



**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

Electronically issued  
Délivré par voie électronique : 11-Dec-2020  
Toronto

**BETWEEN:**

Dr. Kulvinder Kaur Gill, and Dr. Ashvinder Kaur Lamba

Plaintiffs

- and -

Dr. Angus Maciver, Dr. Nadia Alami, Andre Picard, Dr. Michelle Cohen, Dr. Alex Nataros, Dr. Ilan Schwartz, Dr. Andrew Fraser, Dr. Marco Prado, Timothy Caulfield, Dr. Sajjad Fazel, Alheli Picazo, Bruce Arthur, Dr. Terry Polevoy, Dr. John Van Aerde, Dr. Andrew Boozary, Dr. Abdu Sharkawy, Dr. David Jacobs, Tristan Bronca, Carly Weeks, The Pointer, The Hamilton Spectator, Société Radio-Canada, the Medical Post.

Defendants

**STATEMENT OF CLAIM**

**TO THE DEFENDANT:**

**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 of Canada and the United States of America, the period is sixty days.

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, A 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.**

**IF YOU PAY THE PLAINTIFFS' CLAIM**, and \$10,000.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiffs' claim and \$400 for costs and have the costs assessed by the court.

**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: , 2020.

Issued by:

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AND TO

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AND TO

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AND TO:

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AND TO

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## CLAIM

1. The Plaintiffs claim:
2. With respect to Dr. Kulvinder Kaur Gill:
  - (a) general damages as against the Defendants, as follows:
    - (i) as against the personal defendants, jointly and severally, \$4,000,000.00, for express libel and slander and by innuendo and irresponsible publication;
    - (ii) as against the print publication defendants, The Pointer, Société Radio-Canada, and The Hamilton Spectator, \$750,000.00 for libel and negligence;
  - (b) aggravated damages as against the Defendants, jointly and severally, in the amount of \$1,000,000.00;
  - (c) punitive damages as against the Defendants, jointly and severally, in the amount of \$1,000,000.00;
  - (d) an interim and permanent injunction requiring the retraction, removal, and prominent apology for any and all defamatory publication and/or remarks by the Defendants;
  - (e) prejudgment interest pursuant to s. 128 of the *Courts of Justice Act* R.S.O. 1990 c. C43; and
  - (f) costs of this action on a substantial indemnity basis and such further or other relief as this Court deems just.

3. With respect to Dr. Ashvinder Kaur Lamba:

- (a) General damages as against the Defendants, Dr. Angus Maciver and Dr. Nadia Alam, as follows:
  - (i) as against the personal defendants, jointly and severally, \$4,000,000.00, for express libel and slander and by innuendo and irresponsible publication.
- (b) Aggravated damages as against all the Defendants, jointly and severally, in the amount of \$1,000,000.00;
- (c) punitive damages as against the Defendants, jointly and severally, in the amount of \$1,000,000.00;
- (d) an interim and permanent injunction requiring the retraction, removal, and prominent apology for any and all defamatory publication and/or remarks by the Defendants;
- (e) prejudgment interest pursuant to s. 128 of the *Courts of Justice Act* R.S.O. 1990 c. C43;  
and
- (f) costs of this action on a substantial indemnity basis and such further or other relief as this Court deems just.

## THE PARTIES

### (a) The Plaintiffs

- *Dr. Kulvinder Gill*

2. The Plaintiff, Dr. Kulvinder Kaur Gill (“Dr. Gill”), is a physician practicing in Brampton and Milton Ontario. Dr. Gill completed her undergraduate training in microbiology, her medical research in virology and her post-graduate training in pediatrics and allergy and clinical immunology. Dr. Gill now practices at an allergy, asthma and clinical immunology clinic in Brampton and Milton. Dr. Gill is also the President and co-founder of Concerned Ontario Doctors (“COD”). COD is a grassroots, non-profit organization of frontline physicians advocating for a patient-centered, sustainable and accessible and quality healthcare system. COD is a volunteer-driven organization that represents frontline doctors in family medicine and across all specialties and advocates on healthcare issues of provincial and national importance. Dr. Gill has represented the interests of Canadian patients and frontline physicians with testimony on behalf of COD before legislative committees on healthcare policy at the Ontario Legislature, the House of Commons and the Senate of Canada.
3. Prior to medical school, and while completing her undergraduate degree in microbiology, Dr. Gill worked as Molecular Biology Research Assistant, Fresh Water Institute, Department of Fisheries and Oceans Government of Canada Winnipeg, Manitoba.
4. Dr. Gill’s medical microbiology and virology research at the only Level 4 Laboratory in Canada, the Public Health Agency of Canada’s National Microbiology Laboratory in Winnipeg, Manitoba, had focused on HIV-1 vaccine development. Dr. Gill’s research on T-cell immunity had focused on identifying genotypes and haplotypes responsible for resistance and susceptibility



- to HIV-1 infection found among Kenyan sex trade workers, ultimately for the development of future HIV-1 vaccine candidates. Dr. Gill had identified novel alleles in the East African population and was a part of the late Dr. Frank Plummer's team.
5. Dr. Gill pursued her medical degree in Manitoba during which time she conducted research work at one of five Level 4 labs in the world, located in Winnipeg. A "Level 4" Lab refers to a biosafety level (BSL), or pathogen/protection level, which level is a set of biocontainment precautions required to isolate dangerous biological agents in an enclosed laboratory facility. The levels of containment range from the lowest biosafety level 1 (BSL-1) to the highest at level 4 (BSL-4). Biosafety level 4 laboratories are used for diagnostic work and research on easily transmitted pathogens. These include a number of viruses known to cause viral hemorrhagic fever such as Marburg virus, Ebola virus, Lassa virus, and Crimean-Congo hemorrhagic fever. Other pathogens handled at BSL-4 include Hendra virus, Nipah virus, and some flaviviruses. Additionally, poorly characterized pathogens which appear closely related to dangerous pathogens are often handled at this level until sufficient data are obtained either to confirm continued work at this level, or to permit working with them at a lower level.
  6. While working in this Level 4 lab, Dr. Gill worked with the late Dr. Frank Plummer's team who were the first to ever discover natural T-cell immunity among HIV1-resistant Kenyan sex-workers. Dr. Plummer was the Scientific Director General of the National Microbiology Laboratory and the Senior Scientific Advisor to the Public Health Agency at the time.
  7. Dr. Gill was recognized for her scholarly research during her medical and post-graduate training by both the University of Manitoba and the University of Western Ontario, having been awarded scholarships and prizes for best overall clinical project, presentation and poster for her research in the fields of medical microbiology, virology and immunology, and allergy and asthma. Her

microbiology, virology and immunology research was then awarded further academic recognition at an international research forum.

8. Dr. Gill has published the following peer-reviewed scientific articles/journals:

- M. Luo, J. Barnforth, K. Gill, C. Cohen, R.C. Bruham, F.A. Plummer. High-resolution sequence-based DPA1 typing identified two novel DPA1 alleles, DPA1\*010303 and DPA1\*0303, from a Kenyan population. *Tissue Antigens*. 2005 Jan;65(1):120-2.
- K. Gill, A. Leligdowicz, M. Luo, T. Bielawny, R. Brunham, F.A. Plummer. Identification of Four Novel HLA-A Alleles from an East African Population by High-Resolution Sequence-Based Typing. *Human Immunology*. 2006 Oct;67(10):833-8.
- B. Bruneau, E. Knight, C. Semeniuk, K. Gill, R. Hardie, T. Bielawny, J. Kimani, E. Ngugi, M. Luo, F.A. Plummer. Common HLA-DP Alleles, Genotypes and Haplotypes are associated with resistance and susceptibility to HIV-1 Infection in Kenyan Sex Trade Workers. *Can J Infect Dis Med Microbiol*. 2007 March/April , Vol 18 Suppl B:46B.
- R. Hardie, E Knight, B Bruneau, C. Semeniuk, K. Gill, N. Nagelkerke, J. Kimani, C. Wachihi, E. Ngugi, M. Luo, F.A. Plummer. A common human leucocyte antigen-DP genotype is associated with resistance to HIV-1 infection in Kenyan sex workers. *AIDS*. 2008 Oct; 22(15)2038-42.

9. Dr. Gill has also been an elected delegate and chairwoman for the Ontario Medical Association (District 5, the Greater Toronto Area, Dufferin, Muskoka, Simcoe), which post she resigned from in July 2017.

10. Dr. Gill is a highly regarded member of her profession and extremely competent, diligent, thoughtful and professional, and has dedicated her career not only to treating her clinic patients but also to actively advocating for the healthcare of Canadians at large.

- *Dr. Ashvinder Lamba*

11. The Plaintiff, Dr. Ashvinder Lamba ("Dr. Lamba"), is a Family Physician practicing in Brampton and Etobicoke, Ontario.
12. In addition to her Doctor of Medicine, Dr. Lamba has a Master's degree in Science in Genetic Counselling as well as a Master's degree in Biochemistry and Microbiology where her Master's thesis was in Human Genetics.
13. Dr. Lamba is the Secretary on the board of Concerned Ontario Doctors ("COD").
14. Dr. Lamba is currently working as as a Long Term Care Physician and Medical Director and Family Physician at The Village of Humber Heights Long Term Care Home, Etobicoke, Ontario, as an Addiction Medicine Physician at Vector Medical Clinics, Thornhill, ON, in addition to running her own primary care practice in Brampton, Ontario where she also practices low risk Obstetrics at Brampton Civic Hospital as Associate Staff and is an Assistant Clinical Professor (Adjunct), at the Faculty of Health Sciences at McMaster University, Hamilton, Ontario.
15. Dr. Lamba has also been a delegate for the Ontario Medical Association (District 5, the Greater Toronto Area, Dufferin, Muskoka, Simcoe), from which post she resigned in August 2017.

#### **The Defendants**

16. The Defendant, Dr. Angus Maciver ("Dr. Maciver"), is an Ontario Doctor. He is also a Past President of the Ontario Association of General Surgeons and still serves in leadership positions in this association. He was an examiner and on council for the Royal College of Physicians and Surgeons of Canada and was an educator as part of the Schulich School of Medicine and Dentistry at Western University. Dr. Maciver has been recognized to be a "leader" by organizations such as the Ontario Medical Association where he was honoured with the "OMA

Life Member Award" and was former Chair of the OMA Section of General Surgery. He still remains as an "OMA Physician Leader" as Perth County Medical Society President.

17. The Defendant, Dr. Nadia Alam ("Dr. Alam"), is an Ontario doctor, and was at all material times the president of the Ontario Medical Association. Dr Alam has a large social media following of doctors and other medical professionals across Ontario. Her Twitter account, @DocSchmadia, is followed by over 11,000 people, many of whom are physicians and medical journalists. Dr. Nadia Alam is also the sole administrator and moderator of a Facebook page which is followed by more than 10,000 physician members (Canadian Doctors Lounge) which pages, she alone operates as administrator and moderator.
18. The Defendant, Andre Picard ("Mr. Picard"), is a Staff Senior Health Columnist for the Globe and Mail in Montreal, has 115,000 followers on his Twitter platform under the Twitter handle @picardonhealth, particularly many physicians, medical journalists, and other health practitioners
19. The Defendant, Dr. Michelle Cohen ("Dr. Cohen"), is an Ontario family doctor and assistant professor in Family Medicine at Queens University, Chair of "Women in Medicine", and has published bylines for CBC News, Toronto Star, and MacLean's. She has 7,031 followers on her Twitter platform, @DocMCohen.
20. The Defendant, Dr. Alex Nataros ("Dr. Nataros"), is a Family doctor in Comox Valley, British Columbia. He has 498 followers on his Twitter platform, @alexnatarosMD.
21. The Defendant, Dr. Ilan Schwartz ("Dr. Schwartz"), is an Infectious Disease Specialist at the University of Ottawa. He has 19,800 follows on his Twitter platform @GermHunterMD.

22. The Defendant, Andrew Fraser PhD (“Dr. Fraser”), is a Professor at the University of Toronto, in the Department of Molecular Genetics at the University of Toronto. Dr. Fraser has 1,523 followers on his Twitter platform, @andy\_utoronto.
23. The Defendant, Dr. Marco Prado (“Dr. Prado”), is a Neuroscientist. He is also Deputy Chief Editor of Reviews of the Journal of Neurochemistry. Dr. Prado has 1,401 followers on his Twitter platform, @maximoprado.
24. The Defendant, Timothy Caulfield (“Mr. Caulfield”), is a Law Professor at University of Alberta, where he teaches health law. He is also a speaker, TV host & author. He is a chairholder at Canada Research Chair in Health Law and Policy, a Trudeau Foundation Mentor, on the Trudeau Foundation COVID-19 Impact Committee, and on the Royal Society of Canada COVID19 Task Force, and he received a \$380,000 grant from the Trudeau Government. Mr. Caulfield has 62,000 followers on his Twitter platform, @CaulfieldTim.
25. The Defendant, Dr. Sajjad Fazel (“Dr. Fazel”), is a public health researcher in the Oncology Department at the Cumming School of Medicine at the University of Calgary and the Cancer Epidemiology and Prevention Research Department at Alberta Health Services. He is also a member of Timothy Caulfield’s COVID-19 task force. He has 25,700 followers on his Twitter platform: @SajjadFazel.
26. The Defendant, Alheli Picazo, is a free-lance journalist, she has 13,300 followers on her Twitter account: @a\_picazo.
27. The Defendant, Bruce Arthur (“Mr. Arthur”), is a Toronto Star columnist. Mr. Arthur has 144,900 followers on his Twitter platform @bruce\_arthur.
28. The Defendant, Dr. Terry Polevoy (“Dr. Polevoy”), is a retired Ontario pediatrician, who runs a website which attacks alternative medicine, called Quackerywatch.com. Dr. Polevoy has 946

- followers on Twitter his Twitter Platform, @TerryPolevoy, Dr Polevoy has appeared numerous times on television and radio programs.
29. The Defendant, Dr John Van Aerde (“Dr. Van Aerde”) is a former pediatrician, who formerly practiced in British Columbia. Dr. Van Aerde and is the current Medical Executive Director of Canadian Society of Physician Leaders (formerly under the Canadian Medical Association). Dr. Van Aerde has 1,450 followers.
30. The Defendant, Abdu Sharkawy (“Dr. Sharkawy”), is an infectious disease specialist, practicing in Toronto, Ontario. Dr. Sharkawy’s Twitter platform, @SharkawyMD, has approximately 16,700 followers.
31. The Defendant, Dr. Andrew Boozary (“Dr. Boozary”) is a Toronto Physician and Co-lead for the Toronto Region’s COVID-19 Homelessness and Shelter Response. He is also the Executive Director of Population Health and Social Medicine at the University Health Network. He currently has 7,704 followers on Twitter.
32. The Defendant, Dr. David Jacobs (“Dr. Jacobs”), is a doctor practicing in North York, Ontario, and is the Vice President of Ontario Association of Radiologists. Dr. Jacobs has 27,400 followers on his Twitter platform @DrJacobsRad.
33. The Defendant, Tristan Bronca (“Mr. Bronca”), is a journalist with a wide following, and, at the material time, was Senior Editor for the Medical Post. Tristan Bronca has 432 followers on his Twitter platform @TristanBronca.
34. The Defendant, Carly Weeks (“Ms. Weeks”), is a Health reporter for The Globe and Mail. She has approximately 20,300, followers on her Twitter platform @carlyweeks.
35. The Defendant Newspaper, “The Pointer”, is an online newspaper, in Brampton and Mississauga.

