



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Overview Report: Parallel Litigation

Prepared by: Commission Counsel

Summary of Report

The following Overview Report summarizes court proceedings commenced in response to the protests in January and February 2022, including judicial review proceedings commenced to challenge the invocation of the *Emergencies Act*. Several of the proceedings are ongoing as of the date of this report. The information presented in this report is current as of August 31, 2022.

Note to Reader

Pursuant to Rules 41-45 of the Commission's Revised Rules of Practice and Procedure, the following Overview Report contains a summary of background facts and documents relating to the Commission's mandate.

Overview Reports allow facts to be placed in evidence without requiring those facts and related documents to be presented orally by a witness during the public hearings. The Overview Report may be used to assist in identifying issues relevant to the Commission, make findings of fact and enable recommendations to be made by the Commission.

The Parties with standing at the Commission have been provided an opportunity to comment on the accuracy of this Overview Report. Commission Counsel and the Parties may call evidence from witnesses at the Inquiry that casts doubt on the accuracy of the content of the documents underlying this Overview Report. The Parties may also make submissions regarding what, if any, weight should be given to the Overview Report and the cited documents.

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Overview Report: Parallel Litigation

1. Introduction

1. The following Overview Report summarizes court proceedings commenced in response to the protests in January and February 2022, including judicial review proceedings commenced to challenge the invocation of the *Emergencies Act*.

2. Proceedings concerning the Ambassador Bridge Protests, Windsor, Ontario (Superior Court)

2. Beginning on February 7, 2022, protesters blocked the municipal roads in the City of Windsor that serve as the entrances to, and exits from, the Ambassador Bridge.¹

3. On February 10, 2022, the Automotive Parts Manufacturers' Association (APMA) brought a motion in the Ontario Superior Court for an interim injunction to restrain the protesters from maintaining their blockade of the Ambassador Bridge.² APMA brought its motion before commencing a proceeding and gave an undertaking to commence a proceeding.³ The City of Windsor moved to intervene as a party in support of the APMA's injunction motion.

¹ Affidavit of Jason Bellaire, sworn February 10, 2022, at paras 2-3, APMA Motion Record, **WIN00000502**.

² APMA Notice of Motion, WIN00001684; APMA Motion Record, **WIN00000502**.

³ APMA Factum, February 10, 2022, at para 3, **WIN00000503**.



4. Chief Justice Morawetz, of the Ontario Superior Court, granted the City of Windsor's intervention motion.⁴ He also adjourned APMA's injunction motion to the next day to allow time for APMA and the City of Windsor to provide notice of the motion to the protesters.⁵

5. On February 11, 2022, the injunction motion was argued before Chief Justice Morawetz.⁶ Appearing on the motion were the AMPA and the City of Windsor, as well as the Attorney General for Ontario, the Democracy Fund and Citizens for Freedom. The latter two groups opposed the granting of the injunction.

6. At the conclusion of the hearing, Chief Justice Morawetz issued an endorsement stating that he was "satisfied that the test for an interim interlocutory injunction has been met" and granted an injunction effective February 11, 2022, at 7:00 pm.⁷ The Chief Justice ordered that "any persons having notice...are hereby restrained and enjoined from impeding or blocking access to the Ambassador Bridge and indirect or direct approaching roadways and access points".⁸ The Chief Justice's order also provided

⁴ *Automotive Parts Manufacturers' Association v. Jim Boak*, 2022 ONSC 964, **WIN00001697**.

⁵ *Automotive Parts Manufacturers' Association v. Jim Boak*, 2022 ONSC 964, **WIN00001697**.

⁶ APMA Factum, February 10, 2022, **WIN00000503**; City of Windsor Factum, February 11, 2022, **WIN00000413**, Supplementary Affidavit of Jason Ward Raynar, sworn February 11, 2022, **WIN00000414**; Supplementary Affidavit of Jason Bellaire, sworn February 11, 2022, WIN00000412; APMA Supplementary Motion Record, **WIN00000499**.

⁷ *Automotive Parts Manufacturers' Association v. Jim Boak*, 2022 ONSC 1018, **WIN00000512**.

