

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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 *Class Proceedings Act, 1992*

**MOTION RECORD OF THE MOVING PARTIES,
CHRIS BARBER, TAMARA LICH, DANIEL BULFORD, DALE ENNS,
MIRANDA GASIOR, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, HAROLD JONKER,
JONKER TRUCKING INC. and BRAD HOWLAND**

(Motion pursuant to section 137.1(3) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43)

August 25, 2023

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TO: CHAMP & ASSOCIATES

[REDACTED]

Paul Champ (LSO# 45305K)

[REDACTED]

Counsel for the Plaintiffs

AND TO: JIM KARAHALIOS PROFESSIONAL CORPORATION

[REDACTED]

Dimitrios (Jim) Karahalios (LSO# 56101S)

[REDACTED]

NAYMARK LAW

[REDACTED]

Daniel Z. Naymark (LSO# 56889G)

[REDACTED]

**Counsel for the Defendants, GiveSendGo LLC, Jacob Wells, Chris Garrah,
Nicholas St. Louis, Benjamin Dichter and Brigitte Belton**

AND TO: OVERWATER BAUER LAW

[REDACTED]

Shelley Overwater

[REDACTED]

Counsel for the Defendants, Patrick King and Joe Janzen

AND TO:

[REDACTED]

[REDACTED]

Defendant

TABLE OF CONTENTS

TAB	DOCUMENT	PAGE NO.
1	Notice of Motion, filed on June 5, 2023	1 - 6
2	Affidavit of Selena Bird, sworn August 25, 2023	7 -9
	Exhibit “A” – Draft Statement of Defence of the Defendants, Lich, Barber, Marazzo, Enns, Gasior, Tiessen, Bulford, Mihilewicz, Jonker, Jonker Trucking Inc., Howland and Freedom 2022 Human Rights and Freedoms	10 – 39
3	Affidavit of Brad Howland, Sworn August 21, 2023	40 – 46
4	Affidavit of Dale Enns, sworn August 18, 2023	47 – 57
5	Affidavit of Daniel Bulford, sworn August 15, 2023	58 - 70
	Exhibit “A” - Copy of an e-mail dated January 27, 2022	71 – 80
	Exhibit “B” - 2022-02-07 Interlocutory Injunction Order and 2022-02-16 Injunction Order	81 – 88
6	Affidavit of Harold Jonker, Sworn August 22, 2023	89 – 98
7	Affidavit of Miranda Gasior, Sworn August 21, 2023	99 - 113
8	Affidavit of Ryan Mihilewicz, sworn August 15, 2023	114 – 124
9	Affidavit of Sean Tiessen, Sworn August 23, 2023	125 - 135
10	Affidavit of Tom Marazzo, sworn August 17, 2023	136 - 149
11	Request to Admit, dated August 25, 2023	150 - 162
12	Response to Request to Admit, dated August 25, 2023	163 - 168

TAB 1

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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 DEVANEY

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 JANSEN,
JASON LAFACE, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
NICHOLAS 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*

NOTICE OF MOTION

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**”), will make a motion before the Honourable Regional Senior Justice MacLeod, on **TBD** at 10:00 a.m., or as soon after that time as the motion can be heard.

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

___ in writing under subrule 37.12.1(1) because it is

___ in person;

___ by telephone conference;

X by video conference;

at the following location:

(ZOOM videoconference link details TBD)

THE MOTION IS FOR:

- (a) 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;
- (b) costs of this motion and of this proceeding on a full indemnity basis; and
- (c) such further and other relief as this Court considers appropriate.

THE GROUNDS FOR THE MOTION ARE:

1. this proceeding arises from expression made by the defendants that relates to a matter of public interest;
2. there are no grounds to believe that this proceeding has substantial merit;
3. there are no grounds to believe the defendants have no valid defences in this proceeding;
4. the harm likely to be or have been allegedly suffered by the plaintiffs as a result of the defendants' expression is not sufficiently serious that the public interest in permitting the proceeding to continue outweighs the public interest in protecting that expression;

5. sections 137.1 to 137.5 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and Rule 37 of the *Rules of Civil Procedure*, R.R.O. 1990, O. Reg. 194; and

6. such further and other grounds as counsel may advise and this Court permit.

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

- (a) the pleadings and proceedings in this matter;
- (b) the Affidavits of TBD, sworn/affirmed TBD; and
- (c) such further and other evidence as the lawyers may advise and this Court may permit.

June 5, 2023

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO #54963K)

[REDACTED]

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

[REDACTED]

Shelley Overwater

[REDACTED]

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

TO: **CHAMP & ASSOCIATES**

[REDACTED]

Paul Champ (LSO #45305K)

[REDACTED]

Lawyers for the Plaintiffs

AND TO: **JIM KARAHALIOS PROFESSIONAL CORPORATION**

[REDACTED]

Jim Karahalios (LSO# 56101S)

[REDACTED]

NAYMARK LAW

[REDACTED]

Daniel Naymark (LSO# 56889G)

[REDACTED]

Lawyers for the Defendants,
Benjamin Dichter, Chris Garrah, Nicholas
St. Louis, Brigitte Belton, Jacob Wells and GiveSendGo LLC

AND TO: **CHAD EROS**

[REDACTED]

[REDACTED]

Defendant

LI et al. -and- **BARBER et al.**
Plaintiffs Defendants

Court File No. CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
OTTAWA

NOTICE OF MOTION

CHARTER ADVOCATES CANADA
[REDACTED]

James Manson (LSO #54963K)
[REDACTED]

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
[REDACTED]

Shelley Overwater
[REDACTED]

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

TAB 2

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

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

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 JANSEN, JASON LAFACE, TOM
MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN, NICHOLAS 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

AFFIDAVIT OF SELENA BIRD

I, SELENA BIRD, of the City of Brandon, in the Province of Manitoba, **MAKE OATH AND SAY:**


1. I am a paralegal for Charter Advocates Canada (“CAC”), and work with Mr. James Manson, a lawyer with CAC and counsel for the applicant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source the information, and believe it to be true.

2. I am informed by Mr. Manson that the document attached to this affidavit and marked as **Exhibit “A”** is a copy of the proposed Statement of Defence of the defendants, Chris Barber, Tamara Lich, Daniel Bulford, Dale Enns, Miranda Gasior, Tom Marazzo, Ryan Mihilewicz, Sean

Tiessen, Freedom 2022 Human Rights and Freedoms, Harold Jonker, Jonker Trucking Inc. and Brad Howland, which is intended to be served and filed in this proceeding.

3. I swear this affidavit in good faith and for no other or improper purpose.

SWORN REMOTELY by videoconference)
by Selena Bird, [REDACTED], in the)
[REDACTED] before me at the [REDACTED])
[REDACTED], in the Province of Ontario, this 25th)
day of August, 2023 in accordance with)
O.Reg. 431/20 Administering Oath or)
Declaration Remotely)



JAMES MANSON
Barrister & Solicitor for the Province of
Ontario, LSO No. 54963K




SELENA BIRD

This is Exhibit "A" to the Affidavit of Selena Bird

Sworn electronically before me on the 25th

day of August, 2023



A handwritten signature in blue ink, appearing to read 'JM', is positioned above a horizontal line. The signature is stylized and cursive.

**JAMES MANSON,
Barrister & Solicitor**

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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 *Class Proceedings Act, 1992*

**STATEMENT OF DEFENCE OF THE DEFENDANTS,
CHRIS BARBER, TAMARA LICH, DANIEL BULFORD, DALE ENNS,
MIRANDA GASIOR, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN,
FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, HAROLD JONKER,
JONKER TRUCKING INC. and BRAD HOWLAND**

1. Except as expressly provided below, the defendants, Chris Barber (“**Barber**”), Tamara Lich (“**Lich**”), Daniel Bulford (“**Bulford**”), Dale Enns (“**Enns**”), Miranda Gasior (“**Gasior**”), Tom Marazzo (“**Marazzo**”), Ryan Mihilewicz (“**Mihilewicz**”), Sean Tiessen (“**Tiessen**”), Freedom 2022 Human Rights and Freedoms (“**Freedom 2022 HRF**”), Harold Jonker (“**Jonker**”), Jonker Trucking Inc. (“**JTI**”) and Brad Howland (“**Howland**”) (collectively, “**These Defendants**”), deny all allegations and reject all claims for relief contained in each and every

paragraph of the Further Fresh as Amended Statement of Claim (the “**Claim**”), and put the plaintiffs to the strict proof thereof.

2. Further to the allegations at paragraphs 2-18 of the Claim, These Defendants admit that with the exception of the defendant Howland, they intended to stage a peaceful demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022 (the “**Freedom Convoy protest**”). Their goal was to advance certain grievances to their federal political leaders through the exercise of their *Charter*-protected fundamental freedoms including freedom of expression and peaceful assembly. These Defendants reject the balance of the allegations at paragraphs 2-18 of the Claim as well as the overarching narrative that the plaintiffs attempt to set up in those paragraphs.

3. These Defendants have no knowledge of the allegations at paragraphs 19-22 of the Claim and put the plaintiffs to the strict proof thereof.

4. In response to the allegations at paragraph 23 of the Claim, These Defendants admit that the defendant Barber resides in Swift Current, Saskatchewan. He is a trucker and owns his own trucking company. These Defendants admit that Barber participated in the Freedom Convoy protest. Barber’s volunteer role after the convoy arrived in Ottawa chiefly consisted of two main activities: first, working with other protestors and the Ottawa Police Service to help ensure that (a) emergency lanes were always clear, so that emergency vehicles could respond to an emergency; and (b) protestors and citizens were generally kept safe by remaining peaceful; and second, Barber was also involved in giving media interviews and recording videos for broadcasting on social media sites.

5. In further response to the allegations at paragraph 23 of the Claim, These Defendants admit that Barber has been charged with various offences related to his participation in the Freedom

Convoy protest; however, These Defendants deny that Barber was charged for his role “in organizing and encouraging the illegal activities associated with the Freedom Convoy protest”. These Defendants reject the characterization of the Freedom Convoy protest as “illegal activities”, or that Barber encouraged any such alleged activities.

6. These Defendants have no knowledge of the allegations at paragraphs 24 of the Claim.

7. In response to the allegations at paragraph 25 of the Claim, These Defendants admit that the defendant Lich resides in Medicine Hat, Alberta, and that she was one of the organizers and spokespeople for the Freedom Convoy Protest. These Defendants deny that Lich was a “main” organizer or a “primary” spokesperson.

8. Lich is not and has never been a trucker and has never owned or operated a tractor-trailer unit anywhere, for any purpose.

9. Once in Ottawa, Lich’s role as a protestor generally focused on three main activities. First, during the first few days of the protest, Lich was part of several meetings of the volunteer finance committee, whose task it was to try to manage the public donations that were coming in to the Freedom Convoy. Second, in between volunteer finance committee meetings, Lich made efforts to handle requests from many other protestors asking for information or resources. Third, Lich also gave interviews and participated in press conferences.

10. In further response to the allegations at paragraph 25 of the Claim, These Defendants admit that the defendant Lich created the Freedom Convoy’s Facebook page in January 2022. Lich was also involved with the Freedom Convoy’s fundraising efforts, which included the creation and management of crowdfunding campaigns on the “Go Fund Me” and “GiveSendGo” online platforms.

11. In further response to the allegations at paragraph 25 of the Claim, These Defendants admit that Lich is the current President of the defendant, Freedom 2022 HRF, and was the President of Freedom 2022 HRF during the Freedom Convoy protest. Freedom 2022 HRF was incorporated during the Freedom Convoy protest as a not-for-profit corporation in order to receive and manage the substantial public donations made to the Freedom Convoy around that time.

12. In further response to the allegations at paragraph 25 of the Claim, These Defendants admit that Lich has been charged with various offences related to her participation in the Freedom Convoy protest; however, These Defendants deny that Lich was charged for her role “in organizing and encouraging the illegal activities associated with the Freedom Convoy protest”. These Defendants reject the characterization of the Freedom Convoy protest as “illegal activities”, or that Lich encouraged any such alleged activities.

13. These Defendants have no knowledge of the allegations at paragraphs 26-28 of the Claim.

14. In response to the allegations at paragraph 29 of the Claim, These Defendants admit that the defendant Bulford resides in the town of Beaverlodge, in the Province of Alberta. Bulford participated in the Freedom Convoy protest. Bulford is not a trucker and has never owned or operated a tractor-trailer truck. Rather, Bulford is a former member of the Royal Canadian Mounted Police (“**RCMP**”). He resigned from the RCMP in 2021.

15. In further response to the allegations at paragraph 29 of the Claim, These Defendants say that Bulford’s original role was to provide security for certain “VIP” individuals appearing publicly as guest speakers during the protest in Ottawa. However, that never came to pass. Ultimately, Bulford’s role came to be that of a liaison between the protest and the Ottawa Police Service, the Parliamentary Protective Service, the Ontario Provincial Police and the RCMP. Bulford’s primary function was to triage information relating to anything that might have been

construed as a threat to public safety and to forward such information to the different police organizations with whom he was in contact. Bulford was also involved in a number of press conferences during the protest.

16. In further response to the allegations at paragraph 29 of the Claim, These Defendants deny that Bulford played an “important logistical and coordinating role in the tactical planning and execution of the tortious horn blasting and idling trucks”.

17. In response to the allegations at page 30 of the Claim, These Defendants admit that the defendant, Enns, resides in Winkler, Manitoba. Enns is a trucker and drove his tractor-trailer truck to Ottawa to participate in the Freedom Convoy protest. Enns was a “road captain” for part of the trip to Ottawa, meaning that he organized truckers from Manitoba who wanted to participate in peaceful protest and that would ultimately join up with the main body of the convoy as it headed east.

18. In further response to the allegations at page 30 of the Claim, These Defendants deny that Enns’s participation as a “road captain” qualifies him as an “organizer” or otherwise a “leader” of the Freedom Convoy protest in any capacity. These Defendants deny that Enns was a formal “liaison” between the convoy and Manitoba drivers at any time during the protest. Enns had no authority in Ottawa whatsoever as a “road captain”, whether in relation to Manitoba drivers or anyone else. Neither Enns nor any of the other drivers from Manitoba had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

19. In further response to the allegations at paragraph 30 of the Claim, These Defendants say that Enns was not involved in fundraising efforts, or with social media. Enns did attend daily meetings where he listened to updates and other news about the protest, and also attended some press conferences. He would also walk around the protest area and speak to other truckers and ask

if they needed anything. He would also assist in delivering supplies to those who did need something, and other things of that nature.

20. These Defendants have no knowledge of the allegations at paragraphs 31-32 of the Claim.

21. In response to the allegations at paragraph 33 of the Claim, These Defendants admit that at the time of the Freedom Convoy protest, the defendant Gasior resided in Lloydminster, Alberta. Gasior is not a trucker but did drive her car to Ottawa to participate in the Freedom Convoy protest.

22. In further response to the allegations at paragraph 33 of the Claim, These Defendants admit the Gasior was a “road captain” during the trip to Ottawa. Her role as “road captain” was simply to guide trucks from Lloydminster to Saskatoon, Saskatchewan, where they met up with the defendant Mihilewicz and other trucks that he had been leading from Prince Albert, Saskatchewan to Saskatoon. From there, the trucks continued to Regina, Saskatoon, to join up with the main body of the convoy heading east. These Defendants deny that Gasior’s role as a “road captain” qualifies her as an “organizer” or a “leader” of the Freedom Convoy protest. These Defendants deny that Gasior was a formal “liaison” between the convoy and Saskatchewan drivers at any time during the protest. Gasior had no authority in Ottawa whatsoever as a “road captain”, whether in relation to Saskatchewan drivers or anyone else. Neither Gasior nor any of the other drivers from Saskatchewan had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

23. During the protest, Gasior took it upon herself to create a “security detail”. On several nights she would travel on the streets of downtown Ottawa, at night, from around 11:00 PM to approximately 3:00 or 4:00 AM, usually in a car but sometimes on foot. Often, she was accompanied on these outings by the defendant Tiessen. No one asked or ordered Gasior or Tiessen to undertake a “security detail”.

24. During the protest, Gasior also manned the “Adopt-A-Trucker” hotline. This was a hotline telephone number that had been established by the co-defendant, Chris Garrah, as part of his “Adopt-A-Trucker” initiative. Essentially, truckers who needed things like food, transportation, fuel, equipment repairs, shelter, or other similar things were welcome to call the “hotline”. Gasior would answer the hotline. Gasior would field those calls and do her best to dispatch truckers’ requests out to whoever she believed could field them.

25. These Defendants have no knowledge of the allegations at paragraphs 34 and 35 of the Claim.

26. In response to the allegations at paragraph 36 of the Claim, These Defendants admit that the defendant, Marazzo, resides in the Brampton, in the Province of Ontario. Marazzo is not and has never been a trucker and has never owned or operated a tractor-trailer unit anywhere, for any purpose. Marazzo was unemployed at the time of the Freedom Convoy protest. He had recently been terminated in September 2021 from his employment as a part-time teacher at Georgian College, a post-secondary institution located in Barrie, Ontario. He was fired (with cause) because he disagreed with the College’s mandatory Covid-19 vaccination policy.

27. Before becoming a teacher, Marazzo’s career was in the Canadian military. He was employed as a regular, full-time member of the Canadian Forces, from 1998 to 2015. He attained the rank of Captain, but ultimately had to leave the military due to health issues related to his back. He received an honourable discharge.

28. In further response to the allegations at paragraph 36 of the Claim, These Defendants confirm that Marazzo participated in the “Freedom Convoy” protest. His role during the protest chiefly consisted of three main activities. First, Marazzo tried his best to stay in constant communication with the Ottawa Police Service and the Ontario Provincial Police and make efforts

to ensure that safety lanes were always open in the protest areas so that emergency vehicles could respond to an emergency. Second, Marazzo also worked with the truckers, the City of Ottawa and the Ottawa Police Service in a constant effort to help clear the intersection in front of the Rideau Centre shopping mall at the intersection of Rideau Street and Sussex Drive, with the goal of relocating the trucks that had blocked that intersection. Third, in a similar vein, Marazzo also worked with other truckers, the City of Ottawa and the Ottawa Police Service to try more generally to relocate trucks out of the downtown Ottawa residential areas south of Wellington Street, where the Ottawa Police Service had directed them to park.

29. In further response to the allegations at paragraph 36 of the Claim, These Defendants reject the allegations at paragraph 36 that Marazzo played an “important logistical and coordinating role in the tactical planning and execution of the tortious horn blasting and idling trucks”.

30. In response to the allegations at paragraph 37 of the Claim, These Defendants agree that the defendant, Mihilewicz, resides in Prince Albert, Saskatchewan. Mihilewicz is a trucker and did drive to Ottawa to participate in the Freedom Convoy protest. However, he did not drive a tractor-trailer unit to Ottawa; rather, he drove to Ottawa in a pick-up truck.

31. In further response to the allegations at paragraph 37 of the Claim, These Defendants admit that Mihilewicz was a “road captain” for part of the trip to Ottawa. His role as “road captain” was to lead some trucks on the highway from Prince Albert, Saskatchewan, through Saskatoon and ultimately to Regina to join up with the main body of the convoy heading east. Once the Ottawa-bound trucks joined up with the larger convoy, Mihilewicz’s role was to drive to Ottawa in the rear and be on the lookout for any trucks that were having difficulties or were lagging behind or otherwise causing issues. These Defendants deny that this role meant that Mihilewicz was an “organizer” or otherwise a “leader” of the Freedom Convoy in any capacity.

32. In further response to the allegations at paragraph 37, These Defendants state that Mihilewicz was not a “liaison” between the convoy and Saskatchewan drivers at any time during the protest. Mihilewicz had no authority whatsoever as a “road captain”, whether in relation to Saskatchewan drivers or anyone else. Neither he nor any of the drivers from Saskatchewan had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

33. In further response to the allegations at paragraph 37, These Defendants say that Mihilewicz was not involved in fundraising efforts, or safety/security efforts. Mihilewicz did attend daily meetings where he listened to updates and other news about the protest. He also did give a few radio interviews; however, he did not participate in a meaningful way on social media.

34. In response to the allegations at paragraph 38 of the Claim, These Defendants agree that the defendant, Tiessen, resides in Grand Forks, British Columbia. In early 2022, Tiessen was an unemployed trucker. Tiessen drove to Ottawa around that time to participate in the Freedom Convoy protest. However, Tiessen did not drive a tractor-trailer unit to Ottawa; rather, he drove to Ottawa in a normal SUV vehicle.

35. In further response to the allegations at paragraph 38 of the Claim, These Defendants say that Tiessen was not involved in fundraising efforts. Tiessen did attend daily meetings where he listened to updates and other news about the protest. Tiessen also spent some time on “security detail” with the defendant, Gasior, as stated above.

36. In further response to the allegations at paragraph 38 of the Claim, These Defendants admit that Tiessen was a “road captain” on the trip to Ottawa; however, they deny that this role meant that Tiessen was an “organizer” or otherwise a “leader” of the Freedom Convoy in any meaningful capacity. Tiessen’s role as “road captain” was to organize the trucks that were joining the convoy in British Columbia. Tiessen was not a formal “liaison” between the convoy and British Columbia

drivers at any time during the protest. He had no formal authority whatsoever as a “road captain”, whether in relation to British Columbia drivers or anyone else.

