



ONTARIO
SUPERIOR COURT OF JUSTICE

Electronically issued : 15-Mar-2021
Délivré par voie électronique : 15-Mar-2021
Toronto

B E T W E E N:

Dr. Kulvinder Kaur Gill

Plaintiff

- and -

Amir ATTARAN, THE UNIVERSITY OF OTTAWA

Defendants

STATEMENT OF CLAIM

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 of 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, A 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.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$10,000.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

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: _____, 2021.

Issued by:

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TO:

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CLAIM

1. The Plaintiff claims:
2. General damages as against the Defendants, as follows:
 - (i) As against Mr. Attaran \$4,000,000.00, for express libel and slander and by innuendo and irresponsible publication;
 - (ii) as against the University of Ottawa, \$1,000,000.
- (a) aggravated damages as against the Defendants in the amount of \$1,000,000.00;
- (b) punitive damages as against the Defendants in the amount of \$1,000,000.00;
- (c) an interim and permanent injunction requiring the retraction, removal, and prominent apology for any and all defamatory publication and/or remarks by the Defendant, Amir Attaran;
- (d) prejudgment interest pursuant to s. 128 of the *Courts of Justice Act* R.S.O. 1990 c. C43; and
- (e) costs of this action on a substantial indemnity basis and such further or other relief as this Court deems just.

THE PARTIES

(a) The Plaintiff

2. The Plaintiff, Dr. Kulvinder Kaur Gill (“Dr. Gill”), is a physician practicing in Brampton and Milton Ontario. Dr. Gill completed her undergraduate training in microbiology, her medical research in virology and her post-graduate training in pediatrics and allergy and clinical immunology. Dr. Gill now practices at an allergy, asthma and clinical immunology clinic in Brampton and Milton. Dr. Gill is also the President and co-founder of Concerned Ontario Doctors (“COD”). COD is a grassroots, non-profit organization of frontline physicians

advocating for a patient-centered, sustainable and accessible and quality healthcare system. COD is a volunteer-driven organization that represents frontline doctors in family medicine and across all specialties and advocates on healthcare issues of provincial and national importance. Dr. Gill has represented the interests of Canadian patients and frontline physicians with testimony on behalf of COD before legislative committees on healthcare policy at the Ontario Legislature, the House of Commons and the Senate of Canada.

3. Prior to medical school, and while completing her undergraduate degree in microbiology, Dr. Gill worked as Molecular Biology Research Assistant, Fresh Water Institute, Department of Fisheries and Oceans Government of Canada Winnipeg, Manitoba.
4. Dr. Gill's medical microbiology and virology research at the only Level 4 Laboratory in Canada, the Public Health Agency of Canada's National Microbiology Laboratory in Winnipeg, Manitoba, had focused on HIV-1 vaccine development. Dr. Gill's research on T-cell immunity had focused on identifying genotypes and haplotypes responsible for resistance and susceptibility to HIV-1 infection found among Kenyan sex trade workers, ultimately for the development of future HIV-1 vaccine candidates. Dr. Gill had identified novel alleles in the East African population and was a part of the late Dr. Frank Plummer's team.
5. Dr. Gill pursued her medical degree in Manitoba during which time she conducted research work at one of five Level 4 labs in the world, located in Winnipeg. A "Level 4" Lab refers to a biosafety level (BSL), or pathogen/protection level, which level is a set of biocontainment precautions required to isolate dangerous biological agents in an enclosed laboratory facility. The levels of containment range from the lowest biosafety level 1 (BSL-1) to the highest at level 4 (BSL-4). Biosafety level 4 laboratories are used for diagnostic work and research on easily transmitted pathogens. These include a number of viruses known to cause

viral hemorrhagic fever such as Marburg virus, Ebola virus, Lassa virus, and Crimean-Congo hemorrhagic fever. Other pathogens handled at BSL-4 include Hendra virus, Nipah virus, and some flaviviruses. Additionally, poorly characterized pathogens which appear closely related to dangerous pathogens are often handled at this level until sufficient data are obtained either to confirm continued work at this level, or to permit working with them at a lower level.

