

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:



LINDSAY SHEPHERD

Plaintiff

- and -

**NATHAN RAMBUKKANA, ADRIA JOEL, HERBERT PIMLOTT and
WILFRID LAURIER UNIVERSITY**

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 20 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 40 days. If you are served outside Canada and the United States of America, the period is 60 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 10 more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. If

you wish to defend this proceeding but are unable to pay legal fees, legal aid may be available to you by contacting a local legal aid office.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$5,000 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 Plaintiff's 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:

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JUN 11 2018

Issued by


Local Registrar

Address of court office:

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TO: NATHAN RAMBUKKANA
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CLAIM

1. The Plaintiff claims the following against the Defendants, individually, and cumulatively the following:
 - (a) \$500,000.00 for the tort of harassment;
 - (b) \$500,000.00 for the tort of intentional infliction of nervous shock;
 - (c) \$500,000.00 for the tort of negligence;
 - (d) \$100,000.00 for constructive dismissal;
 - (e) Aggravated damages in the amount of \$500,000.00;
 - (f) General damages in the amount of \$500,000.00;
 - (g) Punitive damages in the amount of \$1,000,000.00.
2. The Plaintiff resides in the Town of Waterloo, in the Province of Ontario.
3. The Defendants Herbert Pimlott and Nathan Rambukkana are Professors at the Defendant, Wilfrid Laurier University ("University"). Pimlott was the Coordinator for the Masters Program of the University and Rambukkana, at the relevant time, was the Professor for the course which Shepherd was a Teaching Assistant for. Both had considerable influence over the Plaintiff's employment as a Teaching Assistant and status as a Masters student.

4. The Defendant Adria Joel was, at all relevant times, acting manager of the University's Diversity and Equity Office in charge of "Gender Violence Prevention".
5. The Defendant University is a creature of statute created pursuant to the provisions of the *Wilfrid Laurier Act*.
6. The University is vicariously liable for all of the conduct of the individual defendants referred to herein and, at all relevant times, created an environment supporting and facilitating, acquiescing to and implicitly, and sometimes explicitly, endorsing that conduct.
7. The constituent statute of the University, the *Wilfrid Laurier Act*, 1973, as amended, 2001 and 2016 ("the *Act*"), in providing the fundamental jurisdiction and authority for the University to operate, states, as its object, in Section 4, that the objects of the University are for the pursuit of learning through scholarship, teaching and research **within a spirit of free enquiry and expression** (emphasis mine). The University has no other object and no jurisdiction to operate otherwise.
8. Pursuant to Section 5, Powers of the University, the *Act* further states that "the University has all powers necessary and incidental to the satisfaction and **furtherance of its objects** (emphasis mine) as a University". The constituent statute, creating and empowering the University, provides it with no other power or authority.

9. Shepherd was, at all relevant times, a student in the University's Masters Program pursuing her Masters degree and employed as a Teaching Assistant for a course under Rambukkana and, following that, under Professor Judith Nicholson.
10. As a Teaching Assistant Shepherd supported a class taught by Professor Rambukkana. She was generally responsible for teaching two groups of approximately 25 students, was assigned topics and was entitled, pursuant to the policies of the University and of Rambukkana, to devise her own curriculum. Rambukkana was an indifferent mentor who had only met with Shepherd twice about his course and only then briefly. Ironically, given his complaint against her as delineated below, he provided her with very limited direction as to the content to provide to her students in his classes.
11. The topic for one of her Communication classes, held on November 1, 2017, was grammar. She taught three classes that day. Shepherd introduced the topic of the grammatical correctness of gender-neutral language in the evolution of various languages and, to facilitate discussion on the subject, showed a few minute extract from a TV Ontario Program moderated by Steven Paikin, consisting of a debate between Professor Jordan Peterson of the University of Toronto's Psychology Department and Nicholas Matte, from the University of Toronto's Sexual Diversity Studies Programme.

