

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ELISA ROMERO HATEGAN

Plaintiff

-and-

ELIZABETH MOORE FREDERIKSEN and BERNIE FARBER

Defendants

FRESH AS AMENDED 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 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.

Date of Amendment:
FEBRUARY 11, 2019

“The Registrar”
by: _____

Registrar
Superior Court of Justice
Toronto, ON

TO:

**ELIZABETH MOORE FREDERIKSEN
160-2 Merchant Lane
Toronto, ON M6P 4J6**

and

BERNIE FARBER

**c/o Mosaic Institute
2 Bloor Street West, PO Box 100
Toronto ON M4W 3E2
Tel: 416-644-6000 Ext 680
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THE CLAIM

1. The Plaintiff, Elisa Romero Hategan, claims against the Defendants jointly and severally for:

- i) General damages in the sum of \$100,000.00 for injurious falsehood, civil conspiracy, wrongful appropriation of personality, unlawful interference with economic interests, and negligence;
- ii) Punitive Damages in the sum of 50,000.00;
- iii) Aggravated damages in the sum of \$50,000.00;
- iv) A prohibitive injunction seeking to restrain the defendants from tortious conduct that appropriates the Plaintiff's personality and/or interferes with her economic interests;
- v) Pre-judgment interest pursuant to section 128 of the *Courts of Justice Act*, R.S.O. 1990, Chapter C.43;
- vi) Post-judgment interest pursuant to section 129 of the *Courts of Justice Act*, R.S.O., 1990, Chapter C.43;
- vii) Costs of this action and Harmonized Sales Tax on costs; and,
- viii) Such further and other relief as this Honourable Court deems just.

A. THE PARTIES

2. The Plaintiff Elisa Romero Hategan ("**Hategan**") is a former white supremacist and former spokeswoman for the Canadian White Supremacist Group known as the Heritage Front ("**the Heritage Front**" or "**HF**"). She joined the HF as a teenager and defected from the group in November 1993. She has since sought to teach others about her experiences in the white supremacist movement.
3. The Plaintiff is an expert on anti-racism, extremist political movements and terrorist recruitment tactics. She has been featured as a keynote speaker, and media guest on a variety of different programs. She has also been interviewed by

news media including: the CBC, the BBC, Toronto Sun, Toronto Star, Globe and Mail, Maclean's Magazine, Canadian Jewish News and more, and she has written articles for Canadian Jewish News, NOW Magazine, Maclean's Magazine and Global News She has been invited as a public speaker at several high schools, Toronto City Hall and at Jewish and LGBTQ organizations across North America. She has also won multiple grants and awards from the Canada Council for the Arts, Ontario Arts Council and Toronto Arts Council.

4. Since she left the HF in 1993, the Plaintiff has been focused on telling the cautionary tale of her experiences with the Heritage Front, in an effort to promote a message of anti-racism, tolerance and understanding.
5. The Defendant Elizabeth Moore Frederiksen ("**Moore**") is a resident of Ontario. She is a former member of the Heritage Front who has since 1995, been gaining public recognition, financial compensation and accolades based on accounts of her experiences in the Heritage Front.
6. Moore is also a speaker on racism and extremism in Canada. She has contributed to school text books, online resources for grade-school students, and has experience in the field of social media marketing. She is currently on the Advisory Board of the Canadian Anti-Hate Network.
7. The Defendant Bernie Farber ("**Farber**") is a friend and colleague of Moore's who assisted her in leaving the Heritage Front. He was also the head of the former Canadian Jewish Congress until 2011, and he is the current Chair of the Canadian Anti-Hate Network. Farber's career is focused on human rights and social justice.
8. The Plaintiff states that Moore and Farber have, at various times, made and endorsed false representations that the Plaintiff's experiences in the Heritage Front were Moore's experiences. The Plaintiff states that these statements have

been made repeatedly. They have been publicly disseminated and widely published through various media. These statements were also made with the explicit knowledge on the part of Moore and Farber that they were materially untrue in several key respects, including but not limited to the fact that Moore played no role in “taking down” the HF and that the reasons for her entry into the HF and departure from same were appropriated from the Plaintiff’s life story.

9. The Plaintiff states that Moore and Farber have knowingly and continue to disseminate a false narrative of Moore’s life to ensure greater public support, exposure and recognition of Moore from the general public and in order to gain financial and/or material benefit in order to advance Moore’s interests. Moore also at times made disparaging or negative comments about the Plaintiff with a view to and/or with the effect of adversely impacting opportunities for the Plaintiff to share her life experience as an educator, public speaker and anti-racism expert through contracts and/or other public venues.

