

**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.

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