



Court File No.: CV-24-00094733-0000

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**EDWARD CORNELL, VINCENT GIRCYS, LINDSAY MILNER, SHAUN ZIMMER, ANDREW MILLER, JONKER TRUCKING INC., ANDREW FERA, WAYNE NARVEY, CLAYTON MCALLISTER, KATHLEEN MARKO, NICOLA FORTIN, ARIELLE FORTIN, THOMAS QUIGGIN, TIMOTHY TIESSEN, O'JAY LAIDLEY, ERIC BUECKERT, PETER TERRANOVA, NANCY TERRANOVA, RICHARD OCELAK, and KERRI-ANN HAINES**

Plaintiffs

- and -

**JUSTIN TRUDEAU, CHRYSTIA FREELAND, DAVID LAMETTI, DOMINIC LEBLANC, BILL BLAIR, MARCO MENDICINO, ATTORNEY GENERAL OF CANADA, JODY THOMAS, ROYAL CANADIAN MOUNTED POLICE, DENIS BEAUDOIN, BRENDA LUCKI, STEVE BELL, ROBERT BERNIER, OTTAWA POLICE SERVICES BOARD, OTTAWA POLICE SERVICE, THE TORONTO-DOMINION BANK, CANADIAN IMPERIAL BANK OF COMMERCE, BANK OF MONTREAL, NATIONAL BANK OF CANADA, ROYAL BANK OF CANADA, BANK OF NOVA SCOTIA (SCOTIABANK), CANADIAN TIRE SERVICES LTD. doing business as CANADIAN TIRE BANK, MERIDIAN CREDIT UNION, ASSINIBOINE CREDIT UNION, GULF & FRASER CREDIT UNION, STRIDE CREDIT UNION, SIMPLII FINANCIAL, CANADIAN ANTI-HATE NETWORK, BERNIE FARBER, JOHN DOE, and ABC CORP.**

Defendants

**STATEMENT OF CLAIM**

**Notice of Action issued on February 14, 2024**

**TO THE DEFENDANTS**

**A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU** by the plaintiff. The claim made against you is set out in the following pages.

**IF YOU WISH TO DEFEND THIS PROCEEDING**, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

**IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.**

**TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED** if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date:

Issued by:

\_\_\_\_\_  
Local Registrar

Address of  
court  
office:

Ottawa Courthouse  
161 Elgin St., 2<sup>nd</sup> Fl.  
Ottawa, Ontario K2P 2K1

**TO: JUSTIN TRUDEAU**  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

**TO: CHRYSTIA FREELAND**  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

- TO: DAVID LAMETTI**  
Fasken Martineau DuMoulin LLP  
800 Victoria Square, Suite 3500  
Montréal, Quebec H3C 0B4
- TO: DOMINIC LEBLANC**  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8
- TO: BILL BLAIR**  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8
- TO: MARCO MENDICINO**  
511 Lawrence Avenue West  
Toronto, Ontario M6A 1A3
- TO: ATTORNEY GENERAL OF CANADA**  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8
- TO: STEVE BELL**  
Ottawa Police Service  
Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5
- TO: ROBERT BERNIER**  
Ottawa Police Service  
Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5
- TO: OTTAWA POLICE SERVICES BOARD**  
110 Laurier Avenue W  
Ottawa, Ontario K1P 1J1
- Mailing Address:**  
c/o Ottawa Police Service, Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5
- TO: OTTAWA POLICE SERVICE**  
Stn T; PO Box 9634  
Ottawa, Ontario K1G 6H5
- TO: ROYAL CANADIAN MOUNTED POLICE**  
**RCMP National Headquarters**

Headquarters Building  
73 Leikin Drive  
Ottawa, Ontario K1A 0R2

**TO: DENIS BEAUDOIN**  
**RCMP National Headquarters**  
Headquarters Building  
73 Leikin Drive  
Ottawa, Ontario K1A 0R2

**TO: BRENDA LUCKI**  
**RCMP National Headquarters**  
Headquarters Building  
73 Leikin Drive  
Ottawa, Ontario K1A 0R2

**TO: JODY THOMAS**  
Office of the Deputy Attorney General of Canada  
284 Wellington Street  
Ottawa, Ontario K1A 0H8

**TO: BERNIE FARBER**  
439 University Ave  
Toronto, Ontario M5G 1Y8

**TO: THE TORONTO-DOMINION BANK**  
66 Wellington Street West  
Toronto, Ontario M5K 1A2

**TO: CANADIAN IMPERIAL BANK OF COMMERCE**  
81 Bay St.  
Toronto, Ontario M5J 1E6

**TO: SIMPLII FINANCIAL**  
595 Bay St, Fl 6  
Toronto, Ontario, M5G 2C2

**TO: BANK OF MONTREAL**  
100 King Street West  
1 First Canadian Place, 9th Floor  
Toronto, Ontario M5X 1A1

**TO: NATIONAL BANK OF CANADA**

800 Saint-Jacques Street  
Montreal, Quebec H3C 1A3

**TO: ROYAL BANK OF CANADA**  
200 Bay Street, South Tower  
Toronto, Ontario M5J 2J5

**TO: BANK OF NOVA SCOTIA (SCOTIABANK)**  
Scotiabank Head Office  
44 King St West  
Toronto, Ontario M5H 1H1

**TO: MERIDIAN CREDIT UNION**  
Meridian Credit Union Corporate Office  
3280 Bloor Street West, Centre Tower, 7<sup>th</sup> Floor  
Toronto, Ontario M8X 2X3

**TO: ASSINIBOINE CREDIT UNION**  
200 Main St., 6th Floor  
Winnipeg, Manitoba R3C 1A8

**TO: GULF & FRASER CREDIT UNION**  
Suite 401 - 7300 Edmonds Street  
Burnaby, British Columbia V3N 0G8

**TO: STRIDE CREDIT UNION**  
Stride Credit Union Corporate Office  
19 Royal Road N  
Portage La Prairie, Manitoba R1N 1T9

**TO: CANADIAN ANTI-HATE NETWORK**  
439 University Ave  
Toronto, Ontario M5G 1Y8

**TO: CANADIAN TIRE SERVICES LTD., doing business as CANADIAN TIRE BANK**  
Canadian Tire Head Office  
Corporate Home Office  
2180 Yonge Street  
Toronto, Ontario M4P 2V8

## CLAIM

### Contents

A. Relief Claimed .....	7
B. Overview.....	9
C. The Defendants .....	11
Federal Crown Defendants .....	11
Financial Institutions.....	12
Localized Police Organizations .....	13
Non-Profit Organizations.....	14
John Doe Defendants .....	14
ABC Corp. Defendants .....	15
D. The Plaintiffs.....	15
Vincent Gircys .....	15
Andrew Miller.....	17
O’Jay Laidley.....	18
Lindsay Milner.....	19
Clayton McAllister.....	24
Thomas Quiggin.....	26
Peter Terranova and Nancy Terranova.....	27
Richard Ocelak and Kerri-Ann Haines.....	28
Jonker Trucking Inc. ....	29
Edward Cornell.....	30
Shaun Zimmer.....	31
Erik Bueckert .....	32
Andrew Fera.....	33
Wayne Narvey.....	34
Kathleen Marko .....	35
Timothy Tiessen.....	36
Nicola and Arielle Fortin .....	37
E. The Nature of the Action.....	38
The Unlawful Enactments.....	38
Aggravating Factors for Consideration Leading up to the Unlawful Enactments.....	42
The Unlawful Enactments and the Consequences.....	45
F. Causes of Action .....	46

Negligence .....	46
Misfeasance of Public Office.....	48
Abuse of Process.....	49
Interference with Economic Relations and Inducing Breach of Contract .....	50
Breach of Section 8 and 2(b) <i>Charter</i> Rights and Section 24(1) Remedy.....	51
Trespass to Chattels and Conversion .....	52
Injurious Falsehood and Defamation.....	53
Intrusion upon Seclusion.....	55
Assault and Battery.....	55
Harassment and Intimidation .....	56
Civil Conspiracy .....	58
Breaches of Legislation.....	58
Breaches of Contract.....	59
G. Damages.....	59

**A. Relief Claimed**

1. The Plaintiffs are Canadian individuals and Canadian businesses who were subjected to the unreasonable use of the *Emergencies Act*, RSC 1985, c 22 (4<sup>th</sup> Supp) (the “*Emergencies Act*”) and claim against the Defendants, jointly and/or severally, for:
  - a. A declaration that the Crown Defendants, as defined herein below, acted unlawfully when they issued Order in Council P.C. 2022-106, the *Proclamation Declaring a Public Order Emergency*, SOR/2022-20 (the “**Proclamation**”); Order in Council P.C. 2022-107, the *Emergency Measures Regulations*, SOR/2022-21 (the “**Regulations**”); and Order in Council P.C. 2022-108, the *Emergency Economic Measures Order*, SOR/2022-22, (the “**Economic Order**”) (collectively hereinafter referred to as the “**Unlawful Enactments**”);

- b. A declaration that the Defendants acted unlawfully and in breach of section 8 of the *Canadian Charter of Rights Freedoms* – Part I of the *Constitution Act*, 1982 adopted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.) (the “*Charter*”) when they seized, froze, or otherwise interfered with the financial services, private property, products, and information of the Plaintiffs;
- c. A declaration that the Defendants acted unlawfully and in breach of section 2(b) of the *Charter* with regards to the unconstitutional Regulations;
- d. A declaration that the Financial Institution Defendants as defined herein below, acted in breach of legislation, contract, and common law when they seized, froze, or otherwise interfered with the financial services, private property, products, and information of the Plaintiffs;
- e. A declaration that the Defendants acted in panic, political spite, and with the intention of punishing and intimidating citizens of Canada;
- f. An Order that the individual Defendants named herein are to be held personally liable to pay for the damages and costs pleaded herein and that the citizens of Canada not be required to pay for the wrongdoing of the named individual Defendants as may be allowed;
- g. General and special damages in the amount \$500,000 for each Plaintiff for negligence, breach of contract, unlawful interference, misfeasance of public office, trespass to chattels, civil conspiracy, and abuse of process for the unlawful seizure of bank accounts by the Defendants;



- h. General and special damages in the amount \$100,000 for each Plaintiff for injurious falsehoods and defamation resulting from the conduct of the Defendants;
- i. General and special damages in the amount of \$100,000 for each Plaintiff for negligence, assault, battery, harassment, and intimidation perpetrated by the Defendants against the Plaintiffs;
- j. General and special damages pursuant to section 24(1) of the *Charter* in the amount of \$500,000 for each Plaintiff for the Defendants' unjustified breach of the Plaintiffs' *Charter* rights;
- k. Punitive, exemplary and/or aggravated damages in the amount of \$1,000,000 for each Plaintiff considering the malicious, reprehensible, and high-handed misconduct of the Defendants;
- l. Prejudgment and post judgment interest in accordance with the *Courts of Justice Act*, RSO 1990 c.C.43;
- m. Costs of this action (legal fees and disbursements) on solicitor and own client basis or otherwise on a substantial indemnity basis plus applicable harmonized sales tax in accordance with the *Excise Tax Act*, RSC, 1985, c. E-15 and the *Courts of Justice Act*, RSO 1990 c.C.43; and
- n. Such further and other relief as this Honourable Court deems just.

