

Court File No.: CV-18-00604843-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

JORDAN PETERSON

Plaintiff

- and -

WILFRID LAURIER UNIVERSITY

Defendant

**MOTION RECORD
(Returnable December 6, 2022)**

November 25, 2022

THOMAS GOLD PETTINGILL LLP
150 York Street
Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
apettingill@tgplawyers.com
Tel: (416) 507-1802

Sean Murtha LS#: 62304S
smurtha@tgplawyers.com
Tel: (416) 507-1823

Natasha O'Toole LS#: 72333L
notoole@tgplawyers.com
Tel: (416) 507-1840

Lawyers for the Defendant

TO: LEVITT LLP
130 Adelaide Street West
Suite 801
Toronto ON M5H 3P5

Howard A. Levitt LS#: 18858W
hlevitt@lscslaw.com
Tel: (416) 594-3900

Lawyers for the Plaintiff

Court File No.: CV-18-00604843-0000

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TAB 1

Court File No.: CV-18-00604843-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

JORDAN PETERSON

Plaintiff

- and -

WILFRID LAURIER UNIVERSITY

Defendant

**NOTICE OF MOTION
(Returnable December 6, 2022)**

The Defendant, Wilfrid Laurier University ("Laurier"), will make a motion to a Judge at a date and time to be determined in Civil Practice Court on Tuesday, the 6th day of December, 2022, at 9:15 a.m., or as soon after that time as the matter can be heard, at 393 University Avenue, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- ☐ in writing under subrule 37.12.1(1) because it is on consent or unopposed or made without notice;
- ☐ in writing as an opposed motion under subrule 37.12.1(4);
- ☒ orally.

at the following location

Zoom coordinates to be provided by the Court.

THE MOTION IS FOR:

- (a) An Order dismissing this action pursuant to section 137.1 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 (the “CJA”);
- (b) Costs of this motion and of the action on a full indemnity basis in accordance with s. 137.1(7) of the CJA; and
- (c) Such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

Pleadings in the Within Action

- (a) This action was commenced by Statement of Claim issued on September 11, 2018;
- (b) Laurier delivered a Notice of Intent to Defend on September 14, 2018;
- (c) Laurier delivered a Statement of Defence on October 11, 2018;
- (d) There has been no further activity in the action. Specifically, Affidavits of Documents and productions have not been exchanged, and examinations for discovery have not been scheduled or conducted;

Background

- (e) On June 18, 2018, the Plaintiff commenced an action against Laurier and three individuals – Nathan Rambukkana, Herbert Pimlott and Adria Joel (“Joel”) – who were employees of Laurier at times material to the events underlying the litigation. That action, which bears Superior Court File No.: CV-18-00599971, is hereinafter referred to as “Action #1”. In Action #1, the Plaintiff alleges that Laurier is vicariously liable for allegedly defamatory statements made by the individual defendants on November 8, 2017;
- (f) On August 31, 2018, Laurier and Joel delivered a Statement of Defence in Action #1;

- (g) In their Statement of Defence in Action #1, Laurier and Joel specifically pleaded, *inter alia*, that the Plaintiff's purpose in commencing Action #1 was to unduly limit expression on matters of public interest;
- (h) On or about August 31, 2018 Laurier posted a statement to its website ("the impugned Statement") in which it: noted that it had served and filed its Statement of Defence in Action #1; highlighted certain points made in its Statement of Defence in Action #1; and confirmed that it intended to vigorously defend itself in Action #1;
- (i) The within action seeks damages allegedly arising from the impugned Statement. In particular, the Plaintiff seeks \$500,000 in damages for defamation; \$500,000 in damages for injurious falsehood; \$500,000 in punitive damages; and \$250,000 in aggravated damages;

The Claim Arises from an Expression Related to a Matter of Public Interest

- (j) All of the causes of action pleaded in the Statement of Claim arise from the impugned Statement, and therefore arise from an expression;
- (k) The impugned Statement relates to a matter of public interest in that some segment of the community had a genuine interest in receiving information on the subject;
- (l) Intense public interest in Action #1 and the events underlying it as of the time of the impugned Statement, resulted in large part from public statements made to the media by the Plaintiff and his lawyer regarding those events;
- (m) The impugned Statement relates entirely to Action #1 and the events underlying it, as well as more generally to the issues of free speech on university campuses and reasonable limitations thereto, and therefore relates to a matter of public interest;

The Claim has No Substantial Merit

- (n) There are not grounds to believe that the Plaintiff's claims against Laurier have substantial merit. The Plaintiff cannot meet his burden of establishing that the claims against Laurier are legally tenable and supported by evidence that is reasonably capable of belief such that the claims can be said to have a real prospect of success;

- (o) The words complained of in the Statement of Claim are not capable of conveying the defamatory meanings alleged. Further or in the alternative, those meanings would not have arisen in the minds of reasonable readers;
- (p) There are not grounds to believe that the injurious falsehood claim against Laurier has substantial merit. The words complained of in the Statement of Claim are not untrue, were not actuated by malice, and were not made without just cause or excuse. Further, there is no evidence that the plaintiff suffered special damages as a result of them;

Laurier has Valid Defences

- (q) Even if it is found that there are reasonable grounds to believe that the Plaintiff's claims against Laurier have substantial merit, there are grounds to believe that Laurier has valid defences available to it, including:
 - (i) **Fair Comment** – To the extent that the impugned Statement contains expressions of opinion or comment, those expressions relate to matters of public interest, are based in fact, are recognizable as comment, and express opinions that persons could honestly hold based on those facts. The impugned Statement was expressed in good faith and without malice;
 - (ii) **Justification** – To the extent that the impugned Statement contains statements of fact, they were, in their plain and ordinary meaning and in full and proper context, substantially true; and
 - (iii) **Qualified Privilege** – The impugned Statement was communicated, in good faith and without malice, on an occasion of qualified privilege. There is a reciprocity of duty or interest between Laurier and the impugned Statement's audience;

The Public Interest Balancing Test Favours Laurier

- (r) Moreover, the Plaintiff cannot meet his onus of showing on a balance of probabilities that he likely has suffered or will suffer harm as a result of the impugned Statement, and that the public interest in allowing the proceeding to continue outweighs the deleterious effects on expression and public participation;

- (s) If the Plaintiff has suffered any harm as a result of the impugned Statement, which is not conceded, it is nominal and in any event the result of his own conduct;
- (t) Laurier's impugned Statement concerned matters of public interest, including protecting the gender identity of trans students, preventing the spread of transphobia, rights of free speech on campus and reasonable limitations thereto, and Laurier's defence to the allegations made by the Plaintiff in Action #1;
- (u) This action is a strategic lawsuit against public participation, which has been brought to limit Laurier's expression and to deter it from participating in public discourse on matters of public interest;

Additional Grounds

- (v) Section 137.1 of the *CJA*;
- (w) Rules 1.04, 37, and 57 of the *Rules of Civil Procedure*; and
- (x) Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The pleadings and proceedings herein;
- (b) The Affidavit of David McMurray affirmed November 24, 2022 and the exhibits thereto;
- (c) The Affidavit of Sean Murtha affirmed November 24, 2022 and the exhibits appended thereto; and
- (d) Such further and other material as counsel may advise and this Honourable Court may permit.

November 25, 2022

THOMAS GOLD PETTINGILL LLP
150 York Street
Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
apettingill@tgplawyers.com
Tel: (416) 507-1802

Sean Murtha LS#: 62304S
smurtha@tgplawyers.com
Tel: (416) 507-1823

Natasha O'Toole LS#: 72333L
notoole@tgplawyers.com
Tel: (416) 507-1840

Lawyers for the Defendant

TO: LEVITT LLP
130 Adelaide Street West
Suite 801
Toronto ON M5H 3P5

Howard A. Levitt LS#: 18858W
hlevitt@lscslaw.com
Tel: (416) 594-3900

Lawyers for the Plaintiff

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**NOTICE OF MOTION
(Returnable December 6, 2022)**

THOMAS GOLD PETTINGILL LLP
150 York Street, Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
apettingill@tgplawyers.com
Tel: (416) 507-1802

Sean Murtha LS#: 62304S
smurtha@tgplawyers.com
Tel: (416) 507-1823

Natasha O'Toole LS#72333L
smurtha@tgplawyers.com
Tel: (416) 507-1840

Lawyers for the Defendant

TAB 2

Court File No.: CV-18-00604843-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

JORDAN PETERSON

Plaintiff

- and -

WILFRID LAURIER UNIVERSITY

Defendant

**AFFIDAVIT OF DAVID MCMURRAY
(Affirmed November 24, 2022)**

I, David McMurray, of the City of Waterloo, in the Province of Ontario, AFFIRM:

1. At all material times with respect to this action, I served as the Vice President of Student Affairs of Wilfrid Laurier University. As such, I have knowledge of the matters hereinafter deposed to. Where information has been provided to me by others, I verily believe it to be true and I have identified the source of my belief in this affidavit.

The Parties to This Action

2. At all material times, the Plaintiff, Jordan Peterson, served as a tenured professor of psychology at the University of Toronto. He has a strong social media presence. At present, he has more than 5.8 million subscribers to his YouTube channel and at least 3 million followers on Twitter. He has authored best-selling books including *12 Rules for Life: An Antidote to Chaos*, published in 2018, and *Beyond Order: 12 More Rules for Life*, published in 2021.

3. The Defendant, Wilfrid Laurier University, is an Ontario post-secondary institution with a campus located in Waterloo, Ontario.

Background to This Action

4. This is the second of two actions commenced by the Plaintiff against Wilfrid Laurier University arising out of the same underlying events.

5. On November 1, 2017 Teaching Assistant, Lindsay Shepherd, played clips from TVO television program, *The Agenda*, to a group of students during a tutorial session in an undergraduate Communications Studies course at Wilfrid Laurier University. The clips in question featured the Plaintiff, and included commentary by him on Bill C-16, *An Act to Amend the Canadian Human Rights Act and the Criminal Code*. Among other things, Bill C-16 added gender expression and identity as a protected ground under the *Canadian Human Rights Act*.

6. Following this tutorial session, Ms. Shepherd attended a meeting with Wilfrid Laurier University faculty members where they discussed her playing of the clips featuring the Plaintiff.

7. Unbeknownst to the other attendees of the meeting, Ms. Shepherd surreptitiously recorded most of the meeting. She thereafter shared the recording with reporter, Christie Blatchford, at the National Post, and subsequently released it to multiple media outlets and posted it online. Wilfrid Laurier University (including its employees and contractors) had no involvement in creating or releasing the audio recording.

Significant Public Interest in the Underlying Events

8. The above-described events generated significant public interest. This is reflected in the several media articles that were published on the topic, which include but are not limited to the following:

- (a) *Wilfrid Laurier University TA claims censure over video clip on gender pronouns*, published by The Globe and Mail on or about November 16, 2017 (a true copy of which is attached at **Exhibit "A"** to this affidavit);

- (b) *Jordan Peterson and the big mistake of university censors*, published by Macleans on or about November 17, 2017 (a true copy of which is attached at **Exhibit “B”** to this affidavit);
- (c) *Here’s the full recording of Wilfrid Laurier reprimanding Lindsay Shepherd for showing a Jordan Peterson video*, published by the National Post on or about November 20, 2017 (a true copy of which is attached at **Exhibit “C”** to this affidavit);
- (d) *Laurier apologizes to TA who aired debate clip on gender-neutral pronouns*, published by the National Post on or about November 21, 2017 (a true copy of which is attached at **Exhibit “D”** to this affidavit);
- (e) *Christie Blatchford: Wilfrid Laurier investigation into Lindsay Shepherd affair complete, but public won’t see report*, published by the National Post on or about December 15, 2017 (a true copy of which is attached at **Exhibit “E”** to this affidavit);
- (f) *Christie Blatchford: Investigator’s report into Wilfrid Laurier University vindicates Lindsay Shepherd*, published by the National Post on or about December 18, 2017 (a true copy of which is attached at **Exhibit “F”** to this affidavit);
- (g) *What really happened at Wilfrid Laurier University: Inside Lindsay Shepherd’s heroic, insulting, brave, destructive, possibly naïve fight for free speech*, published by Macleans on or about December 11, 2017 (a true copy of which is attached at **Exhibit “G”** to this affidavit); and
- (h) *Documents reveal new details in Lindsay Shepherd-Wilfrid Laurier University saga*, published by The Globe and Mail on or about April 5, 2018 (a true copy of which is attached at **Exhibit “H”** to this affidavit).

9. There was sufficient public interest as to give rise to a Free Speech Protest at Wilfrid Laurier University, which was attended by a crowd of 150 people according to reporting by The Globe and Mail: *Free speech protest at Wilfrid Laurier University caps turbulent week*, published by The Globe and Mail on or about November 24, 2017 (a true copy of which is attached at **Exhibit “I”** to this affidavit).

Commencement of CV-18-00599971-0000 (Action #1)

10. On or about June 18, 2018 the Plaintiff commenced an action as against Wilfrid Laurier University and three individually-named defendants (all of whom were in attendance at the aforementioned meeting with Ms. Shepherd). The Statement of Claim in that action was issued by the Superior Court of Justice in Toronto, and bears Court File No.: CV-18-00599971-0000 (hereinafter referred to as “Action #1”). Attached hereto and marked as **Exhibit “J”** to this affidavit is a true copy of the Statement of Claim in Action #1.

11. In Action #1, the Plaintiff alleges that comments made about him by the three individually-named defendants were defamatory, and alleges that Wilfrid Laurier University is vicariously liable for these comments. With respect to damages in Action #1, the Plaintiff seeks \$500,000.00 for defamation, \$500,000.00 for injurious falsehood, and \$500,000.00 for punitive damages, along with interest and costs.

12. On June 20, 2018, Wilfrid Laurier University issued a statement in which it, *inter alia*, confirmed that it had been served with a Statement of Claim by lawyer Howard Levitt on behalf of Jordan Peterson, and indicated that it “will vigorously defend against this statement of claim”. Attached hereto and marked as **Exhibit “K”** to this affidavit is a true copy of the June 20, 2018 statement.

13. On June 20, 2018 – two days after the issuance of the Statement of Claim in Action #1 – the Plaintiff released a recorded video statement on his YouTube channel. In this video statement

the Plaintiff noted that Ms. Shepherd had commenced her own separate proceeding against Wilfrid Laurier University and various individual defendants. Further, the Plaintiff explained that he had decided to launch his own claim against the same Defendants and that he was "...hoping that the combination of the two lawsuits [would] be enough to convince careless University professors and administrators blinded by their own ideology to be much more circumspect in their actions and their words". Attached hereto and marked as **Exhibit "L"** to this affidavit is a true copy of the Plaintiff's video statement released on YouTube on June 20, 2018. Attached hereto and marked as **Exhibit "M"** to this affidavit is a true transcript of the Plaintiff's video statement released on YouTube on June 20, 2018.

14. On or about August 31, 2018 Wilfrid Laurier University and Adria Joel delivered their Statement of Defence in Action #1. Adria Joel is a former staff member of Wilfrid Laurier University, and was employed on a limited-term contract at material times. Attached hereto and marked as **Exhibit "N"** to this affidavit is a true copy of the Statement of Defence filed on behalf of Wilfrid Laurier University and Adria Joel in Action #1. The Plaintiff has not taken any steps (via motion to strike or otherwise), to challenge the propriety of Wilfrid Laurier University's Statement of Defence in Action #1.

15. The other defendants in Action #1, Nathan Rambukkana and Herbert Pimlott, are represented by separate counsel, and delivered their Statement of Defence on or about December 7, 2018. Attached hereto and marked as **Exhibit "O"** to this affidavit is a true copy of the Statement of Defence delivered on behalf of the other defendants in Action #1.

16. Action #1 has not progressed beyond the pleadings stage. The parties have not exchanged Affidavits of Documents, and examinations for discovery have not been scheduled.

Significant Public Interest in Action #1

17. Following the issuance of the Statement of Claim in Action #1, a number of media stories were published about the proceeding, including but not limited to the following:

- (a) *Jordan Peterson sues Wilfrid Laurier University for defamation*, published by The Globe and Mail on June 21, 2018 (a true copy of which is attached at **Exhibit “P”** to this affidavit);
- (b) *Jordan Peterson sues Wilfrid Laurier University for defamation over staff remarks during meeting*, published by the Toronto Star on June 21, 2018 (a true copy of which is attached at **Exhibit “Q”** to this affidavit);
- (c) *Jordan Peterson launches defamation suit against Wilfrid Laurier University*, published by the Toronto Sun on June 21, 2018 (a true copy of which is attached at **Exhibit “R”** to this affidavit); and
- (d) *Jordan Peterson sues Wilfrid Laurier University over alleged remarks during teaching assistant’s meeting*, published by the National Post on or about June 21, 2018 (a true copy of which is attached at **Exhibit “S”** to this affidavit).

18. The delivery of Wilfrid Laurier University’s Statement of Defence in Action #1 also attracted media coverage, including but not limited to the following:

- (a) *Laurier’s statement of defence says Jordan Peterson should really be suing Lindsay Shepherd*, published in the National Post on or about August 31, 2018 (a true copy of which is attached at **Exhibit “T”** to this affidavit); and
- (b) *Laurier University asks court to dismiss Jordan Peterson lawsuit*, published in The Globe and Mail on or about August 31, 2018 (a true copy of which is attached at **Exhibit “U”** to this affidavit).

19. At material times the Plaintiff and his lawyer, Howard Levitt (who also represents Ms. Shepherd in her separate litigation), fueled the public interest in the case by making numerous public comments about the underlying facts as well as Action #1.

20. Following the issuance of the Statement of Claim in Action #1, Wilfrid Laurier University received a number of media requests regarding the litigation.

The Impugned Statement

21. On or about August 31, 2018 Wilfrid Laurier University posted a statement to its website titled *Laurier Files Statement of Defence in Jordan Peterson Lawsuit* (hereinafter referred to as the "Statement"). In the Statement, Wilfrid Laurier University confirmed that it had served and filed a Statement of Defence in Action #1; confirmed that it intended to vigorously defend itself in Action #1; and highlighted certain points raised in its Statement of Defence in Action #1. Attached hereto and marked as **Exhibit "V"** to this affidavit is a true copy of the Statement.

22. Wilfrid Laurier University, through its Communications department, published the Statement on the 'Laurier News Hub' portion of its website, and on no other forums. The Laurier News Hub and content posted thereon is targeted at an audience comprised of Wilfrid Laurier University students and faculty, members of the media, and others interested in the affairs of Wilfrid Laurier University.

23. Given its involvement in Action #1, and the significant public interest that Action #1 and the underlying events had generated, Wilfrid Laurier University felt that it was its right and duty, and also in its interest, to issue the Statement. The readers of the Laurier News Hub had a corresponding interest and/or duty in receiving the information contained in the Statement.

24. Wilfrid Laurier University bears no personal animosity towards the Plaintiff, and the Statement was made without malice. The Statement was made in good faith, and in response to significant public interest in the subject matter.

Commencement of the Within Action (Action #2)

25. The within action was commenced by Statement of Claim issued on September 11, 2018. Attached at **Tab 4** of this Motion Record is a true copy of the Statement of Claim in the within action (hereinafter referred to as "Action #2"). In Action #2, the Plaintiff seeks the same damages as are sought in Action #1, along with a further \$250,000.00 for aggravated damages.

26. In Action #2, the Plaintiff alleges that the Statement defamed him.

27. Wilfrid Laurier University delivered its Statement of Defence in Action #2 on or about October 11, 2018. Attached at **Tab 5** of this Motion Record is a true copy of the Statement of Defence in Action #2.

28. I affirm this affidavit in support of a motion seeking to dismiss the Plaintiff's claim pursuant to section 137.1 of the *Courts of Justice Act*, and for no other or improper purpose or delay.

Affirmed remotely by David McMurray, of the City of Waterloo, in the Province of Ontario before me at the City of Toronto, in the Province of Ontario on November 24, 2022, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



DAVID MCMURRAY

A Commissioner for taking Affidavits (or as may be)
Natasha O'Toole

This is Exhibit "A" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Wilfrid Laurier University TA claims censure over video clip on gender pronouns

 theglobeandmail.com/news/national/wilfrid-laurier-university-launches-probe-after-ta-airs-clip-on-gender-pronouns/article37003230/

Michelle McQuigge

16 November 2017



Michelle McQuigge

Toronto

The Canadian Press

Published November 16, 2017

This article was published more than 5 years ago. Some information may no longer be current.

An Ontario university that has raised eyebrows among those concerned with questions of academic freedom has engaged a third-party investigator to probe an incident involving one of its teaching assistants.

Lindsay Shepherd, a graduate student at Wilfrid Laurier University, said she ran afoul of school authorities after she aired a clip in two tutorials of a debate on gender-neutral pronouns featuring polarizing University of Toronto professor Jordan Peterson.

The excerpt from TVO's current affairs program "The Agenda" shows Peterson, who has famously refused to use gender pronouns other than "he" or "she," defending his position against a professor who argued it was necessary to use the pronouns that a person prefers to be called.

Shepherd said she was chastised by her superiors for failing to condemn Peterson's remarks outright and told her neutral approach to the clip was tantamount to remaining neutral on other objectionable views such as those of Adolf Hitler.

The university would not confirm what was said to Shepherd, but said it had enlisted an unidentified "neutral third-party professional" to "gather the facts" of the situation.

For Shepherd, the incident has raised fundamental questions about the purpose of a post-secondary institution.

Silencing unpopular opinions is not true to the spirit of an institution that purports to encourage intellectual exploration, she said, adding that launching a third-party investigation only reinforces that impression.

"This was an opportunity for the university to be like 'it's true, we should be able to have a debate, we're sorry it became an issue and we're happy to foster debate in the university environment,'" she said. "Instead, they're being weird about it."

Shepherd said the lesson to her communications tutorial class was focusing on the complexities of grammar.

Shepherd said she was trying to demonstrate that the structure of a language can impact the society in which it is spoken in ways people might not anticipate. To illustrate her point, she said she mentioned that long-standing views on gender had likely been shaped by the gender-specific pronouns that are part of English's fundamental grammatical structure.

The clip of Peterson debating sexual diversity scholar Nicholas Matte, she said, was meant to demonstrate ways in which the existence of gender-specific pronouns has caused controversy.

Shepherd said a student complained about the clip, which she showed to two tutorials of roughly 24 participants each. In response, she said her supervisors censured her for airing the clips, told her she was "transphobic" for playing them and said she ought to have spoken out against the positions Peterson expressed during the excerpt.

She said she was permitted to keep her position so long as she agreed to file copies of her lesson plans in advance and allow faculty members to sit in on her sessions whenever they wished, constraints she said are not standard practice for Laurier.

She said the experience left her questioning the school's commitment to academic freedom, a position Laurier maintains it upholds.

"Laurier is committed to fostering a learning environment that is open and challenging, protects academic freedom and freedom of expression, as well as being welcoming, supportive and respectful of human rights," the school said in a statement.

"Supporting these values in a world that is changing and increasingly polarized is a challenge that Laurier welcomes and, along with many other universities, is working hard to address."

Experts said the issue is indeed prevalent in many intellectual circles as people grapple with the meaning of terms like academic freedom.

Noa Mendelsohn Aviv, acting executive director of the Canadian Civil Liberties Association, said the term has become associated with a specific political faction, causing some to lose sight of its value across the spectrum.

"There are plenty of bigots, white supremacists, neo nazis who have claimed 'freedom of expression' for themselves and have made it difficult for people who value equality to say that 'this is an important tool for democracy that we also hold dear,'" she said. "Anybody who knows anything about the history of the struggle for freedom knows that those freedoms have been won through ... debate, through the expression of unpopular opinion."

Katherine Fierlbeck, a political science professor at Dalhousie University in Halifax, agreed.

She said failure to encourage genuine debate in classrooms not only shortchanges students by leaving them without the skills to think critically in real-life debates, but may also drive those who feel their views are not welcome to seek out more receptive audiences, such as communities of online agitators or active proponents of hate.

Shepherd's approach of neutrally presenting a debate to prompt further discussion was exemplary, she said, adding it was in keeping with the true spirit of academic freedom.

"Some ... understand academic freedom to mean that they can say anything about anybody at any time, but that's certainly not the case," she said. "It has to be germane to your area, and there has to be a good reason offered for what you are doing."

If those parameters are in place, however, Fierlbeck said professors are obliged to push new ideas and teach students to recognize poor logic or faulty premises. Failing to do so, she said, makes students censor themselves until they can present an opinion that's in line with what they perceive to be acceptable.

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Jordan Peterson and the big mistake of university censors - Macleans.ca

By Stephen Maher November 17, 2017

[Opinion](#)

Stephen Maher: Learning to think means learning to entertain opposing ideas, not imposing a safety culture on campus

By Stephen Maher November 17, 2017



Profile of Dr. Jordan Peterson, the U of T prof at the centre of a media storm because of his public declaration that he will not use pronouns, such as “they,” to recognize non-binary genders. (Carlos Osorio/Toronto Star via Getty Images)

Unfortunately, it is time for people outside the academy to stand up for the free speech rights of Jordan Peterson, the irritating University of Toronto psychology professor who has become a star by producing tedious YouTube videos complaining about people trying to silence him.

Peterson, who is wrong about almost everything, is right when he says, over and over again, that he has a fundamental right to speak. The well-meaning people who try to silence him are making a big mistake, and need to listen to people outside the ivory tower.

On Nov. 1, [Lindsay Shepherd](#), a teaching assistant at Wilfrid Laurier University in Waterloo, showed first year Communications Studies students a video clip from TVO’s [Agenda](#), in which Peterson debated the use of non-gender-binary pronouns with another professor.

The classroom discussion must have upset a student, because Shepherd was censured by faculty and diversity and equity officials, who said she was “transphobic” and had created “a toxic climate.”

Shepherd is afraid that the university may fire her.

“Universities are no longer places where one can engage with controversial ideas,” she told the *Waterloo Record*. “They are echo chambers for left-wing ideology.”

Shepherd is right and the scolds at the university need to stop their censorious ways, not least because they are playing Peterson’s game.

READ MORE: [Is Jordan Peterson the stupid man’s smart person?](#)

Peterson, who makes tens of thousands of dollars a month fund-raising online, became famous in basements around the world when he

binary students.

He argues that the university shouldn't force him to use language he doesn't like—misusing the plural, for goodness sake—and that his academic freedom is imperiled by the social justice warriors running the universities.

I think he's wrong. Professors should do what they can for students who fall outside traditional gender categories, who have a much tougher life than powerful straight white men like Peterson. If that means that professors need to spend a little effort wrapping their tongues around new words, too bad.

I think it's difficult for many straight, cisgendered people to deal with trans people because thinking about gender identity threatens their own identity in some way, and it's lazy and selfish for them to refuse to deal with their own issues. Because gender is so emotional, young trans people face huge challenges being accepted, which is a matter of survival.

Peterson is the very picture of white straight male privilege, griping about being told what to do by people that were once subordinate to people like him, ignoring the pressing needs of people who need to be accepted if they are to survive.

For that reason, though, he is performing a valuable function. When society changes, as it is changing now, thankfully, in the way it treats trans people, we need to have a debate about it. To have a debate, someone has to be right and someone else—Peterson, in this case—has to be wrong.

What is worrying is that universities are trying to stop the debate from taking place.

Activists, who are right to demand that society treat trans people with respect, are wrong to think that that respect should extend to silencing those who disagree with them.

This seems to be half the point of a lot of left wing campus activism in the 21st century: trying to prevent people you disagree with from speaking. It is mistake, because it plays into the hands of the troll army of hateful troglodytes who lose every argument so long as you don't try to force them into silence.

I get it when the people you disagree with are actual Nazis, like Richard Spencer, and I can see why exuberant young people aren't always scrupulous about the distinction between showing up to oppose a speaker they dislike, which is healthy, and trying to stop that person from speaking, which is not.

But there is something sick-making about the growing bureaucratization of safe spaces, the culture of human resources departments imposing itself on campus, the idea that the universities must protect students from being confronted by uncomfortable ideas.

You can't learn to think without debating. Learning to think doesn't mean having your head stuffed full of whatever orthodoxy the profs have settled on this week, because you can be sure that will change, and then what will you do? Go back to school for re-education?

Learning to think means learning to entertain opposing ideas, defend your views and discard the ones you can't defend.

There is no room for compromise on this, and that means there's going to have to be a nasty fight with well-meaning but mistaken censors.

Campus activists have weaponized fragility, imposing the safety culture of the elementary school where it does not belong.

An earlier generation of activists made gains by forcing society to confront their reality. They said Black is Beautiful, or We're here! We're Queer! Get used to it! Today's activists seem to invest a lot of energy in prosecuting micro-aggressions, preventing offence, imposing orthodoxy.

There's something disturbing about this, beyond its implications for free speech. As a society, we are becoming increasingly risk-averse, embracing safety as the highest value, wrapping our children in bubble wrap, helmets securely strapped to their chins, safe from sexism, transphobia, bullying and peanuts.

It's hard to speak out against any of it. Helmets are a good idea. Transphobia is bad. Peanuts are life-threatening for some kids.

But the world is not an elementary school, and we're not doing students any favours by pretending that they can go through their lives without ever having their feelings hurt.

[Politics](#)

Jean Charest officially launches his Tory leadership bid

Politics Insider for Mar. 11: The Charest factor; a look at what drives Poilievre; and a plan for Zelenskyy to address Parliament

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Here's the full recording of Wilfrid Laurier reprimanding Lindsay Shepherd for showing a Jordan Peterson video

NP nationalpost.com/news/canada/heres-the-full-recording-of-wilfrid-laurier-reprimanding-lindsay-shepherd-for-showing-a-jordan-peterson-video

Tristin Hopper



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Teaching assistant Shepherd was accused of creating a 'toxic climate' at the university by screening a televised debate discussing gender-neutral pronouns

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Author of the article:

[Tristin Hopper](#)

Publishing date:

Nov 20, 2017 • November 21, 2017 • 9 minute read

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Article content

During a seminar with first-year communications students, Wilfrid Laurier University teaching assistant Lindsay Shepherd screened a TVOntario debate to illustrate the sometimes-controversial politics of grammar.

The video, an episode of The Agenda with Steve Paikin, included University of Toronto professor [Jordan Peterson](#) presenting his case against the use of non-gendered pronouns. It also included panellists taking the opposite viewpoint.

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Here's the full recording of Wilfrid Laurier reprimanding Lindsay Shepherd for showing a Jordan Peterson video [Back to video](#)

Nevertheless, after an anonymous student complained, [Shepherd found herself reprimanded for violating the school's Gendered and Sexual Violence policy](#). In a subsequent meeting with university officials, she was accused of creating a “toxic” and “problematic” environment that constituted violence against transgendered students. She was also falsely told that she had broken the law.

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Shepherd recorded the meeting. Audio and selected transcripts are below. The voices are of Shepherd, her supervising professor Nathan Rambukkana, another professor, Herbert Pimlott, as well as Adria Joel, manager of Gendered Violence Prevention and Support at the school.

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00:00:56 “So you weren’t, like, one of Jordan Peterson’s students?”

Shepherd: Obviously this person (the complainant) who had an issue did not express it to me, they just went straight to whoever, I don’t know what really happened.

Rambukkana: Just for some additional context so, you came from U of T is that right?

Shepherd: No, SFU.

Rambukkana: From SFU, okay. So you weren’t, like, one of Jordan Peterson’s students?

