



ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

EDWARD CORNELL, VINCENT GIRCYS, LINDSAY MILNER, SHAUN ZIMMER, ANDREW MILLER, JONKER TRUCKING INC., ANDREW FERA, WAYNE NARVEY, CLAYTON MCALLISTER, KATHLEEN MARKO, NICOLA FORTIN, ARIELLE FORTIN, THOMAS QUIGGIN, TIMOTHY TIESSEN, O'JAY LAIDLEY, ERIC BUECKERT, PETER TERRANOVA, NANCY TERRANOVA, RICHARD OCELAK, and KERRI-ANN HAINES

Plaintiffs

- and -

JUSTIN TRUDEAU, CHRYSTIA FREELAND, DAVID LAMETTI, DOMINIC LEBLANC, BILL BLAIR, MARCO MENDICINO, ATTORNEY GENERAL OF CANADA, JODY THOMAS, ROYAL CANADIAN MOUNTED POLICE, DENIS BEAUDOIN, BRENDA LUCKI, STEVE BELL, ROBERT BERNIER, OTTAWA POLICE SERVICES BOARD, OTTAWA POLICE SERVICE, THE TORONTO-DOMINION BANK, CANADIAN IMPERIAL BANK OF COMMERCE, BANK OF MONTREAL, NATIONAL BANK OF CANADA, ROYAL BANK OF CANADA, BANK OF NOVA SCOTIA (SCOTIABANK), CANADIAN TIRE SERVICES LTD. doing business as CANADIAN TIRE BANK, MERIDIAN CREDIT UNION, ASSINIBOINE CREDIT UNION, GULF & FRASER CREDIT UNION, STRIDE CREDIT UNION, SIMPLII FINANCIAL,
, JOHN DOE, and ABC CORP.

Defendants

NOTICE OF ACTION

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiffs. The claim made against you is set out in the statement of claim served with this notice of action.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this notice of action is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: February 14, 2024

Issued by:

Local Registrar

Address of court office: Ottawa Courthouse
161 Elgin St., 2nd Fl.
Ottawa, Ontario K2P 2K1

TO: JUSTIN TRUDEAU
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TO: CHRYSTIA FREELAND
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TO: DAVID LAMETTI
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- TO: BILL BLAIR**
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- TO: MARCO MENDICINO**
511 Lawrence Avenue West
Toronto, Ontario M6A 1A3
- TO: ATTORNEY GENERAL OF CANADA**
Office of the Deputy Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8
- TO: STEVE BELL**
Ottawa Police Service
Stn T; PO Box 9634
Ottawa, Ontario K1G 6H5
- TO: ROBERT BERNIER**
Ottawa Police Service
Stn T; PO Box 9634
Ottawa, Ontario K1G 6H5
- TO: OTTAWA POLICE SERVICES BOARD**
110 Laurier Avenue W
Ottawa, Ontario K1P 1J1
- Mailing Address:**
c/o Ottawa Police Service, Stn T; PO Box 9634
Ottawa, Ontario K1G 6H5
- TO: OTTAWA POLICE SERVICE**
Stn T; PO Box 9634
Ottawa, Ontario K1G 6H5
- TO: ROYAL CANADIAN MOUNTED POLICE**
RCMP National Headquarters

Headquarters Building
73 Leikin Drive
Ottawa, Ontario K1A 0R2

TO: DENIS BEAUDOIN
RCMP National Headquarters
Headquarters Building
73 Leikin Drive
Ottawa, Ontario K1A 0R2

TO: BRENDA LUCKI
RCMP National Headquarters
Headquarters Building
73 Leikin Drive
Ottawa, Ontario K1A 0R2

TO: JODY THOMAS
Office of the Deputy Attorney General of Canada 284
Wellington Street
Ottawa, Ontario K1A 0H8

TO: THE TORONTO-DOMINION BANK
66 Wellington Street West
Toronto, Ontario M5K 1A2

TO: CANADIAN IMPERIAL BANK OF COMMERCE
81 Bay St.
Toronto, Ontario M5J 1E6

TO: SIMPLII FINANCIAL
595 Bay St, Fl 6
Toronto, Ontario, M5G 2C2

TO: BANK OF MONTREAL
100 King Street West
1 First Canadian Place, 9th Floor
Toronto, Ontario M5X 1A1