**B. Overview**

- 2. On February 14, 2022, the *Emergencies Act* was invoked which ultimately resulted in searches and seizures of the bank accounts of many Canadians including the

Plaintiffs. The invocation was held by the Federal Court to be unreasonable, and *ultra vires*, while the Regulations and Economic Order were unconstitutional and in breach of section 2(b) and section 8 of the *Charter* respectively.

3. The Plaintiffs are comprised of Canadians from all walks of life, including businesses, Indigenous peoples, senior citizens, retired police officers, decorated military veterans, racialized minorities, minors, single mothers, and people with disabilities who were all deprived of their *Charter* rights and suffered damages as a result of the *Unlawful Enactments*.
4. The events in the within action constitutes of one of the largest and most egregious collective breaches of *Charter* rights in the history of Canada. The scope of the unlawful searches and seizures was astonishingly broad, disproportionate, ill-conceived, and contrary to the core constitutional values of all Canadians in our free and democratic society.
5. This action provides an important opportunity for this Court to vindicate the *Charter* rights of the Plaintiffs and in so doing promote the important constitutional and legal principles which ought to be safeguarded such as this Court's commitment to the rule of law and the principles of fundamental justice. This action further provides an important opportunity for this Court to deter future governments from improperly enacting draconian measures without justification for political means by providing an award of compensable damages to the Plaintiffs.

## **C. The Defendants**

### **Federal Crown Defendants**

6. The Defendant the Attorney General (Canada) (“**Canada**”) is the representative of His Majesty the King in Right of Canada (the “**Crown**”) and is named in these proceedings pursuant to section 23(1) of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 (the “**CLPA**”).
7. The Crown as represented by Canada pursuant to s. 3(b) of the CLPA is responsible at law for any tort committed by any servant of the Crown, including, any and all servants of the Crown who unlawfully committed torts against the Plaintiffs and are named as Defendants in this action, namely:
  - a. The Royal Canadian Mounted Police (“**RCMP**”) pursuant to section 36 of the CLPA;
  - b. Mr. Denis Beaudoin, Director of Financial Crime for the RCMP;
  - c. Ms. Brenda Lucki, Commissioner of the RCMP (as she was then);
  - d. The Prime Minister of Canada, The Right Honourable Justin Trudeau;
  - e. The Deputy Prime Minister, the Honourable Chrystia Freeland;
  - f. The Minister of Public Safety, the Honourable Marco Mendicino (as he was then);
  - g. The Minister of Justice, the Honourable David Lametti (as he was then);
  - h. The Minister of Emergency Preparedness, the Honourable Bill Blair;
  - i. The Minister of Intergovernmental Affairs the Honourable Dominic LeBlanc; and

j. Ms. Jody Thomas, National Security and Intelligence Advisor.

(Collectively, the Crown and its servants above, as represented by Canada shall be referred to as the “**Crown Defendants**”).

#### Financial Institutions

8. The Defendant financial institutions identified individuals, provided financial information, interfered with private property, and seized financial products, information and services of the Plaintiffs including but not limited to their bank accounts and credit cards.
9. The Toronto-Dominion Bank (“**TD**”) is a Canadian financial institution, headquartered in Toronto, Ontario.
10. The Canadian Imperial Bank of Commerce (“**CIBC**”) and their electronic division Simplii Financial (“**Simplii**”) is a Canadian financial institution, headquartered in Toronto, Ontario.
11. Bank of Nova Scotia (“**ScotiaBank**”) is a Canadian financial institution headquartered in Toronto, Ontario.
12. The Bank of Montreal (“**BMO**”) is a Canadian financial institution headquartered in Toronto, Ontario.
13. The National Bank of Canada (“**National Bank**”) is a Canadian financial institution headquartered in Montreal, Quebec.
14. The Royal Bank of Canada (“**RBC**”) is a Canadian financial institution headquartered in Toronto, Ontario.

15. Canadian Tire Services Ltd., doing business as Canadian Tire Bank (“**Canadian Tire**”) is a Canadian financial institution headquartered in Toronto, Ontario.

(collectively, the above banking institutions will be hereinafter referred to as the “**Bank Defendants**”)

16. The Meridian Credit Union (“**Meridian**”) is a cooperative credit union headquartered in Toronto, Ontario.

17. Assiniboine Credit Union (“**Assiniboine**”) is a cooperative credit union headquartered in Winnipeg, Manitoba.

18. Gulf & Fraser Credit Union (“**Gulf & Fraser**”) is a cooperative credit union headquartered in Burnaby, British Columbia.

19. Stride Credit Union (“**Stride**”) is a cooperative credit union headquartered in Portage la Prairie, Manitoba

(Collectively, the cooperative credit union Defendants above will be hereinafter referred to as the “**Credit Union Defendants**”)

20. Collectively, all of the Bank Defendants and the Credit Union Defendants shall be hereinafter referred to as the “**Financial Institution Defendants**”.

#### Localized Police Organizations

21. The Defendant, Ottawa Police Services Board (the “**OPSB**”) is the representative of members of the Ottawa Police Service and is named in these proceedings pursuant to section 50(1) of the *Police Services Act*, RSO 1990, c P.15.

22. The Defendant, Ottawa Police Service (“**OPS**”) is the municipal police force headquartered in Ottawa, Ontario.

23. The Defendant, Steve Bell (“**Chief Bell**”) is an individual residing in Ottawa, Ontario and was the Deputy Chief of Police for the OPS and later Interim Chief of Police for the OPS at the relevant time of this action. The OPS is named as a representative of Chief Bell in his capacity as member of the OPS in these proceedings.
24. The Defendant, superintendent Robert Bernier (“**Bernier**”) is a member of OPS and an individual residing in Ottawa, Ontario and was overall Event Commander for the Integrated Public Order Unit operation at the relevant time of this action.
25. For posterity, the RCMP, OPS, and potentially other unknown police organizations or entities to be added at a future date to this claim when their identities become known may hereinafter be collectively referred to as the “**Police Defendants**”.

#### Non-Profit Organizations

26. The Defendant, the Canadian Anti-Hate Network (“**CAHN**”) is an independent, nonprofit organization headquartered in Toronto, Ontario.
27. The Defendant, Bernie Farber (“**Mr. Farber**”), is an individual and the founding chair emeritus of CAHN.  
  
(collectively, the CAHN and Mr. Farber, are hereinafter referred to as the “**CAHN Defendants**”).

#### John Doe Defendants

28. Several unidentified individuals committed torts against the Plaintiffs before, during, and after the Unlawful Enactments. These include but are not limited to members of the Police Defendants involved in the enforcement of the Unlawful Enactments and members and servants of the Crown.

29. The Plaintiffs reserve all their rights to bring suit against these unnamed and yet unknown Defendants when their identities become knowable through discovery.

ABC Corp. Defendants

30. It may be discovered during the course of this action that additional entities, both public or private, committed torts against the Plaintiffs. The Plaintiffs reserve all their rights to bring suit against these unnamed and yet unknown Defendants.

**D. The Plaintiffs**

31. All of the Plaintiffs are either individuals or businesses who had their financial accounts and private property including banking and credit cards, cryptocurrency, and other financial instruments frozen and unlawfully searched and seized following the Unlawful Enactments in February of 2022.
32. Many of the Plaintiffs were also injured by the tortious conduct of any or all of the Defendants to this action preceding, during, and following the Unlawful Enactments. Some of the Plaintiffs are suffering continuing damages.
33. Importantly, not all of the Plaintiffs participated in the Ottawa Protests as defined herein below, or even supported the Ottawa Protests. Some individual Plaintiffs were the victims of the Unlawful Enactments as joint account holders despite never having stepped foot in Ottawa during the Ottawa Protests. Furthermore, at least two of the Plaintiffs had their bank account frozen despite opposing the Ottawa Protests.

Vincent Gircys

34. The Plaintiff, Vincent Gircys (“**Mr. Gircys**”), is an individual resident in Fronthill, Ontario. Mr. Gircys is a retired member of the Ontario Provincial Police.

35. Mr. Gircys was present in Ottawa and attended the Ottawa Protests on or around January 29, 2022 to January 30, 2022 and February 4, 2022, to February 27, 2022.
36. Following the Unlawful Enactments, Mr. Gircys experienced hostility and aggression from the Police Defendants, and was threatened with arrest if he entered what the Police Defendants referred to as the ‘red zone’.
37. Mr. Gircys attempted to donate money to the Ottawa Protests by way of GiveSendGo, but the funds were refunded to him.

*Frozen Gircys Accounts*

38. Mr. Gircys is a customer of the following Financial Institution Defendants:
  - a. CIBC, where he holds a credit card and debit card;
  - b. Simplii, where he holds a chequing and savings accounts jointly with his wife; and
  - c. President’s Choice, where he holds a PC Mastercard.

(collectively hereinafter referred to as the “**Gircys Accounts**”).