The meeting had just begun when Shepherd received this oblique accusation that she might be a protégé or supporter of Peterson’s. Later in the meeting, Pimlott will expound on how people like Peterson live in a fantasy world of false conspiracies. However, it should be noted that upon encountering a teaching assistant who had mentioned an unpopular idea, one of Laurier’s first assumptions was that she was somehow an agent of those ideas. Several times during the meeting, Shepherd will reiterate that her beliefs about gender had no bearing on her decision to screen the video. “I disagree with Jordan Peterson, but you people seem to think I’m pro-Jordan Peterson,” she says at one point.

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00:03:10 “These arguments are counter to the Canadian Human Rights Code”

Rambukkana: ...[Peterson] lectures about critiquing feminism, critiquing trans rights —

Shepherd: I'm familiar. I follow him. But can you shield people from those ideas? Am I supposed to comfort them and make sure that they are insulated away from this? Like, is that what the point of this is? Because to me, that is so against what a university is about. So against it. I was not taking sides. I was presenting both arguments.

Rambukkana: So the thing about this is, if you're presenting something like this, you have to think about the kind of teaching climate that you're creating. And this is actually, these arguments are counter to the Canadian Human Rights Code. Even since ... C-16, ever since this passed, it is discriminatory to be targeting someone due to their gender identity or gender expression.

Nathan Rambukkana, Assistant Professor,
Communication Studies, WLU. Credit:
Wilfrid Laurier University

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By C-16, Rambukkana is referring to a recently passed federal bill that prohibits discrimination based on gender identity or expression. His read of it is dead wrong; it's obviously not a violation of C-16 to screen a TVOntario program at a university. For one thing, the bill only applies to federally-regulated industries, which does not include universities. Even if it did, legal experts contacted by the National Post were extremely dubious that Shepherd's actions constituted anything remotely resembling discrimination.

00:04:22 "It has created a toxic climate for some of the students"

Shepherd: Like I said, it was in the spirit of debate.

Rambukkana: Okay, "in the spirit of the debate" is slightly different than 'this is a problematic idea that we might want to unpack.'

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Shepherd: But that's taking sides.

Rambukkana: Yes.

Shepherd: It's taking sides for me to be like "oh, look at this guy, like everything that comes out of his mouth is B.S. but we're going to watch anyway."

Rambukkana: I understand the position that you're coming from and your positionality, but the reality is that it has created a toxic climate for some of the students, you know, it's great —

Shepherd: How many? Who? How many? One?

Rambukkana: May I speak?

Shepherd: I have no concept of how many people complained, what their complaint was, you haven't shown me the complaint.

Rambukkana: I understand that this is upsetting, but also confidentiality matters.

Shepherd: The number of people is confidential?

Rambukkana: Yes.

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According to Shepherd, the seminar actually went pretty well; students considered the video, and soon got to discussing the use of gender neutral terms such as "they" instead of "him" or "her." As Shepherd explained at the opening of her meeting with supervising professors, "there were people of all opinions." Whoever took offence, she noted, did not approach her directly or even raise their concerns in class before filing a gendered violence complaint with university officials.

00:05:58 "... creates an unsafe learning environment for students."

Rambukkana: Do you see how this is something that is not intellectually neutral, that is kind of "up for debate," I mean this is the Charter of Rights and Freedoms.

Shepherd: But it is up for debate.

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Rambukkana: You're perfectly welcome to your own opinion, but when you're bringing it into the context of the classroom that can become problematic, and that can become something that is, that creates an unsafe learning environment for students.

Shepherd: But when they leave the university they're going to be exposed to these ideas, so I don't see how I'm doing a disservice to the class by exposing them to ideas that are really out there. And I'm sorry I'm crying, I'm stressed out because this to me is so wrong, so wrong.

Joel: Can I mention the ... Gendered and Sexual Violence Policy?

Once again, Rambukkana accuses Shepherd of breaking the law. But as with C-16, there is nothing in the Charter of Rights and Freedoms that prohibits what Shepherd did. The Charter says the exact opposite, in fact; one of the document's four "fundamental freedoms" is the "freedom of thought, belief, opinion and expression." If someone ever launched a legal case against Shepherd for this, the Charter would be the document most likely to protect her from prosecution.

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00:07:28 All perspectives are not valid.

Shepherd: What I have a problem with is, I didn't target anybody. Who did I target?

Joel: Trans folks.

Shepherd: By telling them ideas that are really out there? Telling them that? By telling them? Really?

Rambukkana: It's not just telling them. In legitimizing this as a valid perspective—

Shepherd: In a university all perspectives are valid.

Rambukkana: That's not necessarily true, Lindsay.

The tug-of-war between Shepherd and her supervising professor basically boiled down to single point. Shepherd argued the case that ideas, however controversial, deserve mention in the classroom. Rambukkana, however, held fast to the notion that some ideas are "problematic" and cannot be raised without being clearly labeled as such. In this, arguing

against gender-neutral pronouns was compared to banning women's suffrage or claiming that cigarettes are harmless. Using a rhetorical tactic typically more at home on Reddit forums, Rambukkana and Pimlott would also thrice use the example of Nazi Germany. "This is like neutrally playing a speech by Hitler," Rambukkana said at one point.

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00:17:19 "The Nazis actually used ... issues around the free speech idea."

Pimlott: I would find it problematic if my tutorial leaders were representing positions that didn't have any substantial academic credibility to that evidence.

Shepherd: But he's still a public figure ... this was on a TV show. He's still a public figure.

Pimlott: He's a public figure, and a lot of people there like (American white supremacist) Richard Spencer of, I don't like calling them alt-right, it gives them too much legitimacy, but Richard Spencer, right? The Nazis actually used, this is a historic—issues around the free speech idea in the 1920s in Weimar Germany as an issue around which which is what they're using now. We know that someone like Richard Spencer is using theories and ideas that don't have any academic credibility. He's a

Dr. Herbert Pimlott, Associate Professor
Communication Studies, WLU. Credit: Wilfrid
Laurier University

public figure. But in terms of, if we introduce someone, we give them greater credibility in a certain condition. I agree that there are public figures out there that bring people, uh, bring hatred, target groups and if you look at statistically the degree of suicide attempts of trans people, young people, it's the highest of any group in society. And, you know, it's, you go through — Indigenous people — and so on. There are things that don't have academic credibility and I just don't think—I personally think I have some problems, I have no problems with the fact that these things are out there and people are going to engage them but we have to think of the atmosphere that we also create for the learning process.

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It's worth reiterating that this whole debacle happened within Wilfrid Laurier University's communications department. The program's whole job is to teach students how to legibly convey ideas. Despite this, the rambling semi-coherent answer above is quite typical of the other 43 minutes of the recording. Pimlott's mention of "academic credibility" is notable. It's not like the group is discussing an issue like climate change or evolution, in which there's a pretty clear scientific consensus on the truth. They're discussing language, and Laurier appears to be telling Shepherd to ignore the language ideas of any "public figure" who doesn't have appropriate academic credentials. Such a broad definition could presumably include anyone from William Shakespeare to J.K. Rowling.

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00:22:06 Your neutrality is "kind of the problem"

Rambukkana: Do you understand how what happened was contrary to, sorry Adria, what was the policy?

Joel: Gendered and Sexual Violence.

Rambukkana: — Gendered and Sexual Violence Policy. Do you understand how —

Shepherd: Sorry, what did I violate in that policy.

Joel: Um, so, gender-based violence, transphobia, in that policy. Causing harm, um, to trans students by, uh, bringing their identity as invalid. Their pronouns as invalid — potentially invalid.

Shepherd: So I caused harm?

Joel: — which is, under the Ontario Human Rights Code a protected thing so something that Laurier holds as a value.

Shepherd: Ok, so by proxy me showing a YouTube video I'm transphobic and I caused harm and violence? So be it. I can't do anything to control that.

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Rambukkana: Ok, so that's not something that you have an issue with? The fact that that happened? Are you sorry that it happened?

Shepherd: I know in my heart, and I expressed to the class, that I'm not transphobic and if any of them — again, I don't know what they said — but I don't think I gave away any kind of political position of mine. I remained very neutral, and uh—

Rambukkana: —that's kind of the problem.

Unlike with C-16 and the Charter of Rights and Freedoms, it is much more believable that Shepherd actually did violate the schools' Gendered and Sexual Violence Policy. The document is quite broad, and defines gendered violence as “an act or actions that reinforce gender inequalities resulting in physical, sexual, emotional, economic or mental harm.” The policy further stipulates that the “violence” can take the form of graffiti or text messages. Under these parameters, a YouTube video that made a student feel uncomfortable would seem to amply qualify.

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00:25:16 Students don't have the “critical toolkit” to understand these things

Rambukkana: These are very young students, and something of that nature is not appropriate to that age of student, because they don't have ...

Shepherd: 18?

Rambukkana: Yes.

Shepherd: They're adults.

Rambukkana: Yes, but they're very young adults. they don't have the critical toolkit to be able to pick it apart yet. This is one of the things we're teaching them, so this is why it becomes something that has to be done with a bit more care.

This is a theme that Pimlott takes up later in the recording; that Wilfrid Laurier University is bringing in young naifs from a prejudice-filled society who aren't yet ready to handle complex ideas without proper training. He said it takes a while to properly challenge "the faith-based, family and other types of structures in society that they've been inculcated with for years." The meeting concludes, by the way, with a note that Shepherd must now run her seminar notes past Rambukkana and obtain specific approval for any future media she intends to show. "I'll ask you not to play any more Jordan Peterson videos, or anything of the like," Rambukkana said.

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Laurier apologizes to TA who aired debate clip on gender-neutral pronouns

 nationalpost.com/pmn/news-pmn/canada-news-pmn/laurier-apologizes-to-ta-who-aired-debate-clip-on-gender-neutral-pronouns

Michelle McQuigge, The Canadian Press

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An Ontario university has apologized to a teaching assistant who was severely chastised for airing a clip of a debate featuring a controversial figure, saying the woman was not treated according to the institution's values.

The president of Wilfrid Laurier University said the school is proceeding with a third-party investigation into the dispute with graduate student Lindsay Shepherd, but said recently revealed audio recordings of her interactions with her immediate superiors made it clear an apology was in order.

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Laurier apologizes to TA who aired debate clip on gender-neutral pronouns [Back to video](#)

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Shepherd said she discreetly recorded a meeting with three Laurier staff members in which she was roundly criticized for failing to condemn the views of polarizing University of Toronto professor Jordan Peterson, who has refused to use gender-neutral pronouns. She had aired a clip of a debate featuring the professor as part of a communications tutorial.



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On the recording of the meeting, Shepherd is heard tearfully defending her decision to play the clip while staff accuse her of being transphobic and liken her failure to condemn Peterson to remaining neutral on the views of Adolf Hitler.

“The conversation I heard does not reflect the values and practices to which Laurier aspires,” the university’s president, Deborah MacLatchy, said in a statement Tuesday. “I am sorry it occurred in the way that it did and I regret the impact it had on Lindsay Shepherd.”

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Shepherd, 22, said she accepted and welcomed the apology, but felt it rang hollow coming on the heels of intensive media attention around her case.

“Let’s not forget that this was their only option,” she said. “They were basically forced to do it out of public and media shaming.”

The saga began earlier this month when Shepherd led two tutorial groups of students taking a first-year communications course.

As part of a lesson on the complexities of grammar, Shepherd said she was trying to demonstrate that the structure of a language can impact the society in which its spoken in ways people might not anticipate.

To illustrate her point, she said she mentioned that long-standing views on gender had likely been shaped by the gender-specific pronouns that are part of English's fundamental grammatical structure.

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The clip of Peterson debating sexual diversity scholar Nicholas Matte, she said, was meant to demonstrate ways in which the existence of gender-specific pronouns has caused controversy. A student complaint about the class prompted a meeting with supervisors.

In Shepherd's recordings of her meeting with superiors, which she shared with The Canadian Press, she is heard arguing that she tried to present the situation neutrally in order to foster debate and discussion, and states that she herself does not support Peterson's views on gender-neutral pronouns.

Shepherd's supervisor Nathan Rambukkana is heard explicitly drawing parallels to white supremacist propaganda and is heard saying Shepherd should not have taken a neutral stance on the issue in class.

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In an open letter to Shepherd, Rambukkana apologized.

"While I still think that such material needs to be handled carefully, especially so as to not infringe on the rights of any of our students or make them feel unwelcome in the learning environment, I believe you are right that making a space for controversial or oppositional views is important, and even essential to a university," he wrote in the letter.

"The trick is how to properly contextualize such material."

Rambukkana also apologized for meeting with Shepherd in the company of two other colleagues, responding to criticism that such a setup demonstrated a power imbalance.

Shepherd argued, however, that Rambukkana's caveat about contextualizing suggests Laurier is still opposed to hearing multiple perspectives on an issue, saying telling students what to think of any given opinion ahead of time cripples their capacity to form their own thoughts.

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“It doesn’t matter how nicely you put it, it’s not OK to say that you can’t debate issues and you have to think a certain way,” she said.

In addition to the inquiry probing Shepherd’s case, MacLatchy said Laurier has also struck a task force looking at issues of academic freedom.

“Laurier is committed to the abiding principles of freedom of speech and freedom of expression,” she said.

“Giving life to these principles while respecting fundamentally important human rights and our institutional values of diversity and inclusion, is not a simple matter. The intense media interest points to a highly polarizing and very complicated set of issues that is affecting universities across the democratic world.”

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Christie Blatchford: Wilfrid Laurier investigation into Lindsay Shepherd affair complete, but public won't see report

 nationalpost.com/opinion/christie-blatchford-wilfrid-laurier-investigation-into-lindsay-shepherd-affair-complete-but-public-wont-see-report

Christie Blatchford

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Shepherd's sin was to show her class a short clip of a televised debate involving the controversial Jordan Peterson without first denouncing his stance against gender neutral pronouns

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[Christie Blatchford](#)

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Lindsay Shepherd speaks during a rally in support of freedom of expression at Wilfrid Laurier University in Waterloo on Nov. 24, 2017. Photo by Dave Abel/Postmedia Network

Article content

The lawyer appointed to “gather the facts” of the Lindsay Shepherd controversy at Wilfrid Laurier University has finished his investigation and is preparing his final report.

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Rob Centa made the comments in a note Friday to Howard Levitt, the Toronto lawyer who is representing the 22-year-old Shepherd pro bono.

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Christie Blatchford: Wilfrid Laurier investigation into Lindsay Shepherd affair complete, but public won't see report Back to video

She is the graduate student and teaching assistant whose browbeating last month at the hands of two Laurier professors and the acting manager of the school's "Gendered Violence Prevention and Support" program prompted a firestorm of reaction.

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Article content

According to the professors, Nathan Rambukkana and Herbert Pimlott, and manager Adria Joel, Shepherd's sin was to show her class a short clip of a televised debate involving the controversial University of Toronto psychology professor Jordan Peterson without first denouncing his stance against gender neutral pronouns such as "zie" and "zher."

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Lindsay Shepherd speaks during a rally in support of freedom of expression at Wilfrid Laurier University in Waterloo on Nov. 24, 2017. Photo by Dave Abel/Postmedia Network

Shepherd was identified as “transphobic” at the meeting and sanctioned by having to submit her lesson plans in advance.

Rambukkana has since issued a lengthy apology to Shephard, as has university president Deborah MacLatchy.

Levitt had written demanding Centa resign in the wake of tweets he made, before he accepted the Laurier appointment, in which he appeared to be an ardent supporter of diversity, arguably even at the expense of limits on free speech.

For instance, in the recent Law Society of Upper Canada debate over whether forcing lawyers to submit a “statement of principles” confirming their obligation to promote equality, diversity and inclusion was a form of “compelled speech,” Centa praised a colleague who spoke in favour of “advancing diversity.”

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“Your tweets were, in my view, broadly supportive of compelling support for diversity over free speech,” Levitt wrote Centa on Dec. 4. Centa replied that “I have never taken a position on this case” and pledged to approach it “with an open mind.”



Wilfrid Laurier University professors Nathan Rambukkana, left, and Herbert Pimlott, right, reprimanded teaching assistant Lindsay Shepherd for showing a video featuring controversial U of T professor Jordan Peterson without denouncing his views. Photo by Wilfrid Laurier University

When The College Fix, a U.S. conservative, student-run website, ran a story this week about Centa's earlier tweets, Levitt renewed his concerns.

"I am asking, on behalf of my client, that you recuse yourself and step down immediately," he wrote Centa on Thursday. "If you choose not to step down, I am asking Dr. MacLatchy, who we understand appointed you, to replace you with someone who all parties would find acceptable."

It was that letter Centra replied to Friday, saying, “I see no reason to recuse myself and will not be doing so. I addressed your concerns about a reasonable apprehension of bias in my previous letter.

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“I have completed my investigation and will be finalizing and submitting my report to the president.”

His report will remain private, though bizarrely, MacLatchy has pledged to act “on the recommendations that come out of the report.” Since it will stay secret, no member of the university or public will ever know if Laurier follows through.



Lindsay Shepherd speaks during a rally in support of freedom of expression at Wilfrid Laurier University in Waterloo on Friday November 24, 2017. Photo by Dave Abel/Toronto Sun/Postmedia Network

The university, via spokesman Kevin Crowley, has denied suggestions that Shepherd's employment was at risk in Centa's probe.

"There is no assumption on the part of the university that Ms. Shepherd did anything wrong," Crowley told the National Post in a Dec. 8 email.

"All of the people at the meeting were and are employees of the university. Consequently, the review relates to employment and personnel matters."

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On another front, another spokesperson for Laurier, Lori Chalmers Morrison, says that the membership of the Task Force on Freedom of Expression, another of the school's formal responses to the Shepherd situation, should "be finalized and announced next week."

This task force is to focus on freedom of expression and academic freedom, she said, whereas Centa was to "gather and report on the facts of the recent situation ... the task force and the fact-finding are not related" and the university "will not be removing Rob Centa from the fact-finding exercise."

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Shepherd herself was nominated to the task force, as a representative of graduate students, but the Graduate Students Union then decided its president would take that seat, about the same time she said that "transgender and non-binary students" have been discounted in the Shepherd story.

And just this week, the university's faculty association president, Michele Kramer, issued a statement condemning "the violent speech and actions that have, unfortunately, become a daily occurrence on our campuses (Laurier has one in Waterloo and one in Brantford, Ont.)" and proclaiming it "stands in solidarity with our LGBTQ2 community as they continue to battle their way through walls of ignorance and oppression..."

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Given that the association, according to Kramer, has a role "in helping to draft the composition for the Task Force," it has been necessary for it to "refrain from certain public statements."

Kramer said in the statement that the association has been beleaguered with requests from members with "diametrically opposing points of view" for the union to "intercede or to make public statements along various, diametrically opposed, lines of support."

Not once in the Dec. 12 statement did Kramer mention freedom of speech.

The association's priorities, she said, are the protection for members, particularly Rambukkana and Pimlott; support for faculty who were interviewed by Centa, and working with the university administration to repair "campus relations and university reputation."

• *Email: cblatchford@postmedia.com | Twitter: [blatchkiki](#)*

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before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



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Christie Blatchford: Investigator's report into Wilfrid Laurier University vindicates Lindsay Shepherd

 nationalpost.com/opinion/christie-blatchford-investigators-report-into-wilfrid-laurier-universit-vindicates-lindsay-shepherd

Christie Blatchford

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'No formal complaint, nor informal concern relative to a Laurier policy, was registered about the screening of the video'

Author of the article:

Christie Blatchford

Publishing date:

Dec 18, 2017 • December 18, 2017 • 4 minute read

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Lindsay Shepherd at a free speech rally in late November 2017. Photo by Tyler Anderson/National Post

Article content

Wilfrid Laurier University teaching assistant Lindsay Shepherd has been vindicated, her interrogators sharply criticized, by the independent investigator who reviewed the bizarre incident last month that saw Shepherd called on the carpet for daring to show her class a video clip from a televised debate featuring Jordan Peterson.

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In early November, the 22-year-old Shepherd, a graduate student, showed a short excerpt from the debate between Peterson, the controversial University of Toronto psychology professor, and Nicholas Matte, a lecturer at the U of T's Sexual Diversity Studies program, about the use of gender-neutral pronouns.

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Christie Blatchford: Investigator's report into Wilfrid Laurier University vindicates Lindsay Shepherd Back to video

The full debate, moderated by Steve Paikin, had aired months earlier on TVO, Ontario's public service broadcaster.

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Shepherd was hauled into a meeting with her supervising professor, Nathan Rambukkana, the head of her program, Herbert Pimlott, and bureaucrat Adria Joel from the Gendered Violence Prevention and Support Program.

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Christie Blatchford: 'Ominous' signs that Lindsay Shepherd's job, not free speech, is target of Laurier probe



Counter-protests at Wilfrid Laurier University over freedom of speech turn — well, one man was shouting



Christie Blatchford: Here's where Laurier can stick their apology to Lindsay Shepherd

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During the meeting, Shepherd was accused of the equivalent of “neutrally playing a speech by Hitler” by not first denouncing Peterson and his views, was identified as “transphobic” and told she was not to show any such videos again and that “one student/many students” had complained about her.

The news clearing Shepherd of wrongdoing – and revealing there never was a complaining student — came in an announcement posted Monday on the Wilfrid Laurier University website by university president Deborah MacLatchy.

MacLatchy, who is the only person who will see the full report from Toronto lawyer and investigator Rob Centa, was unequivocal.

The meeting at which Shepherd was browbeaten “never should have happened at all,” MacLatchy said in the statement.

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“No formal complaint, nor informal concern relative to a Laurier policy, was registered about the screening of the video,” she said.

“This was confirmed in the fact-finding report.”

MacLatchy didn’t say how, in the absence of a complaint, the interrogation of Shepherd came to be in the first place.

But the logical inference is that if there was no complainant, one or another of the professors may have taken the matter into his own hands, and invited Joel to sit in on the meeting to lend it an air of bureaucratic formality.

While Shepherd said Monday in a telephone interview “I was happy when I saw” the announcement, “I could never have imagined there was no complaint at all.”

That would mean, as she put it, “It (the meeting) was total abuse.”

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Howard Levitt, the Toronto lawyer who represents Shepherd pro bono, was concerned by the lack of specificity in MacLatchy’s promised corrections.

The university president, for instance, said the incident highlights “the need to enhance our faculty and TA (teaching assistant) training,” and pledged to make such training mandatory in the future for “both TA supervisors and teaching assistants.”

That leaves open, Levitt said, the suggestion that “Lindsay’s behaviour was not as they would like and that she should have been supervised better.

“If this is not intended as an implicit criticism, then why would they not say that she did precisely what she should have done in showing both sides of the debate...?”

MacLatchy did say clearly “There was no wrongdoing on the part of Ms. Shepherd in showing the clip from TVO in her tutorial.

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“Showing a TVO clip for the purposes of an academic discussion is a reasonable classroom teaching tool.”

But she added that all instructional material “needs to be grounded in the appropriate academic underpinnings to put it in context” and noted “the entire discussion also needs to be handled properly.

“We have no reason to believe this discussion was not handled well in the tutorial in question.”

But, Levitt said, if MacLatchy believes, as she said, that the conduct of Rambukkana, Pimlott and Joel “does not meet the high standards I set for staff and faculty,” why didn’t she make a clear finding of wrongdoing on their parts?

MacLatchy also said “the interviews conducted by the fact-finder confirmed that the rationale for invoking” the new Gendered and Sexual Violence Policy “did not exist.”

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“It was misapplied and was a significant overreach.”

As a result, the policy will be reviewed, its oversight tightened.

The fact-finding process was but one of the university’s two-pronged response to the Shepherd incident.

The other is to strike a task force on freedom of expression that is to develop a statement for the university.

Membership is to be decided by the end of December.

Seven seats in total, or the majority of members, are to go to the university’s faculty association, five of whom are to be directly elected.

Twenty-three nominees are running for those seats, the National Post has learned, and only three of them appear, from the statements they were asked to submit, to be overt defenders of free speech.

A half dozen others appear neutral on the issue, but the majority have either signed petitions of support for the school’s “transgendered community” or expressed support for the non-existent complainant in the Shepherd matter.

The task force is to report back by March.

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Inside Lindsay Shepherd's controversial battle over free speech on campus

M macleans.ca/lindsay-shepherd-wilfrid-laurier/

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What really happened at Wilfrid Laurier University

Inside Lindsay Shepherd's heroic, insulting, brave, destructive, possibly naïve fight for free speech

By [Aaron Hutchins](#)

Photographs by Cole Burston

Published: Dec. 11, 2017

Lindsay Shepherd wishes she had written her speech last night. She simply didn't have the time or the energy. Not that she does now.

It's a Friday afternoon in late November and Shepherd is sitting at Wilf's, a campus restaurant at Wilfrid Laurier University. She wants a salad, but then she looks at the clock. She has a half hour until the start of a free speech rally organized by local university young Conservatives, where she's the feature speaker and only a single paragraph written down for her speech so far. She'll have to skip this meal. She's been doing that a lot lately.



People gathering for a rally in support of Lindsay Shepherd on the campus of Wilfrid Laurier University, November 24, 2017.

She grabs her pen and starts writing about the state of free speech on university campuses and about the experience of being labelled a transphobe. Meanwhile, a crowd starts to grow a short walk away by Veterans' Green Park, across the street from Laurier's main campus entrance in Waterloo, Ont. They're being handed signs that read "I stand with Lindsay #freespeech."

They're gathering here because of Shepherd: the teaching assistant who showed her class of first-year undergrads a short video clip featuring controversial University of Toronto professor Jordan Peterson as part of a debate from a public broadcasting show; the self-described leftist who opened up a discussion on the use of gendered pronouns, without picking sides herself; the grad student who through tears stood up to her supervisor and

two other Laurier staff members who reprimanded her for potentially breaking the law by showing those video clips neutrally and without offering context; the free speech advocate who leaked the audio of that meeting to the press, opening up the university to criticism of stifling free speech on campus; the Laurier newcomer who got an apology from both a professor and the university president; and, now, the social media star with more than 30,000 Twitter followers.

But then there are also those gathering across the street for a counter demonstration. They aren't diametrically opposed to free speech. Rather, "the discourse of freedom of speech, is being used to cover over the underlying reality of transphobia that is so deeply ingrained in our contemporary political context," the Rainbow Centre, a campus group that supports the LGBTQ community, wrote on its Facebook page days prior. As such, the counter-protesters hold placards around their shirts that read "Trans People Deserve Justice." Many of them keep their faces covered under a scarf. It's understandable if they have legitimate safety concerns. One need only look at the Facebook page for the Rainbow Centre and see the uptick in hate messages in recent weeks to realize threats to their safety exist.



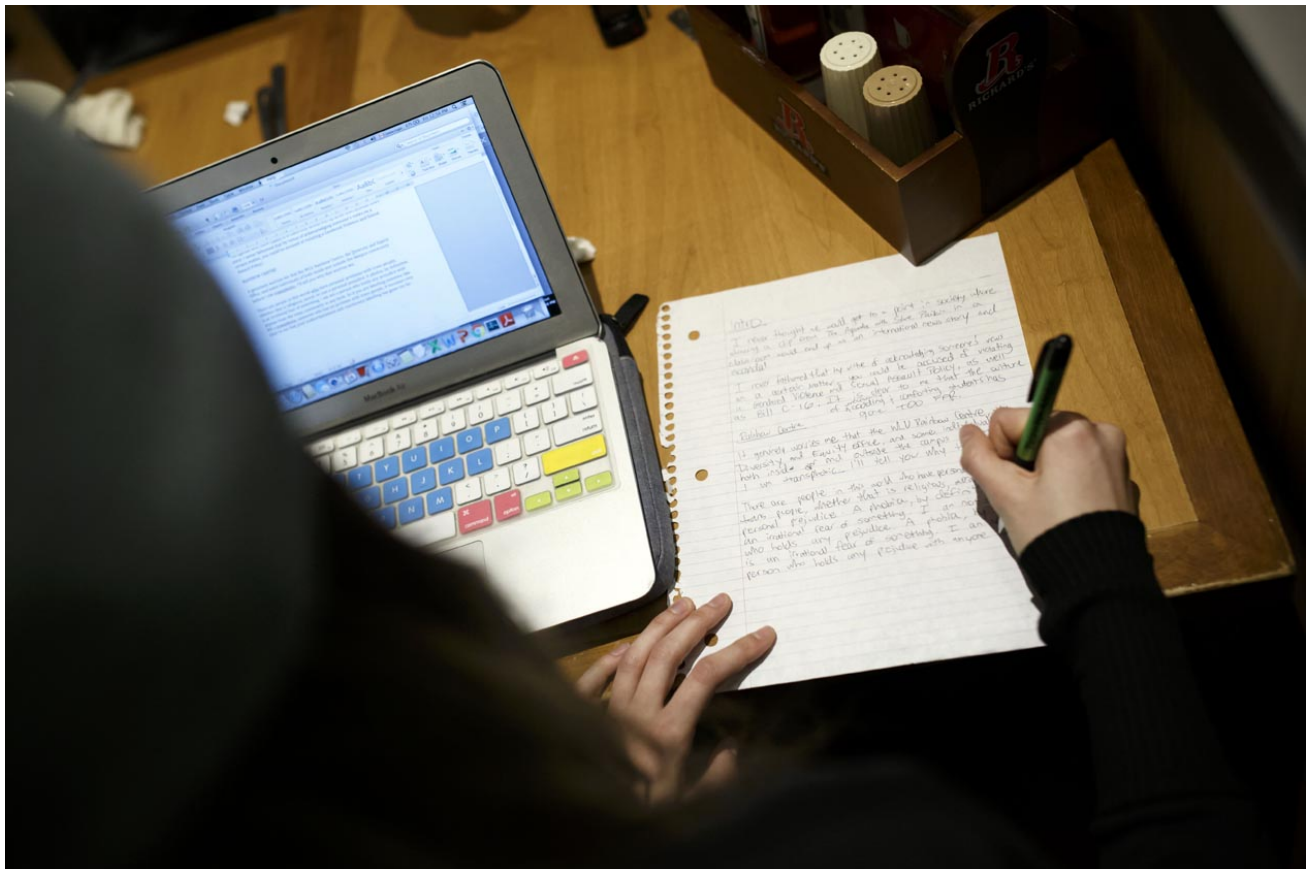
People gathering for a counter demonstration at the November 24 rally.

Shepherd finds herself at the epicenter of a debate that has erupted at universities, in online chatrooms and newspaper editorials across the continent; where Laurier has been pulled into disrepute and its academics brought to the edge of paranoia. Shepherd is between two

movements, one of transgender people speaking up for their rights and another of right-wing free speech protectionists fighting against political correctness on school campuses.

Shepherd, meanwhile, is a vegetarian, pro-choice, universal health-care supporting environmentalist and ardent supporter of free speech. Her critics have been called her everything from transphobic to a hero of the alt-right—two labels she rejects.

But she's no longer fully in control of her own narrative. With minutes until it's time to leave the restaurant for the rally, Shepherd rehearses her opening line: "I never thought we would get to a point in society where showing a clip from *The Agenda with Steve Paikin* in a classroom would end up as an international news story and scandal."



Shepherd writing her speech ahead of the rally, November 24, 2017.

There was no TV in the Shepherd home growing up. Her mother wouldn't allow it until Lindsay was about 12, and even then they got rid of it after a couple years.

