 communication with others at large about me  
4 representing my client?  
5 A. I believe that the cases that you  
6 have cited from my affidavit were relevant in my  
7 assessment.  
8 143. Q. Are any of my seismic wins such  
9 as in Baker, Nadon, Felipa and all the hundreds  
10 and hundreds of cases I have won where I have  
11 made case law, are they not important in your  
12 research and assessing what you say...  
13 A. [Inaudible] challenges...  
14 144. Q. ...a deficient lawyer is?  
15 A. I believe the Nadon challenge is  
16 in there and it is noted that you lost.  
17 145. Q. I lost a cost request in Nadon.  
18 I won Nadon both at the federal court and at the  
19 Supreme Court of Canada, and that's your  
20 malicious selective research. I won seven to  
21 zero in the Supreme Court reference which I  
22 forced on with the federal court application.  
23 A. My understanding...  
24 146. Q. What you cited was the cost order  
25 in the federal court. I won Nadon, mister, and

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1 So, you put Mr. Wong's name into the reported  
2 decision bank, did you put my name into the  
3 reported decision bank?  
4 A. What do you mean by "bank"? Are  
5 you talking about whether or not your cases...  
6 151. Q. I'm sorry, I didn't hear that.  
7 Can you speak up?  
8 A. Are you asking whether the cases  
9 that you have lost are noted in the Affidavit,  
10 because we just went over that. That paragraph  
11 that you...  
12 152. Q. No, I am not asking that. You  
13 say that you reviewed Mr. Wong's reported  
14 decisions. Did you review my reported decisions?  
15 A. Yes, there were quite a few of  
16 them.  
17 153. Q. And all you got were six losses?  
18 When you type in, "Rocco Galati" into CanLII,  
19 that's all you got was six motion losses over 34  
20 years, is that what you are saying?  
21 A. No, that's not what I said.  
22 154. Q. Okay. Can I refer you to  
23 paragraph 91 of your Affidavit please? Refer to  
24 the Affidavit.  
25 A. Just a moment. Go ahead.

1 155. Q. Paragraph 91 of your Affidavit,  
2 you state as follows,  
3 "...In January 2022, an individual named  
4 Donna Toews who ultimately became a  
5 volunteer and fundraiser for the  
6 Society, expressed to me concerns like  
7 those that I had been hearing from  
8 others. She advised me that she had  
9 donated \$1,000..."  
10 Etc. Do you see that?  
11 A. I do.  
12 156. Q. Right. You swore this Affidavit  
13 before I put in the Law Society complaint that  
14 Ms. Toews brought against me. I put it to you  
15 here that you are misleading the court here. You  
16 had contacted Ms. Toews in December assisting her  
17 in lining up the Law Society complaint, not in  
18 January.  
19 A. No, that date is wrong. I  
20 believe that should be January 2021, not 2022.  
21 157. Q. Oh, okay. So, as early as 2021,  
22 she complained to you about me and in what  
23 context? Was she a member of your society?  
24 A. She had approached me with a  
25 concern about you, it was unsolicited, and she

1 that you assisted her in order to get her money  
2 refunded.  
3 A. But that's not the same as her  
4 asking for a refund.  
5 164. Q. Sorry?  
6 A. That is not the same as her, of  
7 her own volition, contacting one of your clients  
8 and asking for a refund.  
9 165. Q. I know that. I am asking you, in  
10 assisting her, how is it that nobody has asked  
11 for a refund when you say that the only reason  
12 you helped her with the Law Society complaint was  
13 to try to retrieve her money?  
14 A. Well...  
15 MR. GLEASON: Where does it say that  
16 in his...just wait...  
17 166. MR. GALATI: It's in the evidence, as  
18 your client...it's in the evidence, as  
19 your client's mantra has been this  
20 morning.  
21 MR. GLEASON: Show it to him in the  
22 Affidavit...  
23 167. MR. GALATI: No, I don't have to,  
24 Tim.  
25 MR. GLEASON: ...that the only reason

1 also...  
2 158. Q. Yes, when? When did she approach  
3 you?  
4 A. It was sometime in January of  
5 2021, I believe.  
6 159. Q. All right. And she is also a  
7 donor to the society?  
8 A. She is.  
9 160. Q. I'm sorry?  
10 A. She is.  
11 161. Q. She is? And so, why did it take  
12 almost a full year to round up a Law Society  
13 complaint against me?  
14 A. It was not planned to take a  
15 year, we have many responsibilities, this is  
16 something that she wanted to do. And so, it got  
17 done.  
18 162. Q. All right. And in your  
19 Affidavit, you say you were trying to assist her  
20 in retrieving the funds she donated to VCC and  
21 Action4Canada. She has never asked for a refund,  
22 and neither have you. Can you explain why?  
23 A. I don't believe I have ever  
24 claimed that she asked for a refund.  
25 163. Q. No, in your Affidavit you claim

1 that he assisted her, was to retrieve  
2 the money.  
3 168. MR. GALATI: I don't have to show it  
4 to him. I don't...  
5 MR. GLEASON: Well, you can't...  
6 169. MR. GALATI: I have a...  
7 MR. GLEASON: ...misstate the  
8 evidence to him.  
9 170. MR. GALATI: ...simple question. I  
10 have a...it's his evidence. I have a  
11 simple question.  
12 MR. GLEASON: It's not his evidence.  
13 You are misstating the evidence.  
14  
15 BY MR. GALATI:  
16 171. Q. Well, I am not misstating the  
17 evidence, and I just want to know if he has an  
18 answer as to why neither Ms. Toews, nor him, and  
19 his assisting Mr. Toews with the Law Society,  
20 have ever asked for a refund from Action4Canada  
21 or VCC. Is it because they are not interested in  
22 a refund?  
23 A. That's between her and those  
24 entities.  
25 172. Q. Sorry?

1 A. That is between her and those  
2 entities.  
3 173. Q. I didn't hear that.  
4 A. I cannot know why she did or did  
5 not do something with respect to your clients.  
6 That is in her head. You would have to...  
7 174. Q. All right. So, if it is between  
8 her and those entities, why are you assisting her  
9 making a Law Society complaint against me, who  
10 had nothing to do with her donation to those  
11 entities?  
12 A. Well, I reject the premise of  
13 your question.  
14 175. Q. Did you not assist her in making  
15 the Law Society complaint?  
16 A. Yes. Well, actually, it wasn't  
17 me who assisted her, it was counsel.  
18 176. Q. What do you mean? You and Rick  
19 Thomas didn't assist her?  
20 A. She had asked to be connected to  
21 a lawyer, we did that.  
22 177. Q. Oh, and you don't remember  
23 emailing Donna Toews and guiding her through the  
24 complaint process?  
25 A. I coordinated the meeting between

1 Mr. Warner, at tab 3 of those documents emailed  
2 this morning. Amani, please? Okay. Are you  
3 familiar with this flyer for this [inaudible]  
4 Canada?  
5 A. No. I said, "No", Rocco. I'm  
6 not sure if you heard me.  
7 184. Q. No, I didn't hear anything. Can  
8 you repeat your answer, please, and raise your  
9 voice?  
10 A. I'm not familiar with that flyer.  
11 This is the first time...  
12 185. Q. Okay. You see at the bottom, the  
13 first attendee is listed as Rick Thomas, and he  
14 is a purported member of your organization? You  
15 see that?  
16 A. Yes.  
17 186. Q. Okay. Would he have needed  
18 clearance from your organization to be listed as  
19 such?  
20 A. To be listed as a member, no. As  
21 a representative, yes.  
22 187. MR. GALATI: Okay. So, I would like  
23 to tender that as Exhibit 2 to the  
24 examination, Tim.  
25 MR. GLEASON: Well, first of all,

1 her and the lawyer.  
2 178. Q. What about your emails to her?  
3 A. What about them?  
4 179. Q. Well, didn't you tell her how to  
5 make the complaint and that Rick would assist her  
6 in it?  
7 A. I don't believe Rick assisted her  
8 in bringing the complaint.  
9 180. Q. How long have you known Mr. Rick  
10 Thomas?  
11 A. I think about two-and-a-half  
12 years.  
13 181. Q. Two-and-a-half years. And is he  
14 a member of the Society?  
15 A. Yes, he is.  
16 182. Q. He is. And has he represented  
17 the Society at rallies?  
18 A. Not in an official capacity.  
19 They need written authorization from a director  
20 in order to do that. But they are certainly  
21 welcome to distribute promotional materials in  
22 their own capacity.  
23 183. Q. Okay. All right. So, if I  
24 can...Tim, if you could assist me again, or  
25 Amani, I want to show you a flyer for a rally,

1 there is already an Exhibit 2, and  
2 second of all, the witness has not  
3 identified the document.  
4 188. MR. GALATI: No, but he has testified  
5 that Rick Thomas is a member of his  
6 society.  
7 MR. GLEASON: Yes, but...  
8 189. MR. GALATI: So, I am going to ask...  
9 MR. GLEASON: ...the tendered  
10 document...  
11 190. MR. GALATI: Huh?  
12 MR. GLEASON: We don't know where  
13 this document came from, nobody has  
14 identified it. It came from you. You  
15 haven't told us where it came from, and  
16 you are not a witness. The witness has  
17 not identified it. He said he hadn't  
18 seen it before.  
19 191. MR. GALATI: I am a witness, I am  
20 self-represented.  
21 MR. GLEASON: He has not...no, you  
22 are not testifying.  
23 192. MR. GALATI: No, I understand. Well,  
24 we will mark it as Exhibit C for  
25 identification, then.

1 MR. GLEASON: Okay.  
2 193. MR. GALATI: And we will argue about  
3 it in court.  
4  
5 --- EXHIBIT C: Flyer from a rally from September  
6 2021  
7  
8 BY MR. GALATI:  
9 194. Q. Mr. Warner, can I refer you to  
10 tab 4 of this...if you can, Amani, bring up tab  
11 4, the next tab? This is an article from  
12 FreePolitik by Rick Thomas in March of this year.  
13 Are you familiar with this article at all?  
14 A. Yes.  
15 195. Q. You are familiar with this  
16 article?  
17 A. Yes.  
18 196. MR. GALATI: Okay. I would like that  
19 tendered as Exhibit 3 to this  
20 examination.  
21  
22 --- EXHIBIT NO. 3: FreePolitik Article by Rick  
23 Thomas  
24  
25 BY MR. GALATI:

1 the rich and famous..."  
2 Now, I don't know where he gets that figure, he  
3 doesn't set out that figure, which is outrageous.  
4 But do you have any clue where he got that figure  
5 from?  
6 A. No, it's not...  
7 200. Q. Okay.  
8 A. ...my article.  
9 201. Q. He then goes on to say,  
10 "...At least at McDonald's you can get  
11 some prized milkshake with your nothing  
12 burger. But at Rocco Galati's drive  
13 thru, all you get is an empty paper bag.  
14 Should the Canadian Freedom Movement  
15 keep supporting nothing burger lawsuits?  
16 There are a few possibilities, and I  
17 will leave it up to you, dear reader, to  
18 draw your conclusions, but at least  
19 let's look at the options. One, Rocco  
20 is a poor victim of depraved racist  
21 anti-Semitic complaint. Two, Rocco is  
22 an incompetent lawyer, even after 30  
23 years in the legal profession he has  
24 made a series of very poor decisions  
25 that not even a first-year law student

1 197. Q. And tell me your familiarity with  
2 this article, and if you had any involvement with  
3 this article?  
4 A. I did not draft this article, I  
5 did not direct the author to write it. They  
6 wrote it of their own accord.  
7 198. Q. Okay. And how are you familiar  
8 with it?  
9 A. It had been circulating on the  
10 internet. Someone at some point in time sent it  
11 to me.  
12 199. Q. Okay. Well, I would like to  
13 refer you to the final...to page 9 of 11 of that  
14 pagination on this article, and Mr. Thomas's  
15 conclusion. He states in his conclusion,  
16 "...After three years of litigation and  
17 numerous lawsuits, there is nothing to  
18 be heard except the giant sucking sound  
19 created by the vacuum of Rocco's  
20 litigation. A conservative estimate  
21 would be that Mr. Galati has  
22 appropriated \$10 million from the  
23 Freedom Movement who are demographically  
24 from the working class of Canada, and  
25 are not regular guests on lifestyles of

1 would make. The court system is  
2 corrupt. Five, Rocco is a grifter.  
3 Rocco is a grifter funded by the  
4 globalists..."  
5 Are you in agreement with the sentiments  
6 expressed here?  
7 A. I don't have an opinion on it,  
8 Rocco. I didn't write this article.  
9 202. Q. I'm sorry, I can't hear you.  
10 A. I didn't write this article. In  
11 fact, I'm not even sure if I have actually read  
12 the entire thing.  
13 203. Q. All right. And you don't have an  
14 opinion on his conclusions or his description of  
15 me?  
16 A. No, I don't.  
17 204. Q. Okay. I'm sorry, what was that?  
18 A. No, I don't have an opinion on  
19 the options that he has given...  
20 205. Q. Oh, okay. And this is the same  
21 Rick Thomas that you worked to the formulate the  
22 complaint to the Law Society for Ms. Toews,  
23 right?  
24 A. What do you mean "formulate the  
25 complaint"? I didn't draft...



1 206. Q. I'm sorry, you are going to have  
2 to speak up, Mr. Warner.  
3 A. Well, everyone else can hear me,  
4 Rocco.  
5 207. Q. Well, sorry, what was your  
6 answer?  
7 A. Could you state the question  
8 again?  
9 208. Q. This is the same Rick Thomas who  
10 you worked with in compiling, and assisting, Mr.  
11 Toews in her Law Society complaint against me in  
12 December of 2021, correct?  
13 A. Your question contains a preamble  
14 that is incorrect. It's neither Rick, nor  
15 myself, drafted the complaint.  
16 209. Q. I didn't say you did. I said,  
17 "assisted".  
18 A. You said "compiled".  
19 210. Q. Sorry?  
20 A. You said "compiled", I believe.  
21 211. Q. No, I said "assisted" in Ms.  
22 Toews filing of the complaint. Did you not  
23 assist Ms. Toews with the process?  
24 A. I connected her with counsel.  
25 Counsel drafted the complaint, she signed it, and

1 in that, actually.  
2 217. Q. I'm sorry?  
3 A. I wasn't even aware that he was  
4 involved in drafting it or in any...  
5 218. Q. Well, you directed Ms. Toews to  
6 cc him, to copy him with the complaint.  
7 A. That doesn't mean that he was  
8 involved in drafting it.  
9 219. Q. I didn't say he was. I asked you  
10 if you know what his involvement was.  
11 A. It was a long time ago, I don't  
12 remember.  
13 220. Q. Well, paragraph 92 of your  
14 affidavit, your first affidavit.  
15 A. One moment. Okay.  
16 221. Q. And you state,  
17 "...Having grown fatigued with the  
18 administrative burden in receiving  
19 complaints about the Plaintiff and the  
20 effect it was having on our volunteers,  
21 I agreed to assist her [Ms. Toews], in  
22 attempting to recover the funds she had  
23 donated..."  
24 Do you see that?  
25 A. Yes, but it doesn't say that is

1 it was sent.  
2 212. Q. Okay. And you had no other  
3 involvement, period?  
4 A. I did not draft it, I didn't say  
5 what should be the contents. That was strictly  
6 between her and counsel.  
7 213. Q. And my question was, and you had  
8 no other involvement, period?  
9 A. Well, define "involvement". I  
10 mean, I spoke to her, she donated, she is a  
11 member of the Society. The decision to bring a  
12 complaint...the final decision was exclusively  
13 hers.  
14 214. Q. Okay, did you suggest she bring a  
15 complaint before she finally decided?  
16 A. I believe that had been suggested  
17 to many people in our FAQ, that if they have a  
18 concern about any lawyer, they should go to the  
19 regulator.  
20 215. Q. Right. And so, do you know what  
21 Rick Thomas's role was in assisting her with that  
22 complaint?  
23 A. I don't recall. I didn't...  
24 216. Q. Okay.  
25 A. ...even know that he was involved

1 the exclusive reason. She was upset, she also  
2 wanted to be a member, she wanted to donate, and  
3 she was concerned that she was getting the  
4 runaround when she asked...  
5 222. Q. I understand. I understand. But  
6 I go back to my previous question. Did you ever  
7 suggest to her, or to request a refund from my  
8 clients, which has never been done?  
9 A. I don't recall. I just remember  
10 her approaching us with the grievance about you.  
11 223. Q. Okay. And so, you thought the  
12 best way to assist her in doing that was to  
13 assist her in a Law Society complaint against me,  
14 rather than seeking a refund of her funds from  
15 the clients to whom she gave the funds?  
16 A. Well, I don't know that that is  
17 the case, that she didn't seek a refund. I don't  
18 know all the communications that she had with the  
19 various clients of yours that she donated to.  
20 224. Q. Well, why did you think going the  
21 Law Society route was the best route rather than  
22 trying to request the funds returned by the  
23 recipients?  
24 A. Because she believed that you  
25 were involved in a material way with those funds.

1 225. Q. In your first Affidavit, you  
2 refer to my "brand image", what does that mean?  
3 A. Sorry, which paragraph is this?  
4 226. Q. Well, it's more than one  
5 paragraph, but let's say paragraph 95. You  
6 state,  
7 "...I believe then, and continue to  
8 believe now, that the Plaintiff has  
9 commenced this action in order to  
10 mitigate his declining brand image..."  
11 What the heck is that?  
12 A. I think that is self-  
13 explanatory...  
14 227. Q. No, it's not to me. Explain it  
15 to me.  
16 A. Can you point to a specific word?  
17 What is it that you don't understand about...  
18 228. Q. Brand image, what is my brand  
19 image in your mind when you use that term?  
20 A. It means that we have been  
21 inundated with complaints about you, and when  
22 that happens, one way of saying that, is  
23 someone's brand image is declining.  
24 229. Q. But what is my brand image in  
25 your mind? I don't understand that.

1 BY MR. GALATI:  
2 234. Q. Well, no, when you say you were  
3 burdened, how many complaints were you getting?  
4 A. Quite a few. I remember on one  
5 occasion our receptionist who is on the phone for  
6 almost an hour listening to an Eastern European  
7 couple that were quite upset with something to do  
8 with you, money that they had given you or...  
9 235. Q. Right. And wouldn't the simple  
10 answer would be, "We have nothing to do with Mr.  
11 Galati, please take it up with Mr. Galati"?  
12 A. Well, I believe our FAQ says  
13 that, and you sued us for that.  
14 236. Q. Sorry?  
15 A. That's what our FAQ says, we have  
16 nothing to do with you.  
17 237. Q. Well, you don't say it quite in  
18 those terms.  
19 A. I believe that is exactly the  
20 very first question at the very top of our FAQ.  
21 238. Q. Your FAQ does not restrict it to,  
22 "We have nothing to do with Mr. Galati". If it  
23 was, I wouldn't be here today, Mr. Warner. All  
24 right. So, can we move on to your second  
25 Affidavit?

1 A. Your brand image includes what  
2 people think about you.  
3 230. Q. Okay. And when you say my "brand  
4 image is declining", what is that brand image  
5 that is declining?  
6 A. It means that people are thinking  
7 negative things about you, they are...  
8 231. Q. Okay.  
9 A. ...critical of your conduct.  
10 232. Q. So, in all the avalanche of all  
11 these complaints about me that was so burdening  
12 you administratively, how many did you save and  
13 that you can produce for me?  
14 MR. GLEASON: If you want us to ask  
15 the public for people to come forward,  
16 and we can generate a list for you, I  
17 would be happy to do that.  
18 233. MR. GALATI: No, I would have thought  
19 you would have done that. You would  
20 have received emails, no?  
21 MR. GLEASON: Well, it's in your  
22 evidence, exactly complaints of that  
23 nature. In fact, you have deposed  
24 exactly that.  
25

1 A. Just a moment. This is the 29th  
2 of March Affidavit?  
3 239. Q. Sorry?  
4 A. This is the 29th of March  
5 Affidavit?  
6 240. Q. That's correct.  
7 A. Okay.  
8 241. Q. A large part of this Affidavit is  
9 in response to mine and is repetitive of your  
10 initial Affidavit. So, I am not going to go over  
11 covered ground, okay?  
12 A. Okay.  
13 242. Q. So, if I understand your  
14 testimony today, Ms. Toews did have meetings with  
15 Mr. Gavin MacKenzie who drafted the complaint, is  
16 that correct?  
17 A. Yes. But if I could just briefly  
18 interject, there is some corrections that need to  
19 be pointed out on this Affidavit.  
20 243. Q. All right, go right ahead. You  
21 said that earlier, I apologize, I forgot.  
22 A. That's okay. Paragraph 13 of  
23 this Affidavit.  
24 244. Q. 13, what?  
25 A. Paragraph 13, which is on page

1 5...  
2 245. Q. Yes.  
3 A. ...of this Affidavit. Paragraph  
4 (b) and paragraph (c) need to be corrected.  
5 246. Q. Okay.  
6 A. Paragraph (b) it says,  
7 "...Ms. Johnson and I had a handful of  
8 voice calls and video calls all of which  
9 were through the encrypted messaging  
10 service signal. A copy of the entirety  
11 of our voice and video call log signal,  
12 of which I took a screenshot on March  
13 17, 2023, is marked as Exhibit B to this  
14 Affidavit..."  
15 And then in paragraph (c), it says  
16 "...We did not have any phone calls..."  
17 So, to clarify that, it is mentioned in the...my  
18 third Affidavit of the 12th of April 2023 in  
19 paragraphs 31 through 34, which I won't recite  
20 unless you need me to.  
21 247. Q. No, I'm not getting into that  
22 Affidavit today. So, what is the correction on  
23 this Affidavit you are pointing to?  
24 A. So, the 29th of March Affidavit,  
25 I will refer to as Affidavit number two. So...

1 oral summary of what the import of the  
2 clarification is?  
3 A. It was about when phone calls or  
4 communications happened between Ms. Johnson and  
5 through what medium.  
6 254. Q. Okay. All right. Okay. I guess  
7 we will get to that at a later date.  
8 A. So, I am back at Affidavit number  
9 two.  
10 255. Q. Yes. I am on Affidavit number  
11 two. You say in your Affidavit that Ms. Johnson  
12 was divisive. And in paragraph 15 you also say,  
13 "...While I personally was on cordial  
14 terms with Ms. Johnson, I was cautious  
15 with respect to her because I knew she  
16 had disputes with many members of the  
17 community, and that she was also  
18 affiliated with Action4Canada, Ms. Gaw  
19 and other affiliates of the Plaintiff.  
20 I was at all times aware of a lack of  
21 trust many activists in our community  
22 placed in Ms. Johnson from the many  
23 grievances they had shared with me. I  
24 was careful in the discussions I had  
25 with her..."

1 248. Q. Yes.  
2 A. ...in paragraphs 13(b) and (c),  
3 need to clarified, and are clarified in my third  
4 Affidavit of the 12th of April 2023. And that  
5 clarification is provided in that Affidavit's  
6 paragraphs 31 through 34.  
7 249. Q. So, do you want to strike these  
8 two paragraphs and leave it to the third  
9 Affidavit?  
10 A. I think that is a legal question.  
11 A procedure...  
12 250. MR. GALATI: I'm happy to do that,  
13 Tim. Are you?  
14 MR. GLEASON: No, he is just  
15 clarifying and...  
16 251. MR. GALATI: Okay, well...  
17 MR. GLEASON: ...what I understand  
18 his evidence to be here...  
19 252. MR. GALATI: Okay.  
20 MR. GLEASON: ...today is, it is not  
21 inconsistent with that evidence, he is  
22 just clarifying.  
23  
24 BY MR. GALATI:  
25 253. Q. Okay. So, can you give me an

1 My understanding is she was on your signal group  
2 for a mere three weeks. Given your apprehensions  
3 and suspicions and misgivings about Ms. Johnson,  
4 why did you engage with her at all?  
5 A. Well, I wouldn't say that I had  
6 misgivings about her, I was just cognisant that  
7 many people did and I was trying to be diplomatic  
8 with her.  
9 256. Q. Why?  
10 A. Because that's my job, I have an  
11 obligation as executive director of a non-profit  
12 to try and do that.  
13 257. Q. All right. Many instances in  
14 your Affidavit nitpicking at her Affidavit, you  
15 boldly claim that she fabricates her statements.  
16 What does she gain by fabricating statements  
17 against you?  
18 A. That is something that only she  
19 can know, I can't speculate.  
20 258. Q. Is it fair to say that with  
21 respect to what she said you said, and what you  
22 say you didn't say, and that she is fabricating,  
23 as between your Affidavits, you and Ms. Johnson,  
24 on the points at issue, it's a he said, she said,  
25 scenario?

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1 MR. GLEASON: That is not a proper  
2 question.  
3 259. MR. GALATI: Huh?  
4 MR. GLEASON: That is not a proper  
5 question.  
6 260. MR. GALATI: Well, of course it's a  
7 proper question.  
8 MR. GLEASON: Well, he is not  
9 answering it, that's a legal...  
10 261. MR. GALATI: Is it fair to say...  
11 MR. GLEASON: ...that's a legal  
12 question. That's a question for the  
13 judge to determine.  
14 262. MR. GALATI: I know. But is it fair,  
15 in his view, to say...  
16 MR. GLEASON: It's not fair.  
17 263. MR. GALATI: ...that...  
18 MR. GLEASON: That's not a fair  
19 question. He's not answering it. /R  
20 264. MR. GALATI: Well, let me rephrase  
21 the question, Tim. I'm going to  
22 rephrase it, and then you can refuse all  
23 you want, okay?  
24  
25 BY MR. GALATI:

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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

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1 265. Q. Obviously one of you is lying on  
2 those points, correct?  
3 A. Yes.  
4 266. Q. Okay. Well, now was that so  
5 hard, Tim? You also respond to an interview that  
6 you did in which you referred to my "funding  
7 arms", and I addressed in my Affidavit. And on  
8 this second Affidavit, you addressed that and say  
9 you were caught by surprise by the questions  
10 about me.  
11 A. Rocco, which paragraph?  
12 267. Q. Well, paragraph 37 and 38.  
13 A. Yes, I see it.  
14 268. Q. You see it?  
15 A. Yes.  
16 269. Q. All right. You say,  
17 "...With respect to paragraph 90(b) of  
18 the Plaintiff's Affidavit in or about  
19 December 2022, an individual named James  
20 Lowin interviewed me for his YouTube  
21 channel in relation to my work with the  
22 Society. He published a video of our  
23 interview..."  
24 38,  
25 "...In response to questions from Mr.

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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?

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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?

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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

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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,

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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

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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

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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.

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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...

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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

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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.

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1 A. If you want to show me your copy  
2 through...  
3 332. Q. Sure, here is what I get when I  
4 print it. Do you see that? That's what I saw.  
5 MR. GLEASON: Well, that's...hold on,  
6 hold on. So, you have printed it out  
7 improperly.  
8 333. MR. GALATI: Oh, okay.  
9 MR. GLEASON: That's not the entire  
10 document.  
11 334. MR. GALATI: Okay. It isn't? So,  
12 can you pull up the document, Alex?  
13 MR. GLEASON: I believe this is what  
14 you are looking for.  
15 335. MR. GALATI: Oh, is that what I am  
16 looking for, Tim?  
17 MR. GLEASON: Well, that's exhibit E,  
18 if that's what you are referring to.  
19 336. MR. GALATI: Oh, okay, that's fine.  
20 Okay, thanks. And that's what shows  
21 electronically.  
22 MR. GLEASON: Yes.  
23 337. MR. GALATI: Okay.  
24  
25 BY MR. GALATI:

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1 322. Q. ...read it.  
2 A. When you ask a question, just  
3 give me a moment to find what it is that you are  
4 referencing.  
5 323. Q. Sure, no problem.  
6 A. All right. So, it's Affidavit...  
7 324. Q. Tab E of your Affidavit.  
8 A. Which one?  
9 325. Q. Exhibit E.  
10 A. No, which Affidavit.  
11 326. Q. Page 41.  
12 A. Of which Affidavit?  
13 327. Q. Of your record.  
14 A. Page 41 of tab F?  
15 328. Q. Tab E.  
16 A. You are going to have to show it  
17 to me, it doesn't want to render on my computer,  
18 that page is huge.  
19 329. Q. Sorry?  
20 A. I can't see it, that page is huge  
21 for some reason.  
22 330. Q. Well, that's my problem. You see  
23 the right side is cut off? Do you see that?  
24 A. No, I can't.  
25 331. Q. Okay.

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1 338. Q. Can I refer you to exhibit K of  
2 your Supplementary Affidavit?  
3 A. Just a moment. It's not indexed.  
4 Do you have the page number?  
5 339. Q. 58 of your Affidavit. At the  
6 bottom, page 58.  
7 A. Yes, exhibit K?  
8 340. Q. Okay. So, I want you to flip  
9 with me, and then I am going to come back and ask  
10 you questions. So, the first two pages are an  
11 email that is privileged between my legal  
12 instruction committee and my Plaintiffs in the  
13 federal workers case. Then at page 60 is a blank  
14 page on your Affidavit, do you see that?  
15 A. Yes.  
16 341. Q. Then there is a statement on page  
17 1 that says,  
18 "...Starts on February 21, 2023..."  
19 Right? Which is again a solicitor-client  
20 privilege and private email to my clients. My  
21 question is, on page 58 who sent this to you and  
22 where did you get it? And secondly, what is  
23 supposed to be on that blank page, if anything?  
24 And who sent you the two-page explanation which  
25 is also privileged on pages 1 and 2 of that

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1 document? Where did you obtain these? Whose  
2 names are blacked out?  
3 A. I don't...  
4 MR. GLEASON: Let's go one question  
5 at a time.  
6 342. MR. GALATI: Sure.  
7 THE DEPONENT: Yes. The blank page,  
8 I have no idea what was on that.  
9  
10 BY MR. GALATI:  
11 343. Q. Okay.  
12 A. I don't know if that was just a  
13 clerical error. But the email itself, who  
14 forwarded it to me, I don't recall. I don't have  
15 that off hand. I would have to see where exhibit  
16 K is referenced in my Affidavit to see. So, this  
17 is referenced at paragraph 43, subparagraph (a),  
18 which is on...  
19 344. Q. Sorry, what paragraph do you  
20 reference it?  
21 A. It looks like it is on paragraph  
22 43, which begins on page 13 of my second  
23 Affidavit...  
24 345. Q. Right.  
25 A. ...14 of the supplementary motion

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1 who are engaged in this conspiracy, because  
2 everything I communicate with them, Mr. Warner  
3 seems to get his hands on. So, I need those  
4 names. Those are my questions.  
5 A. Sorry, I didn't hear the  
6 question, what was the question?  
7 351. Q. It wasn't a question, it was a  
8 statement to your counsel.  
9  
10 RE-DIRECT BY MR. GLEASON:  
11 352. MR. GLEASON: He said he is finished.  
12 So, just by way of redirect very  
13 briefly. Let me find it. So, there is  
14 a document which Mr. Galati marked as an  
15 exhibit today. I am going to show it to  
16 you.  
17 MR. GALATI: While you are showing  
18 that to him, Tim, can I get...you can  
19 show it to him, let him read it and then  
20 I will be back in 60 seconds? We don't  
21 have to go off record.  
22 THE DEPONENT: Rocco, maybe we could  
23 all take a bathroom break?  
24 MR. GALATI: Yes, okay.  
25 353. MR. GLEASON: Yes.

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1 record, and then continues on to the next page.  
2 346. Q. Right. So, where did you get a  
3 copy of this email?  
4 A. I don't recall.  
5 347. Q. Can you undertake to find out and  
6 give me the blacked out portions of that first  
7 page?  
8 A. I will take your request under  
9 advisement. U/A  
10 348. Q. Okay. And was that two-page  
11 statement after the blank page attached to that  
12 email, or was that a separate email?  
13 A. I don't recall, I don't have it  
14 in front of me.  
15 349. Q. I know it is a separate email,  
16 because there is a time span between the two.  
17 A. Okay.  
18 350. Q. So, I would like to know where  
19 both of these documents came from. And this  
20 along with Mr. Thomas...Tim, this question goes  
21 to the John and Jane Does of the conspiracy  
22 pleading in my case. I intend to enjoin Mr.  
23 Thomas as a party and these two people who  
24 forwarded Mr. Warner these emails, because  
25 obviously they are moles within my client-base

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1 MR. GALATI: That's fine.  
2 354. MR. GLEASON: Let's go off the  
3 record.  
4  
5 --- upon recessing at 1:55 p.m.  
6 --- A BRIEF RECESS  
7 --- upon resuming at 2:00 p.m.  
8  
9 KIPLING WARNER, resumed  
10 CONTINUED RE-DIRECT BY MR. GLEASON:  
11 355. Q. So, this is a document that Mr.  
12 Galati marked as an exhibit, I believe Exhibit  
13 4...  
14 MR. GALATI: Three.  
15 356. MR. GLEASON: Three.  
16  
17 BY MR. GLEASON:  
18 357. Q. "Nothing Burger Lawsuits"  
19 FreePolitik. And you said you had seen this  
20 article before, is that right?  
21 A. Yes.  
22 358. Q. Okay. So, I am going to make it  
23 bigger, and I am going to ask you to look at the  
24 top of the page. It says, "Gmail-Kip Warner/Vlad  
25 - Further Evidence". Do you know where those



1 words came from?  
2 A. I don't.  
3 359. Q. Do you know if that was part of  
4 the article?  
5 A. I don't.  
6 MR. GALATI: Tim, I can assist.  
7 Everything before the article was  
8 forwarded to me by email by researchers.  
9 The article starts with the blue  
10 headline there just below the...just  
11 above the blue headline. I don't know  
12 who the person is or who forwarded me  
13 the article, but it's online. So,  
14 that's the caption on it.  
15 THE DEPONENT: It just looks like...  
16 MR. GALATI: It was...it was part of  
17 my preparation to respond to your  
18 clients.  
19 THE DEPONENT: I see that the  
20 providence of that email chain went  
21 through at least three or four people.  
22 360. MR. GLEASON: Okay. So, I am still  
23 not clear on where those words came  
24 from, though.  
25 MR. GALATI: That's from my Gmail

1 video.  
2 366. Q. Okay. Okay, thank you, I don't  
3 have any other questions.  
4 MR. GALATI: I can email you straight  
5 from the website, Tim, the same article  
6 if you wish?  
7 367. MR. GLEASON: I would appreciate  
8 that, thanks.  
9 MR. GALATI: Okay, Alex will do that  
10 now.  
11 368. MR. GLEASON: All right, we can go  
12 off the record.  
13 MR. GALATI: I'm sorry about that,  
14 you can understand as busy practitioners  
15 we scramble exhibits sometimes.  
16 369. MR. GLEASON: Yes.  
17  
18 --- upon adjourning at 2:03 p.m.

1 file designation, Tim.  
2 361. MR. GLEASON: Okay, yes.  
3 MR. GALATI: That's just my  
4 electronic file when I was amassing  
5 exhibits for my Affidavit, that's all.  
6 362. MR. GLEASON: Oh, okay.  
7 MR. GALATI: I have a Gmail account I  
8 use for other purposes, yes.  
9 363. MR. GLEASON: All right.  
10  
11 BY MR. GLEASON:  
12 364. Q. So, for the witness, do you know  
13 if these various documents embedded in here are  
14 part of the article or are they part of a Gmail  
15 Kip Warner/Vlad - Further evidence? Do you know  
16 the answer to that, Mr. Warner?  
17 A. I don't have the article...the  
18 original article in front of me, unless this is  
19 it, which I don't know that.  
20 365. Q. So, can you give evidence that  
21 this is all part of the same document?  
22 A. It appears to me, yes, everything  
23 that is in that article is reproduced provided  
24 that it hasn't been modified. I haven't really  
25 read the article very carefully, I just saw the

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| <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 REPORTER'S NOTE:</p> <p>6</p> <p>7 Please be advised that any undertakings, objections, under</p> <p>8 advisements and refusals are provided as a service to all counsel,</p> <p>9 for their guidance only, and do not purport to be legally binding</p> <p>or</p> <p>10 necessarily accurate and are not binding upon Victory Verbatim</p> <p>11 Reporting Services Inc.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16 I hereby certify the foregoing to be a true and accurate</p> <p>17 transcription of the above-noted proceedings held before me on</p> <p>the</p> <p>18 23rd DAY OF MAY, 2023, and taken to the best of my skill,</p> <p>19 ability and understanding.</p> <p>20</p> <p>21 )</p> <p>22 ) Certified Correct:</p> <p>23 )</p> <p>24 )</p> <p>25 )</p> <p>26 )</p> <p>27 )</p> <p>28 ) _____</p> <p>29 ) Akshaya Kulaveerasingam</p> <p>30 ) Verbatim Reporter</p> <p>31</p> |   |

Electronically filed / Déposé par voie électronique : 25-Jul-2023

Toronto Superior Court of Justice / Cour supérieure de justice

From: Ewaryst S <esitkow@gmail.com>

Date: Tue, Mar 21, 2023 at 12:32 AM

Subject: Fwd: Nothing Burger Lawsuits

To: agnes andrzejczyk <agnand23@hotmail.com>

----- Forwarded message -----

From: Ewaryst S <esitkow@gmail.com>

Date: Tue, Mar 21, 2023 at 12:32 AM

Subject: Fwd: Nothing Burger Lawsuits

To: Margaret Tuszni <mbtuszni@hotmail.com>

----- Forwarded message -----

From: Rick Thomas from FreePolitik <freepolitik@substack.com>

Date: Mon, Mar 20, 2023 at 6:45 PM

Subject: Nothing Burger Lawsuits

To: <esitkow@gmail.com>

Open in app or online



# Nothing Burger Lawsuits

RICK THOMAS

MAR 21



SAVE

▶ LISTEN

In the early months of the movement, while we were all in lockdown, meeting in secret and attending rallies, there were only a few heroes giving us any signs of hope. We were huddled in the trenches under a full assault, outnumbered and outgunned by the medical tyrants, our governments, the media and a compliant population.

Rocco Galati and his financier, Tanya Gaw, seemed to be offering some real hope in the middle of the lockdown insanity. We were there that day, when Tanya Gaw spoke at the Art Gallery in Vancouver and asked for donations for a lawsuit organized by "Canada's top constitutional lawyer." People clamoured to the stage and dropped \$14,000 dollars in a cardboard box.

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As a side note, this article is not a personal vendetta against either Tanya Gaw, Action4Canada or Rocco Galati. Some of the main concerns about the A4C lawsuit were discussed in multiple heated discussions on Facebook:



Truth Talk....

Because I love all people.

The facts speak for themselves.

Thank you [redacted] for this account of events and your courage to speak up for the people of BC. 🙌🙌🙌🙌🙌



Tanya Gaw we the donors, will need full transparency and details of all funds collected for RG BC challenge since Sept 2020.

Please bring your accounting books as I'm sure all transactions are accounted for, for monies held in trust, to the July 24 rally in Vancouver... as we are privy to that information. Thank you.

May others have courage to do the right thing for British Columbians.

CanuckLaw.ca posted numerous articles concerning Mr. Galati's lawsuits for the Freedom Community. One of them is titled: Action4Canada Statement Of Claim Fatally Defective, Will Never Make It To Trial. CanuckLaw's predictions have turned out to be accurate because, thus far, none of his lawsuits have gain any traction in the Canadian court system.

the obvious problems with it:

- No Concise Set Of Material Facts Provided In Statement Of Claim
- Section On Relief Sought Is A Complete Mess
- No Concise Summary Of The Legal Basis For Claim
- Evidence Being Pleaded In Statement Of Claim
- Long Quotes Listed In Statement Of Claim
- Content That Is Unnecessary, Vexatious, Delay Proceedings
- Proofreading Not Exactly Up To Par

You can read Galati's filing [here](#) and the motion to strike [here](#).

The judge who tossed out both of Galati's claims, called the filing "*bad beyond argument*," among other choice legal terms. A filing is supposed to be "concise." Generally, it is common practice in the legal profession to keep filings under 20 pages. Galati's statement of claim is so bad, it is now being used as an example of *what not to do* in a [training manual](#) for lawyers:

**If pleadings are inadequate the matter will typically not get as far as trial. In a recent example of wholly inadequate pleadings the plaintiff filed a 391-page notice of civil claim that was struck (see §2.06(3) below on striking pleadings) as being "prolix" and "bad beyond argument." In *Action4Canada v. British Columbia (Attorney General)*, 2022 BCSC 1507, the plaintiffs sued a host of politicians and crown corporations over pandemic-related measures they said were not based in science, exceeded the defendants' authority, and breached *Charter* rights. The notice of civil claim was struck in its entirety. The judge said (at para. 51) it is counsel's job to draft pleadings that do not offend the Rules. The judge also said the claim was too prolix for the defendants to be able to respond, and it was not the court's job to interpret the claim:**

August 29, 2022, Judge Ross, tossed out [Galati's case](#), complaining, "Because of the prolix and wide-ranging nature of the NOCC, [Notice Of Civil Claim] it is not capable of being answered by the defendants," adding that, "the entirety of the claim is vexatious and frivolous...it is impossible for the defendants to respond to it. For the same reason, I am not able to parse the

categories or claims should remain in, or should be struck. That is not the proper role of this court. It is counsel's obligation to draft pleadings that do not offend the mandatory requirements of the Rules."

Galati sued half the planet in his lawsuit:

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

Defendants

#### NOTICE OF CIVIL CLAIM

We were in the courtroom that day and witnessed the ten lawyers defending the multiple defendants. They stood up, one after another, and repeated that the claim was "vexatious," "scandalous," "frivolous," "prolix" and an "abuse of process." In other words, a big waste of everybody's time. The lead lawyer made numerous references to the "motivation" of Rocco Galati, suggesting there was an ulterior agenda of "personal promotion."

During a September 4, 2022 interview between Tanya Gaw and Odessa Orlewitz, the cost of the lawsuit was pegged at \$400,000. During the motion to strike hearing, it was revealed that \$700,000 was raised for the case. To date, there has been no public disclosure by Tanya Gaw or Action4Canada, regarding the amount of funds raised, despite repeated attempts by many in the Freedom community for some fiscal transparency.

25 May · 🌐

Is Rocco Galati even alive anymore??? Whatever happened to his completely bogus court challenges that A4C fundraised hundreds of thousands for??? So many scammers.... I'm losing count. Paging Tanya Gaw.... Paging Tanya Gaw.... Your A4C is looking like a total SCAM....

👍👏 Elena Bax, Carmen Broad and 425 others 394 comments 27 shares

👍 Like    💬 Comment    ➦ Share    🌐

All comments ▾

Write a comment...


**Danielle Kinchella-Pistihi**  
Rocco will be in court on Tuesday via zoom w Tanya who will be there live. They will be disputing the defence, who is going to try and have the case thrown out, which is a typical delay tactic as well as attempt to undermine the case. Of course the defence isn't going to just say "ok you're right, we were wrong" so they are trying to say we don't have a case, that it's too long, that it's based on conspiracy theories blah blah blah... we all know that's not true though. People lost their businesses, parents died alone, health care workers were fired and many people were discriminated against and physically and mentally assaulted. The people in this case all have heart wrenching and traumatic experiences. Any judge would be off his rocker to say the case was not worth listening to.

Those who want more information should really consider signing up for the **Action4Canada** weekly news letter and 3x weekly zoom calls, where there are plenty of updates.

Respectfully, in a world where we are trying to educate people to do their own research it sure would be nice if we all practiced what we preached rather than expect it to get served to us on a silver platter and put out doubt and criticism. There are a lot of good people that are deeply invested in this case and this lawsuit, along with others, are going to take a long time bc the courts are slow as hell.

In the meantime feel free to reach out if you would like a short cut to updates. Always happy to help and will always stand beside Tanya, who is working her ass off every single day for us all! 🙏🇨🇦

Much appreciate those that are praying over this case 🙏

Like Reply 13 w  52

## Vaccine Choice Canada Lawsuits

[Vaccine Choice Canada](#), led by Ted Kuntz, filed a [similar claim](#) July 6, 2020, that became the basis of much of the BC Supreme Court case. After 2.5 years of complete and deafening silence, a motion to strike hearing was held January 17, 2023. The 191-page filing was also doomed, for much of the [same reasons](#) that Action4Canada's filing was doomed.

This is not Vaccine Choice's first trip to the vaccine lawsuit rodeo. In October 2019, Galati filed another [lawsuit](#) with the Ontario Superior Court to challenge the mandatory immunization of children in Ontario schools. This lawsuit has also sat dormant for over 3 years now.

## Police On Guard For Thee Lawsuit Also "Bad Beyond Argument"

[Police On Guard For Thee](#), an organization started by two Ontario police officers, hired Galati to launch a lawsuit to challenge the mandatory vaccination requirements for federal employees. They also had their [lawsuit](#) thrown out on February, 21, 2023. Justice Simon Fothergill ruled "the

appears to be unnecessary. As well, it is constructed in a manner calculated to confuse the defendants and to make it extremely difficult, if not impossible, to answer.”

Furthermore, Fothergill cited Galati’s previous case with Action4Canada and he ruled that, “The Statement of Claim in this proceeding is similarly *bad beyond argument*. For substantially the same reasons identified by Justice Ross in Action4Canada, it must be struck in its entirety.”

The lawsuit had 600 plaintiffs, who contracted Rocco Galati each for a \$2000 retainer. 600 x \$2000 = \$1.2 million. And that’s just the retainer. “We met with Rocco to put a campaign together and find out how many people we can round up to join in on an application for a lawsuit,” said organizer Clay Farnsworth in an [interview](#) with the *Western Standard*. “These types of lawsuits are expensive. We’re looking at \$10-12 million dollars.”

### Dr. Kulvinder Gill Defamation Suit

Rocco Galati’s multi-million dollar [lawsuit](#) on behalf of Dr. Kulvinder Kaur Gill & Ashvinder Kaur Lamba v. 21 defendants was [tossed out](#) on February 24, 2022. The plaintiffs are financially liable for their frivolous lawsuit. Kulvinder is ordered by the judge to pay \$1.1 million in legal costs to the defendants.