6. While working in this Level 4 lab, Dr. Gill worked with the late Dr. Frank Plummer's team who were the first to ever discover natural T-cell immunity among HIV1-resistant Kenyan sex-workers. Dr. Plummer was the Scientific Director General of the National Microbiology Laboratory and the Senior Scientific Advisor to the Public Health Agency at the time.
7. Dr. Gill was recognized for her scholarly research during her medical and post-graduate training by both the University of Manitoba and the University of Western Ontario, having been awarded scholarships and prizes for best overall clinical project, presentation and poster for her research in the fields of medical microbiology, virology and immunology, and allergy and asthma. Her microbiology, virology and immunology research was then awarded further academic recognition at an international research forum.
8. Dr. Gill has published the following peer-reviewed scientific articles/journals:
 - M. Luo, J. Bamforth, K. Gill, C. Cohen, R.C. Bruham, F.A. Plummer. High-resolution sequence-based DPA1 typing identified two novel DPA1 alleles, DPA1*010303 and DPA1*0303, from a Kenyan population. *Tissue Antigens*. 2005 Jan;65(1):120-2.
 - K. Gill, A. Leligdowicz, M. Luo, T. Bielawny, R. Brunham, F.A. Plummer. Identification of Four Novel HLA-A Alleles from an East African Population by High-Resolution Sequence-Based Typing. *Human Immunology*. 2006 Oct;67(10):833-8.

- B. Bruneau, E. Knight, C. Semeniuk, K. Gill, R. Hardie, T. Bielawny, J. Kimani, E. Ngugi, M. Luo, F.A. Plummer. Common HLA-DP Alleles, Genotypes and Haplotypes are associated with resistance and susceptibility to HIV-1 Infection in Kenyan Sex Trade Workers. *Can J Infect Dis Med Microbiol.* 2007 March/April , Vol 18 Suppl B:46B.
 - R. Hardie, E Knight, B Bruneau, C. Semeniuk, K. Gill, N. Nagelkerke, J. Kimani, C. Wachihi, E. Ngugi, M. Luo, F.A. Plummer. A common human leucocyte antigen-DP genotype is associated with resistance to HIV-1 infection in Kenyan sex workers. *AIDS.* 2008 Oct; 22(15)2038-42.
9. Dr. Gill has also been an elected delegate and chairwoman for the Ontario Medical Association (District 5, the Greater Toronto Area, Dufferin, Muskoka, Simcoe), which post she resigned from in July 2017.
10. Dr. Gill is a highly regarded member of her profession and extremely competent, diligent, thoughtful and professional, and has dedicated her career not only to treating her clinic patients but also to actively advocating for the healthcare of Canadians at large.

The Defendants

11. Amir Attaran is a Professor in the Faculties of Law and School of Epidemiology and Public Health at the University of Ottawa.
12. At all material times, Amir Attaran, was acting as a professor (employee) of the University of Ottawa and lawyer affiliated with the University of Ottawa.
13. Amir Attaran's Twitter profile is intentionally tied to his employment at the University of Ottawa. He describes himself in his Twitter profile as "Prof of Law & Medicine, his University

of Ottawa”. Amir Attaran refers to himself specifically as “prof” in his Twitter handle (@profamirattaran).

14. Amir Attaran is also a member of the Law Society of Ontario. Amir Attaran identifies himself as “practicing law and employed” and lists his business address at the University of Ottawa Law School on his Law Society of Ontario profile.
15. The Defendant, the University of Ottawa is a bilingual public research university in Ottawa, Ontario, Canada. At all times Amir Attaran was acting as an employee of the University of Ottawa.