"I don't subscribe to the wasteful consumerist culture that we live in and I didn't want my children to watch all the advertising," says Jennifer Shepherd, Lindsay's mom and a school teacher in Coquitlam, B.C. "And there's all this crap on TV. I didn't want her watching stuff I thought was going to be a waste of her time. I'm open to whether that was the right decision or not because there's a cultural aspect to television."

Instead, most of Lindsay's spare time was spent reading, everything from *Archie* comics to Christopher Hitchens. At the dinner table, the family discussed "things like biological determinism versus free will," Jennifer says. "Or gender roles and whether they're constructed or not. Or the benefits of organized religion. I've tried to guide her to see things from all different perspectives and I've tried not to lead her in any one direction."

One thing her mother worried about was her daughter's confidence—that is, until Lindsay reached university. When Lindsay moved away to study at Simon Fraser University in Burnaby, B.C., she was a member of the school's recreation centre, helped with the student union elections committee, and worked at a local gelato shop. She jumped at the opportunity to help with nearly every public recycling event that came to the Vancouver area. She also volunteered for Terry Beech, the Liberal MP for Burnaby North-Seymour. All this while learning Farsi, her boyfriend's native tongue, so she could join in the conversation with his Iranian parents.

When she accepted an offer to do her masters at Wilfrid Laurier University, it was in part because the program on cultural analysis and social theory sounded unique, but also because she'd get the chance to live in Ontario.

On the last day hanging out with her boyfriend before moving to Ontario for school, the two didn't have much time to relax. Not when she needed to clean out her entire place and make sure every single container was recycled.

"We had to wash it, clean it, and recycle it," says Mahdi Ghodsi. "She walked 30 minutes with heavy bags full of bottles just to make sure she could recycle them properly."

At one point, Ghodsi threw out the suggestion that, in the interest of saving time and getting to hang out a bit more together—and just this once—they throw everything in the garbage. Shepherd rejected the idea outright. "She's very principled," he says. "If there's something she doesn't believe in, she won't do it no matter what the cost."



Shepherd writing her speech before the rally, November 24, 2017.

Months before Shepherd set foot on Laurier's campus in September, the school was already under fire regarding free speech. In March 2017, Toronto lawyer Danielle Robitaille was scheduled to give a talk for criminology students at the school's Brantford, Ont. campus. Robitaille was part of the team that successfully defended former CBC personality Jian Ghomeshi in his sexual assault trial. There were protests and Robitaille cancelled out of safety concerns. Protestors called it a victory, arguing that the event would further harm victims of sexual violence. Others claimed it was an erosion of free speech.

This is not a new issue on campuses. Earlier this year in Toronto, protesters drowned out a scheduled talk by Rebel Media personality Ezra Levant at Ryerson University. Critics said the students were shutting down free speech. Ironically, the campus Conservative group that scheduled the event also reportedly refused entry to a reporter from the school paper.

At Dalhousie University over the summer, Masuma Khan, a member of the student council executive, helped pass a motion that the union not engage in any Canada 150 celebration calling it an act of colonialism. A student wrote an op-ed criticizing the decision, to which Khan wrote on Facebook "white fragility can kiss my ass. Your white tears aren't sacred, this land is." The university at one point said a Senate Discipline Committee would consider

the matter due to “unwelcome or persistent conduct that the student knows, or ought to reasonably know, would cause another person to feel demeaned, intimidated or harassed.” Days later, the school withdrew the complaint against Khan.

Politicians have weighed in in too, such as federal Conservative leader Andrew Scheer’s campaign promise to deny federal funding to universities that don’t allow free debate.

South of the border, amid racial tensions on the University of Missouri campus two years ago, both the school’s president and chancellor resigned. When a journalist showed up to document the subsequent rally on public grounds, protesters demanded a “safe space” away from reporters. One assistant professor of mass media went as far to tell the reporter he wasn’t allowed take any footage, tried try to grab his camera and—when unsuccessful—shouted for anyone to provide “muscle” to help get him out of there. The video of students and faculty opposing the press went viral. The professor was fired, in part for interfering with media, but also for encouraging physical intimidation of a student.

Then in September 2017, mass protests erupted on the University of California, Berkeley when former Breitbart editor Milo Yiannopoulos spoke on campus, albeit only a few words before he was reportedly whisked away to safety by police.

Shepherd was by no means a controversial media figure when she first arrived at Laurier. All she had was the attention of a first-year class of undergrads, gathered for a 50-minute tutorial on grammar.



Shepherd supporters attending the rally on Wilfrid Laurier's campus, November 24, 2017.

Laurier TAs mostly had autonomy in deciding lesson plans to make things interesting. On Nov. 1, just as she does before most of her tutorials, Shepherd called her boyfriend in Vancouver to discuss her idea for class that day.

"She talked about how English has gender and others, like my language, Farsi, is a genderless language," Ghodsi says. "She was going to bring up how this [discussion] would not be an issue if English was also genderless. And how gender should maybe not be part of the language." There was also a debate on the public broadcaster TVOntario (TVO) where they talked about pronoun usage. He told her that he'd be interested to sit in that class.

Josh Leibold did sit in her class—Shepherd's first of three that day. "We were talking about language and how the way you speak influences society," says Leibold. "She was trying to make the point that it influences people a great deal."

Then Shepherd prepped a year-old clip from the Ontario public broadcasting show *The Agenda*, where the discussion centred around genders, rights and freedom of speech. "Before she showed anything, she stated: 'I'm just going to show this for the purposes of discussion. I'm not going to choose a side,'" Leibold remembers.

The first clip, which runs less than two minutes, starts at the 4:45 mark when Jordan Peterson, a psychology professor at the University of Toronto, is asked what he finds so offensive about Bill C-16, the proposed legislation (later passed in Parliament) that added gender expression and identity to grounds for discrimination under the Canadian Human Rights Act.

“One, I was being asked—as everyone is—to use a certain set of words that I think are the constructions of people who have a political ideology that I don’t believe in and I also regard as dangerous,” Peterson says.

And what are those words? “Those are the made-up words that people now describe as gender neutral. To me they’re an attempt to control language in a direction that isn’t happening organically...but by force,” Peterson continues. “And I don’t like these made-up words ‘zie’ and ‘zher’.”

Paikin interjects: “They aren’t all ‘made up words.’ For example, ‘they’ is one of them. To speak to an individual as ‘they.’”

Peterson counters: “Right. But we can’t dispense between the distinction between singular and plural... It’s not a tenable solution and that’s the best of the solutions.”

The second clip, almost three minutes long, starts more than 49 minutes into the segment when Paikin speaks with Nicholas Matte, a historian who teaches in the Sexual Diversity Studies program at the University of Toronto.

“When someone is attacking you on a basis that is personal and that you can’t change about yourself, that is political,” Matte says. “Sometimes [people] become politicized when they realize that no matter what they do in the world, there will be people who will continue to attack them on racist grounds, on gender and sexual violence grounds, and that’s why people start to fight back and that’s why people object.”

When Peterson interjects saying this is about attempts to regulate his language use, Matte responds: “I don’t care about your language use. I care about the safety of people being harmed. [...] I want people to be aware that trans and gender diverse communities—and especially people of colour—are being targeted and threatened physically. Free speech is a great idea and equality is a great idea, but we can’t have those conversations when people are not able to be present.”

Okay, class. Any thoughts?

Leibold isn’t sure if the complaint to the professor about Shepherd opening up this discussion came from someone in his tutorial, but if it did, he says he wouldn’t be surprised. He remembers four students as most vocal. Two were speaking out against Peterson, while the other two were standing up for Peterson’s point of view. Leibold was one of the four.

“Tensions were obviously rising,” Leibold says. “I don’t agree with Peterson’s views, but because I felt the majority of the class—without Lindsay telling them—were going to automatically disregard what Peterson said, I tried to say ‘well, he has good rationale but his premises are flawed.’ I was trying to present his argument in the best light while being rational about it.”

At one point, one student very much in support of Peterson “was implying that trans people wouldn’t necessarily be the people to look to for intelligence on the matter,” Leibold remembers. “I don’t think he was intending to be malicious. I just think that’s how it came off in the room.”

Others saw it differently. “This video had absolutely nothing to do with what we were learning that day and it felt as if she showed the video to purposely start a discussion about something she had opinions on,” an unnamed student from her class told *Her Campus*, an online magazine on women’s issues at universities and colleges. “The video was showed and she asked the class for some of their thoughts. Some of the comments made for an interesting discussion, but mostly students used it as an excuse to make fun of trans identities.”

As for Shepherd, she called her boyfriend to say she thought everything went well and that the students were really engaged. Neither knew one student from the class would soon contact the Rainbow Centre, the campus LGBTQ support community, to complain about the discussion. Toby Finlay, an administrator at the Rainbow Centre, wouldn’t share the specifics of the conversation due to confidentiality reasons, but adds: “It was through us that they made the complaint that led to the situation that blew up in the media.”



Toby Finlay, right, and Milas Hewson, transgender students and spokespeople for the Rainbow Centre at Wilfrid Laurier University.

Toby Finlay uses “they/them” pronouns. Grammatically speaking, that means students coming to the Rainbow Centre will chat with them. (Not “him” or “her.”) Finlay is trans and non-binary, a term used when one’s gender identity is neither male nor female. So is Milas Hewson, a fellow member of the Rainbow Centre, who also uses they/them pronouns.

It’s been a hard month for both at the Rainbow Centre, a service within the school’s diversity and equity office that supports education and advocacy for queer and trans students. “Students have come to us feeling complicated, upset and invalidated,” Hewson says. “With these young students struggling to figure out how they’re experiencing gender, to be told in a classroom that that’s not valid has a very deep impact because it’s an issue that strikes close to home for these people.”

And even if Shepherd tried to remain neutral in the classroom, Finlay challenges the idea of neutrality in this case, saying it’s wrong “that these are issues of debate and trans students’ identities or experiences are up for conversation—in the sense that their reality is up for conversation.”

Hewson talks about being confronted in school hallways “by people I barely know asking me to justify myself and my positions.” By speaking with media, Finlay and Hewson have become the public faces for the Laurier trans community. “That also in a huge way makes

me feel fairly unsafe on campus because I don't know who might recognize me and approach me out of nowhere and have something violent to say or do," Hewson says. "I feel generally uncomfortable on campus."

Neither Finlay nor Hewson is opposed to freedom of speech. However, Finlay says, "we think the ways freedom of speech discourse is being taken up is really functioning to cover over a lot of the transphobia that's at the core of this issue. It's being used to justify a lot of hate that's directed towards trans people."

Kira Williams experiences something transphobic every day. Some days that's harassment. Other days it's sexual assault. "The reality is Dr. Peterson's speech is targeted at trans people," says the Laurier PhD student. "And the reality is that when people like Peterson speak, it has consequences in the real world—consequences I have to live through every day."

Williams also wrote an open letter to Laurier's president, Deborah MacLatchy, saying trans people deserve an apology from her and Nathan Rambukkana, the communications studies professor and Shepherd's TA supervisor, for failing to acknowledge trans-related violence in either of their apology letters to Shepherd.

Days later, and unrelated to the events at Laurier University, Prime Minister Justin Trudeau delivered an apology to LGBT Canadians in Parliament for the country's "historical injustice" and "systematic oppression and rejection."

Trans adults are 22 times more likely to attempt suicide than the general public, according to a 2017 study from the University of Saskatchewan and Dalhousie University, published in the journal *Transgender Health*. Trans people are also 14 times more likely to have thoughts of suicide.

A sign hangs in their window of the Rainbow Centre at Laurier: "Trans people deserve an apology." It remains there because members feel trans voices have been silenced throughout this entire conversation.



The outside window of the Rainbow Centre at Wilfrid Laurier University on November 24, 2017.

The email came just before 5:30pm on Nov. 7. Shepherd's supervisor, Nathan Rambukkana, asked if she could come in for a meeting the next day at 2:30pm in his office where the head of her program, Herbert Pimlott, and someone for the diversity and equity office who would also be in attendance.

Rambukkana said there were concerns about the content of her tutorial. In the signature of his email was a quote from the French philosopher Michel Foucault: "We have to be there at the birth of ideas, the bursting outward of their force: not in books expressing them, but in events manifesting this force, in struggles carried on around ideas, for or against them."

Shepherd figured it must relate to the TVO clip she'd played in class, especially given that a member of the diversity and equity office would be in attendance. She spoke with her mom back in B.C., who told her it might be a good idea to record the conversation.

Shepherd agreed, and was greeted at the meeting by Rambukkana, Pimlott and Adria Joel, the acting manager for gendered violence prevention and support at Laurier. (All three either declined to speak or did not respond to multiple requests for comment for this story.)

Shepherd pulled out her laptop—the one with the stickers all over it saying “I voted,” “I (heart) wild places,” and “I speak up for animals.” Rambukkana asked if she knew why she was asked to come in. Shepherd replied that she thinks it’s because she showed a debate clip that had Jordan Peterson in it. Rambukkana confirmed that’s why she was there.

Shepherd put her finger down on her laptop, an audio application open, and hit the record button. “As if I was taking notes,” she says. Shepherd was the only one who knew the session was being recorded.

Update: On December 18 Wilfrid Laurier President Deborah MacLatchy released a statement admitting no complaint—formal or informal—was ever received and that the meeting with Shepherd should never have taken place.

In the discussion, which has been widely posted, debated and shared online, Rambukkana explains that there was a complaint and that playing the TVO clip and opening up discussion about it could be seen threatening. Shepherd replies that she doesn’t see how it could be threatening. Challenging? Yes. “But for me that’s the spirit of the university is challenging ideas you already have,” she replies.

Shepherd explains the situation. Her class was talking about pronouns, gendered language and using “they” as a singular. She decided to show the TVO debate without picking a side—and then opened it up for class discussion.

When Rambukkana brings up the Charter of Rights and Freedoms, and suggests Shepherd created an unsafe learning environment, she starts to cry. “I’m sorry I’m crying,” she says. “I’m stressed out because this to me is so wrong, so wrong.”

Shepherd asks who she’s targeted in all this. Joel tells her “trans folks.”

“By telling them ideas that are really out there? Telling them that? By telling them? Really?” Shepherd asks.

“It’s not just telling them. In legitimizing this as a valid perspective...,” Rambukkana starts, before Shepherd cuts in, saying: “In a university, all perspectives are valid.”

Rambukkana replies: “That’s not necessarily true, Lindsay.”

Rambukkana talks about Peterson’s popularity among the alt-right community, and at one point says that playing a clip of the University of Toronto professor, without giving any context for the students, “is like neutrally playing a speech by Hitler.”

When the 40-minute exchange was done, Shepherd called her boyfriend. “She told me the meeting didn’t go well and I knew she wasn’t going to accept what people tell her,” Ghodsi says. “The next day she said ‘I’m going to take this to the media.’” Her reasoning: if the faculty wouldn’t understand her position, maybe media could add external pressure.

She says she emailed her situation to a national paper, a local paper and a newspaper on the west coast. A *National Post* columnist got back to her right away.

On Nov. 10, the *Post* published a story about what went down in that meeting. The online headline read: “Thought police strike again as Wilfrid Laurier grad student is chastised for showing Jordan Peterson video.” As the story gained national attention, Shepherd released the audio to multiple media outlets so everyone could hear what happened in that room.

Rambukkana issued an apology letter. So too did the university’s president, Deborah MacLatchy. “What happened to Ms. Shepherd in that meeting was shameful,” MacLatchy says in an interview. “Most people would agree that material shown on TVO can be shown in a university classroom. The expectation is that a leader of a class has the skills and experience to present any point of view with the necessary academic underpinnings.”

Over the next week, every major newspaper in the country had opinion-editorials offering every possible take on Shepherd’s case. Shepherd said the apologies didn’t go far enough in addressing free speech on campus.

Faculty at Laurier took sides. “We really see free speech as being under threat here,” says William McNally, an associate professor of finance. “I see this thing quite black and white. A university has to encourage free expression. How can it continue in its mission without free speech? On our crest, it says *Veritas Omnia Vincit*, which means “truth conquers all.” But how can truth win a battle if one side can’t compete—if one side gets censored?”

McNally helped launch a petition that encouraged the school to take a strong position defending free speech. When he circulated amongst his colleagues to sign, however, he says only about 50 per cent of them said they would.



Buttons sit in a basket at the Rainbow Centre at Wilfrid Laurier University on November 24, 2017.

Greg Bird saw that petition, but he didn't sign. The associate professor in the cultural analysis and social theory department signed a different petition, this one calling on the school to establish safety measures for students and faculty being targeted and harassed, as well as issue a statement that transphobia and targeting of people based on their gender identity and expression will be monitored and reported.

"We don't live in a society where people should be free to speak hatred," Bird says. "Some of the freedoms we have, have to be limited to ensure the protection of all of our members—especially the most marginalized groups in our societies."

As faculty picked sides, Shepherd was readying herself to face her students for the first time since she went public—and she was hoping to open up the class with a talk about, well, everything that was going on.

The chair of the department of communications, Peter Urquhart, showed up at her tutorial that day to address the class. Shepherd remembers he opened by acknowledging the situation and while he couldn't go into specifics because of confidentiality reasons, he told the students if they needed emotional or mental support, they should feel welcome to go to the campus wellness centre. He then asked if anyone had questions—they didn't—and sat at the back of the room for the rest of the tutorial.

“The problem I had with it was he was shutting down the conversation right away,” Shepherd says. “He was making it so that we could not actually talk about what was going on.”

"When asked via email if he would like to comment on the record about his appearance in class that day, Urquhart declined. But then added: "Anyway, I assume she recorded them – why not ask her for the recording?" A second email, unprompted, came soon afterwards: "Sorry, you're a pro— I should have assumed that you've already heard that particular recording."



A bulletin board on campus at Wilfrid Laurier University on November 24, 2017.

Debates over free speech can have the ironic effect on silencing a lot of people. Among Laurier's communications studies faculty, many aren't willing to talk about what's happening on campus. At least not on the record with the media.

When reached by phone by *Maclean's*, Rambukkana immediately hung up. Via email he said he was advised by his union not to speak with reporters. After he declined to comment, *Maclean's* was contacted by several communications studies students and faculty.

(In a follow up email, Rambukkana writes: “I did not contact any students to suggest that they speak to you, or any members of the media, regarding this issue. After you had been in contact with some students and colleagues, some students spoke to me about their contact with you.” He did, however, forward the media request on to colleagues, who in turn forwarded the request to students. Several faculty members and students reached out and asked to comment via questions over email and under the condition of anonymity—both requests were denied and interviews never took place.)

Those who do speak are being extra careful with their words. In a telephone interview with *Maclean’s*, Laurier student Vivek Ramesh answers questions as voices in the background—who are never named—can be heard whispering responses to him.

In a follow-up interview the next day, there are no whisperers in the background, but Ramesh’s criticism of Shepherd remains. “If we do anything as TAs to alienate any students, we’ve failed in our job as a TA and our duties in these entry-level communications courses,” he says. “We’re there to help to level the playing field in terms of writing. We’re not there to generate controversial discussion and do any deep-dive critical thinking. That’s what upper-year courses are for.”

Ramesh says the larger issue is a lack of guidance for TAs from professors. “In order to generate interest—because grammar is a boring topic—[other TAs] were doing things like dissecting celebrity tweets and fixing the grammar and structure,” he says. “The kind of content [Shepherd] brought in was definitely inappropriate. [...] At no point should your discussion devolve into should gender fluid and trans people’s identity come into question.”

Rambukkana could have handled the meeting with Shepherd better, even his own colleagues will acknowledge. “But his small mistake has now resulted in constant death threats, threats of violence and his name being dragged through the mud,” says Jonathan Finn, the former chair of the department of communication studies at Laurier. “No one deserves that.”

Finn worries about Shepherd advocating for secretly recording meetings with professors, as she did on Twitter, and how she handed it to the media at the first sign of transgression. “This is about free speech, but it’s completely shut down free speech on campus,” he says. “Campus is quiet. People are scared. People are not coming in.”

Even the day of the free speech rally Finn was advised by colleagues not to come to campus. The Rainbow Centre was getting constant threats. So were some faculty. The day prior, the campus newspaper *The Cord*—whose cover story was of Lindsay Shepherd making national headlines, and featured a letter to the editor from Toby Finlay talking about how debates of the validity of trans people create an unsafe campus environment—were ripped at multiple newsstands.

“There was some message written on papers,” says Kurtis Rideout, *The Cord*’s editor-in-chief. He declined to say what was written, citing an investigation, but said there’s video of one person methodically ripping up the papers and the messages made no mention of Shepherd but instead appeared possibly related to an article in the previous week’s paper.

But no one knew that at the time so Finn stayed home the day of the free speech rally. “We weren’t sure what was going to happen.”



TA Lindsay Shepherd is surrounded by advocates for freedom of speech on campus before delivering a letter to the University President's office at Wilfrid Laurier University on November 24, 2017.

Shepherd looks out of place. It’s Nov. 24 and while she’s dressed like any other student on campus, wearing a toque and scarf, carrying her backpack and water bottle, next to her are a handful of students—all male—wearing their very best suits. They are young Conservatives from Laurier and the University of Waterloo. They’re the ones who read about Shepherd’s plight and decided to organize a free speech rally on campus. Of course, they invited Shepherd.

They talk about the speaker list for the rally, featuring themselves and a local Conservative MPP. They say they are acting in a non-partisan capacity today, inviting people from all political ideologies to join, but are quick to point out their disappointment that young Liberals

declined their invitation to be on the speakers' list.

"There is this misconception that free speech is a conservative issue, but that's not the case," says Alexander Eyre, president of the University of Waterloo Conservatives. "It's just that conservatives are arguing for free speech because it's often them getting censored."

A reporter asks if they extended the invitation to the Rainbow Centre. They say they didn't, due to lack of time. Shepherd tells them they should have.

The men chat amongst themselves. If the Rainbow Centre gets an invite now—and accepts—would they give them an opportunity to speak at the microphone? Some say yes. Others say they have to consider that there are plenty of speakers already and a schedule to stick to. Shepherd says she'll direct a tweet at the Rainbow Centre, cordially inviting them to join everyone at the rally.

"For me the worst-case scenario, is there's any counter protest that gets violent," says Anton Abaev, a Laurier student who helped organize the free speech rally.

He says the best-case scenario is the school adopts the so-called Chicago Principles of Free Speech, a guideline from the University of Chicago, that states "it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive."

The group walks to the university president's office with a paper in hand, asking the school to adopt the Chicago Principles, but President Deborah MacLatchy isn't in; a colleague politely receives the letter on her behalf.

The young men now must head out and finalize details of the rally. Get the signs. Get the microphone. Practice their speeches.

Shepherd still has to write hers.



A student advocate for freedom of speech on campus shows wears a button at Wilfrid Laurier University on November 24, 2017.

Cole Burston

Jordan Peterson talks about having spent decades educating his students about the Holocaust. "I'm really interested in how people degenerate psychologically and ethically to the point where they can take part in an atrocity," the University of Toronto professor says in an interview. "It's basically been my life's work. And then to be accused of being Hitler, it's so absurd that you couldn't make it up."

He's talking about Rambukkana, who in a meeting with Shepherd said playing a clip of Peterson in a classroom setting—without giving students any prior context—is akin to listening to Hitler speak without prior context.

As the Shepherd story gained traction in the media, Peterson read as columnists "said that my views were abhorrent," he says, "including two in *Maclean's* that were most egregious."

Those contentious views regarding the use of gender pronouns are explained in a YouTube video Peterson posted in 2016 about the Ontario Human Rights Commissions' definition of gender identity as "each person's internal and individual experience of gender. It is a person's sense of being a woman, a man, both, neither, or anywhere along the gender spectrum."

“I don’t know what neither means because I don’t know what the options are if you’re not a man or a woman,” Peterson says in the video. “It’s not obvious to me how you could be both because those are, by definition, binary categories. There’s an idea that there’s a gender spectrum by I don’t think that’s a valid idea. I don’t think there’s any evidence for it.” He goes on to claim it’s binary because there are two biological forms of sex, and for someone to say that gender is independent from one’s biological sex is “a proposition, not a fact.”

Peterson has steadfastly refused to use non-gendered pronouns, be it “they,” “ze” or “hir.” “I don’t recognize another person’s right to determine what pronouns I use to address them,” he adds in his YouTube clip. “I won’t do it.”

As such, his critics—notably those in the trans community— have argued that by virtue of him refusing to address them by their pronouns, he not only refusing to acknowledge their existence as trans people, but is also claiming their identity is up for debate. “I think some of Peterson’s complaints around trans folks and pronouns definitely verge towards hate speech,” says Finlay, from Laurier’s Rainbow Centre. “That’s hard for a lot of people to understand right now.”

Peterson, meanwhile, has mixed feelings about the current saga of Lindsay Shepherd. For starters, he’s sad. “It’s terrible that this sort of thing is happening,” he says in an interview. “I could say I told you so—because I did when I made my warning videos about Bill C-16. I could see that this sort of thing was inevitable, but also built right into the legislation. There’s no being happy about that.”

He knew Shepherd’s story was coming, though. She contacted him via email to tell him about her meeting with Laurier faculty—and her taking it to the media—because it was Peterson’s polarizing views that got her into the scenario. He suggested that she check the legality of recording the meeting surreptitiously, before she released it to the press. (Recording a conversation is legal as long as one party in the conversation knows it’s being recorded.)

And while Shepherd, in the leaked audio, says she doesn’t share Peterson’s views on this issue, that doesn’t matter to him. “People can think whatever they want,” he says. “I don’t expect or desire for her agreement. She’s a free agent. And I don’t think of this as one team against the other.”



People gather for a counter protest to the free speech rally at Wilfrid Laurier University on November 24, 2017.

It wasn't supposed to be a silent protest. They were initially hoping to be amongst the crowd of free speech demonstrators—that is until a last second change of plans. "We were informed there would be other folks attending the freedom-of-speech side, including fascists who had been violent in other demonstrations," says Finlay, from Laurier's Rainbow Centre.

The group of several dozen went to their back-up plan: a silent protest to visually represent the silencing of trans voices. Finlay and Hewson were chosen to be spokespeople for those who want to talk to them about what their counter-protest is all about. The rest of them are silent, carrying signs that read "Trans people deserve justice."

"People are forced to see there's another side to this issue," Finlay says.

Across the street, a crowd of free speech proponents grows. They carry signs that read "I stand with Lindsay" or "Everyone you meet knows something you don't." One sign says "I (heart) free speech and trans people." Another, with a picture of Jordan Peterson, reads: "This man is your friend. He fights for freedom."

Alex McEwin, a second-year undergrad at the University of Waterloo, holds a sign that says: "This tranny loves free speech." "People should not be assumed to be transphobic by trying to open debate," he says. "The reason we have things like Pride is because we have

freedom of speech and freedom of expression. You have to believe in freedom of speech if you attend Pride every year. At least, that's my opinion. People can disagree with me."

McEwin is standing towards the back of the crowd. He says he's afraid to be out there holding this sign and that his own queer and trans community will be angry at him when they see pictures of him at the rally. But he feels this needs to be said. "I think that queer and trans people should be not be assumed to be part of any specific belief. We should be allowed to have our own opinions as individuals."

When the speeches are over, some from the free speech rally wander across the street to talk to the counter-protesters.

"I've never heard someone vocally go out and be anti-trans," one young man says to his friend, as they stand in front of the group of silent protesters. "It's always come down to talks of coerced speech and what I'm allowed and not allowed to say."

"So you've never heard anyone say "f-k trans people?" the other replies. "I've never heard that either." He then looks over at the signs—"Trans people deserve justice"—and gets very close to the group and points at the top word: trans. "I look at these signs and I would say "people deserve justice," he continues. He explains that it's like the slogan "black lives matter." He thinks it should be "all lives matter."

"Maybe don't overstate the hate people have because I don't think it's there—not anywhere near the extent that you view things," says the first. "In any case, I'm going to go drink gin. Thanks for at least listening to me." The men walk off together.

The rally ends without a punch thrown.



Shepherd speaks with supporters following the rally at Wilfrid Laurier on November 24, 2017.

As counter-protesters leave as a group, Shepherd waits patiently as fans—mostly young men—queue up for a chance to exchange a few words with her, and maybe take a selfie. When a Rebel Media reporter tries to jump in with an interview, Shepherd cuts him off. She says there have been others standing patiently for a long time, and perhaps he can wait.

When the line of fans comes to an end, Shepherd is ready to go. She's been talking and listening for more than an hour. The Rebel reporter is now busy interviewing someone else so she opts to head back to campus until another student stops her for a few questions. The Rebel reporter catches up, almost missing his interview, and Shepherd answers his questions.

"Should I have turned them down?" Shepherd asks after she walks back to campus. "It's not like they can skew what I said. I sound very reasonable with what I said. It's not like I'm saying 'Down with trans!' I'm not saying that." All the while, Shepherd is coordinating an Uber ride to Toronto in mere minutes so she can appear that evening on CBC's *The National*.

Shepherd talks to every media outlet that asks her.

But when the Rebel posts its interview from the rally with Shepherd, four days after the fact—none of her answers skewed—Shepherd begins to hear the criticism, even disappointment. She spoke with a far-right news outlet.

Such criticism has grown with some of Shepherd's comments on Twitter, from thanking former Rebel Media personality Faith Goldy for her coverage at the Laurier counter-protest, to Shepherd explaining perhaps she's getting more support than Khan, the Dalhousie student, regarding free speech "because I didn't make contemptuous and insolent comments about 'white tears' and 'white fragility.'"

Shepherd's mother, meanwhile, stresses that neither she nor her daughter "are in any way alt-right," she says. "Lindsay does not want to be associated with them in any way. She's uncomfortable having their support."



Shepherd addresses the crowd during the rally, November 24, 2017.

So where does the university go from here? Depends on who you ask.

The Rainbow Centre continues to demand an apology from President MacLatchy for refusing to acknowledge the existence of transphobia on campus. They also want more safety measures installed at diversity and equity office buildings, such as a panic button and

reinforced glass, and—among other asks—the school to hire a trans person of colour full-time as a counsellor within the diversity and equity office to offer mental health support for students.

The free speech proponents, meanwhile, have redoubled demands that the administration adopt the Chicago Principles.

As Laurier University deals with the threats of losing donations from alumni or parents dissuading their children from even applying to Laurier, the school announced a task force that will offer recommendations to preserve free speech while respecting human rights legislation. “Our approach to freedom of expression and academic freedom does not include intolerance and it does not include hate,” President MacLatchy says.

Lindsay Shepherd, meanwhile, now has a high-profile lawyer while Laurier undergoes a third-party fact finding mission regarding her Nov. 1 tutorial and the aftermath, though what comes from that review will be kept confidential. She doubts she’ll ever see a copy of it, even if she’ll be the principle subject. “They’ll think I’ll release it to the media,” she says.

It’s early December and a professor in one of Shepherd’s courses asks her to put away her laptop. She tells Shepherd she doesn’t want to be recorded. Shepherd says she isn’t. This could be a glimpse her future—one where she feels alienated.

Shepherd has talked about what happens when she enters the working world, if this suspicion could follow her. Which workplace wants to hire someone known to secretly record superiors?

At the same time, she’s become a bit of a celebrity. Some suggest she’ll inevitably open a Patreon account, where followers will give her donations to keep speaking up for free speech, but she’s dismissed any such suggestion. She’s already turned down offers for crowdfunding, saying this is about principle, not money.

What she knows now is she wants to continue her schooling. “I want to get a master’s degree. I like my brain being challenged,” she says.

She’s just not sure that degree will come from Laurier.

