



Court File No.: _____

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**EBRU ASIK, AISHA ABAWAJY, KATHARINE BUCHAN, OLIVIA COOMBE,
SARAH DAWSON, TIANA KHAN, ALINA LEE, ROSALYN MARTIN, MASLA
TAHIR, AND PARDIS ZAKER SHAHRAK**

Plaintiffs

- and -

TORONTO METROPOLITAN UNIVERSITY

Defendant

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 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, 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 \$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 plaintiff's claim and \$100.00 for costs and have the costs assessed by the court.

Date: _____

Issued by: Local Registrar
393 University Avenue, 10th Floor
Toronto, ON, M5G 1E6

TO: TORONTO METROPOLITAN UNIVERSITY
350 Victoria Street
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TABLE OF CONTENTS

I. RELIEF SOUGHT	2
II. OVERVIEW	5
III. PARTIES	6
The Plaintiffs	6
The Defendant	7
IV. FACTS	9
The Gaza Strip	9
The October 7, 2023 attacks on Israel by Palestinian militants	15
Israel’s Response to the October 7 attacks	15
Lincoln Alexander Law School students react to events in Palestine and Israel	18
LASL students sign and deliver the October 20, 2023 letter to Dean Young	19
Supporters of Israel Pressure TMU to Sanction Signatories of the October 20 Letter	23
TMU and LASL succumb to pressure from the ‘legal community’	24
Chief Justice MacDonald’s review exonerates the signatories of the October 20 Letter	25
V. CAUSES OF ACTION	29
Defamation	29
Negligent Misrepresentation	31
Breach of Contract	33
Discrimination	33
Consumer Protection Act Unfair Practices	37
VI. DAMAGES	39

CLAIM

I. RELIEF SOUGHT

1. The Plaintiff Ebru Asik claims against the Defendant:
 - a. General damages in the sum of \$500,000.00;
 - b. Punitive and aggravated damages in the amount of \$500,000.00;
 - c. Costs of this action on a full or substantial indemnity basis;
 - d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
 - e. Such further and other relief as counsel may advise and this Honourable Court may permit.

2. The Plaintiff Aisha Abawajy claims against the Defendant:
 - a. General damages in the sum of \$500,000.00;
 - b. Special damages in the amount of \$543.40;
 - c. Punitive and aggravated damages in the amount of \$500,000.00;
 - d. Costs of this action on a full or substantial indemnity basis;
 - e. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
 - f. Such further and other relief as counsel may advise and this Honourable Court may permit.

3. The Plaintiff Katharine Buchan against the Defendant:
 - a. General damages in the sum of \$500,000.00;
 - b. Punitive and aggravated damages in the amount of \$500,000.00;
 - c. Costs of this action on a full or substantial indemnity basis;
 - d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the

Courts of Justice Act, R.S.O. 1990, c. C.43; and

- e. Such further and other relief as counsel may advise and this Honourable Court may permit.

4. The Plaintiff Olivia Coombe claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Punitive and aggravated damages in the amount of \$500,000.00;
- c. Costs of this action on a full or substantial indemnity basis;
- d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
- e. Such further and other relief as counsel may advise and this Honourable Court may permit.

5. The Plaintiff Sarah Dawson claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Punitive and aggravated damages in the amount of \$500,000.00;
- c. Costs of this action on a full or substantial indemnity basis;
- d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
- e. Such further and other relief as counsel may advise and this Honourable Court may permit.

6. The Plaintiff Tiana Khan claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Punitive and aggravated damages in the amount of \$500,000.00;
- c. Costs of this action on a full or substantial indemnity basis;
- d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and

- e. Such further and other relief as counsel may advise and this Honourable Court may permit.

7. The Plaintiff Alina Lee claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Special damages in the amount of \$2,810.00;
- c. Punitive and aggravated damages in the amount of \$500,000.00;
- d. Costs of this action on a full or substantial indemnity basis;
- e. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
- f. Such further and other relief as counsel may advise and this Honourable Court may permit.

8. The Plaintiff Rosalyn Martin claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Special damages in the amount of \$2,000.00;
- c. Punitive and aggravated damages in the amount of \$500,000.00;
- d. Costs of this action on a full or substantial indemnity basis;
- e. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
- f. Such further and other relief as counsel may advise and this Honourable Court may permit.

