



Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

DANY FORTIN

Plaintiffs

and

ATTORNEY GENERAL OF CANADA, DYRALD CROSS, JANICE CHARETTE, WAYNE EYRE, PATTY HAJDU, DENISE HACHEY, LAURIE-ANNE KEMPTON, ERIC LEBLANC, BRUCE MACGREGOR, ALAN P. MULAWYSHYN, HARJIT S. SAJJAN, IAIN STEWART, JODY THOMAS, JUSTIN TRUDEAU, SIMON TRUDEAU, GEORGE YOUNG

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

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Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date _____ Issued by _____
Local Registrar

Address of 161 Elgin Street
court office: Ottawa ON K2P 2K1

TO: Attorney General of Canada
c/o Deputy Attorney General of Canada
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AND TO: Dyrald Cross
Canadian Armed Forces
National Defence Headquarters
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AND TO: Janice Charette
Privy Council Office
80 Wellington Street
Ottawa, Ontario K1A 0A3

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AND TO: Wayne Eyre
Canadian Armed Forces
National Defence Headquarters
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Ottawa, Ontario, K1A 0K2

AND TO: Patty Hajdu
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AND TO: Laurie-Anne Kempton
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AND TO: Eric Leblanc
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AND TO: Alan P. Mulawyshyn
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745 Mikinak Road
Ottawa, Ontario, K1K 0P2

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AND TO: Harjit S. Sajjan
Global Affairs Canada
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Ottawa, Ontario, K1A 0G2

AND TO: Iain Stewart
1200 Montreal Road
Building M-58
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AND TO: Jody Thomas
Privy Council Office
59 Sparks Street
Ottawa, ON, K1A 0A3

AND TO: Justin Trudeau
Prime Minister's Office
80 Wellington Street
Ottawa, ON, K1A 0A3

AND TO: Simon Trudeau
Canadian Armed Forces
National Defence Headquarters
101 Colonel By Drive
Ottawa, Ontario, K1A 0K2

AND TO: George Young
Fisheries and Oceans Canada
200 Kent Street
Ottawa, ON, K1A 0E6

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CLAIM

1. The plaintiff claims:
 - (a) general damages of \$5,000,000;
 - (b) punitive damages of \$1,000,000;
 - (c) pre-judgment and post-judgment interest in accordance with sections 128 and 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (d) the costs of this proceeding, plus all applicable taxes; and
 - (e) such further and other relief as this Honourable Court deems just.

I. THE PARTIES

A. Major-General Dany Fortin

2. The plaintiff, Dany Fortin, is an officer in the Regular Force component of the Canadian Armed Forces (“CAF”). He holds the rank of Major-General (“MGen”). MGen Fortin enrolled in the CAF in 1985.

3. Up until May 2021, MGen Fortin had a stellar military career and reputation. Within the CAF, MGen Fortin was acknowledged to be an officer of the highest ethical standing, embodying the finest principles and values of the CAF. The CAF leadership considered MGen Fortin to be an officer of rare quality, who reflected the best of the CAF’s institutional leadership. He displayed all the cultural, diversity and inclusion characteristics that the CAF required of a modern military leader in a 21st-century work environment.

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B. The Political Actors

4. The defendant, Janice Charette, was at all material times the Interim Clerk of the Privy Council Office of Canada.

5. The defendant, Patty Hajdu, was at all material times the Minister of Health.

6. The defendant, Laurie-Anne Kempton, was at all material times the Assistant Deputy Minister of Public Affairs at the Department of National Defence.

7. The defendant, Harjit S. Sajjan, was at all material times the Minister of National Defence.

8. The defendant, Iain Stewart, was at all Material times the President of the Public Health Agency of Canada (“**PHAC**”).

9. The defendant, Jody Thomas, was at all material times the Deputy Minister of National Defence.

10. The defendant, Justin Trudeau, was at all material times the Prime Minister of Canada.

11. The defendant, George Young, was at all material times the Chief of Staff to the Minister of National Defence.

12. Unless otherwise specified, and for the purposes of this statement of claim, these defendants are collectively referred to as the **Political Actors**.

