



Amended pursuant to Rule 6-1 (1)(a)

JAN Form 19 - Rule 3-1 (1)

NO. S35152

CHILLIWACK REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BARRY NEUFELD

PLAINTIFF

AND:

GLEN HANSMAN

DEFENDANT

AMENDED NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- b) serve a copy of the filed response to civil claim on the Plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- b) serve a copy of the filed response to civil claim and counterclaim on the Plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the Plaintiff,

- a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,
- b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Plaintiff

Part 1: STATEMENT OF FACTS

1. The plaintiff is a retired corrections, probation and restorative justice facilitation officer, having been employed in these capacities by the Province of British Columbia from 1981 to 2008. Since 1992, he has also served as an elected trustee on the school board of School Board District #33, (the "Board"), completing seven terms from 1992 to 2008 and from 2011 to the present. He resides in Chilliwack, BC.
2. The defendant, who resides in City of Vancouver, B.C. is a former teacher and is the President of the British Columbia Teacher's Federation, a trade union which represents teachers in the public school system of B.C. (hereafter the "BCTF").
3. During the plaintiff's career as a corrections, probation officer and restorative justice officer, he dealt with many people at various stages of the criminal justice system who had been victimized by intolerance, homophobia, racism, bullying and bigotry. In addition, over his lengthy service on the Board, he has supported

all efforts to advance tolerance and inclusivity in the school system.

4. For approximately two years, what has been referred to as a “teaching resource” called SOGI (Sexual Orientation Gender Identification) has been offered in the public schools as an anti-bullying program in the public schools of B.C.. Its stated objective is to foster tolerance and inclusiveness for children who, by reason of sexual orientation and/or gender identity, may face discrimination.
5. The importance of promoting tolerance and inclusivity in public schools has been well understood and uncontroversial in B.C. for many years. The ERASE (Expect Respect and a Safe Environment) Bullying program was implemented in 2012, well before SOGI, with the goal of ensuring that all students, regardless of gender, race, culture, religion or sexual orientation, feel safe, accepted and respected. The plaintiff has always supported ERASE which remains in effect.
6. Unlike ERASE, SOGI is founded upon a controversial and politicized ideology which is rooted in a belief that gender is a social construct rather than biological. SOGI promotes this theory as factual rather than the controversial perspective it is. It seeks to indoctrinate children to this “non-binary” perspective of gender by, among other things, curtailing use of such gender specific words as mothers, fathers, women, men, boys, girls, sons and daughters from common parlance.
7. In addition, SOGI promotes the possibility of teachers interacting with young children on such highly personal and sensitive subjects as “transitioning” and “gender reassignment” without parental input or knowledge. The plaintiff believes that this presents risk of far reaching adverse implications for children.

8. The plaintiff believes that the proper role of schools does not include seeking to influence children on such highly personal and sensitive matters as “transitioning” and “gender reassignment”. He believes it is up to parents, not public sector unions, activists, politicians or other self- proclaimed “experts”.
9. The plaintiff believes that SOGI effectively seeks to displace the role of parents. Furthermore, if a need to address sexual orientation or gender identity with children does arise, the parents are best able to determine the most appropriate approach on these subjects, with or without professional, assistance, as they so decide.
10. For roughly a year after SOGI was implemented, the militant nature of some activists and fear of hostile backlash had a chilling effect on meaningful debate about SOGI on school boards across B.C. Given that elected school boards are to provide a democratic means by which communities have input on what takes place within their schools and given the distinct mandates of public sector unions, the purpose of school boards is defeated if trustees are intimidated from openly addressing all matters which affect the schools.
11. In addition to freedom of thought, opinion and expression in Canada, the plaintiff's decision to speak out about SOGI was informed by his statutory and ethical duties which, as a school board trustee, he owed to the community. He relies on Part 4 of the School Act of British Columbia, RSBC 1996, Ch. 412 and the Code of Ethics for Trustees, Board of Education School District #33 (Chilliwack), Policy 205.
12. Despite the risk of harassment and vilification by certain activists, the plaintiff was eventually unwilling to remain silent about SOGI. On October 23, 2017, he publicly commented on Facebook, stating:

