

ONTARIO
SUPERIOR COURT OF JUSTICE

40 days for Life v Dietrich, et al

ENDORSEMENT

Counsel: Philip Horgan and Raphael Fernandes, for Plaintiff, 40 Days for Live

Anna Matas and Kelsey Gordon for Defendant, Brooke Dietrich,

John Doe, Jane Doe and Persons Unknown, unrepresented

Plaintiff(s): 40 Days for Life

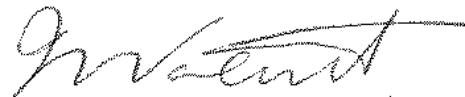
Respondent(s): Brooke Dietrich
John Doe
Jane Doe
Persons Unknown

DATE: March 1, 2022

- The Moving Party seeks an interim and interlocutory injunction against the named Responding Parties.
- The Respondent, Brooke Dietrich, requests an adjournment of the Moving Party's motion without terms on the basis, in part, that she has not had an opportunity to respond to the motion in a fulsome way having only been personally served with the Moving Party's materials on February 22, 2022.
- I do note however, that the Respondent, Brook Dietrich, has filed a six (6) page affidavit in opposition to the Moving Party's motion which I have considered.
- Both counsel for the Moving Party and Respondent, Brooke Dietrich, agree that the relief being sought by the Moving Party today will affect unknown persons.
- I am satisfied on the record before me today that there is no undue delay on the part of the Moving Party to prevent it from obtaining the equitable relief

sought. I am also satisfied on the record before me that the Moving Party has met the test for the injunctive relief it is seeking.

- I do note, however, that the Respondent, Brooke Dietrich, was not provided with notice pursuant to the Rules and certain persons who will be affected by any Order of today have received no notice of the Applicant's motion.
- Accordingly, an interim interlocutory injunction will issue in accordance with the substantive relief stipulated in paragraphs 1 to 6 inclusive of the revised draft Order provided by counsel for the Moving Party which interim interlocutory Order will remain in effect until Thursday, March 10, 2022, at which time it will expire unless continued by this Court. A copy of the revised draft Order with my amendments to paragraph 3 only is attached to avoid any confusion.
- In addition to the proviso that this Order will expire on March 10, 2022, unless continued, I also order that a copy of the issued Order of today will be forthwith published on the Moving Party's website and by all other social media means available to the Moving Party (including but not limited to its FaceBook and Lined-In accounts, if any) so as to ensure that any person affected by this Order will have notice of it. Along with a copy of this Order the Moving Party will also include the contact particulars of its counsel for any persons seeking a copy of the pleadings and motion records herein.
- The costs of today are reserved to the Judge hearing the interlocutory injunction on its return.
- The attached revised draft Order will be amended to reflect all provisions of this Endorsement.



M. Valente, J.



**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
)
MR. JUSTICE M.J. VALENTE) **TUESDAY, THE 1ST**
 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 for 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/.

40 DAYS FOR LIFE

DIETRICH ET AL.

-and-

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**
Proceeding commenced at Kitchener

ORDER

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