37. In further response to the allegations at paragraph 38 of the Claim, neither Tiessen nor any of the drivers from British Columbia had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

38. These Defendants have no knowledge of the allegations at paragraph 39 of the Claim.

39. In response to the allegations at paragraph 40 of the Claim, These Defendants admit that Freedom 2022 HRF was incorporated during the protest as a not-for-profit corporation, in order to receive and manage the very substantial public donations made to the Freedom Convoy. These Defendants deny the last sentence of paragraph 40, which is no longer accurate.

40. These Defendants have no knowledge of the allegations at paragraphs 41-42 of the Claim.

41. In response to the allegations at paragraph 43 of the Claim, These Defendants deny that they or the other defendants referred to at paragraph 43 were “responsible” for the various generic activities listed therein. There were never any such “responsibilities” in the sense that either These Defendants or the other so-called “Organizer Defendants” had any definite roles to play while participating in the Freedom Convoy. There were no such roles other than supporting the exercise of Canadians’ *Charter*-protected fundamental freedoms including freedom of expression and peaceful assembly. There was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to commit the alleged torts of private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private

and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

42. In further response to the allegations at paragraph 43 of the Claim, These Defendants deny that the various generic activities described at paragraph 43 of the Claim were things that they or the other so-called “Organizer Defendants” ever contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. There was never a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy.

43. In further response to the allegations at paragraph 43 of the Claim, These Defendants state that their goal in exercising their *Charter*-protected fundamental freedoms including freedom of expression and peaceful assembly was simply for someone from the federal government to listen to them and their concerns about the ongoing Covid-19 vaccine mandates. They had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that they had been seeing them inflict on Canadians. They felt that they needed to exercise their democratic rights. They felt that this was important for Canadians who had been living under government lockdowns and restrictions for two years. Their goal was to peacefully assemble and to be express their concerns to be heard by elected and other governmental officials. They wanted to express their strong disagreement with the government’s Covid-19 vaccine mandates and other policies, and they wanted to support their fellow protestors and other Canadians who felt the same as them about the harms the government was causing. They wanted the government mandates to end and their rights respected.

44. In response to the allegations at paragraph 44 of the Claim, These Defendants admit that the defendant, Jonker, resides in West Lincoln, Ontario, and that at the time of the Freedom

Convoy protest he was also a town councillor for the Township of West Lincoln. Jonker is a trucker, and is a co-owner and co-operator of the defendant, Jonker Trucking Inc., a trucking company.

45. In further response to the allegations at paragraph 44 of the Claim, These Defendants admit that Jonker personally drove a tractor-trailer truck to the Freedom Convoy protest in Ottawa; however, they deny that there were any “tortious activities” that took place there, or that Jonker participated in any “tortious activities”. Neither Jonker nor any of the drivers from southwestern Ontario had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind. Aside from a few occasions that took place on the first day of the protest upon his arrival in Ottawa (in response to children who saw Jonker’s truck and motioned for him to honk his horn), Jonker never honked any horns during the protest.

46. In further response to the allegations at paragraph 44 of the Claim, These Defendants also confirm that Jonker was a vocal supporter of the Freedom Convoy protest, and that Jonker gave a number of media interviews while he was in Ottawa. That said, These Defendants deny that any such interviews were to “support, encourage and promote the ongoing occupation of Ottawa”.

47. In further response to the allegations at paragraph 44 of the Claim, These Defendants admit that Jonker was a “road captain” for southwestern Ontario. His role was to organize the trucks that were joining the convoy from southwestern Ontario, bound for Ottawa. The convoy of trucks that Jonker was involved with started out from Fort Erie, Ontario. During the convoy itself, Jonker tried to ensure that truckers were safe as they proceeded to Ottawa. Jonker also would communicate with the police along the way in terms of what routes to take and follow their directions.

48. In response to the allegations at paragraph 45 of the Claim, These Defendants admit that JTI is a corporation based in Ontario that owns and operates several tractor-trailer trucks, and that twelve such trucks were driven to Ottawa to take part in the Freedom Convoy protest. JTI was affected by the Covid-19 vaccine mandates that the government had recently imposed on the truckers. JTI decided not to require its employees to become vaccinated; as such, JTI could not run trucks into the United States and back due to the federal government's new regulations that came into effect in January 2022. Accordingly, JTI decided that it was important to participate in the protest as an expression of its disapproval of the government's Covid-19 policies and its support of the other protestors.

49. In further response to the allegations at paragraph 45 of the Claim, These Defendants deny that JTI's trucks were driven to Ottawa "and used to participate in the tortious activities of the Freedom Convoy protest". These Defendants deny that JTI "was aware of its trucks being used in this manner".

50. In response to the allegations at paragraph 46 of the Claim, These Defendants admit that the defendant Howland is a businessman who resides in Kars, New Brunswick. He is the President of Easy Kleen Pressure Systems Ltd. ("**Easy Kleen**"), a New Brunswick corporation, which is based in Sussex, New Brunswick.

51. In further response to the allegations at paragraph 46 of the Claim, These Defendants admit that Howland supported the goals of the Freedom Convoy and through his company donated \$75,000 USD on or about February 9, 2022 to the "GiveSendGo" fundraising campaign. However, at no time did Howland ever believe, or have reason to believe, that the Freedom Convoy's activities were "tortious" or "unlawful" at any point during the events that led to this proceeding. Howland never had any intention, at any time, to "support, encourage and facilitate" anything

tortious or unlawful in response to the Freedom Convoy's activities. Rather, Howland's intention at all times in making the donation in question was to support the peaceful goals of the Freedom Convoy protest. Howland's goal was to express support for the peaceful protestors in Ottawa and to express strong disapproval of and opposition to the federal government's Covid-19 vaccine mandates and other related policies. These Defendants deny the balance of the allegations at paragraph 46 of the Claim.

52. These Defendants deny the allegations at paragraph 47 of the Claim.

53. These Defendants deny the allegations at paragraph 48 of the Claim.

54. These Defendants deny the allegations at paragraphs 49-50 of the Claim and say further that the description of the so-called "Occupation Zone" is arbitrary and overbroad.

55. These Defendants deny the allegations at paragraphs 51-53 of the Claim and say that the proposed classes of plaintiffs (i.e. the "Resident Class", the "Business Class" and the "Employee Class") do not meet the test for certification under the *Class Proceedings Act, 1992*, S.O. 1992, c. 6. Accordingly, this action cannot proceed as a class proceeding.

56. Furthermore, in the circumstances of this case, These Defendants say that the plaintiffs' attempt to certify the proposed classes of plaintiffs and defendants is bound to fail. Nonetheless, the plaintiffs persevere with their attempt in an effort to disproportionately and artificially overinflate the value of their claim in this proceeding. The plaintiffs' misuse of the mechanisms in the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 is so unreasonable and untenable as to amount to an abuse of process.

57. In response to the allegations at paragraph 54 of the Claim, These Defendants admit that a number of trucks were located in downtown Ottawa for the duration of the Freedom Convoy protest. As pleaded below, the trucks in question were directed park in downtown Ottawa by the

Ottawa Police Service, despite the fact that the truckers had previously been advised by the Ottawa Police Service that they would be parking outside of downtown.

58. In response to the allegations at paragraph 55 of the Claim, These Defendants admit the allegations in the first three sentences of paragraph 55 but deny the allegations in the last sentence of paragraph 55.

59. In response to the allegations at paragraph 56 of the Claim, These Defendants repeat and rely on the pleadings set out elsewhere in this Statement of Defence in response to JTI's participation in the Freedom Convoy protest. These Defendants deny the last sentence of paragraph 56 in its entirety.

60. These Defendants reject the allegations and claims made at paragraph 57-58 of the Claim.

61. In response to the allegations at paragraph 59 of the Claim, These Defendants admit that Howland was a supporter of the Freedom Convoy, and that on or about February 10, 2022 he travelled by pick-up truck to Ottawa to observe the peaceful protest. However, Howland left Ottawa on the same day that he arrived. He had no meaningful involvement in the protest itself; he merely walked around the protest area as an observer. Howland had no meaningful connection with any of the other so-called "Organizer Defendants", or with any of the other defendants, including any of the so-called "Donor Class Defendants" and "Trucker Class Defendants". These Defendants deny the last sentence of paragraph 59 in its entirety.

62. In response to the allegations at paragraph 60 of the Claim, These Defendants admit that in January 2022, the defendant Barber was in contact with the co-defendants James Bauder and Brigitte Belton. Their discussions did culminate in the idea of forming a convoy and travelling to Ottawa to stage a peaceful protest in opposition to the federal government's Covid-19 vaccine mandates. However, there was no "plan" to "cause heavy traffic with large vehicles and create

gridlock by occupying downtown Ottawa for several days”. Moreover, Barber had nothing to do with “Operation Bearhug”. That name was given to a different concept that the co-defendant Bauder had conceived of.

63. In response to the allegations at paragraph 61 of the Claim, These Defendants admit that on or about January 11, 2022, Barber and the co-defendants James Bauder and Brigitte Belton came into contact with the co-defendant Pat King and asked for his help in publicizing the Freedom Convoy protest idea.

64. These Defendants have no knowledge of the allegations at paragraph 62 of the Claim.

65. These Defendants generally admit the allegations at paragraphs 63-68 of the Claim.

66. These Defendants have no knowledge of the allegations at paragraphs 69-71 of the Claim.

67. In response to the allegations at paragraph 72 of the Claim, These Defendants reject the notion that they, along with any of the other so-called “Organizer Defendants”, “decided” that “the plan was to occupy downtown Ottawa for an indefinite period of time until their political demands were met”. These Defendants deny entirely the third sentence of paragraph 72. There was never any such “common intention” as described in that sentence.

68. In response to the allegations at paragraph 73 of the Claim, These Defendants generally agree that by January 21, 2022, or about that date, the GoFundMe fundraising campaign had received approximately \$1 million in donations. These Defendants have no knowledge of whether this fundraising result “persuaded many of the Trucker Class Defendants to join the Freedom Convoy and travel to Ottawa”.

69. In response to the allegations at paragraph 74 of the Claim, These Defendants deny that they and other so-called “Organizer Defendants” had a “common plan” to “seriously interfere with the rights of the class members”.

70. In response to the allegations at paragraphs 75 and 76 of the Claim, These Defendants generally admit that they and other so-called Organizer Defendants did connect in some ways and at some times to more effectively communicate (a) their opposition to government Covid vaccine mandates and (b) their desire for the government to listen to their concerns; to help support the needs of their fellow protestors; and to work to ensure that the protest remained peaceful. However, These Defendants deny that those efforts resulted in any kind of formal hierarchy, organization or “central command” that would go on to control and direct the Freedom Convoy in any appreciable way.

71. These Defendants generally admit the allegations in paragraph 77 of the Claim subject to the following clarification. Along with others, Lich prepared a Code of Conduct and registration form. Barber was not involved with the preparation of either document. The registration form was created to facilitate providing funds to Freedom Convoy protest participants in an organized manner. The Code of Conduct was created to ensure that participants would engage in peaceful protest and follow the directions of the police. The intention was that people who violated the Code of Conduct would not receive funds, in an effort to help ensure that protesters remained peaceful and respectful.

72. In response to the allegations at paragraph 78 of the Claim, These Defendants agree that the Freedom Convoy departed from British Columbia on or about January 23, 2022. Lich joined the convoy in Alberta on or about January 24, 2022 and travelled to Ottawa by riding with Chris Barber in his tractor-trailer truck.

73. In response to the allegations at paragraph 79 of the Claim, again, These Defendants admit that Tiessen acted in a limited manner as a “road captain”, meaning that he organized the trucks and vehicles that formed the bulk of the convoy beginning in British Columbia, heading east.

74. In response to the allegations at paragraph 80 of the Claim, These Defendants admit that Gasior acted in a limited manner as a “road captain”, meaning that she led some trucks from Lloydminster to Regina, whereupon trucks then joined the main convoy and continued to Ottawa.

75. In further response to the allegations at paragraph 80 of the Claim, These Defendants deny that Gasior owns or maintains a Facebook page called “Saskatchewan Citizens Uncensored”, nor has she ever owned or maintained such a page.

76. In response to the allegations at paragraph 81 of the Claim, These Defendants admit that Mihilewicz acted in a limited manner as a “road captain”, meaning that he led some trucks from Prince Albert to Regina, whereupon a few of them joined the main convoy and continued to Ottawa.

77. In response to the allegations at paragraph 82 of the Claim, These Defendants admit that Enns acted in a limited manner as a “road captain”, meaning that he helped organize trucks from Manitoba that joined the main convoy as it passed through Brandon and Winnipeg and continued to Ottawa.

78. These Defendants have no knowledge of the allegations at paragraph 83 of the Claim.

79. These Defendants generally admit the allegations at paragraph 84 of the Claim.

80. These Defendants deny the allegations at paragraphs 85-86 of the Claim in their entirety.

81. In response to the allegations at paragraphs 87-89 of the Claim, These Defendants agree that Freedom Convoy trucks began to arrive in Ottawa around January 28, 2022. However, These Defendants reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. These Defendants further reject the allegation that this was in any way a “plan” by the

so-called Organizer Defendants, or any other defendants, to “‘gridlock’ downtown Ottawa”. There was no such “plan”.

82. On the contrary, none of the defendants in this proceeding had originally expected to park any Freedom Convoy vehicles on the streets of downtown Ottawa. Rather, everyone had been expecting that Freedom Convoy vehicles would park in “staging areas” selected by the Ottawa Police Service located away from residential downtown Ottawa, and that shuttles or other forms of transportation would ferry protestors from those staging areas to Parliament Hill for peaceful assembly. Those staging areas were lengthy designated stretches of Sir John A. MacDonald Parkway (to the west of downtown) and Sir George Etienne Cartier Parkway (to the east of downtown), which collectively were able to accommodate approximately 2,500 tractor-trailer units. A third staging area was located on Wellington St., in front of the Parliament Buildings, which was able to accommodate only a small number of trucks (i.e. less than 40 trucks).

83. These Defendants say that the Ottawa Police Service provided maps and instructions on where trucks should park and what routes they should take to arrive at the various staging locations. This was a plan that had been communicated to the protestors by the Ottawa Police Service before trucks began to arrive in Ottawa. All protestors including the defendants in this proceeding were expecting to adhere to the police plan.

84. However, as trucks started to arrive in Ottawa, the police changed the plan. These Defendants have no knowledge as to why the police changed the plan. Rather than guiding trucks to the various agreed-upon staging areas, Ottawa Police Service vehicles instead led trucks to the downtown core and directed them to park all over downtown Ottawa. As required pursuant to section 134(1) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8, protestors followed the directions of the Ottawa Police Service (or other authorities) and parked their trucks as directed. None of the

defendants ever had the intention to park downtown, near residences, in order to disturb Ottawa residents.

85. Moreover, These Defendants say that once the trucks were parked downtown, no one subsequently ordered any trucks to move or relocate to a different part of the city until the protest ended weeks later, after the federal government declared a public order emergency.

86. In response to the allegations at paragraph 88 of the Claim, These Defendants deny that Jonker parked his tractor-trailer truck on Wellington Street, as alleged. Rather, These Defendants say that as Jonker was heading to Ottawa, he, like the other defendants, was expecting to receive instructions from the Ottawa Police Service about where he was supposed to park his truck. Ultimately, Ottawa Police Service officers directed Jonker to park in downtown Ottawa – not at one of the “staging areas” located outside of downtown. Jonker and the other JTI trucks (except one, that ended up parking on Wellington Street near Parliament) were directed to park on Queen Elizabeth Driveway in single file along the Rideau Canal in what appeared to be a residential area, which they did. It is unknown why the Ottawa Police Service directed Jonker and other JTI vehicles to park downtown and not at a “staging area”, as planned.

87. Owing to the fact that they were located in a residential area, These Defendants say that Jonker was concerned about where he and the other JTI trucks were parked. Jonker did not want to bother the residents in that neighbourhood. Accordingly, after staying at that location for a few hours, Jonker asked a police officer nearby if he and the other JTI trucks could relocate to a parking lot area that was to become known as “Coventry”. The police officer gave Jonker permission to move the trucks there, and so that is what they did. The truck located on Wellington Street stayed on Wellington Street, however.

88. Jonker's own JTI truck remained at the Coventry location until he personally moved it to another yard (known as "Yard 88") located outside the City of Ottawa several days later. The remaining JTI trucks that had relocated with Jonker to the Coventry location did not remain at the Coventry location for the duration of the protest, but rather would move around from time to time to other locations in the protest area. Jonker was, however, not in control over, and did not direct, where those trucks went on any given day, or how long they stayed there, or what the drivers of those trucks did at those times.

89. In response to the allegations at paragraph 90 of the Claim, These Defendants have no knowledge of the allegations in the first two sentences of paragraph 90 and deny the allegations in the last sentence.

90. These Defendants have no knowledge of the allegations at paragraphs 91-92 of the Claim.

91. These Defendants generally admit the allegations at paragraph 93 of the Claim.

92. In response to the allegations at paragraph 94 of the Claim, These Defendants admit that vehicles were located in downtown Ottawa during the Freedom Convoy protest. These Defendants have no knowledge of the precise allegations at paragraph 94 and put the plaintiffs to the strict proof thereof.

93. In response to the allegations at paragraph 95 of the Claim, These Defendants deny that the Freedom Convoy vehicles constituted a "blockade", or that it was "impossible" or "almost impossible" for other vehicles to pass through the downtown Ottawa core.

94. In response to the allegations at paragraph 96 of the Claim, These Defendants admit that some of the "Organizer Defendants" would deliver various supplies to protestor truck drivers from time to time. However, Tiessen did not do so. These Defendants deny that "the trucks remained running all day and night".

95. These Defendants deny the allegations at paragraph 97 of the Claim in their entirety.

96. In response to the allegations at paragraphs 98-99 of the Claim, These Defendants admit that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, These Defendants reject all of the precise allegations in these paragraphs, including the allegation that they were in any way directly responsible for the establishment of the “Coventry” location. The “Coventry” staging area was not selected by the protestors. Rather, it was selected by the Ottawa Police Service as an “overflow” location for use by the protestors, and it was the Ottawa Police Service that directed trucks to that location.

97. In further response to the allegations at paragraphs 98-99 of the Claim, These Defendants say that there was never any coordinated effort on behalf of Bulford and Marazzo to manage or coordinate the logistics at the “Coventry” staging area in any way. People at “Coventry” did not take instructions from either Bulford or Marazzo in any way.

98. In response to the allegations at paragraph 100 of the Claim, These Defendants admit that on at least one occasion, Lich and Barber visited the Coventry location to visit the protestors who were there. However, neither Lich nor Barber had anything to do with the “Coventry” location in any meaningful way.

99. In response to the allegations at paragraphs 101-109 of the Claim, These Defendants agree that, from time to time, they and/or the other so-called Organizer Defendants would communicate with other protestors through various social media channels, meet daily at various hotels in downtown Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. These Defendants also admit that a telephone “hotline” was created for protestors so they could call with immediate needs or concerns. These Defendants, however, deny all specific allegations at paragraphs 101-109, including the allegations that these activities were in any way

part of a “common design” on the part of any of the defendants, as alleged in the Claim. These Defendants also reject the characterization of the Freedom Convoy protest as an “occupation”.

100. In response to the allegations at paragraphs 110-118 of the Claim, These Defendants admit that there were many instances where Freedom Convoy protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. However, These Defendants deny all the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither These Defendants nor any of the other so-called Organizer Defendants ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. These Defendants reject the allegation that they had any authority to do so, or that any of the other protestors would have followed any such instructions. These Defendants also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”.

101. In response to the allegations at paragraphs 119-142 of the Claim, These Defendants admit that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. However, These Defendants deny the balance of the specific allegations and reject all claims contained at paragraphs 119-142.

102. These Defendants deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

103. In response to the allegations at paragraphs 152-162 of the Claim, These Defendants agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which

was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. These Defendants deny all other specific allegations in these paragraphs.

104. In response to the allegations at paragraphs 163-173 of the Claim, These Defendants generally admit that the various declarations of emergency referred to in these paragraphs were issued, and that Lich and Barber have been charged with various offences related to their participation in the Freedom Convoy protest. These Defendants deny all other specific allegations in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

105. These Defendants deny the allegations at paragraphs 174-223 of the Claim and put the plaintiffs to the strict proof thereof.

106. In response to the allegations at paragraphs at paragraphs 224-228 of the Claim, These Defendants deny all allegations and deny that their actions or omissions, or those of any of the defendants, constituted a private nuisance at any time, and put the plaintiffs to the strict proof thereof. In particular, the plaintiffs have failed to even identify which of These Defendants, or any of the defendants, are alleged to have actually caused a private nuisance against any plaintiff or plaintiffs.

107. In response to the allegations at paragraphs at paragraphs 229-235 of the Claim, These Defendants deny all allegations and deny that their actions or omissions, or those of any of the defendants, constituted a public nuisance at any time, and put the plaintiffs to the strict proof thereof. In particular, the plaintiffs have failed to even identify which of These Defendants, or any of the defendants, are alleged to have actually caused a public nuisance against any plaintiff or plaintiffs.

108. In response to the allegations at paragraphs 236-241, These Defendants deny that the plaintiffs have sustained or will sustain the damages or losses described in the Claim and put the plaintiffs to the strict proof thereof.

109. Further, if the plaintiffs sustained the damages and losses as alleged in the Claim, which is not admitted but specifically denied, such damages and losses were not caused by, and did not occur as a result of, any wrongdoing, private nuisance, public nuisance or other tortious conduct on These Defendants' part. Any such damages and losses were caused by the failure of the Ottawa Police Service to ensure that Freedom Convoy vehicles did not park in downtown Ottawa at the beginning of the protest, as originally planned. These Defendants plead and rely on the doctrine of *novus actus interveniens* as part of their defence.

