

DIVISIONAL COURT, SUPERIOR COURT OF JUSTICE

B E T W E E N:

GEORGE KATERBERG

Applicant

and

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
AS REPRESENTED BY THE MINISTER OF TRANSPORTATION**

Respondent

AFFIDAVIT OF GEORGE KATERBERG

I, George Katerberg, of the Municipality of Huron Shores, in the Algoma District of Ontario, the applicant in this proceeding, MAKE OATH AND SAY:

1. I am the applicant in this proceeding. As such, I have personal knowledge of the evidence sworn to in this affidavit. Where such knowledge is based on information or belief I have set out the source of such knowledge and believe it to be true.
2. I am presently 59 years old. I reside in the Municipality of Huron Shores. I have resided in Huron Shores since approximately May of 2022.
3. For most of my life I was a self-employed heating, ventilation and air-conditioning (HVAC) technician. In 2022 I chose to close my business and move to Huron Shores.

Why I decided to erect my sign

4. I have always been the sort of person who questions authority and is inherently skeptical of government actions and recommendations.

5. During the Covid-19 pandemic I observed a stark contrast between what I was being told by politicians and the mainstream media on the one hand and what I personally observed on the other. In particular, this included the discourse around the safety and efficacy of various vaccines developed in response to the SARS-CoV-2 virus. While I support the use of vaccines generally, I do not support the use of messenger ribonucleic acid (mRNA) vaccines developed in response to the SARS-CoV-2 virus.

6. Politicians and the mainstream media touted the various vaccines as “safe” and “effective”. My own observations led me to believe otherwise. I have heard of many stories of people who died suddenly shortly after receiving a Covid-19 vaccine. I read about Sean Hartmen, who was only 17 when he received a Covid-19 vaccine and died soon after. I learned about Carol Pearce, who died only 7 minutes after receiving a Covid-19 booster at her local Shopper’s Drug Mart. I also learned about Kayla Pollock, who became quadriplegic after taking the Covid-19 vaccine, and was offered medical assistance in dying. These are three among many such incidents that I heard about throughout 2021 and 2022. The sources of this information were various videos and links on Facebook and Youtube including to former Montreal litigator Viva Frei, Rebel News, and popular podcaster Joe Rogan.

7. In addition to what I observed on the alternative media, I also made similar observations in my own life. For example, I worked with a number of contractors and tradesmen when I was an HVAC technician. One such tradesmen suffered a heartattack shortly after receiving a SARS-CoV-2 vaccine. He appeared to me to be approximately my age and in good health. Another such

tradesman disclosed to me that he had recently developed a heart condition called myocarditis. This heart condition arose following the injection of a SARS-CoV-2 vaccine. Again, this tradesmen was approximately my age and appeared to be otherwise healthy.

8. My 87-year-old father received a SARS-CoV-2 “booster” on or about July 2023 after being hospitalized for hip issues. He suffered a serious stroke within a week of receiving the vaccine. This resulted in the temporary loss of his speech. While he recovered in part, he was never the same following his stroke. He has since passed away. I do not attribute his death due to the vaccine.

9. My 60-year-old brother also received a SARS-CoV-2 “booster” in 2023 and similarly suffered a stroke a few weeks later. The stroke occurred while he was driving. He lost his driver’s license as a result. While he has recovered in part, he still has significant memory issues which continue to this day.

10. Given the close proximity between their respective strokes and receiving the “boosters”, it is my belief that the SARS-CoV-2 “boosters” that my father and brother received caused their strokes.

11. In addition to my observations of the danger of Covid-19 vaccines, I have observed that they do not stop infection and transmission as they were initially purported to do. I know many people who received a Covid-19 vaccine and still caught the virus. For example, as described above, both my father and brother received a SARS-CoV-2 vaccine and were still infected with the virus. As recently as 2024, my 87-year-old father, who received a booster shot, was hospitalized and tested positive for Covid-19. Similarly, in 2022 I observed that even when the population of vaccinated individuals was approximately 90% of the population, the prevalence of Covid-19 did not appear to decrease.

12. What upset me even more than politicians' and the mainstream media's false reporting on safety and efficacy, were the horrendous public policies that were implemented as a result. Specifically, unvaccinated Canadians were prevented from participating fully in many aspects of our society. I observed that the governments' use of vaccine passports and similar measures created great division in Canadian society. But the greatest source of division came when then Prime Minister Justin Trudeau referred to unvaccinated Canadians as often misogynistic and racist.