TO: NATIONAL BANK OF CANADA
800 Saint-Jacques Street
Montreal, Quebec H3C 1A3

- TO: ROYAL BANK OF CANADA**
200 Bay Street, South Tower
Toronto, Ontario M5J 2J5
- TO: BANK OF NOVA SCOTIA (SCOTIABANK)**
Scotiabank Head Office
44 King St West
Toronto, Ontario M5H 1H1
- TO: MERIDIAN CREDIT UNION**
Meridian Credit Union Corporate Office
3280 Bloor Street West, Centre Tower, 7th Floor
Toronto, Ontario M8X 2X3
- TO: ASSINIBOINE CREDIT UNION**
200 Main St., 6th Floor
Winnipeg, Manitoba R3C 1A8
- TO: GULF & FRASER CREDIT UNION**
Suite 401 - 7300 Edmonds Street
Burnaby, British Columbia V3N 0G8
- TO: STRIDE CREDIT UNION**
Stride Credit Union Corporate Office
19 Royal Road N
Portage La Prairie, Manitoba R1N 1T9
- TO: CANADIAN TIRE SERVICES LTD., doing business as CANADIAN TIRE BANK**
Canadian Tire Head Office
Corporate Home Office
2180 Yonge Street
Toronto, Ontario M4P 2V8

CLAIM

Relief Claimed

1. The Plaintiffs are Canadian individuals and Canadian businesses who were subjected to the unreasonable use of the *Emergencies Act*, RSC 1985, c 22 (4th Supp) (the “**Emergencies Act**”) and claim against the Defendants, jointly and/or severally, for:
 - a. A declaration that the Crown Defendants, as defined herein below, acted unlawfully when they issued Order in Council P.C. 2022-106, the *Proclamation Declaring a Public Order Emergency*, SOR/2022-20 (the “**Proclamation**”); Order in Council P.C. 2022-107, the *Emergency Measures Regulations*, SOR/2022-21 (the “**Regulations**”); and Order in Council P.C. 2022-108, the *Emergency Economic Measures Order*, SOR/2022-22, (the “**Economic Order**”) (collectively hereinafter referred to as the “**Unlawful Enactments**”);
 - b. A declaration that the Defendants acted unlawfully and in breach of section 8 of the *Canadian Charter of Rights Freedoms – Part I of the Constitution Act*, 1982 adopted as Schedule B to the *Canada Act 1982*, 1982, c. 11 (U.K.) (the “**Charter**”) when they seized, froze, or otherwise interfered with the financial services, private property, products, and information of the Plaintiffs;
 - c. A declaration that the Defendants acted unlawfully and in breach of section 2(b) of the Charter with regards to the unconstitutional Regulations;
 - d. A declaration that the Financial Institution Defendants as defined herein below, acted in breach of legislation, contract, and common law when they

- seized, froze, or otherwise interfered with the financial services, private property, products, and information of the Plaintiffs;
- e. A declaration that the Defendants acted in panic, political spite, and with the intention of punishing and intimidating citizens of Canada;
 - f. General and special damages in an amount not exceeding \$500,000 for each Plaintiff for negligence, breach of contract, unlawful interference, misfeasance of public office, trespass to chattels, civil conspiracy, and abuse of process for the unlawful seizure of bank accounts by the Defendants;
 - g. General and special damages in an amount not exceeding \$100,000 for each Plaintiff for injurious falsehoods and defamation resulting from the conduct of the Defendants;
 - h. General and special damages in an amount not exceeding \$100,000 for each Plaintiff for negligence, assault, battery, harassment, and intimidation perpetrated by the Defendants against the Plaintiffs;
 - i. General and special damages pursuant to section 24(1) of the Charter in an amount not exceeding \$50,000 for each Plaintiff for the Defendants' unjustified breach of the Plaintiffs' Charter rights;
 - j. Punitive, exemplary and/or aggravated damages in the amount of \$1,000,000 for each Plaintiff considering the malicious, reprehensible, and high-handed misconduct of the Defendants;
 - k. prejudgment and post judgment interest in accordance with the *Courts of Justice Act*, RSO 1990 c.C.43;

1. costs of this action (legal fees and disbursements) on a substantial indemnity basis plus applicable harmonized sales tax in accordance with the *Excise Tax Act*, RSC, 1985, c. E-15 and the *Courts of Justice Act*, RSO 1990 c.C.43; and
- m. Such further and other relief as this Honourable Court deems just.