B. THE HERITAGE FRONT

10. The Heritage Front was a white supremacist organization that was formed by Wolfgang Droege and Grant Bristow in 1989 and grew to be one of Canada’s most popular and organized white supremacist groups.
11. The Heritage Front had several tactics to spread its hateful messages, including the following:
 - a) Developing and distributing racist pamphlets;
 - b) Recruiting students at high schools;
 - c) Running “hotlines” that featured hateful messages;
 - d) Publishing a magazine entitled, Up Front;
 - e) Holding white supremacist rallies and protests;
 - f) Harassing, threatening and assaulting anti-racist and anti-fascist

protesters; and,

g) Having a young woman be a regular spokesperson for the organization.

12. The Heritage Front rose in popularity in the early 1990s, but in 1994 it lost support, public profile and effectiveness and was forced to move underground when it was revealed that one of the leaders of the group, Grant Bristow ("**Bristow**"), was an informant for the Canadian Security and Intelligence Service ("**CSIS**").
13. In 1994, the public revelations regarding Grant Bristow, referred to as "**the Bristow Affair**", led to a public hearing held by the Security Intelligence Review Committee ("**SIRC**") and a 220-page report was published December 9, 1994, entitled *The Heritage Front Affair: Report to the Solicitor General of Canada* ("**the Report**"). The publication of this report caused the Heritage Front to further lose strength among its supporters.
14. As the Heritage Front gained popularity in the early 1990's until the Bristow Affair in 1994, Canadian and international news agencies widely reported and published stories on the Heritage Front, its activities, and its leadership and prominent members. As a result, the operations and affairs of the Heritage Front were well-documented by media during this period.

C. THE PLAINTIFF'S INVOLVEMENT IN THE HERITAGE FRONT (HF)

15. Between 1991 and 1993, the Plaintiff was the female spokesperson for the Heritage Front, and her involvement in the group culminated in the Plaintiff facing criminal charges for passing a racist leaflet to two anti-racist activists. The Plaintiff provided racist pamphlets to two members of Anti-Racist Action to warn them about an impending harassment campaign. Based on this dissemination, the Plaintiff was charged with willful promotion of hatred and defamatory libel, charges

that were subsequently dropped in spring 1994. Starting in the summer of 1993, the Plaintiff turned evidence against HF's leadership.

(i) Circumstances that caused Plaintiff to join HF

16. The circumstances that caused the Plaintiff to join the Heritage Front at age 16 were documented in several news articles published in the early 1990s.
17. In the years prior to her joining the HF, the Plaintiff was a recent immigrant from Romania, and she struggled to adjust to life in Canada. She had an abusive mother and her father had recently passed away.
18. The Plaintiff ran away from her mother at age 14, and then lived in a group home where, at times, she was the only white resident. It was during this time, particularly in view of what the Plaintiff observed as bullying from the other group home residents that she developed anger and resentment towards racialized peoples. Consequently, the Plaintiff began to blame racialized people for her circumstances.
19. In 1991, the Plaintiff saw a television program that featured white supremacist groups and at the bottom of the screen was a flyer with the PO Box address of an American white supremacist group. The Plaintiff wrote to that PO Box asking for information on Canadian groups and was sent the telephone number and address of the Toronto-based Heritage Front. In September 1991, she called the hotline number, was recruited and subsequently groomed to be a spokeswoman for the group by leader of the group Wolfgang Droege.

(ii) The Plaintiff's experiences in the Heritage Front

20. Soon after joining the HF at age 16, the Plaintiff was placed into several roles in the HF including the following:

- a) Media spokeswoman and speaker at rallies
- b) Writing articles for the Heritage Front Magazine "Up Front" ("Up Front");
- c) Writing and recording messages for the Heritage Front Hotline;
- d) Recruiting new members for the Heritage Front;
- e) Assisting known German white supremacist Ernst Zundel, and,
- f) Harassing anti-racist activists

(ii) The Plaintiff's Speaking Engagements

21. The Plaintiff's speaking engagements on behalf of the Heritage Front are documented in Canadian and US news media reports from the 1992 to 1995 including, but not limited to the following venues and programs:

- a) The Montel Williams Show, Season 2, Episode 62: "I'm a Racist". Nov 3, 1992. Hategan appeared as an official Heritage Front spokeswoman on Montel along with White Aryan Resistance leader John Metzger;
- b) Heritage Front rallies that were taped and sold throughout Canada, and
- c) The Globe and Mail, "Hotlines to Homelands: A Trip Through the Far Right." February 8, 1993.