This is Exhibit "H" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Documents reveal new details in Lindsay Shepherd-Wilfrid Laurier University saga

 theglobeandmail.com/canada/article-documents-reveal-new-details-in-lindsay-shepherd-wilfrid-laurier/

Simona Chiose

5 April 2018



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[Simona Chiose](#)

Post-secondary Education

Published April 5, 2018

This article was published more than 4 years ago. Some information may no longer be current.



Wilfrid Laurier University was under intense pressure from supporters of teaching assistant Lindsay Shepherd this past fall after it reprimanded Ms. Shepherd for showing a video clip of a TV debate featuring psychology professor Jordan Peterson, documents obtained by The Globe and Mail show. J.P. MOCZULSKI/The Globe and Mail

Wilfrid Laurier University was under intense pressure from supporters of teaching assistant Lindsay Shepherd this past fall after it reprimanded Ms. Shepherd for showing a video clip of a TV debate featuring psychology professor Jordan Peterson, documents obtained by The Globe and Mail show.

E-mails criticizing the three university staff who held a meeting with Ms. Shepherd about a tutorial where she talked about Dr. Peterson's opposition to gender-neutral pronouns, began arriving shortly after she made public a recording of the meeting. Ms. Shepherd was warned to stick to course material in her tutorials and share her lesson plans with the professor leading the course.

"I naively thought Laurier would foster a forum for discussion and thought, without bias or judgement," one letter said. "Of course, none of these attributes were present in your discussion with Ms. Shepherd."

As the controversy showed no signs of fading from public debate in the weeks that followed, the notes from the public to the university became increasingly crude. E-mails between staff members in the diversity and equity office also grew frustrated with the media's interest, and with Ms. Shepherd's continued public criticism of the university's actions.

“This is getting out of control,” one e-mail says. “I can’t believe Lindsay won’t let this go and continues to attack people on a daily basis,” another person writes in an e-mail of support to Adria Joel, the manager of gendered violence prevention and support, who was in the disciplinary meeting.

Staff in the equity office also attempted to respond to requests for additional help from the Rainbow Centre, the campus support centre for LGBTQ students, which was the target of hateful messages during the episode in November. Some staff members were stationed in the centre, while others kept in close contact with centre staff.

The documents, obtained through freedom of information legislation, also raise renewed questions about how the university’s policy dealing with sexual violence was applied to the case. The guidelines were introduced late last year in response to the Ontario government’s demand that every higher-education institution in the province have such a policy.

Under WLU’s policy, university officials have some leeway to gather information even when a student does not want to pursue a formal or informal resolution to an incident. But Wilfrid Laurier president Deborah MacLatchy has said that faculty and staff made a “significant overreach” in applying the policy to the case. An independent investigator found that no formal or informal complaint about the video was made by any student, Dr. MacLatchy has said.

WLU will not release the independent report from lawyer Robert Centa, saying that it relates to personnel matters.

E-mails between Ms. Joel and Nathan Rambukkana, the professor for whom Ms. Shepherd was a teaching assistant, show that the two corresponded about “an issue is CS101,” the subject line of their e-mails, before asking Ms. Shepherd to speak with them. Members of the Rainbow Centre have said they spoke to Ms. Joel about concerns a student brought to them about Ms. Shepherd’s tutorial.

This week, the university reiterated that any issue that was flagged was not a complaint. “It was not a complaint as the term is defined in the university’s Gendered and Sexual Violence Policy, which Mr. Centa reviewed in establishing his findings,” the university said in a statement in response to questions from The Globe.

Dr. MacLatchy and Dr. Rambukkana have apologized for the disciplinary action she faced.

Out of 331 pages that were provided to The Globe, many were redacted, leaving behind a metadata record of the dates of correspondence between university staff, but not the substance of the letters. Some e-mails reveal that staff in the equity office struggled to monitor the public response to the controversy, messages on social media directed to the Rainbow Centre, as well as Ms. Shepherd’s Twitter feed.

WLU's Archives also submitted a request to Dr. Rambukkana, Ms. Joel and the third faculty member in the original meeting, Herbert Pimlott, asking them to archive the e-mail they were receiving for future researchers.

"I think they help document the phenomenon of university affairs becoming global issues via the media and Internet, and of the vitriol that ensues," the university's archivist wrote.

Some of the e-mails received by WLU are from supporters of Dr. Peterson, the University of Toronto professor who has become a global bestselling author with his condemnation of what he sees as an intolerant left-wing in higher education. Dr. Peterson first became famous because of his opposition to Bill C-16, which added gender identity and expression to human-rights legislation.

His fans contact universities on a regular basis if there is campus opposition to his guest lectures. The University of Toronto and McMaster University received hundreds of e-mails about debates and lectures he has held or attempted to hold on campus, according to documents obtained by The Globe over the past year.


A task force on freedom of expression at WLU is studying the issues raised by the case and is expected to release a statement for discussion by the university community in the coming weeks.

This is Exhibit "I" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
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Commissioner for Taking Affidavits
Natasha O'Toole

Free speech protest at Wilfrid Laurier University caps turbulent week

 theglobeandmail.com/news/national/education/free-speech-protest-at-wilfrid-laurier-university-caps-turbulent-week/article37085605/

Simona Chiose

24 November 2017



education

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[Simona Chiose](#)

Post-secondary Education

Published November 24, 2017

This article was published more than 5 years ago. Some information may no longer be current.

It was a protest that started with Pink Floyd's *Another Brick in the Wall* on the loudspeakers and ended with fangirls and boys asking for selfies with their hero, Lindsay Shepherd, the Wilfrid Laurier University student who has become a globally recognized figure in the debate on campus free speech.

"Learning is a process and exploring new ideas unrestricted is how we become closer to the person we want to be," Ms. Shepherd told the crowd of 150 who had gathered to hear her speak alongside local and student Conservative politicians and free-speech advocates.

The event on the edge of campus in Waterloo, Ont., capped off a week when the university of 17,000 students has been thrust into the centre of discussions about freedom of expression on university campuses for its treatment of Ms. Shepherd, a master's student in communications.

Last week, the university was forced to apologize to her after Ms. Shepherd made public a recording of her discussions with an ad hoc tribunal that was investigating why she had showed to students a clip of a debate on gender pronouns between psychology professor Jordan Peterson and sexual diversity studies professor Nicholas Matte.

Across the road from the protest, a group of two dozen people lined up on the sidewalk, wearing messages that said "Trans People Deserve Justice."

The smaller group maintained a silent vigil during the protest, representing the absence of the voices of trans people from the highly charged debate, a spokesperson said.

"In light of all the media attention that has been brought to Lindsay Shepherd [and] in light of the understanding of transphobia, the needs of trans students and their voices have been silenced," said Toby Finlay, a media spokesperson for the Rainbow Centre, which provides support and education to LGBTQ students on campus.

"Trans students are being tasked with defending their humanity against arguments that they don't exist," they said.

But Ms. Shepherd challenged the centre to discussion and said the group had alleged that she was transphobic.

"If you are labelling someone like me transphobic it becomes clear to me that leftist authoritarianism has gone too far," Ms. Shepherd told the protesters.

The clip of the gender-pronoun debate had led to the most engaging discussion of the term, Ms. Shephard said Friday.

"People said this was the best class of the year. It's not like I am dominating the discussion. I make them think about it and talk, they get marks for participation."

Students and others who attended the protest surrounded Ms. Shepherd after she spoke. Many simply wanted to take selfies with her and their signs, whether home-made or printed with the slogan "I Stand with Lindsay."

A petition organized by several faculty members at Wilfrid Laurier has gathered almost a thousand signatures in the past two days. It demands that Laurier adopt the principles of free speech articulated by the University of Chicago that place free expression above all other values.

"We wanted to bring to the fore a tried and true method that has been used at 30 universities in the United States," said David Millard Haskell, an associate professor in religion and culture at WLU who was one of the professors who began the petition. "What happened to Lindsay Shepherd would not have happened or at least she would have had a defence," he said.

The incident is the latest in a string of controversies about free speech at Canadian universities this fall, which have included incidents at Dalhousie University and the University of British Columbia.

They have highlighted a conflict between free expression and demands for protection from harassment. Such concerns are legitimate but they cannot be allowed to override the exchange of ideas, said James Turk, the director of Ryerson University's Centre for Free Expression.

"In Canada, we do have systemic racism. There is rampant homophobia," Dr. Turk said. "A lot of the people calling for restrictions on speech come from a good place, [but] their recommendation is wrong. ... You give someone else the authority to decide who can say and hear what, and in a democracy that raises a lot of real questions."

Ms. Shepherd's case has also become political fodder.

On Wednesday, Conservative Party Leader Andrew Scheer asked Prime Minister Justin Trudeau to condemn "the egregious crackdown at Wilfrid Laurier" during Question Period. "Our government is committed to creating open spaces for Canadians to debate and express their views," Science Minister Kirsty Duncan said in response. But she added that "[intolerance] and hate have no place in Canadian society or in our postsecondary institutions."

This is Exhibit "J" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

CV-18-00444 11

Court File No:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JORDAN PETERSON

Plaintiff

and



**NATHAN RAMBUKKANA, HERBERT PIMLOTT, ADRIA JOEL, and WILFRID
LAURIER UNIVERSITY**

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 Plaintiffs do not have a lawyer, serve it on the Plaintiffs, and file it, with proof of service in this Court office, **WITHIN 20 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 40 days. If you are served outside Canada and the United States of America, the period is 60 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 10 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.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$2,000 for costs, within the time for serving and filing your Statement of Defence you may move to have this proceeding dismissed by the Court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$500 for costs and have the costs assessed by the Court.

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

Date: 18 June 2018

Issued by 
Local Registrar

Address of Court Office:

393 University Avenue, 10th Floor
Toronto, ON M5G 1E6

TO: NATHAN RAMBUKKANA
Wilfrid Laurier University
75 University Avenue West
Waterloo, Ontario N2L 3C5

AND TO: HERBERT PIMLOTT
Wilfrid Laurier University
75 University Avenue West
Waterloo, Ontario N2L 3C5

AND TO: ADRIA JOEL
Wilfrid Laurier University
75 University Avenue West
Waterloo, Ontario N2L 3C5

AND TO: WILFRID LAURIER UNIVERSITY
75 University Avenue West
Waterloo, Ontario N2L 3C5

CLAIM

1. The Plaintiff claims against the Defendants, Nathan Rambukkana, Herbert Pimlott, Adria Joel, and Wilfrid Laurier University, the following:

- (a) \$500,000 for defamation;
- (b) \$500,000 for injurious falsehood;
- (c) \$500,000 in punitive damages;
- (d) Prejudgment and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C43, as amended;
- (e) Costs on a substantial indemnity basis; and
- (f) Such further and other relief as counsel may advise and this Honourable Court may deem just.

2. The Plaintiff, Jordan Peterson (hereinafter referred to as “**Peterson**”), is a Psychology Professor at the University of Toronto, a former Professor at Harvard University and an Author and resides in the City of Toronto in the Province of Ontario.

3. The Defendant, Nathan Rambukkana (hereinafter referred to as “**Rambukkana**”), was at all relevant times a professor of Communication Studies at Wilfrid Laurier University.

4. The Defendant, Herbert Pimlott (hereinafter referred to as “**Pimlott**”), was at all relevant times a professor of Communication Studies at Wilfrid Laurier University.

5. The Defendant, Adria Joel (hereinafter referred to as “**Joel**”), was at all relevant times the Acting Manager of Gendered Violence Prevention and Support at the Diversity and Equity Office at Wilfrid Laurier University.

6. Wilfrid Laurier University (hereinafter referred to as the “**University**”), is a Canadian public university in the City of Waterloo, in the Province of Ontario. The University is a creature of statute created pursuant to the provisions of the *Wilfrid Laurier Act* and is vicariously liable for all of the conduct of the individual Defendants referred to herein and, at all relevant times,

created an environment supporting, facilitating, acquiescing, and endorsing that conduct. Significantly, the conduct of the individual Defendants was conducted in their capacity as representatives of the University and that is how they represented it to Lindsay Shepherd, both explicitly and implicitly.

THE PLAINTIFF'S CLAIM AGAINST RAMBUKKANA, PIMLOTT, JOEL, AND THE UNIVERSITY

Defamatory Statements on YouTube

7. On or about November 2, 2017, Rambukkana ordered his then Teaching Assistant, Lindsay Shepherd, to attend what turned out to be a disciplinary meeting with himself, Pimlott, and Joel, to discuss her having shown an extract from a TV Ontario Program to her students. The TV Ontario Program, moderated by Steven Paikin, consisted of a debate between Peterson and Nicholas Matte.

8. At the meeting on or about November 2, 2017, Rambukkana, Pimlott, and Joel each made numerous defamatory statements about Peterson all of which the others endorsed, both expressly and impliedly.

9. The meeting's content has since been posted online on the video sharing website www.YouTube.com and is available on the Internet at the website https://www.youtube.com/watch?v=9Nd32_uIcnI, where it is open to the public and easily accessible by anyone who wishes to view its content.

10. Any publication on www.YouTube.com is immediately disseminated to any member of the public who visits the publication online, to anyone who enters any related search terms into an Internet search engine, and to anyone who has been forwarded the publication. It is impossible to ascertain how many individuals will ultimately see the subject YouTube content, particularly since it can and will be viewed indefinitely into the future by unknown others.

11. In addition, the comments made by the individual Defendants were disseminated widely in both social and conventional media and, in turn, by word of mouth. Although the individual Defendants did not personally disseminate and broadcast it further, beyond the meeting referred to in paragraph 7, they could have reasonably anticipated that, given the nature of their conduct and the position taken by Shepherd at the meeting, that she would inform others of what had occurred and, given the ubiquity of recording devices and the fact that recording meetings is permissible under Canadian law, that she might have tape recorded this disciplinary meeting, as she did, and distributed its contents to others.

12. At the meeting, on or about November 2, 2017, Rambukkana, Pimlott, and Joel falsely and maliciously made numerous defamatory statements about Peterson, including but not limited to the following:

Defamatory statements made by Rambukkana:

- (a) “(Peterson) identified student protestors by posting their social media accounts (for the purpose of) other people bullying and threatening them online.”
- (b) “(Peterson) is basically debating whether or not a trans students should have rights.”
- (c) “(Peterson’s position) would be the equivalent of debating whether or not a student of color should have rights or should be allowed to be married ... (contrary to) the Charter of Rights and Freedoms.”
- (d) “(Peterson has) engaged in the targeting of trans students ... giving out their personal information (for the purpose of) having them attacked, harassed, so that death threats will find them, this is something that (Peterson) has done to his own students, (Peterson) has done to other students.”
- (e) “(Playing a speech by Peterson) is basically like playing ... a speech by Hitler.”
- (f) “(Peterson’s opinion is) like alt-right opinion, white-supremacist opinions, anti-trans opinions, anti-gay opinions, anti-women misogynist opinions.”
- (g) “(Peterson’s view) is about whether trans people are people or not.”

Defamatory statements made by Pimlott:

- (a) “(Peterson is) academically suspect to say the least. He does not have the substantial academic evidence to be a credible person.”
- (b) “(Peterson’s) positions don’t have credible evidence, just like Charles Murray with his race claims of white superiority.”
- (c) “(Peterson) brings hatred and targets groups.”
- (d) “(Peterson exhibits) charlatanism.”
- (e) “(Peterson) has nothing really that is credible in terms of research.”

Defamatory statements made by Joel:

- (a) “(Peterson’s position is) causing harm to trans students by framing their identity as invalid or their pronouns as invalid contrary to the Ontario Human Rights Code.”
- (b) “(Peterson is) spreading trans-phobia.”

13. Peterson relies on the natural and ordinary meaning of the words in paragraph 12 which are *prima facie* defamatory and false.

14. The said words in paragraph 12, in their natural and ordinary meaning, and the connotation of the comments, obvious to any reader, were meant and were understood to mean that Peterson:

- (a) Is comparable to Adolf Hitler, the greatest despot in world history;
- (b) Deliberately spreads hatred both generally and, in particular, to students;
- (c) Is a member of the alt-right;
- (d) Is unfit to be a Professor;
- (e) Breaches the Code of ethics of his Profession and University;

- (f) Is a white-supremacist;
- (g) Has and expresses opinions which are uninformed and uneducated;
- (h) Is sexist;
- (i) Is misogynist;
- (j) Is racist;
- (k) Is homophobic;
- (l) Is trans-phobic;
- (m) Is a deplorable person;
- (n) Is a reprobate;
- (o) Is incompetent;
- (p) Lacks integrity;
- (q) Lacks the appropriate ethics to be a psychologist and professor;
- (r) Is a bully and abusive toward students;
- (s) Wants to deprive minorities of any rights;
- (t) Organizes attacks, even death threats, on students;
- (u) Breaches Canadian law;
- (v) Dehumanizes certain of his students;
- (w) Lacks credibility and credentials.

15. The statements made by Rambukkana, Pimlott, and Joel infer all of the above including, but not limited to, that Peterson is unsavory, sexist, misogynistic, dangerous, racist, homophobic, trans-phobic, analogous to Adolf Hitler and incompetent in his Profession as an author, teacher and Professor and were false and specifically designed to impugn his reputation. These defamatory statements were malicious and designed specifically to damage his personal and professional character as a Professor, author, lecturer and public intellectual.

16. By making defamatory statements about Peterson allegedly being “academically suspect to say the least”, not having “the substantial academic evidence to be a credible person”, exhibiting “charlatanism”, and having “nothing really that is credible in terms of research”, Rambukkana, Pimlott, and Joel ensured that the defamatory comments could be clearly and unmistakably attributed to Peterson in his professional capacity, in an effort to severely damage his professional reputation. Doing so ensured that all visitors to the YouTube.com website, https://www.youtube.com/watch?v=9Nd32_uIcnI, any individuals entering related search terms into an Internet search engine and any persons who otherwise learned of their allegations would also be exposed to the defamatory statements. This has a significant impact on Peterson’s reputation among those with whom he deals, including fellow academics, future and existing students, the University where he works and those whom might read his books or listen to his lectures.

17. Ironically, Peterson’s academic credentials are dramatically superior to those of either Professors Rambukkana or Pimlott.

18. Defamatory statements made on the Internet are particularly serious and have greater potential to cause damage, due to the distinctive capacity of the Internet to cause instantaneous, seamless, interactive, blunt, borderless, far-reaching, and irreparable damage to reputation, and the extraordinary capacity of the internet to replicate defamatory statements endlessly and indefinitely.

19. Rambukkana, Pimlott, and Joel in making these statements intended to irreparably damage Peterson’s reputation, professionally and personally, and to irreparably damage his professional, economic, and emotional well-being.

20. This is further aggravated by the fact that these defamatory and injurious statements will be in circulation indefinitely and permanently on the worldwide web, and will permanently affix to Peterson’s name, continuing to expose Peterson to indefinite and irreparable damage to his personal and professional reputation.

21. Rambukkana, Pimlott, and Joel knew and intended, in making these statements, that the comments referred to above could be available, potentially widely discussed, and would damage Peterson's reputation, professionally and personally, now and in the future.

22. Rambukkana, Pimlott, and Joel intended that making these statements would have the potential of disrupting Peterson's emotional well-being and would detrimentally affect his professional reputation, now and in the future.

23. Peterson pleads that Rambukkana, Pimlott, and Joel have acted with malice and in a high-handed manner in making the defamatory statements about Peterson, entitling him to punitive damages.

24. Peterson proposes that this action be tried in Toronto.

Date: 18 June 2018

LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, ON M5H 3P5

Howard A. Levitt
LSUC No. 18858W

Tel: 416-594-3900
Fax: 416-597-3396

Lawyer for the Plaintiff

Plaintiff
 JORDAN PETERSON

and
 Defendant
 NATHAN KAMBUKANA et al.

Lawyers for the Plaintiff

plc@plc.ca

Fax: (416) 263-3160

Tel: (416) 264-3000

1201 W. 188th St.

Richmond Hill, Ont.

Toronto, ON M2H 3P2

2nd Flr. 100 Box 60

130 Adelaide St. West

Toronto, Ont.

STATEMENT OF CLAIM

TORONTO

PROCEEDING COMMENCED AT

SUPERIOR COURT OF JUSTICE
 ONTARIO

Court File No. CV-

CV-18-00288431-0000

This is Exhibit "K" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole



wlu.ca/news/spotlights/2018/june/laurier-responds-to-second-statement-of-claim.html



Laurier responds to second statement of claim

June 20, 2018

Following the statement of claim filed June 12 by lawyer Howard Levitt on behalf of Lindsay Shepherd, Wilfrid Laurier University has been served with a second statement of claim from Mr. Levitt focused on the same incident from the fall of 2017, this time representing Jordan Peterson, psychology professor at the University of Toronto.

Laurier will vigorously defend against this statement of claim.

Laurier remains committed to intellectual inquiry, critical reflection, scholarly integrity, academic freedom and freedom of expression while striving to be a supportive and inclusive community.

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This is Exhibit "L" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Video Link: <https://www.youtube.com/watch?v=PkNv4LFpGf4>

MP4 version available on request to counsel for the Defendant

This is Exhibit "M" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

TRANSCRIPT

'The Lindsay Shepherd Affair: Update'

Published by Jordan B. Peterson on June 20, 2018

Link: <https://www.youtube.com/watch?v=PkNv4LFpGf4>

Jordan Peterson: Many of you will no doubt remember Lindsey Shepherd. She was the teaching assistant in the department of communications at Wilfrid Laurier University who was subjected to a three-member panel of inquiry after she showed a video taken from Canadian public television of me debating the compelled speech legislation introduced in federal Bill C-16. She showed my discussion with Nicholas Matte who held the opposite position. Here is part of the discussion in question.

Clip

What do we do...

Jordan Peterson: The three-member panel included professors Nathan Rambukkana, her supervisor, Herbert Pimlott, in charge of the master's program, and Adria Joel, manager of Gendered Violence and Sexual Assault Prevention. Shepherd taped the meeting and released it publicly producing what I think was the biggest scandal that ever enveloped a Canadian University and certainly the only one in living memory that became news internationally.

Clip

Lindsay Shepherd: The thing is can you shield people from those ideas? Am I supposed to comfort them and make sure that they are insulated away from this like is that what the point of this is? Because to me that is so against what a University is about. So against it. I was not taking sides, I was presenting both arguments.

Nathan Rambukkana: So the thing is about this is if you're presenting something like this it uh you have to think about the kind of teaching climate that you're creating and this is actually...these arguments are counter to the Canadian um Human Rights Code uh ever since...and I know that you've talked about C-16...ever since this passed, it is discriminatory to be targeting someone um due to their gender identity or gender expression so bringing something like that up in class not critically and I understand that you're trying to like...

Lindsay Shepherd: It was critical I...I introduced it critically.

Nathan Rambukkana: How so?

Lindsay Shepherd: Like...like I said I...it was in the spirit of debate.

Nathan Rambukkana: Okay...in the spirit of the debate is slightly different than being like okay this is this is like a problematic idea that we want to make when we want to unpack.

Lindsay Shepherd: But that's taking sides.

Nathan Rambukkana: Yes.

Lindsay Shepherd: Like it's taking sides for me to be like "Oh look at this guy? Like everything that comes out of his mouth is BS but we're gonna watch anyway"...

Nathan Rambukkana: Okay so I understand the position that you're coming from in your positionality but the reality is that it has created a toxic climate for some of the students...it...you know it's...

Lindsay Shepherd: ...How many?...

Nathan Rambukkana:It's great like...

Lindsay Shepherd: Who? Like how many? One?

Nathan Rambukkana: Yeah it - may I speak?

Lindsay Shepherd: I have no I have no concept of like how many people complained like what their complaint was you haven't shown me the complaint.

Nathan Rambukkana: Yes I I understand that this is upsetting but there's also confidential ...confidentiality matters.

Lindsay Shepherd: The number of people's confidential?

Nathan Rambukkana: Yes.

Jordan Peterson: Although the University apologized publicly for its treatment of Shepherd, as did Rambukkana, it is not clear at all that the powers that be so to speak learned their lesson, and the mistreatment of Shepherd not only continued but arguably intensified.

So she decided to press her case legally and presented a statement of claim against the three and Wilfrid Laurier early in the second week of June. It lists in painful detail the many ways that this situation was mishandled during and after the initial inquisition.

I also discussed the situation with Howard Levitt, Shepherd's lawyer. I decided that Wilfrid Laurier had learned very little from its public embarrassment and that Shepherd's claims were valid, justifiable, and necessary, including her statement that her future lack of employability in academia was improbable to say the least.

I've been on hiring committees and I can tell you that even then the slightest whiff of scandal is enough to disqualify a candidate.

In consequence not only did I decide to read and post the entirety of Shepherd's claims, which I will do in a few minutes, I also decided to launch a claim of my own against the same defendants. I thought that two lawsuits might make the point better than one. I'll read some of my claim, too, after Shepherd's, and you can all make up your own minds about the suitability of this course of action.

Ontario Superior Court of Justice between Lindsay Shepherd, plaintiff, and Nathan Rambukkana, Adria Joel, Herbert Pimlott, and Wilfrid Laurier University, defendants.

Statement of Claim. To the defendant, 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 fail to defend this proceeding judgment may be given against you in your absence and without further notice to you. To: Nathan Rambukkana. And to: Adria Joel. And to: Herbert Pimlott. And to: Wilfrid Laurier University.

Claim. The plaintiff claims the following against the defendants individually and cumulatively, the following: \$500,000 for the tort of harassment, \$500,000 for the tort of intentional infliction of nervous shock, \$500,000 for the tort of negligence, \$100,000 for constructive dismissal, aggravated damages in the amount of \$500,000, general damages in the amount of \$500,000, punitive damages in the amount of a million dollars.

The Plaintiff resides in the Town of Waterloo in the province of Ontario.

The defendants Herbert Pimlott and Nathan Rambukkana are professors at the defendant Wilfrid Laurier University. Pimlott was the coordinator for the master's program of the University and Rambukkana, at the relevant time, was the professor for the course which Shepherd was a teaching assistant for. Both had considerable influence over the plaintiff's employment as a teaching assistant and status as a master's student.

The defendant Adria Joel was, at all relevant times, acting manager of the University's Diversity and Equity Office, in charge of gender violence prevention.

The Defendant University is a creature of statute created pursuant to the provisions of the *Wilfrid Laurier Act*.

The University is vicariously liable for all of the conduct of the individual defendants referred to herein and at all relevant times created an environment supporting and facilitating, acquiescing to, and implicitly and sometimes explicitly, endorsing that conduct.

The constituent statute of the University, the *Wilfrid Laurier Act 1973*, as amended, 2001 and 2016, in providing the fundamental jurisdiction and authority for the University to operate, states as its object in section four, that the objects of the University are for the pursuit of learning through scholarship, teaching, and research within a spirit of free inquiry and expression. The University has no other object and no jurisdi...and no jurisdiction to operate otherwise. The University has no other object and no jurisdiction to operate otherwise.

Pursuant to section 5, Powers of the University, the *Act* further states that the University has all powers necessary and incidental to the satisfaction and furtherance of its objects as a University. The constituent statute creating and empowering the University provides it with no other power or authority.

Shepherd was, at all relevant times, a student in the University master's program pursuing her master's degree and employed as a teaching assistant for a course under Rambukkana and following that, under professor Judith Nicholson.

As a teaching assistant Shepherd supported a class taught by professor Rambukkana. She was generally responsible for teaching two groups of approximately 25 students, was assigned topics, and was entitled pursuant to the policies of the University and of Rambukkana, to devise her own curriculum. Rambukkana was an indifferent mentor who had only met with Shepherd twice about

his course and only then briefly. Ironically given his complaint against her as delineated below, he provided her with very limited direction as to the content to provide to her students in his classes.

The topic for one of her communication classes held on November 1, 2017 was grammar. She taught three classes that day. Shepherd introduced the topic of the grammatical correctness of gender-neutral language in the evolution of various languages, and to facilitate discussion on the subject, showed a few-minute extract from a TV Ontario program moderated by Stephen Paikin consisting of a debate between professor Jordan Peterson of the University of Toronto psychology department and Nicholas Matte, from the University of Toronto's Sexual Diversity Studies Program.

Peterson and Nicholas Matte were debating compelled gender pronouns. Peterson argued against being required to use these new words, which he argued, had not developed organically. Matte took an opposing position.

Shortly following that class, Rambukkana ordered her to attend a meeting the very next day with himself, Pimlott, the program coordinator for the entire master's program, and Adria Joel, acting Director of the Diversity and Equity office. Both Rambukkana and Pimlott had considerable authority over Shepherd's fate at the University. Apparently so did Joel. Shepherd had never been called into such a meeting. Indeed Rambukkana to that point, had barely acknowledged her existence.

At this session all three lambasted Shepherd, viciously attacking her personally, falsely alleging that there had been a complaint or complaints about her tutorial, and insisting that in playing the TV Ontario clip she had been threatening to her students. Rambukkana claimed that her showing this TV Ontario clip breached the *Charter of Rights and Freedoms* and federal Bill C-16, which does not even govern provincially-regulated universities; created an unsafe learning environment; and was illegal. Shepherd was accused of targeting trans folks even though Shepherd had chosen no side, had up till that point disagreed with what she understood to be Peterson's perspective, and presented the arguments and the debate neutrally. Rambukkana attacked and slandered Peterson claiming that he was part of the alt-right and that playing a clip of Peterson without first providing any previous context to the students was like neutrally playing a speech by Adolf Hitler. Shepherd argued that doing as he asked would be taking sides, and that was not her role. She was then further rebuked for taking that position. At various points during that almost hour-long vicious and abusive attack, Shepherd was reduced to tears.

Ironically, rather than being a present-day personification of Adolf Hitler, as Rambukkana implied, Jordan Peterson has spent decades educating his students about the evils of the holocaust and specifically as part of his psychological teachings, has studied and taught how individuals degenerate ethically to the point where they take place...to the point where they take part in atrocities. As part of his psychological teachings, he has studied and taught how individuals degenerate ethically to the point where they take part in atrocities.

During the meeting Shepherd was effectively attacked as a protege and supporter of Peterson. Pimlott continued to libel Peterson, explaining that people like him live in a fantasy world of false conspiracy and accusing Shepherd of being an agent of those ideas because she had neutrally shown this video with its opposing viewpoints. Rambukkana falsely but imaginatively claimed that Shepherd herself was targeting people based on their gender identity or gender expression and in doing so, had violated the federal Human Rights Code of Bill C-16, although Shepherd's conduct was in no way violate [sic] of that or any law.

Shepherd asked the individual defendants whether her job as a Teaching Assistant was to shield her students from debate and ideas. Rambukkana asserted that it was, and then accused her of targeting students due to their gender expression and identity. When Shepherd pointed out that she had not taken sides in this debate, the three rebuked her for creating a toxic climate.

The three refused to advise Shepherd what the complaint was or who complained, claiming that even the number of complaints was confidential. As was subsequently ascertained, there had been no complaint at all.

Shepherd protested that she did not understand how her teaching methods constituted any disservice to the University since the ideas in the video were already part of social currency. Joel responded, without any foundation, accusing her of spreading transphobia. Rambukkana added to Joel's attack by essentially comparing her actions to white supremacy.

Contrary to the allegations of the defendants at this meeting, Shepherd conducted herself at this seminar precisely as her role required and singularly represented the principles of the *Wilfrid Laurier University Act*. For this she was viciously attacked by Rambukkana, Pimlot and Joel. They continued to abuse her even after she began sobbing, accusing Shepherd of causing harm to unnamed students.

