



Court File No. **KEL-S-S-142409**

No.
Kelowna Registry

In the Supreme Court of British Columbia

Between

TYSON COOK

Plaintiff

and

ACTION4CANADA INC., GRAEME FLANNIGAN, TAMMY ANN MITCHELL, TORI OLASON, and PERSON A

Defendants

NOTICE OF CIVIL CLAIM

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

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

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

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

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

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

Time for response to civil claim

A response to civil claim must be filed and served on the Plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

- (d) if the time for response to civil claim has been set by order of the court, within that time.

Part 1: STATEMENT OF FACTS

1. The plaintiff, Tyson Cook, (the "**Plaintiff**") brings this legal proceeding seeking, among other things, damages and injunctive relief to stop the Defendants' unfounded, coordinated, widespread, and malicious defamatory campaign against him.
2. The Plaintiff is a well-known drag artist and entertainer in the Okanagan community who performs under the stage name "Freida Whales", with an address for service in this proceeding at 1800 – 510 West Georgia Street, Vancouver, BC.
3. The defendant, Action4Canada Inc. ("**Action4Canada**"), is a federally incorporated not-for-profit company incorporated pursuant to the *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23, with a registered records office located at Suite #453,102 – 15910 Fraser Highway, Surrey, BC.
4. The current directors of Action4Canada are Valerie Thomas, Tanya Gaw and Ron Rehwald (the "**Directors**"). The Directors each have a registered address at Suite #453,102 – 15910 Fraser Highway, Surrey, BC.
5. Action4Canada is an advocacy organization with a mission statement of "protecting [...] faith, family and freedom". Among other things, Action4Canada hosts a website in which it publishes internal and third party content.
6. The defendant, Person A, is an individual or individuals whose identity is not yet known to the Plaintiff. The defendant Person A is an author and contributor of content published on Action4Canada's website.
7. The defendant, Graeme Flannigan, (the "**Defendant Flannigan**") is an individual with a last known address at [REDACTED].
8. The defendant, Tammy Ann Mitchell, (the "**Defendant Mitchell**") is an individual with a last known address at [REDACTED].
9. The defendant, Tori Olason, (the "**Defendant Olason**") is an individual with a last known address at [REDACTED].
10. Together, Action4Canada, Person A, the Defendant Flannigan, the Defendant Mitchell and the Defendant Olason are collectively and singly referred to herein as the "Defendants".

Overview

11. Starting in around mid-January, 2023, the Defendants began repeatedly defaming the Plaintiff with false and defamatory accusations and innuendos.

12. The Defendants made, repeated and asserted the truth of these false and defamatory accusations and innuendos on websites, in emails and on social media platforms, including Facebook and X (previously known as "Twitter").
13. All of the Defamatory Publications (as defined below) would be understood by reasonable persons to be about the Plaintiff. In nearly all cases, the statements explicitly referred to the Plaintiff by name.
14. Many of the Defamatory Publications remain online and are readily accessible by anyone with an internet connection in BC.
15. The Defendants' Defamatory Publications were and continue to be devastating to the Plaintiff, both personally and in his professional career.
16. In particular, the Plaintiff's personal and professional reputation have been significantly damaged by the Defendants' campaign of defamation, and the Plaintiff has suffered significant injury to his pride and self-confidence as a result.
17. Further, the impact of the Defendants' conduct in this case has been exacerbated by the seriousness of the Defamatory Publications, the mode and extent of publication and republication on social media, the social and economic impact on the drag community in the Okanagan area, and the absence and refusal by the Defendants to retract the Defamatory Publications and/or issue an apology.

The Defamatory Publications of Action4Canada and Person A

18. On or about January 20, 2023, the Defendants, Action4Canada and/or Person A, created an online petition entitled "STOP Taxpayer Funded Drag Queen Sexualization of Children" (the "**Petition**"), and posted the Petition on the website CitizenGo. The Petition remains available online for individuals to sign virtually. The Petition includes the following defamatory content:

"The Kelowna, BC Action4Canada Chapter leader, Laurie Baird, created a petition on Change.org and it was removed as they deemed it 'hate speech.'