⁸ Order, February 11, 2022, **WIN00000511**.



police officers with authority to arrest and remove any person contravening the injunction, provided they had notice of it.⁹ Police officers were also provided with the authority to remove any vehicles or other objects impeding access to the Ambassador bridge and approaching roadways.¹⁰ The Democracy Fund also moved for, and was granted, intervener status as a friend of the court in the proceeding.¹¹

7. On February 18, 2022, the issue of whether to continue the injunction was argued before the Chief Justice.¹² At the commencement of the hearing, the City of Windsor moved for an order substituting its Notice of Application dated February 17, 2022, which sought an interlocutory injunction against persons unknown, as the underlying proceeding in the motion brought by the APMA.¹³ The Chief Justice ordered that the proceeding continue as an application and amended the title of proceedings to reflect that The Corporation of the City of Windsor was now the applicant, Persons Unknown were the respondents, the Attorney General of Ontario and APMA were intervening parties, and the Democracy Fund was a friend of the court intervener.¹⁴

⁹ Order, February 11, 2022, **WIN00000511**.

¹⁰ Order, February 11, 2022, **WIN00000511**.

¹¹ Affidavit of Adam Black-Gallipeau, sworn February 11, 2022, **WIN00000498**.

¹² APMA Factum, **WIN00000922**; APMA Second Supplementary Motion Record, **WIN00000919**; City of Windsor Second Supplementary Motion Record, **WIN00000925**; Affidavit of Nicholas Wansbutter, sworn February 18, 2022, **WIN00000924**; Affidavit of Sherri Marie Peroni, sworn February 17, 2022, **WIN00000917**; Supplementary Affidavit of Sherri Marie Peroni, sworn February 18, 2022, **WIN00000915**.

¹³ City of Windsor Factum, at para 4, **WIN00000921**.

¹⁴ Order, dated February 18, 2022, **WIN00001890**.



8. On February 22, 2022, Chief Justice Morawetz released his reasons for extending the injunction on February 18, 2022. He found that the City of Windsor had demonstrated a strong *prima facie* case that the protesters blockading the Ambassador Bridge had breached multiple municipal by-laws and that there was a risk they would continue to do so.¹⁵ As a result, Chief Justice Morawetz decided that it would be appropriate to continue the injunction on a permanent basis.¹⁶

3. Proceedings concerning the Ottawa Protests

9. Prior to the arrival of the Freedom Convoy in Ottawa, organizers worked to raise funds to provide financial support to protesters. The Commission anticipates providing details of these fundraising efforts in the Overview Report *Fundraising for the Protestors*. These efforts were successful, and millions of dollars were donated to support the Freedom Convoy.

3.1 The Honking Injunction, Ottawa, Ontario (Superior Court)

10. On January 28 and 29, 2022, participants in the Freedom Convoy assembled in Ottawa. This included a number of truck drivers, who parked their vehicles on city streets. As part of the protest, truck drivers repeatedly honked their horns.

11. On February 4, 2022, an Ottawa resident, Zexi Li (the Ottawa Plaintiff), commenced a putative class action (the Ottawa Class Action) on behalf of a class of

¹⁵ *The Corporation of the City of Windsor v. Persons Unknown*, 2022 ONSC 1168, at para 47, **WIN00000932**.

¹⁶ *The Corporation of the City of Windsor v. Persons Unknown*, 2022 ONSC 1168, at para 66, **WIN00000932**.