NATIONAL POST

Subs



Toronto / News / National / Canada



## Vaccine-doubting doctor ordered to pay \$1M in legal costs after her libel suit quashed

*Gill accused her detractors of being a ‘pack of hyenas’ bent on destroying her reputation, but it proved to be a very expensive counter-attack*

Tom Blackwell

Published Nov 03, 2022 • Last updated Nov 04, 2022 • 4 minute read

543 Comments





Canada has a very tight legal code concerning intimidation lawsuits or SLAPP (Strategic Lawsuits Against Public Participation). These are lawsuits "intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition." Because of Canada's strict laws regarding intimidation lawsuits, it is very dangerous to sue people for defamation, libel or slander, because if the judge tosses out the suit, the plaintiffs are liable for all court costs, as we see happened with Dr. Kulvinder.

Did Canada's "top constitutional lawyer" warn Dr. Kulvinder that she could be liable for court costs if the lawsuit was not successful?

Shortly after filing the Notice of Appeal, Galati filed a motion to be removed as their lawyer. He claimed to be too ill to continue. On May 12, 2022, Justice Gillese granted it, leaving Kulvinder and Lamba in the lurch, with their only option to retain new counsel. If Galati was too ill to continue, why was he healthy enough to continue with the other lengthy list of lawsuits under his direction?

Dr. Kulvinder has another \$7 million suit pending against the University of Ottawa, and one of its professors, Amir Attaran. This lawsuit is because of a post on Twitter where the professor called Kulvinder an idiot. It is also vulnerable to another SLAPP motion where she is liable for more court costs if she is unsuccessful in court.

### **Ontario Law Society Complaints**

There are numerous complaints against Galati registered with the Ontario Law Society. In response, Galati has launched a \$500,000 harassment suit against the LSO itself:

#### **CLAIM**

1. The Plaintiff claims:
  - (a) General damages as against the Defendants, as follows:
    - (i) \$500,000.00, as against the Defendants, in negligent investigation, abuse of authority and process, breach of fiduciary duty, breach of statutory duty, interference with economic interests, intimidation, and violation of the Plaintiff's s.7 and s.15 *Charter* rights;

Rocco discusses the complaints in a video interview with Kuntz:

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

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

The LSO filed a [motion to strike](#) on November 25, 2022, and you guessed it, “the claim, in whole or in part, is scandalous, frivolous or vexatious, contrary to Rule 25.11(b) of the Rules.” Do we see a pattern here?

### **Conclusion**

After three years of litigation and numerous lawsuits, there is nothing to be heard, except a giant sucking sound, created by the vacuum of Rocco's litigation. A conservative estimate would be that Mr. Galati has appropriated \$10 million from the Freedom Movement who are demographically from the working class of Canada and are not regular guests on Lifestyles of the Rich and Famous.

At least, at McDonald's you can get some fries and a milkshake with your nothing burger, but at the Rocco Galati Drive-Thru, all you get is an empty paper bag. Should the Canadian Freedom Movement keep supporting nothing burger lawsuits?

There are a few possibilities, and I will leave it up to you, dear reader, to draw your own conclusions, but at least, let's look at the options:

1. Rocco is the poor victim of “*depraved, racist, anti-Semitic complainants.*”
2. Rocco is an incompetent lawyer, even after 30 years in the legal profession. He has made a series of very poor decisions, that not even a first-year law student would make.
3. The court system is corrupt.
4. Rocco is a grifter.
5. Rocco is a grifter funded by the globalists.

The Freedom Community is free to put their hard-earned (and inflated) Canadian dollars wherever they see fit. Common sense would say it's probably a bad idea to keep putting your money on a horse that never wins,

justice in the Canadian court system.

*For full video:*



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*All works are co-authored with my partner MB Bose. Thank you for your continued support and encouragement.*

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 **Start writing**

**TAB 5**

Court File No. CV-22-00683322-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE

DM/saa

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 GHANDI, JANES AND JOHNS DOE

Defendants

- - - - -

This is the Cross-Examination of ROCCO GALATI, on his  
affidavit sworn the 14th day of March, 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 26th day  
of May, 2023.

- - - - -

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

ALEX BORNET (law clerk)

-- for the Plaintiff

TIM GLEASON

-- for the Defendants

AMANI RAUFF

ALSO PRESENT:

Dee Gandhi

Kipling Warner

Donna Toews

R. Galati - 3

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R. Galati - 4

1 --- upon convening at 10:00 a.m.

2 --- upon commencing at 10:05 a.m.

3

4 ROCCO GALATI, affirmed

5 CROSS-EXAMINATION BY MR. GLEASON:

6 1. Q. Good morning, Mr. Galati.

7 A. Morning.

8 2. Q. I understand that you've been  
9 sworn this morning to tell the truth?

10 A. I have been affirmed and you can  
11 call me by my first name if you please.

12 3. Q. Sure, I'll do that. And you are  
13 here to be cross-examined on an affidavit that  
14 you swore, I believe, on March 11, 2023. Do you  
15 have a copy of that with you?

16 A. Yes, it's March 14th of 2023.

17 4. Q. Oh, March 14th, I apologize.

18 A. No problem.

19 5. Q. And you do have a copy with the  
20 exhibits there with you?

21 A. Yes. I have a copy of them and I  
22 have a full affidavit in front of me, yes.

23 6. Q. Great. I am going to start off  
24 with a couple of questions about some things that  
25 you raised with the defendants witnesses on

R. Galati - 5

1 Tuesday, one of which you suggested...

2 A. If I can just stop you for a  
3 second, I am sorry, Tim. There is one typo I'd  
4 like to correct in the affidavit before you  
5 start.

6 7. Q. Okay, sure.

7 A. And that is at page 24 of the  
8 affidavit.

9 8. Q. M'hmm.

10 A. And that is with reference to the  
11 action commenced against Canuck Law in that there  
12 is a typo saying it was issued...it was commenced  
13 September 16th, 2020. It was actually commenced  
14 September 7th, 2021.

15 9. Q. Okay.

16 A. I believe there is a copy of it  
17 as an exhibit anyways.

18 10. Q. Oh, I see. It says September  
19 16th and you are saying it was actually when, I  
20 am sorry?

21 A. September 7th, 2021.

22 11. Q. September 7th. Okay, great,  
23 anything else?

24 A. No, that's it. Thanks.

25 12. Q. Okay. So Rocco, on Tuesday, you

R. Galati - 6

1 suggested to the defendants witnesses that you  
2 were are not retained in January of 2021 and you  
3 asked them why they would suggest that you were  
4 affiliated with Action4Canada, do you recall  
5 that?

6 A. I recall that. If that was  
7 misunderstood as that, what I meant, Tim, is that  
8 I was not on record in court for them at that  
9 point until August when I issued the claim. I  
10 had been retained.

11 13. Q. Okay.

12 A. I had actually been consulting,  
13 as my affidavit sets out, with my clients since  
14 October of 2020, but I didn't go on record with  
15 the court until August when we filed the  
16 claim...when we issued the claim.

17 14. Q. Right, because there was no  
18 record to be on...

19 A. Right.

20 15. Q. ...until the claim was commenced.

21 But you suggested to these witnesses that you  
22 were not retained and you questioned why they  
23 would think that you were affiliated with  
24 Action4Canada. In fact, you were retained,  
25 right, for several months by then?

R. Galati - 7

1                   A.       I was retained. I misspoke. My  
2                   question to them was, since they had no privity to  
3                   the retainer and I wasn't on record, why...you  
4                   know, I asked my questions on that point. So I  
5                   am sorry if I caused some confusion there.

6           16.               Q.       Okay. And just in terms of why  
7                   they would be aware of your retainer. In fact,  
8                   Action4Canada was saying for several months that  
9                   you were retained for a constitutional challenge  
10                  in British Columbia, weren't they?

11                  A.       I don't know. You'd have to ask  
12                  Tanya that.

13           17.               Q.       Okay.

14                  A.       I wasn't privity to the...

15           18.               Q.       Have you seen...I'm sorry, go  
16                  ahead. I didn't mean to interrupt.

17                  A.       As I say in my affidavit, I don't  
18                  have a role in my client's organization so I am  
19                  not privity to their day-to-day operations or  
20                  statements and whatnot.

21           19.               Q.       Okay. But you were aware...first  
22                  of all you were aware that you were retained,  
23                  right?

24                  A.       Yes.

25           20.               Q.       Was it in September or October

R. Galati - 8

1 2020?

2 A. I believe it was sometime in  
3 October.

4 21. Q. Okay.

5 A. And, you know, I was consulting  
6 with them over matters which are obviously  
7 covered by solicitor/client privilege. But...

8 22. Q. And are you saying that you were  
9 not aware that they were making public  
10 announcements about your retainer?

11 A. No, I wasn't aware of any  
12 specifics, no.

13 23. Q. Okay.

14 A. In fact...

15 24. Q. Go ahead.

16 A. In fact, our retainers weren't  
17 signed until we were ready to issue.

18 25. Q. I see. I am going to show you a  
19 printout of the Action4Canada website. Just bear  
20 with me. This is a PDF. There is some white  
21 space that you wouldn't see on the website. I am  
22 happy to show you the actual website. There is  
23 an entry on October 13, 2020.

24 A. Right.

25 26. Q.

R. Galati - 9

1 "...Action4Canada is very pleased to  
2 announce that we have retained the  
3 service of Rocco Galati, a top  
4 constitutional lawyer, to take on legal  
5 action against B.C. and federal  
6 government..."

7 And then there is a biography of you, and there  
8 is your photo. This is all on the Action4Canada  
9 website in October 2020. Are you saying that you  
10 weren't aware of that?

11 A. I am not aware of that specific  
12 post, no. And as I say in my affidavit, I had  
13 been approached but had not acted on the claim  
14 until a retainer crystalized, meaning I was  
15 retained with funds.

16 27. Q. Okay. What I am going to do now  
17 is show you the actual website, because it is a  
18 little bit clearer, your involvement, with the  
19 photos that didn't show up in the PDF. So this  
20 is Action4Canada's October 13, 2020, posting on  
21 their website which I just read to you that  
22 established...they had announced that they had  
23 retained you for a constitutional challenge in  
24 British Columbia.

25 A. Tim, just to cut to the chase,

R. Galati - 10

1           you'll have to pose these questions to Tanya Gaw.  
2           I think she might be in mind, have a loose  
3           understanding of being retained.

4           28.                   Q.           Sure. That is fine. I am not  
5           going to quibble with you over whether you had a  
6           written retainer at the time. It's just, in  
7           terms of what the defendants would have known  
8           which is what you questioned them about on  
9           Tuesday.

10                           A.           Fair enough.

11           29.                   Q.           So it is fair to say they would  
12           have known, or would have believed, and it would  
13           be fair for them to believe that you were  
14           retained by Action4Canada if Action4Canada had  
15           videos of you speaking on their website, on  
16           October 13th, 2020, you'd agree with that?

17                           A.           Just to clarify, I can't qualify  
18           this document but assuming it is what you say,  
19           I'd say, yes, that is fair. Second of all, I  
20           want to clarify, the videos of me talking have  
21           nothing to do with Action4Canada. These are  
22           informational videos posted on the constitutional  
23           rights website. They are not linked to  
24           Action4Canada.

25           30.                   Q.           Well, they are linked to

R. Galati - 11

1 Action4Canada in that they are posted on their  
2 website as well, right?

3 A. That's fair enough, but just so  
4 that you know, these were not done for anything  
5 to do with Action4Canada per se.

6 31. Q. Okay. But would you agree just  
7 looking at this website that you are prominently  
8 featured in their fundraising efforts?

9 A. I have no comment on that. You  
10 will have to ask Tanya about that.

11 32. Q. Well...

12 A. I was not involved in their  
13 fundraising efforts.

14 33. Q. I didn't ask you that. I said  
15 would you agree, looking at this website, that  
16 you were prominently featured in their  
17 fundraising efforts?

18 A. I don't know where you see  
19 fundraising efforts on that page, if you can  
20 point me to it.

21 34. Q. Okay. I will. Donate to  
22 Action4Canada?

23 A. That is a standard button, I  
24 would think...

25 35. Q. Okay.





R. Galati - 13

1 donations, and "Please click here to donate".

2 A. I don't even know that I was even  
3 approached as early as September 2020.

4 40. Q. Okay. And so, I take it you  
5 can't identify this page, you weren't aware of  
6 this page?

7 A. No, I can't identify this or the  
8 other page you gave to me.

9 41. Q. All right. Fair enough. In Mr.  
10 Warner's affidavit, in his first motion record,  
11 it was affirmed on January 26th, 2023. Do you  
12 have that record with you today?

13 A. I have the body of the affidavit  
14 if you want to refer to it.

15 42. Q. Okay. I was going to refer to  
16 Exhibit...sorry, yes, I was going to refer to  
17 paragraph 46 of that affidavit. Let me get to  
18 it.

19 A. My 46 is a copy of a video for a  
20 rally, Action4Canada, held in the summer of 2020,  
21 it is marked as Exhibit P. Is that what you are  
22 referring to?

23 43. Q. That is what I am referring to,  
24 yes. Have you reviewed the link that he provided  
25 as Exhibit P?

R. Galati - 14

1 A. No.

2 44. Q. Okay, you've never looked at it?

3 A. No.

4 45. Q. Okay. This is a video of Tanya  
5 Gaw at a rally on September 16th, 2020. Were you  
6 aware of this rally?

7 A. No.

8 46. Q. Were you aware that she was  
9 raising funds at this rally for a constitutional  
10 challenge?

11 A. No.

12 47. Q. Were you aware...

13 A. I know she had various rallies  
14 and fundraising efforts but I was not privy to  
15 any of them in particular or focused because, you  
16 know, it's just not my role as a lawyer to  
17 fundraise for my clients or be aware of their  
18 fundraising efforts.

19 48. Q. Okay. So at 12:20 in this video,  
20 she, in her fundraising speech, says that she has  
21 retained a top constitutional lawyer. Are you  
22 saying that wasn't you?

23 A. I don't know who she was  
24 referring to. If she was referring to me, she  
25 had not yet retained me.

R. Galati - 15

1           49.                   Q.       Okay.  So if she was referring to  
2                                   you, she was not telling the truth in her  
3                                   fundraising efforts?

4                                   A.       Well, no, maybe she was mistaken  
5                                   as to what retainer means legally.  She might,  
6                                   you know...see I can't remember if we had any  
7                                   discussions as early as September.  We might have  
8                                   but they would have been phone calls.

9           50.                   Q.       Okay.  All right.  Would you at  
10                                  least concede though that the defendants would  
11                                  fairly be under the apprehension or  
12                                  misapprehension, as you say, that you were  
13                                  retained by Ms. Gaw in Action4Canada in September  
14                                  2020?

15                                  A.       No, I would not agree with this  
16                                  because she doesn't name me.

17           51.                   Q.       Okay.

18                                  A.       I know she had canvassed...she  
19                                  says in her affidavit that she had canvassed  
20                                  other lawyers.  So I don't know which other  
21                                  lawyers she had canvassed...

22           52.                   Q.       Okay.

23                                  A.       ...so I can't agree with that.  
24                                  Yes.

25           53.                   Q.       All right.  But for sure by

R. Galati - 16

1           September 20th, it would be fair for them to  
2           infer that you were retained, right, when she did  
3           name you and put you on their website...videos of  
4           you on their website and identified you as the  
5           top constitutional lawyer that they had retained?

6                   A.       Yes, from her statements they  
7           could have concluded that I was retained, yes.  
8           That would be fair to say, yes.

9       54.                   Q.       Okay. Thank you. Go a little  
10       bit further down in Kip Warner's affidavit at  
11       paragraph 51.

12                   A.       That is Tolstayan paragraph,  
13       subsection.

14       55.                   Q.       Subparagraph A.

15                   A.       A, okay.

16       56.                   Q.       And he refers to an exhibit T  
17       which is a CBC news article which indicated that  
18       Vaccine Choice Canada had commenced an action  
19       with you as their lawyer, and this was in August  
20       of 2020, right?

21                   A.       That was a matter of public  
22       record. It was issued July 20th, yes.

23       57.                   Q.       Okay. So, it would be fair for  
24       the defendants to believe that you were retained  
25       for that purpose by Vaccine Choice Canada?

R. Galati - 17

1                                   A.       Well, I was on record for them,  
2                                   yes.

3       58.                        Q.       Right. Okay. Scroll down to  
4                                   paragraph 59 of Mr. Warner's affidavit.

5                                   A.       Yes.

6       59.                        Q.       He says that you told, Ezra  
7                                   Levant in September 2020, that you planned to  
8                                   have an injunction for Vaccine Choice Canada for  
9                                   the Christmas holidays, is that accurate?

10                                A.       I can't recall.

11       60.                        Q.       He has attached as Exhibit QQ a  
12                                video, and there is a link there. Have you not  
13                                reviewed that video?

14                                A.       No. No, I'll be frank with you,  
15                                Tim. I have not reviewed the various videos  
16                                because at the end of the day, my position is as  
17                                you know, notwithstanding your client's  
18                                understanding, they crossed way over the line in  
19                                what they said about me. So I have not reviewed  
20                                them but I can tell you honestly, because I am  
21                                under oath, I don't recall what I said to Ezra,  
22                                but for the purposes of your question, assume  
23                                that I did, and I'll answer whatever question you  
24                                have, okay?

25       61.                        Q.       Okay. Sure, I'll assume that you

R. Galati - 18

1 did and my question is, would you deny...I am  
2 going to put to you because I've looked at it,  
3 that at the 44:40 mark, you did make that  
4 statement to Mr. Levant?

5 A. And as an officer of the court I  
6 take your word for that, but I addressed this  
7 paragraph in my affidavit which is what I am here  
8 to respond to, right?

9 62. Q. That is fine but you don't deny  
10 that you actually made that statement publicly,  
11 that you intended to get an injunction?

12 A. I made that statement at a press  
13 conference in July 20th when we announced the  
14 lawsuit, correct.

15 63. Q. Okay.

16 A. I don't deny that. And I  
17 explained that it wasn't necessary because in  
18 October, the government promulgated wide and  
19 liberal masking...self-declaring masking  
20 exemptions which you have in my affidavit. And  
21 so there was no need. My clients saw no need to  
22 go ahead with that injunction. And the Statement  
23 of Claim dealt with basically two mandatory  
24 measures, the possibility of compulsory  
25 vaccinations and the masking measures. And so,

R. Galati - 19

1                   there was no need to get that injunction.

2           64.                   Q.       All right. So your evidence is  
3                   by October 2020, there was no need for an  
4                   injunction?

5                   A.       Correct.

6           65.                   Q.       Did you make any public  
7                   statements to that effect at the time?

8                   A.       Well, I am not in the PR  
9                   business, you know? I am a lawyer.

10          66.                   Q.       You made public statements in  
11                   press releases and in press conferences and Ezra  
12                   Levant that you were going to get an  
13                   injunction...

14                   A.       Right.

15          67.                   Q.       ...and that it was private that  
16                   you weren't going to?

17                   A.       Under the instructions of my  
18                   client I made those statements. Once there was  
19                   no need, you know, there was no need.

20          68.                   Q.       Okay. But you didn't make any  
21                   public statement to that effect?

22                   A.       No. And my statements...

23          69.                   Q.       So people were...sorry, I  
24                   interrupted you.

25                   A.       I think your client and I have a



R. Galati - 20

1           divergent view of this. My statements were not  
2           made for the benefit of the public, they were  
3           made for the benefit of the government listening  
4           because we were challenging the government.

5           70.                   Q.       Okay. That's fine.

6                            A.       Okay.

7           71.                   Q.       But would you agree though, if  
8           somebody were donating to Vaccine Choice Canada  
9           because they believed you were going to get an  
10          injunction, they wouldn't know that you changed  
11          course by October?

12                        A.       I don't know what they...I can't  
13          answer that question. I know that on my  
14          constitutional rights website which is an  
15          advocacy group, I did various videos on the fact  
16          that the regulations exempted you from having to  
17          wear a mask if you so self-declared. So it is  
18          not as if I didn't make it public for the benefit  
19          of people who were asking for information through  
20          my CRC website that you don't have to mask  
21          anymore.

22          72.                   Q.       Okay, but...

23                        A.       So, I made that public shortly  
24          after that happened. Do I go out and do a press  
25          release on every client I have? No. Unless my

R. Galati - 21

1 client directs me to which I am duty bound under  
2 some of the rules of professional conduct on  
3 public interest cases.

4 73. Q. Okay. So as far as you know  
5 though, neither you nor your client announced  
6 that they decided not to get injunctive relief by  
7 October 2020.

8 A. I believe my clients did but  
9 you'd have to ask Ted Kuntz.

10 74. Q. Okay. Can you point me to that?

11 A. No, I can't.

12 75. Q. Can you give me an undertaking to  
13 do so?

14 A. I can ask Mr. Kunz and relay it  
15 to you. I understand you are not cross-examining  
16 him on his affidavit.

17 76. Q. No, I am not. I am asking you  
18 what is the basis for your belief that he made  
19 such an announcement?

20 A. You know, I was on the phone with  
21 Mr. Kuntz literally every week.

22 77. Q. He told you that he had made an  
23 announcement by October 2020 that you'd changed  
24 plans...

25 A. No, but I appeared...





R. Galati - 24

1 to my client along the way..."

2 What was the flat fee?

3 A. I am not going to discuss that.  
4 Supreme Court of Canada says lawyers fees are  
5 covered by solicitor/client privilege.

6 85. Q. But you've deposed to it in an  
7 affidavit.

8 A. I have deposed that it was a flat  
9 fee. I have not deposed any particulars about  
10 the fee.

11 86. Q. Okay. That's a refusal then?

12 A. I am barred by solicitor/client  
13 privilege.

14 87. Q. Okay. Turning now to the  
15 Constitutional Rights Centre...

16 A. Sure.

17 88. Q. ...so you have objected to Mr.  
18 Warner in his affidavit referring to your  
19 fundraising arms.

20 A. Yes, I do.

21 89. Q. Would you agree...

22 A. Just for the record, he never  
23 clarified when I asked him, "What are my  
24 fundraising arms?"

25 90. Q. Okay. So I am going to ask

R. Galati - 25

1                   you...

2                               A.       He refused to answer that  
3                   question.

4       91.                   Q.       All right, but that's not what I  
5                   asked you. I am going to ask you a question.

6                               A.       Sure.

7       92.                   Q.       Would you agree the  
8                   constitutional rights, I'll call it CRC. It's  
9                   actually Constitutional Rights Centre Inc.,  
10                  correct?

11                              A.       Right. Yes.

12       93.                   Q.       It is a fundraising arm for you?

13                              A.       I disagree.

14       94.                   Q.       You disagree, okay. It is a for-  
15                  profit corporation though, right?

16                              A.       It's not a charitable nor a not-  
17                  for-profit corporation. If you want to know why  
18                  I disagree that it is a fundraising arm, I will  
19                  tell you.

20       95.                   Q.       Okay. Let me get to that in a  
21                  second.

22                              A.       All right.

23       96.                   Q.       It's an OBCA, an Ontario Business  
24                  Corporations Act corporation, correct?

25                              A.       Correct.

R. Galati - 26

1 97. Q. A business corporation...

2 A. Yes.

3 98. Q. ...not a non-profit. Okay. And  
4 you are the sole director, correct?

5 A. I don't know. I'd have to check  
6 the corporate filings.

7 99. Q. Okay. I am going to help you  
8 with that...

9 A. By sole director you mean  
10 corporate director, not director of the centre,  
11 right?

12 100. Q. Of the business corporation.

13 A. Because there was operational  
14 directors, but you are asking about the business  
15 directors, right?

16 101. Q. Yes, director as a legal meaning.

17 A. Right.

18 102. Q. And there is a registered  
19 director. I am going to show you the Ontario  
20 corporate profile report for the OBCA corporation  
21 Constitutional Rights Centre Inc.

22 A. Can you expand...

23 103. Q. And it identifies you...

24 A. Can you expand the print? I  
25 can't read it on the screen, Tim. Sorry.

R. Galati - 27

1 104. Q. Sure. Does that help?

2 A. Or read it to me, you know?

3 105. Q. Okay. I can read it to you.

4 It's an Ontario profile report for the

5 Constitutional Rights Centre Inc.

6 A. Right.

7 106. Q. As of May 23rd, 2023.

8 A. And it was incorporated November

9 29th, 2004, right?

10 107. Q. Correct.

11 A. All right.

12 108. Q. And it has one director, Rocco

13 Galati? Is that accurate?

14 A. Yes, I guess. I take you at your

15 word...if this is what you pulled on the profile,

16 yes. It is accurate.

17 109. Q. Yes. So I'd like to mark this

18 corporate profile as an exhibit. Do you have any

19 objection to that?

20 A. No. I'll just note for the

21 record that the since incorporation, the address

22 has changed but that is reflected in the

23 corporate profile anyways.

24 110. Q. Can you repeat that? Sorry, I

25 missed that.



R. Galati - 28

1                   A.       The address has changed since the  
2                   incorporation but that is reflected on the  
3                   profile.

4       111.           Q.       So the address for...

5                   A.       When I incorporated it was at 637  
6                   College.   It's now 1062 College which is on the  
7                   first page of that profile.

8       112.           Q.       I see.   But your address for  
9                   service as the director is still recorded at 637  
10                  College Street.

11                  A.       I am going to call my accountant  
12                  and have him change that.   Thanks for pointing  
13                  that out.

14       113.           Q.       Okay.

15                  A.       Because I thought that was done.  
16                  Why is my current address reflected on the first  
17                  page?   I am not a corporate lawyer.   Do you see  
18                  there...

19       114.           Q.       That is the registered head  
20                  office.

21                  A.       It's 1062 College which is  
22                  correct.

23       115.           Q.       Okay.   So you might want to  
24                  attend to that but we are going to mark this as  
25                  Exhibit 1.

1 A. Sure.

2

3 --- EXHIBIT NO. 1: Ontario Corporate profile report  
4 of Constitutional Rights Centre  
5 Inc.

6

7 BY MR. GLEASON:

8 116. Q. So getting back to your  
9 affidavit, I am going to scroll down to the  
10 exhibits on page 344. This is an income  
11 statement...

12 A. Sure.

13 117. Q. ...that you attached as an  
14 exhibit. I think its...let's just look at it  
15 here. Exhibit W of your affidavit.

16 A. These are the income and expense  
17 statements for CRC and the tax returns.

18 118. Q. That's what you say they are,  
19 yes.

20 A. Yes. That is what they are.

21 119. Q. That's what they are, right?

22 A. Yes. Yes.

23 120. Q. Okay. And so, you record in 2021  
24 revenue of \$786,706.

25 A. Right.

R. Galati - 30

1 121. Q. And of that you have an expense  
2 for contracting \$754,199. Who is the  
3 subcontractor?

4 A. The subcontractors are the  
5 various lawyers who are doing cases that the  
6 centre supports which is a matter of  
7 solicitor/client privilege.

8 122. Q. Are you one of those?

9 A. I say in my affidavit my law firm  
10 is one of those, yes. Not exclusively.

11 123. Q. How much of that \$744,199 went to  
12 you?

13 A. It's privileged. /R

14 124. Q. So you've sworn in your affidavit  
15 or affirmed in your affidavit that its true and  
16 relevant, I guess, you believe, that the  
17 reduction in which these income statements will  
18 show in fundraising, directly affected and harmed  
19 you?

20 A. Right. Both in terms of...

21 125. Q. But you are refusing to disclose  
22 how much of this money went to you?

23 A. Some of it went to me and it  
24 doesn't matter. That shows damage and you have  
25 my testimony.

R. Galati - 31

1 126. Q. No, I am sorry. If I don't get  
2 to cross-examine on it it is not going to be in  
3 evidence.

4 A. Well, for the purpose of the  
5 anti-SLAPP motion, I take the position that under  
6 *Platnick* this is sufficient. If this matter goes  
7 to trial, we can dig deeper into the actual  
8 damages, but I take the position that this is  
9 sufficient at this juncture of the proceedings.  
10 And well, if I am wrong, then I will pay the  
11 price.

12 127. Q. But you are the director...

13 A. I also take the position that  
14 this is solicitor/client privilege in terms of  
15 the funds. Now, I am the sole director,  
16 corporate director. When the CRC gets harmed  
17 because of its inseparable association with me as  
18 the executive operational director, well that  
19 also causes reputational harm because your client  
20 refers to this as well, and so this cannot go on.

21 128. Q. Okay. So as you just confirmed  
22 you are the sole director, and in your affidavit  
23 you gave evidence about the flow of funds. Have  
24 you not waived the privilege?

25 A. No.

R. Galati - 32

1 129. Q. Okay. So...

2 A. I have not given specific  
3 evidence of specific funds which is privileged.  
4 That occasion is privileged. You don't waive all  
5 privilege just because you make a statement  
6 indicating that there is harm to me personally,  
7 through the Centre. You are now asking, past  
8 that question, how much money went to each  
9 lawyer? Well, that's privileged.

10 130. Q. Well, I suggest to you, Mr.  
11 Galati, that you've waived the privilege by  
12 putting that evidence in your affidavit.

13 A. I suggest to you I didn't, and we  
14 can argue about it in court. /R

15 131. Q. Okay. That is what we will do  
16 and so that's a refusal.

17 A. Yes.

18 132. Q. You agree thought that the CRC  
19 website definitely engages in fundraising, right?

20 A. Since 2020, yes.

21 133. Q. Right.

22 A. I didn't have a website...I say  
23 "I". The Centre did not have a website until  
24 fall of 2020...

25 134. Q. Right.

R. Galati - 33

1           A.       ...and frankly it came about only  
2           because of the pressing need to support  
3           litigation funding for the COVID measures. From  
4           November 2004 until September, let's say, until  
5           2020 after the pandemic...until the pandemic was  
6           announced, the Constitutional Rights Centre  
7           basically did not fundraise. We organized  
8           support for other lawyers and cases on our own  
9           time and dime as it were.

10                   And you'll see, we are talking about,  
11           you know, 16 years prior to the pandemic that we  
12           are operating and we are involved in...the list  
13           of the cases that we were involved in in  
14           assisting and carrying, including the CRC being  
15           an applicant on two cases to the Supreme Court of  
16           Canada. They are not exhaustive. We helped in a  
17           lot of other cases that didn't result in reported  
18           case law but we carried on until 2020 without any  
19           fundraising.

20       135.           Q.       Okay. But definitely in your  
21           affidavit you say at paragraph 46 and 47 that you  
22           were fundraising in 2020, and that you raised, in  
23           the next 15 months, close to one million dollars,  
24           is that fair?

25                   A.       Yes, that is fair. We were

R. Galati - 34

1 fundraising primarily for clients who needed  
2 financial support in carrying their cases  
3 through, yes.

4 136. Q. M'hmm.

5 A. That did not include VCC and  
6 Action4Canada who are private retainer. We were  
7 executing pro bono and assisting in other  
8 litigation, a lot of other litigation.

9 137. Q. Okay.

10 A. This fundraising was not for  
11 Action4Canada, VCC or any other client who are on  
12 a private retainer with my law firm.

13 138. Q. Okay. Now the CRC fundraising  
14 increased or started in 2020, had a pretty good  
15 year in 2021 according to this income statement  
16 and then it falls off in 2022. Would you agree  
17 that roughly coincided with the pandemic  
18 lockdowns ending?

19 A. I wouldn't agree with that.

20 139. Q. You wouldn't? They did end in  
21 2022.

22 A. Yes, it doesn't matter. I know  
23 from various...

24 140. Q. I didn't ask you if it mattered.  
25 I asked you if you agree it coincided.

R. Galati - 35

1                   A.       I don't know. I'd have to look  
2                   at the lockdown chronology. I don't know  
3                   offhand.

4       141.           Q.       Okay. So you don't know. All  
5                   right. Paragraph 52 of your affidavit you say  
6                   that,

7                   "...The reduced fundraising by the CRC  
8                   caused financial loss to you..."

9                   You personally.

10                  A.       Well, my law firm, yes.

11       142.           Q.       All right. And you won't tell me  
12                  how much the CRC paid to you between 2019 and  
13                  2022?

14                  A.       No. I mean, if this goes to  
15                  trial, I will eventually tell you. I am saying  
16                  that it's my view that for the purposes of the  
17                  Anti-SLAPP motion, and I know, Tim, we disagree  
18                  about the parameters of the motion, it is not  
19                  necessary.

20       143.           Q.       Okay.

21                  A.       And it's privileged. I may have  
22                  to waive my privilege and give you the numbers if  
23                  it goes to trial.

24       144.           Q.       But you won't do it for this  
25                  motion?



R. Galati - 36

1                   A.       No, because I can't trust your  
2                   clients and what they will do with it. That's  
3                   why.

4       145.           Q.       All right. I didn't ask you why.  
5                   I just asked you...

6                   A.       I am telling you why.

7       146.           Q.       ...wouldn't. So we've got a  
8                   refusal and I am not sure if you think it is  
9                   relevant or not. You did depose to it in your  
10                  affidavit, but you are refusing to give me the  
11                  information?

12                  A.       And the refusal is based on  
13                  solicitor/client privilege.

14       147.           Q.       Okay. At paragraph 90 of your  
15                  affidavit...let me see if I can get you there  
16                  quickly.

17                  A.       I can get there pretty quickly.  
18                  I got it. It says with respect to paragraphs  
19                  104, 105 and 106 of Mr. Warner's  
20                  affidavit...okay.

21       148.           Q.       So, let's go to C.

22                  A.       C, okay. Yes.

23       149.           Q.       You say,  
24                  "...It is clear this continued online  
25                  harassment of me has actually benefited

R. Galati - 37

1                   him by destroying my own donor base for  
2                   the CRC..."

3                   You refer to your own personal donor base for the  
4                   CRC?

5                   A.           That is maybe a poor choice of  
6                   words. What I mean is the donor base to support  
7                   the cases that the CRC supports.

8           150.           Q.           Okay. But you are taking the  
9                   position quite clearly in your affidavit, that  
10                  you are suffering personal harm as a result of  
11                  the fundraising declines of the CRC?

12                  A.           I say in my affidavit that both  
13                  I, being one of the law firms that the Centre  
14                  supports, and other lawyers, and moreover, I say  
15                  in my affidavit, the clients that we are serving  
16                  with the assistance of CRC funding are suffering,  
17                  yes.

18           151.           Q.           So would you agree then, it would  
19                  be fair for Mr. Warner to have the impression  
20                  that the CRC is a fundraising arm of yours?

21                  A.           No, it is not fair.

22           152.           Q.           It's not fair, okay.

23                  A.           It is a fundraising arm for the  
24                  clients that the funds serve through various  
25                  lawyers who take on the cases for clients who

R. Galati - 38

1                   can't afford to litigate. So it's not my  
2                   fundraising arm.

3           153.                   Q.           Okay.

4                   A.           It's the Centre's fundraising for  
5                   clients.

6           154.                   Q.           Got it. However, those clients  
7                   aren't the plaintiffs in this action and it is  
8                   you who is alleging in your affidavit that you've  
9                   suffered harm directly. Not your clients, you?

10                   A.           I state both, but, yes, my law  
11                   firm has suffered because my law firm is no  
12                   longer going to be in receipt of those funds to  
13                   represent the clients which include, you know,  
14                   doctors and various clients who have issues with  
15                   the COVID measures.

16           155.                   Q.           Okay.

17                   A.           But just to be clear again, Tim,  
18                   they do not include VCC or Action4Canada because  
19                   they are on private retainers with my firm. They  
20                   do not get the benefit of CRC donated funds.

21           156.                   Q.           Okay. So at paragraph 52...sorry  
22                   to jump around, in your affidavit.

23                   A.           52. You are trying to help me.  
24                   You want me to lose the extra 20 lbs I need to  
25                   lose. 52?

R. Galati - 39

1           157.                   Q.       Yes, I've put it up on the screen  
2                               for you.

3                               A.       I can't read the screen.

4           158.                   Q.       Okay.

5                               A.       I am referring to the hard copy,  
6                               go ahead.

7           159.                   Q.       All right. I'll just read to you  
8                               what I am interested in. You say,

9                               "...Kip Warner's defamation has resulted  
10                              in self-censorship and has had a  
11                              chilling effect on the CRC's expression,  
12                              not the other way around..."

13                             Right?

14                             A.       Yes.

15           160.                   Q.       That is your evidence. First of  
16                               all, leaving aside that the CRC is not a  
17                               plaintiff here, I am going to show you something  
18                               you should be familiar with. This is the CRC  
19                               website. You are familiar with that, right? Can  
20                               you identify that?

21                             A.       Yes, that's the media page of the  
22                             website, yes.

23           161.                   Q.       Right. And it certainly appears  
24                               that after Mr. Warner's alleged defamation, you  
25                               kept speaking out...or the CRC and you, mostly

R. Galati - 40

1           you, does remain quite vocal, is that fair to  
2           say? And this goes on for about 20 pages of...in  
3           the news postings, right?

4                           A.       Yes, but you've got to also...

5       162.                   Q.       I am not going to flip through  
6           all of them but let's go to the most recent ones.

7                           A.       Well, it's chronological so you  
8           are looking at the more recent ones, but this  
9           goes back 20 years.

10       163.                   Q.       Okay. Let's look at the more  
11           recent ones. On March 27, 2023, you posted a  
12           video of yourself titled,

13                                   "...Patients take Ontario medical  
14                                   regulator to court..."

15           On July 25th, 2022, you posted a video of  
16           yourself, and I believe that is Tanya Gaw,  
17           titled,

18                                   "...Action4Canada and Rocco Galati..."  
19           July, 20, 2022. Below that, July 21, 2022 there  
20           is a video of yourself and I believe that is Mr.  
21           Ted Kuntz, at least that's what it says on your  
22           website.

23                                   "...VCC and Rocco Galati summary update,  
24                                   July 13, 2022..."

25           And then the next one, August 28, 2021,

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1                    "...Action4Canada and other plaintiffs  
2                    launch comprehensive challenge to COVID  
3                    measures in BC..."

4                    So the ones that I've just reviewed all post date  
5                    the alleged defamation that you reference in  
6                    paragraph 52 of your affidavit, right?

7                    A.            And those are informational  
8                    announcements and questions and answers, but you  
9                    are talking about a two year period. Before your  
10                  client's defamation, I used to post a video a  
11                  week, at least.

12            164.            Q.            Did you?

13                    A.            Yes. I didn't mount them all  
14                    onto my website.

15            165.            Q.            Where did you post them?

16                    A.            I used to send newsletters and  
17                    videos, yes.

18            166.            Q.            I suggest to you, we can go  
19                    through it. If we go through all those archives,  
20                    you'll agree it will not disclose that you posted  
21                    a video a week?

22                    A.            I don't archive everything I  
23                    post.

24            167.            Q.            Okay. All right.

25                    A.            I just archive the more...



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1 A. Okay.

2 175. Q. I'll show it to you, Rocco.

3 A. Okay. Alex tells me it was sent  
4 9:43. I was setting up here, I didn't check my  
5 emails 15 minutes before this cross.

6 176. MR. GLEASON: Okay. All right. Here  
7 it is.

8 A. Yes.

9 177. MR. GLEASON: This is the website  
10 that I just showed you. This is tab D.  
11 So I am going to mark this as Exhibit 2  
12 if you don't mind.

13 THE DEPONENT: I just want to say  
14 these are not client-related posts.  
15 These are updates on what is happening  
16 with COVID measures and litigation and  
17 whatnot.

18

19 --- EXHIBIT NO. 2: Constitutional Rights Centre Inc.  
20 Media page, dated May 26, 2023

21

22 BY MR. GLEASON:

23 178. Q. They are not client-related  
24 posts? Your clients appear in the videos with  
25 you.



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1 A. Yes, so what?

2 179. Q. I am asking the questions.

3 A. Yes, but what I am saying is if  
4 you look at the videos, we are talking about...I  
5 discuss other cases out in the courts including  
6 the States and everywhere else. People are  
7 hungry for information on what's happening in the  
8 courts with COVID measures. That's why these are  
9 updates.

10 180. Q. And in addition, you know that  
11 Action4Canada and Vaccine Choice Canada are  
12 fundraising on these efforts, right?

13 A. As I say in my affidavit, in  
14 generous nebulous terms, I assume they are  
15 fundraising, but I am not involved in their  
16 operational structure or their fundraising  
17 efforts.

18 181. Q. Okay.

19 A. I don't, you know...

20 182. Q. But you are involved in these  
21 videos. You are right there with her, with Tanya  
22 Gaw and...

23 A. I am involved with a lot of  
24 videos, clients and non-clients.

25 183. Q. Okay.

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1                   A.       They represent organizations that  
2                   are out there doing various work.

3       184.           Q.       So Mr. Warner's affidavit then if  
4                   we just flip back, I am going to show you Exhibit  
5                   III.

6                   A.       Just tell me what it is. If I am  
7                   familiar with it I don't have to go to it.

8       185.           Q.       A legal action update, Take  
9                   Action Canada.

10                  A.       Take Action Canada? Who are  
11                  they?

12       186.           Q.       You don't know who they are?

13                  A.       Sorry, let me...okay, I got it.

14       187.           Q.       So I am surprised that you don't  
15                  know who they are because...

16                  A.       No, I do know who they are...I am  
17                  sorry, I refer to them in my mind as the First  
18                  Responders. That is another piece of litigation  
19                  that we've issued in the Ontario Court, sorry.

20       188.           Q.       Yes.

21                  A.       I know who they are.

22       189.           Q.       And would you agree that on this  
23                  publication they are definitely fundraising for  
24                  you?

25                  A.       I have never seen this before. I

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1 don't know.

2 190. Q. You've never seen this before?

3 A. No, I've never seen this before.

4 191. Q. It's a link to a retainer  
5 agreement with you.

6 A. Yes...no, they have not retained  
7 me. That lawsuit is again, a fee for service  
8 lawsuit based on a per person flat fee.

9 192. Q. M'hmm.

10 A. I am not aware of any fundraising  
11 because that would not make sense to me because  
12 every plaintiff on that case has issued me their  
13 proportional fee for the flat fee to do that  
14 case. I don't know if you are understanding what  
15 I am saying.

16 193. Q. The flat fee is referenced on  
17 this document.

18 A. Right.

19 194. Q. A flat fee of \$1,500.

20 A. So above that, I am not receiving  
21 any donation monies. Nobody is fundraising for  
22 my legal services. The whole case is carried by  
23 the per capita flat fee that each plaintiff is  
24 issued. And if they didn't, they are not on the  
25 claim.

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1           195.                   Q.       Okay. How many of those flat  
2                                   fees did you receive?

3                                   A.       I don't know. I'd have to count  
4                                   the number of plaintiffs. It's a matter of  
5                                   public record.

6           196.                   Q.       Okay.

7                                   A.       I can send you the Statement of  
8                                   Claim if you want.

9           197.                   Q.       So all of the plaintiffs...I  
10                                  think I have the Statement of Claim. Is it  
11                                  Adelberg?

12                                 A.       Is it Adelberg? No. That is the  
13                                  federal workers. That's a different claim, Tim.

14           198.                   Q.       Okay. All right.

15                                 A.       I don't seem to know what the  
16                                  first name of it is. But at any rate, if you  
17                                  count the number of plaintiffs, you'll get the  
18                                  number of \$1,500 retainers.

19           199.                   Q.       Okay. So every one of them gave  
20                                  you \$1,500?

21                                 A.       Correct. And I am not receiving  
22                                  or will receive any donations for that. All my  
23                                  private paying clients, Tim, including VCC,  
24                                  Action4Canada, the Federal Workers which is  
25                                  another case at the Court of Appeal right now,

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1 and the First Responders, as I call it, which are  
2 police, fireman, ambulance drivers, are privately  
3 retained. Apart from their per capita retainer,  
4 I do not get any nor am I receiving or accepting  
5 any donations.

6 200. Q. Okay. All right. And you'll  
7 undertake to get me that Statement of Claim for  
8 Take Action Canada or whatever you call it.

9 A. Sure. It is issued...

10 201. Q. What do you call it?

11 A. It's called First Responders.

12 202. Q. Okay. You'll send me that?

13 A. Yes.

U/T

14 203. Q. Okay.

15 A. And it is clearly undergoing an  
16 amendment for various technical grounds which the  
17 other ones sought, too, because of the sheer  
18 number of plaintiffs, you know?

19 204. Q. M'hmm.

20 A. And defendants, so, I'll send  
21 that to you.

22 205. Q. Thank you. So, I am going to  
23 change gears here, Rocco. I am going to ask you  
24 some questions about the...it is basically three  
25 defamatory publications alleged in your Statement

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1 of Claim, and the first one is the email which is  
2 described in your Statement of Claim and in your  
3 affidavit. So I am going to take you to your  
4 affidavit at paragraph 25. It said,

5 "...On January 27, 2021, the defendant  
6 Dee Gandhi, Kipling Warner's colleague  
7 and treasurer of the Society, sent an  
8 independent journalist, Dan Dicks from  
9 Press for Truth, a defamatory email  
10 about me..."

11 Right?

12 A. Right.

13 206. Q. And you say that Mr. Dicks  
14 forwarded this to you and you actually put this  
15 to Mr. Warner as well, that he forwarded it to  
16 you because he was concerned about its defamatory  
17 tone or content...tone, you said tone, right?

18 A. Yes.

19 207. Q. Is that right?

20 A. Yes.

21 208. Q. And you attach as Exhibit L, the  
22 email which I think you refer to, at least that's  
23 what you say in your affidavit. The first thing  
24 I am going to note is, and confirm, you didn't  
25 file an affidavit from him, right, on this

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1 motion?

2 A. No.

3 209. Q. And there is no statement from  
4 him or by him on the record, suggesting that he  
5 was concerned or found the email defamatory?

