



**PUBLIC ORDER
EMERGENCY
COMMISSION**

**COMMISSION
SUR L'ÉTAT
D'URGENCE**

Overview Report: Fundraising in Support of Protestors

Prepared by: Commission Counsel

Summary of Report

The following Overview Report summarizes the major fundraising activities that were started in order to provide support to protestor activities, including crowdfunding, direct donation campaigns and cryptocurrency donations. This report also reviews steps taken by a variety of actors, including crowdfunding platforms, payment processors, banks and courts that had an impact on the flow of funds. The report summarizes the information currently available to the Commission about the status of donated funds.

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: Fundraising in Support of Protestors

1. Introduction to Fundraising Concepts

1. Crowdfunding platforms include online services that permit individuals or groups to solicit online donations from multiple donors. These are referred to as “donation based crowdfunding platforms”. Throughout this report, the term “crowdfunding platform” refers to donation based crowdfunding platforms. There are numerous crowdfunding platforms, each of which may operate differently. In general, a crowdfunding platform permits an organizer to establish a campaign in support of a beneficiary, who may or may not be the same person as the organizer. Internet users can view information about a campaign on the crowdfunding platform and can make online donations through the platform. Depending on the platform, donations may or may not be made anonymously. Some platforms are for-profit, while others are non-profit.

2. Both GoFundMe and GiveSendGo are examples of for-profit crowdfunding platforms. Both are based in the United States of America.

3. Payment processors are entities that manage electronic financial transactions between merchants and financial institutions. Most crowdfunding platforms are not payment processors. This means that crowdfunding platforms do not themselves accept and hold donations or distribute them to a beneficiary’s bank account. Instead, they rely



on a payment processor to facilitate the collection of donations and their ultimate transfer to a beneficiary's bank account.

4. Stripe is an example of a payment processor. During January and February 2022, Stripe provided payment processing services for GoFundMe and GiveSendGo.

5. Stripe partners with financial institutions in order to provide payment processing services to clients such as crowdfunding platforms. One type of financial institution Stripe partners with is a deposit taking institution, such as a bank. When a payment is processed with Stripe, the funds are held in a depository institution contracted by Stripe until they are released to the recipient of the payment, such as a crowdfunding beneficiary.

6. Cryptocurrencies, also referred to as crypto assets or virtual currencies, are a broad class of digital tokens. They can serve several purposes. One purpose that a cryptocurrency may serve is to act as a medium of exchange similar to traditional currencies like the Canadian dollar. Cryptocurrencies are held in an electronic "wallet" that is identified by a unique alpha-numeric address. An individual can access cryptocurrencies held in a wallet using seed phrases, pass phrases or other secure codes.

7. There are several ways in which individuals may purchase, exchange, and sell cryptocurrencies. Cryptocurrency exchanges permit individuals to convert cryptocurrencies into "ordinary" currencies such as Canadian dollars or vice versa. Cryptocurrencies may also be exchanged directly between individuals without the need for an intermediary such as an exchange or a payment processor.



8. Bitcoin is an example of a cryptocurrency. Transactions involving Bitcoin are reflected on the Bitcoin blockchain, a public ledger that records all transactions involving Bitcoin. While the blockchain records Bitcoin transactions, including the wallet addresses involved in each transaction, it does not record the identities of individuals who engage in those transactions.

2. The Original Freedom Convoy Campaigns

9. In January 2022, two fundraising efforts in support of the “Freedom Convoy” were established by Tamara Lich: a crowdfunding campaign, and a direct email money transfer campaign. In the days following their creation, additional individuals became involved in the management of these fundraisers.

2.1 The Freedom Convoy 2022 GoFundMe Campaign

10. Tamara Lich created a fundraising campaign on the crowdfunding website GoFundMe on January 14, 2022 called “Freedom Convoy 2022”.¹ This campaign was linked to a personal savings account at TD Bank in the name of Ms. Lich, which was opened on March 4, 2020 (“the First TD Account”).²

¹ Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p 2, **GFM0000583**; Affidavit of Tamara Lich, dated March 28, 2022, para 3, Supplementary Motion Record of the Mareva Respondents, p 44, **HRF00001346**.

² Affidavit of Tamara Lich, dated March 28, 2022, para 4, Supplementary Motion Record of the Mareva Respondents, p 44, **HRF00001346**; Affidavit of TD Representative, dated February 15, 2022, para 16, Application Record of the Toronto-Dominion Bank, p 16, **TDB00000004**. See also GoFundMe, *Connecting your bank account*, **GFM00000314**.



11. The campaign's description was edited several times after it was created. At the end of day on January 14, 2022, the description read:

To our Fellow Canadians, the time for political over reach is over. Our current government is implementing rules and mandates that are destroying the foundation of our businesses, industries and livelihoods. Canadians have been integral to the fabric of humanity in many ways that have shaped the planet.

We are a peaceful country that has helped protect nations across the globe from Tyrannical governments who oppressed their people, well now it is happening to us. We are taking our fight to the doorsteps of our Federal Government and demanding that they cease all mandates against its people. Small businesses are being destroyed homes are being destroyed, and people are being mistreated and denied fundamental necessities to survive. It's our duty as Canadians to put an end to this mandates. It is imperative that this happens because if we don't our country will no longer be the country we have come to love. We are doing this four our future Generations and to regain our lives back.

We are asking for Donations to help with the costs of fuel, food and lodgings to help ease the pressures of this arduous task. But it's a small price to pay for our freedoms. We thank you all for your Donations and know that you are helping reshape this once beautiful country back to the way it was.³

12. The Freedom Convoy 2022 campaign came to the attention of GoFundMe within a few hours of its creation due to the speed at which it attracted donations. When the campaign was reviewed, GoFundMe became concerned about the organizer's ability to distribute the funds in accordance with the campaign description.⁴ GoFundMe's terms of service require that all funds raised in a campaign are used consistently with the campaign's purpose. Funds must go to the campaign's beneficiary or a third-party

³ Fund Edit History, p 34, **GFM00000001** (sic throughout).

⁴ Interview Summary: Kim Wilford, p 2, **WTS.00000007**.



acting to deliver those funds to the beneficiary. They must also be spent for the purpose or purposes stated in the campaign.⁵

13. GoFundMe wished to have more information from Ms. Lich about how she would ensure that the money raised would go to truckers to reimburse them for the cost of fuel, food and lodgings. GoFundMe's "VIP Team", which was responsible for high-profile fundraisers, first communicated with Ms. Lich on January 16, 2022. The purpose of this communication was to gather more information about organizer's plans with respect to the distribution of the funds.⁶

14. On January 18, 2022, the description of the campaign was edited to add the following text:

****Money raised will be dispersed to our Truckers to aid them with the cost of the journey****

****Funds will be dispersed via e-transfer (preferred) but can also be sent by cheque if absolutely necessary****

****Funds will be spent to help cover the cost of fuel for our Truckers first and foremost, will be used to assist with food if needed and contribute to shelter if needed**⁷**

15. On January 22, 2022, the description was edited to add the following text:

In order for your generous donations to flow smoothly, the good people at Go Fund Me will be sending donations directly to our bulk fuel supplier and are working out the details now which means your hard earned money is going to straight to who it was meant for and need not flow through anyone

⁵ Interview Summary: Kim Wilford, p 2, **WTS.00000007**; GoFundMe Terms of Service, dated December 31, 2021, **GFM00000040**.

⁶ Interview Summary: Kim Wilford, p 2, **WTS.00000007**.

⁷ Fund Edit History, p 30, **GFM00000001**.



else. Any left over donations will be donated to a credible Veterans organization which will be chosen by the donors.⁸

16. GoFundMe was concerned about the pledge that leftover funds would be donated to a veterans' organization chosen by the donors. It was not clear to GoFundMe how it would be possible for the organizers to get donor approval for an organization given the large number of donors.⁹

17. While GoFundMe's VIP team was making inquiries with the campaign organizers, it did not release any of the funds that had been raised.

18. On January 26, 2022, GoFundMe emailed a representative of the campaign organizers with a series of questions. The organizers asked Chad Eros, an accountant who had been introduced to them by Chris Garrah, for assistance in answering the questions.¹⁰ After receiving a proposed answer from Mr. Eros, the organizers forwarded it to Jeffrey Rath, a lawyer who had been working with them, who made some changes to the response.¹¹ A representative of the organizers sent this response to GoFundMe with the requested information later on the 26th,¹² including a copy of a form that the organizers were requiring truckers seeking reimbursement to use,¹³ and internal

⁸ Fund Edit History, p 22, **GFM00000001**.

⁹ Interview Summary: Kim Wilford, p 2, **WTS.00000007**.

¹⁰ Witness Summary: Chad Eros, p 1, **WTS.00000032**.

¹¹ Witness Summary: Chad Eros, p 2, **WTS.00000032**.

¹² Email exchange between GoFundMe and Campaign Organizers, January 26, 2022, **GFM00000078**; Witness Summary: Chad Eros, p 2, **WTS.00000032**.

¹³ Freedom Convoy 2022 Registration Form, **GFM00000150**.



guidelines related to reimbursement rates and procedures.¹⁴ The organizers also requested that GoFundMe release an initial \$1,000,000 CAD of the donated funds.

19. On January 27, 2022, GoFundMe sent a “Letter of Attestation” to Tamara Lich, who signed and returned it the same day.¹⁵ The purpose of this letter was to help ensure that funds raised by Ms. Lich would be used as outlined in the campaign. It confirmed that Ms. Lich would only use the funds as outlined in the campaign and confirmed the existence of a five-person Finance Committee that was responsible for the funds. The letter required the Finance Committee to obtain documentation from recipients that demonstrated their eligibility to receive funds. It also required that the funds be distributed via e-transfer, which would create a record of payments made.¹⁶

20. After the attestation letter was signed, GoFundMe concluded it could make an initial disbursement of funds to Ms. Lich. GoFundMe directed its payment processor, Stripe, to initiate a \$1,000,000 CAD payment to the First TD Account on January 27, 2022 and notified the organizers that the payment was being made.¹⁷ This transfer did not “settle” (that is, it was not finalized) until February 2, 2022. According to GoFundMe, this was due to an error on the part of Stripe, which did not process GoFundMe’s

¹⁴ Trucker Freedom Convoy 2022 Financial Support, **GFM00000151**.

¹⁵ GoFundMe Attestation Letter, dated January 27, 2022, **GFM00000156**.

¹⁶ Interview Summary: Kim Wilford, p 3, **WTS.00000007**.

¹⁷ Email from GoFundMe to Organizers, January 27, 2022, 1:05pm, **GFM00000106**.



direction until February 1, 2022.¹⁸ According to Stripe, the delay was because GoFundMe directed Stripe to pause, and then un-pause this transaction.¹⁹

21. On February 1, 2022, Chris Barber was added as a second account holder on the First TD Account.²⁰ On the same day, Ms. Lich and Mr. Barber opened a second joint account with TD Bank (“the Second TD Account”).²¹

22. TD Bank was monitoring the use of the First and Second TD Accounts. The steps taken by TD with respect to these accounts is addressed below in Section 5.6.

2.2 The Freedom Convoy Email Money Transfer Campaign

23. After Ms. Lich created the Freedom Convoy 2022 GoFundMe campaign, some donors expressed a dislike of donating through GoFundMe. This led to the creation of a campaign to raise funds via email money transfer.²²

¹⁸ Interview Summary: Kim Wilford, p 3, **WTS.00000007**; Email from GoFundMe to Organizers, February 1, 2022, 6:38pm, **GFM00000106**; Affidavit of TD Representative, dated February 15, 2022, para 25, Application Record of the Toronto-Dominion Bank, p 19, **TDB00000004**; Screenshot of Bank Transfer, Application Record of the Toronto-Dominion Bank, p 118, **TDB00000004**.

