

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

CHRISTOPHER HUDSPETH and GEORGE SMITHERMAN

Plaintiffs

and

**WILLIAM WHATCOTT, JONI WHATCOTT, ADAM ZOMBIE, BRIAN
ZOMBIE, CHRISTOPHER ZOMBIE, DOUGLAS ZOMBIE, EDWARD
ZOMBIE, FRANK ZOMBIE, XYZ CORPORATION, JANE DOES and JOHN
DOES**

Defendants

AFFIDAVIT OF CHRISTOPHER HUDSPETH

I, Christopher Hudspeth, of the City of the Toronto, in the Province of Ontario,
MAKE OATH AND SAY:

1. I am one of the two proposed representative plaintiffs in this class action and, as such, have knowledge of the matters contained in this affidavit. Where I have no knowledge, I was advised by R. Douglas Elliott ("Mr. Elliott"), a Partner of Cambridge LLP and N. Joan Kasozi ("Ms. Kasozi"), Associate at Cambridge LLP, who have carriage of the file and I do verily believe that the information is accurate.
2. George Smitherman and I are the proposed representative plaintiffs of the two classes and one sub-class – (i) the Marcher class, (ii) the Recipient Class and (iii) the

Liberal Sub-class. I am a long-time activist for the rights of Toronto's LGBTQ2SI community and was also the executor of the estate of George Hislop. George Smitherman is an openly gay Liberal and the former Deputy Premier of Ontario.

3. The defendants include William Whatcott ("Mr. Whatcott"), and several other "Gay Zombies", John Does and Jane Does and a corporation that funded these activities, whose identities are presently unknown to the Plaintiffs.

4. Although Joni Whatcott was originally named as a Defendant, I have now been advised by counsel and verily believe that she was not the female zombie and that the case against her is being discontinued. She was never served and we understand that she is living outside of the country.

5. Since the claim in this action was filed, Stefan Jetchick (Mr. Jetchick) came forward by email and provided evidence that he was one of the zombies identified in the Statement of Claim as Edward Zombie.

6. I am advised by Mr. Elliott that, at a case management meeting, the Court directed that we wait until the identities of the various defendants are clarified before formally amending our pleading with the information known to date.

7. The Plaintiffs have three specific causes of action against the defendants, namely, the tort of civil conspiracy on behalf of the Marcher class, the tort of intentional infliction of mental distress on behalf of the Recipient class and the tort of defamation on behalf of the Liberal sub-class.

8. On or about July 3, 2016 the Toronto Pride Parade ("Pride Parade") was held in Toronto.
9. Pride Toronto, the organizers of the Pride Parade, required participants to submit an application and pay a registration fee of \$100 in order to distribute materials at the Pride Parade. Attached hereto and marked as "**Exhibit A**" is a true copy of the Application submitted to Pride Toronto by the Gay Zombies and copies of the Guide to Pride Parade Pricing issued by Pride Toronto.
10. In addition, Pride Toronto required applicants to agree to operate in a manner consistent with the vision, values and mission of Pride Toronto and the City of Toronto Anti-discrimination Policy. Groups that planned on distributing material at the Parade were required to disclose the nature of those materials for preapproval by Pride Toronto. Attached hereto and marked as "**Exhibit B**" are true copies of the Pride Toronto rules and policies that applicants were required to abide by in order to participate in the Pride Parade.
11. In order to register and march in the Pride Parade, Mr. Whatcott falsely posed as "Robert Clinton". Attached hereto and marked as "**Exhibit C**" is a true copy of the newspaper interview published in Daily Xtra in which Mr. Whatcott admitted to adopting a pseudonym, Robert Clinton, to gain access to the Parade.
12. Similarly, the other "Gay Zombies", also, hid their true identities to gain access to the Pride Parade. Attached hereto and marked as "**Exhibit D**" is a true copy of the page from Mr. Whatcott's website, Free North America ("Free North America"), in which Mr. Whatcott calls the other Gay Zombies his "top secret activists".

13. The Defendants identified themselves as the "Gay Zombies Cannabis Consumers Association" instead of disclosing their group's real name "Christian Truth Activists" to Pride Toronto. Attached hereto and marked as "**Exhibit E**" is a true copy of a page from Free North America which states that Mr. Whatcott used a false name for his group in order to register for the Pride Parade.

14. I attended the Pride Parade and saw the Gay Zombies marching and distributing pamphlets at the Pride Parade. They wore green costumes that covered their faces and obscured their identities, with the exception of one person. Attached hereto and marked as "**Exhibit F**" is a true copy of the newspaper report published in Life Site that covered the activities of Mr. Whatcott at the Pride Parade.

15. The Gay Zombies distributed pamphlets that contained hate speech directed at members of the LGBTQ2SI community and defamed the Liberals who were marching in the parade with them. Attached hereto and marked as "**Exhibit G**" is a true copy of the pamphlet containing the offensive literature Mr. Whatcott distributed at the Pride Parade.

16. According to Whatcott's website, the Gay Zombies distributed over 3,000 pieces of the offensive literature. Since each pamphlet was viewed by more than one person, I estimate that the total number of people who read the offensive literature is approximately 9,000. Attached hereto and marked as "**Exhibit H**" is a true copy of the page from Free North America, in which Mr. Whatcott stated that the Gay Zombies distributed 3,000 pamphlets containing the offensive literature.

17. I am informed by Mr. Elliott that on or about August 14, 2016, Mr. Jetchick sent an email to Mr. Elliott, wherein, he advised that he was one of the Gay Zombies who

distributed the offensive materials at the Pride Parade. However, he also stated that the pamphlets that he handed out were different from the ones that Mr. Whatcott had distributed that defamed the LGBTQ2SI and the Liberals. Attached hereto and marked as "**Exhibit I**" is a true copy of the email that Mr. Jetchick sent to Mr. Elliott dated August 14, 2016.


18. Mr. Jetchick also stated via an email on August 14, 2016, that he was not aware of the identities of the other co-defendants as he had never met them prior to the Pride Parade and that he only knew Mr. Whatcott. Attached hereto and marked as "**Exhibit J**" is a true copy of the email that Mr. Jetchick sent to Mr. Elliott dated August 14, 2016.

19. Since the Plaintiffs have no knowledge of the identities of the other co-defendants, except for Mr. Whatcott and Mr. Jetchick, I am informed by Mr. Elliott that Mr. Elliott wrote a letter to Dr. Charles Lugosi, counsel for Mr. Whatcott, requesting that his client reveal the identity of the other co-defendants, who distributed the offensive literature at the Pride Parade. Dr. Lugosi advised that his client is not willing to reveal the identities of the co-defendants. Attached hereto and marked as "**Exhibit K**" is a true copy of the letter that Mr. Elliott sent to Dr. Charles Lugosi dated September 9, 2016. Mr. Elliott advises me that Dr. Lugosi has since confirmed that he will not voluntarily identify the other defendants.

20. I am informed by Ms. Kasozi that on or about August 15, 2016 Ms. Kasozi had a telephone conversation with Mr. Whatcott. During the conversation, she asked Mr. Whatcott to reveal the identities of the other Gay Zombies who distributed the offensive literature at the Pride Parade. Mr. Whatcott refused to reveal their identities.

21. I make this affidavit in support of a motion to compel Mr. Whatcott to reveal the identities of his co-defendants and for no other improper purpose.

SWORN BEFORE ME at the City of
Toronto, in the Province of Ontario on
November 4, 2016.



Commissioner for Taking Affidavits
(or as may be)

N. JOAN KASOZI



CHRISTOPHER HUDSPETH

RCP-E 4D (July 1, 2007)