22. The Plaintiff's status as the female face of the Heritage Front is documented in several media clips from 1992 to 1995 including, but not limited to:

- a) White Pine Pictures, "Hearts Of Hate: The Battle For Young Minds". Peter Raymont, 1995.
- b) CBC, The Fifth Estate, October 4, 1994. "Grant Bristow, CSIS and the Heritage Front: Good for Business".;
- c) Dunphy, Bill. "Hate Group Teen Boss Out on Bail." Toronto Sun, February 1993;
- d) On the Prowl. "Anti-Racist Action Developing Anti-Fascist Strategies in Toronto." On the Prowl Magazine, Fall 1993;
- e) Dunphy, Bill. "Neo-Nazi Member Defects." Toronto Sun, Nov 1993 ;

- f) Documentary produced by Vision TV, for the show "It's About Time" 1994.
23. The above sources were public and accessible to Moore, who learned details of the Plaintiff's story in and out of the Heritage Front prior to Moore's own exit from the racist movement.

(iii) The Plaintiff's Role in shutting down the Heritage Front

24. The Bristow Affair constituted a critical blow to the power of the Heritage Front, in which the Plaintiff played a vital role.
25. In 1993, the Plaintiff was charged with defamatory libel and the willful promotion of hatred. In August of 1993 she decided that she would turn evidence against the Heritage Front, and after four months, defected from the group. The charges against her were dropped in the spring of 1994.
26. Upon deciding to leave the group, the Plaintiff took the following steps:
- a) She spent four months collecting evidence on the group for the organization named the Canadian Centre on Racism and Prejudice;
 - b) She testified at a contempt of court hearing against Wolfgang Droege (then leader of the Heritage Front), Ken Barker an Oshawa leader, and Garry Schipper (hotline host) of the Heritage Front; according to the judgment by Judge Tremblay-Lamer, "based on Miss Hategan's evidence alone" she was satisfied that the 3 HF members were guilty;
 - c) She presented an affidavit for the Security and Intelligence Review Committee ("SIRC") which detailed Heritage Front harassment perpetrated against Anti-Racist Activists;
 - d) She filed over 30 affidavits with the Ontario Provincial Police detailing criminal activities by Heritage Front members, as well as Grant Bristow's unlawful acts in the Heritage Front; and,

- e) She testified in the House of Commons at a hearing about SIRC, Grant Bristow and CSIS' role in the Heritage Front.
27. The SIRC Report and revelation that Bristow was a CSIS informant was critical to the Heritage Front's precipitous decline.
28. The Plaintiff's defection and whistle-blowing was well-documented in the media between 1993 and 1995. The Plaintiff's actions against the HF was part of a series of blows to the group that caused the group to lose support.
29. On October 8, 1993, Justice Joyal of the Federal Court of Canada granted an injunction to the Canadian Human Rights Commission to stop the Heritage Front from operating their hateful hot lines.
30. Despite the court order, the HF continued to operate hotlines, namely, Wolfgang Droege, Ken Barker and Gary Schipper, key persons in the HF at the time. As a result, the Canadian Human Rights Commission filed an application to hold HF and all parties abetting the HF hotline operations in contempt of court.
31. The Plaintiff testified at the Contempt of Court hearing and provided key evidence on the HF continuing to operate hotlines after Justice Joyal's order. She also provided testimony on the other illegal acts committed by the HF, her testimony was critical to the success of the contempt of court application.

(iv) Backlash and Endangerment Against the Plaintiff

32. The Plaintiff's status as former spokesperson of the HF and as a witness against HF leadership, made her a target of hate for HF members, supporters and racist extremists in Canada and North America.
33. As a result of her defection, the Plaintiff began to receive hate mail, death threats

and other forms of threats and felt unsafe living in a community where she had been quite prominent and well known.

34. Accordingly, on or about 1993, the Plaintiff was forced to go into hiding with the assistance of some close supporters who kept her whereabouts and details confidential.
35. While in hiding (from 1993-1995), the Plaintiff was forced to assume different identities and regularly move as she was discovered by HF members in various locations in Ontario, Quebec and Nova Scotia. From 1995-2000 the Plaintiff lived and studied in Ottawa, but still used an alias for fear of potential retribution.
36. The Plaintiff had only lived in Toronto since immigrating to Canada, but for her safety she decided to leave the province and live in undisclosed locations. She moved back to Toronto in 2002.
37. The Plaintiff moved to Dartmouth Nova Scotia in the wake of her testimony at the HF leadership's trial in 1994. However, she and the family she was staying with were threatened by HF members, so she fled to Halifax, where she lived in a women's shelter and under a different identity to avoid detection. This was a regular pattern for her after defecting.
38. Once she moved back to Ontario, the Plaintiff was careful about speaking out about her experiences to ensure her safety and allow her to integrate into society without negative attention. Beginning in 2011 and following Wolfgang Droege's death, she started writing about her experiences as a teenager in the Heritage Front.
39. The Plaintiff maintained vigilance about revealing her identity and her whereabouts until 2011 and the publication of her book Race Traitor.