The Plaintiffs

2. All of the Plaintiffs are either individuals or businesses who had their financial accounts and private property including banking and credit cards, cryptocurrency, and other financial instruments frozen and unlawfully seized following the Unlawful Enactments in February of 2022.
3. Many of the Plaintiffs were also injured by the tortious conduct of any or all of the Defendants to this action preceding, during, and following the Unlawful Enactments. Some of the Plaintiffs are suffering continuing damages.
4. Importantly, not all of the Plaintiffs participated in the Ottawa Protests as defined herein below, or even supported the Ottawa Protests. Some individual Plaintiffs were the victims of the Unlawful Enactments as joint account holders despite never having stepped foot in Ottawa during the Ottawa Protests.
5. The Plaintiff, Vincent Gircys (“**Mr. Gircys**”), is an individual resident in Fronthill, Ontario.
6. The Plaintiff, Andrew Miller (“**Mr. Miller**”), is an individual resident in Annan, Ontario.

7. The Plaintiff, O'Jay Laidley ("**Mr. Laidley**"), is an individual resident in Brantford, Ontario.
8. The Plaintiff, Lindsay Milner ("**Ms. Milner**"), is an individual resident in Oshawa, Ontario.
9. The Plaintiff, Clayton McAllister ("**Mr. McAllister**"), is an individual resident in Dorchester, Ontario.
10. The Plaintiff, Thomas Quiggin ("**Mr. Quiggin**"), is an individual resident in Ottawa, Ontario.
11. The Plaintiff, Peter Terranova ("**Mr. Terranova**"), is an individual resident in Bright, Ontario.
12. The Plaintiff, Nancy Terranova ("**Ms. Terranova**"), is an individual resident in Bright, Ontario.
13. The Plaintiff, Richard Ocelak ("**Mr. Ocelak**"), is an individual resident in Scotland, Ontario.
14. The Plaintiff, Kerri-Ann Haines ("**Ms. Haines**"), is an individual resident in Scotland, Ontario.
15. The Plaintiff, Jonker Trucking Inc. ("**Jonker Trucking**"), is a corporation duly incorporated pursuant to the laws of Ontario and carrying on business in Caistor Centre, Ontario.
16. The Plaintiff, Edward Cornell ("**Mr. Cornell**"), is an individual resident in Shediac Cape, New Brunswick.

17. The Plaintiff, Shaun Zimmer (“**Mr. Zimmer**”), is an individual resident in Winnipeg, Manitoba.
18. The Plaintiff, Erik Bueckert (“**Mr. Bueckert**”), is an individual resident in Rossendale, Manitoba.
19. The Plaintiff, Andrew Fera (“**Mr. Fera**”), is an individual resident in Lethbridge, Alberta.
20. The Plaintiff, Wayne Narvey (“**Mr. Narvey**”), is an individual resident in McNamee, New Brunswick.
21. The Plaintiff, Kathleen Marko (“**Ms. Marko**”), is an individual resident in Grand Forks, British Columbia.
22. The Plaintiff, Timothy Tiessen (“**Mr. Tiessen**”), is an individual resident in Grand Forks, British Columbia.
23. The Plaintiff, Nicola Fortin (“**Mr. Fortin**”), is an individual resident in Strathmore, Alberta.
24. The Plaintiff, Arielle Fortin (“**Ms. Fortin**”), is an individual resident in Strathmore, Alberta.

The Defendants

Federal Crown Defendants

25. The Defendant the Attorney General (Canada) (“**Canada**”) is the representative of His Majesty the King in Right of Canada (“**HMK**” or the “**Crown**”) and is named in these proceedings pursuant to section 23(1) of the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 (the “**CLPA**”).

26. The Crown as represented by Canada pursuant to s. 3(b) of the CLPA is responsible at law for any tort committed by any servant of the Crown, including, any and all servants of the Crown who unlawfully committed torts against the Plaintiffs, namely:

- a. The Royal Canadian Mounted Police (“RCMP”) pursuant to section 36 of the CLPA;
- b. Mr. Denis Beaudoin, Director of Financial Crime for the RCMP;
- c. Ms. Brenda Lucki, Commissioner of the RCMP (as she was then);
- d. The Prime Minister of Canada, The Right Honourable Justin Trudeau;
- e. The Deputy Prime Minister, the Honourable Chrystia Freeland;
- f. The Minister of Public Safety, the Honourable Marco Mendicino (as he was then);
- g. The Minister of Justice, the Honourable David Lametti (as he was then);
- h. The Minister of Emergency Preparedness, the Honourable Bill Blair;
- i. The Minister of Intergovernmental Affairs the Honourable Dominic LeBlanc; and
- j. Ms. Jody Thomas, National Security and Intelligence Advisor.