39. On or around February 19, 2022, Mr. Gircys learned that the Gircys Accounts had been frozen as a result of the Unlawful Enactments through a phone call (the “**February 19 Phone Call**”) that he had with an individual from CIBC and Simplii. The individual stated that it was not CIBC or Simplii’s doing and that the request to freeze his bank account came from the RCMP. Mr. Gircys was further informed that his bank account would not be unfrozen until the Unlawful Enactments were over or until the RCMP would allow his account to be unfrozen.
40. Prior to the February 19 Phone Call, Mr. Gircys had received a voicemail from CIBC stating to call him back and that there was a problem with his account.



41. The Gircys Accounts were frozen from around February 19, 2022 to February 23, 2022.
42. During this time, Mr. Gircys was unable to access, withdraw, or otherwise use the funds he deposited or had available in the Gircys Accounts.
43. On or around February 23, 2022, Mr. Gircys spoke again with an individual from CIBC who claimed that the RCMP requested his accounts with CIBC and Simplii be unfrozen and she was giving him notice to that effect.

Andrew Miller

44. The Plaintiff, Andrew Miller (“**Mr. Miller**”), is an individual resident in Annan, Ontario. At the relevant and material time of this action, Mr. Miller was a carpenter.
45. Mr. Miller attended the Ottawa Protests from January 31, 2022 to February 2, 2022 and again from February 11, 2022, to February 13, 2022.
46. During the Ottawa Protests, Mr. Miller made cash donations to truckers on Parliament Hill, made cash donations to others providing logistical support, and donated diesel fuel to the truckers present at the Ottawa Protests.

*Frozen Miller Accounts*

47. At the relevant time, Mr. Miller was a customer of National Bank and Meridian Credit Union. Mr. Miller also had a pre-paid credit card which held \$10,000 in prepaid funds (collectively hereinafter referred to as the “**Miller Accounts**”).
48. On or around sometime after February 15, 2022, as a result of the Unlawful Enactments, Mr. Miller discovered the Miller Accounts had been frozen when attempting to use funds from his pre-paid credit card.

49. The Miller Accounts were not unfrozen following the termination of the Unlawful Enactments.
50. Mr. Miller's prepaid credit card remained frozen and inaccessible for a period of approximately 4 months following the Unlawful Enactments.
51. Since the Unlawful Enactments, Mr. Miller has had difficulty opening and maintaining a bank account with any Canadian banking institutions.

*Police Brutality Towards Mr. Miller*

52. While attending the Ottawa Protests, Mr. Miller was assaulted and battered by an unidentified member of the Police Defendants.
53. During a peaceful protest, Mr. Miller was further grabbed and threatened by a member of the Police Defendants whose individual identity is unknown at this time.

O'Jay Laidley

54. The Plaintiff, O'Jay Laidley ("**Mr. Laidley**"), is an individual resident in Brantford, Ontario. Mr. Laidley is an owner/operator transport driver.
55. Mr. Laidley attended the Ottawa Protests from January 28, 2022, to February 19, 2022. During the Ottawa Protests Mr. Laidley did not make any donations.

*Frozen Laidley Accounts*

56. Mr. Laidley was a customer of ScotiaBank and held various chequing and savings accounts with ScotiaBank including jointly held accounts with his wife and children (collectively hereinafter referred to as the "**Laidley Accounts**").
57. On or around February 18, 2022, Mr. Laidley discovered the Laidley Accounts had been frozen when attempting to use funds from his chequing account and credit card.

58. ScotiaBank refused to provide Mr. Laidley with any information regarding the freezing of his accounts.
59. Several days passed and Mr. Laidley was contacted by the RCMP who confirmed that his accounts had been frozen pursuant to the Unlawful Enactments.
60. The Laidley Accounts were frozen for approximately 10 days during which time Mr. Laidley missed several important bill payments including his car payment.
61. The Laidley Accounts being frozen not only detrimentally impacted his life including his credit score, it also further caused harm to his wife and children who were joint account holders as they were unable to access funds as well during this time.

*Police Brutality Towards Mr. Laidley*

62. On or around February 19, 2022, Mr. Laidley, was assaulted and battered when he was tear gassed (the “**Tear Gas Attack**”) by certain unidentifiable members of the Police Defendants. The tear gas caused Mr. Laidley to experience intense burning pain which lasted in his throat for several days following the Tear Gas Attack. During the Tear Gas Attack, Mr. Laidley feared for his life and safety.
63. Mr. Laidley was assaulted and battered for exercising his constitutional rights to protest and express himself. This assault and battery occurred under the auspices of the Unlawful Enactments.

Lindsay Milner

64. The Plaintiff, Lindsay Milner (“**Ms. Milner**”), is an individual resident in Oshawa, Ontario. Ms. Milner works as a restaurant manager.

65. At the relevant and material time of this action, Ms. Milner was employed by the Durham District School Board, but was on medical leave.
66. Ms. Milner attended the Ottawa Protests from around February 4, 2022, to February 22, 2022. During the Ottawa Protests, Ms. Milner lived out of her car in Ottawa.
67. Ms. Milner did not make monetary contributions to the Ottawa Protests.
68. Prior to the invocation of the Unlawful Enactments, Ms. Milner experienced a culture of inclusion, appreciation, and peace amongst those attending or otherwise connected with the Ottawa Protests, including the residents of Ottawa and the Police Defendants.
69. Following the invocation of the Unlawful Enactments, Ms. Milner witnessed a stark change from cordial and peaceful interactions to displays of hatred, aggression, provocation and other disturbing and fear-inducing behaviour by the Police Defendants towards the attendees of the Ottawa Protests.

*Frozen Milner Accounts*

70. Ms. Milner is a customer of TD, where she holds chequing and savings accounts (collectively, the “**Milner Accounts**”).
71. On or around February 18, 2022, Ms. Milner attempted to use her debit card connected to the Milner Accounts, but was unable to do so as her card was declined despite funds being present in the Milner Accounts.
72. Sometime around or between February 18, 2022 to February 22, 2022, Ms. Milner conclusively determined the Milner Accounts were frozen as a result of the Unlawful

Enactments after a phone call with TD wherein she was told the Milner Accounts were frozen by order of the RCMP.

73. The Milner Accounts remained frozen as a result of the Unlawful Enactments for approximately 5-10 days following February 18, 2022.
74. During this time, Ms. Milner was unable to access, withdraw, or otherwise use the funds she deposited in the Milner Accounts.
75. As a result of the Unlawful Enactments and TD freezing the Milner Accounts, Ms. Milner was left in Ottawa with no access to funds and therefore no way to return home or obtain necessities for herself.
76. Ms. Milner was only able to safely care for herself and travel back home through the generosity of her fellow Canadians, including her mother who located Ms. Milner and provided her with cash to travel home.

*Police Brutality Towards Ms. Milner*

77. On or around February 18, 2022, Ms. Milner, along with others, walked near the Tomb of the Unknown Soldier where there was a heavy presence from the Police Defendants, including a group of unidentified and badge-less law enforcement officers outfitted in green suits (the “**Green Police Defendants**”), whose identity and affiliation are unknown to Ms. Milner.
78. Prior to walking near the line of Green Police Defendants, Ms. Milner and her friend fashioned white flags out of extra t-shirts to display and communicate that they posed no threat.

79. As Ms. Milner approached the line of Green Police Defendants and other Police Defendants, things were peaceful. However, this changed quickly when the Police Defendants and Green Police Defendants, whose identity at this time is unknown to Ms. Milner, trampled members of the public including Ms. Milner's friend on horseback.
80. When the horses came through, Ms. Milner felt immense fear and terror for the lives and safety of herself and others as she listened to her fellow Canadians screaming and crying as they were beaten by the Police Defendants and Green Police Defendants.
81. Ms. Milner continued to fear for her life and safety during the chaos created by the Police Defendants and Green Police Defendants.
82. Ms. Milner approached a group of nine or ten officers of the Police Defendants who were standing off to the side to request assistance and/or intervention. Despite her pleas for help, none of the officers attempted to assist her.
83. Ms. Milner later helped render aid to her friend who was trampled on horseback and battered by the Police Defendants and Green Police Defendants.
84. On or around February 19 or 20, 2022, Ms. Milner attended a line in the O'Connor area. Again, upon arrival, the crowd was peaceful, and the Green Police Defendants were present.
85. Ms. Milner and the other individuals present collectively sang "O Canada" in a display of unity, peace, love, and patriotism.

86. Following the singing of “O Canada”, the Green Police Defendants again escalated the situation to violence, using tear gas, and rubber bullets against those in attendance despite it being an entirely peaceful gathering. Ms. Milner was assaulted and battered when she was tear gassed during this incident.
87. The Police Defendants and Green Police Defendants further made repeated threats to use a weapon that would produce a loud and damaging sound against the individuals in attendance, presumably in reference to a Long-Range Acoustic Device or sound cannon.
88. Again, as she observed these occurrences, Ms. Milner feared for her life and safety as she watched her fellow Canadians be violently attacked by the Police Defendants and Green Police Defendants, not knowing what action they would take against her.
89. Ms. Milner left the area alone, afraid, and distrusting of the Police Defendants and Green Police Defendants.

*Milner Visits TD Upon Return Home*

90. When Ms. Milner returned home, she had a telephone conversation with an individual from TD who informed her that the RCMP made the orders to freeze her bank accounts.
91. Further, when Ms. Milner made a physical visit to TD shortly after her return home from the Ottawa Protests, she was told by the branch manager that while TD is a bank, they are “actually run by the government”.

Clayton McAllister

92. The Plaintiff, Clayton McAllister (“**Mr. McAllister**”), is an individual resident in Dorchester, Ontario. At the relevant and material time of this action, Mr. McAllister was self-employed as an ice-road trucker and handyman.
93. Mr. McAllister attended the Ottawa Protests from around January 27, 2022, to February 21, 2022.
94. During the Ottawa Protests, Mr. McAllister donated food and supplies to the protests.

