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Toronto

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

ELISA ROMERO HATEGAN

Plaintiff

-and-

**THE ONTARIO EDUCATIONAL COMMUNICATIONS
AUTHORITY (TVO), THE AGENDA WITH STEVE PAIKIN,
STACEY DUNSEATH and ERIC BOMBICINO**

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 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:
SEPTEMBER 3, 2019

“The Registrar”
by: _____

Superior Court of Justice
393 University Av 10th fl.
Toronto ON M5G 1E6

TO:

**ONTARIO EDUCATIONAL
COMMUNICATIONS AUTHORITY (TVO)
Box 200, Station Q,
2180 Yonge Street
Toronto M4T 2T1
Tel: 416-484-2600**

and

**STACEY DUNSEATH
c/o TVO, The Agenda with Steve Paikin
2180 Yonge Street, 5th Floor
Toronto M4T 2T1
sdunseath@tvo.org
Tel: 416-484-2600**

and

**ERIC BOMBICINO
c/o TVO, The Agenda with Steve Paikin
2180 Yonge Street, 5th Floor
Toronto M4T 2T1
ebombicino@tvo.org
Tel: 416-484-2600 x 2728**

THE CLAIM

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

- a) General damages in the sum of \$100,000.00 for negligence, wrongful appropriation of personality, and unlawful interference with economic interests
- b) Aggravated damages in the sum of \$50,000.00;
- c) A mandatory injunction requiring the Defendants to take all reasonable steps to remove from the Internet the tortious episode of THE AGENDA WITH STEVE PAIKIN “Leaving Hate Behind”, which first aired in September 2017 and features show guests Elizabeth Moore and Bernie Farber;
- d) Pre-judgment interest pursuant to section 128 of the *Courts of Justice Act*, R.S.O. 1990, Chapter C.43;
- e) Post-judgment interest pursuant to section 129 of the *Courts of Justice Act*, R.S.O., 1990, Chapter C.43;
- f) Costs of this action and Harmonized Sales Tax on costs; and,
- g) Such further and other relief as this Honourable Court deems just.

A. THE PARTIES

2. The Plaintiff Elisa Romero Hategan (“The Plaintiff” or “Hategan”) is a former spokeswoman for the White Supremacist Group known as the Heritage Front (“the Heritage Front” or “HF”). She joined the HF as a 16-year old teenager in 1991 and defected from the group at age 18 in November 1993, being instrumental in shutting down the group through court testimony that resulted in convictions and jail sentences, and providing affidavit evidence to police and anti-racist organizations. Hategan was the only young female spokesperson for the Heritage Front, and the only woman involved in the group’s collapse.
3. Hategan has a degree in criminology and psychology from the University of Ottawa and is an expert on radicalization, extremist political movements and

terrorist recruitment. Since leaving the group, she has sought to educate others about her experiences in the white supremacist movement and the dangers of radicalization on impressionable youth. She has been featured as a keynote speaker and media guest on a variety of different programs. She has been interviewed by news media organizations such as 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 high schools, universities, Toronto City Hall and at Jewish and LGBTQ organizations across North America, and has won grants and awards from the Canada Arts Council, 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. In 2014, she published a memoir titled *Race Traitor: The True Story of Canadian Intelligence's Greatest Cover-Up*, which details her journey in and out of the Heritage Front, her crucial role in the collapse of the group, and the role of CSIS agent provocateur Grant Bristow in the group's founding and incitement of illegal activities.
5. The Defendant THE ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY, also known as "TVO" or "TVOntario", is a registered charity and Crown corporation owned by the Government of Ontario. Its registered business number is 859850232RR0001. THE AGENDA WITH STEVE PAIKIN is a television show produced, hosted and broadcast by TVO, and is widely regarded as TVO's flagship current affairs program.
6. The Defendant STACEY DUNSEATH is the Executive Producer of THE AGENDA WITH STEVE PAIKIN and a resident of Ontario. She is employed by the Ontario Educational Communications Authority (TVO).
7. The Defendant ERIC BOMBICINO is a producer on THE AGENDA WITH

STEVE PAIKIN and a resident of Ontario. He is employed by the Ontario Educational Communications Authority (TVO).

8. The Plaintiff states that on or around September 11, 2017, THE AGENDA WITH STEVE PAIKIN broadcast an interview with two guests, Elizabeth Moore and Bernie Farber, who communicated unauthorized, misleading and fraudulent appropriations of the Plaintiff's personality and lived experiences. Despite the Plaintiff contacting the show several days before the airing and communicating her concerns to Steve Paikin and Executive Producer Stacey Dunseath through emails that discussed Moore's previous appropriations of her lived experiences, the Defendants negligently ignored the Plaintiff's concerns and offer to present exhibit evidence that would irrefutably prove that Moore's account was likely to be fraudulent, and the show aired as scheduled.
9. The Defendants TVO, The Agenda With Steve Paikin, Stacey Dunseath and Eric Bombicino were negligent in their refusal to examine the Plaintiff's evidence, and in their refusal to adhere by TVO's own Policy and Standards, as detailed on TVO's website at <https://www.tv.org/about/journalistic-standards>, which offer a promise and duty of care to viewers, users and contributors. Furthermore, even after the show aired and the Plaintiff communicated with host Steve Paikin about her concerns over the tortious appropriation of her lived experiences on the show, none of the Defendants made any attempt to examine her evidence or remove the fraudulent content from TVO's website and internet channels.
10. The guests Elizabeth Moore and Bernie 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 with the explicit knowledge on the part of Moore and Farber that they were materially untrue in several key respects, but were intended for Farber and Moore's financial and publicity gain. In their appearance on THE AGENDA WITH STEVE PAIKIN, Moore and Farber deliberately lied by claiming that Moore played a role in "shutting down the Heritage Front", that she

had been an HF spokesperson and “the face” of the group, and that she was “a teen” aged “17 or 18” at the time of her recruitment into the group, all of which is false. These statements have been attributed to the Plaintiff since 1993 via court documents, trial testimony, affidavits, documentary and news media, and have been published in the Plaintiff’s own 2014 memoir “Race Traitor”.

11. Despite their guests’ deceptive and fraudulent appropriations of the Plaintiff’s own lived experiences as detailed in court records, affidavit evidence, news and documentary media, and her own 2014 memoir, TVO and the Producers of THE AGENDA WITH STEVE PAIKIN refused to review the Plaintiff’s evidence both before and after the episode aired. As a result of the Defendants’ negligence, the Plaintiff suffered significant psychological and material harm.
12. In December 2018, the Plaintiff initiated legal action against Elizabeth Moore in Ontario Superior Court, and in February 2019 Bernie Farber was added as a Defendant; they are currently being sued for injurious falsehood, civil conspiracy, wrongful appropriation of personality, unlawful interference with economic interests, and negligence, with the case currently subject to ongoing litigation. However, even after Steve Paikin and TVO were made aware that Moore and Farber’s appearance on THE AGENDA had led, at least in part, to a lawsuit, the tortious “Leaving Hate Behind” episode continues to be broadcast and disseminated on TVO’s website and multiple other social media platforms.
13. As a result of the Defendants’ negligence, disregard for truth, recklessness and failure to prevent the tortious appropriation and unauthorized dissemination of the Plaintiff’s likeness and personality, the Plaintiff suffered significant harm. The Plaintiff also asserts that the moral and copyright rights of her memoir were violated when Farber and Moore appropriated the Plaintiff’s experiences as detailed in her book, and fraudulently attributed them to Moore during the “Leaving Hate Behind” episode of THE AGENDA WITH STEVE PAIKIN.
14. The tortious September 2017 episode has been disseminated on several TVO

channels, including but not limited to the TVO website, livestreamed on TVO's Twitter platform, Facebook, and TVO's YouTube account, as well as through a published transcript of the show, also hosted on TVO's website. For the last two years leading up to today's date, this episode continues to be accessible to the public, which constitutes gross negligence, unlawful interference with the Plaintiff's economic interests, an infringement of her memoir's copyright, and a fraudulent appropriation of her likeness, personality and lived experiences.