(Collectively, the Crown and its servants above, as represented by Canada shall be referred to as the “**Crown Defendants**”).

Financial Institutions

27. The financial institutions identified individuals, provided financial information, interfered with private property, and seized financial products, information and

services of the Plaintiffs including but not limited to their bank accounts and credit cards.

28. The Toronto-Dominion Bank is a Canadian financial institution, headquartered in Toronto, Ontario.
29. The Canadian Imperial Bank of Commerce (“CIBC”) and their electronic division Simplii Financial is Canadian financial institution, headquartered in Toronto, Ontario.
30. Bank of Nova Scotia is a Canadian financial institution headquartered in Toronto, Ontario.
31. The Bank of Montreal is a Canadian financial institution headquartered in Toronto, Ontario.
32. The National Bank of Canada is a Canadian financial institution headquartered in Montreal, Quebec.
33. The Royal Bank of Canada is a Canadian financial institution headquartered in Toronto, Ontario.
34. Canadian Tire Services Ltd., doing business as Canadian Tire Bank is a Canadian financial institution headquartered in Toronto, Ontario.

(collectively, the above banking institutions will be hereinafter referred to as the “**Bank Defendants**”)

35. The Meridian Credit Union is a cooperative credit union headquartered in Toronto, Ontario.

36. Assiniboine Credit Union is a cooperative credit union headquartered in Winnipeg, Manitoba

37. Gulf & Fraser Credit Union is cooperative credit union headquartered in Burnaby, British Columbia.

38. Stride Credit Union is a cooperative credit union headquartered in Portage la Prairie, Manitoba

(Collectively, the cooperative credit union Defendants above will be hereinafter referred to as the “**Credit Union Defendants**”)

39. Collectively, all of the Bank Defendants and the Credit Union Defendants shall be hereinafter referred to as the “**Financial Institution Defendants**”.

Localized Police Organizations

40. The Ottawa Police Services Board (the “**OPSB**”) is the representative of members of the Ottawa Police Service and is named in these proceedings pursuant to section 50(1) of the *Police Services Act*, RSO 1990, c P.15 (the “**PSA**”).

41. The Ottawa Police Service (“**OPS**”) is the municipal police force headquartered in Ottawa, Ontario.

42. Steve Bell (“**Chief Bell**”) is an individual residing in Ottawa, Ontario and was the Deputy Chief of Police for the OPS and later Interim Chief of Police for the OPS at the relevant time of this action. The OPS is named as a representative of Chief Bell in his capacity as member of the OPS in these proceedings.

43. Superintendent Robert Bernier (“**Bernier**”) is a member of OPS and an individual residing in Ottawa, Ontario and was overall Event Commander for the Integrated Public Order Unit operation at the relevant time of this action.

John Doe Defendants

46. Several unidentified individuals committed torts against the Plaintiffs before, during, and after the Unlawful Enactments. These include but are not limited to members of the police organizations involved in the enforcement of the Unlawful Enactments and members and servants of the Crown.
47. The Plaintiffs reserve all their rights to bring suit against these unnamed and yet unknown Defendants.

ABC Corp. Defendants

48. It may be discovered during the course of this action that additional entities, both public or private, committed torts against the Plaintiffs. The Plaintiffs reserve all their rights to bring suit against these unnamed and yet unknown Defendants.

The Nature of the Action

49. In response to public health measures made in early 2022 and for various other reasons, a group of Canadian individuals and businesses launched a protest often referred to as the Freedom Convoy. In late January 2022, participants travelled to Ottawa, Ontario to protest (the “**Ottawa Protest**”).
50. On February 14 and 15, 2022, the Crown, relying on s. 17(1) and s. 19(1) of the Emergencies Act, issued the Unlawful Enactments.
51. Leading up to the Unlawful Enactments during the Ottawa Protests, several Defendants, acting together, or acting individually, as the case may be:
 - a. Made public and widely publicized denigrating and derogatory comments falsely characterizing the nature, scope, and motives of the persons participating in the Ottawa Protests including some of the Plaintiffs;
 - b. Published and widely distributed written material including defamatory comments about the Ottawa Protests knowingly containing false and misleading information about the Ottawa Protests;
 - c. Conspired with major Canadian media outlets to publish false reports about the activities of the protestors present at the Ottawa Protests;
 - d. Made false reports regarding the activities of the protestors present at the Ottawa protests to Crown officials and made false statements to Crown officials in such a way that promoted the Unlawful Enactments;
 - e. Sought to harm, injure, or otherwise denigrate the reputations of the Plaintiffs with malicious intent; and