*Frozen McAllister Accounts*

95. Mr. McAllister is a customer of TD and BMO, where he holds various chequing and savings accounts (collectively hereinafter referred to as the “**McAllister Accounts**”). The McAllister Accounts include a joint bank account that Mr. McAllister used to operate his family farming business.
96. Sometime on or before February 18, 2022, out of concern regarding the Unlawful Enactments, Mr. McAllister called BMO and TD to confirm that the McAllister Accounts would not be frozen. Mr. McAllister was informed that his accounts would not be frozen during this call.
97. Despite this assurance, on or around February 18, 2022, Mr. McAllister attempted to deposit an electronic funds transfer connected to the McAllister Accounts, but was unable to do so.
98. Sometime around or between February 18, 2022 to February 21, 2022, Mr. McAllister conclusively determined the McAllister Accounts were frozen.



99. The McAllister Accounts remained frozen for a period of approximately 3 – 5 days. During this time Mr. McAllister missed several important payments as a result of the frozen accounts. In particular, Mr. McAllister, missed his mortgage payment, gym payment, and truck payment.

*Police Brutality Towards Mr. McAllister*

100. Sometime on or around February 18, 2022, following the Unlawful Enactments, Mr. McAllister was arrested by unidentified members of the Police Defendants.
101. During the arrest the Police Defendants removed Mr. McAllister’s gloves, despite the weather being well below freezing that day. The Police Defendants also seized the keys to his truck which was Mr. McAllister’s only mode of transportation.
102. Immediately following his arrest, the Police Defendants left Mr. McAllister in a paddy wagon for 6-8 hours without the availability of food or any bathroom facility.
103. Eventually, Mr. McAllister was dropped off at a gas station by the Police Defendants on the outskirts of Ottawa. As a result of the Police Defendants’ removal of his gloves despite the freezing temperatures, Mr. McAllister suffered injuries to his hands.
104. On or around February 21, 2022, while watching television coverage of the Ottawa Protests, Mr. McAllister watched unidentified members of the Police Defendants walk past his vehicle and smash the windows.
105. Mr. McAllister was assaulted and battered for exercising his constitutional rights to free expression along with having the McAllister Accounts frozen and his personal property damaged.

Thomas Quiggin

106. The Plaintiff, Thomas Quiggin (“**Mr. Quiggin**”), is an individual resident in Ottawa, Ontario. At the relevant and material time of this action, Mr. Quiggin was a researcher. Mr. Quiggin has previously been employed in the Privy Council Office as well as employed as an RCMP intelligence officer.
107. Mr. Quiggin has been deployed on military duties in Bosnia and Yugoslavia, including one tour for the Privy Council Office overseas.
108. Furthermore, Mr. Quiggin has been employed in central banking including for the Bank of Canada.
109. Mr. Quiggin’s lengthy career in intelligence, central banking, government, military, and policing has also included national security service by working for Integrated National Security Enforcement Teams led by the RCMP.
110. Mr. Quiggin has been a qualified expert in the Federal Court on matters of national security and in the Ontario Superior Court of Justice as a national security and terrorism expert.
111. Mr. Quiggin attended the Ottawa Protests from around January 27, 2022, to February 21, 2022. During the Ottawa Protests Mr. Quiggin authored a report entitled “daily intelligence reports for the Convoy”.
112. On or around January 19, 2022, Mr. Quiggin donated \$50 to the protestors through GoFundMe.

*Frozen Quiggin Accounts*

113. Mr. Quiggin is a customer of Stripe and owned a CapitalOne Mastercard, (collectively hereinafter referred to as the “**Quiggin Accounts**”). The Quiggin Accounts were used for expenses and to process payments for Mr. Quiggin related to online sales.

114. Sometime on or around February 18, 2022, following the Unlawful Enactments, Mr. Quiggin discovered that the Quiggin Accounts were frozen when he received an email from Stripe which stated that his Stripe account had been frozen in accordance with Unlawful Enactments. Following receipt of this email Mr. Quiggin determined that his credit card was also frozen.

115. The Quiggin Accounts remained frozen for the duration of the Unlawful Enactments.

Peter Terranova and Nancy Terranova

116. The Plaintiff, Peter Terranova (“**Mr. Terranova**”), is an individual resident in Bright, Ontario and a retired crane operator. The Plaintiff, Nancy Terranova (“**Mrs. Terranova**”), is an individual resident in Bright, Ontario and the wife of Mr. Terranova (collectively, Mr. and Mrs. Terranova are hereinafter referred to as the “**Terranovas**”)

117. Mr. Terranova attended the Ottawa Protests from January 28, 2022, until February 18, 2022.

118. During the Ottawa Protests, Mr. Terranova made cash donations in support of the Ottawa Protest.

*Frozen Terranova Accounts*

119. The Terranovas are customers of TD and Canadian Tire Mastercard. They hold chequing, savings, and registered retirement accounts with TD and a credit card with Canadian Tire (collectively, hereinafter referred to as the “**Terranova Accounts**”).
120. The Terranovas discovered the Terranova Accounts were frozen on or around February 18, 2022, when Mrs. Terranova attempted to use the Canadian Tire MasterCard credit card and was declined. Mrs. Terranova then attended TD to withdraw funds and TD refused to let her view her accounts or make any withdrawals.
121. The Terranova Accounts were frozen for approximately one week.

Richard Ocelak and Kerri-Ann Haines

122. The Plaintiff, Richard Ocelak (“**Mr. Ocelak**”), is an individual resident in Scotland, Ontario. The Plaintiff, Kerri-Ann Haines (“**Ms. Haines**”), is an individual resident in Scotland, Ontario and the wife of Mr. Ocelak.
123. Mr. Ocelak attended the Ottawa Protests from January 28, 2022 until February 16, 2022. Mr. Ocelak did not make any donations in support of the Ottawa Protest.

*Frozen Ocelak Accounts*

124. Mr. Ocelak is a customer of TD and Simplii, he held chequing and savings accounts with TD jointly with his parents. Mr. Ocelak and Ms. Haines jointly held chequing and savings accounts with Simplii (collectively, hereinafter referred to as the “**Ocelak Accounts**”).
125. On or around February 18, 2022, Mr. Ocelak tried to e-transfer funds to a co-worker and the e-transfer would not process. Mr. Ocelak checked the balance of funds in his account and the account showed a zero balance.

126. Mr. Ocelak called TD and Simplii after learning the Ocelak Accounts had been frozen. Neither TD, nor Simplii told Mr. Ocelak that the Ocelak Accounts had been frozen pursuant to the Unlawful Enactments.
127. The Ocelak Accounts were frozen from February 18, 2022 until February 22, 2022.
128. Between February 18, 2022 and February 22, 2022, Mr. Ocelak's family members, including his parents, could not access their money as a result of the freezing.
129. The joint accounts held between Mr. Ocelak and his parents were the only means of accessing money for his parents. Mr. Ocelak's role in his parents' account is to assist them in their old age as required. Mr. Ocelak has a Power of Attorney for property with his father. During the time these joint accounts were frozen neither of Mr. Ocelak's parents had any access to funds to provide for themselves.

Jonker Trucking Inc.

130. The Plaintiff, Jonker Trucking Inc. ("**Jonker Trucking**"), is a corporation duly incorporated pursuant to the laws of Ontario and carrying on business in Caistor Centre, Ontario.
131. Several employees of Jonker Trucking attended the Ottawa Protests from January 28, 2022, until February 20, 2022. As part of the Ottawa Protests twelve (12) transport trucks from Jonker Trucking were present.

*Frozen Jonker Trucking Licenses and Account*

132. Jonker Trucking requires a commercial vehicle operating license to operate their transport trucks (the "**CVOR**"). Following the Unlawful Enactments between February 19, 2022, and February 26, 2022, Jonker Trucking's CVOR was suspended.

133. Jonker Trucking holds a business banking account at National Bank (the “**Jonker Trucking Account**”). On or about February 18, 2022, for a period of at least one day the Jonker Trucking Account was frozen.
134. While the Jonker Trucking Account was frozen Jonker Trucking missed payments owed to its fuel provider which harmed their contractual relations and interfered with their business relationships.

Edward Cornell

135. The Plaintiff, Edward Cornell (“**Mr. Cornell**”), is an individual resident in Shediac Cape, New Brunswick. Mr. Cornell is a retired member of the Canadian Armed Forces who achieved the rank of Warrant Officer and received a Medal of Bravery in recognition of an act of bravery during active duty.
136. Mr. Cornell served as an auxiliary police officer with the Ontario Provincial Police from 2013 to 2015.
137. Mr. Cornell attended the Ottawa Protests on January 29, 2022 and from February 2, 2022 until February 21, 2022.

*Frozen Cornell Accounts*

138. Mr. Cornell is a customer of ScotiaBank, where he holds chequing and savings accounts as well as two credit cards (collectively hereinafter referred to as the “**Cornell Accounts**”).
139. On or around February 18, 2022, Mr. Cornell learned the Cornell Accounts were frozen when he attempted to withdraw cash from an ATM, but was unable to, despite the Cornell Accounts having funds in them.

140. The Cornell Accounts remained frozen as a result of the Unlawful Enactments until on or around February 22, 2022.

141. During this time, Mr. Cornell was unable to access, withdraw, or otherwise use the funds he deposited in the Cornell Accounts.

Shaun Zimmer

142. The Plaintiff, Shaun Zimmer (“**Mr. Zimmer**”), is an individual resident in Winnipeg, Manitoba and is self-employed as an addictions coach.

143. Mr. Zimmer attended the Ottawa Protests from February 1, 2022, until February 21, 2022. Mr. Zimmer provided donations directly to protestors and transferred funds to the families of some protestors during the Ottawa Protests.

*Frozen Zimmer Account*

144. Mr. Zimmer is a customer of Assiniboine where he holds a bank account (the “**Zimmer Account**”).

145. On or around February 18, 2022, Mr. Zimmer discovered the Zimmer Account had been frozen when he attempted to make purchases and withdrawals or send electronic funds transfers.

146. The Zimmer Account was not u. Instead, the Account remained frozen until Assiniboine Credit Union terminated the Zimmer Account on or about April 29, 2022.