B. THE HERITAGE FRONT

15. The Heritage Front was a white supremacist organization that was formed by Wolfgang Droege and Grant Bristow in 1989 and grew to be Canada's most popular and organized white supremacist group in modern history. 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 was an informant for the Canadian Security and Intelligence Service (CSIS). 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)

16. Between 1991 and 1993, the teenage Plaintiff was the only female spokesperson for the Heritage Front, was considered the female "face" of the group, and her involvement in the Front culminated in the Plaintiff spying on her fellow members, testifying against group leader Wolfgang Droege and two other high-profile members in a Human Rights Commission trial that resulted in convictions and jail sentences. As a result of the Plaintiff's affidavits, which detailed several incidents of illegal actions among group members, Heritage Front co-founder and co-leader Grant Bristow's illegal activities were brought to light, which led directly to his eventual exposure as a CSIS mole. The Plaintiff's brave actions at only 18 years of age contributed directly and significantly to the collapse of the Heritage Front.

Circumstances that Caused the Plaintiff to join the Heritage Front

17. The circumstances that caused the Plaintiff to join the Heritage Front at age 16 were documented in trial testimony, two documentary films and several news articles published in the early 1990s. In the years prior to her joining the HF, the Plaintiff was a recent immigrant from communist Romania (at age 11) 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 juvenile 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 Wolfgang Droege.

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";
 - c) Writing and recording messages for the official 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.

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) Three 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.
- d) CBC News clip of Hategan speaking on behalf of the Heritage Front

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

- a) VISION TV, "It's About Time" documentary, produced by Sadia Zaman, 1994.
- b) White Pine Pictures, "Hearts Of Hate: The Battle For Young Minds". Peter Raymont, 1995.
- c) CBC, The Fifth Estate, October 4, 1994. "Grant Bristow, CSIS and the Heritage Front: Good for Business".;
- d) Dunphy, Bill. "Hate Group Teen Boss Out on Bail." Toronto Sun, February 1993;
- e) Dunphy, Bill. "Neo-Nazi Member Defects." Toronto Sun, Nov 1993.
- f) Ferguson, Derek. "Report 'Whitewash' of Spy Agency Mole." Toronto Star, June 1995.

23. The above sources were public and accessible to THE AGENDA WITH STEVE PAIKIN guest Elizabeth Moore, who learned details of the Plaintiff's story involving the Heritage Front prior to Moore's own exit from the racist movement. Moore was a fringe Front member who joined the group in late 1993 as a 19 or 20-year old adult; she contributed two articles to the HF's magazine "Up Front" and operated a proxy hotline intended as a back-up to the official Heritage Front hotline. Moore was never an official member, and never served in the capacity of group spokeswoman. Moore's fringe involvement with

the group lasted approximately a year, during which time she did not live in the Toronto area but in Kingston, Ontario, where she attended Queen's University. Moore had watched the Plaintiff's interviews in documentaries, attended the 1994 trial against the Heritage Front and took notes while the Plaintiff was testifying on the stand, and studied media reports that detailed the Plaintiff's life. Moore subsequently developed an obsession with the Plaintiff which culminated in Moore's decades-long fraudulent appropriation of the Plaintiff's lived experiences.

24. While the Plaintiff was living in hiding following her trial testimony against the Heritage Front leader and members, Moore exited the group and initiated a friendship with Bernie Farber that led to her involvement in the 1998 CBC film WHITE LIES, starring Sarah Polley. The majority of the film consists of experiences taken from public records and media accounts of the Plaintiff's lived experiences in the early 1990s, but is wrongfully and exclusively attributed to Moore, who fraudulently appropriated Hategan's experiences in order to sell "her" rights to the CBC in a \$12,000 movie deal. The circumstances that led to White Lies, and the history of Moore and Farber unlawfully exploiting, monetizing and profiting commercially from the Plaintiff's lived experiences up to and including 2019, is subject to ongoing litigation in Ontario Superior Court.

The Plaintiff's Role in Shutting Down the Heritage Front

25. The Bristow Affair constituted a critical blow to the power of the Heritage Front, in which the Plaintiff played a vital role. In 1993, Hategan was charged with defamatory libel and the willful promotion of hatred for flyers given to her by HF leader Wolfgang Droege. These charges were dropped in the spring of 1994, after it became clear she had given the flyers in secret to anti-racist activists in order to warn them of a vicious harassment campaign targeting women, anti-racist activists, Indigenous and LGBT community leaders. In August of 1993, after a suicide attempt and coming to terms with her hidden sexual orientation, Hategan decided that she would turn evidence against the Heritage Front. After spying on them for four months, she defected from the group. 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 at the instruction of HF co-leader Grant Bristow;
- 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.
- f) 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 an integral part of a series of blows that caused the group to lose support and collapse.
- g) In 1993, the Plaintiff was forced to go into hiding with the assistance of close supporters who kept her whereabouts confidential. While in hiding, 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. Due to safety concerns related to death threats she received, the Plaintiff decided to leave the province and lived in undisclosed locations. From 1995-2000 the Plaintiff lived and studied in Ottawa, but still used an alias for fear of potential retribution. She moved back to Toronto in 2002.

D. THE RELATIONSHIP BETWEEN THE PLAINTIFF AND DEFENDANTS

26. On September 8, 2017 the Plaintiff first became aware that THE AGENDA WITH STEVE PAIKIN would be airing a pre-recorded interview with Bernie Farber and Elizabeth Moore, after Farber tweeted “We will be talking about hate, resistance and recovery on “The Agenda” Monday Sept 11th 8pm and again at 11pm.” His tweet was accompanied by a photo of Paikin, Moore and Farber during the taping of the show.
27. On the afternoon of September 8, 2017 the Plaintiff sent several emails to The Agenda via their website Contact form, and to Steve Paikin’s TVO email. She was subsequently contacted by Stacey Dunseath, who identified herself as the show’s Executive Producer. At 6:25PM, Dunseath sent the following email:
- “Hello Ms Hategan,
Steve Paikin forwarded me your email. I’m the executive producer of The Agenda. These are very serious allegations and we need to find out more. Can I ask that you put us in touch with your lawyer or other similar party you have used so that we can verify your story?
Thanks very much,
Stacey”*
28. The Plaintiff wrote back immediately, once again restating her concerns over Moore’s previous history of fraudulent appropriations of the Plaintiff’s experiences, and asked Dunseath if The Agenda’s producers had fact-checked Moore’s narrative since it consisted of multiple inconsistencies, lies, and unlawful appropriations. The Plaintiff informed Dunseath that she does not have a lawyer and could not afford to pay for an injunction, and expressed concerns about being forced to find a lawyer and pay a retainer after 5 PM on a Friday afternoon, a seemingly impossible task since the show was scheduled to air the following Monday. The Plaintiff asserts that Dunseath’s insistence that she provide TVO with a lawyer before the Plaintiff’s concerns would be considered by TVO and THE AGENDA staff provided an unfair economic barrier to Hategan’s attempt to ensure that her rights would not be violated.
29. In her second email to THE AGENDA Executive Producer Stacey Dunseath, the

Plaintiff also indicated that she was concerned that the show's second guest, Bernie Farber, was going to lie for Moore since he is a close friend of, and had worked with, Moore's former lover Len Rudner, a fellow director at the now-defunct Canadian Jewish Congress. The Plaintiff offered to share Rudner's emails depicting this affair and potential collusion, along with other evidence of Moore's inconsistent and fraudulent narrative, but Dunseath did not express interest in reviewing this material.

30. On the evening of September 8, 2017 Dunseath replied with the following message:

"We did indeed fact check her story, and Farber's. Worth noting she's been in other media and has never waived in her account. A google search will reveal your telling of course, but I'm not able to verify and triple source your claims. I'd like to do that. You don't have to hire a lawyer, but we do need to check your sources as well."