110. Further, These Defendants plead that any damages or losses claimed by the plaintiffs, which are not admitted but specifically denied, are too remote, excessive, and arise as a result of the plaintiffs' failure, refusal and neglect to take all reasonable, prudent and proper steps to mitigate their damages.

111. Further, or in the alternative, These Defendants state that any damages or losses suffered by the plaintiffs, which are not admitted but specifically denied, were beyond their control.

112. Further, or in the alternative, These Defendants plead that if the plaintiffs sustained any damages or losses, which is not admitted but specifically denied, then such damages or losses were the result of the conduct of the Ottawa Police Service in failing to ensure that Freedom Convoy vehicles did not park in downtown Ottawa at the beginning of the protest, as originally planned, and are therefore not These Defendants' fault.

113. These Defendants plead and rely on the relevant provisions of the *Highway Traffic Act*, R.S.O. 1990, c. H.9 (in particular, section 134(1) thereof) and the *Class Proceedings Act*, 1992, S.O. 1992, c. 6.

114. These Defendants propose that this action be tried at a location other than Ottawa.

August 25, 2023

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TO: CHAMP & ASSOCIATES

[REDACTED]

Paul Champ (LSO# 45305K)

[REDACTED]

Counsel for the Plaintiffs

AND TO: JIM KARAHALIOS PROFESSIONAL CORPORATION

[REDACTED]

Dimitrios (Jim) Karahalios (LSO# 56101S)

[REDACTED]

NAYMARK LAW

[REDACTED]

Daniel Z. Naymark (LSO# 56889G)

[REDACTED]

**Counsel for the Defendants,
GiveSendGo LLC, Jacob Wells, Chris Garrah,
Nicholas St. Louis, Benjamin Dichter and Brigitte Belton**

AND TO: OVERWATER BAUER LAW

[REDACTED]

Shelley Overwater

[REDACTED]

**Counsel for the Defendants, Patrick King
And Joe Janzen**

AND TO: CHAD EROS

[REDACTED]

[REDACTED]

Defendant

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

STATEMENT OF DEFENCE

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF SELENA BIRD

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 3

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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*

AFFIDAVIT OF BRAD HOWLAND

I, BRAD HOWLAND, of the Town of Kars in the Province of New Brunswick, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the “**Claim**”), I admit that many of the other defendants did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Their goal, as I understand it, was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

4. In response to paragraph 46 of the Claim, I admit that I am a businessman who resides in Kars, New Brunswick. I also admit that I am the President of Easy Kleen Pressure Systems Ltd. (“**Easy Kleen**”), a New Brunswick corporation, which is based in Sussex, New Brunswick.

5. The second sentence of paragraph 46 of the Further Fresh as Amended Statement of Claim alleges that “*Howland supported the activities of the Freedom Convoy and through his company donated \$75,000 USD on or about February 9, 2022 to GiveSendGo to support, encourage and facilitate the ongoing tortious and unlawful activities of the Freedom Convoy protest.*” I confirm that the alleged donation was in fact made. However, at no time did I or Easy Kleen ever believe, now do I or Easy Kleen believe now, that the Freedom Convoy’s activities were “tortious” or “unlawful” at any point during the events that led to this proceeding. I and Easy Kleen reject any such suggestion. Neither I nor Easy Kleen ever had any intention, at any time, to “support, encourage and facilitate” anything tortious or unlawful with respect to the Freedom Convoy’s activities. Rather, the intention at all times in making the donation in question was to support the peaceful goals of the Freedom Convoy protest. The goal was to express support for the protestors in Ottawa and to express strong disapproval of and opposition to the federal government’s Covid-19 vaccine mandates and other related policies.

6. I deny the allegations at paragraphs 48 and 49 of the Claim in their entirety.

7. I reject the allegations at paragraph 58 of the Claim in their entirety.

8. In response to the allegations at paragraph 59 of the Claim, I agree that I was a supporter of the Freedom Convoy, and that on or about February 10, 2022 I travelled by pick-up truck to Ottawa to observe the protest. However, I left Ottawa on the same day that I arrived and drove back to my home in New Brunswick. I had no meaningful involvement in the protest itself; I merely walked around the protest area to see what was happening. I never honked any horns or incited anyone to do so. I had no meaningful connection with any of the other so-called “Organizer Defendants”, or with any of the other defendants, including any of the so-called “Donor Class Defendants” and “Trucker Class Defendants”. Other than making the donation referred to above, I had no meaningful involvement with the protest at all.

9. I have no personal knowledge of the allegations at paragraphs 60-127 of the Claim.

10. In response to the allegations at paragraphs 128-130 of the Claim, I deny that on or after February 4, 2022, I knew or “ought to have known” about the alleged “tortious activities” of the other defendants. I deny that any such activities were in fact tortious or illegal. I deny that the donation referred to above was made “expressly to provide support for the Trucker Class Defendants so they could continue with their activities of blocking the streets of Ottawa, idling their trucks, and blaring their horns”. I am not aware of any evidence that would demonstrate that that was my own express intention. Simply put, that was not my intention. My intention was to support the Freedom Convoy as a peaceful, lawful and constitutional protest.

11. I have no personal knowledge of the allegations at paragraphs 131-138 of the Claim.

12. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations from donors across Canada and beyond. That said, I deny all of the specific allegations in these paragraphs, particularly that the

raising of money by the Freedom Convoy protest was in any way “for the express purpose of supporting the indefinite truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”. Such allegations are completely without merit.

13. I also deny the allegations made against the so-called “Donor Class Defendants”, at paragraphs 140-142 of the Claim, in their entirety. I never had any such intentions as alleged. I am certainly not aware of any “common design”, between myself any other individuals, to commit or further the commission of the torts or private and/or public nuisance, or any other tortious conduct, by anyone, against anyone. I am not aware of any evidence that would support such an allegation.

14. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

15. I have no knowledge with respect to the allegations at paragraphs 152-162 of the Claim.

16. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations against me and the other defendants in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

17. With respect to the allegations at paragraphs 174-223 of the Claim, I have no knowledge of any of them.

18. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

19. Speaking for myself personally, all of the activities described above were done in an effort to express my strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

SWORN REMOTELY by videoconference by)
Brad Howland at the [REDACTED])
in the Province of [REDACTED])
before me at the City of [REDACTED])
in the Province of Ontario,)
on the 21st day of August, 2023)
in accordance with O.Reg 431/20.)



JAMES MANSON, LSO# 54963K
Barrister & Solicitor



BRAD HOWLAND

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

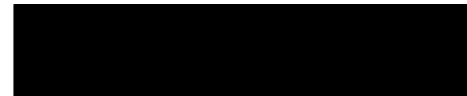
ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF BRAD HOWLAND

CHARTER ADVOCATES CANADA



James Manson (LSO# 54963K)



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

TAB 4

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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*

AFFIDAVIT OF DALE ENNS

I, DALE ENNS, of the Town of Winkler in the Province of Manitoba, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the “**Claim**”), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

4. In response to the allegations at paragraph 30 of the Claim, I agree that I reside in Winkler, Manitoba. I am a trucker, and I did drive my tractor-trailer truck to Ottawa to participate in the Freedom Convoy protest. In fact, I also delivered a load to Ottawa while participating in the convoy.

5. In further response to the allegations at paragraph 30 of the Claim, I agree that I was a “road captain” for part of the trip to Ottawa; however, I deny that this role meant that I was an “organizer” or otherwise a “leader” of the Freedom Convoy in any capacity. In reality, my role as “road captain” was simply to organize trucks in Manitoba that would ultimately join up (in both Brandon and Winnipeg) with the main body of the convoy as it headed east.

6. Contrary to the allegations in paragraph 30 of the Claim, I was not a “liaison” between the convoy and Manitoba drivers at any time during the protest. To be clear, I had no authority in Ottawa whatsoever as a “road captain”, whether in relation to Manitoba drivers or anyone else.

7. In further response to the allegations at paragraph 30 of the Claim, neither I nor, to the best of my knowledge, any of the drivers from Manitoba had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

8. In response to the allegations at paragraph 43 of the Claim, I deny that I or any of the other defendants referred to at paragraph 43 were “responsible” for the various generic activities

listed therein. There were never any such “responsibilities” in the sense that either I or the other so-called “Organizer Defendants” had any definite roles to play while participating in the Freedom Convoy. There were no such roles. Moreover, even had such roles existed, I personally had no such role whatsoever. There was no hierarchy or indeed any real organizational structure at all. There was certainly never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to commit the torts or private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

9. Furthermore, I deny that the various generic activities described at paragraph 43 of the Claim were things that I or the other so-called “Organizer Defendants” ever even contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. These words suggest a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy – by way of example, that the so-called “Organizer Defendants” somehow came up with a plan to use truck horns as a form of protest, and to coordinate times where horns would be blown in unison, in order to disrupt the lives of Ottawa residents as much as possible. To be clear, I am not aware that there was ever any such “strategy” or “tactic”. To the extent that the Claim alleges any such strategy or tactics, those allegations are unfounded.

10. Further still, I myself had almost no role to play at all once the convoy arrived in Ottawa. I never honked an air horn, nor did I ever encourage, incite or direct anyone to do so. Nor was I involved in fundraising efforts, or with the media.

11. I did attend daily meetings where I listened to updates and other news about the protest; however, I never participated in a meaningful way in such meetings.

12. In reality, I did very little in Ottawa. Most of the time I was simply a passive protestor, “hanging around” and participating in the demonstration by my very presence. I would also walk around the protest area and speak to other truckers and ask if they needed anything. I would also assist in delivering supplies to those who did need something, and other things of that nature. I saw myself, essentially, as a “spare pair of hands”. I thus do not believe that my role in Ottawa was such that I could fairly be described as an “organizer” of the protest in any way.

13. Contrary to the allegations at paragraph 43 of the Claim, my goal in participating in the Freedom Convoy was simply for somebody from the federal government to come and listen to us and listen to the concerns that we had, about the ongoing Covid-19 vaccine mandates, particularly with respect to cross-border trucking. I had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. I felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the government’s Covid-19 vaccine mandates and other policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

14. To the best of my knowledge, all of the other defendants participated in the Freedom Convoy for similar reasons, and with similar goals.

15. I deny the allegations at paragraphs 48 and 49 of the Claim in their entirety.

16. In response to the allegations at paragraph 72 of the Claim, I reject the notion that I, along with any of the other so-called “Organizer Defendants”, “decided” that “the plan was to occupy downtown Ottawa for an indefinite period of time until [our] political demands were met”. I deny entirely the third sentence of paragraph 72. To the best of my knowledge, there was never any such “common intention” as described in that sentence.

17. In response to the allegations at paragraph 74 of the Claim, again I deny that I or the so-called “Organizer Defendants” had a “common plan” to “seriously interfere with the rights of the class members”. This is simply untrue.

18. In response to the allegations at paragraphs 75 and 76 of the Claim, I generally admit that the other so-called “Organizer Defendants” made some efforts to discuss and coordinate plans, and divide responsibilities among ourselves to oversee planning and logistics, and manage social media and fundraisers. However, I deny that those efforts resulted in any kind of formal hierarchy, organization or “central command” that would go on to control and direct the Freedom Convoy in any appreciable way.

19. In response to the allegations at paragraph 81 of the Claim, again, I admit that I acted in a limited manner as a “road captain”, meaning that I helped organize trucks from Manitoba that joined the main convoy, as it passed through Brandon and Winnipeg, and continued to Ottawa.

20. I deny entirely the allegations at paragraph 85 of the Claim.

21. I deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such “tactic”.

22. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around January 28, 2022. I myself arrived in Ottawa on

or around that date. However, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by the so-called “Organizer Defendants” to “‘gridlock’ downtown Ottawa”. There was no such “plan”, to the best of my knowledge.

23. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core.

24. In response to the allegations at paragraph 96 of the Claim, I agree that some of the “Organizer Defendants”, including me, would do what we could to help out in general as we saw a need, including delivering various supplies to truck drivers from time to time. However, it is untrue that “the trucks remained running all day and night”.

25. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim. I personally never saw any trucks at all idling 24 hours per day for the duration of the protest.

26. In response to the allegations at paragraphs 98-99 of the Claim, I agree that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, I reject all of the precise allegations in these paragraphs.

27. In response to the allegations at paragraphs 101-109 of the Claim, I agree that, from time to time, I and/or the other so-called “Organizer Defendants” would communicate with the other protestors through various social media channels, meet daily at various hotels in downtown

Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. That said, I deny the specific allegations in these paragraphs, including the allegations that these activities were in any way part of a “common design” on the part of any of the defendants, as alleged in the Claim. I also reject the characterization of the Freedom Convoy protest as an “occupation”.

28. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were many instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither I nor, to the best of my knowledge, any of the other so-called “Organizer Defendants” ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. I reject the very notion that I had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”. To the best of my recollection, I personally never honked any horns at all during the Freedom Convoy protest.

29. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. That said, I deny all of the specific allegations in these paragraphs, particularly that the raising of money by the Freedom Convoy protest was in any way “for the express purpose of supporting the indefinite

truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”.

30. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

31. In response to the allegations at paragraphs 152-162 of the Claim, I agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. That said, I deny all other specific allegations in these paragraphs.

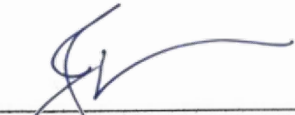
32. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

33. With respect to the allegations at paragraphs 174-223 of the Claim, I have no knowledge of any of them.

34. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

35. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

SWORN REMOTELY by videoconference by)
Dale Enns at the [REDACTED])
in the [REDACTED] ,)
before me at the City of [REDACTED])
in the Province of Ontario)
on the 18th day of August, 2023)
in accordance with O.Reg 431/20.)



JAMES MANSON, LSO# 54963K
Barrister & Solicitor



DALE ENNS

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF DALE ENNS

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 5

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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*

AFFIDAVIT OF DANIEL BULFORD

I, DANIEL BULFORD, of the Town of Beaverlodge in the Province of Alberta, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. I have never been a trucker. I have never owned or operated a tractor-trailer unit anywhere, for any purpose. I do not possess and have never possessed a Class 1 driver's licence, or any licence that would permit me to operate a tractor-trailer unit.

4. I was a member of the Royal Canadian Mounted Police ("**RCMP**"), from August 2006 to December 2021. For the first 6.5 years of my employment with the RCMP, I was a general duty constable in the Yukon. Following that, I was transferred to Ottawa where I served as a full-time sniper/observer on the National Division Emergency Response Team. I resigned in December 2021 since, as a result of having spoken out publicly against the federal government's Covid-19 vaccination mandate, my security clearance had been revoked, and I believed that I would be subject to disciplinary action, including termination. I discovered that if I were terminated for "misconduct", which I suspected would be the position taken by the RCMP, I would lose roughly half of my pension entitlement. I thus made the decision to pre-emptively resign rather than run the risk of not being able to provide for my family adequately.

5. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the "**Claim**"), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

6. In response to the allegations at paragraph 29 of the Claim, I confirm that I reside in the Province of Alberta. I also confirm that I participated in the "Freedom Convoy" protest that took place in Ottawa in January and February of 2022. My original role for the protest was to work with others to provide a volunteer security presence for certain individuals (i.e. The Hon. Brian

Peckford, Dr. Byram Bridle, Dr. Paul Alexander, Dr. Francis Christian, Dr. Eric Payne and Dr. Julie Ponesse) appearing publicly as guest speakers during the protest. However, that never came to pass. My ultimate role came to be that of a liaison between the protest and the Ottawa Police Service, the Parliamentary Protective Service, the Ontario Provincial Police and the RCMP. My primary function was to triage information relating to anything that might have been construed as a threat to public safety and to forward such information to the different police organizations with whom I was in contact.

7. I also participated in a number of press conferences during the course of the protest.

8. That all said, I reject the allegations at paragraph 29 that I played an “important logistical and coordinating role in the tactical planning and execution of the tortious horn blasting and idling trucks”. That is totally false. I am not aware of any evidence that would support such an allegation.

9. In response to the allegations at paragraph 43 of the Claim, I deny that I or any of the other defendants referred to at paragraph 43 were “responsible” for the various generic activities listed therein. There were never any such “responsibilities” in the sense that either I or the other so-called “Organizer Defendants” had any formal or definite roles to play while participating in the Freedom Convoy. There were no such roles. There was certainly never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to commit the torts or private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

10. Furthermore, I deny that the various generic activities described at paragraph 43 of the Claim were things that I or the other so-called “Organizer Defendants” ever contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. These words suggest a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy – by way of example, that the so-called “Organizer Defendants” somehow came up with a plan to use truck horns as a form of protest, and to coordinate times where horns would be blown in unison, in order to disrupt the lives of Ottawa residents as much as possible. To be clear, there was never any such “strategy” or “tactic”. To the extent that the Claim alleges any such strategy or tactics, those allegations are unfounded.

11. Contrary to the allegations at paragraph 43 of the Claim, my goal in participating in the Freedom Convoy was to support the protest in any way that I could. I had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. Personally, the mandates had resulted in the loss of my career, which I passionate about. Moreover, I was very concerned about the loss of my and my family’s personal freedoms. My wife and I were no longer permitted access to public spaces. We couldn’t travel (by air) to visit family in northern Alberta, which made visiting impossible due to the long driving distances involved. Ultimately, I was very concerned that the Canadian population had been led to believe that people like me and my family were a threat to other people and their children.

12. I therefore felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the

government's Covid-19 vaccine mandates and other policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

13. To the best of my knowledge, all of the other defendants participated in the Freedom Convoy for the same reasons, and with the same goals.

14. I deny the allegations at paragraphs 48-50 of the Claim in their entirety. With respect to the allegations at paragraph 50, I frequently walked around the areas east of the Rideau Canal during the protest, and I saw very few protest vehicles (i.e. tractor-trailer units) parked anywhere east of the Rideau Canal. I did see some trucks parked on Rideau Street east of the Rideau Canal, and there were also some trucks parked on Nicholas Street; however, there were no trucks at all parked to the north of Rideau Street, all the way to the Ottawa River. I therefore fail to understand how the so-called "Occupation Zone" would encompass any of the streets or neighbourhoods east of the Rideau Canal.

15. In response to the allegations at paragraph 74 of the Claim, again I deny that I and other so-called "Organizer Defendants" had a "common plan" to "seriously interfere with the rights of the class members". This is simply untrue.

16. In response to the allegations at paragraphs 75 and 76 of the Claim, I generally admit that I and other so-called Organizer Defendants made some efforts to discuss and coordinate plans, and divide responsibilities among ourselves to oversee planning and logistics, and manage social media and fundraisers. However, I deny that those efforts resulted in any kind of formal hierarchy, organization or "central command" that would go on to control and direct the Freedom Convoy in any appreciable way.

17. I deny entirely the allegations at paragraph 85 of the Claim.

18. I deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such “tactic”.

19. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around February 28, 2022. However, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by the so-called Organizer Defendants to “‘gridlock’ downtown Ottawa”. There was no such “plan”.

20. On the contrary, to the best of my knowledge, none of the defendants had originally expected to park any Freedom Convoy vehicles on the streets of downtown Ottawa. Rather, everyone had been expecting that Freedom Convoy vehicles would park in “staging areas” located away from residential downtown Ottawa, and that shuttles or other forms of transportation would ferry protestors from those staging areas to Parliament Hill. My understanding was that those staging areas were lengthy designated stretches of Sir John A. MacDonald Parkway (to the west of downtown) and Sir George Etienne Cartier Parkway (to the east of downtown), which collectively were able to accommodate approximately 2,500 tractor-trailer units. A third staging area was located on Wellington St., in front of the Parliament Buildings, which was able to accommodate only a small number of trucks (less than 40 trucks).

21. In fact, the Ottawa Police Service provided maps and instructions on where trucks should park and what routes they should take to arrive at the various staging locations. This was a plan that had been communicated to the protestors by the Ottawa Police Service before trucks began to arrive in Ottawa and, to the best of my knowledge, all protestors including the defendants in this proceeding were expecting to adhere to the plan.

22. Attached to this affidavit and marked as **Exhibit “A”** is a copy of an e-mail addressed to me and dated January 27, 2022, from Constable Isabelle Cyr-Pidcock of the Ottawa Police Service. I had previously called Constable Cyr-Pidcock to let her know who I was and what I was going to be doing to support the Freedom Convoy. Another defendant, Mr. Chris Garrah, had previously advised me that he had also been in contact with Constable Cyr-Pidcock, and that we were expecting a map package from the Ottawa Police Service as to where the protestors’ trucks were supposed to enter the city, and where they were supposed to park and stage.

23. The e-mail at **Exhibit “A”** contains attachments which constitute the map package in question. The attachments contain the following admonishments:

- Take Direction from Police whenever applicable
- Leave open space for Emergency Vehicle AT ALL TIMES
- No CLOSED TRAILERS permitted on Wellington or near Parliament Hill
- All Staging Areas must keep an adjacent emergency access lane clear

24. From the maps provided by the Ottawa Police Service, one can easily see the places that had been designated as staging areas where protestors’ trucks were to park. Apart from Wellington Street, right in front of the Parliament Buildings, where the map indicates a capacity of 38 tractor-trailer units, all of the protestors’ vehicles were to have parked away from downtown. There was, according to the maps, space in these other staging areas for almost 2,500 trucks.