147. As a result of the frozen Zimmer Account, Mr. Zimmer was unable to pay important obligations including but not limited to his mortgage payments, cell phone bills, utility bills, and child support payments.

148. For a period of time following the frozen Zimmer Account, Mr. Zimmer was unable to purchase basic necessities such as food for himself and his family.

149. To date, Mr. Zimmer remains behind on several of his bill payments and his credit rating has been detrimentally impacted.

150. Additionally, Mr. Zimmer's mother was a co-signor on his mortgage. The mortgage payment defaults impacted both his and her credit rating as a result.

*Police Brutality Toward Mr. Zimmer*

151. Sometime on or around February 19, 2022, following the Unlawful Enactments, Mr. Zimmer was grabbed aggressively by unknown and unidentified members of the Police Defendants.

152. Other members of the Ottawa Protest had to pull Mr. Zimmer away from the attacking officers.

153. Mr. Zimmer was assaulted and battered by the Police Defendants for exercising his constitutional rights to free expression.

Erik Bueckert

154. The Plaintiff, Erik Bueckert (“**Mr. Bueckert**”), is an individual resident in Rossendale, Manitoba and is self-employed as a grain farmer.

155. Mr. Bueckert attended the Ottawa Protests from January 29, 2022, until February 26, 2022. Mr. Bueckert did not provide donations to the Ottawa Protest.



*Frozen Bueckert Accounts*

156. Mr. Bueckert is a customer of Stride where he holds chequing and savings accounts, a line of credit, and a credit card (the “**Bueckert Accounts**”) the Bueckert Accounts include accounts held jointly with Mr. Bueckert’s business partner and his wife.

157. On or around February 18, 2022, Mr. Bueckert discovered the Bueckert Accounts had been frozen. A manager from Stride Credit Union called Mr. Bueckert to inform him that the Bueckert Accounts had been frozen as a result of the Unlawful Enactments.

158. The Bueckert Accounts remained frozen for at least 6 days.

*Police Brutality Towards Mr. Bueckert*

159. Mr. Bueckert was arrested during the Ottawa Protest by unknown and unidentified members of the Police Defendants.

160. Mr. Bueckert was placed in a paddy wagon for over an hour during this arrest.

Andrew Fera

161. The Plaintiff, Andrew Fera (“**Mr. Fera**”), is an individual resident in Lethbridge, Alberta and an environmental protections officer.

162. Mr. Fera did not attend the Ottawa Protests but made donations to the Ottawa Protests through the GiveSendGo and GoFundMe platforms.

*Frozen Fera Accounts*

163. Mr. Fera is a customer of TD where he held various banking accounts including a credit card (the “**Fera Accounts**”).

164. On or around sometime after February 15, 2022, Mr. Fera discovered the Fera Accounts had been frozen as a result of the Unlawful Enactments. The Fera Accounts,

to the best knowledge of Mr. Fera were frozen for a period of approximately 4 days following the Unlawful Enactments including being unable to use his credit card.

165. When Mr. Fera inquired with TD regarding information on why the Fera Accounts were frozen, TD refused to provide any detailed information.

#### Wayne Narvey

166. The Plaintiff, Wayne Narvey (“**Mr. Narvey**”), is an individual resident in McNamee, New Brunswick and a member of Esgeñoôpetitj First Nation. Mr. Narvey is a contractor.

167. Mr. Narvey attended the Ottawa Protests from February 1, 2022, until February 19, 2022.

#### *Frozen Narvey Accounts*

168. Mr. Narvey is a customer of National Bank where he holds various banking accounts (the “**Narvey Accounts**”).

169. On or around February 26, 2022, Mr. Narvey discovered the Narvey Accounts had been frozen. The Narvey Accounts, to the best knowledge of Mr. Narvey were frozen for a period of approximately 6 days following the Unlawful Enactments.

#### *Police Brutality Towards Mr. Narvey*

170. On or around February 19, 2022, while Mr. Narvey was sitting in his motor home (the “**Motor Home**”) in Ottawa, the Green Police Defendants broke the window on Mr. Narvey’s Motor Home and threw tear gas inside (the “**Narvey Assault and Battery**”). Without a warrant or explanation, members of the Green Police Defendants forcefully entered Mr. Narvey’s motor home to commit the Narvey Assault and Battery.

171. The Green Police Defendants grabbed Mr. Narvey and slammed him on the ground with excessive force during the Narvey Assault and Battery.

172. The Narvey Assault and Battery resulted in Mr. Narvey being arrested on February 19, 2022, and the Motor Home was seized by the Police Defendants.

Kathleen Marko

173. The Plaintiff, Kathleen Marko (“**Ms. Marko**”), is an individual resident in Grand Forks, British Columbia and the mother of the Plaintiff, Timothy Tiessen.

174. Ms. Marko did not attend the Ottawa Protests, nor did Ms. Marko donate to the Ottawa Protest. Ms. Marko did not support the Ottawa Protests, and was in fact opposed to it.

*Frozen Marko Accounts*

175. Ms. Marko is a customer of Grand Forks Credit Union, now called Gulf and Fraser Credit Union, where she held chequing and savings accounts (the “**Marko Accounts**”).

176. On or around February 18, 2022, after the Unlawful Enactments, Ms. Marko discovered the Marko Accounts had been frozen when she attended the Gulf and Fraser and was pulled into the office by an employee of the credit union who informed her of same.

177. To the best of her knowledge, Ms. Marko was targeted because her ex-common law partner, Mr. Sean Tiessen, was an organizer of the Ottawa Protests based in BC.

178. The Marko Accounts were frozen for approximately 7-10 days. Prior to the freezing, Ms. Marko was already living paycheque to paycheque and after the freezing Ms. Marko had to borrow funds for living expenses from her friends and family.

179. It is worth reiterating that not only did Ms. Marko not support the Ottawa Protests, she in fact opposed them, and despite that, the Marko Accounts were frozen.

#### Timothy Tiessen

180. The Plaintiff, Timothy Tiessen (“**Mr. Tiessen**”), is an individual resident in Grand Forks, British Columbia, and the son of Ms. Marko, as well as a cook.

181. Mr. Tiessen did not attend the Ottawa Protests, nor did he donate to the Ottawa Protest. Mr. Tiessen did not support the Ottawa Protests, and was in fact opposed to it. Mr. Tiessen was 17 years old at the time of the Ottawa Protests.

#### *Frozen Tiessen Accounts*

182. Mr. Tiessen is a customer of Grand Forks Credit Union, now called Gulf and Fraser Credit Union, where he held chequing and savings accounts (the “**Tiessen Accounts**”).

183. On or around February 18, 2022, after the Unlawful Enactments, Mr. Tiessen discovered the Tiessen Accounts had been frozen as a result of the Unlawful Enactments. Mr. Tiessen was unable to deposit his cheque from work at this time.

184. To the best of his knowledge Mr. Tiessen was targeted because Ms. Marko’s ex-common law partner, Mr. Sean Tiessen, who is Mr. Tiessen’s father was an organizer of the Ottawa Protests based in British Columbia.

185. The Tiessen Accounts were frozen for approximately 7-10 days.

186. It is worth reiterating that not only did Mr. Tiessen not support the Ottawa Protests, he in fact opposed them, and despite that, the Tiessen Accounts were still frozen.

Nicola and Arielle Fortin

187. The Plaintiff, Nicola Fortin (“**Mr. Fortin**”), is an individual resident in Strathmore, Alberta, and a plumber by trade. The Plaintiff, Arielle Fortin (“**Ms. Fortin**”) is an individual resident in Strathmore, Alberta, and the wife of Mr. Fortin (collectively, hereinafter referred to as the “**Fortins**”).

188. The Fortins did not attend the Ottawa Protest but donated to the Ottawa Protests through the GoFundMe platform.

*Frozen Fortin Accounts*

189. The Fortins are customers of RBC and jointly held an account at RBC (the “**Fortin Accounts**”).

190. The Fortin Accounts were frozen on or around February 18, 2022, and remained frozen for a period of 10-12 days.

191. During this time, and as a direct result of the freeze, the Fortins were unable to make several important payments which included but were not limited to their mortgage payments and car insurance renewal.

192. As a result of the freeze, the Fortins were unable to pay for basic necessary living expenses for themselves and their children. Mr. Fortin was unable to attend jobsites due to his inability to purchase fuel.

## **E. The Nature of the Action**

### The Unlawful Enactments

193. In response to public health measures made in early 2022 and for various other reasons, a group of Canadian individuals and businesses launched a protest often referred to as the Freedom Convoy. In late January 2022, participants travelled to Ottawa, Ontario to protest (the “**Ottawa Protest**”).

194. On February 14 and 15, 2022, the Crown, relying on s. 17(1) and s. 19(1) of the *Emergencies Act*, RSC 1985, c 22 (4<sup>th</sup> Supp) (the “*Emergencies Act*”) declared a public order emergency and issued the Unlawful Enactments.

195. On February 15, 2022, two Orders in Council were issued by the Government of Canada which were the Regulations and the Economic Order.

196. With respect to the Regulations, section 2(1) created a prohibition for a person to participate in a public assembly that may reasonably be expected to breach the peace by:

- a. serious disruption of the movement of persons or goods or the serious interference with trade;
- b. interference with the function of critical infrastructure; or
- c. the support of the threat or use of acts of serious violence against persons or property.

197. The Regulations further created prohibitions on assembly at section 5 which stipulates that, “a person must not, directly or indirectly, use, collect, provide make [sic] available or invite a person to provide property to facilitate or participate in any

assembly referred to in subsection 2(1) for the purpose of benefiting any person who is facilitating or participating in such an activity”.

198. With respect to the Economic Order, “designated person” means any individual or entity that is engaged, directly or indirectly, in an activity prohibited by sections 2 to 5 of the Regulations.

199. Section 2(1) of the Economic Order required the Financial Institution Defendants to immediately freeze the assets of a “designated person”. Specifically, the Financial Institution Defendants were to cease:

- a. dealing in any property, wherever situated, that is owned, held or controlled, directly or indirectly, by a designated person or by a person acting on behalf of or at the direction of that designated person;
- b. facilitating any transaction related to a dealing referred to in paragraph a;
- c. making available any property, including funds or virtual currency, to or for the benefit of a designated person or to a person acting on behalf of or at the direction of a designated person; or
- d. providing financial or related services to or for the benefit of any designated person or acquire any such services from or for the benefit of any such person or entity.