9. The Plaintiff Masla Tahir claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Punitive and aggravated damages in the amount of \$500,000.00;
- c. Costs of this action on a full or substantial indemnity basis;
- d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the

Courts of Justice Act, R.S.O. 1990, c. C.43; and

- e. Such further and other relief as counsel may advise and this Honourable Court may permit.

10. The Plaintiff Pardis Zaker Shahrak claims against the Defendant:

- a. General damages in the sum of \$500,000.00;
- b. Punitive and aggravated damages in the amount of \$500,000.00;
- c. Costs of this action on a full or substantial indemnity basis;
- d. Pre-judgment and post-judgment interest on all sums awarded pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43; and
- e. Such further and other relief as counsel may advise and this Honourable Court may permit.

II. OVERVIEW

11. This action concerns the conduct of the administration of the Lincoln Alexander School of Law (“**LASL**”), part of Toronto Metropolitan University (“**TMU**”), in response to LASL students’ expression of solidarity with, and support for, the people of Palestine in the context of Israel’s ongoing war on Gaza.

12. Specifically, this action concerns the school’s actions and omissions following the receipt of a letter signed by seventy-two LASL students, including the Plaintiffs, in October 2023 calling on the school’s administration to take action in opposition to that war. Such actions and omissions include publicly smearing the signatories to the letter, launching an investigation into them in which the signatories were ultimately exonerated, and failing to provide adequate supports to the signatories in the aftermath of the school’s public smears and in the context of that investigation.

13. The Plaintiffs plead that these acts and omissions by TMU were expressions of, and motivated by, the very kind of anti-Palestinian racism to which the students’ letter

was a response.

14. The Plaintiffs further plead that the said acts and omissions of TMU were injurious, harmful and unlawful, running contrary to the school's legal and ethical obligations, its founding principles, its representations, and its own policies.
15. The Plaintiffs plead that TMU's conduct in this matter constituted defamation, negligent misrepresentation, breach of contract, discrimination, and unfair practices.

III. PARTIES

The Plaintiffs

16. All the Plaintiffs were students of LASL as of October 2023 and signatories of the October 20 Letter (as defined below).
17. The Plaintiff Ebru Asik was a student in her first year of legal studies as of October 2023. She is of West Asian and Turkish descent and is Muslim.
18. The Plaintiff Aisha Abawajy was a student in her third year of legal studies as of October 2023. She is Black, Ethiopian and a Muslim.
19. The Plaintiff Katharine Buchan was in her third year of legal studies as of October 2023. She entered LASL as a mature student at the age of 43 and has a background in advocacy for people with autism. She is White and a person with a disability.
20. The Plaintiff Olivia Coombe was in her second year of legal studies as of October 2023. She is a biracial person of White and Korean descent.
21. The Plaintiff Sarah Dawson was in her second year of legal studies as of October 2023. She is White.
22. The Plaintiff Tiana Khan was in her second year of legal studies as of October 2023. She is of Filipino and Indo-Caribbean (Trinidadian and Guyanese) descent and is Muslim.
23. The Plaintiff Alina Lee was in her second year of legal studies as of October 2023.

She is of Southeast Asian (Malaysian) and Eastern European (Polish) descent.

24. The Plaintiff Rosalyn Martin was in her second year of legal studies as of October 2023. She is White.

25. The Plaintiff Masla Tahir was in her second year of legal studies as of October 2023. She is of Pakistani descent and is a visibly Muslim woman.

26. The Plaintiff Pardis Zaker Shahrak was in her second year of legal studies as of October 2023. She is of Persian descent and is Muslim.

The Defendant

27. TMU is a corporation without share capital formed pursuant to the *Toronto Metropolitan University Act, 1977*. TMU is located in the heart of downtown Toronto and has over 46,000 students. About one-half of TMU's students report that they are members of a visible minority.

28. At all material times, TMU represented itself to the Plaintiffs, prospective students and the broader public as being "urban, culturally diverse and inclusive."