D. THE RELATIONSHIP BETWEEN THE PLAINTIFF AND MOORE

40. In August 1993, Moore spoke with the Plaintiff when she was considering joining the Heritage Front. At this time, the Plaintiff, as a spokeswoman for the group, was told by leader, Wolfgang Droege, to try to recruit Moore.
41. The Plaintiff's initial conversation with Moore occurred when the Plaintiff had already decided to defect from the HF. Accordingly, during this conversation rather than attempt to attract and solicit Moore towards working in the group, the Plaintiff told Moore about rampant sexism within the organization and attempted to dissuade her from joining the organization.
42. After that first conversation, Moore and the Plaintiff did not interact with each other between 1993 and 2013. However, in the years following this conversation, Moore learned about the Plaintiff's story from multiple news sources, such as the 1994 documentary "Hearts of Hate" and a 1994 Vision TV documentary that featured an interview with the Plaintiff in which she discussed what it was like to leave the Heritage Front.
43. On or about January 17, 2013, Moore emailed the Plaintiff to discuss their experiences in the Heritage Front. Also in January 2013, Moore and The Plaintiff met in person for the first time and struck up a friendship that ended in February 2015.
44. In an interview with the Canadian Anti-Racism Education and Resource Centre taped in 1995, Moore made the following comment:

It was really scary I guess the day that I decided to make a conscious effort to leave was at a HF gathering over Thanksgiving. And they were showing a tape of another female activist, Elise Hattigan who had been a member of the HF and had defected a year or so before that airing date, and everybody

was making fun of her, and saying all those nasty things about her. And as she was saying these things about what the HF had done, things that I had been lied to about.

...there was one part of Elise Hattigan's show where they asked her what was it like the day that you left, and she said quite sincerely that it was the most wonderful day of her life. And something in me just snapped, and I thought to myself I wish I could say that, I wish that I was away from these people...

45. Moore also read the Plaintiff's book detailing her experiences titled *Race Traitor: The True Story of Canadian Intelligence Service Greatest Cover-Up* ("**Race Traitor**") and was, therefore, aware of the Plaintiff's business of selling her experiences with the Heritage Front through speaking engagements, media interviews, and books.
46. In or about the summer of 1995, Moore was contacted by movie producer Phil Savath and writer Dennis Foon to produce a film dramatization based on her experiences in the HF. Moore was asked to provide information and background on the Heritage Front and her experiences as a paid consultant for the film project.
47. The resulting movie, "White Lies", which was released in 1998, portrays the story of a fictionalized character named "Catherine Chapman" who is attributed to Moore on Dennis Foon's website, in the DVD "Bonus feature" section, in press articles and Moore's own website. This protagonist joins a group modeled after the Heritage Front as a teenager in high school, becomes the spokesperson for the group, spies on the group leader, steals evidence, and ultimately defects.
48. The movie uses significant aspects of the Plaintiff's experiences, which have been reported in the press, documentary media, the Plaintiff's court testimony against Heritage Front members, affidavits, and testimony in the House of Commons. Despite the clear reliance of the story upon the Plaintiff's experience and role in bringing down the HF, Moore has publicly represented on several occasions that

the story of the protagonist in “White Lies”, is based on her own unique experience, which is false.

49. On or about February 21, 2015, the Plaintiff confronted Moore for falsely making attributions that White Lies was about her. On or about the evening of February 21, 2015, Moore responded to the Plaintiff in an email acknowledging that the film was based, in part, on the Plaintiff’s life experience that the film maker spent a year researching about and which extended beyond Moore’s own personal life story. Moore’s email stated: “What Dennis learned about you came from legit sources like court records, newspaper articles and talking to many people who knew you then. He did over a year of research on this and it certainly went far above and beyond me, my story, and what I could share.”
50. Given Moore’s acknowledgment that “White Lies” was based in significant part upon the Plaintiff’s life and in view of Moore’s repeated statements claiming that the story was uniquely her own, the Plaintiff ended her amicable relationship with Moore.

E. THE RELATIONSHIP BETWEEN MOORE AND FARBER

51. Farber and Moore met in 1995, when Moore wanted to leave the Heritage Front. Farber was then the head of the Canadian Jewish Congress (CJC). In connection with his work in the CJC, Farber had been aware of the Heritage Front, and its campaign of harassment.
52. On or about December 1994 or January 1995, Moore met with Farber and they had conversations about the racism and anti-Semitism she promoted for the Heritage Front. In or about January 1995, Moore and Farber discussed particulars of Moore’s case as consultants on the CBC movie White Lies, wherein

they appropriated the life experience of the Plaintiff, without making attribution to her, in order to generate interest and opportunities for dramatization purposes and publicity of Moore. Both Farber and Moore were credited in “White Lies”.