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C. The CAF Defendants

13. The defendant, Brigadier-General (“**BGen**”) Dyrald Cross, is a retired officer of the CAF. At all material times, he was the supervisor of a complainant who made a sexual assault allegation against MGen Fortin.

14. The defendant, General Wayne Eyre, is the Chief of the Defence Staff of the CAF. The Government of Canada appointed him to this position on November 25, 2021. Between February 24, 2021 and November 25, 2021, he was a Lieutenant General (“**LGen**”) and the Acting Chief of the Defence Staff of the CAF.

15. The defendant, Warrant Officer (“**WO**”) Denise Hachey, was at all material times a military police officer and investigator with the Canadian Forces National Investigation Service (“**CFNIS**”).

16. The defendant, Lieutenant-Colonel (“**LCol**”) Eric Leblanc, was at all material times the Commanding Officer of the CFNIS.

17. The defendant, Colonel (“**Col**”) Bruce MacGregor, was at all material times the Director of Military Prosecutions.

18. The defendant, BGen Alan P. Mulawyshyn, was at all material times the Chief of Staff to LGen Wayne Eyre when he was the Acting Chief of the Defence Staff.

19. The defendant, BGen Simon Trudeau, was at all material times the Canadian Forces Provost Marshal (“**CFPM**”).

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D. The Attorney General of Canada

20. Pursuant to s. 23(1) of the *Crown Liability Proceedings Act*, R.S.C., 1985, c. C-50, the Attorney General of Canada is named as a defendant in this proceeding on behalf of the:

- (a) CAF;
- (b) Department of National Defence;
- (c) Ministry of Health;
- (d) Prime Minister's Office;
- (e) Privy Council Office; and
- (f) PHAC.

II. FACTS SUPPORTING THE CLAIM

A. MGen Fortin's Secondment to PHAC

21. On November 27, 2020, Minister Patty Hajdu announced that the CAF and the Department of National Defence were seconding MGen Fortin to PHAC as the Vice President of Logistics and Operations. MGen Fortin's main responsibility was to oversee logistical planning in the Government of Canada's COVID-19 vaccine procurement and distribution program.

22. MGen Fortin was selected for this secondment because of his stellar reputation, experience, and history with the CAF, as described above.

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23. MGen Fortin reported to PHAC on November 23, 2020 to begin his work. Consistent with his previous work history and reputation, MGen Fortin performed his duties at PHAC impeccably.

B. The Sexual Assault Allegation

24. On March 17, 2021, LGen Eyre informed MGen Fortin that the CFNIS had started an investigation into an allegation of sexual misconduct made against him. He did not provide any more information to MGen Fortin about the allegation. Gen Eyre asked MGen Fortin if he wanted to take time off. MGen Fortin indicated that he wished to continue with his work at PHAC.

25. The Privy Council Office, the Minister of National Defence, the Minister of Health and the Prime Minister's Office were briefed on the allegation made against MGen Fortin and the CFNIS investigation.

26. On April 21, 2021, LGen Eyre informed MGen Fortin that the complainant did not want to make the complaint public or to draw public attention to the complaint.

27. The CFNIS did not inform MGen Fortin of the investigation until April 19, 2021. On that day, WO Denise Hachey informed MGen Fortin of the investigation, the identity of the complainant and that the alleged misconduct had allegedly occurred in the 1980s.

C. The Termination of MGen Fortin's Secondment to PHAC

28. On March 18, 2021, Iain Stewart informed MGen Fortin that MGen Fortin could continue to perform his duties at PHAC, but that the offices of the Minister of Health and the Prime Minister might decide differently. Mr. Stewart informed MGen Fortin to be ready to leave if they decided that his secondment to PHAC must be terminated.

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29. On May 13, 2021, LGen Eyre and Mr. Stewart informed MGen Fortin that a decision had been made that his secondment to PHAC must be terminated. This decision was made by the Political Actors acting in concert and consultation with each other. As further particularized below, the Political Actors decided to terminate MGen Fortin's secondment to PHAC publicly and to relieve him *de facto* from military duty by ensuring that he would not be assigned to an active position commensurate with his rank (the "**Decision**"). In making the Decision, the Political Actors consulted, combined with, or unduly influenced personnel at the CAF, the Department of National Defence, the Ministry of Health, the Prime Minister's Office, the Privy Council Office, and PHAC.

