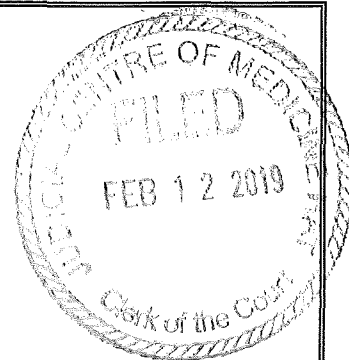


COURT OF APPEAL OF ALBERTA



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REGISTRY OFFICE CALGARY

APPLICANTS P.T., D.T., F.R., K.R., P.H.
AND OTHERS

RESPONDENT HER MAJESTY THE QUEEN IN RIGHT OF
ALBERTA

DOCUMENT Transcript of Oral Questioning of
B.B. [REDACTED] on Affidavit sworn
October 24, 2018

HELD AT Amicus Reporting Group
Calgary, Alberta

DATE November 21, 2018

1 For the Applicants

2 Jay Cameron
3 Justice Centre for Constitutional Freedoms
4 253, 7620 Elbow Drive SW
5 Calgary, AB T3B 0J6
6 403-909-3404

5 For the Respondent

6 Kristan A. McLeod
7 Chivers Carpenter Lawyers
8 101, 10426-81 Ave.
9 Edmonton, AB T6E 1X5
10 780-439-3611

9 Official Court Reporter

10 Gayle Ikert, CSR(A)
11 Amicus Reporting Group
12 403-266-1744

13 (Proceedings commenced at 5:46 p.m.)

14 [REDACTED] sworn, questioned by Ms. McLeod:

15 Q. I'm going to ask you some questions, and if I ask you a
16 question you don't understand, you can ask me to repeat
17 it. Okay?

18 A. Yep.

19 Q. And you understand that this is a questioning about an
20 affidavit that you swore; is that right?

21 A. Correct.

22 Q. And did you write the affidavit?

23 A. Was that James?

24 Q. I'm -- your counsel will object if there is any kind of
25 a question that --

26 A. I didn't write it personally.

27 Q. Okay. Did you review it?

- 1 A. I did.
- 2 Q. Okay. And do you agree with all of its contents?
- 3 A. I do.
- 4 Q. How old are you, [REDACTED]?
- 5 A. [REDACTED].
- 6 Q. What grade are you in?
- 7 A. [REDACTED].
- 8 Q. And I understand you're a student at [REDACTED]
- 9 [REDACTED] in [REDACTED]?
- 10 A. Correct.
- 11 Q. Do you live in [REDACTED]?
- 12 A. I do.
- 13 Q. And you live with your mom [REDACTED] and your [REDACTED]?
- 14 A. Yes.
- 15 Q. I understand that your mom signed a consent form at the
- 16 beginning of your school year for you to attend field
- 17 trips off school grounds; is that right?
- 18 A. Yep.
- 19 Q. And so you understand that I'm here to ask you
- 20 questions about your affidavit, which is about your
- 21 attendance at a GSA conference, right?
- 22 A. I do.
- 23 Q. Okay. And when I say GSA, you understand that to mean
- 24 Gay-Straight Alliance?
- 25 A. Yes.
- 26 Q. Is that what your club goes by at school?
- 27 A. Gay-Straight Alliance?

- 1 Q. Yeah.
- 2 A. Or we also go by the LGBTQ.
- 3 Q. Okay. And is it just called an LGBTQ club?
- 4 A. The GSA club. Other people call it that though.
- 5 Q. Other people at school call it LGBTQ?
- 6 A. Yes.
- 7 Q. When did you first start going to it?
- 8 A. Sometime in March when my friend -- my female friend
- 9 that was trying to see if I would go for a few years,
- 10 but I never decided to come. So I wanted her to stop
- 11 bugging me, so I came for a few weeks, which led up to
- 12 the conference.
- 13 Q. Okay. So you think it was in March that you started
- 14 going to the club?
- 15 A. It was March.
- 16 Q. Okay. And you went to it a few weeks before the GSA
- 17 conference?
- 18 A. Right.
- 19 Q. Okay. And you say that the conference happened on
- 20 May 11th?
- 21 A. It did.
- 22 Q. Okay. And so were you going to the GSA every week
- 23 leading up to the conference?
- 24 A. Yes.
- 25 Q. And so you probably went to it between what? About
- 26 seven or eleven times?
- 27 A. Yes. Top I believe nine.