6 A. That is correct. He sent it to  
7 me through Tanya, and as my affidavit...

8 210. Q. Okay, that is my next...sorry.  
9 That is my next question. You said in your  
10 affidavit he sent it to you, but he didn't,  
11 right, he sent it to Tanya?

12 A. To forward it to me. I had a  
13 conversation as my affidavit sets out, with  
14 Mr...with Dan after this email. And if you look  
15 at my affidavit, that is where I am gauging why  
16 he sent it to Tanya to forward to me because he  
17 was concerned it was a journal...maybe he was  
18 trying to keep a bit of distance, but he was  
19 concerned and alarmed at the defamatory nature of  
20 it. Because I'd known Dan since the '90s. He  
21 covered...

22 211. Q. We will come back to that.

23 A. ...various of my cases in the  
24 '90s.

25 212. Q. We will come back to this

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1 conversation you are telling me about in a  
2 moment. But in terms of the email, first thing  
3 is, he doesn't say in the email that he was  
4 concerned, right, or found it defamatory?

5 A. No. No.

6 213. Q. And he didn't forward it to you,  
7 he forwarded it to Tanya Gaw. And in his email  
8 to Tanya Gaw, he doesn't say, "Can you give this  
9 to Rocco"?

10 A. Correct.

11 214. Q. Okay. You say it is defamatory,  
12 the email that he forwards...

13 A. Yes.

14 215. Q. And clearly this email was  
15 published by Mr. Dicks to your client, correct?

16 A. It was published to Mr. Dicks by  
17 your client and republished and forwarded by my  
18 client.

19 216. Q. Right, to be published it to your  
20 client?

21 A. Who did?

22 217. Q. Mr. Dicks.

23 A. No.

24 218. Q. You disagree?

25 A. Mr. Dicks forwarded.



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1           219.                   Q.       Okay.  So sending an email is not  
2                               publishing it?

3                               A.       Okay.

4           220.                   Q.       Is it or isn't it, what does that  
5                               mean, yes?

6                               A.       According to the Court of Appeal,  
7                               1936 case, yes, if you send a letter, it's  
8                               publication.

9           221.                   Q.       Well, you are suing Dee Gandhi  
10                              for sending an email...

11                             A.       Right.

12           222.                   Q.       ...so you must be taking the  
13                              position that was publishing?

14                             A.       Yes.

15           223.                   Q.       Okay.  And Mr. Dicks then  
16                              published it to Tanya Gaw?

17                             A.       Right.

18           224.                   Q.       Okay.  And you didn't sue Mr.  
19                              Dicks for this publication?

20                             A.       No.

21           225.                   Q.       Did you threaten to sue him?

22                             A.       No.

23           226.                   Q.       Okay.

24                             A.       He didn't create the content.

25           227.                   Q.       Okay.  But he published it?



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1 of his affidavit, with respect to Dan  
2 Dicks email, notwithstanding Mr.  
3 Gandhi's purported intentions, Mr. Dicks  
4 forwarded the email to my clients  
5 because Mr. Dicks was alarmed at the  
6 defamatory tone..."

7 234. Q. Okay.

8 A.  
9 "...and substance of it. I know this  
10 because I spoke to Mr. Dicks whom I have  
11 known since I launched the Comer case  
12 over a decade and a half ago when Mr.  
13 Dicks lived and reported out of  
14 Toronto..."

15 And I am aging myself, Tim, because I think I  
16 launched the Comer case in probably 2007 or 2008.

17 235. Q. Okay. When did you have this  
18 discussion with Mr. Dicks?

19 A. Within days or a week after I saw  
20 the email. Hard to remember.

21 236. Q. All right. And you are a lawyer,  
22 and you understand the value or lack of value of  
23 hearsay evidence like this, right?

24 A. Sorry?

25 237. Q. I said, you are a lawyer. You

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1 understand the value or lack of value of hearsay  
2 evidence like this?

3 A. Well, Mr. Dicks' reaction to that  
4 email conveyed to me is not hearsay.

5 238. Q. Really?

6 A. No, it's not.

7 239. Q. Seriously?

8 A. Seriously, yes. He is saying,  
9 "Rocco, I was alarmed by this email", how is that  
10 hearsay?

11 240. Q. It's hearsay.

12 A. He is saying it to me.

13 241. Q. I don't get to cross-examine him  
14 on it. All right, Rocco. If that is your  
15 evidence, that's your evidence.

16 A. Okay.

17 242. Q. You say, if we can go back to 25  
18 when you are describing the email as defamatory,  
19 you say,

20 "...The email indicated the Canadian  
21 Society for the Advancement of Science  
22 in Public Policy had filed their  
23 Statement of Claim but then made  
24 defamatory marks against me and the case  
25 filed by me, asserting that the

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1 defendants had brought their case first,  
2 and therefore would have carriage of the  
3 matter..."

4 So you say that is defamatory?

5 A. The email is defamatory in its  
6 statement of facts that it makes.

7 243. Q. But you don't disagree that they  
8 had in fact, filed, and you hadn't, right?

9 A. And that paragraph is just  
10 descriptive of the email.

11 244. Q. Okay.

12 A. I attached the email and I...

13 245. Q. All right.

14 A. ...explained what is defamatory  
15 in my view.

16 246. Q. I understand...

17 A. And I run it up and down, so I  
18 don't know what your question is.

19 247. Q. ...I just want to break it down  
20 with you.

21 A. Sorry?

22 248. Q. I asked you, do you think that's  
23 defamatory?

24 A. Is what defamatory?

25 249. Q. That part, that they had filed

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1 first.

2 A. No, but the part saying that I  
3 can't file is defamatory because it's not true.  
4 They knew I was not bringing a class action  
5 proceeding.

6 250. Q. Okay. We'll come back to that.  
7 In fact, okay...I'll come back to that. Like I  
8 said, I want to break this down and so I am  
9 sticking with this statement.

10 "...They have made defamatory remarks  
11 against me and the case filed by me..."  
12 At that time, you hadn't filed the case, right?

13 A. I am referring to the VCC case  
14 already filed in that statement.

15 251. Q. That statement refers to the VCC  
16 case?

17 A. Yes.

18 252. Q. Why do you say that?

19 A. Well, if you go to the email...

20 253. Q. So you think that...I will but  
21 you think that statement about filing first  
22 referred to the VCC action?

23 A. I am looking at the email, Tim.

24 254. Q. Okay.

25 A. No, you are right, that refers to

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1 the Action4Canada and that, per se, is not  
2 defamatory. What I take as the defamatory  
3 statements from the email are set out in my  
4 Statement of Claim.

5 255. Q. Okay.

6 A. And they are highlighted.

7 256. Q. In terms of breaking it down  
8 then, the "we filed first" part is not  
9 defamatory. And also...

10 A. Well, the part that says, "Rocco  
11 legally at this point can't really file in BC" is  
12 false, and that does bring into question my  
13 reputation.

14 257. Q. It does?

15 A. Of course. It's false. It's not  
16 true.

17 258. Q. All right. You say that they  
18 defamed the case filed by you, but you hadn't  
19 filed so there was no case to defame at that  
20 time, is that fair?

21 A. Not in BC, that's fair.

22 259. Q. Okay. All right. Now, I am just  
23 going to jump back now to your affidavit, still  
24 around 25, moving to 26. You say that you told  
25 Ms. Furtula on February 3rd that you are not

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1 filing this class action, right?

2 A. I wrote to her. We had several  
3 conversations weeks prior to culminating with  
4 that conversation where I told her when she  
5 invited me to assist her in her class action,  
6 I...“We don’t envisage a class action”. I had  
7 several conversations with Ms. Furtula. She knew  
8 very early on that I was not filing the class  
9 action. I put it in writing on January 29th, but  
10 she knew that before.

11 260. Q. Well, you say that but based on  
12 her correspondence to you, it appears that wasn’t  
13 her understanding, right? Whether she is right  
14 or wrong, it appears it wasn’t her understanding,  
15 is that fair?

16 A. No, that’s not fair because we  
17 don’t have an affidavit from Ms. Furtula.

18 261. Q. No, but you included her  
19 correspondence.

20 A. Yes, but her correspondence, I  
21 can’t infer anything from her correspondence as  
22 to what she inferred or understood. I know  
23 because I spoke to her.

24 262. Q. Okay. If we go to Mr. Warner’s  
25 affidavit then, I am going to ask you to turn up



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1 LLL, Exhibit LLL.

2 A. What is that?

3 263. Q. It is Exhibit LLL to Mr. Warner's  
4 affidavit which appears to be a retainer  
5 agreement with you for a,

6 "...federal employees action against  
7 course of vaccine mandate, possibility  
8 of certifying as a class action  
9 proceeding..."

10 A. Again, this is covered by  
11 privilege so I can't identify it.

12 264. Q. It is covered by privilege?

13 A. It is blank...

14 265. Q. You didn't make these publicly  
15 available?

16 A. Sorry?

17 266. Q. You didn't make these publicly  
18 available?

19 A. No, sir, I did not.

20 267. Q. Nobody did?

21 A. One of your clients' moles in the  
22 federal action probably put this out. These were  
23 not publicly available.

24 268. Q. Okay.

25 A. But I can tell you for the

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1 record...

2 269. Q. So you are refusing to answer the  
3 question?

4 A. I can tell you for the record,  
5 and the Statement of Claim is a matter of public  
6 record, that the federal action did not proceed  
7 as a class action proceeding.

8 270. Q. Okay. And is it your evidence  
9 that you never suggested that it might to  
10 anybody?

11 A. It was my advice not to do so,  
12 yes.

13 271. Q. Okay. So you never suggested  
14 that it might proceed as a class action?

15 A. No.

16 272. Q. Okay. You say, and I am going to  
17 go back to you now, paragraph 27, you say that  
18 you responded to Ms. Furtula's letter and you  
19 also issued a warning about Mr. Warner's  
20 defamatory conduct, right? And you referred to  
21 Exhibit, which I'll show you. This is Exhibit M.

22 A. Yes.

23 273. Q. And Exhibit M, starts with her  
24 letter to you in January.

25 A. Yes.

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1           274.                   Q.       And then your letter to her on  
2                               February 3rd.

3                               A.       Can you blow that up a little  
4                               bit, please?

5           275.                   Q.       Sure.

6                               A.       Okay, thanks.

7           276.                   Q.       So this is focusing in on your  
8                               February 3rd letter. And you say,

9                               "...[You] are less impressed with Kip  
10                              Warner's statement attached to this  
11                              letter..."

12                             You see that?

13                             A.       No.

14           277.                   Q.       The second last paragraph,

15                              "...I am less impressed by statements  
16                              made by Mr. Kip Warner which have  
17                              reached me and which I have attached to  
18                              this letter..."

19                             Do you see that?

20                             A.       Right.

21           278.                   Q.       Okay? So they are not attached.

22                             A.       I think, again, I was referring  
23                             to the email from Mr. Gandhi on behalf of the  
24                             Society.

25           279.                   Q.       Okay. But you said Mr. Warner...

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1                   A.       That is...yes, I know. That is  
2                   slightly inaccurate with respect to the  
3                   attachment. But word had reached me from BC that  
4                   Mr. Warner was already badmouthing my case with  
5                   VCC and suggesting not to contribute to Tanya's  
6                   efforts...

7       280.           Q.       That is not what you said here.  
8                   You said...

9                   A.       No, I know that is not what I  
10                  said, Tim. I am telling you what I attached was  
11                  the email.

12       281.           Q.       All right. So, actually, we  
13                  don't have to guess because Mr. Warner obtained  
14                  your letter and attached it...I've got to find it  
15                  now. Bear with me. It's Exhibit PPP. It's in  
16                  Mr. Warner's affidavit. And so, here is actually  
17                  an email you sent or your office sent attaching  
18                  your letter, right?

19                  A.       I don't know. If you can scroll  
20                  down.

21       282.           Q.       It says, rocco@idirect.com to  
22                  Polina Furtula on February 3rd, 2021,  
23                  "...Please see attached correspondence  
24                  to your letter dated January 29..."

25                  A.       Okay.

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1           283.           Q.       Right?  And then if I go down I  
2                           am going to see a letter from you.  It looks like  
3                           the same letter,

4                           "...I am less impressed.  Attached..."  
5                           And then here is the attachment, okay?  That is  
6                           the attachment, right?

7                           A.       Yes, this is the email from  
8                           Gandhi to Dan Dicks, right?

9           284.           Q.       Okay.

10                          A.       Yes, that is what it is.

11           285.           Q.       It's odd, though, you say that.  
12                          It sure looks like it but a couple of things that  
13                          jump out at me.  One, it appears to be redacted.  
14                          You removed the identifying part that discloses  
15                          it was from Mr. Gandhi.

16                          A.       Well, I removed...it actually had  
17                          come, I believe, from Tanya, and that this  
18                          version, I don't know, had Mr. Gandhi's  
19                          coordinates and maybe I mis-assumed it was Mr.  
20                          Warner.

21           286.           Q.       Well, you had the version with  
22                          Gandhi's coordinates because you included it in  
23                          your affidavit in a separate...

24                          A.       I think I got that later, but at  
25                          any rate it is the same, yes.

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1           287.                   Q.       I see. Well, its incomplete in  
2                                   that it's been redacted to remove that  
3                                   identifying information, right?

4                                   A.       Yes, which included Ms. Gaw's  
5                                   email to me, I believe.

6           288.                   Q.       But also Mr. Gandhi's coordinates  
7                                   as you describe them are removed. And you tell  
8                                   Ms. Furtula that you are referring to  
9                                   comment...to Kip Warner's statements.

10                                  A.       Right.

11           289.                   Q.       Did you intend to mislead her by  
12                                  attributing statements to Mr. Warner and  
13                                  redacting Mr. Gandhi's identifying coordinates?

14                                  A.       No, I didn't. Me and/or my staff  
15                                  made an error of imprecision. I didn't intend to  
16                                  do any such thing. You know, she is their  
17                                  lawyer. She is going to take it up with them and  
18                                  know who sent the email.

19           290.                   Q.       So it is an error of imprecision  
20                                  to redact the identifying coordinates of Mr.  
21                                  Gandhi, and to refer in your letter to the  
22                                  statement as that of Mr. Warner?

23                                  A.       That's correct because I  
24                                  wanted...

25           291.                   Q.       Two errors...

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1                   A.       ...to remove Ms. Gaw's  
2                   coordinates because I didn't want to cause more  
3                   friction vis-à-vis Ms. Gaw's and your client.  
4                   And so, by inadvertence I removed Mr. Gandhi's  
5                   coordinates, I made the mistake in assuming it  
6                   was Mr. Warner speaking for the Society.

7           292.           Q.       Okay. So two mistakes then?

8                   A.       Yes, I am not perfect.

9           293.           Q.       And the email was not copied to  
10                  Mr. Warner, was it?

11                  A.       No, because he is represented by  
12                  counsel. I don't engage in the practice of  
13                  communicating directly with a person when they  
14                  are represented by counsel...

15           294.           Q.       That is not what I meant, Rocco.

16                  A.       ...and she was representing Mr.  
17                  Warner.

18           295.           Q.       No, Rocco, I meant Mr. Gandhi's  
19                  email. The email that you were forwarding, it  
20                  was not copied to Mr. Warner.

21                  A.       And I told you why, because I  
22                  knew she was representing the society...

23           296.           Q.       You are misunderstanding me. The  
24                  email that Mr. Gandhi sent to Mr. Dicks was not  
25                  copied to Mr. Warner, correct?

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1                   A.        On the face of it, I assume that.  
2                   That doesn't mean there was no blind CCC to Mr.  
3                   Warner which would not show up...

4           297.           Q.        Of course not...

5                   A.        ...so, I don't know.

6           298.           Q.        Nothing on the face of the email  
7                   suggested that Mr. Warner was copied?

8                   A.        That's a fair comment.

9           299.           Q.        Okay. And nothing in the email  
10                  indicates attribution of any of the statements to  
11                  Mr. Warner?

12                  A.        That's also fair.

13           300.           Q.        Okay. And nothing in the email  
14                  even mentions Mr. Warner?

15                  A.        That is fair, except that  
16                  replicates what Mr. Warner posted on his  
17                  society's website and he has already testified  
18                  that nothing gets posted without his consent,  
19                  so...

20           301.           Q.        Well, hold on. That was six  
21                  months later though.

22                  A.        No, no, no. The first one was in  
23                  January. The Q and A was in June.

24           302.           Q.        The email was in January...

25                  A.        The FAQ was in June. The initial



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1 posting was in January on the website.

2 303. Q. Well, that's...okay. I am pretty  
3 sure that's not what you pleaded in your  
4 Statement of Claim. But be that as it may...

5 A. That is what the evidence is from  
6 your client, that's when I first saw it.

7 304. Q. My client's evidence was that he  
8 didn't even know about this email until this  
9 proceeding commenced.

10 A. No, I am talking about the  
11 website posting is in your client's affidavit  
12 evidence. The timing was January and then June.

13 305. Q. All right.

14 A. Okay.

15 306. Q. You didn't...

16 A. Tim, I am sorry, I have to take a  
17 two minute recess.

18 307. MR. GLEASON: Of course. Let's take  
19 five. Okay.

20

21 --- upon recessing at 11:17 a.m.

22 --- A BRIEF RECESS

23 --- upon resuming at 11:22 a.m.

24

25 ROCCO GALATI, resumed

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1           CONTINUED CROSS-EXAMINATION BY MR. GLEASON:

2           308.           Q.           So just in terms of that February  
3                           3rd letter that you sent with the attachment that  
4                           you just reviewed, she actually responded to you,  
5                           didn't she?

6                           A.           I don't know if she...I think she  
7                           did.

8           309.           Q.           This is it here? February 4th,  
9                           2021 to rocco@idirect.com.

10                           "...Rocco, we are looking into this.  
11                           Please advise where you obtained the  
12                           attachment to your letter dated February  
13                           3rd, 2021. Please provide the complete  
14                           email and also what, specifically, you  
15                           claim as defamatory. I look forward to  
16                           your response..."

17           That is her response?

18                           A.           That is her response, yes, okay.

19           310.           MR. GLEASON:       Okay. I am going to  
20                           mark that as Exhibit 3.

21                           THE DEPONENT:       I am going to take  
22                           your word its her response. I don't  
23                           recall but I am taking your word its her  
24                           response.

25

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1 --- EXHIBIT NO. 3: Email to Rocco Galati from Polina  
2 Furtula dated February 4, 2021  
3

4 BY MR. SILVER:

5 311. Q. You'll review your records and  
6 tell me if this is a forgery.

7 A. Sure. You are marking it as an  
8 exhibit? U/T

9 312. Q. Yes.

10 A. Okay.

11 313. Q. You didn't respond to her, did  
12 you?

13 A. I don't recall if I responded...I  
14 don't think I responded in writing. I don't  
15 recall if I phoned her back.

16 314. Q. Okay. And you didn't clarify the  
17 source of that email?

18 A. I did in the Statement of Claim.

19 315. Q. Yes, that was more than a year  
20 later, right?

21 A. Yes.

22 316. Q. So you didn't clarify the source  
23 of that email until you served the Statement of  
24 Claim?

25 A. I don't know, but let me say

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1                   this, Tim. It's not rocket science for her to  
2                   pick up the phone and call Kip and say, "Where is  
3                   this email from?"

4           317.                   Q.           Except he had never seen it until  
5                   you started this action.

6                   A.           Well, I don't know that.

7           318.                   Q.           Yes, you do now because he told  
8                   you.

9                   A.           He didn't say that. He said he  
10                  had no hand in drafting it. But anyway, we can  
11                  argue about that.

12           319.                   Q.           He wasn't aware of it until he  
13                  saw it in these materials. Anyways, that's fine.  
14                  The transcript is what it is. You didn't explain  
15                  to her why you redacted Dee Gandhi's coordinates,  
16                  as you put it?

17                  A.           No.

18           320.                   Q.           And you didn't answer the  
19                  question about what you thought was defamatory,  
20                  what you claim was defamatory?

21                  A.           It is self-evident after the  
22                  first two paragraphs.

23           321.                   Q.           Okay. So the answer is no.

24                  A.           I don't think I did, no.

25           322.                   Q.           Okay. You didn't provide the

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1 complete email that she requested?

2 A. I don't know that I didn't. I  
3 don't know that.

4 323. Q. Okay.

5 A. I cannot remember if I issued a  
6 notice on the Libel and Slander Act, in which  
7 case I would have.

8 324. Q. You can't remember?

9 A. I am honestly saying, Tim, I  
10 don't know. I don't recall.

11 325. Q. I suggest to you that you didn't  
12 do so but you can check your records and tell me  
13 if that is wrong, okay?

14 A. Okay.

U/T

15 326. Q. But on the basis of this, failure  
16 to respond to this, it appears that you are not  
17 that interested in a remedy at that time, fair?

18 A. No, that's not fair.

19 327. Q. Not true?

20 A. No, it's not fair.

21 328. Q. You didn't ask for an apology or  
22 a retraction. You didn't identify the defamatory  
23 statement. You didn't answer any of her  
24 questions.

25 A. Right.

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1           329.                   Q.       So you weren't interested in  
2                               those things, is that right?

3                               A.       I simply sent that letter as a  
4                               warning for him to cease and assist his  
5                               badmouthing me, or the organizations badmouthing  
6                               me. Because this was on the website.

7           330.                   Q.       Okay. Let's go back to, then,  
8                               your affidavit. Okay. At paragraph 28. You say  
9                               that,

10                              "...Kip Warner and his organization and  
11                              his associates including Dee Gandhi  
12                              continued to defame me to my clients and  
13                              others..."

14                              Which clients are you talking about here in  
15                              paragraph 28?

16                              A.       I am talking about, primarily I  
17                              am talking about Action4Canada and VCC.

18           331.                   Q.       Okay. And which "others" are you  
19                               talking about?

20                              A.       And others meaning people in the  
21                              so-called freedom movement. I used to get calls  
22                              and comments on my weekly appearances on the VCC  
23                              members calls that, you know, Kip Warner was  
24                              badmouthing me including Vlad out west at rallies  
25                              and meetings.

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1           332.           Q.       Okay. In paragraph 28, you say,  
2           "From January 21 onward, they continued to defame  
3           me". Are you talking about the defamation that  
4           you are suing on in this action or is it  
5           something else?

6           A.       No, it's general comments about  
7           how I am taking peoples money to do nothing and  
8           how I am a fraud and they shouldn't be supporting  
9           my cases which I was not...

10          333.           Q.       When did they...

11          A.       ...[inaudible] and when I had  
12          enough of it, I issued the claim.

13          334.           Q.       All right. But you didn't issue  
14          the claim on those statements. You issued the  
15          claim on the basis of three things.

16          A.       No, because, at the same  
17          time...right...

18          335.           Q.       The website, the email, and the  
19          Law Society complaint.

20          A.       And this feedback which I am  
21          getting through, which is in my affidavit and my  
22          Statement of Claim. You know, being one of the  
23          few lawyers who is engaged in complex COVID  
24          litigation cases, you know, I am simply inundated  
25          with...they've slowed down, but I was getting

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1           upwards of 180 to 100 calls a day. A similar  
2           amount of emails. I was just...you know, me and  
3           my staff were just trying to chug out stuff. I  
4           didn't take notes of all these things. Just par  
5           for the course.

6           336.           Q.           That is fine.

7           A.           I have always been part of  
8           controversial cases in my career, and so I am not  
9           in the habit of writing a memo every time  
10          somebody conveys some negative slag against me.  
11          But I remember the slags and the fact that people  
12          were reporting to me that Kip Warner and his  
13          society were slagging me.

14          337.           Q.           Okay. But when you got to sue,  
15          you reproduced specific statements, right?

16          A.           That were in writing, yes.

17          338.           Q.           Okay.

18          A.           Right.

19          339.           Q.           And the more general ones you  
20          haven't reproduced or identified who said what to  
21          who and when?

22          A.           No, because I don't have a  
23          written recording of them, do you understand?

24          340.           Q.           Right, okay. All right. And you  
25          didn't provide that information, we've already



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1 covered, you didn't provide that information to  
2 Ms. Furtula when she asked?

3 A. No.

4 341. Q. Or to any of the defendants at  
5 any time, right?

6 A. Again, I would not be  
7 communicating with the defendants directly,  
8 knowing they were represented by counsel.

9 342. Q. Fair enough, but you also  
10 didn't...well, hold on. Represented by counsel,  
11 but you weren't in litigation with them. But  
12 leaving that aside...

13 A. I know they were represented,  
14 Tim.

15 343. Q. ...but also, you didn't  
16 communicate this information to their counsel  
17 either?

18 A. I did. I reproduced the email.  
19 And...

20 344. Q. No, I understand that, Rocco. I  
21 understand that. I am not talking about things  
22 that aren't reproduced in the Statement of Claim.  
23 I am fine with covering the defamation that is  
24 alleged in the Statement of Claim.

25 A. Oh, I am sorry, you are referring

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1 to the calls and emails I got? Yes, I didn't  
2 convey that to their counsel either, no.

3 345. Q. Okay. All right. So if we just  
4 scroll down then to your affidavit, paragraph 41.  
5 You say,

6 "...I state the defendants Warner and  
7 Gandhi personally in their email to my  
8 client and through their society  
9 website, uttered and published  
10 defamatory statements against me,  
11 conspired against me, interfered with my  
12 solicitor/client relationship and  
13 economic interest and conspired, and in  
14 fact, induced breach of contract with my  
15 clients vis-à-vis my practice..."

16 In terms of the defamation you then set out, you  
17 reproduced, I guess this is the email, right, in  
18 the affidavit?

19 A. Yes.

20 346. Q. Is it the bold...I think you  
21 mentioned earlier, it's the bold text that you  
22 say is defamatory?

23 A. Well, the whole thing in its  
24 context, but in particular the bold, yes, is  
25 clearly defamatory.

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1           347.                   Q.       Okay. And each time there is  
2                                   such a statement, it's accompanied by a link.  
3                                   Did you review those links, did you check them?

4                                   A.       Did I?

5           348.                   Q.       Yes.

6                                   A.       I don't recall.

7           349.                   Q.       Okay. You don't recall. So the  
8                                   first item number 1, there is some numbered items  
9                                   here, do you see the bottom half of page 43? It  
10                                  says you are not a BC lawyer and provides a link  
11                                  to the Rules. You'd agree with me, this in  
12                                  itself is not defamatory? There are lots of  
13                                  lawyers who are not BC lawyers, right?

14                                 A.       It is defamatory by innuendo.

15           350.                   Q.       M'hmm.

16                                 A.       First of all...

17           351.                   Q.       There is innuendo...

18                                 A.       It's suggested...not in my  
19                                  licence, I am not authorized to litigate in BC,  
20                                  right, and that you have to retain BC counsel and  
21                                  then you are paying two law firms. That is also  
22                                  defamatory. Mr. Wong is not receiving any fees  
23                                  for my representation in BC. They are reckless  
24                                  in their statements based on simply reading Rules  
25                                  on the face without actually even checking with

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1 the Law Society. I have been litigating in BC...

2 352. Q. It's factual that Mr. Wong is on  
3 the record with you, right?

4 A. Correct, yes.

5 353. Q. And it is factual that you are an  
6 Ontario lawyer, and that, as I said, is not in  
7 itself defamatory, correct?

8 A. No, the innuendo is defamatory.  
9 That's not in fact defamatory. What they don't  
10 include in there is that as a visiting lawyer,  
11 you are allowed to litigate 100 days of the year.

12 354. Q. Okay. All right. But again,  
13 it's factual that you had a BC lawyer on record,  
14 and you actually explained that in your  
15 affidavit, right?

16 A. As a visiting lawyer you are  
17 required to, yes.

18 355. Q. And so, the innuendo that you  
19 object to is that it would be a waste of money to  
20 have two lawyers when you could have one, is that  
21 essentially it?

22 A. Correct.

23 356. Q. Okay. All right.

24 A. There is the innuendo, too, that  
25 I am somehow doing something wrong because I am

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1 not licensed in BC. There is an innuendo that  
2 because I am not licensed, I am not authorized to  
3 litigate in BC.

4 357. Q. It says you can do both...

5 A. We can argue about that. The  
6 judge will decide that.

7 358. Q. Okay. All right, that's fine.

8 A. That is my position.

9 359. Q. And then number 2, it says that  
10 you wish to retain Lawrence Wong, he specializes  
11 in immigration law, he was sanctioned for conduct  
12 by a federal court judge and fined and they link  
13 the case, costs were ordered against him  
14 personally. That's factual, right?

15 A. That's factual, but the innuendo  
16 is they are somehow suggesting that Mr. Wong is  
17 nefarious, incompetent and dishonest.

18 360. Q. Okay. That is the innuendo you  
19 draw but in terms of the facts, they link to the  
20 actual case, you check that, right?

21 A. Yes, I know about that case.

22 361. Q. Okay. And then number three,  
23 they say,

24 "...A federal court judge wrote in his  
25 judgment a few years ago that Rocco was

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1 found to have excessively billed for his  
2 time..."

3 Right? And they link to that case as well,  
4 right?

5 A. That is distorted and by  
6 innuendo, and in fact, false and defamatory.

7 362. Q. Okay.

8 A. That was an issue of cost on the  
9 Nadon reference in federal court. We were  
10 granted...I was self-represented and the CRC was  
11 represented by Mr. Slansky. We were granted  
12 \$5,000 each inclusive of disbursements for having  
13 put in over 68 hours in a case before it was  
14 stayed when it went up to the Supreme Court on  
15 reference.

16 363. Q. Right. But it is factual that  
17 the federal court found that your bill was  
18 excessive?

19 A. No, it's not factual. They  
20 simply did not want...

21 364. Q. It's not?

22 A. No, they didn't say it was  
23 excessive. If you read the decision, it was  
24 excessive because I was seeking for it to go  
25 beyond the tariff. But the innuendo they spin on

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1                   it is what is defamatory, and why they line up  
2                   one after the other after the other, you know.

3           365.                   Q.        So do you disagree with the  
4                   federal court...

5                   A.        Out of context. Recklessly out  
6                   of context.

7           366.                   Q.        Okay. But it is factual, whether  
8                   it is in or out of context, I'll go back to your  
9                   affidavit. The court did say the bills were  
10                  excessive. It said those words.

11                  A.        Right, and what has that got to  
12                  do with whether or not I should be carrying  
13                  litigation in BC against COVID measures?

14           367.                   Q.        But that is what they said...

15                  A.        I understand that, so what? It  
16                  is still defamatory within the context of the  
17                  email.

18           368.                   Q.        It's true...

19                  A.        They are trying to paint a  
20                  negative reputation of me as a lawyer, as  
21                  dishonest and incompetent. That is my evidence.  
22                  If you want to argue with me there is no point  
23                  because we can argue with a judge what the import  
24                  of this is.

25           369.                   Q.        I definitely don't want to argue

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1 with you...

2 A. Okay.

3 370. Q. ...I am just pointing out to you  
4 that the court actually said what they said it  
5 said.

6 A. You can say that in submissions.  
7 This is my position.

8 371. Q. That's fine. All right. So you  
9 disagree.

10 A. I disagree.

11 372. Q. Number 4, the same judge  
12 questioned Rocco's competency in constitutional  
13 law. Again, they linked to the decision itself,  
14 right?

15 A. Where is that in the decision?

16 373. Q. Well, they've told you it's at  
17 paragraph 9, but...

18 A. I don't have it in front of me.

19 374. Q. ...in fact, the Court of Appeal  
20 went quite a bit further, didn't it?

21 A. Well, the Court of Appeal...

22 375. Q. And I'll show it to you...

23 A. The Court of Appeal revised its  
24 reasons for judgment because the Court of Appeal  
25 in the initial judgment...because they got their



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1 nose out of joint because I said while they and  
2 the government lawyers have golden pensions and  
3 parachutes, I run a private law firm.

4 And I was successful at the Supreme  
5 Court and I was successful at the federal court  
6 and when they suggested in an inebriated fashion,  
7 which I think the Supreme Court didn't get a  
8 leave, when they suggested in the initial  
9 judgment that I had nothing to do with the Nadon  
10 reference, they revised the written reasons after  
11 I put in the Supreme Court, that they were either  
12 inebriated or under the influence.

13 Because everybody knows I was singularly  
14 the reason for the Nadon reference, because Mr.  
15 Justice Nadon had already been sworn in before I  
16 challenged his appointment in the federal court  
17 and you have it in my affidavit, we broker a deal  
18 to stay the federal court proceedings in exchange  
19 for one of the remedies that I had sought in  
20 federal court, that this should have gone to a  
21 reference in the first place, and that they would  
22 not oppose my standing which is what happened.

23 376.

24 Q. So, but the federal court  
25 characterized your competence or how they  
characterized your competence at least on that

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1 case, included as follows,

2 "...This is reminiscent of the Gonzo  
3 logic of the Vietnam War era in which  
4 entire villages had to be destroyed in  
5 order to save them from the enemy. The  
6 fact that this argument is made in  
7 support of an unjustified monetary claim  
8 leads to the question, whose interests  
9 are being served here? Certainly not  
10 the administration of justice. This  
11 argument deserves to be condemned  
12 without reservation..."

13 That's what the Court of Appeal said about your  
14 submission, right?

15 A. And I've told you why. They  
16 don't mention the fact that I actually...we  
17 succeeded on the Supreme Court of Canada.

18 377. Q. Well, you're an intervener.

19 A. No, I wasn't a...

20 378. Q. Leaving that aside we are talking  
21 about the Court of Appeal.

22 A. No, I was not a mere intervener,  
23 the record is clear. I was the party intervener  
24 in exchange for staying the federal court  
25 decision, okay? I was not there at the grace of

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1 the court, I was there on consent by the parties.  
2 Because I wasn't going to stop my federal court  
3 application in other words. I was not a mere  
4 intervener. I initiated the challenge. They  
5 then brought a legislative act of parliament to  
6 try to interpret in section 42, the Constitution  
7 Act, different from my interpretation. I just  
8 simply challenged that as well and said that  
9 doesn't make any difference.

10 379. Q. All right.

11 A. And then they were forced to  
12 bring the reference...

13 380. Q. But we are talking about...

14 A. I am not finished, Tim.

15 381. Q. We are talking about the federal  
16 court.

17 A. I am not finished. I am not  
18 finished. And then we were granted...we only  
19 agreed to stay the federal court proceedings  
20 because we were going to pipe in at the Supreme  
21 Court of Canada and we were the only parties  
22 making the arguments that we made, and they  
23 succeeded at the end of the day.

24 Lastly, I repeat, you can argue with me  
25 on the technicality of what the Federal Court of

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1 Appeal said. It still has nothing to do with the  
2 innuendo and tenor of your clients' use and  
3 reckless malice in stringing these together to  
4 try to convince Dan Dicks that nobody should  
5 support Mr. Galati or, more to the point his  
6 client, and they should be supporting the Society  
7 and Kip Warner. This is intentionally,  
8 maliciously, designed to paint the wrong picture  
9 about me as a lawyer.

10 382. Q. Okay. So leaving aside the  
11 innuendo, going back to what was actually  
12 published, they didn't refer to the Supreme Court  
13 of Canada. They referred to the federal court  
14 and the Federal Court of Appeal, right?

15 A. Okay, so...

16 383. Q. And in terms of it being factual,  
17 I am just going to remind you, you got in a bit  
18 of a tiff with Mr. Warner the other day about  
19 whether you were successful there or not, and you  
20 said, "I won Nadon, Mr.", and you were quite  
21 emphatic about that. But that is not what the  
22 Court of Appeal said, right? The Court of  
23 Appeal, I'll read you what they said.

24 A. Do you have...

25 384. Q.

R. Galati - 88

1                    "...The difficulty in confronting the  
2                    joint applicants is that they were not  
3                    successful in their application. The  
4                    federal court found the joint  
5                    application was derailed and supplanted  
6                    by the reference. The reasons at  
7                    paragraph 12, it was therefore dismissed  
8                    for mootness. Mr. Galati and the CRC  
9                    take the position that because the  
10                  reference produced the result which they  
11                  sought in the joint application, they  
12                  were successful and entitled, therefore,  
13                  to solicitor/client cost. It doesn't  
14                  work that way..."

15                  The court later goes on,

16                  "...They can only claim costs in  
17                  relation to the judicial treatment of  
18                  the joint application which, as noted,  
19                  was dismissed. To hold otherwise, would  
20                  be to create something in the nature of  
21                  a finder's fee for constitutional  
22                  litigation. To the extent the right to  
23                  solicitor/client costs accrues only to  
24                  successful litigants, the joint  
25                  applicants do not satisfy that test..."

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1                   That is what the federal Court of Appeal held.

2                   A.        Yes, I know, and to all these  
3                   questions where they cite cases, I am going to  
4                   say the decisions speak for themselves. Your  
5                   clients' statements speak for themselves. We can  
6                   argue about it. Okay?

7           385.           Q.        Okay. So you say that the  
8                   Federal Court of Appeal said you won?

9                   A.        No, what happened as you know as  
10                  a lawyer, when the Supreme Court came down with  
11                  the reference, there was nothing left to be  
12                  decided in the federal court and we agreed to an  
13                  order dismissing the judicial review to put it to  
14                  bed. That is very common. It doesn't mean there  
15                  was an adjudication on the merits. Because the  
16                  Supreme Court had already determined the merits  
17                  on the reference.

18           386.           Q.        All right. I really don't want  
19                  to argue with you.

20                  A.        Well, then.

21           387.           Q.        You are absolutely right, the  
22                  judgments speak for themselves.

23                  A.        And for the record, you should  
24                  have the revised reasons from the Federal Court  
25                  of Appeal because they revised them. I don't

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1 know if that is reflected in CanLII or not.

2 388. Q. Well, I am reading you the  
3 reported decision of the Federal Court of  
4 Appeal...

5 A. Right, that was...

6 389. Q. ...if there is some other one,  
7 you can provide it to me.

8 A. That was revised.

9 390. Q. And did they suggest in the  
10 revised version that your submissions were not  
11 worthy of condemnation?

12 A. I don't recall. They pulled back  
13 from their lunatic notion that I had nothing to  
14 do with the Nadon reference.

15 391. Q. Are you saying the court was  
16 lunatic?

17 A. It was a lunatic finding, yes.

18 392. Q. Because they found that your  
19 logic was Gonzo...

20 A. yes.

21 393. Q. ...so it sounds like neither of  
22 you has much respect for the other.

23 A. They took my submissions too  
24 personally when I mentioned their golden  
25 parachute pension at 80 percent of salary.

R. Galati - 91

1           394.           Q.       I can imagine how that would  
2                    offend a court.

3                    A.       What do I care? It's true.

4           395.           Q.       They didn't think so.

5                    A.       Of course not, they are self-  
6                    interested. Listen...

7           396.           Q.       Oh, I see.

8                    A.       You think \$5,000 plus  
9                    disbursements is a fair cost order for 68 hours  
10                   of work on an application?

11           397.           Q.       The court determined your hours  
12                    were excessive as well, didn't it?

13                    A.       You haven't seen the docket.  
14                    They were not. There was six pre-hearing  
15                    conferences. Nothing was excessive. They can  
16                    say what they want, it doesn't make it so.

17           398.           Q.       I haven't seen the docket but in  
18                    fact...

19                    A.       Do you think you are going to  
20                    finish your cross by this morning?

21           399.           Q.       I guess.

22                    A.       It's now 12:00 so, you know. If  
23                    you want to argue about what the court said it's  
24                    a matter of record. You can argue that before  
25                    the anti-SLABB motions judge.





R. Galati - 93

1 see it.

2 405. Q. Okay. I'll blow it up for you.  
3 It is at tab F of the book I sent to you but it's  
4 here on the screen. It's got your name on it,  
5 signed by Rocco Galati.

6 A. Where is the...where is the  
7 statement above?

8 406. Q. Executive director.

9 A. Where is the statement above?

10 407. Q. Right here. "Canada's top  
11 constitutional lawyer".

12 A. That is Druthers on Police Action  
13 putting that. That is under...

14 408. Q. It's got your logo on it.

15 A. That logo is automatically  
16 stamped when it gets onto the website. That is  
17 not my statement. Others have said that.

18 409. Q. It is not your statement.

19 A. The Toronto Star has said that,  
20 the Globe and Mail has said that.

21 410. Q. That you are the top  
22 constitutional lawyer in Canada?

23 A. They said that, yes. That I am  
24 considered the top constitutional lawyer, yes.

25 411. Q. You say that the Toronto Star has

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1           said that you are the top constitutional lawyer  
2           in Canada?

3                   A.       That I am considered the top  
4           constitutional lawyer in Canada, yes. They said  
5           that. I don't tout that as a statement.

6           412.           Q.       Okay.

7                   A.       What's that got to do with your  
8           clients' statement that I am not a constitutional  
9           lawyer at all?

10          413.           MR. GLEASON:       Okay. I am going to  
11                           mark this as exhibit 4, I believe. Yes.

12

13          ---    EXHIBIT NO. 4:     Article titled "The Active Duty  
14   Police: 'Together We Can Win Our  
15   Freedoms Back!' dated July 28,  
16   2021

17

18          BY MR. GLEASON:

19          414.           Q.       Your clients also refer to you as  
20           the top constitutional lawyer, but it sounds like  
21           you do as well, that's your view as well, right?

22                   A.       No, it is not my view.

23          415.           Q.       It's not?

24                   A.       I consider myself one of the top  
25           constitutional lawyers. I don't consider me the

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1                   number one. I have received awards for my  
2                   constitutional work, but I have never said, "I am  
3                   the top constitutional lawyer in Canada."

4           416.                   Q.       All right.

5                                   A.       Okay.

6           417.                   Q.       And something like that would not  
7                   be demonstrably true, right, that you are the top  
8                   constitutional lawyer in Canada?

9                                   A.       Well, it's an irrelevant  
10                   rhetorical question because I have never claimed  
11                   it.

12          418.                   Q.       It is on your website, we've been  
13                   there.

14                                   A.       I didn't put it there. It is on  
15                   their poster.

16          419.                   Q.       You'd agree that it's hyperbole  
17                   then?

18                                   A.       No, it's not hyperbole.

19          420.                   Q.       Right.

20                                   A.       Arguably, there is no case in  
21                   terms of constitutional impact greater than the  
22                   Nadon reference to constitutionalize the Supreme  
23                   Court of Canada.

24          421.                   Q.       Okay. It's not demonstrably true  
25                   though?

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1                   A.       I don't know what you mean by  
2                   that.

3       422.           Q.       There is nobody better than you?

4                   A.       I never said there is. I never  
5                   said that there is nobody better than me, okay?  
6                   And you can't put words in my mouth.

7       423.           Q.       I am reading it on your website.

8                   A.       Well, that got mounted but it is  
9                   not my statement, okay?

10      424.           Q.       Okay. All right.

11                   A.       That's Police on Guard and  
12                   Druthers and whatever. That is not my statement.

13      425.           Q.       Are you familiar with the...

14                   A.       I never made that statement.

15      426.           Q.       You are familiar with the Rules  
16                   of Professional Conduct?

17                   A.       Yes, I am and that's why I would  
18                   never say it because you're not allowed to make  
19                   those claims. I was a bencher for four years.

20      427.           Q.       Right.

21                   A.       I was on the Law Society  
22                   tribunal. I have never made that...

23      428.           Q.       In particular rule 4.2-1 says you  
24                   are not allowed to make claims that are...

25                   A.       I just said that.

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1           429.                   Q.       ...not demonstrably true and  
2                               verifiable, right?

3                               A.       I just said that and I've never  
4                               made that statement.

5           430.                   Q.       Okay.

6                               A.       The fact that it's on my  
7                               website...it's on the CRC website does not mean I  
8                               made that statement.

9           431.                   Q.       Okay.

10                              A.       Okay?

11           432.                   Q.       And you are also not allowed, by  
12                              the Law Society rules, to have suggestions of  
13                              qualitative superiority to other lawyers, you  
14                              agree with that?

15                              A.       I am not going to answer that  
16                              because this is going irrelevantly nowhere.  
17                              Okay?

18           433.                   Q.       Okay, so are you not aware...

19                              A.       It's got nothing to do with my  
20                              affidavit or your clients' statements about me,  
21                              so I am going to ask you to move on. I have  
22                              never made qualitative statements about...made  
23                              these of the other lawyers, okay?

24           434.                   Q.       You have never done that?

25                              A.       No.

R. Galati - 98

1 435. Q. Okay.

2 A. I don't slag other lawyers...

3 436. Q. So let's just go...

4 A. I don't slag other lawyers.

5 437. Q. I didn't say slag. I said  
6 qualitatively superior to other lawyers.

7 A. That is a form of slagging.

8 438. Q. I see, okay. And then we get to  
9 number 6,

10 "...Each lawyer has reviewed Rocco's  
11 Ontario pleadings and said it was very  
12 poorly drafted. It will most likely get  
13 struck and never make it to trial to be  
14 heard on its merits and the reason being  
15 is..."

16 That's stated here,

17 "...He brings in all kinds of other  
18 topics that aren't necessary (Gates, 5G,  
19 vaccines, etc.) to obtain the order he  
20 wants. This is how it likely would be  
21 struck..."

22 In fact, that's what happened with the  
23 Action4Canada action isn't it?

24 A. Yes, it got struck with leave to  
25 refile, to replead. It got struck because it was

R. Galati - 99

1 too long according to the board. It's got  
2 nothing to do with...

3 439. Q. Well, it's more than just too  
4 long, right?

5 A. Look, I am going to start  
6 refusing to answer these questions. The  
7 documents speak for themselves. Your client's  
8 email speaks for itself in its context totality,  
9 and more importantly before it got struck, and at  
10 the time, it is just part and parcel of this  
11 throwing and slinging mud and other, you know,  
12 material at me, for no reason other than to  
13 defame me.

14 440. Q. Okay.

15 A. So you want to argue about this,  
16 you can. I am not answering these questions. I  
17 am finding these questions now abusive.