29. At all times material to the matters complained of herein, TMU represented to the Plaintiffs, prospective students and the broader public that LASL is founded on four 'foundational pillars': equity, diversity and inclusion; access to justice, which includes "social justice principles"; innovation and entrepreneurship; and academic excellence.

30. At all times material to the matters complained of herein, TMU represented to the Plaintiffs, prospective students and the broader public that LASL's values of equity, diversity and inclusion and access to justice meant the following:

Equity, Diversity and Inclusion

In keeping with the university's commitment to equity, diversity and inclusion, the Lincoln Alexander School of Law has prioritized these themes throughout its curriculum, clinical and experiential learning opportunities, and professional placements. Students will gain an understanding of the needs of legal clients

across Canada and be encouraged to think across disciplines, as well as local and international jurisdictional boundaries. Our aim is to shape lawyers who will serve a broad range of communities, including those who have often been underserved by the legal community.

Access to Justice

Social justice principles aren't just talking points for our law school, they're an essential element of our vision for legal education. We are committed to providing access to justice as a fundamental human right. We must ensure a broader understanding of the obstacles to justice that face many Canadians. In addition to courses and modules that focus on Indigenous Law, Social Innovation and the Law, and Law and Injustice, the strategic placement of students in community-based legal clinics and other settings will help instil the importance of access to justice in our graduates.

31. LASL is the faculty of law at TMU. LASL opened in 2020 and graduated its first class in 2023.
32. The Honourable Lincoln M. Alexander, CC, OOnt, QC, is LASL's namesake. Mr. Alexander, who died in 2012, was "a leader in the fight for racial equality, a champion of education and youth, and a trailblazer in Canadian history." He became a lawyer after serving in the Royal Canadian Air Force during the Second World War. In 1965, Mr. Alexander was elected as a Member of Parliament, becoming "the first Black Canadian to serve in Canada's House of Commons" and, in 1979, "the first Black Canadian to hold a Cabinet position."
33. Of LASL's approximately 450 students, 71% identify as racialized, and 75% identify as female.
34. At all times material to the matters complained of herein, LASL represented to the Plaintiffs, prospective students and the broader public that LASL is a "different kind of law school" that "sets a new precedent."

IV. FACTS

The Gaza Strip

35. The Gaza Strip is a narrow enclave lying on the Mediterranean coast between Israel to its north and east, and Egypt to its south. The Gaza Strip is approximately forty-one kilometres long and six to twelve kilometres wide. Its total area is approximately 365 square kilometres.
36. As of October 7, 2023, the population of the Gaza Strip was approximately 2.3 million persons, approximately one-half of whom were children. As of that date, the Gaza Strip constituted one of the most densely populated regions in the world.
37. At all times material to the matters complained of herein, the Gaza Strip constituted occupied territory under international law and, as occupier of the Gaza Strip, the state of Israel was subject to the requirements of the *Fourth Geneva Convention* in its administration of the Gaza Strip.
38. Commencing in 2007, Israel imposed a blockade on the movement of goods and people in and out of the Gaza Strip. Israel prohibited entering or exiting Gaza by sea or air. Israel also heavily restricted ground imports, with “dual use” items permitted only as part of donor projects. The prohibited imports included construction material and computer equipment. Israel also banned virtually all exports from the Gaza Strip, causing severe and lasting damage to its economy.
39. Human rights groups, including Amnesty International (“**Amnesty**”) and Human Rights Watch (“**HRW**”), have repeatedly condemned Israel’s blockade of Gaza as illegal, inhumane and an unlawful form of collective punishment.
40. In effect, Israel’s blockade transformed Gaza into an “open-air prison”. In 2012, the United Nations Relief Works Agency (“**UNRWA**”) issued a report in which it

questioned whether Gaza would be liveable by 2020. According to UNRWA:

The area has been essentially isolated since 2005, meaning that, in the longer term, its economy is fundamentally unviable under present circumstances. Gaza is currently kept alive through external funding and the illegal tunnel economy.