THE FACTS

16. Since the implementation of COVID-19 measures, and in keeping with her policy to continually advocate for public health and healthcare for her patients and all Canadians, Dr. Gill has been following peer-reviewed medical and scientific research and publications from physicians and scientists across the world with respect to the COVID-19 response.
17. Dr. Gill believes it is her duty pursuant to her Hippocratic oath, to continuously review public health measures, shed light on new practices and opposing research, in order to maintain the integrity of the medical profession and advocate for the continued health and safety of the public.
18. Dr. Gill has commented, on Twitter, on the research of highly respected medical practitioners from around the world, most recently with respect to the COVID-19, and specifically with respect to the efficacy of early outpatient use of Hydroxychloroquine for high-risk patients, the importance of T-cell immunity, and the harms of lockdowns, all of which are currently highly polarized, and politicized issues by public health officials.

19. Dr. Gill's commentary on her Twitter platform, has always been corroborated by highly respected scientists, physicians and researchers from all around the world, and Dr. Gill's tweets have cited various published research articles/journals, and news-stories.
20. Dr. Gill has also advocated for greater transparency from politicians and governments, in their decisions and actions, which have had great impact on the general public, which have been cited by these politicians to be made for the health and well-being of all citizens.
21. Dr. Gill has specifically tweeted about the efficacy of various early outpatient treatments, which have been grounded in scientific research, as well as requested that the government be transparent and balanced in their presentation of scientific facts, findings and public guidelines.
22. For example, Dr. Gill with respect to the efficacy of hydroxychloroquine in treating COVID-19 in reference to 195 Hydroxychloroquine (HCQ) studies (including 130 peer-reviewed studies) in COVID-19 patients to-date which have shown HCQ to be effective, both as a pre-exposure prophylaxis and as early post-exposure treatment, when administered in appropriate doses, especially when started within the first five days of symptom onset.
23. Dr. Gill has also tweeted with respect to T-Cell immunity, in light of research by highly respected medical and scientific researchers around the world who have published positive findings concerning T-cell immunity to SARSCoV2.
24. Dr Gill has also tweeted with respect to lockdowns in consideration of vast global research highlight the dangers of lockdown and the foreseeable consequences of global lockdown both in economic, health, and overall public welfare.
25. Dr. Gill's Twitter commentary has been corroborated and supported by other highly respected members of the medical and scientific profession around the world.

26. Much to Dr. Gill's shock, chagrin, and disgust, as a result of her open public questions, and advocacy for transparency in medical research and the governments' response to COVID-19, in or around August, 2020 and ongoing, a group of medical professionals and media persons contrived to target Dr. Gill with the malicious objective to defame and discredit Dr. Gill in the eyes of fellow physicians, journalists, the media and the public.
27. The malicious slanderous actions of medical and media professionals are as outlined in the Superior Court Action, filed in Toronto, Court File No.: CV-20-00652918-0000, which court proceeding is a document referred to in the within Statement of Claim.
28. Rather than engaging in professional debate, these doctors, many of whom had never met or interacted with Dr. Gill prior to their professional attack against her sought to discredit and diminish Dr. Gill's professional reputation by labelling her as "an anti-vaxxer", "anti-science", a distributor of "misinformation", "dangerous to patients and/or society" and many other misnomers in order to damage Dr. Gill's professional reputation, and diminish her professional credibility.
- **Defamation By Amir Attaran**
29. On December 20, 2020, using his Twitter Handle, @profamirattaran, in continuation of the actions of the Defendants against Dr. Gill, as set out in in Court File No.: CV-20-00652918-0000, Amir Attaran, who follows and is in association with several of these Defendant's on Twitter, jumped in to maliciously defame Dr. Gill by postings defamatory statements about Dr. Gill, on Twitter, to his over 7,600 followers.
30. Instead of professionally or even just politely explaining why he didn't agree, or providing his own scientific article and sources to debate Dr. Gill's point, Amir Attaran instead personally and professionally attacked Dr. Gill.

31. On October 20, 2020, Dr. Gill had tweeted the following:

“Cases” are meaningless.
“Cases don’t equal infections.
“Cases” drive harmful Lockdowns.
“Cases are a tool for irrational Fear.