D. Public and Defamatory Statements About MGen Fortin's Termination

30. On May 14, 2021, LGen Eyre informed MGen Fortin that a public statement would be made about the termination of his secondment to PHAC. LGen Eyre also informed MGen Fortin that the release and content of the public statement was not negotiable.

31. On the same day, the Political Actors publicly announced the existence of the military investigation and the Decision. The Department of National Defence released the following statement:

Today, Major-General Dany Fortin has left his assignment with the Public Health Agency of Canada, pending the results of a military investigation. Acting Chief of the Defence Staff, Lieutenant-General Eyre will be reviewing next steps with Major-General Fortin. We will have no further comment.

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32. On the same day Minister Sajjan released a public statement that said:

As I have stated previously, I am committed to working to build a true culture of inclusion for the Canadian Armed Forces and the Department of National Defence, where everyone is treated with dignity and respect. We are committed to this lasting change – one that sheds toxic and outdated values, practices, and policies. The Acting Chief of Defence Staff has advised me that MGen Fortin has stepped aside. As there is an ongoing investigation, I will have no further comment at this time.

33. On May 18, 2021, the spokesperson for Minister Sajjan released a statement on his behalf. It stated that “[t]he Minister asked that the complainant receive any necessary support and stated that the investigation must take its due course.”

34. On May 19, 2021, the CFPM released a statement which confirmed that the CFNIS investigation against MGen Fortin involved an allegation of sexual misconduct and that the matter was being referred (the “**Referral**”) to the Director of Criminal and Penal Prosecutions of Quebec (the “**DCPP**”).

35. The above statements were released to the media and published widely throughout Canada and abroad.

36. The above statements were released in the face of advice that information about the investigation or its existence should not be released unless charges were laid against MGen Fortin. The complainant also did not want to make the allegation public.

37. MGen Fortin learned of the Referral for the first time on May 19, 2021 through media reports that included the statement that was released by the CFPM on that day.

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E. The CFNIS Investigation and The Referral

38. The CFNIS investigation began when the complainant made a report to her immediate supervisor, BGen Dyrald Cross, to the effect that MGen Fortin had allegedly committed a sexual assault against her in 1988 when they were both cadets at a military facility in Quebec. The alleged sexual assault was said to have occurred at night in the complainant's room.

39. BGen Cross took no notes or record of his telephone conversations with the complainant. He made only sparse notes and few records of in-person meetings with her.

40. The rest of the investigation was led by WO Hachey under the direction and supervision of BGen Trudeau and LCol Leblanc. Col MacGregor was also involved in the investigation and provided input and advice at various stages, including on the Referral.

41. Those involved in the investigation are referred to as the **Investigation Defendants**.

42. At the behest of General Eyre, BGen Mulawyshyn and the Political Actors, the investigation was rushed, flawed and did not follow the usual or ordinary course of a CFNIS investigation.

43. The Investigation Defendants interviewed two witnesses. The evidence from these individuals did not corroborate the complainant's allegation or her version of events. In many respects, their evidence contradicted that of the complainant.

44. The central issue in relation to the allegation lodged against MGen Fortin was the identity of the alleged perpetrator. The Investigation Defendants did not take any or adequate steps to

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collect the required evidence to discern the identity of the perpetrator of the alleged sexual assault.

45. The Investigation Defendants were negligent in the manner and extent to which they investigated the complaint. They were negligent when they failed to investigate or collect any evidence about:

- (a) the lighting in the room on the night in question;
- (b) the layout of the military facility;
- (c) the physical appearance and traits of other males who attended the same military facility;
- (d) the relationship between MGen Fortin and the complainant; and
- (e) who would have had access to the complainant's room.

46. The Investigation Defendants did not ask the complainant any or adequate questions to discern the nature of the alleged sexual assault or the details of the events in question. They failed entirely, or in the alternative, they failed reasonably to critique or assess the nature and quality of the evidence in support of the allegation. Consequently, the veracity of the allegation against MGen Fortin was not adequately investigated.