53. Since 1995, Moore and Farber have discussed Moore’s experiences in the Heritage Front, and how she left with his help, in interviews for newspapers, radio, and television.
54. Both Moore and Farber have worked together to develop a mutually beneficial narrative about Moore’s experiences in the HF. Since 1995, Farber has provided support for Moore’s false and/or misleading statements regarding her experiences in HF. Farber has also promoted Moore on his own social media platforms.
55. In the context and lead up to their interviews and media appearances, Farber and Moore discussed the following:
 - a) Moore’s background, history and involvement in the HF;
 - b) The importance of emphasizing her involvement in taking down the HF;
 - d) That the “White Lies” narrative was partly based on the Plaintiff’s life, but attributed exclusively to Moore;
 - e) That there are material differences between Moore’s life story and that of the Plaintiff;
 - f) That use of this narrative would be an important method of securing greater publicity, speaking engagements and financial opportunities for Moore, as well as publicity, consulting and speaking engagements for Farber.

F. FALSE AND CONTRADICTORY STATEMENTS MADE BY MOORE AND FARBER

(i) Moore’s Statements Regarding the Context of joining the HF

56. Since leaving the Heritage Front in 1995, Moore has made various representations about her experiences relating to the Heritage Front, including when she joined the Heritage Front, why she joined the Heritage Front and what

she did in the organization. The Plaintiff states and it is the fact that Moore has represented to the public, including in various recent interviews, articles and statements, the following, which constitute appropriations of the Plaintiff's life story:

- a) that she joined the HF while she was still in high school;
- b) at the time of joining the HF she was a troubled youth from a difficult home;
- c) as a white person, she was "the only white girl" in her high school class;
- d) She became a prominent female spokesperson of the HF:
- e) She contributed directly to "taking down" the organization
- f) Her exit from the Heritage Front exposed her to endangerment.

(ii) Up Front Magazine (May 1993)

57. In May 1993, Moore wrote her first article for the official publication of HF, "Up Front" entitled, *The Battle of the Sexes Continues: A Reply to David Lane's "Two Issues"*, ("**the Up Front Article**"). In that article, Moore stated she had not yet joined the Heritage Front. She states:

*According to David Lane, I am one of those women worth having, meaning that I am "loyal, racially conscious, interesting, fit, reasonably attractive," and of course, church-oriented. The catch? I am also a "women's libber". **It is for this reason that I have yet to join the Heritage Front; because it is obvious that the true nature of women's lib is completely misunderstood by HF men.**"*

(iii) Globe and Mail Article (March 1998)

58. On or about March 28, 1998, Moore was interviewed by Doug Saunders for an article about her HF experiences, and the film "White Lies". Moore was asked about the parallels between her experiences with the HF and the main character of the movie. During this interview, the Plaintiff states that Moore confirmed to Saunders that, like the protagonist in White Lies, Moore came from a "...comfortable and well-adjusted middle-class home in the suburbs of Toronto". This article states that "although the film is nominally fiction, Moore has found it an unnervingly accurate portrayal of her experience.

(iv) 1999 National Post Article (July 1999)

59. In 1999, Moore falsely claimed to National Post writer Adrian Humphreys that she joined the HF in 1991. As a result of this false statement, the National Post published an article on July 29, 1999, entitled “A life once soured by hate finds sweet understanding”, which indicates that Moore’s involvement with the HF began while she was still in high school, which is false and is an appropriation from the Plaintiff’s life story. The article also includes Moore’s claim that “White Lies” is “based on her experiences in the Front”, while in fact a significant portion of the film represents The Plaintiff’s experiences.

(v) Afterword Article (2000)

60. In 2000, Moore revealed to journalist named Talli Koren that she joined the HF in 1993, in an article titled “A Question of Principles” published in Afterword Magazine, Winter 2000 edition. This statement contradicts with other earlier and subsequent statements that she had already joined the HF in 1992 when she was in high school.

(vi) Facebook Messenger Conversation (April 2014)

61. In April 2014, Moore confirmed to the Plaintiff in an online conversation that she joined the HF when she was 19, and that she was kept “far from the eye of the storm” because the organization did not want to trust another girl with sensitive information.

(vii) Moore’s Twitter (joined or after January 2017)

62. Moore has portrayed the film *White Lies* as being based on her experiences in the HF despite her own admission to the Plaintiff that the film was inspired by research

by the filmmaker, on the Plaintiff. Moore's Twitter description ("**Moore's Twitter Description**") about herself states the following:

Former white supremacist, now speaker/educator on racist extremism. The verifiable inspiration of the @cbc film White Lies. (accessed at: <https://twitter.com/onemooreliz>)

The Plaintiff states that by referring to herself as the verifiable inspiration for "White Lies", Moore has publicly represented the story depicted in the film as uniquely her own.