36. The Defendant Newspaper, the Hamilton Spectator, is a local newspaper in Hamilton, Ontario.
37. The Defendant News Company, Radio-Canada, is a Canadian French-language news network.
38. The Defendant, The Medical Post, is a national medical newspaper, published both online and in print.

## THE FACTS

### A/ September 2018 Defamation Against Dr. Gill

39. On September 4, 2018, Dr. Gill, along with Dr. Lamba, was subjected to a vicious, sexist and racist, defamatory attack by Defendant Dr. Maciver, which attack was completely unprovoked. Dr. Maciver had not met or interacted with either Dr. Gill or Dr. Lamba.
40. At the time the only connection between Dr. Gill and Dr. Lamba was that they were on the Board of Concerned Ontario Doctors. Dr. Gill and Dr. Lamba were the only women of colour on the Board of Concerned Ontario Doctors where all other Board Members were either male and/or white.
41. On September 4, 2018, despite not knowing or interacting with Dr. Gill or Dr. Lamba, Dr. Maciver posted from his Twitter account (@smoothholdfart) the following post targeting and attacking Dr. Gill and Dr. Lamba:

**"The effing best is that these overpaid but whining corksoakers still have me on their list but have effing blocked me... the Ash and Kulvinder twats..."**

42. This comment was made to several doctors, was not in response to anything said or done by Dr. Gill or Dr. Lamba. It was completely unprovoked.
43. After this tweet was exposed, Dr. Maciver began to harass Dr. Gill and Dr. Lamba, from a different Twitter account owned by him, @vitoMaciver.
44. Later on September 4, 2020, Dr. Maciver posted as follows:

“I think, that I’m dead to them. I’m ok debating, **but the blocking shit showcases their histrionic selfishness.**”

“and BTFW, **this also showcases their lack of the qualities we all expect in a physician, let alone a colleague**”

“Never said anything at all against either of them personally until this last tweet, **Their are intolerant, or why would they block a colleague?**”

“I’m not holding my breath, . **Saw them perform at OMA council. They are an intolerant bunch...**”

45. On September 8, 2018, after the tweets were publicly exposed on Twitter, Dr. Maciver tweeted disingenuous "apologies", as follows:

Again, I’m quite happy to apologize to Drs. Kaur, and gender issues were not intended. **Their attitude with blocking everyone who disagrees with them prevents constructive discussion.**

...  
I again apologize for the **poor choice of words** used in a recent tweet, **despite clarification and deleting the tweet with 2 subsequent apologies**”

46. And on September 8, 2018 under his other twitter handle "@vitoMaciver", he tweeted:

I apologised to them unconditionally earlier today, but I don’t know if they received the email as I am blocked by them.

47. Dr. Maciver’s statements were false, malicious, without justification, and constituted irresponsible publication, which statements were intended to diminish the good reputation of Dr. Gill and Dr. Lamba in the fair minds of reasonable members of the community, particularly the medical community and in particular the bolded portions of the extracted quotes.

48. Dr. Maciver’s language was offensive and grossly derogatory where "effing" means "fucking", "corksoakers" means "cocksuckers", and "twats" was derogatory language for female genitalia. "Ash" was in reference to Dr. Lamba and "Kulvinder" was in reference to Dr. Gill. These



comments were laced with sexist, misogynist, and racially overt overtures. The only connection Dr. Gill and Dr. Lamba had is that they are on the board of Concerned Ontario Doctors and both South-Asian of Punjabi origin. Incidentally they were the only women of color on the board of COD. Everyone else on the board was either male and/or white and were not referred in the tweet by Dr. MacIver.

49. Dr. Maciver, holds/held, great influence in the medical community. He was a leader of the Ontario Medical Association, he received the OMA Life Member Award, he served as chair of the OMA section of General Surgery and served as an OMA physician Leader as President of the Ontario Association of General Surgeons. He was a former College examiner and University of Western Ontario Educator. Dr. Maciver's comments had a huge audience and impact.
50. Dr. Maciver did not apologise to Dr. Gill or Dr. Lamba once. Dr. Gill has not received any email from Dr. Maciver to this day, and he was not, and could not be, blocked from her email, contrary to his statement in his tweet. Moreover, no written apology was ever mailed out by regular mail.
51. The "apologies", as quoted above, were not actually apologies but rather constituted victim-blaming.
52. Following Dr. Maciver's defamatory tweets, Dr. Alam, president of the Ontario Medical Association, immediately with malice leapt defend Dr. Maciver and condemn Dr. Gill and Dr. Lamba, using her twitter handle @docSchmadia. and she tweeted the following series of tweets:

(a) On September 9<sup>th</sup>, 2018:

So, I spoke with Dr. McIver late last night. **Turns out that he himself realized the comment crossed the line, explained himself, apologized right away on Twitter and twice again yesterday by Twitter and email. I'm unsure why that apology wasn't in CODs now very public commentary castigating him as part of #MeTooMedicine.**

3 apologies and a clear recognition that it was a poor choice of words- I thought that was enough.

(b) On September 9, 2018:

He has indeed apologized. He understands that language like this is unacceptable. He is not on OMA Council.

This again highlights the need OMA Council noted for a process to safely resolve conflicts among physicians. This is where the code of conduct could be helpful. Stay tuned.

(c) On September 9, 2018:

**I don't think that is what he meant by clarification Wendy. I think again it comes down to the words you're used to – he meant “twat” as stupid, not female genitals. And it is used often in the UK. Even a female fam friend, staunch Muslim, and strong feminist uses it. I myself object to its use but I also understand language variance from place to place.**

**I would hesitate to subscribe ill will to him. His apology is sincere.** He knows he should not have tweeted in anger. He should never have used those words. He knows his professionalism is now being questioned. He shows remorse for a thoughtless act.

All of which statements are untrue and insincere and, by innuendo, defend and re-enforce Dr. Maciver's defamatory and vile remarks against Dr. Gill.

(d) On September 19, 2018:

Thanks Dr. Mishra. Agree that docs are held to a higher standard.

**This situation was made more complex [because] Drs Gill and Lamba had blocked most Ontario docs so most of us learned about this far after the fact.** I spoke to Dr. McIver; by then he had apologized and continued apologizing.

which, again, blames the victims and support the perpetrators.

53. On October 1, 2018, Dr. Alam then sent a newsletter, as the OMA president, to all 42,000 members of the Ontario Medical Association, which include all physicians and trainees, using her role as OMA in an official communication, and stated:

**I became aware of a recent conflict on Twitter between a male physician and two female physicians that degenerated into offensive language. I was asked to clarify the OMA's role on the President's Tour, so I want to mention it here.**

\*\*\*

**2. The OMA has not ignored this situation. The two female physicians blocked many physicians, including myself, on social media, so we were and still are prevented from seeing and responding to their tweets and posts.**

**3. The physician who used the inappropriate language has since apologized. He does not hold any positions on OMA Counsel or committees.**

54. Dr. Alam falsely stated that the tweet was as a result of an altercation between Dr. Gill, Dr. Lamba, and Dr. Maciver, that 'degenerated into offensive language', when neither Dr. Gill, nor Dr. Lamba had engaged Dr. Maciver, prior to, or after, his tweet calling them whining corksoakers. Dr. Gill and Dr. Lamba were never part of this "discussion". The attack was completely unprovoked.
55. Dr. Alam then indicates that Dr. Gill and Dr. Lamba had blocked "many physicians, including myself", in order to change the narrative to suggest that Dr. Gill and Dr. Lamba were inherently to blame for Dr. Maciver's behaviour.
56. Dr. Alam falsely stated and circulated that Dr. Maciver "apologized" to Dr. Gill, without verifying that this was indeed true by speaking to Dr. Gill. It was not true.
57. Dr. Alam further blamed Dr. Gill for not accepting Dr. Maciver's "apology" (which in fact were only statements of victim-blaming as per paragraphs above) and suggests, by innuendo, that the Plaintiff was somehow to blame by "blocking" individuals (particularly individuals who had been attacking and defaming her) from viewing or commenting on their personal social medial platforms.

58. Dr. Alam defended and empowered Dr. Maciver by validating his lies and supporting him publicly, and aligning herself against Dr. Gill, as well as implicitly asking members of the Ontario Medical Association to align against Dr. Gill.
59. On September 10<sup>th</sup>, 2018, Dr. Alam further aggravated the defamation by giving an interview with the Medical Post about the incident, where she is quoted as stating:
- I spoke to Dr. McIver [sic]. By then he had already apologized to the physicians on Twitter and over email. He is blocked by them so unclear if it got through. He agreed, there is no place for this type of language between colleagues. Ever
60. As a result of Dr. Alam's comments, this article was titled "Physician Apologizes for Vulgarity in Twitter comments about COD Doctors". When Dr. Gill and Dr. Lamba contacted the Medical Post to indicate that Dr. Maciver did not in fact apologise, the Medical Post failed to edit or update the article.
61. Nowhere, and at no time, did Dr. Alam unconditionally and categorically condemn Dr. Maciver's comments.
62. All these comments are laced with innuendō of incompetence based on racial bias.
63. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
64. These comments further led to public and professional condemnation against Dr. Gill and Dr. Lamba. Members of the public submitted hate mail/emails/voicemails attacking them for "shaming" Dr. Maciver despite the fact that he "had apologized".
65. Instead of having the effect of correcting overt misogyny, racism, and sexism, inflicted by powerful members of the profession against vulnerable members, this event had the opposite effect, where the victims were shamed and subjected to public condemnation, particularly by the President of their own Association, who intentionally targeted the Doctors, misrepresented the

events, and then circulated her incorrect version of the story to every single member of the Ontario Medical Association.

66. Dr. Maciver was disciplined for this conduct and the details of his discipline were outlined in the “CPSO Dialogue”, in July 2020. The vicious attacks in the second August 2020 defamation, described below, commenced just weeks after Dr. Maciver’s published decision. Many of the online physicians, involved in attacking Dr. Gill, in September 2018, were the same ones that would attack her in August 2020, to be described below.

- *The Medical Post.*

67. On September 10<sup>th</sup>, 2018, the Medical Post published an article, written by the Editor of the Medical Post, Colin Leslie, entitled: “Physician Apologizes for Vulgarity in Twitter comments about COD Doctors”. This published article states as follows:

Physician apologies for vulgarity in Twitter Comments about COD doctors.

**Toronto- A general surgeon practicing in Ont. has apologized after using vulgar language to describe two doctors who are leaders of Concerned Ontario Doctors (COD), a watch dog group that is critical of the Ontario Medical association.**

In a tweet on September 4, Dr. Angus Maciver wrote: “the effing best is that these overpaid but whining corksoakers still have me on their list but have effing blocked me...the Ash and Kulvinder twats”.

Dr. Kulvinder Gill is the president of COD and Dr. Ashvinder Kaur is the secretary of COD. Dr. Gill said, in a tweet, the words Dr. Maciver used are slang for “cock-sucking cunts”.

Dr. Maciver, who was until 2017 a member of the 250-plus member OMA counsel, apologised on Twitter: “for the poor choice of words used in a recent tweet, despite clarification and deleting the tweet with two subsequent apologies.” He added: I’m quite happy to apologise... and gender issues were not intended. Their attitude with blocking everyone who disagrees with them prevents constructive discussion.”

The incident continued to reverberate on Twitter and on Sunday night OMA president Dr. Nadia Alam tweeted in reply to someone’s comment: “I spoke to Dr. McIver [sic].

By then he had already apologized to the physicians on Twitter and over email. He is blocked by them so unclear if it got through. He agreed, there is no place for this type of language between colleagues. Ever.

The OMA also provided the *Medical Post* with a further comment from Dr. Alam: “In March, the OMA board passed a set of principles to guide member conduct that was endorsed by council (in) April. We want to drive a physician culture that is open, fair collegial and safe, one that values dignity, diversity and respect. Council also asked that, with the OMA’s help, a committee of physicians create a dispute resolution process to openly and fairly manage conflict between members. This incident highlights the need for such a process to openly and fairly managed conflict between members. This incident highlights the need for such a process; social media, for all its strength, is not the right place to adjudicate such issues.

68. The Medical Post did not contact either Dr. Gill or Dr. Lamba prior to publishing this article.
69. Dr. Gill or Dr. Lamba immediately contacted Colin Leslie, on September 11, 2018, by email, to tell him that the article was incorrect, that it was premised on lies, and that Dr. Maciver had never apologised. Dr. Gill and Dr. Lamba further requested that the Medical Post remove the article as it contained defamatory and untruthful statements. Colin Leslie never responded, edited, or removed this article. Instead this article was then used and reference by future articles concerning Maciver’s conduct.
70. Dr. Maciver never apologized to Dr. Gill or Dr. Lamba, a fact which Dr. Gill has indicated on multiple occasions on her in own Twitter platform, including prior to the publication of the above article by Medical Post. Dr. Maciver never apologized to Dr. Gill for his offensive language even after he was reprimanded by the College for his Tweet. However, this article, and its title, by suggestion and innuendo, indicated that the opposite was true.
71. The Medical Post further labeled Concerned Ontario Doctors as a “watch dog group” that is critical of the Ontario Medical Association. Concerned Ontario Doctors is not a “watch dog group”, but rather a public interest and advocacy group.