25. I recall forwarding the e-mail and maps to Tamara Lich shortly after I received it from Constable Cyr-Pidcock.

26. However, as trucks started to arrive in Ottawa, the plan changed. I do not know why the plan changed. But in any event, rather than guiding trucks to the various agreed-upon staging

areas, Ottawa Police Service vehicles instead led trucks to the downtown core and directed them to park all over downtown Ottawa. My understanding is that the truckers followed the directions of the Ottawa Police Service (or other authorities) and parked their trucks as directed. That is how all the trucks ultimately ended up all over downtown Ottawa. Moreover, to the best of my knowledge, once the trucks were parked downtown, no one subsequently ordered any trucks to move or relocate to a different part of the city until the protest ended weeks later, after the federal government declared a public order emergency. To be clear, to the best of my knowledge, none of the protestors ever had the intention to park downtown, near residences, in order to disturb Ottawa residents.

27. I agree generally with the allegations at paragraph 93 of the Claim. I deny that such activities were in any way tortious or illegal.

28. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core. Safety was a priority for both me and the other so-called “Organizer Defendants”, and we worked very hard to ensure that safety and emergency vehicles could pass through. With one or two limited exceptions, this was always achieved.

29. In response to the allegations at paragraph 96 of the Claim, I agree that some of the Organizer Defendants would deliver various supplies to truck drivers. However, it is untrue that “the trucks remained running all day and night”.

30. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom

Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim.

31. In response to the allegations at paragraphs 98-99 of the Claim, I agree that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, I reject all of the precise allegations in these paragraphs. There was never any coordinated effort on behalf of myself and Tom Marazzo to manage or coordinate the logistics at the “Coventry” staging area in any way. People at “Coventry” were not taking instructions from either of us in any way. I wish to emphasize that to the best of my knowledge, the “Coventry” staging area was not selected by the protestors. Rather, it was selected by the Ottawa Police Service as an “overflow” location for use by the protestors.

32. In response to the allegations at paragraphs 101-109 of the Claim, I agree that, from time to time, I and the other so-called Organizer Defendants would communicate with the other protestors through various social media channels, meet daily at various hotels in downtown Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. That said, I deny the specific allegations in these paragraphs, including the allegations that these activities were in any way part of a “common design” on the part of any of the defendants, as alleged in the Claim. I also reject the characterization of the Freedom Convoy protest as an “occupation”.

33. Furthermore, with respect to the allegations at paragraph 102 of the Claim, I reject the notion that I was in regular and close contact with the defendants, Chris Barber, Tamara Lich, Chad Eros, Chris Harrah and Benjamin Dichter. While I would occasionally see all of these people, there were no “regular” meetings or gatherings where we would all “plan and discuss the strategy, funding, tactics and logistics of the ongoing occupation”. The Claim makes it sound

like we were a “high command” of sorts, meeting as a unit or central committee to formulate plans and give orders. This simply never happened.

34. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were many instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither I nor, to the best of my knowledge, any of the other so-called Organizer Defendants ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. I reject the very notion that we had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”. To the best of my recollection, I personally never honked any horns at all during the Freedom Convoy protest.

35. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. That said, I deny all of the specific allegations in these paragraphs, particularly that the raising of money by the Freedom Convoy protest was “for the express purpose of supporting the indefinite truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”. Such allegations are completely without merit.

36. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any activities associated with the Freedom Convoy protest were in any way illegal or tortious.

37. In response to the allegations at paragraphs 152-162 of the Claim, I agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. Copies of the orders are attached to this affidavit and marked as **Exhibit “B”**. That said, I deny all other specific allegations against me and the other defendants in these paragraphs.

38. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations against me and the other defendants in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

39. With respect to the allegations at paragraphs 174-223 of the Claim, I generally have no knowledge of any of them. That said, I do take issue with the allegations at paragraphs 208-216 of the Claim concerning the plaintiff Happy Goat Coffee Company. As I have already indicated above, I regularly walked through the protest area during the protest, which included the areas to the east of the Rideau Canal.

40. At paragraphs 208-216, the Claim alleges that Rideau Street was completely “blockaded” near the Rideau Centre, and that as a result, the plaintiff Happy Goat Coffee Company was forced to shut down for the duration of the protest.

41. While I agree that Rideau Street was plugged with protest vehicles during the first few days of the Freedom Convoy protest (perhaps over the first weekend of the protest), I disagree completely that Rideau Street remained “blockaded” for the entire duration of the protest. I do

not know how or why the Happy Goat Coffee Company decided to close its doors for so long; however, I never saw anything that I would consider to be a physical impediment to the Happy Goat Coffee Company keeping its doors open. I remember these observations because I have always been a regular customer of the Happy Goat Coffee Company and have frequented many of its locations, because I like their coffee.


42. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

43. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong opposition to the federal government’s vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

SWORN REMOTELY by videoconference by)
Daniel Bulford at the City of [REDACTED])
in the Province of Ontario,)
before me at the [REDACTED])
in the Province of Ontario)
on the 24th day of August, 2023)
in accordance with O.Reg 431/20.)

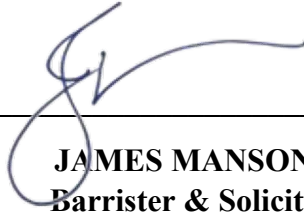


JAMES MANSON, LSO# 79576J
Barrister & Solicitor



DANIEL BULFORD

**This is Exhibit "A" to the Affidavit of Daniel Bulford
Sworn electronically before me on the 24th
day of August, 2023**

A handwritten signature in blue ink, appearing to read 'JM', is written above a horizontal line. The signature is stylized and cursive.

**JAMES MANSON,
Barrister & Solicitor**

----- Forwarded message -----

From: Cyr-Pidcock, Isabelle [REDACTED]

Date: On Thu, Jan 27, 2022 at 5:03 PM

Subject: Fwd: Staging area

To: keepcanada [REDACTED], daniel.bulford [REDACTED]

[REDACTED]

Cc:

Unclassified

Unclassified

Here is the updated copy with maps

Get [Outlook for Android](#)

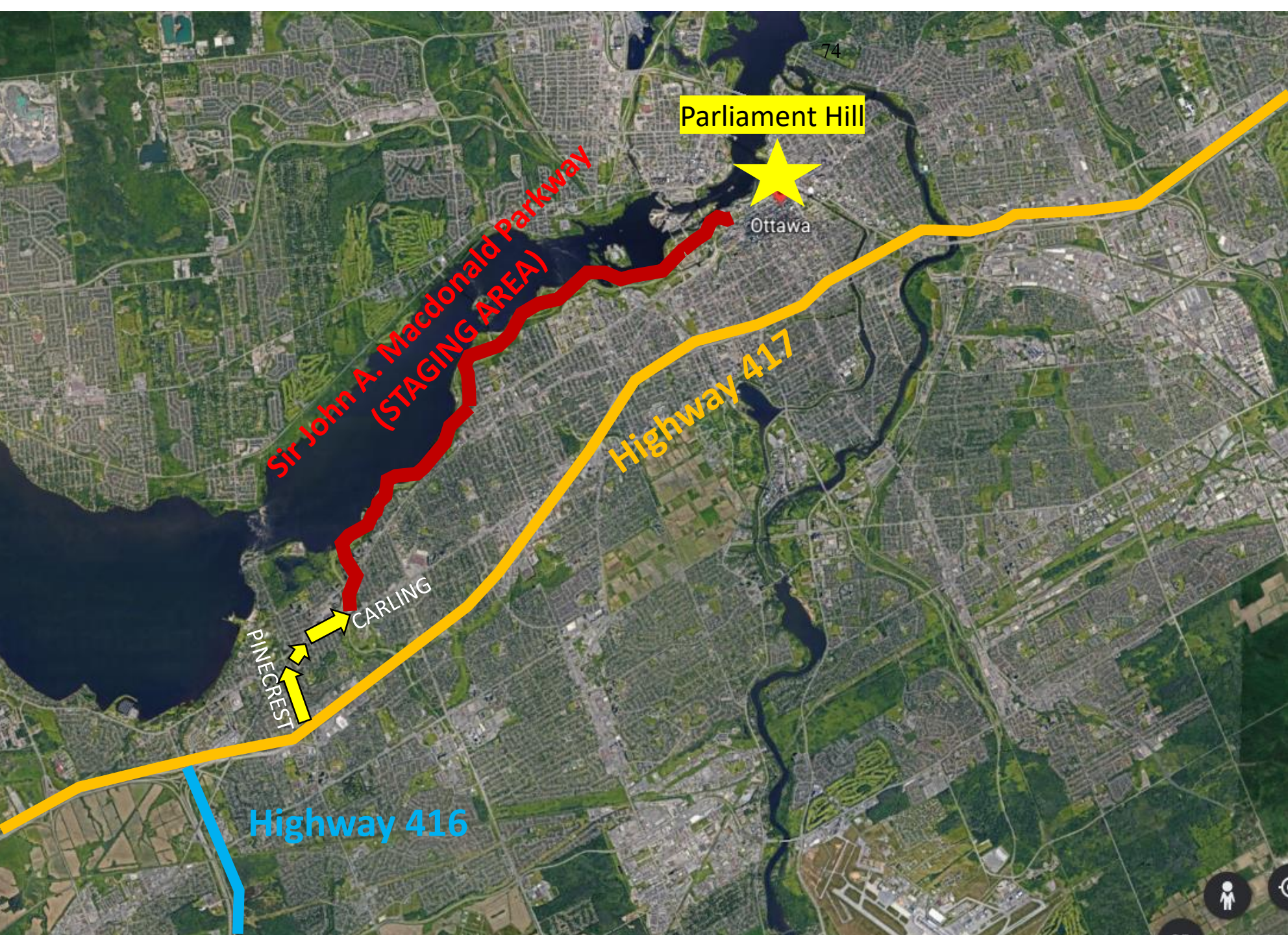


Ottawa Truck Convoy – 2022 January

- Take Direction from Police whenever applicable
- Leave open space for Emergency Vehicle access AT ALL TIMES
- No CLOSED TRAILERS permitted on Wellington or near Parliament Hill
- All Staging Areas must keep an adjacent emergency access lane clear

****EMERGENCY ROUTES – NO CONVOY ACCESS AT ANY TIME****

- Elgin Street
- Laurier Avenue (West & East)
 - Nicholas Avenue
- NO DOWNTOWN ACCESS VIA Nicholas Off-ramp from Highway 417



Convoy Vehicles

E/B on Hwy 417

OR from Hwy 416

ONLY AUTHORIZED FOR:

Tractors w/ no trailers

Tractors w/ OPEN AND

EMPTY TRAILERS

DIRECTIONS:

Exit at Pinecrest N/B

Turn East onto Richmond

Continue East onto Carling

Enter

Sir John A Macdonald Pkwy

2,280 Vehicle Capacity

Weight Limit of 32 tons per

Authorized Vehicles:

Follow YELLOW ARROWS TO

STAGING AREA



Parliament Hill

75

Convoy Vehicles

E/B on Hwy 417

TRUCKS WITH BOXED TRAILERS

DIRECTIONS:

Exit 417 at Kent Street
Continue N/B on Kent Street
Turn E/B on Wellington Street for staging

*Parking only in CURB LANE
**Capacity 38 Tractor Trailers

Authorized Vehicles:
Follow YELLOW ARROWS TO STAGING AREA





Convoy Vehicles

W/B on Highway 174

Tractors

Tractors w/ trailers

DIRECTIONS:

- Exit at Montreal Road
- Turn E/B on Montreal Rd
- Turn N/B onto George Etienne Carter Parkway

George Etienne Cartier Parkway

200 Tractor + Trailer Capacity

Authorized Vehicles:
Follow YELLOW ARROWS TO STAGING AREA





77

**Sir George-Etienne Cartier Parkway
(STAGING AREA)**

McDonald's

AVIATION PARKWAY

Highway 417

Parliament Hill



Convoy Vehicles

W/B on Highway 417

- Tractors
- Tractors w/ trailers

DIRECTIONS:

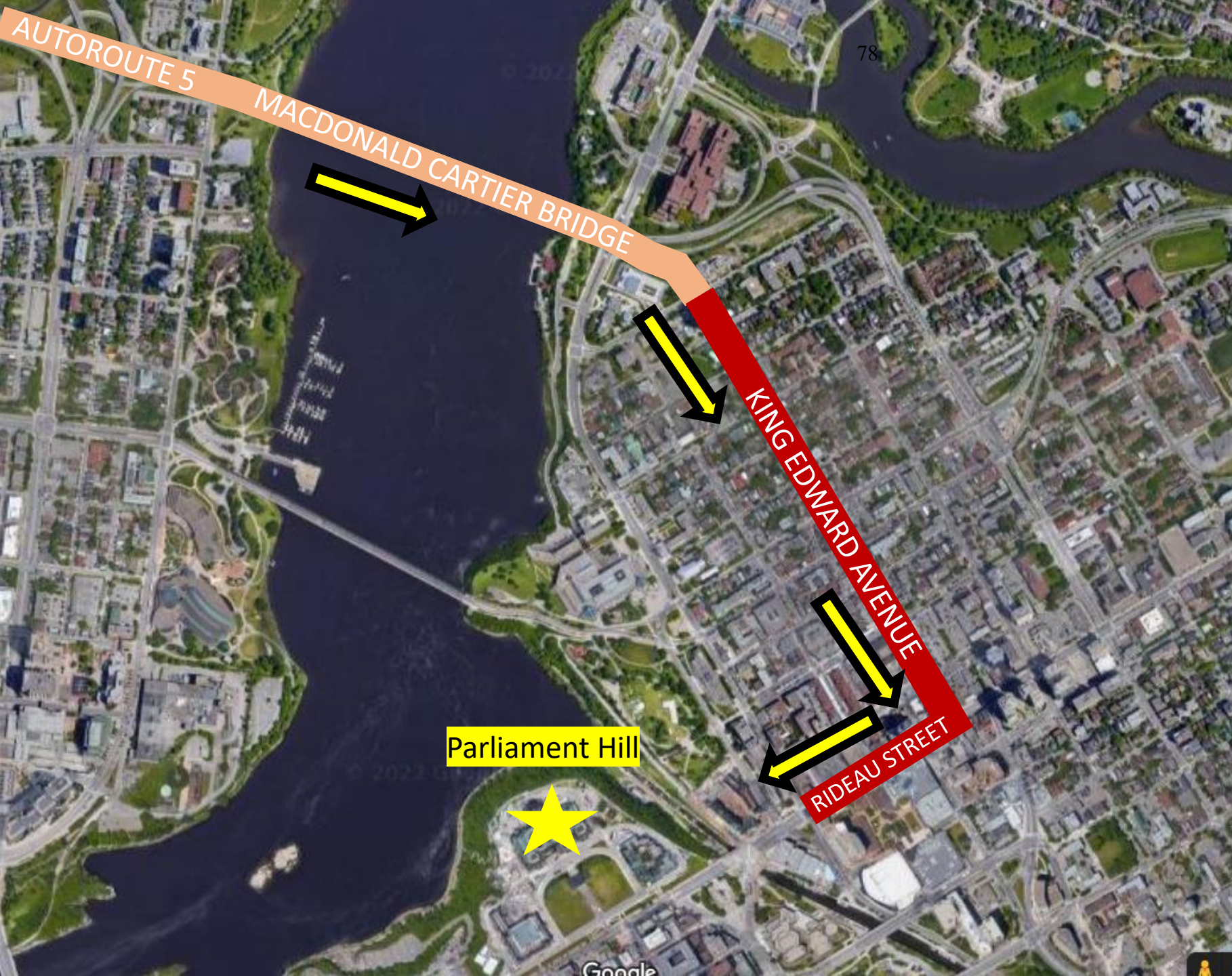
- Exit onto Aviation Parkway
- Continue N/B on Aviation
- Turn W/B onto Sir George Etienne Cartier Parkway

George Etienne Cartier Parkway

200 Tractor + Trailer Capacity

Authorized Vehicles:
Follow YELLOW ARROWS TO STAGING AREA





Convoy Vehicles

E/B on Autoroute 5

Tractors

Tractors w/ trailers

DIRECTIONS:

- Cross Macdonald Cartier Bridge
- Continue S/B on King Edward Avenue
- Turn W/B onto Rideau Street

Authorized Vehicles:
Follow YELLOW ARROWS TO
STAGING AREA



From: Cyr-Pidcock, Isabelle
Sent: January 27, 2022 1:43 PM
To:
Subject: Staging area

Routes to staging areas:

Trucks and vehicles travelling E/B on 417

N/B on Pinecrest
E/B on Richmond
E/B on Carling Ave
Onto SJAM (staging area)

Trucks with boxed trailers

N/B on Kent St
E/B on Wellington (staging area)

Trucks and vehicles coming from 416

N/B on Pinecrest
E/B on Richmond
E/B on Carling Ave
Onto SJAM (staging area)

Trucks with boxed trailers

N/B on Kent St
E/B on Wellington (staging area)

ALL Trucks and vehicles travelling N/B on 174

E/B on 174
W/B on 417
N/B on Aviation
W/B on Sir George Etienne Parkway

ALL Trucks and vehicles travelling W/B on 174

N/B on Aviation Parkway

W/B on Sir George Etienne Parkway

ALL Trucks and vehicles coming from Gatineau - hwy 5

King Edward

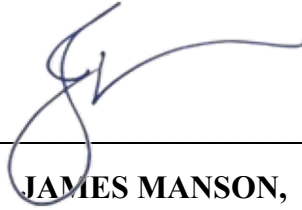
Rideau st

****Absolutely no parking on Laurier Ave. It's a designated emergency response route for police, fire and ambulance**

****No parking on Elgin St, from Wellington to Hwy 417 as it is also designated as an emergency response route.**

****Every staging area lane way will have an adjacent emergency access lane for emergency services**

**This is Exhibit “B” to the Affidavit of Daniel Bulford
Sworn electronically before me on the 24th
day of August, 2023**

A handwritten signature in blue ink, appearing to read 'JM', is written over a horizontal line.

**JAMES MANSON,
Barrister & Solicitor**



Court File No: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE MR JUSTICE MCLEAN) MONDAY, THE 7th DAY
)
) OF FEBRUARY, 2022**

BETWEEN:

ZEXI LI

Plaintiff/Moving Party

- and -

**CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5,
JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10,
JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15,
JOHN DOE 16, JOHN DOE 17, JOHN DOE 18, JOHN DOE 19, JOHN DOE 20,
JOHN DOE 21, JOHN DOE 22, JOHN DOE 23, JOHN DOE 24, JOHN DOE 25,
JOHN DOE 26, JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE 30,
JOHN DOE 31, JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35,
JOHN DOE 36, JOHN DOE 37, JOHN DOE 38, JOHN DOE 39, JOHN DOE 40,
JOHN DOE 41, JOHN DOE 42, JOHN DOE 43, JOHN DOE 44, JOHN DOE 45,
JOHN DOE 46, JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50,
JOHN DOE 51, JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55,
JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60**

Defendants/Responding Parties

ORDER

THIS MOTION, made by the Plaintiff for an interlocutory injunction and costs, pursuant to section 101 of the *Courts of Justice Act* and Rule 40.01 of the *Rules of Civil Procedure*, was heard at Ottawa on February 5 and 7, 2022 by videoconference.

UPON READING the motion records of the parties and **UPON HEARING** the oral arguments made by counsel for the parties by Zoom,

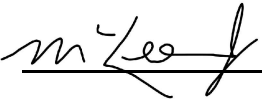
1. **THIS COURT ORDERS** that an interlocutory injunction is granted, pursuant to

section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure*, and section 12 of the *Class Proceedings Act*.

2. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from using air horns or train horns, other than those on a motor vehicle of a municipal fire department, in the geographic location anywhere in the City of Ottawa, in the vicinity of downtown Ottawa, being any streets north of Highway 417, otherwise known as the Queensway, for 10 days from the date of this Order.
3. **THIS COURT ORDERS** that the Defendants Barber, Dichter and Lich forthwith direct that they communicate this Order through their social media and other channels to all persons they know who are or who have been participating in the Freedom Convoy Protest in Ottawa, Ontario, from January 28, 2022, to the present day;
4. **THIS COURT ORDERS** that any police officer with the Ottawa Police Service, and/or the appropriate police authority in the jurisdiction in question (the "Police"), shall have authorization to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order.
5. **THIS COURT ORDERS** that the Police shall retain discretion:
 - a. as to the timing and manner of enforcement of this Order, and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order; and
 - b. to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening, or has contravened, any provisions of this Order, upon that person agreeing in writing to abide by this Order.
6. **THIS COURT ORDERS** that any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order shall have authorization to release that person from arrest upon that person agreeing in writing to obey this Order;
7. **THIS COURT ORDERS** that, provided the terms of this Order are complied with, the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest.
8. **NOTICE OF THIS ORDER** may be given by: posting copies of this Order in or around downtown Ottawa; reading the Order to any person, including but not limited to reading the Order over an amplification system publishing this Order

online, including on social media accounts associated with the Defendants, and by distributing copies of this Order to media including CBC, Radio-Canada, CTV, Global News and all daily newspapers in the Ottawa-Gatineau area.

9. **THIS ORDER** shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.
10. **THIS COURT ORDERS** that the costs of this motion shall be in the cause.
11. **THIS COURT ORDERS** that the parties shall appear before the Court in Ottawa by videoconference on February 16, 2022 at 10:00am for the hearing of a motion to continue this Order.