18 441. Q. Okay. All right, that's fine. I  
19 am not trying to be abusive, Rocco, but the truth  
20 of the statements will be in issue in the motion.  
21 If you are refusing to answer questions about it,  
22 I'll rely on that refusal.

23 A. I am not...

24 442. Q. I am moving on.

25 A. You can't prove truth of



R. Galati - 100

1 statements retroactive.

2 443. Q. Okay.

3 A. Okay?

4 444. Q. Let's go to Exhibit PP to Mr.

5 Warner's affidavit. This is the Statement of

6 Claim in the Vaccine Choice Canada action, is

7 that correct?

8 A. If it's there, I assume so. I

9 don't have it in front of me.

10 445. Q. Yes, you do. I've put it on the

11 screen.

12 A. Okay. Yes, this looks like it.

13 There was an amendment to that claim so it's not

14 there.

15 446. Q. All right. It's 187 pages long,

16 the version that was filed, right?

17 A. Yes.

18 447. Q. Would you agree that's very long,

19 unusually long?

20 A. I wouldn't agree with that.

21 448. Q. Okay. What's the status of this

22 action?

23 A. It's up on a motion to strike in

24 January.

25 449. Q. So the defendants have moved to

R. Galati - 101

1 strike it on what basis? It doesn't disclose  
2 cause of action?

3 A. I can't recall.

4 450. Q. You can't recall? Can you  
5 undertake to provide me with their notice of  
6 motion?

7 A. No, because it is irrelevant. /R

8 451. Q. It's irrelevant.

9 A. It's...

10 452. Q. Okay. This Statement of Claim  
11 was filed at the time of the email and the  
12 website that you object to wasn't it?

13 A. Right.

14 453. Q. But it's irrelevant whether  
15 it's... deceptible of being struck which is  
16 exactly what the email on the website said.

17 A. Well, Tim, I only do cases  
18 against the government. I have never had one  
19 single claim where they didn't move to strike.  
20 Some I lost at the first instance. A lot of  
21 motions I won. So the fact that the Crown is  
22 going to move to strike as the first ground of  
23 defence is par for the course in Crown  
24 litigation. So what?

25 454. Q. Okay. So this particular

R. Galati - 102

1 Statement of Claim contains quite a few  
2 allegations concerning Bill Gates, is that right?

3 A. Right.

4 455. Q. Perhaps predominantly, would you  
5 agree? Is that fair?

6 A. I wouldn't say predominantly. I  
7 drafted this Statement of Claim in consultation  
8 and under the instructions of my client.

9 456. Q. Right. But you are the lawyer.  
10 You are responsible for the pleading?

11 A. No, I am responsible for  
12 following my client's instructions as long as  
13 they are lawful and not in breach of the Rules of  
14 Professional Conduct.

15 457. Q. Right. And you are an officer of  
16 the court as well.

17 A. Yes.

18 458. Q. You are not allowed to follow  
19 clients instructions to abuse the process of the  
20 court, for example.

21 A. Hang on a second. Whether it is  
22 an abuse of the court process, it's for the court  
23 to decide eventually.

24 459. Q. Right. I am just saying you  
25 aren't required to follow your clients'

R. Galati - 103

1 instructions if they are improper.

2 A. Well, if you are going to parse  
3 the Statement of Claim on its merit so I'll just  
4 refuse to answer. It speaks for itself. /R

5 460. Q. All right. That's fine. You can  
6 refuse, I'll take that refusal, but again, I am  
7 going to rely on it. So I won't waste my time on  
8 that. I am going back to your affidavit then,  
9 you say...you complain, this is the last...oh,  
10 no, it's not the last one, but it is the last  
11 bolded numbered paragraph.

12 "...Nothing has been accomplished in..."  
13 Oh sorry, 6, second last,

14 "...Rocco wants far too much money to  
15 get started. This seems in line with  
16 number 2..."

17 A. Where are we? Are we still on  
18 the email?

19 461. Q. I am on page 44 of your  
20 affidavit, yes, in the email.

21 A. Page 44 or paragraph 44?

22 462. Q. Of the record. Page 44 of the  
23 record. It is on the screen in front of you.

24 "...Rocco wants far too much money to  
25 get started..."

R. Galati - 104

1 A. Oh, that's your record?

2 463. Q. No, it's yours.

3 A. Okay. I am in the body of my  
4 affidavit. It's the same email, right?

5 464. Q. Yes.

6 A. Okay. Number 6,  
7 "...Rocco wants far too much money to  
8 get started..."

9 465. Q. Yes. And you dispute this,  
10 right?

11 A. Not only do I dispute it ,they  
12 are not privy to how much money I had to get  
13 started or otherwise.

14 466. Q. Well...

15 A. And they are suggesting that I  
16 want all this money to get started.

17 467. Q. All right. So how much money did  
18 you ask for to get started?

19 A. That is solicitor/client  
20 privilege.

21 468. Q. Okay. So none of your evidence  
22 about your fees in your affidavit should be  
23 considered by the court then?

24 A. No.

25 469. Q. All right.

R. Galati - 105

1                   A.       The Supreme Court has ruled that  
2                   lawyer's fees are covered by privilege.

3       470.           Q.       Right, unless waived.

4                   A.       Well, it's not for me to waive...

5       471.           Q.       Okay.

6                   A.       ...and my clients have  
7                   specifically said they don't want to waive their  
8                   solicitor/client privilege.

9       472.           Q.       All right. So they have not  
10                   waived the privilege so it would be improper for  
11                   you to give evidence about the nature of your fee  
12                   arrangements...

13                   A.       That is correct and that's in...

14       473.           Q.       Why did you do it?

15                   A.       Huh?

16       474.           Q.       Why did you do it?

17                   A.       Do what?

18       475.           Q.       Give evidence about your fee  
19                   arrangements.

20                   A.       I didn't give evidence about the  
21                   specific dollars and cents.

22       476.           Q.       Okay.

23                   A.       Saying it's a flat fee...

24       477.           Q.       That is a refusal. You won't  
25                   tell me how much you asked for to get started,

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1 correct?

2 A. No, I can't. /R

3 478. Q. It's not correct or you are not  
4 answering?

5 A. I am not allowed to answer that  
6 question on my clients' non-waiver of their  
7 solicitor/client privilege.

8 479. Q. All right. Whatever amount it  
9 was, whatever amount it was, we are not going to  
10 know.

11 A. More importantly, what does your  
12 client know about it? They don't. They just  
13 make this bold statement suggesting I am greedy  
14 by innuendo.

15 480. Q. They know lots of things. It is  
16 in their affidavit, you've seen them.

17 A. All right.

18 481. Q. Anyway, you agree that at least  
19 for the Action4Canada case and the federal  
20 workers' case, whatever those efforts were to  
21 date to get started, were wasted, right? Both  
22 claims have been struck out?

23 A. They are not wasted. It's a flat  
24 fee. So I am going to amending on the same flat  
25 fee, why are they wasted?

R. Galati - 107

1 482. Q. Okay.

2 A. The government is...

3 483. Q. You are not asking for more money  
4 from either of those groups?

5 A. No. No. So the Action4Canada  
6 case was a success. They didn't move to strike,  
7 they moved to dismiss with prejudice. They  
8 didn't get that order and if you read Ross's  
9 decision, he specifically rejects that relief,  
10 but he strikes with leave to amend. That is not  
11 a loss and that is not a waste. The federal case  
12 is on appeal now, it was a split just like your  
13 clients' standing case, it was a split decision.  
14 The court decided that the 400 or so core  
15 administration employees have to pursue the  
16 labour arbitration regime but the other 240, when  
17 they amend, can proceed with their claim to deal  
18 with the same issues and seek the same damages  
19 that the other 400 would seek. So I don't see  
20 that as a waste or loss either.

21 484. Q. Okay. I am going to jump to...

22 A. [inaudible] Tim, in anybody's  
23 eyes, has got nothing to do with your clients'  
24 defamation of me.

25 485. Q. No, it has something to do with



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1                   whether it's true that your Statement of Claim  
2                   was poorly drafted.

3                   A.           Sure.

4           486.           Q.           But I am not debating it with  
5                   you, Rocco. I've moved on. You've refused and  
6                   I've moved on.

7                   A.           There is no point in arguing  
8                   about it.

9           487.           Q.           I am going to move to the Law  
10                   Society complaint, all right? This is back to  
11                   your affidavit then.

12                   A.           You are talking about the Law  
13                   Society complaint on of Ms. Toews?

14           488.           Q.           Yes.

15                   A.           Okay.

16           489.           Q.           And you addressed that in  
17                   paragraph 36 of your affidavit which I've got on  
18                   the screen for you. You say,

19                   "...While I lay in a coma in January  
20                   2022..."

21                   A.           What paragraph are you at, sorry?

22           490.           Q.           36. Paragraph 36.

23                   A.           Right.

24           491.           Q.

25                   "...While I lay in a coma in January

R. Galati - 109

1                   2022, the defendant Kipling Warner was  
2                   inspiring and encouraging Donna Toews to  
3                   file a complaint against me with the Law  
4                   Society..."

5                   That is what you say. So in terms of this  
6                   conspiracy, the steps you've identified that were  
7                   taken by Kip Warner are paragraph 38,

8                   "...He was in communication with Donna  
9                   Toews via email about how to file a  
10                  complaint..."

11                 Right?

12                 A.           Well, it's more than that. In  
13                 his FAQ on his website, he encourages people who  
14                 have any concerns about me to make a complaint to  
15                 the Law Society.

16                 492.           Q.           Okay. But in terms of the steps  
17                 taken in this particular conspiracy that you've  
18                 provided evidence for in your affidavit, the only  
19                 step is that he communicated with Donna Toews  
20                 about how to file a complaint.

21                 A.           The Law Society complaint is  
22                 annexed to my affidavit. It speaks for itself.  
23                 He not only communicated but if you read the  
24                 emails that we went through with your client a  
25                 few days ago, he seems to be shepherding the

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1 complaint.

2 493. Q. Okay. But what you've alleged as  
3 a conspiracy here includes a single step he was  
4 in communication with her?

5 A. No, that is not the only thing I  
6 have alleged.

7 494. Q. Okay.

8 A. I've attached the email, he is  
9 shepherding the...and if you look at other  
10 portions of my affidavit, I say that he is  
11 shepherding the complaint. He also conceded that  
12 he arranged for legal counsel, Mr. MacKenzie, and  
13 I didn't know who the other lawyer was, that he  
14 was a lawyer, but he is their in-house counsel.  
15 His sidekick Mr. Rick Thomas, who I only knew as  
16 Rick on the email, Rick Thomas was also brought  
17 in and Ms. Toews was directed by Mr. Warner to  
18 forward material to him, okay?

19 495. Q. Okay.

20 A. And then Mr. Thomas does a full  
21 circle in March of this year which was tendered  
22 into evidence two days ago and writes that  
23 vicious article about me, repeating the  
24 defamation from Canuck Law and the Society's  
25 website and making all sorts of outrageous

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1           comments like I have pocketed 10 million dollars,  
2           I don't even know where he gets that from. And I  
3           say that Mr. Thomas is part and parcel of that  
4           conspiracy, now that I figured out who it is.

5           496.           Q.       Well, you didn't say that.

6                        A.       I didn't know who he was. I did  
7           say that.

8           497.           Q.       But anyway, all right. Let's  
9           just focus on this conspiracy that you've  
10          actually pleaded and that you put in evidence.  
11          So let's look at the steps you alleged were taken  
12          by Donna Toews in this conspiracy, and that is  
13          paragraph 37, correct?

14                     A.       Okay. I am reading it. Yes.

15          498.           Q.       Okay. And so that is the only  
16          step that she took in this conspiracy was filing  
17          the complaint, right? That's all you've alleged,  
18          that's all you've given evidence about, that's  
19          it.

20                     A.       One, it's come out from cross-  
21          examination of her that her...if you look at the  
22          correspondence of the emails that her  
23          correspondence to my clients were simply a fig  
24          leaf to bolster her complaint to the Law Society  
25          a year after she donated \$10,000 to your client

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1 and had been working with your client in his  
2 organization. And then your client...

3 499. Q. So these are all steps in the  
4 conspiracy that you allege now?

5 A. Yes.

6 500. Q. Okay. All right.

7 A. Things are not set in stone.

8 This is why we have cross-examinations and  
9 discoveries, right? So the other thing is, your  
10 client as I put to him on cross-examination,  
11 misled the court when he suggested that he only  
12 met Donna Toews after January 15th of 2022, after  
13 she made the complaint. That's clearly not true.

14 501. Q. No, he said he met her in January  
15 2021.

16 A. Sorry?

17 502. Q. He said he met her in January  
18 2021.

19 A. I believe his affidavit says  
20 2022, after...

21 503. Q. And he told you that was a  
22 typo...

23 A. After she made the complaint to  
24 the Law Society.

25 504. Q. Right.

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1 A. She...

2 505. Q. His affidavit says what it says  
3 and on the transcript he told you that it was a  
4 typo.

5 A. We can argue...

6 506. Q. I don't want to argue with you.  
7 All right, I am not going to argue with you.  
8 What type of conspiracy...you know, conspiracy is  
9 a legal conclusion, correct?

10 A. Yes.

11 507. Q. Okay. So you've concluded this a  
12 conspiracy. What type of conspiracy did you  
13 mean?

14 A. I set that out in my pleadings.  
15 A conspiracy to attempt to induce breach of  
16 contract with my clients, to harm my reputation  
17 as a lawyer, to interfere with my economic  
18 interests as a lawyer. It is all in the  
19 pleadings.

20 508. Q. Okay. All right. You've  
21 attached to your affidavit at Exhibit P, your  
22 response to the Law Society, right? I am showing  
23 you that, Exhibit P?

24 A. Yes.

25 509. Q. Okay. So this is your response

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1                   that you sent to Ms. Greene at the LSO...

2                   A.        Yes.

3        510.           Q.        ...on June 29, 2022. On page 3,  
4                   I see that you repeat the misrepresentation you  
5                   made to Ms. Furtula about the defamatory email  
6                   being sent by Kip Warner, right?

7                   A.        It was not misrepresentation.  
8                   It's an error. Yes, I repeat that error, yes.

9        511.           Q.        It is a representation that is  
10                  false.

11                  A.        That's an error, yes.

12        512.           Q.        Okay. So by this time you still  
13                  hadn't discovered your error in redacting Dee  
14                  Gandhi's name from the email and alleging what  
15                  was sent by Kip Warner.

16                  A.        I was still not back to work full  
17                  time. I was still in recovery. I had staff  
18                  dealing with these issues.

19        513.           Q.        Okay.

20                  A.        I did review it but, you know,  
21                  this is the same spring where I survived the coma  
22                  and almost died.

23        514.           Q.        Okay.

24                  A.        And so, it's an error.

25        515.           Q.        All right. And you say, "I

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1 attach my response at tab 3". This is at the top  
2 of page 242.

3 A. Yes.

4 516. Q. And it's not there. It's not  
5 there, right? It's just not there.

6 A.

7 "...I am just attaching for the purpose  
8 of this affidavit, the response to the  
9 Law Society..."

10 517. Q. Did you attach...

11 A. Your client, Ms. Toews indicated  
12 that she...I don't know if she got a copy of this  
13 letter or not but, you know, I'd have to look in  
14 my files to see what was attached, if anything.

15 518. Q. Okay.

16 A. Maybe I didn't attach it, I don't  
17 know.

18 519. Q. Do you remember if you attached  
19 the one where you had removed Dee Gandhi's  
20 identifying information from the email?

21 A. I'd have to check. I am not even  
22 certain I attached it but I'd have to check.

23 520. Q. Okay. All right. So I am just  
24 going to go back to page 4 of your response which  
25 is 243 in the record. You say you issued a claim



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1                   against Kip Warner and Donna Toews, and you say  
2                   that you attached it as tab 7. Do you see that  
3                   at this point in time? Again, it is not  
4                   attached, but we know from the date of the letter  
5                   and the date of the claim that you had issued it  
6                   the day before you sent this letter, right?

7                   A.           I don't know. I'd have to check.  
8                   I certainly didn't issue the notices the day  
9                   before, but I'd have to check.

10           521.           Q.           Well, we can look. So this  
11                   letter is dated June 29, 2022.

12                   A.           Yes.

13           522.           Q.           And the Statement of Claim was  
14                   issued on June 28th, 2022.

15                   A.           Yes, it was issued but I would  
16                   have been working on it long before.

17           523.           Q.           Okay. But you issued it the day  
18                   before?

19                   A.           Yes.

20           524.           Q.           Okay.

21                   A.           My office issued it, yes.

22           525.           Q.           All right.

23                   A.           What does the signature page at  
24                   the end say?

25           526.           Q.           At the end of what?

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1 A. The Statement of Claim.

2 527. Q. The Statement of Claim?

3 A. Yes.

4 528. Q. The 28th of June.

5 A. Okay.

6 529. Q. So I am going to go to Exhibit Q.

7 This is what they did in response. They put  
8 their investigation on hold as a direct result of  
9 you issuing that claim, right?

10 A. Yes, they didn't have to. That  
11 is their prerogative.

12 530. Q. But you knew they would, didn't  
13 you?

14 A. No, I did not know they would,  
15 no. No. In fact, Tim, I've sat on panels, and I  
16 think one of them is reported where it's  
17 disciplinable conduct to simply issue a Statement  
18 of Claim to try to ward off a Law Society  
19 complaint and if there is no apparent merit to  
20 the claim, they will ignore the claim and bring  
21 you to discipline for just that. And I sat on a  
22 panel on a case, which is, I think, public  
23 record. Not I think, I know it is public record,  
24 where one of the sanctionable conducts we found  
25 culpable was the fact that the lawyer sued her

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1 client in an attempt to do away with the Law  
2 Society complaint. So I did not know. I was  
3 just fed up.

4 531. Q. Okay. And so, did it occur to  
5 you that that was a...

6 A. And that is a matter of record.  
7 I...

8 532. Q. Sorry, Rocco, did it occur to you  
9 that it was a possible outcome?

10 A. No.

11 533. Q. All right.

12 A. Because I knew that...

13 534. Q. So going back to your affidavit  
14 at paragraph 37, you say that the Law Society  
15 claim simply parrots the statements of the other  
16 defendants that you complain of on the website  
17 and the email, right?

18 A. Sorry, paragraph 37?

19 535. Q. Yes. It's down here in the  
20 bottom third of the page.

21 "...I state that the substance of the  
22 complaint, directed and encouraged by  
23 Kip Warner simply parrots the defamatory  
24 remarks made by the other three  
25 defendants, attached hereto as Exhibit

R. Galati - 119

1 O..."

2 Right? That's what you said?

3 A. I mean, that is inaccurate in a  
4 sense that...

5 536. Q. It sure is, isn't it?

6 A. No, it doesn't ditto, but it  
7 makes allegations like he has done nothing on the  
8 case, and, you know, whatever Ms. Toews  
9 complained about in her complaint...

10 537. Q. Well, we know because you  
11 attached it as Exhibit O...

12 A. Right, it echoes Mr. Warner. It  
13 doesn't exactly duplicate.

14 538. Q. You said simply parrots, that is  
15 your evidence in your affidavit.

16 A. Yes.

17 539. Q. In fact, it says nothing about  
18 the Society proceedings, does it?

19 A. No.

20 540. Q. And it says nothing about  
21 retaining a B.C. lawyer or your ability to act in  
22 B.C., does it?

23 A. No.

24 541. Q. And it doesn't say anything about  
25 you being or not being a constitutional lawyer,

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1 does it?

2 A. No.

3 542. Q. And it doesn't say anything about  
4 judges being critical of gonzo logic or excessive  
5 billings, does it?

6 A. No.

7 543. Q. In fact, it couldn't be further  
8 from the truth to say it simply parrots those  
9 comments, right?

10 A. To the extent of her complaints,  
11 yes, it does parrot the allegation that I am not  
12 doing anything and what is happening to this  
13 money that is being raised for me, et cetera.

14 544. Q. Okay. All right.

15 A. Okay?

16 545. Q. So, if we look at the complaint  
17 itself...actually, if we go back to your  
18 affidavit, apart from this bald allegation of it  
19 parroting the remarks of the other defendants,  
20 you don't identify anything defamatory in a  
21 complaint, right? In your Statement of Claim?

22 A. No, I say the complaint is part  
23 of the conspiracy to damage me.

24 546. Q. I see, okay. And you don't  
25 identify anything false about you in that

R. Galati - 121

1 complaint, right?

2 A. I'd have to reread it. As I  
3 said...

4 547. Q. Well, you don't...you haven't  
5 identified anything...

6 A. I have not alleged that Donna  
7 Toews has engaged in defamation against me, no.  
8 Because you can't allege...the case law is clear,  
9 you cannot allege defamation even if it exists in  
10 a Law Society complaint, that would be covered by  
11 privilege. There is a privilege defence to that,  
12 so, no, I am not alleging defamation in her  
13 complaint because I can't.

14 548. Q. Okay.

15 A. I am alleging that she...

16 549. Q. So let's break down...you said  
17 you'd have to read it so let's break it down. So  
18 it's at page 228 of your record. Let's break  
19 down her factual assertions.

20 A. But I am saying I am not alleging  
21 because I can't allege defamation on a Law  
22 Society complaint. I am not alleging it against  
23 Ms. Toews, so what is the point of going through  
24 it?

25 550. Q. What are you alleging?

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1                   A.       I am alleging this is part of the  
2                   conspiracy with your client and Mr. Rick Thomas  
3                   to damage my reputation, interfere with my  
4                   relationship with my clients and economic  
5                   interests, that is what I am alleging vis-à-vis  
6                   her. This is part of the conspiracy.

7       551.           Q.       Okay. So you don't want to break  
8                   down her factual assertions, you agree they are  
9                   all true?

10                  A.       Sorry?

11       552.           Q.       Do you agree that all the factual  
12                  assertions in her complaint are true?

13                  A.       No.

14       553.           Q.       Okay. Which ones are not true?

15                  A.       Well, can you blow up the  
16                  paragraph, please? I can't read it. Okay. I  
17                  don't know what she donated when because I don't  
18                  have anything to do with that, okay?

19       554.           Q.       You don't dispute that it's true.

20                  A.       I have no knowledge.

21       555.           Q.       All right. That's fine.

22                  A.       Okay.

23                  "...I understand that Vaccine Choice  
24                  Canada, Action4Canada and a third  
25                  organization in Quebec have raised

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1 approximately \$3,500,000 to finance  
2 litigation in Ontario, British Columbia  
3 and Quebec..."

4 I examined your client on that and I have no clue  
5 what she is talking about. I don't know if it's  
6 true.

7 556. Q. Okay.

8 A. But if the inference is that I  
9 received 3.5 million dollars, that is a lunatic  
10 statement.

11 557. Q. But that statement is not there,  
12 right?

13 A. Well, I think by putting it in  
14 the complaint, there is an inference that I am a  
15 recipient, don't you think?

16 558. Q. I don't think but it doesn't  
17 matter what I think.

18 A. Okay.

19 559. Q. But in terms of what she says...

20 A. But you have to...right. But you  
21 have my answer. I have no knowledge because I  
22 don't know what she is referring to. But if the  
23 inference is that I received either that 3.5 or  
24 the lion's share or whatever, that is just not  
25 true.



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1           560.           Q.       All right.

2                    A.       So, next statement.

3           561.           Q.       It's true...and she didn't say  
4                    that but it doesn't matter. It's true that your  
5                    clients were soliciting donations for a B.C.  
6                    lawsuit. We've been through that, right?

7                    A.       It's likely, yes.

8           562.           Q.       It's true. You know that.

9                    A.       I don't know if it's true.

10          563.           Q.       You don't know if your clients  
11                    were soliciting donations for a B.C. lawsuit?

12                   A.       Yes, that's true.

13          564.           Q.       Okay. That's what I asked you.

14                   A.       I don't have any knowledge of  
15                    those efforts or what they received in donations.  
16                    I don't have any knowledge. All I have knowledge  
17                    on is my retainer.

18          565.           Q.       Okay. And so you have no  
19                    knowledge whether VCC confirmed her donation?  
20                    It's true that you commenced an action on behalf  
21                    of VCC on July 6, 2020?

22                   A.       Yes, I think that is questions  
23                    you put to Mr. Ted Kuntz and Ms. Tanya Gaw. They  
24                    have that knowledge...

25          566.           Q.       I am asking you what you object

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1 to in this complaint.

2 A. I am going through it.

3 567. Q. The complaint...

4 A. I see an inference that I  
5 received 3.5 million...

6 568. Q. Got that.

7 A. ...and if that inference is...I  
8 object to that. Moving on,

9 "...VCC confirmed that my donation had  
10 gone to its..."

11 I have no knowledge about that.

12 "...As VCC suggested, 'I added a  
13 membership to my file' so that I would  
14 be invited..."

15 Blah, blah. No knowledge.

16 "... (This email exchange is  
17 attached)..."

18 Fine.

19 "... (I have redacted my name and other  
20 information that may identify me)..."

21 Fine.

22 "...Mr. Galati commenced the action on  
23 behalf of VCC..."

24 On that date, true.

25 "...Mr. Galati stated during a media

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1 interview that he would be sure that an  
2 interim hearing would be held before  
3 [Christmas]..."

4 I believe I made that statement at the press  
5 conference when we issued the claim and I  
6 explained why one wasn't brought.

7 "...I received no information about the  
8 progress of the litigation until almost  
9 18 months later..."

10 I have no knowledge and the inference there is  
11 that I was under duty to give her that  
12 information.

13 569. Q. Okay.

14 A. "...I was not invited to any  
15 members meetings with Mr. Galati in the  
16 meantime..."

17 I have no knowledge. I didn't organize nor  
18 arrange these meetings.

19 570. Q. But you didn't meet with her,  
20 right?

21 A. Huh?

22 571. Q. You know that is true, you didn't  
23 meet with her?

24 A. What?

25 572. Q. You know you didn't meet with

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1 her?

2 A. I've never had a conversation  
3 with her. I don't know her.

4 573. Q. Okay. So it's true.

5 A. "...No interim hearing has been  
6 held and no..."

7 No, but she makes a different statement, Tim. I  
8 am not in attendance at their members' meeting.  
9 I am, once in a blue moon, when they ask me to  
10 come on and update their members on the world of  
11 litigation and COVID. But she suggests that I  
12 attend every members' meeting of my client, they  
13 meet every Wednesday. I don't attend every  
14 meeting. I have attended four or five in several  
15 years.

16 574. Q. M'hmm.

17 A. I was not invited to any...okay.  
18 Where are we now?

19 575. Q. "...No interim hearing..."

20 A. Yes.

21 "...In fact, I do not know whether the  
22 defendants have even been served with  
23 the Statement of Claim. I wrote to  
24 Vaccine Choice Canada..."

25 No knowledge.

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1                    "...Vaccine Choice Canada replied on  
2                    January 2..."

3                    Again, no knowledge.

4                    "...The lawyer is working backstage, but  
5                    he does not want to tell anything of  
6                    what he is doing so he does not give any  
7                    opportunity to the enemy..."

8                    I never made that statement. I think Mr. Kuntz  
9                    deals with that in his affidavit.

10                    "... (This email exchange is  
11                    attached)..."

12                    Fine.

13                    "...I do not know the relationship  
14                    between Vaccine Choice Canada, or  
15                    Action4Canada, and Mr. Galati, other  
16                    than that Mr. Galati is representing  
17                    them in the litigation..."

18                    True.

19                    "...No financial statements of VCC have  
20                    been filed with Corporations Canada..."

21                    I have no knowledge of that.

22                    "...I do not know how much of the funds  
23                    raised by these organizations have been  
24                    turned over to Mr. Galati in trust, how  
25                    much he has been paid, or what he



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1           this complaint, if you want me to look at that  
2           too as she continues on? Okay. Next page.  
3           There is another page, yes, right there.

4                         "...I would like the Law Society to  
5                         investigate to determine what has become  
6                         of the funds I and other donors provided  
7                         to finance this litigation..."

8           You know, again, I am not the vehicle by which  
9           you find that out.

10                        "...If the Law Society's investigation  
11                        reveals that the litigation has not  
12                        proceeded or that the funds..."

13           Anyway, you have my position on all of this, Tim.

14           581.           Q.        I just...my question was, are any  
15           of the facts she asserted false? I think the  
16           answer is no. You don't like a couple of  
17           inferences, but the facts are all accurate, or  
18           you don't know, right?

19                        A.        Well, mostly I have no knowledge  
20           as to her facts. I don't know her. I've never  
21           talked to her. I have no clue if they are false  
22           or not.

23           582.           MR. GLEASON:        Okay. All right.  
24                        Okay. Why don't we take a break? Do  
25           you want to have a quick lunch and I'll

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1 regroup and try to...let's go off the  
2 record, sorry.

3  
4 --- upon recessing at 12:25 p.m.

5 --- A LUNCHEON RECESS

6 --- upon resuming at 12:58 p.m.

7  
8 ROCCO GALATI, resumed

9 CONTINUED CROSS-EXAMINATION BY MR. GLEASON:

10 THE DEPONENT: Tim, we are back from  
11 lunch and I just wanted to clarify  
12 something I forgot to mention on the  
13 Nadon case vis-à-vis your clients' spin  
14 on it. That Chief Justice McLachlin her  
15 memoirs makes very clear what my role in  
16 that challenge was, and so do a number  
17 of other books and academic pieces on  
18 that case. Very clear that I instigated  
19 it, was solely responsible for it,  
20 without which that case would never have  
21 gone to court. Mr. Justice Nadon would  
22 have been deciding cases. So if you  
23 want an undertaking for me to send you  
24 all my material, I will.

25 583. MR. GLEASON: No, not unless you are



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1 going to produce the chief justice for  
2 cross-examination.

3  
4 BY MR. GLEASON:

5 584. Q. Okay. So as I was saying off the  
6 record, Rocco, I have very little else to ask  
7 you, but thank you for clarifying the Nadon  
8 issue.

9 A. Okay.

10 585. Q. First thing is, I don't know if  
11 you can help me with this or not. I am going to  
12 show you a document. It's at tab H of the book  
13 that I sent you. It is titled,

14 "...Action4Canada, Protecting Faith,  
15 Family and Freedom. Notice of  
16 Liability..."

17 A. We haven't printed that book of  
18 documents, so you'll have to blow up this on the  
19 screen.

20 586. Q. Sure. So the title of the  
21 document is,

22 "...Notice of Liability: Medical  
23 treatments, procedures, devices,  
24 employers, healthcare (federal, private  
25 and public), business associations and

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1 the like..."

2 Are you familiar with this document?

3 A. I am not familiar with this  
4 particular document per se...

5 587. Q. Okay.

6 A. ...and if I were and I had  
7 anything to do with consulting on this document,  
8 it would be solicitor/client privilege.

9 588. Q. All right. Even though they  
10 reference your advice.

11 A. Well it's...

12 589. Q. You take the position you can't  
13 answer questions about it?

14 A. Ms. Gaw will be coming on, you  
15 can ask her.

16 590. Q. Okay. That's fine. So have you  
17 ever seen the document?

18 A. No.

19 591. Q. Okay. That's fine. That will  
20 save us a lot of time. I'll un-share that.  
21 Okay. Are you aware...you are a lawyer, are you  
22 aware of the rules against argument in a pleading  
23 or an affidavit?

24 A. I am not going to answer that. I  
25 don't see the relevance of that. We can argue

R. Galati - 134

1 about that in front of the judge. /R

2 592. Q. Do you know that you are not  
3 permitted to put your opinions and arguments in  
4 an affidavit?

5 A. Well, there is varying case law,  
6 I have argued the issue many times in court.  
7 There is no schism, there is no Grand Canyon  
8 between facts and opinion.

9 593. Q. You have argued it in court...

10 A. I don't understand how is that  
11 relevant to this, to my affidavit?

12 594. Q. Well, one of the alleged  
13 defamatory statements is that your pleading  
14 wasn't very good. I am curious about whether you  
15 know that.

16 A. Well, it's not so much...here is  
17 my problem with, not just your clients but your  
18 cross-examination here today, Tim. You know,  
19 this is, in part, a defamation suit. You can't  
20 amputate and isolate different isolated facts  
21 from each other and devoid of context and  
22 innuendo, and say, "Okay, well they were..." It's  
23 fairly common to say that your pleadings were A  
24 or B. However, I am saying that in the context  
25 of how it's framed, with all the complaints, for

R. Galati - 135

1 example, with that email, the innuendo  
2 contextually is clear. It is simply trying to  
3 establish that I am an incompetent, dishonest  
4 lawyer and I am not going to get into parsing the  
5 niceties or grotesqueness of pleadings that I  
6 drafted and issued under instructions from  
7 clients.

8 595. Q. Well, if you are suggesting  
9 whether you are competent is in issue, then  
10 evidence of your knowledge of how to properly  
11 plead and prepare affidavits is relevant.

12 A. Yes, but it is your clients' onus  
13 to prove the truth of my incompetence. Not mine.

14 596. Q. But I am allowed to ask you  
15 questions about it, Rocco?

16 A. No, you are not.

/R

17 597. Q. Okay. So that is a refusal.

18 A. I don't see the relevance of  
19 going and nitpicking through the pleadings.

20 598. Q. Okay. I am going to rely on that  
21 refusal.

22 A. Yes, okay.

23 599. Q. If we go to your motion record,  
24 you filed an affidavit from Alicia Johnson. It's  
25 tab 5 of your motion record, right?

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1                   A.       Well, are you going to ask me  
2                   questions about Alicia Johnson's affidavit?

3       600.           Q.       I asked you a question, did you  
4                   file this affidavit with your motion record? I  
5                   think that is a pretty simple question/answer.

6                   A.       Obviously I did, yes.

7       601.           Q.       Okay. And she gives evidence  
8                   about various facts she alleges in that  
9                   affidavit, right?

10                  A.       Right.

11       602.           Q.       When did she tell you these  
12                  things?

13                  A.       Which things?

14       603.           Q.       The allegations in her affidavit.  
15                  Is this her evidence or did you write it?

16                  A.       That is her evidence.

17       604.           Q.       Okay. When did she first tell  
18                  you these things?

19                  A.       I can't recall.

20       605.           Q.       You can't recall? Well, it was  
21                  before March 11, 2023, right?

22                  A.       The interaction between me and  
23                  Ms. Johnson as an affiant to this proceeding is  
24                  covered by litigation privilege.

25       606.           Q.       When she told you these facts...

R. Galati - 137

1 A. You can ask her...

2 607. Q. [inaudible]

3 A. No, no, you can ask her, but you  
4 can't ask me.

5 608. Q. So it's a refusal?

6 A. No, it's covered by litigation  
7 privilege, yes.

8 609. Q. It's a refusal, yes or no?

9 A. No, I didn't refuse. I said I  
10 don't recall which is a fact, but I am just  
11 putting it as a matter of record, beyond that, it  
12 is a matter of litigation privilege, our  
13 discussions.

14 610. Q. When did she first tell you about  
15 Kip saying to her that...I'll just pick one  
16 allegation. That he had a stated aim to have you  
17 removed as the lawyer for Action4Canada?

18 A. I don't recall but she would  
19 likely know when that was. I don't recall.

20 611. Q. Okay. And when did she tell you  
21 that Kip told her that he would like to have them  
22 file a formal complaint against you to the Law  
23 Society?

24 A. Again, I don't recall. She will  
25 have the answer to that. She will know that

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1 better than me.

2 612. Q. Do you have a general  
3 recollection? Was it this year?

4 A. Yes, I believe so. I think it  
5 was this year, but I can't recall when.

6 613. Q. Was it after you received the  
7 moving record on this motion?

8 A. Again, I don't recall. She will  
9 know...she will have an answer to that. I think  
10 it was before because I think I have referenced  
11 her in, either my affidavit or the Statement of  
12 Claim.

13 614. Q. Your affidavit...

14 A. Not by name but by reference, so  
15 it was before. When did I issue the Statement of  
16 Claim against your client?

17 615. Q. June 28, 2022.

18 A. Yes, so it was before I issued  
19 the Statement of Claim. When I don't recall is  
20 because, Tim, you have to again appreciate, that  
21 I came three times from dying in my coma. It was  
22 a very brutal, severe illness so that whole time  
23 period is a bit of a fog for me.

24 616. Q. Okay. So in paragraph 45 in your  
25 Statement of Claim you plead,

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1                    "...Kipling Warner has also and recently  
2                    orally communicated to a person who does  
3                    not want to be identified due to fear of  
4                    Mr. Warner's military past and self-  
5                    professed prowess as a computer hacker  
6                    that, 'I wanted to see to it that Rocco  
7                    Galati is disbarred and charged with  
8                    fraud'..."

9                    Are you referring to Ms. Johnson in that  
10                    pleading?

11                    A.            Yes, I may be referring to Ms.  
12                    Johnson by way of second hand through somebody  
13                    else, but I am referring to Ms. Johnson, I  
14                    believe.

15                    617.            Q.            And had you spoken to her before  
16                    you prepared that pleading?

17                    A.            No.

18                    618.            Q.            Okay, so...

19                    A.            That's what I am saying. I think  
20                    I got it secondhand, from somebody else, again,  
21                    who is a client and that is covered by  
22                    solicitor/client privilege. But just to try to  
23                    be as fair to you as possible, I had not spoken  
24                    to her when I prepared this...the pleading which  
25                    is lifted from the Statement of Claim, okay?



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1                   This paragraph is lifted almost verbatim from the  
2                   Statement of Claim, I think. This allegation.

3           619.                   Q.           This is the Statement of Claim.

4                   A.           Yes, and it was Ms. Johnson and  
5                   then I subsequently spoke to her, and she agreed  
6                   to swear an affidavit in response to Mr. Warner's  
7                   anti-SLAPP motion.

8           620.                   Q.           All right.

9                   A.           But she'd have a better timeline.  
10                  She...I am over 22, she is not far from being  
11                  close to 22.

12          621.                   Q.           Okay.

13                  A.           In terms of memory, okay?

14          622.                   MR. GLEASON:       Okay. Rocco, those are  
15                  all the questions I have for you today.  
16                  I look forward to any material that you  
17                  said you would look for that you can  
18                  find and send to me.

19                  THE DEPONENT:       Sure.

20          623.                   MR. GLEASON:       That would be helpful.

21                  Can we go off the record?

22                  THE DEPONENT:       For the record, Tim, I  
23                  am not going to ask any redirect  
24                  questions of myself.

25          624.                   MR. GLEASON:       Okay.

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1

2 --- upon adjourning at 1:09 p.m.

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Ministry of Public and  
Business Service Delivery

## Profile Report

CONSTITUTIONAL RIGHTS CENTRE INC. as of May 23, 2023

|                                   |  |
|-----------------------------------|--|
| Act                               | Business Corporations Act  |
| Type                              | Ontario Business Corporation   |
| Name                              | CONSTITUTIONAL RIGHTS CENTRE INC.                                      |
| Ontario Corporation Number (OCN)  | 1640580  |
| Governing Jurisdiction            | Canada - Ontario   |
| Status                            | Active   |
| Date of Incorporation             | November 29, 2004  |
| Registered or Head Office Address | 1062 College Street, Lower Level, Toronto, Ontario, Canada,<br>M6H 1A9 |



Certified a true copy of the record of the Ministry of Public and Business Service Delivery.

*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.



**Active Director(s)**

Minimum Number of Directors 2  
Maximum Number of Directors 5

Name ROCCO GALATI  
Address for Service 637 College Street, 203, Toronto, Ontario, Canada, M5G 1B5  
Resident Canadian Yes  
Date Began November 29, 2004

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*V. Quintanilla W.*

Director/Registrar

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**Active Officer(s)**

**Name**

ROCCO GALATI

**Position**

President

**Address for Service**

637 College Street, 203, Toronto, Ontario, Canada, M5G 1B5

**Date Began**

November 29, 2004

**Name**

ROCCO GALATI

**Position**

Secretary

**Address for Service**

637 College Street, 203, Toronto, Ontario, Canada, M5G 1B5

**Date Began**

November 29, 2004

**Name**

ROCCO GALATI

**Position**

Treasurer

**Address for Service**

637 College Street, 203, Toronto, Ontario, Canada, M5G 1B5

**Date Began**

November 29, 2004

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## Corporate Name History

Name

Effective Date

CONSTITUTIONAL RIGHTS CENTRE INC.

November 29, 2004

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*V. Quintanilla W.*

Director/Registrar

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### Active Business Names

This corporation does not have any active business names registered under the Business Names Act in Ontario.

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*V. Quintanilla W.*

Director/Registrar

This report sets out the most recent information filed on or after June 27, 1992 in respect of corporations and April 1, 1994 in respect of Business Names Act and Limited Partnerships Act filings and recorded in the electronic records maintained by the Ministry as of the date and time the report is generated, unless the report is generated for a previous date. If this report is generated for a previous date, the report sets out the most recent information filed and recorded in the electronic records maintained by the Ministry up to the "as of" date indicated on the report. Additional historical information may exist in paper or microfiche format.

### Expired or Cancelled Business Names

This corporation does not have any expired or cancelled business names registered under the Business Names Act in Ontario.

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*V. Quintanilla W.*

Director/Registrar

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## Document List

| Filing Name   | Effective Date     |
|---|--------------------|
| CIA - Notice of Change<br>PAF: MARCO GAROFALO - OTHER | September 22, 2020 |
| Annual Return - 2019<br>PAF: ROCCO GALATI - DIRECTOR  | March 22, 2020     |
| Annual Return - 2018<br>PAF: ROCCO GALATI - DIRECTOR  | March 22, 2020     |
| Annual Return - 2009<br>PAF: ROCCO GALATI - DIRECTOR  | March 27, 2010     |
| Annual Return - 2008<br>PAF: ROCCO GALATI - DIRECTOR  | April 18, 2009     |
| Annual Return - 2005<br>PAF: ROCCO GALATI - DIRECTOR  | March 16, 2008     |
| Annual Return - 2006<br>PAF: ROCCO GALATI - DIRECTOR  | March 16, 2008     |
| Annual Return - 2004<br>PAF: ROCCO GALATI - DIRECTOR  | March 16, 2008     |
| Annual Return - 2007<br>PAF: ROCCO GALATI - DIRECTOR  | March 16, 2008     |
| BCA - Articles of Incorporation                       | November 29, 2004  |

All "PAF" (person authorizing filing) information is displayed exactly as recorded in the Ontario Business Registry. Where PAF is not shown against a document, the information has not been recorded in the Ontario Business Registry.

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# Constitutional Rights Centre Inc. (CRC) Centre De Droit Constitutionnel Inc. (CDC)

Incorporated November, 2004  
Rocco Galati - Executive Director (Founder) • Paul Slansky • Amina Sherazee - Operational Co-Directors

ABOUT US    CRC-CDC CASES    MEDIA    NEWSLETTER    CONTACT US

## MEDIA

### Patients Take Ontario Medical Regulator to Court



PUBLISHED: MAR. 27, 2023

Rocco Galati – Legal Counsel for Leslie Peel and Patient Group, March 27th, 2023.

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### Action4Canada & Rocco Galati ~ July 20th, 2022



PUBLISHED: JUL. 25, 2022

Tanya Gaw of Action4Canada, interviews Rocco Galati, July 20th, 2022.

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### V.C.C. & Rocco Galati ~ Summary Update - July 13, 2022



PUBLISHED: JUL. 21, 2022

Rocco Galati and Ted Kuntz, president of Vaccine Choice Canada (VCC), discuss update on litigation, at large, on Covid-19 measures, July 13th, 2022.

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### Action4Canada and other Plaintiffs launch comprehensive challenge to COVID Measures in BC



PUBLISHED: AUG. 28, 2021

Action4Canada and other Plaintiffs launch comprehensive challenge to COVID Measures in British Columbia.

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## IN THE NEWS | MEDIA

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#### Prominent CRC-CDC Cases



PUBLISHED: OCT 29, 2019

Rocco Galati Statement at V.C.C.'s Medical Choice Rally Queens Park



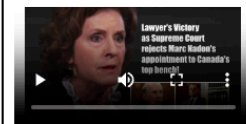
PUBLISHED: MAY 8, 2015

B.O.C. Rocco Galati CBC News  
Amanda Lang Exchange



PUBLISHED: JUN 25, 2014

Lawyer Rocco Galati Challenges Bill C-24 Citizenship Reforms



**Polina Furtula**

RE: Canada Society for Advancement of Science -Notice of Action

February 04, 2021 at 18:54 EST

To: rocco@idirect.com

---

Rocco,

We are looking into this.

Please advise where you obtained the attachment to your letter dated Feb. 3, 2021. Please provide the complete email and also what specifically you claim is defamatory.

I look forward to your response.

Polina.

Polina H. Furtula\*

Citadel Law Corporation

1400 - 1125 Howe Street

Vancouver, BC V6Z 2K8

Direct: 604.353.7243

Fax: 604.688.0933

Website: <http://citadellawyers.ca/>

\*Denotes law corporation



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-----Original Message-----

From: rocco@idirect.com <rocco@idirect.com>

Sent: February 3, 2021 5:12 PM

To: Polina Furtula <pfurtula@citadellawyers.ca>

Subject: re: Canada Society for Advancement of Science -Notice of Action

Dear Ms. Furtula,

Please see attached correspondence in response to your letter dated January 29th, 2021.

Thank you,

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



# Constitutional Rights Centre Inc. (CRC) Centre De Droit Constitutionnel Inc. (CDC)

Incorporated November, 2004  
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## NEWSLETTER



Published : JULY 28, 2021 | Vol. 1 Issue: 25

## IN THE NEWS | MEDIA

NEWSLETTER (35)

[DONATE](#)

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## The Active Duty Police: “Together, We Can Win Our Freedoms Back!”

PUBLISHED: JULY 28, 2021 | by the Constitutional Rights Centre

Druthers had the privilege of an in-depth interview with an active duty Toronto Police Constable, Chris Vandebos, who is here to represent Police On Guard. (P.O.G.) is a newly formed group made up primarily of active and retired Canadian police officers, of all ranks, that are demanding justice and truth.