41. In 2019, the World Bank estimated Gaza's unemployment rate to be fifty three percent (53%) generally, and sixty-seven percent (67%) for young Gazans. At the time, almost half the population of the Gaza Strip subsisted on less than \$5.50 per day.
42. Approximately seventy-five percent (75%) of Gaza's 2.3 million Palestinian residents are registered refugees. These refugees fled or were expelled from what is now Israel or are the descendants of such persons.
43. Under international law, refugees have a right to return to their homeland.
44. From March 30, 2018, to December 27, 2019, Palestinian residents of the Gaza Strip, many of them refugees, participated in a series of demonstrations held each Friday near the Gaza-Israel border. They demanded that Palestinian refugees be allowed to return to the lands from which they were displaced in what is now Israel. They also protested against Israel's land, sea and air blockade of the Gaza Strip. These demonstrations came to be known as "The Great March of Return".
45. Although these demonstrations were organized by independent Palestinian activists and were overwhelmingly peaceful, Israeli forces killed and wounded many of the protesters.
46. The United Nations Human Rights Council, through Resolution S-28/1, established an independent, international commission of inquiry (the "**Independent HRC Commission**") with a mandate, *inter alia*, to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the

context of the Israeli army's assaults on civilian protesters.

47. The Independent HRC Commission issued a report on its findings on February 25, 2019. In that report, it stated that it had conducted three hundred and twenty-five interviews and meetings with victims, witnesses, government officials and members of civil society, from all sides, and gathered more than eight thousand documents, including affidavits, medical reports, expert legal opinions, video and drone footage, and photographs.
48. The Independent HRC Commission concluded that, during the period that it examined (which did not include the entire period of The Great March of Return), 183 Palestinians (including thirty-five (35) children) had been killed by live ammunition, while 6,106 Palestinians (including 159 women and 940 children) had been wounded by live ammunition. The dead included two journalists and three health workers. The wounded included thirty-nine (39) journalists and an equal number of health workers.
49. During the Great March of Return demonstrations, one Israeli soldier was killed, and seven others were wounded.
50. On May 14, 2018, Canadian-Palestinian emergency medical physician and professor Tarek Loubani was serving as an emergency field doctor during The Great March of Return. Dr. Loubani was shot in both legs by an Israeli sniper firing from the Gaza border.
51. The *International Convention on the Suppression and Punishment of the Crime of Apartheid* ("***Apartheid Convention***"), which entered into force in 1976, defines the crime of apartheid as:

the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

- (a) Denial to a member or members of a racial group or groups of the right

to life and liberty of person:

(i) By murder of members of a racial group or groups;

(ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

(iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

(c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

(d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;

(e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

(f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

52. Canada is a Party to the *Apartheid Convention*.

53. Commencing in 2017, numerous experts in international humanitarian law and human rights law began issuing opinions that Israel was committing the crime of apartheid against the Palestinian people.

54. On March 21, 2017, renowned Professors Richard Falk and Virginia Tilley issued a

65-page report titled “Israeli Practices towards the Palestinian People and the Question of Apartheid”.

55. After analyzing Israel’s laws and practices relating to the Occupied Palestinian Territories (“OPT”) and the rights of Palestinians living under occupation, Professors Falk and Tilley concluded that, “This report establishes, on the basis of scholarly inquiry and overwhelming evidence, that Israel is guilty of the crime of apartheid.”
56. In June 2020, the Israeli human rights group, Yesh Din, published a 58-page legal opinion titled “The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion”. The legal opinion was authored and signed by prominent Israeli human rights lawyer Michael Sfard. In concluding that Israel was committing the crime of apartheid against the Palestinian people, Mr. Sfard wrote:

The crime is committed because the Israeli occupation is no “ordinary” occupation regime (or a regime of domination and oppression), but one that comes with a gargantuan colonization project that has created a community of citizens of the occupying power in the occupied territory. The crime is committed because, in addition to colonizing the occupied territory, the occupying power has also gone to great lengths to cement its domination over the occupied residents and ensure their inferior status. The crime of apartheid is being committed in the West Bank because, in this context of a regime of domination and oppression of one national group by another, the Israeli authorities implement policies and practices that constitute inhuman acts as the term is defined in international law: Denial of rights from a national group, denial of resources from one group and their transfer to another, physical and legal separation between the two groups and the institution of a different legal system for each of them. This is an inexhaustive list of the inhuman acts.