¹⁹ Interview Summary: Sam Swartz & Dan Alexander, pp 2-3, **WTS.00000005**.

²⁰ Affidavit of TD Representative, dated February 15, 2022, para 17, Application Record of the Toronto-Dominion Bank, p 17, **TDB00000004**; TD Bank, Financial Services Agreement, dated February 1, 2022, Application Record of the Toronto-Dominion Bank, p 65, **TDB00000004**.

²¹ TD Bank, Financial Services Agreement, dated February 1, 2022, Application Record of the Toronto-Dominion Bank, p 209, **TDB00000004**.

²² Affidavit of Tamara Lich, dated March 28, 2022, para 5, Supplementary Motion Record of the Mareva Respondents, p 44, **HRF00001346**.



24. A Contact Identifier email address is an address an individual associates with a bank account to enable that account to receive email money transfers. The email address tbofconvoy2022@protonmail.com was added as a Contact Identifier email address to the First TD Account on January 14, 2022. On January 18, 2022, the email address financeconvoy2022@protonmail.com was added as another Contact Identifier email address for the First TD Account.²³ The latter email address was posted to the Freedom Convoy Facebook page on January 18, 2022.²⁴

25. Ms. Lich received the first email money transfer donation on January 18, 2022.²⁵

3. The Adopt-A-Trucker Campaigns

3.1 The Adopt-A-Trucker GiveSendGo Campaign

26. Chris Garrah first articulated the concept of “Adopt-A-Trucker” on his personal Facebook page to support truckers participating in the Freedom Convoy. On January 18, 2022 he created a fundraising campaign on the crowdfunding website GiveSendGo

²³ Affidavit of TD Representative, dated February 15, 2022, para 19, Application Record of the Toronto-Dominion Bank, pp 17-18, **TDB00000004**; Screenshot of contract identifier address added on January 14 and 18, 2022, Application Record of the Toronto-Dominion Bank, pp 83, 85, **TDB00000004**.

²⁴ Affidavit of Tamara Lich, dated March 28, 2022, para 5, Supplementary Motion Record of the Mareva Respondents, p 44, **HRF00001346**; Freedom Convoy 2022 Facebook Post, February 18, 2022, **HRF00000480**, **HRF00000482**, **HRF00000481**.

²⁵ Statement of Account, January 18, 2022 to February 10, 2022, Application Record of the Toronto-Dominion Bank, p 140, **TDB00000004**.



called “Adopt-A-Trucker” to implement this idea. Mr. Garrah designated a bank account at Royal Bank of Canada to receive donated funds (“the RBC Account”).²⁶

27. The description of the Adopt-A-Trucker campaign, as of January 21, 2022, was as follows:

We at Warroomcanada have started up Adopt a trucker in Ottawa as part of the convoy 20/22 that will be coming in on January 28/2022. We are endorsed by Pat King and Canada-unity. These people will need housing, water, food and shuttle. Any donations would be amazing! The truckers will need accommodations. This is a Canadian wide rally to stop all mandates and allow CANADA to be free again and to go back to what we call freedom. This is for everyone who wants to contribute but cannot be there in person. This is a great way for you to be a part of this movement, all the effort we put in now will bring us one step closer to gaining back ALL our constitutional rights and freedoms. We are also looking for volunteers on ground zero, right in Ottawa. Please email if your interested. A need for all levels of logistics like food preps, generators, showers, security and pilons etc. keepcanada@protonmail.com or janetseto@protonmail.com.²⁷

28. Following its creation, Adopt-A-Trucker immediately began to raise funds.²⁸ These funds were deposited into the RBC Account.²⁹

3.2 The Adopt-A-Trucker Email Money Transfer Campaign

29. After posting about the concept of Adopt-A-Trucker on his Facebook page, Mr. Garrah was contacted by a number of individuals who supported the concept. One of

²⁶ Affidavit of Chris Garrah dated March 8, 2022, paras 6-7, Motion Record of the Mareva Respondents, pp 68-69, **HRF00001357**.

²⁷ Adopt-A-Trucker page on GiveSendGo, January 21, 2022, **COM00000571**.

²⁸ Interview Summary: Jacob Wells, p 2, **WTS.00000004**.

²⁹ Affidavit of Chris Garrah, March 7, 2022, paras. 7-8, Motion Record of the Mareva Respondents, March 8, 2022, p 69, **HRF00001357**.



these individuals, known as “Serge” assisted Mr. Garrah by creating a website for “Adopt-A-Trucker”.³⁰

30. The Adopt-A-Trucker website solicited email money transfer donations, which could be sent to donations@adopt-a-trucker.ca.³¹ Donations sent to this email address were deposited into the same RBC account as the donations to the GiveSendGo campaign.³²

4. Cryptocurrency Fundraising Campaigns

31. The Commission has identified a range of activities related to cryptocurrencies in connection with the Freedom Convoy. This section addresses three of these campaigns: Honk Honk Hodl, which was the largest of the campaigns; Adopt-A-Trucker, which was associated with the efforts of Chris Garrah; and Freedom Convoy Token, an effort by Pat King and others to create a new cryptocurrency that could provide a long-term source of funding.

4.1 Honk Honk Hodl

32. On or around January 27, 2022, the “Honk Honk Hodl” Bitcoin fundraiser in support of the Ottawa protestors was started by Nicholas St. Louis on Tallycoin, a

³⁰ Affidavit of Chris Garrah dated March 8, 2022, paras 6, 10, Motion Record of the Mareva Respondents, pp 68-69, **HRF00001357**.

³¹ Adopt-A-Trucker Website, February 14, 2022, **COM00000564**.

³² Notice of Motion, March 8, 2022, para 58, Motion Record of the Mareva Respondents, p 16, **HRF00001357**; Redacted Bank Statements Adopt-A-Trucker, **GAR00000001**.



Bitcoin crowdfunding platform that allows individuals to donate small amounts of Bitcoin at no cost.³³

33. Court documents suggest that a number of individuals were associated with the efforts of Mr. St. Louis, including Benjamin Dichter, Ben Perrin, Jeff Booth, Greg Foss, Francis Pouliot and an individual using the Twitter handle “@JWWeatherman_”.³⁴

34. On February 12, 2022, a website associated with Mr. St. Louis reported that donated funds were being moved to a multisig wallet, which would eventually be placed under the control of the directors of the Freedom 2022 Human Rights and Freedoms Non-Profit Corporation.³⁵ A multisig wallet is a digital wallet that requires a minimum number of electronic “signatures” to authorize any transfer of Bitcoin out of it.

35. As of March 2022, Mr. St. Louis had access to at least two signatures, and Benjamin Dichter had access to at least one signature, meaning that they could jointly authorize disbursements from the wallet.³⁶ According to Chad Eros, Mr. Dichter was involved in cryptocurrency fundraising since at least February 11.³⁷

³³ Affidavit of Jeremy King, February 15, 2022, paras 73-74, **COM00000570**.

³⁴ Affidavit of Jeremy King, February 15, 2022, paras 38-49, **COM00000570**; Affidavit of Jeremy King, February 24, 2022, paras 5-16, Motion Record (Mareva Injunction – Extension), February 25, 2022, pp 28-38, **HRF00001354**.

³⁵ Affidavit of Jeremy King, February 15, 2022, para 78, **COM00000570**.

³⁶ Affidavit of Nicholas St. Louis, March 7, 2022, para 8, Motion Record of the Mareva Respondents, March 8, 2022, p 29, **HRF00001357**; Affidavit of Benjamin Dichter, March 7, 2022, para 3, Motion Record of the Mareva Respondents, March 8, 2022, p 63, **HRF00001357**.

³⁷ Interview Summary: Chad Eros, p 11, **WTS.00000032**.



36. When the Tallycoin fundraiser raised approximately 22 Bitcoin (roughly equivalent to \$1 million CAD at the time), Mr. St. Louis shut the Tallycoin fundraiser down. This occurred sometime around February 14, 2022.³⁸

37. On February 17, 2022, Mr. St. Louis posted on Twitter that he and another individual had distributed 14.6 Bitcoin (roughly equal to \$800,000 CAD at the time) over the previous 24 hours to truckers in Ottawa.³⁹ This had been accomplished by handing out physical envelopes that contained instructions on how to access approximately \$8,000 CAD of Bitcoin using a mobile phone.⁴⁰

38. The envelopes had been distributed over a 24-hour period starting on the evening of February 16, 2022.⁴¹

39. In a February 19, 2022 video broadcast on Twitter Spaces, Mr. St. Louis indicated that approximately 6.17 Bitcoin remained in a multisig wallet that had members of the Freedom 2022 Human Rights and Freedoms Non-Profit Corporation as key holders.⁴²

³⁸ Affidavit of Jeremy King, February 15, 2022, paras 74-75, **COM00000570**.

³⁹ Affidavit of Jeremy King, February 24, 2022, para 8, Motion Record (Mareva Injunction – Extension), February 25, 2022, p 31, **HRF00001354**.

⁴⁰ Affidavit of Jeremy King, February 24, 2022, para 13, Motion Record (Mareva Injunction – Extension), February 25, 2022, pp 35-36, **HRF00001354**.

⁴¹ Affidavit of Jeremy King, February 24, 2022, paras 6-17, Motion Record (Mareva Injunction – Extension), February 25, 2022, pp 29-40, **HRF00001354**.

⁴² Affidavit of Jeremy King, February 24, 2022, para 21, Motion Record (Mareva Injunction – Extension), February 25, 2022, p 41, **HRF00001354**.



4.2 Adopt-A-Trucker Cryptocurrency Campaign

40. The Adopt-A-Trucker website created by “Serge” solicited various types of cryptocurrency donations in addition to email money transfer donations.⁴³ Chris Garrah deposed that he did not control any of the cryptocurrencies raised from this campaign.⁴⁴

4.3 Freedom Convoy Token

41. On February 13, 2022, Pat King announced on a Facebook Live event the creation of a new cryptocurrency called the Freedom Convoy Token (“FCT”).⁴⁵ A webpage launched for FCT explained that individuals should purchase another cryptocurrency – BNB – and then exchange it for FCT on the PancakeSwap platform. The FCT website also indicated that 4% of every FCT transaction would be taxed and sent to an entity called the Freedom Convoy Foundation.⁴⁶

42. It appears that the attempt to launch FCT was largely unsuccessful. The Commission does not have any information on the status of the Freedom Convoy Foundation.

⁴³ Affidavit of Chris Garrah dated March 8, 2022, paras 6, 10, Motion Record of the Mareva Respondents, pp 68-69, **HRF00001357**; Adopt-A-Trucker Website, February 14, 2022, **COM00000564**.

⁴⁴ Affidavit of Chris Garrah dated March 8, 2022, para 10, Motion Record of the Mareva Respondents, p 69, **HRF00001357**. See also First Report of KSV Restructuring Inc. as Escrow Agent, p 3, **JCF00000096** (escrow agent confirms interviewing “Serge” and taking possession of cryptocurrency assets).

⁴⁵ Affidavit of Jeremy King, February 15, 2022, paras 29, **COM00000570**; OPP Situation Report, February 13, 2022, p 6, **OPP00001629**; Freedom Convoy Token, **OPS00010821**.

⁴⁶ Freedom Convoy Token Webpage, February 14, 2022, Exhibit I to the Affidavit of Affidavit of Jeremy King, February 15, 2022, **COM00000570**.