This letter immediately led to many more officers joining our movement, both active and retired as well as Canada’s top constitutional lawyer, Rocco Galati, volunteering to represent our movement in taking our government and police chiefs to court over these mandates and measures.

*Please click on image below to read the full Druthers report.*



Rocco Galati, BA, LLB, LLM, Executive Director

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### Prominent CRC-CDC Cases



PUBLISHED: OCT 29, 2019

Rocco Galati Statement at V.C.C.'s Medical Choice Rally Queens Park



PUBLISHED: MAY 8, 2015

B.O.C. Rocco Galati CBC News Amanda Lang Exchange



**TAB 6**

Court File No. CV-22-00683322-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE

DM/saa

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 GHANDI, JANES AND JOHNS DOE

Defendants

- - - - -

This is the Cross-Examination of TANYA GAW, on her  
affidavit sworn the 11th day of March, 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 26th day  
of May, 2023.

- - - - -

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

ROCCO GALATI  
ALEX BORNET (law clerk)

-- for the Plaintiff;  
Tanya Gaw and Alicia  
Johnson

TIM GLEASON  
AMANI RAUFF

-- for the Defendants

ALSO PRESENT:

Dee Ghandi  
Kipling Warner  
Donna Toews

T. Gaw - 3

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2 --- upon commencing at 1:31 p.m.

3

4 TANYA GAW, affirmed

5 CROSS-EXAMINATION BY MR. GLEASON:

6 1. Q. Good afternoon, Ms. Gaw. How  
7 are you?

8 A. Good, thank you. How are you?

9 2. Q. I am just fine.

10 A. Good.

11 3. Q. So I am here today to ask you  
12 some questions about an affidavit that you filed  
13 in a proceeding between Mr. Galati and a number  
14 of defendants starting with Donna Toews. Are you  
15 familiar with that affidavit?

16 A. Yes, sir.

17 4. Q. Do you have a copy of it with you  
18 today?

19 A. Yes.

20 5. Q. Okay. And you affirmed this  
21 affidavit...you swore this affidavit on the 11th  
22 of March, correct?

23 A. Correct.

24 6. Q. You swore that it was true,  
25 right?



T. Gaw - 5

1 A. Yes.

2 7. Q. Okay. And have you had occasion  
3 to reconsider any of the statements in the  
4 affidavit since that time?

5 A. No.

6 8. Q. All right. So I understand from  
7 your affidavit that you are the founder and  
8 president of Action4Canada which is a group,  
9 which among other things, raises funds for  
10 litigation on issues of public concern, is that  
11 fair?

12 A. Yes.

13 9. Q. In your affidavit, you tell us  
14 some things...it looks like you've reviewed the  
15 affidavit of Ms. Toews in this action. Have you  
16 reviewed all of the affidavits in this  
17 proceeding?

18 A. Yes.

19 10. Q. Okay. And you say in paragraph 6  
20 of your affidavit that in a complaint to the Law  
21 Society of Ontario against Mr. Galati, Ms. Toews  
22 made a claim that 3.5 million dollars had been  
23 raised and questioned the management of the  
24 funds. First of all, when did you first see the  
25 complaint that Ms. Toews made?

T. Gaw - 6

1 A. I don't know the exact date. It  
2 would have been when my counsel forwarded it to  
3 me because I was named in it.

4 11. Q. I see. All right. So, Mr.  
5 Galati sent you the complaint and you reviewed it  
6 at some point after it was filed with the Law  
7 Society, I guess?

8 A. Yes.

9 12. Q. And you say,  
10 "...I have no knowledge of such funds  
11 being raised..."  
12 She gives no source, no particulars for this  
13 assertion. Do you have knowledge of how much  
14 funds have been raised by Action4Canada or its  
15 action against the B.C. government relating to  
16 the COVID restrictions?

17 MR. GALATI: Again, that is a matter  
18 of solicitor/client privilege. She  
19 doesn't have to answer that. /R

20 13. MR. GLEASON: Okay.

21

22 BY MR. GLEASON:

23 14. Q. You say at paragraph 7,  
24 "...Rocco's rate was in line with  
25 multiple other quotes I received when we



T. Gaw - 8

1           what is relevant, and I promise I will not ask  
2           you what is relevant today, because it is not for  
3           you to say, it's for the court to say. So please  
4           just listen to my questions and answer them or  
5           don't answer them if your counsel refuses, all  
6           right? And so, your counsel and I disagree as to  
7           whether you've waived privilege by giving  
8           evidence about Rocco's rate but he has refused.  
9           So that refusal will stand, and I'll rely on that  
10          refusal on the return of his motion. So you  
11          don't have to answer anything or give a speech  
12          about what's relevant, okay? All right. So  
13          paragraph 8 of your affidavit, you say,

14                         "...Rocco made no representation to  
15                         donors on behalf of Action4Canada and I  
16                         object to anyone providing third parties  
17                         of Action4Canada's private  
18                         information..."

19          So I just want to hold there for a moment. Rocco  
20          has spoken to donors of Action4Canada with you,  
21          right? He's made videos with you?

22                         A.       Not...

23                         MR. GALATI:       I object to that. That  
24                         is not in evidence.

/R

25          18.                 MR. GLEASON:       I am asking a question.

T. Gaw - 9

1 MR. GALATI: No, you stated that I  
2 have spoken to donors. You didn't put  
3 it in an interrogatory. You made it as  
4 a statement of fact.

5

6 BY MR. GLEASON:

7 19. Q. Well, has he? Has he spoken to  
8 donors with you in videos published by  
9 Action4Canada?

10 A. My counsel has said I don't need  
11 to answer that question because it is not a  
12 statement of fact.

13 20. Q. No he hasn't said that. Are you  
14 refusing that question as well, Rocco?

15 MR. GALATI: Whether I've spoken to  
16 donors with her? I've already testified  
17 that I haven't.

18 21. MR. GLEASON: Okay. I am entitled to  
19 ask this witness questions about her  
20 evidence.

21 THE DEPONENT: The answer is no. No  
22 he hasn't on that capacity.

23

24 BY MR. GLEASON:

25 22. Q. He has never shared with you in a

T. Gaw - 10

1 video? Has he ever appeared with you in a video  
2 at all?

3 MR. GALATI: You can answer that  
4 Tanya, go ahead.

5 THE DEPONENT: Thank you. On our  
6 Empower Hour we regularly have guests on  
7 a weekly basis. Rocco came on in the  
8 capacity as a guest to provide education  
9 and we do a Q&A. He has only joined us  
10 in that capacity, never a fundraising  
11 issue.

12

13 BY MR. GLEASON:

14 23. Q. Never, okay. But you have raised  
15 Rocco Galati's involvement in your action in  
16 fundraising efforts for Action4Canada, haven't  
17 you?

18 A. No. I mean, we've named him as  
19 our lawyer.

20 24. Q. Right, while fundraising?

21 A. We have named him and the case as  
22 our lawyer. So not in the capacity of having  
23 Rocco on the show in the capacity to have a  
24 fundraiser. We have had him on in the capacity  
25 as the constitutional rights which was not

T. Gaw - 11

1 representation. His litigation and his  
2 representation of Action4Canada was separate from  
3 how he appeared on the Empower Hour.

4 25. Q. I see, okay. Are you saying...is  
5 your evidence then that you've never mentioned  
6 Rocco in fundraising efforts?

7 A. I have mentioned in fundraising  
8 efforts that we were pursuing a litigation,  
9 constitutional challenge against the B.C. and  
10 federal government, and that Rocco Galati is our  
11 lawyer.

12 26. Q. Right. You are raising funds for  
13 an action that he was going to launch, right?

14 A. I was raising funds for  
15 Action4Canada on an action that we were  
16 launching.

17 27. Q. And he was going to be the  
18 lawyer?

19 A. He's our lawyer.

20 28. Q. All right. And you publicized  
21 that on Action4Canada's website, right?

22 A. We have a page set up to keep  
23 updates.

24 29. Q. Right. So let me show you a  
25 couple of pages. You tell me if they exist on

T. Gaw - 12

1           your website here. I'll share the screen. This  
2           is in the book, Rocco, that I sent you. This  
3           will be at tab A. I think I showed you this this  
4           morning.

5                       MR. GALATI:        Yes, just to explain  
6                       to...

7

8           BY MR. GLEASON:

9           30.           Q.        It's a printout...

10                      MR. GALATI:        Tim, just to explain to  
11                      Tanya, these are documents that were  
12                      went today so you won't have these.  
13                      You'll have to view them on the screen  
14                      that Tim is sharing with you, okay?

15                      THE DEPONENT:        Okay.

16

17           BY MR. GLEASON:

18           31.           Q.        So this is a PDF taken from your  
19           website yesterday, 1:53 p.m. and the header says,  
20                      "...Action4Canada is very pleased to  
21                      announce that we have retained the  
22                      service of Rocco Galati, a top  
23                      constitutional lawyer to take on the  
24                      legal action against the government of  
25                      British Columbia..."



T. Gaw - 13

1                    There are some white spaces as a result of the  
2                    PDF but this is the content. There is a posting  
3                    on October 13, 2020. Do you recognize this as  
4                    coming from your website?

5                    A.            Yes, that is what I had just  
6                    mentioned, that we have a page set up.

7                    32.            MR. GLEASON:        Okay. So I am going to  
8                    mark this as Exhibit 1.

9

10                   ---        EXHIBIT NO. 1:        Action4Canada's R. Galati  
11                   Biography website posting, dated  
12                   October 13, 2020

13

14                   BY MR. GLEASON:

15                   33.            Q.            And in this October 13, 2020,  
16                   posting, you say that...what I just read, and  
17                   then you give a biography of Rocco Galati, right,  
18                   and the Constitutional Rights Centre?

19                   A.            Yes.

20                   34.            Q.            And this website...one purpose of  
21                   this website is to raise funds for, among other  
22                   things, litigation as we discussed earlier today,  
23                   right?

24                   A.            Yes.

25                   35.            Q.            Okay. And I think if we

T. Gaw - 14

1 scroll...well, there are some videos. I can show  
2 you the actual website where the videos come up  
3 but you have videos of Rocco Galati on there on  
4 numerous issues and at the very bottom a summary  
5 of the advice he has given on various issues such  
6 as medical procedure, treatment, the government's  
7 COVID measures, the Nuremberg Code, the Helsinki  
8 declaration, Charter of Rights and Freedoms and  
9 on and on. And I believe, okay...I am going to  
10 go to the next document. This is also from your  
11 website. This is from a little bit earlier,  
12 September 23rd, 2020. Also concerning

13 "...Legal action against the B.C.  
14 government to fight the fight of our  
15 lives..."

16 Do you recognize that as from your website?

17 A. Yes.

18 36. Q. Okay. And on that day in  
19 September 2020, you were asking people to donate,  
20 right? Donate funds for the purpose of starting  
21 that action, is that fair?

22 A. Yes.

23 37. MR. GLEASON: Okay. I am going to  
24 mark that as Exhibit 2.

25

T. Gaw - 15

1 --- EXHIBIT NO. 2: Action4Canada, Taking Legal  
2 Action Against BC Government  
3 website posting, dated September  
4 23rd, 2020

5

6 BY MR. GLEASON:

7 38. Q. And I am going to show you  
8 something else. Tell me if you recognize it.  
9 This is also from your website at tab G of the  
10 book, Rocco. And it is titled,  
11 "...Is your job at risk due to COVID?  
12 Experimental injection; Notice of  
13 liability, serve your employer today..."  
14 Do you recognize this as a page from your  
15 website?

16 A. Yes.

17 39. MR. GLEASON: Okay. I'll mark this  
18 as Exhibit 3.

19

20 --- EXHIBIT NO. 3: Action4Canada Notice of Liability  
21 website posting, dated November  
22 2022

23

24 BY MR. GLEASON:

25 40. Q. And there is some advice here

T. Gaw - 16

1 about what to do. You quote, "Top constitutional  
2 lawyer Rocco Galati". Did he advise you on the  
3 creation of this Notice of Liability?

4 MR. GALATI: Don't answer that. If I  
5 did it is covered by solicitor/client  
6 privilege. /R

7

8 BY MR. GLEASON:

9 41. Q. All right. Did you get advice on  
10 this creation of this notice of liability?

11 MR. GALATI: Don't answer that,  
12 Tanya. /R

13

14 BY MR. GLEASON:

15 42. Q. Okay. We will mark that exhibit  
16 3. I am going to show you another document that  
17 will be found at tab H of the book. This is the  
18 PDF...do you recognize that as the PDF if I click  
19 on that link on the website, for the PDF I get  
20 this document, Ms. Gaw?

21 A. Yes.

22 43. Q. And it's titled,  
23 "... Notice of Liability: Medical  
24 Treatments/Procedures/Devices;  
25 Employers Health care, Federal, Private

T. Gaw - 17

1                                   and Public: Business Associations and  
2                                   the Like..."

3                                   This is a document that you advise members to  
4                                   print, fill in, sign and give a copy to their  
5                                   employer or to whoever they are putting on notice  
6                                   of liability, is that right?

7                                   A.           Yes.

8           44.                   Q.           Why do you do that?

9                                   A.           I don't understand your question.

10           45.                   Q.           Well, you are telling people to  
11                                   do this and so I asked you why?

12                                   A.           Because people wouldn't know  
13                                   other than providing them the steps on how to use  
14                                   the notice of liability and how to serve it to an  
15                                   individual.

16           46.                   Q.           But why would somebody want to  
17                                   serve it on an individual?

18                                   A.           Because their rights were being  
19                                   impeded.

20           47.                   Q.           And what would they accomplish by  
21                                   serving this on an individual?

22                                   A.           Protecting their rights.

23           48.                   Q.           Why do you believe that?

24                                   A.           Because it's a fact.

25           49.                   Q.           It's a fact that serving this on

T. Gaw - 18

1 an individual will protect their rights?

2 A. Yes.

3 50. Q. And you were just born with that  
4 information, nobody told it to you?

5 MR. GALATI: You don't need to be  
6 sarcastic.

7 51. MR. GLEASON: No, but because it's a  
8 fact is not an answer to the question as  
9 to how she knows that.

10 THE DEPONENT: Because I researched.  
11 Period.

12

13 BY MR. GLEASON:

14 52. Q. You researched?

15 A. I did a whole lot of research.  
16 Yes, sir.

17 53. Q. Where did you research this  
18 issue?

19 A. You can go on to the internet.  
20 You can source how to serve a notice of liability  
21 and that's what I did.

22 54. Q. And do you...is it your view that  
23 this is legal advice that you are giving here?

24 MR. GALATI: Don't answer that.

/R

25 THE DEPONENT: It seems so

T. Gaw - 19

1                                   irrelevant, yes.

2  
3                   BY MR. GLEASON:

4           55.                   Q.           Okay. Well, again, I didn't ask  
5                                   you if it is relevant, Ms. Gaw. I asked you if  
6                                   it was your view that this is legal advice.

7                                   MR. GALATI:           Don't answer that.                                   /R

8           56.                   MR. GLEASON:           All right. That's a  
9                                   refusal.

10  
11                   BY MR. GLEASON:

12           57.                   Q.           What kind of rights do you  
13                                   believe serving this notice of liability will  
14                                   protect?

15                                   A.           A person's right to work. Not  
16                                   to put a mask on an innocent child. Not to...

17           58.                   Q.           Would you characterize those  
18                                   as...sorry.

19                                   A.           Not to have a medical procedure  
20                                   administered by somebody who isn't a medical  
21                                   professional.

22           59.                   Q.           M'hmm. Okay. So would you  
23                                   characterize these as legal rights?

24                                   A.           These are constitutionally  
25                                   protected Charter rights of every Canadian.





T. Gaw - 21

1 November 2022

2  
3 BY MR. GLEASON:

4 64. Q. Let's go back to your affidavit  
5 then. I am at now paragraph 10. You say,  
6 "...Mr. Galati has no role in  
7 Action4Canada except to act as  
8 independent legal counsel for us. He is  
9 not privy to our fundraising efforts,  
10 how much monies are collected, from whom  
11 or how any of these monies are spent.  
12 He is paid by Action4Canada on a fee for  
13 legal service basis..."

14 How much fees have been paid to Mr. Galati?

15 MR. GALATI: Don't answer that  
16 question, Tanya. That is covered by  
17 solicitor/client privilege. /R

18 65. MR. GLEASON: Okay. I suggest to you  
19 that she has waived it by placing it in  
20 evidence, but I am not going to argue  
21 that with you.

22 MR. GALATI: I disagree. Yes.

23  
24 BY MR. GLEASON:

25 66. Q. All right. So ultimately, Mr.

T. Gaw - 22

1 Galati did commence an action on behalf of  
2 Action4Canada in BC, correct?

3 A. Yes.

4 67. Q. It was in August of 2021?

5 A. Yes.

6 68. Q. And that action, the Notice of  
7 Civil Claim in that action was struck out in its  
8 entirety in the summer of 2022, wasn't it?

9 A. In length but not in...they said  
10 the case has merit and to file a new NOCC.

11 69. Q. Who said the case has merit?

12 A. The judge.

13 70. Q. The judge said the case has  
14 merit? Not in his decision he didn't.

15 A. Implied.

16 71. Q. He implied that the case has  
17 merit?

18 A. Yes.

19 72. Q. Okay.

20 A. He would have struck it in its  
21 entirety but he didn't.

22 73. Q. Well, he did strike it in its  
23 entirety, Ms. Gaw. Like, do you think he left  
24 some of it standing?

25 A. I am saying he left the

T. Gaw - 23

1 opportunity to file a new NOCC.

2 74. Q. Okay. He did do that, but the  
3 NOCC that was filed was struck out in its  
4 entirety. He said there was nothing that could  
5 be saved in it, didn't he?

6 MR. GALATI: Well, you are asking for  
7 a legal opinion. She has told you what  
8 she thinks it said. The decision speaks  
9 for itself, Tim.

10 75. MR. GLEASON: Decision speaks for  
11 itself, yes.

12

13 BY MR. GLEASON:

14 76. Q. And one of the things that the  
15 judge said was that it was bad beyond argument,  
16 isn't that right?

17 MR. GALATI: That is a legal term,  
18 Tim.

19 77. MR. GLEASON: Bad beyond argument?

20 MR. GALATI: Of course. That is a  
21 test on a motion to strike except he did  
22 say that, if properly pleaded, some of  
23 the relief can be sought. So, you know,  
24 I don't know what we are going to do  
25 arguing with my client on the terms of

T. Gaw - 24

1 his order or his reasons...

2 78. MR. GLEASON: I don't want to argue  
3 with the client, and I agree with you  
4 that he said, "If it was properly  
5 pleaded". But he also said that it  
6 wasn't properly pleaded.

7 MR. GALATI: Yes, and he is on  
8 appeal. This decision is on appeal, so  
9 what?

10 79. MR. GLEASON: I am not here to argue  
11 with you so so what is not a proper  
12 refusal.

13

14 BY MR. GLEASON:

15 80. Q. But Ms. Gaw, what is the status  
16 of the appeal?

17 MR. GALATI: Don't answer that. That  
18 is a matter of solicitor/client  
19 privilege. We are just trying to hammer  
20 out a hearing date. I am conducting the  
21 appeal on my client's behalf. /R

22 81. MR. GLEASON: Has the appeal been  
23 perfected?

24 MR. GALATI: Oh, it's been perfected,  
25 yes. I am getting grief from the other

T. Gaw - 25

1 side because they are not available  
2 until the next century. But I am  
3 seeking the earliest possible mutually  
4 convenient hearing date.

5 82. MR. GLEASON: All right.

6

7 BY MR. GLEASON:

8 83. Q. So as of right now, there is no  
9 pleading before the court, is that right?

10 MR. GALATI: I am sorry, who are you  
11 asking? You mean in...

12 84. MR. GLEASON: I am asking Ms. Gaw.

13 MR. GALATI: In the Supreme Court?  
14 There is no pleading because we are  
15 awaiting the appeal. If I amend now, I  
16 may have to amend a second time. It's  
17 just not efficient.

18 85. MR. GLEASON: Okay, let's move on.

19

20 BY MR. GLEASON:

21 86. Q. Paragraph 11 of your affidavit  
22 you say,  
23 "...Kip Warner has consistently made  
24 defamatory and libellous statements  
25 publicly..."

T. Gaw - 26

1 Do you know what a libellous statement is?

2 A. When you publicly defame another  
3 person with the intent to cause harm, when you  
4 make false statements, misinformation that hurts  
5 their character or misrepresents who they are  
6 and/or what they are doing.

7 87. Q. Okay. And when you say this in  
8 paragraph 11, are you referring to the statements  
9 alleged in the Statement of Claim or something  
10 else?

11 A. I am sorry, what is the question?

12 88. Q. Are you referring to the  
13 statements that are alleged in the Statement of  
14 Claim or are you referring to something else?

15 MR. GALATI: I am not sure she is  
16 privy to the Statement of Claim, Tim.  
17 You mean my Statement of Claim against  
18 Mr. Warner et al?

19

20 BY MR. GLEASON:

21 89. Q. Yes, that is right.

22 A. Thank you for the clarification.  
23 My reasoning based on this is my own personal  
24 experience of what has transpired with Mr. Warner  
25 and his attacks against myself, Rocco,

T. Gaw - 27

1 Action4Canada, Vaccine Choice Canada.

2 90. Q. Okay. So you know in this action  
3 that we are here on today, there are allegations  
4 of defamation in the Statement of Claim. Do you  
5 know that?

6 A. Yes.

7 91. Q. Okay. So my question is, are you  
8 talking here in paragraph 11 about those  
9 allegations or is this a new allegation of libel  
10 and defamation?

11 A. It's what is presently on the  
12 table. It is presently what is being discussed.

13 92. Q. Well, that's what I am asking  
14 you. Is it what's in the Statement of Claim or  
15 is it something else?

16 A. Yes.

17 93. Q. It's what's in the Statement of  
18 Claim?

19 A. Yes.

20 94. Q. Okay. You also say in paragraph  
21 11 that,

22 "...Mr. Warner has interfered with  
23 Action4Canada's economic interest and  
24 our legal representation..."

25 Now, interference with an economic interest is a

T. Gaw - 28

1                    legal term. Are you familiar with that or...

2                    A.            Yes.

3            95.            Q.            ...are you using that language in  
4                    a different context?

5                    A.            No, I am familiar with it.

6            96.            Q.            Okay. So tell me, what has he  
7                    done that interfered with the economic interest  
8                    of Action4Canada?

9                    A.            Well, beginning in  
10                    December...November, October, sorry, at a rally,  
11                    in 2020, I had been going to multiple rallies  
12                    raising funds, and at one of the rallies a  
13                    sticker with a QR code was being passed around.  
14                    I am up there constantly talking about our  
15                    constitutional challenge and raising funds for  
16                    this challenge and all of a sudden this sticker  
17                    is being passed around and it says,  
18                    "Constitutional Challenge" and it goes to a  
19                    GoFundMe page that had absolutely no information  
20                    on it. So I went up to one of the coordinators  
21                    of the event, Danielle, and I said, "This isn't  
22                    us. I have no idea who this is coming from".  
23                    And as it turns out it was Kip Warner. And it  
24                    said,

25                    "...Constitutional challenge. Raising



T. Gaw - 29

1 money for a constitutional challenge..."

2 So, Danielle immediately...we didn't know that at  
3 the time, she made an announcement saying, "This  
4 is not Action4Canada's fundraiser. We have no  
5 idea. This could be fraudulent". So anyways, it  
6 was after that that somebody came up to me, I  
7 don't know who the individual was, and said, "Oh,  
8 this is for Kip Warner". And I said, "I don't  
9 know who Kip Warner is. Nobody here knows who  
10 Kip Warner is and why would he put  
11 "Constitutional Challenge" on a sticker when, for  
12 the past three months, people at the rallies  
13 related a constitutional challenge to our  
14 fundraiser?

15 So that was the beginning and then in  
16 January I received an email from Dan Dicks  
17 making, I would say, libellous, defamatory  
18 comments about Rocco. I was shocked when I read  
19 it and I thought, what is this information, why  
20 would they be passing this information around?  
21 And I immediately contacted Rocco and from that  
22 point on, several months later, he took those  
23 comments and as if he is doing a public service  
24 he creates this Q&A on his website and makes,  
25 again, these untrue comments and providing

T. Gaw - 30

1 misinformation. As a result, him and some of the  
2 individuals such as Vlad, starts a Friday night  
3 blog, and again, undermining myself and  
4 Action4Canada, talking about transparency of  
5 funds, making juvenile statements in social media  
6 regarding Rocco and I, very upsetting statements,  
7 at some point as well. So then the public are  
8 starting to see this information and they are  
9 starting to contact me, "Is this true about  
10 Rocco? Have you seen this?" once it was up on  
11 his website. It caused stress to the members of  
12 Action4Canada. And to those who were putting  
13 their faith and trust in us, it undermined what  
14 we were doing. It undermined Rocco in the eyes  
15 of some of these individuals who were fearful of  
16 what was going on in the country, and it caused a  
17 great deal of significant harm. And yes, of the  
18 economic interest for Action4Canada. And as  
19 well, for myself, is that I pride myself on my  
20 integrity and my honesty. And this was causing  
21 individuals to question me, and plus some of the  
22 emails I received as a response of this campaign  
23 that went on, for, you know, until Rocco had  
24 started to file these. But there are still  
25 comments being made on social media. So, yes, it

T. Gaw - 31

1 has affected us.

2 97. Q. Okay. I am just going to unpack  
3 that. There is a lot in there. I want to go  
4 back to the first thing you mentioned was an  
5 email. I am showing you Exhibit L to Rocco's  
6 affidavit. Is this the email you are talking  
7 about that's forwarded to you by Dan Dicks?

8 A. Yes.

9 98. Q. Okay. So, again, this is Exhibit  
10 L to Rocco's affidavit. This is an email that  
11 Dee Gandhi sent to Dan, correct?

12 A. Yes.

13 99. Q. Not Kip Warner?

14 A. Yes.

15 100. Q. Okay. So that wasn't Kip?

16 A. But this is verbatim what is on  
17 Kip's website.

18 101. Q. Okay. Let's go to the website.

19 A. And Mr. Gandhi, is he not the  
20 financial person for Kip's organization? What is  
21 he involved in there?

22 102. Q. He is the treasurer of the  
23 Society, but my point is...

24 A. Okay.

25 103. Q. ...or my question to you is,

T. Gaw - 32

1                   whether this was Kip or not. It's not. You said  
2                   in your affidavit Kip made these statements. It  
3                   was actually Dee Gandhi who made this statement  
4                   and now you are referring to the website and I'll  
5                   take you to that. But this statement was not  
6                   Kip, right?

7                   A.        I understood that it had come  
8                   from the umbrella of Kip. That this was part of  
9                   his. So that was my understanding when I  
10                  received this letter.

11        104.           Q.        Why?

12                  A.        Because that is my recollection  
13                  and when I passed it on to Rocco, Rocco got a  
14                  hold of Kip's strata-lawyer attorney and saying  
15                  that this needed to cease and desist.

16        105.           Q.        Okay. But did Rocco tell you  
17                  that Kip wrote this?

18                  A.        No.

19        106.           Q.        And did you speak to Dee Gandhi?

20                  A.        No.

21        107.           Q.        He didn't tell you that Kip wrote  
22                  this?

23                  A.        No, my understanding was that  
24                  this had been sent to me from Dan, and maybe it  
25                  was a phone conversation I had with Dan. I don't

T. Gaw - 33

1 completely recollect. But my understanding was  
2 that this came from Kip and especially because it  
3 is verbatim pretty much of what is on his  
4 website.

5 108. Q. I see.

6 A. And because he works, and is  
7 closely aligned with Kip and he is the treasurer  
8 and they are trying to interfere with our  
9 fundraising, it just made sense.

10 109. Q. Okay. I see, okay. But you can  
11 see from the email that it didn't come from him,  
12 it came from gandhi@vantam9.com?

13 A. Yes. What is the portion that is  
14 blacked out above that?

15 110. Q. Well, I would ask you that but  
16 your counsel would probably object. He blacked  
17 it out.

18 A. "Sent me the following from Kip".  
19 See, that is why.

20 111. Q. You don't know why this was  
21 blacked out?

22 A. No, if I said it was from Kip,  
23 there would have been a reason in correspondence  
24 between Dan and I as to...

25 112. Q. You haven't shown us that



T. Gaw - 35

1           118.           MR. GLEASON:        This is the one you are  
2                           suing on, so why don't we ask questions  
3                           about that one.

4           MR. GALATI:        Now you are referring to  
5                           the June FAQ, there is a previous  
6                           January website that reproduces what is  
7                           in the email.

8           119.           MR. GLEASON:        Okay, but you aren't  
9                           suing on that?

10          MR. GALATI:        Yes, we are.

11          120.           MR. GLEASON:        Okay. Well, I am  
12                           reading the Statement of Claim so I  
13                           think I'll ask questions of the witness  
14                           on what's in the Statement of Claim.

15          MR. GALATI:        Why, it's my Statement  
16                           of Claim? She is not a party to this  
17                           claim.

18          121.           MR. GLEASON:        I am entitled to ask  
19                           questions...

20          MR. GALATI:        She is not a party to  
21                           this claim. You want to ask her on her  
22                           affidavit, go ahead. She is not part of  
23                           this claim. I am the only plaintiff on  
24                           this claim.

25          122.           MR. GLEASON:        Are you refusing to let

T. Gaw - 36

1 me ask her questions about what is in  
2 the Statement of Claim?

3 MR. GALATI: No, but it depends if  
4 you are purporting to say that this is  
5 the only website. This is the FAQ in  
6 June of 2021, not the reproduction of  
7 the website as of January 2021.

8 123. MR. GLEASON: Right. Where do you  
9 allege what was said, in the Statement  
10 of Claim, where do you allege what was  
11 said in January 2021?

12 MR. GALATI: Okay. Stop right there.  
13 That's it. That is what is reproduced  
14 there. Go up.

15 124. MR. GLEASON: That is the email.

16 MR. GALATI: Hang on a second.  
17 Right, that is the email. It's in...the  
18 January version is an exhibit...can you  
19 find the exhibit to my affidavit? The  
20 website is reproduced at Exhibit N of my  
21 affidavit.

22 125. MR. GLEASON: That is June 2021.

23 MR. GALATI: You are right, that is  
24 the June 2021. And then there is a  
25 reproduction of an update, at Exhibit R,



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1 I don't know what date that is.

2 126. MR. GLEASON: March 2023.

3 MR. GALATI: Okay. Fair enough. So  
4 I stand corrected, Tim, I apologize.

5

6 BY MR. GLEASON:

7 127. Q. Okay. So this is exhibit N to  
8 Rocco's affidavit.

9 MR. GALATI: I think it is M as in  
10 Morris.

11 128. MR. GLEASON: Well, it says N on the  
12 document.

13 MR. GALATI: All right. You are  
14 right. Sorry.

15

16 BY MR. GLEASON:

17 129. Q. Okay. So it purports to be the  
18 website in June 2021 which, I understand to be  
19 the only one that is sued upon. Is this the  
20 website that you were referring to, Ms. Gaw? Oh,  
21 here, I apologize. Let me show it to you.

22 A. Yes.

23 130. Q. Okay. All right. So in your  
24 affidavit, you say that all of his accusations  
25 are vile, untrue and malicious. Can you tell me

T. Gaw - 38

1 what in this website, Exhibit N, is untrue?

2 A. Do you want to point to a certain  
3 section or how would you like to go through this?

4 131. Q. Well, I am mystified as to what  
5 you mean by vile, untrue and malicious so I am  
6 hoping you can enlighten me. I can take you  
7 through it.

8 A. I just don't have it by memory  
9 and I haven't looked at it, you know, in a very  
10 long time. So just to expect me to make a  
11 blatant comment right now, I'd have to review it.

12 132. Q. Okay. Well, you made a blatant  
13 comment in March when you swore this affidavit,  
14 that all of his statements were vile, malicious  
15 and untrue. So I would expect that you know of  
16 at least something in there that is untrue, but I  
17 can take you through each statement.

18 A. What I am saying is I can't point  
19 to it. So if you can give me a moment to review  
20 it.

21 133. Q. Sure, yes.

22 A. And it is also the intent behind  
23 this. Putting this on the website was not the  
24 beginning of this campaign.

25 134. Q. Okay, but I am asking you about

T. Gaw - 39

1 the statements.

2 A. Right.

3 135. Q. You referred to statements. I am  
4 asking about the statements. Forget about the  
5 intent for now and answer my question.

6 MR. GALATI: Tanya, take five...

7

8 BY MR. GLEASON:

9 136. Q. What statement here is vile and  
10 untrue?

11 MR. GALATI: Take five minutes to  
12 read it.

13 THE DEPONENT: I just need...

14 MR. GALATI: Take five minutes to  
15 read it and let us know when you are  
16 ready.

17 THE DEPONENT: So, very, very  
18 interesting right off the bat when he  
19 says, "Are you affiliated with Rocco  
20 Galati?" Even the fact that he would  
21 ask this question on his website is,  
22 what is the intent behind that? And to  
23 me, it's to undermine the work that we  
24 are doing. Rocco had no idea even who  
25 Mr. Warner was prior to this. So to ask

T. Gaw - 40

1 if they were in communications and  
2 working together, and then to make  
3 statements that, "we've received  
4 communications regularly from Mr.  
5 Galati's past donors with concerns".  
6 I'd like evidence of that.

7 "...We are asked what became of the  
8 substantial funds that the community  
9 raised, for him or his third party  
10 fundraising arms..."

11 First of all, we are not a third party  
12 fundraising arm. To the best of my  
13 knowledge, he doesn't have one. So  
14 already these are statements being made  
15 in order to get a response and a  
16 reaction out of those who are reading  
17 it. And it is to undermine what we are  
18 doing.

19 "...We do not have any information, we  
20 are not involved in raising funds for  
21 either/nor did we ever seek to retain  
22 Mr. Galati. If you have concerns about  
23 his conduct, any member of the general  
24 public can submit an electronic  
25 complaint to the Ontario Law Society to

T. Gaw - 41

1 initiate a formal investigation..."

2 I can see exactly what is going on

3 there.

4

5 BY MR. GLEASON:

6 137. Q. Hold on. I want to take this one

7 at a time. So I didn't ask you about the intent.

8 I asked you about what is untrue. Is anything in

9 that first statement untrue?

10 A. I would say...well, let's say  
11 malicious. One of my things was not just true  
12 but malicious. This to me is malicious.

13 138. Q. Is anything in it untrue?

14 A. Until I can see all of these  
15 communications regularly from past donors, I  
16 would say this is untrue. I have seen no  
17 evidence of this.

18 139. Q. So is the answer you don't know?

19 A. No, it's not that I don't know.  
20 I am looking at this and I am saying this is  
21 malicious. This is already undermining what we  
22 are doing in moving forward with our case. It  
23 was moving...

24 140. Q. Yes, but I asked you if it is  
25 untrue. Is the answer you don't know?

T. Gaw - 42

1                   A.       Well, it depends what side. I  
2                   have answered it. If it's that there is false  
3                   information that he is providing or if this is  
4                   malicious. I mean, you just quoted what I had  
5                   said. What paragraph was that in again?

6       141.           Q.       So, here, is my question, is it  
7                   untrue?

8                   A.       Okay, so...

9                   MR. GALATI:       She has already answered  
10                  that the fundraising arm is not true.

11

12       BY MR. GLEASON:

13       142.           Q.       The statement that, "We are asked  
14                  what became of the substantial funds that the  
15                  community raised for him", is that untrue?

16                  MR. GALATI:       That's untrue because...

17       143.           MR. GLEASON:       Hold on.

18                  MR. GALATI:       I know what you are  
19                  asking but she has already testified  
20                  that there is no third party fundraising  
21                  arms. So that is untrue.

22       144.           MR. GLEASON:       Okay. I need the  
23                  witness's evidence.

24                  MR. GALATI:       She gave you that  
25                  evidence, you just don't want to hear

T. Gaw - 43

1 it.

2 THE DEPONENT: I have answered the  
3 question.

4

5 BY MR. GLEASON:

6 145. Q. All right. So it is untrue that  
7 "we are asked what became of the substantial  
8 funds that the community raised, for him or his  
9 third party fundraising arms"?

10 A. Yes.

11 146. Q. That's untrue. You know that  
12 nobody asked that question of Mr. Warner?

13 A. I am saying very clearly that I  
14 have not received any information nor was  
15 Action4Canada receiving any of these concerns to  
16 us personally, so I question the statement but  
17 the portion on his third party fundraising arms  
18 is untrue.

19 147. Q. It's untrue at least in terms of  
20 whether Action4Canada is a third party  
21 fundraising arm. You don't know about other  
22 fundraising arms.

23 A. I can only answer for myself and  
24 what the intent is here.

25 148. Q. That's right.

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1                   A.       And Mr. Galati has already  
2                   answered that question as well.

3       149.           Q.       He is not the witness here. You  
4                   are.

5                   A.       Right.

6       150.           Q.       I need your answers. The answer  
7                   is you don't know...

8                   A.       No, so based on my testimony, I  
9                   am saying that the third party fundraising arm is  
10                  untrue. That is my testimony. That is my final  
11                  answer.

12       151.           Q.       But you don't know who else is  
13                  raising funds for him?

14                  A.       I am basing...

15                  MR. GALATI:     Wait a minute, that  
16                  assumes something in evidence. i.e.  
17                  somebody is raising funds for me. You  
18                  can't just ask a question without laying  
19                  an evidentiary foundation. There is no  
20                  such evidence that anybody is raising  
21                  funds for him.

22       152.           MR. GLEASON:     Actually, there is.  
23                  There is evidence...

24                  MR. GALATI:     What evidence is that?  
25



T. Gaw - 45

1 BY MR. GLEASON:

2 153. Q. The question that I've  
3 asked...the evidence was given by Mr. Warner.  
4 The question I am asking is whether it's untrue  
5 that he was asked these questions, and you are  
6 saying it is untrue because there are no third  
7 party fundraising arms, right?

8 A. Are you speaking to me right now?

9 154. Q. Yes, I am. You are the only one  
10 I am speaking to. I am not here to argue with  
11 Rocco.

12 A. I have given you my answer. I am  
13 saying that we receive communications regularly  
14 from Mr. Galati's past donors with concerns. I  
15 have seen no evidence of this. Until such time I  
16 do, I say this as untrue regularly.  
17 Action4Canada didn't receive regular ones.

18 155. Q. Okay. But that...all right.

19 A. Until there is evidence provided  
20 for this, I state that this is untrue unless Mr.  
21 Warner would like to provide evidence of this.

22 156. Q. All right. You don't have any  
23 evidence that it's untrue, though. You are just  
24 saying there is an absence...

25 MR. GALATI: Don't answer that. He

T. Gaw - 46

1 is asking you to do the pre-Socratic  
2 impossibility of proving a negative.  
3 She has answered, Tim. You are going to  
4 have to move on.

5 157. MR. GLEASON: Okay. All right.

6

7 BY MR. GLEASON:

8 158. Q. Then he goes on to say, "we do  
9 not have any information, we are not involved in  
10 raising funds for either, nor did we ever seek to  
11 retain Mr. Galati". That's true, right? Do you  
12 have any reason to believe that's untrue?

13 A. I have no problem with that.

14 159. Q. Okay. And,  
15 "...If you have concerns about his  
16 conduct, any member of the general  
17 public can submit an electronic  
18 complaint to the Ontario Law Society to  
19 initiate a formal investigation..."

20 Do you have any reason to believe that is not  
21 true?

22 A. It's true.

23 160. Q. Okay. Then he says,  
24 "...We are not affiliated with Mr.  
25 Galati..."

T. Gaw - 47

1 Do you have any reason to believe that is not  
2 true?

3 A. No.

4 161. Q. Then he says there are many  
5 reasons why we are not affiliated with him. And  
6 the first one he says is,

7 "...Mr. Galati is not licensed to  
8 practice law in British Columbia for any  
9 extended period of time. He can always  
10 be retained in Ontario and in turn  
11 retain counsel in British Columbia.

12 This is not unusual..."

13 Hold it there. Do you have any reason to believe  
14 that is not true?

15 A. Well, the portion on paying for  
16 two law firms, that is untrue. We are not doing  
17 that.

18 162. Q. He didn't say you were doing  
19 that, did he?

20 A. It's again what is being implied.  
21 If you are going to be a reader looking at this,  
22 you are going to believe that we are paying for  
23 two lawyers, and that is a false, misleading  
24 statement.

25 163. Q. Okay. You agree with me he is

T. Gaw - 48

1 talking here, not about you but about his  
2 organization. This is the reasons "we" are not  
3 affiliated.

4 A. That is not the intent here,  
5 though.

6 164. Q. Okay. I didn't ask you about the  
7 intent, remember? We are asking about the facts  
8 that he states.

9 MR. GALATI: I object, Tim. He is  
10 making statements about me. Not his  
11 organization.

12 165. MR. GLEASON: Okay. Rocco, this is  
13 really improper.

14 MR. GALATI: No, it's not improper  
15 because you are trying to force words  
16 into the affiant's mouth which are not  
17 correct.

18 166. MR. GLEASON: Anyone can say...

19 MR. GALATI: I am objecting.

20 167. MR. GLEASON: Okay. All right. You  
21 objected, that is a refusal.

22

23 BY MR. GLEASON:

24 168. Q. Anyone can verify whether a  
25 lawyer is licensed...

T. Gaw - 49

1 MR. GALATI: No, I am objecting to  
2 you trying to force feed answers into  
3 the witness's mouth. That is not a  
4 refusal, that is an objection.

5 169. MR. GLEASON: Rocco, we are not in  
6 court. You can refuse. That is all you  
7 can do. You are refusing. You are not  
8 objecting to anything here. You don't  
9 object here.

10 MR. GALATI: I am not refusing but  
11 don't misstate the evidence. That is a  
12 proper objection. I am putting it on  
13 the record. Ask your question in a  
14 proper way.

15 170. MR. GLEASON: So you will let her  
16 answer then or not?

17 MR. GALATI: What is the question?  
18

19 BY MR. GLEASON:

20 171. Q. He is giving reasons why we and  
21 we...do you agree with me when he says "we" he  
22 means the Society?

23 MR. GALATI: I have no idea who "we"  
24 is.

25 172. MR. GLEASON: I am not asking you.

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1 MR. GALATI: No reader can know who  
2 "we" are.

3 173. MR. GLEASON: I didn't ask you.

4 MR. GALATI: Okay.

5 174. MR. GLEASON: I am asking the  
6 witness.

7

8 BY MR. GLEASON:

9 175. Q. Do you understand him to be  
10 saying...when he says, "We are not affiliated  
11 with Mr. Galati", do you understand him to mean  
12 the Society?

13 A. Was it clarified above?

14 176. Q. Well, he says, "we" repeatedly.  
15 Who do you think he is referring to?

16 A. And is this Mr. Kip Warner  
17 writing this?

18 177. Q. This is the website of the  
19 Society.

20 A. I am just asking who wrote this  
21 statement, so I know who we are referring to.

22 178. Q. Ms. Gaw, you have attributed this  
23 to Mr. Warner. You did, that was your evidence.

24 A. Right.

25 179. Q. I am not here to be examined by

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1           you, but I don't see anything on the face of it  
2           that attributes it to Kip Warner, but this is  
3           your evidence that this is Kip Warner's words.  
4           So don't ask me if it's attributed to him.

5                   A.       Where this attributes to Kip  
6           Warner is on his December 3rd video where he  
7           talks about why he put this information on the  
8           website.

9           180.           Q.       Okay.

10                   A.       So when he is talking about Mr.  
11           Galati and stating the reasons why we, he,  
12           whatever, is not affiliated with Mr. Galati, this  
13           is the intention. However, again, you are not  
14           interested in intentions but this is what has  
15           affected.

16           181.           Q.       Okay. So you understand him to  
17           be talking about himself or the Society, right?

18                   A.       Based on his video and the other  
19           correspondence, I recognize this as Kip Warner  
20           writing these statements.

21           182.           Q.       All right. And there is no  
22           question in your mind that he is not talking  
23           about Action4Canada?

24                   A.       Well, he is because we receive  
25           communications regularly from Mr. Galati's past

T. Gaw - 52

1 donors. We are talking about British Columbia  
2 here. The focus is on British Columbia. The  
3 only case with Rocco is Action4Canada's. So what  
4 else am I to assume this letter and these  
5 statements are referring to?

6 183. Q. Okay, my question to you...I am  
7 going to repeat it. This is the last time I am  
8 going to ask it and then I will move on. When he  
9 says, "We are not affiliated with Mr. Galati",  
10 there is no doubt in your mind that he is not  
11 talking about Action4Canada, is that not correct?

12 A. Right, he is talking about  
13 himself and his organization.

14 184. Q. Okay. That is what I put to you  
15 when we started this whole debate. He is talking  
16 about the Society, right?

17 A. When you look at the preceding  
18 paragraph, he is in there referring to  
19 Action4Canada and our case with Rocco Galati.  
20 Then he shifts to the reasons why he wouldn't use  
21 Mr. Galati.

22 185. Q. That's right.

23 A. Right.

24 186. Q. And then he says,  
25 "...Here are the reasons why "we"..."



T. Gaw - 53

1 And he doesn't mean you, he means we, right? And  
2 when he says "we" he doesn't mean Action4Canada?

3 A. When you are talking about "Mr.  
4 Galati is not licensed to practice law in British  
5 Columbia..."

6 187. Q. M'hmm.

7 A. ...and the previous paragraph you  
8 are talking about our members to me, and to  
9 those, the majority of people reading this, this  
10 would be bringing awareness to situations in  
11 order to cause questioning as to the legitimacy  
12 of the work that our lawyer can do in British  
13 Columbia.

14 188. Q. Okay. But he is giving reasons  
15 why...

16 A. Yes.

17 189. Q. ...the Society is not affiliated  
18 with him. He knows that you are, right?