Ok, so I can no longer sit on my hands. I have to stand up and be counted. A few years ago, the liberal minister of education instigated a new curriculum supposedly

to combat bullying. But it quickly morphed into a weapon of propaganda to infuse every subject matter from K-12 with the latest fad; Gender theory. The Sexual Orientation and Gender Identity (SOGI) program instructs children that gender is not biologically determined, but is a social construct. At the risk of being labelled a bigoted homophobe, I have to say that I support traditional family values and I agree with the College of paediatricians that allowing little children choose to change gender is nothing short of child abuse. But now the BC Ministry of Education has embraced the LGBTQ lobby and is forcing this biologically absurd theory on children in our schools. Children are being taught that heterosexual marriages is no longer the norm. Teachers must not refer to mothers and fathers either. (Increasing numbers of children are growing up in homes with same sex parents) If this represents the values of Canadian society, count me out. I belong in a country like Russia, or Paraguay, which recently had the guts to stand up to these radical cultural nihilists. <https://c-fam.org/.../parents-defeat-gender-ideology-paraguay/>

13. As anticipated may happen, upon the plaintiff's above comments, certain activists, including the defendant embarked upon a campaign to vilify, harass, embarrass and defame the plaintiff through the media, including the facts set out below.

14. On October 24, 2017, the Vancouver Sun, British Columbia's largest paid circulation newspaper, published, both in print and to the world online through its internet wesbite, an article under the headline "Chilliwack school trustee slammed for comments about LGBTQ youth and anti-bullying curriculum", (<https://vancouversun.com/news/local-news/chilliwack-school-trustee-slammed-for-comments-about-lgbtq-youth-and-anti-bullying-curriculum>) which included the defendant statements as follows: **[emphasis added]**

"He [Neufeld] should step down or be removed,"

*"It's not OK. The public school system in this province and in Canada have the **obligation to ensure safe and inclusive** school environments for all kids **regardless of race, nationality, or religion**. They have to proactively address **sexism and misogyny**, they have to address **transphobia and homophobia and racism**."*

"And Mr. Neufeld, I'm doubtful that Mr. Neufeld did not know that. I'm doubtful that he's not aware if he's been around as a trustee for some time."

15. On October 24, 2017, the defendant made statements which were broadcast by Global News, a widely viewed television and radio broadcaster which also republishes and maintains its material online for global dissemination. His statements, under the online headline "Backlash after school trustee criticizes LGBTQ program" (<https://globalnews.ca/video/3823083/backlash-after-school-trustee-criticizes-lgbtq-program>) included: **[emphasis added]**

*"I'm always concerned when I hear **intolerant voices**...."*

*"regardless of **his bigoted views**.....he has responsibilities....for ensuring a safe and inclusive school..if he's not going to step down himself then the school board or somebody else needs to make that decision...."*

*....will either step down or **whether he likes it or not, members of the LGBTQ school community are here to stay**"*

16. On October 24, 2017, as published by Huffington Post, a well known news and opinion website/blog that entails both localized and international editions and under the headline "Barry Neufeld, Chilliwack School Board Trustee, Slams B.C. Gender Inclusivity Program", (https://www.huffingtonpost.ca/2017/10/24/barry-neufeld-chilliwack-school-board-trustee-gender-identity_a_23254253/), the defendant's statements, both as attributed and quoted, included the following: **[emphasis added]**

*"Glen Hansman, president of the B.C. Teachers' Federation, said Neufeld should resign because **he has violated his obligations** as a school board trustee to ensure that students and staff have a safe, inclusive environment.*

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If a transgender student chooses to have gender-affirming surgery, the school system is obligated under the B.C. Human Rights Code and the Charter of Rights and Freedoms "to respect that choice that children or youth have made," and to accommodate them, said Hansman.

*... and also to make sure that we're proactively taking steps to **make sure that they're safe while in school**. That is what the vast majority of the public expects."*

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*Hansman said trustees with **faith-based views** need to figure out how they'll work in a secular public school system.*

"If they're not... able to keep their views in check or keep them private, then they probably shouldn't be serving as trustee or working in the education system anymore."