57. On January 12, 2021, the Israeli human rights group, B’Tselem – The Israeli Information Centre for Human Rights in the Occupied Territories (“**B’Tselem**”), issued an 8-page position paper titled “A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid”.
58. Since B’Tselem’s inception in 1989, it has been documenting, researching and

publishing statistics, testimonies, video footage, position papers and reports on human rights violations committed by Israel in the OPT.

59. In concluding that Israel is committing apartheid against the Palestinian people,

B'Tselem wrote:

The Israeli regime, which controls all the territory between the Jordan River and the Mediterranean Sea, seeks to advance and cement Jewish supremacy throughout the entire area. To that end, it has divided the area into several units, each with a different set of rights for Palestinians – always inferior to the rights of Jews. As part of this policy, Palestinians are denied many rights, including the right to self-determination.

60. On April 27, 2021, HRW issued a 218-page report titled “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution”.

61. In concluding that Israel is committing the crime of apartheid against the Palestinian people, HRW wrote:

Israeli authorities have deprived millions of people of their basic rights by virtue of their identity as Palestinians. These longstanding policies and systematic practices box in, dispossess, forcibly separate, marginalize, and otherwise inflict suffering on Palestinians.

62. On February 1, 2022, Amnesty issued a 280-page report titled “Israel’s apartheid against Palestinians: A look into decades of oppression and domination”.

63. In concluding that Israel is committing the crime against humanity of apartheid, Amnesty wrote:

Amnesty International has analysed Israel’s intent to create and maintain a system of oppression and domination over Palestinians and examined its key components: territorial fragmentation; segregation and control; dispossession of land and property; and denial of economic and social rights. It has concluded that this system amounts to apartheid. It has also documented unlawful acts committed by Israel against Palestinians with the intent to maintain this system, including forcible transfers, administrative detention and torture, unlawful killings, denial of basic rights and freedoms and persecution. It has concluded that such acts form

part of a systematic as well as widespread attack directed against the Palestinian population and amount to the crime against humanity of apartheid.

64. At all times material to the matters complained of herein, the Defendant was aware or ought to have been aware of the facts recited in paragraph 35 to 63 above.

The October 7, 2023 attacks on Israel by Palestinian militants

65. On October 7, 2023, after 55 years of Israel's military occupation of Palestinian territory and its systematic and severe violations of Palestinian human rights, Palestinian militants launched attacks on Israeli military installations, settlements, and other locations near the fence Israel had constructed to entrap the Palestinian population of the Gaza Strip.
66. According to Israel's government, Palestinian militants killed at least 1,139 persons in the October 7 attacks, of whom approximately 776 were civilians, approximately 373 were security personnel, and approximately 36 were children.

Israel's Response to the October 7 attacks

67. Immediately following the October 7 attacks, Israel's government declared that it was "at war" with Palestinian militants in the Gaza Strip and launched a military offensive. In the weeks that followed the October 7 attacks, various leaders of the State of Israel made statements which evinced an intention on the part of the government of Israel to destroy Palestinian Gazans, in whole or in part.
68. On October 7, 2023, in a televised address, Israeli Prime Minister Benjamin Netanyahu promised to "operate forcefully everywhere". On October 13, 2023, he confirmed that "[w]e are striking our enemies with unprecedented might...".
69. On October 15, 2023, when Israeli airstrikes had already killed 2,670 Palestinians, including 724 children, Netanyahu stated that Israeli soldiers "understand the scope of

the mission” and stand ready “to defeat the bloodthirsty monsters who have risen against [Israel] to destroy us.”

70. Netanyahu repeatedly employed language that de-humanized Palestinians.
71. On October 16, 2023, in an address to Israel’s Knesset, Netanyahu described the situation in Gaza as “a struggle between the children of light and the children of darkness, between humanity and the law of the jungle.”
72. On October 28, 2023, as Israeli forces prepared their land invasion of Gaza, Netanyahu invoked the Biblical story of the total destruction of Amalek by the Israelites, stating: “you must remember what Amalek has done to you, says our Holy Bible. And we do remember.” He referred again to Amalek in his letter sent on November 3, 2023, to Israeli soldiers and officers. The relevant biblical passage reads: “Now go, attack Amalek, and proscribe all that belongs to him. Spare no one, but kill alike men and women, infants and sucklings, oxen and sheep, camels and asses.”
73. On November 3, 2023, in a letter to Israeli soldiers and officers published on the social media platform ‘X’, Netanyahu wrote that: “[t]his is the war between the sons of light and the sons of darkness. We will not let up on our mission until the light — the good will defeat the extreme evil that threatens us and the entire world.”
74. Netanyahu returned to the dehumanizing theme in his ‘Christmas message’, stating: “we’re facing monsters, monsters who murdered children in front of their parents. ... This is a battle not only of Israel against these barbarians, it’s a battle of civilization against barbarism.”
75. On October 12, 2023, Israeli President Isaac Herzog clarified that Israel’s government did not distinguish between militants and civilians in Gaza, stating in a press conference, in relation to Palestinians in Gaza (more than one million of whom are