31. The Plaintiff challenged Dunseath's claim that Moore's story had been checked, much less verified or "triple sourced", given the overwhelming history of inconsistencies in Moore's narrative over two decades. The Plaintiff forwarded a link to a Parliamentary transcript of her 1994 House of Commons testimony, as well as indicated that she would ask her former attorney Paul Copeland to contact the show. Dunseath replied that she had forwarded the material to TVO's lawyer, and did not reply to future emails from the Plaintiff. It is important to note that at the time of this correspondence, the show had already been taped and THE AGENDA producers could have readily identified their show guests' fraudulent narrative if they had examined the Plaintiff's evidence, which they did not. Instead, the pre-taped interview was broadcast as scheduled.

32. The Plaintiff reached out to two attorneys she knew of in a desperate attempt to provide TVO with their request of a lawyer to intercede on her behalf. She reached out to Lisa Gelman, who had sponsored an event for the Jewish women's organization Hadassah-WIZO, where the Plaintiff had given a talk earlier that year, and asked her about the possibility of an injunction; she also emailed and spoke over the phone with lawyer Paul Copeland, who had represented her in the early 1990s. Gelman replied by saying that this was not her field specialty; Copeland made several attempts to reach Steve Paikin by email and telephone, all which were unsuccessful.

33. After the Plaintiff provided Steve Paikin and Stacey Dunseath with Paul Copeland's email and telephone number, as Dunseath had requested, and after Copeland wrote to Paikin, the Plaintiff received the following message from Paikin on September 8, 2017 indicating that neither himself nor other THE AGENDA producers were going to speak with either Copeland or The Plaintiff after all: *"Elisa: I'm not a lawyer. So I'm going to let those who have the expertise on our end handle this. Thanks to Paul, whom I do remember, but I think it makes more sense for our lawyer to speak with him."*
34. Despite Dunseath's previous claim that "You don't have to hire a lawyer", Paikin's insistence on the Plaintiff providing a lawyer who would then speak with TVO's lawyer was a secondary economic barrier to the Plaintiff's attempts to ensure that her rights would not be violated through the airing of potentially inaccurate or fraudulent statements on THE AGENDA.
35. By deflecting all responsibility for fact-checking and accuracy to a lawyer, and insisting that the Plaintiff provide a lawyer to speak with TVO's lawyer, with the full knowledge that she could not afford to pay for a lawyer (as indicated in her email to Dunseath earlier that day), THE AGENDA's host and producers deflected all moral, ethical and job responsibility to fact-check stories to TVO's legal counsel, and neglected to ensure that THE AGENDA would not broadcast false, fraudulent or inaccurate statements to the public.
36. Neither Paikin, Dunseath or any other THE AGENDA employee demonstrated interest in preventing potential fraud on the show, examining the accuracy of the Plaintiff's concerns and Moore's previous history of appropriations, or examining evidence that would strongly suggest that either Moore or Farber were going to make misleading, fraudulent or appropriative statements about the Plaintiff and/or her lived experiences.
37. Following this email exchange between Executive Producer Dunseath, host Steve Paikin and Paul Copeland, the Plaintiff was left with no options to stop the broadcast until her evidence had been examined, and received no indication that anyone at TVO would review her evidence; Copeland was retired and could not take on an injunction or

court case, and the Plaintiff could not afford to hire a lawyer in order to protect her interests prior to the broadcast.

38. In July 2019, the Plaintiff learned that another Producer on THE AGENDA had been directed to do “due diligence” and look into her claims prior to the broadcast. In a sworn affidavit dated July 24, 2019, show guest Elizabeth Moore stated that producer Eric Bombicino contacted Moore and Farber on September 8, 2017 with an email that read: ***“So Elisa Hategan contacted us today via email and made some accusations. I imagine you are familiar with these. I am terribly sorry to bother you for a response, but my EP wanted us to do our due diligence and get your comments on her accusations. She said that basically she was the only female spokesperson for the HF and Elizabeth has stolen details from her life. Again I am terribly sorry to bother you with this, but I have been asked to get a response. Thanks again for everything today guys. It was truly a great interview, and a pleasure to meet both of you.”***

39. The fact that Producer Eric Bombicino saw fit to contact Bernie Farber and Elizabeth Moore to verify that indeed they had not made fraudulent statements, and did not contact the Plaintiff at all, shows gross negligence and bias on the part of both Bombicino and other THE AGENDA employees and/or contractors involved in pre-screening and fact-checking for the show. Bombicino’s bias is evident in the flippant way he refers to the Plaintiff in his deferential email to Farber and Moore, in which he apologizes repeatedly for having to do “due diligence” and implies that he imagines Farber and Moore are “already familiar with these.” Bombicino’s choice of terminology, as well as how the email is worded, conveys a premeditated bias that shows favouritism toward Farber and Moore, rather than the actions of a government agency employee instructed to do his job in ensuring accuracy, journalistic ethics and lack of bias.

40. Bombicino made no attempts whatsoever to contact the Plaintiff and examine her evidence or allegations. Instead, his “fact-checking” and “due diligence” consisted solely of communicating with Bernie Farber and Elizabeth Moore. After Moore replied to Bombicino and assured him that her version of events was accurate (without producing any documentation whatsoever), Bombicino took Moore’s email at face value and did no

further investigations. Instead, he apologized profusely for the Plaintiff's concerns "being a thing" and "for this situation", and expressed sympathy and reluctance at the fact that he was instructed – as per his job – to contact Moore for a response, by writing "It must be awful to deal with" what amounts to the Plaintiff's legitimate concerns and distress over the fraudulent appropriation of her lived experiences.

*"Elizabeth: Thank you so much for this. And thank you for coming on the program today -- it was a great interview. I laughed out loud at your ps part. **I am really sorry that, well, this is a thing. And that I had to ask for a response. It must be awful to have to deal with this.** Bernie mentioned this is not the first time she has contacted media orgs about this.*

[...] Thanks again for everything. Please do keep in touch. And my apologies again for this situation. Best, Eric"

41. **At no point did Eric Bombicino ever contact the Plaintiff** to discuss what he referred to in his email to Farber and Moore as "some accusations" that "must be awful". Instead of verifying if indeed the show guests being accused of fraud were telling the truth by examining independent archival and historical evidence, Bombicino went to the alleged fraudsters and asked them to vouch for themselves. Bombicino's bias, lack of objectivity and negligence in failing to examine both parties' statements and evidence directly led to the broadcasting of a pre-taped interview where the Plaintiff's personality and lived experiences were unlawfully and fraudulently appropriated; as a result of Bombicino's negligence, the Plaintiff suffered financial loss and psychological harm.
42. After the show aired, the Plaintiff made several attempts to communicate with THE AGENDA show host Steve Paikin about the tortious statements made by Farber and Moore on the show, but received no reply. After she initiated legal action against Elizabeth Moore in December 2018, the Plaintiff forwarded a copy of her Statement of Claim to THE AGENDA host Steve Paikin and Executive Producer Stacey Dunseath. Despite their awareness of the ongoing lawsuit against their show guests, neither TVO nor any staff of THE AGENDA made any attempt to remove the content from their website and multiple social media platforms.