...[chilliwack] is a very diverse community and it is not a place that actually agrees with comments like that..”

*“whether he likes it or not, **members of the LGBTQ community are here to stay...**”*

“school districts, including his, have the responsibility for providing safe and inclusive environments and he can not be saying things like this...”

“the courts have long settled these issues...” ,

“tolerance is age appropriate”

“teachers can not be making comments like that”

17. Subsequent to the immediate hostile reaction of the defendant and others to the the plaintiff's initial comments about SOGI, rather than be bullied into silence, the plaintiff posted these further comments on Facebook on October 25, 2017;

My post on Facebook has created a lot of controversy and first of all, I want to apologize to those who felt hurt by my opinion, including members of the Chilliwack Board of Education. I am critical of an educational resource, not individuals. Those who have worked with me for over 24 years know that I DO believe in inclusion and a safe learning environment for all of our students; that they should be protected from all forms of bullying and intimidation.

I believe that in a free and democratic society, there should be room for respectful discussion and dissent. I firmly believe that implementation of the SOGI 123 resources needs to be reviewed by engaging parents and teachers in conversation on this topic before full implementation.

18. On November 21, 2017, the plaintiff again explained his concerns about SOGI to a sizable crowd at the Evergreen Community Centre in Chilliwack. This event, received extensive media coverage through both local and regional media and, the plaintiff's entire speech was reproduced and archived online.
[\(https://globalnews.ca/news/3874227/barry-neufeld-chilliwack-school-trustee-transgender/\)](https://globalnews.ca/news/3874227/barry-neufeld-chilliwack-school-trustee-transgender/).

19. Notwithstanding that the plaintiff's motives for criticizing SOGI had been made clear, the defendant and other activists continued with the smear campaign they commenced on October 24, 2017.

20. On or about January 17, 2018, the defendant made statements to reporters for various community newspapers including the Fraser Valley News and the Agassiz Harrison Observer which statements, both as attributed and quoted, were published in the newspapers and also to the world online (at: <http://fraservalleynewsnetwork.com/2018/01/17/chilliwack-teachers-association-weigh-in-on-barry-neufeld-call-for-non-confidence-for-entire-school-board/> and at <https://www.agassizharrisonobserver.com/news/teachers-union-votes-for-non-confidence-in-school-board/>) / and included: **[emphasis added]**

*Hansman also added that teachers and educators will continue to rally together to fight **hatred**.*

*“Sometimes our beliefs, values, and responsibilities as professional educators are challenged by those who **promote hatred**. This is often the case when it comes to sexual health curriculum in schools and our efforts to ensure safe, inclusive schools for all students – including LGBTQ students,” he said.*

21. On January 19, 2018 and in response to the continuing smear campaign, the plaintiff issued another public statement through the media, once again confirming his support for a diverse and pluralistic educational system and once again confirming the aspect of SOGI with which he disagrees. His media release stated:

Today the Chilliwack School Board and the Minister of Education requested my resignation. This was partly in response to the Human Rights Complaint filed against myself and the School Board by CUPE 411.

The media release by the Chilliwack School board is in error. I did not, and do not, oppose any changes to the BC Human Rights Code, in particular the recent inclusion of gender identity and expression as protected grounds, nor is anything I have said contrary to the Code. Moreover, I am interested and invested in all students receiving an excellent education regardless of their sexual orientation, gender identity, race, religion or other group identity. I support a safe environment for all students in our public education system, and I support a diverse and pluralistic education system, which includes children who come from homes with traditional family values or faith-based beliefs regarding marriage, sexuality and gender.

I have simply taken issue with one facet of the SOGI 1-2-3 learning resources: the teaching of the theory, as if it was fact, that gender is fluid, that there are more than two genders, and that gender is not based in biology. Despite the pressure to resign, I believe that I must remain on the Board to be a lonely voice

protecting impressionable children who I believe will be confused and harmed, resulting in the recent phenomenon of increased occurrences of rapid onset gender dysphoria (ROGD) in at-risk children.