children): “It’s an entire nation out there that is responsible. It’s not true this rhetoric about civilians not aware, not involved. It’s absolutely not true ... and we will fight until we break their backbone.”

76. On October 15, 2023, echoing the words of Netanyahu, Herzog told foreign media that “we will uproot evil so that there will be good for the entire region and the world.”
77. On October 9, 2023, Israeli Defense Minister Yoav Gallant announced that Israel was “imposing a complete siege on Gaza. No electricity, no food, no water, no fuel. Everything is closed. We are fighting human animals, and we are acting accordingly.”
78. Gallant also informed troops on the Gaza border that he had “released all the restraints” and that “Gaza won’t return to what it was before. We will eliminate everything. If it doesn’t take one day, it will take a week. It will take weeks or even months, we will reach all places.” Gallant added that he had “removed every restriction” on Israeli forces.
79. On November 10, 2023, Israeli Minister for National Security Itamar Ben-Gvir stated in a televised address: “[t]o be clear, when we say that Hamas should be destroyed, it also means those who celebrate, those who support, and those who hand out candy — they’re all terrorists, and they should be destroyed.”
80. On October 12, 2023, Israel Katz, who was then Israel’s Minister of Energy and Infrastructure and who is now its Foreign Minister, posted on ‘X’: “Humanitarian aid to Gaza? No electrical switch will be turned on, no water hydrant will be opened, and no fuel truck will enter until the Israeli abductees are returned home. Humanitarianism for humanitarianism. And no one will preach us morality.”
81. On October 13, 2023, Katz posted “All the civilian population in Gaza is ordered to leave immediately. We will win. They will not receive a drop of water or a single

