

*File no.*

**THE QUEEN'S BENCH  
WINNIPEG CENTRE**

B E T W E E N:

NICHOLAS TROLLER

Applicant

- and -

MANITOBA PUBLIC INSURANCE CORPORATION

Respondent

**AFFIDAVIT OF NICHOLAS TROLLER**

I, Nicholas Troller, of the City of Winnipeg, MAKE OATH AND SAY:

1. I have personal knowledge of the matters and facts hereinafter deposed to by me, except where same are stated to be based upon information and belief, in which cases I believe them to be true.

**Introduction**

2. I am a long-time resident of Winnipeg and have long been a Star Trek enthusiast. In addition to the compelling scientific and exploratory narrative, I find the philosophical and social commentary of the Star Trek universe to be both relevant and prescient. I am aware that university classes have been devoted to the study of Star Trek's relevance to today's culture.
3. In 2015, I heard about Manitoba Public Insurance Corporation's ("MPI") personal license plate program. I understood MPI was inviting the public, including myself, to

express themselves through this medium of communication. Attached hereto as Exhibit “A” to this Affidavit is an excerpt from MPI’s website, <https://www.mpi.mb.ca/en/Reg-and-Ins/Registration/Plates/Pages/reg-plp.aspx>, which states the following in regard to public expression via personalized plates:

Next to a house, a car is likely the most expensive single purchase a person will make. While a car can say a lot about lifestyle, personality and taste, many people prefer to let their personalized licence plates speak for them.

Personalized licence plates are rapidly becoming a treasured item for car owners. As a gift for yourself or someone else, personalized licence plates can make a statement about a profession, favourite hobby, status in life or pride in vehicle ownership.

4. I applied for, and paid the required fee to, receive the personalized license plate “ASIMIL8” (the “Plate”) for the purpose of publicly expressing my appreciation and interest in Star Trek. MPI approved my application and issued the Plate.
5. I was excited to obtain the Plate, and installed it on my vehicle along with a Star Trek license plate border that stated “WE ARE THE BORG” and “RESISTANCE IS FUTILE”. These phrases have gained iconic status in popular culture because of the Borg, an alien group in Star Trek. The Borg use these phrases and the word “assimilate” as a core part of their dialogue. Attached hereto as Exhibit “B” to this Affidavit is a photograph taken of the Plate once installed on my vehicle with the license plate border.
6. While displaying the Plate for almost two years, I was approached by many people commenting positively on the Plate and asking to have their picture taken with it.
7. MPI renewed the Plate in 2016 without question or concern.

### Revocation of the Plate

8. I drove my vehicle with the Plate installed on it for almost two years without incident.

9. However, I received a letter from MPI dated April 26, 2017 (the “April 26 Letter”), within which MPI stated that the Plate “is considered offensive.” This came as a great surprise to me, as MPI had already approved and renewed the Plate. MPI did not state in the letter why the Plate is “considered offensive” or who considers it offensive. MPI did not state MPI considers or agrees that the Plate is “offensive”, or whether MPI was simply repeating someone else’s subjective opinion as to the supposed offensiveness of the Plate. The April 26 Letter is attached hereto as Exhibit “C”.

10. No rationale or justification was provided by MPI for its arbitrary reversal in regard to the acceptability of the word “ASIMIL8” (assimilate). The meaning of the word “assimilate” has not changed between the time that I obtained the Plate and the time MPI ordered me to surrender it. MPI offered neither explanation nor justification as to how a word that was approved for use on the Plate in 2015 could suddenly become inappropriate or “offensive” in 2017. The word “assimilate” is just a word – it is neither good nor bad. We assimilate nutrients into our bodies in order to live. A student assimilates information in class. A company can assimilate good corporate practices. The word’s meaning and connotation are entirely changeable and dependent on context, like many other common words.

11. In the April 26 Letter MPI ordered me to surrender the Plate by May 1, 2017. MPI offered me no right of appeal or other recourse. I felt that I had no choice but to accede to MPI's demand, and turned the Plate over to MPI.

12. The irony of the rescission of my freedom of expression is not lost on me: I have been assimilated by the bureaucratic machine. The individualized expression on the Plate has been subsumed and erased. Like the Borg, MPI is vastly more powerful than I. And like the Borg, it feels no need to explain itself to the people in its path when it suddenly reverses course.

13. On May 29, 2017, my legal counsel wrote to MPI, requesting the reinstatement of the Plate. Attached hereto as Exhibit "D" is a copy of my counsel's letter. I am informed that MPI deliberated for over a month before it definitively responded, on July 6, 2017, that it would not reinstate the Plate.

14. I swear this Affidavit *bona fide*, for no improper purpose, and in support of the accompanying Notice of Application for the upholding and reinstatement of my freedom of expression as guaranteed by the Constitution.

*Officimed*

Sworn before me at the City of  
Winnipeg in the Province of Manitoba,  
on July 27, 2017.

J. SANDER  
DEPUTY REGISTRAR  
COURT OF QUEEN'S BENCH  
FOR MANITOBA

*Nicholas Troller*  
NICHOLAS TROLLER