Ottawa residents against participants of the Freedom Convoy who were present in downtown Ottawa.¹⁷ In her Statement of Claim, the Ottawa Plaintiff alleged the protesters' ongoing concerted horn-blasting tactic constituted a private nuisance and contravened City of Ottawa Noise By-Law, No. 2017-255.¹⁸ She claimed \$9.8 million in compensatory and punitive damages for private nuisance against the Freedom Convoy 2022 participants.¹⁹ She also sought a permanent injunction prohibiting the continuation of the nuisance.²⁰

12. On the same day, the Ottawa Plaintiff filed a Notice of Motion seeking an interlocutory injunction and sought a hearing on an urgent basis.²¹ Lawyers working with the Justice Centre for Constitutional Freedoms (JCCF) were retained as counsel for three of the named defendants (the Ottawa Defendants) and opposed the Ottawa Plaintiff's motion.²²

13. On February 7, 2022, Justice Macleod granted the Ottawa Plaintiff's motion for an interlocutory injunction restraining "any persons having notice" from "using air horns or train horns...in the vicinity of downtown Ottawa" (the Honking Injunction).²³ Justice

¹⁷ Statement of Claim, February 4, 2022, **HRF00000066**.

¹⁸ Statement of Claim, February 4, 2022, **HRF00000066** at paras 37-44.

¹⁹ Statement of Claim, February 4, 2022, **HRF00000066**.

²⁰ Statement of Claim, February 4, 2022, **HRF00000066**.

²¹ Letter from Champ & Associates, February 4, 2022, **HRF00000067**; Ottawa Plaintiff Motion Record, **HRF00001288/OTT00016940**; Ottawa Plaintiff Supplementary Motion Record, **HRF00001290**.

²² Ottawa Defendants Motion Record, **HRF00001289**; Ottawa Defendants Motion Record, **HRF00001292**.

²³ Order, February 7, 2022, **HRF00000073** at para 2.



Macleod's order also authorized police to arrest and remove any person with notice who contravened the injunction.²⁴

14. On February 16, 2022, Justice MacLeod granted the Ottawa Plaintiff's motion to continue the Honking Injunction.²⁵

3.2 The Restraint Application of the Attorney General of Ontario. Ottawa, Ontario (Superior Court)

15. The Attorney General of Ontario commenced an *ex parte* application in the Ontario Superior Court for a restraint order pursuant to section 490.8 of the *Criminal Code* in respect of all monetary donations collected through GiveSendGo's online platform (the Restraint Order).²⁶

16. On February 10, 2022, Associate Chief Justice McWatt granted the Restraint Order. She found that there was reasonable grounds to believe that the donations made to the "Freedom Convoy 2022" and "Adopt-a-Trucker" fundraising campaigns on GiveSendGo constituted offence-related property as defined by the *Criminal Code*. The restraint order prohibited any person from dealing with the property in any manner whatsoever.²⁷

²⁴ Order, February 7, 2022, **HRF00000073** at para 4.

²⁵ Order, February 16, 2022, **JCF00000099/HRF00000080**; Ottawa Plaintiff Motion Record, **JCF00000100/HRF00001312**; Affidavit of Rich Sanders, sworn February 16, 2022, **JCF00000091**; Supplemental Affidavit of Rich Sanders, sworn February 17, 2022, **JCF00000088**; Affidavit of Jeremy King, sworn February 16, 2022, **JCF00000090**.

²⁶ Attorney General of Ontario Notice of Application, **JCF00000053**; Affidavit of Christopher Rhone, **JCF00000052**.

²⁷ Order, February 10, 2022, **JCF00000054**.



3.3 The City of Ottawa By-Law Injunction, Ottawa, Ontario (Superior Court)

17. On February 14, 2022, in a separate proceeding commenced by the City of Ottawa, Associate Chief Justice McWatt granted the City of Ottawa an interlocutory injunction restraining protesters from breaching by-laws prohibiting air fires, the discharge of firecrackers and fireworks, excessive noise, encumbering highways with tents, structures or appliances, and idling vehicles for more than 60 minutes.²⁸

3.4 The Interpleader Application, Toronto, Ontario (Superior Court)

18. Also on February 14, 2022, Toronto Dominion Bank (TD Bank) commenced an application in the Ontario Superior Court for an order directing it to pay into court certain funds from the Freedom Convoy GoFundMe campaign, and other sources, deposited in two accounts held by individuals involved with the Freedom Convoy (the TD Funds).²⁹

19. As described in more detail below, this proceeding was eventually stayed.

3.5 The *Mareva* Injunction, Ottawa, Ontario (Superior Court)

20. On February 17, 2022, the Ottawa Plaintiff moved before Justice MacLeod for an *ex parte* mareva injunction against the corporation “Freedom 2022 Human Rights and Freedoms” and Patrick King, Tamara Lich, Christopher Garrah, Nicholas St. Louis, and Benjamin Dichter (the Mareva Injunction).³⁰

²⁸ Order, February 14, 2022, **WIN00000926/OTT00007235/HRF00000050**; City of Ottawa Factum, **OTT00010002**; City of Ottawa Application Record, **OTT00010005**.