5. The Termination of the GoFundMe Freedom Convoy Campaign and the Transition to GiveSendGo

5.1 Campaign Organizers Request Additional Release of Funds

43. On January 28, 2022, organizers of the Freedom Convoy 2022 fundraising campaign asked GoFundMe about what they needed to do to have additional funds released.⁴⁷ GoFundMe responded that they would need information on how much the organizers were requesting and how many trucker expenses they anticipated reimbursing. GoFundMe also inquired as to whether the organizers intended to create a separate bank account for donations.⁴⁸

44. In a subsequent series of emails on January 28, organizers mentioned that they were considering setting up a separate bank account to handle donations, and that they were now working with an accountant, Chad Eros.⁴⁹

5.2 The Establishment of the Freedom 2022 Human Rights and Freedoms Non-Profit Corp

45. On January 30, 2022, Chad Eros incorporated “Freedom 2022 Human Rights and Freedoms” pursuant to the *Canada Not-for-Profit Corporations Act* (“the Non-Profit

⁴⁷ Email from Campaign Organizers to GoFundMe, January 28, 2022, 1:34pm, **GFM00000106**.

⁴⁸ Email from GoFundMe to Campaign Organizers, January 28, 2022, 2:21pm, **GFM00000106**.

⁴⁹ Email from Campaign Organizers to GoFundMe, January 28, 2022, 2:32pm; Email from GoFundMe to Campaign Organizers, January 28, 2:45pm; Email from Campaign Organizers to GoFundMe, January 28, 3:05pm; Email from GoFundMe to Campaign Organizers, January 30, 2020, 12:38pm, **GFM00000106**.



Corp.”). The purpose of the Non-Profit Corp., as stated in its Articles of Incorporation, was:

Advocacy against government, agents of government and any other organization person or individuals’ actions, laws policies and practices that violate human rights and freedoms paying special attention to creation of class systems through mandates, social credit systems (rewards and punishments for government compliance), passport systems and more.⁵⁰

46. The initial directors of the Non-Profit Corp. were Chad Eros and Chris Garrah.⁵¹ Mr. Eros notified Tamara Lich and other individuals about the creation of the Non-Profit Corp. on the evening of January 30, 2022. Mr. Eros explained that he made Mr. Garrah a director in order to use his Ontario address as the Non-Profit Corp.’s address.⁵²

47. On January 31, 2022, Chad Eros emailed Ms. Lich and other organizers, recommending that Ms. Lich transfer donated funds held in her bank accounts to the Non-Profit Corp. Mr. Eros also wrote:

I recommend a fund raising campaign to raise funds paid directly to the non-profit bank account that will free you to do whatever is lawful and transparent with the funds.⁵³

⁵⁰ Certificate of Incorporation and Articles of Incorporation for Freedom 2022 Human Rights and Freedoms, **GFM00000124**.

⁵¹ Initial Registered Office Address and First Board of Directors, Freedom 2022 Human Rights and Freedoms, **GFM00000124**.

⁵² Email from Chad Eros, January 30, 2022, 8:34pm, **HRF00001253**.

⁵³ Email from Chad Eros, January 31, 2022, 1:45pm, **HRF00001601**.



48. When the Non-Profit Corp was established, it attempted to open a bank account at TD Bank. The Bank rejected the application.⁵⁴

5.3 Organizers Consider Moving to GiveSendGo

49. On January 26, 2022, John Ballard contacted Jacob Wells, the Co-Founder of GiveSendGo. Mr. Ballard identified himself as being associated with a social media platform known as CloutHub. Mr. Ballard told Mr. Wells that he was aware of the Freedom Convoy GoFundMe campaign and thought they should work to have it moved to GiveSendGo in case GoFundMe decided to shut down the campaign it was hosting.⁵⁵

50. On January 27, 2022, Mr. Ballard told Mr. Wells that he had obtained Ms. Lich's email address and wanted to design a mock-up of what the Freedom Convoy campaign would look like on the GiveSendGo platform. Mr. Wells agreed and created a campaign on GiveSendGo using the content of the Freedom Convoy 2022 GoFundMe page. The mock-up campaign was not set up to receive donations.⁵⁶

51. On the evening of January 27, 2022, Mr. Ballard asked Mr. Wells if Mr. Wells could provide him with Chris Garrah's contact information. A GiveSendGo employee contacted Mr. Garrah, who agreed to share his contact information. It was provided to Mr. Ballard on January 28, 2022.⁵⁷ Mr. Ballard then obtained the contact information for

⁵⁴ Affidavit of Chad Eros, March 7, 2022, para 7, Motion Record of the Mareva Respondents, March 8, 2022, p 98, **HRF00001357**.

⁵⁵ Interview Summary: Jacob Wells, p 2, **WTS.00000004**.

⁵⁶ Interview Summary: Jacob Wells, p 2, **WTS.00000004**.

⁵⁷ Interview Summary: Jacob Wells, p 2, **WTS.00000004**.



Mr. Eros from Mr. Garrah. Mr. Ballard contacted Mr. Eros on January 30 to arrange for a call the next day with a representative of GiveSendGo to discuss starting a fundraiser on that platform.⁵⁸

52. Later on January 30, 2022, James Peloso called Mr. Eros about the fundraising call that was set to occur the next day. Mr. Peloso was associated with a group called Taking Back Our Freedoms (“TBOF”), a Canadian group opposed to vaccine mandates. Mr. Peloso indicated that he should be involved in fundraising calls, and that he had major donors who would not contribute unless Mr. Peloso were on “the inside”.⁵⁹

53. On January 31, 2022, the fundraising phone call that Mr. Ballard had organized took place. Jacob Wells, recalls that he, John Ballard and Chad Eros and “other Freedom Convoy 2022 campaign representatives were present.”⁶⁰ Mr. Eros recalled that Mr. Peloso and Jeff Brain were on the call.⁶¹

54. During the January 31 call Mr. Ballard described a plan in which the campaign organizers would create a new crowdfunding campaign on GiveSendGo, and would use CloutHub to host the convoy movement’s main web-presence. Mr. Ballard indicated that CloutHub could be used as a secure means to communicate between organizers. Mr.

⁵⁸ Interview Summary: Chad Eros, p 3, **WTS.00000032**.

⁵⁹ Interview Summary: Chad Eros, p 3, **WTS.00000032**.

⁶⁰ Interview Summary: Jacob Wells, p 2, **WTS.00000004**.

⁶¹ Interview Summary: Chad Eros, p 3, **WTS.00000032**.



Brain offered Mr. Eros \$250,000 in operational expenses pending the organizers' ability to get access to donated funds from crowdfunding platforms.⁶²

55. Mr. Eros did not ultimately use CloutHub for any purpose. He did, however, agree to work with Mr. Wells to create a fundraising campaign on GiveSendGo that could begin to solicit funds while organizers continued to negotiate with GoFundMe for the release of additional funds.⁶³

56. During this phone call, participants discussed the fact that the recently created Non-Profit Corp. did not yet have a bank account. To create a fundraiser on the GiveSendGo platform, organizers needed to create an account with Stripe, GiveSendGo's main payment processor. A person is required to have a bank account to set up a Stripe account.⁶⁴

57. To allow the GiveSendGo campaign to start quickly, Jacob Wells volunteered to use a Stripe account in his name, connected to his US bank account, to connect to the Freedom Convoy 2022 fundraiser until such time as the Non-Profit Corp. set up its bank account. Once the Non-Profit Corp. had a bank account and Stripe account, Mr. Wells

⁶² Interview Summary: Chad Eros, p 3, **WTS.00000032**.

⁶³ Interview Summary: Jacob Wells, p 2, **WTS.00000004**; Interview Summary: Chad Eros, p 3, **WTS.00000032**.

⁶⁴ Interview Summary: Jacob Wells, pp 1-2, **WTS.00000004**; Interview Summary: Chad Eros, p 3, **WTS.00000032**.



would switch the fundraiser over to the Non-Profit Corp.'s Stripe account, and transfer any funds that had been received to the Non-Profit Corp.⁶⁵

58. The GiveSendGo Freedom Convoy fundraiser went live on January 31, 2022.⁶⁶ As of February 2, 2022, the campaign description for the GiveSendGo campaign was largely the same as the description for the GoFundMe campaign.⁶⁷

5.4 GoFundMe Suspends and then Terminates the Freedom Convoy Campaign

59. Starting on or about January 28, 2022, GoFundMe became aware of media reports describing activities including harassment and violence that were connected to protestors in Ottawa. GoFundMe was also aware of other media reports that indicated the protests were peaceful. These reports were monitored both by GoFundMe senior leadership as well as its Trust and Safety Team. The Trust and Safety Team is responsible for monitoring both on and off-platform activities by campaign organizers and beneficiaries to ensure compliance with GoFundMe's terms of service.⁶⁸

60. GoFundMe's terms of service prohibit campaigns with the explicit or implicit purpose of promoting the violation of any law, as well as the promotion of hate, violence, or discrimination.⁶⁹

⁶⁵ Interview Summary: Jacob Wells, p 2, **WTS.00000004**; Interview Summary: Chad Eros, p 3, **WTS.00000032**.

⁶⁶ Interview Summary: Jacob Wells, p 2, **WTS.00000004**.

⁶⁷ Freedom Convoy 2022 GiveSendGo Page, February 2, 2022, **COM00000569**.

⁶⁸ Interview Summary: Kim Wilford, p 3, **WTS.00000007**.

⁶⁹ GoFundMe Terms of Service, dated December 31, 2021, pp 14-18 **GFM00000040**.



61. On January 31, 2022, GoFundMe's VIP team emailed campaign organizers with the following message:

Hi folks,

Are you able to confirm that funds raised will only go to reimburse the fuel costs of participants: (1) for their travel to Ottawa (not any other locations or with any other convoys); and (2) who engage in peaceful and lawful protests, i.e., no vandalism of property, no blockades of roads and highways?

We just want to make sure we are still aligned and there isn't anything that may be considered a violation of GoFundMe's Terms of Service.

Thanks in advance for your insight.⁷⁰

62. GoFundMe did not get a reply to this email.

63. On February 1, 2022, GoFundMe's VIP team sent the campaign organizers a follow up email that asked a number of additional questions about how funds had been distributed to date, how further funds would be distributed, whether there was a separate bank account set up for the fundraiser, and whether they intended to make a statement on their fundraising page stating that the organizers did not condone acts or threats of violence. GoFundMe requested a response within 24 hours.⁷¹

64. GoFundMe's email also informed organizers that GoFundMe intended to contact local law enforcement in Ottawa:

⁷⁰ Email from GoFundMe to Campaign Organizers, January 31, 2022, 12:46pm, **GFM00000106**.

⁷¹ Email from GoFundMe to Campaign Organizers, February 1, 2022, 11:55am, **GFM00000106**.



Lastly, we wanted to let you know that, as is our standard practice in potentially volatile situations like this, we will be reaching out to local law enforcement to obtain information on the individuals suspected of engaging in illegal activity during the protests. We will provide as much information as possible regarding the individuals to you so that you can ensure they do not receive a disbursement of money from your fundraiser. It is very important that funds are only distributed to those who engage in peaceful protesting as our platform cannot be used to fund violence, vandalism or illegal activities. This is against our terms of service.⁷²

65. Campaign organizers responded to this email copying Chad Eros and stated that he would be in the best position to answer GoFundMe's questions.⁷³ GoFundMe responded later in the day, asking Mr. Eros to provide information on the number of convoy participants who had been reimbursed to date, the sum of funds that had been reimbursed to date, and the amount that organizers were requesting be released by GoFundMe.⁷⁴

66. GoFundMe did not get an immediate reply to this email.

67. On February 1, 2022, GoFundMe's Trust and Safety team emailed the Ottawa Police Service to establish a line of communication. GoFundMe also asked for information on individuals that the Ottawa Police suspected had engaged in criminal activities. GoFundMe indicated it was seeking this information so it could work with the

⁷² Email from GoFundMe to Campaign Organizers, February 1, 2022, 11:55am, **GFM00000106**.

⁷³ Email from Campaign Organizers to GoFundMe, February 1, 2022, 2:34pm, **GFM00000106**.