19 A. Yes.

20 190. Q. Okay. So he is talking about the  
21 Society here.

22 A. But based on the previous...

23 191. Q. Which is why he wouldn't do it...

24 A. But based on the previous  
25 statement in the paragraph preceding this, it is

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1 in line with drawing us into this scenario. But  
2 carry on.

3 192. Q. Okay, I'll carry on. Next  
4 paragraph he says,

5 "...We were advised directly by Mr.  
6 Galati himself that the lawyer he wished  
7 to retain in British Columbia is  
8 Lawrence Wong. Mr. Wong was personally  
9 sanctioned in 2010 for his conduct by a  
10 federal judge with a fine..."

11 Do you have any reason to believe that's not  
12 true?

13 A. It's not true, not in the context  
14 of what he is giving. He should have provided  
15 the case so that people could understand what  
16 took place in that case, and Mr. Galati is the  
17 best individual to address that.

18 193. Q. Are you saying he didn't provide  
19 the case?

20 A. I don't see it.

21 194. Q. Okay. Have you looked at the  
22 website?

23 A. Again, I haven't been on that  
24 website in a very long time.

25 MR. GALATI: And just for the record,

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1 Tim, my affidavit makes it clear that I  
2 didn't advise the Society or Mr. Warner  
3 or Mr. Gandhi of squat. I don't know  
4 where they are getting that first  
5 sentence from.

6 195. MR. GLEASON: Okay. Rocco?

7 MR. GALATI: Yes.

8 196. MR. GLEASON: You were the witness  
9 this morning.

10 MR. GALATI: Yes.

11 197. MR. GLEASON: You are not the witness  
12 this afternoon.

13 MR. GALATI: You are putting  
14 questions to my client that are unfair.  
15 How would she know what I advised when I  
16 hadn't even talked to your clients?  
17 Anyways...

18 198. MR. GLEASON: Okay, I asked her if  
19 she has any reason to believe it's not  
20 true.

21  
22 BY MR. GLEASON:

23 199. Q. Okay. So her answer is that he  
24 should have given a link. So do you know for a  
25 fact, Ms. Gaw, that he did not provide a link on

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1                   that website?

2                               A.       I am not seeing the link here.

3                   Normally there is, you know...

4       200.                   Q.       Have you seen one before?

5                               A.       A number, there would be  
6                   information, you know, that would allow people to  
7                   go look this case up, and its again, a false,  
8                   misleading statement.

9       201.                   Q.       Okay.

10                              A.       It's meant to build a scenario in  
11                   people's minds and a judgment towards Mr. Galati.

12       202.                   Q.       All right. So I suggest to you  
13                   that you are not being truthful or you are  
14                   mistaken. There were links and are links on the  
15                   website and there is a specific link to this  
16                   case, are you denying that?

17                              MR. GALATI:       You are showing her a  
18                   document without a link, Mr. Gleason.

19       203.                   MR. GLEASON:       I am asking about the  
20                   website.

21                              THE DEPONENT:       I told...

22                              MR. GALATI:       Well, she...

23                              THE DEPONENT:       I have told you  
24                   repeatedly I have not been on this  
25                   website, in probably a year. So unless

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1                   you are showing me the information here,  
2                   I am basing that on what I see and that  
3                   the majority of people, even if there  
4                   was a link, they go into a legal  
5                   document like that, they are not going  
6                   to possibly understand. So the  
7                   statement itself is misleading on  
8                   purpose. Why else would they be  
9                   bringing this up if not to put a bad  
10                  taste in people's mouth and cause them  
11                  to be undermining, you know, our lawyer.

12  
13                  BY MR. GLEASON:

14                  204.                   Q.            Okay. The website did have a  
15                                   link. Are you saying...just answer that  
16                                   question. Are you saying that it did not...

17                                  MR. GALATI:           Why are you giving  
18                                   evidence...

19                  205.                   MR. GLEASON:        ...I am suggesting that  
20                                   it did.

21                                  MR. GALATI:        ...why are you giving  
22                                   evidence now, Mr. Gleason?

23  
24                  BY MR. GLEASON:

25                  206.                   Q.            I am showing you the Statement of

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1 Claim, and you can see these underlined words.

2 A. Right.

3 207. Q. I suggest to you that if you had  
4 reviewed the website as you have testified you  
5 had, you would know that these are links.

6 A. But I have already given you an  
7 answer. Even with the links it's a misleading  
8 statement. You know, even having the firsthand  
9 testimony of Rocco stating that he had never  
10 talked directly with them, you know, that would  
11 be misleading to me thinking, okay, so they spoke  
12 to Rocco. How is the public supposed to know  
13 this? And then to make a statement about Mr.  
14 Wong that is again misleading. The general  
15 public is not going to go in and be able to  
16 understand those cases. It is misleading. It is  
17 misleading the public on purpose.

18 208. Q. Is it false?

19 A. I would say yes it's false  
20 because it's not a true...

21 209. Q. I am showing you a coloured  
22 reproduction of the website. This is Exhibit 000  
23 of Mr. Warner's affidavit.

24 A. Okay.

25 210. Q. Can you see the links?

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1 A. Yes.

2 211. Q. Okay. And did you review those  
3 linked documents?

4 A. No. No, because...

5 212. Q. How do you know its false then?

6 A. Because I had a conversation with  
7 Rocco when this came out.

8 213. Q. So Rocco told you that it's  
9 false?

10 A. Rocco has explained what took  
11 place in that case. I believe, if I am not  
12 mistaken, I don't know where Rocco's affidavit is  
13 now, but I believe in Rocco's affidavit he even  
14 explains what had happened in that case. Is that  
15 not true?

16 214. Q. So the only source of your  
17 knowledge about what happened in that case is  
18 what Rocco told you?

19 A. Yes.

20 215. Q. Okay. You didn't bother to look  
21 and see for yourself whether the judge said what  
22 you say Kip said he said, is that right?

23 A. Yes.

24 216. Q. Okay. The next statement is,  
25 "...A federal court judge noted in his

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1 reasons for judgment that some of Mr.  
2 Galati's billings were excessive and  
3 unwarranted in a separate proceeding..."

4 Do you have any reason to believe that is false?

5 A. "A federal court judge noted", I  
6 am sorry, the writing is so small. That's a  
7 little better, thank you. Now, I need to back up  
8 on something here because I am mistaken. I am  
9 mistaken in something I have said and I don't  
10 mind saying when I have made a mistake. With the  
11 situation...I was confusing two things here. I  
12 was confusing the situation with Mr. Wong being  
13 personally sanctioned with the decision on the  
14 judge.

15 217. Q. Okay. So what if we go back...

16 A. It was unwarranted.

17 218. Q. So the statement about Mr. Wong  
18 is not false then, is that what you are saying?

19 A. I am saying I don't know.

20 219. Q. Okay. Fine. So here we are now  
21 at the federal court judge. You are saying this  
22 is false, is that right?

23 A. This is the one I am saying is  
24 misleading.

25 220. Q. Okay. When you say misleading,



T. Gaw - 61

1 did the judge not note in his reasons that some  
2 of Mr. Galati's billings were excessive and  
3 unwarranted? Did you review that case?

4 A. I am saying that my understanding  
5 is there is more to this case and decision than  
6 what this is intended to be, a misleading  
7 statement. This is the one I feel is misleading.

8 221. Q. Okay. But is it accurate? Is it  
9 true that the judge said that?

10 MR. GALATI: I am...at this point I  
11 am going to direct her not to answer.  
12 The decision speaks for itself, as does  
13 the intentional context of the malice  
14 with which his statements are put out,  
15 Tim. I mean, we are flogging dead  
16 horses here. /R

17 222. MR. GLEASON: No. No. No. Hold on...

18 THE DEPONENT: I've got to add, Mr.  
19 Gleason. I am not a litigator. I am  
20 not a lawyer. And so I am basing, like  
21 the majority of people that are reading  
22 this, they are going to be basing it on  
23 the statement that has been made on the  
24 page.

25

T. Gaw - 62

1 BY MR. GLEASON:

2 223. Q. Right.

3 A. And unless that statement is  
4 including all if the information, it is  
5 misleading the public.

6 224. Q. Okay. So the statement link to  
7 the case, and I'll show you the case because the  
8 member of the public was shown it. Bear with me.  
9 So if I can ask you to look at paragraph 7 that I  
10 am highlighting here.

11 "...The respondents submit that these  
12 bills of costs are excessive and  
13 unwarranted..."

14 So that is the quotation in the website.

15 "...Given that the application was  
16 stayed at such an early stage, I agree.  
17 As an example, Mr. Galati's claim for  
18 7.6 hours to review, research attorney  
19 general's motion for stay in light of  
20 the reference is excessive and  
21 unwarranted..."

22 So do you maintain that this statement on the  
23 Society's website is false?

24 A. I am saying...

25 225. Q. And linked to the very judgment

T. Gaw - 63

1                   that says those exact words?

2                   A.        I say it is true but misleading.

3        226.           Q.        It's true but misleading. That's  
4                   fine. But it's true.

5                   A.        It's meant to mislead.

6                   MR. GALATI:        I just want to say...

7        227.           MR. GLEASON:        Rocco, I don't want  
8                   your evidence.

9                   MR. GALATI:        No, no. I am making an  
10                  objection. It's true that the court  
11                  said it. It doesn't mean it's true in  
12                  fact.

13        228.           MR. GLEASON:        Rocco, you are not the  
14                  witness.

15                  MR. GALATI:        No, I am objecting to  
16                  what you are asking...

17        229.           MR. GLEASON:        I didn't ask her if it  
18                  was true in fact.

19                  MR. GALATI:        It's true that it is in  
20                  the judgment. That is all she can  
21                  depose to.

22

23        BY MR. GLEASON:

24        230.           Q.        That's all that the Society's  
25                  website said. A federal court judge noted. So,

T. Gaw - 64

1           it's true. So the Society's statement is true,  
2           have we established that?

3                   A.       It's true but misleading.

4           231.           Q.       Okay. What's misleading about  
5           it?

6                   A.       It's meant to undermine, if  
7           somebody was to go into this case and they see  
8           the hours. First of all, 7.6 hours to review  
9           material, if that is what somebody's, you know,  
10          major beef is about about excessive charges. I  
11          mean, we are not talking about \$700,000 or a  
12          million dollars. It is a statement meant to  
13          undermine our attorney as if he charges excessive  
14          fees. It is a whole...the whole campaign is to  
15          make it out that we are not transparent with the  
16          funds, that we've raised, you know, \$790,000 or  
17          3.5 million dollars. Everything is excessive and  
18          so what this is alluding to is that Mr. Galati  
19          overcharges his clients.

20          232.           Q.       Okay. But that's not what they  
21          said. What they said is true. You say it is  
22          somehow [inaudible] or false...

23                   A.       I've already answered your  
24          question. I have already answered your question.

25          233.           Q.       Okay. All right. Let me go back

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1                   then to the website. So the next statement is,  
2                   "...Mr. Galati is sometimes described by  
3                   his followers as our nation's top  
4                   constitutional lawyer..."

5                   You agree that's true, right? I mean you do it  
6                   on your website don't you?

7                   A.           Yes.

8           234.           Q.           Okay. And then he says...Kip or  
9                   the Society says,

10                   "...Yet there is no such professional  
11                   designation in Canada nor, in  
12                   particular, in British Columbia..."

13                   Are you saying that is false?

14                   A.           No.

15           235.           Q.           So, so far we have a true  
16                   statement, right?

17                   A.           Yes, but again, it is meant to  
18                   undermine...like what is the purpose anybody  
19                   would put this on their website for?

20           236.           Q.           Okay. I am not asking about the  
21                   purpose. I am asking you about the truth of the  
22                   statements.

23                   A.           But that is what we are here  
24                   about today. We are here because...

25           237.           Q.           No. No. No.

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1                   A.           ...all of this has led to  
2                   interference with the public's confidence in our  
3                   lawyer and the public's confidence in our  
4                   fundraising, giving to our fundraiser. All of  
5                   this is tied together.

6           238.                   Q.           Okay. You misunderstand. We are  
7                   here today because you filed an affidavit in this  
8                   proceeding and I am entitled to ask you questions  
9                   about it, okay?

10                   MR. GALATI:           And she is answering  
11                   those questions, Tim.

12           239.                   MR. GLEASON:           That's why...Rocco...

13                   MR. GALATI:           She is answering those  
14                   questions...

15

16           BY MR. GLEASON:

17           240.                   Q.           That is why we are here today.

18                   Okay.

19                   "...That is not to say that a lawyer can  
20                   have an area of expertise like personal  
21                   injury, strata mergers, acquisitions and  
22                   the like. According to Mr. Galati he  
23                   studied tax litigation at Osgoode  
24                   Hall..."

25                   Do you have any reason to believe that is false?

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1 MR. GALATI: She wouldn't know.

2 241. MR. GLEASON: Okay. Rocco...

3 MR. GALATI: I am objecting...

4 242. MR. GLEASON: The answer is I don't  
5 have any reason to believe.

6 MR. GALATI: She wouldn't know.

7

8 BY MR. GLEASON:

9 243. Q. So is the answer no, you don't  
10 have any reason to believe that is false?

11 A. I know that Rocco has done tax  
12 law. I know that Rocco...

13 244. Q. Okay.

14 A. ...has done constitutional  
15 challenges. That is one of the main things. If  
16 you watch Rocco's past interviews, he did an  
17 amazing interview, I forget who, one of the major  
18 media, and he there made it clear that he had  
19 shifted to constitutional actions. And...

20 245. Q. Okay.

21 A. ...you can see by his history,  
22 anyone can look up Rocco and see that he has been  
23 specializing in constitutional challenges. So  
24 what is the point of the comment?

25 246. Q. So I am not making a comment. I

T. Gaw - 68

1 am putting to you that this is a true statement  
2 and your lawyer said you don't know but you just  
3 said you do know...

4 A. I know he has been a tax lawyer.  
5 I haven't opened up these links to 100 percent  
6 affirm what's being said here.

7 247. Q. All right.

8 A. I am telling you what I know for  
9 truth is that he was a tax lawyer.

10 248. Q. Okay, thank you. The next  
11 statement is,

12 "...Mr. Galati filed a COVID-19 related  
13 proceeding in the Superior Court of  
14 Justice in Ontario on 6 July 2020..."

15 That is a statement that is true, correct?

16 A. Yes.

17 249. Q. All right. To the best of your  
18 knowledge, as of October 30, 2021, none of the 21  
19 named defendants have filed replies despite the  
20 plaintiff being at liberty to apply for default  
21 judgment for the majority of the time. You may  
22 not know the answer to that but do you have any  
23 reason to believe that's not true?

24 A. I don't know. I don't...

25 250. Q. Okay.



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1                   A.       ...really have an answer for  
2                   this. This is not my area of expertise.

3       251.           Q.       You certainly don't know that it  
4                   is false?

5                   A.       No.

6       252.           Q.       Okay. And then it says,  
7                   "...In an interview published 2  
8                   September 2020, Mr. Galati claimed he  
9                   intended to do his best to have an  
10                  interlocutory mask injunction  
11                  application heard before the Christmas  
12                  holidays of 2020..."  
13                  That is true, isn't it?

14                  A.       I don't know. I wasn't involved  
15                  in that.

16       253.           Q.       Okay. But you certainly don't  
17                  know that it's false?

18                  A.       I know that by filing, the mask  
19                  mandates in Ontario were lifted unbeknownst to  
20                  the public. I know that he did a super job on  
21                  that, and it's not being reflected here.

22       254.           Q.       But do you disagree that he  
23                  claimed in a published interview...

24                  A.       I don't know.

25       255.           Q.       ...that he intended...okay, so

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1                   you don't know that it's false.

2                   A.        I know again that it is  
3                   misleading and malicious because they haven't  
4                   provided the information of what was achieved  
5                   through filing.

6           256.           Q.        Okay. So,  
7                   "...as if June 11, 2021, we are not  
8                   aware of any scheduled hearings and no  
9                   orders appear to have been made..."

10                   That is a true statement, right?

11                   A.        I would imagine. I wasn't  
12                   following that at the time.

13           257.           Q.        Okay. So if I just go back then  
14                   to your affidavit, we are at paragraph 11, you  
15                   said all of his statements were untrue and in  
16                   fact, all of his statements were true. You don't  
17                   like the intent, but all of the statements were  
18                   true, correct?

19                   A.        No, not all of the statements  
20                   were true.

21           258.           Q.        None of them were untrue.

22                   A.        No, the one about the third party  
23                   was untrue.

24           259.           Q.        The one about third party...

25                   A.        Funds, fundraising arm.



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1 Are we going to be going over that now?

2

3 BY MR. GLEASON:

4 263. Q. I didn't ask you what you felt.

5 I want you to listen to my questions and answer  
6 my questions, okay?

7 A. Right but we are referring to  
8 paragraph 11 and when you began the questioning,  
9 you made that statement. You read the verbatim  
10 the statement that I'd made, so I am responding  
11 to that.

12 264. Q. Right. Paragraph 12, you say  
13 there was a backlash from multiple individuals  
14 and attacks online as a result of Kip Warner's  
15 actions, right?

16 A. Yes.

17 265. Q. You've provided no examples of  
18 such things, right?

19 A. I was never asked. I could do  
20 that. It's on social media. I mean, you know,  
21 there is an individual woman who was demanding  
22 that I pay her \$500 back donation. The backlash,  
23 it affected several of our plaintiffs. I mean  
24 the evidence has already been applied there.  
25 I've had other individuals sending information

T. Gaw - 73

1 and then stressed about, you know, where the case  
2 is and what is doing and referring to what Kip  
3 had put online. We've got Mr. Ted Kuntz who had  
4 a meeting with Kip and with Vlad. We've got the  
5 video of Vlad who is undermining what we are  
6 doing, aligned with...

7 266. Q. I am not asking about Vlad. I am  
8 asking about Kip. You did provide one example,  
9 it's Exhibit A to your affidavit and the type is  
10 pretty small. Do you recognize it?

11 A. Yes.

12 267. Q. Okay. So this is an email from  
13 one of your supporters as you describe it, right?

14 A. Yes.

15 268. Q. Okay. And they said they  
16 appreciate all your hard work. They express a  
17 concern about Mr. Galati's fees. They say that  
18 Kip is moving faster for less money, but that is  
19 true, right?

20 A. Well, no, he hasn't moved faster.  
21 He's had a lot of court dates but he's gotten  
22 nowhere. He's gotten nowhere faster than what we  
23 are doing so, yes, it's untrue.

24 269. Q. What is the basis for that  
25 statement that he's gotten nowhere and you have?

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1           A.       Two of his cases were completely  
2 dismissed in the fall, and the class action that  
3 he has going, he has been in court, but it hasn't  
4 proceeded. He has not made any further headway  
5 then what we've done with our case. We are doing  
6 two different cases and strategically we are  
7 doing them in two different ways. But you'll  
8 note the email, June 22nd, 2021, this is when Kip  
9 decided to put all of this information on his  
10 website, and this is one example of people who  
11 were affected by that. As I said, right, they've  
12 got a campaign to undermine the work that we are  
13 doing and this is a perfect example of it.

14       270.           Q.       But just...you are absolutely  
15 right. The date of this email is June 22nd,  
16 2021, and the question I asked you was is that a  
17 true statement that Kip was moving faster for  
18 less money?

19           A.       No.

20       271.           Q.       In fact, Kip had started a  
21 proceeding, right, by then?

22           A.       No, take a look at Kip's  
23 fundraiser. He has raised hundreds of thousands  
24 of dollars. He has actually raised more than  
25 what it is that, you know, Action4Canada had

T. Gaw - 75

1 done.

2 272. Q. Well, I don't know that because  
3 your counsel refused to let you answer questions  
4 about how much you've raised.

5 A. That's as much as I'll tell you.

6 273. Q. Your counsel has refused to let  
7 you.

8 A. He is making, again, false and  
9 misleading statements in order to try to elevate  
10 himself in the eyes of the public, and yet he has  
11 got a GoFundMe account out there with hundreds of  
12 thousands of dollars and who knows how much he  
13 has already spent. So, yes, it is a false  
14 statement and it's misleading.

15 274. Q. Hold on a second. We are not  
16 talking about Kip's statement here. We are  
17 talking about Drew Truebits, your supporter,  
18 okay?

19 A. No, it did. You asked me if this  
20 was a true statement about Kip's case and using  
21 less money and I am saying, no, it's a false  
22 statement. This is because this is what Kip is  
23 selling the public.

24 275. Q. Okay. But this statement was  
25 made by Drew Truebits.

T. Gaw - 76

1                   A.       Right, based on what Kip had  
2                   posted.

3       276.           Q.       Okay. Fine, whatever. But the  
4                   point is, he doesn't attribute it to Kip, does  
5                   he?

6                   A.       Yes, right there. He says,  
7                   "Along with Kip who is actually moving forward  
8                   for less money".

9       277.           Q.       It doesn't say Kip made that  
10                  statement?

11                  A.       Well, of course it did. How else  
12                  would he know that?

13       278.           Q.       It doesn't say in the email that  
14                  Kip made that statement, does he?

15                  A.       I guess this would go back  
16                  to...well, he's got Kip's name there and this is  
17                  verbatim what Kip is saying so I am not quite  
18                  sure. Like even based on what he had on the  
19                  website when you were saying "we", I mean, what  
20                  way do you want to take this conversation.

21       279.           Q.       Okay. So we are at June 22nd,  
22                  2021, right?

23                  A.       Yes.

24       280.           Q.       Okay. And as of June 22nd, 2021,  
25                  Kip had commenced a proceeding in the Supreme



T. Gaw - 77

1 Court of British Columbia, had he not?

2 A. Yes.

3 281. Q. Okay. And Action4Canada had not,  
4 correct?

5 A. Correct.

6 282. Q. Okay. So it's a true statement  
7 that Kip is actually moving forward?

8 A. Let me just read it. True.

9 283. Q. Okay. And in terms of whether or  
10 not it's less money, your counsel won't tell us  
11 or won't let you tell us how much money you've  
12 raised or spent. So it's impossible for the  
13 court to get to the truth of that part of it,  
14 right?

15 MR. GALATI: The issue is what the  
16 basis for those statements are. She  
17 doesn't have to reveal solicitor/client  
18 privileged information. It is a  
19 cynical, proving a negative ploy, Tim,  
20 to say we won't know if they are right  
21 or not unless you show your cards. My  
22 client doesn't have to reveal her  
23 privileged occasions with her solicitor.  
24 So whether or not Rocco is the gangster,  
25 Galati, which comes from Mr. Warner's

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1 depiction of me, is more to the point of  
2 the issue in this claim than how much my  
3 client has spent on her litigation.

4 284. MR. GLEASON: Okay. I am going to ask  
5 you again...just a minute, Ms. Gaw. I  
6 am going to ask you, Counsel, once  
7 again, to stop giving evidence. It is  
8 completely inappropriate, and I'll point  
9 out that the evidence you just gave, Mr.  
10 Galati, is false. This claim does not  
11 concern Mr. Warner calling you a  
12 gangster. That is just false and  
13 inflammatory and improper for you to be  
14 interrupting a cross-examination of your  
15 client to give that evidence. Can I ask  
16 you to stop?

17 MR. GALATI: That evidence is already  
18 in evidence in her exhibit.

19  
20 BY MR. GLEASON:

21 285. Q. Paragraph 13 of your affidavit,  
22 Ms. Gaw.

23 MR. GALATI: 13 or 15?

24 286. MR. GLEASON: 13.

25

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1 BY MR. GLEASON:

2 287. Q. You say,  
3 "...Kip Warner wrongfully calls into  
4 question the competence of counsel or  
5 merits of our case..."

6 Right?

7 A. Sorry, what one are you on?

8 288. Q. Paragraph 13.

9 A. Right.

10 289. Q. Now, you do agree with me your  
11 claim was struck out in its entirety and  
12 described by a judge as bad beyond argument,  
13 right?

14 A. Yes.

15 290. Q. So, wouldn't it be a fair comment  
16 to call into question, the merits of your case?

17 MR. GALATI: Don't answer that. That  
18 calls for a legal conclusion. /R

19

20 BY MR. GLEASON:

21 291. Q. Okay. Would you say that the  
22 judge called into question the competence of  
23 counsel and the merits of your case?

24 MR. GALATI: Don't answer that  
25 either. That calls for a legal

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1 conclusion.

2 292. MR. GLEASON: Well, hold on...

3 MR. GALATI: The judge...yes, yes.

4 293. MR. GLEASON: Rocco...

5 MR. GALATI: Yes. Yes. Yes.

6 294. MR. GLEASON: ...so that's a  
7 refusal...

8 MR. GALATI: That's a refusal. /R

9 295. MR. GLEASON: ...and I am going to  
10 point out to you you've asserted that  
11 refusal...

12 MR. GALATI: The decision speaks for  
13 itself.

14 296. MR. GLEASON: Her evidence says that  
15 Kip Warner called into question...  
16 "...improperly called into question the  
17 expertise, competence, and integrity of  
18 our legal counsel and the merits of our  
19 case..."

20 THE DEPONENT: I just...

21 297. MR. GLEASON: It's an absurd  
22 objection to refuse to let me ask her  
23 questions about what the judge said  
24 about it.

25 THE DEPONENT: My feeling on it...



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1 affidavit you say that,

2 "...Mr. Warner's actions are vexatious,  
3 unfounded and intended to unjustifiably  
4 harm Mr. Galati and to harm  
5 Action4Canada. The Law Society  
6 complaint that Mr. Warner encouraged and  
7 assisted Ms. Toews in is completely  
8 baseless and unfounded..."

9 What is the basis for that statement?

10 A. Because he is inserting himself  
11 in a case that he has no clue of the objective  
12 that we have and the strategies that we are  
13 using. Our strategy in the end, it may fail, but  
14 it may very well succeed. But that is up to  
15 between us, solicitor/client privilege and what  
16 we feel is the best way. When people donate to  
17 Action4Canada they donate willingly and freely  
18 because they believe in the case that we are  
19 doing and they trust. This has been a case to  
20 completely undermine us every step of the way.  
21 And the fact that Donna Toews happens to be the  
22 one...Toews or Toews, I apologize, I don't know  
23 how to say her last name, is the one that ends up  
24 making a huge donation to Kip Warner and then in  
25 December of 2021 is behind this with the

T. Gaw - 83

1 assistance of Mr. Warner is highly suspect to me,  
2 don't you think?

3 301. Q. Okay, so...

4 A. When I say it is completely  
5 biased and unfounded, it is because they do not  
6 know or understand the strategy to which we are  
7 using.

8 302. Q. Right. So, I'll come to The Law  
9 Society complaint in a moment. You say,

10 "...[You] have personally been informed  
11 that Mr. Warner has spoken to several  
12 individuals and stated that he wants to  
13 see Rocco's clients fire him, have him  
14 criminally charged and disbarred..."

15 Is that Alicia Johnson who told you that?

16 A. Yes, in the fall of 2021, I  
17 received a call from her and she was very  
18 concerned about what information Kip Warner had  
19 provided her and trying to get Ted Kuntz and I to  
20 no longer have Rocco as our counsel. And I said,  
21 "Absolutely not, I am not buying into that".

22 303. Q. Okay. All right. Anybody else?

23 A. Not that...I have knowledge of,  
24 but not that I can name.

25 304. Q. Okay. All right. And you said

T. Gaw - 84

1                   this was in the fall of 2021.

2                   A.        I believe it was October.

3        305.           Q.        Okay. Why don't you identify her  
4                   in this paragraph?

5                   A.        What did I say? There was no  
6                   reason. It was just the way I phrased the  
7                   sentence.

8        306.           Q.        Okay. The LSO complaint, you've  
9                   seen it, right?

10                  A.        Yes.

11        307.           Q.        It's in Rocco's affidavit at, I  
12                  believe, Exhibit O. I am going to just take you  
13                  to the page where the complaint actually is.  
14                  These are the allegations. You've read this?

15                  A.        Yes.

16        308.           Q.        And there is nothing false in it,  
17                  right?

18                  A.        Give me a moment. Yes, the  
19                  information about the 3.5 million dollars, I  
20                  don't know where she gets that from.

21        309.           Q.        You don't know, right. But there  
22                  is nothing you know to be false in this...

23                  A.        Just again more misleading  
24                  information.

25        310.           Q.        Fine. Okay. So she doesn't...so



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1 here they ask her what she wants. It's on page  
2 230. She doesn't say that she wants Mr. Galati  
3 criminally charged, does she?

4 A. No.

5 311. Q. She doesn't ask that he be  
6 disbarred either, does she?

7 A. No.

8 312. Q. And this is the Law Society  
9 complaint that you contend Kip Warner was behind.

10 A. Yes, there is email evidence of  
11 that.

12 313. Q. Right. So isn't that  
13 inconsistent with your previous statement or the  
14 statement of Ms. Johnson that he wanted to have  
15 him disbarred and criminally charged?

16 A. No.

17 314. Q. Why wouldn't they ask for that?

18 A. You have to go through a  
19 certain...I don't know the procedures with the  
20 Law Society. I don't know the procedures and  
21 what incremental steps would possibly, you know,  
22 lead to that. So I can't really answer your  
23 question.

24 315. Q. Okay. You've never seen a  
25 document in which Kip Warner advocated for

T. Gaw - 86

1 criminal charges against Mr. Galati, correct?

2 A. No, I just had the knowledge of  
3 the phone call I received from Alicia and the  
4 firsthand testimony from her that Kip Warner has  
5 an agenda to have Rocco disbarred.

6 316. Q. All right. Let's go back to your  
7 affidavit then. Paragraph 18 you say that Mr.  
8 Sobolev referred to Mr. Galati as a clown and you  
9 attach a post in which he did so, right?

10 A. Yes.

11 317. Q. As Exhibit C. You are aware that  
12 Mr. Sobolev is not a defendant in this  
13 proceeding, right?

14 A. Yes.

15 318. Q. And that statement was not made  
16 by Mr. Warner, it was made by Mr. Sobolev?

17 A. Right.

18 319. Q. Right? And nobody in the  
19 evidence you've provided, made any statements  
20 about Mr. Galati including Donna Toews. Donna  
21 Toews, other than that Law Society complaint  
22 which we looked at, she never made any statements  
23 about Mr. Galati, correct?

24 A. Not to my knowledge.

25 320. Q. Okay.

T. Gaw - 87

1                   A.       I am not on social media very  
2                   often. The only time I receive things is if  
3                   somebody brings them to my attention.

4       321.            Q.       Okay. And to your knowledge it  
5                   hasn't happened. Okay, paragraph 20, here is  
6                   where you come to Alicia Johnson. So Alicia  
7                   Johnson told you that Kip Warner wanted you to  
8                   take steps to have Rocco Galati charged for  
9                   financial fraud and have him disbarred. Okay.  
10                  So I was going to ask you when this happened but  
11                  I think you've told me. Is this the October 2021  
12                  call?

13                  A.       Yes.

14       322.            Q.       Okay. What steps did she ask you  
15                  to take...what steps did she say Kip Warner  
16                  wanted you to take to have him criminally charged  
17                  for financial fraud and disbarred?

18                  A.       It was an appeal to have Rocco  
19                  removed based on information that Kip was  
20                  spreading, such as was presented on his website,  
21                  and to try to undermine my confidence in Mr.  
22                  Galati, to have him removed as my lawyer.

23       323.            Q.       So one of the steps or the  
24                  step...is that the only step, have him removed as  
25                  your lawyer?

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1                   A.       Yes, and then the additional  
2                   statement that it was his mission to have Rocco  
3                   disbarred.

4       324.           Q.       Okay. She said that Kip wanted  
5                   you to take initiatives to have him criminally  
6                   charged.

7                   A.       Where do you see to have him  
8                   criminally charged? Where do you see that? I  
9                   don't remember that in my statement.

10       325.           Q.       "  
11                   "...I was informed by Alicia Johnson..."

12                   A.       Okay, thank you, for financial  
13                   fraud. Yes. But what, okay, so what is your  
14                   specific question?

15       326.           Q.       What steps did Kip want you to  
16                   take? That was my question. You've given me  
17                   one. You said to have him removed as counsel.

18                   A.       As counsel, that was the  
19                   beginning stages of this.

20       327.           Q.       All right.

21                   A.       And then the statement, to have  
22                   it as his objective to have him disbarred.

23       328.           Q.       But what did he want you to do to  
24                   get him criminally charged and disbarred?

25                   A.       I didn't go further with this

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1 conversation. I had said no.

2 329. Q. So she didn't tell you what steps  
3 Kip wanted you to take?

4 A. I wasn't going to be...first of  
5 all, that conversation was in October of 2021. I  
6 cannot remember...I didn't take notes. I didn't  
7 know that this was going to turn into...you know,  
8 that he would continue this campaign. So to the  
9 best of my recollection, I am telling you the  
10 phone conversation I remember was to remove...was  
11 an appeal to remove my lawyer and that there was  
12 statements being made about financial fraud and  
13 as well, the statement as well, to have him  
14 disbarred. So what I am saying is is that  
15 obviously, because this is October 2021, I knew  
16 what had happened with Dan in January 2021, the  
17 information, June of 2021, Vlad from Hugs Over  
18 Masks was making statements as well on his  
19 podcasts regarding all of this. And so by the  
20 time this information is coming to me, and she  
21 was feeling legitimately concerned at the time  
22 because its like, "oh my goodness", until I said,  
23 "No, this information is not true. I have full  
24 confidence in Rocco remaining as my lawyer".

25 330. Q. Okay. And you go on here to say,

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1                                    "... "All of which I have found  
2                                    outrageous and criminal itself..."

3                                    A.        Yes.

4            331.                    Q.        Okay. Did you report this to the  
5                                    police?

6                                    A.        No.

7            332.                    Q.        All right. And you didn't make a  
8                                    note of it, you said?

9                                    A.        I didn't journal about it, let's  
10                                   put it that way. But I have...

11           333.                    Q.        What did you do?

12                                   A.        I have the information that I was  
13                                   able to provide here and I did not take further  
14                                   steps against Kip Warner. To be honest, it  
15                                   hadn't even been a thought. How would you go  
16                                   about something like that, for an individual like  
17                                   this, right?

18           334.                    Q.        You said you had the information  
19                                   that you provided here. You didn't provide any  
20                                   documents. Did you make a note or write it down  
21                                   anywhere?

22                                   A.        Why would I need to? No.

23           335.                    Q.        So, no is the answer. You didn't  
24                                   make a note. You didn't communicate it to  
25                                   anybody.

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1 A. I communicated it to Rocco.

2 336. Q. When?

3 A. I don't recall.

4 337. Q. Was it right after you heard  
5 about it?

6 A. I don't recall. Based on who I  
7 am and receiving a phone call like this, I would  
8 have communicated with Rocco but I don't...

9 338. Q. You would have communicated right  
10 away with him?

11 A. I don't know. I don't recall.

12 339. Q. Okay. You didn't consult any  
13 note or other document in preparing this part of  
14 your affidavit?

15 A. No. My recollection of the  
16 incident.

17 340. Q. Okay. In Alicia Johnson's  
18 affidavit, she says she did not reach out to you  
19 as requested by Kip. Do you want me to show that  
20 to you?

21 A. Yes.

22 341. Q.

23 "...Because of my own nature and my  
24 discernment I did not reach out to Tanya  
25 Gaw, Ted Kuntz and Odessa Orlewicz right

T. Gaw - 92

1 away as Kip Warner had asked. I was  
2 hesitant because I felt that Kip  
3 Warner's actions, his website to have  
4 her drop Rocco Galati was directly  
5 undermining the movement by causing  
6 public doubt and insecurity towards  
7 Rocco Galati, Action4Canada and Vaccine  
8 Choice Canada by repeating to as many  
9 people that would listen the same  
10 information he relayed to me on our  
11 single conversation. To be frank, what  
12 he was saying about Rocco Galati was  
13 defamatory as he was trying to paint  
14 Galati as a con artist and a fraud..."

15 MR. GALATI: You misstated the  
16 evidence. She said she didn't reach out  
17 right away.

18 342. MR. GLEASON: I just read her exactly  
19 the evidence.

20 MR. GALATI: Right.

21 343. MR. GLEASON: Including the words  
22 "right away".

23 MR. GALATI: Okay.

24 344. MR. GLEASON: All right? So please  
25 stop it.



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1 MR. GALATI: No, but before you read  
2 it out, Tim, you said, Alicia Johnson in  
3 her affidavit stated that she did not  
4 reach out to you.

5 THE DEPONENT: That is the same thing  
6 I heard. I was going to question you on  
7 it. It's the same thing.

8 MR. GALATI: Okay, so you stop it...

9 THE DEPONENT: As soon as you said...

10 345. MR. GLEASON: Okay. Hold on.

11

12 BY MR. GLEASON:

13 346. Q. I read to you exactly what her  
14 evidence was.

15 MR. GALATI: Okay. Fair enough.

16

17 BY MR. GLEASON:

18 347. Q. And then I am going to read to  
19 you what she says later is that she later,  
20 "...At the end of February 2022, she  
21 spoke to you by text message to relay  
22 the information..."

23 And at a later date then that, which we don't  
24 know, she spoke to you in person. So you agree  
25 with me that is inconsistent with your evidence,

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1 right?

2 A. It is.

3 348. Q. Did you misremember or did she?

4 A. It is possible that I  
5 misremembered. I was thinking it was around  
6 October of 2021, but it is possible, as I said I  
7 didn't write it down. I didn't make a journal of  
8 it.

9 349. Q. And do you have that text  
10 message?

11 A. My text messages disappear so I  
12 am unsure.

13 350. Q. Okay. If you do have it will you  
14 provide it to me?

15 A. Yes, I can look for it, but  
16 okay...I am going to need a make a note of that.

17 351. Q. Okay.

18 A. I am pretty sure all of my  
19 messages just disappear though, and I don't know  
20 how to recover those.

21 352. Q. So a number of inconsistencies  
22 here, Ms. Gaw. Not just the timing, like several  
23 months, but you said it was a telephone call and  
24 nothing written. She says there is a text  
25 message and then in person she told you what Kip

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1                    wanted her to convey. So...

2                    A.            If I receive a text message  
3                    regarding something like this, I would pick up  
4                    the phone and have a conversation with someone.

5                    353.            Q.            Okay. But that is inconsistent  
6                    with her evidence, right? Like her evidence is  
7                    that it was an in person meeting.

8                    A.            No, her initial was most likely,  
9                    very likely that she had texted me. I believe  
10                   that to be true.

11                   354.            Q.            And then at a later date in  
12                   person, she conveyed "everything Kip Warner  
13                   wanted me to convey." It is inconsistent with  
14                   your recollection. Are you confident that in  
15                   your recollection or do you think she is maybe  
16                   mistaken?

17                   A.            I am saying it was highly  
18                   possible that it wasn't October, it was February,  
19                   and if she had sent me a text, which I've looked  
20                   and they do disappear, that that would have  
21                   initiated a conversation.

22                   355.            Q.            Okay. So her memory is not  
23                   correct then. Is that right?

24                   MR. GALATI:        That is not what she  
25                   said.

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1 THE DEPONENT: No, I am not saying  
2 that that's what she said. I am saying  
3 that if Alicia had texted me, which I  
4 believe is highly possible. That is the  
5 most plausible. And then I would have  
6 responded to her and then we would have  
7 had a conversation.  
8

9 BY MR. GLEASON:

10 356. Q. In person?

11 A. Over the phone.

12 357. Q. She says it was in person. Is  
13 she mistaken or you?

14 A. Okay. See this is where I wish I  
15 had journalled. And yes, it was in person. That  
16 I would have to confirm. I believe we met at a  
17 restaurant.

18 358. Q. Okay. All right.

19 A. Like I said, you know, for me to  
20 have the recollection of this, had I been making  
21 a journal of all of it, I would have been able to  
22 answer those. That is a year and a half ago.

23 359. Q. Fair enough, and there is nothing  
24 wrong with that, I just want you to agree with me  
25 that either your recollection is incomplete or

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1                   imperfect or hers is or both, we just don't know,  
2                   right?

3                   A.        I am saying that most likely her  
4                   recollection would be correct.

5        360.           Q.        Okay.

6                   A.        I wasn't paying attention to  
7                   that. She documents things extremely well, so if  
8                   she had texted me, I would 100 percent...I would  
9                   support that and most likely, I wouldn't be  
10                  surprised if she has that text because she is  
11                  much better at this tech than I am.

12       361.           Q.        Okay.

13                  MR. GALATI:        I am just eying the  
14                  clock. We were supposed to be on Alicia  
15                  by now, even though we had an extra half  
16                  an hour.

17       362.           MR. GLEASON:        I'm just about  
18                  finished.

19                  MR. GALATI:        Tanya, you are just  
20                  about finished?

21       363.           MR. GLEASON:        Yes.

22                  MR. GALATI:        Can I take...you don't  
23                  have to recess, I just need 30 seconds.

24       364.           MR. GLEASON:        No, we will take a few  
25                  minutes.

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1 MR. GALATI: Okay.

2

3 --- upon recessing at 3:08 p.m.

4 --- A BRIEF RECESS

5 --- upon resuming at 3:11 p.m.

6

7 TANYA GAW, resumed

8 CONTINUED CROSS-EXAMINATION BY MR. GLEASON:

9 365. Q. So in paragraph 22 of your  
10 affidavit, you address the affidavit of Federico  
11 Fuoco. And you say that his assertions are  
12 blatantly false. You point to Exhibit D as  
13 evidence that he wished to be named as a  
14 plaintiff in his own personal name only, right?  
15 That's what you say?

16 A. Yes.

17 366. Q. Okay. Let's look at Exhibit D.  
18 D, do you recognize it?

19 A. Yes.

20 367. Q. So its an email from you to Rocco  
21 Galati, correct?

22 A. Yes.

23 368. Q. And it says,  
24 "...Mr. Fuoco wants direction from Rocco  
25 Galati..."

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1 It doesn't say that Mr. Fuoco is giving  
2 instructions to Rocco Galati, right?

3 A. Correct.

4 369. Q. Okay. So you'd agree with me  
5 this is not evidence of his intention to be named  
6 only as a personal plaintiff?

7 A. It was evidence that he...I  
8 connected him with Rocco to have the conversation  
9 over it.

10 370. Q. Okay. But he certainly isn't  
11 suggesting that in his...well, there is no email  
12 from him, right?

13 A. Right.

14 371. Q. And in response to this email,  
15 did Mr. Galati provide any advice to Mr. Fuoco?

16 A. That is a question for Rocco. I  
17 don't have that information.

18 372. Q. So you don't know, okay. So why  
19 would this be going through you then?

20 A. Because we had...well, because I  
21 was overseeing the plaintiffs and that we had  
22 Zoom meetings with the plaintiffs as well, and at  
23 that point, Federico was expressing his concerns  
24 over his assets and whose name that it should go  
25 under, et cetera, and so those were the things

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1 that were to be discussed between him and Rocco.

2 373. Q. Okay. And in your presence or in  
3 any communications you are aware of, did Rocco  
4 give him any advice about personal liability for  
5 costs if you were named personally as a  
6 plaintiff?

7 A. Again, these conversations took  
8 place in person in the Zoom calls, and everything  
9 that we were doing with the plaintiffs was with  
10 the awareness of their personal, what did I just  
11 say...the word is escaping me.

12 374. Q. Personal liability?

13 A. No, their property. Not to put  
14 their property or belongings at risk.

15 375. Q. So is your evidence that Rocco  
16 did provide advice about personal exposure to  
17 cost orders?

18 A. I am saying that I don't recall  
19 the conversation that went on in the Zoom.

20 376. Q. Okay.

21 A. I am saying that what I recall  
22 with all of the plaintiffs is that we were  
23 concerned to protect assets and make decisions  
24 based on how that would best do that.

25 377. Q. Okay. Back to your affidavit



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1           then. Still at 22. You say that Exhibit E,  
2                           "...Subsequently in conversations with  
3           Mr. Galati, upon learning that his  
4           restaurant companies could not recoup  
5           financial damages, they were not named  
6           until Ms. Galati's request. He emailed  
7           Mr. Galati to confirm that he also  
8           wanted two companies added which is his  
9           email request August [blank] 2021,  
10           reproduced here as Exhibit E..."

11           What day in August 2021 was that?

12                           A.        I don't recall.

13           378.           Q.        Okay. So if I go to Exhibit E it  
14           doesn't really help me with that either because  
15           it doesn't look like an email. Do you understand  
16           why that doesn't have an email header or date?

17                           A.        No.

18           MR. GALATI:        I can tell you as an  
19           officer of the court I think that is my  
20           office's error there. We duplicated the  
21           same personal plaintiff narrative that  
22           we asked for there that is set out. I  
23           think the email is in Mr. Fuoco's and my  
24           affidavit. I am sorry about that.

25           379.           MR. GLEASON:        Oh, can you point me to

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1 which exhibit it is?

2 THE DEPONENT: This is a PDF. It was  
3 attached as a PDF, that's why it's not  
4 at the top of the page.

5 MR. GALATI: Right. No, I am talking  
6 about...Mr. Fuoco has the August email  
7 and I reproduce it also in my affidavit  
8 in response to him. I can't put my  
9 finger on it.

10 380. MR. GLEASON: You say, Mr. Fuoco  
11 attached it to his affidavit?

12 MR. GALATI: Yes. If I recall it,  
13 and it is in my affidavit as well. Can  
14 you pull that up, Alex?

15 381. MR. GLEASON: I can...there is a  
16 single...yes.

17 MR. GALATI: It's Exhibit A that you  
18 put into his affidavit and I reproduced  
19 it as Exhibit AAA in mine.

20 382. MR. GLEASON: Okay. So this one  
21 here,  
22 "...As discussed in our conversation, I  
23 am instructing you to name Fire  
24 Productions Ltd. and Fire Productions  
25 Inc. as plaintiffs in the action. I

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1 further confirm that I am the sole  
2 shareholder and director of these  
3 corporations..."