The topic of concern? A Drag Queen reading to and performing for children in public libraries and at 'Family Friendly Events' in the City of Kelowna, BC, paid for by taxpayers. The petition was polite and articulated legitimate concerns.

In reponse [sic], Action4Canada created this further petition with CitizenGo to ensure that the public maintain the freedom to voice their concerns without fear of being censored. There is nothing hateful or offensive about wanting to protect the innocence of children and safeguarding them from indoctrination.

Who is this drag man in question? Tyson Cook, AKA Miss Freida Whales. It was not difficult to come up with the following information. His extra-curricular activities are shocking to say the least. Tyson created videos depicting murders that also

include cannibalism and a Satanic-like ritual. His social media posts consist of sexually vulgar and profane language. **View evidence Here**

But of greatest concern is that he works with children with special needs as a certified Education Assistant in the Kelowna SD 23 as well as with autistic children for AutismBC.

As a further point of interest, Loyal Woodridge, an openly gay Kelowna city councilor, is also on the board of the Okanagan Regional Library, and is a strong supporter and advocate for the Drag Queen Story Hours. Is this a conflict of interest?

The amendment to the Human Rights code to include "gender identity and gender expression" as a protected class is not an open invitation nor defense, for men with adult sexual proclivities to have access to, or permit them to sexualize and exploit, children.

It is, sadly, no surprise that reports of child porn and sexual abuse is on the rise. Kelowna RCMP forms unit to combat child porn in face of surge.

Time to Leave Our Kids Alone!

Please sign and share this petition demanding that the City of Kelowna STOP using taxpayer's money to promote and fund all library Drag Queen Story Hours and family friendly events and further demand that the School District reassess Mr. Cook's suitability as an EA." [bolded text in original]

19. On or about January 24, 2023, the Defendants Action4Canada and/or Person A, published a link to the Petition on the Action4Canada website ("**Action4Canada Post #1**"). Action4Canada Post #1 contained photographs of the Plaintiff reading to children at a public event and the following defamatory words:

"Who are the men wearing women's clothing?"

STOP taxpayer-funded drag queen sexualization of children.

Let's take a look at Drag man, Tyson Cook, AKA Miss Freida Whales who is celebrated by the mainstream media and supported and promoted by local government.

It was not difficult to come up with the following information. Mr. Cook's extra-curricular activities are shocking to say the least. He created videos depicting murders that included cannibalism and Satanic-like rituals. His social media posts consist of sexually vulgar and profane language (see below).

He performs as a Drag Queen in local libraries as an adult entertainer...for 'children' and his social media posts consist of sexually vulgar and profane language.

But of greatest concern is that he works with children with special needs as a certified Education Assistant in the Kelowna School District as well as with autistic children for AutismBC.

The amendment to the Human Rights code to include “gender identity and gender expression” as a protected class is not an open invitation nor defense, for men with adult sexual proclivities to have access to, or permit them to sexualize and exploit, children.

Please sign and share this petition and demand that the City of Kelowna STOP using taxpayers’ money to fund Drag Queen Story Hours, and further demand that the School District reassess Mr. Cook’s suitability as an EA”.

20. On or about January 24, 2023, the Defendants Action4Canada and/or Person A published a link to the Petition in another post on Action4Canada’s website (“**Action4Canada Post #2**”). Action4Canada Post #2 contained a photograph of the Plaintiff and the following defamatory words:

“Please read, share, and sign the NEW Notice of Liability and serve it to anyone who is facilitating in the unprecedented attack against our children. We MUST put a STOP to drag queen story hours for children and the vile pride parades permitting sexual deviants and predators to expose themselves to minors.

The cultural and political changes in Canada over recent years are working to normalize and accept activities and events for the purpose to counsel and/or advocate the sexualization of children.

