

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE
JUSTICE MACLEOD

)
)
)
)
)

MONDAY,
THE 5th DAY
OF FEBRUARY, 2024

B E T W E E N:



ZEXI LI, HAPPY GOAT COFFEE COMPANY INC.,
7983794 CANADA INC (c.o.b. as UNION: LOCAL 613)
And GEOFFREY DELANEY

Plaintiffs

and

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING,
JAMES BAUDER, BRIGITTE BELTON, DANIEL BULFORD, DALE ENNS,
CHAD EROS, CHRIS GARRAH, MIRANDA GASIOR, JOE JANZEN, JASON
LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHLOAS ST. LOUIS (a.k.a. @NOBODYCARIBOU),
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, GIVESENDGO LLC,
JACOB WELLS, HAROLD JONKER, JONKER TRUCKING INC.
and BRAD HOWLAND

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the moving parties, Joe Janzen, Patrick King, Tamara Lich, Tom Marazzo, Chris Barber, Sean Tiessen, Miranda Gasior, Daniel Bulford, Ryan Mihilewicz, Dale Enns, Freedom 2022 Human Rights and Freedoms, Brad Howland, Harold Jonker and Jonker Trucking Inc. (the “**Moving Parties**”), for an an order, pursuant to section 137.1(3) of the *Courts*

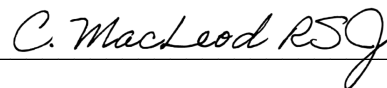
of Justice Act, R.S.O. 1990, c. C.43, dismissing the plaintiffs' claim as against all defendants, or as against such individual defendants or proposed classes of defendants as the Court considers appropriate, and for other relief, was heard on December 14, 2023 at the court house, 161 Elgin Street, Ottawa Ontario.

ON READING (1) the Moving Parties' motion record dated August 25, 2023, containing the Affidavits of (a) Selena Bird, dated August 25, 2023; (b) Brad Howland, dated August 21, 2023; (c) Dale Enns, dated August 18, 2023; (d) Daniel Bulford, dated August 24, 2023; (e) Harold Jonker, dated August 22, 2023; (f) Miranda Gasior, dated August 21, 2023; (g) Ryan Mihilewicz, dated August 15, 2023; (h) Sean Tiessen, dated August 23, 2023; (i) Tom Marazzo, dated August 17, 2023, plus all exhibits thereto; and (j) the Moving Parties' Request to Admit, dated August 25, 2023; and (k) the Response to Request to Admit, dated August 25, 2023; (2) the Supplemental Motion Record (2 volumes), dated November 30, 2023, containing (a) the Affidavit of Chantal Laroche, dated August 31, 2023 with Exhibits "A" to "G"; (b) the Affidavit of Debbie Owusu-Akeeyah, dated September 1, 2023, with Exhibit "A"; (c) the Affidavit of Ivan Gedz, dated August 31, 2023, with Exhibit "A"; (d) the Affidavit of Jeremy King, dated September 1, 2023, with Exhibit "A"; (e) the Affidavit of Larry Andrade, dated September 1, 2023, with Exhibits "A" to "C"; (f) the Affidavit of Sean Flynn, dated August 31, 2023, with Exhibits "A" to "J"; (g) the Affidavit of Trudy Moore, dated September 1, 2023, with Exhibits "A" to "U"; (h) the Affidavit of Zexi Li, dated September 1, 2023, with Exhibits "A" to "E"; (i) the Affidavit of Joe Janzen, dated August 21, 2023; (j) the Transcript of Cross-Examination on Affidavit of Daniel Bulford, dated September 15, 2023, with Exhibit "1"; (k) the Transcript of Cross-Examination on Affidavit of Dale Enns, dated September 15, 2023; (l) the Transcript of Cross-Examination on Affidavit of Miranda Gasior, dated September 15, 2023; (m) the Transcript of Cross-Examination on Affidavit

of Brad Howland, dated September 15, 2023; (n) the Transcript of Cross-Examination on Affidavit of Joe Janzen, dated September 15, 2023; (o) the Transcript of Cross-Examination on Affidavit of Harold Jonker, dated September 15, 2023; (p) the Transcript of Cross-Examination on Affidavit of Sean Tiessen, dated September 15, 2023, with Exhibits “1” and “2”; (q) the Statement of Claim, dated February 4, 2022; (r) the Fresh as Amended Statement of Claim, dated February 18, 2022; (s) the Further Fresh as Amended Statement of Claim, dated March 14, 2022; and (t) the Transcript of Court Proceedings, February 7, 2022 (Injunction Motion); (3) the Moving Parties’ Factum, dated November 30, 2023; (4) the Moving Parties’ Book of Authorities not Available Electronically, dated November 30, 2023; (5) the Factum of the Plaintiffs (Responding Parties), dated December 6, 2023; (6) the Plaintiffs’ Abbreviated Book of Authorities, dated December 6, 2023, all filed;

AND ON HEARING the submissions of counsel for the Moving Parties and the responding parties,

1. **THIS COURT ORDERS** that this motion is dismissed.
2. **THIS COURT ORDERS** that pursuant to s. 137.1(8) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, and having received no further submissions, there will be no order as to costs.

A handwritten signature in cursive script, reading "C. MacLeod R59", is written above a horizontal line.

Issuance on March 21, 2024

LI et al.
Plaintiffs/Moving Parties

-and-

BARBER et al.
Defendants/Responding Parties

Court File No. CV-22-88514-CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
OTTAWA

ORDER

CHARTER ADVOCATES CANADA

c/o 1300-80 Richmond Street West
Toronto, ON M5H 2A3

James Manson (LSO #54963K)

T: 416-888-9254

E: jmanson@charteradvocates.ca

Lawyers for the Defendants/Moving Parties,
Tamara Lich, Tom Marazzo, Chris Barber, Sean Tiessen, Miranda Gasior, Daniel
Bulford, Ryan Mihilewicz, Dale Enns, Freedom 2022 Human Rights and Freedoms,
Brad Howland, Harold Jonker and Jonker Trucking Inc.

OVERWATER BAUER LAW

2 – 583 Main Street
Winkler, MB R6W 1A4

Shelley Overwater

T: (204) 325-5594

E: shelley@overwaterlaw.com

Lawyers for the Defendants/Moving Parties,
Joe Janzen and Pat King