(viii) Ottawa Citizen Article (August 2017)

63. In 2017, Moore was interviewed for an article entitled "'I know how powerful hate is' — A one-time Canadian neo-Nazi speaks out on Charlottesville" , which was published in the *Ottawa Citizen* ("**the Ottawa Citizen Article**") on August 18, 2017. During that interview, Moore made statements to the *Ottawa Citizen* that she was a high school student when she joined the HF. Moore also falsely portrayed herself to the *Ottawa Citizen* as having been the young public-face of the organization, which is false.

(ix) The Agenda (September 2017)

64. On or about September 19, 2017, Moore and Farber were interviewed by Steve Paikin, the host of the television program, "the Agenda". Paikin asked Moore and Farber various questions about Moore's experience in the Heritage Front, including why she joined. In response to these questions, Moore described the circumstances of joining the organization and once again indicated that she joined the HF when she was 17 or 18 years old in high school.

65. Paikin also asked Moore about the details of Moore leaving the HF. In response, this question, Farber answered on behalf of Moore, stating the following:

By the way [Elizabeth], was one of a couple women that were involved in the Heritage Front, both of whom, actually, Elizabeth and another young woman by the name of [Elisa Hategan], both of them ended up being heroes in terms of how they were able to take themselves out, how they were able to work the system, to basically shut down the Heritage Front. And so in this particular case, it's kind of interesting that the women were the heroes in shutting this down. There were others involved as well, the Bristol Affair, he was the mole. All of this came together as a result of the women who full timely took a stand and said, we're not going to deal with this anymore.

66. Farber made the false representation that both the Plaintiff and Moore were critical in the dissolution of the Heritage Front. At no point did Moore correct Farber that she had not been involved in the “shut down” of the Heritage Front. Farber also uses the Plaintiff’s name to conflate the Plaintiff’s heroic actions as a troubled teenager who contributed to shutting down the Heritage Front, with Moore, who was not involved in shutting down the Heritage Front.
67. The Plaintiff states that the only young woman who was involved in shutting down the HF was the Plaintiff herself, who was a strong catalyst for criminal proceedings against the HF leadership by virtue of providing sworn evidence and cooperating with the prosecution. The Plaintiff was also responsible for writing the affidavits that exposed Grant Bristow’s potentially criminal activities within the HF, which led to increased media scrutiny of Bristow, and Bristow’s eventual exposure as a CSIS mole.

(x) CBC Radio (January 2018)

68. On or about January 7, 2018, Moore was interviewed by Piya Chattopadhyay, host of the CBC program, “Out in the Open”. As part of this interview, Moore once

again made representations to the CBC that she was a high school student living outside of Toronto when she joined the HF, which is false.

(xi) False Statements on Moore's Website (published March 2018)

69. On Moore's website published in or around March 2018, on the 'About' page which can be accessed at the URL <https://onemooreliz.com/about/>, Moore states that she rose through the ranks of the HF "between 1992 and 1995" to become "one of the few prominent female spokespeople in The Heritage Front."
70. The Plaintiff states that Moore was not a member of nor had she approached the HF in 1992 and that she was never a spokesperson for the HF. Further, the Plaintiff states, and it is the fact that she was the only female spokesperson for the HF in 1992 and 1993.

(xii) The Maclean's Article (April 2018)

71. On or about April 20, 2018, Moore published an article for Maclean's Magazine entitled "Alexandre Bissonnette's loved ones missed the signs. We can't make that mistake again." ("**the Maclean's Article**"). In this article Moore falsely claims that she became a "card carrying" Heritage Front member at or within months of being 17 years of age.

(xiii) Moore's Reddit "AMA" (April 2018)

70. On or about April 2018, Moore hosted a Reddit "Ask me Anything" ("**Moore's AMA**") in which she publicized her website and answered questions from Reddit users about her experiences. Moore described herself as the following:

...In the early 1990s, I was a member of the racist extremist group, The Heritage Front. Since leaving in 1995, I've worked on various anti-racist education and

outreach initiatives to prevent others from being caught in the same cycle of hatred. Feel free to check out my website to learn more: <https://onemooreliz.com>

71. In the thread of questions and answers, Moore was asked the following by Reddit User "Omarshamshoon1":

I don't say this to be mean, but it kind of sticks out: Have you ever addressed claims that the film "White Lies" is actually based off of Elisa Hategan's life but was marketed as yours while she was in hiding?

72. In response to the above question, Moore responded with the following:

Racist extremists target certain kinds of troubled young people, so I suppose it's not surprising that there are others out there who see elements of their own experiences reflected in mine. However, what I shared with the filmmakers was 100% my own.