4 MR. GALATI: Right.

5 383. MR. GLEASON: Okay.

6

7 BY MR. GLEASON:

8 384. Q. So, Ms. Gaw, you agree with me,  
9 this is the opposite of instructing Mr. Galati  
10 that he wanted to be a personal plaintiff, right?

11 A. Okay. So if you look at the  
12 information, the email that I sent you was as of  
13 July 28, 2021. July 29th, sorry. And based on  
14 the evidence I had, I am not privy to the  
15 correspondence that went on between Rocco and him  
16 before we officially filed our Statement of  
17 Claim. I don't know the reasons for those  
18 changes so I can't comment on it.

19 385. Q. If you can't comment on it, why  
20 did you give sworn evidence about it?

21 A. Because this is the first time I  
22 am seeing this. This was based on what I knew.

23 386. Q. Wait a minute. You say,  
24 "...Subsequently in conversations with  
25 Mr. Galati, upon learning his restaurant

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1 companies could not recoup financially  
2 if they were not named on Mr. Galati's  
3 request, he emailed Mr. Galati and  
4 confirmed he wanted the two companies  
5 added..."

6 Which is the email request reproduced here that  
7 you didn't reproduce there. So you must have  
8 seen it to give this evidence?

9 A. Okay. Can you just give me a  
10 moment?

11 387. Q. Why would you say that?

12 A. Because I don't have that in here  
13 and when I was going through these notes, forgive  
14 me but it was a long time ago that we put those  
15 and so when I was reviewing this, I don't have  
16 that as a copy.

17 388. Q. M'hmm.

18 A. So I forgot.

19 389. Q. Okay. So did you just make this  
20 up? Because the email itself says that he wants  
21 the companies named as the plaintiff.

22 A. Right.

23 MR. GALATI: But there is an exhibit  
24 to her affidavit dated April 7, 2021,  
25 where he he submits his narrative in his

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1 personal name, Tim.

2 390. MR. GLEASON: Okay.

3 MR. GALATI: I also deal with that in  
4 my affidavit.

5 391. MR. GLEASON: But on August 15th,  
6 2021, he gives specific instructions as  
7 to who is to be the plaintiffs.

8 MR. GALATI: Earlier he wanted to be  
9 the plaintiff. That is what is set out  
10 and that is confirmed by his statement  
11 as plaintiff for the...

12 392. MR. GLEASON: Hold on, just one  
13 moment. I am cross-examining a witness.

14 MR. GALATI: All right.

15 393. MR. GLEASON: You were examined this  
16 morning. You gave your evidence. I am  
17 asking the witness about her evidence.

18 MR. GALATI: Okay.

19 394. MR. GLEASON: So I'd ask you to  
20 please stop giving evidence in her  
21 place.

22

23 BY MR. GLEASON:

24 395. Q. Ms. Gaw.

25 A. Yes?

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1           396.                   Q.           This email dated August 15, 2021.  
2                                    You agree with me he is instructing Mr. Galati to  
3                                    name the two companies as plaintiffs, okay.

4                                    A.           Yes.

5           397.                   Q.           So that is different than what  
6                                    you said in your affidavit, right?

7                                    A.           Give me a second to read what is  
8                                    before me. If you could do that for me for a  
9                                    moment, please. Okay. So, yes. So, ask me what  
10                                  your question is. I needed to read A and B first  
11                                  before answering your questions, so I understand  
12                                  what it is that you are asking because for  
13                                  whatever reason, it doesn't matter, I have all of  
14                                  his emails. I spent a lot of time with Federico  
15                                  going over this information when he was writing  
16                                  up his PDFs. So please ask me what your question  
17                                  is.

18          398.                   Q.           Here is my question. Will you  
19                                    give me all of those documents that you are  
20                                    looking at right now?

21                                  A.           These are. These are the ones  
22                                  that you have.

23          399.                   Q.           All right.

24                                  A.           Sorry, they are given as exhibit  
25                                  under D. And they've got a page 952, 954 and

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1 956. And 957.

2 400. Q. All right. So the email that you  
3 described, Mr. Galati has pointed out, is the  
4 email attached as Exhibit A to Mr. Fuoco's  
5 affidavit, right?

6 A. Say the question again? I am not  
7 understanding what you are asking me right now.

8 401. Q. You describe in paragraph 22(b)  
9 an email saying that he wanted the two companies  
10 added.

11 A. Yes.

12 402. Q. And you attached it as Exhibit E.  
13 I pointed out to you that there is no such email  
14 at Exhibit E.

15 A. No, attached, for whatever  
16 mistake has been made, that was not attached.

17 403. Q. Okay. And is this then what you  
18 intended to be Exhibit D or is this Exhibit D?

19 A. That would be...

20 404. Q. So you said...let's go back to  
21 your affidavit.

22 A. That's D. So for Section A,  
23 Exhibit D, is where he was requesting to be the  
24 plaintiff.

25 405. Q. Okay. So let's go there. I took

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1                   you there and I showed you that, in fact, he  
2                   doesn't make such a request.

3                   A.        So you can see at the top of 954.

4           406.        Q.        D is 952.

5                   A.        No, I know, but I am  
6                   saying...well, why do I have it attached in my  
7                   docs? I have D as three different documents.

8           407.        Q.        I don't know, but I am going from  
9                   the motion record that's filed with the court. D  
10                  is 952.

11                  A.        Okay. So...

12           408.        Q.        He does not ask...he asks for  
13                  advice...well, you say he wants advice. We have  
14                  no evidence of him getting that advice.

15                  A.        Okay, do you see where it says,  
16                  "Retainer question and further info"?

17           409.        Q.        M'hmm.

18                  A.        So the further info are the two  
19                  attachments that I am talking to you about.  
20                  These were attached to that email, and at the top  
21                  of it it says, "Plaintiff Federico".

22           410.        Q.        But that is your email to Mr.  
23                  Galati.

24                  A.        Right, so the email includes the  
25                  further info which are these documents.



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1           411.           Q.       What documents, there is nothing  
2                           attached to it?

3                           A.       Okay. So, that's why I don't  
4                           know why but mine shows the two documents  
5                           attached to it. So it would include these two  
6                           documents which was Federico naming as plaintiff  
7                           at this point on that date.

8           412.           Q.       Is that what you've got marked as  
9                           Exhibit E?

10                          A.       Right here. This is what...it is  
11                          not Exhibit E based on...oh, my apologies, yes,  
12                          it is. So those are the attachments...

13           413.           Q.       Okay. Nowhere in Exhibit E does  
14                           he indicate that he's received the advice he's  
15                           sought about whether to be on personally, right?  
16                           Are you saying this is predated?

17                          A.       Because he is named as plaintiff  
18                          at the top.

19           414.           Q.       Where?

20                          A.       Right there. See, "Plaintiff".

21           415.           Q.       "Fuoco Business"...

22                          A.       "Closure. Regarding business  
23                          closure, Federico Fuoco".

24           416.           Q.       It doesn't say, "Regarding  
25                           business closure". There is no statement in here

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1                   saying, "I want to be personally named as a  
2                   plaintiff" is there?"

3                   A.           When I was vetting the plaintiffs  
4                   and they provided me information, I would create  
5                   a form and put, "Plaintiff: Federico" and what it  
6                   was regarding at the top of the page.

7           417.           Q.           Where is that?

8                   A.           At the top. Where it says,  
9                   "Federico", and then that business closure would  
10                  have been to me and referring Rocco regarding  
11                  business closure. If it was regarding a vaccine  
12                  injury, it would have said the plaintiff's name  
13                  with "Vaccine injury" beside.

14           418.           Q.           So this is a document that you  
15                  created?

16                  A.           No, he wrote it...

17           419.           Q.           Okay.

18                  A.           ...and this was the additional  
19                  information to Rocco on his situation.

20           420.           Q.           Wait a minute...

21                  A.           But I am just saying that it  
22                  showed...

23           421.           Q.           ...who wrote this document I am  
24                  showing you which you marked as Exhibit E. It is  
25                  page 954. Who prepared this document?

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1 A. Federico did.

2 422. Q. Okay. And he doesn't say  
3 anywhere in here that he wants to be named  
4 personally as a plaintiff, does he?

5 A. No, but what I am saying is, I  
6 started vetting him as a plaintiff back in, I  
7 think it was the fall of 2020 or maybe early  
8 2021, and so he wanted to be a plaintiff, so that  
9 is how I would view him, as a plaintiff. Him.

10 423. Q. Well, you viewed him but he  
11 didn't ask for it?

12 A. That's how the individuals I was  
13 vetting was coming in. He was coming in as a  
14 plaintiff and then there was a shift as you have  
15 shown there that it went as a plaintiff to his  
16 business as plaintiff. And that would have been  
17 conversations that took place between him and  
18 Rocco.

19 424. Q. So, nothing in that document...he  
20 doesn't suggest anywhere in that document he  
21 wants to be personally named, and subsequently,  
22 in August, he actually says, or you say that he  
23 is asking whether it should be his own name or  
24 the businesses, right?

25 A. Right, and this goes back...



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1

2 BY MR. GLEASON:

3 429. Q. So we have asked Mr. Federico and  
4 you haven't shown me anything different.

5 MR. GALATI: She has answered your  
6 questions, Tim.

7 430. MR. GLEASON: Okay.

8 MR. GALATI: You have my affidavit in  
9 response to Mr. Fuoco.

10 431. MR. GLEASON: I only want her  
11 answers.

12 MR. GALATI: I know but she has  
13 answered what she can. She is not privy  
14 to the conversations between myself and  
15 Mr. Fuoco. That is what she said.

16 432. MR. GLEASON: M'hmm.

17 MR. GALATI: It is now twenty to  
18 4:00. I am just doing that as a  
19 courtesy to you, Tim.

20

21 BY MR. GLEASON:

22 433. Q. Paragraph 22, you say,  
23 "...I wrote an email to Mr. Galati who  
24 responded that he should send out all  
25 three, which email is attached as

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1 Exhibit F..."

2 Right?

3 A. Okay.

4 434. Q. Okay. And I look at Exhibit F  
5 and it doesn't say that, right?

6 A. I'd have to review it for a  
7 moment.

8 435. Q. It's right there in front of you.

9 MR. GALATI: Yes, there is obviously  
10 an error in the alignment of the  
11 exhibits, Tim. Sorry.

12 THE DEPONENT: So what specifically  
13 are you asking right now?

14

15 BY MR. GLEASON:

16 436. Q. This isn't what you said it was,  
17 that's all, and I got my answer from your counsel  
18 again but that is fine.

19 A. You are basing it on 22...

20 MR. GALATI: Tanya, the exhibits are  
21 misaligned. Sorry.

22

23 BY MR. GLEASON:

24 437. Q. Okay. So if we look at what is  
25 at Exhibit F this is an email, do you see it on

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1 the screen, from you? Who are you sending it to?

2 A. To our plaintiffs.

3 438. Q. Okay. And you say,

4 "...Judge Ross further supported that  
5 Charter rights were infringed upon...

6 A. Right, and I give a quote.

7 439. Q. Right. Would you agree that is  
8 pretty misleading?

9 A. How so?

10 440. Q. Well, the judge didn't say that  
11 Charter rights were infringed upon.

12 A. But it says,  
13 "...Put simply, individuals have  
14 standing to question whether state  
15 actions infringe their Charter protected  
16 rights..."

17 441. Q. They have standing. He didn't  
18 make a finding...

19 A. The prospect that the...

20 442. Q. ...or support a finding that  
21 Charter rights were infringed upon.

22 A. He says,  
23 "...There is a prospect that the  
24 plaintiffs could put forward a valid  
25 claim..."

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1 I would take that...

2 443. Q. Put forward. There is a prospect  
3 they could put forward a valid claim.

4 A. In my opinion...

5 444. Q. What he is saying is that they  
6 have not put one forward, right?

7 A. In my opinion, when I read that,  
8 in my opinion, he is stating that the  
9 Charter...there are Charter protected rights. He  
10 is validating that.

11 445. Q. But you didn't say that. You say  
12 he supported that Charter rights were infringed  
13 upon.

14 A. That is my opinion of what has  
15 been stated there.

16 446. Q. Okay. What is the basis of that  
17 opinion? It's not the words that he wrote.

18 MR. GALATI: Well, she just testified  
19 that it is, Tim. You may disagree but  
20 she testified that is what she is basing  
21 it on.

22

23 BY MR. GLEASON:

24 447. Q. Did Mr. Galati tell you that is  
25 what he did?



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1 MR. GALATI: Don't answer that.

2 THE DEPONENT: No, I didn't have a  
3 conversation with Mr. Galati when I  
4 wrote this. This states right here,  
5 "...COVID-19 based restrictions  
6 instituted by the Federal or Provincial  
7 governments infringed their Charter  
8 rights..."

9

10 BY MR. GLEASON:

11 448. Q. What?

12 A. It says it right in the judge's  
13 quote.

14 449. Q. "Could put forward a claim".

15 A. Yes.

16 450. Q. Because you could put forward a  
17 claim, but he also said you'd failed to do so,  
18 right? And struck out your pleading.

19 A. No, that is not what is said  
20 here.

21 451. Q. All right. You say that Rocco  
22 was expecting the judge would take issue with the  
23 pleading but wanted to ensure all the important  
24 details were on the records in the courts.

25 A. Right.

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1           452.                   Q.           That's down here. What do you  
2                                    mean by that? He wanted to put things in the  
3                                    claim that would be rejected?

4                                    A.           No, that is not at all what I've  
5                                    said there.

6           453.                   Q.           Well, the judge...you agree with  
7                                    me the judge found that there were details in  
8                                    there that were not important to be before the  
9                                    court, right?

10                                  A.           That is because that is in the  
11                                  judge's opinion, because we look at this as more  
12                                  than a BC issue or Canadian issue. That there is  
13                                  a global issue that is going on and those details  
14                                  and what The World Economic Forum, for instance,  
15                                  and the UN dictates have done and the influence  
16                                  that's had on Canadians, has impeded on our  
17                                  rights.

18           454.                   Q.           So it wasn't the judge's opinion,  
19                                    it was the judge's judgment, right? It was his  
20                                    ruling.

21                                  A.           Well...

22           455.                   Q.           He said that the pleading was  
23                                    prolix, didn't he?

24                                  A.           But I think that we've noticed  
25                                  that judges are applying opinion as well based on

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1                   some circumstances here. So when they make a  
2                   judgment, some of that is based on their own  
3                   opinion. So if I've used the term opinion.

4           456.                   Q.           Okay. So you didn't understand  
5                   that he had decided that your claim was prolix  
6                   and included details that shouldn't have been  
7                   included?

8                                A.           I understand the judge felt that  
9                   it was a lengthy claim.

10          457.                   Q.           He determined it.

11                                A.           Right. But we don't agree with  
12                   that.

13          458.                   Q.           You don't agree with it but you  
14                   don't decide, right? You are going to the court  
15                   for its judgment.

16                                MR. GALATI:        So what is your point,  
17                   Tim? The court gave its opinion. My  
18                   client doesn't agree with it, and  
19                   they've appealed.

20

21          BY MR. GLEASON:

22          459.                   Q.           Okay. You say here you are going  
23                   up against very corrupt individuals. Are you  
24                   referring to all of the defendants in that  
25                   action?

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1 A. Yes.

2 460. Q. Okay. What kind of corruption  
3 are you alleging against all of the defendants?  
4 Is it what is included in the prolix Statement of  
5 Claim that was struck out, is that what you  
6 characterize as corruption?

7 A. Sorry?

8 461. Q. Never mind. Your affidavit marks  
9 an Exhibit G but there is no Exhibit G. Can you  
10 explain that?

11 MR. GALATI: I can explain, they are  
12 misaligned. If you wish, Tim, I can  
13 endeavour to properly align these  
14 exhibits. I don't know how this  
15 happened in the record.

16 462. MR. GLEASON: Okay. Why don't you  
17 just undertake to give me Exhibit G.

18 MR. GALATI: Okay. Exhibit G?

19 463. MR. GLEASON: Yes.

20 MR. GALATI: Okay.

U/T

21

22 BY MR. GLEASON:

23 464. Q. I've got a question and I believe  
24 I've already asked, and you refused and that is  
25 what is the status of the appeal from Justice

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1 Ross's judgment?

2 MR. GALATI: I've already answered  
3 that...

4 465. MR. GLEASON: I didn't ask you. I  
5 asked your witness and you refused.

6 MR. GALATI: That is a matter of  
7 public record for one. You can check  
8 the BC Court of Appeal website and  
9 you'll see the status.

10 466. MR. GLEASON: Right. So I guess when  
11 you said its privileged, you were  
12 mistaken?

13 MR. GALATI: Well, it all depends on  
14 how many details you wanted. If you  
15 want the status its perfected awaiting  
16 the setting down of an appeal hearing  
17 date.

18 467. MR. GLEASON: Has the responding  
19 factum been filed?

20 MR. GALATI: Everything has been  
21 filed. We are just trying to agree on a  
22 date.

23 468. MR. GLEASON: If you could provide  
24 that material to me, please?

25 MR. GALATI: Sorry?

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1           469.           MR. GLEASON:        Could you please  
2                           provide the appeal book, the appeal  
3                           factum...

4           MR. GALATI:        You can get that off the  
5                           website, it's a public document.

6           470.           MR. GLEASON:        I am asking you to  
7                           provide it.

8           MR. GALATI:        Why should I provide it?  
9                           You can get it off the BC Court of  
10                          Appeal website.

11          471.           MR. GLEASON:        So are you refusing?

12          MR. GALATI:        I am not refusing. It  
13                           is there. I am directing you to the  
14                           website.

15          472.           MR. GLEASON:        Okay. Thank you, Ms.  
16                           Gaw. That is all I have for you.

17          MR. GALATI:        I just have a couple of  
18                           quick questions in re-direct, Mr.  
19                           Reporter.

20

21          RE-EXAMINATION BY MR. GALATI:

22          473.           Q.        Ms. Gaw, did Donna Toews ever ask  
23                           you for a refund, yes or no?

24                           A.        No.

25          474.           MR. GALATI:        Thank you. That's my

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1 question.

2 475. MR. GLEASON: Okay.

3

4 --- upon adjourning at 3:38 p.m.

5

6

7

8

9

10

11

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| <u>EXHIBIT<br/>NUMBER</u> | <u>DESCRIPTION</u>  | <u>PAGE<br/>NUMBER</u> |
|---------------------------|---|------------------------|
| 1                         | Action4Canada's R. Galati<br>Biography website posting, dated<br>October 13, 2020   | 13                     |
| 2                         | Action4Canada, Taking Legal<br>Action Against BC Government<br>website posting, dated September<br>23rd, 2020   | 15                     |
| 3                         | Action4Canada Notice of<br>Liability website posting, dated<br>November 2022  | 15                     |
| 4                         | Notice of Liability: Medical<br>Treatments/Procedures/Devices;<br>Employers (Health Care, Federal,<br>Private and Public); Business<br>Associations and the like,<br>Action4Canada PDF document,<br>dated November 2022 | 20                     |



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top constitutional lawyer, to take on the legal action against the Government of British Columbia.

# ACTION **4** CANADA

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**October 13, 2020,**

**Action4Canada** is very pleased to announce that we have retained the services of Rocco Galati, a top constitutional lawyer, to take on the [legal action](#) against the BC and federal government.

**Rocco Galati: [Biography](#)**

In addition to running his own law firm, Mr. Galati recently launched the website for the [Constitutional Rights Centre Inc](#), in existence since November, 2004, along with other social media platforms.

The Constitutional Rights Centre is established as a private corporation whose sole mission and aim(s) are the protection, defence, enforcement, and enhancement of constitutional rights, and the supremacy of the Constitution, and the Rule of Law, without government funding, interference, or influence whatsoever.

For helpful videos follow Rocco's Constitutional Rights Centre [Click Here](#)

More about Rocco [HERE](#)

**CRC's Other Cases:**

<https://www.constitutionalrightscentre.ca/crc-cases>



**CRC  
CDC**

## **Constitutional Rights Centre, Inc.**

**Rocco Galati, BA, LLB, LLM  
Executive Director (Founder)**

**Sign up for the CRC Newsletter:**

**[www.constitutionalrightscentre.ca/newsletter](http://www.constitutionalrightscentre.ca/newsletter)**

The CRC is committed to advocating for a truly independent, impartial, and accountable judiciary that reflects Canadian demography, values, and a fair and open appointment system. A judicial appointment system that complies with the process and substance of the equality and independence provisions of the Constitution.

The CRC is committed to assisting and procuring legal counsel, with respect to constitutional cases, where counsel and/or their client, lack the funds and/or expertise to mount, argue, or appeal a constitutional issue or case.

**Rocco Galati – Great Resources**

## **Your Rights to Decline Mandatory COVID Measures**



## Your Rights to Decline Mandatory Covid Measures



## Masking and Your Rights

Rocco Galati - Masking and your Rights



## The Trespass Act does NOT Apply when Exercising Masking Exemption

## The Trespass Act Does NOT Apply When Exercising Masking Ex...



## Duties and Rights of Business Owners on Masking

### Duties & Rights of Business Owners on Masking under Covid



## Your Rights to Decline a Vaccine in the Context of Employment

## Your Rights to decline a Vaccine in the context of Employment



### Your Rights to Decline Mandatory COVID Measures Video Timestamps

Mandatory medical procedure and / or treatment and what your rights at Common Law, under Statute, and under the Constitution are with respect to not being forced to undergo any medical procedure or treatment without your expressed informed consent.

1:17 Introduction.

1:43 Medical procedure or treatment defined

2:30 Canadian government's Covid measures and restrictions.

2:56 Provincial Health Consent Acts: administering medical procedures without expressed informed consent.

4:36 Expressed informed implicit consent

5:14 Expressed informed implicit consent with respect to vaccinations and medical treatments.

6:54 Nuremberg Code (1947)

8:07 Helsinki Declaration (1964)

- 9:50 Court decisions uphold rights to informed consent to medical treatments
- 10:30 Canadian law: application to vaccines, compulsory testing and masks:
- 10:49 Mandatory vaccination (Charter of Rights sections 2, 7)
- 12:39 Mature Minor Act; rights of parents and children. Charter of Rights sections: 7, 15
- 16.31 Compulsory testing. Charter of Rights sections: 2, 7, 8, 9
- 20:27 Masking. Charter of Rights sections: 2, 7
- 23.38 Oakes Test of Charter of Rights section 1
- 30:22 Scientific evidence: Covid deaths and cases, PCR tests, statistics, experts
- 34:00 Covid measures: Charter of Rights sections 7, 10c, 15, 26, 33
- 38:48 Contact tracing
- 40:47 Information provided is for general information and education purposes only. It is not legal advice.

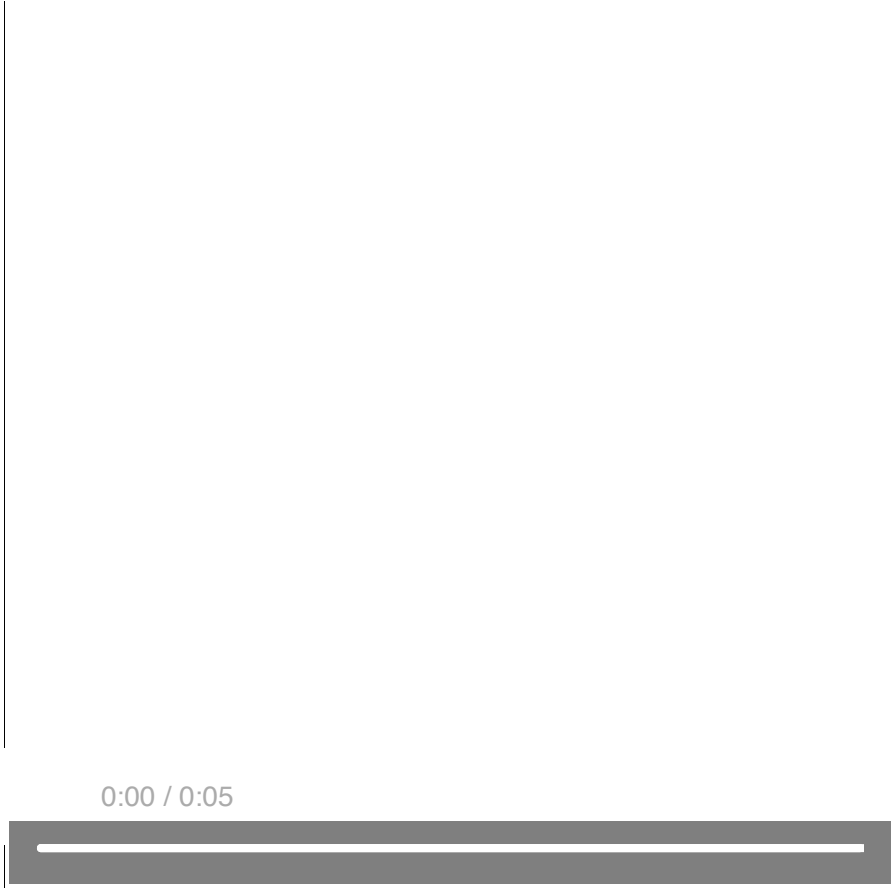
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# ACTION 4 CANADA

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## Legal Action Against the BC Government The Fight of our Lives! September 23, 2020



0:00 / 0:05



September 25, 2020

Dear Friends,

We had technical difficulties with the video, so we are re-sending this message.

Also, we wish to clarify our position on our reference to Covid being a real virus. This statement was made being sensitive to those who have lost loved ones due to so-called Covid-19. In reality, according to experts, and also stated by lawyer Rocco Galati, "the virus to date has not been [scientifically isolated nor identified](#) using accepted scientific method." To learn more about Rocco Galati and the legal action which has already commenced in Ontario, please view the following interview. [View Here](#)

Something to consider:

The number of cases, not deaths, is up due to more testing. The testing, however, is proven to be flawed and unreliable. How do you test for something that has not been identified? These are critical questions.

To put the death rate into perspective lets look at BC rates where the so-called Covid-19 death rate is +200 (in line with yearly influenza). Yet the drug overdose death count for 2019, thus far, is +900. It would appear the true pandemic in BC is drug overdoses. Compliments of the government's generous CERB program and free injection sites. This does not include the 5 fold increase in the suicide rate, nor those who died because they were denied lifesaving surgeries and treatments.

Since the onset of this Covid scam, Action4Canada has boldly spoken out in an effort to bring awareness and provide evidence of the [government corruption](#) and colluding with a foreign enemy. For some, this is still difficult to accept, but we encourage you to investigate further and share the information with others.

Our very freedoms and democracy are on the line. To commence the legal action we must raise the funds. If 1 million people gave \$1....it could be that easy.... so please, [donate](#) and encourage others to do the same. Thank you.

This has been an incredible week. Action4Canada has received a tremendous amount of calls and emails from the public in response to the announcement that legal action will be commencing against the Government of BC. If you are not yet aware of this, please watch the video above to learn more.

We are in the fight of our lives. We must respond to the government's egregious abuse of power.

Covid is a real virus and it has taken many lives, the majority being the elderly, but many of these deaths were preventable as lifesaving treatments were not made available. I do not personally know of a single person who contracted Covid, or has died of Covid. But in the last week I have been in contact with three people who shared their excruciating loss of a loved one due to death by suicide. The extreme measures, job loss and isolation are too much to bear for many and this is leading to an unprecedented increase in suicide.

Canadians are in mourning and suffering deep loss of varying degrees. Our children are being psychologically abused and, for many, the effects will last a lifetime. They are also being targeted within the public education system as the government prepares to mandate a Covid vaccine.

We must rise up in defence of our nation against a ruthless, power hungry regime.

A constitutional challenge is the only way forward at this point. But legal action cannot commence until we raise the funds. Therefore, it is critical that we have as much support as possible for the fundraising campaign. Time is of the essence.

Action4Canada and Vaccine Choice Canada want to extend our gratitude to everyone who has already donated so generously. Please continue to share the request to [donate](#). We are making history!

In closing, I would like to share a message from a fellow Canadian whom I had the privilege of meeting this week. When Paul heard about the legal action, he immediately grasped the urgency to raise funds. So together with his good friends, Riccardo and Yade, as well as his mom, Margaret, they raised

Canadians.

Please Click here to **DONATE**. Action4Canada has also added the option of e-transfer.

**Thank you, and God bless Canada!**

**The Team @  
Action4Canada**

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### *Partner with Us...*

Partnering with Action4Canada allows concerned Canadians to have the tools to address issues crucial to Canada's Sovereignty, Democracy, and our Freedom:



### *Help Us Help You...*

If anything on this page has helped you in any way, please consider supporting our work via a donation:

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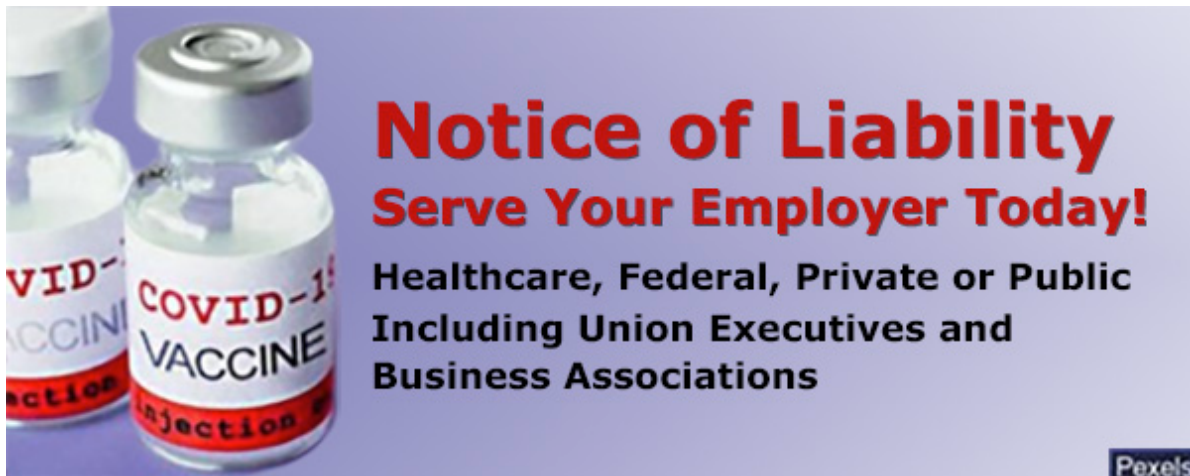
servant, federal employee, firefighter, longshoreman or other employee who is being threatened

# ACTION 4 CANADA

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## Is your job at risk due to the COVID Experimental Injection?



### [Print PDF: Employer Vaccine Notice of Liability](#)

Employers, whether medical or not, are unlawfully practising medicine by prescribing, recommending, and/or using coercion to insist employees submit to the experimental medical treatment for Covid-19, namely being injected with one of the experimental gene therapies commonly referred to as a “vaccine”.

According to top constitutional lawyer, Rocco Galati, “both government and private businesses cannot impose mandatory vaccinations...mandatory vaccination in all employment context would be unconstitutional and/or illegal and unenforceable”.

Therefore, notify your employer today that you will hold them personally liable for any financial injury and/or loss of your personal income and ability to provide food and shelter for your family if they choose to use coercion or discrimination against you based on your decision not to participate in the COVID-19 experimental treatments.

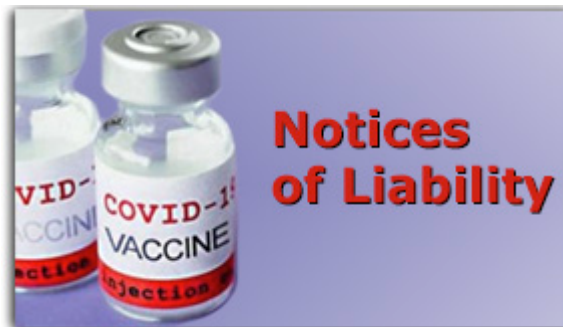
### Take **ACTION!**

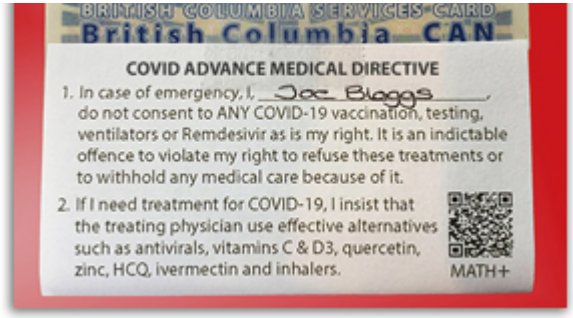
- Print the Notice of Liability ([link in blue above](#))

management (one notice per person), at the top and then fill in your name and your signature at the bottom (you do not need to get your employer to sign it).

- Keep a photocopy of the Notice for your records
- Then either personally give the signed copy to your employer/owner/manager in person or you can send it by mail.
- **Video record serving the NOL when done in person and use registered mail if sending by post so you have proof of them having received it.**

**Action4Canada** accepts no responsibility or liability for any harms or losses that occur as result of delivering this notice. If you do not agree to these terms then please do not use this notice.





**ACT! For Canada**

**C3RF**

**Dan Dicks**

**Druthers**

## The Interim

Laura-Lynn Tyler Thompson

Librti

LifeSite News

Talk Truth



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If anything on this page has helped you in any way, please consider supporting our work via a donation:

**Donate to Action4Canada**

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# ACTION4CANADA

Protecting Faith, Family and Freedom



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## Notice of Liability: Medical Treatments/Procedures/Devices Employers (Health Care, Federal, Private and Public) Business Associations, and the like



<https://action4canada.com/wp-content/uploads/liability-notice-employee.pdf>

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### How to Serve the Notice of Liability

- Print two copies of the Notice of Liability.
- Fill in the name of the person you are serving it to in the space provided at the top of the first page - on both copies.
- Sign your name and fill in the date in the space provided on the last page - on both copies.
- Keep one copy of the Notice for your records.
- Give the second copy to the person you are serving it to. If they choose not to accept it, then leave it on the floor at their feet.
- If you are serving the Notice in person, be sure to video record yourself serving it (or audio record if video is not possible).
- **If sending by mail, you must use registered mail as that provides proof of delivery.**

Keep all information (eg. Liability Notice copy, video, mailing proof etc.) in a safe place for future use.

**NOTE: You do not need a lawyer to serve a Notice of Liability and you do not need consent, or the signature of the person you are serving it to.**

*Disclaimer: Action4Canada accepts no responsibility or liability for any harms or losses that occur as result of serving a notice of liability. If you do not agree to these terms, then please do not use this notice. We do not make any representations or warranties about the potential consequences of serving a Notice of Liability. This information is not intended as legal or health advice.*



**Notice of Liability: Medical Treatments/Procedures/Devices  
Employers (Health Care, Federal, Private and Public),  
Business Associations, and the like**

Attn:

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**Re: Mandated medical treatments, including COVID-19 injections, masks and tests, for employees**

**This is an official and personal Notice of Liability.**

**You are unlawfully practicing medicine by prescribing, recommending, facilitating, advertising, mandating, incentivising, coercing, extorting or intimidating employees to submit to ANY vaccine, including the experimental gene therapy injections for COVID-19 commonly referred to as a “vaccine” and any updated version of them, and/or any other medical device (eg. masks), testing or treatment.**

**Vaccination is voluntary in Canada<sup>1</sup>.** According to the Public Health Agency of Canada, Canadian National Report on Immunization, 1996:

“Vaccines are not mandatory in Canada; and they cannot be made mandatory because of the Canadian Constitution.”

If the Federal Government had invoked the **Federal Emergencies Act for COVID-19**, which it has not, even that Emergencies Act states:

AND WHEREAS the Governor in Council, in taking such special temporary measures, would be subject to the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and must have regard to the International Covenant on Civil and Political Rights, particularly with respect to those **fundamental rights that are not to be limited or abridged even in a national emergency.**

There are no provisions in any orders of any health minister, doctor, or provincial legislation, that can, nor pretend that any measures can, override Charter or other pre-Charter constitutional rights. All Statutes, Orders, By-laws, and Acts must be consistent with the Constitution...or they are of no force or effect.

Section 52(1) of **the Constitution Act, 1982**: The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, **of no force or effect.**

Employment is 100% guaranteed and protected under Section 7 of The Canadian Charter of Rights and Freedoms:

“Everyone has the right to **life, liberty, and security** of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.”

**Privacy: The Supreme Court of Canada has emphasized in many cases<sup>2</sup>**, in the strongest possible terms, that a **citizen’s right to privacy** is sacrosanct and subsumed in both s. 7 and 8 of the Charter and is of paramount importance to life, liberty, and security of the person, and protects citizens from unreasonable search and seizure. Therefore, any request for personal information (medical or otherwise) to comply with government schemes such as digital id, vaccine status or vaccine passports, is an egregious violation of privacy, and any travel restrictions are in violation of Section 6 (mobility) of the Charter of Rights.

**Whereas**

The emergency measures were based on the claim that we were experiencing a "public health emergency" despite there being no evidence to substantiate this claim. In fact, the emerging evidence continues to indicate that we are experiencing a rate of infection consistent with normal influenza seasons<sup>3</sup>.

---

<sup>1</sup> [https://web.archive.org/web/20080414131846/http://www.phac-aspc.gc.ca/publicat/ccdr-rmtc/97vol23/23s4/23s4b\\_e.html](https://web.archive.org/web/20080414131846/http://www.phac-aspc.gc.ca/publicat/ccdr-rmtc/97vol23/23s4/23s4b_e.html)

<sup>2</sup> <https://action4canada.com/wp-content/uploads/constitutionally-protected-privacy-rights.pdf>

<sup>3</sup> <https://www.bitchute.com/video/nQgq0BxXfZ4f>

The purported increase in “cases” was a direct consequence of increased testing through the inappropriate use of the PCR instrument to diagnose so-called COVID-19. It has been well established that the PCR test was never designed or intended as a diagnostic tool and is not an acceptable instrument to measure the so-called pandemic. Its inventor, Kary Mullis, clearly indicated that the PCR testing device was never created to test for coronaviruses<sup>4</sup>. Mullis warned that, “the PCR Test can be used to find almost anything, in anybody. If you can amplify one single molecule, then you can find it because that molecule is nearly in every single person”. An international consortium of life-science scientists also detected 10 major scientific flaws at the molecular and methodological level in a 3-peer review of the RTPCR test to detect SARS-CoV-2<sup>5</sup>.

Despite this warning, the PCR test utilization, purposely set at higher amplifications, was and still is producing up to 97% false positives<sup>6</sup>. Therefore, any imposed emergency measures that are based on PCR testing are unwarranted, unscientific, and quite possibly fraudulent.

In November 2020, a Portuguese court ruled that PCR tests are unreliable<sup>7</sup>. On December 14, 2020, the WHO admitted the PCR Test has a ‘problem’ at high amplifications as it detects dead cells from old viruses, giving a false positive<sup>8</sup>. Feb 16, 2021, BC Health Officer Bonnie Henry, admitted PCR tests are unreliable<sup>9</sup>. On April 8, 2021, the Austrian court ruled the PCR was unsuited for COVID testing<sup>10</sup>. On April 8, 2021, a German Court ruled against PCR testing stating, “the test cannot provide any information on whether a person is infected with an active pathogen or not, because the test cannot distinguish between ‘dead’ matter and living matter”<sup>11</sup>. On May 8, 2021, the Swedish Public Health Agency stopped PCR Testing for the same reason<sup>12</sup>. On May 10, 2021, Manitoba’s Chief Microbiologist and Laboratory Specialist, Dr. Jared Bullard testified under cross-examination in a trial before the court of the Queen’s Bench in Manitoba, that PCR test results do not verify infectiousness and were never intended to be used to diagnose respiratory illnesses<sup>13</sup>.

As a workaround, the government then implemented/mandated Rapid Antigen Testing, which is classed as a medical treatment. In Canada, a doctrine of informed consent regarding any medical treatment has become part of Canadian Federal law. According to Supreme Court rulings, no Canadian citizen is required to take any medical treatment without informed consent, which includes the right to refuse such treatment<sup>14</sup>. Therefore, no one has the right to force a medical treatment on anyone, as that would be in violation of their right to bodily autonomy, the Privacy Act, and the Criminal Code if extortion (s.346) or intimidation (s.423) are used. The tests also pose a health hazard to humans and pets, and have a negative impact on the environment<sup>15</sup>.

The doctrine of informed consent also applies to the experimental “vaccines”. The Nuremberg Code<sup>16</sup>, to which Canada is a signatory, states that voluntary informed consent is essential before performing medical experiments on human beings. It also confirms that the person involved should have the legal capacity to give consent, without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, to enable him/her to make an understanding and enlightened decision. This requires, before the acceptance of an affirmative decision by the experiment’s subject, that there should be made known to him/her the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonable to be expected; and the effects upon his/her health or person which may possibly come from participation in the experiment.

<sup>4</sup> <https://rumble.com/vhu4rz-kary-mullis-inventor-of-the-pcr-test.html>

<sup>5</sup> <https://cormandrostenreview.com/report/>

<sup>6</sup> <https://academic.oup.com/cid/advance-article/doi/10.1093/cid/ciaa1491/5912603>

<sup>7</sup> <https://unitynewsnetwork.co.uk/portuguese-court-rules-pcr-tests-unreliable-quarantines-unlawful-media-blackout/>

<sup>8</sup> <https://principia-scientific.com/who-finally-admits-covid19-pcr-test-has-a-problem/>

<sup>9</sup> <https://rumble.com/vhww4d-bc-health-officer-admits-pcr-test-is-unreliable.html>

<sup>10</sup> <https://greatgameindia.com/austria-court-pcr-test/>

<sup>11</sup> <https://2020news.de/sensationsurteil-aus-weimar-keine-masken-kein-abstand-keine-tests-mehr-fuer-schueler/>

<sup>12</sup> <https://tapnewswire.com/2021/05/sweden-stops-pcr-tests-as-covid19-diagnosis/>

<sup>13</sup> <https://www.iccf.ca/Manitoba-chief-microbiologist-and-laboratory-specialist-56-of-positive-cases-are-not-infectious/>

<sup>14</sup> [https://bottomlineresearch.ca/pdf/informed\\_consent.pdf](https://bottomlineresearch.ca/pdf/informed_consent.pdf)

<sup>15</sup> <https://action4canada.com/wp-content/uploads/COVID-19-Rapid-Antigen-Tests.pdf>

<sup>16</sup> [https://media.tghn.org/medialibrary/2011/04/BMJ No 7070 Volume 313 The Nuremberg Code.pdf](https://media.tghn.org/medialibrary/2011/04/BMJ%20No%207070%20Volume%20313%20The%20Nuremberg%20Code.pdf)

The treatments marketed as COVID-19 “vaccines”, were in Phase III clinical trials until 2023<sup>17</sup>, and hence a medical experiment. People taking these treatments were enrolled as test-subjects, and many were unaware that the injections are not actual vaccines as they do not contain a virus but instead an experimental gene therapy.

Vaccine development is generally a long, complex process, often lasting 10-15 years<sup>18</sup>. However, the COVID-19 injections were given to the public at the same time as the trial test subjects, hence there was no short or long-term safety data available and therefore fully informed consent was/is not possible.

Emergency Use Authorization of experimental vaccines can only occur if there are no existing safe and effective treatments available. However, treatments were available, such as ivermectin and hydroxychloroquine, but the government censored their efficacy and prohibited their use<sup>19 20</sup>. The emergency authorization of the COVID-19 injections was political chicanery, it was the only way they could get such a highly dubious experimental injection “approved”.

It is of critical importance to note, that no other coronavirus vaccine (i.e., MERS, SARS-1) **has ever been approved for market** due to antibody-dependent enhancement, which resulted in severe illness and death in the animal models<sup>21</sup> they were tested on.

At the onset, numerous doctors, scientists, and medical experts issued dire warnings about the short and long-term effects of COVID-19 injections on both adults and children, including but not limited to: death; vaccine-associated enhanced respiratory disease; blood clots; infertility; miscarriages; Bell’s Palsy; cancer; inflammatory conditions; autoimmune disease; early-onset dementia; convulsions; anaphylaxis; inflammation of the heart<sup>22</sup>; weakened immunity; and antibody-dependent enhancement leading to death. Time has proven those warnings to be accurate<sup>23</sup>.

Dr. Byram Bridle, a pro-vaccine Associate Professor of Viral Immunology at the University of Guelph, gave a terrifying warning of the harms of the experimental treatments in a peer reviewed scientifically published research study<sup>24</sup> on COVID-19 shots. The spike proteins, induced by the “vaccine”, get into the blood and circulate throughout the body. They then accumulate in tissues such as the spleen, bone marrow, liver, adrenal glands, testes, and the ovaries. Dr. Bridle notes that they “have known for a long time that the spike protein is a pathogenic protein, it is a toxin, and can cause damage if it gets into blood circulation”. In April 2022, it was revealed through the Pfizer FOI data release that they were fully aware and monitoring nine pages worth of adverse events during the time period 1 December 2020 through 28 February 2021<sup>25</sup>.

There is also a high concentration of the spike protein getting into breast milk, and subsequent reports of suckling infants developing bleeding disorders in the gastrointestinal tract. There are further warnings that this injection will render children infertile, and that people who have been vaccinated should NOT donate blood.

As reported to the Vaccine Adverse Events Reporting System (VAERS) in the United States, there were more deaths from the COVID-19 injections in the first five months of 2021 (Dec. 2020 – May 2021) than deaths recorded in the last 23 years from all vaccines combined<sup>26</sup>. It is further reported that only one percent of vaccine injuries are reported to VAERS<sup>27</sup>, and that is compounded by there being a several month’s delay in uploading the adverse events to the VAERS database.