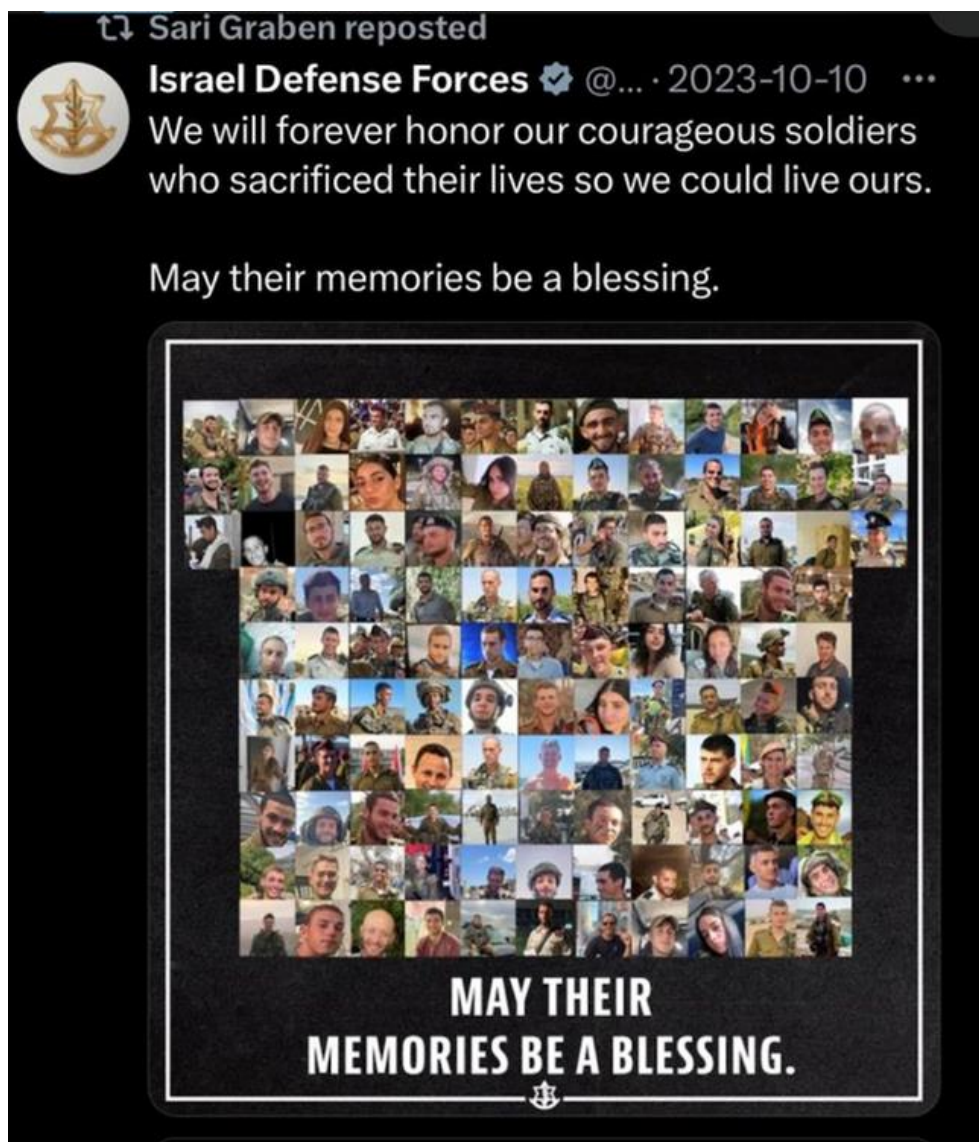
battery until they leave the world.”

82. On November 1, 2023, Israeli Minister of Heritage Amichai Eliyahu posted on Facebook: “The north of the Gaza Strip, more beautiful than ever. Everything is blown up and flattened, simply a pleasure for the eyes... We must never talk about the day after. In my mind, we will hand over lots to all those who fought for Gaza over the years and to those evicted from Gush Katif” [a former Israeli settlement]. He later argued against humanitarian aid as “[w]e wouldn’t hand the Nazis humanitarian aid”.
83. Promptly following the events of October 7, 2023, Israeli forces began bombarding the Gaza Strip, killing large numbers of civilians.
84. According to the Gaza Health Ministry, from October 7 to October 19, 2023, Israel’s bombardments of Gaza had killed more than 4,000 Palestinians, including 1,413 children. This constituted nearly 40 times as many children as Palestinian militants were alleged to have killed in Israel on October 7, 2023.

Lincoln Alexander Law School students react to events in Palestine and Israel

85. On October 11, 2023, the Dean of LASL, Donna Young, and LASL’s Assistant Dean, Anita Balakrishna, emailed LASL students to express concern about the “escalating violence, human suffering, and loss of life in Israel and Palestine.” They added in their email that “it is important that we reconcile deep empathy for Palestinian and Israeli statehood while condemning atrocious attacks against innocent civilians”.
86. The Deans’ October 11, 2023 email contained no acknowledgment, explicit or otherwise, that the relation between Israel and Palestinians is one of occupier and occupied. Moreover, their email said nothing about the openly genocidal utterances of several Israeli leaders.
87. Between October 7 and October 20, 2023, Sari Graben, LASL’s Associate Dean Research and Graduate Studies, repeatedly posted pro-Israel commentary on X,

including the following repost of a post from the Israeli Defence Forces:



LASL students sign and deliver the October 20, 2023 letter to Dean Young

88. On October 20, 2023, a student at LASL emailed a letter (the “**October 20 Letter**”) to Dean Young, copying Associate Dean Hudson and Assistant Dean Balakrishna. The email advised that a student organization, the Abolitionist Organizing Collective (“**AOC**”), was releasing an “open letter” titled “Lincoln Alexander School of Law’s unequivocal solidarity with Palestine and list of demands for the administration.”
89. The AOC circulated the October 20 Letter within the LASL community. The letter

obtained 74 signatures: 72 signatures from LASL students, 36 of whom signed anonymously or by initial; one signature from the AOC; and one signature from someone identified as “student, alumni.”