47. At all material times, none of the Investigation Defendants had, or could have had, reasonable and probable grounds to believe that MGen Fortin committed the alleged sexual

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assault. On the evidence they collected, the Investigation Defendants did not have, and could not have had, reasonable and probable grounds that MGen Fortin was the perpetrator of the alleged sexual assault. Had the Investigation Defendants conducted a proper, competent and unbiased investigation, they would have concluded that there were no objective, reasonable or probable grounds to believe that MGen Fortin was the perpetrator of any offence, and certainly not of the sexual assault alleged by the complainant.

48. The primary objective of the Political Actors was not to ensure that an objective and thorough investigation of the complainant's allegations was undertaken and concluded, but to avoid potential controversy if their decision to terminate MGen Fortin's secondment was delayed by a complete and thorough investigation and by considerations of due process, fairness and privacy.

49. At all material times, the investigation was tainted by considerations of political expediency, by unfairness and by lack of due process. Carried out under rushed, politically-sensitive circumstances, the die was cast before the investigation was fully and competently completed. Consequently, the investigation did not consider: (1) the convincing and reliable exculpatory evidence that favoured MGen Fortin; and (2) the circumstances of the alleged assault, which demonstrated that the plaintiff was not the perpetrator.

50. Throughout and after they completed the investigation, the Investigation Defendants, including Col MacGregor, communicated with the DCPD and the prosecutor who was assigned to MGen Fortin's case. In those communications, the Investigation Defendants pressured and

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exerted undue influence on the DCPD and the prosecutor to lay charges and prosecute MGen Fortin. The Political Actors, or their agents, engaged in similar conduct. The objective of this pressure and undue influence was to achieve the political objectives that the Political Actors sought to achieve.

F. The Criminal Charges and Acquittal

51. On August 18, 2021, MGen Fortin was charged with one count of sexual assault in the Province of Quebec.

52. The criminal trial commenced in the Fall of 2022 before the Honourable Justice Richard Meredith of the Court du Quebec. Identity was the main issue at the trial. MGen Fortin testified and tendered evidence at the trial.

53. On December 5, 2022, MGen Fortin was acquitted.

54. In his reasons, Justice Meredith, among other things, held that:

- (a) he was far from being satisfied that MGen Fortin was the person who sexually assaulted the complainant;
- (b) after hearing all the evidence, significant questions remained about the credibility of the complainant and the reliability of her evidence;
- (c) there were significant contradictions in the complainant's evidence; and
- (d) the evidence tendered by MGen Fortin about:

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- (i) the military facility in which the alleged incident occurred,
- (ii) the physical features of the male participants of the military program at the time, and
- (iii) MGen Fortin's relationship and nature of interactions with the complainant

was reliable and credible, and supported the conclusion that MGen Fortin must be acquitted.

G. Administrative Review

55. After the acquittal, the CAF conducted a review of the facts to determine whether, on the balance of probabilities, MGen Fortin committed the alleged conduct.

56. In December 2022, the CAF completed its review. The CAF found that MGen did not, on a balance of probabilities, commit the alleged sexual assault.

57. The review was based on the reasons for decision issued by Justice Meredith and the evidence tendered at the criminal trial. It was not based on any new evidence. The review was based entirely on information and evidence that the CAF always had in its possession or control or that it could easily have obtained had it conducted its investigation with a reasonable degree of skill and diligence.

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H. The CAF Continues to Refuse or Unreasonably Delay The Reintegration of MGen Fortin

58. Even though MGen Fortin: (1) is innocent of any wrongdoing; (2) was acquitted of the criminal charge laid against him; and (3) was exonerated by the CAF of having committed the alleged sexual assault, the CAF still refuses or has unreasonably delayed his reintegration into the CAF and assigning him work at his rank.

59. MGen Fortin's lack of reintegration into the CAF stems from: (1) the fact that the Political Actors have made it clear to the CAF and Gen Eyre that MGen Fortin cannot return to his regular duties at the CAF; (2) the reality that MGen Fortin's reputation has been so tarnished by the defendants' conduct that the CAF itself will not accept his return; and (3) the climate that the defendants have created in which an individual who has done nothing wrong cannot continue or advance with their career simply because a complainant made a sexual assault allegation.