72. The Medical Post did not properly investigate the “facts” prior to publishing this false article and the article is particularly slanted against Dr. Gill and Dr. Lamba, which is apparent in the title that highlights that Dr. Maciver “apologised”, rather than focusing on the attack itself.
73. By publishing the above article, without proper investigation of the facts, the Medical Post, in turn, aided and abetted Dr. Maciver’s false, malicious, and defamatory statements against Dr. Gill and Dr. Lamba, and moreover, supported the defamation and (false) narrative of Dr. Maciver against them.
74. The article is further laced with sexist, misogynist, and racially overt overtures.
75. These comments have resulted in widespread hate and hostility directed at Dr. Gill and Dr. Lamba.

#### **B/ August 2020 Defamatory Conduct Against Dr. Gill**

76. Since the implementation of COVID-19 measures, and in keeping with her policy to continually advocate for public health, Dr. Gill has been following medical and scientific research from specialists across the world with respect to the COVID-19 response.
77. Dr. Gill believes it is her duty pursuant to her Hippocratic oath, to continuously review public health measures, shed light on new practices and opposing research, in order to maintain the integrity of the medical profession and advocate for the continued health and safety of the public.
78. Dr. Gill has commented, on Twitter, on the research of highly respected medical practitioners from around the world, most recently with respect to the COVID-19, and specifically with respect to the efficacy of early outpatient use of Hydroxychloroquine for high-risk patients, the importance of T-cell immunity, and the harms of lockdowns, all of which are currently highly polarized, and politicized issues by public health officials.

79. Dr. Gill's commentary on her Twitter platform, has always been corroborated by highly respected scientists, physicians and researchers from all around the world, and Dr. Gill's tweets have cited various published research articles/journals, and news-stories.
80. Dr. Gill has also advocated for greater transparency from politicians and governments, in their decisions and actions, which have had great impact on the general public, which have been cited by these politicians to be made for the health and well-being of all citizens.
81. Dr. Gill has specifically tweeted about the efficacy of various early outpatient treatments, which have been grounded in scientific research, as well as requested that the government be transparent and balanced in their presentation of scientific facts, findings and public guidelines.
82. For example, Dr. Gill with respect to the efficacy of hydroxychloroquine in treating COVID-19 in reference to 195 Hydroxychloroquine (HCQ) studies (including 130 peer-reviewed studies) in COVID-19 patients to-date which have shown HCQ to be effective, both as a pre-exposure prophylaxis and as early post-exposure treatment; when administered in appropriate doses, especially when started within the first five days of symptom onset.
83. Dr. Gill has also tweeted with respect to T-Cell immunity, in light of research by highly respected medical and scientific researchers around the world who have published positive findings concerning T-cell immunity to SARSCoV2.
84. Dr. Gill has also tweeted with respect to lockdowns in consideration of vast global research highlight the dangers of lockdown and the foreseeable consequences of global lockdown both in economic, health, and overall public welfare.
85. Dr. Gill's Twitter commentary has been corroborated and supported by other highly respected members of the medical and scientific profession around the world.



86. Much to Dr. Gill's shock, chagrin, and disgust, as a result of her open public questions, and advocacy for transparency in medical research and governments' response to COVID-19, a group of medical professionals and media persons, the Defendants in the within claim, contrived to target Dr. Gill with the malicious objective to defame and discredit Dr. Gill in the eyes of fellow physicians, journalists, the media and the public.

87. This vicious and defamatory attack, targeted and launched specifically against Dr. Gill, is as outlined below.

### **Defamation By Doctors, Journalists, And Public Officials**

- *Andre Picard's Defamatory Publications*

88. Andre Picard made the following statements about Dr. Gill's tweets on Twitter on August 6, 2020, to his 115,000 followers, many of whom are physicians, medical journalists, and other health practitioners, under the Twitter handle @picardonhealth:

**It's quite shocking** to see a Canadian physician leader @dockaurG saying we don't need a coronavirus vaccine, we just need t-cell immunity, hydroxychloroquine and "the truth".

[Embeds Dr. Gill's August 4<sup>th</sup> 6, 2020 tweet:

If you have not yet figured out that we don't need a vaccine, you are not paying attention]

[Embeds Dr. Gill's August 6<sup>th</sup>, 2020 tweet: #humanity's existing effective defences against #COVID19 to safely return to normal life now:

-the Truth  
-T-Cell Immunity  
-Hydroxychloroquine

89. This August 6, 2020, tweet commenced the conversation which all other named parties replied to, commented on, liked, and used to springboard off with further defamation against Dr. Gill.

90. Andre Picard further published the following defamatory statements against Dr. Gill:

(a) On August 6, 2020, Andre Picard, in response to Tristan Bronca's tweet (as described further below) tweeted:

Add the subsequent avalanche of tweets from **an army of hydroxychloroquine bots and unhinged conspiracy theorists** and you have concise summary of my day.

[replying to Tristan Bronca's tweet, "The country's top health journalist [Andre Picard] (accurately) points out that this doctor [Dr. Gill] maybe shouldn't be pushing a drug that is now primarily pushed by conspiracy theorists. [Dr. Gill] responds with a conspiracy-minded smear about how he's in bed with the WHO. Remarkable work." ]

And, in in the comments, in reference to Dr. Gill, Andre Picard wrote:

Sure, **minus the extremist views, large platform and devoted troll following.** Which are... all the things.

(b) August 7, 2020, Andre Picard in response to all the commenters on his Twitter thread, including the defendants' tweets, described below, Andre Picard wrote:

While I appreciate all the kindness, and am flattered to have my own hash tag #IStandWithPicard, **I would prefer that people focus not on trolls but on my initial concern, that a Canadian pediatrician is saying we don't need a #coronavirus vaccine. #Covid19#antivax @cpso\_ca**

Where, in tagging @cpso\_ca (The College of Physicians and Surgeons) Andre Picard is encouraging people to file a College complaint against Dr. Gill.

(c) And further on August 7, 2020, Andre Picard tweeted:

Thank you for this thoughtful thread (Re: the IStandWithPicard hashtag, with respect to Dr. Gill's post). I wholehearted agree with this point in particular. **We should use our energy to promote good science, not interacting with bots, trolls and politically-driven anti-science, #antivax (what's the polite word?) dogmatists.** #CovID19 #scicomm.

91. These statements are false, malicious, without justification, and constitute irresponsible publication, which tend to diminish the good reputation of Dr. Gill, in the fair minds of

reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused Dr. Gill in vague, yet defamatory, statements and innuendo, that she was knowingly spreading, “unhinged conspiracy theories”, is “anti-vax”, promoting “bad” science as opposed to “good science”, and explicitly and by innuendo calls into question her mental stability, her professional competence, and suggests that she was/is endangering the lives of her patients and others. The statements were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and, which the defendant distorted out of context. Her statements are reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

92. The comments were further laced with sexist, misogynist, and racially overt overtures.

93. All the comments are further laced with innuendo of incompetence based on racial bias.

94. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

95. These comments further demonstrate malice by unjustly encouraging members of the public to lodge a complaint against Dr. Gill to the College of Physicians.

- *Dr. Michelle Jennifer Cohen’s Defamatory Statements*

96. Dr. Michelle Cohen has 7,031 followers on her Twitter Account, which include many other physicians, public health reporters, and medical professionals.

97. Dr. Cohen made the following tweets against Dr. Gill using the Twitter handle @DocMCohen in support and continuation of Andre Picard’s tweets:

(a) On August 6, 2020, in a response to someone questioning if Dr. Gill is a real doctor:

Oh trust me, she's a real, practicing Ontario doctor and former OMA representative.

She's [Dr. Gill's] also **blocked nearly every other Ontario doctor on Twitter.**

(b) On August 6, 2020, Dr. Cohen again states:

I know most Ontario docs are blocked won't see the original content from Kulvinder. But, honestly it's worth logging out and looking for yourself.

And Dr. Cohen then further states:

**I was blocked a long time ago for no clear reason. Seems to be the case for most of us.**

(c) On August 6, 2020, in response to a commenter concerning whether Dr. Gill did her degree at York University:

That I don't know. **I'm only aware of her political and social media conduct over the past few years, which has left many ON doctors shaking their heads in dismay.**

(d) On August 6, 2020 Dr. Cohen tweeted:

I appreciate journalists (finally) calling out Kulvinder on some of her behaviour. She has been given a platform by **@TheTorontoSun in the past which she has used to promote other conspiracy theories.**

(e) On August 6, 2020, Dr. Cohen tweeted:

It's long past time **we stopped thinking of Kulvinder as a physician leader and accept that she's an extremist crank with a very loyal following.**

(f) On August 7, 2020 Dr. Cohen:

Seriously though, does anyone know **if Kulvinder has been pushing the idea that Cdn doctors are receiving payout from pharma for not promoting hydroxychloroquine.**

I thought Evil Pharma Shills were paid to promote drugs, not urge caution on indiscriminate prescribing of a drug without good evidence.

This is **disappointingly lazy** as far as conspiracy theories go. D- for lack of effort.

(g) On August 7, 2020 Dr. Cohen further tweeted:

Sigh

[attaches tweet from Dr. Kulvinder Kaur Gill dated July 23, 2020, "you may have noticed extreme anti-#HCCQ #COVID-19 bias/rhetoric..."]

And further stated:

**It's been quite an experience watching someone** who only a few years ago seemed like a very promising health care advocate and collaborator **become a promoter of anti-science conspiracy theories.**

[attaches a conversation with Dr. Gill]

And further stated:

**If you are not following ON medical politics, you have no idea what Kulvinder has been doing & saying over the past few yrs. Her conduct has been harmful to the profession and now it seems she's cultivated an anti-science echo chamber to promote harmful ideas to the public.**

And further stated:

Yes, this research is definitely needed. **How do people slide into these extremist positions and then become so fixed to them?** I think in this case there was a sense of rejection that contributed to the cultivation of a politically appealing and ultimately validating echo chamber.

(h) On August 7, 2020:

Oh wow. @cpso\_ca is this true [in response to a commentor stating they had tried to complaint to the College a month ago and the college informed the commentor that she could post her opinions so long as she doesn't post about medical advice to a specific individual] I have seen you go after doctors for using foul language online or arguing with trolls, but THIS type of conduct doesn't strike you as unprofessional?

(i) On August 11, 2020:

@oncvlib may want to review ON legislation governing the @cpso\_ca before pursuing the argument that medical "freedom of speech" is being harmed.

The CPSO has a duty to maintain professional standards and update those standards in response to emerging issues that impact health.

By contrast, I'm not aware of ANY legislation protecting a **doctor's "freedom" to promote anti-vax views, suggest [Canadian] doctors are conspiring to harm [patients] or encourage use of a non-indicated drug.**

98. Dr. Cohen further made the following defamatory statements to CBC in CBC's August 10, 2020 article: "Ontario doctor subject of complaints after COVID-19 tweets", which article states as follows:

"She is promoting some misinformation that's quite dangerous, especially considering that we are in the middle of a public health crisis," said Cohen, who tweeted her concern at the CPSO, though she did not file a formal complaint.

Cohen said that Gill's tweets are setting the stage for people to reject a vaccine that could be very helpful.

99. Dr. Cohen, along with Dr. Nataros, is featured on CBC's video news story "Complaints filed against Ontario doctor after COVID-19 tweets", dated August 10, 2020. This video news story has been posted on Youtube.com. On Youtube.com alone it had 40,000 views as of November 2020. In this video Dr. Cohen makes the following statements:

"I was shocked when I first saw the tweet.. To start fermenting distrust about a vaccine now before one has arrived is quite dangerous. You are setting the stage for people to reject a vaccine."

100. All these statements by Dr. Cohen, were false, malicious, without justification, and constituted irresponsible journalism/publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is

knowingly spreading “misinformation” (False Information) is “anti-vaccination”, is “promoting anti-science conspiracy theories”, and is a “conspiracy theorist”, “Extremist crank”, “anti-science”, “harmful to the profession”, “harmful to the public”, all of which statements were meant to call into question her mental stability, her professional competence, as well as endangered the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and distorted her statements out of context. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

101. The comments were further laced with sexist, misogynist, and racially overt overtures.
102. All the comments are further laced with innuendo of incompetence based on racial bias.
103. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

- *Dr. Alex Nataros' Defamatory Statements*

104. Dr. Alex Nataros has 498 followers on his Twitter platform under the handle @alexnatarosMD, including many medical practitioners.
105. Dr. Alex Nataros published and disseminated the following defamatory statements against Dr. Gill on Twitter using the handle @alexnatarosMD, as follows:

(a) On August 6, 2020:

Is @cpso\_ca aware of this? Re: HCQ this is an egregious spread of #misinformation that threatens Ontarian/Canadian lives #COVID19.

@dockaurG either account hacked or needs to retract this forcefully. We walk a very tenuous border.

[Embeds Andre Picard's August 6, 2020 tweet:

It's quite shocking to see a Canadian physician leader @dockaurG saying we don't need a coronavirus vaccine, we just need t-cell immunity, hydroxychloroquine and "the truth".

[which Embeds Dr. Kulvinder Kaur Gill's August 4<sup>th</sup> 6, 2020 tweet:

If you have not yet figured out that we don't need a vaccine, you are not paying attention]

(b) On August 6, 2020:

I encourage @cpso\_ca registrants incl @janephilpott @IrfanDhalla @DavidJuurlink to consider reporting @dockaurG - can email [fr@cpso.on.ca](mailto:fr@cpso.on.ca) to **consider reporting @dockaurG**.

We cannot tolerate **such blatant spread harmful misinformation-threatens credibility of our profession/health of our patients**.