⁷⁴ Email from GoFundMe to Campaign Organizers, February 1, 2022, 6:38pm, **GFM00000106**.



campaign organizers to ensure that funds did not support those individuals.⁷⁵ The police acknowledged receipt of the email a few minutes later.⁷⁶

68. On February 2, 2022, GoFundMe decided to suspend the Freedom Convoy 2022 campaign. While it was suspended, the campaign remained visible on the GoFundMe website, but had a banner indicating that the campaign was under review. Donations to, and withdrawals from the campaign were also disabled. The decision to suspend the campaign was taken by senior executives of GoFundMe.⁷⁷

69. The campaign organizers were notified of GoFundMe's decision on February 2, 2022 at 1:29pm. GoFundMe indicated that the suspension was due to reports:

of potentially unlawful activities by protesters in Ottawa and nonresponse to our multiple requests for assurance that no funds raised by GoFundMe have been or will be transmitted to individuals suspected of acting unlawfully.⁷⁸

70. GoFundMe asked the campaign organizers to respond to its February 1, 2022 email with answers to the questions it has asked.⁷⁹

71. On February 2, 2022, members of GoFundMe's Trust and Safety team had a telephone call with Deputy Chief Bell of the Ottawa Police Service. During this phone

⁷⁵ Email from GoFundMe to the Ottawa Police Service, February 1, 2022, 4:30pm, **GFM00000183**.

⁷⁶ Email from Ottawa Police Service to GoFundMe, February 1, 2022, 4:42pm, **GFM00000180**.

⁷⁷ Interview Summary: Kim Wilford, p 4, **WTS.00000007**.

⁷⁸ Email from GoFundMe to Campaign Organizers, February 2, 2022, 1:29pm, **GFM00000160**.

⁷⁹ Email from GoFundMe to Campaign Organizers, February 2, 2022, 1:29pm, **GFM00000160**.



call, Deputy Chief Bell told GoFundMe that the protests taking place in Ottawa involved the harassment of residents and that there were concerns for safety and livability for the people of Ottawa.⁸⁰

72. On February 3, 2022, three representatives of GoFundMe, including its General Counsel, spoke by video with Ottawa Mayor Jim Watson and City Solicitor David White.⁸¹ The Mayor discussed the situation in Ottawa. The Mayor recalls indicating in that meeting that the GoFundMe funds were funding what he considered to be unlawful activity that was harmful to the City.⁸² Kim Wilford, GoFundMe's General Counsel, recalls the Mayor describing a violent situation with individuals having their masks ripped off, gas canisters circulating, guests destroying hotel rooms and threatening behaviour on the street and in stores. Ms. Wilford recalls the Mayor identifying the perpetrators of these acts as convoy participants, and expressing concern about the possibility of GoFundMe releasing additional funds.⁸³

⁸⁰ Interview Summary: Kim Wilford, p 3, **WTS.00000007**; Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 3, **GFM00000583**; 2022 02 02 Meeting with Gofundme notes, **OPS00005719**.

⁸¹ Interview Summary: Kim Wilford, p 4, **WTS.00000007**; Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 3, **GFM00000583**; Interview Summary: Jim Watson, p 4, **WTS.00000018**; Interview Summary: David White, p 3, **WTS.00000036**; Microsoft Teams Calendar Invitation – 11am Meeting between City and GoFundMe, **OTT00006470**.

⁸² Interview Summary: Jim Watson, p 4, **WTS.00000018**.

⁸³ Interview Summary: Kim Wilford, p 4, **WTS.00000007**.



73. On February 3, 2022, Keith Wilson, counsel for the Non-Profit Corp. sent a letter to GoFundMe alerting them to the creation of the Non-Profit Corp.⁸⁴ The letter provided responses to the questions contained in GoFundMe's February 1, 2022 email.⁸⁵ Mr. Wilson's letter indicated that the organizers' "intention is not to reimburse those committing unlawful or criminal acts." The letter also stated:

The intention [of the organizers] is to transfer the [already released] funds to the Convoy Corp so proper disbursement and accounting is completed.

We have recommended to the Committee that the monies received today be treated by the Committee as trust funds to be transferred to the Freedom 2022 bank account for disbursement in accordance with the posted objects. This will ensure provision of proper bookkeeping, accounting and legal oversight of the disbursement of funds.

...

The Committee is not requesting a further release at this time as the Committee continues to complete the establishment of the banking arrangements for Convoy Corp. The Committee and its accountant anticipate that the process will be completed in the next 24 hours. Once we provide you with confirmation that this has occurred, the Committee requests that the full balance is transferred to the Convoy Corp bank account.⁸⁶

74. A meeting also was arranged to take place on February 3 involving GoFundMe, Ms. Lich, Mr. Wilson, and Mr. Eros. The parties discussed Mr. Wilson's letter from

⁸⁴ Letter from Keith Wilson to GoFundMe, February 3, 2022, **GFM00000131**.

⁸⁵ Email from GoFundMe to Campaign Organizers, February 1, 2022, 11:55am, **GFM00000106**.

⁸⁶ Letter from Keith Wilson to GoFundMe, February 3, 2022, pp 2-3, **GFM00000131**.



earlier in the day, and Mr. Eros provided information to GoFundMe about how he intended to structure the financial operations of the Convoy Corporation.⁸⁷

75. When GoFundMe reviewed Mr. Wilson's letter, they had concerns about the organizers' ability to implement their stated intention not to disburse funds to individuals who were involved in illegal activities.⁸⁸

76. On February 4, 2022, representatives of GoFundMe had a second phone call with Deputy Chief Bell. Deputy Chief Bell informed GoFundMe that the situation was escalating and that acts of violence were taking place.⁸⁹

77. Throughout this period of time, GoFundMe employees had been receiving harassing messages from members of the public, including death threats. On February 4, 2022, GoFundMe's Trust and Safety Team identified a man who was using his social media accounts to encourage this harassment as an associate of Tamara Lich. GoFundMe had serious concerns about the safety and wellbeing of its employees.⁹⁰

⁸⁷ Interview Summary: Chad Eros, p 8, **WTS.00000032**; Interview Summary: Keith Wilson, p 5, **WTS.00000058**; Email from Eva Chipiuk to GoFundMe, February 3, 2022, 1:53pm, **GFM00000083**; Email from Keith Wilson to GoFundMe, February 3, 2022, 1:53pm, **GFM00000086**.

⁸⁸ Interview Summary: Kim Wilford, pp 4-5, **WTS.00000007**.

⁸⁹ Interview Summary: Kim Wilford, p 4, **WTS.00000007**.

⁹⁰ Interview Summary: Kim Wilford, p 5, **WTS.00000007**.



78. On February 4, 2022, GoFundMe decided to remove the Freedom Convoy 2022 campaign from its platform. The decision was made with the input of its senior leadership.⁹¹

5.5 GoFundMe Refunds Donations to the Freedom Convoy 2022 Campaign

79. When GoFundMe decided to remove the Freedom Convoy 2022 campaign from its platform, there was a significant amount of money that had been donated but not distributed. GoFundMe initially decided to permit donors to choose whether to receive a refund, or to have their donation given to another charity chosen by the campaign organizers and verified by GoFundMe.⁹² The second option was included due to the statements in the campaign description and the January 27, 2022 Attestation Letter that indicated that excess donations would be donated to a charity.⁹³

80. When this refund decision was announced on February 4, 2022, some online statements claimed that GoFundMe would itself be selecting the charity that non-refunded donations would go to, or that GoFundMe would keep the funds for itself. This resulted in an increase in the volume of threatening emails that GoFundMe staff received.⁹⁴

⁹¹ Interview Summary: Kim Wilford, p 5, **WTS.00000007**.

⁹² Interview Summary: Kim Wilford, p 5, **WTS.00000007**; Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 4, **GFM00000583**; GoFundMe Statement on the Freedom Convoy 2022 Fundraiser (2/4/2022), **GFM00000273**.

⁹³ Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 4, **GFM00000583**.

⁹⁴ Interview Summary: Kim Wilford, p 5, **WTS.00000007**; Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 5, **GFM00000583**.



81. GoFundMe then decided to refund all donations made to the Freedom Convoy 2022 Campaign without an option for donations to be sent to an alternative charity.⁹⁵ This decision was announced on February 5, 2022.⁹⁶

5.6 TD Bank Places Holds on Tamara Lich's Bank Accounts

82. On January 28, 2022, a branch manager with TD Bank attempted to contact Tamara Lich by phone to discuss the status of her accounts with TD. She sent Ms. Lich an email later that day indicating that she wished to speak with her because TD understood that Ms. Lich was “receiving charitable donations via email money transfers.”⁹⁷

83. TD attempted to contact Ms. Lich at this time because it engages in routine monitoring of public source media for potential impacts on its business. This monitoring identified fundraising related to the “Freedom Convoy” and its connection to Ms. Lich's personal bank account.⁹⁸

84. TD Bank continued to try to contact Ms. Lich, but was unsuccessful.⁹⁹

⁹⁵ Interview Summary: Kim Wilford, p 5, **WTS.00000007**.

⁹⁶ UPDATE: GoFundMe to refund all Freedom Convoy 2022 donations (2/5/2022), **GFM00000273**.

⁹⁷ Affidavit of TD Representative, dated February 15, 2022, para 46, Application Record of the Toronto-Dominion Bank, p 25, **TDB00000004**; Email from TD Bank to Tamara Lich, January 28, 2022, 4:31pm, Application Record of the Toronto-Dominion Bank, p 219, **TDB00000004**.

⁹⁸ Toronto Dominion Bank Institutional Report, para 3, **TDB.IR.00000001**.

⁹⁹ Toronto Dominion Bank Institutional Report, paras 6-9, **TDB.IR.00000001**.



85. On February 2, 2022, \$1,000,000 CAD from the GoFundMe Freedom Convoy 2022 campaign was transferred into the First TD Account. The next day – February 3 – TD emailed Ms. Lich and Mr. Barber separately with identical emails that read:

As we continue to be unable to reach you, we are further writing to request that you contact [a TD Bank representative] with regard to your account.

We noticed that the funds you have received via Go Fund Me were recently deposited into your personal account. We need to speak with you to discuss specific account requirements for funds that have been collected in trust for beneficiaries.

In the meantime, we have placed a temporary hold on these funds (\$1,000,000.00) and we would like the opportunity to speak with you about these requirements.

Please contact us at your earliest convenience. I am in the office each day from 9am – 5pmEST.¹⁰⁰

86. On February 3, 2022, TD Bank became aware of a large transfer of funds from the First TD Account – which had email money transfer donations in addition to the now frozen \$1 Million GoFundMe funds – to the Second TD Account. On February 4, 2022, TD Bank also placed a hold on the Second TD Account.¹⁰¹

87. On February 5, 2022, Tamara Lich attempted to make a wire transfer to Northern Air Charter (P.R.) Inc. from an Ottawa TD Branch. This transaction was denied. Ms. Lich also left a voicemail message with TD on February 5, inquiring into the hold placed

¹⁰⁰ Affidavit of TD Representative, dated February 15, 2022, paras 48-49, Application Record of the Toronto-Dominion Bank, pp 25-26, **TDB00000004**; Email from TD Bank to Tamara Lich, February 3, 2022, 11:12am, Application Record of the Toronto-Dominion Bank, p 221, **TDB00000004**.

¹⁰¹ Affidavit of TD Representative, dated February 15, 2022, para 50, Application Record of the Toronto-Dominion Bank, p 26, **TDB00000004**.



on her account. Ms. Lich indicated that another individual was assisting her with her finances related to her accounts.¹⁰²

88. TD Bank spoke with Ms. Lich and her advisor on February 6 and 10, 2022. TD Bank was not satisfied with the explanations provided. As a result, on February 10, 2022, TD implemented a freeze on both the First and Second TD Accounts.¹⁰³

89. On February 17, 2022, TD Bank brought an application in the Ontario Superior Court of Justice for an order to pay the donations contained in the First and Second TD Accounts into Court on the basis that the money was beneficially owned by unknown third parties.¹⁰⁴ This type of order is known as an “interpleader” order.