13. I strongly opposed Premier Doug Ford's vaccine passport system when it was announced in fall of 2021 as well as similar measures made by the Federal government.

14. I believe that public officials were able to make the same observations that I was and were thus aware that the vaccines carried significant risks and were not effective in reducing the spread or severity of SARS-CoV-2. For this reason I believe that when public figures continued to tout the vaccines as "safe" and "effective", they were lying.

15. As a result of the above observations and beliefs, I decided to erect a sign along a busy highway near my home, to bring attention to these important issues and to do my part to hold public officials to account.

Putting up the Sign

16. At some point in late 2022 or early 2023 I was driving along Highway 17 and observed an advertisement offering to rent a billboard (the "**Billboard**"). The Billboard is about 8 feet wide and 16 feet high. It is located along Highway 17 approximately 90 meters west of Walker Road near Thessalon Ontario, approximately 20 minutes from my house. The Billboard is on the north side of Highway 17 and visible only to the westbound lane. Attached as **Exhibit "A"** is a Google streetview image of Highway 17 which shows the location of the Billboard. I understand from the Google website that this image was captured in July of 2024. While I did not take the photograph,

I am familiar with the area and believe that it accurately displays the location of the Billboard and surrounding area.

17. I immediately called the number on the sign and spoke with the Billboard's owner, Mr. Ken Shaw. We arranged for me to rent the Billboard for one year. The cost was \$500 to rent the Billboard and another \$500 to print the sign. I paid the entire amount upfront and in cash. I did not receive a receipt.

18. I designed a sign (the "**Initial Sign**") to express my sincerely-held belief that various public officials lied about the safety and efficacy of SARS-CoV-2 vaccines. I included the headshots of six well known public figures. The figures were:

- i. Prime Minister, Justin Trudeau;
- ii. Deputy Prime Minister, Chrystia Freeland;
- iii. Leader of the Federal New Democratic Party Jagmeet Singh;
- iv. Ontario Premier, Doug Ford;
- v. Chief Public Health Officer of Canada, Dr. Theresa Tam; and
- vi. Chief Medical Advisor to the President of the United States, Dr. Anthony Fauci.

The first five individuals were responsible for the Canadian Covid-19 policies described above. Dr. Anthony Fauci was responsible for similar policies instituted in the United States.

19. The Initial Sign included a logo which I designed. The logo was essentially two claw hammers intersecting with a Canadian flag overlaid. The inspiration for this logo is the album art of Pink Floyd's popular album "The Wall". Government overreach is a theme of both the album itself and the artwork. From listening to the album and viewing the artwork, I believe that the hammers symbolize the oppression of government.

20. To clarify the above paragraphs, in designing the Initial Sign I benefited from the technical assistance of my friend Kylie Robertson. While my ideas were the foundation for the Initial Sign's design, Ms. Robertson's technical expertise was essential.

21. Attached as **Exhibit "B"** is a photograph of the Initial Sign taken by Mr. Shaw on the day that it was first erected onto the Billboard in March of 2024. I am the individual at the top of the photograph.

MTO's refusal to permit the Initial Sign

22. On or about March 13, 2024, Mr. Shaw informed me that a Corridor Management Officer with the Ministry of Transportation ("**MTO**") by the name of Mr. Christopher Marsh had contacted him regarding the Initial Sign. Mr. Marsh told Mr. Shaw that the logo that I had designed was a symbol of white supremacy and violated certain policies relating to the promotion of hatred. He informed Mr. Shaw that the Initial Sign had to be taken down.

23. I contacted Mr. Marsh myself that same day. Mr. Marsh essentially repeated to me what I had already heard from Mr. Shaw.

24. I have no knowledge of how or why the logo that I designed is a symbol of white supremacy. I denounce all forms of racism. The logo was meant to be symbolic of Canadian governments' abuse and oppression of its own citizens.