III. THE LIABILITY OF THE DEDENDANTS

A. Defamation

60. The statements released by the Minister of National Defence on May 14 and 18, 2021 were defamatory.

61. The words used in the statements tended to lower the plaintiff's reputation in the eyes of a reasonable person. In their ordinary meaning and/or inuendo, considering the surrounding circumstances, including the context for making the statements and the relationship between the parties, the statements were defamatory and had the effect of tarnishing MGen Fortin's

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reputation in the eyes of any reasonable person. Specifically, the Minister's statements had the meaning that MGen Fortin had:

- (a) committed criminal conduct for which there is sufficient evidence that warrants the immediate termination of his secondment to PHAC;
- (b) engaged in conduct that was so serious, egregious and immediate that the complainant needed immediate support;
- (c) undermined the "culture of inclusion" at the CAF;
- (d) not acted in a manner that "treated [everyone] with dignity and respect;" and
- (e) engaged in conduct that was "toxic" and reflected "outdated values" and "practices."

62. The Minister of National Defence made the defamatory statements with malice and for an improper purpose, namely furthering his personal political career, his personal political goals and his government's political objectives.

63. As a result of the defamatory statements, the plaintiff has suffered general damages for loss of reputation.

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B. Misfeasance in Public Office

64. At all material times, all the defendants were acting in their capacity as holders of public office. They were also representatives of the CAF, the Department of National Defence, PHAC, the Privy Council Office, or the Prime Minister's Office.

65. The defendants engaged in deliberate and unlawful conduct, including the following:

- (a) The Political Actors deliberately made the Decision when they did not have the authority to do so. Pursuant to ss. 18(1) and 18.2 of the *National Defence Act*, R.S.C. 1985, c. N-5 as well as Article 19.75 of the *Queen's Orders and Regulations*, this type of decision is reserved to the Chief of the Defence Staff or an Acting Chief of the Defence Staff.
- (b) In the alternative, even if the Political Actors had the authority to make the Decision, they made it for an improper purpose, namely, to protect or advance their political careers and to achieve their political aims.
- (c) Gen Eyre did not exercise his statutory and regulatory duties to make the Decision. Instead, he acquiesced to the will of the Political Actors and implemented their decision. In the alternative, if Gen Eyre made the Decision, he did so for improper purposes, namely to achieve the political objectives and ends that the Political Actors wanted to achieve and to secure his personal objective of becoming the Chief of the Defence Staff by satisfying the will of the Political Actors.

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- (d) The Political Actors infused their personal political objectives into the investigation against MGen Fortin. The Political Actors did not have the authority or power to achieve their political ends through the means of a military investigation that is intended to be independent.
- (e) By abandoning their independence and impartiality at the behest of the Political Actors acting in concert with General Eyre and BGen Mulawyshyn, the Investigation Defendants violated their constitutional and common law duties as well as their obligations under ss. 4(i), 4(j) and 4(l) of the *Military Police Professional Code of Conduct*, SOR/2000-14. They also deliberately acted for an improper purpose.
- (f) Similarly, Gen Eyre and BGen Mulawyshyn did not have the authority to infuse political considerations and objectives into the military investigation against MGen Fortin. Even if they had the authority to influence and direct military investigations, doing so to achieve political or personal objectives is an exercise of authority for an improper purpose.
- (g) The Investigation Defendants and Political Actors who contacted the DCPD and the prosecutor assigned to MGen Fortin's case, or had agents engage in such communications, did so for an improper purpose, namely to pressure and exert undue influence on the DCPD and the prosecutor to charge and prosecute MGen Fortin for political reasons.

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66. The defendants knew that their conduct was unlawful. In the alternative, the defendants were reckless as to the lawfulness of their conduct. In the further alternative, the defendants consciously disregarded the lawfulness of their conduct.

67. The defendants intended to harm MGen Fortin. In the alternative, the defendants knew, or were reckless to the fact, that their conduct was likely to harm MGen Fortin.