It is my duty as an elected School Board official to speak up when the best interests of children may be compromised. I will continue to do my duty as Trustee in this regard, while exercising my constitutional freedom of expression as a Canadian.

22. In early 2018, under direction of the defendant, the BCTF did without seeking approval from its members, file a complaint against the plaintiff at the BC Human Rights Tribunal. Its complaint effectively copied a complaint filed by the Canadian Union of Public Employees, Local 411, (CUPE), both unions alleging that the plaintiff had violated the BC Human Rights Code by creating an “unsafe” and “discriminatory” work environment for union members. Neither “complaint” identifies any actual individuals who allegedly felt unsafe or discriminated against.
23. As abusive and absurd as the above BCTF and CUPE human rights “complaints” are, upon filing them, the defendant and others immediately disseminated them to the public through the media, using their own complaints as an opportunity to defame the plaintiff as below indicated.
24. On April 10, 2018, The Star Vancouver newspaper, published, in both print and on its world wide online version at TheStar.com, an article under the headline “B.C. teacher's' union files human rights complaint against Chilliwack school trustee Barry Neufeld over allegations of transphobia” (<https://www.thestar.com/vancouver/2018/04/10/bc-teachers-union-files-humanrights-complaint-against-chilliwack-school-trustee-barryneufeld-over-allegations-of-transphobia.html>) which included statements of the defendant, both as attributed and quoted, as follows: [**emphasis** added]
- The British Columbia Teachers’ Federation has filed a **human rights complaint** against Chilliwack school trustee Barry Neufeld, alleging his **public comments about trans people have created an unsafe work environment** for teachers and **exposed trans people to hatred.***

Glen Hansman, president of the BCTF, said if Neufeld was a teacher, he would be removed from the school system.

*"For some reason, because his comments have been largely restricted to **transphobic comments** ... some are willing to give him a pass on this."*

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The complaint alleges Neufeld's statements about transgender people "have a discriminatory effect on the work environment for all teachers and a particularly discriminatory effect on teachers who are transgender." His comments, according to the document, have encouraged hateful comments about trans people on his Facebook wall, and thus exposed them to hatred.

*As a school board member, Neufeld has a responsibility to uphold the Human Rights Code, Hansman said, which protects people from **discrimination based on gender identity**.*

*"This isn't just a simple matter of (Neufeld) philosophically disagreeing with the concept of transgender or supporting students who are transgender, he is creating a school environment for both our members and students that is **discriminatory and hateful**," he said.*

25. On or about April 12, 2018, the defendant spoke to News1130, a well established television and radio station with a substantial audience in B.C. which also publishes its programs on its world wide online website (<https://www.news1130.com/2018/04/12/controversial-chilliwack-trustee-subject-human-rights-tribunal-complaint/>). Under the headline "Controversial Chilliwack trustee the subject of Human Rights Tribunal complaint" the defendant's statements, both as quoted and attributed, included:[**emphasis** added]

*BCTF President Glen Hansman says the trustee "tip toed quite far into **hate speech**" and sent a disturbing message to both students and parents.*

Hansman says school trustees and boards of education are responsible for ensuring student safety, and he believes that's something Neufeld failed to do.

*"Whether it's a **transphobic** comment, or a **racist** one or a **misogynistic** one, that simply cannot stand because public schools welcome all students, regardless of their race, their culture, their sexual orientation or their gender identity."*

26. On or about April 13, 2018, the defendant's comments to a reporter were broadcast on CBC radio and also published to the world online by CBC under the headline "Controversial Chilliwack school trustee facing human rights complaint

from BCTF” (<https://www.cbc.ca/news/canada/british-columbia/larry-neufeld-bctf-human-rights-complaint-lgbtq-1.4618756>). The defendant's statements, both as quoted and attributed, included the following:[**emphasis** added]

*The president of the British Columbia Teachers' Federation says a Chilliwack school trustee who has made controversial LGBT comments **shouldn't be "anywhere near students"** and that's why the BCTF has filed a human rights complaint against him.*