200. Section 3 of the Economic Order further required the Financial Institution Defendants to determine on an ongoing basis whether they were in possession or control of property that was owned, held or controlled by or on behalf of a designated person.

201. Notably, the Economic Order provides no guidance, process, or standard for how the Financial Institution Defendants were to make such ongoing warrantless search and seizure determinations or the legitimacy of such determinations. Likewise, the Economic Order provides no neutral arbiter, no independent oversight, no neutral standard to assess the veracity of an individual or entity being labeled a “designated person”, nor is there any right of appeal for an individual or entity that received a “designated person” label. Furthermore, no consideration or contemplation is made regarding joint bank account holders of a so called “designated person”.
202. It is also unclear how spying on and monitoring the financial transactions and activities of Canadian citizens by the Financial Institution Defendants in-and-of-itself in isolation without further context could definitively allow an unknown individual employed by the Financial Institution Defendants to make such a determination about who should become a “designated person”. The true scope and extent that the Financial Institution Defendants surveilled, monitored, and spied on their customers and Canadian citizens is only knowable by the Financial Institution Defendants and Crown Defendants which will become discoverable in this action.
203. Section 5 of the Economic Order further required the Financial Institution Defendants to disclose without delay to the Commissioner of the RCMP or to the Director of the Canadian Security Intelligence Service (“CSIS”):
- a. the existence of property in their possession or control that they have reason to believe is owned, held, or controlled by or on behalf of a designated person; and



- b. any information about a transaction or proposed transaction in respect of property referred to in paragraph a.

204. Beyond the Financial Institution Defendants conducting their own warrantless search and seizures without independent oversight, or any discernable and lawful objective standards consistent with section 8 of the *Charter* against unreasonable search and seizure, an individual or entity could be labeled as a “designated person” by the RCMP or Police Defendants. It appears that the mere labelling by the RCMP or Police Defendants was a sufficient condition for the Financial Institution Defendants being mandated under section 2(1) of the Economic Order to freeze the bank accounts of the Plaintiffs.

205. With respect to the Economic Order, it was *ultra vires* section 19 of the *Emergencies Act* because it created an extra-judicial search and seizure scheme for which there was no authority to do so. A plain and literal reading of the Economic Order and its application thereof to freeze the bank accounts and financial assets of a “designated person” is a search and seizure under section 8 of the *Charter*. In addition to freezing the bank accounts and financial assets of the Plaintiffs, their personal information and financial transactional information was searched and seized when it was being provided to the Crown Defendants, the RCMP, and CSIS. The personal information and financial transactional history go to the biographical core of an individual and contains deeply personal information about their lives. Furthermore, some of the Plaintiffs were joint account holders who were not a “designated person”, yet they still had their banks accounts frozen and seized.

206. While the Regulations and Economic Order are unlawful, even absent that finding, the Plaintiffs did not engage in activities that ought to have constituted them being labeled as a “designated person”.

Aggravating Factors for Consideration Leading up the Unlawful Enactments

207. Leading up to the Unlawful Enactments during the Ottawa Protests, several Defendants, acting together, or acting individually, as the case may be:

- a. Made public and widely publicized denigrating and derogatory comments falsely characterizing the nature, scope, beliefs, and motives of the persons participating in the Ottawa Protests including some of the Plaintiffs;
- b. Published and widely distributed written material including defamatory comments about the Ottawa Protests knowingly containing false and misleading information about the Ottawa Protests;
- c. Conspired with or influenced major Canadian media outlets to publish false reports about the activities of the protestors present at the Ottawa Protests;
- d. Made false reports regarding the activities of the protestors present at the Ottawa Protests to Crown officials and made false statements to Crown officials in such a way that promoted the Unlawful Enactments;
- e. Sought to harm, injure, or otherwise denigrate the reputations of the Plaintiffs with malicious intent; and
- f. Made such further and other public statements and publications which denigrated and harmed the reputations of the Plaintiffs as will be discovered at the trial of this action.

208. The conduct of the Defendants, and the false information which was disseminated by several Defendants to the Canadian media, the Financial Institution Defendants, the Crown and the citizens of Canada influenced and enabled the decision to invoke the impugned Unlawful Enactments.
209. The decisions taken by the individual Defendants, the Police Defendants, the Crown Defendants, the Financial Institution Defendants, and the CAHN Defendants were done cynically, politically, and selfishly without the appropriate consideration for the best interest of Canada and its citizens and with wanton disregard for the wellbeing of the Plaintiffs.
210. Intelligence reports at the time of the Ottawa Protests from the RCMP, OPS, Police Defendants, and CSIS did not show that the Ottawa Protests were a threat to national security, and indeed consistently corroborated the overall peaceful nature of the Ottawa Protests.
211. While deliberately knowing that the Ottawa Protests was largely a peaceful protest, the Crown Defendants, and in particular Ms. Jody Thomas given her role as the National Security and Intelligence Advisor took it upon themselves to create their own open source intelligence operation to create a new flow of intelligence to the Crown Defendants (the “**Thomas Open Source Intelligence Reporting**”) which influenced their decision to invoke the *Emergencies Act* and Unlawful Enactments.
212. The Thomas Open Source Intelligence Reporting was an unsanctioned, and politically motivated open source intelligence operation which reflected the intentionally biased view of the narrative that Ms. Thomas and the Crown Defendants wanted, rather than the truth about the overall peaceful nature of the Ottawa Protests.

This included relying heavily upon false or otherwise one-sided open source information and giving undue emphasis or weight to misleading or otherwise biased narratives including those from the CAHN Defendants or their proxies on social media.

213. For greater certainty, in her role as National Security and Intelligence Advisor, Ms. Thomas had the entire intelligence and security information assets at her disposal to draw upon, including military and defence. Ms. Thomas and her office were authorized to draw upon information and intelligence from at least five different secretariat level sources. These include Emergency Preparedness, Intelligence Assessment, Foreign Policy, Defence Policy, and the National Security Council. In addition to the secretariat level information and intelligence sources, Ms. Jody Thomas had several agencies providing intelligence flows which includes but is not limited to CSIS, the RCMP, the Department of National Defence, the Canadian Armed Forces, and the Communications Security Establishment Canada.
214. None of the intelligence reports or flows of intelligence from the plethora of integrated government-wide perspectives and sources that Ms. Thomas had available to her could be used to justify the invocation of the *Emergencies Act*, nor did they suggest that the Ottawa Protests were a threat to national security.
215. The Thomas Open Source Intelligence Reporting was a deliberate attempt to bypass the secretariat level intelligence and the intelligence flows from the numerous agencies that Ms. Thomas and her office had at their disposal. The Thomas Open Source Intelligence Reporting reflected the views and narratives that she wanted to

advance, and it was not the integrated government-wide intelligence perspective that was required.

216. The Crown Defendants, members of Cabinet both named and not named as Defendants in this action, accepted the information contained in the Thomas Open Source Reporting and misinformation from the CAHN Defendants or their proxies either negligently or with malicious intent when they knew or ought to have known that such information was misleading, grossly exaggerated, defamatory, and harmful.

217. Essentially, when all or some of the Crown Defendants were unable to obtain the intelligence required to justify invoking the *Emergencies Act* or demonstrate that the Ottawa Protests were a threat to national security, they embarked on their own unsanctioned open source intelligence operation by way of the Thomas Open Source Intelligence Reporting to create a new flow of intelligence to the Prime Minister's Office and to Cabinet while negligently or intentionally relying upon information that they knew or ought to have known was untrue, exaggerated, misleading, defamatory, and biased.

218. The Court ought to give weight to the above paragraphs as an aggravating factor in the course of this litigation when assessing the appropriate level of damages and financial compensation for the Plaintiffs.

#### The Unlawful Enactments and the Consequences

219. Following the Unlawful Enactments financial products, private property, information and services of several Canadians, including the Plaintiffs, were unlawfully searched, seized, or otherwise frozen by the Financial Institution Defendants acting in concert with the RCMP and the Crown Defendants.

220. Following the Unlawful Enactments several Plaintiffs who were participating in the Ottawa Protests were physically injured, battered, assaulted, or otherwise harmed by the RCMP, OPS, and other known and unknown Police Defendants who were engaging in enforcement actions pursuant to the Unlawful Enactments.
221. The Defendants caused damage to the Plaintiffs who are all Canadians or Canadian businesses, including Indigenous peoples, senior citizens, retired police officers, decorated military veterans, racialized minorities, minors, single mothers, and people with disabilities.
222. In *Canadian Frontline Nurses v. Canada (Attorney General)*, 2024 FC 42 (the “**Mosley Decision**”), the Honourable Mr. Justice Mosley held that the reasons provided for the decision to declare a public order emergency did not satisfy the requirements of the *Emergencies Act* and were therefore *ultra vires*. Likewise, the Regulations violated section 2(b) of the *Charter* against the freedom of thought, belief, opinion and expression and the Economic Order violated section 8 of the *Charter* against unreasonable search and seizure. Neither the Regulations nor the Economic Order were saved by section 1 of the *Charter* in the Mosley Decision. Therefore, both the Regulations and Economic Order were ruled as being unconstitutional, and the implementation thereof was therefore unlawful.
223. In any event, apart from the Mosley Decision, the Plaintiffs did not engage in activities that ought to have given rise to them being labelled a “designated person”.