25. On March 14, 2024, with Mr. Shaw's assistance, I took down the Initial Sign.

26. On June 18, 2024, I sent an email to Mr. Marsh with a proposed revised sign (the "**New Sign**") for the MTO's approval. The New Sign was identical to the Initial Sign, except that I had replaced my logo with a Canadian flag cropped into a circle. I also fixed a spelling mistake in the word "transmission." While I disagreed with the MTO's view that my sign promoted hatred, I

agreed to remove the logo to avoid any misunderstandings and ensure that the more important messaging about the lies of public figures could still be communicated.

27. I did not receive a reply from Mr. Marsh. On June 27, 2024, I sent an email to Mr. Shaw asking him to forward my email to Mr. Marsh. In the email, I explained that if I did not receive a response to my June 18, 2024 email, I would simply put up the New Sign which had removed the intersecting claw hammer logo. Attached as **Exhibit “C”** is a copy of the email string containing both the June 18 and June 27, 2024 emails to Mr. Shaw.

28. By email dated June 28, 2024, Mr. Marsh responded to my request to erect the New Sign. He stated that the MTO would not permit the installation of the New Sign because it “...*may be seen as promoting hatred or contempt for the individuals pictured on the billboard which may violate certain policies regarding advertising.*” He did not provide me with any policies from the MTO which the New Sign “*may*” be violating. The email further states that if I wish to erect any billboards along a highway, the billboard must be approved in advance by the MTO. Attached as **Exhibit “D”** is a copy of Mr. Marsh’s June 28, 2024 email.

Previous Litigation

29. Upon receiving the June 28, 2024, denial of my request to erect the New Sign, I immediately took steps to retain legal counsel: Chris Fleury and Darren Leung.

30. On July 25, 2024, with the assistance of legal counsel, I commenced an application in this Court, seeking judicial review of the June 28, 2024 decision.

31. The July 25, 2024 application for judicial review was abandoned by me in June of 2025 following a negotiated settlement which included an admission by the respondent MTO that the New Sign does not promote hatred, as initially alleged, and a reconsideration of the June 28, 2024 decision.

32. On May 23, 2025, I received an email from MTO employee Mr. Shawn Nickerson. The reconsideration of the June 28, 2024, decision is an unsigned and undated attachment to that email. The reconsideration concludes that “*The Ministry will not permit the Applicant’s proposed billboard to be placed at its proposed location.*” Attached as **Exhibit “E”** is a copy of Mr. Nickerson’s June 24, 2025 email as well as the attachment thereto.

33. In coming to its conclusion, the MTO relies exclusively on the recently amended section 5.8.2.1 of the *Highway Corridor Management Manual* (the “*Manual*”) which prevents certain types of messaging from being displayed on billboards on bush highways.

34. I understand from the May 23, 2025, reconsideration that section 5.8.2.1 of the *Manual* was recently added or “clarified.” I also understand from reviewing the *Manual*, as available on the MTO’s website and attached to the affidavit of Selena Bird, that it was updated in April of 2025, which was while I was in the midst of settlement negotiations pertaining to my first judicial review.

SWORN REMOTELY by videoconference by)
 George Katerberg at the [REDACTED])
 in the Province of Ontario,)
 before me at the [REDACTED],)
 in the Province of Ontario,)
 on the 11th day of September, 2025)
 in accordance with O.Reg 431/20.)

DARREN LEUNG LSO#87938Q
Barrister & Solicitor

GEORGE KATERBERG

This is **Exhibit “A”** referred to in the Affidavit
of GEORGE KATERBERG, sworn before me
this 11th day of September, 2025



DARREN LEUNG LSO#87938Q
Barrister & Solicitor



This is **Exhibit “B”** referred to in the Affidavit
of GEORGE KATERBERG, sworn before me
this 11th day of September, 2025



DARREN LEUNG LSO#87938Q
Barrister & Solicitor

**THEY KNOWINGLY
LIE ABOUT SAFETY
AND STOPPING
TRANSMISSION**



This is **Exhibit “C”** referred to in the Affidavit
of GEORGE KATERBERG, sworn before me
this 11th day of September, 2025



DARREN LEUNG LSO#87938Q
Barrister & Solicitor

Fwd: Good morning Ken

From george katerberg [REDACTED]
Date Thu 2024-06-27 6:47 AM

[REDACTED]

[REDACTED]

[REDACTED]

Begin forwarded message:

From: george katerberg [REDACTED]
Date: June 27, 2024 at 6:44:36 AM EDT
To: Ken Shaw [REDACTED]
Subject: Good morning Ken

I cced you in an email last week regarding my sign , I sent it to Chris Marsh (MTO) as well . I have had zero response ,(I didn't get an email default so it went somewhere)it's been a week . I'm hoping it just went to his junk mail an he didn't see it .