*The complaint says that Barry Neufeld's alleged "**hateful**" public comments about trans people have created an unsafe work environment for teachers and students, as the province moves to make students of all orientations feel safer in schools. Hansman says the law is well established and clear and Neufeld should know better.*

27. In addition to the defendant's direct false and defamatory statements, he and other activists orchestrated demonstrations to create an impression of public outrage against the plaintiff. This included mobilizing union members, arranging for transportation and working with the media to ensure coverage of these events. As with the BCHRT complaints, these orchestrated events were used as further opportunities to defame the plaintiff as below set out.

28. On April 22, 2018, the defendant gave another interview with CityNews 1130 which was broadcast on television and radio and also published to the world online at: <https://www.citynews1130.com/2018/04/22/rallies-sogi-resource-planned-vancouver/> under the headline “Rallies for, against SOGI resource planned in Vancouver”. His statements included:[**emphasis** added]

*“When things were flaring up in the Chilliwack School District... because of the **hateful comments** made by Trustee Barry Neufeld there, it was really wonderful to see the parents, members of the community, grand parents and others come and say ‘enough is enough,’*

29. On or about September 16, 2018, the defendant gave another interview Citynews 1130 which was broadcast and also published to the world online at: <https://www.citynews1130.com/2018/09/16/bctf-school-trustee-refugees-lgbt/> under the headline “BCTF President and speaks out against anti-immigrant and

anti-LGBTQ school trustee candidates”. The defendant's statements, both as attributed and quoted, included: **[emphasis added]**

*“It is extremely problematic to have somebody who is running as a school trustee **continuing to spread hate about LGBTQ people** — especially trans people — and also be out there, making **vile comments about refugees and immigrants**, as a group.”*

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He is confident the majority of voters “are going to say no to this.”

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*Hansman notes it still isn't easy for a gay or lesbian student to come out. “And like it or not, there's still **racism and misogyny** that exists in our school system.”*

*“Anyone who is seeking to be a school trustee has to commit to eradicating those things, not **spreading hate and not spreading bigotry**.”*

30. The defendant's direct attacks on the plaintiff took place concurrently with similar statements by other activists with whom the defendant collaborated in the smear campaign. This wider attack effectively republished and amplified the direct statements of the defendant as below set out.
31. Morgane Oger is a transgender activist and the vice president of the British Columbia New Democratic Party. Oger's own attack of the plaintiff, published concurrently with the defendant's, included:
- a) As published in Oger's Twitter account (**Morgane Oger @MorganeOgerBC**) and reproduced in the Georgia Strait newspaper on October 25, 2017:
- “It'd be smart to apologize for **publishing hate speech** thoughtlessly. A person or organization has 6 months to file a human rights complaint.”*
- b) As published by the CBC on October 25, 2017:
- “...you [Neufeld] should know better than to quote a widely discredited pseudo- science source in order to **publish hateful material**.”*
32. Rob Fleming is a politician who represents the riding of Victoria-Swan Lake in the Legislative Assembly of British Columbia and is presently the Minister of

Education. He also participated with the defendant in the smear campaign. His statements published in print and online to the world, included:[**emphasis** added]

i) Vancouver Sun, on November 23, 2017:

*"Fleming went on to say that Neufeld's "shameful behaviour" **would lead to suicide**, which he called unacceptable."*

*"As a society we cannot allow **discrimination against people** for who they identify as or choose to love. I applaud hundreds of parents, students and members of the community who rallied in support of SOGI and to stand up for inclusivity in our schools. It is crucial that we help to ensure all students feel welcome in B.C. Schools, regardless of who they choose to love or who they identify as."*

ii) Chilliwack Progress (Jessica Peters), January 9, 2018.