32. Dr. Gill, in making this tweet, was referring to the use of “PCR” test positive “cases”, in light of substantial published peer-reviewed evidence, from world renowned scientists and physicians, cautioning against using PCR positive COVID-19 “cases” as a key metric for healthcare policy as such PCR positive “cases” do not equate to infectiousness or virulence of COVID-19 when high PCR cycle thresholds are utilized, especially in the context of asymptomatic testing. Up to 97% of people tested for COVID-19 can be non-infectious PCR positive “cases” when a PCR cycle threshold greater than or equal to 35 is used. An international appeals court has ruled the PCR test “unreliable” for diagnosis of COVID-19 and the World Health Organizations has also issued several warnings.

33. On December 20th, 2020, Amir Attaran reposted Dr. Gill’s October 20th, 2020 tweet on his Twitter feed, and wrote to his many followers, referring to Dr. Gill:

“This idiot is a doctor in Ontario. Sort of a female version of Dr. Scott Atlas.”

34. He then later, that same day, found a July 28th, 2021, article online, in the New York Times, which article alleged that Russian Intelligence have been pushing “disinformation”, posted this article on twitter with the following caption:

“Looks like the Flying Monkeys are out today for Dr. Gill.

Research shows that Russian military intelligence (the GRU) are behind anti-science, COVID conspiracy social media.

So with love from Canada”

35. These statements were false, uttered with malice, without justification and constituted irresponsible publication, which tended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community.
36. These statements falsely and without justification, and with malice, accused her explicitly and by innuendo, that she is knowingly spreading conspiracy theories and is a “conspiracy theorist” and served to question her professional competence, as well as, by innuendo, suggest that she is endangering the lives of her patients and others.
37. By stating that the “flying monkeys” are with Dr. Gill, where Flying monkeys is a term used to describe “henchmen for narcissists acting for a wrongful or abusive process”, and linking her to an article about Russian intelligences agencies willfully circulating of misinformation. By making these statements, Amir Attaran expressly and by innuendo insinuated that Dr. Gill was willfully spreading lies and disinformation for an abusive purpose, all of which was not true but served to attack and diminish her professional reputation.
38. These comments were further laced with sexist overtures, which is demonstrated by Amir Attaran calling Dr. Gill the “female” version of Dr. Scott Atlas. The fact that Dr. Gill is female has nothing to do with her scientific opinions and the qualifier “female” is simply a misogynist and political over-tone when referencing Dr. Scott Atlas.
39. These tweets resulted in widespread hate and hostility directed at Dr. Gill.

- **Malice**

40. The Plaintiff states and the fact is that Amir Attaran exhibited malice in his statements including and not restricted to the following:

- (a) His comments were not a direct scientific response to Dr. Gill's statements, but rather constituted a derogatory, misogynist, and racist response;
- (b) His comments where in response, adopted and took up, the slanderous actions of the Defendants in court action No.: CV-20-00652918-0000;
- (c) He did not know Dr. Gill personally or professionally and had never interacted with Dr. Gill either online or in real life prior to December 20, 2020. His comments were unprovoked;
- (d) His total disregard and breach of their own oath to be civil and respect his own professional Code of Conduct.

- **Amir Attaran's Personal and Professional Negligence**

- 41. The fact is, Amir Attaran is in breach of his professional duty of care by defaming and attacking Dr. Gill and maliciously calling into question Dr. Gill's professional competence in order to label the Plaintiff "anti-science" or spreading "disinformation", as well as other defamatory labels, despite having access to information which scientifically ground Dr. Gill's statements on Twitter.
- 42. By taking the initiative to launch serious and debilitating attacks against a fellow professional, to the media and general public, with the intent that the media circulate their tortious allegations, as well as with the intent to have the Plaintiff professionally disciplined, in the face of evidence to the contrary available to these him, Amir Attaran was acting in bad faith, and with malice, in order to destroy the Plaintiff's reputation. Amir Attaran had duty of care, not only to make competent investigation, but also contact the Plaintiff for more information prior to making his defamatory statements, which duty of care was breached and directly caused damages to the Plaintiff.

43. Amir Attaran's statements, both explicit and by innuendo, were defamatory and caused damage to the Plaintiff in that they were intended to lower the esteem of the Plaintiff, in the fair-minded members of the community.