I don't want to drag you into this however I paid for the sign location for a year an time is ticking away, while you may or may not agree with my message I appreciate your support to my freedom of speech .

You have had email contact with him an I would appreciate if you could forward this email to him that way I know he is going to get it an then if he decides to ignore me I will put the sign back up with my Facebook logo removed as that was what he was complaining about . I hope your having a great morning an a busy summer

Regards George

Begin forwarded message:

From: george katerberg [REDACTED]
Date: June 18, 2024 at 4:19:33 PM EDT
To: christopher.marsh [REDACTED] Ken Shaw [REDACTED]
Subject: My new sign for Hwy 17

Chris Marsh

We spoke on the phone a couple of weeks ago when you told me to take my

sign down. I meant to get back to you sooner, but I had to give myself some time to think about how far I am willing to go with this while dealing with my 87-year-old father who was in the hospital at the time.

I've decided I'd like to put my sign back up. I am submitting a new version of the sign (included below) for approval. As you will see, I have removed the logo to which you objected. I note that the logo was not included as a "white supremacist" symbol. I don't have a racist bone in my body. However, to avoid any misunderstanding and to work towards getting my sign back up, I have removed it.

The Canadian Charter of Rights and Freedoms protects my right to freedom of expression and it is inappropriate for the MTO to prohibit this sign merely because it disagrees with its content.

Below is the new version of the sign I intend to put up on the billboard. I look forward to hearing back from you.

**THEY KNOWINGLY
LIE ABOUT SAFETY
AND STOPPING
TRANSMISSION**



**CANADIANS DEMAND
ACCOUNTABILITY**

Regards George

This is **Exhibit “D”** referred to in the Affidavit
of GEORGE KATERBERG, sworn before me
this 11th day of September, 2025



DARREN LEUNG LSO#87938Q
Barrister & Solicitor

Re: My new sign for Hwy 17

From George Katerberg [REDACTED]
Date Tue 2024-07-09 8:59 AM
To [REDACTED]
Cc Ken Shaw [REDACTED]

[REDACTED]

On Jun 28, 2024, at 3:20 PM, Marsh, Christopher (MTO) [REDACTED] wrote:

Mr. Katerberg,

After careful consideration, the decision has been made that the MTO will not permit the installation of your proposed billboard on a provincial highway in Ontario. The message on the billboard may be seen as promoting hatred or contempt for the individuals pictured on the billboard which may violate certain policies regarding advertising.

Any other billboards that you wish to erect on the highway must be pre-approved by the MTO. Those proposed billboards can be sent to me directly.

Christopher Marsh

Corridor Management Officer | Corridor Management/Operations Division
Ministry of Transportation | Ontario Public Service

[REDACTED]

Suite 420
70 Foster Drive
Sault Ste. Marie ON P6A 6V4
[image001.png](#)

Taking pride in strengthening Ontario, its places and its people

From: george katerberg [REDACTED]
Sent: Tuesday, June 18, 2024 4:20 PM
To: Marsh, Christopher (MTO) [REDACTED] Ken Shaw [REDACTED]
Subject: My new sign for Hwy 17

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Chris Marsh

We spoke on the phone a couple of weeks ago when you told me to take my sign down. I meant to get back to you sooner, but I had to give myself some time to think

about how far I am willing to go with this while dealing with my 87-year-old father who was in the hospital at the time.

I've decided I'd like to put my sign back up. I am submitting a new version of the sign (included below) for approval. As you will see, I have removed the logo to which you objected. I note that the logo was not included as a "white supremacist" symbol. I don't have a racist bone in my body. However, to avoid any misunderstanding and to work towards getting my sign back up, I have removed it.

The Canadian Charter of Rights and Freedoms protects my right to freedom of expression and it is inappropriate for the MTO to prohibit this sign merely because it disagrees with its content.

Below is the new version of the sign I intend to put up on the billboard. I look forward to hearing back from you.