Shepherd apologized for crying during the meeting pleading: I am stressed out because to me this is wrong, so wrong, noting that the very spirit of the University is to challenge ideas that you already have and reminding them that she had not taken any side or position.

The meeting concluded with Shepherd being advised, even after she promised to show no further videos of Peterson or anything of the like, that she now had to run all of her seminar notes past Rambukkana, to obtain specific approval for any future clips of anyone that she attended to show, and that Rambukkana might have to sit in on her future classes. She was prohibited from showing any further videos. Finally they suggested to her that her job might be in jeopardy.

The conduct of the defendants was objectively outrageous and flagrant. They had reckless disregard for the fact that the foreseeable consequences of their conduct would cause Shepherd to suffer emotional stress, which it did.

There are various policies of the University which constitute a contract between the University and its members including Shepherd.

Article 1.01 of the procedures relating to the Prevention of Harassment and Discrimination, Policy 6.1 of the University, notes that informal resolution possibilities as well as emotional academic and departmental supports will be explored. None of this occurred.

It also noted in Article 1.02 of the procedures relating to the Prevention of Harassment Discrimination Policy 6.1 that if the concern falls outside of this policy's jurisdiction, or could be more appropriately dealt with elsewhere, the individual will be referred to the appropriate office. That also did not occur.

Under Article 3.02 of Policy 6.1, the Office of Dispute Resolution and Support will determine whether a complaint may go forward. Article 3.04 states that the office is available to provide guidance on the preparation of a complaint or response to a complaint. That guidance was not provided to Shepherd.

Article 5.01 of Policy 6.1 states that an investigation may be required when other efforts to resolve the complaint have not been successful or not appropriate.

In the complaint by Jackson referred to below, no other efforts to resolve the complaint were considered before proceeding to the formal investigation of Shepherd.

Article 8.03 of Policy 6.1 states that Wilfrid Laurier University's prevention of discrimination and harassment policy is not intended to inhibit academic freedom. It was used by Rambukkana, Joel, and Pimlott for precisely that purpose.

Article 8.05 notes that the University may take disciplinary action against those who make allegations of harassment or discrimination which are reckless, malicious, or not in good faith. Although Pimlott, Rambukkana, and Joel had acted recklessly, maliciously and in bad faith, and it was ultimately determined by the University that this meeting never should have occurred, no action has been taken by the University against them and Shepherd was provided no protection from their predations.

The Prevention of Harassment and Discrimination Policy provides in Article 1.02 that each member of the campus community is responsible for helping to create an environment that promotes mutual respect and understanding for the dignity and rights of others. This policy was violated by Rambukkana, Pimlott, and Joel.

The Prevention of Harassment and Discrimination Policy defines workplace harassment in Article 2.04 as engaging in a course of vexatious comment or conduct against a worker in the workplace that is known, or ought reasonably to be known, to be unwelcome or workplace harassment. This provision too was violated by Rambukkana, Pimlott, and Joel.

Article 2.07 defines a poisoned environment as where harassing or discriminatory behaviors are severe and/or pervasive and cause unreasonable interference with a person's study or work environment, a poisoned environment may be created. A poisoned work or learning environment is one that is intimidating, hostile and/or offensive. A poisoned environment can arise even from a single incident. It may be created by the comments or actions of any person, regardless of his or her status.

Rambukkana, Pimlott, and Joel created a poisoned work environment for Shepherd and thereby breached the University's contractual obligations to Shepherd.

Article 4.04 states that the University will take appropriate steps to fairly investigate and respond to allegations of discrimination and/or harassment in accordance with the procedures relating to this policy. No such steps were taken. Instead, Shepherd was wrongly attacked by the members of the administration until public and alumni outcry forced the University to retreat from its position.

Following this meeting being publicized, MacLatchy, President of the University, was interviewed on The Agenda by Steve Paikin – the same show from which the clip of the debate between Dr. Peterson and Matte was taken. She was repeatedly asked by Paikin whether Shepherd had done anything wrong by showing this clip from his earlier show. MacLatchy effectively defended the conduct of Rambukkana, Joel, and Pimlott. She refused to acknowledge that Shepherd had not acted improperly despite Paikin's continuing to press her on this.

Shepherd had the foresight to tape her inquisition when it began and after outrage from the public and alumni erupted, the president of the University, Deborah MacLatchy, and Rambukkana, issued apologies. In Rambukkana's forced apology, he continued to lie, still insisting that there had been a complaint and that he had been doing his duty by addressing it.

It was only when public and alumni outrage grew that MacLatchy was ultimately forced to admit that what happened to Ms. Shepherd in the meeting was shameful and that the material she showed was entirely appropriate. That was a quote. This was only after an investigator found that there never had been any complaint, formal or informal, and that Rambukkana, Pimlott, and Joel's statements to the contrary, were false and deceitful.

The University admitted in this statement from its president that this meeting never should have happened at all. No formal complaint, nor even an informal concern relative to University policy, had been registered as to the screening of the video.

The president, only when besieged, acknowledged that these errors in judgment were compounded by the misapplication of the University's policies and procedures, the basic guidelines and best practices on how to appropriately execute the roles and responsibilities of staff and faculty were ignored or not understood. The procedures on how to apply University policies and under what circumstances were not followed and that the institutional failure allowed this to happen. The president noted that as there was institutional failure, the responsibility ultimately started and ended with her.

She further acknowledged that Ms. Shepherd was targeted with vitriol by members of the University. MacLatchy admitted that Shepherd was involved in absolutely no wrongdoing and publicly stated that the University was taking action to ensure that this did not occur again, a claim that was and remains entirely false.

Shepherd has never received redress of any kind nor has she been consulted about the input that this treatment has had on her and her career prospects. Instead, she was subjected to continuing abuse and a toxic climate from the University and its representatives as described below.

In MacLatchy's apology on November 21, 2017 she states that "supports were in place to support student involvement in a situation who are targeted with extreme vitriol through the situation." Yet she and the University offered Shepherd no such support.

In MacLatchy claiming to be troubled by the way "everyone" involved in the situation was targeted with extreme vitriol, she showed the same and equal concern for Shepherd's predators as for Shepherd herself.

The president also acknowledged that the rationale for invoking the Gender and Sexual Violence Policy did not exist, that it was misapplied, and that this was a significant overreach. Shepherd relies on MacLatchy's admissions herein.

MacLatchy claimed that "Laurier is committed to the abiding principles of freedom of speech and freedom of expression." Her conduct throughout entirely betrayed that goal.

In Rambukkana's disingenuous apology to Shepherd on November 21, 2017, he stated "while I still cannot discuss the student concerns raised about the tutorial..." But no student concern had even been raised about the tutorial prior to his and his co-defendants bullying of Shepherd. He

acknowledged that his meeting with a panel of three people would be an intimidating situation for Shepherd and would not have invited a productive discussion.

Rambukkana's apology claimed that he "did not do enough to try to support her, Shepherd" when he did absolutely nothing at all but instead attacked her.

Following the public outcry, the next time Shepherd met with her students, the chair of the department of communications, Peter Urquhart, attended that tutorial and offered Shepherd's students, but not Shepherd, emotional support suggesting that they would be welcome to go to the campus Wellness Centre. He sat at the back of the room for the entire tutorial effectively shutting down any discussion on the issue and undermining Shepherd's role in her classroom.

Urquhart proceeded on behalf of the University to publicly insult Shepherd. When asked by email by Macleans magazine why he appeared in her class on that day he responded, "I assume she recorded it why not ask her for the recording?" He then sent Macleans a second email "sorry you're a pro, I should have assumed that you've already heard that particular recording", using his position of power and authority over Shepherd to intimidate and embarrass her publicly.

Professor Alicia Sliwinski, who Shepherd was taking a master's course from, asked in front of the class for Shepherd to put away her laptop, and then said in front of other master's students that she gave this instruction because she did not want to be recorded, even when Shepherd assured her that she was not recording the class, further alienating and creating a toxic environment for Shepherd.

Following these events, Rambukkana's course ended and Shepherd was assigned to be the teaching assistant to professor Judith Nicholson, a professor of communication, who had publicly taken a negative position against Shepherd, prior to Shepherd being assigned to her.

Before that semester even started, Nicholson had signed an open letter supporting Pimlott and Rambukkana. This made the University assigning Shepherd to her tutelage entirely inappropriate, created a poisoned environment for Shepherd, and made it impossible for her to succeed. Shepherd's apprehensions about Nicholson's lack of objectivity toward her were quickly borne out.

On three occasions during their relatively brief dealings, Nicholson, without provocation, harassed and abused Shepherd and deliberately created difficulty for her.

From the outset of their meeting, Nicholson told Shepherd that it was her "academic freedom" and that no one is permitted to make the University look bad, implying that Shepherd had improperly done so.

On the second occasion she sent out a course syllabus with a territorial acknowledgement, i.e. a reference to the aboriginal tribe which had once been on the land which Wilfrid Laurier was on. Shepherd, considering this irrelevant to the syllabus and a ludicrous act of political correctness and virtue signaling, cut out that part of the note and tweeted it noting that such acknowledgements were now even on the syllabus of University courses.

Nicholson demanded in front of the other teaching assistants that she delete her tweet. When Shepherd protested that all she was tweeting was the University logo with the course name and territorial acknowledgement, Nicholson threatened to take her to the Dean if she did not remove it. Nicholson also absurdly claimed that this territorial acknowledgement was her intellectual

property. She proceeded to complain to the Dean about Shepherd's tweet in an attempt to further endanger Shepherd's position in the University.

The Dean informed Nicholson that the acknowledgement was not her intellectual property - and called an urgent meeting with the two departments which Shepherd was associated with: the Communication Studies and the Cultural Analysis and Social Theory departments, at least in part to discuss these issues. It was clear that if Shepherd had tweeted positively about the land acknowledgement she would not have been in difficulty with Nicholson.

The third occasion was in March 2018, when Shepherd needed to reschedule her last class of the year and utilized polling software with a link to available alternate days for her class to fill out their available alternate dates. When Shepherd found times that all of her students were available to meet, she emailed Nicholson to seek her approval for the new dates. Nicholson reprimanded her, copying two Deans, claiming falsely that Shepherd had moved these classes without Nicholson's consent in advance, even though the letter was just such a request and the request on its face was premised on Nicholson's consent.

When Shepherd advised Nicholson that she never had any intention of changing the date without Nicholson's approval, which was why her letter explicitly requested that approval, Nicholson canceled Shepherd's tutorial entirely. This was despite the fact that alternate dates were available for Shepherd and her students to attend.

Nicholson instructed Shepherd's students to attend sessions of the other teaching assistants on dates which were largely coincident with dates which Shepherd and her students had arranged. Since this was to have been Shepherd's last class she never saw her students again.

Ethan Jackson, a transgender activist who has attacked Shepherd throughout the events described herein, launched a formal, patently frivolous harassment complaint against her to which, even after Ms. Shepherd had completed her coursework at the University so she would not see Jackson again. The University responded by proceeding with a formal investigation, despite its inherently vexatious, bad faith and frivolous allegations which, pursuant to the applicable policies, the University should not have proceeded with.

Jackson had an online crowdfunding page seeking a sex change operation which was initially denied because of his mental health issues. Additionally, Jackson was banned from the University of Waterloo campus in 2013 for protesting and de-platforming a member of parliament who was to give a speech on abortion by dressing up as a giant vulva and yelling. Jackson was invariably hostile to Shepherd.

Jackson's allegations against Shepherd were that:

- A. She was on her telephone during one class and purportedly disengaged from participation in that class;
- B. Ms. Shepherd had made four tweets with screenshots from Jackson's controversial social media account;
- C. Shepherd responded to Jackson walking into the printing room and angrily ordering her to leave the room and cease using the communications department printer which she required for her communications course work by referring to him as petty and pathetic;

- D. When Shepherd and two others were putting up posters for a Laurier Society for Open Inquiry meeting, he claimed that they had followed him and his colleague as they were walking around the halls, and that Shepherd's posters had signage which he found offensive, posters which he acknowledges removing from the walls without authorization.

The complaint of Jackson was made maliciously after classes were over for the year, at a time when he and Shepherd would not ever be interacting again, since Shepherd is not enrolled in Laurier courses for the following session. Despite Jackson's complaint being inherently self-contradictory and ludicrous, the University not only proceeded to summons Shepherd for an investigation, but threatened her with repercussions if she disclosed Jackson's complaint to anyone.

The attacks on Shepherd have rendered her unemployable in academia resulting in her abandoning her previous ambitions of obtaining her PhD or even teaching at a University as a master's graduate.

Shepherd has suffered nervous shock as a result of the conduct of the defendants, which was the foreseeable and intended result. In the alternative, it was the reasonably foreseeable outcome of their conduct and the defendants were negligent in their treatment of her.

So that's Shepherd's claim. As I said, after I reviewed this and talked in detail to Shepherd's lawyer, I concluded that Wilfrid Laurier had not learned what needed to be learned and launched a claim of my own this week.

It reads in part... the plaintiff...that's me...claims against the defendants Nathan Rambukkana, Herbert Pimlott, Adria Joel, and Wilfrid Laurier University the following:

\$500,000 for defamation, \$500,000 for injurious falsehood, \$500,000 in punitive damages, pre-judgment and post-judgment interest in accordance with the *Courts of Justice Act*, costs on a substantial indemnity basis, and such further and other relief as counsel may advise and this Honorable Court may deem just.

The plaintiff's claim against Rambukkana, Pimlott, Joel, and the University... Defamatory statements on YouTube...On or about November 2nd, 2017, Rambukkana ordered his then teaching assistant Lindsay Shepherd to attend what turned out to be a disciplinary meeting with himself, Pimlott, and Joel, to discuss her having shown an extract from a TV Ontario program to her students. The TV Ontario program, moderated by Steve Paikin, consisted of a debate between Peterson and Nicholas Matt. At the meeting on or about November 2, 2017, Rambukkana, Pimlott, and Joel each made numerous defamatory statements about Peterson, all of which the others endorsed, both expressly and implied. The meeting's content has since been posted online on the video sharing website YouTube and is available on the internet, where it is open to the public and easily accessible by anyone who wishes to view its content. I'm skipping a bit here...At the meeting on or about November 2, 2017, Rambukkana, Pimlott, and Joel falsely and maliciously made numerous defamatory statements about Peterson, including but not limited to the following:

Defamatory Statements made by Rambukkana:

- A. Peterson identified student protesters by posting their social media accounts for the purpose of other people bullying and threatening them online;

- B. Peterson is basically debating whether or not a trans student should have rights;
- C. Peterson's position would be the equivalent of debating whether or not a student of color should have rights or should be allowed to be married contrary, to the *Charter of Rights and Freedoms*;
- D. Peterson has engaged in the targeting of trans students giving out their personal information for the purpose of having them attacked/harassed so that death threats will find them. This is something that Peterson has done to his own students, Peterson has done to other students;
- E. Playing a speech by Peterson is basically like playing a speech by Hitler,
- F. Peterson's opinion is like alt-right opinion, white supremacist opinion, anti-trans opinion, anti-gay opinion, anti-woman, misogynist opinion,
- G. Peterson's view is whether trans people are people or not.

Defamatory statements made by Pimlott:

- A. Peterson is academically suspect to say the least, he does not have the substantial academic evidence to be a credible person;
- B. Peterson's positions don't have credible evidence, just like Charles Murray with his race claims of white superiority;
- C. Peterson brings hatred and targets groups;
- D. Peterson exhibits charlatanism;
- E. Peterson has nothing really that is credible in terms of research.

Defamatory statements made by Joel:

- A. Peterson's position is causing harm to trans students by framing their identity as invalid, or their pronouns as invalid, contrary to the Ontario Human Rights Code;
- B. Peterson is spreading transphobia.

Now I'm skipping ahead a bit again... The said words, in their natural and ordinary meaning, and the connotation of the comments, obvious to any reader, were meant and were understood to mean, that Peterson is comparable to Adolf Hitler, the greatest despot in world history, deliberately spreads hatred both generally and in particular to students, is a member of the alt-right, is unfit to be a professor, breaches the code of ethics of his profession and University, is a white supremacist, has and expresses opinions which are uninformed and uneducated, is sexist, is misogynist, is racist, is homophobic, is transphobic, is a deplorable person, is incompetent, is a reprobate, lacks integrity, lacks the appropriate ethics to be a psychologist and professor, is a bully and abusive towards students, wants to deprive minorities of any rights, organizes attacks, even death threats on students, breaches Canadian law, dehumanizes certain of his students, and lacks credibility and credentials.

The statements made by Rambukkana, Pimlott, and Joel infer all of the above including but not limited to, that Peterson is unsavory, sexist, misogynist, dangerous, racist, homophobic, transphobic, analogous to Adolf Hitler, and incompetent in his profession as an author, teacher and professor, and were false and specifically designed to impugn his reputation. These defamatory statements were malicious and designed specifically to damage his personal and professional character as a professor, author, lecturer, and public intellectual. Well you get the picture.

That's the end of that. I'm hoping that the combination of the two lawsuits will be enough to convince careless University professors and administrators blinded by their own ideology to be much more circumspect in their actions and their words. We'll see how that plays out.

This is Exhibit "N" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Court File No.: CV-18-00599971-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

JORDAN PETERSON

Plaintiff

- and -

**NATHAN RAMBUKKANA, HERBERT PIMLOTT, ADRIA JOEL and WILFRID LAURIER
UNIVERSITY**

Defendants

**STATEMENT OF DEFENCE OF THE DEFENDANTS,
ADRIA JOEL AND WILFRID LAURIER UNIVERSITY**

1. The defendants, Adria Joel and Wilfrid Laurier University (hereinafter collectively referred to as “these Defendants”), admit the allegations contained in paragraphs 3, 4 and 5 of the Statement of Claim.
2. Except as expressly hereinafter admitted, these Defendants do not admit any of the remaining allegations contained in the Statement of Claim.
3. With respect to the allegations contained in paragraph 6 of the Statement of Claim, the defendant Wilfrid Laurier University (hereinafter referred to as “Laurier”) admits that it is an Ontario University created by *The Wilfrid Laurier Act*, with a campus located in Waterloo, Ontario. Laurier further admits that, at all material times, it employed the defendants Nathan Rambukkana (“Rambukkana”), Herbert Pimlott (“Pimlott”) and Adria Joel (“Joel”). Laurier denies the balance of the allegations contained in paragraph 6 of the Statement of Claim.
4. These Defendants have no knowledge, or insufficient knowledge, to plead to the allegations contained in paragraph 2 of the Statement of Claim.

The Parties

5. Rambukkana is an Assistant Professor in the Communication Studies department at Laurier. He was at all relevant times the course instructor for Communication Studies 101, Canadian Communication in Context. Lindsay Shepherd (“Shepherd”) was a Teaching Assistant for this course.

6. Pimlott is an Associate Professor in the Communication Studies department at Laurier. In the Fall of 2017 he served as the Graduate Coordinator for the Cultural Analysis and Social Theory (“CAST”) program at Laurier.

7. Joel was, at all relevant times, the Acting Manager, Gendered Violence Prevention and Support, at the Diversity and Equity Office (“DEO”).

8. Jordan Peterson (“Peterson”) is a tenured professor of psychology at the University of Toronto. He has a strong social medial presence. His channel on YouTube currently has 1,411,369 subscribers. He has more than 839,000 followers on Twitter. He is the author of the best-selling book *12 Rules for Life: An Antidote to Chaos* published by Penguin Random House in January 2018.

9. Peterson is known for espousing controversial views. He came to prominence after publishing a series of YouTube videos titled “Professor against political correctness”. In Part I of that series, Peterson criticized Bill C-16, *An Act to amend the Canadian Human Rights Act and the Criminal Code*, which among other things, added gender expression and identity as a protected ground to the *Canadian Human Rights Act*. Following this video, Peterson figured prominently in debates respecting Bill C-16, and a tension (real or perceived) between gender identity and free speech. Peterson’s position, which he has expressed repeatedly in many fora, is that Bill C-16 creates forced speech which he believes is dangerous.

Background

10. On November 1, 2017, Shepherd led tutorials for the course Communications Studies 101, Canadian Communication in Context. The topic of the tutorials was Grammar 1. In the course of the tutorials, Shepherd played clips of a program from The Agenda, a current affairs program on TVO. The episode in question was titled “Genders, Rights and Freedom of Speech”, and featured Peterson espousing his views as noted above. The airing of the clips was followed by in-class discussion.

11. On or about November 7, 2017, Rambukanna, who had been unaware that the clips would be shown in the tutorials, learned that they had been shown and had caused student concerns.

12. To better understand what had happened at the November 1, 2017 tutorials, Rambukkana scheduled a meeting. Joel and Pimlott (who was the head of Shepherd's program) were invited to the meeting.

13. The meeting took place on November 8, 2017. It is at this meeting that Rambukanna, Pimlott and Joel made the statements complained of in the Statement of Claim. However, the Statement of Claim presents small parts of what was said by these parties, causing the actual meaning of the words spoken to be taken out of context and obscured.

14. Unbeknownst to the other attendees at the meeting, Shepherd recorded most of the meeting. She shared the recording with Christie Blatchford at the National Post and subsequently released it to multiple media outlets and posted it online. Before doing so, she reportedly consulted with Peterson who advised her to check on the legality of the surreptitious recording.

15. In June 2018, contemporaneous with his initiating this claim against the Defendants, Peterson made a recorded video statement on his YouTube channel in which he referenced Shepherd's related claim against the Defendants and indicated that he had decided to launch his own claim against the same Defendants in the hope that two lawsuits would be enough to convince university professors and administrators to be much more circumspect in their actions and their words.

16. Notably, Peterson did not state that he was launching the claim against the defendants to recover damages for reputational harm. These Defendants plead that he could not have done so, as Peterson suffered no harm to reputation as a result of the statements made by the Defendants. Leaving aside the fact that the Defendants made no public statements about Peterson, the further fact is that Peterson's star has risen significantly since November 1, 2017.

17. There is inescapable irony in the fact that Peterson, who has come to prominence through vehement advocacy of free speech principles, is bringing a claim for the stated purpose of causing academics and administrators to be more circumspect in their words.

18. The stated basis for the claim to cause university professors “to be more circumspect in their actions and words” is anathema to the free speech values Peterson purports to endorse. More importantly, the right of academics, administrators and others to speak freely is constitutionally protected and the specific statements complained of are defensible. Therefore, these Defendants plead that Peterson’s claim therefore ought to be struck.

These Defendants Did Not Record or Broadcast the Impugned Words

19. These Defendants state that they had no knowledge, information or belief that the impugned words had been recorded by Shepherd, nor ought they reasonably to have had any such knowledge, information or belief, as alleged in paragraph 11 of the Statement of Claim, and put the Plaintiff to the strict proof thereof.

20. These Defendants plead that the public dissemination of statements made verbally by the Defendants at what was understood to be a private meeting was not the probable and foreseeable consequence of their making the statements, as alleged. On the contrary, it was improbable and unforeseeable that Shepherd would record the meeting and then broadly disseminate the recording.

21. These Defendants further state, and the fact is, that they played no role whatsoever in uploading the recording of the impugned words to YouTube, and are not responsible in any way for any repercussions flowing therefrom. Rather, these defendants state that the impugned words were uploaded to YouTube by Shepherd, and that she is therefore responsible for the damages, if any, that flow from the impugned words being broadcast on YouTube.

22. These Defendants further plead that the Plaintiff had prior knowledge that Shepherd planned to release the recording of the impugned words to the public. The Plaintiff has publicly acknowledged, in media interviews with Maclean’s magazine, that Shepherd contacted him prior to her releasing the recording of the impugned words to the public and the Plaintiff consented, explicitly or implicitly, to her doing so, and even offered her advice with respect to how to proceed.

23. These Defendants therefore plead that the Plaintiff specifically authorized, consented and/or knowingly acquiesced to Shepherd posting the recording of the impugned words to YouTube. Accordingly, while these Defendants deny that the Plaintiff has suffered any damages as a result of the recording of the impugned words being posted to YouTube, the fact

is that the Plaintiff himself and Shepherd are solely responsible for any damages flowing therefrom.

No Defamation

24. These Defendants plead that paragraph 12 of the Statement of Claim purports to quote only portions of a much lengthier discussion. These Defendants will make reference to the entire discussion between the individual Defendants and Shepherd, as context for the meaning of the impugned words.

25. These Defendants specifically deny that any of the impugned words alleged in paragraph 12 of the Statement of Claim to have been spoken by Joel (“the Joel impugned words”) are capable of conveying the defamatory meanings alleged, or could reasonably be understood to be defamatory of the Plaintiff, as alleged.

26. In the alternative, these Defendants plead that if the Joel impugned words were defamatory of the Plaintiff then, insofar as the Joel impugned words consisted of statements of fact, they were, in their plain and ordinary meaning and in their full and proper context, substantially true.

27. These Defendants further plead that, insofar as the Joel impugned words were expressions of opinion or comment, they were fair comments made in good faith and without malice on matters of public interest, including protecting the gender identity of trans students and preventing the spread of trans-phobia. Moreover, they are opinions that a person could honestly hold, based on the facts.

28. Further, these Defendants plead that the Joel impugned words were spoken, in good faith and without malice, on an occasion of qualified privilege. In addition, they relate to matters of public interest; including, protecting the gender identity of trans students, preventing the spread of trans-phobia, and the tension between the rights of members of a minority group to be identified in a manner acceptable to them and the free speech rights of others. Joel was under a duty to express her concerns about airing a clip of Peterson’s pronouncements, and the other persons party to the discussion had a corresponding interest in receiving this information.

Section 137.1 of the *Courts of Justice Act*

29. These Defendants plead that this action, as against these Defendants, has no substantial merit, and the Plaintiff has suffered no or insignificant harm. These Defendants plead that this action is being used as a means of unduly limiting expression on matters of public interest, including protecting the gender identity of trans students and preventing the spread of trans-phobia. These Defendants plead that this action is therefore barred by section 137.1 of the *Courts of Justice Act*, 1990 c. C. 43.

The Plaintiff's Claim is Statute-Barred

30. With respect to the allegations contained in paragraphs 9, 10 and 11 of the Statement of Claim, these Defendants plead that the Plaintiff failed to provide written notice to these Defendants within the time mandated by section 5(1) of the *Libel and Slander Act*, R.S.O. 1990, c.L.12 (hereinafter referred to as "*The Act*"), and further failed to commence his action within the time mandated by section 6 of *The Act*.

31. These Defendants therefore plead that, insofar as the Plaintiff's claim relates in any way to the broadcast of the words spoken by Rambukkana, Pimlott and Joel, as identified at paragraph 12 of the Statement of Claim (hereinafter referred to as the "impugned words") on the website www.youtube.com ("YouTube"), his action is proscribed and barred by operation of *The Act*.

No Damages

32. These Defendants state that the Plaintiff has not suffered any loss or damage as alleged in the Statement of Claim, or at all, and put the Plaintiff to the strict proof thereof.

33. In fact, these Defendants plead that the Plaintiff has had significantly increased financial and professional success since the matters complained of in the Statement of Claim. This is not surprising, as the Plaintiff's public profile is grounded in large measure in his public critique of political correctness and the controversy such public critique engenders. As such, the denunciation of the airing of his views in a university setting enhanced, rather than undermined, his reputation.

34. In the alternative only, these Defendants plead that if the Plaintiff has suffered any damages, which is denied, then such damages were not caused by these Defendants, or anyone for whom these Defendants are in law responsible.

35. Rather, as above, these Defendants plead that any damages that the Plaintiff may have suffered are due to the actions of Shepherd in posting the impugned words to YouTube, and the Plaintiff's own actions in authorizing, consenting and/or knowingly acquiescing to Shepherd posting the recording of the impugned words to YouTube.

36. In the further alternative, if the Plaintiff has suffered any damages, which is denied, these Defendants plead that the damages claimed are excessive, exaggerated, remote and unavailable at law.

37. These Defendants further plead that the Plaintiff has failed to mitigate any damages which he might have suffered.

38. These Defendants plead that the Plaintiff's damages, if any, will be assessed in an amount not exceeding \$100,000.00 and, as such, these Defendants plead and rely upon the cost consequence provisions contained in Rule 76.13 of the *Rules of Civil Procedure*, as this matter ought to have proceeded by way of the *Simplified Procedure*.

39. Furthermore, in reference to the pleading contained at paragraph 22 of the Statement of Claim, these Defendants deny that they, or anyone for whom they are responsible in law, acted in a manner which would attract punitive damages, and state that this is not an appropriate case for an award of punitive damages, and put the Plaintiff to the strict proof thereof.

40. These Defendants plead and rely upon sections 1, 6, 23 and 24 of the *Libel and Slander Act*, R.S.O. 1990, c.L.12; as well as section 137.1 of the *Courts of Justice Act*, 1990 c. C. 43.

41. These Defendants therefore respectfully request that the Plaintiff's Claim be dismissed, as against them, with costs and applicable HST thereon.

August 31, 2018

Thomas Gold Pettingill LLP
150 York Street, Suite 1800
Toronto, Ontario M5H 3S5

Alexander D. Pettingill LS#: 33431P
Tel: 416-507-1802
Fax: 416-507-1852

Sean Murtha LS#: 62304S
Tel: 416-507-1823
Fax: 416-507-1880

Lawyers for the Defendants,
Adria Joel and Wilfrid Laurier University

TO: Levitt LLP
130 Adelaide Street West
Suite 801, P.O. Box 89
Toronto, Ontario M5H 3P5

Howard Levitt
Tel.: 416-597-7874
Fax: 416-597-3396

Lawyers for the Plaintiff

AND TO: Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5

Bob Sutherland
Tel: 416-840-1338
Fax: 416-361-1674

Danielle Malone
Tel: 647-427-6823
Fax: 416-361-1674

Lawyers for the Defendants,
Nathan Rambukkana and Herbert Pimlott

PETERSON RAMBUKKANA, et al.
Plaintiff and Defendants

Court File No.: CV-18-00599971-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

**STATEMENT OF DEFENCE OF THE
DEFENDANTS, ADRIA JOEL AND WILFRID
LAURIER UNIVERSITY**

Thomas Gold Pettingill LLP
150 York Street, Suite 1800
Toronto, Ontario M5H 3S5

Alexander D. Pettingill LS#: 33431P
Tel: 416-507-1802
Fax: 416-507-1852

Sean Murtha LS#: 62304S
Tel: 416-507-1823
Fax: 416-507-1880

Lawyers for the Defendants,
Adria Joel and Wilfrid Laurier University

This is Exhibit "O" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Court File No. 18-00599971-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JORDAN PETERSON

Plaintiff

- and -

**NATHAN RAMBUKKANA, HERBERT PIMLOTT, ADRIA JOEL and WILFRID
LAURIER UNIVERSITY**

Defendants

**STATEMENT OF DEFENCE OF THE DEFENDANTS,
NATHAN RAMBUKKANA AND HERBERT PIMLOTT**

1. The defendants, Nathan Rambukkana ("Rambukkana") and Herbert Pimlott ("Pimlott") admit the following allegations in the Statement of Claim:

a) Paragraphs 3, 4 and 5

b) With respect to paragraph 7, Rambukkana and Pimlott admit that a meeting took place on November 8, 2017 between a Communication Studies Department Teaching Assistant, Lindsay Shepherd ("Shepherd"), Rambukkana, Pimlott and Adria Joel ("Joel"). Rambukkana and Pimlott admit that Shepherd's having shown extracts from a TV Ontario Program to students during a tutorial on November 1, 2017 was discussed, and that the TV Ontario Program, moderated by Steve Paikin, consisted of a debate between the Plaintiff and Nicholas Matte regarding the use of gender neutral pronouns. Rambukkana and Pimlott deny that Shepherd was "ordered" to attend the meeting. Rambukkana and Pimlott further deny that this was a

- 2 -

"disciplinary meeting".