E. FALSE AND CONTRADICTORY STATEMENTS MADE BY MOORE AND FARBER ON THE AGENDA WITH STEVE PAIKIN

Appropriation of the Plaintiff's Likeness and Personality

43. After Paikin's team at THE AGENDA ignored the Plaintiff's offer to present them with evidence of guest Elizabeth Moore's previous unlawful appropriations of her lived experiences and personality, the show aired on September 11, 2017. It was subsequently rebroadcast on multiple occasions and on multiple platforms including television, social media platforms, podcast and on TVO's website.
44. The fact that Bernie Farber and Steve Paikin are Facebook friends underscored the Plaintiff's belief that her story was being deliberately suppressed and appropriated by Farber and Moore through Farber's extensive network of journalistic contacts. On THE AGENDA WITH STEVE PAIKIN, Farber and Moore conflated the Plaintiff's story with Moore's. Farber lied for Moore by stating that she was "the face" of an organization she had barely been a member of. Farber also used plural terminology when he claimed that "it was the women who shut down the Heritage Front", when in fact Moore had absolutely nothing to do with it. At no point in time did Moore step in and correct these false and appropriative statements made by Farber.
45. Since 1995, while the Plaintiff was living in hiding and feared for her life, Moore and Farber cashed in on numerous speaking engagements, film and media coverage where the Plaintiff's experiences were appropriated and Moore's HF role was exaggerated. The sensationalist story of how important Moore had been, and the significance of Farber's role in her "defection", grew accordingly. But on the night of September 11, 2017, a new false claim was born on THE AGENDA: that Moore had "shut down the Heritage Front".
46. Bernie Farber's untruthful statements on The Agenda were made with negligence and utter disregard for truth, and were facilitated, endorsed and disseminated by TVO and THE AGENDA WITH STEVE PAIKIN staff with reckless disregard for truth, harm and consequences. The "Leaving Hate Behind" episode of The Agenda consists of multiple falsehoods and deceptive answers made by the two show guests, Farber and Moore.

47. Bernie Farber lied on The Agenda when he deceitfully misrepresented how he and Moore met and connected. He describes an event where he spoke at Queen's University, where Moore was in the audience. According to Farber, the very next day Moore had called him at his office to thank him for not exposing her as "the face" of the Heritage Front. He states: ***"She reached out to me I think the next day at my office and called me and said...and thanked me for not exposing her, so to speak, and basically said, I'd like to meet. And I said Sure. You know, I was not going to say No. I think...you know, I heard in her voice kind of a bit of a plaintive plea."*** This is false for the following reasons:

- a) This event took place in the spring or summer of 1994 and prior to August; it was described in the Heritage Front's UP FRONT magazine August 1994 issue, on page 13. On page 14, Moore's article "*The End of the Road for The Elisse*" was published, which is full of hate, jealousy and vitriol aimed toward the Plaintiff, showing Moore was an unrepentant racist at the time.
- b) Moore went on to be filmed in a documentary several months after this talk; by then, she had moved up to second-year university and was filmed distributing racist literature on campus and operating her independent racist hotline, the "Euro-Canadian Freedom Front". At no point did she give any indication that she was thinking of leaving the HF, much less that she had met with Bernie Farber, as he falsely claims, in the previous months.
- c) Moore's own affidavit, dated July 24, 2019, contradicts Farber's deceptive version of events – at paragraph 10 of her affidavit, she writes that she first spoke with and connected with Farber after Thanksgiving 1994, which fell on October 10, 1994, through a third party: ***"After attending that [Thanksgiving 1994] party, I reached out to Eric Geringas, the Associate Producer of Hearts of Hate, and asked him to help me get in touch with Bernie Farber, who, at the time, worked for the Canadian Jewish Congress. I knew who Mr. Farber was because in the previous school year (1993-94), I attended his presentation at Queen's University where I was a student."***

- d) Despite knowing that Farber's version of events did not match her reality, Elizabeth made no attempt to correct him at any point during the show.

48. Bernie 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. Without permission, Farber also uses the Plaintiff's name and courageous actions as an 18-year old teenager and conflates them with Elizabeth Moore, who was a privileged, upper-middle class adult woman who did nothing to shut down the HF, was not a "hero", and was not involved in any way whatsoever in shutting down the Heritage Front:

*"By the way, [Elizabeth] was one of a couple of women that were involved in the Heritage Front, both of them actually, Elizabeth **and another 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 with 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 Bristow 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."*

49. Farber's false statements were made maliciously in that they were made with reckless disregard for the truth. Not only is Farber's statement a tortious appropriation of the Plaintiff's name, likeness and personality, it is also blatantly false – Moore did nothing heroic or anything that can be remotely construed as "shutting down the Heritage Front". She provided no evidence to police, nor testified in any proceeding. She was not even a part of the Toronto group. Hategan risked her life, Moore did not. Participating in a publicity blitz and a speaking tour and profiting from over a dozen paid and/or unpaid speaking engagements in the years following the group's collapse, along with a \$12,000 movie deal, does not give TVO, THE AGENDA and guests Farber and Moore the right to falsely claim that Moore had "shut down the Heritage Front" and to deliberately deceive the Canadian public who watched this episode of THE AGENDA WITH STEVE PAIKIN and believed this fraudulent misappropriation of the Plaintiff's unique lived experiences.

50. Farber's statement is part of a conspiracy between Farber and Moore to conflate two women's narratives for the exclusive benefit of one – who happens to be the former mistress of one of Farber's friends and fellow CJC director. Just as in the 1998 film *White Lies*, the Plaintiff's courageous actions as a teenager are appropriated without permission, conflated and attributed to Elizabeth Moore. Months after the broadcast of this episode of *THE AGENDA WITH STEVE PAIKIN*, Farber went on to announce the creation of his new non-profit organization, the Canadian Anti-Hate Network, and brought Moore in as an Advisory Board member and fellow speaker in multiple engagements where her appropriative and false narrative continued to be disseminated. Farber was also present when Moore misrepresented herself on Warren Kinsella's January 2019 podcast by agreeing that she had "shut down neo-Nazis"; moreover, Farber followed up this deceptive representation by soliciting donations from the Canadian public.

51. On *THE AGENDA*, Moore made another appropriation of the Plaintiff's lived experiences when, in response to Paikin's questions, Moore indicated that she joined the HF when she was "17 or 18 years old" and "in high school". In fact, it was only the Plaintiff who was in the Heritage Front at ages 16, 17 and 18. Moore had no contact with the Heritage Front until 1993, at which time she was not a teenager but a 19-year-old adult. By the time she met any Heritage Front members in person, Moore was 20 years old.

52. Moore never met any Heritage Front members face-to-face until many months after the publication of her first article for *Up Front* magazine, in May 1993. In her article, she identifies herself as a "women's libber" and writes "***It is for this reason that I have yet to join the Heritage Front.***" In at least two media interviews – with Tali Koren in *Afterword* magazine, 2000 and on the *Roy Green Show*, 2017 – Moore openly states that it was only after her letter-to-the-editor article was published in May 1993 that she was eventually invited to meet other Heritage Front members. In her 2011 documentary, produced for her Ryerson MFA program, Moore clearly states she joined the Heritage Front "***In my early 20s***" – not as a teenager, as she claimed on *THE AGENDA*. Moore was born in November 1973 – therefore, at the time of publication, she was 19 years and 5 months. Contrary to her false claim on *THE AGENDA*, Elizabeth did not become

involved with the Heritage Front until she was at least 19 years old. She also did not meet any Heritage Front members in person, nor was she invited to any meetings, until the late fall of 1993, when she was 20 years old.

53. In her 1997 essay “From Marches to Modems”, published with Bernie Farber as editor, Elizabeth Moore writes that she joined the group as an adult: ***“Elisse defected from the Heritage Front about the time I became active.”*** Hategan defected from the Heritage Front in November 1993, and Elizabeth turned 20 years old in November 1993.

54. 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.