This Notice of Liability is to alert Education Ministry Offices, School Divisions, Public Libraries, Businesses and/or any other Organization or individual that their participation in facilitating in the exploitation and/or sexualization of minors through drag queen story hours or other events/activities, such as Pride Parades, or making available explicit/pornographic books or resources to minors, is unlawful. Drag queen events and activities are being promoted under the guise of diversity and inclusion and/or social acceptance of the self-proclaimed sexual identity of a person. However, all activities and events where minors are involved must be age appropriate and not cause psychological, emotional, or physical harm.

Drag queen story hours, camps and PRIDE events have become an avenue to expose minors to nudity, sexually explicit, pornographic, and inappropriate books, and activities. Schools, public libraries, and private and corporate businesses are promoting pride parades and/or inviting drag queens to perform for minors.

Making available, facilitating or promoting events or activities, where minors are exposed to nudity or a visual representation where the dominant characteristic is of a sexual purpose and advocates or counsels sexual activity with a minor, are crimes as laid out in the Criminal Code of Canada.

The following sections provide the categories of offences tending to sexually exploit and corrupt the morals of minors, and/or make available or promote, sexually explicit material or activities: Section 151, 152, 153 (1), 163.1, 171.1(5), 172.1(1), 173 (2), 174 (1), 175(1) (see attachment). These are indictable offences liable to imprisonment.

Please, take ACTION today!"

21. On or about January 25, 2023, the Defendants Action4Canada and/or Person A, published another link to the Petition in a further post on Action4Canada's website ("**Action4Canada Post #3**"). Action4Canada Post #3 contained photographs and videos of the Plaintiff and the following defamatory words:

"Tyson Cook, AKA Miss Freida Whales, is a Drag Queen performer who reads to children in public libraries. His extra-curricular activities are shocking to say the least. Tyson creates videos depicting murders that also include cannibalism and a Satanic-like ritual. Several other disturbing videos were found wherein he takes an axe to his unconscious victim. He then finds his next victim, a woman, attacks her from behind in a dark alley and subdues her using chloroform. In addition, his social media posts consist of sexually vulgar and profane language.

Of greatest concern is that he works with special needs children as a certified Education Assistant in Kelowna SD 23, as well as with autistic children for AutismBC. See [HERE](#) for further details and please share this information.

This is not an isolated situation. Our children are being preyed upon, all in the name of "diversity and inclusion."

If you believe that Mr. Cook should be reassessed for his suitability to be employed as EA or perform for children then please sign the Petition.

Why is it considered hateful, racist or offensive to protect the innocence of children from sexual predators and psychologically disturbed individuals? Grown men in women's clothing who participate in sexually deviant acts, vulgar language and satanic rituals should not have access to children.

The amendment to the Human Rights code to include "gender identity and gender expression" as a protected class is not an open invitation, nor defence, for men with deviant adult sexual proclivities to have access to, or permit them to sexualize, exploit and/or harm, children. Sign the petition if you agree".

The Defamatory Publications of Graeme Flannigan

22. On or about January 26, 2023, the Defendant Flannigan republished a link to the Petition on Facebook ("**Flannigan Post #1**"). In Flannigan Post #1, the Defendant Flannigan wrote and published the following defamatory words on Facebook:

“Others have signed a petition regarding Kelowna Library Drag storytime featuring Freida Whales that, not only counts you as a number, but also sends two emails for every signature to City Hall and the School District expressing concern about the appropriateness of a children’s performer and educational assistant making multiple kidnapping, torture, murder, cannibal fantasy videos while dressed up as a children’s performer.”

23. On or about April 28, 2023, the Defendant Flannigan wrote and published via an email to various staff members of Festivals Kelowna, a Kelowna-based non-profit society, the following defamatory words (“**Flannigan Post #2**”):

“Councillor Loyal Woolridge is well aware of Mr. Cook’s dark and sexual history online and has repeatedly demonstrated poor judgment by promoting and encouraging an inappropriate performer for children.”

24. On or about October 12, 2023, the Defendant Flannigan published an image of the Plaintiff on X (“**Flannigan Post #3**”), alongside the following defamatory words:

“These drag queens have a history of performing 19+ sexual shows for minors.