1 Q. Nine. And had your friend been a member of the club
2 before then?

3 A. She has been for three years now.

4 Q. And does your friend identify as LGBTQ?

5 A. She goes by lesbian.

6 Q. And what did she tell you about the club before you
7 went to it?

8 A. Nothing much other than you just, like, hang out and
9 learn some things.

10 Q. And why did she say that she wanted you to go?

11 A. I don't know. She was just so convinced that she
12 wanted me to go because we were such good friends at
13 that time.

14 Q. Would she consider you an ally of hers?

15 A. No. Right now we're more enemies.

16 Q. Pardon me?

17 A. Right now we're more enemies.

18 Q. You're not friends anymore?

19 A. (NO AUDIBLE RESPONSE)

20 MR. CAMERON: The transcript doesn't reflect any
21 gestures or shaking of head or anything like that, so
22 it's best to say "yes" or "no".

23 A. Okay.

24 MR. CAMERON: Just so that it's on the record.

25 A. Okay. Sounds good.

26 Q. MS. MCLEOD: So your friend and you were
27 friends for how long?

- 1 A. Since grade █. It stopped at grade █.
- 2 Q. And why did you stop being friends with her?
- 3 A. For a remark she made awhile back.
- 4 Q. Does that remark have anything to do with the GSA
5 conference that you attended?
- 6 A. No.
- 7 Q. Did you have any other friends that were attending the
8 GSA club before you went?
- 9 A. A guy named █, which goes by █; a boy named
10 █; a guy named █; a female named █; and a
11 female named █.
- 12 Q. I think I might have gotten all of those. You said a
13 guy named █ who goes by █?
- 14 A. Yes.
- 15 Q. And a guy named █?
- 16 A. That's correct.
- 17 Q. Does he identify as LGBTQ?
- 18 A. Yes, he does.
- 19 Q. Okay. And a guy named █. Does he identify as
20 LGBTQ?
- 21 A. He does as well.
- 22 Q. And a girl named █?
- 23 A. Yes.
- 24 Q. And does she identify as LGBTQ?
- 25 A. All the kids.
- 26 Q. And did I miss one, one of your friends?
- 27 A. █.

1 Q. [REDACTED]. Right. And does [REDACTED] also identify as
2 transgender?

3 A. She does not.

4 Q. Sorry. I thought you said a guy named [REDACTED].

5 A. It is. Pronouns, he goes he, him, she, her.

6 Q. He goes by all of them?

7 A. Yeah. It's confusing.

8 Q. That would explain why I was confused.

9 A. Very confusing concept.

10 Q. And how does [REDACTED] present in terms of dress?

11 A. Some days male, other days female.

12 Q. And so would those five kids, plus your friend who
13 invited you to the GSA club, were they all your friends
14 before you went?

15 A. Yes.

16 Q. And is it only the one who invited you to the club who
17 is no longer your friend or are you friends with the
18 other five still?

19 A. I'm not friends with any of them anymore.

20 Q. And why is that?

21 A. Every time I went after the conference, because I
22 didn't know what I was at that time, they gave me,
23 like, a death glare making me feel very uncomfortable,
24 not feeling welcome.

25 Q. Had you identified as LGBTQ before you went to the
26 conference?

27 A. I did.

1 Q. And then I take it after the conference you were
2 questioning that?

3 A. Yes. Every day after.

4 Q. What went on at the GSA club at your school before the
5 GSA conference?

6 A. Really nothing. We didn't learn anything about what
7 happens when you are going into the GSA and coming out
8 to something else that you don't know what you are. So
9 if you want to go as gay but you don't want the side
10 effects or consequences on some things, you don't know
11 what you're doing, we didn't learn any of that. We
12 only made bracelets and learned about each other.

13 Q. Okay. So you made bracelets and you learned about each
14 other. And what did you want to learn when you went to
15 the club?