68. As a result of the defendants' conduct, MGen Fortin has suffered damages.

C. Negligent Investigation

69. The Investigation Defendants owed a duty of care at common law to MGen Fortin in the investigation of the allegation that the complainant made against him.

70. The Investigation Defendants failed to meet the required standard of care of a reasonable police officer or investigating official in similar circumstances. They fell below the required standard of care because, among other things, they:

- (a) rushed the investigation;
- (b) performed a cursory investigation;
- (c) engaged in tunnel vision, focusing on potentially inculpatory evidence and disregarding or ignoring obvious exculpatory evidence;
- (d) failed to interview the complainant sufficiently to determine the nature of the allegation or to assess the contradictions in her allegations;

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- (e) failed to take adequate notes of the complainant's version of events, failed to compare these versions with other versions of the same events provided by the complainant or other individuals and failed to adequately identify or analyse the obvious contradictions in the various versions of events received;
- (f) failed to collect evidence, which was otherwise available, that was material to the main issue, namely the identity of the alleged perpetrator of the sexual assault, including the layout of the military facility, the location of the complainants' room, who had access to her room, the amount of lighting in the room and whether it would allow for the identification of another individual, and the physical characteristics of the male population at the military facility at the time;
- (g) failed to consider that the witnesses named by the complainant did not corroborate her version of events and, in many respects, contradicted them;
- (h) failed to interview individuals who would have been enrolled at the military facility at the time and who could have provided information that is germane to the investigation;
- (i) they were unduly influenced in their investigation by General Eyre, by BGen Mulawyshyn and by the Political Actors who wanted to avoid a potential political issue more than they wanted a fair investigation of the spurious allegations against the plaintiff; and,

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(j) improperly referred the file to the DCPD.

71. As a result of the Investigation Defendants' negligence, MGen Fortin has suffered damages.

D. Public Disclosure of Private Facts

72. The Political Actors made the decision to publicize the investigation and the allegation against MGen Fortin.

73. Gen Eyre and BGen Mulawyshyn and the CFPM acquiesced to this decision. The statement released by the CFPM on May 19, 2021 was the result of this acquiescence.

74. The statements made by the Department of National Defence, the Minister of Defence, and the CAF about the investigation and the allegation against MGen Fortin publicized an aspect of MGen Fortin's life that was private. This publicization was deliberate, highly offensive to any reasonable person and was intended to and had the effect of causing harm to MGen Fortin's reputation.

75. MGen Fortin did not consent to making this information public.

76. Publicizing the investigation and the allegation was not of legitimate concern to the public.

77. MGen Fortin has suffered damages because of the public disclosure of the private facts that pertain to the investigation and the nature of the allegation.

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E. Breach of Confidence

78. The information about the investigation was confidential and provided to the defendants in confidence. It was private information. The Political Actors, Gen Eyre, BGen Mulawyshyn, the Department of National Defence, and the CAF misused the confidential information by publicizing the investigation and nature of the allegation against MGen Fortin. The publication of the confidential information was made to serve the Political Actors' political objectives. As a result of the breach of confidence, MGen Fortin has suffered damages.

F. Conspiracy

79. The defendants have conspired to cause and have caused the plaintiff damages through unlawful means. The defendants' conduct, as described in this statement of claim, was unlawful. The defendants knew, or ought to have known, that, given the high-profile and public nature of his secondment, injury to MGen Fortin and damage to his reputation would result from the publication of the Decision as described. MGen Fortin has suffered injury and losses because of the defendants' conduct.

G. Punitive Damages

80. The defendants' conduct was reprehensible, extreme, flagrant, and high-handed. It constituted a marked departure from ordinary standards of decent behaviour. It is deserving of full condemnation and denunciation by this Honourable Court.

H. Attorney General of Canada is Vicariously Liable

81. The Attorney General of Canada is vicariously liable for the conduct of all the defendants.

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March 15, 2023

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DANY FORTIN and ATTORNEY GENERAL OF CANADA et al.
Plaintiff Defendants

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at OTTAWA

STATEMENT OF CLAIM

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