Date of Issuance: 02/07/2022

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR JUSTICE MCLEAN) WEDNESDAY, THE 16TH DAY
)
) OF FEBRUARY, 2022

B E T W E E N:

ZEXI LI

Plaintiff/Moving Party

- and -

CHRIS BARBER, BENJAMIN DICHTER, TAMARA LICH, PATRICK KING and
JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4, JOHN DOE 5,
JOHN DOE 6, JOHN DOE 7, JOHN DOE 8, JOHN DOE 9, JOHN DOE 10,
JOHN DOE 11, JOHN DOE 12, JOHN DOE 13, JOHN DOE 14, JOHN DOE 15,
JOHN DOE 16, JOHN DOE 17, JOHN DOE 18, JOHN DOE 19, JOHN DOE 20,
JOHN DOE 21, JOHN DOE 22, JOHN DOE 23, JOHN DOE 24, JOHN DOE 25,
JOHN DOE 26, JOHN DOE 27, JOHN DOE 28, JOHN DOE 29, JOHN DOE 30,
JOHN DOE 31, JOHN DOE 32, JOHN DOE 33, JOHN DOE 34, JOHN DOE 35,
JOHN DOE 36, JOHN DOE 37, JOHN DOE 38, JOHN DOE 39, JOHN DOE 40,
JOHN DOE 41, JOHN DOE 42, JOHN DOE 43, JOHN DOE 44, JOHN DOE 45,
JOHN DOE 46, JOHN DOE 47, JOHN DOE 48, JOHN DOE 49, JOHN DOE 50,
JOHN DOE 51, JOHN DOE 52, JOHN DOE 53, JOHN DOE 54, JOHN DOE 55,
JOHN DOE 56, JOHN DOE 57, JOHN DOE 58, JOHN DOE 59 and JOHN DOE 60

Defendants/Responding Parties

ORDER

THIS MOTION, made by the Plaintiff for an interlocutory injunction and costs, pursuant to section 101 of the *Courts of Justice Act* and Rule 40.01 of the *Rules of Civil Procedure*, was heard at Ottawa on February 5, 7, and 16, 2022 by videoconference.

UPON READING the motion records of the parties and **UPON HEARING** the oral arguments made by counsel for the parties by Zoom,

1. **THIS COURT ORDERS** that the interlocutory injunction granted on February 7, 2022, pursuant to section 101 of the *Courts of Justice Act*, Rule 40.01 of the *Rules of Civil Procedure*, and section 12 of the *Class Proceedings Act*, is continued.
2. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from using air horns or train horns, other than those on a motor vehicle of a municipal fire department, in the geographic location anywhere in the City of Ottawa, in the vicinity of downtown Ottawa, being any streets north of Highway 417, otherwise known as the Queensway, for 60 days from the date of this Order, or until further order of this Court.
3. **THIS COURT ORDERS** that any persons having notice of this Order are hereby restrained and enjoined from ordering, requesting, inciting, counselling, promoting or encouraging in any manner whatsoever, either directly or indirectly, via social media or otherwise, any person to use air horns or train horns in downtown Ottawa for as long as the Order is in effect.
4. **THIS COURT ORDERS** that the Defendants Barber, Dichter Lich, and King forthwith direct that they communicate this Order through their social media channels, including Twitter, Instagram, TikTok, Facebook, as well as the Freedom Convoy 2022 Facebook page.
5. **THIS COURT ORDERS** that any police officer with the Ottawa Police Service, and/or the appropriate police authority in the jurisdiction in question (the “Police”), shall have authorization to arrest and remove any person who has knowledge of this Order and who the Police have reasonable and probable grounds to believe is contravening or has contravened any provision of this Order.
6. **THIS COURT ORDERS** that the Police shall retain discretion:
 - a. as to the timing and manner of enforcement of this Order, and specifically retain discretion as to the timing and manner of arrest and removal of any person pursuant to this Order; and
 - b. to detain and release any person without arrest who the Police have reasonable and probable grounds to believe is contravening, or has contravened, any provisions of this Order, upon that person agreeing in writing to abide by this Order.
7. **THIS COURT ORDERS** that any peace officer and any member of the Police who arrests or arrests and removes any person pursuant to this Order shall have authorization to release that person from arrest upon that person agreeing in writing to obey this Order;

8. **THIS COURT ORDERS** that, provided the terms of this Order are complied with, the Defendants and other persons remain at liberty to engage in a peaceful, lawful and safe protest.
9. **NOTICE OF THIS ORDER** may be given by: posting copies of this Order in or around downtown Ottawa; reading the Order to any person, including but not limited to reading the Order over an amplification system publishing this Order online, including on social media accounts associated with the Defendants, and by distributing copies of this Order to media including CBC, Radio-Canada, CTV, Global News and all daily newspapers in the Ottawa-Gatineau area.
10. **THIS ORDER** shall not apply to persons acting in the course of or in the exercise of a statutory duty, power or authority.
11. **THIS COURT ORDERS** that the costs of this motion shall be in the cause.



ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF DANIEL BULFORD

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 6

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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*

AFFIDAVIT OF HAROLD JONKER

I, HAROLD JONKER, of the Town of West Lincoln in the Province of Ontario, MAKE OATH AND SAY:

1. I am a defendant in this matter and the president of the corporate defendant, Jonker Trucking Inc. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the “**Claim**”), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

4. Contrary to the allegations at paragraph 43 of the Claim, and like the co-defendants named in that paragraph, my goal in participating in the Freedom Convoy was simply for somebody from the federal government to come and listen to us and listen to the concerns that we had, about the ongoing Covid-19 vaccine mandates. I had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. I felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the government’s Covid-19 vaccine mandates and other policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

5. In response to the allegations at paragraph 44 of the Claim, I agree that I reside in West Lincoln, Ontario, and that at the time of the Freedom Convoy protest, I was also a town councillor for the Township of West Lincoln. I am a trucker, and I am a co-owner and co-operator of Jonker Trucking Inc., a trucking company.

6. In further response to the allegations at paragraph 44 of the Claim, I agree that I personally drove a tractor-trailer truck to the Freedom Convoy protest in Ottawa; however, I deny that there were any “tortious activities” that took place there, or that I participated in any

“tortious activities”. Neither I nor, to the best of my knowledge, any of the drivers from southwestern Ontario had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

7. In further response to the allegations at paragraph 44 of the Claim, I also confirm that I was a vocal supporter of the protest. It is true that I gave a number of media interviews while I was in Ottawa. That said, I deny that any such interviews were to “support, encourage and promote the ongoing occupation of Ottawa”.

8. In further response to the allegations at paragraph 44 of the Claim, I confirm that I was a “road captain” for Southwestern Ontario, meaning that I had a hand in organizing the actual movement of trucks that departed from southwestern Ontario, bound for Ottawa. The convoy of trucks that I was involved with actually started from Fort Erie, Ontario. My role before the convoy departed was to basically respond to phone calls and provide information to people who were either interested in travelling in the convoy to Ottawa, or donate to the convoy, etc.

9. During the convoy itself, I tried to make sure that truckers were safe as we all proceeded to Ottawa. I also would communicate with the police along the way in terms of what routes to take.

10. In response to the allegations at paragraph 45 of the Claim, I agree that Jonker Trucking Inc. is a corporation based in Ontario that owns and operates several tractor-trailer trucks. I agree that twelve such trucks were driven to Ottawa to take part in the Freedom Convoy protest.

11. Jonker Trucking Inc. was affected by the Covid-19 vaccine mandates that the government had recently imposed on the truckers. Jonker Trucking Inc. decided not to require its employees to become vaccinated; as such, Jonker Trucking Inc. could not run trucks into the United States and back due to the federal government’s new regulations that came into effect in January 2022.

Accordingly, Jonker Trucking Inc. decided that it was important to participate in the protest as an expression of its disapproval of the government's Covid-19 policies and its support of the other protestors.

12. That all said, Jonker Trucking Inc. disagrees that its trucks were driven to Ottawa "and used to participate in the tortious activities of the Freedom Convoy protest". Jonker Trucking Inc. denies that it "was aware of its trucks being used in this manner". These allegations are simply untrue.

13. I deny the allegations at paragraphs 48-49 of the Claim in their entirety.

14. In response to the allegations at paragraph 55 of the Claim, again, I agree with the first three sentences of this paragraph. I deny the allegations in the last sentence of this paragraph.

15. In response to the allegations at paragraph 56 of the Claim, again, I repeat and rely on the evidence above with respect to the participation of Jonker Trucking Inc. in the protest.

16. I reject the allegations at paragraph 57 of the Claim.

17. I have no knowledge of any discussions or "coordinated plans" between the so-called "Organizer Defendants" and the so-called "Trucker Class Defendants" for how "they would occupy Ottawa and how they would attempt to reach their common goals.", as alleged at paragraph 76 of the Claim.

18. I generally admit the allegations at paragraph 84 of the Claim.

19. I deny entirely the allegations at paragraph 85 of the Claim.

20. I also deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such "tactic".

21. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around January 28, 2022. I myself arrived in Ottawa on

or around that date. That said, I deny the allegation at paragraph 88 that I parked my truck on Wellington Street. That is false, as I explain in more detail below.

22. Moreover, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by anyone.

23. As I was heading to Ottawa, I had always been expecting to receive instructions from the Ottawa Police Service about where I was supposed to park my truck. I do recall receiving an e-mail from the Ottawa Police Service to this effect; however, at the time I received it I wasn’t able to immediately open the e-mail. When I finally did have time, I discovered that there was no map attached to the e-mail. Accordingly, and in any event, I assumed that the Ottawa Police Service would direct me where to park upon my arrival in Ottawa.

24. Ultimately, that is what happened: Ottawa Police Service officers did direct me to park in downtown Ottawa – not at one of what I now understand were “staging areas” located outside of downtown. I and the other Jonker Trucking Inc. trucks (except one, that ended up parking on Wellington Street near Parliament) were directed to park on Queen Elizabeth Driveway in single file along the Rideau Canal in what appeared to be a residential area, which we did. I do not know why the Ottawa Police Service directed us to park downtown and not at a “staging area”, as planned.

25. Owing to the fact that we were located in a residential area, I didn’t like where I and the other trucks were parked. I did not want to bother the residents in that neighbourhood. Accordingly, after staying at that location for a few hours, I asked a police officer nearby if I and the other Jonker Trucking Inc. trucks could relocate to the parking lot area that since became known as “Coventry”. The police officer gave us permission to move the trucks there, and so that

is what we did. The truck located on Wellington Street stayed on Wellington Street, however. My own Jonker Trucking Inc. truck remained at the Coventry location until I personally moved it to another yard (known as “Yard 88”) located outside the City of Ottawa several days later. To the best of my knowledge, the remaining Jonker Trucking Inc. trucks that had relocated with me to the Coventry location did not remain at the Coventry location for the duration of the protest, but rather would move around from time to time to other locations in the protest area. I was, however, not in control over, and did not direct, where those trucks went on any given day, or how long they stayed there, or what the drivers of those trucks did at those times.

26. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core.

27. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim. I personally never saw any trucks at all idling 24 hours per day for the duration of the protest.

28. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” to “make as much noise as possible to disturb individuals in Ottawa’s downtown” by any of the defendants. No one ever “planned, organized, encouraged and directed” me, as a member of the so-called “Trucker Class Defendants”, to “blast the horns

on [my vehicle], non-stop, for several hours every day”. I reject the very notion that anyone had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”.

29. In any event, to the best of my recollection, I almost never honked any horns at all during the Freedom Convoy protest. I honked my truck horn a little bit during the first day of the protest upon arriving in Ottawa – this was usually in response to children who would see my truck and motion for me to honk my horn (as children often do). However, aside from those initial occasions, I don’t recall ever honking my horn during the protest. I have no idea what any of the other so-called “Trucker Class Defendants” did or didn’t do while they were in Ottawa.

30. In response to the allegations at paragraph 114 of the Claim, I am not aware of there ever having been any “directions on horn honking” that would emanate from any meetings at the ARC Hotel.

31. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

32. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

33. I have no knowledge of the allegations at paragraphs 174-223 of the Claim.

34. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

35. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

36. Speaking for Jonker Trucking Inc., all of the activities described above in which Jonker Trucking Inc. participated during the Freedom Convoy protests were also done in an effort to express its strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and its support for the other protestors.

SWORN REMOTELY by videoconference by)
Harold Jonker at the [REDACTED])
in the Province of [REDACTED])
before me at the City of [REDACTED])
in the Province of Ontario)
on the 22nd day of August, 2023)
in accordance with O.Reg 431/20.)



JAMES MANSON, LSO# 54963K
Barrister & Solicitor



HAROLD JONKER

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF HAROLD JONKER

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 7

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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*

AFFIDAVIT OF MIRANDA GASIOR

I, MIRANDA GASIOR, of the Town of Marwayne in the Province of Alberta, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the “**Claim**”), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

4. In response to the allegations at paragraph 33 of the Claim, I agree that at the time of the Freedom Convoy protest, I resided in Lloydminster, Alberta. I am not a trucker; however, I did drive to Ottawa to participate in the Freedom Convoy protest. I did not drive a tractor-trailer unit to Ottawa; rather, I drove to Ottawa in a normal car.

5. In further response to the allegations at paragraph 33 of the Claim, I agree that I was a “road captain” during the trip to Ottawa; however, I deny that this role meant that I was an “organizer” or otherwise a “leader” of the Freedom Convoy in any formal capacity. In reality, my role as “road captain” was simply to guide trucks from Lloydminster to Saskatoon, where we met up with the co-defendant, Ryan Mihilewicz and other trucks that he had been leading from Prince Albert to Saskatoon. From there, we all continued to Regina to join up with the main body of the convoy heading east. Although I can say that I felt a certain affinity for “my trucks”, meaning those trucks that started out with me from Lloydminster, this was really only a personal feeling, nothing more. Overall, once the convoy left Regina heading east, I felt more like a simple participant than a “road captain”.

6. In further response to the allegations at paragraph 33 of the Claim, I was not a formal “liaison” between the convoy and Saskatchewan drivers at any time during the protest. To be

clear, I had no authority whatsoever as a “road captain”, whether in relation to Saskatchewan drivers or anyone else.

7. In further response to the allegations at paragraph 33 of the Claim, neither I nor, to the best of my knowledge, any of the drivers from Saskatchewan had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

8. In response to the allegations at paragraph 43 of the Claim, I deny that I or any of the other defendants referred to at paragraph 43 were “responsible” for the various generic activities listed therein. There were never any such “responsibilities” in the sense that either I or the other so-called “Organizer Defendants” had any definite roles to play while participating in the Freedom Convoy. There were no such roles. Moreover, even had such roles existed, I personally had no such role whatsoever. There was certainly never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to commit the torts of private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

9. Furthermore, I deny that the various generic activities described at paragraph 43 of the Claim were things that I or the other so-called “Organizer Defendants” ever even contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. These words suggest a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy – by way of example, that the so-called “Organizer Defendants” somehow came up with a plan to use truck horns as a form of

protest, and to coordinate times where horns would be blown in unison, in order to disrupt the lives of Ottawa residents as much as possible. To be clear, I am not aware that there was ever any such “strategy” or “tactic”. To the extent that the Claim alleges any such strategy or tactics, those allegations are unfounded.

10. Further still, I myself had a rather limited role to play once the convoy arrived in Ottawa. I never honked an air horn (or even my own car horn), nor did I ever encourage, incite or direct anyone to do so. Nor was I meaningfully involved in fundraising efforts.

11. I can say that for several nights during the protest I spent some time on a self-created “security detail”. I would roam the streets of downtown Ottawa at night, from around 11:00 PM to approximately 3:00 or 4:00 AM, usually in a car but sometimes on foot. Often, I was accompanied on these outings by the defendant Sean Tiessen, but not always.

12. No one asked or ordered me or Sean to undertake this “security detail”. Rather, Sean and I decided to do this ourselves. This is because we had noticed some goings-on that, to us, warranted it. For example, one night while near a “Days Inn” hotel I noticed that five cars had been vandalized by graffiti. I understand that this was done by members of the “Antifa” movement. Another example is that we also came to know during the protest that some protestors would find tacks and screws under truck tires.

13. Accordingly, Sean and I decided to try to do what we could to keep the protest areas secure at nights. I hasten to add three observations about our time roaming the streets in the middle of the night during the protest: (1) it was almost always entirely quiet during those hours, all over downtown Ottawa. I generally don’t recall hearing any truck horns being honked while I was on “security detail”; (2) I also don’t recall seeing any trucks with their engines idling all night long, as alleged elsewhere in the Claim. That simply never happened; and (3) Sean and I

could always generally pass freely down the streets in the protest areas. There was no “gridlock” as claimed in the Claim.

14. Another thing I undertook to do while at the protest was to man the “Adopt-A-Trucker” hotline. This was a hotline telephone number that had already been established by the co-defendant, Chris Garrah, as part of his “Adopt-A-Trucker” initiative. Essentially, truckers who needed things like food, transportation, fuel, shelter, or other similar things were welcome to call the “hotline”. I was the one who would answer the hotline – calls were routed to my phone. I would field those calls and do my best to dispatch the truckers’ requests out to whoever I believed could field them.

15. I also was minimally active on social media; my activities basically consisted of Facebook “live” sessions, so I could update friends and family back home of the events taking place in Ottawa.

16. I also had a minor amount of activity with respect to fundraising – I would ask people who I met in the street who inquired about donating, to please donate to the “GiveSendGo” fundraiser (since the “Go Fund Me” fundraiser had been suspended). I also posted a few Facebook posts to similar effect.

17. I did attend daily meetings where I listened to updates and other news about the protest; however, I never participated in a meaningful way in such meetings.

18. I was also sometimes part of press conferences put on by the protestors, but I never spoke during them in a meaningful way.

19. Contrary to the allegations at paragraph 43 of the Claim, my goal in participating in the Freedom Convoy was simply for somebody from the federal government to come and listen to us and listen to the concerns that we had, about the ongoing Covid-19 vaccine mandates. I had been

growing increasingly alarmed with the Canadian government's Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. I felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the government's Covid-19 vaccine mandates and other policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

20. To the best of my knowledge, all of the other defendants participated in the Freedom Convoy for similar reasons, and with similar goals.

21. I deny the allegations at paragraphs 48-50 of the Claim in their entirety. With respect to the allegations at paragraph 50, I (like the co-defendants Daniel Bulford and Tom Marazzo) frequently walked and drove around the areas east of the Rideau Canal during the protest, and I saw very few protest vehicles (i.e. tractor-trailer units) parked anywhere east of the Rideau Canal. Like them, I did see some trucks parked on Rideau Street east of the Rideau Canal, and there were also some trucks parked on Nicholas Street; however, there were no trucks at all parked to the north of Rideau Street, all the way to the Ottawa River. I therefore fail to understand how the so-called "Occupation Zone" would encompass any of the streets or neighbourhoods east of the Rideau Canal.

22. In response to the allegations at paragraph 72 of the Claim, I reject the notion that I, along with any of the other so-called "Organizer Defendants", "decided" that "the plan was to occupy downtown Ottawa for an indefinite period of time until [our] political demands were met". I deny entirely the third sentence of paragraph 72. To the best of my knowledge, there was never any such "common intention" as described in that sentence.

23. In response to the allegations at paragraph 74 of the Claim, again I deny that I or the so-called “Organizer Defendants” had a “common plan” to “seriously interfere with the rights of the class members”. This is simply untrue.

24. In response to the allegations at paragraphs 75 and 76 of the Claim, I generally admit that the other so-called “Organizer Defendants” made some efforts to discuss and coordinate plans and divide responsibilities among ourselves to oversee planning and logistics and manage social media and fundraisers. However, I deny that those efforts resulted in any kind of formal hierarchy, organization or “central command” that would go on to control and direct the Freedom Convoy in any appreciable way.

25. In response to the allegations at paragraph 80 of the Claim, again, I admit that I acted in a limited manner as a “road captain”, meaning that I led some trucks from Lloydminster to Regina, whereupon trucks then joined the main convoy and continued to Ottawa. All I really did in advance of leaving for Ottawa was to post on Facebook that I would be leaving Lloydminster from the Husky service station on January 24, 2022 at 10:00 AM. I deny, however, that I “collected [truckers’] registration information for the leadership group”.

26. In further response to the allegations at paragraph 80 of the Claim, I do not own or maintain a Facebook page called “Saskatchewan Citizens Uncensored”, nor have I ever owned or maintained such a page.

27. I deny entirely the allegations at paragraph 85 of the Claim. As someone who frequently patrolled the protest areas on “security detail”, I believe that I would know if there had been trucks idling all night. I never saw any.

28. I also deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such “tactic”. Again, there were no horns at all that I heard during my “security detail” night patrols.

29. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around January 28, 2022. I myself arrived in Ottawa on or around that date. However, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by the so-called “Organizer Defendants” to “‘gridlock’ downtown Ottawa”. There was no such “plan”, to the best of my knowledge. As I have stated, I never experienced gridlock during my “security detail” patrols at night.

30. In fact, to the best of my knowledge, none of the defendants had originally expected to park any Freedom Convoy vehicles on the streets of downtown Ottawa. Rather, everyone had been expecting that Freedom Convoy vehicles would park in “staging areas” located away from residential downtown Ottawa, and that shuttles or other forms of transportation would ferry protestors from those staging areas to Parliament Hill. My understanding was that those staging areas were lengthy designated stretches of Sir John A. MacDonald Parkway (to the west of downtown) and Sir George Etienne Cartier Parkway (to the east of downtown), which collectively were able to accommodate approximately 2,500 tractor-trailer units. A third staging area was located on Wellington St., in front of the Parliament Buildings, which was able to accommodate only a small number of trucks (less than 40 trucks).