The Plaintiff states that Moore's statement avoids addressing the question of whether the Plaintiff's life story was the inspiration for White Lies. It instead suggests that the filmmakers were given 100% of her story, when in fact, as Moore was aware, the story was significantly based on the Plaintiff's life.

(xiv) The Global News Feature (November 2018)

72. On or about November 3, 2018, Moore was interviewed for a Global News article by Jane Gerster. During this interview, Moore once again made the false representation that she was a high school student when she joined the HF, which was published in Gerster's article, "Why it's so hard to stop online hate before it becomes real-life violence."

(xv) The Social (January 2019)

73. On or about January 12, 2019, Moore was interviewed on the CTV program, The Social ("**the Social**") and made false representations to the hosts, that she was a

high school student when she joined the HF, that she had a “troubled family life”, and was “the only white kid in class at a time of changing demographics” leading her to join the Heritage Front. During the interview, Moore also represented herself as a “disenfranchised youth”.

74. While on the Social, Moore also made false representations that she was the spokeswoman for the HF, with the statement that she was “used as a mouth piece in every way” as a female member of the HF.

G. PLAINTIFF’S EXCLUSION FROM BOOK DEAL

73. Moore has also made statements and/or representations to third parties with the purpose of interfering with the Plaintiff’s economic interests. As a result, the Plaintiff has suffered damage to her reputation and her future business prospects.

74. On or about April 26, 2018, the Plaintiff contacted Barbara Perry (“**Perry**”), a University of Ontario Institute of Technology (“**UOIT**”) Professor specializing in hate crimes and the extreme-right wing. Perry is also a fellow Advisory Board member for the Canadian Anti-Hate Network.

75. Both the Plaintiff and Perry had been invited to speak at the Pegasus Conference (“**the First Conference**”) and the Plaintiff wanted to professionally network, with the hopes of potential collaborate projects.

76. On or about April 29, 2018, the Plaintiff presented her story at the First Conference, introduced herself to Perry and gave her a copy of her book, *Race Traitors*. Perry did not seem to be interested in connecting with the Plaintiff, despite their shared expertise on the subject of right-wing extremism and hate.

77. On or about May 31, 2018, the Plaintiff saw on Twitter, that Perry organized a conference (“**the Second Conference**”) at UOIT focused on the extreme right. Moore, as well as a friend and work colleague of the Plaintiff named Marcell Wilson (“**Wilson**”) were in attendance.

78. Wilson told the Plaintiff that during the Second Conference, Moore made damaging statements about the Plaintiff to Perry and several other attendees, and one of the comments referred to the Plaintiff as a “stalker” who had “harassed” Moore

79. The Plaintiff was concerned that Moore damaged her reputation and ruined prospective opportunities, so she emailed Perry to tell her that Moore has appropriated several aspects of the Plaintiff’s experiences. Perry did not respond to the Plaintiff’s email.

80. On or about July 28, 2018, Wilson informed the Plaintiff that he was going to be included in an academic publication being curated by Professor Perry and a friend of his named Adam Ellis (“**Ellis**”). The publication is supposed to be named *Life After Hate: Trauma, Violence and Resilience* (“**the Book**”).

81. Wilson encouraged the Plaintiff to contact Ellis and write about herself and her expertise so that she could be included in the Book. On or about July 28, 2018, she sent Ellis an email about herself.

82. On or about July 30, 2018, Ellis responded to the Plaintiff’s inquiry indicating that she would be a “good fit” for the Book. The Plaintiff then contacted Ellis again to further inquire about the Book and any events for its release and received a vague response.

83. The Plaintiff later learned that Moore will be writing a chapter for the Book and would be paid for her inclusion in the Book.

84. The Plaintiff made another effort to contact Ellis when learning this information, on or about November 23, 2018, Ellis responded to the Plaintiff over email, stating that he and Barbara Perry had decided not to accept any other submissions for chapters.

85. The Plaintiff subsequently attempted to communicate with Ellis and Perry again, but all further attempts at communication with them have resulted in no response.

H. INJURIOUS FALSEHOOD

86. The Plaintiff relies on the following facts in support of her claim for injurious falsehood:

- a) The Plaintiff's business involves selling books, writing articles, and speaking at events, detailing her experiences in the HF;
- b) In the past two years, Moore and Farber have made false statements referring to the Plaintiff and/or her business;
- c) The false statements were made maliciously in that they were made with reckless disregard for the truth of the statements; and,
- d) The Plaintiff's business has suffered damage a result of the false statements published by the Defendants.