²⁹ TD Bank Application Record, **TDB00000004**.

³⁰ Fresh as Amended Notice of Motion, **HRF00000056/JCF00000087**; Ottawa Plaintiffs Factum, **JCF00000086**.



21. Justice MacLeod granted the Mareva Injunction that day. The injunction prohibited the Mareva Injunction Defendants from dealing in any way with up to \$20 million in assets held in bank accounts, crowdfunding platforms and virtual currency wallets. It also required a number of financial institutions, crowdfunding platforms and virtual currency platforms/exchanges and custodians to freeze those assets.³¹

22. Justice MacLeod released reasons explaining his decision to grant the Mareva Injunction on February 22, 2022.³²

3.6 Further Steps in the Ottawa Class Action Litigation

23. Also on February 17, 2022, Justice Macleod granted the Ottawa Plaintiff's motion to amend the Statement of Claim by adding additional parties and a cause of action in public nuisance in addition to the cause of action in private nuisance. Happy Goat Coffee Company Inc., 7983794 CANADA INC. (c.o.b. UNION: LOCAL 613) were added as additional representative plaintiffs (the Ottawa Plaintiffs).³³

24. On February 18, 2022, the Ottawa Plaintiffs filed their Fresh as Amended Statement of Claim.³⁴

³¹ Endorsement, February 17, 2022, **JCF00000101**; Order, February 17, 2022, **HRF00001300/ JCF00000092**.

³² *Li et al. v. Barber et. al.*, 2022 ONSC 1176, **HRF00000082/JCF00000089**.

³³ Order #2, February 17, 2022, **JCF00000104**.

³⁴ Fresh as Amended Statement of Claim, **JCF00000103**.



25. On February 28, 2022, the Mareva Injunction was continued on consent, without prejudice, and on the condition that certain funds be transferred to an escrow agent (the Escrow Agent).³⁵

26. On March 10, 2022, Justice MacLeod released reasons addressing several motions.³⁶ He temporarily extended the Mareva Injunction. However, he adjourned motions to extend it further and to dissolve it, because the defendants requested more time to transfer the disputed funds and cryptocurrency to the Escrow Agent.³⁷ A motion to amend the Statement of Claim was also adjourned. Justice MacLeod also granted TD Bank's motion to deposit the TD Funds with the Escrow Agent.³⁸ TD Bank's interpleader application – discussed above – was stayed because it dealt with the same subject matter.³⁹ Justice MacLeod also granted a variation of the Attorney General of Ontario's Restraint Order to permit the transfer of the restrained funds to the Escrow Agent.⁴⁰

³⁵ *Li et al. v. Barber et. al.*, 2022 ONSC 1351, **COM00000404**.

³⁶ Ottawa Plaintiffs' Aide Mémoire, **JCF00000093**; Defendants' Factum, **JCF00000094**.

³⁷ *Li et al. v. Barber et. al.*, 2022 ONSC 1543 at paras 3(b) & (c), 5-6, **COM00000405**.

³⁸ *Li et al. v. Barber et. al.*, 2022 ONSC 1543 at paras 3(b), 8-11; TD Bank Motion Record, **TDB00000002**; Order, March 9, 2022, **TDB00000003**.

³⁹ *Li et al. v. Barber et. al.*, 2022 ONSC 1543 at paras 3(b), 8-11, **COM00000405**.

⁴⁰ *Li et al. v. Barber et. al.*, 2022 ONSC 1543 at paras 3(c), 15-16, **COM00000405**.