<https://www.theprogress.com/news/chilliwack-board-of-education-asks-neufeld-to-resign/>

*"..... All students **deserve to be welcomed, included and respected** in a safe learning environment **no matter their sexual orientation or gender identity**."*

*"That's what SOGI 1-2-3 is all about—ensuring that students are able to be fully and completely themselves without being excluded or bullied. The **hurtful and offensive words and actions of Chilliwack School Trustee Barry Neufeld** continue to undermine this District and Ministry goal."*

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*"While individuals are entitled to their opinions, Mr. **Neufeld has jeopardized student safety**, divided his school community, and acted against board and ministry policies," Fleming said.*

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"In addition to Mr. Neufeld's continued and escalating disregard for Chilliwack students..."

iii) Chilliwack Progress, September 17, 2018:

(<https://www.theprogress.com/news/video-education-minister-talks-sogi-123-and-the-chilliwack-school-board-election/>),

*"Elected trustees are supposed to advocate for students **not hurt them**. In the same week that the Prime Minister of Canada announced an apology is coming for decades of **discrimination and persecution of the LGBTQ community** – Mr. Neufeld and 'Culture Guard' was **spreading the same bigoted views** that are part of Canada's painful past."*

33. The public demonstrations, as referred to at paragraph 26 above, included the display of placards and banners which republished and amplified the defendant's false and defamatory attack of the plaintiff, with signs that included the following wording:

"Transphobic School Trustee Must Go"

"Hate Cannot Educate"

"We Are Here For All Families"

"Love is My Family Value"

"Stop the Hate. Don't Discriminate"

"I love my Transgender Child"

"Barry Neufeld [picture of dinosaur] Must resign"

"We Love All Our Kids"

"Christians Support LGBT Kids."

34. The defendant's false and defamatory statements of the XXXX plaintiff, both on their own and in the context of the wider public attack as set out herein, meant, both expressly and by innuendo and were understood by the public to mean that the plaintiff:

- i. promoted hatred;
- ii. committed hate speech;
- iii. was actuated by hatred of certain students;
- iv. was discriminatory against gay and/or transgender students;
- v. promoted hatred towards gay and/or transgender students in the school system;
- vi. made it unsafe for students in the school system.
- vii. was unfit to hold public office as a school board trustee;
- viii. violated ethical and/or legal duties applicable to school board trustees;

- ix. presents a safety risk to students;
- x. has bigoted views which threatens safety and inclusiveness in schools;
- xi. has lied to the public about what SOGI 123 includes;
- xii. is a religious bigot who imposes his religious views on some students in a manner which makes it unsafe for such students;
- xiii. is racist, discriminatory, sexist, misogynist, transphobic and/or homophobic;
- xiv. the plaintiff has violated the rights of students under the Canadian Charter of Rights and Freedoms and BC Human Rights Code;
- xv. regards people who support transgender students as child abusers;
- xvi. is an outlier and part of a vanishing breed of racists;
- xvii. published knowingly false statements to injure the public interest, and
- xviii. is unfit to be a school board trustee because of his age.

35. In addition, the above statements of the defendant were intended to mean and were understood by the public to mean that the plaintiff committed criminal conduct, specifically:

- i) that the plaintiff's public statements about SOGI were knowingly false and likely to cause injury to the public interest, and therefore, was conduct as proscribed under section 181 of the *Criminal Code of Canada*;
- ii) that the plaintiff's public statements about SOGI were expressions of intolerance and hatred of gay and transgender children exposing them to a risk of harm and, therefore, was conduct as proscribed under section 319 of the *Criminal Code of Canada*.

36. The publication of the defendant's statements on the internet as above set out were immediately disseminated to all persons who visit the specific publication

online, to anybody who enters search terms in an internet search engine and to anyone who has been forwarded the publication or linked to it. It is impossible to ascertain how many people have and will see the subject statements and consequential blog comments, twitter comments, YouTube material and related republications. The spread of the defendant's defamatory messages is unlimited and republication by other people of his statements will be spread throughout the world wide internet indefinitely to an undefinable and unlimited number of people.