2. Rambukkana and Pimlott have no knowledge of the allegations contained in paragraphs 2, 6, 9 and 10 of the Statement of Claim, and do not admit them.

3. Rambukkana and Pimlott deny paragraphs 7 (except as admitted above), 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of the Statement of Claim. Rambukkana and Pimlott further deny that the Plaintiff is entitled to any of the relief claimed in paragraph 1 of the Statement of Claim.

Background

4. Rambukkana is a full-time Professor of Communication Studies at Wilfrid Laurier University. He was the Professor of the class Canadian Communication in Context, for the fall 2017 semester. The class consisted of lectures and tutorials. The tutorials for the class were to support the lectures. A significant component of each tutorial was basic and introductory writing and grammar skills. Shepherd was assigned to be one of the Teaching Assistants for the class tutorials.

5. Pimlott is a full-time Professor of Communication Studies at Wilfrid Laurier University (the "University"). He was also a Coordinator for the Master of Arts Program in Cultural Analysis and Social Theory, until on or about November 29, 2017.

6. Rambukkana and Pimlott are members of the Wilfrid Laurier University Faculty Association for Full-Time Faculty and Professional Librarians. At all relevant times, there has been a collective bargaining agreement ("CBA") in place between the Faculty Union and the University. The CBA confirms the principle of academic freedom for full-time faculty. Pursuant to the CBA Rambukkana and Pimlott have academic freedom in all teaching functions, as well as scholarship and research.

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7. At all material times Rambukkana had academic freedom to determine the content of his classes and tutorials, including Canadian Communication in Context.

8. At all material times Rambukkana and Pimlott were acting in good faith and in accordance with principles of academic freedom, instructions of relevant University personnel, as well as University policies and procedures.

The TVO Debate and November 1, 2017 tutorial

9. On or about November 1, 2017, Shepherd, played two self-selected excerpts from a TV Ontario program moderated by Steven Paikin, consisting of a debate between the Plaintiff and Nicholas Matte ("the TVO debate"), during the tutorial for Rambukkana's Canadian Communication in Context class. The excerpts selected by Shepherd of the TVO debate involved the Plaintiff arguing against the use of gender neutral pronouns and criticizing the then proposed Bill C-16, *An Act to Amend the Canadian Human Rights Act and the Criminal Code* ("Bill C-16"). The excerpts selected by Shepherd of the TVO debate were played during the tutorial without Rambukkana's knowledge, approval or consent ("The November 1, 2017 tutorial").

10. Rambukkana and Pimlott plead, and the fact is, the excerpts selected by Shepherd of the TVO debate played during the November 1, 2017 tutorial were inappropriate in the context of the tutorial, and this is something Shepherd knew, or ought to have known.

11. In the TVO debate the Plaintiff states, or would be reasonably understood to have, questioned the validity of gender identity, expression and use of gender neutral pronouns in the context of Bill C-16, which the Plaintiff has publicly opined creates forced speech, which he opines is dangerous.

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12. Rambukkana and Pimlott plead and the fact is that the Plaintiff is a public figure. In fact, the Plaintiff is a controversial figure and opinions of the Plaintiff are regularly published in multiple media outlets. The Plaintiff's views, opinions and research are the subject of much public debate and opinion.

13. Following the airing of the TVO Debate during the November 1, 2017 tutorial, Rambukkana and Pimlott were advised by Joel that a student had raised a concern over the content of the tutorial and Shepherd's conduct during the tutorial.

14. Due to the concerns raised by Joel, Rambukkana sought advice from relevant University personnel with respect to the appropriate handling of the situation.

15. Due to the concerns raised by Joel, Rambukkana requested a meeting with Shepherd to address the November 1, 2017 tutorial. It was determined that Pimlott and Joel would also be present at the meeting. This was done in good faith and in accordance with principles of academic freedom, instructions of relevant University personnel, as well as University policies and procedures

The November 8, 2017 Meeting

16. On or about November 8, 2017 Rambukkana Pimlott and Joel met with Shepherd to better understand the circumstances of the November 1, 2017 tutorial and the effect of the tutorial on the students in that class ("the November 8, 2017 meeting"). In doing so, Pimlott and Rambukkana acted pursuant to their respective academic freedom, and in accordance with University policy and procedure.

17. Rambukkana and Pimlott only learned of the airing of portions of the TVO debate in the November 1, 2017 tutorial during the November 8, 2017 meeting.

- 5 -

18. Rambukkana and Pimlott deny that comments made or published by Rambukkana and Pimlott during the November 8, 2017 meeting are defamatory of or concerning the Plaintiff. To the extent, if any, that the statements in paragraphs 14, 15 and 16 are alleged meanings of statements attributed to Rambukkana and/or Pimlott, Rambukkana and Pimlott state that when taken in full context are not, in their plain and ordinary meanings or by innuendo capable of bearing such meanings.

19. Rambukkana and Pimlott state that the Statement of Claim presents only small portions of what was said by Rambukkana and Pimlott in the November 8, 2017 meeting, thereby resulting in the actual meaning of the words spoken to be taken out of context and unclear.

20. Rambukkana states that he is only responsible at law for comments specifically attributed to him in the November 8, 2017 meeting and for no other part of any statements made in that meeting. To the extent, if any, that the statements in paragraphs 14, 15 and 16 are alleged meanings of statements attributed to Rambukkana, Rambukkana states that these words, when taken in full context are not, on their plain and ordinary meaning or by innuendo capable of bearing such meanings.

21. Pimlott states that he is only responsible at law for comments specifically attributed to him in the November 8, 2017 meeting and for no other part of any statements made in that meeting. To the extent, if any, that the statements in paragraphs 14, 15 and 16 are alleged meanings of statements attributed to Pimlott, Pimlott states that these words, when taken in full context are not, on their plain and ordinary meaning or by innuendo capable of bearing such meanings.

22. Further, or in the alternative, Rambukkana and Pimlott state that their words and comments set out in the November 8, 2017 meeting are expressions of opinion, they are

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expressions of opinion that some persons could honestly express, further they are fair comment made in good faith and without malice on matters of public interest, namely operations and policy of the University, appropriate content for tutorials in Rambukkana's class, and the publicly expressed views of the Plaintiff about gender identity and expression, trans rights, Bill C-16, pronouns, student and liberal activism, University policies and campus issues, and the Plaintiff's use of social and traditional media.

23. Further, and without limiting the foregoing Rambukkana and Pimlott plead that the comments made by Rambukkana and Pimlott on November 8, 2017 were based on the following facts, and that these facts mean or are understood to mean the following, and as such the comments expressed in the November 8, 2017 meeting are fair comment made in good faith and without malice on matters of public interest, and expressions of opinion that some persons could honestly express:

- a. Rambukkana and Pimlott disagree with Shepherd having shown the TVO video in class and to have initiated a discussion on the use of gender neutral pronouns in Rambukkana's class in the particular way it was done;
- b. Rambukkana and Pimlott disagree with the Plaintiff's public opinion regarding gender identity and expression and the use of pronouns;
- c. Rambukkana and Pimlott disagree with the Plaintiff's use of social media with respect to identification of individuals and groups;
- d. Rambukkana and Pimlott opine that some of the Plaintiff's public positions are not supported by sufficient evidence;
- e. Rambukkana and Pimlott were attempting to ensure compliance with relevant

- 7 -

University policies and procedures, including, but not limited to, the University Procedures Relating to the Prevention of Harassment and Discrimination Policy;

- f. When teaching a tutorial or class at the University it is best practice to draw upon academic experts from the appropriate disciplinary field(s), such as those who can be identified by having published peer-reviewed, academic articles in recognized and relevant scholarly journals; and
- g. When showing a video of and/or leading a discussion of a controversial issue at the University it is best practice to provide appropriate context for the tutorial.

The defence of fair comment is therefore pleaded.

24. Rambukkana and Pimlott further plead that the comments made during the November 8, 2017 meeting were made on an occasion of privilege or qualified privilege. In particular:

- a. Rambukkana and Pimlott were lawfully fulfilling their duty or interest in communicating their views on the November 1, 2017 tutorial, and/or the concerns brought to them by Joel. Further, at all material times, Rambukkana and Pimlott had a good faith belief that they were in compliance with University protocol and policy;
- b. Rambukkana and Pimlott state that any opinions, comments or statement made during the private November 8, 2017 meeting were done as an exercise of their respective academic freedom, in which the participants had a common interest in receiving the communication.
- c. Rambukkana and Pimlott state that any opinions, comments or statements made

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during the November 8, 2017 meeting were made in good faith and without malice; and

- d. Rambukkana and Pimlott's communications were made pursuant to legal, moral and/or social duties in a private meeting where the participants had a common interest in receiving the communication.

The defence of qualified privilege is therefore pleaded.

25. Rambukkana and Pimlott further state that comments made by Rambukkana and Pimlott during the November 8, 2017 meeting do not constitute injurious falsehood. The only purpose or objective that Rambukkana and Pimlott had in making the comments during the meeting was to lawfully fulfill their duty or interest in communicating their views on the November 1, 2017 tutorial and they did so in a good faith belief of compliance with University protocol and policy. Rambukkana and Pimlott's statements were made without malice.

26. Rambukkana and Pimlott are not responsible in any way for the contents of any statement made about the Plaintiff by any other Defendant. If they are, none of those statements are defamatory or actionable for the reasons set out in the pleadings of the co-defendants.

Shepherd's Secret Recording and Publication of the November 8, 2017 Meeting

27. Rambukkana and Pimlott deny that they published, broadcast, or otherwise distributed the statements or content of the November 8, 2017 meeting.

28. Rambukkana and Pimlott plead that the November 8, 2017 meeting with Shepherd was a private and confidential meeting among four individuals and

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professional colleagues, namely Rambukkana, Pimlott, Joel and Shepherd. Rambukkana and Pimlott did not and could not have known that the comments made in the context of the November 8, 2017 meeting could or would be made available beyond the participants of the meeting. Rambukkana and Pimlott state and the fact is that they had no reason to believe that any communications or discussions during the November 8, 2017 were being recorded or would be published or publicly disseminated.

29. Rambukkana and Pimlott state that the only Third Party present at the November 8, 2017 meeting was Shepherd. During the course of the meeting Shepherd expressed personal views of disagreement with the Plaintiff.

30. The November 8, 2017 meeting was surreptitiously recorded by Shepherd without the knowledge or consent of Rambukkana and Pimlott.

31. Rambukkana and Pimlott state and the fact is that the surreptitiously recorded contents of the November 8, 2017 meeting were published and disseminated by Shepherd in multiple formats including but not limited to online, newspaper, television, radio and other media, again without knowledge or consent of Rambukkana and Pimlott.

32. Rambukkana and Pimlott state that the damages or injury claimed by the Plaintiff, which is not admitted but specifically denied, are attributable solely to Shepherd and her publication and dissemination of the contents of the November 8, 2017 meeting.

33. Rambukkana and Pimlott state that Shepherd's surreptitious recording, publication and dissemination of the contents of the November 8, 2017 meeting was inappropriate and a breach of academic collegiality.

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34. Rambukkana and Pimlott state and the fact is the Plaintiff consented to and encouraged the dissemination and publication of the recording of the November 8, 2017 meeting in all formats including but not limited to online, newspaper, television, radio and other media.

35. In respect of paragraphs 9, 10, 16, 18, 19, 20, 21, and 22 of the Statement of Claim, these defendants specifically deny that they published, or caused to be published, the contents of the November 8, 2017 meeting on the website www.youtube.com, or any website, news or media platform.

36. Rambukkana and Pimlott plead that the allegations and damages claimed by Plaintiff in paragraphs 9, 10, 16, 18, 19, 20, 21, and 22 of the Statement of Claim, which are not admitted but specifically denied, were solely caused by Lindsay Shepherd.

Damages

37. Rambukkana and Pimlott deny that the Plaintiff has suffered any loss or damages for which they are responsible and put the Plaintiff to the strict proof thereof.

38. If Rambukkana and Pimlott are found to be liable to the Plaintiff for defamation, which is not admitted but specifically denied, then such defamation is limited to the November 8, 2017 in person meeting among a group of four individuals, namely, Rambukkana, Pimlott, Joel and Shepherd. The only Third Party to whom any comments during the November 8, 2017 meeting were delivered by Rambukkana and Pimlott was Shepherd. As a result of this in person meeting between four individuals, Rambukkana and Pimlott state that the Plaintiff has not suffered damage to his personal or professional reputation, nor has he suffered any disruption or damage to his personal or professional well-being, and they put the Plaintiff to strict proof thereof.

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39. If the Plaintiff has suffered any damage or losses, which is denied, the Plaintiff has failed or refused to take proper steps to mitigate the damage or losses and specifically has taken no steps to curb , prevent or retract the publication and/or republications of the contents of the November 8, 2017 meeting.

40. The Plaintiff's damages, as claimed, are excessive, exaggerated, too remote, and unrecognized at law. Further, the Plaintiff has not suffered any damages as required to support a claim of injurious falsehood.

41. Rambukkana and Pimlott state, and the fact is, that at all relevant times they were acting pursuant to University policies and procedures and in good faith. Further, Rambukkana and Pimlott state that it was based on information received from Joel that resulted in the November 8, 2017 meeting being requested. Rambukkana and Pimlott acted in accordance with their good faith belief in the accuracy and validity of information from Joel and in accordance with their respective academic freedom, as well as University policies and procedures in requesting and participating in the November 8, 2017 meeting. If the Plaintiff has suffered any damage or losses, which is denied, those losses were solely caused or contributed to by the University and Joel.

42. In the alternative, the Plaintiff explicitly or implicitly consented to and encouraged the publication and re-publication of the recording of the November 8, 2017 meeting by Shepherd. To the extent that the Plaintiff claims damages as a result of the publication and/or re-publication and dissemination of comments made by Rambukkana and Pimlott in the November 8, 2017 meeting on the internet, television, newspaper, media, or any other public dissemination, such claims by the Plaintiff are frivolous, vexatious and an abuse of process.

43. In the alternative, if the Plaintiff has suffered any damages or losses, which are

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denied, the Plaintiff has fully mitigated any and all damages by his self-promotion and use of Twitter, social media, internet, newspaper, television, radio, speaking engagements, Patreon and other media sources and outlets to promote and monetize his views, profile, status and work such that he has suffered no financial loss.

44. In the alternative, Rambukkana and Pimlott state that the Plaintiff has failed to comply with the notice requirement set out in section 5(1) of the *Libel and Slander Act*, R.S.O. 1990, c. L.12, and has failed to commence the action within the limitation period set out in section 6 of the *Libel and Slander Act*, *supra*.

45. Further or in the alternative, Rambukkana and Pimlott plead that the action, as against Rambukkana and Pimlott has no substantial merit and the Plaintiff has suffered no or insignificant harm. Rambukkana and Pimlott plead that this action is being used as a means of unduly limiting expression on matters of public interest including, *inter alia*, gender identity and expression, trans rights, Bill C-16, pronouns, student and liberal activism, University policies and campus issues. Rambukkana and Pimlott plead that this action is therefore barred by section 137.1 of the *Courts of Justice Act*, 1990 c. C. 43.

46. Rambukkana and Pimlott plead and rely on the provisions of the *Libel and Slander Act*, *supra*, as amended, as well as s.137.1 of the *Courts of Justice Act*, 1990 c. C. 43.

47. Rambukkana and Pimlott plead that the Plaintiff's damages, if any, will not exceed \$100,000.00, as such Rambukkana and Pimlott plead that this matter ought to have proceeded by way of *Simplified Procedure*. Rambukkana and Pimlott plead and rely on the cost consequence provisions of Rule 76.13 of the *Rules of Civil Procedure* in this regard.

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48. Rambukkana and Pimlott plead that the Plaintiff's claims against them are frivolous, vexatious and an abuse of process.

49. These defendants ask that the within action be dismissed with costs payable by the Plaintiff to the defendants on a substantial indemnity basis.

December 7, 2018

BLACK, SUTHERLAND LLP

Barristers & Solicitors

130 Adelaide Street West

Suite 3425, P.O. Box 34

TORONTO, Ontario M5H 3P5

ROBERT SUTHERLAND (18616F)

DANIELLE M. MALONE (57498J)

Tel.: 416-361-1500

Fax: 416-361-1674

Lawyers for the Defendants,
Nathan Rambukkana and Herbert
Pimlott

TO:

LEVITT LLP

130 Adelaide Street West

Suite 801, P.O. Box 89

Toronto, Ontario

M5H 3P5

HOWARD A. LEVITT

Tel: 416-594-3900

Fax: 416-597-3396

Lawyers for the Plaintiff, Jordan Peterson

- 14 -

AND THOMAS GOLD PETTINGILL LLP
TO: 150 York Street
Suite 1800
Toronto, Ontario
M5H 3S5

ALEXANDER D. PETTINGILL
Tel: 416-507-1802
Fax: 416-507-1850

Lawyers for the Defendants,
Adria Joel and Wilfrid Laurier University

RCP-E 18B (November 1, 2005)

JORDAN PETERSON
Plaintiff

-and-

NATHAN RAMBUKKANA et al.
Defendants

Court File No. CV-18-00599971-000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

STATEMENT OF DEFENCE OF THE
DEFENDANTS, NATHAN
RAMBUKKANA AND HERBERT
PIMLOTT

BLACK, SUTHERLAND LLP
Barristers & Solicitors
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario
M5H 3P5

ROBERT S. SUTHERLAND (18616F)
DANIELLE M. MALONE (57498J)

Tel: 416-361-1500
Fax: 416-361-1674

Lawyers for the Defendants,
Nathan Rambukkana and Herbert Pimlott

File Number: 16,637

RCP-E 4C (May 1, 201

This is Exhibit "P" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Jordan Peterson sues Wilfrid Laurier University for defamation

 theglobeandmail.com/canada/article-jordan-peterson-sues-wilfrid-laurier-university-for-defamation/

Simona Chiose

21 June 2018



>

Simona Chiose

Post-secondary Education

Published June 21, 2018 Updated June 22, 2018

This article was published more than 4 years ago. Some information may no longer be current.



Jordan Peterson speaks to a crowd during a stop in Sherwood Park, Alta., on Feb. 11, 2018. JASON FRANSON/The Canadian Press

Author and free-speech advocate Jordan Peterson is suing Wilfrid Laurier University over comments made about him by three staff members in a meeting held to discipline Lindsay Shepherd, a teaching assistant who showed her class a clip of Mr. Peterson talking about gender pronouns.

During the meeting, the three staff members repeatedly and maliciously defamed the author and University of Toronto psychology professor, the \$1.5-million suit alleges, detailing multiple negative comments.

Mr. Peterson targeted transgender students, said Nathan Rambukkana, Ms. Shepherd's teaching supervisor. Showing students comments he has made is like "playing ... a speech by Hitler," Mr. Rambukkana also said. Herbert Pimlott, another professor present at the meeting, questioned Mr. Peterson's academic credentials, saying he "does not have the substantial academic evidence to be a credible person," the suit says.

Ms. Shepherd secretly recorded the meeting and released it to the media, leading to national criticism of the university's actions against her. It has since been posted or linked online on multiple sites.

The three staff members should have known that could happen, the suit says.

“These defamatory statements were malicious and designed specifically to damage [Mr. Peterson’s] personal and professional character as a Professor, author, lecturer and public intellectual,” the suit says.

None of the allegations outlined in the suit has been proved in court and those named in the suit have yet to file their statement of defence.

The university said it would “vigorously defend” itself. “Laurier remains committed to intellectual inquiry, critical reflection, scholarly integrity, academic freedom and freedom of expression while striving to be a supportive and inclusive community,” the Waterloo, Ont., school said in a statement.

Several experts in defamation law, however, said the university could argue that any comments made in the meeting are protected by “qualified privilege.”

“The law wants to give people the ability to speak freely without fear of a libel lawsuit in certain situations,” Toronto defamation lawyer Gil Zvulony said.

Disciplinary meetings could be one such situation if the people in the meeting are fulfilling their duty, according to defamation and media lawyer Peter Jacobsen, who also represents The Globe and Mail.

“It will be of importance to determine whether there was a complaint [from a student] to determine whether or not these professors were indeed fulfilling their duty in bringing her into that meeting,” Mr. Jacobsen said.

The university initially said the meeting had been held in response to a student complaint about the showing of the video clip from the public affairs show *The Agenda*. But an investigation by the university later found no such complaint had been made and blamed mistakes and overreach for the episode. Mr. Rambukkana and the university have issued apologies to Ms. Shepherd.

Last week, Ms. Shepherd filed her own \$3.6-million suit against WLU, claiming that the university’s actions have destroyed her chances of employment in academia. Lawyer Howard Levitt is representing both Ms. Shepherd and Mr. Peterson.

In a YouTube video, Mr. Peterson says he was inspired to launch the lawsuit by Ms. Shepherd’s action.

“I’m hoping that the combination of lawsuits will be enough to convince careless university professors and administrators blinded by their own ideology to be much more circumspect in their actions and their words,” he says in the video. He did not respond to a request for comment by publication time.

Hundreds of articles from media outlets around the world have questioned Mr. Peterson's ideas, his responsibility for his followers' ideas and actions, and his expertise in politics rather than psychology. He first gained public attention by arguing that legislation aimed at ending discrimination against transgender people, such as Bill C-16, forces people to use gender-neutral pronouns and restricts freedom of speech.

The staff members in the meeting could argue they were expressing an opinion, and that they were not doing so maliciously, Mr. Zvulony said.

"Saying he's like Hitler is an opinion. Nobody believes he is the incarnation of Hitler," he said.

The suit seeks \$500,000 for defamation, \$500,000 for injurious falsehood and \$500,000 in punitive damages.

This is Exhibit "Q" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

[thestar.com](https://www.thestar.com)

Jordan Peterson sues Wilfrid Laurier University for defamation over staff remarks during meeting

*PG*By Peter Goffin*The Canadian Press*Thu., June 21, 2018timer3 min.
read

5-6 minutes

Controversial professor and author Jordan Peterson is suing an Ontario university and three of its staff for defamation over remarks allegedly made when a teaching assistant was disciplined for showing a video of him to her class.

Peterson, a University of Toronto psychology professor who has gained international attention for his views on free speech and political correctness, is asking for \$1.5 million in damages for comments that were allegedly made “falsely and maliciously” by employees of Wilfrid Laurier University in Waterloo.

“The defamatory statements were ... designed specifically to damage his personal and professional character as a professor, author, lecturer and public intellectual,” Peterson’s unproven statement of claim alleges.

The suit alleges professors Nathan Rambukkana and Herbert Pimlott, and Laurier Equity Office staffer Adria Joel compared Peterson to Adolf Hitler and accused him of being a “charlatan,” among other things, during a private meeting with teaching assistant Lindsay Shepherd, who showed a video of Peterson discussing gender-neutral pronouns to her class.

The statement of claim alleges Wilfrid Laurier University “is vicariously liable for all of the conduct of the individual defendants.”

Shepherd — who filed her own lawsuit against Laurier earlier this month claiming the university behaved negligently and left her

unemployable in academia after the incident — recorded the meeting and later posted the audio to YouTube, where anyone who searches Peterson's name online could be exposed to it, Peterson's statement of claim said.

Read more:

[Opinion | Bernard Schiff: was Jordan Peterson's strongest supporter. Now I think he's dangerous](#)

[Jordan Peterson is trying to make sense of the world — including his own strange journey](#)

[Enough with the Jordan Peterson hysteria](#)

"This has a significant impact on Peterson's reputation among those with whom he deals, including fellow academics, future or existing students, the university where he works and those whom might read his books or listen to his lecture," the statement of claim said.

Wilfrid Laurier University said it would fight both Peterson's and Shepherd's lawsuits.

"Laurier will vigorously defend against (Peterson's) statement of claim," spokesperson Kevin Crowley said. "Laurier remains committed to intellectual inquiry, critical reflection, scholarly integrity, academic freedom and freedom of expression while striving to be a supportive and inclusive community."

Rambukkana, Pimlott and Joel did not immediately respond to requests for comment.

Shepherd, then a teaching assistant in Rambukkana's communications class, was called to a disciplinary meeting with the defendants on Nov. 2, 2017, after she showed students an excerpt of a TVOntario broadcast in which Peterson defends his opposition to gender-neutral pronouns, Peterson's lawsuit said.

The three Laurier staffers allegedly criticized Shepherd for showing the video clip, with Rambukkana saying it was like showing the class a speech by Hitler, according to the statement of claim.

Among other defamatory statements allegedly made during the meeting with Shepherd, Peterson's suit alleges the professors and

equity office employee accused him of being unfit to be a professor, having uninformed and uneducated opinions, being a member of the alt-right, and being transphobic, homophobic, racist and sexist.

“(These comments) were disseminated widely in both social and conventional media and, in turn, by word of mouth,” Peterson claims in his suit.

“Although the individual defendants did not personally disseminate and broadcast it ... they could have reasonably anticipated that, given the nature of their conduct and the position taken by Shepherd at the meeting, that she would inform others of what had occurred.”

Peterson also claims the defendants could have reasonably anticipated Shepherd would record the meeting, given how commonplace recording devices are.

“Rambukkana, Pimlott and Joel knew and intended, in making these statements, that the comments referred to above could be available, potentially widely discussed, and would damage Peterson’s reputation ... now and in the future,” the lawsuit claims.

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This is Exhibit "R" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Jordan Peterson launches defamation suit against Wilfrid Laurier University

 torontosun.com/news/provincial/peterson-launches-defamation-suit-against-wilfrid-laurier-university

Antonella Artuso

Ontario
Canada

Author of the article:

Antonella Artuso

Publishing date:

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Dr. Jordan Peterson sits down with the Toronto Sun on Thursday March 1, 2018. Craig Robertson/Toronto Sun/Postmedia Network Photo by Craig Robertson /Craig Robertson/Toronto Sun

University of Toronto Professor Jordan Peterson has launched a \$1.5-million defamation suit against Wilfrid Laurier University, two of its professors and a former gender and equity manager for suggesting he was “analogous to Adolf Hitler.”

The statement of claim, prepared by lawyer Howard Levitt and filed Monday, says Peterson was falsely labelled as incompetent, sexist, misogynist, dangerous and racist in a now infamous disciplinary meeting with Wilfrid Laurier University teaching assistant Lindsay Shepherd.

Jordan Peterson launches defamation suit against Wilfrid Laurier University Back to video

Shepherd was disciplined during the meeting for showing students a TV clip of Peterson discussing gender-neutral pronouns, something the university later apologized for, but Peterson told the Toronto Sun Wednesday he believes the university failed to properly respond to the incident.

Lindsay Shepherd speaks during a rally in support of freedom of expression at Wilfrid Laurier University in Waterloo on Friday Nov. 24, 2017. (Dave Abel/Postmedia Network)

"So I think this is a warning, let's say, to other careless administrators and professors who allow their ideological presuppositions to get the best of them to be a bit more careful with what they say and do," he said.

Peterson's lawyer said the U of T professor cannot allow a university to viciously slander him, let alone compare his comments to a speech by Hitler, when he has spent his life and career teaching against the evils of the Holocaust and despots.

"The politically correct on campus should not think that they can defame people, slander people and bully people implicitly and explicitly with impunity," Levitt said. "This isn't just some internet troll mouthing off in a way that no one pays attention to and doesn't give any credence to. These are professors and head of gender equity studies making comments that are atrocious about Dr. Peterson who is one of if not Canada's most prominent intellectual."



Watch Video At: <https://youtu.be/kasiov0ytEc>

In a statement, Wilfrid Laurier University said it will defend itself vigorously against the legal action.

“Laurier remains committed to intellectual inquiry, critical reflection, scholarly integrity, academic freedom and freedom of expression while striving to be a supportive and inclusive community,” the university statement says

Peterson’s statement of claim, which has not been proven in court, also names Professors Nathan Rambukkana and Herbert Pimlott along with Adria Joel, then the acting manager of gendered violence prevention and support but no longer with the university.

None of the three could be reached for comment.



Watch Video At: https://youtu.be/4SDuLfO_c5E

Last November, Shepherd was ordered to a disciplinary meeting with Rambukkana, Pimlott and Joel after she showed her students a debate that aired on TVOntario featuring Peterson, a psychology professor who had criticized political correctness on university campuses and compelled use of genderless pronouns as an infringement on free speech and academic freedom.

Shepherd was told one of the students had complained she’d created a toxic environment for trans people, although the university later acknowledged there was no formal complaint.

Levitt, who also represents Shepherd in her \$3.6-million lawsuit against Wilfrid Laurier University, said the teaching assistant was “castigated to tears” by the “political correctness police” for showing two sides of a debate in a neutral fashion.

Shepherd recorded the hour-long tirade and that audio posted online went viral.

.



Watch Video At: <https://youtu.be/9YdFIKaJv4g>

The statement of claim identifies a long list of accusations made against Peterson in the meeting, alleging he helped target trans students and had no credible professional research.

“This has a significant impact on Peterson’s reputation among those with whom he deals, including fellow academics, future and existing students, the university where he works and those whom might read his books or listen to his lectures,” the statement of claim says. “Ironically, Peterson’s academic credentials are dramatically superior to those of either Professors Rambukkana or Pimlott.”

Peterson added, “We’ll see if two lawsuits make the point.”

Peterson is currently on a world speaking tour promoting his bestseller, 12 Rules for Life.

The Shepherd incident is one in a series that has prompted calls, including from Ontario Premier-designate Doug Ford, to tie post-secondary funding to freedom of speech.

aartuso@postmedia.com

This is Exhibit "S" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Jordan Peterson sues Wilfrid Laurier University over alleged remarks during teaching assistant's meeting

NP nationalpost.com/pmn/news-pmn/canada-news-pmn/jordan-peterson-sues-wilfrid-laurier-university-over-alleged-remarks-during-teaching-assistants-meeting

Peter Goffin, The Canadian Press

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Author of the article:

Peter Goffin, [The Canadian Press](#)

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Article content

TORONTO — Controversial professor and author Jordan Peterson is suing an Ontario university and three of its staff for defamation over remarks allegedly made when a teaching assistant was disciplined for showing a video of him to her class.

Peterson, a University of Toronto psychology professor who has gained international attention for his views on free speech and political correctness, is asking for \$1.5 million in damages for comments that were allegedly made “falsely and maliciously” by employees of Wilfrid Laurier University in Waterloo, Ont.

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Jordan Peterson sues Wilfrid Laurier University over alleged remarks during teaching assistant's meeting
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“The defamatory statements were ... designed specifically to damage his personal and professional character as a professor, author, lecturer and public intellectual,” Peterson’s unproven statement of claim alleges.



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Article content

The suit alleges professors Nathan Rambukkana and Herbert Pimlott, and Laurier Equity Office staffer Adria Joel compared Peterson to Adolf Hitler and accused him of being a “charlatan,” among other things, during a private meeting with teaching assistant Lindsay Shepherd, who showed a video of Peterson discussing gender-neutral pronouns to her class.

The statement of claim alleges Wilfrid Laurier University “is vicariously liable for all of the conduct of the individual defendants.”