3.7 The Attorney General of Ontario's Civil Forfeiture Application, Ottawa, Ontario (Superior Court)

27. On March 25, 2022, the Attorney General of Ontario commenced a civil forfeiture proceeding against the TD Funds held by the Escrow Agent. The Attorney General of Ontario alleged that the funds were the proceeds of unlawful activity.⁴¹

3.8 Dissolution of the *Mareva* Injunction

28. On March 30, 2022, the Escrow Agent produced its first report.⁴²

29. On April 1, 2022, Justice MacLeod published an endorsement granting the Ottawa Plaintiffs' request to adjourn the motions for the continuation and dissolution of the *Mareva* Injunction.⁴³ The *Mareva* Injunction was continued pending the hearing of the motions.⁴⁴ Justice MacLeod also stated that the Attorney General of Ontario advised the Court that its civil forfeiture proceeding was "not intended to affect assets that are ultimately found to be the subject of a civil judgment in favour of the class members."⁴⁵

30. On May 2, 2022, Justice MacLeod released his reasons on the competing motions to continue and dissolve the *Mareva* Injunction. Justice MacLeod explained that the parties had reached an agreement: the *Mareva* Injunction would be dissolved upon transfer of the remaining disputed funds to the Escrow Agent and the order would be

⁴¹ Attorney General of Ontario Notice of Motion, **JCF00000105**.

⁴² First Report of the Escrow Agent, March 30, 2022, **JCF00000096**.

⁴³ *Li et al. v. Barber et al.*, 2022 ONSC 2038 at paras 1-3, **COM00000403**.

⁴⁴ Supplemental Motion Record of the Defendants, **JCF00000095**.

⁴⁵ *Li et al. v. Barber et al.*, 2022 ONSC 2038 at para 4, **COM00000403**.

converted into a preservation order.⁴⁶ Justice MacLeod ordered that the converted Mareva Injunction would continue in force until the final determination of the Ottawa Class Action.⁴⁷ The Mareva Injunction would continue unconverted as against another of the Ottawa Defendants who had not participated in the Mareva Injunction proceedings.⁴⁸

31. The Restraint Order that had been granted to the Attorney General of Ontario was also varied to require the Escrow Agent to provide Ontario with information regarding the status of property held by the Escrow Agent.⁴⁹

4. Proceedings concerning the Federal Government's Invocation of the *Emergencies Act*

32. On February 14, 2022, the Governor in Council directed that a proclamation be issued declaring a public order emergency under the *Emergencies Act*, PC 2022-106.⁵⁰ On February 15, 2022, the Governor-in-Council registered the *Proclamation Declaring a Public Order Emergency*, SOR/2022-20 pursuant to the *Emergencies Act*.⁵¹

⁴⁶ Endorsement, May 2, 2022, at para 2, **JCF00000097**.

⁴⁷ Order, May 2, 2022, **JCF00000098**.

⁴⁸ Endorsement, May 2, 2022, at para 3, **JCF00000097**.

⁴⁹ Variation Order, May 2, 2022, **JCF00000055**.

⁵⁰ *Special Temporary Measures for Public Order Emergency*, PC 2022-106, **COM00000610**.

⁵¹ *Proclamation Declaring a Public Order Emergency*, SOR/2022-20, **ALB00000384**.



33. On February 18, 2022, Canadian Frontline Nurses and Kristen Nagle (collectively, CFN) filed an application for judicial review in the Federal Court of the *Proclamation Declaring a Public Order Emergency*.⁵²
34. On February 18, 2022, the Canadian Civil Liberties Association (CCLA) filed an application for judicial review in the Federal Court of the *Proclamation Declaring a Public Order Emergency*, the *Emergency Measures Regulations*, and the *Emergency Economic Measures Order*.⁵³
35. On February 23, 2022, the Canadian Constitution Foundation (CCF) filed an application for judicial review in the Federal Court of the *Proclamation Declaring a Public Order Emergency*, the *Emergency Measures Regulations*, and the *Emergency Economic Measures Order*. The CCF made an explicit request for all materials before Cabinet relating to the decision to invoke the *Emergencies Act* on a counsel-eyes only basis.⁵⁴
36. On February 24, 2022, Jeremiah Jost, Edward Cornell, Vincent Gircys, and Harold Ristau (collectively, Jost et. al.) filed an application for judicial review in the

⁵² CFN Notice of Application, February 18, 2022, **COM00000411**; Affidavit of Tom Marazzo, sworn March 4, 2022, **COM00000415**; Affidavit of Simon Sigler, sworn March 4, 2022, **COM00000416**; Affidavit of Kristin Nagle, sworn March 4, 2022, **COM00000417**.