[Dr. Nataros then attaches his own complaint letter, which states:

Dear CPSO,

As a CPSBC- registrant full service family physician clinic/hospital with 1500 patient practice, **I am shocked this morning to see the misinformation spread by one of your registrants during this COVID-19 global pandemic** - see twitter screenshots below re Dr. Kulvinder Kaur

**This is a threat to my own patients' health and, I imagine, to the health of Ontarians within your jurisdiction.**

I respectfully ask that you investigate.

(c) And further on August 6, 2020:

Completely agree #IStandWithPicard...**but can we put "physician leader" in rightful quotations – today's unanimous consensus of #MedTwitter is clear this @dockaurGMD ain't a leader among peers.**

(d) On August 10, 2020:

Hopefully @cpso sets a clear precedent during this unprecedented #COVID19 pandemic:



**Licensed physicians should not be peddling #misinformation #infodemic**  
 @CaulfieldTim@picardonhealth @DocMCohen @viemomdoc  
 @awruddiman#BlockedByKKG #IStandWithPicard

[attaches youtube.com publication “complaints filed against Ontario doctor...”]

(e) On August 10, 2020:

**The only person “cancelling” anyone is @dockaugG- who didn’t even engage in discussion/debate but mass-blocked along with her side-gig@OnCall4ON #blockedbyKKG**

Don’t confuse free speech w one’s professional responsibility as a licensed physician

(In reply to a tweet asking him to use actual evidence against Dr. Kulvinder Kaur Gill if he believed she was wrong rather than asking that she be cancelled, which would discourage physicians from speaking up when they should be.)

(f) On August 10, 2020:

Hopefully a lesson out of this #BlockedByKKG #IStandwithPicard saga, will include #RateMyMD rate.mds.com is unhelpful +polarizing - see @dockaurG’s rating below.

(g) On August 11, 2020:

**“Because I trust and respect her” this is why @cpso required b/c @dockaurG, for whatever reason, chose to use this accrued trust/respect to spread misinformation during unprecedented #COVID-19 pandemic, as a licensed physician.**

TY@17\_lynda for affirming my point @DocMCohen

(In reply to a comment from Linda\_T supporting Dr. Kaur Kulvinder Gill, and stating that she trusts and respects Dr. Gill.)

(h) On August 22 in reply to Dr. Cohen:

**Nice one, aint nobody got time for #misinformation#infodemic#COVID19  
 Misinformation is killing thousands of innocent people.  
 Don’t be part of the problem.**

The above was in reply to Dr. Cohen’s tweet:

Glad to speak to @Katie Nicholson about the danger of using an MD title and a large platform to promote misinfo. Thanks to @alexnatarosMD, @picardonhealth, @DrJenGunter, and @CaulfieldTim for exposing this issue and taking a stand for #SciComm.

[Attaches CBC news story re: complaint of Dr. Kulvinder Kaur Gill]

(i) On September 24<sup>th</sup>, 2020:

For Sure. I took responsibility for my colleague's misconduct and reported them – not an action I took lightly, and not something I wanted to do:

Cbc.ca/news/Canada/to...

I hope nurses would have the willingness to do the same in a parallel situation.

[attaches August 10, 2020 CBC article.]

(j) On September 24, 2020:

Correct. And, to the same extent they threaten public health thru their conduct, then they should be held accountable by their regulatory college and colleagues:

[attaches CBC article, dated August 10, 2020]

(this tweet was in reply to comment by ShrimptheSkammer who wrote: Many physicians are strongly pro-vaccine, pro-science. But the rest do a major disservice to public health and their Colleagues'/College reputation).

(k) On September 24<sup>th</sup>, 2020, when a commenter told Dr. Nataros to remove his tweets,

advised him of the Professional Guideline Social Media “Section 6: Maintain Professional and respectful relationship with colleagues... defamatory statements published online, and told him his statements could be subject to a libel and slander suit.

In response Dr. Nataros stated:

I am appropriately confident in my patient care and social media conduct.

106. Dr. Nataros, along with Dr. Cohen, is featured on CBC's video news story “Complaints filed against Ontario doctor after COVID-19 tweets”, dated August 10, 2020. This video news story

has been posted on Youtube.com. On Youtube.com alone the video had 40,000 views as of November 2020. In this video Dr. Nataros makes the following statements about Dr. Gill:

This is a threat to me and my practice and my professional integrity here in British Columbia. It is a threat to my 15,000 patients to have a Canadian licensed physician promoting misinformation that is harmful.

107. On October 21, 2020 after Dr. Terry Polevoy, inappropriately, posted his s.5 Libel and Slander Notice on Twitter, Dr. Nataros responded by continued to encourage others to have Dr. Gill professionally disciplined, as follows:

Wow sorry to read you are facing this @TerryPolevoy no I have received no such notice; the letter is v Rich... I'll support however able as appropriate... **still awaiting @epso\_ca follow-up cc: @DocMCohen@KatieNicholson @picardonhealth@alandrummond2**

And further stated:

**This is shameful/unprofessional by Dr. Gill- no MD deserves these legal threats least of all during #COVID19 - I hope @epso\_ca takes notice+promptly addresses their mandate+my original letter sent Aug 6/2020@picardonhealth@CaulfieldTim @DocMCohen@alandrummond2**

[reposts Dr. Nataros' original defamatory post-dated, August 6, 2020]

108. All the above statements by Dr. Nataros were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her that she was knowingly spreading "misinformation" (False Information) and explicitly and by innuendo called into question her mental stability, her professional competence, and suggested that she was/is endangering the lives of her patients and others and "killing thousands of innocent people".

109. Dr. Nataros demonstrates malice by posting his complaint to the College of Physicians and Surgeons, providing a template to submit a complaint to the College of Physicians and Surgeons, and encouraging others to also submit complaints.
110. The comments were further laced with sexist, misogynist, and racially overt overtures.
111. All the comments were further laced with innuendo of incompetence based on racial bias.
112. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
113. The above-quoted statements, are further malicious in that Dr. Nataros orchestrated and encouraged the public and other doctors across Canada to lodge a complaint against Dr. Gill, gave them a template to do so, and distributed the complaint across his social media platforms.

- *Dr. Nadia Alam's Defamatory Statements*

114. Dr. Nadia Alam is the President of the Ontario Medical Association, and has 11,000 followers following her twitter platform @DocSchmadia.
115. Dr. Alam published and disseminated the following defamatory comments against Dr. Gill, to her 11,000 followers, as follows:

(a) On August 6, 2020

#IStandWithPicard

Doctors. Journalists. Teachers. Govt. Everyone.

The evidence on hydroxychloroquine is shaky. The need for #COVID19 vaccine is real- even if the ability to produce it is uncertain.

#InThisTogether

[and she posts Andre Picard's August 6, 2020 tweet:

It's quite shocking to see a Canadian Physician....]

116. This statement, and the statements of Andre Picard that Dr. Alam assumed, in using the #IStandWithPicard hashtag, were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that Dr. Gill was/is knowingly spreading “misinformation” (False Information) is “anti-vaccination”, and is a “conspiracy theorist”, calling into question her mental stability, her professional competence, as well as endangering the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and distorted out of context. Her statements are reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an “anti-vaxer”, a “conspiracy theorist”, “anti-science”, nor any of the falsely malicious labels attributed to her.
117. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
118. The above-quoted statements, explicit content, and innuendo of these statements further demonstrate malice, as they are an extension of her calculated attack against Dr. Gill, as demonstrated by her earlier defamatory and dishonest conduct concerning Dr. Maciver.

- *Dr. Ian Schwartz' Defamatory Comments*

119. Dr. Ian Schwartz, Infectious Disease Specialist, University of Ottawa published and disseminated the following defamatory statements against Dr. Gill on Twitter, to his 19,800 follows on his Twitter account, @GermHunterMD, which posts were widely disseminated, as follows:

(a) On July 22, 2020:

Apparently **“T-Cell Immunity” is the new rallying cry for anti-science plague that many more people are immune than measures in serosurveys** (which measure antibodies, i.e. B cell immunity)

And further tweeted:

Case in point:

[and posted Kulvinder Kaur's tweet: “T-cell immunity, T-cell immunity, t-cell immunity...”]

(b) On August 6, 2020 in response to Andre Picard statements that he was being trolled because he “dared suggest a #coronavirus vaccine would be a good thing”, said:

**Yes, her army of despicables also attacked me last week when I called her out for her anti-science stance** (while using “Concerned Ontario Doctors” as a platform for her fringe opinions).

(c) On August 6, 2020, in response to a comment from Jo Kennelly indicating that the vaccine creation process and T-cell natural immunity were not mutually exclusive in Dr. Plummer's eyes:

Except it pains me that she uses [Dr. Plummer's] good name in vain **to support her anti-science opinions.**

(d) On August 10, 2020:

Ontario Doctor subject of complaints after COVID-19 Tweet  
[posts CBC article, dated August 10, 2020]

(e) And then further states on August 10, 2020:

This pediatrician has consistently espoused misinformation & Conspiracy theories at a time when trust in our profession is critically important. She accuses all who call her out of bigotry & corruption & hides behind summer student experience in a respected lab.

120. These statements are false, malicious, without justification, and constitute irresponsible publication, which was intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her that she was/is knowingly spreading “anti-science opinions”, is “anti-vaccination”, and is a “conspiracy theorist”, calling into question her mental stability, her professional competence, and suggests that she was/is endangering the lives of her patients and others. The statements were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and which were distorted out of context.
121. The comments were further laced with sexist, misogynist, and racially overt overtures.
122. All the comments were further laced with innuendo of incompetence based on racial bias.
123. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

- *Dr. Abdu Sharkawy’s Defamatory Publications*

124. Dr. Abdu Sharkaway published the following defamatory statements about Dr. Gill on his Twitter platform, @SharkawyMD, to his approximate 16,700 followers:

(a) On August, 6, 2020:

@dockaurG Curious...who exactly are the “concerned Doctors of Ontario” and do they espouse your views? **The rest of us Ontario MDs are quite “concerned” that you are spreading very dangerous misinformation that will cost lives #accountability**

[reposting Andre Picard's August 6, 2020 tweet, "It's quite shocking..."]

125. These statements were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading "misinformation" (False Information) calling into question her mental stability, her professional competence, as well as endangering the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and distorted out of context. Her statements are reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.
126. The comments were further laced with sexist, misogynist, and racially overt overtures.
127. All the comments are further laced with innuendo of incompetence based on racial bias.
128. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

- *Dr. Andrew Boozary's Defamatory Publications*

129. Dr. Andrew Boozary, published and disseminated the following defamatory statements against Dr. Gill on his Twitter platform, @drandrewb, to his approximately 7704 followers as follows:

(a) On August 6, 2020:

**The war on science is real in Canada- maybe ugliest when it comes from our own MD's.**



All indebted for the strength/integrity of science/health journalism as counter force up north.

[attaches Dr. Kulvinder Kaur MDs tweet: if you have not yet figured out that we don't need a vaccine, you are not paying attention #FactsNotFear].

(b) On August 7, 2020

#IstandWithPicard – we all do. Hate only seems to fuel the bots will just continue to send love/strength to Andre/seven nation army of science at the front line. Trust in science and each other going to get us thru [sic]

(c) On August 9, 2020:

Being blocked by @dockaurG a badge of honour **sure but unsettling/win for misinformation that there's still an MD platform of >20k followers amplifying anti-science/anti-vax harm.**

130. These statements were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading “misinformation” is “anti-vaccination”, and is a “conspiracy theorist”, and “committing a war on science”. These statements call into question her mental stability, her professional competence, and suggest that she was/is endangering the lives of her patients and others. The statements attributed to Dr. Gill were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and which statements were distorted out of context.

131. The comments were further laced with sexist, misogynist, and racially overt overtures.

132. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

133. The above-quoted statements, explicit content, and innuendo of these statements are false, malicious and defamatory and further constitute irresponsible journalism.

- *Andrew Fraser's Defamatory Statements*

134. Andrew Fraser posted the following defamatory statements about Dr. Gill on Twitter:

(a) On October 1, 2020:

Can [Dr. Gill] please stop with this herd immunity garbage? What proportion of the population is seropositive at this stage in your opinion? 80%? Or below 5%? **This is simply lunatic stuff. I can't believe you are qualified as an MD.**

And, in response to Dr. Martin Kulldorff, who commented:

Dear Andy, Kulvinder is correct. More importantly it is beneath you to comment in such an uncivilized manner tarnishing the reputation of @UofT, a very fine university. Nor is it the way to maintain the publics(sic) trust in science and scientists:

Andrew Fraser replied as follows:

[copying the CBC article dated August 10, 2020]

Let's at least agree that there is a substantial history here of **Kulvinder pushing fact-free COVID myths.**

**I also had anonymous threats to my personal email account for pointing out her skews and misrepresentations. Not the behaviour of a reasonable person I would say.**

And then Andrew Fraser continued to attack and defame Dr. Martin Kulldorff.

(b) And on October 4, 2020:

**Dr Gill was previously reprimanded for spreading untruths about COVID. She was pushing HCQ and suggested vaccine was unnecessary. She suggests that the low deaths SO FAR in Ontario's 2<sup>ND</sup> wave is due to herd immunity...nonsensical as I said. I stand by my condemnation of her views.**

(c) And on October 5, 2020:

**The reason I pushed back hard against her fact-free tweets is that this is the second time she is spreading harmful and dangerous views. Last time she**

**was forced to retract her tweets. It is disgraceful that an MD continues to push illogical and wrong views during a pandemic.**

(d) An on October 12<sup>th</sup>, 2020:

**Thank you Marco! I feel it is our responsibility as academics to try to push back against dangerous and wrong views that encourage complacency and a false sense of security during this pandemic. If this was the first time Dr. Gill had done this, it could be a mistake. It wasn't.**

135. These statements were false, uttered with malice, without justification and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. Dr. Gill is a competent and highly regarded physician. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading “misinformation”, and is a “conspiracy theorist”, “lunatic”, “spreader of harmful information and dangerous views” with “illogical and wrong views”, an “anti-vaxer”, “anti-science”, a pusher of “fact-free myths”. These defamatory statements were intended to call into question her mental stability, her professional competence, as well as suggest that she was/is endangering the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and which distorted statements out of context. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world..
136. Mr. Fraser falsely insinuated that Dr. Gill sent him threatening emails and that Dr. Gill was “previously reprimanded” for her views on COVID-19, all of which is untrue.
137. The comments were laced with sexist, misogynist, and racially overt overtures.
138. All the comments were further laced with innuendo of incompetence based on racial bias.

139. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

- *Marco Prado's Defamatory Statements*

140. Marco Prado, after adopting Andrew Fraser's statements, published the following defamatory statements about Dr. Gill on Twitter.

(a) On October 4, 2020:

**I have no patience with conspiracy theory defenders.** My family lives in Brazil. Many people they know had major issues because of COVID19 and were in the hospital. Some died. **You are right, stay strong and keep pushing for scientific facts Andy!**

141. Marco Prado's statements, as well as the Andrew Fraser's statements which he adopts, were false, uttered with malice, without justification and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her through vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading conspiracy theories, and is a "conspiracy theorist", "anti-vaxer", and "anti-science". These defamatory statements were intended to call into question her mental stability, her professional competence, as well as suggest that she is endangering the lives of her patients and others. The statements were also false and untrue, which have also been maliciously distorted out of context. Her statements were/are reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

142. These tweets and comments have resulted in widespread hate and hostility directed at Dr. Gill.

- *Timothy Caulfield's Defamatory Statements*

143. Timothy Caulfield published the following defamatory statements on Twitter as follows:

(a) On August 10, 2020, in response to Dr. Cohen's tweet about "exposing" Dr. Kulvinder Kaur Gill:

*@docMCohen@katieNicholson and 3 others*

*#GoTeam!*

(b) On August 6, 2020:

*Incredible. A leading MD spreading #misinformation about vaccines and value of lockdown? Pushing disproven #Hydroxychloroquine?*

*She has already blocked me (preemptive?), so we can't see all. Will @cpso.ca explore? She's involved (leads?) "Concerned Ontario Doctors".*

(c) On August 6, 2020 Timothy Caulfield also re-posted multiple tweets by Dr. Kulvinder Kaur Gill, and writing WTF? ("What the Fuck") in big letters on top of the images of her tweets.

144. These comments were completely unprovoked. Dr. Gill had not engaged or interacted with Timothy Caulfield ever.

145. These statements were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she is knowingly spreading "misinformation" (False Information), and is a "conspiracy theorist", calling into question her mental stability, her professional competence, as well as suggested that she was endangering the lives of her patients

and others. The statements were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and were distorted out of context. Dr. Gill was neither engaged in “misinformation” nor “pushing” any drugs or medication. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by the good portion(s) of the scientific and medical community around the world.

146. The comments were further laced with sexist, misogynist, and racially overt overtures.
147. All the comments were further laced with innuendo of incompetence based on racial bias.
148. These comments resulted in widespread hate and hostility directed at Dr. Gill, all as a result of the tweets and statements.
149. Considering that Timothy Caulfield is currently a Trudeau Foundation Mentor and on Trudeau Foundation COVID-19 Impact Committee, as well as on the Royal Society of Canada COVID-19 Task Force, and he received a \$380,000 grant from the Trudeau Government, this undisclosed conflict of interest is one of the indicia which clearly manifests malice against Dr. Gill.

- *Dr. David Jacobs’ Defamatory Statements*

150. Dr. David Jacobs published and disseminated the following defamatory statements about Dr. Gill on Twitter platform, @DrJacobsRad, to his approximately 27,400 followers:

(a) On August 7, 2020:

No, we’re not living through a scandal. We’re living through one of the deadliest pandemics in the last century.

**What is most shocking is a medical doctor pushing conspiracy theories.**

This needs to stop.

[He then attached July 30, 2020 Tweets authored by Kulvinder Kaur Gill ]

(b) On August 10, 2020:

Ontario Doctor subject of complaints after COVID-19 Tweets.

**“It important that physicians recognize the influence they may have on social media, particularly when it comes to public health”**

[attaches CBC article, dated august 10, 2020 about Dr. Kulvinder Kaur Gill]

**The fact that so many people on this thread still believe that the current research supports the use of hydroxychloroquine, when the opposite is true, is exactly why it is so important for physicians to be responsible for what they say on social media.**

(c) On August 12, 2020:

**“As vaccines emerge, there is the further threat that anti-vaccine campaigners will use the platform provided by social media to persuade people not to protect themselves.”**

**Conspiracy theorist are extremely dangerous during a pandemic.**

[attached BBC article “Hundred’s Dead” because of COVID-19 misinformation].

151. These statements were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and, in particular, the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accuse her in statements and innuendo, that she is knowingly spreading “misinformation” and is a “conspiracy theorist”. These statements were intended to call into question her mental stability, her professional competence, as well as suggest that she was/is endangering the lives of her patients and others. The statements were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and distorted out of context. Her statements were

reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

152. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements,

- *Dr. Sajjad Fazel's Defamatory Publications*

153. Dr. Sajjad Fazel published the following defamatory statements about Dr. Gill on Twitter, to his as follows:

(a) On August 6, 2020, in response to Timothy Caulfield's Tweet, dated August 6, 2020

"Incredible. A leading MD spreading misinformation..."

Just like any other profession, unfortunately, **even in medicine you have a few rotten apples. This is why it's crucial to improve evidence-based literacy in the community.**

(b) On August 6, 2020, in response to Dr. Gill's August 6 tweet: "There are always opposing views...":

There is a difference between having opposing views that are backed by evidence and **spreading misinformation.**

(c) On August 6, 2020:

I'll just put this here. #vaccineswork#vaccination#vaccinesforALL  
twitter.com/dockaurG...

[link about vaccines working]

154. These statements were false, uttered with malice, without justification, and irresponsible publication, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted



quotes, Dr. Gill was a competent and highly regarded physician. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading “misinformation” (False Information), and is a “conspiracy theorist”, and is “anti-vaccination”. These statements were intended to call into question her mental stability, her professional competence, as well as suggest she was endangering the lives of her patients and others. The statements were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and distorted out of context. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

155. The comments were further laced with sexist and misogynist overt overtures.
156. All the comments were further laced with innuendo of incompetence.
157. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.

- *Alheli Picazo’s Defamatory Statements*

158. Journalist, Alheli Picazo, published and disseminated the following defamatory statements about Dr. Gill, to her 13,300 followers on Twitter:

(a) On August 6, 2020:

[Dr. Gill’s] behaviour and tweets throughout the pandemic have been **grossly irresponsible**, to say the least. **I would have no faith in her as a doctor for anything.**

[Here Alheli Picazo posted Dr. Kulvinder Gill’s August 4, 2020 tweet “there is absolutely no medical...”, as well as Tristan Bronca’s August 6, 2020 tweet, “the countries top health journalist (accurately)...”]

(b) On August 6, 2020:

This is unprofessional, imo.

[posts Dr. Kulvinder Kaur Gill's tweets, "COVID19 defined by...", "If you're not careful..."]

(c) On August 6, 2020:

**There is an abandonment of science happening here**, she just doesn't seem to be able to recognize the culprit.

[posts Dr. Kulvinder Kaur Gill's August 6, 2020 tweet "My heart is broken..."]

(d) On October 20, 2020:

What's more threatening to Canadians than the re-naming of a building? **Covid denialism and promoting bad science and fringe theories/figures. #cdnpoli**

[posts Dr. Kulvinder Kaur Gill's August 15, 2020 tweet, " HCQ: A Morality Tale"..."]

159. These statements were false, uttered with malice, without justification and constituted irresponsible journalism, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community and, in particular, the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading "misinformation" (False Information), "bad science", is a "denialist, is "grossly irresponsible" and a "conspiracy theorist", calling into question her mental stability, her professional competence, as well as suggesting that she was/is endangering the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her (i.e. denying COVID-19) and which were otherwise distorted out of context. Her statements were reasonable, competent statements, scientifically and

medically based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

160. As a result of these tweets and statements, widespread hate and hostility were directed at Dr. Gill.

- *Bruce Arthur's Defamatory Statements*

161. Bruce Arthur, a Toronto Star journalist, published and disseminated the following defamatory statements about Dr. Gill, to his 144,900 followers of his Twitter account, @Bruce\_Arthur, as follows:

(a) On August 7, 2020:

**I don't boast about being blocked, but this one is a badge of honour, from a Canadian doctor who is spreading dangerous misinformation, and who unleashed a troll farm at @picardonhealth, one of the finest public service journalists in Canada. What a disgrace.**

[Then Dr. Arthur posts a picture of a blocked message from Dr. Kulvinder Kaur Gill]

\*\*\*

Now, let's wait and see which media outlet gives [Dr. Kulvinder Kaur Gill] a platform. It'll be telling.

162. These statements were false, uttered with malice, without justification and constituted irresponsible journalism, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accuse her through vague, yet defamatory, statements and innuendo, that she is knowingly spreading "misinformation" (False Information), and is a "conspiracy theorist", calling into question her mental stability, her professional competence, as well as suggesting that she is endangering the

lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and which were distorted out of context. Her statements were reasonable, competent statements, scientifically and medically based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an “anti-vaxer”, a “conspiracy theorist”, “anti-science”, nor any of the falsely malicious labels attributed to her by Andre Picard, to whom your tweet was also responding and supporting.

163. Bruce Arthur’s suggestion that Dr. Gill “unleashed a troll farm”, in reference to anyone who disagreed with his defamatory statements about Dr. Gill in the twitter thread, was further defamatory, false and malicious.
164. The comments were laced with innuendo of incompetence based on racial, sexist, misogynist bias.
165. These defamatory comments resulted in widespread hate and hostility being directed at Dr. Gill.

- *Tristan Bronca’s Defamatory Statements*

166. Tristan Bronca, Senior Editor for the Medical Post at the time, published the following defamatory statements about Dr. Gill on Twitter:

(a) On August 6, 2020 Mr. Bronca posted:

**The country’s top health journalist (accurately) points out that this doctor maybe shouldn’t be pushing a drug that is now primarily pushed by conspiracy theorists. She responds with conspiracy minded smear about how he’s in bed with the WHO. Remarkable work.**

[Then Tristan Bronca posted a screenshot of Andre Picard’s August 6, 2020 tweet:

- It's quite shocking to see a Canadian physician leader @docKaurG saying we don't need a #coronavirus vaccine, we just need t-cell immunity, Hydroxychloroquine and "the Truth"

Which posted: Dr. Kulvinder Gill's August 6, 2020 post:  
 #humanity's existing defences against #COVID!( to safely return to normal life now:  
 -the truth  
 -t cell immunity  
 -hydroxychloroquine]

Mr. Bronca then posted Dr. Gill's August 6, 2020 post:

It's quite shocking to see that a journalist with absolutely no medical training is attacking an MD for stating scientific facts. Not surprising given that @picardonhealth is a Pierre Trudeau Foundation Mentor & on its 'Trudeau "COVID-19 impact committee" to drive the political WHO narrative.

167. These statements were false, uttered with malice, without justification and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. Dr. Gill is a competent and highly regarded physician. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was knowingly spreading conspiracy theories, and is a "conspiracy theorist", calling into question, by innuendo, her mental stability, her professional competence, as well as suggests that she is endangering the lives of her patients and others. The statements were also false and untrue, which Tristan Bronca have also maliciously distorted out of context. Dr. Gill's statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an "anti-vaxer", a "conspiracy theorist", "anti-science", nor any of the falsely malicious labels attributed to her.
168. The comments were laced with sexist, misogynist, and racially overt overtures.
169. All the comments were further laced with innuendo of incompetence based on racial bias.

170. These tweets and comments resulted in widespread hate and hostility directed at Dr. Gill.

- *Dr. Terry Polevoy*

171. Dr. Terry Polevoy is a retired Ontario Doctor who retired in or around June 2020. Dr. Polevoy currently runs a website called Quackerywatch.com.

172. Dr. Polevoy published and encouraged the wide dissemination of his defamatory statements about Dr. Gill on Twitter, to his 942 followers on Twitter, as follows:

(a) On August 10, 2020:

Gill has no hospital priveleges[sic]. **Why did our Ontario government spend hundreds of thousands of taxpayers' dollars to train her as a pediatrician, if she sits in her fancy ofes playing her allergy cards?**

(b) On August 10, 2020:

Does she have ANY hospital affiliations? Ontario funded her FOUR YEARS training as a pediatrician. Here are some RateMDs listings

[copies a ratemynd link to Dr. Kulvinder k. Gill, Allergist]

173. These statements were false, malicious, without justification, and constituted irresponsible publication, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. Dr. Gill is a competent and highly regarded physician. These statements falsely and without justification call into question her mental stability, her professional competence, as well attempts to diminish her reputation among her peers. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.

174. The comments were further laced with sexist, misogynist, and racially overt overtures, with innuendo of incompetence based on racial bias.
175. These comments resulted in widespread hate and hostility directed at Dr. Gill, all as a result of the tweets and statements.
176. On October 10, 2020, Dr. Polevoy was served a s.5 Notice of Libel and Slander about his statements and requested that he take the defamatory posts down from Twitter. Instead Dr. Polevoy maliciously published a series of retaliatory tweets:

- (a) On October 21, 2020, Dr. Polevoy publicly posted the following comments via Facebook:

Rocco Galati, a Toronto lawyer, sent me threats of libel and defamation via Canada Post earlier this month on behalf of a pediatrician from Brampton who actively campaigned to use hydroxychloroquine for COVID-19. **The frivolous and vexatious claims made in that threatening letter will be made public very soon. For a taste of what she flaunts, check out YouTube!**

**[Posts August 9, 2020 YouTube video, in which Dr. Cohen and Dr. Nataros describe their complaint against Dr. Gill to the College]**

- (b) On October 21, 2020, on Twitter, Dr. Polevoy posted:

@alexnatariosMD Do you want to see what happened to me after I posted on Twitter about Dr. Kurinder[sic] K Gill last August? Let me know if you have been threatened by her buddy lawyer Galati!