55. On THE AGENDA WITH STEVE PAIKIN, Bernie Farber made multiple statements that indicated Moore had been “The Face” of the Heritage Front, and used plural language to conflate her story with the Plaintiff’s proven lived experiences. Moore did not correct him but instead agreed with his false statements. His words were:

- a) *[Moore] she was very much a face of the Heritage front. The Nazis love to use young attractive women as their front face, so to speak. And they became very damaged as a result as well, which Elizabeth I’m sure will tell you about.”*
- b) *“I took her on a tour. I suppose I wanted in the back of my mind... here was a young woman, the face of the Heritage Front”*

56. Farber’s statements are false and a direct appropriation of the Plaintiff’s own experiences as a teenager inside the HF. Moore was never “The Face” of the Heritage Front, or even an official HF member. Farber’s deceptive and misleading statements on THE AGENDA mirror the irrefutable lies made by Moore in an interview with the Ottawa Citizen in August 2017, where Moore falsely portrayed herself as having been “The Pretty, Public

Face of Canada's neo-Nazi Heritage Front". This statement is false and an appropriation of the Plaintiff's lived experiences between 1991-1993. It is also an appropriation of the Plaintiff's experiences as described in the following articles:

- a) "Hotlines to Homelands: A Trip Through the Far Right." The Globe and Mail, February 8, 1993. "***She has already undergone careful preparation for a prominent role in the Front's quest for a softer image***".
- b) "Former white supremacist probes the personal roots of hatred." Toronto Star, May 5, 2015. "*Hategan is recruited by the Heritage Front, a white supremacist group based in Toronto. **She is groomed to be the young, female voice of the movement.** [...] "Hategan was front-and-centre. "She was presented as the future of the movement," said Dunphy, who covered the Front for the Toronto Sun and now works for the Hamilton Spectator. "She was an angry speaker . . . She projected power."*
- c) The Plaintiff's 2014 memoir Race Traitor, which Moore had read, complimented and referred to in multiple conversations. On page 41 Hategan writes this line about Wolfgang Droege: "***He wanted to use me as the face of a new, softer and more appealing Heritage Front.***"

57. Historical court records show that Moore's claims to have been both "The Face" and spokesperson of the Heritage Front, *and* operated a telephone hotline for them, are mutually irreconcilable. Between 1992-1994 there was a court injunction against the HF, banning them for operating ANY hotline. Moore would have been in violation of Judge Joyal's injunction and arrested and charged with obstruction of justice if there had been any proof that she was an official member, much less "The Face" of the Heritage Front.

58. In 1994, Wolfgang Droege had just come out of jail after serving 3 months for illegally setting up Ken Barker (an official HF member) with a secondary hotline, and then backdating a resignation letter. The Plaintiff, Ms. Hategan, testified in that trial and was the key witness to obtaining that conviction. Droege would never have risked going to

prison again for obstruction of justice by setting Moore up with a hotline (in the same year), and then still using her to represent the Heritage Front. They wanted someone at arm's length, in a different city, as distinctly removed from the Heritage Front as possible.

59. While living in Kingston, ON, Elizabeth Moore was set up by the Heritage Front with a telephone hotline called "The Euro-Canadian Freedom Front" that served as a proxy to the official Heritage Front hotline, which was under a court order preventing the dissemination of further messages pending a Human Rights Commission trial. Moore was being used to circumvent the court order, which would mean that leader Wolfgang Droege would ensure that she was NOT an official, card-carrying member. Both Droege and Ken Barker went to jail, despite forging a backdated "resignation letter", for creating a secondary hotline while Barker was still an official Heritage Front member. The Plaintiff was considered the "star witness" in that case. For Moore not to be arrested, nor the HF to incur more financial penalties for disobeying Judge Joyal's injunction, she would have to remain a fringe non-member, someone living in another city, only distantly associated with the HF and certainly not its next public spokeswoman.

60. In a 1997 paper called "From Marches to Modems", edited and published by Farber, Moore writes that she first experienced doubts about being a neo-Nazi after the Hearts of Hate documentary aired and she experienced backlash from Queen's University academics. This, coupled with her 1995 videotaped admission that the HF was on the verge of collapse and losing members "left and right" and that on the night she saw the Plaintiff in a Vision TV documentary she thought to herself "**Something in me just snapped. I thought to myself, I wish I could say that**" reflects that the true reasons for Moore's exit from the HF are different than what she claimed on THE AGENDA – they indicate that Moore was preoccupied with her "good girl" image, disliked that she was being looked at in a negative light on campus, watched a 1994 documentary about the Plaintiff and suddenly saw an opportunity to duplicate another girl's story.

61. The fact that Moore admits she experienced backlash at Queens University after Hearts of Hate aired demonstrates that prior to the film's release, nobody on campus knew who she was – and that she certainly was not "The Face" of the Heritage Front. This reality is

further confirmed by Farber and Moore's statements on THE AGENDA WITH STEVE PAIKIN, where Farber spoke of an event held at Queen's University where he'd supposedly recognized Moore as a Heritage Front member, but did not disclose this fact to the crowd of 200-300 anti-racist activists who were in attendance.

62. Farber and Moore's false claim on THE AGENDA that Moore had been "The Face" of the Heritage Front and the fact that NO anti-racist activists in a 300-person crowd recognized her at an anti-racism meeting held on the Queens campus in Ontario is incongruent. The Heritage Front was in the headlines and the people associated with it were prominently featured in news segments and press material. As the only female public face of the Heritage Front, the Plaintiff was recognized on the streets of Toronto, Ottawa and Montreal. Anti-Racist-Action posters were distributed in her neighbourhood, "outing" her and 4 other HF leaders. Wolfgang Droege enjoyed being in the limelight and often spoke of being recognized wherever he travelled in Ontario. The fact that Elizabeth claims to have had a prominent role, but was not recognized by a single activist in attendance at an anti-racist meeting specifically discussing how to shut down the Heritage Front highlights the fact that she was not a prominent member of the organization, much less its "pretty, public face".

63. From the winter of 1991 - November 1993 the Plaintiff was the *only* young female at the forefront of the Front, and the only woman marketed as the new face of the movement, groomed as a future neo-Nazi leader by both Ernst Zundel and Wolfgang Droege, and flown to appear on The Montel Williams Show in November 1992 to represent Canada's far-right. Moore was a fringe group member who had never been a spokeswoman for the HF. With the single exception of making an appearance in the documentary Hearts of Hate, which also featured the Plaintiff and dozens of other white supremacists associated with the Heritage Front, and contributing two one-page articles to Up Front (the Heritage Front's magazine), there was no evidence and no documentation of Moore's participation inside the Heritage Front, or even of whether she had been an official member.

64. Over a period of 20+ years, Moore has deliberately and systematically changed the backstory of her time in the Heritage Front to align more closely with Hategan's

experience. There have been many inconsistencies in Moore's narrative across the many years about when she joined, why she joined, what she did in the HF and why she left in her attempt to conflate her story with Ms. Hategan. Moore had studied the Plaintiff's interviews in documentary film, news interviews, attended the 1994 Human Rights Commission v. the Heritage Front trial where the Plaintiff gave testimony and described her lived experiences in the HF, and took notes. Despite the Plaintiff communicating her fear and concerns, and offering multiple times to provide evidence of Moore's previous falsehoods to THE AGENDA producers, she was deliberately ignored by the AGENDA producers, host and TVO and the show was broadcast as scheduled.

65. The Plaintiff states and it is the fact that Moore has a history of falsely representing to the public, including in various recent interviews, articles and statements, the following 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 "shutting down" the organization
- f) Her exit from the Heritage Front exposed her to endangerment.

66. Along with being aired on cable television, the "Leaving Hate Behind" episode of THE AGENDA was broadcast live on Twitter and uploaded to YouTube, where it continues to be accessible to this day. The continued broadcasting and accessibility of this episode of THE AGENDA, which contains several unlawful appropriations of the Plaintiff's lived experiences as detailed in 1990s press, documentary films, trial transcripts and the Plaintiff's copyrighted 2014 memoir, reflects recklessness and gross negligence on the part of TVO and THE AGENDA producers Stacey Dunseath and Eric Bombicino.