31. To the best of my understanding, the Ottawa Police Service provided maps and instructions on where trucks should park and what routes they should take to arrive at the various

staging locations. This was a plan that had been communicated to the protestors by the Ottawa Police Service before trucks began to arrive in Ottawa and, to the best of my knowledge, all protestors including the defendants in this proceeding were expecting to adhere to the plan.

32. However, as trucks started to arrive in Ottawa, the plan changed. I do not know why the plan changed. But in any event, rather than guiding trucks to the various agreed-upon staging areas, Ottawa Police Service vehicles instead led trucks to the downtown core and directed them to park all over downtown Ottawa. My understanding is that the truckers followed the directions of the Ottawa Police Service (or other authorities) and parked their trucks as directed. That is how all the trucks ultimately ended up all over downtown Ottawa. Moreover, to the best of my knowledge, once the trucks were parked downtown, no one subsequently ordered any trucks to move or relocate to a different part of the city until the protest ended weeks later, after the federal government declared a public order emergency. To be clear, to the best of my knowledge, none of the protestors ever had the intention to park downtown, near residences, in order to disturb Ottawa residents.

33. I have personal experience with this change of plan. I recall that on the morning of Saturday, January 29, 2022, the bulk of the convoy that had arrived from Western Canada was located in Arnprior, Ontario, near Ottawa. As we left Arnprior for the final leg of the journey taking us into Ottawa, everyone was still expecting to follow the instructions contained in the maps furnished by the Ottawa Police Service. We were expecting to proceed to the various “staging areas” and park the trucks there.

34. Then, halfway to Ottawa, I received a call from the Ottawa Police Service, telling me that plans had changed and that I was being instructed to disregard the original plan. The officer who called me said that the highway exit that we had been expecting to use to enter Ottawa per the

original instructions was “full”, and it had become a safety issue. Accordingly, we were instructed to take a different exit to come into the downtown core.

35. I then recall that once we took that new exit, there were lots of police cars positioned in such a way as to direct one single path for convoy trucks to follow as they headed towards the Parliament Buildings. I and the other trucks followed the police guidance and direction to the downtown core. I saw that other sections of the convoy (i.e. those trucks arriving from Eastern Canada and Ontario) had already arrived and were parked all over the downtown streets. Again, this was not the original plan – I have no idea why the police changed the original plan.

36. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core.

37. In response to the allegations at paragraph 96 of the Claim, I agree that some of the “Organizer Defendants” would deliver various supplies to truck drivers from time to time. However, it is untrue that “the trucks remained running all day and night”.

38. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim. I personally never saw any trucks at all idling 24 hours per day for the duration of the protest.

39. In response to the allegations at paragraphs 98-99 of the Claim, I agree that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, I reject all of the precise allegations in these paragraphs.

40. In response to the allegations at paragraphs 101-109 of the Claim, I agree that, from time to time, I and/or the other so-called “Organizer Defendants” would communicate with the other protestors through various social media channels, meet daily at various hotels in downtown Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. I have set out above the activities that I was most involved with. That said, I deny the specific allegations in these paragraphs, including the allegations that these activities were in any way part of a “common design” on the part of any of the defendants, as alleged in the Claim. I also reject the characterization of the Freedom Convoy protest as an “occupation”.

41. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were many instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither I nor, to the best of my knowledge, any of the other so-called “Organizer Defendants” ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. I reject the very notion that I had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”. To the best of my recollection, I personally never honked any horns at all during the Freedom Convoy protest.

42. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. That said, I deny all of

the specific allegations in these paragraphs, particularly that the raising of money by the Freedom Convoy protest was in any way “for the express purpose of supporting the indefinite truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”.

43. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

44. In response to the allegations at paragraphs 152-162 of the Claim, I agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. That said, I deny all other specific allegations in these paragraphs.

45. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

46. With respect to the allegations at paragraphs 174-223 of the Claim, I have no knowledge of any of them.


47. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

48. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong

opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

SWORN REMOTELY by videoconference by)
Miranda Gasior at the City [REDACTED])
in the Province of [REDACTED])
before me at the City of [REDACTED])
in the Province of Ontario)
on the 4th day of August, 2023)
in accordance with O.Reg 431/20.)

21st Jm



JAMES MANSON, LSO# 54963K
Barrister & Solicitor



MIRANDA GASIOR

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF MIRANDA GASIOR

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 8

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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*

AFFIDAVIT OF RYAN MIHILEWICZ

I, RYAN MIHILEWICZ, of the City of Prince Albert in the Province of Saskatchewan, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the “**Claim**”), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

4. In response to the allegations at paragraph 37 of the Claim, I agree that I reside in Prince Albert, Saskatchewan. I am a trucker, and I did drive to Ottawa to participate in the Freedom Convoy protest. However, I did not drive a tractor-trailer unit to Ottawa; rather, I drove to Ottawa in a pick-up truck.

5. In further response to the allegations at paragraph 37 of the Claim, I agree that I was a “road captain” for part of the trip to Ottawa; however, I deny that this role meant that I was an “organizer” or otherwise a “leader” of the Freedom Convoy in any capacity. In reality, my role as “road captain” was simply to lead some trucks on the highway from Prince Albert, through Saskatoon and ultimately to Regina to join up with the main body of the convoy heading east. I would say that in total, about 60-70 trucks ultimately followed me to Regina. However, the vast majority of those trucks then turned around and headed home. Only a few of them continued to Ottawa.

6. Upon arriving in Regina, and once the Ottawa-bound trucks joined up with the larger convoy, my role was simply to drive to Ottawa in the rear and be on the lookout for any trucks that were having difficulties or were lagging behind or otherwise causing issues. I was not a “liaison” between the convoy and Saskatchewan drivers at any time during the protest. To be

clear, I had no authority whatsoever as a “road captain”, whether in relation to Saskatchewan drivers or anyone else.

7. In further response to the allegations at paragraph 37 of the Claim, neither I nor, to the best of my knowledge, any of the drivers from Saskatchewan had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

8. In response to the allegations at paragraph 43 of the Claim, I deny that I or any of the other defendants referred to at paragraph 43 were “responsible” for the various generic activities listed therein. There were never any such “responsibilities” in the sense that either I or the other so-called “Organizer Defendants” had any definite roles to play while participating in the Freedom Convoy. There were no such roles. Moreover, even had such roles existed, I personally had no such role whatsoever. There was no hierarchy or indeed any real organizational structure at all. There was certainly never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to commit the torts or private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

9. Furthermore, I deny that the various generic activities described at paragraph 43 of the Claim were things that I or the other so-called “Organizer Defendants” ever even contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. These words suggest a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy – by way of example, that the so-

called “Organizer Defendants” somehow came up with a plan to use truck horns as a form of protest, and to coordinate times where horns would be blown in unison, in order to disrupt the lives of Ottawa residents as much as possible. To be clear, I am not aware that there was ever any such “strategy” or “tactic”. To the extent that the Claim alleges any such strategy or tactics, those allegations are unfounded.

10. Further still, I myself had almost no role to play at all once the convoy arrived in Ottawa. I never honked an air horn (or even my own pick-up truck horn), nor did I ever encourage, incite or direct anyone to do so. Nor was I involved in fundraising efforts, or safety/security efforts.

11. I did attend daily meetings where I listened to updates and other news about the protest; however, I never participated in a meaningful way in such meetings. I also did give a few radio interviews; however, I did not participate in a meaningful way on social media.

12. In reality, I did very little in Ottawa. Most of the time I was simply a passive protestor, “hanging around” and participating in the demonstration by my very presence. I thus do not believe that my role in Ottawa was such that I could fairly be described as an “organizer” of the protest in any way.

13. Contrary to the allegations at paragraph 43 of the Claim, my goal in participating in the Freedom Convoy was simply for somebody from the federal government to come and listen to us and listen to the concerns that we had, about the ongoing Covid-19 vaccine mandates. I had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. I felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the government’s Covid-19 vaccine mandates and other

policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

14. To the best of my knowledge, all of the other defendants participated in the Freedom Convoy for the same reasons, and with the same goals.

15. I deny the allegations at paragraphs 48 and 49 of the Claim in their entirety.

16. In response to the allegations at paragraph 72 of the Claim, I reject the notion that I, along with any of the other so-called “Organizer Defendants”, “decided” that “the plan was to occupy downtown Ottawa for an indefinite period of time until [our] political demands were met”. I deny entirely the third sentence of paragraph 72. To the best of my knowledge, there was never any such “common intention” as described in that sentence.

17. In response to the allegations at paragraph 74 of the Claim, again I deny that I or the so-called “Organizer Defendants” had a “common plan” to “seriously interfere with the rights of the class members”. This is simply untrue.

18. In response to the allegations at paragraphs 75 and 76 of the Claim, I generally admit that the other so-called “Organizer Defendants” made some efforts to discuss and coordinate plans, and divide responsibilities among ourselves to oversee planning and logistics, and manage social media and fundraisers. However, I deny that those efforts resulted in any kind of formal hierarchy, organization or “central command” that would go on to control and direct the Freedom Convoy in any appreciable way.

19. In response to the allegations at paragraph 81 of the Claim, again, I admit that I acted in a limited manner as a “road captain”, meaning that I led some trucks from Prince Albert to Regina, whereupon a few of them joined the main convoy and continued to Ottawa. I deny, however, that

I “personally organized a large group of truckers, including Trucker Class Defendants, and collected their registration information for the leadership group”.

20. I deny entirely the allegations at paragraph 85 of the Claim.

21. I deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such “tactic”.

22. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around January 28, 2022. I myself arrived in Ottawa on or around that date. However, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by the so-called “Organizer Defendants” to “gridlock’ downtown Ottawa”. There was no such “plan”, to the best of my knowledge.

23. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core.

24. In response to the allegations at paragraph 96 of the Claim, I agree that some of the “Organizer Defendants”, including me, would deliver various supplies to truck drivers from time to time. However, it is untrue that “the trucks remained running all day and night”.

25. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim. I personally never saw any trucks at all idling 24 hours per day for the duration of the protest.

26. In response to the allegations at paragraphs 98-99 of the Claim, I agree that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, I reject all of the precise allegations in these paragraphs.

27. In response to the allegations at paragraphs 101-109 of the Claim, I agree that, from time to time, I and/or the other so-called “Organizer Defendants” would communicate with the other protestors through various social media channels, meet daily at various hotels in downtown Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. I personally only participated passively in such meetings and a few radio interviews. That said, I deny the specific allegations in these paragraphs, including the allegations that these activities were in any way part of a “common design” on the part of any of the defendants, as alleged in the Claim. I also reject the characterization of the Freedom Convoy protest as an “occupation”.

28. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were many instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither I nor, to the best of my knowledge, any of the other so-called “Organizer Defendants” ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. I reject the very notion that I had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”. To

the best of my recollection, I personally never honked any horns at all during the Freedom Convoy protest.

29. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. That said, I deny all of the specific allegations in these paragraphs, particularly that the raising of money by the Freedom Convoy protest was in any way “for the express purpose of supporting the indefinite truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”.

30. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

31. In response to the allegations at paragraphs 152-162 of the Claim, I agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. That said, I deny all other specific allegations in these paragraphs.

32. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

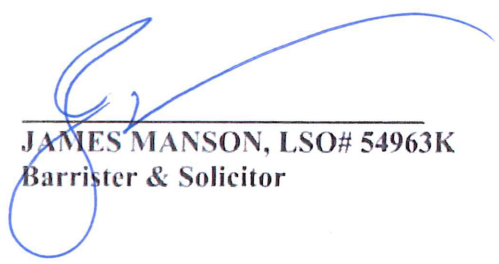
33. With respect to the allegations at paragraphs 174-223 of the Claim, I have no knowledge of any of them.

34. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

35. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

SWORN REMOTELY by videoconference by)
Ryan Mihilewicz at the [redacted])
in the Province of [redacted])
before me at the City of [redacted])
in the Province of Ontario)
on the ~~XX~~ day of August, 2023)
in accordance with O.Reg 431/20.)

15th June



JAMES MANSON, LSO# 54963K
Barrister & Solicitor



RYAN MIHILEWICZ

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

AFFIDAVIT OF RYAN MIHILEWICZ

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 9

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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*

AFFIDAVIT OF SEAN TIESSEN

I, SEAN TIESSEN, of the Town of Grand Forks in the Province of British Columbia, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the “**Claim**”), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

4. In response to the allegations at paragraph 38 of the Claim, I agree that I reside in Grand Forks, British Columbia. In early 2022 I was an unemployed trucker, and I did drive to Ottawa around that time to participate in the Freedom Convoy protest. However, I did not drive a tractor-trailer unit to Ottawa; rather, I drove to Ottawa in a normal SUV vehicle.

5. In further response to the allegations at paragraph 38 of the Claim, I agree that I was a “road captain” on the trip to Ottawa; however, I deny that this role meant that I was an “organizer” or otherwise a “leader” of the Freedom Convoy in any meaningful capacity. In reality, my role as “road captain” was to organize the trucks that were joining the convoy in British Columbia, which included such things as selecting the routes to travel, making sure that the participating truckers filled out registration forms and signed the code of conduct, verifying truckers’ licenses, etc. I was not a formal “liaison” between the convoy and British Columbia drivers at any time during the protest. To be clear, I had no formal authority whatsoever as a “road captain”, whether in relation to British Columbia drivers or anyone else.

6. In further response to the allegations at paragraph 38 of the Claim, neither I nor, to the best of my knowledge, any of the drivers from British Columbia had any intention of driving to Ottawa to engage in tortious or illegal conduct of any kind.

7. In response to the allegations at paragraph 43 of the Claim, I deny that I or any of the other defendants referred to at paragraph 43 were “responsible” for the various generic activities listed therein. There were never any such “responsibilities” in the sense that either I or the other so-called “Organizer Defendants” had any definite roles to play while participating in the Freedom Convoy. There were no such roles. Moreover, even had such roles existed, I personally had no such role whatsoever. There was certainly never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to commit the torts of private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

8. Furthermore, I deny that the various generic activities described at paragraph 43 of the Claim were things that I or the other so-called “Organizer Defendants” ever even contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. These words suggest a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy – by way of example, that the so-called “Organizer Defendants” somehow came up with a plan to use truck horns as a form of protest, and to coordinate times where horns would be blown in unison, in order to disrupt the lives of Ottawa residents as much as possible. To be clear, I am not aware that there was ever any such “strategy” or “tactic”. To the extent that the Claim alleges any such strategy or tactics, those allegations are unfounded.

9. Further still, I myself had only a limited role to play once the convoy arrived in Ottawa. I never honked an air horn (or even my own car horn), nor did I ever encourage, incite or direct anyone to do so. Nor was I involved in fundraising efforts, or safety/security efforts.

10. I did attend daily meetings where I listened to updates and other news about the protest; however, I never participated in a meaningful way in such meetings.

11. I can also say that on several nights during the protest I spent some time on a self-created “security detail”. I would roam the streets of downtown Ottawa at night, from around 11:00 PM to approximately 3:00 or 4:00 AM, usually in a car but sometimes on foot. I was accompanied on these outings by the defendant, Miranda Gasior.

12. No one asked or ordered me or Miranda to undertake this “security detail”. Rather, Miranda and I decided to do this ourselves. This is because we had noticed some goings-on that, to us, warranted it. For example, one night while near a “Days Inn” hotel I noticed that five cars had been vandalized by graffiti. I understand that this was done by members of the “Antifa” movement. Another example is that we also came to know during the protest that some protestors would find tacks and screws under truck tires.

13. Accordingly, Miranda and I decided to try to do what we could to keep the protest areas secure at nights. I hasten to add three observations about our time roaming the streets in the middle of the night during the protest: (1) it was almost always entirely quiet during those hours, all over downtown Ottawa. I generally don’t recall hearing any truck horns being honked while I was on “security detail”; (2) I also don’t recall seeing any trucks with their engines idling all night long, as alleged elsewhere in the Claim. That simply never happened; and (3) Miranda and I could generally always pass freely down the streets in the protest areas. There was no “gridlock” as claimed in the Claim.

14. I also recall at one point trying to speak with the protestors who insisted on blocking the intersection of Rideau Street and Sussex Drive in an effort to get them to clear the intersection; unfortunately, I was unsuccessful.

15. Aside from these activities, most of the time I was simply a passive protestor, “hanging around” and participating in the demonstration by my very presence. I thus do not believe that my role in Ottawa was such that I could fairly be described as an “organizer” of the protest in any significant way.

16. Contrary to the allegations at paragraph 43 of the Claim, my goal in participating in the Freedom Convoy was simply for somebody from the federal government to come and listen to us and listen to the concerns that we had, about the ongoing Covid-19 vaccine mandates, particularly as they related to cross-border trucking. I had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. I felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the government’s Covid-19 vaccine mandates and other policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

17. To the best of my knowledge, all of the other defendants participated in the Freedom Convoy for the same reasons, and with the same goals.

18. I deny the allegations at paragraphs 48 and 49 of the Claim in their entirety.

19. In response to the allegations at paragraph 72 of the Claim, I reject the notion that I, along with any of the other so-called “Organizer Defendants”, “decided” that “the plan was to occupy downtown Ottawa for an indefinite period of time until [our] political demands were

met”. I deny entirely the third sentence of paragraph 72. To the best of my knowledge, there was never any such “common intention” as described in that sentence.

20. In response to the allegations at paragraph 74 of the Claim, again I deny that I or the so-called “Organizer Defendants” had a “common plan” to “seriously interfere with the rights of the class members”. This is simply untrue.

21. In response to the allegations at paragraphs 75 and 76 of the Claim, I generally admit that the other so-called “Organizer Defendants” made some efforts to discuss and coordinate plans, and divide responsibilities among ourselves to oversee planning and logistics, and manage social media and fundraisers. However, I deny that those efforts resulted in any kind of formal hierarchy, organization or “central command” that would go on to control and direct the Freedom Convoy in any appreciable way.

22. In response to the allegations at paragraph 79 of the Claim, again, I admit that I acted in a limited manner as a “road captain”, meaning that I organized the trucks and vehicles that formed the bulk of the convoy beginning in British Columbia, heading east.

23. I deny entirely the allegations at paragraph 85 of the Claim.

24. I deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such “tactic”.

25. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around January 28, 2022. I myself arrived in Ottawa on or around that date. However, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by

the so-called “Organizer Defendants” to “‘gridlock’ downtown Ottawa”. There was no such “plan”, to the best of my knowledge.

26. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core.

27. In response to the allegations at paragraph 96 of the Claim, I agree that some of the “Organizer Defendants” would deliver various supplies to truck drivers from time to time. However, I was not one of them. It is also untrue that “the trucks remained running all day and night”.

28. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim. I personally never saw any trucks at all idling 24 hours per day for the duration of the protest.

29. In response to the allegations at paragraphs 98-99 of the Claim, I agree that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, I reject all of the precise allegations in these paragraphs.

30. In response to the allegations at paragraphs 101-109 of the Claim, I agree that, from time to time, I and/or the other so-called “Organizer Defendants” would communicate with the other protestors through various social media channels, meet daily at various hotels in downtown Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. I personally only participated passively in such meetings and a few radio interviews. That said, I deny the specific allegations in these paragraphs, including the

allegations that these activities were in any way part of a “common design” on the part of any of the defendants, as alleged in the Claim. I also reject the characterization of the Freedom Convoy protest as an “occupation”.

31. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were many instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither I nor, to the best of my knowledge, any of the other so-called “Organizer Defendants” ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. I reject the very notion that I had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”. To the best of my recollection, I never honked any horns at all during the Freedom Convoy protest.

32. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. That said, I deny all of the specific allegations in these paragraphs, particularly that the raising of money by the Freedom Convoy protest was in any way “for the express purpose of supporting the indefinite truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”.

33. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any activities associated with the Freedom Convoy protest were in any way illegal or tortious.

34. In response to the allegations at paragraphs 152-162 of the Claim, I agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. That said, I deny all other specific allegations in these paragraphs.

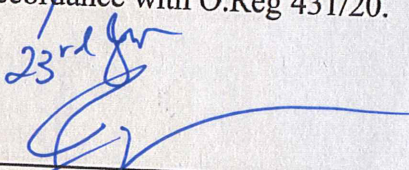
35. In response to the allegations at paragraphs 163-173 of the Claim, I agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations in these paragraphs, including that the various declarations were issued "given the ongoing harm to resident, businesses and employees in downtown Ottawa".

36. I have no knowledge of the allegations at paragraphs 174-223 of the Claim.


37. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

38. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the othe protestors.

SWORN REMOTELY by videoconference by)
Sean Tiessen at the [redacted])
in the Province of [redacted])
before me at the City of [redacted])
in the Province of Ontario)
on the 16th day of August, 2023)
in accordance with O.Reg 431/20.)

23rd Aug


JAMES MANSON, LSO# 54963K
Barrister & Solicitor



SEAN TIESSEN

**ZEXI LI. ET AL.
PLAINTIFFS**

-and-

**CHRIS BARBER ET AL.
DEFENDANTS**

Court File No.: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA**

AFFIDAVIT OF SEAN TIESSEN

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 10

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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*

AFFIDAVIT OF TOM MARAZZO

I, TOM MARAZZO, of the City of Brampton in the Province of Ontario, MAKE OATH AND SAY:

1. I am a defendant in this matter. As such, I have personal knowledge of the matters to which I depose in this affidavit. Where my knowledge with respect to such matters is based on information and belief, I have set out the source of the information, and believe it to be true.
2. I swear this affidavit in support of the pending anti-SLAPP motion that has been brought by some of the defendants in this matter, including myself.