12. Peterson and Nicolas Matte were debating compelled gender pronouns. Peterson argued against being required to use these new words which, he argued, had not developed organically. Matte took an opposing position.
13. Shortly following that class, Rambukkana ordered her to attend a meeting, the very next day, with himself, Pimlott, the Program Coordinator for the entire Masters Program, and Adria Joel, acting Director of the Diversity and Equity Office. Both Rambukkana and Pimlott had considerable authority over Shepherd's fate at the University. Apparently, so did Joel. Shepherd had never been called into such a meeting. Indeed, Rambukkana, to that point, had barely acknowledged her existence.
14. At this session, all three lambasted Shepherd, viciously attacking her personally, falsely alleging that there had been a complaint or complaints about her tutorial and insisting that, in playing the TV Ontario clip, she had been threatening to her students. Rambukkana ludicrously claimed that her showing this TV Ontario clip breached the Charter of Rights and Freedoms and federal Bill C16, (which does not even govern provincially regulated Universities), created an unsafe learning environment and was illegal. Shepherd was accused of targeting "Trans Folks" even though Shepherd had chosen no side, had, up until that point, disagreed with what she understood to be Peterson's perspective and presented the arguments and the debate neutrally. Rambukkana attacked and slandered Peterson, claiming that he was part of the alt-right and that "playing a clip of Peterson, without first providing

any previous context to the students, was like neutrally playing a speech by Adolph Hitler". Shepherd argued that doing as he asked would be taking sides and that was not her role. She was then further rebuked for taking that position. At various points, during that almost hour long vicious and abusive attack, Shepherd was reduced to tears.

15. Ironically, rather than being a present-day personification of Adolf Hitler, as Rambukkana implied, Jordan Peterson has spent decades educating his students about the evils of the holocaust and specifically, as part of his psychological teachings, he has studied and taught how individuals degenerate ethically to the point where they take part in atrocities.
16. During the meeting, Shepherd was effectively attacked as a protegee and supporter of Peterson. Pimlott continued to libel Peterson explaining that people like him live in a fantasy world of false conspiracy, and accusing Shepherd of being an agent of those ideas because she had neutrally shown this video with its opposing viewpoints. Rambukkana falsely, but imaginatively, claimed that Shepherd herself was targeting people based on their gender identity or gender expression and, in doing so, had violated the Federal Human Rights Code of Bill C16. although Shepherd's conduct was in no way violative of that or of any law.
17. Shepherd asked the individual defendants whether her job as a Teaching Assistant was to shield her students from debate and ideas. Rambukkana asserted that it was

and then accused her of targeting students due to their gender expression and identity. When Shepherd pointed out that she had not taken sides in this debate, the three rebuked her for creating a toxic climate.

18. The three refused to advise Shepherd what the Complaint was or who complained, claiming that even the number of complaints was confidential. As was subsequently ascertained, there had been no Complaint at all.
19. Shepherd protested that she did not understand how her teaching methods constituted any disservice to the University since the ideas in the video were already part of social currency. Joel responded, without any foundation, accusing her of spreading transphobia. Rambukkana added to Joel's attack by essentially comparing her actions to white supremacy.
20. Contrary to the allegations of the Defendants at this meeting, Shepherd conducted herself at this seminar precisely as her role required and singularly represented the principles of the *Wilfrid Laurier University Act*. For this, she was viciously attacked by Rambukkana, Pimlott and Joel. They continued to abuse her even after she began sobbing, accusing Shepherd of causing harm to unnamed students.
21. Shepherd apologized for crying during the meeting pleading, "I am stressed out because to me this is so wrong so wrong" noting that "the very spirit of the University is to challenge ideas that you already have" and reminding them that she had not taken any side or position.

22. The meeting concluded with Shepherd being advised, even after she promised to show no further videos of Peterson, or 'anything of the like' that "she now had to run all of her seminar notes past Rambukkana", to "obtain specific approval for any future clips of anyone that she intended to show" and that Rambukkana might have to sit in on her future classes. She was prohibited from showing any further videos. Finally, they suggested to her that her job might be in jeopardy.
23. The conduct of the Defendants was objectively outrageous and flagrant. They had reckless disregard for the fact that the foreseeable consequences of their conduct would cause Shepherd to suffer emotional stress which it did.
24. There are various policies of the University which constitute a contract between the University and its members, including Shepherd.
25. Article 1.01 of the Procedures Relating to the Prevention of Harassment and Discrimination Policy 6.1 of the University notes that "informal resolution possibilities as well as emotional, academic and departmental supports will be explored". None of this occurred.
26. It also noted in Article 1.02 of the Procedures Relating to the Prevention of Harassment and Discrimination Policy 6.1" that "If the concern falls outside of this policy's jurisdiction, or could be more appropriately dealt with elsewhere, the individual will be referred to the appropriate office". That also did not occur.