The CAERS Tape

67. In January 2019, the Plaintiff was contacted by a director of the Canadian Anti-Racism Education and Research Society ("CAERS"), a non-profit organization that tracked hate

groups and fought extremism since the early 1990s, and given the transcript and footage of a 1995 videotaped interview with Elizabeth Moore filmed shortly after her exit from the Heritage Front. In the interview, Moore makes the following statements:

*“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, Elisse Hategan** 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 Hategan’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”.***

68. Since 1995, Elizabeth Moore developed a fixation with the Plaintiff and made numerous false statements to the press that unlawfully appropriate the Plaintiff’s lived experiences up to and including 2019; this obsessive behaviour, evidence of mental illness and Moore’s extensive history of cyber-stalking has led the Plaintiff to speak with police on two occasions prior to initiating legal action against Moore in December 2018. Despite the Plaintiff communicating this information to Steve Paikin and sharing her Statement of Claim with both Paikin and Dunseath in an email sent on January 4, 2019, the tortious episode of THE AGENDA continues to be broadcast by TVO.

Moore’s Appropriation of the Plaintiff’s Age and Entry Point into the Heritage Front

69. On THE AGENDA WITH STEVE PAIKIN, guest Elizabeth Moore made false statements regarding her entry point into the Heritage Front which consist of unlawful appropriations of the Plaintiff’s lived experiences. In the last twenty-five years, the Plaintiff has consistently established that she joined the Heritage Front in 1991, as a 16-year old teenager. Her story has never changed. This fact is further cemented by archival records and her appearance as a speaker at a public Heritage Front “Martyrs Day” rally on December 7, 1991 – 10 days shy of her 17th birthday. Elizabeth Moore’s story, however, has switched numerous times across the years. Despite clear evidence of Moore’s

fraudulent narrative, none of the Defendants did any fact-checking and due diligence before promoting, endorsing and disseminating Moore's false statements.

70. In the CAERS tape, when questioned about what age she was when she first joined the group, Moore stumbles over her answer, changes it and appears confused, flustered, possibly deceptive, and finally asks the interviewer to repeat the question.

71. The Plaintiff asserts that Moore's persistent efforts to represent herself as a minor teenager rather than an adult woman at the time she joined the Heritage Front, is an appropriation of the Plaintiff's lived experiences and personal history as well as an attempt to elicit sympathy and add mitigating factors to Moore's story, because the idea of a privileged, middle-class adult woman who suffered no beatings or abuse, and whose loving parents were supportive and paid for her entire education is not as palatable and marketable to an audience that seeks to understand why youth are drawn to extremist organizations.

72. In press interviews from 1995-1998, Moore continuously changes her age and represents herself as having been 16, 17 and 18 years old. Specifically:

- 1) *"Ms. Moore started her descent into Canada's racist right in 1991 as a Toronto high school student"* – "A Life Once Soured by Hate Finds Sweet Understanding", by Adrian Humphreys, National Post, July 29, 1999.
- 2) *"In her teens and early 20s, Elizabeth Moore was the youthful face of Canadian intolerance"* – "Postcard from a Hate-Filled Past", by Doug Saunders, The Globe and Mail, March 28, 1998
- 3) *"Elizabeth says she first became involved with the Heritage Front in grade 11 or 12."* – "Coming Back from the Front". The Queen's Journal, November 10, 1995
- 4) *"Moore, who was recruited to the neo-Nazi group while she was in grade 12 in Scarborough." [...] Moore, 28, spent her late teens and early 20s as a vocal member of the white supremacist group Heritage Front – running the organization's telephone hotline and serving as its official mouthpiece". – Toronto Star, March 21, 2002.*

73. The above statements are false – Moore was set up with a hotline independent from the

official hotline, which had been shut down after Judge Joyal's injunction. She never ran the official Front hotline, and never served as the HF's "official mouthpiece".

74. In her 2011 documentary "In God's Keeping", produced for her MFA degree at Ryerson University, at the 3:52-min mark, Moore says that she was a neo-Nazi "***In my early 20s***".
75. In a Facebook Messenger conversation with the Plaintiff on April 7, 2014, Moore tells Hategan that she was in the group "***from ages 19-21, I think***".
76. After 2017, Moore returns to her lie of having been a "teenager" when she joined the HF, in interviews with the Ottawa Citizen, The Agenda, CBC Radio, The Social, The Roy Green Show, on her website, and in her article in Macleans Magazine, where she claims she was a "card-carrying member" of the Heritage Front on or within months of being 17 years old, which is an incontrovertible lie.
77. The first article Moore wrote for Up Front magazine, where she writes that "I have yet to join the Heritage Front" was published in May 1993 – this date-stamps her entry into the group. As of May 1993 – when she was 19 years and 7 months old, Moore had NOT joined the HF. Her claim in her Macleans article that she was a "card-carrying member" at or around age 17 is an irrefutable lie, given that she was an adult and attending Queens University in Kingston, ON by the time she wrote that first article for Up Front.
78. In an interview with Talli Koren in Afterword, Winter 2000, Moore states that "until she wrote her first article for the Heritage Front's magazine, Up Front, her involvement was limited." Koren states that Moore's article "appeared in "Up Front's Issue of May 1993." On the Roy Green Show on August 20, 2017, Moore tells Andrew Lawton: "I was really brought in when I ended up writing a letter to the Editor of the Heritage Front's magazine because there was a piece I disagreed with." Only after she wrote that article for Up Front, was she invited to an HF meeting: "you should come and join us at this meeting here."
79. In May 1993, Moore was an adult. In the From Marches to Modems essay, Moore admits in her own words that she joined in 1993: "***Elisse defected from the Heritage Front about the time I became active.***" Hategan defected in November 1993, so by Moore's own account she only became active in the HF throughout 1994, and left in Dec. 1994.

This is corroborated by Moore's admission in "Hearts of Hate", which was filmed when she was 20 years old and in second year of university, that her activity in the HF had taken off only "in the past six months".

Elizabeth Moore's Appropriations of the Plaintiff's Endangerment and Defection

80. In multiple interviews from 1995 leading up to 2019, Moore labeled her uneventful exit from the Heritage Front as a "defection" that caused her to face endangerment. In reality, Moore was not involved with the Heritage Front enough to merit being rescued, or to claim that she underwent a "defection." In 1995 she took a year off school to move into Toronto's Annex neighbourhood, renting a room at 441 Clinton Street, a street where several Anti-Racist Action ("ARA") members lived and where incendiary confrontations between HF and ARA had happened. Two of the addresses Grant Bristow gave skinheads instructed to terrorize people were homes at 469 and 618 Clinton Street. Moore's choice to live on Clinton Street was a move that could be considered suicide if the Heritage Front were really out to get her. The word "defection" to describe someone who moved INTO the epicenter and hotbed of HF and ARA clashes is incongruent with the behaviour of someone who genuinely fears for their life.

81. Moore's egregious use of the word "defection" in interviews and on her website, and her statement on THE AGENDA that "*I didn't know how one goes about leaving a potentially dangerous organization*", is intended to convey the false image that she experienced endangerment after her Heritage Front departure. While the Plaintiff's was disguising her appearance, using aliases and trying to relocate as far from Toronto as she could arrange to be, Moore made the concerted effort to take a year off from her studies at Queen's University and moved to Toronto, renting a room in the "eye of the storm" in order to participate in speaking engagements and publicity/press opportunities alongside Bernie Farber, where they both profited financially. That Moore would move to downtown Toronto and go on a speaking tour with Farber, appropriating Hategan's experiences while the Plaintiff was in hiding for her life and digging food out of garbage dumpsters to survive, and then claim she "defected" and was "in danger", is an insult to everything the Plaintiff endured in order to escape the Heritage Front and to shut them down.