6. The Continuation of Campaigns on GiveSendGo

6.1 The Freedom Convoy 2022 Campaign

90. After the GoFundMe campaign was removed, organizers used their social media presence to direct donors to the GiveSendGo Freedom Convoy 2022 page. The rate of donations to the GiveSendGo campaign increased significantly as a result.¹⁰⁵

¹⁰² Affidavit of TD Representative, dated February 15, 2022, paras 52-53, Application Record of the Toronto-Dominion Bank, pp 26-27, **TDB00000004**; Wire Payment Information Form, Application Record of the Toronto-Dominion Bank, p 225, **TDB00000004**.

¹⁰³ Affidavit of TD Representative, dated February 15, 2022, paras 54-57, Application Record of the Toronto-Dominion Bank, p 27, **TDB00000004**.

¹⁰⁴ Notice of Motion, dated February 17, 2022, Application Record of the Toronto-Dominion Bank, p 26, **TDB00000004**.

¹⁰⁵ Interview Summary: Jacob Wells, p 3, **WTS.00000004**.



91. On February 4, 2022, Chad Eros sent Jacob Wells the Certificate of Incorporation and Articles of Incorporation for the Non-Profit Corp.¹⁰⁶ Jacob Wells granted Chad Eros administrative privileges for the Freedom Convoy 2022 GiveSendGo page.¹⁰⁷

92. Between January 31 and February 7, 2022 donations to the Freedom Convoy 2022 GiveSendGo campaign accumulated in the Stripe account that Jacob Wells had created pending the Non-Profit Corp. establishing its own Stripe account. Stripe became aware that Mr. Wells was raising funds on behalf of the Freedom Convoy organizers and contacted Mr. Wells to obtain assurances that the intended recipients of the funds would in fact receive them.¹⁰⁸

93. On February 7, 2022, approximately \$4.9 Million USD was transferred from this Stripe account into Mr. Wells' personal bank account. Mr. Wells indicated that this occurred automatically, and that he was surprised when this transfer occurred.¹⁰⁹

94. Later in the day on February 7, 2022, Chad Eros emailed Jacob Wells additional documents related to the Non-Profit Corporation.¹¹⁰ These were unsigned documents adopting bylaws, appointing officers, and issuing memberships. The documents also suggested that on February 3, 2022, Chis Garrah resigned his position as Director of

¹⁰⁶ Certificate and Articles of Incorporations of Freedom 2022 Human Rights and Freedoms, **GSG00000005**.

¹⁰⁷ Interview Summary: Jacob Wells, p 3, **WTS.00000004**.

¹⁰⁸ Interview Summary: Sam Swartz & Dan Alexander, p 3, **WTS.00000005**.

¹⁰⁹ Interview Summary: Jacob Wells, p 3, **WTS.00000004**.

¹¹⁰ Interview Summary: Jacob Wells, p 3, **WTS.00000004**.



the Non-Profit Corp., and that Tamara Lich, Benjamin Dichter, Sean Tiessen, Chris Barber and Miranda Gasinor were added as directors.¹¹¹ The next day, Mr. Eros emailed Mr. Wells a similar package of documents which bore signatures, as well as some additional handwritten amendments.¹¹²

95. At this time, Mr. Eros had still not been able to set up a bank account for the Non-Profit Corporation. On or about February 6 or 7, 2022, Mr. Eros asked whether lawyers for the Justice Centre for Constitutional Freedoms (“JCCF”) could use their trust account to receive funds. Keith Wilson agreed to do so and Mr. Eros signed a retainer agreement with Mr. Wilson for this purpose. Mr. Eros then worked with Mr. Wells to set up a stripe account and connect it to the Freedom Convoy 2022 fundraiser on GiveSendGo.¹¹³

96. On February 7, 2022, Mr. Eros began collecting donated funds into his Stripe account via a GiveSendGo fundraiser. There is conflicting evidence available on the number of Freedom Convoy 2022 fundraisers that existed on GiveSendGo at this time.

97. According to Stripe, there existed two distinct fundraisers on GiveSendGo. The first was a US-based fundraiser linked to Mr. Wells’ Stripe and a separate Canadian-based fundraiser linked to Mr. Eros’s Stripe account.¹¹⁴

¹¹¹ Documents of Incorporation and Bylaws – Unsigned, **GSG00000002**.

¹¹² Interview Summary: Jacob Wells, p 3, **WTS.00000004**; Documents of Incorporation and Bylaws – Signed, **GSG00000007**.

¹¹³ Interview Summary: Chad Eros, p 4, **WTS.00000032**.

¹¹⁴ Interview Summary: Sam Swartz & Dan Alexander, p 3, **WTS.00000005**.



98. According to both Mr. Wells and Mr. Eros, there was only ever one Freedom Convoy 2022 fundraiser on GiveSendGo. They explained that when Mr. Eros's Stripe account was set up, Mr. Wells switched the Stripe account associated with the fundraiser from his own to Mr. Eros'.¹¹⁵

99. On February 8, 2022, Stripe contacted Jacob Wells and asked him to provide a copy of the agreement between himself and the Freedom Convoy 2022 campaign organizers that showed that Mr. Wells was authorized to collect funds on their behalf. Stripe also asked what measures GiveSendGo was taking to ensure that funds from the campaign would not be used to promote or support violence or other unlawful activity.¹¹⁶ Mr. Wells replied on February 9, 2022 indicating that he would respond shortly.¹¹⁷

100. On February 9, 2022, Mr. Wells emailed Chad Eros a document entitled "Authorization to Fundraise". The purpose of this document was to formalize the agreement that Mr. Wells had reached with the campaign organizers on the January 31, 2022 phone call to collect funds while the organizers were setting up the Non-Profit Corp. bank account.¹¹⁸

¹¹⁵ Interview Summary: Jacob Wells, p 3, **WTS.00000004**; Interview Summary: Chad Eros, p 5, **WTS.00000032**. See also Message from GiveSendGo to Stripe, February 21, 2022, 1:38am, **STR00000073** (Jacob Wells indicating to Stripe that some funds from the Freedom Convoy campaign were received into a Stripe account in the name of the organization's treasurer).

¹¹⁶ Message from Stripe to Jacob Wells, February 8, 2022, **STR00000056**, **STR00000061**.

¹¹⁷ Message from Jacob Wells to Stripe, February 9, 2022, **STR00000058**.

¹¹⁸ Interview Summary: Jacob Wells, p 4, **WTS.00000004**.



101. The Authorization to Fundraise was eventually signed by Chad Eros, Tamara Lich and Jacob Wells, and was dated February 9, 2022.¹¹⁹

102. On February 8, 2022, Chad Eros was notified by Stripe that they had put a pause on his account due to questions about certain products that they believed Mr. Eros was selling. This message was in error as Mr. Eros' account was connected to a fundraiser, and there were no products being sold in connection with his account.¹²⁰ According to Stripe, the pause was removed the same day.¹²¹ According to Mr. Eros, Stripe indicated that they would no longer provide Mr. Eros with services, but that the account was able to receive donations. It could not pay out any money received.¹²²

103. Mr. Eros reports that Keith Wilson provided Jacob Wells with wire transfer information on February 9 for the purposes of transferring over \$3 million dollars from the donated funds that had previously been paid into Mr. Wells' personal account into Mr. Wilson's trust account. On February 10, Mr. Wilson asked Mr. Eros to get Mr. Wells to cancel the wire, which he did.¹²³

¹¹⁹ Authorization to Fundraise, dated February 9, 2022, Exhibit C to the Affidavit of Chad Eros, dated March 8, 2022, Motion Record of the Mareva Respondents, March 8, 2022, p 138, **HRF00001357**.

¹²⁰ Interview Summary: Jacob Wells, p 4, **WTS.00000004**; Interview Summary: Chad Eros, p 5, **WTS.00000032**; Text Message from Chad Eros to Jacob Wells, February 8, 2022, **GSG00000010**; Interview Summary: Sam Swartz and Dan Alexander, p. 3, **WTS.00000005**.

¹²¹ Interview Summary: Sam Swartz and Dan Alexander, p 3, **WTS.00000005**.

¹²² Interview Summary: Chad Eros, p 5, **WTS.00000032**.

¹²³ Interview Summary; Chad Eros, p 4, **WTS.00000032**.



104. Mr. Eros contacted Jacob Wells about the pause that had been placed on his account, and Mr. Wells switched the Freedom Convoy 2022 account back to his personal Stripe Account sometime between February 10 and 11, 2022.¹²⁴

6.2 The Ontario Restraint Order

105. On February 10, 2022 the Attorney General of Ontario obtained an *ex parte* restraint order pursuant to section 490.8 of the *Criminal Code of Canada* from the Ontario Superior Court of Justice.¹²⁵ The Court held that there were reasonable grounds to believe that the donations made to the Freedom Convoy 2022 and the Adopt-A-Trucker campaigns on GiveSendGo constituted offence related property. The order provided that all persons, including GiveSendGo, Stripe, Chris Garrah and the Non-Profit Corp were prohibited from disposing of, or otherwise dealing with, in any manner whatsoever, any interest in the property.

106. When RBC received a copy of the Restraint Order, it restrained the account in the name of Chris Garrah that was receiving donations.¹²⁶

107. Starting on February 11, 2022, Stripe began receiving inquiries from its partner financial institutions about how it was responding to the Restraint Order.¹²⁷ Stripe

¹²⁴ Interview Summary: Jacob Wells, p 4, **WTS.00000004**; Interview Summary: Chad Eros, p 5, **WTS.00000032**.

¹²⁵ Restraint Order, dated February 10, 2022, **STR00000009**.

¹²⁶ Letter from RBC to Keith Wilson, February 24, 2022, Motion Record of the Mareva Respondents, March 8, 2022, p 94, **HRF00001357**.

¹²⁷ Email from HSBC Canada to Stripe, February 11, 2022, 12:03pm, **STR00000001**; Email from Peoples Group to Stripe, February 11, 2022, 9:33am, **STR00000004**; Email



responded to its Canadian financial institutions that it was suspending payments to and from the Adopt-A-Trucker campaign.¹²⁸ The last pay-out by Stripe to Mr. Garrah's RBC account was on February 14, 2022.¹²⁹

108. HSBC Canada responded, asking whether Stripe had also paused charges and payouts to the Freedom Convoy 2022 campaign.¹³⁰ Stripe answered:

We are evaluating with our counsel if we are required to take steps in relation to any accounts in addition to the Canadian Adopt-A-Trucker campaign, given the global nature of protest actions. We note that the "Freedom Convoy 2022" campaign referenced in the Order is a U.S. campaign that is currently being processed with our U.S. financial partners.¹³¹

109. A similar message was provided to Peoples Group, another of Stripe's Canadian financial institution partners.¹³²

110. HSBC Canada responded by stating that "it's clear that we don't fully understand how GiveSendGo processes transactions in this scenario" and asked Stripe a series of questions, including:

from Wells Fargo to Stripe, February 11, 2022, 10:34am, **STR00000198**; Email from Mastercard to Stripe, February 15, 2022, 10:22pm, **STR00000173**.

¹²⁸ Email from Stripe to HSBC Canada, February 11, 5:43pm, **STR00000005**; Email from Stripe to Peoples Group, February 11, 2022, 5:39pm, **STR00000004**. See also Email from Stripe to Wells Fargo, February 16, 2022, 6:11pm, **STR00000198**; Email from Stripe to Mastercard, March 2, 2022, 6:20pm, **STR00000195**.

¹²⁹ Redacted Bank Statements Adopt-A-Trucker, **GAR00000001**; Project TCH Subject Report, Case No. C2202559939, p 2, **PB.NSC.CAN.00005944_REL.0001**.

¹³⁰ Email from HSBC Canada to Stripe, February 11, 2022, 5:56pm, **STR00000006**.