27. Under article 3.02 of the Procedures Relating to the Prevention of Harassment and Discrimination Policy 6.1, the Office of Dispute Resolution and Support will determine whether a complaint may go forward. Article 3.04 states that the Office is available to provide guidance on the preparation of a Complaint or a Response to a Complaint. That guidance was not provided to Shepherd.
28. Article 5.01 of the Procedures Relating to the Prevention of Harassment and Discrimination Policy 6.1 states that an investigation may be required when other efforts to resolve the Complaint have not been successful or are not appropriate.
29. In the Complaint by Jackson, referred to below, no other efforts to resolve the Complaint were considered before proceeding to the formal investigation of Shepherd.
30. Article 8.03 of the Procedures Relating to the Prevention of Harassment and Discrimination Policy 6.1 states that Wilfrid Laurier University's Prevention of Discrimination and Harassment Policy is not intended to inhibit academic freedom. It was used by Rambukkana, Joel and Pimlott for precisely that purpose.
31. Article 8.05 of the Procedures Relating to the Prevention of Harassment and Discrimination Policy 6.1 notes that the University may take disciplinary action against those who make allegations of harassment or discrimination which are reckless, malicious or not in good faith. Although Pimlott, Rambukkana and Joel had acted recklessly, maliciously and in bad faith, and it was ultimately determined

by the University that this meeting should never have occurred, no action has been taken by the University against them and Shepherd was provided no protection from their predations.

32. The Prevention of Harassment and Discrimination policy provides, in Article 1.02, that each member of the Campus Community is responsible for helping to create an environment that promotes mutual respect and understanding for the dignity and rights of others. This policy was violated by Rambukkana, Pimlott and Joel.
33. The Prevention of Harassment and Discrimination Policy defines workplace harassment in Article 2.04 as engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome, or workplace harassment.
34. This provision too was violated by Rambukkana, Pimlott and Joel.
35. Article 2.07 of the Prevention of Harassment and Discrimination Policy defines a poisoned environment as “where harassing or discriminatory behaviors are severe and/or pervasive and cause unreasonable interference with a person’s study or work environment, a poisoned environment may be created. A poisoned work or learning environment is one that is intimidating, hostile, and/or offensive. A poisoned environment can rise arise from even a single incident. It may be created by the comments or actions of any person, regardless of his or her status.”

36. Rambukkana, Pimlott and Joel created a poisoned work environment for Shepherd and thereby breached the University's contractual obligations to Shepherd.
37. Article 4.04 of the Prevention of Harassment and Discrimination Policy states that the University will take appropriate steps to fairly investigate and respond to allegations of discrimination and/or harassment in accordance with the procedures relating to this Policy. No such steps were taken. Instead, Shepherd was wrongly attacked by the members of the administration, until public and alumni outcry forced the University to retreat from its position.
38. Following this meeting being publicized, MacLatchy was interviewed on The Agenda by Steven Paikin, the same show which the clip of the debate between Dr. Peterson and Matte was taken from. She was repeatedly asked by Paikin whether Shepherd had done anything wrong by showing this clip from his earlier show. MacLatchy effectively defended the conduct of Rambukkana, Joel and Pimlott. She refused to acknowledge that Shepherd had not acted improperly, despite Paikin's continuing to press her on this.
39. Shepherd had the foresight to tape her inquisition when it began and, after outrage from the public and alumni erupted, the President of the University, Deborah MacLatchy, and Rambukkana, issued apologies. In Rambukkana's forced apology, he continued to lie, still insisting that there had been a Complaint and that he had been doing his duty by addressing it.

40. It was only when public and alumni outrage inexorably grew that MacLatchy was ultimately forced to admit that “what happened to Ms. Shepherd in the meeting was shameful and that the material she showed was entirely appropriate.” This was only after an Investigator found that there had never been any Complaint, formal or informal, and that Rambukkana, Pimlott’s and Joel’s statements to the contrary were false and deceitful.
41. The University admitted in this statement from its President that this meeting never should have happened at all. No formal Complaint, nor even an informal concern relative to University policy, had been registered as to the screening of the video. The President, only when besieged, acknowledged that these errors in judgment were compounded by the misapplication of the University’s policies and procedures, that basic guidelines and best practices on how to appropriately execute the roles and responsibilities of staff and faculty were ignored or not understood, that procedures on how to apply University policies and under what circumstances were not followed and that institutional failure allowed this to happen. The President noted that, as there was institutional failure, the responsibility ultimately started and ended with her. She further acknowledged that Ms. Shepherd was targeted with vitriol by members of the University. MacLatchy admitted that Shepherd was involved in absolutely no wrongdoing and publicly stated that the University was taking action to ensure that this did not occur again, a claim that was and remains entirely false. Shepherd has never received redress of any kind nor has

she been consulted about the input that this treatment has had on her and her career prospects. Instead, she was subjected to continuing abuse and a toxic climate from the University and its representatives as described below.