[...]

Over 18,000 taxpayers signed a petition opposing The City of Kelowna using taxpayer money to sexualize children with drag queens (media reported on 2,000 but declined to report on 18,000).

[...]

Many have already emailed Mayor and Council (some on Council do not support this event) to stop using taxpayer dollars to sexualize children with drag queens, and if you want to too, you can do so at [...].”

25. On or about January 5, 2024, the Defendant Flannigan published several further defamatory Facebook posts about the Plaintiff. In one such Facebook post on January 5, 2024 (“**Flannigan Post #4**”), the Defendant Flannigan republished a news article by Rebel News, along with the following defamatory words:

“Drag queen Freida Whales last Kelowna drag storytime was featured in Rebel News with the headline, “Kelowna ‘storytime’ featuring drag queen with cannibalism-themed music video”.

“ “ Drag queens and strippers are not appropriate role models for young children who tend [sic] idolize any live entertainer that they meet” [...].”

26. In a second Facebook post on or about January 5, 2024 (“**Flannigan Post #5**”), the Defendant Flannigan published a compilation of images of the Plaintiff performing at events intended for adults, juxtaposed with images of the Plaintiff reading to and posing with children and families at a public library, as well as posters of the Plaintiff’s library

“storytime” events. The compilation of images in Flannigan Post #5 included the text: “PROTEST DRAG QUEEN STORY TIME” and “FEBRUARY 10 9:30 AM VERNON ART GALLERY [...]”.

27. In a third Facebook post on or about January 5, 2024 (“**Flannigan Post #6**”), the Defendant Flannigan published a compilation of images of the Plaintiff performing at events intended for adults, juxtaposed with images of the Plaintiff reading to and posing with children and families at a public library, as well as posters of the Plaintiff’s library “storytime” events. The compilation of images in Flannigan Post #6 included the text: “PROTEST DRAG QUEEN STORY TIME” and “JAN 27 9:30 AM PENTICTON ART GALLERY [...]”.
28. In a fourth Facebook post on or about January 5, 2024 (“**Flannigan Post #7**”), the Defendant Flannigan published a compilation of images of the Plaintiff performing at events intended for adults, juxtaposed with images of the Plaintiff reading to and posing with children and families at a public library, as well as posters of the Plaintiff’s library “storytime” events. The compilation of images in Flannigan Post #7 included the text: “PROTEST DRAG QUEEN STORY TIME” and “JANUARY 27 12PM KELOWNA ART GALLERY [...]”.
29. In a fifth Facebook post on or about January 5, 2024 (“**Flannigan Post #8**”), the Defendant Flannigan published the following defamatory words:

“Drag queen Freida Whales has performed a large number of all age drag queen shows.

On May 14, 2023 Freida Whales performed a 19+ drag queen drag and burlesque brunch. The poster lists 19+.

On June 25, 2023 Freida Whales performed 19+ drag queen drag and burlesque brunch. The poster did not list an age limit. The advertisement for the event on Global News lists the age as 19+.

Prior to July 23, 2023, Freida Whales had advertised a drag queen drag and burlesque brunch. The poster did not list an age limit. Freida Whales has performed a significant number of all age drag shows that have been advertised as all ages. When asked if the event was 19+ the venue responded that it was “all ages event and given the nature of drag shows there may be some subject matter which may not be suitable for children.”

30. On or about September 22, 2024, the Defendant Flannigan wrote an email to, among others, members of the federal, provincial and local governments, news networks, local businesses, and community members (“**Flannigan Post #9**”). Flannigan Post #9 stated, in part:

“Today there is a Kelowna radical extreme political event that promotes harm to children on taxpayer private property. This event has been falsely and misleadingly

advertised by organizers and in the media as not being a counter protest. Organizers have repeatedly promoted and encouraged 19+ sexually explicit content to all ages children and have repeatedly promoted and encouraged underage minors to permanently harm themselves and some organizers have permanently harmed their own children.

[...]