- f. Made such further and other public statements and publications which denigrated and harmed the reputations of the Plaintiffs as will be discovered at the trial of this action.
52. The conduct of the Defendants, and the false information which was disseminated by several Defendants to the Canadian media, the Financial Institution Defendants, the Crown and the citizens of Canada influenced and enabled the decision to invoke the impugned Unlawful Enactments.
53. Following the Unlawful Enactments financial products, private property, information and services of several Canadians, including the Plaintiffs, were unlawfully seized or otherwise frozen by the Financial Institution Defendants acting in concert with the RCMP and Crown Defendants.
54. Following the Unlawful Enactments several Plaintiffs who were participating in the Ottawa Protests were physically injured, battered, assaulted, or otherwise harmed by the RCMP and OPS who were engaging in enforcement actions pursuant to the Unlawful Enactments.
55. The Defendants caused damage to the Plaintiffs who are all Canadians or Canadian businesses, including Indigenous peoples, senior citizens, retired police officers, decorated military veterans, minorities, minors, and people with disabilities.
56. In *Canadian Frontline Nurses v. Canada (Attorney General)*, 2024 FC 42 (the “**Mosley Decision**”), the Honourable Mr. Justice Mosley held that the reasons provided for regarding the decision to declare a public order emergency did not satisfy the requirements of the Emergencies Act and were therefore *ultra vires*.

57. Likewise, the Regulations violated section 2(b) of the *Charter* against the freedom of thought, belief, opinion and expression and the Economic Order violated section 8 of the *Charter* against unreasonable search and seizure. Neither the Regulations nor the Economic Order were saved by section 1 of the *Charter* in the Mosley Decision. Therefore, both the Regulations and Economic Order were ruled as being unconstitutional, and the implementation thereof was therefore unlawful.

Causes of Action

58. The Plaintiffs reserve their rights to further amend this Notice of Action or expand this claim when the Statement of Claim is filed in this action pursuant to rule 14.03(5) of the *Rules of Civil Procedure*, RRO 1990, Reg 194.

Negligence

59. The Plaintiffs plead that the Defendants, any or all of them:
- a. owed both private and public duties of care to the Plaintiffs or each of them arising from their roles as legislative bodies, financial institutions, police services, non-governmental organizations, public figures, municipalities or individuals as the case may be;
 - b. breached their respective duties of care owed to the Plaintiffs by:
 - i. unlawfully and unreasonably disclosing personal information including financial information of the Plaintiffs;
 - ii. unlawfully and unreasonably seizing financial accounts, including bank and credit card accounts of the Plaintiffs;

- iii. unlawfully and unreasonably disseminating false information about the Plaintiffs with malicious intent to harm; and
 - iv. engaging in such further and other unlawful and unreasonable conduct as will be proven at the trial of this action;
- c. it was reasonably foreseeable that by engaging in the conduct enumerated in subparagraphs i – iv above the Defendants would cause harm to the Plaintiffs either directly or indirectly; and
- d. as a result of the Defendants’ breaches of their respective duties of care owed to the Plaintiffs, each and every Plaintiff suffered harm both directly and indirectly.

Misfeasance of Public Office

60. Through the Unlawful Enactments, the Crown Defendants, their agents, employees and servants owed public law duties to the Plaintiffs. The Crown Defendants were obligated to comply with the provisions of the Emergencies Act including the conditions precedent required for its invocation. Their unreasonable decision to invoke the Unlawful Enactments while knowingly failing to abide by the provisions required for the invocation of Emergencies Act was unlawful. This malicious conduct directed towards the Plaintiff’s constitutes misfeasance of public office.
61. The Crown Defendants failed in their public law duty to the Plaintiffs to act lawfully. Alternatively, their decision was motivated by an improper purpose or otherwise took into account irrelevant considerations or ignored relevant considerations and was unlawful.