82. Moore's deceptive use of the word "defection" is an appropriation of the Plaintiff's lived experiences, and was used by several journalists, in news and documentaries, for up to 2 years preceding Moore's uneventful exit from the Heritage Front. Specifically, the word "defection" was used to describe Hategan's dangerous escape from the Front, followed by her testimony and life in hiding. It was used in articles published by the Toronto Sun, the Toronto Star, the Vision TV documentary "It's About Time" and in the "Hearts of Hate" documentary, in national news segments, as well as in court testimony transcripts.
83. The Plaintiff's mother defected from communist Romania and her family incurred Securitate questionings and a life of scrutiny and austerity leading up to their emigration to Canada. The Plaintiff risked her life to get away from the Heritage Front after doing everything she could to shut them down. Perhaps in Moore's mind, "defection" simply means going on a speaking tour. Whenever she was asked by journalists if she experienced any repercussions as a result of her "defection" from the Heritage Front, Moore acknowledged that she had incurred no threats. In her own words, her "defection" consisted of simply changing her telephone number and walking away from the Heritage Front. Since she was a fringe member, HF members did not bother to talk to her and the worst thing that happened was that her ex-boyfriend sent flowers to her parents' house.
84. When questioned by host Steve Paikin on THE AGENDA about the consequences of her exit from the HF, Moore's answer is revealing for someone who, just minutes earlier, had agreed with Farber's false claim that she had been "The Face" of the Heritage Front. Paikin asks: *"Just to clarify. Once you eventually did extricate yourself from the group, were there any consequences, physical and-or emotional and otherwise?"* Elizabeth Moore: *"Fortunately the consequences from Heritage Front members were minimal, and I'm to this day very grateful for that. There were some awkward things from my ex-boyfriend. He sent flowers to my parents' house."*
85. On CBC's Out in the Open (January 2018), host Piya Chattopadhyay asks: *So in '95 you walk away? It's as simple as that?"* Elizabeth Moore: *"I walked away. Yeah. It was simpler because I wasn't in Toronto at the time. Living in Kingston, there was really only a handful of other people involved in the movement who were out there, and none of*

them that I was particularly close to, so I changed my phone number, I...you know, got a PO Box so that, you know, I wouldn't have mail traced directly to where I was living at the time, and I ended up taking a year off just to kinda get my...catch my breath and sort myself out, and then went back in and finished my education.”

86. CAERS Tape 19: *“The easiest thing for me was the last severing all ties with them, because I wasn't living in Toronto at the time, and all I had to do is change my phone number. And that was it. So the day that I can say that I actually did leave was quite anti-climactic. Because nothing happened except for Bell Canada phoning me and saying this is your new number.”*

The Defendants' Infringement of the Plaintiff's Intellectual and Moral Copyright

87. By endorsing and disseminating a fraudulent appropriation of the Plaintiff's proven lived experiences on THE AGENDA WITH STEVE PAIKIN, the Defendants have violated the intellectual copyright of the Plaintiff's 2014 memoir *Race Traitor*, which depicts the story of a teenage girl who rises up the ranks of the Heritage Front to become its young female, softer face and spokeswoman, and then helps to shut down the group. These experiences, which are wrongfully attributed to Moore on THE AGENDA, belong exclusively to the Plaintiff and are described throughout her 2014 memoir, specifically:

- a) Page 41: *[Wolfgang Droege] wanted to use me as the face of a new, softer and more appealing Heritage Front;*
- b) Chapters TWO – SIX: description of teenage girl aged 16-18 becoming recruited into hate group and being groomed to become its spokeswoman
- c) Chapters TWENTY-THREE – THIRTY: Description of teenage girl who shuts down the Heritage Front by way of:
 - a) Spying on the group for four months and turning information to police and anti-racist activists.
 - b) Writing approx. 30 sworn affidavits about HF's criminal activities, which she turns over to the OPP and Human Rights Commission.

- c) Testifying in a Human Rights Commission trial against HF leader Wolfgang Droege and two other core members, leading to convictions and jail sentences
- d) Hategan's affidavits also expose Heritage Front members in the Toronto Police Services and in the Reform Party
- e) Hategan's affidavits expose CSIS mole Grant Bristow's illegal activities and counselling of criminal acts to HF members, which leads to Bristow's eventual exposure in the Toronto Sun and the end of Operation Governor - a significant contributor to the HF's collapse.
- f) As a result of Hategan's courageous actions as an 18-year old girl with no police protection and no government support, the Heritage Front collapses and Bristow's agent provocateur job ends; by contrast, in the 5 years of Bristow's role as co-founder and co-leader of the largest and most dangerous white supremacist organization in Canadian modern history, and despite the millions of dollars spent on "Operation Governor", no white supremacists were ever arrested and convicted of any crimes as a result of Bristow and CSIS's creation, funding and infiltration of the Heritage Front.

88. After the teenage Plaintiff experiences death threats and is forced to go into hiding, moving across Canada before and after the 1994 trial, with no access to police protection or any financial help, she is homeless and ends up in a women's shelter and dumpster-diving for food to survive. At this time, fringe member Elizabeth Moore, a middle-class adult woman who was never an HF spokesperson or official member, and never even lived in Toronto during her brief active involvement with the HF, teams up with Bernie Farber and starts going on a speaking tour, appropriating Hategan's lived experiences for significant commercial and material gain up to, after and including her appearance on THE AGENDA WITH STEVE PAIKIN.

F. WRONGFUL APPROPRIATION OF PERSONALITY

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

- a) On THE AGENDA WITH STEVE PAIKIN, Bernie Farber unlawfully appropriates the Plaintiff's name, likeness and personality, lived experiences and courageous actions as an 18-year old teenager and both conflates and attributes them to Elizabeth Moore, the former mistress of his good friend Len Rudner and someone who had never been a Heritage Front spokeswoman and played absolutely no part whatsoever in the shutting down and collapse of the Heritage Front.
- b) On THE AGENDA WITH STEVE PAIKIN, Elizabeth Moore and Bernie Farber unlawfully appropriate the following aspects of The Plaintiff's life:
 - that Moore joined the HF while she was a teenager of "17 or 18 years old"
 - that Moore became a prominent female spokesperson of the HF and had been "the face" of the group
 - that Moore contributed to "shutting down" the organization
 - that Moore's exit from the Heritage Front exposed her to endangerment
- c) The primary intent for Moore's and Farber's appropriation of the Plaintiff's identity, likeness and personality on THE AGENDA WITH STEVE PAIKIN has been for promotional publicity and financial benefits;
- d) At no point did the Plaintiff give Moore, Farber or anyone associated with TVO and THE AGENDA WITH STEVE PAIKIN consent to use her name, likeness, personality and aspects of identity for any purposes, including for Moore's and Farber's financial and publicity gain.
- e) As a result of her appearance on TVO's THE AGENDA WITH STEVE PAIKIN, Moore has gained speaking engagements, consulting projects and additional publicity that have harmed and diluted the Plaintiff's brand as speaker, consultant, educator and author. Following her appearance on THE

AGENDA, Moore has continuously used the episode “Leaving Hate Behind” as promotional material to further disseminate her fraudulent narrative – including but not limited to using portions of the episode and still photographs from the show as advertising for her social media profile pages, including Twitter, Facebook and on her own website onemooreliz.com. By using a photo of herself with The Agenda host Steve Paikin on all her social media and internet platforms, Moore is leveraging the reputation of TVO and THE AGENDA’s endorsement to promote a fraudulent and predatory exploitation of The Plaintiff’s lived experiences.

- f) Despite multiple emails and correspondence between the Plaintiff and THE AGENDA show host Steve Paikin up to and including August 2019, including emails where Paikin confidentially expresses sympathy for the Plaintiff and expresses interest in having her as a future guest on the show, the tortious “Leaving Hate Behind” episode continues to be publicly accessible and used as promotional material by Elizabeth Moore.
- g) The negligence of THE AGENDA producers who dismissed the Plaintiff’s concerns, evidence of fraud, did not do due diligence in examining potential falsehoods on the part of their show guests, and continued to disseminate a false and unlawful narrative on multiple TVO platforms that both wrongfully appropriates the Plaintiff’s lived experiences and personality, and violates the intellectual copyright of her 2014 memoir, have caused significant harm, financial loss and damages to the Plaintiff.