44. These untrue and false statements were further malicious, irresponsible, negligent, and uttered with malicious intent, in that:

- (a) the Defendant took no steps, and refused to take steps, to inform himself of the matter, from publicly available documents, to which the Plaintiff referred to in her tweets, before making their statements;
- (b) the Defendant expressly and by innuendo, stated that the Plaintiff is/was "misleading or endangering the community" due to "misinformation", "anti-science", etc.;
- (c) the Defendant did not investigate the science behind Dr. Gill's statements before making his statements.

45. The Defendant is further liable in negligence in that:

- (a) He owes general, and a special duty of care, as set out in protocol, when making allegations of incompetence and/or wrong-doing by against a doctor to give that doctor an opportunity to respond before making those allegations, expressed or by innuendo;
- (b) That the Defendant had a general, and particular, duty of care to the Plaintiff;
- (c) That he breached that duty of care;
- (d) As a result of the breach(es) the Plaintiff has suffered extensive damages.

- **University of Ottawa's Liability**

46. At all material times, Amir Attaran was acting as an employee of the University of Ottawa.

47. Amir Attaran conducted his tortious conduct as part of his employment at the University of Ottawa. At all times Amir Attaran's actions were authorized by the University or, in the alternative, if his actions were unauthorized by the University of Ottawa, his actions were so connected with the authorized acts that they may be regarded as modes of his authorized acts.
48. Amir Attaran's Twitter account identifies Dr. Attaran as a professor at the University of Ottawa, where he states in his profile, "Prof of Law & Medicine, University of Ottawa". Moreover, his Twitter handle specifically refers to himself as "prof". On his Law Society of Ontario profile, Amir Attaran lists his business address, as a practicing lawyer, as at the University of Ottawa.
49. Amir Attaran at all times used the reputation of the University of Ottawa to bolster his own reputation and add credibility to his statements.
50. The University of Ottawa knew, or ought to have known, that Amir Attaran's defamatory comments would also carry the weight of the University of Ottawa and therefore the University of Ottawa intentionally, or in the alternative, negligently, in not apprising itself of Amir Attaran's conduct and curtailing his defamation and/or distancing themselves, publicly from him.
51. The University of Ottawa is liable in negligence in that:
- (a) it owes a general, and particular duty of care to the Plaintiff, in that;
 - (i) the University must monitor and control its employees' actions and conduct, particularly when employees' are directly or indirectly purporting to be acting on behalf of, or with the approval or endorsement of the University of Ottawa, implicitly or explicitly;
 - (ii) it must to take action to dissuade intentional torts against third parties conducted by its employees.

- (b) that, in ascertaining its duty of care, the University of Ottawa must also abide by its own internal Code of Conduct, and that, in fact, the University of Ottawa breached its Code of Conduct;
- (c) that the University of Ottawa breached its duty of care to the Plaintiff;
- (d) as a result of the breach(es) the Plaintiff has suffered extensive damages.


- **The Damages To Dr. Gill**

52. The actions of the Defendants have directly resulted in the following:
- (a) the loss of the Plaintiff's reputation across the Plaintiff's professional and private life;
 - (b) the loss of future earnings from lost patient referrals;
 - (c) the loss of future career opportunities;
 - (d) personal anguish, humiliation, shame, and suffering as a result of the Defendants' intentional infliction of emotion harm.

C/ Liability Of The Defendants

53. The Plaintiff states that the Defendants are liable to the Plaintiff, for the instances and reasons pleaded above, in Libel (Defamation) and negligence.
54. The Plaintiff therefore seeks the relief set out in paragraph 1 of this statement of claim.
55. The Plaintiff further pleads any and all documents mentioned in this statement of claim as documents referred to in the pleadings herein.

Dated at Toronto this ^{du} 12 day of March, 2021.



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Lawyer for the Plaintiff

Court File No.:

Dr. Gill
-and-
Amir Attaran, and the University of Ottawa

Defendants

Plaintiff

Plaintiff

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

STATEMENT OF CLAIM

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