16 A. A little more about the different types of -- like,
17 what did they mean by LGBTQ? Like, what are some of
18 the things that I could happen with -- you're in a
19 field or a playing field of different opportunities.

20 Q. Okay. What do you mean by a different playing field?

21 A. So, you know, you always have those kids that always
22 think they're straight and you never know that, and
23 then when you're getting into it, you don't know what's
24 going on. You're clueless. You have no idea what's
25 going to happen.

26 Q. In terms of what happening?

27 A. They never taught us -- so if you were gay and wanted

1 to go into another relationship with another guy, you
2 didn't learn about what would happen if you got into an
3 actual sexual relationship. You wouldn't learn that.

4 Q. Okay. And that's the information that you wanted to
5 learn?

6 A. Well, yeah. That's what I expected from it.

7 Q. Okay. Did your GSA club meet at school?

8 A. Yes.

9 Q. And did you meet in a classroom or in a lunchroom?

10 A. The art room.

11 Q. And approximately how many kids were members of the GSA
12 club?

13 A. I'm not fully sure.

14 Q. Do you remember approximately how many kids came out to
15 those meetings?

16 A. Like, the conference?

17 Q. No. The GSA club meetings?

18 A. I do not.

19 Q. The six people that you've told me about, were they at
20 all the meetings that you went to?

21 A. They were.

22 Q. And was it only the seven or eight of you or was there
23 a lot more kids?

24 A. There was a lot more. So they cancelled out all the 6
25 and below.

26 Q. Sorry?

27 A. So a few weeks later because we had, like, 8s and 7s,

1 that they were cut out and they were put into a junior
2 GSA. So we changed a bit, so I'm not sure. There was
3 a few.

4 Q. So when did that happen? In April?

5 A. Yeah. Somewhere between the conference.

6 Q. I'm sorry?

7 A. It was between the conference. So when I joined and
8 then the conference.

9 Q. Right. And did anyone tell you why they were splitting
10 off the kids?

11 A. A lot of people just thought they were annoying because
12 they didn't understand a lot of this.

13 Q. Okay. And so how many meetings did you go to where it
14 was just the older kids?

15 A. At least four.

16 Q. And that was all before you went to the GSA conference?

17 A. It was.

18 Q. And did you do anything differently in those meetings
19 than you had in the previous ones?

20 A. No. All we did was ask questions about each other and
21 then answer and make bracelets.

22 Q. And when did you decide to go to the GSA conference?

23 A. In March. No. Wait. When you said, correct?

24 Q. Yes.

25 A. Somewhere in April when I was informed about it.

26 Q. And why did you decide to go to the GSA conference?

27 A. I thought I would be able to, like, support my friends

1 for what they decided.

2 Q. Okay. And where was this GSA conference?

3 A. It was held at the -- what was it called again? A
4 little -- frig -- at a little town hall that we would
5 go to.

6 Q. And I understand that there were some presentations at
7 the GSA conference; is that right?

8 A. (NO AUDIBLE RESPONSE)

9 Q. And there was one called Skipping Stone?

10 A. Yes.

11 Q. What was that about?

12 A. That one was just, like, if you were having issues,
13 like, call this number. You were handed out cards.
14 They were just saying if you're having issues at home,
15 call and we can plan something. It wasn't too much
16 information, but at least we got something out of it.

17 Q. And I understand that there was a presentation called
18 Come on Over?

19 A. Yes.

20 Q. What was that about?

21 A. That was just -- it was just, like, a little booth
22 mostly, just showing them what there was, and, like,
23 how to use condoms, and that's about it. Didn't learn
24 any -- anything else. It was a very small
25 presentation.