42. In MacLatchy's apology on November 21, 2017, she states that "supports were in place to support student involvement in a situation who are targeted with extreme vitriol through the situation". Yet she and the University offered Shepherd no such support.
43. In MacLatchy claiming to be troubled by the way "everyone" involved in the situation was targeted with extreme vitriol, she showed the same and equal concern for Shepherd's predators as for Shepherd herself.
44. The President also acknowledged that the rationale for invoking the Gender and Sexual Violence Policy did not exist, that it was misapplied and that this was a significant overreach. Shepherd relies upon McLatchy's admissions herein.
45. MacLatchy claimed that "Laurier is committed to the abiding principles of freedom of speech and freedom of expression". Her conduct throughout entirely betrayed that goal.
46. In Rambukkana's disingenuous apology to Shepherd on November 21, 2017 he stated, "While I still cannot discuss the student concerns raised about the tutorial..." But no student concern had even been raised about the tutorial prior to his and his

co-defendant's bullying on Shepherd. He acknowledged that his meeting with a panel of 3 people would be an intimidating situation for Shepherd and would not have invited a productive discussion.

47. Rambukkana's apology claimed that he "did not do enough to try to support her (Shepherd)" when he did absolutely nothing at all, but instead, attacked her.
48. Following the public outcry, the next time Shepherd met with her students, the Chair of the Department of Communications, Peter Urquhart, attended that tutorial and offered Shepherd's students, but not Shepherd, emotional support, suggesting that they would be welcome to go to the Campus Wellness Centre. He sat the back of the room for the entire tutorial, effectively shutting down any discussion on the issue and undermining Shepherd's role in her classroom.
49. Urquhart proceeded, on behalf of the University, to publicly insult Shepherd. When asked by email by MacLean's Magazine why he appeared in her class on that day, he responded "I assumed she recorded it, why not ask her for the recording?" He then sent MacLean's a second email "Sorry, you're a pro-I should have assumed that you have already heard that particular recording" using his position of power and authority over Shepherd to intimidate and embarrass her. Publicly.
50. Professor Alicia Sliwinski, who Shepherd was taking a Masters course from, asked, in front of the class, for Shepherd to put away her laptop and then said in front of other Masters students that she gave this instruction because she did not want to be

recorded, even when Shepherd assured her that she was not recording the class, further alienating and creating a toxic environment for Shepherd.

51. Following these events, Rambukkana's course ended and Shepherd was assigned to be the Teaching Assistant to Professor Judith Nicholson, a Professor of Communication who had publicly taken a negative position against Shepherd prior to Shepherd being assigned to her.
52. Before that semester even started, Nicholson had signed an open letter supporting Pimlott and Rambukkana. This made the University assigning Shepherd to her tutelage entirely inappropriate, created a poisoned environment for Shepherd and made it impossible for her to succeed. Shepherd's apprehensions about Nicholson's lack of objectivity toward her were quickly borne out.
53. On three occasions during their relatively brief dealings, Nicholson, without provocation, harassed and abused Shepherd, and deliberately created difficulty for her.
54. From the outset of their meeting, Nicholson told Shepherd that it was her "academic freedom", and that no one is permitted to make the University look bad implying that Shepherd had improperly done so.
55. On the second occasion, she sent out a course syllabus with a territorial acknowledgement i.e. a reference to the aboriginal tribe which had once been on the

land which Wilfrid Laurier was on. Shepherd, considering this irrelevant to the syllabus and a ludicrous act of political correctness and virtue signaling, cut out that part of the note and tweeted it, noting that such acknowledgements were now even on the syllabus of University courses. Nicholson demanded, in front of the other Teaching Assistants, that she delete her tweet. When Shepherd protested that all she was tweeting was the University logo with the course name and territorial acknowledgement, Nicholson threatened to take her to the Dean if she did not remove it. Nicholson also absurdly claimed that this territorial acknowledgement was her intellectual property. She proceeded to complain to the Dean about Shepherd's tweet in an attempt to further endanger her position in the University. The Dean informed Nicholson that the acknowledgement was not her intellectual property and called an urgent meeting with the two departments which Shepherd was associated with, the Communication Studies and the Cultural Analysis and Social Theory Departments, at least in part, to discuss these issues. It was clear that, if Shepherd had tweeted positively about the land acknowledgement, she would not have been in difficulty with Nicholson.

