

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE
JUSTICE M.J. VALENTE**

)
)
)

WEDNESDAY, THE 2ND
DAY OF MARCH, 2022

BETWEEN:

40 DAYS FOR LIFE

Plaintiff/Moving Party

-and-



BROOKE DIETRICH and JOHN DOE, JANE DOE, AND PERSONS UNKNOWN

Defendants/Respondents

ORDER

THIS MOTION made by the Plaintiff for an interim and interlocutory injunction was heard this day at 85 Frederick Street, Kitchener, Ontario.

ON READING the Plaintiff's Motion Record and Factum, and the Affidavit of Brooke Dietrich filed, on hearing the submissions of counsel for the Plaintiff and the Defendant Brooke Dietrich, and on noting the undertaking of the Plaintiff to abide by any Order this Court may make concerning damages arising from the granting and enforcement of this Order,

1. **THIS COURT ORDERS** that service of the Plaintiff's Motion Record on this motion and the Statement of Claim on the Defendant Brooke Dietrich be, and hereby is, validated.
2. **THIS COURT ORDERS** that the time for service and filing of this motion be, and hereby is, abridged.
3. **THIS COURT ORDERS** that an interim and interlocutory injunction against Brooke Dietrich is granted restraining and enjoining the Defendant Brooke Dietrich from directly or indirectly, by any means whatsoever:
 - a) fraudulently registering as a participant in the Plaintiff's activities, through the Plaintiff's website, with the intention of not participating in the Plaintiff's activities;
 - b) engaging in any other acts of sabotage, attempted sabotage, interference, or harassment, by electronic means, against 40 Days for Life, including acts which are intended to or likely will result in harm to 40 Days for Life's business interests, charitable interests, and/or property, including intellectual and intangible property, reputation, and goodwill;
 - c) publishing online the names, e-mail addresses, and other contact information of the Plaintiff's employees, associates, volunteers, or participants in its activities, or encouraging third parties to contact same;
 - d) publishing or republishing communications encouraging others to engage in the activities described above; and,
 - e) republishing the videos originally posted online at the following URLs:

- i. <https://www.tiktok.com/@growingandgrounded/video/7014622865207201030>;
0;
- ii. <https://www.tiktok.com/@growingandgrounded/video/7017906073143184645>;
5;
- iii. <https://www.tiktok.com/@growingandgrounded/video/7018602106823118086>;
6;
- iv. <https://www.tiktok.com/@growingandgrounded/video/7020876998025219333>;
3;
- v. <https://www.tiktok.com/@growingandgrounded/video/7016074208421645574>;
4;
- vi. <https://www.tiktok.com/@growingandgrounded/video/7017591596103339269>;
9;
- vii. <https://www.tiktok.com/@growingandgrounded/video/7020446411065986309>;
9;
- viii. <https://www.tiktok.com/@growingandgrounded/video/7021513051891305733>;
3;
- ix. <https://www.tiktok.com/@growingandgrounded/video/7024477645308038405>;
5;
- x. <https://www.tiktok.com/@growingandgrounded/video/7014945793765281030>;
0;

xi. <https://www.tiktok.com/@growingandgrounded/video/701611569604003763>

[8](#); and,

xii. <https://www.tiktok.com/@growingandgrounded/video/701529063018414413>

[3](#).

4. **THIS COURT ORDERS** that an interlocutory injunction against the Defendants John Doe, Jane Doe, and Persons Unknown be, and hereby is, granted, pursuant to Section 101 of the *Courts of Justice Act* and Rule 40.01 of the *Rules of Civil Procedure*.

5. **THIS COURT ORDERS** that the Defendants John Doe, Jane Doe, and Persons Unknown, and any other persons with notice of this Order, are restrained and enjoined from directly or indirectly, by any means whatsoever:

- a) fraudulently registering as participants in the Plaintiff's activities, through the Plaintiff's website, with the intention of not participating in the Plaintiff's activities;
- b) engaging in any other acts of sabotage, attempted sabotage, interference, or harassment, by electronic means, against 40 Days for Life, including acts which are intended to or likely will result in harm to 40 Days for Life's business interests, charitable interests, and/or property, including intellectual and intangible property, reputation, and goodwill; and,
- c) publishing or republishing communications encouraging others to engage in the activities described above.

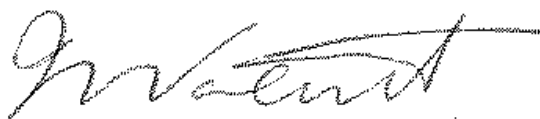
6. **THIS COURT ORDERS** that all persons with notice of this Order shall take any and all steps in their power to remove and/or delete the social media posts published at the following URLs, together with all comments thereon:

- a) <https://www.tiktok.com/@sarahabousenna/video/7014965883348995334>;
- b) <https://www.tiktok.com/@idkimjoe/video/7014740082657725702>;
- c) https://www.reddit.com/r/alberta/comments/q0no11/watch_out_for_these_prolife_protesters_feel_free/;
- d) https://www.reddit.com/r/alberta/comments/q0ni19/watch_out_for_these_prolife_protesters_feel_free/; and,
- e) https://www.reddit.com/r/Edmonton/comments/q0nsxm/watch_out_for_these_prolife_protesters_feel_free/.

7. **THIS COURT ORDERS** that a copy of the issued Order be forthwith published on the website of the Moving Party, 40 Days for Life, and by all other social media means available to the Moving Party, including but not limited to its Facebook and LinkedIn accounts, if any, and that the Moving Party shall provide a copy of this Order, the motion records and pleadings herein, along with the contact particulars of its counsel, to any persons seeking copies thereof.

8. **THIS COURT ORDERS** that this Order will remain in effect until March 10, 2022, at which time it will expire unless continued by further order of this Court.

9. **THIS COURT ORDERS** that costs of this hearing are reserved to the Judge hearing the interlocutory injunction motion on its return.

A handwritten signature in black ink, appearing to read "M. Valente", is written over a horizontal line.

M.J. Valente, J.

40 DAYS FOR LIFE

DIETRICH ET AL.

-and-

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Kitchener

ORDER

PHILIP H. HORGAN LAW OFFICE

Barristers and Solicitors
120 Carlton Street, Suite 301
Toronto, Ontario M5A 4K2

Philip H. Horgan (#28471Q)

Raphael T. R. Fernandes (#78347J)

Tel: (416) 777-9994

Fax: (416) 777-9921

Email: philiphorganlawoffice@gmail.com

Lawyers for the Plaintiff/Moving Party