26 Q. And I understand there was a presentation by two people
27 from the Calgary Sexual Health Centre?

- 1 A. The Fake Mustache. It was -- there was no Sexual
2 Health there. There was Skipping Stone, the one you
3 just said before, and there was the Fake Mustache, a
4 Drag Queen Group.
- 5 Q. I understood that there was a presentation by the
6 Calgary Sexual Health Centre?
- 7 A. There was not. There was the Skipping Stone that were
8 holding their cards for them.
- 9 Q. They were holding the Calgary Sexual Health Centre
10 cards?
- 11 A. Because they were -- they were unavailable to get
12 there. They weren't able to make it.
- 13 Q. The Calgary Sexual Health Centre people were not able
14 to make it?
- 15 A. They were unavailable.
- 16 Q. So they had planned to come but then they couldn't make
17 it?
- 18 A. Yep.
- 19 Q. And were you ever told why they couldn't make it?
- 20 A. No. None of us actually knew.
- 21 Q. I had understood that there was a presentation by
22 someone named Shay Vanderschaege from Heritage Family
23 Services.
- 24 A. Like I said, it was only Skipping Stone, the Fake
25 Mustache and that little booth that gave a quick
26 presentation on condoms.
- 27 Q. When you say Fake Mustache, I take it that's in

- 1 reference to someone doing a drag king show?
- 2 A. Queen.
- 3 Q. Queen? Were there drag queens and kings or just
4 queens?
- 5 A. There was a drag king.
- 6 Q. Did they do a show?
- 7 A. Yes.
- 8 Q. What did the show consist of?
- 9 A. Mostly just dancing to music.
- 10 Q. I understand that there were tables set up, right?
- 11 A. Yes.
- 12 Q. And that some of the tables had condoms available at
13 the tables?
- 14 A. Yes, there were.
- 15 Q. And that kids were able to take the condoms if they
16 wanted to?
- 17 A. Yeah. The booth was putting them onto the table.
- 18 Q. The booth was putting them onto the table?
- 19 A. The one with all the condoms. He was putting them in,
20 like, little baskets and putting them on the table.
- 21 Q. And that is the person who did the presentation about
22 using a condom?
- 23 A. Yes.
- 24 Q. How long do you think the Skipping Stone's presentation
25 was?
- 26 A. Around, like, a half hour to an hour.
- 27 Q. And they talked about if you're having issues and they

- 1 handed out the Calgary Sexual Health Centre cards?
- 2 A. Yeah. And their own cards for, like, if your parents
3 aren't agreeing with you.
- 4 Q. If parents aren't agreeing with you about what?
- 5 A. About what you're choosing sexuality-wise.
- 6 Q. And the demonstration from the person who did the Come
7 on Over presentation, how long do you think that took?
- 8 A. That one took about 20 minutes to 40.
- 9 Q. And how long did the drag show went on?
- 10 A. Just as long as the songs, probably, like, 10 minutes,
11 not even.
- 12 Q. And so were you there for how long?
- 13 A. I was there all day.
- 14 Q. Okay. So the first half hour to an hour was Skipping
15 Stone?
- 16 A. No. For the, like, first half of the day it was just
17 free time. And then it started to get into all the
18 presentations at the drag king and queen show, and then
19 after that it was only just a party.
- 20 Q. I'm sorry?
- 21 A. After all the drag king and queen shows it was just
22 dancing and chilling.
- 23 Q. And so the presentations and the dancing by the drag
24 queens was in the middle of the day or the afternoon?
- 25 A. Afternoon.
- 26 Q. Okay. So you kind of didn't do much at all in an
27 organized way for the morning; is that right?

1 A. Yeah. Not much.

2 Q. Okay. Were you sitting around and meeting kids from
3 other schools?

4 A. Yes.

5 Q. And how many different schools were attending?

6 A. I'm not sure, but I know there was kids from [REDACTED] to
7 [REDACTED].

8 Q. So you were all at the town hall just milling around
9 and not doing anything in particular?

10 A. No, not doing anything. Just talking, getting to know
11 each other. Unless you actually had friends from
12 different schools, then you would just go hang out with
13 them.

14 Q. Okay. And you said in your affidavit that you had a
15 chat with the drag king?

16 A. I did.

17 Q. And did you start speaking -- do you call a drag king a
18 him or her?

19 A. I'm actually not sure.

20 Q. Me neither. Did you talk to that person? Did you
21 initiate the conversation with that person or did that
22 person initiate the conversation with you?

23 A. I initiated it with him or her.

24 Q. And what did you say?

25 A. I was, like, I thought the show was awesome. And at
26 that time I was wearing a scarf was like a rainbow kind
27 of thing. So she invited me to come and do a drag

1 show.