[Here you attached your s.5 Libel and Slander Notice, dated October 10, 2020]

- (c) October 21, 2020, on Twitter, Dr. Polevoy posted:

Threats made by lawyer Rocco Galati on behalf of Kulvinder Gill.

@KatieNicholson I think you might want to investigate the threat of a libel and defamation lawsuit launched by Dr. Kulvinder K Gill. Her lawyer, Rocco Galati, failed to notify me within the required 6 weeks as legally required. I am attaching the threat. It was libelous to me!

[Here he attached his s.5 Libel and Slander Notice, dated October 10, 2020]

(d) On October 21, 2020, on Twitter, Dr. Polevoy posted:

I attached the letter (the s.5 notice letter). Please pass it on.

(e) On October 21, 2020 on Twitter, Dr. Polevoy posted:

Rocco Galati, a lawyer who represents anti-vaccine group just threatened me with a libel and defamation lawsuit if I don't remove posts about a Brampton pediatrician who supported hydroxychloroquine. Please post links to any articles about this.

(f) October 21, 2020, on Twitter, Dr. Polevoy posted:

Rocco Galati's out of line! **A call to regulators are in hand. Enjoy the frivolous and vexatious letter he sent to my old office.**

[Here Dr. Polevoy again attaches his s.5 Notice of Libel and Slander]

(g) On October 23, 2020, Dr. Polevoy publicly tweeted the following:

Ontario pediatrician Kulvinder K Gill, who promoted insane use of hydroxychloroquine earlier this year, has hired a lawyer, Rocco Galati, who has threatened to sue me for libel and defamation this month. Maybe the right-wing media should be health accountable.

(h) On October 23, 2020, **Dr. Polevoy threatened Dr. Gill** as follows:

Rocco Galati threatened me with libel and defamation. Unfortunately for him the notice was by letter that I received on October 21. He needed to do this within 6 weeks of August 10. Threats were frivolous and libelous to me. **Dr. Kulvinder Gill should beware.**

(i) On October 26<sup>th</sup>, 2020 Dr. Polevoy publicly posted on Twitter:

[Dr. Gill] hired a constitutional lawyer to threaten libel lawsuits to MDs who noted **her wacko messaging** on COVID-19 last August. Unfortunately, there's a six week limit on filing. Her lawyer should have known that!

[Then Dr. Polevoy posts the s.5 Libel and Slander Notice that he received, on Twitter]

(j) On October 28<sup>th</sup>, 2020, Dr. Polevoy addressed a tweet to Andre Picard (@picadonhealth)

calling him to write a story about Dr. Gill, as follows:



@picardonhealth is you interested in an important story about threats of libel lawsuits against a number of Canadian doctors made by Dr. Kulvinder Gill? She hired Ontario lawyer Rocco Galati this month with libelous accusations.

- (k) On October 28<sup>th</sup>, 2020, Dr. Polevoy publicly tweeted an address to Dr. Michelle Cohen calling her to contact him to write a story about his libel lawsuit, as follows:

@DocMCohen several Canadian MDs have been threatened with libel lawsuit by Dr. Kulvinder Gill. Please contact me privately if you are interested in this story.

- (l) On October 29, 2020, Dr. Polevoy **threatened Dr. Gill** again, as follows:

Ask Rocco Galati why he threatened numerous people with libel and slander on behalf of Kulvinder Kaur Gill. The threats were egregious, vexatious and frivolous. Both of them needs [sic] to pay attention to the law and health prof. regulations. **Consequences to follow.**

- (m) On October 31, 2020, Dr. Polevoy publicly tweeted in response to multiple journalists, medical professionals, government accounts and public figures (Timothy Caulfield, Adam Caulfield, Andre Picard, Dr. Jonathan N. Stea, Ellic Murray, Dr. Jennifer Kwan, Dr. Michelle Cohen, Health Canada and PHAC, MediaSmarts, Gordon Pennycook, Senator Stan Kutcher, Dr. Imogen R. Coe):

They have the support of lawyer Rocco Galati who has threatened to sue many Canadian doctors who made comments about pediatrician Kulvinder Gill's bizarre support for using hydroxychloroquine to treat COVID-19. If you have received these letters, post here.

[Posts his s.5 Notice of Libel and Slander]

- (n) On October 31, 2020, Dr. Polevoy publicly posted the following:

Why has Rocco Galati threatened doctors across Canada on behalf of Dr. Kulvinder Gill who is a pediatrician and supported hydroxychloroquine against COVID-19? Threats were too little and too late. **Complaints filed with CPSO and LSUC.**

[Attaches his s.5 Notice of Libel and Slander]

177. These social media posts were false, malicious, and without justification, which were intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the above extracted quotes. These tweets proliferated and magnified Dr. Polevoy's original defamatory tweets and resulted in further widespread hate and hostility directed at Dr. Gill the spread of which hate and hostility the tweets directly encouraged. These tweets are further clear, festering, indicia of malice.

- *Dr. John Van Aerde's Defamatory Statements*

178. Dr. John Van Aerde published and disseminated the following defamatory comments about Dr. Gill, to his 1450 followers on Twitter:

(a) On August 6, 2020:

Another Twitter account hacked? I am sorry if that is the case. **But here is another of your tweets attached with unprofessional lies. As a colleague Pediatrician I have to admit that you are dangerous to children. How do you come up with this?** Why don't you quote evidence?

[and Dr. Van Aerde attaches Dr. Gill's Tweet, dated June 24<sup>th</sup>, 2020: "What if I was to tell you..." As well as Andre Picard's August 6, 2020 Tweet: " It's quite shocking to see..." ]

(b) On August 6, 2020:

Requesting @Twitter and @TwitterSupport to remove account of @dockaung for **misinformation against vaccination and in favour of hydroxychloroquine and misrepresenting Canadian physicians.**

(c) On August 6, 2020, on Facebook [this comment on Facebook no longer exists because the original poster has since deleted their post] :

I was blocked too... after I called out **the untruths and supported Andre Picard.** Some of us have requested Twitter to remove her account. She was trained in Western as Pediatrician. **She has tweeted before on bogus treatments,**

**lots of trolls followers.** There is a call for her unprofessionalism to be looked at by cspo. Somebody mentioned she is part of our FB community, and **I suggest for her to be removed for lack of professionalism and scholarship as per CANMEDS2105**

- *Carly Weeks' Defamatory Statements*

179. Journalist, Carly Weeks published the following defamatory comments about Dr. Gill on Twitter:

(a) On August 6, 2020:

André is one of the finest health communicators -- anywhere -- and has done more to help the public understand #COVID19 than anyone in the country. Grateful, as usual, for his no-nonsense takes and the fact **he doesn't hesitate to call out BS when he sees it.**  
**#IstandWithPicard**

[Here you attach Andre Picard's August 6, 2020 defamatory tweets about Dr. Kulvinder Gill, "It's quite shocking..."]

Where the hashtag #IstandWithPicard was in reference to the chain of defamatory statements made about Dr. Gill by Andre Picard.

180. Carly Week's statements were false, uttered with malice, without justification and constituted irresponsible publication, which tend to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quote. These statements, falsely and without justification, and with malice, accused her through vague, yet defamatory, statements and innuendo, that she is knowingly spreading "BS" calling into question her mental stability, her professional competence, as well as suggested that she is endangering the lives of her patients, and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and which were distorted out of context. Her statements were reasonable, competent statements, scientifically and medically-based in evidence, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an "anti-vaxer", a

“conspiracy theorist”, “anti-science”, spreading “mis-information”, nor any of the falsely malicious labels attributed to her by Andre Picard to whom Carly Week’s tweet was responding and supporting, and whose statements she therefore adopted.

181. These comments are laced with innuendo of incompetence based on a racial bias.

182. Widespread hate and hostility have been directed at Dr. Gill all as a result of these tweets and comments, which were subsequently shared and retweeted.

- **Defamatory News Publications**

183. ThePointer.com published the following defamatory statements in their article entitled: “Brampton Doctor Accused of spreading misinformation on COVID-19 cures”, dated August 13, 2020:

In a series of tweets, prominent Brampton Doctor, Kulvinder Gill, **defended the use of a drug promoted by Donald Trump as a cure for COVID-19, despite research that has debunked the false claims.**

She says hydroxychloroquine is effective in the fight against COVID-19, and is now **facing complaints of misleading the public, some of whom might be taking the drug thinking it is helping, because of Gill’s advice.**

....

Gill is also promoting T-cell immunity which is the idea that if people get infected with COVID-19 and build up their immune system to fight the virus it could kick start herd immunity.

184. Dr. David Juurlink, Head of Clinical Pharmacology and Toxicology at the University of Toronto, made the following defamatory statements, which was published in the above-mentioned article:

**“I worry that patients taking that drug on [Dr. Kulvinder Kaur Gill’s] advice are going to be harmed by it, so her advice is dangerous”**

-Quote published in thepointer.com “Brampton Doctor Accused of Spreading Misinformation on COVID-19 Cures”, published on August 13, 2020

185. The statements in this news article were false, malicious, without justification, and irresponsible journalism, which were intended to diminish the good reputation of Dr. Gill, in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she was/is knowingly spreading “misinformation” (False Information), and is a “conspiracy theorist”, calling into question her mental stability, her professional competence, as well as suggested that she was endangering the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and which were distorted out of context. Her statements are reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an “anti-vaxer”, a “conspiracy theorist”, “anti-science”, nor any of the falsely malicious labels attributed to her.
186. The comments were further laced with sexist, misogynist, and racially overt overtures.
187. All the comments were further laced with innuendo of incompetence based on racial bias.
188. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
189. The above-quoted statements, explicit content, and innuendo of this article are false, malicious and defamatory and further constitute irresponsible journalism.
190. The Hamilton Spectator published the following defamatory statements in their article entitled: “Milton doctor under fire for Twitter comments on COVID-19 and hydroxychloroquine”, dated August 12, 2020:

**Milton doctor under fire for Twitter comments on COVID-19 and hydroxychloroquine.**

**A Brampton and Milton doctor is coming under fire on social media after questioning the need for a vaccine for COVID-19 and promoting the malaria drug hydroxychloroquine as an effective treatment for the virus, despite the FDA cautioning against its use outside of hospital and clinical trial settings.**

Dr. Kulvinder Kaur Gill, who has an office on Bovaird Drive in Brampton and another office on Bronte Street South in Milton, is registered as a pediatric physician on the Royal College of Physicians and Surgeons of Canada, according to her profile on the College of Physicians and Surgeons of Ontario (CPSO) website.

In a tweet dated Aug. 4, Gill wrote — “If you have not figured out that we don’t need a vaccine, you are not paying attention. #FactsNotFear.”

And in a tweet on Aug. 1 Gill wrote — “2/@HenryFordnews Hosp: ‘HCQ was indep assoc w/decreased mortality, distinct benefit from steroid effect.’”

Gill, who has nearly 26,000 followers on Twitter, did not return a request for comment from the Brampton Guardian.

Both Dr. Michelle Cohen, from Brighton, Ont., and Dr. Alex Nataros, from Comox Valley, B.C, have spoken out publicly about filing complaints against Gill.

According to CBC, both doctors have filed complaints against Gill.

When asked to confirm whether CPSO has received complaints about Gill, a CPSO spokesperson issued the following statement:

“The CPSO cannot comment on pending complaints against any physicians. If and when an investigation is referred to a discipline committee then allegations become matters of public record and will appear on a physician profile. Similarly, the CPSO will not comment on the conduct of individual physicians not currently facing disciplinary matter.

It’s important that physicians recognize the influence they may have on social media, particularly when it comes to public health. The CPSO believes that questioning the value of vaccinations or countering public health best practices during COVID-19 represents a risk to the public and is not acceptable behaviour. Any public complaints brought forward to us are taken seriously and thoroughly investigated. Physicians who are found to be spreading misleading medical information that may bring harm toward patients can face practice restrictions or suspension for their actions.”

In a Tweet on Aug. 9 Gill wrote — “I will not abide being defamed, whether by journalists, medical professionals or others. I have retained legal counsel and will take action in response to defamatory statement made about me.”

I will not abide being defamed, whether by journalists, medical professionals or others. I have retained legal counsel and will take action in response to defamatory statements made about me.

191. These statements are false, malicious, without justification, and irresponsible journalism, which tend to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quotes. Dr. Gill is a competent and highly regarded physician. These statements falsely and without justification, and with malice, accuse her in vague, yet defamatory, statements and innuendo, that she is knowingly spreading “misinformation” (False Information), and is a “conspiracy theorist”, calling into question her mental stability, her professional competence, as well as endangering the lives of her patients and others. The statements are also false and untrue in that she did not make the statements falsely and maliciously attributed to her and her tweets were distorted out of context in order for the Hamilton Spectator to conclude the bolded statement above. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world.
192. The comments were further laced with sexist, misogynist, and racially overt overtures.
193. All the comments were further laced with innuendo of incompetence based on racial bias.
194. These comments resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
195. The above-quoted statements, explicit content, and innuendo of this article are false, malicious and defamatory and further constitute irresponsible journalism.
196. Radio-Canada published the following defamatory statements in their article titled: “COVID-19 une pédiatre de Brampton censure par Twitter”, on August 10, 2020:

Plusieurs des tweets de la Dre Kulvinder Kaur Gill, pédiatre de Brampton, en Ontario, suggèrent que le système immunitaire humain suffit pour gérer la COVID-19. **Elle y fait aussi la promotion de l'hydroxychloroquine comme traitement.**

...

**Elle fait la promotion de certaines informations erronées qui sont assez dangereuses, d'autant plus que nous sommes au milieu d'une crise de santé publique,** 63erver63 la Dre Cohen, qui a fait part de son inquiétude à l'Ordre des 63erver63s et chirurgiens de l'Ontario, bien qu'elle n'ait pas 63erver de plainte officielle.

La Dre Cohen indique que les gazouillis de Kulvinder Kaur Gill pourraient 63erver de motivation à certaines personnes, qui refuseraient d'être vaccinées.

Which statements not only were mis-paraphrased from the original source article published by CBC, entitled "Ontario Doctor Subject of Complaints After COVID-19 Tweets", dated August 10, 2020, but were negligent, false and malicious.