62. The Crown Defendants' decision misinformed the public and resulted in the enactment of legislation of a draconian nature either negligently or deliberately to harm the Plaintiffs who were viewed by the Defendants as political opponents and was done for political reasons against Canadian citizens living in a free and democratic society. The Crown Defendants' conduct in misinforming the public is morally reprehensible, blameworthy, and unconscionable.
63. The Crown Defendants were aware that the Plaintiffs would likely suffer damages as a result of their actions and that such harm was reasonably foreseeable.
64. The deliberate and unlawful conduct of the Crown Defendants directly and indirectly caused the Plaintiffs damages, hardships, expenses, and loss both tangible and intangible.

Abuse of Process

65. The conduct of the Crown Defendants in invoking Unlawful Enactments compromised the integrity of the justice system in Canada and undermined judicial processes which would have otherwise been required in the absence of the invocation of the Emergencies Act.
66. Rather than proceeding with the Unlawful Enactments, the Crown Defendants ought to have used existing laws as required.

Interference with Economic Relations and Inducing Breach of Contract

67. As a further result of the Unlawful Enactments the Defendants interfered with the Plaintiffs' economic interests, contractual and business relations, and business relationships. The Unlawful Enactments frustrated and otherwise caused various

contracts between the Plaintiffs, their financial institutions, and other third parties to be breached thereby causing the Plaintiffs to suffer damages.

68. It was intended, or reasonably foreseeable that the Unlawful Enactments, and the resulting seizure and freezing of the Plaintiffs' financial products, private property, services, and information would frustrate the ability of the Plaintiffs to exercise their rights under their various contracts and cause the Plaintiffs to suffer damages.

Breach of Charter Rights

69. In the Mosley Decision, Justice Mosley confirmed that the Unlawful Enactments were in breach of the Plaintiffs Charter rights, specifically section 2(b) with respect to the Regulations and section 8 with respect to the Economic Order and neither were saved by section 1 of the Charter.
70. Pursuant to section 24(1) of the Charter, the Plaintiffs, all of whom were subject to the Unlawful Enactments, and several of whom suffered additional Charter breaches seek awards for damages flowing from the Defendants' breach of their Charter rights.

Trespass to Chattels and Conversion

71. The Defendants, by their conduct intentionally interfered with the Plaintiffs' possession of, and access to, monies in the unlawfully seized bank accounts.
72. The Defendants denied the Plaintiffs access to their financial services and private property, and accordingly are liable to the Plaintiffs for conversion and trespass to chattels as their actions constitute interference with the Plaintiffs' property without legal justification.

Injurious Falsehood and Defamation

73. Immediately preceding, during, and following the Unlawful Enactments, the Defendants, any or all of them, published false statements designed to lower the public opinion of anyone participating in the Ottawa Protests, including the Plaintiffs.

Intrusion upon Seclusion

78. The Plaintiffs had a strong and reasonable expectation of privacy in their financial records as recognized by the court in the Mosley Decision.
79. The financial records disclosed by the Financial Institution Defendants are part of the biographical core of personal information which the Plaintiffs, and indeed any

individuals, in our free and democratic society wish to maintain and control from dissemination to the state.

80. The financial records unlawfully accessed pursuant to the Unlawful Enactments and seized by the Defendants included information which revealed personal details about the Plaintiffs.

81. By accessing these records unlawfully, the Financial Institution Defendants intentionally intruded upon the seclusion of the Plaintiffs' private affairs and concerns.

Assault and Battery

82. On various occasions following the Unlawful Enactments agents and officers of the RCMP, and the OPS committed assault and battery against some of the Plaintiffs. In particular:

a. Unidentified members of the RCMP and OPS:

- i. pepper sprayed individual Plaintiffs;
- ii. shot at the Plaintiffs;
- iii. tear gassed the Plaintiffs;
- iv. unlawfully entered into the trailer of an Indigenous Plaintiff while conducting a warrantless search and physically beat and assaulted this Plaintiff;
- v. trampled the Plaintiffs while riding on horseback;
- vi. punched, kicked and hit the Plaintiffs; and

- vii. committed such further and other unlawful acts which violated the person of any and each of the Plaintiffs as will be proven at the trial of this action;
- b. In committing said acts enumerated at subparagraphs i-vii above acted intentionally or negligently or with willful blindness or recklessness toward the Plaintiffs; and
- c. In committing assault and battery against the Plaintiffs they were acting unlawfully and without justification.