G. TORTIOUS INTERFERENCE WITH ECONOMIC INTERESTS

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

- a) On THE AGENDA WITH STEVE PAIKIN, show guests Elizabeth Moore and Bernie Farber made false public statements regarding Moore’s life and experiences that constitute unlawful appropriations of the Plaintiff’s life;

- b) These statements were designed to promote the economic interests of Moore as an anti-racist “expert”. Moore and Farber knew that the statements they were making were false and appropriations of the Plaintiff’s lived experience;
- c) The Plaintiff is an anti-racist educator who relies on her unique life experience for the purpose of advancing her profile as a public speaker, radicalization expert, activist, to secure invitations, publish articles and speak to the media;
- d) The Plaintiff’s public profile directly and indirectly permits her to earn revenue in her field in Toronto and Ontario, across North America, and through internet and print publications;
- e) Days before the airing of the tortious episode of THE AGENDA, the Defendants were made aware of the Plaintiff’s serious concerns about their show guest Elizabeth Moore having previously appropriated her lived experiences, yet they chose to ignore the Plaintiff and her evidence, stopped answering her emails, and continued with the broadcasting of the tortious episode where the Plaintiff’s lived experiences were fraudulently appropriated.
- f) 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 as a public speaker, consultant, expert, educator and author.
- g) The Defendants’ negligence has led to public confusion and dilution of the Plaintiff’s brand as an author and the only woman involved in the shutting down of the Heritage Front; as a result of the Defendants’ negligence, the Plaintiff has lost out on opportunities to share her lived experiences as a speaker and consultant due to Moore’s appropriation and monetization of her life story, facilitated by the repeated use of Moore’s photograph with Steve Paikin on THE AGENDA, which Moore now uses in nearly all her marketing and promotional materials and internet platforms.
- h) By endorsing and disseminating the fraudulent appropriation of the Plaintiff’s proven lived experiences, the Defendants have violated the intellectual and

moral copyright of the Plaintiff's 2014 memoir *Race Traitor*, which depicts the story of a teenage girl who rises up the ranks of the Heritage Front to become its softer, female face and spokeswoman, and then helps to shut down the group. The experiences wrongfully attributed to Moore on *THE AGENDA WITH STEVE PAIKIN* belong exclusively to the Plaintiff and are described throughout her 2014 memoir.

- i) The Defendants knew about the Plaintiff's allegations prior to the first broadcast but did no due diligence to investigate either Hategan's allegations or the accuracy of their show guests' narrative; Producer Eric Bombicino actually apologized repeatedly to the show guests and expressed sympathy for them, calling the Plaintiff's legitimate concerns "awful", without ever contacting the Plaintiff or looking at her extensive evidence.
- j) The Defendants' actions in broadcasting the "Leaving Hate Behind" episode, where show guests appropriated Hategan's lived experiences, have both directly and indirectly infringed upon the Plaintiff's moral and intellectual copyright of her memoir *Race Traitor*, which details the story of a teenage girl who shut down the Heritage Front – that girl being Hategan, not Moore;
- k) As a result of the Defendants' reckless conduct, the Plaintiff has suffered economic loss.

H. NEGLIGENCE

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

- a) The Plaintiff contacted *THE AGENDA WITH STEVE PAIKIN* staff by emailing them days prior to the first broadcasting of the "Leaving Hate Behind" episode;
- b) The Defendants were made aware that there were serious allegations involving fraud on the part of guests whose interview had been filmed prior to

- the air date. Despite these allegations, the Defendants ignored the Plaintiff's offer to provide them with extensive evidence and documentation of Moore's previous fraudulent appropriations of her lived experiences;
- c) Instead of reviewing the Plaintiff's material without bias, the Defendants chose not to defer the broadcast date until any such material had been properly vetted and examined;
 - d) Executive Producer Stacey Dunseath requested that the Plaintiff produce a lawyer as a precursor to looking at her evidence. By making such a request rather than examining the evidence without bias and favouritism toward AGENDA guests Farber and Moore, Dunseath placed financial obligations and time constraints on the Plaintiff's ability to communicate her concerns with TVO. In September 2017, the Plaintiff was unemployed and could not afford to pay a legal retainer in order to get a lawyer to communicate with Dunseath and TVO. Dunseath's demand that Hategan hire a lawyer before contacting THE AGENDA WITH STEVE PAIKIN with legitimate concerns regarding the potential fraudulent appropriation of her lived experiences created an enormous financial barrier, economic discrimination, and a means for TVO to ensure that Hategan's evidence would be summarily excluded;
 - e) Instead of examining the material and irrefutable evidence of fraud the Plaintiff wanted to show them, Producer Eric Bombicino contacted Bernie Farber and Elizabeth Moore to ask them for comments about Hategan's "awful" "allegations". By 1) deliberately ignoring Hategan, 2) by only asking for Farber and Moore's version of events, and 3) by not reviewing the Plaintiff's evidence, Bombicino showed bias, favouritism of Farber and Moore over truth and historical evidence, carelessness and negligence that led to the Plaintiff suffering irreparable harm, emotional distress and financial loss as a result of her lived experiences being fraudulently appropriated on the show.
 - f) The Defendants showed extreme bias, favouritism of their show guests over the truth, and recklessness by not deferring the broadcasting of the pre-taped episode by even a week in order to properly examine any evidence and/or

allegations of fraud on their guests' part;

- g) The Defendants failed to exercise any journalistic standards and breached the duty of care toward the public represented on TVO's website section "Our Promise to our Viewers, Users and Contributors", which can be found at <https://www.tvo.org/about/journalistic-standards>, and which makes the following promises:
- 1) "We Promise Accuracy" – "We will be consistently diligent in our efforts to get the facts right and put them into context. We will test our sources for first-hand knowledge and reliability."
 - 2) "We promise Fairness" – "We will make our journalistic choices with a rigorous concern for fairness. [...] We will not confuse fairness with mathematical balance. We will combine journalistic skepticism with open-mindedness."
 - 3) "We Promise Transparency and Ethical Conduct" – "We will be open about our journalistic decision-making on all our platforms. [...] We will ask our viewers and users to give advice and comment on our processes."
 - 4) "We Favour Independence" – "We will not favour funders, donors, sponsors, political or special interest groups or powerful individuals."
- h) As a result of the Defendants' negligence, TVO aired an episode of THE AGENDA where guest Bernie Farber fraudulently used the Plaintiff's name to conflate her story with fellow guest Elizabeth Moore in order to disseminate the false impression that Moore shut down the Heritage Front; this represents a tortious and unlawful appropriation of the Plaintiff's likeness and personality;
- i) The Defendants willingly, carelessly and negligently allowed lies and unlawful appropriations of the Plaintiff's likeness and personality to be broadcast, rebroadcast and disseminated on all TVO's website(s) and social media platforms for two years, even when presented with incontrovertible evidence that the episode "Leaving Hate Behind" contained several fraudulent

misappropriations that caused harm to the Plaintiff;

- j) The Defendants knew or ought to have known that their guests' appropriation of the Plaintiff's personality would cause her emotional and financial harm;
- k) The Ontario Educational Communications Authority/TVOntario, Executive Producer Stacey Dunseath and Producer Eric Bombicino displayed reckless disregard for the damage that was likely to occur to the Plaintiff as a result of THE AGENDA WITH STEVE PAIKIN guests Elizabeth Moore and Bernie Farber's unlawful appropriation and tortious representation of key aspects of the Plaintiff's name, personality and lived experiences within the Heritage Front as Moore's experiences; and,
- l) The Plaintiff has suffered emotional distress and economic loss as a result of the Defendants' negligence.

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

Date: September 3, 2019

ELISA ROMERO HATEGAN
30044 – 90 Copper Creek Drive
Markham, ON L6B 0P0
Email: elisa@elisahategan.com
Tel: 416-857-6814