## **F. Causes of Action**

### Negligence

224. The Plaintiffs plead that the Defendants, any or all of them:

- a. owed both private and public duties of care to the Plaintiffs or each of them arising from their roles as legislative bodies, financial institutions, police services, non-governmental organizations, public figures, municipalities or individuals as the case may be;
- b. breached their respective duties of care owed to the Plaintiffs by:
  - i. unlawfully and unreasonably disclosing personal information including financial information of the Plaintiffs;
  - ii. unlawfully and unreasonably seizing financial accounts, including bank and credit card accounts of the Plaintiffs;
  - iii. unlawfully and unreasonably disseminating false information about the Plaintiffs with malicious intent to harm or otherwise negligently;  
and
  - iv. engaging in such further and other unlawful and unreasonable conduct as will be proven at the trial of this action;
- c. it was reasonably foreseeable that by engaging in the conduct enumerated in subparagraphs i – iv above the Defendants would cause harm to the Plaintiffs either directly or indirectly; and
- d. as a result of the Defendants' breaches of their respective duties of care owed to the Plaintiffs, each and every Plaintiff suffered harm both directly and indirectly.

Misfeasance of Public Office

225. Through the Unlawful Enactments, the Crown Defendants, their agents, employees and servants owed public law duties to the Plaintiffs. The Crown Defendants were obligated to comply with the provisions of the *Emergencies Act* including the conditions precedent required for its invocation. Their unreasonable decision to invoke the Unlawful Enactments while knowingly failing to abide by the provisions required for the invocation of the *Emergencies Act* was unlawful. This high-handed conduct directed towards the Plaintiff's constitutes misfeasance of public office and is a compensable claim for damages.
226. The Plaintiffs further state that the individual and Crown Defendants ought to be held personally liable to pay for their wrongdoing and harm caused to the Plaintiffs and the citizens of Canada.
227. The Crown Defendants failed in their public law duty to the Plaintiffs to act lawfully. Alternatively, their decision was motivated by an improper purpose or otherwise took into account irrelevant considerations or ignored relevant considerations and was unlawful. The reliance upon the unsanctioned Thomas Open Source Intelligence Reporting as a new flow of intelligence over the integrated government-wide perspective that was required was a deliberate decision and was knowingly done for an improper purpose which exceeded their powers as public officials.
228. The Crown Defendants' decision misinformed the public and resulted in the enactment of legislation of a draconian nature either negligently or deliberately to harm the Plaintiffs who were viewed by the Defendants as political opponents and was done for political reasons against Canadian citizens living in a free and



democratic society exercising their rights to free expression. The Crown Defendants' conduct in misinforming the public is morally reprehensible, blameworthy, and unconscionable.

229. The Crown Defendants were aware that the Plaintiffs would likely suffer damages as a result of their actions and that such harm was reasonably foreseeable but did so anyways despite knowing the harm it would cause.

230. The deliberate and unlawful conduct of the Crown Defendants directly and indirectly caused the Plaintiffs damages, hardships, expenses, and loss both tangible and intangible.

#### Abuse of Process

231. The conduct of the Crown Defendants in invoking Unlawful Enactments compromised the integrity of the justice system in Canada and undermined judicial processes which would have otherwise been required in the absence of the invocation of the *Emergencies Act*.

232. The Economic Order compelled the Financial Institution Defendants to unlawfully search and seize the Plaintiffs' bank accounts along with their financial and personal information. It further required the Financial Institution Defendants to spy on and treat their customers with hostility as an agent of the state while providing no coherent objective criteria, no standard to adhere to in making such determinations, and no independent oversight while doing so. The Economic Order was done cynically, politically, and selfishly without due considerations for the lasting impact it would have on Canadian citizens, our reputation internationally, and trust in our institutions.

This includes the detrimental impacts on joint account holders who were not “designated persons”.

233. Rather than proceeding with the Unlawful Enactments, the Crown Defendants and Police Defendants ought to have used existing laws as required rather than instituting draconian *Charter* violating measures.

234. The fact that the Police Defendants and the OPS in particular displayed weak leadership, operational incompetence, lacked collective willpower, and were incapable or otherwise unwilling to enforce existing laws does not provide justification for the Abuse of Process that the Unlawful Enactments instantiate.

#### Interference with Economic Relations and Inducing Breach of Contract

235. As a further result of the Unlawful Enactments the Defendants interfered with the Plaintiffs’ economic interests, contractual and business relations, and business relationships. The Unlawful Enactments frustrated and otherwise caused various contracts between the Plaintiffs, their financial institutions, and other third parties to be breached thereby causing the Plaintiffs to suffer damages.

236. In particular, the Unlawful Enactments, and the resulting unlawful seizures by the Financial Institution Defendants interfered with the economic interests of:

- a. Jonker Trucking in the manner described at paragraphs 132-134 herein;
- b. Mr. Zimmer in the manner described at paragraphs 144-150 herein;
- c. Mr. Miller in the manner described at paragraphs 47-51 herein;
- d. Ms. Marko in the manner described at paragraphs 175-179 herein;

- e. Mr. Tiessen in the manner described at paragraphs 182-186 herein;
- f. The Fortins in the manner described at paragraphs 189-192 herein; and
- g. Mr. Laidley in the manner described at paragraphs 56-61 herein.

237. It was intended, or reasonably foreseeable that the Unlawful Enactments, and the resulting seizure and freezing of the Plaintiffs' financial products, private property, services, and information would frustrate the ability of the Plaintiffs to exercise their rights under their various contracts and cause the Plaintiffs to suffer damages.

Breach of Section 8 and 2(b) Charter Rights and Section 24(1) Remedy

238. In the Mosley Decision, Justice Mosley confirmed that the Unlawful Enactments were in breach of the Plaintiffs' *Charter* rights, specifically section 2(b) with respect to the Regulations and section 8 with respect to the Economic Order and that neither were saved by section 1 of the *Charter*.

239. Even absent the Mosley Decision, the Plaintiffs ought not to have been labeled as a "designated person", and even if the clearly section 8 *Charter* violating Economic Order was not ruled unconstitutional by the Federal Court, the Plaintiffs would still be entitled to damages for violation of their *Charter* rights in any event in this action.

240. The Economic Order violated section 8 of the *Charter* and is *ultra vires* the *Emergencies Act*. Section 19 of the *Emergencies Act* does not permit or authorize the type of extra-judicial warrantless search and seizure schemes that came to fruition in the Economic Order. Thus, the search and seizure of the Plaintiffs' bank accounts and financial assets violated their section 8 rights and is contrary to the section 8 jurisprudence.

241. The Financial Institution Defendants had no lawful authority to conduct warrantless search and seizures in the manner that they were conducted, nor did the Crown Defendants have the ability to lawfully issue such orders to do so.
242. The Plaintiffs seek a substantial award of damages under this head of damages for their section 8 *Charter* rights being violated.
243. To the extent that certain Plaintiffs also had their section 2(b) *Charter* rights violated, those Plaintiffs seek a further substantial award of damages.
244. Pursuant to section 24(1) of the *Charter*, the Plaintiffs, all of whom were subject to the Unlawful Enactments, and several of whom suffered additional *Charter* breaches seek awards for damages flowing from the Defendants' breach of their *Charter* rights.
245. The Plaintiffs have established and will establish at trial that their *Charter* rights have been breached. Damages are just and appropriate as a form of remedy given that it fulfills the function of compensation, vindication of the rights violated, and serves as a deterrence against future *Charter* violations by the Crown Defendants.
246. The Crown Defendants will be unable to demonstrate any countervailing factors that would render such damages inappropriate and unjust under section 24(1) given the serious *Charter* violations that occurred against the Plaintiffs.
247. The Plaintiffs plead and state that a substantial award at trial for the *Charter* violations is warranted and the primary consideration of deterrence from future government action of this nature ought to be heavily weighed and awarded.

Trespass to Chattels and Conversion

248. The Defendants, by their conduct intentionally interfered with the Plaintiffs' possession of, and access to, monies in the unlawfully seized bank accounts.

249. The Defendants denied the Plaintiffs access to their financial services and private property, and accordingly are liable to the Plaintiffs for conversion and trespass to chattels as their actions constitute interference with the Plaintiffs' property without legal justification.

250. In addition, the Police Defendants by their conduct intentionally interfered with:

- a. Mr. McAllister's possession of his truck as described at paragraphs 100-105; and
- b. Mr. Narvey's possession of his motor home as described at paragraphs 170-172.

#### Injurious Falsehood and Defamation

251. Immediately preceding, during, and following the Unlawful Enactments, the Defendants, any or all of them, published false statements designed to lower the public opinion of anyone participating in the Ottawa Protests, including the Plaintiffs.

252. The CAHN Defendants in particular, provided false information to several other Defendants and media organizations designed to harm the Plaintiffs. Falsified or otherwise highly exaggerated information was supplied by the CAHN Defendants or their proxies to the Crown Defendants and the Police Defendants in support of the Unlawful Enactments.

253. The statements made by the CAHN Defendants and their proxies defamed the Plaintiffs and influenced the decision to invoke the *Emergencies Act*.

254. The statements were false and were made with malice to advance the political agenda of the CAHN Defendants. The CAHN Defendants at one point were recipients of funding and financial support from the Government of Canada. The CAHN Defendants as recently as August 2023, have requested further financial funding for themselves and their causes from the Government of Canada requesting taxpayer money in excess of \$130 million over the next 5 years. The true extent of the historical and ongoing financial funding of the CAHN Defendants by the Government of Canada is not fully known but will be discovered during this action.
255. The Plaintiffs, any or each of them, suffered damages as a result of the defamatory statements by the CAHN Defendants which were dishonest, deceitful, and exaggerated while done with malicious intent to cause harm including labelling the Ottawa Protestors, including the Plaintiffs, as being racist, accelerationist, far right extremists, falsely accusing supporters of the Ottawa Protestors as being Nazi's, misogynistic, and disseminating other hateful and defamatory false accusations about the Plaintiffs some of whom are Indigenous peoples, racialized minorities, persons of colour, women, senior citizens, and disabled individuals.
256. The CAHN Defendants have themselves knowingly propagated hatred, sowed division within Canada, fomented distrust, spread misinformation, and have defamed the Plaintiffs with malevolent intent and for cynical purposes to advance a political agenda which has in the past been paid for and funded by the Canadian taxpayers.
257. Furthermore, the Crown Defendants in relying upon the Thomas Open Source Intelligence Reporting defamed the Plaintiffs when public statements were made repeating the same false information and narratives. In many instances, the Thomas

Open Source Intelligence Reporting relied upon the false information from the Government of Canada funded CAHN Defendants and their proxies in a closed loop as a means to improperly justify the illegal invocation of the *Emergencies Act*.

