

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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

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THURSDAY 9th 10th MR
WEDNESDAY, THE 9TH
DAY OF MARCH, 2022

BETWEEN:

40 DAYS FOR LIFE

Plaintiff



-and-

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

Defendants

ORDER

THIS MOTION made by the Plaintiff for an interim and interlocutory injunction, the motion made by the Defendant Brooke Dietrich to establish a timetable for the hearing of her motions commenced by Notice of Motion dated March 8, 2022, and the motion made by Alexi Wood on her own behalf to intervene as a friend of the Court pursuant to Rule 13.02 of the *Rules of Civil Procedure*, were heard this day at 85 Frederick Street, Kitchener, Ontario, by videoconference.

ON READING the Plaintiff's Motion Record and Factum, Brooke Dietrich's Affidavit sworn February 28, 2022, and Notice of Motion dated March 8, 2022, filed, the Endorsement and Order of Justice M. J. Valente dated March 1 and 2, 2022, and the authorities submitted by counsel, on hearing the submissions of counsel for the Plaintiff and the Defendant Brooke Dietrich, and of the proposed friend of the Court, 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 the terms of paragraphs 3 to 7 inclusive of the interim Order of Justice M.J. Valente dated March 2, 2022, are hereby extended, and that this Order, and the interim and interlocutory injunction granted thereby, shall remain in effect, until further Order of this Court.

2. **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>;

- ii. <https://www.tiktok.com/@growingandgrounded/video/7017906073143184645>;

- iii. <https://www.tiktok.com/@growingandgrounded/video/7018602106823118086>;

- iv. <https://www.tiktok.com/@growingandgrounded/video/7020876998025219333>;

- v. <https://www.tiktok.com/@growingandgrounded/video/7016074208421645574>;

- vi. <https://www.tiktok.com/@growingandgrounded/video/7017591596103339269>;

- vii. <https://www.tiktok.com/@growingandgrounded/video/702044641106598630>
9;
- viii. <https://www.tiktok.com/@growingandgrounded/video/702151305189130573>
3;
- ix. <https://www.tiktok.com/@growingandgrounded/video/702447764530803840>
5;
- x. <https://www.tiktok.com/@growingandgrounded/video/701494579376528103>
0;
- xi. <https://www.tiktok.com/@growingandgrounded/video/701611569604003763>
8; and,
- xii. <https://www.tiktok.com/@growingandgrounded/video/701529063018414413>
3.

3. **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*.

4. **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.

5. **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/.

6. **THIS COURT ORDERS** that a copy of the issued Order be forthwith published on the website of 40 Days for Life, and by all other social media means available to 40 Days for Life, including but not limited to its Facebook and LinkedIn accounts, if any, and that 40 Days for Life 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.

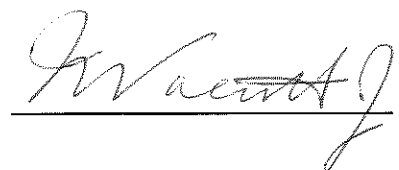
7. **THIS COURT ORDERS** that if the parties cannot agree on costs of the Plaintiff's motions for an interim and interlocutory injunction heard February 28 and March 9, 2022, the parties shall make costs submissions as follows:

- a) The Plaintiff to deliver costs submissions within 15 days of March 10, 2022;
- b) Brooke Dietrich to deliver costs submissions within 10 days of receipt of the Plaintiff's submissions;
- c) Reply submissions, if any, to be delivered within 5 days of receipt of Brooke Dietrich's submissions.

8. **THIS COURT ORDERS** that the timetable for the Defendant Brooke Dietrich's motions brought by Notice of Motion dated March 8, 2022, shall be as follows:

- a) Brooke Dietrich to serve her motion record on or before March 23, 2022;
- b) The Plaintiff to serve its responding motion record on or before April 6, 2022;
- c) Cross-examinations, if any, to be completed on or before April 11, 2022;
- d) Brooke Dietrich to deliver her factum on or before April 25, 2022;
- e) Responding factum to be delivered by May 2, 2022;
- f) Reply factum, if any, to be delivered on or before May 6, 2022; and,
- g) Brooke Dietrich's motions to be heard on the long motions list for the week of May 9, 2022, subject to Court availability.

9. **THIS COURT ORDERS** that Alexi Wood is at liberty to deliver a formal motion pursuant to the *Rules of Civil Procedure* to seek intervenor status as a friend of the Court in these proceedings.



A handwritten signature in cursive script, appearing to read "J. Wood", is written over a horizontal line.

DIETRICH ET AL.

40 DAYS FOR LIFE

-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