3. I have never been a trucker. I have never owned or operated a tractor-trailer unit anywhere, for any purpose. I do not possess and have never possessed a Class 1 driver's licence, or any licence that would permit me to operate a tractor-trailer unit.

4. I was unemployed at the time of the Freedom Convoy protest. I had recently been fired in September 2021 from my employment as a part-time teacher at Georgian College, a post-secondary institution located in Barrie, Ontario. I was fired (with cause) because I disagreed with the College's mandatory Covid-19 vaccination policy.

5. Before becoming a teacher, my career was in the Canadian military. I was employed as a regular, full-time member of the Canadian Forces, from 1998 to 2015. I attained the rank of Captain, but ultimately had to leave the military due to health issues related to my back. I received an honourable discharge.

6. In response to paragraphs 1-18 of the Further Fresh as Amended Statement of Claim (the "**Claim**"), I admit that I and, to the best of my knowledge, the other defendants, did intend to stage a demonstration in the vicinity of the Parliament Buildings in downtown Ottawa in January and February 2022. Our goal was to advance certain grievances to our federal political leaders. That said, I reject the balance of the allegations in these paragraphs. I deny the entirety of the narrative that the plaintiffs have attempted to set up in the Overview section of the Claim.

7. In response to the allegations at paragraph 36 of the Claim, I confirm that I reside in the Province of Ontario. I also confirm that I participated in the "Freedom Convoy" protest that took place in Ottawa in January and February of 2022. My role during the protest chiefly consisted of three main activities. First, I tried my best to stay in constant communication with the Ottawa Police Service and the Ontario Provincial Police and make efforts to ensure that safety lanes were always open in the protest areas so that emergency vehicles could respond to an emergency.

That to me was a critical task because I and my family are no strangers to health emergencies. I have a son who suffers from a congenital heart defect, and he had been hospitalized for myocarditis in Toronto only five weeks before the convoy took place. He also had two open heart surgeries by the time he was three years old. I am therefore well aware of how important it is for emergency vehicles to be able to access citizens in need.

8. Second, I also worked with the truckers, the City of Ottawa and the Ottawa Police Service in a constant effort to help clear the intersection in front of the Rideau Centre shopping mall at the intersection of Rideau Street and Sussex Drive, with the goal of relocating the trucks that had blocked that intersection. Those efforts were met with limited success; the truckers at that location were quite obstinate.

9. Third, in a similar vein I also worked with other truckers, the City of Ottawa and the Ottawa Police Service to try more generally to have trucks relocate out of the downtown Ottawa residential areas south of Wellington Street.

10. That all said, I reject the allegations at paragraph 36 that I played an “important logistical and coordinating role in the tactical planning and execution of the tortious horn blasting and idling trucks”. That is totally false. I am not aware of any evidence that would support such an allegation.

11. In response to the allegations at paragraph 43 of the Claim, I deny that I or any of the other defendants referred to at paragraph 43 were “responsible” for the various generic activities listed therein. There were never any such “responsibilities” in the sense that either I or the other so-called “Organizer Defendants” had any formal or definite roles to play while participating in the Freedom Convoy. There were no such roles. There was no hierarchy or indeed any real organizational structure at all. There was certainly never any “common design”, whether among

the “Organizer Defendants” themselves or between them and any other individuals, to commit the torts or private and/or public nuisance, or any other tortious conduct. Indeed, there was never any “common design”, whether among the “Organizer Defendants” themselves or between them and any other individuals, to do any of the things that are alleged by the plaintiffs to constitute a private and/or public nuisance in this proceeding, including the use of truck horns, the production of diesel fumes as a by-product of idling truck engines, etc.

12. Furthermore, I deny that the various generic activities described at paragraph 43 of the Claim were things that I or the other so-called “Organizer Defendants” ever contemplated. For example, there was never any contemplation of “strategy” or “tactics” in the sense suggested by the plaintiffs. These words suggest a concerted effort by the so-called “Organizer Defendants” to direct or control other participants in the Freedom Convoy – by way of example, that the so-called “Organizer Defendants” somehow came up with a plan to use truck horns as a form of protest, and to coordinate times where horns would be blown in unison, in order to disrupt the lives of Ottawa residents as much as possible. To be clear, there was never any such “strategy” or “tactic”. To the extent that the Claim alleges any such strategy or tactics, those allegations are unfounded.

13. Contrary to the allegations at paragraph 43 of the Claim, my goal in participating in the Freedom Convoy was to support the protest in any way that I could. I had been growing increasingly alarmed with the Canadian government’s Covid-19 vaccine mandates and the harm that I had been seeing them inflict on Canadians. Personally, the mandates had resulted in the loss of my new career as a teacher, which I was passionate about. Moreover, I was very concerned about the loss of my and my family’s personal freedoms. I was also opposed to the Covid-19 vaccine mandates. My oldest son has autism and I have been tracking vaccine-related

health issues for quite a while. Suffice it to say that I am skeptical of vaccines in general, and the Covid-19 vaccine in particular, chiefly because it uses a new type of technology that has not been studied long-term. I was not in agreement with the idea of being told that I had to accept an unwanted medical intervention simply in order to continue to participate in society.

14. Ultimately, I was very concerned that the Canadian population had been led to believe that people like me and my family were a threat to other people and their children.

15. I therefore felt that I needed to exercise my democratic rights. I felt that this was important for Canadians who had been living under lockdowns and restrictions for two years. My goal was to protest and to be heard. I wanted to express my strong disagreement with the government's Covid-19 vaccine mandates and other policies, and I wanted to support my fellow protestors and other Canadians who felt the same as me. I wanted the mandates to end.

16. To the best of my knowledge, all of the other defendants participated in the Freedom Convoy for similar reasons, and with similar goals.

17. I deny the allegations at paragraphs 48-50 of the Claim in their entirety. With respect to the allegations at paragraph 50, like the defendant Daniel Bulford, I also frequently walked around the areas east of the Rideau Canal during the protest, and I also saw very few protest vehicles (i.e. tractor-trailer units) parked anywhere east of the Rideau Canal. I did see some trucks parked on Rideau Street east of the Rideau Canal, and there were also some trucks parked on Nicholas Street; however, there were no trucks at all parked to the north of Rideau Street, all the way to the Ottawa River. I therefore fail to understand how the so-called "Occupation Zone" would encompass any of the streets or neighbourhoods east of the Rideau Canal.

18. In response to the allegations at paragraph 74 of the Claim, again I deny that I and other so-called “Organizer Defendants” had a “common plan” to “seriously interfere with the rights of the class members”. This is simply untrue.

19. In response to the allegations at paragraphs 75 and 76 of the Claim, I generally admit that I and other so-called “Organizer Defendants” made some efforts to discuss and coordinate plans, and divide responsibilities among ourselves to oversee planning and logistics, and manage social media and fundraisers. However, I deny that those efforts resulted in any kind of formal hierarchy, organization or “central command” that would go on to control and direct the Freedom Convoy in any appreciable way.

20. I deny entirely the allegations at paragraph 85 of the Claim.

21. I deny entirely the allegations at paragraph 86 of the Claim. Such allegations are false. There was simply no such “tactic”.

22. With respect to the allegations at paragraphs 87-89 of the Claim, I agree that Freedom Convoy trucks began to arrive in Ottawa around February 28, 2022. I myself only arrived in Ottawa on or about January 30, 2022. To be clear, I did not participate at all in the original conception and organization of the convoy or the protest. I did not join the convoy and travel to Ottawa that way. That said, I reject the allegation that Freedom Convoy vehicles “congregated and began to block streets around Parliament Hill and in the surrounding neighbourhoods”, “as planned” by the defendants. I further reject the allegation that this was in any way a “plan” by the so-called Organizer Defendants to “‘gridlock’ downtown Ottawa”. There was no such “plan”.

23. On the contrary, to the best of my knowledge, none of the defendants had originally expected to park any Freedom Convoy vehicles on the streets of downtown Ottawa. Rather, everyone had been expecting that Freedom Convoy vehicles would park in “staging areas”

located away from residential downtown Ottawa, and that shuttles or other forms of transportation would ferry protestors from those staging areas to Parliament Hill. My understanding was that those staging areas were lengthy designated stretches of Sir John A. MacDonald Parkway (to the west of downtown) and Sir George Etienne Cartier Parkway (to the east of downtown), which collectively were able to accommodate approximately 2,500 tractor-trailer units. A third staging area was located on Wellington St., in front of the Parliament Buildings, which was able to accommodate only a small number of trucks (less than 40 trucks).

24. In fact, as I understand it, the Ottawa Police Service provided maps and instructions on where trucks should park and what routes they should take to arrive at the various staging locations. This was a plan that had been communicated to the protestors by the Ottawa Police Service before trucks began to arrive in Ottawa and, to the best of my knowledge, all protestors including the defendants in this proceeding were expecting to adhere to the plan.

25. However, as trucks started to arrive in Ottawa, the plan changed. I do not know why the plan changed. But in any event, rather than guiding trucks to the various agreed-upon staging areas, Ottawa Police Service vehicles instead led trucks to the downtown core and directed them to park all over downtown Ottawa. My understanding is that the truckers followed the directions of the Ottawa Police Service (or other authorities) and parked their trucks as directed. That is how all the trucks ultimately ended up all over downtown Ottawa. Moreover, to the best of my knowledge, once the trucks were parked downtown, no one subsequently ordered any trucks to move or relocate to a different part of the city until the protest ended weeks later, after the federal government declared a public order emergency. To be clear, to the best of my knowledge, none of the protestors ever had the intention to park downtown, near residences, in order to disturb Ottawa residents.

26. In response to the allegations at paragraph 95 of the Claim, I deny that the Freedom Convoy vehicles constituted a “blockade”, or that it was “impossible” or “almost impossible” for other vehicles to pass through the downtown Ottawa core. As I have explained above, safety was an important priority for both me and the other so-called “Organizer Defendants”, and I worked very hard to ensure that safety and emergency vehicles could pass through. With one or two limited exceptions, this was always achieved.

27. In response to the allegations at paragraph 96 of the Claim, I agree that some of the Organizer Defendants would deliver various supplies to truck drivers. However, it is untrue that “the trucks remained running all day and night”.

28. In response to the allegations at paragraph 97 of the Claim, it is simply false that Freedom Convoy vehicles “remained idling 24 hours per day for the duration of the Freedom Convoy protest, emitting noxious diesel fumes, particulates and gases.” There is no support for this assertion in the Claim.

29. In response to the allegations at paragraphs 98-99 of the Claim, I, like Daniel Bulford, agree that, broadly speaking, a staging area for the Freedom Convoy protest was set up that came to be known as “Coventry”. However, I reject all of the precise allegations in these paragraphs. There was never any coordinated effort on behalf of myself and Daniel Bulford to manage or coordinate the logistics at the “Coventry” staging area in any way. People at “Coventry” were not taking instructions from either of us in any way. I wish to emphasize that to the best of my knowledge, the “Coventry” staging area was not selected by the protestors. Rather, it was selected by the Ottawa Police Service as an “overflow” location for use by the protestors.

30. In response to the allegations at paragraphs 101-109 of the Claim, I agree that, from time to time, I and the other so-called Organizer Defendants would communicate with the other

protestors through various social media channels, meet daily at various hotels in downtown Ottawa to discuss various issues related to the protest in general, and hold regular press conferences. That said, I deny the specific allegations in these paragraphs, including the allegations that these activities were in any way part of a “common design” on the part of any of the defendants, as alleged in the Claim. I also reject the characterization of the Freedom Convoy protest as an “occupation”.

31. With respect to the allegations at paragraph 104 of the Claim, I agree that I did maintain a map of downtown Ottawa at the Arc Hotel. The map identified a number of vulnerable and sensitive locations and areas that police had warned the protestors to stay away from. It also identified the various locations where trucks were parked.

32. I generally admit the allegations at paragraph 109 of the Claim. I deny that there was anything illegal or tortious about these allegations.

33. In response to the allegations at paragraphs 110-118 of the Claim, I admit that there were many instances where protestors honked the horns of many of the tractor-trailer units that were located in downtown Ottawa during the protest. That said, I deny all of the specific allegations in these paragraphs, including the allegations to the effect that the honking of horns was a “main tactic” that was part of any “common design” on the part of any of the defendants. Neither I nor, to the best of my knowledge, any of the other so-called Organizer Defendants ever “planned, organized, encouraged and directed” anyone to “blast the horns on their vehicles, non-stop, for several hours every day”. I reject the very notion that we had any authority to do so, or that any of the other protestors would have followed any such instructions anyway. I also reject the allegation that any horns in fact were being honked “non-stop, for several hours every day”. To

the best of my recollection, I personally never honked any horns at all during the Freedom Convoy protest.

34. In response to the allegations at paragraphs 119-142 of the Claim, I agree that the Freedom Convoy protest did receive a large amount of donations through the “Go Fund Me” and “GiveSendGo” online platforms, from donors across Canada and beyond. That said, I deny all of the specific allegations in these paragraphs, particularly that the raising of money by the Freedom Convoy protest was in any way “for the express purpose of supporting the indefinite truck blockade of public streets and roadways, the non-stop idling of trucks and associated air pollution, and the extreme and incessant horn honking in the Occupation Zone”. Such allegations are completely without merit.

35. I deny all allegations at paragraphs 143-151 of the Claim, or anywhere in the Claim, that any of the activities associated with the Freedom Convoy protest were in any way illegal or tortious.

36. In response to the allegations at paragraphs 152-162 of the Claim, I agree that Justice Maclean granted an interim injunction in this proceeding on February 7, 2022, which was then extended on February 16, 2022, on an interlocutory basis for a further 60 days. That said, I deny all other specific allegations against me and the other defendants in these paragraphs.

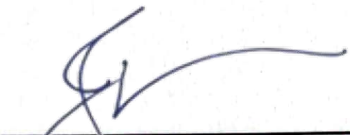
37. In response to the allegations at paragraphs 163-173 of the Claim, I generally agree that the various declarations of emergency referred to in these paragraphs were issued. That said, I deny all other specific allegations against me and the other defendants in these paragraphs, including that the various declarations were issued “given the ongoing harm to resident, businesses and employees in downtown Ottawa”.

38. With respect to the allegations at paragraphs 174-223 of the Claim, I generally have no knowledge of any of them.

39. With respect to the allegations at paragraphs 224-244 of the Claim, I deny all allegations of private and public nuisance made in this proceeding. I further deny that the plaintiffs have suffered any of the damages claimed.

40. Speaking for myself personally, all of the activities described above in which I participated during the Freedom Convoy protests were done in an effort to express my strong opposition to the federal government's vaccine mandates and restrictions relating to the Covid-19 situation, and my support for the other protestors.

SWORN REMOTELY by videoconference by)
Tom Marazzo at the [REDACTED])
in the Province of [REDACTED])
before me at the City of [REDACTED])
in the Province of Ontario)
on the 17th day of August, 2023)
in accordance with O.Reg 431/20.)



JAMES MANSON, LSO# 79576J
Barrister & Solicitor



TOM MARAZZO

**ZEXI LI. ET AL.
PLAINTIFFS**

-and-

**CHRIS BARBER ET AL.
DEFENDANTS**

Court File No.: CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA**

AFFIDAVIT OF DANIEL BULFORD

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 11

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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 *Class Proceedings Act, 1992*

REQUEST TO ADMIT

YOU ARE REQUESTED TO ADMIT, for the purposes of this proceeding only, the truth of the following facts:

1. Between January 25, 2022 and February 9, 2022, a series of telephone text messages was created by the defendant, Chris Garrah (“**Garrah**”), and Constable Isabelle Cyr-Pidcock (“**Cyr-Pidcock**”) of the Ottawa Police Service.
2. The document attached to this Request to Admit and marked as “**Document No. 1**” is a collection of “screen shots” taken of a text message thread on a mobile phone.

3. The “screen shots” in Document No. 1 accurately reflect the content of the text messages that were sent and received by both Garrah and Cyr-Pidcock.

4. The text messages displayed in the “screen shots” in Document No. 1 were sent and received on the dates indicated in the “screen shots”.

YOU ARE REQUESTED TO ADMIT, for the purposes of this proceeding only, the authenticity of the following documents:

1. An eight-page document consisting of “screen shots” of text messages sent and received between January 25, 2022 and February 9, 2022, by the defendant, Chris Garrah, and Constable Isabelle Cyr-Pidcock of the Ottawa Police Service, attached to this Request to Admit and marked as “**Document No. 1**”.

Attached to this request is a copy of each of the documents referred to above.

YOU MUST RESPOND TO THIS REQUEST by serving a a response to request to admit in Form 51B prescribed by the Rules of Civil Procedure **WITHIN TWENTY DAYS** after this request is served on you. If you fail to do so, you will be deemed to admit, for the purposes of this proceeding only, the truth of the facts and the authenticity of the document set out above.

August 25, 2023

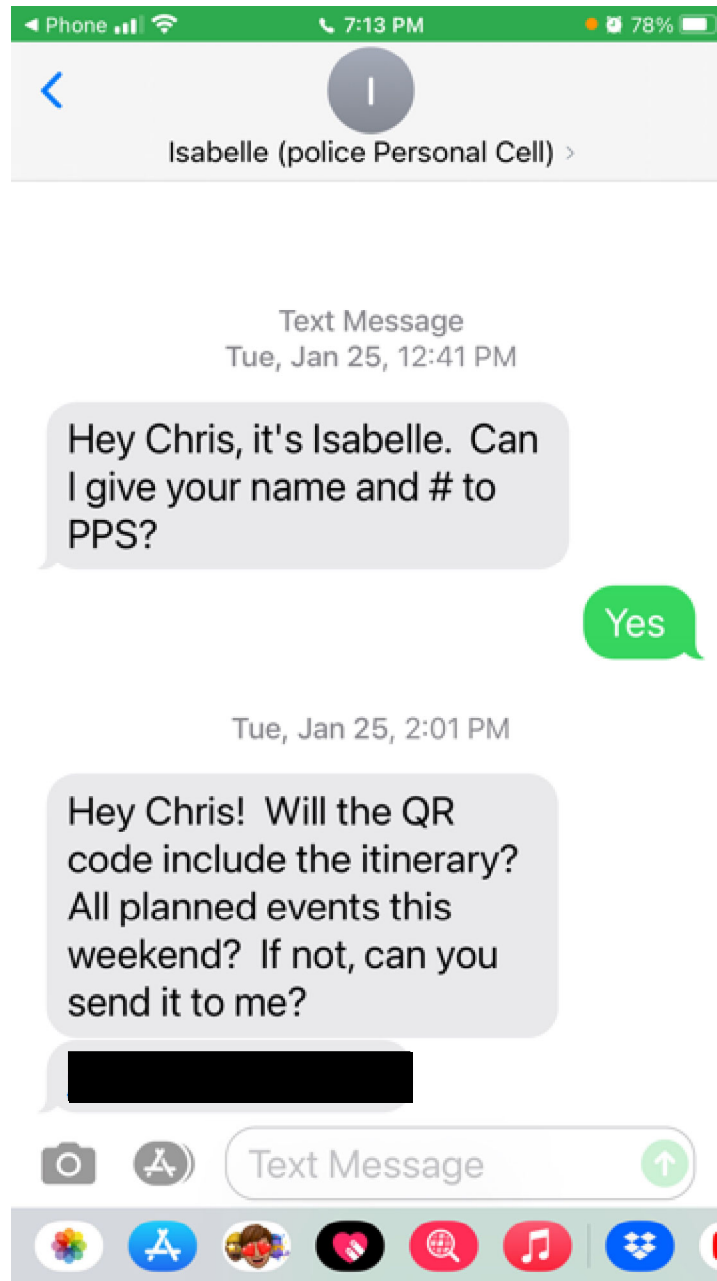
CHARTER ADVOCATES CANADA

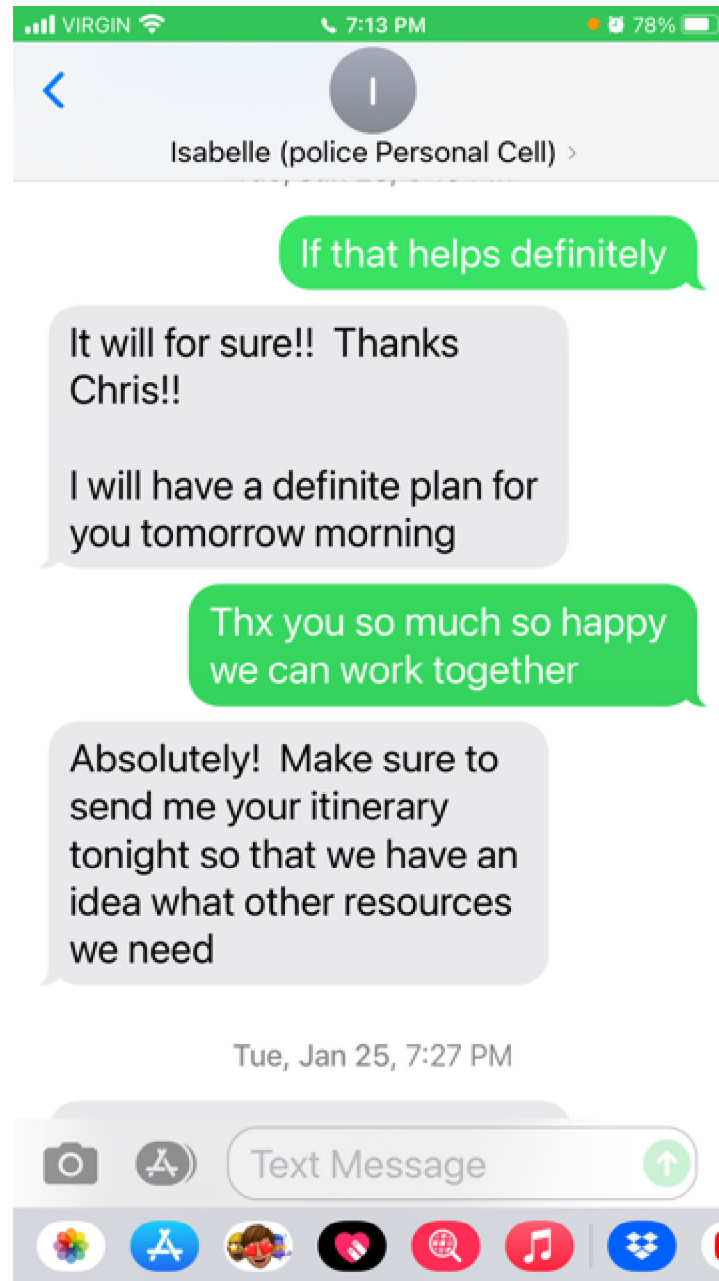
[REDACTED]