258. The Plaintiffs seek compensable damages against the CAHN Defendants and the Crown Defendants for their injurious falsehoods and defamation.

#### Intrusion upon Seclusion

259. The Plaintiffs had a strong and reasonable expectation of privacy in their financial records as recognized by the court in the Mosley Decision. The financial records disclosed by the Financial Institution Defendants are part of the biographical core of personal information which the Plaintiffs, and indeed any individuals, in our free and democratic society wish to maintain and control from dissemination to the state.

260. The financial records unlawfully accessed pursuant to the Unlawful Enactments and seized by the Defendants included information which revealed personal details about the Plaintiffs. By unlawfully seizing and accessing these records, the Financial Institution Defendants intentionally intruded upon the seclusion of the Plaintiffs' private affairs and concerns. Further, to the extent that the Financial Institution Defendants seized and accessed these records on behalf of the Crown Defendants, both the Financial Institution Defendants and Crown Defendants should be held jointly and severally liable.

#### Assault and Battery

261. On various occasions following the Unlawful Enactments agents and officers of the RCMP, OPS, and other unknown Police Defendants including the Green Police Defendants committed assault and battery against certain the Plaintiffs. In particular:

- a. Unidentified members of the RCMP, OPS, or unknown Police Defendants including the Green Police Defendants assaulted:
  - i. Ms. Milner in the manner described at paragraphs 77-89;
  - ii. Mr. Zimmer in the manner described at paragraphs 151-153;
  - iii. Mr. Miller in the manner described at paragraphs 52-53;
  - iv. Mr. McAllister in the manner described at paragraphs 100-105;
  - v. Mr. Narvey in the manner described at paragraphs 170-172;
  - vi. Mr. Laidley in the manner described at paragraphs 62-63; and
  - vii. committed such further and other unlawful acts which violated the person of any and each of the Plaintiffs as will be proven at the trial of this action;
- b. In committing said acts enumerated at subparagraphs i-vii above acted intentionally or negligently or with willful blindness or recklessness toward the relevant Plaintiffs; and
- c. In committing assault and battery against the Plaintiffs they were acting unlawfully and without justification.

#### Harassment and Intimidation

262. On various occasions preceding, during and following the Unlawful Enactments the Defendants, any or each of them engaged in communications and threats, many of which were widely publicized and of a public nature, which caused the Plaintiffs to



fear for their safety, and the safety of their loved ones. These communications included but were not limited to:

- a. Public statements from the Crown Defendants and OPS, in particular statements made by Chief Bell regarding further financial sanctions and tracking individuals down for exercising their rights to free expression;
- b. Statements and communications on social media; and
- c. Stalking and other harassing behavior by members of the Crown Defendants and Police Defendants.

263. The Defendants knew or ought to have known that these communications were unwelcome and could reasonably foresee that such communications and behaviours could reasonably cause emotional distress.

264. As a result of these behaviours, the Plaintiffs suffered emotional distress, feared for their well-being and otherwise suffered harm.

265. The threats and behaviours enumerated above in subparagraphs a – c above were designed to coerce the Plaintiffs to refrain from exercising their constitutional rights pursuant to section 2(b) of the *Charter*.

266. As a result of these threats and behaviours coupled with the Unlawful Enactments, the Plaintiffs suffered loss and damages and were prevented from exercising their free and democratic rights.

267. Therefore, the Defendants are liable in tort for their intimidation and harassment of the Plaintiffs.

### Civil Conspiracy

268. The actions of the Defendants were taken together in concert with other Defendants.

The Crown Defendants, Financial Institution Defendants, Police Defendants, CAHN Defendants, and individuals involved worked together to share information, disseminated misinformation about the Plaintiffs, enacted the Unlawful Enactments on unconstitutional pretenses and ultimately froze or otherwise searched and seized the financial services, assets, and private property of the Plaintiffs in an unlawful manner.

269. Each of the Defendants ultimately assisted one another in their unlawful actions perpetrated against the Plaintiffs.

270. The Plaintiffs' injuries were consequences of the concerted actions of the Defendants working together in a way that directly caused the harm suffered.

271. The actions of the Defendants were unlawful, and the Defendants knew or ought to have known in the circumstances that their actions would likely cause injury to the Plaintiffs.

272. The actions of the Defendants for their civil conspiracy gives rise to compensable damages and ought to be considered as an aggravating factor when apportioning liability and quantum of damages owed to the Plaintiffs.

### Breaches of Legislation

273. The Financial Institution Defendants, and the Banking Defendants in particular were bound by the express provisions of the *Bank Act*, SC 1991, c 46.

274. The Financial Institution Defendants, by

- a. unlawfully disclosing the information of the Plaintiffs;
- b. refusing to provide the Plaintiffs with access to their funds; and
- c. acting arbitrarily to identify the Plaintiffs for the purpose of freezing their accounts

violated their lawful obligations owed to the Plaintiffs pursuant to the *Bank Act*.

### Breaches of Contract

275. The Financial Institution Defendants, by engaging in the conduct described in the preceding paragraphs above breached their contractual obligations owed to the Plaintiffs pursuant to their various contracts for financial products and services with the Financial Institution Defendants.

276. Further, the Financial Institution Defendants had a duty to perform their obligations under the contracts with the Plaintiffs in good faith.

277. By their conduct, the Financial Institution Defendants wholly failed to perform these obligations in good faith contrary to the fundamental principles of contract and their fundamental duties owed to the Plaintiffs.

278. The Financial Institution Defendants in addition to their breaches of contract breached their common law duties owed to the Plaintiffs. The breaches of contract by the Financial Institution Defendants are compensable damages.

### **G. Damages**

279. The conduct of the Defendants toward each and every Plaintiff in these circumstances included several torts, breaches of fundamental rights and freedoms, and wanton

disregard for the well-being of the individual Plaintiffs. The conduct was unlawful, reprehensible, was politically motivated and charged which included large-scale attempts to intimidate, denigrate, defame, and otherwise disparage and discourage the Plaintiffs.

280. The Plaintiffs were unlawfully targeted unconstitutionally and had their *Charter* rights violated without due process or procedure and suffered harm as a result.

281. This is an exceptional case wherein the conduct of the Defendants, any or all of them, was malicious, high-handed, and reprehensible misconduct that offends the Court's sense of decency and a substantial punitive damages award is warranted in these circumstances to dissuade such future conduct.

282. Given the location of the Defendants and the clear nexus this action has to the Ottawa Protests and the Unlawful Enactments, Ontario is the proper jurisdiction and forum for this action to be heard in.

283. The Plaintiffs repeat and adopt the relief sought in paragraph 1 of the Statement of Claim in its entirety including all declaratory relief. With respect to the monetary relief sought, the Plaintiffs repeat here and seek the following monetary relief against the Defendants, jointly and/or severally, for:

- a. General and special damages in the amount of \$500,000 for each Plaintiff for negligence, breach of contract, unlawful interference, misfeasance of public office, trespass to chattels, civil conspiracy, and abuse of process for the unlawful seizure of bank accounts by the Defendants;

- b. General and special damages in the amount of \$100,000 for each Plaintiff for injurious falsehoods and defamation resulting from the conduct of the Defendants;
- c. General and special damages in the amount of \$100,000 for each Plaintiff for negligence, assault, battery, harassment, and intimidation perpetrated by the Defendants against the Plaintiffs;
- d. General and special damages pursuant to section 24(1) of the *Charter* in the amount of \$500,000 for each Plaintiff for the Defendants' unjustified breach of the Plaintiffs' *Charter* rights;
- e. Punitive, exemplary and/or aggravated damages in the amount of \$1,000,000 for each Plaintiff considering the malicious, reprehensible, and high-handed misconduct of the Defendants;
- f. prejudgment and post judgment interest in accordance with the *Courts of Justice Act*, RSO 1990 c.C.43;
- g. costs of this action (legal fees and disbursements) on a solicitor and own client basis or otherwise on a substantial indemnity basis plus applicable harmonized sales tax in accordance with the *Excise Tax Act*, RSC, 1985, c. E-15 and the *Courts of Justice Act*, RSO 1990 c.C.43; and
- h. Such further and other relief as this Honourable Court deems just.

Date: March 15, 2024

**LOBERG ECTOR LLP**

Barristers & Solicitors

2525 Encor Place

645 – 7 Ave SW

Calgary, AB T2P 4G8

**Blair D. Ector (LSA No. 20446)**

Tel: (403) 457-6680

Email: [service@lobergector.com](mailto:service@lobergector.com)

**Michael A. Loberg (LSA No. 11504)**

Tel: (403) 668-6561

Email: [service@lobergector.com](mailto:service@lobergector.com)

**Bath-Shéba Van Den Berg (LSO No. 88768G)**

Tel: (825) 540-8447

Email: [service@lobergector.com](mailto:service@lobergector.com)

**Brendan Hill (LSA No. 23295)**

Tel: (825) 540-8447

Email: [service@lobergector.com](mailto:service@lobergector.com)

Solicitors for the Plaintiffs

Court File No.: CV-24-00094733-0000

**EDWARD CORNELL et al.**

- and -

**JUSTIN TRUDEAU et al.**

**Plaintiffs**

**Defendants**

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT OTTAWA**

---

**STATEMENT OF CLAIM**

---

**LOBERG ECTOR LLP**

Barristers & Solicitors

2525 Encor Place

645 – 7 Ave SW

Calgary, AB T2P 4G8

**Blair D. Ector (LSA No. 20446)**

Tel: (403) 457-6680

Email: service@lobergector.com

**Michael A. Loberg (LSA No. 11504)**

Tel: (403) 668-6561

Email: service@lobergector.com

**Bath-Shéba Van Den Berg (LSO No. 88768G)**

Tel: (825) 540-8447

Email: service@lobergector.com

**Brendan Hill (LSA No. 23295)**

Tel: (825) 540-8447

Email: service@lobergector.com

Solicitors for the Plaintiffs