56. The third occasion was in March, 2018 when Shepherd needed to reschedule her last class of the year and utilized polling software with a link to available alternate days for her class to fill out their available alternate dates. When Shepherd found times that all of her students were available to meet, she emailed Nicholson to seek her approval for the new dates. Nicholson reprimanded her copying two Deans,

claiming falsely that Shepherd had moved these classes without Nicholson's consent in advance, even though the letter was just such a request and the request on its face, was premised on Nicholson's consent. When Shepherd advised Nicholson that she never had any intention of changing the date without Nicholson's approval, which was why her letter explicitly requested that approval, Nicholson cancelled Shepherd's tutorial entirely. This was despite the fact that alternate dates were available for Shepherd and her students to attend. Nicholson instructed Shepherd's students to attend sessions of the other Teaching Assistants on dates which were largely coincident with dates which Shepherd and her students had arranged. Since this was to have been Shepherd's last class, she never saw her students again.

57. Ethan Jackson, a Trans Gender Activist, who has attacked Shepherd throughout the events described herein, launched a formal, patently frivolous harassment Complaint against her which, even after Ms. Shepherd had completed her course work at the University, so she would not see Jackson again, the University responded by proceeding with a formal investigation despite its inherently vexatious, bad faith and frivolous allegations which, pursuant to the applicable policies, the University should not have proceeded with.
58. Jackson had an online crowd funding page seeking a sex change operation which was initially denied because of his mental health issues. Additionally, Jackson was banned from the University of Waterloo Campus in 2013 for protesting and de-

platforming a Member of Parliament who was to give a speech on abortion, by dressing up as a giant vulva and yelling. Jackson was invariably hostile to Shepherd.

59. Jackson's allegations against Shepherd were that:

- (a) She was on her telephone during one class and purportedly disengaged from participation in that class;
- (b) Ms. Shepherd had made 4 tweets with screenshots from Jackson's controversial social media account;
- (c) Shepherd responded to Jackson walking into the printing room and angrily ordering her to leave the room and cease using the Communications Department printer, which she required for her Communications course work, by referring to him as "petty and pathetic";
- (d) When Shepherd and 2 others were putting up posters for a Laurier Society for Open Enquiry meeting, he claimed that they had followed him and his colleague as they were walking around the halls and that Shepherd's posters had signage which he found offensive, posters which he acknowledges removing from the walls without authorization.

60. Jackson's Complaint itself was inherently self-contradictory, ludicrous and narcissistic. The University not only proceeded to summon Shepherd for an

investigation but threatened her with repercussions if she disclosed Jackson's Complaint to anyone.

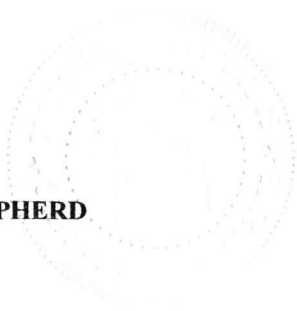
61. The Complaint of Jackson was made maliciously after classes were over for the year at a time when he and Shepherd would not ever be interacting again since Shepherd is not enrolled in Laurier courses for the following session.
62. Despite Jackson's Complaint being inherently self-contradictory and ludicrous, the University not only proceeded to summon Shepherd for an investigation but threatened her with repercussions if she disclosed Jackson's Complaint to anyone.
63. The attacks on Shepherd have rendered her unemployable in academia resulting in her abandoning her previous ambitions of obtaining her Ph.D. or even teaching at a University as a Masters graduate.
64. Shepherd has suffered nervous shock as a result of the conduct of the Defendants which was the foreseeable and intended result. In the alternative, it was the reasonably foreseeable outcome of their conduct and the Defendants were negligent in their treatment of her.
65. The plaintiff proposes that the trial of this action be held at the Waterloo Region Superior Court of Justice, in the Province of Ontario.

Date: JUN 12 2018

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and

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HERBERT PIMLOTT and WILFRID
LAURIER UNIVERSITY**

Defendant

Court File No.

CV-18-00000750-0000

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at KITCHENER

STATEMENT OF CLAIM

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