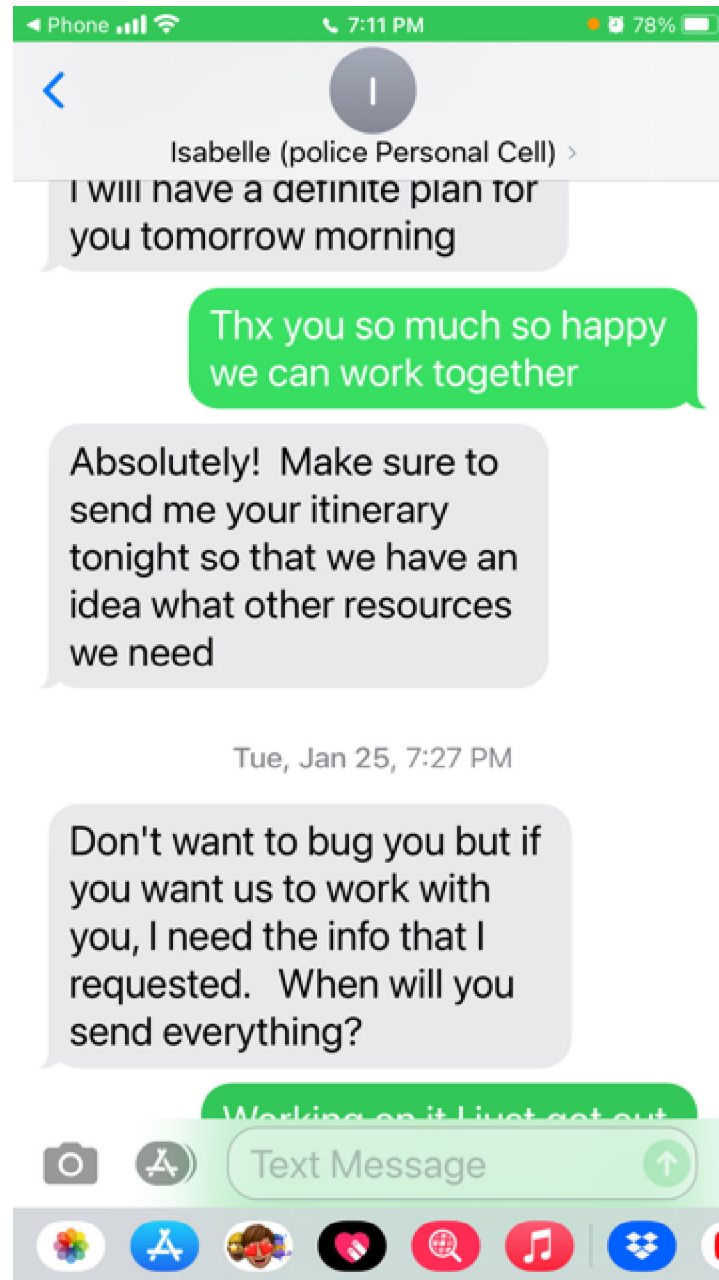
James Manson (LSO# 54963K)

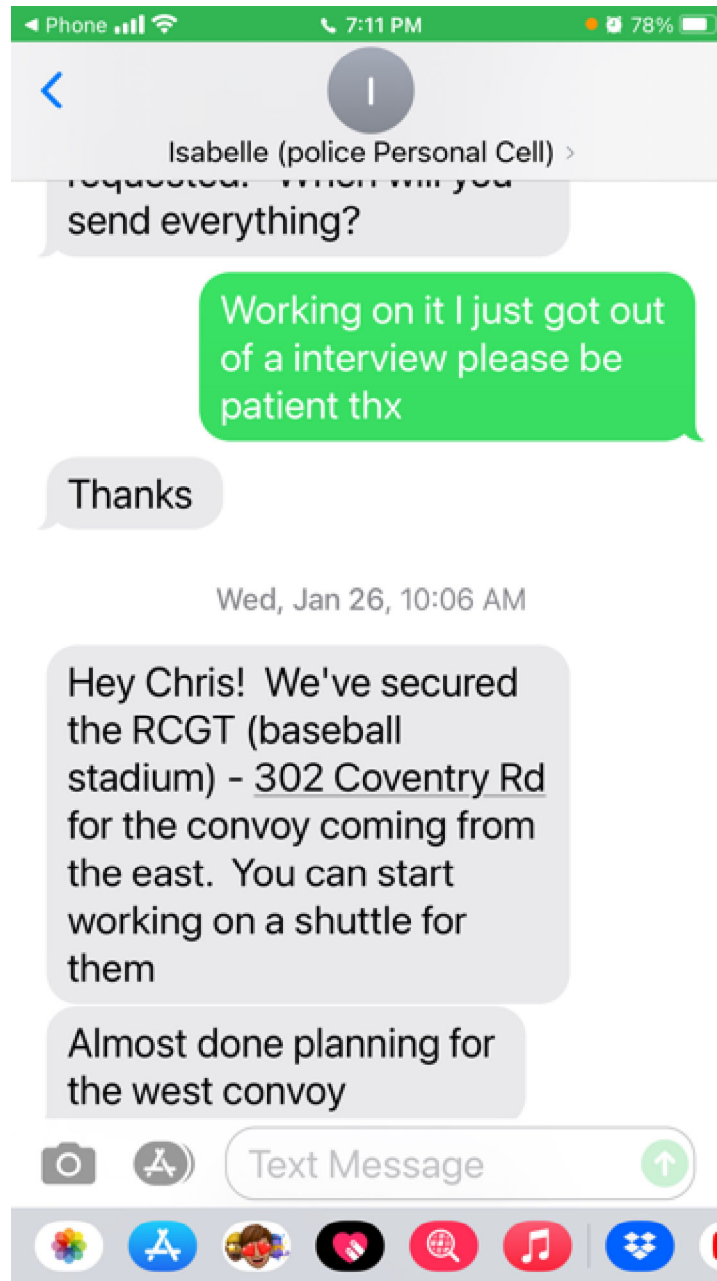
[REDACTED]

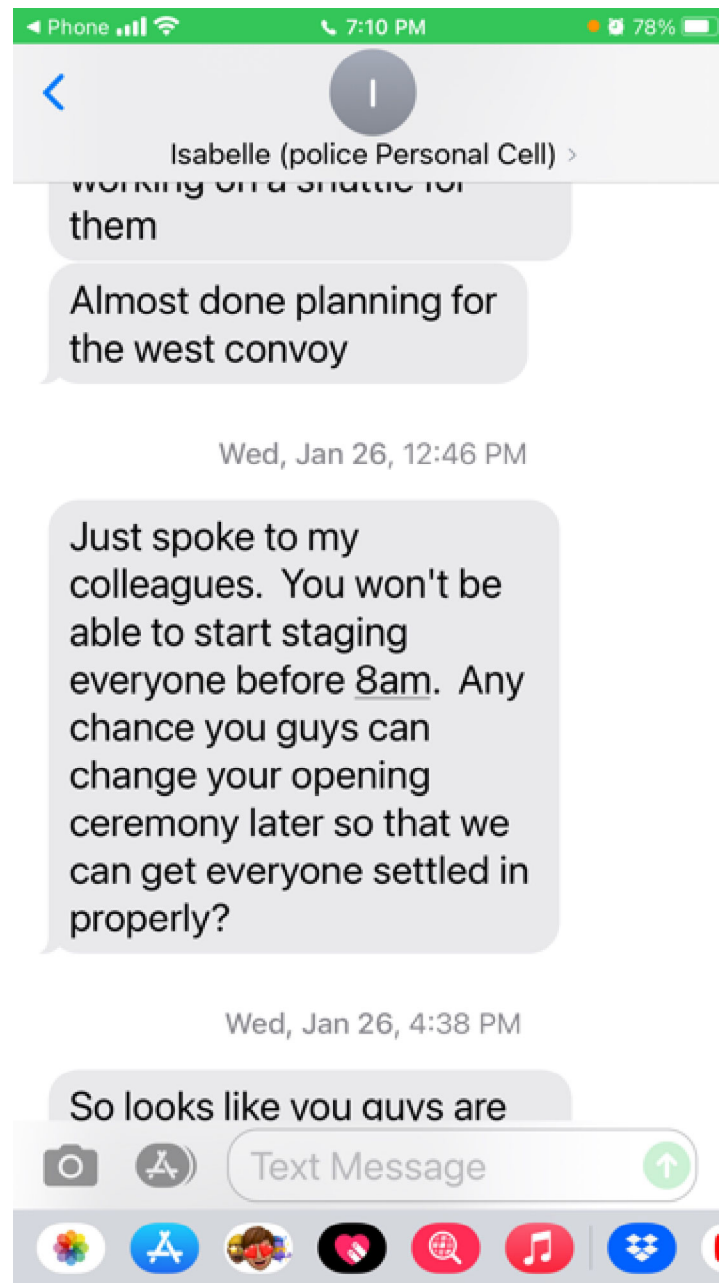
Counsel for the Defendants, Tamara Lich, Chris Barber, Tom Marazzo, Sean Tiessen, Miranda Gasior, Daniel Bulford, Dale Enns, Ryan Mihilewicz, Brad Howland, Harold Jonker, Jonker Trucking Inc. and Freedom 2022 Human Rights and Freedoms

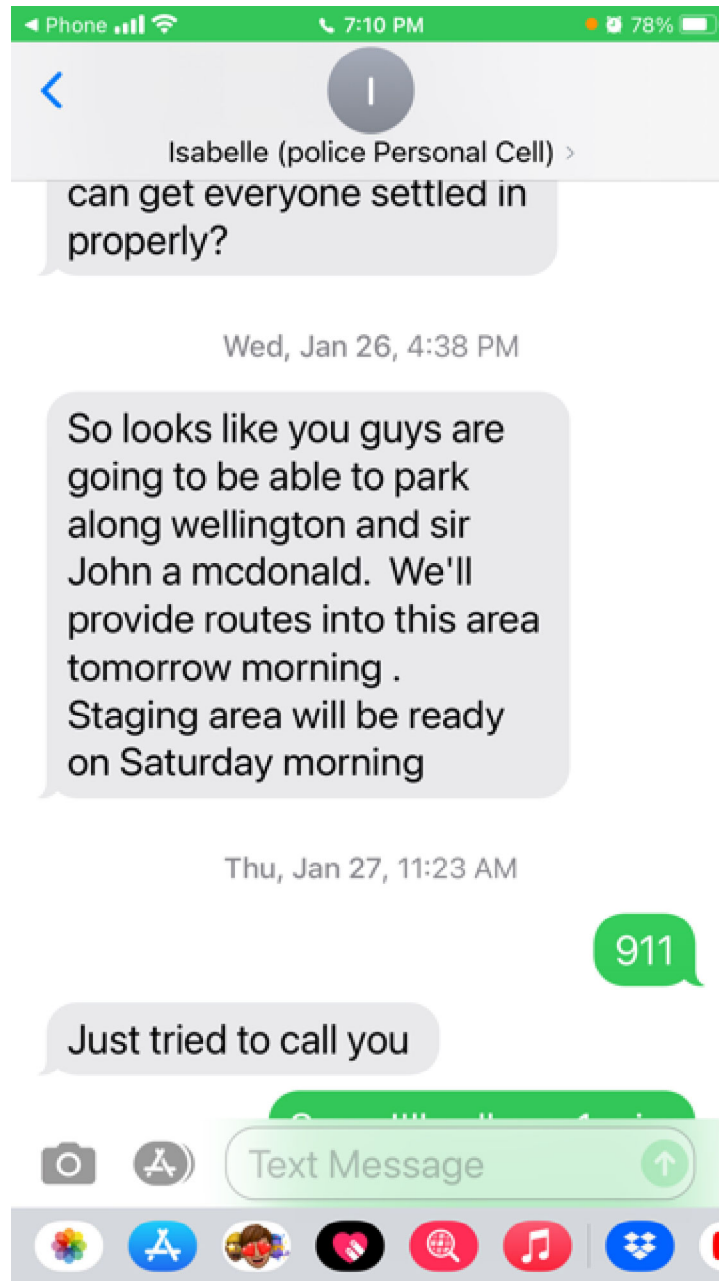




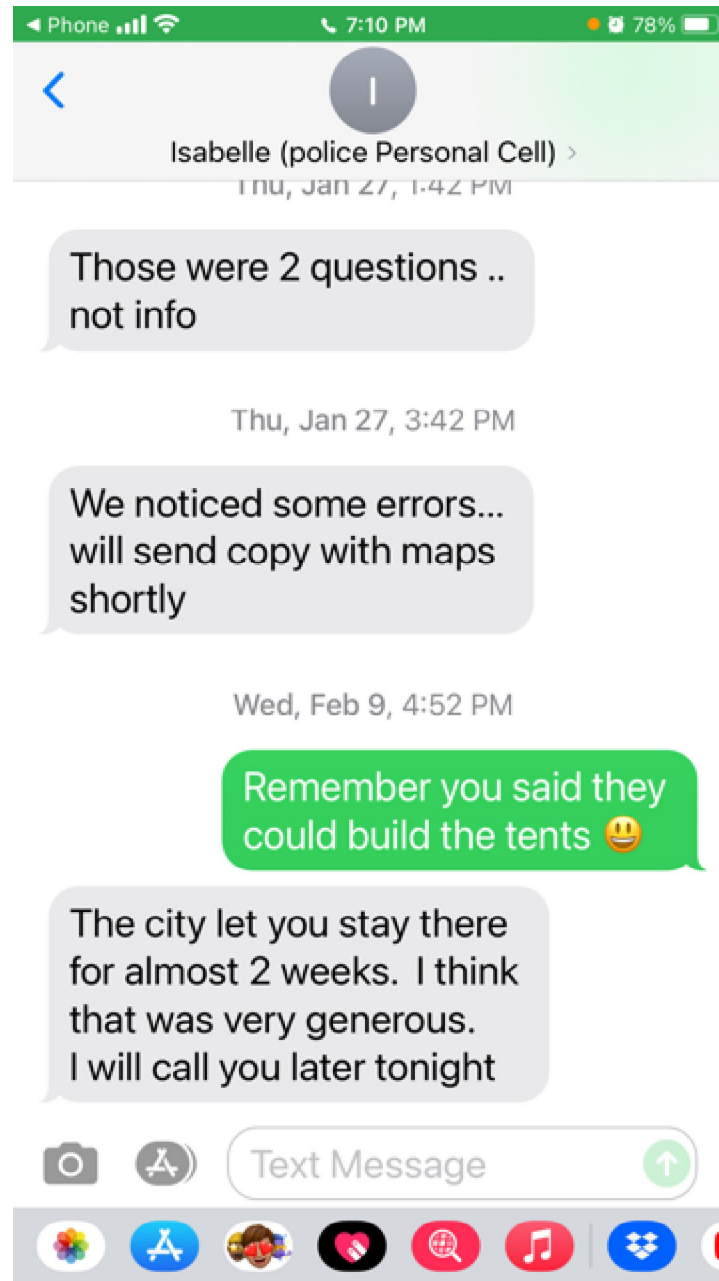












TO: CHAMP & ASSOCIATES

[REDACTED]

Paul Champ (LSO# 45305K)

[REDACTED]

Counsel for the Plaintiffs

AND TO: JIM KARAHALIOS PROFESSIONAL CORPORATION

[REDACTED]

Dimitrios (Jim) Karahalios (LSO# 56101S)

[REDACTED]

NAYMARK LAW

[REDACTED]

Daniel Z. Naymark (LSO# 56889G)

[REDACTED]

**Counsel for the Defendants,
GiveSendGo LLC, Jacob Wells, Chris Garrah,
Nicholas St. Louis, Benjamin Dichter and Brigitte Belton**

AND TO: OVERWATER BAUER LAW

[REDACTED]

Shelley Overwater

[REDACTED]

**Counsel for the Defendants, Patrick King
And Joe Janzen**

AND TO: CHAD EROS

[REDACTED]

[REDACTED]

Defendant

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

REQUEST TO ADMIT

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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

TAB 12

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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 DEVANEY**

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,
NICHOLAS ST. LOUIS (a.k.a. @NOBODY CARIBOU),
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*

RESPONSE TO REQUEST TO ADMIT

In response to the request to admit dated August 25, 2023, the Defendant, Chris Garrah admits the truth of the four facts listed therein and the authenticity of the documents attached thereto.

August 25, 2023

**JIM KARAHALIOS
PROFESSIONAL CORPORATION**

[REDACTED]
[REDACTED]

**Dimitrios (Jim) Karahalios
LSO# 56101S**

[REDACTED]
[REDACTED]

NAYMARK LAW

[REDACTED]
[REDACTED]

**Daniel Z. Naymark
LSO# 56889G**

[REDACTED]
[REDACTED]

**Lawyers for the Defendants,
GiveSendGo LLC, Jacob Wells, Chris
Garrah, Nicholas St. Louis, Benjamin
Dichter, and Brigitte Belton**

TO: CHARTER ADVOCATES CANADA

[REDACTED]
[REDACTED]

James Manson LSO# 54963K

[REDACTED]
[REDACTED]

**Lawyer for the Defendants,
Tamara Lich, Tom Marazzo, Chris
Barber, Sean Tiessen, Miranda
Gasior, Daniel Bulford, Ryan
Mihilewicz, Dale Enns, and
Freedom 2022 Human Rights and
Freedoms**

TO: CHAMP & ASSOCIATES

[REDACTED]
[REDACTED]
[REDACTED]

Paul Champ

LSO# 45305K

[REDACTED]
[REDACTED]

Lawyer for the Plaintiffs

AND TO: OVERWATER BAUER LAW

[REDACTED]
[REDACTED]

Shelley Overwater

[REDACTED]
[REDACTED]

**Lawyer for the Defendants, Patrick
James King and Joe Jacob Abram
Janzen**

AND TO: Chad Eros

[REDACTED]
[REDACTED]

Defendant

AND TO: Jason LaFace

[REDACTED]
[REDACTED]

Defendant

AND TO: James Bauder

[REDACTED]
[REDACTED]

Defendant

**AND TO: MINISTRY OF THE ATTORNEY
GENERAL OF ONTARIO**

[REDACTED] [REDACTED] [REDACTED]
[REDACTED]

**Melissa Adams
LSO#: 48387K**

[REDACTED]
[REDACTED]

**Susan Keenan
LSO#: 50784Q**

[REDACTED]



**Counsel for the Non-Party
Attorney General of Ontario**

ZEXI LI et al.
Plaintiffs

- and -

168

CHRIS BARBER et al.
Defendants

Court File No. CV-22-00088514-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

RESPONSE TO REQUEST TO ADMIT

JIM KARAHALIOS PROFESSIONAL CORPORATION

[REDACTED]
[REDACTED]

Dimitrios (Jim) Karahalios
LSO#: 56101S

[REDACTED]
[REDACTED]

NAYMARK LAW

[REDACTED]
[REDACTED]

Daniel Z. Naymark
LSO#: 56889G

[REDACTED]
[REDACTED]

**Lawyers for the Defendants, GiveSendGo LLC, Jacob
Wells, Chris Garrah, Nicholast St. Louis, Benjamin
Dichter, and Brigitte Belton.**

ZEXI LI. ET AL.
PLAINTIFFS

-and-

CHRIS BARBER ET AL.
DEFENDANTS

Court File No.: CV-22-00088514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT OTTAWA

MOTION RECORD OF MOVING PARTIES
(Pursuant to section 137.1(3) of the CJA)

(CHRIS BARBER, TAMARA LICH, DANIEL BULFORD, DALE ENNS, MIRANDA GASIOR, TOM MARAZZO, RYAN MIHILEWICZ, SEAN TIESSEN, FREEDOM 2022 HUMAN RIGHTS AND FREEDOMS, HAROLD JONKER, JONKER TRUCKING INC. and BRAD HOWLAND)

CHARTER ADVOCATES CANADA

[REDACTED]

James Manson (LSO# 54963K)

[REDACTED]

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