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

### 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

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;

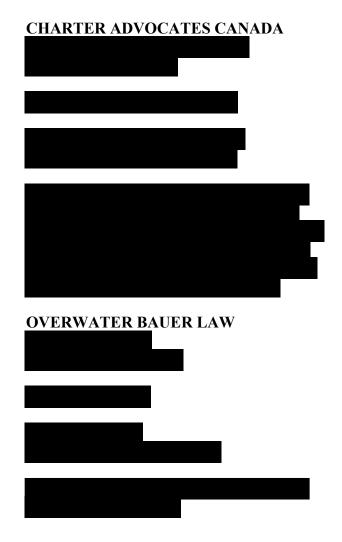
4. the harm likely to be or have been allegedly suffered by the plaintiffs as a result of the defendants' expression is <u>not</u> sufficiently serious that the public interest in permitting the proceeding to continue outweighs the public interest in protecting that expression;

- 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



TO:	CHAMP & ASSOCIATES
AND TO:	JIM KARAHALIOS PROFESSIONAL CORPORATION
	NAYMARK LAW
	CHAD EROS
AND IO:	CHAD EROS

Plaintiffs	Defendants	
		ONTARIO SUPERIOR COURT OF JUSTICE PROCEEDING COMMENCED AT OTTAWA
		NOTICE OF MOTION
		CHARTER ADVOCATES CANADA
		OVERWATER BAUER LAW

LI et al.

-and-

BARBER et al.

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