Advocacy Canada president Wilbur Turner has promoted and encouraged 19+ sexually explicit content to all ages children by drag performer Freida Whales. Advocacy Canada vice president Darren 'Darrien' McWatters was operational manager of Time Wines when drag performer Freida whales performed a 19+ sexually explicit drag show and 19+ sexually explicit burlesque show to all ages children.

[...]

Mayor and Council and City of Kelowna must cancel this political event on taxpayer owned private property because it promotes harm to children and the organizers have a long history of promoting and encouraging harm to children. [...]"

The Defamatory Publications of Tammy Ann Mitchell

31. On or about January 26, 2023, the Defendant Mitchell wrote and published in the Facebook group or event "Kelowna Freedom Rally" the following defamatory words ("**Mitchell Post #1**"):

"In light of the information that was recently made public regarding Mr. Tyson Cook, AKA Drag Queen Freida Whales, his upcoming event at the **taxpayer funded** Kelowna library on January 28, must be cancelled. [...]"

The Mayor and Council have a fiduciary duty to act in good faith with regards to the interests of children, and society at large. If the Mayor and Council choose to support this event, or any future events, then they may be found criminally liable for facilitating the exploitation of minors.

[...]

View the following montage of graphic videos Mr. Cook created depicting murders that also include cannibalism and a Satanic-like ritual.

[...]

Mr. Cook's extra-curricular activities are shocking to say the least and the fact that the city celebrates and promotes him as 'Kelowna Public Library's Drag Queen Story Time PERFORMER!' is appalling and the city's officials must be held accountable and investigated as they are facilitating child exploitation. Public Libraries are supposed to be a place where children and adults can **safely** go to

access resources without fear of being subjected to a person or group of people whose proclivities should be restricted to private adult only venues.

The Kelowna RCMP recently launched a **Child Exploitation Unit** due to a big surge in child pornography. There can be no doubt that there is a correlation between the campaign to normalize Drag Queens having access to children and the over-sexualizing of children in our education system through the **radical** LGBTQ sex activist's agenda. These campaigns are breaking down societal norms and a child's ability to recognize predators.[...]

Make no mistake, the amendment to the Human Rights Code to include "gender identity and gender expression" as a protected class is not an open invitation, nor defence, for men with adult sexual proclivities to have access to, or permit them to sexualize and exploit, children. [...]" [Bold text in original.]

32. Also on or about January 26, 2023, the Defendant Mitchell, in another Facebook post, shared an article published by "peoplesworldwar.com" which contained the same defamatory statement above ("**Mitchell Post #2**"), while writing:

"Share! Call To Action Cancel Tyson Cook, AKA Drag Queen Freida Whales Kelowna Library Jan 28th"

The Defamatory Publications of Tori Olason

33. On or about February 10, 2024, the Defendant Olason, in a Facebook post, shared a poster of the Plaintiff's "storytime" event at the Vernon Public Art Gallery, alongside a compilation of images of children being chained and restrained ("**Olason Post #1**"). In this same Facebook post, the Defendant Olason published the following defamatory words:

"City of Vernon, Castanet and the Art Gallery supporting & facilitating Pedophiles in VERNON.

If you have an issue with the picture, perhaps you should have an issue with the satanic agenda to HARM YOUR KIDS...that the mentally disturbed, ignorant, selfish and blind are actively bringing into THIS community, under the illusion of entertainment, government, education and media.

Hiding their Satanic agenda under the guise of human rights here is a quote:

Gays Against Groomers oppose the sexualization, indoctrination, and medicalization of children under the guise of "LGBTQIA+". They say their movement has been hijacked by radical activities-a fringe minority. They state: "What we are witnessing is a mass scale child abuse being perpetuated on an entire generation...Those pushing this agenda do not represent or speak for us

all, nor do we want to be associated with them in any way...There are so many ways to teach children kindness, self-expression and acceptance without relying on a man dressed as a woman" [...]"