2 Q. Was this right after her performance?

3 A. This was after and when they were starting to set up
4 the actual music for all the other kids.

5 Q. Had you seen a drag show before?

6 A. I had not. That was my first time.

7 Q. So you haven't seen one on TV?

8 A. No.

9 Q. And what did you think was awesome about it?

10 A. Just on the way they could actually move. I've never
11 seen anyone actually have a little dance like that. It
12 was almost like they were triple-jointed. It was
13 weird.

14 Q. They were good dancers?

15 A. Very.

16 Q. Have you taken part in discussions with the school
17 after the GSA conference about the GSA conference?

18 A. No. I stopped talking to people about the GSA
19 afterwards.

20 Q. And why is that?

21 A. Because after that I just started to lock myself out.
22 I would just come home. My mom and I would usually
23 hang out, but I would sit in my room.

24 Q. And why is that?

25 A. Because when I was there I felt like I was getting
26 worse.

27 Q. In what way?

1 A. Well, at the school and I was keeping secrets from her.
2 It just made me feel absolutely horrible. It made me
3 feel like I was the bad guy.

4 Q. Made you feel like you were what?

5 A. A bad guy.

6 Q. A bad guy. And why were you keeping secrets from your
7 mom?

8 A. Because you weren't supposed to talk to your parents of
9 this household by the girl that invited me. I wasn't
10 supposed to tell my mom anything or give any hints that
11 I was even going. I told my mom I was after awhile,
12 but then after the conference I didn't say anything,
13 and then I just started to slowly close myself off,
14 isolating myself.

15 Q. You told your mom that you were going to the GSA club?

16 A. I did.

17 Q. Before you attended the GSA conference?

18 A. Yep.

19 Q. Did the girl who invited you to the GSA club say that
20 she kept her identity secret from her parents?

21 A. She tried to after awhile but they found out slowly
22 over time.

23 Q. Did that happen around this time when you were going to
24 the GSA club or did it happen before then?

25 A. Not beforehand.

26 Q. And when did you tell your mom about the GSA club?

27 A. About, like, three weeks in.

1 MS. MCLEOD: Thanks, [REDACTED]. Those are my
2 questions for you.

3 MR. CAMERON: I have a few questions in
4 redirect.

5 **Mr. Cameron questions the witness:**

6 Q. Ms. McLeod asked you a question about when the club
7 split 7s and 8s down --

8 A. Yes.

9 Q. -- at their own junior club and the 9s and up at a
10 senior club?

11 A. Yes.

12 Q. Now, you said that a lot of people thought that the 7s
13 and 8s were annoying and that they didn't understand
14 all of this?

15 A. Yes.

16 Q. When you say all of this, what specifically are you
17 referring to that the 7s and the 8s don't understand?

18 A. They don't understand, like, the sexualities and, like,
19 what they're supposed to do through it.

20 Q. And what are they supposed to do through it, as far as
21 you understand?

22 A. Like, there was a few girls that were thinking that
23 they were lesbian but didn't know what to do.

24 Q. What is your understanding of what you're supposed to
25 do if you're a lesbian?

26 A. Well, they wanted to try to get into a sexual
27 relationship and they didn't know, like, if they should

1 or if they shouldn't because no one was teaching them
2 this.

3 Q. And is that what people were annoyed about because they
4 weren't in a sexual relationship?

5 A. It was more that they -- more that they didn't
6 understand it because some of the older kids more
7 understood on what a sexual relationship with the same
8 gender is. They were really pushing them out because
9 they didn't -- they thought they were in this case a
10 little useless.

11 Q. Because they weren't hooking up?

12 A. Because no one --

13 MS. MCLEOD: You know what? No more leading
14 questions, please.

15 Q. MR. CAMERON: I'm just asking the question why
16 were they annoyed with the 7s and the 8s? What was it
17 specifically that they weren't doing?

18 A. It was mostly the sexuality. Because after awhile they
19 just got annoyed.

20 Q. What was annoying about that?

21 A. They weren't taking it seriously.

22 Q. What weren't they taking seriously?

23 A. When they wanted to go into a sexual relationship, they
24 weren't taking it, like, seriously enough, so they got
25 mad at them.