I. CIVIL CONSPIRACY

87. The Plaintiff relies on the following facts in support of her claim for civil conspiracy:

- a) The Defendants have jointly made false and appropriative statements regarding the Plaintiff, her life experiences and her business;

- b) The Defendants' tortious and unlawful statements have been made in the course of their joint effort to support Moore's false narrative for the purpose of financial gain;
- c) Moore has gained financially from appropriating the Plaintiff's personality;
- d) The Defendants are aware that the Plaintiff's business is focused on anti-racism education through her education and HF experiences; and,
- e) The Defendants ought to have known that their statements would result in damage to the Plaintiff and her business.

J. WRONGFUL APPROPRIATION OF PERSONALITY

88. The Plaintiff relies on the following facts in support of her claim of wrongful appropriation of personality:

- a) In several media interviews over the past two years, Moore has appropriated the following aspects of The Plaintiff's life:
 - i) that she joined the HF while she was still in high school;
 - ii) at the time of joining the HF she was a troubled youth from a difficult home;
 - iii) as a white person, she was "the only white girl" in her high school class,
 - iv) She became a prominent female spokesperson of the HF;
 - v) She contributed directly to "taking down" the organization
 - vi) Her exit from the Heritage Front exposed her to endangerment.
- b) Moore made and/or published and/or endorsed false statements that appropriate aspects of the Plaintiff's identity including statements made to the following publications as described in this claim:
 - i) Ottawa Citizen Article of August 18, 2017;
 - ii) The Sermon, presented on August 20, 2017;
 - iii) The Agenda, televised on September 18, 2017;
 - iv) Moore's Website;

- v) Moore's AMA, hosted April 2018;
 - vi) The Maclean's Article, published April 20, 2018;
 - vii) Moore's Twitter Description, posted on or after January 2017;
 - viii) The Global News Feature, published November 3, 2018; and,
 - ix) The Social, televised on January 12, 2019
- c) The primary intent for Moore's appropriation of the Plaintiff's identity has been for royalties, honorariums, promotional publicity, and other financial benefits; and,
- d) At no point did the Plaintiff give Moore and/or Farber consent to use aspects of her identity for any purposes, including for Moore's own financial gain.

K. TORTIOUS INTERFERENCE WITH ECONOMIC INTERESTS

89. The Plaintiff relies on the following material facts in support of her claim for tortious interference with economic interests:

- a) Moore and Farber made false public statements regarding Moore's life and life experience that constitute appropriations of the Plaintiff's life;
- b) These statements were designed to promote the economic interests of Moore as an anti-racist expert in Toronto and nationally;
- c) Moore and Farber knew that the statements they were making were appropriations of the Plaintiff's life experience;
- d) Moore represented to anti-racist expert Perry that she should not associate with the Plaintiff;
- e) The Plaintiff is an anti-racist expert who relies on her unique life experience for the purpose of advancing her profile as a public speaker, expert, activist and secure invitations, publish articles and speak to the media;
- f) The Plaintiff's public profile directly and indirectly permits her to earn revenue in her field in Toronto, across North America, and through internet and print publications;

- g) The actions of the Defendants have undermined, prejudiced and both directly and indirectly caused the Plaintiff to lose economic opportunities to secure contracts and earn compensation and as a public speaker, consultant, expert or contributor. Furthermore, their actions have both directly and indirectly interfered with the ability of the Plaintiff to sell the story of her experiences in HF for film and/or documentary purposes;
- h) As a result of the Defendants' conduct, the Plaintiff has suffered economic loss.

L. NEGLIGENCE

90. The Plaintiff relies on the following material facts in support of her claim in negligence:

- a) Moore contacted the Plaintiff to discuss the experiences they had as former members of HF;
- b) Moore knew that the Plaintiff's business is focused on anti-racism education through books, articles and speaking engagements;
- c) Moore saw the Plaintiff in the 1994 Vision TV documentary, as well as the 1994 "Hearts of Hate" documentary, and learned about her experiences
- d) Moore also read the Plaintiff's 2014 memoir *Race Traitor* and knew why the Plaintiff joined the HF, when she joined, what her role was, and her significance in the Bristow Affair;
- e) Moore knew that the Plaintiff has suffered mental illness and trauma as a result of her experiences;
- f) Moore has deliberately appropriated key aspects of The Plaintiff's experiences in the media even after being served being put on notice of the Plaintiff's concerns in December 2018;
- g) Moore knew or ought to have known that her appropriation of the Plaintiff's personality would cause her emotional and financial harm;
- h) Moore's appropriation of key aspects The Plaintiff's experiences have taken place in print publications, television, radio interviews and social media;

- i) Moore intentionally represented key aspects of the Plaintiff's experiences with the HF as her own experiences for financial gain and displayed reckless disregard for the damage that was likely to occur to the Plaintiff; and,
- j) The Plaintiff has suffered emotional distress and economic loss as a result of Moore's tortious conduct.

91. The Plaintiff states that this action should proceed in Toronto.

Date: February 11, 2019

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