34. In a second Facebook post on or about February 10, 2024, the Defendant Olason shared a link to Action4Canada Post #3 (“**Olason Post #2**”). In this same post, the Defendant Olason published the following defamatory words:

“Drag man, Tyson Cook, AKA Miss Freida Whales – creating videos depicting murders that included cannibalism and Satanic-like rituals

Works with children with special needs as a certified Education Assistant in the Kelowna School District as well as with autistic children for AutismBC

HOSTED TODAY BY THE VERNON ART GALLERY FOR YOUNG CHILDREN”

The Defamatory Publications

35. The Petition, Action4Canada Post #1, Action4Canada Post #2, Action4Canada Post #3, Flannigan Post #1, Flannigan Post #2, Flannigan Post #3, Flannigan Post #4, Flannigan Post #5, Flannigan Post #6, Flannigan Post #7, Flannigan Post #8, Flannigan Post #9, Mitchell Post #1, Mitchell Post #2, Olason Post #1, and Olason Post #2 are hereafter collectively referred to together as the “**Defamatory Publications**”.
36. The Defamatory Publications expressly refer to the Plaintiff by name or by photograph, or where they do not identify the Plaintiff explicitly, would, by virtue of their context and their references, be understood by reasonable readers to refer to the Plaintiff.
37. The Defamatory Publications mean and were understood to mean, in both their literal and inferential meanings, that the Plaintiff:
- (a) is a pedophile;
 - (b) sexualizes children;
 - (c) exploits and abuses minors;
 - (d) is a sexual deviant;
 - (e) indoctrinates children;
 - (f) is connected to a rise in child pornography and sexual abuse;
 - (g) performs sexually explicit content in the presence of children;
 - (h) promotes self-harm, murder, and cannibalism to children; and/or
 - (i) is an inappropriate role model for children.
38. The Defamatory Publications are false, misleading, and defamatory to the Plaintiff.
39. The Defamatory Publications have been read by many third parties in British Columbia, and elsewhere.

40. In making the Defamatory Publications, the Defendants sought and obtained wide publication and re-publication of their Defamatory Publications as the intended or foreseeable consequence of said publications, and they are all liable for all republications.
41. As a result of the Defendants' defamatory and unlawful conduct, the Plaintiff has suffered and continues to suffer loss and damages, including, without limitation, loss of reputation, injury to the Plaintiff's pride and self-confidence, pain and suffering, social and economic damage, and loss of income.
42. At all material times, in making the Defamatory Publications, the Defendants participated in a common design to defame the Plaintiff, and the Defendants are jointly and severally liable to the Plaintiff for all of the Defamatory Publications.
43. The Defendants made the Defamatory Publications with malice, as demonstrated by the extreme and vicious content of the Defamatory Publications, and in circumstances where they knew or ought to have known that the Defamatory Publications were untrue and would cause loss and damage to the Plaintiff.
44. On or about April 25, June 18, and December 4, 2024, counsel for the Plaintiff sent cease and desist letters to the Defendants, advising them that the Defamatory Publications were false and defamatory. The cease and desist letters demanded that the Defendants remove the Defamatory Publications from the internet and refrain from posting further defamatory statements.
45. To date, the Defendants have failed or refused to remove and/or retract their defamatory publications, and many of the Defamatory Publications remain online and accessible by anyone with internet access.
46. Interlocutory injunctive relief is required to prevent irreparable harm to the Plaintiff, as the Defendants, through their conduct and repetition of the Defamatory Publications, have shown they will not cease their vitriol defamatory campaign against the Plaintiff unless enjoined by this Court.

Part 2: RELIEF SOUGHT

1. The Plaintiff claims against the Defendants, and each of them, jointly and severally, as follows:
 - (a) interim, interlocutory, and permanent injunctive relief restraining the Defendants from publishing or republishing the Defamatory Publications, or any further defamatory statements, directed towards the Plaintiff;
 - (b) interim, interlocutory, and permanent injunctive relief requiring the Defendants, and each of them, to remove the Defamatory Publications and all republications thereof from the Action4Canada website, X, Facebook, and any other online platform;
 - (c) general and special damages;

- (d) aggravated, punitive, and/or exemplary damages;
- (e) interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79;
- (f) special costs; and
- (g) such further and other relief as this Honourable Court may deem just.