¹³¹ Email from Stripe to HSBC Canada, February 11, 2022, 8:51pm, **STR00000007**.

¹³² Email from Stripe to Peoples Group, February 14, 2022, 10:51pm, **STR00000123**.



Under the scenario where the GiveSendGo platform for Freedom Convoy 2022 is based in the USA, does Stripe (and in turn HSBC Bank Canada) play any role in accepting any donations within Canada or payouts within Canada?¹³³

111. Stripe replied the following day, stating that “Stripe’s Canadian operations do not play any role in accepting donations within Canada or processing payouts within Canada for U.S.-based Freedom Convoy 2022 campaigns on GiveSendGo.”¹³⁴

112. Stripe had, however, frozen the account associated with Chad Eros that received funds in connection with the GiveSendGo Freedom Convoy 2022 fundraiser.¹³⁵

113. On February 11, 2022, Stripe notified Chris Garrah that it was “pausing charges and payouts for the Canadian Adopt-A-Trucker campaign” as a result of the restraint order.¹³⁶ Stripe sent a similar notification to Jacob Wells.¹³⁷ Mr. Wells responded “Thanks for reaching out about this. Not a problem. We will move this campaign over to our alternative payment solution.”¹³⁸ Mr. Wells then moved the Adopt-A-Trucker campaign from Stripe to GiveSendGo’s alternative payment processor, RallyPay.¹³⁹

¹³³ Email from HSBC Canada to Stripe, February 11, 2022, 9:40pm, **STR00000008**.

¹³⁴ Email from Stripe to HSBC Canada, February 12, 2022, 5:20am, **STR00000011**.

¹³⁵ Message from GiveSendGo to Stripe, February 21, 2022, 1:38am, **STR00000073**; Message from Stripe to GiveSendGo, February 21, 7:48am, **STR00000073**; Message from Stripe to GiveSendGo, February 22, 12:37am, **STR00000073**.

¹³⁶ Stripe, “Important Notice Regarding Your Fundraiser”, **STR00000060**.

¹³⁷ Stripe, “Regarding Adopt-a-trucker Campaign”, **STR00000070**.

¹³⁸ Message from Jacob Wells to Stripe, **STR00000063**.

¹³⁹ Interview Summary: Jacob Wells, p 4, **WTS.00000004**; Email from HSBC to Stripe, February 18, 2022, 4:04pm, **STR00000038**.



114. The Adopt-A-Trucker campaign on GiveSendGo continued to accept payments in USD.¹⁴⁰

115. On February 13, 2022, GiveSendGo received a copy of the Restraint Order from Detective Christopher Rhone of the Ottawa Police Service.¹⁴¹

116. On February 15, 2022, Stripe contacted GiveSendGo to follow up on its request for a copy of the agreement between Jacob Wells and the Freedom Convoy 2022 campaign organizers. Stripe also requested a phone call to discuss GiveSendGo's distribution plans in the light of the invocation of the *Emergencies Act* and the promulgation of the *Emergency Economic Measures Order*.¹⁴² Mr. Wells responded and apologized for not yet sending a copy of the agreement over. He agreed to Stripe's requested call.¹⁴³

117. A call took place on February 16, 2022. Afterwards, Stripe sent GiveSendGo a message that stated in part:

We understand that you only plan to distribute the funds in a manner compliant with Canadian law. Please provide (i) a confirmation that you will not make any disbursements unless it is legal to do so and (ii) detail other plans GSG has to comply with the Emergency Order.¹⁴⁴

118. GiveSendGo responded:

¹⁴⁰ Email from HSBC Canada to Stripe, February 17, 2022, 12:39, **STR00000021**; Interview Summary: Jacob Wells, p 4, **WTS.00000004**.

¹⁴¹ Interview Summary: Jacob Wells, p 4, **WTS.00000004**.

¹⁴² Message from Stripe to GiveSendGo, February 15, 3:26am, **STR00000073**.

¹⁴³ Message from GiveSendGo to Stripe, February 15, 3:52am, **STR00000073**.

¹⁴⁴ Message from Stripe to GiveSendGo, February 16, 3:41am, **STR00000073**.



...I can confirm that I will not disburse any funds that I am holding until there is a legal plan in place for them to be disbursed under Canadian Law.

We are also in receipt of the Emergency Order you provided and are still assessing what requirements it will obligate us to. I will respond quickly as I can to that question once I have received word from our legal team.¹⁴⁵

119. Stripe asked GiveSendGo to update its donation page to confirm that it would only distribute funds in a manner permitted under Canadian law and to disclose to donors that there were restrictions in place that could impede the ability of GiveSendGo to disburse funds. Stripe indicated that if these steps were not taken by 2pm on February 17, 2022, it would pause the account.¹⁴⁶

120. GiveSendGo responded:

Hi,

Campaign update has been posted as follows:

***Funds from this campaign will be disbursed in a manner permitted under Canadian Law and ***There are current restrictions in place that might impede the immediate ability to disburse funds to this recipient.¹⁴⁷

121. On February 16, 2022, Stripe emailed Wells Fargo, a US financial institution, and confirmed that Stripe was continuing to process payments for the Freedom Convoy 2022 campaign.¹⁴⁸

¹⁴⁵ Message from GiveSendGo to Stripe, February 16, 6:46pm, **STR00000073**.

¹⁴⁶ Message from Stripe to GiveSendGo, February 17, 2022, 3:39am, **STR00000073**.

¹⁴⁷ Message from GiveSendGo to Stripe, February 17, 2022, 4:38pm, **STR00000073**.

¹⁴⁸ Email from Stripe to Wells Fargo, February 16, 2022, 6:11pm, **STR00000198**.



7. The Non-Profit Corporation's Credit Union Account

122. Non-Profit Corp. opened an account with the Steinbach Credit Union for a brief period of time. While this account was open, an individual deposited \$10,000 CAD into it as a donation. Shortly thereafter, the Credit Union closed the Non-Profit Corp.'s account and sent a \$10,000 bank draft in the name of the Corporation to Chris Garrah.¹⁴⁹

8. Cash Donations during the Ottawa Protests

123. During the Ottawa protests, many participants left cash donations at tents that were collecting money to purchase fuel and food. One donation site was set up next to the main stage that had been erected in the downtown core. An unknown person placed a water jug there along with a sign soliciting donations for the Adopt-A-Trucker campaign. Mr. Eros reported that neither he nor Mr. Garrah was involved in setting this up.¹⁵⁰

124. Money that was left at the stage was taken to the Swiss Hotel where Mr. Garrah and Mr. Eros were staying, sometime around February 10 or 11. Mr Eros indicated that they should take steps to account for the money. A system was later put into place whereby the money was placed into numbered envelopes with \$500 in each one. People would then sign out these envelopes and distribute them to truckers. Records

¹⁴⁹ Affidavit of Chad Eros, March 7, 2022, para 8, Motion Record of the Mareva Respondents, March 8, 2022, p 99, **HRF00001357**.

¹⁵⁰ Interview Summary: Chad Eros, p 10, **WTS.00000032**.



were kept of the identities of the individuals who were given envelopes, and this information was tracked on a spreadsheet maintained by Piper Bulford.¹⁵¹

125. Mr. Eros estimates that, on an average day, approximately \$20,000 CAD in cash flowed through the Swiss Hotel from the main stage donation collection.¹⁵²

126. Mr. Eros reported that a similar system was in place at the ARC hotel with a group of individuals associated with TBOF. Mr. Eros did not have direct knowledge of the source of their funding, but understood that individuals would bring cash to the ARC hotel, which would be processed and placed into envelopes in the amount of \$2,000 CAD before being distributed to protestors.¹⁵³

9. Events following the Publication of the *Emergency Economic Measures Order*

127. Following the proclamation of a public order emergency on February 13, 2022, Stripe had a series of communications with its Canadian financial institution partners related to their obligations under the *Emergency Economic Measures Order*.¹⁵⁴

¹⁵¹ Interview Summary: Chad Eros, p 10, **WTS.00000032**.

¹⁵² Interview Summary: Chad Eros, p 10, **WTS.00000032**.

¹⁵³ Interview Summary: Chad Eros, p 10, **WTS.00000032**.

¹⁵⁴ Email from HSBC Canada to Stripe, February 15, 2022, 3:59pm, **STR00000012**; Email from Stripe to HSBC Canada, February 15, 2022, 4:22pm, **STR00000013**; Email from HSBC Canada to Stripe, February 15, 2022, 5:15pm, **STR00000014**; Email from Stripe to HSBC Canada, February 15, 2022, 5:54pm, **STR00000015**; Email from HSBC Canada to Stripe, February 15, 2022, 11:54pm, **STR00000016**; Email from Stripe to HSBC Canada, February 16, 2022, 4:10pm, **STR00000018**; Email from HSBC Canada to Stripe, February 16, 2022, 5:18pm, **STR00000019**; Email from HSBC Canada to Stripe, February 17, 12:39am, **STR00000021**; Email from HSBC Canada to Stripe,



128. HSBC Canada provided Stripe with a list of persons HSBC had reason to believe were designated persons under the *Emergency Economic Measures Order* on February 15, 2022.¹⁵⁵ This list included Adopt-A-Trucker, Chris Garrah, the Non-Profit-Corp., and its directors including Chad Eros and Tamara Lich. HSBC Canada provided updated lists to Stripe on February 17,¹⁵⁶ and twice on February 18.¹⁵⁷

129. As a result of the *Emergency Economic Measures Order*, Stripe suspended 119 accounts.¹⁵⁸ This included older, inactive accounts, as well as other accounts that, while associated with designated persons, were not directly connected to activities prohibited by the *Emergency Measures Regulations*.¹⁵⁹

130. On February 23, 2022, HSBC Canada informed Stripe that the “Emergency Measures Order restrictions are being eased and all the subject names associated with

February 17, 2022, 8:31pm, **STR00000023**; Email exchange between Peoples Group and Stripe, February 15 – February 18, 2022, **STR00000027**; Email from Stripe to HSBC Canada, February 18, 2022, 12:55am, **STR00000028**; Email from HSBC Canada to Stripe, February 18, 2022, 3:12pm, **STR00000030**; Email from HSBC Canada to Stripe, February 18, 2022, 7:10pm, **STR00000033**; Email from Stripe to HSBC Canada, February 18, 2022, 7:22pm, **STR00000035**; Email from Stripe to HSBC Canada, February 18, 2022, 9:12pm, **STR00000036**; Email from HSBC Canada to Stripe, February 18, 2022, 9:28pm, **STR00000037**.

¹⁵⁵ Email from HSBC Canada to Stripe, February 15, 2022, 11:54pm, **STR00000016**.

¹⁵⁶ Email from HSBC Canada to Stripe, February 17, 2022, 8:31pm, **STR00000023**.

¹⁵⁷ Email from HSBC Canada to Stripe, February 18, 2022, 3:12pm, **STR00000030**; Email from HSBC Canada to Stripe, February 18, 2022, 7:10pm, **STR00000033**.

¹⁵⁸ Stripe Institutional Report, p 3, **STR.IR.00000001**.

¹⁵⁹ Interview Summary: Sam Swartz & Dan Alexander, p 4, **WTS.00000005**.



that order no longer need to be frozen/blocked” but that the Restraint Order remained in place.¹⁶⁰ Stripe confirmed that it continued to freeze accounts pursuant to the Order.¹⁶¹

10. The February 17th Mareva Injunction

131. On February 17, 2022, the Plaintiffs in a proposed class action lawsuit against organizers and participants in the Ottawa protests obtained a Mareva Injunction from the Ontario Superior Court of Justice.¹⁶² The defendants in the class action included Chris Barber, Benjamin Dichter, Tamara Lich, Chad Eros, Chris Garrah and Nicholas St. Louis. The order prohibited the named defendants from dealing with a range of assets, including:

- a. All assets of the Non-Profit Corp.;
- b. All funds held in the bank accounts in which Tamara Lich received email money transfers;
- c. All funds held in the bank accounts in which Chris Garrah received donations via the GiveSendGo Adopt-A-Trucker campaign;
- d. All cryptocurrencies controlled by Chris Garrah or contained in six listed wallet addresses; and

¹⁶⁰ Email from HSBC Canada to Stripe, February 23, 2022, 11:38pm, **STR00000038**.