26 Q. Ms. McLeod asked you about the Come on Over booth, and
27 you said that there was a demonstration on how to use a

1 condom?

2 A. Yes.

3 Q. Can you describe that demonstration?

4 A. He used a banana out of everything and just put it on.

5 Q. And who's he?

6 A. His name was Mark.

7 Q. And Mark is the person running the booth or --

8 A. Yeah. He was running the booth.

9 Q. Okay. Can you describe the presentation?

10 A. It was literally how I just summed it up. Just telling
11 us how to put a condom on.

12 Q. And were there lots of people standing around or how
13 many people saw the demonstration? Were there
14 questions after?

15 A. Oh, everyone because this was during all the
16 presentation time after Skipping Stone.

17 Q. Okay. Now, you said that there were tables set up and
18 lots of condoms for free?

19 A. Yeah.

20 Q. What did you understand that all those condoms were
21 for?

22 A. People were just taking it and hopefully thinking that
23 they were going to go and do something sooner or later,
24 but they didn't even know what to do. They also made
25 balloons through this, making little condom balloons.

26 Q. Can you explain what you mean about do something later?
27 They thought they were going to do something later?

1 A. They --

2 MS. MCLEOD: You're asking him what they
3 thought?

4 A. They were actually trying to hook up with others.

5 Q. MR. CAMERON: How do you know that?

6 A. I was getting it through some different conversations
7 afterwards because we hid -- or a few kids were in a
8 closet grabbing glow in the dark condoms and making
9 balloons out of them. I could hear them mumbling
10 through the door because it wasn't that thick. It was
11 quite thin. So I understood a few of them were
12 sexually active.

13 Q. Sexually active, and are you saying that that was at
14 the conference or afterwards or --

15 A. Afterwards. Because some of them were inviting them
16 over and see if they would.

17 Q. See if they would what?

18 A. Like, come over and then have sex.

19 Q. Are you familiar with the term STD?

20 A. I am. An STD when a -- usually you can get it through
21 sexual intercourse.

22 Q. Did you see anything at the conference about STDs?

23 A. No. They weren't giving us any means of, like, what
24 the dangers were of intercourse.

25 Q. What do you understand those dangers to be?

26 A. Like, the STDs --

27 MS. MCLEOD: This is all in his affidavit

1 already, Jay. This is not arising from my questions.

2 MR. CAMERON: You asked him about the condoms.

3 There was a lot of condoms.

4 MS. MCLEOD: Yeah. And his condoms were in the
5 affidavit as well.

6 MR. CAMERON: No. I'm not talking about the
7 condoms he used. You asked him about the condoms on
8 the table. I'm asking him about what those condoms
9 were being used for, who was using them for what and
10 what his understanding of that was. All of that arises
11 from your questions.

12 MS. MCLEOD: You asked him about whether there
13 was anything at the conference about STDs, and then you
14 just asked him about whether he understands the dangers
15 of having sex, and that is in his affidavit.

16 MR. CAMERON: I need a moment.

17 (ADJOURNMENT)

18 Q. MR. CAMERON: Now, you said that there were kids
19 in a closet --

20 A. Yeah.

21 Q. -- at the GSA conference. Do you know how many kids
22 were in the closet together?

23 A. At least five.

24 Q. Okay. Are you aware of an adult in there with them?

25 A. There was not.

26 Q. How long were they in the closet for?

27 A. Twenty to thirty minutes. They were in there trying to

1 figure out if they could do, like, don't let the
2 balloon touch the ground kind of thing in the dark.

3 MR. CAMERON: I think that's it.

4 _____

5 (Proceedings ended at 6:33 p.m.)

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1 Certificate of Transcript

2

3 I, the undersigned, hereby certify that the foregoing pages
4 1 to 24 are a complete and accurate transcript of the
5 proceedings taken down by me in shorthand and transcribed
6 from my shorthand notes to the best of my skill and
7 ability.

8 Dated at the City of Calgary, Province of
9 Alberta, this 22nd day of November, A.D. 2018.

10

11

12

13

Gayle Ikert, CSR(A)

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Official Court Reporter

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, November 21, 2018

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