Part 3: LEGAL BASIS

1. The Defendants have each committed the common law tort of defamation by publishing and/or republishing some or all of the Defamatory Publications.
2. The Defamatory Publications are false and defamatory. In their plain and ordinary meaning, or in the alternative by way of innuendo, the Defamatory Publications mean, or are taken to mean, among other things, that the Plaintiff is a pedophile, sexualizes children, exploits and abuses minors, is a sexual deviant, performs sexually explicit content in the presence of children, promotes self-harm, murder, and cannibalism to children, is connected to a rise in child pornography and sexual abuse, and is an inappropriate role model for children, none of which are true.
3. The Defamatory Publications would clearly lower the Plaintiff's reputation in the estimation of ordinary, reasonable members of society. The Defamatory Publications in fact refer to the Plaintiff, or are understood to refer to the Plaintiff, and the Defamatory Publications were communicated to third parties in BC, and elsewhere.
4. The Plaintiff has suffered and continues to suffer loss and damage as a result of the publication and re-publication of the Defamatory Publications, including, without limitation, loss of reputation, injury to the Plaintiff's pride and self-confidence, pain and suffering, social and economic damage, loss of income, and other loss and damage to be proved at trial.
5. The Defendants are joint and several tortfeasors under the law of concerted action liability, as they assisted the commission of a tort pursuant to a common design to defame the Plaintiff.
6. The Defendants' malicious and egregious actions entitle the Plaintiff to aggravated and punitive damages.
7. The Defendants have failed or refused to desist in their defamatory campaigns against the Plaintiff and many of the Defamatory Publications remain readily accessible online.
8. In the circumstances, the Plaintiff is entitled to interlocutory injunctive relief, as:
 - (a) the Defamatory Publications are manifestly defamatory such that a jury finding otherwise would be considered perverse. In particular:

- (i) the Defamatory Publications refer to the Plaintiff, have been published, and would tend to lower his reputation in the eyes of a reasonable observer, and
 - (ii) it is beyond doubt that any defence raised by the Defendants is not sustainable; and
- (b) there is no reason for this Court to decline to exercise its discretion in favour of restraining the Defendants' speech pending trial because, among other reasons, the Plaintiff will suffer irreparable harm if the interlocutory injunction is not granted.
9. The Plaintiff pleads and relies on the common law tort of defamation and the *Libel and Slander Act*, R.S.B.C. 1996, c. 263.

Plaintiff's address for service: 1800 – 510 West Georgia Street
Vancouver, British Columbia
V6B 0M3

E-mail address for service (must be sent to all addresses provided herein) sarah.mccalla@nortonrosefulbright.com
scott.silver@nortonrosefulbright.com

Place of trial: Kelowna, BC

The address of the registry is: The Law Courts
1355 Water Street
Kelowna, British Columbia
V1Y 9R3

Norton Rose Fulbright Canada LLP



per:

Date: 19/December/2024

Signature of lawyer for Tyson Cook

Sarah McCalla / Scott Silver

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

- 1. Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

- (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.
-

APPENDIX

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This is a claim for damages and injunctive relief for defamation.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3: THIS CLAIM INVOLVES:

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

Part 4:

Libel and Slander Act, RSBC 1996, c 263

No.
Kelowna Registry

In the Supreme Court of British Columbia

Between:

TYSON COOK

Plaintiff

ACTION4CANADA INC, GRAEME FLANNIGAN, TAMMY
ANN MITCHELL, TORI OLASON, and PERSON A

Defendants

NOTICE OF CIVIL CLAIM

NORTON ROSE FULBRIGHT CANADA LLP

Barristers & Solicitors

1800 – 510 West Georgia Street

Vancouver, BC V6B 0M3

Attention: Sarah McCalla/Scott Silver

Telephone: 604.687.6575

E-mail:

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scott.silver@nortonrosefulbright.com

SM/SCS

Matter# 1001288693