**On October 28th 2022**, VAERS data release for the period December 2020 to October 21st 2022, showed **1,447,520 adverse event** reports following COVID-19 injections, including 31,696 deaths and 263,462 serious injuries. Of that

<sup>17</sup> <https://clinicaltrials.gov/ct2/show/NCT04368728?term=NCT04368728&draw=2&rank=1>

<sup>18</sup> <https://www.historyofvaccines.org/content/articles/vaccine-development-testing-and-regulation>

<sup>19</sup> <https://www.washingtonexaminer.com/news/study-finds-84-fewer-hospitalizations-for-patients-treated-with-controversial-drug-hydroxychloroquine>

<sup>20</sup> <https://aethonews.com/2021/05/26/five-recently-published-randomized-controlled-trials-confirm-major-statistically-significant-benefits-of-ivermectin-against-covid-19/>

<sup>21</sup> <https://www.tandfonline.com/doi/full/10.1080/21645515.2016.1177688>

<sup>22</sup> <https://www.nbcconnecticut.com/news/coronavirus/connecticut-confirms-at-least-18-cases-of-apparent-heart-problems-in-young-peopleafter-covid-19-vaccination/2494534/>

<sup>23</sup> <https://childrenshealthdefense.org/defender/cdc-errors-kids-covid-vaccine-injuries-vaers/>

<sup>24</sup> <https://podcasts.apple.com/ca/podcast/new-peer-reviewed-study-on-covid-19-vaccines-suggests/id1318830191?i=1000523346577>

<sup>25</sup> <https://phmp.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf>

<sup>26</sup> <https://vaccineimpact.com/2021/cdc-death-toll-following-experimental-covid-injections-now-at-4863-more-than-23-previous-years-of-recorded-vaccine-deaths-according-to-vaers/>

<sup>27</sup> [https://www.lewrockwell.com/2019/10/no\\_author/harvard-medical-school-professors-uncover-a-hard-to-swallow-truth-about-vaccines/](https://www.lewrockwell.com/2019/10/no_author/harvard-medical-school-professors-uncover-a-hard-to-swallow-truth-about-vaccines/)

total, 5,027 reports were of miscarriage or premature birth; 16,555 reported cases of Bell's Palsy; 43,699 reports of blood-clotting disorders; 10,100 reports of anaphylaxis; and 24,438 cases of myocarditis and pericarditis<sup>28</sup>.

Canada's equivalent to VAERS, the Adverse Events Following Immunization (AEFI), is a passive reporting system that is not widely promoted to the public. It is extremely time-consuming for physicians to use and hence, many adverse events are going unreported there. The College of Physicians and health officials are also discouraging physicians from using this system by threatening revocation of their medical licence<sup>29</sup>.

Early on, Dr. McCullough, a highly cited internist, cardiologist, and epidemiologist, came to the shocking conclusion that the government was "...scrubbing unprecedented numbers of injection-related-deaths". He further added, "...with a typical new drug at about five deaths, unexplained deaths, we get a black-box warning, your listeners would see it on TV, saying it may cause death. And then at about 50 deaths it's pulled off the market"<sup>30</sup>.

In 2021 it was already being reported that people under the age of 30 were at a very low risk of contracting or transmitting COVID-19. Risk of death for the age group 15-24 was 1 in 218,399 according to David Spiegelhalter of the University of Cambridge and Office of National Statistics (ONS) UK, referenced on Page 8 of "An Assessment of Covid-19"<sup>31</sup>. Per the American Council on Science and Health, as well as the National Institutes of Health (NIH), "the estimated age-specific Infection Fatality Rate (IFR) was, and remains, very low for children and younger adults (e.g., 0.002% at age 10 and 0.01% at age 25) which translates to a survivability rate of 99.99% to 99.998%, whereas the IFR is 0.4% at age 55 and 1.4% at 65 translating to a survivability rate of 99.6% to 98.6% respectively<sup>32 33</sup>. Minors are at nearly zero percent risk of contracting or transmitting respiratory illnesses and are, instead, buffers which help others build their immune system. Despite these facts, the government continues to mandate the now proven harmful COVID-19 injections, and the updated version of them, to this age group.

Not only are the COVID-19 injections causing severe injury and death, they are also proving to be ineffective against all variants.

As far back as May 2021, Health Canada's Summary Basis of Decision<sup>34</sup>, revealed that the trials did not prevent infection or transmission. In addition, the Summary reported that both Moderna and Pfizer identified six areas of missing (limited/no clinical data) information: "use in paediatric (age 0-18)", "use in pregnant and breastfeeding women", "long-term safety", "long-term efficacy" including "real-world use", "safety and immunogenicity in subjects with immune-suppression", and "concomitant administration of non-COVID vaccines".

This did not stop the Canadian Government from enthusiastically recommending it to pregnant and breastfeeding mothers, with devastating results.

Under the *Crimes Against Humanity and War Crimes Act of Canada*<sup>35</sup>, a crime against humanity means, among other things, murder, any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law, conventional international law, or by virtue of its being criminal according to the general principles of law are recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission. The Act also confirms that every person who conspires or attempts to commit, **is an accessory after the fact**, in relation to, or councils in relation to, a crime against humanity, is guilty of an offence and liable to imprisonment for life.

Under sections 265 and 266 of the *Criminal Code of Canada*<sup>36</sup>, a person commits an assault when, without the consent of another person, he applies force intentionally to that other person, directly or indirectly. Everyone who commits an

<sup>28</sup> <https://childrenshealthdefense.org/defender/deaths-adverse-events-updated-covid-booster-shots-vaers/>

<sup>29</sup> <https://action4canada.com/bc-doctors-open-letter-regarding-vaccine-adverse-reactions/>

<sup>30</sup> <https://leohohmann.com/2021/04/30/highly-cited-covid-doctor-comes-to-stunning-conclusion-govt-scrubbing-unprecedented-numbers-of-injection-related-deaths/>

<sup>31</sup> <https://ghorganisation.com/wp-content/uploads/2021/07/GHO-updated-pdf.pdf>

<sup>32</sup> <https://www.acsh.org/news/2020/11/18/covid-infection-fatality-rates-sex-and-age-15163>

<sup>33</sup> <https://clinicaltrials.gov/ct2/show/NCT04368728?term=NCT04368728&draw=2&rank=1>

<sup>34</sup> <https://action4canada.com/wp-content/uploads/Summary-Basis-of-Decision-COVID-19-Vaccine-Moderna-Health-Canada.pdf>

<sup>35</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-45.9/page-1.html>

<sup>36</sup> <https://www.laws-lois.justice.gc.ca/eng/acts/c-46/section-265.html>

assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years, or an offence punishable on summary conviction.

You cannot lawfully compel me to be criminally assaulted as a condition of my employment, or ongoing employment.

Based on the *Genetic Non-Discrimination Act, Bill S-201*<sup>37</sup>, it is an indictable offence to force anyone to take a DNA/RNA test or deny any service, employment, or education opportunity to anyone who refuses to take such a test. The punishment is a fine not exceeding \$1,000,000 or imprisonment for a term not exceeding five years, or both<sup>38</sup>.

In 1986, the Supreme Court of Canada ruled in *E. (Mrs.) v. Eve*, 1986 CanLII 36 (SCC), [1986] 2 S.C.R. 388<sup>39</sup>, that forced medical testing violates the inviolability of the body and is unlawful. The Court upheld this ruling in *Engel v. Salyn* 1993 CanLII 152 (SCC), [1993] 1 SCR 306<sup>40</sup>.

It is a further violation of the *Canadian Criminal Code*<sup>41</sup>, to endanger the life of another person. Sections 216, 217, 217.1 and 221.

#### **Duty of persons undertaking acts dangerous to life**

**Sec. 216:** Everyone who undertakes to administer surgical or medical treatment to another person or to do any other lawful act that may endanger the life of another person is, except in cases of necessity, under a legal duty to have and to use reasonable knowledge, skill and care in so doing. R.S., c. C-34, s. 198

#### **Duty of persons undertaking acts**

**Sec. 217:** Everyone who undertakes to do an act is under a legal duty to do it if an omission to do the act is or may be dangerous to life.

#### **Duty of persons directing work**

**Sec. 217.1:** Everyone who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

#### **Causing bodily harm by criminal negligence**

**Sec. 221:** Every person who by criminal negligence causes bodily harm to another person is guilty of  
(a) an indictable offence and liable to imprisonment for a term of not more than 10 years; or,  
(b) an offence punishable on summary conviction.

Domestically, in the seminal decision of *Hopp v Lepp*, [1980] 2 SCR 192<sup>42</sup>, the Supreme Court of Canada determined that cases of non-disclosure of risks and medical information fall under the law of negligence. Hopp also clarified the standard of informed consent and held that, even if a certain risk is only a slight possibility which ordinarily would not be disclosed, but which carries serious consequences, such as paralysis or death, the material risk must be revealed to the patient.

The duty of disclosure for informed consent is rooted in an individual's right to bodily autonomy. In other words, a person has the right to understand the consequences of medical treatment regardless of whether those consequences are deemed improbable, and have determined that, although medical opinion can be divided as to the level of disclosure required, the standard is simple, "A Reasonable Person Would Want to Know the Serious Risks, Even if Remote." *Hopp v Lepp*, supra; *Bryan v Hicks*, 1995 CanLII 172 (BCCA); *British Columbia Women's Hospital Center*, 2013 SCC 30<sup>43</sup>.

Vaccines are not mandatory, therefore, any government mandates or enforcement of vaccines are moot. Employers who are attempting to impose ANY vaccine including the COVID-19 injections on employees are in violation of the

<sup>37</sup> <https://www.parl.ca/DocumentViewer/en/42-1/bill/S-201/royal-assent>

<sup>38</sup> <https://laws-lois.justice.gc.ca/eng/acts/G-2.5/index.html>

<sup>39</sup> <https://www.canlii.org/en/ca/scc/doc/1986/1986canlii36/1986canlii36.html?searchUrlHash=AAAAAQAWRS4gKE1ycv4pIHuYUeV2ZSwgMTk4NgAAAAAB&resultIndex=1>

<sup>40</sup> <https://www.canlii.org/en/ca/scc/doc/1993/1993canlii152/1993canlii152.html?searchUrlHash=AAAAQARYm9keSAvcyBpbnZpb2xhdGUAAAAAAQ&resultIndex=1>

<sup>41</sup> <https://laws-lois.justice.gc.ca/eng/acts/c-46/FullText.html>

<sup>42</sup> <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2553/index.do>

<sup>43</sup> <https://www.canlii.org/en/ca/scc/doc/1980/1980canlii14/1980canlii14.html>

Constitution, Criminal Code and human rights, and are putting themselves personally at risk of potential imprisonment and a civil lawsuit for damages. Canadian law has long recognized that individuals have the right to control what happens to their bodies, this would include testing and mask wearing. In point of fact, there is no law in Canada legislating mask wearing, because no one has the authority to interfere with an individual's right to breathe freely.

In summary, the citizens of Canada are protected under the medical and legal ethics of express informed consent, and are entitled to the full protections guaranteed under:

- **Canadian Charter of Rights and Freedoms<sup>44</sup> (1982)** Section 2a, 2b, 6, 7, 8, 9, 15.
- **Bill of Rights**
- **Canadian Criminal Code**
- **Universal Declaration on Bioethics and Human Rights<sup>45</sup> (2005)**
- **Nuremberg Code<sup>46</sup> (1947)**
- **Helsinki Declaration<sup>47</sup> (1964, Revised 2013) Article 25, 26**

According to top constitutional lawyer, Rocco Galati, *"both government and private businesses cannot impose mandatory vaccinations...mandatory vaccination in all employment context would be unconstitutional and/or illegal and unenforceable."*<sup>48</sup>

There is no legislation that allows an employer to terminate an employee for not getting a COVID-19 shot. If an employer does so, they are inviting a wrongful dismissal claim, as well as a claim for a human rights code violation<sup>49</sup>. For those employees who are influenced, pressured or coerced by their employer to have the COVID-19 shot, and suffer any adverse consequences as a result of the injection, the employer, and its directors, officers, and those in positions carrying out these measures on behalf of the employer, will be opening themselves up to personal civil liability, and potential personal criminal liability, under the Nuremberg Code, the Criminal Code of Canada, and the *Crimes Against Humanity and War Crimes Act of Canada*, all referenced above.

Extortion; committing tort; privacy violations; malicious or willful misconduct; gross negligence; assault and battery; and acting in bad faith are serious indictable criminal code offences.

Employers who are attempting to support or enforce ANY vaccine including the COVID-19 injections, or interfering with someone's guaranteed rights (eg gainful employment or essential and non-essential services) are in violation of the Constitution, Criminal Code and human rights, and are personally not protected under any Act, Order or Statute that is in violation of them.

If you persist in recommending, encouraging, advertising, mandating, facilitating, incentivising, coercing, ANY vaccine including the COVID-19 injection, testing, masking or any other medical treatment, under threat of losing my employment or being suspended without pay, I will hold you personally, civilly, and/or criminally liable for any financial injury and/or loss of my personal income and my ability to provide food and shelter for myself and my family, as well as any damages or injury I suffer as a result of your actions.

It is the duty of every Canadian citizen, no matter their position or title, to uphold the law and respect the Constitution and Charter Rights. Should you choose to not desist, this NOL may be used as evidence against you in future actions. You have been duly warned.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

<sup>44</sup> <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

<sup>45</sup> <https://en.unesco.org/themes/ethics-science-and-technology/bioethics-and-human-rights>

<sup>46</sup> <http://www.cirp.org/library/ethics/nuremberg/>

<sup>47</sup> <https://www.wma.net/what-we-do/medical-ethics/declaration-of-helsinki/>

<sup>48</sup> <https://www.constitutionalrightscentre.ca/employee-rights-the-covid-19-vaccine/>

<sup>49</sup> <https://www.chrc-ccdp.gc.ca/en/about-human-rights/what-discrimination>

**TAB 7**

Court File No. CV-22-00683322-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE

DM/saa

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 ALICIA JOHNSON, on  
her affidavit sworn the 11th day of March, 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 26th day  
of May, 2023.

- - - - -



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

ROCCO GALATI  
ALEX BORNET (law clerk)

-- for the Plaintiff

TIM GLEASON  
AMANI RAUFF

-- for the Defendant

ALSO PRESENT:

Dee Gandhi  
Kipling Warner  
Donna Toews  
Tanya Gaw

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1 --- upon commencing at 3:45 p.m.

2

3 ALICIA JOHNSON, affirmed

4 CROSS-EXAMINATION BY MR. GLEASON:

5 1. Q. Hello, Ms. Johnson. I am here  
6 today to cross-examine you on an affidavit that  
7 you swore on March 11, 2023. Do you have a copy  
8 of that with you?

9 A. I do.

10 2. Q. Okay. Good. And have you  
11 reviewed it before testifying today?

12 A. Yes, I have.

13 3. Q. Okay. And are you satisfied that  
14 everything in it is accurate?

15 A. Yes, I am.

16 4. Q. Okay. In paragraph 3 of that  
17 affidavit, you say that you met Kip Warner in the  
18 spring of 2021 at the home of a mutual  
19 acquaintance where Kip Warner was talking about  
20 his legal action against the British Columbia  
21 government COVID-19 mandates. Whose home was  
22 that?

23 A. A couple that was a business  
24 owner. I don't know Robert's last name, but the  
25 owners were Robert and Chanelle.

A. Johnson - 5

1           5.                   Q.        Okay.  And when exactly...do you  
2                               remember exactly when in the spring of 2021 that  
3                               this happened?

4                               A.        This was around the time we did  
5                               the small business rallies.  So I think it was  
6                               towards the end of April, beginning of May,  
7                               within a week prior and after.  I'd have to look  
8                               back.

9           6.                   Q.        Right.  Do you remember who else  
10                              was present?

11                             A.        Yes.  Marco Pietro, Casey Brady,  
12                             Kip and one of his friends which I do not recall  
13                             his name, Robert, Chanelle and I believe that's  
14                             it.  I don't think there was anybody else there.  
15                             It is possible that Nav was there, but I can't  
16                             recall if she was able to make it or not.

17           7.                   Q.        Okay.  And when you say Nav, are  
18                              you referring to Nemansa Nakic?

19                             A.        I don't know her last name.

20           8.                   Q.        Okay.

21                             A.        She was another business owner  
22                             who was friends with Robert and Chanelle and was  
23                             part of the rally that we did.

24           9.                   Q.        Okay.  So just going back to your  
25                              affidavit then, at paragraph 5 you say that,

A. Johnson - 6

1                    "...Kip Warner said repeatedly that a  
2                    court challenge could be done for  
3                    \$10,000..."

4                    Do you have a specific recollection of him making  
5                    this statement?

6                    A.            I don't have a specific date of  
7                    recollection. I am not the only one who could  
8                    affirm this. Those that were there at the home  
9                    of Robert and Chanelle could affirm this and  
10                  those in the public could also affirm this. But  
11                  I can't give you a specific date.

12                  10.            Q.            Okay. But would you agree that  
13                  he was actually saying that it would only cost  
14                  \$10,000 to commence a court challenge?

15                  A.            Well, I can't confirm that  
16                  because I would have to recall him saying that  
17                  verbatim.

18                  11.            Q.            M'hmm.

19                  A.            Which I don't.

20                  12.            Q.            So do you recall him saying  
21                  verbatim that a court challenge could be  
22                  completed, start to finish, for \$10,000?

23                  A.            He didn't say the word completed.  
24                  It was just a general statement that it didn't  
25                  take hundreds of thousands of dollars to commence

A. Johnson - 7

1 a court challenge. That it can be done for  
2 \$10,000.

3 13. Q. Okay. To commence a court  
4 challenge. And, in fact, you knew that he has  
5 consistently, or the society has consistently  
6 raised funds...as long as you've known him, far  
7 and excess of \$10,000 for their legal action,  
8 right?

9 A. Correct.

10 14. Q. In fact, the goal on their  
11 website has always been \$450,000, right?

12 A. I believe no...

13 15. Q. No?

14 A. ...that was increased over time.

15 16. Q. Okay.

16 A. It was never originally set to  
17 \$400,000.

18 17. Q. What was it originally set to?

19 A. It was in the...well, it has  
20 changed over time. So I can't tell you exactly  
21 in what increments that it changed.

22 18. Q. Hundreds of thousands, fair?

23 A. Not that I recall, no.

24 19. Q. No? Was it ever \$10,000?

25 A. The initial, which I believe was

A. Johnson - 8

1 in the fall of 2020...

2 20. Q. M' hmm.

3 A. It was in the tens of thousands.  
4 But it was definitely not six figures in the  
5 hundreds of thousands that I recall.

6 21. Q. Okay. What about in the spring  
7 of 2021?

8 A. It is not something that I paid  
9 much attention to at the time, you know? I was  
10 running rallies. My fight was with the  
11 government, and I was a supporter of Mr. Warner  
12 and his case. I shared it often with colleagues  
13 of mine.

14 22. Q. Right. So I am going to show you  
15 a document that Mr. Warner marked as his exhibit  
16 to his affidavit. If you are a fan of the society  
17 and his work you would have been familiar with  
18 this page, right? This is the GoFundMe page that  
19 they had?

20 A. M' hmm.

21 23. Q. Okay. And the date that this  
22 screencap was taken, they had raised \$367,000 and  
23 some change for a goal of \$450,000, right?

24 A. M' hmm. Yes.

25 24. Q. Okay. And there is...have you

A. Johnson - 9

1 reviewed this website yourself?

2 A. Yes. Not often.

3 25. Q. Okay.

4 A. I have periodically had a look at  
5 what they have raised thus far, because it was a  
6 point of contention.

7 26. Q. M'hmm. And the GoFundMe page  
8 actually has a log of updates, right? So in  
9 reverse chronological order, going back years,  
10 right? People make donations and its recorded  
11 here.

12 A. Correct.

13 27. Q. Did you make a donation?

14 A. No, I did not.

15 28. Q. Okay. Just one second. So if we  
16 go back 24 months ago, these are some of the  
17 earliest donations created November 30.

18 A. Correct.

19 29. Q. And he is well over \$10,000  
20 almost immediately, right?

21 A. Yes.

22 30. Q. And that is 2020, and I guess we  
23 can do the math, but you'd agree with me that by  
24 the spring of 2021, he'd be far in excess of  
25 \$10,000?



A. Johnson - 10

1                   A.        Yes, and I did say tens of  
2                   thousands of dollars. I didn't say \$10,000.

3           31.            Q.        Okay. Let's go back to your  
4                   affidavit then. You suggest that Kip  
5                   Warner...you suggest in your affidavit that,

6                               "...Kip Warner routinely expressed  
7                               criticism of Rocco Galati..."

8                   Throughout your affidavit but you've attached no  
9                   documents suggesting that he did that, right?  
10                  Like he never did it in writing?

11                  A.        No, he never did it in writing.

12           32.            Q.        Okay. And you never made a note  
13                   or emailed anybody about his comments?

14                  A.        Not that I am aware of.

15           33.            Q.        Okay. And do you know he denies  
16                   that he had these discussions with you?

17                  A.        Oh, yes, I am aware.

18           34.            Q.        Okay. All right. And he  
19                   provides a number of documents that do not  
20                   disclose...documents of communications with you,  
21                   none of which disclose any criticism of Mr.  
22                   Galati, right?

23                  A.        It was verbalized on the phone.

24           35.            Q.        Okay. But none of the  
25                   documentary communications between the two of you

A. Johnson - 11

1 contained any criticism of Mr. Galati?

2 A. No.

3 36. Q. Okay. I told you Namansa Nakic  
4 attended that event in the spring of 2021 and has  
5 given affidavit evidence that Mr. Warner did not  
6 say anything negative about Mr. Galati as well.

7 A. Okay.

8 37. Q. Are you aware of that?

9 A. I am not aware of that.

10 38. Q. Okay. So, all of these  
11 discussions in which you say,

12 "...By telephone, Mr. Warner routinely  
13 criticized Mr. Galati..."

14 When did those happen? When did those calls take  
15 place?

16 A. So the consensus is the  
17 undermining of stating that it doesn't take  
18 hundreds of thousands of dollars to commence a  
19 lawsuit with the government. That misled the  
20 general public. Anybody that had conversations  
21 with him that came back to myself. Not only  
22 myself but my partner in rallies, Danielle  
23 Pistilli, Marco Pietro. I could list several  
24 people that were all under the same information  
25 and it created an undermining of Action4Canada

A. Johnson - 12

1 and Rocco Galati.

2 39. Q. Okay. I'm just asking about your  
3 communications with Mr. Warner not other peoples,  
4 okay?

5 A. Okay.

6 40. Q. Because other people haven't  
7 given evidence, and so I don't get to ask them  
8 questions so I just get to ask you.

9 A. Absolutely.

10 41. Q. So, in terms of yours when did  
11 those ones take place? You told us about one so  
12 far. There is another one that you mention in  
13 your affidavit later on in the fall. But in  
14 between those two, why don't we start with how  
15 many times did you speak with them?

16 A. So, obviously, within the  
17 group...the Signal group that was of all members,  
18 there was repeated unkind, negative, and jokes  
19 being thwarted around in the group, which...I was  
20 part of that group for several months before an  
21 NDA was signed. And there was much criticism  
22 aimed at Rocco Galati as well as Tanya Gaw from  
23 Action4Canada.

24 42. Q. Okay.

25 A. Now, outside of that group, as

A. Johnson - 13

1 I've stated in my affidavit, Kip Warner and I did  
2 have a conversation. He did make a request of me  
3 to speak to Tanya Gaw, Ted Kuntz and Odessa  
4 Orlewicz, and relay the information that he  
5 shared with me in hopes that they would remove  
6 Rocco as their counsel. That they would file a  
7 complaint with the Law Society. And he hoped  
8 they would take it one step further and file  
9 criminal charges for fraud because Kip Warner  
10 felt that Rocco Galati was taking advantage of  
11 them financially.

12 43. Q. Okay. So we will come to that.  
13 I know there is specific reference to that in  
14 your affidavit. We will get to that. I am still  
15 focused on the in between conversations. So you  
16 mentioned a Signal group. Who was present in  
17 that group besides yourself and Mr. Warner?

18 A. There was several people present  
19 in that group.

20 44. Q. Okay.

21 A. Vladislav Sobolev, Ivonne Coelo,  
22 Gandhi, I can't remember his last name and there  
23 were several other people in that group that I  
24 can't list because I don't know them personally.  
25 I believe that...I can't remember Rick's last

A. Johnson - 14

1 name that, I believe he was in the group, and it  
2 was possible as well that his girlfriend Maria  
3 was in the group, but I can't say for certain at  
4 that time anyways.

5 45. Q. Okay.

6 A. Casey Brady was also in the  
7 group.

8 46. Q. Okay. And apart from these  
9 conversations, would you agree that you never  
10 spoke with Mr. Warner by telephone?

11 A. It was always on the Signal app  
12 that we spoke.

13 47. Q. Okay.

14 A. So either it was messages back  
15 and forth or it was calls on the Signal app or  
16 video call on the Signal app. Everything was  
17 done through the Signal app.

18 48. Q. All right. And we know how many  
19 times you communicated with him on the Signal  
20 app, right? I am just going to show you...bear  
21 with me. It's going to be maybe a bit hard to  
22 read. I'll try to blow it up. But this is the  
23 log of his communications with you and the Signal  
24 app starting April 24, 2021?

25 A. Yes.

A. Johnson - 15

1 49. Q. And then you had a call on  
2 April...you had two calls on April 28.

3 A. M'hmm.

4 50. Q. Looks like he called you, you  
5 called him. And then you had a call, September  
6 22nd...

7 A. Yes.

8 51. Q. ...and 23rd, and that's it,  
9 right?

10 A. No, actually that is incorrect.

11 52. Q. Is it?

12 A. My phone also shows that he  
13 called me January of 2022.

14 53. Q. January what?

15 A. January 16, 2022 at 5:15 p.m.

16 54. Q. Okay. Let's make a note of that.  
17 And will you please provide me of a screenshot of  
18 that log?

19 A. Yes, no problem. U/T

20 55. Q. January 16, 2022.

21 A. Correct.

22 56. Q. And what did you discuss with him  
23 on that call?

24 A. I didn't answer the phone.

25 57. Q. Oh, so you didn't speak with him?

A. Johnson - 16

1 A. No, we did not speak.

2 58. Q. Okay. Fair enough.

3 A. Yes.

4 59. Q. I'd still like to see the log,  
5 but my question, sorry I wasn't clear, but the  
6 actual calls where you did connect.

7 A. Yes.

8 60. Q. And it looks like some of these  
9 you may not have connected either...like the  
10 missed voice call. There appears to be at least  
11 some evidence of calls on one, two, three days in  
12 total, right?

13 A. Yes, so April 28th, the outgoing  
14 and incoming. That most likely was around the  
15 time as I stated, probably when we met give or  
16 take some days. And September 13th, I can't  
17 recall what that would be. September 22nd, I  
18 most definitely can recall why we had an incoming  
19 voice call and an outgoing video call, and that  
20 corroborates and confirms what I testified in my  
21 affidavit.

22 61. Q. M'hmm. Okay. So let's go back  
23 to your affidavit then. I am going to skip ahead  
24 a bit. And this is that call? I am talking  
25 about paragraph 16 here. Paragraph 16,

A. Johnson - 17

1                    "...I then asked Kip why he was so  
2                    fixated on Rocco Galati stemming back to  
3                    the time we first met. He answered it  
4                    was because Rocco Galati had screwed  
5                    over a friend in another court case. He  
6                    did not tell me who his friend was and  
7                    what court case it was..."

8                    So you don't know the identity of the friend or  
9                    the court case, is that right?

10                    A.            I don't. He never relayed that  
11                    information to me and actually, that statement  
12                    came on our video call.

13                    62.            Q.            On your video call, okay. On the  
14                    23rd or 22nd, in September?

15                    A.            Yes, I believe it was whatever  
16                    date you have the video call, that would be the  
17                    date.

18                    63.            Q.            Okay. And did you ask him who it  
19                    was?

20                    A.            I didn't ask him who it was, no.

21                    64.            Q.            And did he tell you exactly what  
22                    he alleged Mr. Galati did to his friend?

23                    A.            He just said that he screwed his  
24                    friend over in a court case and that his friend  
25                    lost a lot of money.





A. Johnson - 19

1                   lost, his friend lost a lot of money.

2           71.                   Q.           Okay. All right. So did you  
3                   take from that that Kip had formed the view that  
4                   Rocco was a bad lawyer?

5                   A.           Kip's view of all lawyers is that  
6                   they are crooks.

7           72.                   Q.           Oh.

8                   A.           And he expressed that very...that  
9                   was his honest take of how he feels about  
10                  lawyers. That lawyers are crooks and that all  
11                  lawyers are crooks, and they are only supposed to  
12                  execute a client's instructions.

13           73.                   Q.           Those are two different things,  
14                  right? You understand that?

15                  A.           Correct, but that was Kip  
16                  Warner's statement.

17           74.                   Q.           Okay. So you are aware Mr.  
18                  Warner denies having any such friend or  
19                  discussion about it with you, right?

20                  A.           Yes, I do.

21           75.                   Q.           And you can't identify a friend  
22                  of Kip Warner's who experienced this difficult  
23                  situation?

24                  A.           I am sorry, say that again?

25           76.                   Q.           You can't identify an associate

A. Johnson - 20

1 of Mr. Warner who experienced this, getting  
2 screwed over by Mr. Galati?

3 A. No, because Mr. Warner never  
4 divulged that, and I never asked.

5 77. Q. You never asked. You didn't  
6 think it was important to know?

7 A. I don't generally, you know,  
8 unless someone wants to offer information to me,  
9 I don't generally poke or prod, especially  
10 something that is not my business.

11 78. Q. All right. At paragraph 17, you  
12 say, you then asked Mr. Warner,

13 "...if everything we discussed on the  
14 call can be shared with Tanya Gaw, Ted  
15 Kuntz and Odessa Orlewicz and he  
16 answered, yes, please, let me know what  
17 happens after you speak to them..."

18 Did you infer that he meant that to include his  
19 allegation that he was fixated on Rocco Galati  
20 because he'd screwed over a friend of his?

21 A. I never included the word  
22 "fixated" on Rocco Galati, but the information  
23 that was given to me about the friend who was  
24 screwed over in a Rocco Galati case, yes.

25 79. Q. But did you think he also wanted

A. Johnson - 21

1           you to disclose to them that, he, Kip Warner was  
2           fixated on Rocco Galati?

3                   A.       That is my interpretation of what  
4           I witnessed and that is why I asked.

5       80.           Q.       I see. So you said, "You are  
6           fixated on Rocco Galati, can I tell you that to  
7           Tanya Gaw, Ted Kuntz and Odessa Orlewicz?

8                   A.       No. That part of my statement in  
9           my affidavit was me questioning him why he is so  
10          fixated on Rocco Galati.

11       81.           Q.       M' hmm.

12                   A.       He gave me an answer but that is  
13          not something that I would have conversed with  
14          Ted, Tanya or Odessa.

15       82.           Q.       Okay. Then you say at paragraph  
16          18, you didn't want to do this, you didn't want  
17          to carry out his instructions, right, you said  
18          because of your own nature and discernment, you  
19          did not reach out to them right away?

20                   A.       Correct. I wanted to see myself,  
21          what was playing out on its own...

22       83.           Q.       Okay.

23                   A.       ...when it came to the  
24          Action4Canada case. And that is why I decided to  
25          wait and not reach out to them right away.

A. Johnson - 22

1           84.                   Q.        Okay.  And so you did wait...how  
2                            long did you wait?

3                            A.        I didn't speak to Tanya until the  
4                            new year.  I believe it was February of 2022.

5           85.                   Q.        M'hmm.

6                            A.        I did speak with Odessa Orlewicz  
7                            on the phone but she cut me off because she  
8                            didn't want to hear "anything that Kip had to  
9                            say", because of how she feels his nature and  
10                          behaviour was, which I stated in my affidavit...

11          86.                   Q.        M'hmm.

12                          A.        ...and those words used is  
13                          verbatim.

14          87.                   Q.        Okay.  So in terms of Tanya Gaw  
15                          then, you decided in February...you said February  
16                          28th you sent her a text, right?

17                          A.        Yes.

18          88.                   Q.        Okay.  And so, you said you  
19                          wanted to wait and see for yourself what happened  
20                          to the Action4Canada case.  What happened to that  
21                          case that prompted you to reach out to them?

22                          A.        It was just the filing of the  
23                          extended pages and some clerical errors,

24          89.                   Q.        What are you talking about?  What  
25                          extended pages?

A. Johnson - 23

1                   A.       It was just that...so the filing  
2                   itself, there were, you know, people that came to  
3                   me...Odessa and I had a conversation and there  
4                   were clerical errors that were in the filing and  
5                   so, there was some questions around the filing  
6                   itself. And so at that time I decided to reach  
7                   out to Tanya Gaw to relay those questions and  
8                   then share with her what Kip had asked me.

9           90.               Q.       Okay. And you said you sent her  
10           a text message?

11                   A.       Yes.

12           91.               Q.       Can you provide me a copy of that  
13           text message?

14                   A.       I can.

U/T

15           92.               Q.       Okay. Thank you. Okay. And you  
16           said then Kip reached out a few times after he  
17           asked you on September 23rd to do this. When did  
18           that happen?

19                   A.       He messaged me on the Signal app  
20           asking if I had spoken to Tanya, Odessa or Ted  
21           yet. And that was a couple of times.

22           93.               Q.       When was the first one?

23                   A.       I can't give you the exact date  
24           because unfortunately our messages disappear  
25           after one week.

A. Johnson - 24

1 94. Q. Okay.

2 A. But it was through the fall of  
3 2021.

4 95. Q. The fall. So, this Signal log  
5 does record two messages between the two of you,  
6 right?

7 A. Yes.

8 96. Q. This is again, Exhibit B to Mr.  
9 Warner's affidavit sworn March 29, 2023. Right?

10 A. Correct.

11 97. Q. And then, there is nothing...it  
12 doesn't show anything, certainly no calls, right?

13 A. I'm...so if you scroll up and you  
14 see...you set the disappearing message time to  
15 one week.

16 98. Q. Yes.

17 A. So I was new to the Signal app  
18 and I had Signal downloaded and I can't recall  
19 why I set it to disappearing for one week...

20 99. Q. Okay.

21 A. ...but I think at that time, Kip  
22 also had his disappearing to one week. I believe  
23 it was a conversation that Kip and I actually had  
24 because I was not very familiar with this app,  
25 but this is the app he would use. So all I can

A. Johnson - 25

1 say is, that message you see above is obviously  
2 before the setting of messages to disappear. And  
3 that is [inaudible] messages after the fact.

4 100. Q. All right. But we do have a log  
5 of the calls and there aren't any calls through  
6 the fall, right?

7 A. That is because they were  
8 messages.

9 101. Q. I see. Okay. So he never spoke  
10 to you again?

11 A. No. No. He was messaging me on  
12 the Signal app asking me if I had spoken to them  
13 yet, and I did not get back to him.

14 102. Q. Okay.

15 A. And then he sent me another  
16 message, and from my recollection, it was in the  
17 later part of the year, early 2022, and I  
18 messaged him back and I said, "I had not talked  
19 to them yet, they are all very busy".

20 103. Q. All right. So then fast forward,  
21 February 28th you send a text message to Ms. Gaw  
22 and then you say in her affidavit that you met  
23 with her in person sometime after that. Do you  
24 remember when?

25 A. Yes, it was...we were at a



A. Johnson - 26

1 restaurant having a bite to eat. And I believe  
2 it was after the hearing of the Action4Canada  
3 case.

4 104. Q. In the summer?

5 A. I don't recall if that was  
6 exactly in the summer. You do have a screenshot  
7 of it though. I have seen that.

8 105. Q. A screenshot of what?

9 A. You have a screenshot of one of  
10 my posts that Mr. Warner submitted.

11 106. Q. Oh, okay.

12 MR. GALATI: It was May 29th, Tim.  
13 The court date was May 29th.

14

15 BY MR. GLEASON:

16 107. Q. May 29. So was it the day of the  
17 hearing that you met with her?

18 A. Yes, we were all together.

19 108. Q. I see. Okay. Did you take notes  
20 of your discussion with her?

21 A. I wouldn't take notes of a  
22 discussion.

23 109. Q. All right. Did you take notes of  
24 the things that Kip wanted you to relay to her?

25 A. I didn't need to.

A. Johnson - 27

1           110.                   Q.       Okay.  So you did it all from  
2                                   memory?

3                                   A.       Yes.

4           111.                   Q.       And you didn't record...did you  
5                                   record your discussion with Kip?

6                                   A.       No.

7           112.                   Q.       Okay.  What about with Ms. Gaw?

8                                   A.       Why would I record a discussion  
9                                   with Ms. Gaw?

10          113.                   Q.       I am just asking if you did, so  
11                                   the answer is no?  Okay.  So you kept all of this  
12                                   information in your head from September and it  
13                                   was still fresh in May and you related all of it  
14                                   to Ms. Gaw.

15                                   A.       Right.

16          114.                   Q.       Okay.  What exactly did you tell  
17                                   her?

18                                   A.       I told her that Kip and I had a  
19                                   conversation, and that he walked me through the  
20                                   Ontario case and he walked me through showing  
21                                   that Rocco basically got into...or got  
22                                   reprimanded for overcharging, and so is the  
23                                   lawyer that was used here in Vancouver, same  
24                                   thing and that he felt...that Rocco was taking  
25                                   advantage of them financially and that he wanted

A. Johnson - 28

1 me to relay to them that it would be in their  
2 best interest to remove Rocco as their legal  
3 counsel, to find alternate legal counsel and that  
4 he would like to see them file a formal complaint  
5 with the Law Society for overcharging them and  
6 that he would like to see them press criminal  
7 charges for fraud.

8 115. Q. Okay. What did she say?

9 A. Tanya, her answer to me was, you  
10 know, that she doesn't trust Kip and that Kip has  
11 done nothing but undermine Action4Canada and  
12 Rocco from the very beginning and that she has no  
13 intention on removing Rocco as her legal counsel.

14 116. Q. Okay. Did Kip tell you, when he  
15 walked you through these things about reprimanded  
16 for overcharging, the lawyer in Vancouver, that  
17 Rocco was taking advantage of Action4Canada  
18 financially, and it was in Action4Canada's best  
19 interest to have him removed as their counsel?  
20 Did he tell you he believed all of those things  
21 to be true?

22 A. I do believe he believed all  
23 those things to be true.

24 117. Q. Okay. So would you say it's fair  
25 to assume that he wanted them to have this

A. Johnson - 29

1 information for their own good?

2 A. I believe...

3 MR. GALATI: I am going to object to  
4 that question. That asks her to  
5 speculate on what he was thinking. /R

6 118. MR. GLEASON: I asked her what she  
7 believed.

8 MR. GALATI: What she believes is  
9 irrelevant.

10 119. MR. GLEASON: Well, I am not going to  
11 debate that with you, Rocco. You put a  
12 lot of belief in her affidavit. Anyway,  
13 that's fine. I am fine with what I've  
14 got here.

15

16 BY MR. GLEASON:

17 120. Q. And so...suffice to say Ms. Gaw  
18 did not agree with Kip?

19 A. No, she did not.

20 121. Q. Okay. Who else was present?

21 A. My partner, Danielle Pistilli.

22 122. Q. Okay. So you reviewed these  
23 allegations of Kip's with her as well?

24 A. We were standing outside the  
25 restaurant when we had this conversation.

A. Johnson - 30

1           123.                   Q.       Okay. Was anybody else present?

2                           A.       It was just Tanya, myself,  
3           Danielle Pistilli, and I can't recall if there  
4           was...I can't recall if there was one other woman  
5           that was standing with us that worked for Tanya  
6           at the time.

7           124.                   Q.       All right. And so, you've also  
8           provided this affidavit evidence. When did you  
9           meet with Mr. Galati to tell him this story?

10                        A.       I never told Mr. Galati this  
11           story. This wasn't Mr. Warner's request.

12           125.                   Q.       I see. How did this get into an  
13           affidavit in his motion record?

14                        A.       Tanya Gaw reached out to me.

15           126.                   Q.       And?

16                        A.       Asked me if I would do an  
17           affidavit to explain what was asked of me to be  
18           relayed to her.

19           127.                   Q.       So this is your affidavit. It  
20           says...it was sworn before Mr. Galati.

21                        A.       Correct.

22           128.                   Q.       So you did relate this  
23           information to him. He was there when you swore  
24           it?

25                        A.       Oh, yes, absolutely.

A. Johnson - 31

1 129. Q. Okay.

2 A. But he was not the one that made  
3 the initial request of me. It was Ms. Gaw.

4 130. Q. Okay. But then you provided this  
5 information so he could type it up in an  
6 affidavit?

7 A. Correct.

8 131. Q. Okay. And when did that happen?

9 A. March.

10 132. Q. Of this year?

11 A. Yes, of this year.

12 133. Q. Okay. Had you met with him  
13 before that?

14 A. In what regard?

15 134. Q. In any regard?

16 A. I did have a conversation with  
17 him in the summer of 2020.

18 135. Q. Before you met Mr. Warner?

19 A. Correct.

20 136. Q. Okay. Did you meet with or speak  
21 with Mr. Galati anytime after you met with Mr.  
22 Warner?

23 A. Yes, but it doesn't relate to  
24 this case.

25 137. Q. Okay. All right. When you swore

A. Johnson - 32

1           this affidavit, you didn't consider yourself to  
2           be helping Kip with anything, right?

3                   A.       In what context are you  
4           referring?

5       138.           Q.       Well, you weren't trying to do  
6           anything to assist Kip when you provided this  
7           affidavit evidence to Mr. Galati, right? You  
8           were providing it to be used against Kip?

9                   A.       I am providing the truth of what  
10          was...

11       139.           Q.       I didn't ask you that. I asked  
12          if you were providing it to be used against Kip.

13                   A.       Yes, I provided...

14                   MR. GALATI:       She has answered the  
15          question. That is a loaded question.

16       140.           MR. GLEASON:     It's not a loaded  
17          question.

18                   MR. GALATI:       That presumes an answer.

19       141.           MR. GLEASON:     She has answered it  
20          now. She said yes.

21

22       BY MR. GLEASON:

23       142.           Q.       Okay. And you'd agree with me  
24          that Kip definitely never authorized you to  
25          provide this information to Mr. Galati?

A. Johnson - 33

1                   A.       He doesn't need to authorize me  
2                   to provide this information to Mr. Galati.

3       143.           Q.       Okay. But the answer is no, he  
4                   didn't authorize you to provide it, right,  
5                   whether he needed to or not?

6                   A.       I think that is a loaded  
7                   question.

8       144.           Q.       Well, no, it's a yes or no  
9                   question.

10                  A.       No, he did not authorize me to  
11                  submit my affidavit to Rocco Galati.

12       145.           Q.       Okay. Thank you. And this  
13                  information...

14                  MR. GALATI:       Tim, I made it clear  
15                  this morning that I have childcare  
16                  duties very soon and you indicated...

17       146.           MR. GLEASON:       Yes, I know, I'm...

18                  MR. GALATI:       ...you'd be finished by  
19                  4:30.

20       147.           MR. GLEASON:       Yes, I'm almost  
21                  finished here, Rocco.

22                  MR. GALATI:       I am sorry?

23       148.           MR. GLEASON:       I am going to make it  
24                  if you stop interrupting me.

25                  MR. GALATI:       Okay. Thank you.



A. Johnson - 34

1 149. MR. GLEASON: All right.

2 MR. GALATI: You've passed making it  
3 so can you give me an indication of how  
4 long you are going to be?

5 150. MR. GLEASON: It is 4:28 and I'd be  
6 done by now if you hadn't interrupted  
7 me.

8 MR. GALATI: Oh, okay.

9

10 BY MR. GLEASON:

11 151. Q. My last question, Ms. Johnson,  
12 this information that you provided to Tanya Gaw  
13 and Danielle Pistilli and Rocco Galati that you  
14 say Kip told you to provide to Ms. Gaw, did you  
15 disclose it to anybody else?

16 A. No.

17 152. Q. Okay. So it is only those people  
18 who have been told about your discussion with  
19 Kip? That's it in the entire world?

20 A. And Odessa Orlewicz.

21 153. MR. GLEASON: And Odessa Orlewicz,  
22 right. Okay. Thank you, I don't have  
23 any questions.

24

25 RE-EXAMINATION BY MR. GALATI:

A. Johnson - 35

1           154.           Q.       I just have one question, Ms.  
2                    Johnson. You mentioned that the initial meeting  
3                    in the spring of 2021, there was a person by the  
4                    name of Rick whose name you don't recall. Do you  
5                    recall whether it would be Rick Thomas?

6                    A.       Rick Thomas, yes, that's his last  
7                    name.

8           155.           Q.       So Rick Thomas was at that  
9                    meeting as well?

10                  A.       Not in the spring of 2021, but he  
11                  was part of the Signal group.

12           156.           Q.       Right. That is what I meant,  
13                    sorry. And who do you know Rick to be vis-à-vis  
14                    Mr. Warner, if you do?

15                  A.       I just know the people that were  
16                    in the Signal group were people that supported  
17                    the case of Kip Warner's, but Rick Thomas is a  
18                    freedom fighting advocate, part of a group called  
19                    "No New Normal" with his girlfriend Maria Ho.

20           157.           Q.       Okay. And do you know if Rick  
21                    Thomas is part of the society, a member of the  
22                    society?

23                  A.       I believe he was in the Signal  
24                    group, yes.

25           158.           MR. GALATI: All right. Thank you very

A. Johnson - 36

1 much, Ms. Johnson. Those are my  
2 questions.

3 159. MR. GLEASON: All right. Let's go  
4 off the record.

5

6 --- upon adjourning at 4:29 p.m.

7

8

9

10

11

12

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**GALATI**  
Plaintiff

- and -

**TOEWS et al.**  
Defendants

Court File Nos.: CV-22-00683322-0000

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

Proceeding commenced at TORONTO

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**TRANSCRIPT BRIEF OF THE  
MOVING PARTY DEFENDANTS**

(motions pursuant to  
section 137.1 of the *Courts of Justice Act*  
and to strike evidence)

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