⁵³ CCLA Notice of Application, February 18, 2022, **COM00000422**.

⁵⁴ CCF Notice of Application, February 23, 2022, **COM00000407**; Affidavit of Joanna Baron, sworn February 22, 2022, **COM00000384**; Affidavit of Madeleine Ross, February 22, 2022, **COM00000385**.



Federal Court of the *Proclamation Declaring a Public Order Emergency* and other related relief.⁵⁵

37. On March 1, 2022, a motion by CFN for an interlocutory order suspending the *Proclamation Declaring a Public Order Emergency* was dismissed for mootness.⁵⁶

38. On March 29, 2022, CFN filed a motion to amend its Notice of Application to align with the questions in controversy set out in its Notice of Constitutional Question.⁵⁷

39. On April 1, 2022, the Attorney General of Canada delivered a certificate pursuant to section 39 of the *Canada Evidence Act* certifying that a schedule of documents contained cabinet confidences (the Section 39 Certificate).⁵⁸

40. On the same day, CCF filed a motion to amend its Notice of Application expanding its disclosure request to include copies of the record of material before the Governor-in-Council in respect of its February 23, 2022 decision to revoke the

⁵⁵ Jost et. al. Notice of Application, February 24, 2022, **COM00000433**; Affidavit of Harold Restau, sworn March 9, 2022, **JCF00000057**; Affidavit of Edward Cornell, sworn March 9, 2022, **JCF00000058**; Affidavit of Jeremiah Jost, sworn March 9, 2022, **JCF00000059**; Affidavit of Vincent Gircys, sworn March 9, 2022, **JCF00000060**.

⁵⁶ CFN Motion Record, February 18, 2022, **COM00000412**; Attorney General Written Representations, February 24, 2022, **COM00000413**; Order and Reasons, March 1, 2022, **COM00000414**.

⁵⁷ CFN Motion Record, March 29, 2022, **COM00000418**; Attorney General of Canada Motion Record, April 11, 2022, **COM00000421**.

⁵⁸ Attorney General of Canada, Letter dated April 1, 2022, **COM00000419**.



*Proclamation Declaring a Public Order Emergency.*⁵⁹ The Federal Court denied the CCF's motion to amend in reasons dated August 26, 2022.⁶⁰

41. On April 4, 2022, the Attorney General of Canada filed its evidence responding to the judicial review applications.⁶¹

42. On April 12, 2022, the Attorney General of Canada filed a motion to have each of the challenges to the *Emergencies Act* dismissed for mootness and lack of standing.⁶²

43. On April 14, 2022, the Attorney General of Alberta provided notice that it would intervene in the CCF and CCLA applications on constitutional questions on April 1 and April 13, 2022, respectively. On April 8, 2022, the Attorney General of Alberta moved to intervene in the CCF and CCLA judicial review proceedings on certain non-constitutional issues. The Federal Court granted leave to intervene on those non-constitutional issues..⁶³

44. On April 29, 2022, the CCF filed a motion seeking further disclosure. The CCF alleged that the Attorney General of Canada had not provided full disclosure of all

⁵⁹ CCF Motion Record, April 1, 2022, **COM00000406**.

⁶⁰ *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1232, **COM00000565**.

⁶¹ Affidavit of Denis Beaudoin, sworn April 4, 2022, **JCF00000062**; Affidavit of Rebecca Coleman, sworn April 4, 2022, **JCF00000061**; Affidavit of Steven Shragge, sworn April 4, 2022, **JCF00000063**.