197. This news article is false, malicious, without justification, and constituted irresponsible journalism, which was intended to diminish the good reputation of Dr. Gill in the fair minds of reasonable members of the community, and in particular the bolded portions of the extracted quote. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory, statements and innuendo, that she is knowingly spreading "misinformation" (False Information), and is a "conspiracy theorist", calling into question her mental stability, her professional competence, as well as suggesting that she was endangering the lives of her patients and others. The statements were also false and untrue in that she did not make the statements falsely and maliciously attributed to her and distorted out of context. Her statements are reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an "anti-vaxer", a "conspiracy theorist", "anti-science", nor any of the falsely malicious labels attributed to her.



198. The comments were further laced with sexist, misogynist, and racially overt overtures.
199. All the comments were further laced with innuendo of incompetence based on racial bias.
200. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
201. The above-quoted statements, explicit content, and innuendo of this article are false, malicious and defamatory and further constitute irresponsible journalism.
202. The above-cited statements, and news-stories, were false, and untrue statements, and further, by innuendo, defamatory and caused damage to the Plaintiff in that they tended to lower the esteem of the Plaintiff in the fair-minded members of the community, which statements were also designed to interfere with her credible reputation for all of which she has, and continues to suffer, considerable damage to reputation for the malicious, untruthful and defamatory statements.
203. These untrue and false statements, and innuendo, were further malicious and published with malicious intent, constituting irresponsible publication, and negligent and malicious investigation in their refusal to portray a balanced story, or seek comment from Dr. Gill.

**C/ September 2018 Defamation Against Dr. Lamba**

204. On September 4, 2018, Dr. Lamba, along with Dr. Gill, was subjected to a vicious, sexist and racist, defamatory attack by Defendant, Dr. Maciver, which attack was completely unprovoked. Dr. Maciver had not met or interacted with either Dr. Gill or Dr. Lamba.
205. At the time the only connection between Dr. Gill and Dr. Lamba was that they were on the Board of Concerned Ontario Doctors and that they were both former delegates of the Ontario

Medical Association. Dr. Gill and Dr. Lamba were the only women of colour on the Board of Concerned Ontario Doctors where all other Board Members were either male and/or white.

206. On September 4, 2018, despite not knowing or interacting with Dr. Gill or Dr. Lamba, Dr. Maciver posted from his Twitter account (@smoothholdfart) the following unprovoked post attacking Dr. Gill and Dr. Lamba:

**"The effing best is that these overpaid but whining corksoakers still have me on their list but have effing blocked me... the Ash and Kulvinder twats..."**,

207. This comment was made to several doctors, was not in response to anything said or done by Dr. Gill or Dr. Lamba.
208. After this tweet was exposed, Dr. Maciver began to harass Dr. Gill and Dr. Lamba, from a different Twitter account owned by him, @vitoMaciver.
209. Later, on September 4, 2020, Dr. Maciver posted as follows:

**"I think, that I'm dead to them. I'm ok debating, but the blocking shit showcases their histrionic selfishness."**

**"and BTFW, this also showcases their lack of the qualities we all expect in a physician, let alone a colleague"**

**"Never said anything at all against either of them personally until this last tweet. They are intolerant, or why would they block a colleague?"**

**"I'm not holding my breath, . Saw them perform at OMA council. They are an intolerant bunch..."**

210. On September 8, 2018, after the tweets were publicly exposed on Twitter, Dr. Maciver tweeted disingenuous "apologies", as follows:

**"Again, I'm quite happy to apologize to Drs. Kaur, and gender issues were not intended. Their attitude with blocking everyone who disagrees with them prevents constructive discussion.**

...

I again apologize for the **poor choice of words** used in a recent tweet, despite **clarification and deleting the tweet with 2 subsequent apologies”**

211. And on September 8, 2018 under his other twitter handle "@vitoMaciver", he tweeted:

I apologised to them unconditionally earlier today, but I don't know if they received the email as I am blocked by them.

212. Dr. Maciver did not apologise to Dr. Gill or Dr. Lamba once.

213. These “apologies”, as quoted above were not actually apologies but rather constituted victim-blaming, where Dr. Maciver tried to justify offensive tweets by blaming the doctors for blocking him after his offensive behaviour and then lies, by claiming he apologized when he did not.

214. Dr. Lamba has not received any email from Dr. Maciver to this day, and he was not, and could not be, blocked from her email, contrary to his statement in his tweet. Moreover, no written apology was ever mailed out by regular mail.

215. Dr. Maciver's statements are false, malicious, without justification, and constitute irresponsible publication, which were intended to diminish the good reputation of Dr. Lamba in the fair minds of reasonable members of the community, particularly the medical community.

216. More than that, Dr. Maciver, holds/held, great influence in the medical community. He was a leader of the Ontario Medical Association, he received the OMA Life Member Award, he served as chair of the OMA section of General Surgery and served as an OMA physician Leader as President of the Ontario Association of General Surgeons. He was a former College examiner and University of Western Ontario Educator.

217. Following Dr. Maciver's defamatory tweets, Dr. Alam, president of the Ontario Medical Association, immediately and maliciously leapt to defend Dr. Maciver and condemn Dr. Gill and Dr. Lamba, in order to retaliate against and condemn Dr. Gill and Dr. Lamba, using her twitter handle @docSchmadia, and she tweeted the following series of tweets:

(a) On September 9<sup>th</sup>, 2018:

So, I spoke with Dr. McIver late last night. **Turns out that he himself realized the comment crossed the line, explained himself, apologized right away on Twitter and twice again yesterday by Twitter and email. I'm unsure why that apology wasn't in CODs now very public commentary castigating him as part of #MeTooMedicine.**

3 apologies and a clear recognition that it was a poor choice of words- I thought that was enough.

(b) On September 9, 2018:

He has indeed apologized. He understands that language like this is unacceptable. He is not on OMA Council.

This again highlights the need OMA Council noted for a process to safely resolve conflicts among physicians. This is where the code of conduct could be helpful. Stay tuned.

(c) On September 9, 2018:

**I don't think that is what he meant by clarification Wendy. I think again it comes down to the words you're used to – he meant “twat” as stupid, not female genitals. And it is used often in the UK. Even a female fam friend, staunch Muslim, and strong feminist uses it. I myself object to its use but I also understand language variance from place to place.**

**I would hesitate to subscribe ill will to him. His apology is sincere.** He knows he should not have tweeted in anger. He should never have used those words. He knows his professionalism is now being questioned. He shows remorse for a thoughtless act.

All of which statements are untrue and insincere and, by innuendo, defend and re-enforce

Dr. Maciver's defamatory and vile remarks against Dr. Lamba.

(d) On September 19, 2018:

Thanks Dr. Mishra. Agree that docs are held to a higher standard.

**This situation was made more complex [because] Drs Gill and Lamba had blocked most Ontario docs so most of us learned about this far after the fact. I spoke to Dr. McIver; by then he had apologized and continued apologizing.**

which, again, blames the victims and support the perpetrators.

218. On October 1, 2018, Dr. Alam then sent a newsletter, as the OMA president, to all 42,000 members of the Ontario Medical Association, which included all physicians and trainees, using her role as OMA in an official communication, and stated:

**I became aware of a recent conflict on Twitter between a male physician and two female physicians that degenerated into offensive language.** I was asked to clarify the OMA's role on the President's Tour, so I want to mention it here.

...

**2. The OMA has not ignored this situation. The two female physicians blocked many physicians, including myself, on social media, so we were and still are prevented from seeing and responding to their tweets and posts.**

**3. The physician who used the inappropriate language has since apologized. He does not hold any positions on OMA Counsel or committees.**

219. Dr. Alam falsely stated that the tweet was as a result of an altercation between Dr. Gill, Dr. Lamba, and Dr. Maciver, that 'degenerated into offensive language', when neither Dr. Gill, nor Dr. Lamba had engaged Dr. Maciver, prior to, or after, his tweet calling them whining corksuckers. Dr. Gill and Dr. Lamba, were never part of this "discussion". The attack was completely unprovoked.
220. Dr. Alam then indicates that Dr. Gill and Dr. Lamba had blocked "many physicians, including myself", in order to change the narrative to suggest that Dr. Gill and Dr. Lamba were inherently to blame for Dr. Maciver's behaviour.
221. Dr. Alam falsely stated and circulated that Dr. Maciver "apologized" to Dr. Gill, without verifying that this was indeed true by speaking to Dr. Gill. It was not true.
222. Dr. Alam further blamed Dr. Gill for not accepting Dr. Maciver's "apology" (which in fact were only statements of victim-blaming as per paragraphs above) and suggests, by innuendo, that the

Plaintiff was somehow to blame by ‘blocking’ individuals (particularly individuals who had been attacking and defaming her) from viewing or commenting on their personal social media platforms.

223. Dr. Alam defended and empowered Dr. Maciver by validating his lies and supporting him publicly, and aligning herself against Dr. Gill, as well as implicitly asking members of the Ontario Medical Association to align against Dr. Gill.
224. On September 10<sup>th</sup>, 2018, Dr. Alam further aggravated the defamation by giving an interview with the Medical Post about the incident.
225. Nowhere, and at no time, did Dr. Alam unconditionally and categorically condemn Dr. Maciver’s comments.
226. All these comments are laced with innuendo of incompetence based on racial bias.
227. These comments have resulted in widespread hate and hostility directed at Dr. Gill all as a result of the tweets and statements.
228. These comments further led to public and professional condemnation against Dr. Gill and Dr. Lamba. Members of the public submitted hate mail/emails/voicemails attacking them for “shaming” Dr. Maciver despite the fact that he “had apologized”.
229. Instead of having the effect of correcting overt misogyny, racism, and sexism, inflicted by powerful members of the profession against vulnerable members, this event had the opposite effect, where the victims were shamed and subjected to public condemnation, particularly by the President of their own Association, who intentionally targeted the Doctors, misrepresented the events, and then circulated her incorrect version of the story to every single member of the Ontario Medical Association.

230. The above-quoted statements, explicit content, and innuendo of these statements are false, malicious and defamatory and further constitute irresponsible publication.

**D/ Dr. Gill's Causes of Action**

• **Defamation and Libel**

231. The Defendants' defamatory statements are false, uttered with malice, without justification and constitute irresponsible publication.

232. These statements falsely and without justification, and with malice, accused her in vague, yet defamatory statements and innuendo, that she was/is knowingly spreading "misinformation" (False Information), and is a "conspiracy theorist", and attempt to calling into question her mental stability, her professional competence, as well as insinuates, both explicitly and by innuendo, that she is endangering the lives of her patients and others.

233. The Defendants' statements are also false and untrue in they distort her words out of context, falsely attributes words or meaning to her statements.

234. The Defendants label Dr. Gill as an anti-vaxer, when she is in fact pro-vaccination. She has always been pro-vaccination, which she indicates on her website.

235. The Defendants label Dr Gill as a "conspiracy theorist", when her statements are in fact grounded in scientific research.

236. The Defendants label Dr. Gill as "anti-science", when Dr. Gill was actually trying to shed light on scientific research that was being ignored by the governments and media, and where Dr. Gill has been fighting for transparency with respect to scientific research both in requesting for transparency with respect to the scientific research backing government action and scientific research in contradiction to the current government narrative.





237. Her statements were reasonable, competent statements, scientifically and medically-based, shared and supported, independently, by good portion(s) of the scientific and medical community around the world. Dr. Gill is further NOT: an “anti-vaxer”, a “conspiracy theorist”, “anti-science”, nor any of the falsely malicious labels attributed to her.
238. Instead of opposing Dr. Gill’s arguments with opinion backed by their own research, the Defendants attacked Dr. Gill personally and maliciously, in order to discredit the person, rather than the science Dr. Gill was attempting to discuss.
239. The Defendants were individually served with notices of Libel and Slander.
240. Defendants Dr. Terry Polevoy and Dr. Nataros were both given courtesy s.5 Libel and Slander Notices, notwithstanding the fact that their defamatory comments were published on Twitter and therefore no notice under the Libel and Slander Act was required.
241. Dr. Polevoy and Dr. Nataros, but particularly Dr. Polevoy, upon receiving their Libel and Slander Notices, through malicious intent, and obtuse and obstinate non-remorse, aggravated and magnified the defamation by publishing their notices on Twitter and further maligning and defaming not only Dr. Gill, but her lawyer, as described above.

- **Malice**

242. The Plaintiffs state and the fact is that all the individual Defendants exhibited malice in their statements including and not restricted to the following:
- (a) Their comments were not a direct scientific response, but rather were maliciously derogatory, misogynist, and racist response;
  - (b) The very fact that the Defendants overly aroused and stirred the Twitter membership at large, to gang up and to report the Plaintiff, not based on a scientific basis, nor response, but rather on their own bias, and baseless conclusions;

- (c) The over-the-top and aggravated and festering response after receipt of their s.5 Notices, which proliferated and magnified their defamatory tweets;
- (d) The total disregard and breach of their own oath to be civil and respect their own professional Code of Conduct, particularly with their colleagues.

- **Conspiracy**

243. The Plaintiff, Dr. Gill, further states that all the personal Defendants, by virtue of their statements, actions, and exercise of their office, both public and private, engaged in an actionable conspiracy through their conduct, communication, agreement, and functions of their intertwined respective public and private offices. The Defendants, knowingly and unknowingly, intentionally and unintentionally, as outlined, *inter alia*, by the Supreme Court of Canada in the test set out in *Hunt v. Carey* and jurisprudence cited therein, have and continue to:

- (a) engaged in an agreement for the use of lawful and/or unlawful means, and conduct, the predominant purpose of which was to cause injury to the Plaintiff, by contriving to interfere with the Plaintiff's economic and professional interests, as well as to damage her reputation, and as otherwise set out above in the within statement of claim; and/or
- (b) And by lawful or by unlawful means, they knew or ought to have known it would injure the Plaintiff.