¹⁶¹ Email from Stripe to HSBC Canada, February 24, 12:26am, **STR00000039**.

¹⁶² Order, dated February 17, 2022, **JCF00000092**.



- e. All cryptocurrencies controlled by Nicholas St. Louis and/or Benjamin Dichter or contained in 17 listed wallet addresses or transferred to other digital wallets.

132. A series of banks, crowdfunding platforms, and cryptocurrency platforms, exchanges and custodians were specifically required to freeze any such assets under their control pursuant to the order.

133. On March 6, 2022, GiveSendGo informed Stripe that it had decided to initiate a refund of donations made to the Freedom Convoy 2022 campaign into Jacob Wells' Stripe account.¹⁶³ This did not occur immediately because many of the funds had been deposited to Mr. Wells' personal bank account.

134. On March 9, 2022, the terms of the Mareva injunction were varied to appoint an escrow agent to receive and hold the frozen cryptocurrencies and Adopt-A-Trucker funds in Chris Garrah's bank account.¹⁶⁴ The funds held in the First TD Account and Second TD Account, which were the subject of TD's interpleader application, were subsequently also transferred to the escrow agent.¹⁶⁵

¹⁶³ Email from GiveSendGo to Stripe, March 6, 2022, 7:01pm, **STR00000079**.

¹⁶⁴ *Li et al. v Barber et al.*, 2022 ONSC 1351, **COM00000404**; Order, dated February 28, 2022, Appendix A to the First Report of KSV Restructuring Inc. as Escrow Agent, **JCF00000096**.

¹⁶⁵ Motion Record of the Interested Party, the Toronto Dominion Bank, March 8, 2022, **TDB00000002**; *Li et al. v Barber et al.*, 2022 ONSC 1543, paras 8-11, **COM00000405**.



135. On March 14, 2022, GiveSendGo disabled both the Freedom Convoy 2022 and the Adopt-A-Trucker campaigns from receiving any new donations.¹⁶⁶

136. On March 22, 2022, Stripe emailed GiveSendGo to inquire whether they had wired a top-up payment into Mr. Wells' Stripe account "with funds already paid out (\$5,561,217.09)".¹⁶⁷ Mr. Wells replied that day, indicating that the funds would be wired within the next day or two.¹⁶⁸ On March 23, 2022, Mr. Wells confirmed that the wire had been initiated.¹⁶⁹

137. On March 24, 2022, Stripe confirmed that it would start the refund process, and that donors would receive their donations back in roughly 4-5 days. Stripe asked GiveSendGo to inform donors that donations to the US Freedom Convoy 2022 campaign (i.e., donations made into Mr. Wells' Stripe account) would be refunded, but that Donations to the Canadian Freedom Convoy 2022 campaign (i.e., donations made into Chad Eros's Stripe account) and the Adopt-A-Trucker campaign would not be refunded due to the Ontario Restraint Order.¹⁷⁰

138. On March 28, 2022, Stripe confirmed to GiveSendGo that it had initiated a refund of donations made to Mr. Wells' Stripe account.¹⁷¹

¹⁶⁶ Interview Summary: Jacob Wells, p 4, **WTS.00000004**.

¹⁶⁷ Email from Stripe to GiveSendGo, March 22, 2022, 5:57pm **STR00000079**.

¹⁶⁸ Email from GiveSendGo to Stripe, March 22, 2022, 4:49pm, **STR00000079**.

¹⁶⁹ Email from GiveSendGo to Stripe, March 23, 2022, 10:42am, **STR00000079**.

¹⁷⁰ Email from Stripe to GiveSendGo, March 24, 2022, 11:01pm, **STR00000079**.

¹⁷¹ Email from Stripe to GiveSendGo, March 24, 2022, 11:58pm, **STR00000079**.



139. On May 4, 2022, Stripe contacted HSBC Canada, which held the accounts where the Adopt-A-Trucker/Garrah and Freedom Convoy 2022/Eros funds were held, notifying them of the escrow order.¹⁷² A series of emails followed regarding the transfer of the restrained funds into escrow.¹⁷³ Stripe eventually paid these funds into escrow.¹⁷⁴

11. Summary of Financial Information Available to the Commission

140. This section summarizes the financial information currently available to the Commission, including the amounts raised by various fundraisers and their ultimate disposition. A visual summary of the information for which there are specific dollar figures available is contained at the end of this report.

11.1 GoFundMe Freedom Convoy 2022 Donations

141. According to information provided by GoFundMe, the Freedom Convoy 2022 campaign hosted on GoFundMe had 133,836 donors.¹⁷⁵ Approximately 107,000 donations originated in Canada (86%). Approximately 14,000 originated in the United

¹⁷² Email from Stripe to HSBC Canada, May 4, 2022, 4:25pm, **STR00000045**.

¹⁷³ Email from HSBC Canada to Stripe, May 4, 2022, 9:05pm, **STR00000045**; Email from Stripe to HSBC Canada, May 5, 2022, 5:58pm, **STR00000046**; Email from HSBC Canada to Stripe, May 9, 2022, 1:23pm, **STR00000047**; Email from HSBC Canada to Stripe, May 9, 2022, 9:20pm, **STR00000048**; Email from Stripe to HSBC Canada, May 9, 2022, 10:26pm, **STR00000049**; Email from HSBC Canada to Stripe, May 10, 2022, 2:56pm, **STR00000050**.

¹⁷⁴ Interview Summary: Sam Swartz and Dan Alexander, pp 4-5, **WTS.00000005**.

¹⁷⁵ Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 6, **GFM00000583**.



States of America (11%). Approximately 4,000 originated from 80 other countries (3%).¹⁷⁶

142. This campaign raised approximately \$10,060,000 CAD before it was shut down. Approximately \$9 million CAD originated from Canada (89%). Approximately \$870,000 CAD originated from the United States of America (9%). Approximately \$190,000 CAD originated from 80 other countries (2%).¹⁷⁷

143. As of February 10, 2022, 93% of all donations to the GoFundMe Freedom Convoy 2022 campaign had been refunded. The remaining refunds were either awaiting settlement or – in the case of 144 donations – were subject to chargebacks or disputes.¹⁷⁸

144. According to court documents, the \$1 million CAD that was disbursed to Ms. Lich's TD account was frozen and ultimately paid into escrow.¹⁷⁹

11.2 Email Money Transfer Donations to the Freedom Convoy 2022 Campaign

145. According to records obtained from the Toronto Dominion Bank, approximately 3,000 email money transfers were made to the email addresses associated with the

¹⁷⁶ Interview Summary, Kim Wilford, p 6, **WTS.00000007**; Letter from GoFundMe Counsel to Commission Counsel, September 19, 2022, **GFM000000584**.

¹⁷⁷ Interview Summary, Kim Wilford, p 6, **WTS.00000007**; Letter from GoFundMe Counsel to Commission Counsel, September 19, 2022, **GFM000000584**.

¹⁷⁸ Email from Stripe to Peoples Group, February 10, 2022, 5:41pm, **STR00000098**; Letter from GoFundMe Counsel to Commission Counsel, August 9, 2022, p. 6, **GFM00000583**.

¹⁷⁹ First Report of KSV Restructuring Inc. as Escrow Agent, p 4, **JCF00000096**.



Freedom Convoy 2022 campaign and deposited into the First TD Account.¹⁸⁰ The total amount of money deposited by email money transfer was approximately \$419,416.63 CAD.¹⁸¹ These donations originated from Canadian domiciled financial institutions.¹⁸²

146. On January 31, 2022, an email money transfer for \$3,000 was sent from the First TD Account to an individual who appeared to be a security guard in Ottawa.¹⁸³

147. On January 31, 2022, an email money transfer for \$3,000 was sent from the First TD Account to another TD Account in the name of Tamara Lich. This money was immediately withdrawn as cash at a TD Bank branch in Ottawa.¹⁸⁴

148. The following amounts were transferred from the First TD Account to the Second TD Account:

- a. January 31, 2022 - \$3,000
- b. February 1, 2022 - \$10,000
- c. February 1, 2022 - \$10,000

¹⁸⁰ Affidavit of TD Representative, dated February 15, 2022, para 37-38, Application Record of the Toronto-Dominion Bank, p 22-23, **TDB00000004**; Statement of Account: January 18 – February 10, 2022, Application Record of the Toronto-Dominion Bank, p 140-207, **TDB00000004**.

¹⁸¹ Statement of Account: January 18 – February 10, 2022, Application Record of the Toronto-Dominion Bank, p 140-207, **TDB00000004**.

¹⁸² Institutional Report of Toronto Dominion Bank, para 16, **TDB.IR.00000001**.

¹⁸³ Affidavit of TD Representative, dated February 15, 2022, para 43, Application Record of the Toronto-Dominion Bank, p 24, **TDB00000004**.

¹⁸⁴ Affidavit of TD Representative, dated February 15, 2022, para 43, Application Record of the Toronto-Dominion Bank, p 24, **TDB00000004**.



d. February 3, 2022 - \$129,342.03¹⁸⁵

149. On February 1, 2022, there was a \$10,000 cash withdrawal from the Second TD Account.¹⁸⁶

150. On February 1, 2022, there was a \$10,000 wire transfer made from the Second TD Account to “Fillerup.ca”.¹⁸⁷

151. Ms. Lich deposed in the Mareva proceedings that, of the \$26,000 that was withdrawn from the First and Second TD Accounts:

- a. \$10,000 was payment to a bulk fuel supplier, fillerup.ca;
- b. \$3,000 was payment to a bulk fuel supplier in Quebec; and
- c. \$13,000 was withdrawn in cash and used for “various purposes”.¹⁸⁸

152. As of February 10, 2022, when the two TD Accounts were frozen by TD, the First Account had a balance of \$1,261,072.60 CAD (including the \$1 million from GoFundMe)

¹⁸⁵ Affidavit of TD Representative, dated February 15, 2022, para 41, Application Record of the Toronto-Dominion Bank, p 24, **TDB00000004**.

¹⁸⁶ Account Balance of Second TD Account, Application Record of the Toronto-Dominion Bank, p 215, **TDB00000004**. See also Affidavit of TD Representative, dated February 15, 2022, para 42, Application Record of the Toronto-Dominion Bank, p 24, **TDB00000004**. TD’s affiant deposes that the withdrawal was on January 31, 2022. However, the account statement lists the date as 02/01/2022.

¹⁸⁷ Account Balance of Second TD Account, Application Record of the Toronto-Dominion Bank, p 215, **TDB00000004**. See also Affidavit of TD Representative, dated February 15, 2022, para 42, Application Record of the Toronto-Dominion Bank, p 24, **TDB00000004**. TD’s affiant deposes that the transfer was on January 31, 2022. However, the account statement lists the date as 02/01/2022.

¹⁸⁸ Affidavit of Tamara Lich, dated March 28, 2022, para 14, Supplementary Motion Record of the Mareva Respondents, pp 45-46, **HRF00001346**.



and the Second Account had a balance of \$132,334.38 CAD.¹⁸⁹ These funds were ultimately paid into escrow.¹⁹⁰

11.3 Adopt-A-Trucker Crowdfunding and Email Money Transfer Donations

153. According to information provided by GiveSendGo, the Adopt-A-Trucker campaign hosted on GiveSendGo had 8,380 donors. 3,640 donations originated in Canada (43%). 4,293 donations originated from the United States of America (51%). 447 donations originated from other countries (5%).¹⁹¹

154. According to GiveSendGo, a total of \$591,789.18 USD was donated to the Adopt-A-Trucker campaign. \$327,843.13 USD originated in Canada (55%). \$244,526.10 USD originated from the United States of America (41%). \$19,419.95 USD originated from other countries (3%).¹⁹²

155. Donations made to the Adopt-A-Trucker campaign prior to the Ontario Restraint Order were processed by Stripe. Donations made afterward were processed by RallyPay.