37. By reason of the defendant's false and defamatory statements, the plaintiff is now generally perceived to have made anti LGBTQ comments. For example, on September 28, 2018, the Chilliwack Progress newspaper published an article, both print and to the world online, at <https://www.theprogress.com/news/a-chilliwack-familys-story-of-gender-identity-and-acceptance/> which included:

*"Trustee Barry **Neufeld's written and spoken words against the LGBTQ community** have led to a move to ask him to resign, a B.C. Human Rights Complaints has been filed against him by the teachers' union, and the both the school board chair and the Minister of Education have had harsh words for his behaviour."*

38. The defendant's conduct as set out herein has been actuated by malice. His intention has been to silence the plaintiff and/or have him removed as a school board trustee, failing which, to prevent his re-election by destroying his reputation and by making an example of him, seeking to deter any other school board trustees from criticizing SOGI.

39. On September 19, 2018, the plaintiff did, through counsel, request the defendant to retract and apologize for his misconduct as set out above. On September 27, 2018, the defendant did, through counsel, indicate his refusal to retract or apologize.

40. The malice includes the BCTF's political agenda under direction of the defendant. Through its subsidiary, the Chilliwack Teacher's Association and in connection

with the October 20, 2018 school board trustee election, it seeks to effectively take over the Board by having trustees elected who will not debate and/or otherwise interfere with BCTF imperatives.

41. Under the headline “Chilliwack teacher's union publicly picks school board candidates” The Chilliwack Progress, both in print and to the world online (<https://www.theprogress.com/news/chilliwack-teachers-union-publicly-picks-school-board-candidates/>) did, on October 3, 2018, after misstating the plaintiff's position on SOGI yet again, publish this:

Despite calls for his [Neufeld] resignation, and denunciation for his inflammatory remarks by the school board chair, the BCTF, the Ministry of Education, as well as a complaint with the B.C. Human Rights Tribunal, he continues in this vein and a number of candidates have stepped forward with anti-SOGI platforms.

“It was vital that the CTA endorse trustee candidates who solidly uphold the values of inclusion and diversity and who are committed to ensuring our schools are safe places to learn and work,” the CTA statement said. “These values are enshrined in the British Columbia Human Rights Code.”

42. The Notice of Civil Claim herein was served on the defendant on October 12, 2018. On or about October 19, 2018, the defendant made statements published by the Chilliwack Progress newspaper both in print and online for global dissemination. His statements, both as attributed and quoted under the headline “Anti-SOGI Chilliwack school trustee files defamation lawsuit against BCTF president” (<https://www.theprogress.com/municipal-election/anti-sogi-chilliwack-school-trustee-files-defamation-lawsuit-against-bctf-president/>) included:
[emphasis added]

As for Hansman, when asked about the civil suit on Friday, he told The Progress he stands by his statements.

“His other misogynist and problematic statements reported by Press Progress are also cause for alarm and not becoming of a school trustee.” Hansman said.

43. PressProgress is a relatively obscure website which publishes socialist propaganda on the internet. The defendant directed the public to an article it published online by on October 16, 2018 (<https://pressprogress.ca/this-man-is-probably-the-worst-school-trustee-in-british-columbia/>) for the purpose of effectively republishing his false and defamatory attack on the plaintiff, specifically, that the plaintiff was hateful of gay people, a misogynist and a religious bigot, supplemented with new false and defamatory assertions of being anti- Semitic and a supporter of Hitler.

44. Following the plaintiff's re-election to the Board on October 20, 2018, the defendant continued with his false and defamatory statements about him. As broadcast by CBC Radio on October 22, 2018 and also published online for global dissemination under the headline "Most anti-SOGI school trustee candidates fail to pick up seats" at <https://www.cbc.ca/news/canada/british-columbia/anti-sogi-u-candidate-results-1.4872462>, the defendant's statements, both attributed and quoted, included: **[emphasis added]**

The BCTF has filed a human rights complaint against Neufeld, which will be proceeding this fall, according to Hansman.

"Hate and bigotry have no place on school boards," said Hansman.

45. The defendant's conduct from October 24, 2017 and continuing at present in this matter, including his refusal to apologize, has been malicious, reprehensible, dishonest, high handed and arrogant, all of which has aggravated the plaintiff's damages and warrants an award of punitive damages against the defendant.