244. The indicia of the conspiracy with respect to Dr. Gill is, but not limited to, the following:

- (a) All the Defendant members of the conspiracy were in communication with each other on Twitter and encouraged others to defame the Plaintiff on same platform with the unlawful aim of injury to the Plaintiff;
- (b) They encouraged each other and members of the profession and public, to lodge a College complaint against Dr. Gill;

(c) They encouraged members of the public and of the profession to publicly condemn Dr. Gill and seek media attention;

(d) They jointly contrived to bring the media attention to Dr. Gill to further cause injury to Dr. Gill.

245. The Plaintiff, Dr. Gill, states and the fact is that the individual Defendants, like a pack of hyenas, attempted, and in fact coordinated, a circling of the Plaintiff, to literally destroy her career and reputation which agreement was express, implied, and overtly obvious.

246. The online twitter attacks and drumming of the complaints against Dr. Gill to the CPSO, from the public and physicians in early August 2020, was actively co-ordinated and maliciously orchestrated by several physicians from a private Facebook group of more than 20,000 on August 6th, 2020. Many were motivated by opposing political views and were set on “cancelling” Dr. Gill. Others were seeking vengeful reprisal of Dr. Gill for the College’s discipline of Dr. Angus Maciver for unprovoked, targeted and vulgar online sexual harassment. The vengeful reprisal and defamation was planned on the private Facebook group for a co-ordinated attack of Dr. Gill on Twitter and select physicians maliciously encouraged other physicians to file complaints to the CPSO, encouraged other physicians to cancel Dr. Gill by reporting to her to Twitter to have her account shut down, and encouraged other physicians not to refer patients, thereby threatening her livelihood by libellously labelling her as an “anti-vaxxer”, “anti-science”, “spreading misinformation”, “conspiracy theorist”, “dangerous”, “right wing”, “conservative”, “anti-euthanasia”, “unprofessional” “controversial”. These doctors then further published Dr. Gill’s CPSO number along with directions to the Ontario College of Physicians and Surgeons College, with specific campaign to the public at large, and encouragement to complain about Dr. Gill.

247. Meanwhile the social media backlash has sky-rocketed the damage against the Plaintiff. This social media backlash, which is not subject to any review or regulation, has been severe, and allowed the Defendants' comments to be widely circulated, from seemingly credible sources, such as CBC news.

248. The online list of tweets, re-tweets, shares, comments, etc., between people's personal accounts, and their work accounts, and their friends, is extensive.

249. These comments and actions by the Defendants caused actionable harm.

- **The Defendant Doctors' Personal and Professional Negligence**

250. The fact is, the Defendant Doctors are breach of their duty of care by defaming and attacking Dr. Gill and maliciously calling into question Dr. Gill's professional competence in order to label the Plaintiff "anti-science" or spreading "misinformation", as well as other defamatory labels, despite having access to information which scientifically ground Dr. Gill's statements on Twitter.

251. The Defendant doctors, by taking the initiative to launch serious and debilitating attacks against a fellow doctor, to the media and general public, with the intent that the media circulate their tortious allegations, as well as with the intent to have the Plaintiff professionally disciplined, in the face of evidence to the contrary available to these doctors, these doctors were acting in bad faith, and with malice, in order to destroy the Plaintiff's reputation. The Defendant doctors were further negligent in making their accusations and representations, and had a duty of care, particularly to a fellow-doctor, not only to make competent investigation, but also contact the Plaintiff for more information prior to making their defamatory statements, which duty of care was breached and directly caused damages to the Plaintiff.

252. The Defendants' statements, both explicit and by innuendo, were defamatory and caused damage to the Plaintiff in that they were intended to lower the esteem of the Plaintiff, in the fair-minded members of the community.

253. These untrue and false statements were further malicious, irresponsible, negligent, and uttered with malicious intent, in that:

- (a) the Defendants took no steps, and refused to take steps, to inform themselves of the matter, from publicly available documents, to which the Plaintiff referred to in her tweets, before making their statements;
- (b) the Defendants expressly and by innuendo, state that the Plaintiff is/was "misleading or endangering the community" due to "misinformation", "anti-science", etc.;
- (c) the Defendants did not investigate the science behind Dr. Gill's statements before making their statements.

254. The Doctor Defendants, as doctors, are further liable in negligence in that:

- (a) they owe a general, and a special duty of care, as set out in protocol, when making allegations of incompetence and/or wrong-doing by a fellow doctor to give that doctor an opportunity to respond before making those allegations, expressed or by innuendo;
  - (b) they linked and reposted the defamatory statements of others against a fellow-doctor, without *any*, let alone competent, investigation of the issues;
  - (c) that all the doctor Defendants had a general, and particular, duty of care to the Plaintiff;
  - (d) that all the doctor Defendants breached that duty of care;
  - (e) the Defendant doctors had a further duty of care to act in accordance with their own professional Code of Conduct, and, by their actions, they breached that code of conduct;
- and

(f) as a result of the breach(es) the Plaintiff has suffered extensive damages.

- **The Media Defendants' Negligence**

255. The Plaintiff states that the Defendant news publications, owe a common-law, and statutory duty of care to the Plaintiffs, to fairly, independently, objectively report, and engage in responsible journalism, on the news and current affairs, and the Plaintiffs further state that:

(a) the Defendant news publications breached that duty of care; and

(b) as a result of the breach of that duty of care, the Plaintiffs suffered damages.

256. The Plaintiff states and the fact is, this duty was breached by the Defendant news publications' acts and omissions, including **inter alia**, the following:

(a) The Defendant news publications has done **no** independent investigation, nor asked any questions, on the scientific or medical basis of t-cell immunity, hydroxychloroquine, and etc., but simply parrots the government line, and has not investigated, exposed, nor published the avalanche of Canadian and World experts who firmly hold an opposite view, and severe criticism of the measures, nor put those criticism to the Plaintiffs for response;

(b) The Defendant news publications did not contact the Plaintiff for comment.

257. The Plaintiff states, and the fact is, that Defendant news publications have breached its duty of care to the Plaintiff, and has not acted in a fair, independent, objective, and responsible manner, but has acted in a manner more akin to a propagandistic state news agency serving a dictatorial regime.

- **The Damages To Dr. Gill**

258. The actions of all the Defendants have directly resulted in the following:

(a) the loss of the Plaintiff's reputation across the Plaintiff's professional and private life:

- (b) the loss of future earnings from lost patient referrals;
- (c) the loss of future career opportunities;
- (d) personal anguish, humiliation, shame, and suffering as a result of the Defendants' intentional infliction of emotion harm.

**E/ Dr. Lamba and Dr. Gill's Causes of Action with respect to Dr. Maciver's and Dr. Alam's September 2018 (and continuing) Conduct**

- **Defamation and Malice**

- 259. Dr. Maciver's statements were false, malicious, without justification, and constitute irresponsible publication, which were intended to diminish the good reputation of Dr. Gill and Dr. Lamba in the fair minds of reasonable members of the community, particularly the medical community.
- 260. Dr. Maciver further victim-blamed both doctors for blocking him after his offensive behaviour.
- 261. All these comments are laced with innuendo of incompetence based on racial and sexist basis, where Dr. Maciver specifically and offensively targeted the two south Asian women on the Concerned Ontario Doctor's Board, the only doctors on the Board at the time who were women of colour, with sexist and racial slurs.
- 262. Dr. Alam defended and empowered Dr. Maciver by validating his lies and supporting him publicly, as well as specifically to the medical community in her internal messaging to the Ontario Medical Association, where she aligned herself against Dr. Gill and Dr. Lamba, and explicitly, and by innuendo, asked members of the Ontario Medical Association to align themselves against Dr. Gill and Dr. Lamba.
- 263. Dr. Alam further blamed Dr. Lamba and Dr. Gill for not accepting Dr. Maciver's "apology" (which in fact were only statements of victim-blaming as per paragraphs above) and suggests, by

- innuendo, that the Plaintiffs were somehow to blame by ‘blocking’ individuals from viewing or commenting on their personal social medial platforms.
264. Dr. Alam falsely stated and circulated that Dr. Maciver “apologized” to Dr. Gill and Dr. Lamba, without verifying that this was indeed true by speaking to either Dr. Gill or Dr. Lamba. It was not true.
265. On September 10<sup>th</sup>, 2018, Dr. Alam further aggravated the defamation by giving an interview with the Medical Post about the incident.
266. These comments have resulted in widespread hate and hostility directed at both Dr. Gill and Dr. Lamba all as a result of the tweets and statements.
267. The above-quoted statements, explicit content, and innuendo of these statements are false, malicious and defamatory and further constitute irresponsible publication.
268. Dr. Maciver’s statements are false, malicious, without justification, and constitute irresponsible publication, which were intended to diminish the good reputation of Dr. Gill and Dr. Lamba in the fair minds of reasonable members of the community, particularly the medical community.
269. Dr. Alam falsely states and circulates that Dr. Maciver “apologized” to Dr. Gill and Dr. Lamba, without verifying that this was indeed true by speaking to either Dr. Gill or Dr. Lamba. It was not true.
270. Dr. Alam further blamed Dr. Lamba and Dr. Gill for not accepting Dr. Maciver’s “apology” (which in fact were only statements of victim-blaming as per paragraphs above) and suggests, by innuendo, that the Plaintiffs were somehow to blame by ‘blocking’ individuals (particularly individuals who had been attacking and defaming Dr. Gill and Dr. Lamba) from viewing or commenting on their personal social medial platforms.



271. Dr. Alam defended and empowered Dr. Maciver by validating his lies and supporting him publicly, and aligning herself against Dr. Gill and Dr. Lamba, as well as implicitly asking members of the Ontario Medical Association to align against Dr. Gill and Dr. Lamba, for having “blocked” those responsible for defaming and attacking them from reviewing their social media platforms.
272. Dr. Alam demonstrated malice when she used her official role as President of Ontario Medical Association, in order to circulate her defamatory remarks, to the over 40,000 Ontario doctors who are members of the association, and who are peers to both Dr. Gill and Dr. Lamba.
273. Dr. Alam exhibited malice in not once unconditionally and categorically condemning Dr. Maciver’s comments.
274. On September 10<sup>th</sup>, 2018, Dr. Alam further aggravated the defamation by giving an interview with the Medical Post about the incident.
275. These comments have resulted in widespread hate and hostility directed at both Dr. Gill and Dr. Lamba all as a result of the tweets and statements.
276. The above-quoted statements, explicit content, and innuendo of these statements are false, malicious and defamatory and further constitute irresponsible publication.

- **The Defendant Doctors’ Personal and Professional Negligence**

277. The fact is, Maciver and Dr. Alam, are in breach of their duty of care.
278. Dr. Alam and Dr. Maciver were negligent in making their conduct and representations and Dr. Gill and Dr. Lamba, and had a duty of care, particularly to fellow-doctors, in that their actions breached their own professional code of conduct, and even more particularly to the Plaintiff doctors’ over whom the Defendant Doctors held leadership rolls.
279. Dr. Alam and Dr. Maciver, as doctors, are further liable in negligence in that:

- (a) they owe a general, and a special duty of care, as set out in protocol, when making representations or remarks about a fellow doctor to the public, and internally to other members of the profession,
- (b) they linked and reposted the defamatory statements of others against a fellow-doctor. without *any*, let alone competent, investigation of the issues;
- (c) that all the doctor Defendants had a general, and particular, duty of care to the Plaintiff;
- (d) that Dr. Maciver and Dr. Alam breached that duty of care;
- (e) That Dr. Maciver and Dr. Alam had a further duty of care to act in accordance with their own professional Code of Conduct, and, by their actions, they breached that code of conduct; and
- (f) as a result of the breach(es) the Plaintiff has suffered extensive damages.

- **The Media Defendants' Negligence**

280. The Plaintiff states that the Medical Post, owed a common-law and statutory duty of care to the Plaintiffs, to fairly, independently, and objectively report and engage in responsible journalism, on the news and current affairs, and the Plaintiffs further state that:

- (a) the Defendant news publications breached that duty of care; and
- (b) as a result of the breach of that duty of care, the Plaintiffs suffered damages.

281. The Plaintiff states and the fact is, this duty was breached by the Defendant news publications' acts and omissions, including **inter alia**, the following:

- (a) The Medical Post did **no** independent investigation, nor sought interview or comment from Dr. Gill or Dr. Lamba, in order to obtain all the facts and perspectives of the *victims* of misogynist, sexist and racists attack against Dr. Gill and Dr. Lamba;
- (b) The Medical Post simply parroted the information provided to the from Dr. Alam;

(c) The Medical Post failed to be independent, objective, and responsible.

282. The Plaintiff states, and the fact is, that Defendant news publications have breached its duty of care to the Plaintiff, and has not acted in a fair, independent, objective, and responsible manner, but has acted in a manner more akin to a propagandistic state news agency serving a dictatorial regime.

• **The Damages To Dr. Gill and Dr. Lamba**

283. The actions of all the Defendants have directly resulted in the following:

- (a) Further defamation, condemnation, and malicious and derogatory sexist, racist and misogynist comments from the public, members of the media, and members of the profession on social media and national news platforms;
- (b) The Plaintiffs were subjected to hate mail sent via regular mail, email, and social media, as well as hateful voice messages sent to their clinics;
- (c) Condemnation, shaming, and distrust and loss of confidence from members of their profession, particularly amongst physicians and medical trainees in Ontario and across Canada;
- (d) Personal anguish and suffering as a result of the Defendants' intentional infliction of emotional harm;

**C/ Liability Of The Defendants**

284. The Plaintiffs state that the above-noted Defendants are jointly and severally liable to the Plaintiffs, for the instances and reasons pleaded above, in Libel and Slander, negligence, in conspiracy, and in breach of the doctor Defendants' professional obligations.

285. The Plaintiff therefore seeks the relief set out in paragraph 1 of this statement of claim.

286. The Plaintiff further pleads any and all documents mentioned in this statement of claim as documents referred to in the pleadings herein.

Dated at Toronto this 9<sup>th</sup> day of December, 2020.



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Lawyer for the Plaintiffs

Court File No.:

Dr. Gill et Al

Plaintiffs

-and-

Dr. Maciver et al

Defendants

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**PROCEEDING COMMENCED AT TORONTO**

**STATEMENT OF CLAIM**

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