156. According to Stripe, the Adopt-A-Trucker campaign collected \$793,584.74 CAD in donations while it was being processed by Stripe.¹⁹³

¹⁸⁹ Total Accounts Inquiry for Tamara Lich, Application Record of the Toronto-Dominion Bank, p 229, **TDB00000004**.

¹⁹⁰ First Report of KSV Restructuring Inc. as Escrow Agent, p 3, **JCF00000096**.

¹⁹¹ GiveSendGo Donation Totals, **GSG00000004**.

¹⁹² GiveSendGo Donation Totals, **GSG00000004**.

¹⁹³ Interview Summary: Sam Swartz & Dan Alexander, p 5, **WTS.00000005**.



157. According to both Stripe and RBC, \$330,470.92 CAD was paid out of the Adopt-A-Trucker GiveSendGo campaign. These funds were paid into an RBC account in the name of Chris Garrah in 18 payouts initiated between January 24 and February 14, 2022.¹⁹⁴

158. Stripe turned over \$375,999.68 CAD raised through the Adopt-a-Trucker campaign to an escrow agent pursuant to the terms of the Mareva injunction.¹⁹⁵

159. The discrepancy between the amount collected and paid out to Mr. Garrah's RBC account, and the amount ultimately paid into escrow was due to various account actions such as chargebacks or chargeback reversals, application fees for Connect accounts and Stripe fees.¹⁹⁶

160. Jacob Wells has advised that donations processed by RallyPay were refunded to donors.¹⁹⁷ RBC records do not reflect any payments from RallyPay into the account that received other Adopt-A-Trucker payments.¹⁹⁸

¹⁹⁴ Interview Summary: Sam Swartz & Dan Alexander, p 5, **WTS.00000005**; Redacted Bank Statements Adopt-A-Trucker, **GAR00000001**; Project TCH Subject Report, Case No. C2202559939, p 2, **PB.NSC.CAN.00005944_REL.0001**.

¹⁹⁵ Interview Summary: Sam Swartz & Dan Alexander, p 5, **WTS.00000005**. See also, Email from Stripe to Peoples Group, February 18, 2022, 12:55am, **STR00000028**; Email from Stripe to HSBC, February 24, 2022, 12:26am, **STR00000039**; Stripe, Ontario Court Order Actions and Status Spreadsheet, **STR00000040**.

¹⁹⁶ Interview Summary: Sam Swartz & Dan Alexander, p 5, **WTS.00000005**.

¹⁹⁷ Interview Summary: Jacob Wells, p 4, **WTS.00000004**.

¹⁹⁸ Redacted Bank Statements Adopt-A-Trucker, **GAR00000001**.



161. Email money transfer donations made to donations@adopt-a-trucker.ca were deposited into the same RBC account that received donations from GiveSendGo.¹⁹⁹ Between February 7 and February 11, 2022, this account received 170 email money transfers totalling \$31,067.53 CAD.²⁰⁰

162. Approximately \$220,000 CAD was withdrawn from Mr. Garrah's RBC account between January 31 and February 11, 2022. This includes approximately \$150,000 CAD in cash withdrawals, bank drafts and other transfers; \$10,553.44 CAD in payments to the Swiss Hotel; \$2130.15 CAD in Best Buy purchases; \$1061.02 CAD in grocery store purchases; and a \$576.30 CAD payment to a sanitation company.²⁰¹

163. The RBC account contained \$141,482 CAD when this account's contents were paid into escrow.²⁰²

11.4 GiveSendGo Freedom Convoy 2022 Donations

164. According to information provided by GiveSendGo, the Freedom Convoy 2022 campaign hosted on GiveSendGo had 113,152 donors. 39,498 donations originated in Canada (35%). 67,264 donations originated from the United States of America (59%). 6,390 donations originated from other countries (6%).²⁰³

¹⁹⁹ Notice of Motion, March 8, 2022, para 58, Motion Record of the Mareva Respondents, p 16, **HRF00001357**.

²⁰⁰ Redacted Bank Statements Adopt-A-Trucker, **GAR00000001**; Project TCH Subject Report, Case No. C2202559939, p 2, **PB.NSC.CAN.00005944_REL.0001**.

²⁰¹ Redacted Bank Statements Adopt-A-Trucker, **GAR00000001**.

²⁰² First Report of KSV Restructuring Inc. as Escrow Agent, p 4, **JCF00000096**.

²⁰³ GiveSendGo Trucker Totals, **GSG00000004**.



165. A total of \$9,776,559.50 USD was donated to the Freedom Convoy 2022 campaign. \$4,627,660.00 USD originated in Canada (47%). \$4,593,686.50 USD originated in the United States of America (47%). \$555,213.00 USD originated in other countries (6%).²⁰⁴

166. Donations made to the Freedom Convoy other than between February 7-11, 2022 were paid into the Stripe account of Jacob Wells. Payments made between February 7-11, 2022 were paid into the Stripe account of Chad Eros.

167. Stripe declined to provide the Commission with specific figures related to the amount of money received into Mr. Wells' Stripe Account due to US privacy rules.²⁰⁵ Donations made to Mr. Wells' Stripe account were ultimately refunded to donors.²⁰⁶

168. Mr. Eros' Stripe account received \$3,763,180.40 CAD in donations, and no funds were ever paid out.²⁰⁷ Stripe turned over \$3,401,844.30 CAD to an escrow agent pursuant to the terms of the Mareva injunction.²⁰⁸

²⁰⁴ GiveSendGo Trucker Totals, **GSG00000004**.

²⁰⁵ Interview Summary: Sam Swartz & Dan Alexander, p. 4, **WTS.00000005**.

²⁰⁶ Email from Stripe to GiveSendGo, March 24, 2022, 11:58pm, **STR00000079**.

²⁰⁷ Interview Summary: Sam Swartz & Dan Alexander, p 4, **WTS.00000005**.

²⁰⁸ Interview Summary: Sam Swartz & Dan Alexander, pp 4-5, **WTS.00000005**. See also Email from Stripe to HSBC, February 24, 2022, 12:26am, **STR00000039**; Stripe, Ontario Court Order Actions and Status Spreadsheet, **STR00000040**.



169. The discrepancy between the amount collected and paid into escrow from Mr. Eros' Stripe account was due to various account actions such as chargebacks or chargeback reversals, application fees for Connect accounts and Stripe fees.²⁰⁹

11.5 Cryptocurrencies

170. The Honk Honk Hodl fundraiser raised approximately 22 Bitcoin on TallyCoin before it was shut down.²¹⁰ Approximately 100 wallets were prepared each containing the equivalent of \$8,000 CAD in bitcoin, and were distributed on or about February 16-17, 2022 to persons participating in the Ottawa protests.²¹¹

171. On February 28, 2022, the Ontario Provincial Police executed a search warrant on the home of Nicholas St. Louis and seized four bitcoin wallets, including two “seed phrases” that were needed to access the multisig wallet.²¹² On March 8, 2022, Benjamin Dichter provided the Escrow Agent with his seed phrase for the multisig wallet. On March 9, 2022, the Crown provided the Escrow agent with the two seed phrases seized from Mr. St. Louis.²¹³

²⁰⁹ Interview Summary: Sam Swartz & Dan Alexander, p 5, **WTS.00000005**.

²¹⁰ Affidavit of Jeremy King, February 15, 2022, paras 74-75, **COM00000570**.

²¹¹ Affidavit of Jeremy King, February 24, 2022, paras 6-17, Motion Record (Mareva Injunction – Extension), February 25, 2022, pp 29-40, **HRF00001354**.

²¹² Affidavit of Nicholas St. Louis, March 7, 2022, paras 7-10, Motion Record of the Mareva Respondents, March 8, 2022, p 28-29, **HRF00001357**.

²¹³ Affidavit of Nicholas St. Louis, March 24, 2022, paras 3-4, Supplementary Motion Record of the Mareva Respondents, March 28, 2022, p 29, **HRF00001346**.



172. The Escrow Agent reported receiving 5.964053980 Bitcoin on March 9, 2022 from an individual referred to as Respondent B by the Agent.²¹⁴

173. In addition, approximately 1.6 Bitcoin raised as part of the Honk Honk Hodl campaign were stored on various Lightning/OnChain addresses, which is an alternative method of transferring Bitcoin. Mr. St. Louis deposed that these funds were under the control of Benjamin Perrin.²¹⁵ The Escrow Agent interviewed Mr. Perrin on March 22, 2022. The same day, the Escrow Agent received 1.60797938 Bitcoin from an individual referred to as Respondent C in the Agent's report.²¹⁶

174. The Adopt-A-Trucker webpage solicited donations of six types of cryptocurrency: Bitcoin (BTC), Ethereum (ETH), Litecoin (LTC), Cardano (ADA), Monera (XMR), and Ethereum Classic (ETC).²¹⁷ Chris Garrah deposed that he did not control these assets and indicated that a person named "Serge" controlled them.²¹⁸

175. The Escrow Agent interviewed a person identified as "Serge (last name unknown)" on March 7 and 23, 2022. The same day, the Escrow Agent reported receiving the following from an individual listed as Respondent A on March 7, 2022:

- a. Bitcoin: 0.052312520

²¹⁴ First Report of KSV Restructuring Inc. as Escrow Agent, pp 4, 20, **JCF00000096**.

²¹⁵ Affidavit of Nicholas St. Louis, March 7, 2022, para 11, Motion Record of the Mareva Respondents, March 8, 2022, p 30, **HRF00001357**.

²¹⁶ First Report of KSV Restructuring Inc. as Escrow Agent, pp 4, 20, **JCF00000096**.

²¹⁷ Adopt-A-Trucker Website, February 14, 2022, **COM00000564**.

²¹⁸ Affidavit of Chris Garrah dated March 8, 2022, paras 6, 10, Motion Record of the Mareva Respondents, pp 68-69, **HRF00001357**.



- b. Ethereum: 0.392300813
- c. Litecoin: 0.047724040
- d. Ethereum Classic: 1.140560130²¹⁹

176. According to publicly available sources, 77.3% of Freedom Convoy Tokens remain on PancakeSwap, the platform advertised to be used to exchange FCT for other cryptocurrencies. The remaining FCT is held in 702 wallets. No wallet holds more than 5% of all FCT.²²⁰

11.6 Bank Draft to the Freedom 2022 Human Rights and Freedoms Corp

177. While the Non-Profit Corp. briefly had an account open with the Steinbach Credit Union, it received \$10,000 CAD. When the account was closed, a bank draft made out to the Non-Profit Corp. was sent to Chris Garrah.²²¹ This bank draft was subsequently placed into escrow.²²²

²¹⁹ First Report of KSV Restructuring Inc. as Escrow Agent, pp 4, 20, **JCF00000096**.

²²⁰ BscScan report for Freedom Convoy Token, accessed September 7, 2022, **COM00000567**. See also Re: February 16 SIRA Update, p 1, **SSM.NSC.CAN.00000117_REL.0001**.

²²¹ Affidavit of Chad Eros, March 7, 2022, para 8, Motion Record of the Mareva Respondents, March 8, 2022, p 99, **HRF00001357**; Affidavit of Chris Garrah, March 24, 2022, para 10, Supplemental Motion Record of the Mareva Respondents, March 29, 2022, p 39, **HRF00001346**.

²²² First Report of KSV Restructuring Inc. as Escrow Agent, p 4, **JCF00000096**.

12. Visualization of Financial Flows