Harassment and Intimidation

83. On various occasions preceding, during and following the Unlawful Enactments the Defendants, any or each of them engaged in communications and threats, many of which were widely publicized and of a public nature, which caused the Plaintiffs to fear for their safety, and the safety of their loved ones. These communications included but were not limited to:
- a. Public statements from the Crown Defendants and OPS;
 - b. Statements and communications on social media; and
 - c. Stalking and other harassing behavior by members of the Crown Defendants and OPS.
84. The Defendants knew or ought to have known that these communications were unwelcome and could reasonably foresee that such communications and behaviours could reasonably cause emotional distress.

85. As a result of these behaviours, the Plaintiffs suffered emotional distress, feared for their wellbeing and otherwise suffered harm.
86. The threats and behaviours enumerated above in subparagraphs 83.a – c above were designed to coerce the Plaintiffs to refrain from exercising their constitutional rights. As a result of these threats and behaviours coupled with the Unlawful Enactments, the Plaintiffs suffered loss and damages and were prevented from exercising their free and democratic rights. As a result, the Defendants are liable in tort for their intimidation of the Plaintiffs.

Civil Conspiracy

87. The actions of the Defendants were taken together in concert with other Defendants. The Crown Defendants, Financial Institution Defendants, Police Defendants, Defendants, and individuals involved worked together to share information, disseminated misinformation about the Plaintiffs, enacted the Unlawful Enactments on unconstitutional pretenses and ultimately froze or otherwise seized the financial services, assets, and private property of the Plaintiffs in an unlawful manner.
88. Each of the Defendants ultimately assisted one another in their unlawful actions perpetrated against the Plaintiffs.
89. The Plaintiffs' injuries were consequences of the concerted actions of the Defendants working together in a way that directly caused the harm suffered.
90. The actions of the Defendants were unlawful, and the Defendants knew or ought to have known in the circumstances that their actions would likely cause injury to the Plaintiffs.

Breaches of Legislation

91. The Financial Institution Defendants, and the Banking Defendants in particular were bound by the express provisions of the *Bank Act*, SC 1991, c 46.

92. The Financial Institution Defendants, by

- a. unlawfully disclosing the information of the Plaintiffs;
- b. refusing to provide the Plaintiffs with access to their funds; and
- c. acting arbitrarily to identify the Plaintiffs for the purpose of freezing their accounts;

violated their lawful obligations owed to the Plaintiffs pursuant to the Bank Act.

Breaches of Contract

93. The Financial Institution Defendants, by engaging in the conduct described at paragraphs 91 and 92 above breached their contractual obligations owed to the Plaintiffs pursuant to their various contracts for financial products and services with the Financial Institution Defendants.

94. Further, the Financial Institution Defendants had a duty to perform their obligations under the contracts with the Plaintiffs in good faith. By their conduct the Financial Institution Defendants wholly failed to perform these obligations in good faith contrary to the fundamental principles of contract and their fundamental duties owed to the Plaintiffs.

95. The Financial Institution Defendants in addition to their breaches of contract breached their common law duties owed to the Plaintiffs.

Damages

96. The conduct of the Defendants toward each and every Plaintiff in these circumstances included several torts, breaches of fundamental rights and freedoms, and wanton disregard for the wellbeing of the individual Plaintiffs. The conduct was unlawful, reprehensible, was politically motivated and charged which included large-scale attempts to intimidate, denigrate, and otherwise disparage and discourage the Plaintiffs.
97. The Plaintiffs were unlawfully targeted unconstitutionally and had their Charter rights violated without due process or procedure and suffered harm as a result.
98. This is an exceptional case wherein the conduct of the Defendants, any or all of them, was malicious, high-handed, and reprehensible misconduct that offends the Court's sense of decency and a substantial punitive damages award is warranted in these circumstances to dissuade such future conduct.
99. Given the location of the Defendants and the clear nexus this action has to the Ottawa Protests and the Unlawful Enactments, Ontario is the proper jurisdiction and forum for this action to be heard in.

Date: February 14, 2024

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Solicitors for the Plaintiffs

EDWARD CORNELL et al. - and -

JUSTIN TRUDEAU et al.

Plaintiffs

Defendants

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

NOTICE OF ACTION

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