<image002.png>

Regards George

This is **Exhibit “E”** referred to in the Affidavit
of GEORGE KATERBERG, sworn before me
this 11th day of September, 2025



DARREN LEUNG LSO#87938Q
Barrister & Solicitor

MTO Billboard Decision

From Nickerson, Shawn (MTO) [REDACTED]

Date Fri 2025-05-23 4:50 PM

To [REDACTED]

Cc [REDACTED]

 1 attachment (71 KB)

MTO Billboard Decision.pdf;

You don't often get email from shawn.nickerson@ontario.ca. [Learn why this is important](#)

Good afternoon Mr. Katerberg,

This email is regarding a proposed billboard along Highway 17. MTO has provided a new decision which is attached to this email for your review.

Regards,

Shawn Nickerson

Head, Corridor Management | North Operations – Area West/Operations Division
Ministry of Transportation | Ontario Public Service



Taking pride in strengthening Ontario, its places and its people

1. This is a decision whether to permit Mr. Katerberg (the "Applicant") to erect the proposed billboard (the "proposed billboard") within the highway right-of-way on the north side of a bush country highway, Highway 17, approximately 0.09 km west of Walker Road near Thessalon. Bush country highways are highways where considerable amounts of bush (trees, shrubs, etc.) are adjacent to the highway which do not allow for the standard setback of a billboard sign on private property.
2. The proposed billboard includes faces of several publicly known political figures and states the following message: "They knowingly lie about safety and stopping transmission [and] Canadians demand accountability."
3. The Applicant intends to place the proposed billboard within the highway right-of-way on the north side of Highway 17. The highway right-of-way is owned and designated by the Ministry of Transportation (the "Ministry"). The Ministry has authority to regulate the use of such lands through common law as the occupier of the lands and through the *Public Transportation and Highway Improvement Act* (the "PTHIA").
4. Section 34(2) of the PTHIA states that any sign visible within 400 meters of a provincial highway requires a permit from the Ministry. Additionally, section 34(16) of the PTHIA states that "the Minister may issue permits under this section in such form and upon such terms and conditions as he or she considers proper and may in his or her discretion cancel any such permit at any time." The discretion provided by the PTHIA to the Ministry is guided by the Highway Corridor Management Manual (the "Manual") which assists with interpreting the PTHIA. The Manual's purpose is to provide guidance on how the Ministry exercises discretion provided by the PTHIA. However, the final interpretation lies with the Ministry. Section 5.7 of the Manual sets out requirements for billboards, while s. 5.8.2 of the Manual sets out additional requirements for billboards along bush country highways ("bush country billboards").
5. The Ministry acknowledges that this decision impacts the Applicant's right to freedom of expression which is protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the "Charter") and that the proposed billboard is a form of political expression that lies at the core of the *Charter's* guarantee of freedom of expression. The Ministry recognizes that it cannot reject the proposed billboard because it is political expression and/or because some people may be offended by it.
6. The Ministry will not permit the Applicant's proposed billboard to be placed at its proposed location.

7. The reason for not permitting it is not the content of the proposed billboard but rather it is because of the proposed location on Ministry owned-lands along Highway 17, which is a bush country highway. The Ministry, as the occupier of Ministry owned lands, did not historically permit billboards along bush country highways. The Ministry began permitting bush country billboards to support their immediate communities.
8. The Ministry never intended for bush country billboards to be used to promote causes of any kind (i.e. political, social, etc.). With that said, the Ministry acknowledges that there may have been some past inconsistency in the application of the Ministry's intention with bush country billboards.
9. As such, to remove any ambiguity of the Ministry's policy intention for the bush country billboard, the Manual has been clarified in section 5.8.2.1. It states that a billboard sign on a highway right of way on a bush country highway "shall only promote goods and services or authorized local events offered by, or related to, businesses, municipalities, charities, not-for-profit organizations, or indigenous communities." The proposed billboard does not promote a good, service or authorized local event offered by or related to businesses, municipalities, charities, not for profit organizations or indigenous communities. Therefore, it is not permitted.
10. The Ministry wants to clarify that Section 5.8.2.1 of the Manual applies to any billboard signs on the highway right-of way only, and does not apply to billboards placed on private property adjacent to bush country highways. As such, if the Applicant were to place the proposed billboard on private property adjacent to the bush country highway, the Ministry will reconsider permitting the erection of the proposed billboard.