46. The plaintiff has suffered damages to his reputation professionally, socially and generally within his community, across Canada and internationally. In addition, his damages herein include suffering indignity, personal harassment, stress, anxiety along with mental and emotional distress.

along with mental and emotional distress.

47. The plaintiff's damages also include stigmatization, humiliation and isolation endured in his role as a school board trustee, examples of which include:

i) On January 18, 2018, the Board convened an emergency in camera meeting and voted to request the plaintiff's resignation as a trustee. The plaintiff refused to resign following which he was directed by the Chairman of the Board to stay away from all public schools in the district on the basis that the plaintiff created concerns for the safety of LGBTQ students;

ii) The Maple Ridge school board refused to host the annual BC School Trustee Association meeting in February, 2018, on the basis that, given the plaintiff's public image by that time, his attendance would violate the "Safe, Caring, and Healthy Schools" policy. The plaintiff refused the request to stay away and the annual meeting was then cancelled; and

iii) In June, 2018, the plaintiff was to deliver congratulatory speeches to the four different commencement events for the graduating classes of four high schools in as he had done in previous years. He was directed by the Board to not do this and furthermore prohibited from being on stage with other trustees to shake the hands of the graduating students, all because his presence supposedly made it unsafe for LGBTQ students.

iv) On December 11, 2018, the Board passed a motion excluding the plaintiff from school liaison duties which all of the other trustees perform and which he had performed over 23 years of prior service, all because his presence supposedly made it unsafe for LGBTQ students.

Part 2: RELIEF SOUGHT

1. General Damages;
2. Aggravated Damages;
3. Punitive Damages;
4. Interest pursuant to the *Court Order Interest Act*, R.S.B.C., 1996;

6. Such further and other relief as to this Honourable Court may deem just.

Part 3: LEGAL BASIS

48. The literal meaning of the defendants words was defamatory, tending to lower the plaintiff's reputation in the eyes of a reasonable person, bringing him into contempt, disrepute and ridicule in his community, across Canada and internationally.

49. In addition or alternatively, the inferential meanings or impressions left by the defendant's words were defamatory. (false innuendo)

50. In addition or alternatively, based upon extrinsic circumstances to which the public was fully exposed and which provided context, republication and amplification for the defendants statements, the meanings or impressions of such statements were defamatory. (legal innuendo)

51. In addition to provable and obvious damages, the misconduct of the defendant includes libel which is "actionable per se" by, inter alia, alleging the plaintiff to be unfit for public office, to be wilfully violating human rights and to have committed conduct which constitutes criminal offences.

52. The plaintiff relies on the provisions of the *Libel and Slander Act*, RSBC 1996, Ch. 263.

Plaintiff's address for service:

c/o Paul Jaffe, Barrister and Solicitor,
Suite 200-100 Park Royal,
West Vancouver, BC. V7T1A2

Fax number address for service: (604) 922-1666

E-mail address for service: jaffelawfirm@gmail.com

E-mail address for service: jaffelawfirm@gmail.com

Place of trial: Chilliwack, B.C.

The address of the registry is:

46085 Yale Road, Chilliwack, BC. V2P 2L8

Date: October 10, 2018 (original)



Signature of Paul Jaffe

Plaintiff lawyer for Plaintiff

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- 1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - a. prepare a list of documents in Form 22 that lists
 - i. all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - ii. all other documents to which the party intends to refer at trial, and
 - b. serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The plaintiff was defamed and otherwise injured by the defendant.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

a motor vehicle accident

medical malpractice

another cause

A dispute concerning:

contaminated sites

construction defects

real property (real estate)

personal property

the provision of goods or services or other general commercial matters

investment losses

the lending of money

an employment relationship

a will or other issues concerning the probate of an estate

a matter not listed here

Part 3: THIS CLAIM INVOLVES:

a class action

maritime law

aboriginal law

constitutional law

conflict of laws

none of the above

do not know

Part 4:

Sections 181 and 319 of the *Criminal Code of Canada*

School Act of British Columbia, RSBC 1996, Ch. 412

Libel and Slander Act, RSBC 1996, Ch. 263