⁶² Attorney General of Canada Motion Record, April 11, 2022, **JCF00000064**.

⁶³ Attorney General of Alberta Motion Record, April 14, 2022, **COM00000427**.



relevant documents, including the documents referred to in the Section 39 Certificate.⁶⁴ The Federal Court dismissed the motion in reasons dated August 26, 2022.⁶⁵ The CCF filed an appeal bearing Court File number A-180-22.

45. On May 4, 2022, the Federal Court directed that the Attorney General of Canada's mootness and standing motion would be heard at the hearing of the judicial review applications. The Federal Court also granted in part CFN's motion to amend its Notice of Application.⁶⁶

46. June 28, 2022, the CCLA filed a motion to compel the Attorney General of Canada to disclose certain documents, including minutes of the Incident Response Group.⁶⁷

47. On June 29, 2022 the CCLA filed a motion to compel the Attorney General of Canada to disclose certain additional documents and answer refusals relating to the Attorney General of Canada's witness, Denis Beaudoin.⁶⁸

⁶⁴ CCF Motion Record, April 29, 2022, **COM00000436**; Attorney General of Canada Motion Record, May 25, 2022, **COM00000431**.

⁶⁵ *Canadian Constitution Foundation v. Canada (Attorney General)*, 2022 FC 1233, **COM00000568**.

⁶⁶ Order, May 4, 2022, **COM00000423**.

⁶⁷ CCLA Motion Record, June 28, 2022, **COM00000397**; Attorney General of Canada Motion Record, June 29, 2022, **COM00000388**.

⁶⁸ CCLA Motion Record, June 29, 2022, **COM00000428**; Attorney General of Canada Motion Record, July 12, 2022, **COM00000430**.



48. On July 4, 2022, Jost et. al. filed a motion to compel answers from the Attorney General of Canada's witnesses.⁶⁹

49. On July 14, 2022, the Federal Court ordered the Attorney General of Canada's witness, Denis Beaudoin, to produce certain documents and answer certain questions sought by Jost et. al. The Federal Court also granted the CCLA's motion relating to the same witness and ordered the Attorney General to produce the requested documents.⁷⁰

50. On August 5, 2022, the CCLA withdrew its motion to compel disclosure of documents allegedly covered by cabinet confidences, citing the Attorney General of Canada's new Section 39 Certificate delivered on August 4, 2022, and the Attorney General's decision to disclose some of the information the CCLA was seeking. Specifically, the Attorney General disclosed the membership of the Incident Response Group and produced redacted agendas for its meetings preceding the invocation of the *Emergencies Act*, redacted copies of the minutes of those meetings, and a redacted copy of the minutes of a Cabinet meeting held on February 13, 2022. Upon withdrawing its motion, the CCLA confirmed it would intervene in the CCF's disclosure motion on the issue of the scope of cabinet privileges.⁷¹

⁶⁹ Jost et. al. Motion Record, July 4, 2022, **COM00000444**; Attorney General of Canada Motion Record, July 12, 2022, **COM00000442**.

⁷⁰ Order, July 14, 2022, **COM00000410**.

⁷¹ CCLA Letter, August 5, 2022, **COM00000391**.



51. The parties have filed various records of written examinations and cross-examinations in the proceedings.⁷²
52. A hearing date has not been set down for the applications.

⁷² Written Examination of Denis Beaudoin, May 18, 2022, **JCF00000065**; Transcript of Edward Cornell Cross-Examination, June 8, 2022, **JCF00000066**; Transcript of Harold Ristau Cross-Examination, June 30, 2022, **JCF00000068**; Transcript of Jeremiah Jost Cross-Examination, June 30, 2022, **JCF00000073**; Transcript of Vincent Gircys Cross-Examination, June 14, 2022, **JCF00000070**; Affidavit of Denis Beaudoin (Response to Written Questions), sworn June 20, 2022, **JCF00000075**; Affidavit of Rebecca Coleman (Response to Written Questions), sworn June 14, 2022, **JCF00000076**; Affidavit of Steven Shragge (Response to Written Questions), sworn June 15, 2022, **JCF00000072**.