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Shepherd — who filed her own lawsuit against Laurier earlier this month claiming the university behaved negligently and left her unemployable in academia after the incident — recorded the meeting and later posted the audio to Youtube, where anyone who searches Peterson’s name online could be exposed to it, Peterson’s statement of claim said.

“This has a significant impact on Peterson’s reputation among those with whom he deals, including fellow academics, future or existing students, the university where he works and those whom might read his books or listen to his lecture,” the statement of claim said.

Wilfrid Laurier University said it would fight both Peterson’s and Shepherd’s lawsuits.

“Laurier will vigorously defend against (Peterson’s) statement of claim,” spokesman Kevin Crowley said. “Laurier remains committed to intellectual inquiry, critical reflection, scholarly integrity, academic freedom and freedom of expression while striving to be a supportive and inclusive community.”

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Rambukkana, Pimlott and Joel did not immediately respond to requests for comment.

Shepherd, then a teaching assistant in Rambukkana’s communications class, was called to a disciplinary meeting with the defendants on Nov. 2, 2017, after she showed students an excerpt of a TVOntario broadcast in which Peterson defends his opposition to gender-neutral pronouns, Peterson’s lawsuit said.

The three Laurier staffers allegedly criticized Shepherd for showing the video clip, with Rambukkana saying it was like showing the class a speech by Hitler, according to the statement of claim.

Among other defamatory statements allegedly made during the meeting with Shepherd, Peterson’s suit alleges the professors and equity office employee accused him of being unfit to be a professor, having uninformed and uneducated opinions, being a member of the alt-right, and being transphobic, homophobic, racist and sexist.

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“(These comments) were disseminated widely in both social and conventional media and, in turn, by word of mouth,” Peterson claims in his suit.

“Although the individual defendants did not personally disseminate and broadcast it, they could have reasonably anticipated that, given the nature of their conduct and the position taken by Shepherd at the meeting, that she would inform others of what had occurred.”

Peterson also claims the defendants could have reasonably anticipated Shepherd would record the meeting, given how commonplace recording devices are.

“Rambukkana, Pimlott and Joel knew and intended, in making these statements, that the comments referred to above could be available, potentially widely discussed, and would damage Peterson’s reputation... now and in the future,” the lawsuit claims.

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This Week in Flyers

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Commissioner for Taking Affidavits
Natasha O'Toole

Laurier's statement of defence says Jordan Peterson should really be suing Lindsay Shepherd

 nationalpost.com/news/canada/lauriers-statement-of-defence-says-jordan-peterson-should-really-be-suing-lindsay-shepherd

James McLeod

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'The impugned words were uploaded to YouTube by Shepherd, and she is therefore responsible for the damages, if any, that flowed from the impugned words being broadcast'

Author of the article:

[James McLeod](#)

Publishing date:

Aug 31, 2018 • August 31, 2018 • 2 minute read

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Jordan Peterson, author of the No. 1 bestseller "12 Rules for Life: An Antidote to Chaos." Photo by Peter J. Thompson /National Post

Article content

In a statement of defence filed in the Ontario Superior Court of Justice, Wilfred Laurier University says that controversial professor and author Jordan Peterson is a hypocrite, and he's suing the wrong people.

Story continues below

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Peterson is suing the university in Waterloo, Ont., for \$1.5 million in damages for allegedly defamatory statements made when teaching assistant Lindsay Shepherd was disciplined for showing her class a video of him discussing gender identity and gender-neutral pronouns on TVOntario.

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Laurier's statement of defence says Jordan Peterson should really be suing Lindsay Shepherd Back to video

But Laurier says that if the University of Toronto psychology professor should be suing anybody, he should really be suing Shepherd.



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Article content

In the disciplinary meeting, which Shepherd secretly recorded and eventually published to YouTube, assistant professor Nathan Rambukkana, associate professor Herbert Pimlott and Laurier Diversity and Equity Office Staffer Adria Joel likened Peterson's comments to Adolf Hitler, among other things.

Story continues below

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But Laurier says that their comments are not defamatory for several reasons, including the fact that they were made in the context of a private meeting.

"They played no role whatsoever in uploading the recording of the impugned words to YouTube, and are not responsible in any way for any repercussions flowing therefrom," the university says in its statement of defence.

"Rather, these defendants state that the impugned words were uploaded to YouTube by Shepherd, and that she is therefore responsible for the damages, if any, that flowed from the impugned words being broadcast on YouTube."

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Jordan Peterson sues Wilfrid Laurier University over alleged remarks during teaching assistant's meeting



Lindsay Shepherd sues Wilfrid Laurier, claiming 'attacks' have 'rendered her unemployable in academia'

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Peterson argues in his statement of claim that the comments made in that disciplinary meeting were designed to attack his character and harm his reputation, and the private nature of the conversation isn't relevant.

“(These comments) were disseminated widely in both social and conventional media and, in turn, by word of mouth,” Peterson says in his suit.

“Although the individual defendants did not personally disseminate and broadcast it they could have reasonably anticipated that, given the nature of their conduct and the position taken by Shepherd at the meeting, that she would inform others of what had occurred.”

The university says in its defence that Shepherd reportedly consulted with Peterson before making the recording public.

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Moreover, the university says that Peterson has no grounds to sue for damage to his reputation, because this whole situation has only boosted his profile.

Jordan Peterson, author of the No. 1 bestseller “12 Rules for Life: An Antidote to Chaos.” Photo by
Peter J. Thompson /National Post

The university also alleges that Peterson is a hypocrite.

“There is an inescapable irony in the fact that Peterson, who has come to prominence through vehement advocacy of free speech principles, is bringing a claim for the stated purpose of causing academics and administrators to be more circumspect in their words,” the statement of defence says.

Shepherd has filed a separate lawsuit against Laurier, alleging that the university made her unemployable in academia as a consequence of the whole affair.

In a statement on the university website, Laurier highlighted key points of the statement of defence against Peterson, and indicated that it will also be fighting the Shephard lawsuit.

“The university will file a separate statement of defence in relation to a lawsuit initiated by Lindsay Shepherd (this process has been delayed by procedural issues that are currently being addressed),” the university said.

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This Week in Flyers

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Laurier University asks court to dismiss Jordan Peterson lawsuit

 theglobeandmail.com/canada/article-laurier-university-asks-court-to-dismiss-jordan-peterson-lawsuit/

Jack Hauen

31 August 2018



>

Jack Hauen

Published August 31, 2018

This article was published more than 4 years ago. Some information may no longer be current.

Wilfrid Laurier University is asking the court to dismiss a lawsuit against it from Jordan Peterson, saying the free-speech advocate filed it in an attempt to limit debate on matters of public interest, such as gender identity.

“There is inescapable irony in the fact that Peterson, who has come to prominence through vehement advocacy of free speech principles, is bringing a claim for the stated purpose of causing academics and administrators to be more circumspect in their words,” Laurier’s defence reads.

Mr. Peterson had alleged the university defamed him in comments made in a meeting with a student in which they cast doubt on his academic credentials and compared showing students his comments on gender-neutral pronouns with “playing ... a speech by Hitler.” Laurier argues that because it did not record and distribute those comments, it is not at fault for the consequences of them becoming public.

The legal battle began after the university held a disciplinary meeting for teaching assistant Lindsay Shepherd, who showed her class a clip of Mr. Peterson debating Bill C-16, the law that adds gender identity and expression to the list of prohibited grounds of discrimination. Ms. Shepherd secretly recorded the meeting, which was posted online, leading to national backlash against the university. Laurier has since apologized.

Mr. Peterson and Ms. Shepherd both filed suits in June against Laurier and the professors in the disciplinary meeting: Nathan Rambukkana, Herbert Pimlott and Adria Joel. Mr. Peterson alleged that he was defamed; Ms. Shepherd claimed the university ruined her future in academia. None of the claims have been proven in court.

The statement of defence claims that because the Laurier professors had no idea Ms. Shepherd would record and distribute audio of the meeting, they cannot be held responsible for the effects of their comments becoming public.

Anyway, the university argues, Mr. Peterson has “suffered no or insignificant harm” as a result of the incident.

Mr. Peterson called this notion “preposterous.”

“There’s been a large number of attacks on me for being associated with the alt-right,” he said, “and a fair bit of that stemmed from what happened at Wilfrid Laurier.”

Howard Levitt, who is representing Mr. Peterson and Ms. Shepherd, said the professors should have assumed their comments might be recorded and made public.

“Everybody has recording devices at all times,” he said. “That’s a realistic risk in 2018.”

In a public statement, the university highlighted that Mr. Peterson admitted to filing the suit in order to make academics more careful about what they say about him, which Laurier said is a “means of unduly limiting expression on matters of public interest, including gender identity.”

“I’m hoping that the combination of lawsuits will be enough to convince careless university professors and administrators blinded by their own ideology to be much more circumspect in their actions and their words,” Mr. Peterson said in a YouTube video after he filed the suit.

Laurier argues that this is grounds for dismissal under the Courts of Justice Act section 137.1, which in part seeks “to discourage the use of litigation as a means of unduly limiting expression on matters of public interest.”

“Notably, Peterson did not state that he was launching the claim against the defendants to recover damages for reputational harm,” Laurier’s defence reads.

Mr. Peterson said he meant that he hoped the suit would dissuade further “closed-door inquisitions based on falsehood,” not debate in general.

Laurier declined to comment further on the case.

This is Exhibit "V" referred to in the Affidavit of David McMurray,
AFFIRMED remotely by David McMurray at the City of Waterloo, in the Province of Ontario,
before me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole



wlu.ca/news/spotlights/2018/aug/laurier-files-statement-of-defence-in-jordan-peterson-lawsuit.html



Laurier files Statement of Defence in Jordan Peterson lawsuit

Aug. 31, 2018

Wilfrid Laurier University has served and filed a Statement of Defence in response to a lawsuit initiated by Jordan Peterson. As previously stated, the university intends to vigorously defend itself against this lawsuit.

The university would like to highlight several points in the Statement of Defence. First, the university and co-defendants were not responsible for creating or releasing the audio recording mentioned in the Peterson claim. Second, Peterson publicly acknowledged in a Maclean's magazine interview that he had prior knowledge that the audio recording would be released to the news media. And third, Peterson launched his lawsuit for the stated purpose of causing academics and administrators to be more circumspect in their choice of words and that the lawsuit is being used as a means of unduly limiting expression on matters of public interest, including gender identity.

The university's Statement of Defence has been filed on behalf of the university and former staff member Adria Joel, who was employed on a limited-term contract. The co-defendants Nathan Rambukkana and H. F. Pimlott are represented by separate counsel and will file their own Statement of Defence.

The university will file a separate Statement of Defence in relation to a lawsuit initiated by Lindsay Shepherd (this process has been delayed by procedural issues that are currently being addressed).

© 2022 Wilfrid Laurier University

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

AFFIDAVIT OF DAVID MCMURRAY
(Affirmed November 24, 2022)

THOMAS GOLD PETTINGILL LLP
150 York Street
Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
apettingill@tgplawyers.com
Tel: (416) 507-1802

Sean Murtha LS#: 62304S
smurtha@tgplawyers.com
Tel: (416) 507-1823

Natasha O'Toole LS#: 72333L
notoole@tgplawyers.com
Tel: (416) 507-1840

Lawyers for the Defendant

TAB 3

Court File No.: CV-18-00604843-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

JORDAN PETERSON

Plaintiff

- and -

WILFRID LAURIER UNIVERSITY

Defendant

**AFFIDAVIT OF SEAN MURTHA
(Affirmed November 24, 2022)**

I, Sean Murtha, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am a lawyer of Thomas Gold Pettingill LLP, lawyers for the Defendant Wilfrid Laurier University in the within action. As such, I have knowledge of the matters hereinafter deposed to. Where information has been provided to me by others, I verily believe it to be true and I have identified the source of my belief in this affidavit.
2. This action was commenced by Statement of Claim issued in Toronto on September 11, 2018. The Statement of Defence was delivered on or about October 11, 2018. These pleadings are respectively included at **Tab 4** and **Tab 5** of this Motion Record. The Plaintiff did not deliver a Reply.
3. This action remains in its procedural infancy. Affidavits of Documents have not been exchanged. Examinations for discovery have not taken place, nor have they been scheduled.
4. Our office first took steps to schedule the within motion in December 2019, however our efforts were halted due to the Plaintiff's poor health and his resultant inability to participate in the motion.
5. On December 20, 2019, Alexander Pettingill of my office wrote Plaintiff's counsel, Howard Levitt, advising that we had received instructions to bring motions to dismiss the within action and

related action, CV-18-00599971-0000, pursuant to s. 137.1 of the *Courts of Justice Act*. Mr. Pettingill advised of the requirement to attend Civil Practice Court (“CPC”) to obtain a date for the motions, and requested Mr. Levitt’s availability with respect to same. A copy of this correspondence is attached as **Exhibit “A”** to this affidavit.

6. Having not received a response to his December 20, 2019 letter, Mr. Pettingill sent a further letter on January 20, 2020 in which he confirmed we did not hear back from Mr. Levitt with respect to his availability to attend CPC and therefore arranged for the CPC attendance to take place on January 27, 2020. A copy of this correspondence is attached as **Exhibit “B”** to this affidavit.

7. By letter dated January 20, 2020, Mr. Levitt advised that the Plaintiff had been in the hospital. He did not have instructions, and January 27, 2020 did not work to attend in CPC. He further indicated that he would have to determine how a timetable would fit within the Plaintiff’s medical restrictions and schedule. A copy of this correspondence is attached as **Exhibit “C”** to this affidavit.

8. On January 22, 2020, Mr. Pettingill responded with a letter confirming that our office would adjourn the CPC attendance, and proposing two February 2020 dates. A copy of this correspondence is attached as **Exhibit “D”** to this affidavit.

9. On January 23, 2020, Mr. Levitt advised that his client was experiencing health issues, and that he had inquired with his client as to whether he was in a condition to participate in the motion. Mr. Levitt indicated that there was no urgency to the motion since, in any event, nothing could be done to proceed with the case unless and until the Plaintiff’s health improved. A copy of this correspondence is attached as **Exhibit “E”** to this affidavit.

10. On January 25, 2020, Mr. Levitt advised that his client remained in the hospital and that he was not in a position to arrange a timetable for the motion. Mr. Levitt indicated that he would advise us once the Plaintiff was out of the hospital. A copy of this correspondence is attached as **Exhibit “F”** to this affidavit.

11. Having not heard further from Mr. Levitt, on February 5, 2021 I wrote Mr. Levitt reiterating Laurier’s intention to bring a motion pursuant to s. 137.1 of the *CJA*. I confirmed that we had previously agreed to adjourn the CPC attendance due to the Plaintiff’s health issues, and noted that it appeared from recent media reports that the Plaintiff was in a position to continue with the

proceedings. We requested availability to attend CPC. A copy of this correspondence is attached as **Exhibit “G”** to this affidavit.

12. On February 10, 2021 I followed up with Mr. Levitt. Mr. Levitt responded indicating that he had previously requested to be advised the basis on which we claimed that the Plaintiff's health issues were resolved. He had recently spoken to the Plaintiff and was advised otherwise. A copy of this correspondence is attached as **Exhibit “H”** to this affidavit.

13. On February 17, 2021, I wrote Mr. Levitt noting that it appeared based on Mr. Peterson's recent activity, that he was able to participate in the pending anti-SLAPP motions. I proposed various CPC dates and requested counsel's availability with respect to same. A copy of this correspondence is attached as **Exhibit “I”** to this affidavit.

14. On February 18, 2021 Mr. Levitt advised that the Plaintiff was in no shape to participate in the motion. A copy of this correspondence is attached as **Exhibit “J”** to this affidavit. Mr. Levitt sent a second email on the same date, forwarding an email from the Plaintiff which indicated that he was in dreadful shape, and that while he would think about it some more he was afraid he might not be up to it. A copy of this correspondence is attached as **Exhibit “K”** to this affidavit.

15. In March and April 2021, there was further correspondence between Mr. Levitt, my office, and counsel for certain defendants in CV-18-00599971-0000 regarding the s. 137.1 motions and the Plaintiff's health. On April 1, 2021 Mr. Levitt advised that the Plaintiff was still quite ill but was considering whether he could proceed. A copy of this correspondence is attached as **Exhibit “L”** to this affidavit.

16. On April 11, 2021 Mr. Levitt advised that the Plaintiff was ready to proceed subject to his health not worsening. A copy of this correspondence is attached as **Exhibit “M”** to this affidavit.

17. On March 9, 2022 I attended CPC along with Kathryn Marshall of Mr. Levitt's office, and Adam Giel of Black Sutherland LLP, counsel for certain defendants in CV-18-00599971-0000. At the CPC attendance, Justice Myers advised that we must deliver our client's Motion Record before re-attending in CPC to schedule the motion.

18. I affirm this affidavit in support of a motion seeking to dismiss the Plaintiff's claim pursuant to section 137.1 of the *Courts of Justice Act*, and for no other or improper purpose or delay.

Affirmed remotely by Sean Murtha, of the City of Toronto, before me at the City of Toronto, on November 24, 2022, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely



SEAN MURTHA

A Commissioner for taking Affidavits (or as may be)
Natasha O'Toole

This is Exhibit "A" referred to in the Affidavit of Sean Murtha,
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me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
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Commissioner for Taking Affidavits
Natasha O'Toole



December 20, 2019

BY FACSIMILE

Howard Levitt
Levitt LLP
130 Adelaide Street West
Suite 801, PO Box 89
Toronto ON M5H 3P5

Alexander D. Pettingill
apettingill@tgplawyers.com
tel: 416-507-1802
fax: 416-507-1852
file # 2643-3201/3207

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We are writing with respect to both of the above-noted actions.

We have received instructions to proceed with a motion in each action to have your client's claims dismissed, pursuant to section 137.1 of the *Courts of Justice Act*.

The parties are requested to attend at Civil Practice Court in Toronto to obtain a date for these motions. Please advise if your office is available to attend at Civil Practice Court on either January 20 or January 27, 2020, to schedule these motions.

Thank you, Mr. Levitt, and we look forward to hearing from you.

Yours very truly,

Thomas Gold Pettingill LLP
per:

Alexander D. Pettingill

ADP/SM/sm

cc. Bob Sutherland, Black Sutherland LLP

This is Exhibit "B" referred to in the Affidavit of Sean Murtha,
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me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
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Commissioner for Taking Affidavits
Natasha O'Toole



January 20, 2020

BY FACSIMILE

Howard Levitt
Levitt LLP
130 Adelaide Street West
Suite 801, PO Box 89
Toronto ON M5H 3P5

Alexander D. Pettingill
apettingill@tgplawyers.com
tel: 416-507-1802
fax: 416-507-1852
file # 2643-3201/3207

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We are writing with respect to both of the above-noted actions.

We did not hear back from you with respect to our letter dated December 20, 2019, in which we inquired about your availability to attend at Civil Practice Court to schedule our clients' motions, brought pursuant to section 137.1 of the *Courts of Justice Act*. We have therefore arranged for the Civil Practice Court attendance to take place on January 27, 2020, at 9:00 a.m., at 330 University Avenue, 7th Floor. We will be advised of the specific courtroom, that morning.

Yours very truly,

Thomas Gold Pettingill LLP
per:

Alexander D. Pettingill

ADP/SM/sm

cc. Bob Sutherland, Black Sutherland LLP

This is Exhibit "C" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
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Commissioner for Taking Affidavits
Natasha O'Toole



HOWARD A. LEVITT
Direct Dial 416-597-8478
E-mail hlevitt@levittllp.com
Our File No.: 18-296 and 18-303

January 20, 2020

VIA FACSIMILE: 416-507-1850

Mr. Alexander D. Pettingill
Thomas Gold Pettingill LLP
Lawyers
150 York Street
Suite 1800
Toronto, Ontario, M5H 3S5

Dear Mr. Pettingill:

Re: Peterson v. Wilfrid Laurier University et al

As you may know, Dr. Peterson has been in the hospital. He either is still there or was until relatively recently. Given that nothing has occurred on this for some time, I did not want to disturb him. I will do so now but January 27 does not work, and I do not have instructions.

Given that a timetable will be arranged, I have to determine how that would fit within both his medical restrictions, if any, and his schedule. As you may know, he had cancelled matters for some months.

This is not for public consumption obviously.

If you intend to proceed on January 27 in any event, please confirm and I will send someone to have a journey and seek costs.

Yours very truly,

Levitt LLP
Howard Levitt per/es
Howard A. Levitt

cc: Mr. Robert S. Sutherland
Via Facsimile: 416-361-1674



FAX

To:	Alexander D. Pettingill
Company:	Thomas Gold Pettingill LLP
Fax No.:	416-507-1850
To:	Robert S. Sutherland
Company:	Black Sutherland LLP
Fax No.:	416-361-1674
From:	Howard A. Levitt
Pages (including cover):	2
Date:	January 20, 2020

Comments:

Please see attached letter.

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Commissioner for Taking Affidavits
Natasha O'Toole



January 22, 2020

BY FACSIMILE

Howard Levitt
Levitt LLP
130 Adelaide Street West
Suite 801, PO Box 89
Toronto ON M5H 3P5

Alexander D. Pettingill
apettingill@tgplawyers.com
tel: 416-507-1802
fax: 416-507-1852
file # 2643-3201/3207

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We have received your letter dated January 20, 2020. We are prepared to adjourn the Civil Practice Court attendance. We have been advised by the Court that both February 11 and 14, 2020, are available for this attendance. Please advise of your availability, and we will make the necessary arrangements with the Court.

We look forward to hearing from you.

Yours very truly,

Thomas Gold Pettingill LLP
per:

Alexander D. Pettingill

ADP/sm

cc. Bob Sutherland, Black Sutherland LLP

This is Exhibit "E" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

Margaret Cann

From: Howard Levitt <hlevitt@levittllp.com>
Sent: Thursday, January 23, 2020 2:49 PM
To: Alexander Pettingill
Cc: Tahir Khorasanee
Subject: FW: Peterson v WLU et al

Dear Sir

I have your letter. As I advised you, our client has had some health issues and, as I understand it, has been in the hospital. I wrote to him and have not yet even received a response. I wrote him again today to ask his status and advice as to whether he is presently in a condition to prepare affidavits etc or be cross-examined.

There is no urgency to your Application since, in any event, we cannot do anything to proceed with the case unless and until his health has improved.

I will advise you when I hear from him and then we can fix appropriate dates.

Howard A. Levitt
Senior Partner



130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-594-3900 ext. 476 | F: 416-597-3396
Visit our website: www.levittllp.com

Assistant: Elaine Simas | T: 416-594-3900 ext. 474
Email: esimas@levittllp.com

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[LevittLLP](http://levittllp.com)

This is Exhibit "F" referred to in the Affidavit of Sean Murtha,
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me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
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Commissioner for Taking Affidavits
Natasha O'Toole

Margaret Cann

From: Howard Levitt <hlevitt@levittllp.com>
Sent: Saturday, January 25, 2020 6:27 PM
To: Alexander Pettingill
Subject: FW: Jordan

Again confidentially, Dr Peterson remains in the hospital and has been there for a considerable period. I am in no position to arrange a timetable for your motion. His daughter has advised me that she will let me know as soon as he is out and I will advise you then.

Howard A. Levitt
Senior Partner



130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-594-3900 ext. 476 | F: 416-597-3396
Visit our website: www.levittllp.com

Assistant: Elaine Simas | T: 416-594-3900 ext. 474
Email: esimas@levittllp.com

From: Mikhaila Peterson <mikhaila@jordanbpeterson.com>
Sent: Saturday, January 25, 2020 2:41 AM
To: Andrey Korikov <andrey@jordanbpeterson.com>; Howard Levitt <hlevitt@levittllp.com>
Subject: Jordan
a

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This is Exhibit "G" referred to in the Affidavit of Sean Murtha,
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me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole



February 5, 2021

BY FACSIMILE

Howard Levitt
Levitt LLP
130 Adelaide Street West
Suite 801, PO Box 89
Toronto ON M5H 3P5

Alexander D. Pettingill
apettingill@tgplawyers.com
tel: 416-507-1802
fax: 416-507-1852

Sean Murtha
smurtha@tgplawyers.com
tel: 416-507-1823
fax: 416-507-1880
file #s 2643-3201/3207

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We are writing with respect to both of the above-noted actions. You will recall that we have received instructions to proceed with a motion in each action to have your client's claims dismissed, pursuant to section 137.1 of the *Courts of Justice Act*.

We had previously agreed to adjourn our Civil Practice Court attendance, due to your client's health issues. It appears from recent media reports that he is now able to continue on with these proceedings.

We have been in contact with the motion scheduling office, and been advised that the following Civil Practice Court dates are available for a remote attendance: March 10, 16, 17 and 30, 2021. Please advise of your availability, and we will proceed to schedule the attendance at Civil Practice Court.

Thank you, Mr. Levitt, and we look forward to hearing from you.

Yours very truly,

Thomas Gold Pettingill LLP

per:

Alexander D. Pettingill/Sean Murtha
ADP/SM/sm

cc. Danielle Malone, Black Sutherland LLP

This is Exhibit "H" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

From: Howard Levitt <hlevitt@lscslaw.com>
Sent: Wednesday, February 10, 2021 6:28 PM
To: Sean Murtha <SMurtha@tgplawyers.com>
Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Danielle M. Malone <dmalone@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Dec 5 459 I sent this.

Please advise us on what basis you claim that our client's health issues are resolved. I spoke to him last week, for the first time in many many months and was advised otherwise. I am concerned that you are attempting to take advantage of his health by approaching now but am curious what information you say you have received?

From: Sean Murtha <SMurtha@tgplawyers.com>
Sent: Friday, February 5, 2021 3:31 PM
To: Howard Levitt <hlevitt@lscslaw.com>
Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Danielle M. Malone <dmalone@blacksutherland.com>
Subject: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Mr. Levitt,

Please find attached our correspondence of today's date. Thank you.

From: Sean Murtha <SMurtha@tgplawyers.com>
Sent: Wednesday, February 10, 2021 6:09 PM
To: Howard Levitt <hlevitt@lscslaw.com>

CC: Alexander Pettingill <apettingill@tgplawyers.com>, Danielle M. Malone <dmalone@blacksutherland.com>

Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

I do not seem to have anything in my inbox or quarantine, Mr. Levitt. If you could forward it to me, I would appreciate it.

Thank you,

Sean

Sean Murtha
 Partner



Thomas Gold Pettingill LLP
 150 York Street, Suite 1800
 Toronto, Ontario
 Canada M5H 3S5

smurtha@tgplawyers.com
 t: 416-507-1823
 f: 416-507-1880
www.tgplawyers.com

From: Howard Levitt <hlevitt@lscslaw.com>

Sent: February 10, 2021 5:50 PM

To: Sean Murtha <SMurtha@tgplawyers.com>

Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Danielle M. Malone <dmalone@blacksutherland.com>

Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Did you receive my last email on the subject?

From: Sean Murtha <SMurtha@tgplawyers.com>

Sent: Wednesday, February 10, 2021 5:25 PM

To: Howard Levitt <hlevitt@lscslaw.com>

Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Danielle M. Malone <dmalone@blacksutherland.com>

Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Mr. Levitt,

I am following-up on this matter. We look forward to hearing from you with respect to your availability to attend at Civil Practice Court.

Thank you,

Sean

Sean Murtha
 Partner



Thomas Gold Pettingill LLP
 150 York Street, Suite 1800
 Toronto, Ontario
 Canada M5H 3S5

smurtha@tgplawyers.com
 t: 416-507-1823
 f: 416-507-1880
www.tgplawyers.com

From: Sean Murtha
Sent: February 05, 2021 3:31 PM
To: 'Howard Levitt' <hlevitt@levittllp.com>
Cc: Alexander Pettingill <apettingill@tgplawyers.com>; 'Danielle M. Malone' <dmalone@blacksutherland.com>
Subject: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Mr. Levitt,

Please find attached our correspondence of today's date. Thank you.

Sean

Sean Murtha
Partner



Thomas Gold Pettingill LLP
150 York Street, Suite 1800
Toronto, Ontario
Canada M5H 3S5

smurtha@tgplawyers.com
t: 416-507-1823
f: 416-507-1880
www.tgplawyers.com

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This is Exhibit "I" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole



February 17, 2021

BY FACSIMILE

Howard Levitt
Levitt LLP
130 Adelaide Street West
Suite 801, PO Box 89
Toronto ON M5H 3P5

Alexander D. Pettingill
apettingill@tgplawyers.com
tel: 416-507-1802
fax: 416-507-1852

Sean Murtha
smurtha@tgplawyers.com
tel: 416-507-1823
fax: 416-507-1880
file #s 2643-3201/3207

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We are writing in response to your email dated February 10, 2021.

We note that we did not state that your clients health issues “are resolved”. Further, we are not attempting to “take advantage of his health” in any way. We simply stated that it appears, from what we have seen in the media, that your client is now able to continue on with the proceedings which he commenced. We note the following:

- (i) he has recently authored a new book, which is scheduled to go on sale in March 2021;
- (ii) he has resumed hosting his podcast, and has recent released episodes with individuals such as Matthew McConaughey (January 10, 2021) and Greg Hurwitz (January 18, 2021);
- (iii) he has participated in a number of media interviews in advance of his book launch – for example, with the *Sunday Times* in a story published January 31, 2021; and
- (iv) On February 5, 2021, he tweeted from his personal Twitter account that he goes for a daily 10 mile walk throughout the City of Toronto.

Given these activities, it appears as though your client is able to participate in the defendants’ motions pursuant to section 137.1 of the *Courts of Justice Act*. We would therefore ask you once again to provide us with your availability to attend at Civil Practice Court, to schedule these motions. Please advise if you are available on any of the following dates, and we will endeavour to schedule this attendance with the Court:

March 10, 16, 17 and 30, 2021.



Page 2

Thank you, Mr. Levitt, and we look forward to hearing from you.

Yours very truly,

Thomas Gold Pettingill LLP

per:

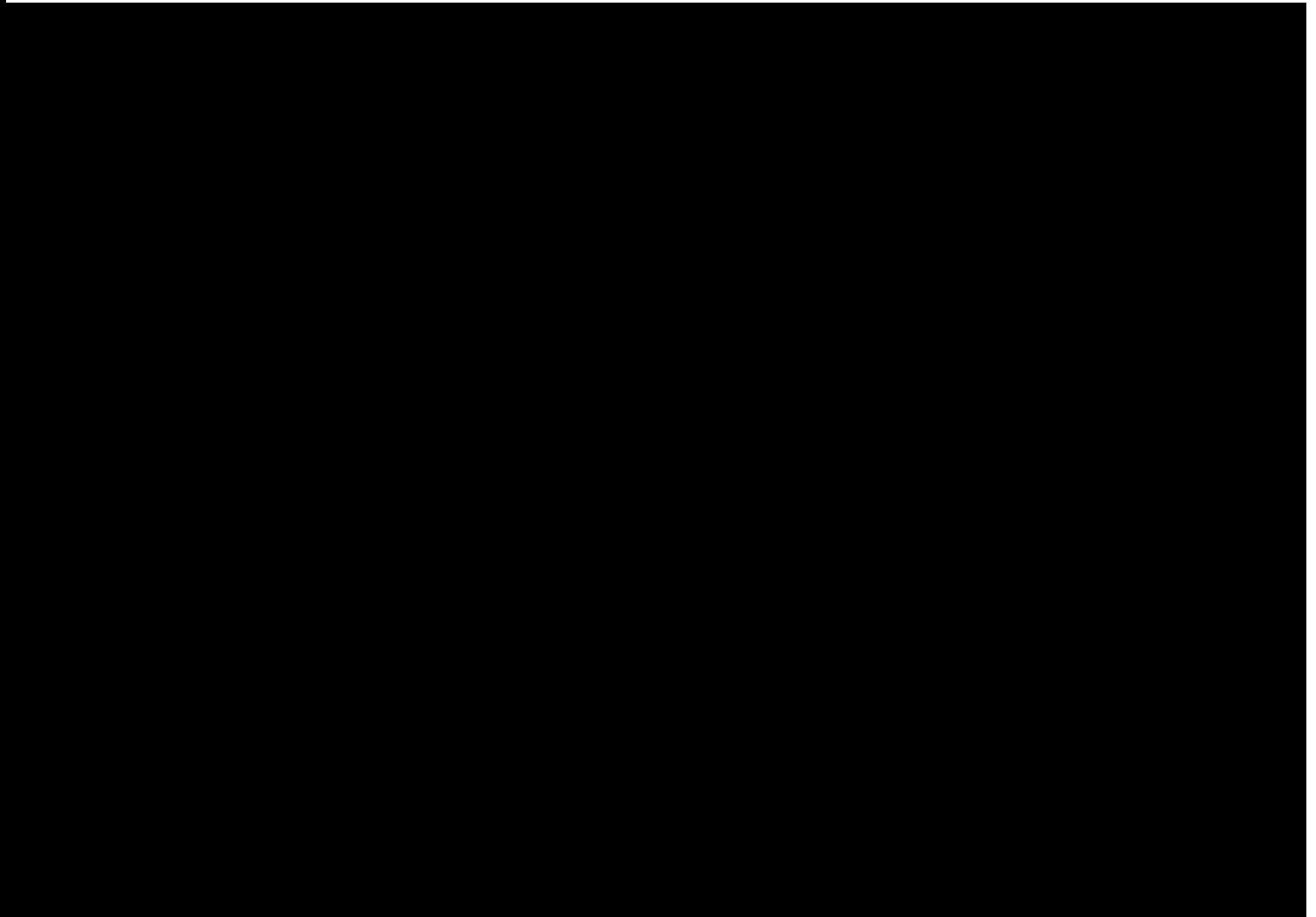
Alexander D. Pettingill/Sean Murtha
ADP/SM/sm

cc. Danielle Malone, Black Sutherland LLP

This is Exhibit "J" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole



From: Howard Levitt <hlevitt@lscslaw.com>
Sent: February 18, 2021 11:35 AM
To: Sean Murtha <SMurtha@tgplawyers.com>
Subject: FW: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Here was his response. He is in no shape to prepare affidavits, reliving the stress of this and then being crossexamined.

From: Jordan B Peterson <jordanbpeterson@gmail.com>
Sent: Wednesday, February 17, 2021 2:39 PM
To: Howard Levitt <hlevitt@lscslaw.com>
Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Got it. Read it. I work from 4-6 three days a week. That's it. And it is never obvious to me that I'm going to be able to manage it. And as far as walking goes? I am compelled to do that because of my illness, which is controlled somewhat by exercise (as my doctor insists). In any case, what would I have to do to proceed? And can I do it after 3, which is the earliest that I seem to be able to get myself minimally functional?

Jordan

On Wed, Feb 17, 2021 at 14:27 Howard Levitt <hlevitt@lscslaw.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Sean Murtha <SMurtha@tgplawyers.com>
Date: February 17, 2021 at 1:35:17 PM EST
To: Howard Levitt <hlevitt@lscslaw.com>
Cc: Alexander Pettingill <apettingill@tgplawyers.com>, "Danielle M. Malone" <dmalone@blacksutherland.com>
Subject: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Mr. Levitt,

Please find attached our correspondence of today's date. Thank you.

Sean

Sean Murtha
 Partner

Thomas Gold Pettingill LLP
150 York Street, Suite 1800
Toronto, Ontario
Canada M5H 3S5

smurtha@tgplawyers.com
 t: 416-507-1823
 f: 416-507-1880
www.tgplawyers.com

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LevittLLP

--

Professor Jordan B Peterson
 University of Toronto

Truth is the antidote to suffering.

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This is Exhibit "K" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

From: Howard Levitt <hlevitt@lscslaw.com>
Sent: February 18, 2021 11:37 AM
To: Sean Murtha <SMurtha@tgplawyers.com>
Cc: Jordan B Peterson <jordanbpeterson@gmail.com>
Subject: FW: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

And there was this today as well

From: Jordan B Peterson <jordanbpeterson@gmail.com>
Sent: Thursday, February 18, 2021 11:03 AM
To: Howard Levitt <hlevitt@lscslaw.com>
Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000
I am still in dreadful shape. I want to think about it some more for obvious reasons but I'm afraid I might not be up to it.

It's very unfortunate because at least part of what has caused my health problems is the harassment I've endured and the Laurier incident ranks high among that set of circumstances.

Jordan

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[LevittLLP](#)

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me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

From: Howard Levitt <hlevitt@lscslaw.com>
Sent: Thursday, April 1, 2021 4:41 PM
To: Danielle M. Malone <dmalone@blacksutherland.com>
Cc: Sean Murtha <SMurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

I am waiting for his input. He advises he is still quite ill but is considering it. He does not want to let WLU off the hook. In fact, the government's free speech legislation, as explained to him by the Premier, was prompted, at least in part, by his and Ms Shepherd's treatment.

HOWARD LEVITT
Senior Partner

LEVITT SHEIKH CHAUDHRI SWANN

130 Adelaide St W. Ste 801

Toronto, Canada M5H3P5

T: 416.597.6476 | F: 416.597.3396

Assistant: Myura Raveendran (T: 416.594.3900 x. 537 | E: mraveendran@lscslaw.com)

From: Danielle M. Malone <dmalone@blacksutherland.com>
Sent: Thursday, April 1, 2021 1:55 PM
To: Howard Levitt <hlevitt@lscslaw.com>
Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Good afternoon,

Just circling back with respect to my email below. Kindly advise if there is any update from Dr. Peterson.

Sincerely,
Danielle

Danielle Malone

Partner

Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5
Direct: 647-427-6823
Main: 416-361-1500
Fax: 416-361-1674
dmalone@blacksutherland.com

Black Sutherland LLP
Barristers & Solicitors

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From: Danielle M. Malone
Sent: March 24, 2021 11:00 AM
To: Howard Levitt <hlevitt@lscslaw.com>
Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Good morning,

Have you had an opportunity to speak to Mr. Peterson about a flexible schedule so that the defendants can pursue their motion? I note that on his You Tube Channel there are 10 episodes of his podcast that he appears to have been able to prepare for and interview various people for in the last two months – with each episode being in excess of an hour, as well as a nearly 3 hour interview with the Sunday Times.

Sincerely,
Danielle

From: Howard Levitt <hlevitt@lscslaw.com>
Sent: March 16, 2021 1:11 PM
To: Danielle M. Malone <dmalone@blacksutherland.com>
Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic

Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

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That is not fair. Dr. Peterson's health issues are well known. It is not an indulgence.

HOWARD LEVITT
Senior Partner

LEVITT SHEIKH CHAUDHRI SWANN

130 Adelaide St W. Ste 801

Toronto, Canada M5H3P5

T: 416.597.6476 | F: 416.597.3396

Assistant: Myura Raveendran (T: 416.594.3900 x. 537 | E: mraveendran@lscslaw.com)

From: Danielle M. Malone <dmalone@blacksutherland.com>

Sent: Tuesday, March 16, 2021 8:01 AM

To: Howard Levitt <hlevitt@lscslaw.com>

Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>

Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Thank you. I appreciate that there may be some scheduling challenges but this motion has been on hold for a long time at Mr. Peterson's request and it is important to my clients that it move forward.

I do appreciate you speaking to Mr. Peterson again about coordinating a flexible process.

Sincerely,
Danielle

Sent from my iPhone

Danielle Malone

Partner

Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5
Direct: 647-427-6823
Main: 416-361-1500
Fax: 416-361-1674
dmalone@blacksutherland.com

Black Sutherland LLP
Barristers & Solicitors

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On Mar 15, 2021, at 12:55 PM, Howard Levitt <hlevitt@lscslaw.com> wrote:

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That would require breaking up many hearing dates when I have little time to begin with> Let me speak to him and get back to you

HOWARD LEVITT
Senior Partner

<image001.png>

130 Adelaide St W. Ste 801

Toronto, Canada M5H3P5

T: 416.597.6476 | F: 416.597.3396

Assistant: Myura Raveendran (T: 416.594.3900 x. 537 | E: mraveendran@lscslaw.com)

From: Danielle M. Malone <dmalone@blacksutherland.com>

Sent: Monday, March 15, 2021 9:58 AM

To: Howard Levitt <hlevitt@lscslaw.com>; Sean Murtha <SMurtha@tgplawyers.com>

Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>

Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Good morning counsel,

I am just following up on this matter. Mr. Levitt, I appreciate your comments with respect to Mr. Peterson's health issues and am sympathetic to the concerns indicated. To that end, my clients are prepared to be flexible and accommodating with respect arranging a timetable and procedure for the anti-SLAPP motion. I'm sure that between our three offices we can find a workable plan – for example, if stamina is an issue perhaps cross examinations could be broken into shorter amounts of time over multiple days.

Perhaps a call between counsel makes sense at this stage to see if we can find some common ground in terms of procedure and timing. I think all of our clients would agree that having this

action item in advance for unspecified ongoing amounts of time isn't what anyone wants. If everyone is agreeable to a call my office can take the lead on arranging this.

Sincerely,
Danielle

Danielle Malone

Partner

Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5
Direct: 647-427-6823
Main: 416-361-1500
Fax: 416-361-1674
dmalone@blacksutherland.com

<image002.jpg>

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From: Howard Levitt <hlevitt@lscslaw.com>

Sent: February 17, 2021 1:41 PM

To: Sean Murtha <SMurtha@tgplawyers.com>

Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Danielle M. Malone
<dmalone@blacksutherland.com>

Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

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I will speak to him. No one is more anxious than he is to continue with this action. Albeit not at the expense of his health

Sent from my iPhone

On Feb 17, 2021, at 1:35 PM, Sean Murtha <SMurtha@tgplawyers.com> wrote:

Mr. Levitt,

Please find attached our correspondence of today's date. Thank you.

Sean

Sean Murtha
Partner

<image001.png>

Thomas Gold Pettingill LLP
 150 York Street, Suite 1800
 Toronto, Ontario
 Canada M5H 3S5

smurtha@tgplawyers.com
 t: 416-507-1823
 f: 416-507-1880
www.tgplawyers.com

<Letter - Levitt re CPC - February 17, 2021.pdf>

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[LevittLLP](#)

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[LevittLLP](#)

This is Exhibit "M" referred to in the Affidavit of Sean Murtha,
AFFIRMED remotely by Sean Murtha at the City of Toronto, in the Province of Ontario, before
me at the City of Toronto, in the Province of Ontario, this 24th day of November, 2022, in
accordance with O. Reg. 431/20 Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits
Natasha O'Toole

From: Howard Levitt <hlevitt@lscslaw.com>

Sent: Sunday, April 11, 2021 12:36 PM

To: Danielle M. Malone <dmalone@blacksutherland.com>

Cc: Sean Murtha <SMurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>; Jordan B Peterson <jordanbpeterson@gmail.com>

Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Dr. Peterson does not want to let this case go so, despite his fragile health, is ready to proceed. This is subject to that health not worsening.

I look forward to receiving your affidavit.

Sent from my iPhone

On Apr 1, 2021, at 1:55 PM, Danielle M. Malone <dmalone@blacksutherland.com> wrote:

Good afternoon,

Just circling back with respect to my email below. Kindly advise if there is any update from Dr. Peterson.

Sincerely,
Danielle

Danielle Malone

Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5
Direct: 647-427-6823
Main: 416-361-1500
Fax: 416-361-1674
dmalone@blacksutherland.com

<BSLogo_1d89e5fb-29d1-4080-904b-
554233cdba64.jpg>

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From: Danielle M. Malone
Sent: March 24, 2021 11:00 AM
To: Howard Levitt <hlevitt@lscslaw.com>
Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Good morning,

Have you had an opportunity to speak to Mr. Peterson about a flexible schedule so that the defendants can pursue their motion? I note that on his You Tube Channel there are 10 episodes of his podcast that he appears to have been able to prepare for and interview various people for in the last two months – with each episode being in excess of an hour, as well as a nearly 3 hour interview with the Sunday Times.

Sincerely,
Danielle

From: Howard Levitt <hlevitt@lscslaw.com>
Sent: March 16, 2021 1:11 PM
To: Danielle M. Malone <dmalone@blacksutherland.com>
Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

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That is not fair. Dr. Peterson's health issues are well known. It is not an indulgence.

HOWARD LEVITT
Senior Partner

<image001.png>

130 Adelaide St W. Ste 801

Toronto, Canada M5H3P5

T: 416.597.6476 | F: 416.597.3396

Assistant: Myura Raveendran (T: 416.594.3900 x. 537 | E: mraveendran@lscslaw.com)

From: Danielle M. Malone <dmalone@blacksutherland.com>

Sent: Tuesday, March 16, 2021 8:01 AM

To: Howard Levitt <hlevitt@lscslaw.com>

Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>;

Michelle Vucic <mvucic@blacksutherland.com>

Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Thank you. I appreciate that there may be some scheduling challenges but this motion has been on hold for a long time at Mr. Peterson's request and it is important to my clients that it move forward.

I do appreciate you speaking to Mr. Peterson again about coordinating a flexible process.

Sincerely,
Danielle

Sent from my iPhone

Danielle Malone

Partner

Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5
Direct: 647-427-6823
Main: 416-361-1500
Fax: 416-361-1674
dmalone@blacksutherland.com

<image002.jpg>

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On Mar 15, 2021, at 12:55 PM, Howard Levitt <hlevitt@lscslaw.com> wrote:

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that would require breaking up many hearing dates when I have little time to begin with> Let me speak to him and get back to you

HOWARD LEVITT
Senior Partner

<image001.png>

130 Adelaide St W. Ste 801

Toronto, Canada M5H3P5

T: 416.597.6476 | F: 416.597.3396

Assistant: Myura Raveendran (T: 416.594.3900 x. 537 | E: mraveendran@lscslaw.com)

From: Danielle M. Malone <dmalone@blacksutherland.com>

Sent: Monday, March 15, 2021 9:58 AM

To: Howard Levitt <hlevitt@lscslaw.com>; Sean Murtha <SMurtha@tgplawyers.com>

Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>

Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Good morning counsel,

I am just following up on this matter. Mr. Levitt, I appreciate your comments with respect to Mr. Peterson's health issues and am sympathetic to the concerns indicated. To that end, my clients are prepared to be flexible and accommodating with respect arranging a timetable and procedure for the anti-SLAPP motion. I'm sure that between our three offices we can find a workable plan – for example, if stamina is an issue perhaps cross examinations could be broken into shorter amounts of time over multiple days.

Perhaps a call between counsel makes sense at this stage to see if we can find some common ground in terms of procedure and timing. I think all of our clients would agree that having this action held in abeyance for unspecified ongoing amounts of time isn't what anyone wants. If everyone is agreeable to a call my office can take the lead on arranging this.

Sincerely,
Danielle

Danielle Malone
Partner

<image002.jpg>

130 Adelaide Street West
Suite 3425, P.O. Box 34
Toronto, Ontario M5H 3P5
Direct: 647-427-6823
Main: 416-361-1500
Fax: 416-361-1674
dmalone@blacksutherland.com

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Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

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I will speak to him. No one is more anxious than he is to continue with this action. Albeit not at the expense of his health

Sent from my iPhone

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Mr. Levitt,

Please find attached our correspondence of today's date. Thank you.

Sean

Sean Murtha
Partner

<image001.png>

Thomas Gold Pettingill LLP
150 York Street, Suite 1800
Toronto, Ontario
Canada M5H 3S5
smurtha@tgplawyers.com
t: 416-507-1823
f: 416-507-1880
www.tgplawyers.com

<Letter - Levitt re CPC - February 17, 2021.pdf>

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[LevittLLP](#)

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**AFFIDAVIT OF SEAN MURTHA
(Affirmed November 24, 2022)**

THOMAS GOLD PETTINGILL LLP
150 York Street
Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
apettingill@tgplawyers.com
Tel: (416) 507-1802

Sean Murtha LS#: 62304S
smurtha@tgplawyers.com
Tel: (416) 507-1823

Natasha O'Toole LS# 72333L
notoole@tgplawyers.com
Tel: (416) 507-1840

Lawyers for the Defendant

TAB 4

Court File No:

CV-18-00604843-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE****BETWEEN:****JORDAN PETERSON****Plaintiff**

and

WILFRID LAURIER UNIVERSITY**Defendant****STATEMENT OF CLAIM****TO THE DEFENDANT:**

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 Plaintiffs do not have a lawyer, serve it on the Plaintiffs, and file it, with proof of service in this Court office, **WITHIN 20 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 40 days. If you are served outside Canada and the United States of America, the period is 60 days.

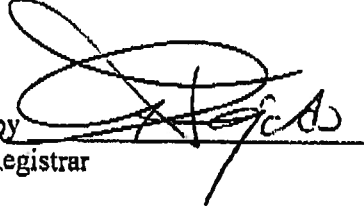
Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to 10 more days within which to serve and file your Statement of Defence.

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.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$2,000 for costs, within the time for serving and filing your Statement of Defence you may move to have this proceeding dismissed by the Court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$500 for costs and have the costs assessed by the Court.

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

Date: SEP 11 2018

Issued by 
Local Registrar

Address of Court Office:

393 University Avenue, 10th Floor
Toronto, ON M5G 1E6

TO: **WILFRID LAURIER UNIVERSITY**
75 University Avenue West
Waterloo, Ontario N2L 3C5

CLAIM

1. The Plaintiff claims against the Defendant, Wilfrid Laurier University, the following:
 - (a) \$500,000 for defamation;
 - (b) \$500,000 for injurious falsehood;
 - (c) \$500,000 in punitive damages;
 - (d) \$250,000 in aggravated damages;
 - (e) Prejudgment and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C43, as amended;
 - (f) Costs on a substantial indemnity basis; and
 - (g) Such further and other relief as counsel may advise and this Honourable Court may deem just.
2. The Plaintiff, Jordan Peterson (hereinafter referred to as “Peterson”), is a Psychology Professor at the University of Toronto, a former Professor at Harvard University and an Author and resides in the City of Toronto in the Province of Ontario.
3. The Defendant, Wilfrid Laurier University (hereinafter referred to as the “University”), is a Canadian public university in the City of Waterloo, in the Province of Ontario. The University is a creature of statute created pursuant to the provisions of the *Wilfrid Laurier Act*.

BACKGROUND

4. On June 18, 2018, Peterson initiated legal action in the Ontario Superior Court of Justice (Toronto Court File No. CV-18-00599971) against the University and three members of its faculty to seek redress for defamatory statements they made about him in November 2017.
5. Upon being sued, the University issued a press release stating that it “will vigorously defend against Peterson’s Statement of Claim”.

THE UNIVERSITY'S DEFAMATORY PRESS RELEASE

6. On or about August 31, 2018, the University filed its Statement of Defence in that action and circulated it to the media with a press release which further libeled the Plaintiff by falsely accusing Peterson of using that lawsuit as a means of unduly limiting expression on matters of public interest, including gender identity, without a shred of evidence for that further defamation and in order to further calumniate him.

7. The University press release read:

... Peterson launched his lawsuit for the stated purpose of causing academics and administrators to be more circumspect in their choice of words and that the lawsuit is being used as a means of unduly limiting expression on matters of public interest, including gender identity.

8. The University further posted the press release on the university website making it available on the internet to a worldwide audience.

9. In fact, the Plaintiff launched his first lawsuit to ensure that university professors and administrators would be more circumspect before acting again in the manner that the University faculty had in their treatment of Lindsay Shepherd ("Shepherd"). The Plaintiff is cognizant of the lack of free speech on many university campuses and the adverse consequences to students who do not conform to radical leftist and identity politics. He expressed the hope that his lawsuit, along with one commenced by Shepherd in the Ontario Superior Court of Justice (Kitchener Court File No. CV-18-00000750), would end that reality on many university campuses.

10. Defamatory statements made on the internet are particularly serious and have greater potential to cause damage, due to the distinctive capacity of the internet to cause instantaneous, seamless, interactive, blunt, borderless, far-reaching, and irreparable damage to reputation, and the extraordinary capacity of the internet to replicate defamatory statements endlessly and indefinitely.

11. The University intended its defamatory press release to irreparably damage Peterson's reputation, professionally and personally, and to irreparably damage his professional, economic, and emotional well-being.

12. This is further aggravated by the fact that these defamatory and injurious statements will be in circulation indefinitely and permanently on the worldwide web, and will permanently affix to Peterson's name, continuing to expose Peterson to indefinite and irreparable damage to his personal and professional reputation.

13. The University knew and intended that the statement referred to above could be available, potentially widely discussed, and would damage Peterson's reputation, professionally and personally, now and in the future.

14. The University knew and intended that the statement referred to above would have the potential of disrupting Peterson's emotional well-being and would detrimentally affect his professional reputation, now and in the future.

15. Peterson pleads that the University in making further defamatory comments about him has acted with malice and in a high-handed manner entitling him to aggravated and punitive damages.

SEP 11 2018

Date: _____

LEVITT LLP

130 Adelaide Street West, Suite 801
Toronto, ON M5H 3P5

Howard A. Levitt

LSUC No. 18858W

Tel: 416-594-3900

Fax: 416-597-3396

Lawyer for the Plaintiff

Electronically filed / Déposé par voie électronique : 25-Nov-2022
 Toronto Superior Court of Justice / Cour supérieure de justice

Court File No./N° du dossier du greffe : CV-18-00604843-0000

CV-18-00604843-0

Court File No. CV-

JORDAN PETERSON
 Plaintiff

and

WILFRID LAURIER UNIVERISTY
 Defendant

ONTARIO
SUPERIOR COURT OF JUSTICE
 PROCEEDING COMMENCED AT
 TORONTO

STATEMENT OF CLAIM

LEVITT LLP
 130 Adelaide St West
 Suite 801, PO Box 89
 Toronto, ON M5H 3P5

Howard A. Levitt
 LSUC #: 18858W

Tel: (416) 594-3900
 Fax: (416) 597-3396
hlevitt@levittllp.com

Lawyers for the Plaintiff

TAB 5

Court File No.: CV-18-00604843-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

JORDAN PETERSON

Plaintiff

- and -

WILFRID LAURIER UNIVERSITY

Defendant

STATEMENT OF DEFENCE

1. The defendant, Wilfrid Laurier University (hereinafter referred to as "Laurier"), admits the allegations contained at paragraph 3 of the Statement of Claim.
2. Except as expressly hereinafter admitted, Laurier does not admit any of the remaining allegations contained in the Statement of Claim.
3. Laurier has no knowledge, or insufficient knowledge, to plead to the allegations contained in paragraph 2 of the Statement of Claim.

Background

4. The Plaintiff is a tenured professor of psychology at the University of Toronto. He has a strong social media presence. His channel on YouTube currently has 1,471,950 subscribers. He has more than 869,000 followers on Twitter. He is the author of the best-selling book *12 Rules for Life: An Antidote to Chaos*, published by Penguin Random House in January 2018.
5. The Plaintiff is known for espousing controversial views. He came to prominence after publishing a series of YouTube videos titled "Professor against political correctness". In Part 1 of that series, the Plaintiff criticized Bill C-16, *An Act to Amend the Canadian Human Rights Act and Criminal Code*, which among other things, added gender expression and identity as a protected ground to the *Canadian Human Rights Act*. Following this video, the Plaintiff featured prominently in debates respecting Bill C-16, and a tension (real or perceived) between gender

identity and free speech. The Plaintiff's position, which he has expressed repeatedly in many fora, is that Bill C-16 creates forced speech which he believes is dangerous.

6. On June 18, 2018, the Plaintiff commenced an action, bearing Superior Court File No.: CV-18-00599971, as against Laurier and three individuals - Nathan Rambukkana, Herbert Pimlott and Adria Joel ("Joel") – who at all material times were employees of Laurier (hereinafter referred to as the "June 2018 action"). In the June 2018 action, the Plaintiff alleged that Laurier was vicariously responsible for allegedly defamatory statements made by the heretofore mentioned employees on November 8, 2017.

7. A Statement of Defence to the June 2018 action was delivered on behalf of Laurier and Joel on August 31, 2018. In this Statement of Defence, Laurier and Joel denied, amongst other things, that the Plaintiff was defamed in any way in the statements made by Joel on November 8, 2017, and also plead that the Plaintiff's purpose in commencing the June 2018 action was to unduly limit expression on matters of public interest, including gender identity.

8. With respect to the allegations contained at paragraphs 6, 7, 8, 10, 11, 12, 13 and 14 of the Statement of Claim, Laurier denies that it issued any press release with respect to its Statement of Defence to the June 2018 action. Rather, Laurier pleads that it posted a statement noting that it had served and filed its Statement of Defence to the June 2018 action to its website (hereinafter referred to as "the statement") wherein Laurier highlighted points in its Statement of Defence and indicated that it intended to vigorously defend itself against the allegations made by the Plaintiff in the June 2018 action.

9. Laurier pleads that its decision to post the statement to its website was due to the fact that the June 2018 action had become a matter of public interest, as a result of a number of public statements made to the news media by both the Plaintiff and his lawyer.

10. Laurier admits that the statement included the words complained of at paragraph 7 of the Statement of Claim (hereinafter referred to as "the impugned words"). However, Laurier pleads that the impugned words are simply a reiteration of the *Plaintiff's own words*. In June 2018, contemporaneous with his initiating the June 2018 action, the Plaintiff made a recorded video statement to his YouTube channel in which he indicated that he decided to launch the June 2018 action in the hope that it would convince university professors and administrators to be much more circumspect in their actions and their words.

11. It is ironic that the Plaintiff, who came to prominence through vehement advocacy of free speech principles, has commenced the within action, wherein he complains about the content of the statement, which Laurier released in support of its defence to the June 2018 action, and which was necessitated by the public interest which had resulted from the numerous public statements made about the June 2018 action, by both the Plaintiff and his lawyer.

No Defamation

12. Laurier pleads that paragraph 7 of the Statement of Claim quotes only a portion of a lengthier statement, which in its totality dealt with Laurier's defence to the allegations the Plaintiff made in the June 2018 action. Laurier will make reference to the entire content of the statement, as context for the meaning of the impugned words.

13. Laurier specifically denies that any of the impugned words identified in paragraph 7 of the Statement of Claim are capable of conveying the defamatory meanings alleged, or could reasonably be understood to be defamatory of the Plaintiff, as alleged.

14. In the alternative, Laurier pleads that if the impugned words were defamatory of the Plaintiff then, insofar as the impugned words consisted of statements of fact, they were, in their plain and ordinary meaning and in their full and proper context, substantially true.

15. Laurier further pleads that, insofar as the impugned words were expressions of opinion or comment, they were fair comments made in good faith and without malice on matters of public interest, including protecting the gender identity of trans students and preventing the spread of trans phobia, as well as Laurier's defence to the allegations made by the Plaintiff in the June 2018 action. Moreover, they are opinions that a person could honestly hold, based on the facts.

16. Laurier pleads that in numerous public statements made since the issuance of the June 2018 action – including statements made to the national news media – the Plaintiff and his own lawyer had made the June 2018 action a matter of public interest. Laurier pleads that the impugned words – which were simply a recitation of portions of its Statement of Defence to the June 2018 action – were entirely related to this matter of public interest.

17. Further, Laurier pleads that the impugned words were published in good faith and without malice, on an occasion of qualified privilege. The impugned words were published solely in response to statements made by the Plaintiff about the June 2018 action.

18. In addition, the impugned words relate to matters of public interest; including, protecting the gender identity of trans students, preventing the spread of trans-phobia, the tension between the rights of members of a minority group to be identified in a manner acceptable to them and the free speech rights of others, and Laurier's defence to the allegations made by the Plaintiff in the June 2018 action. Laurier pleads that, given these significant issues at play in the June 2018 action, it had a duty to express its defence through the statement, and those reading it had a corresponding interest in receiving this information.

Section 137.1 of the *Courts of Justice Act*

19. Laurier pleads that this action, just as was the case with the June 2018 action, has no substantial merit, and the Plaintiff has suffered no or insignificant harm. Laurier pleads that this action is being used as a means of unduly limiting expression on matters of public interest, including, but not limited to, protecting the gender identity of trans students, preventing the spread of trans-phobia and Laurier's defence to the allegations made by the Plaintiff in the June 2018 action. Laurier pleads that this action is therefore barred by section 137.1 of the *Courts of Justice Act*, 1990 c. C.43.

No Damages

20. Laurier states that the Plaintiff has not suffered any loss or damage as alleged in the Statement of Claim, or at all, and puts the Plaintiff to the strict proof thereof.

21. In the alternative, if the Plaintiff has suffered any damages, which is denied, Laurier pleads that the damages claimed are excessive, exaggerated, remote and unavailable at law.

22. Laurier further pleads that the Plaintiff has failed to mitigate any damages which he might have suffered.

23. Laurier pleads that the plaintiff's damages, if any, will be assessed in an amount not exceeding \$100,000.00 and, as such, Laurier pleads and relies upon the cost consequences contained in Rule 76.13 of the *Rules of Civil Procedure*, as this matter ought to have proceeded by way of the *Simplified Procedure*.

24. Furthermore, in reference to the pleading contained at paragraph 15 of the Statement of Claim, Laurier denies that it, or anyone for whom it is in law responsible, acted in a manner which would attract punitive damages, and states that this is not an appropriate case for an award of punitive damages.

25. Laurier pleads and relies upon sections 1, 6, 23 and 24 of the *Libel and Slander Act*, R.S.O. 1990, c.L. 12; as well as section 137.1 of the *Courts of Justice Act*, 1990 c. c.43.

26. Laurier therefore respectfully requests that the Plaintiff's action be dismissed, as against it, with costs and applicable HST thereon.

October 11, 2018

THOMAS GOLD PETTINGILL LLP
150 York Street
Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
Tel: 416-507-1802
Fax: 416-507-1852

Sean Murtha LS#: 62304S
Tel: 416-507-1823
Fax: 416-507-1880

Lawyers for the Defendant

TO: LEVITT LLP
130 Adelaide Street West
Suite 801
Toronto ON M5H 3P5

Howard A. Levitt LS#: 18858W
Tel: 416-594-3900
Fax: 416-597-3396

Lawyers for the Plaintiff

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

STATEMENT OF DEFENCE

THOMAS GOLD PETTINGILL LLP
150 York Street
Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
Tel: 416-507-1802
Fax: 416-507-1852

Sean Murtha LS#: 62304S
Tel: 416-507-1823
Fax: 416-507-1880

Lawyers for the Defendant

**ONTARIO
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**MOTION RECORD
(Returnable December 6, 2022)**

THOMAS GOLD PETTINGILL LLP
150 York Street, Suite 1800
Toronto ON M5H 3S5

Alexander D. Pettingill LS#: 33431P
apettingill@tgplawyers.com
Tel: (416) 507-1802

Sean Murtha LS#: 62304S
smurtha@tgplawyers.com
Tel: (416) 507-1823

Natasha O'Toole LS#72333L
smurtha@tgplawyers.com
Tel: (416) 507-1840

Lawyers for the Defendant