90. The October 20 Letter stated:

Lincoln Alexander School of Law’s unequivocal solidarity with Palestine and list of demands for the administration

October 20, 2023

To: Founding Dean and Professor Donna Young; Associate Dean, Academic and Professor Graham Hudson; and, Assistant Dean, Student Programming & Equity Anita Balakrishna

We stand with Palestine

The Abolitionist Organizing Collective and the undersigned members of the Lincoln Alexander School of Law (LASL) community, unequivocally support Palestine.

“Israel’ is not a country, it is the brand of a settler colony.” So-called Israel has been illegally occupying and ethnically cleansing Palestine since 1948, when the British unlawfully conceded Palestine’s territory.

We, the undersigned, recognize that the apartheid state referred to as “Israel” is a product of settler colonialism. We stand in solidarity with Palestine and support all forms of Palestinian resistance and efforts toward liberation.

We condemn any statement that denies or shifts away from the narrative of colonialism, or which equates the struggle of the oppressed with the acts of their oppressor. This is neither a war, nor a conflict: Palestinians are the subjects of Israel’s colonization and genocide, and the denial of such is an act of complicity in the ensuing violence.

We condemn any organization that only condemned *Hamas’ recent war crimes killing 1300 Israelis*, but has been and/or remains silent on the historic and ongoing war crimes committed by Israel. For the last 17 years, Israel has imposed a military blockade on Gaza. Throughout that time, Gaza has undergone five major wars waged by Israel—which remain unaccounted for—resulting in several mass murders of Palestinians.

Between January 1st 2008 and September 19th 2023, Israel killed 6407 Palestinians, 1437 of whom were children.³ In just the last 14 days, Israel’s war crimes in response to Hamas’ attack have killed at least 4,079 Palestinians, including 1,413 children.

We assert that Hamas’ attack was a direct result of Israel’s 75-year-long

systemic campaign to eradicate Palestinians, and that Israel is therefore responsible for all loss of life in Palestine. To say otherwise is to accept and endorse colonialism in all its forms: there would be no death if not for Israel's apartheid regime.

Demand for the LASL Administration to name and confront Israel's colonial violence

As people living in a settler colony on the lands of the Indigenous Peoples of Turtle Island, we are directly implicated in the violence taking place in Palestine, both historically and on-going—the 'Canadian' state itself is considered the architect of apartheid.

We therefore recognize our role in calling for an end to Israel's occupation, displacement, and genocide of Palestinians.

We condemn the LASL's "neutral" position which implicitly denies colonialism and upholds racism and Islamophobia, and request that the administration release a new statement:

1. Demanding an immediate ceasefire and end to Israel's current genocidal campaign;
2. Demanding that Canada allow humanitarian aid into Gaza;
3. Demanding an end to the entire system of settler colonialism that has strangled Palestine for the last century;
4. Recognizing Palestinian resistance as fundamentally just and as a means of survival for Palestinians;
5. Demanding a Canadian arms embargo; and,
6. Demanding economic sanctions against Israel by pressuring Canada to withdraw from the Canada-Israel Free Trade Agreement (CIFTA).

We ask that the LASL uphold its grounding pillars committed to equity, diversity and inclusion, by providing a public response to this letter by 5:00PM Friday, October 27th, 2023.

[Footnotes and signatures omitted; italics added]

91. By October 22, the October 20 Letter had become public. Its publication sparked widespread attention on social media and in traditional media. It also led to an intense and widespread backlash against the students who signed it.
92. On October 23, 2023, the administration of LASL published its response to the

October 20 Letter. LASL's October 23, 2023 response ("LASL Response") stated:

Lincoln Alexander School of Law's statement in response to the Open Letter

October 23, 2023

Last Friday, a collection of individual students at Toronto Metropolitan University's Lincoln Alexander School of Law posted an open letter to the law school's administration.

The Lincoln Alexander School of Law did not issue, endorse or condone this letter. We unequivocally condemn the sentiments of Antisemitism and intolerance expressed in this message.

The letter does not represent the views of our law school or the many students, faculty, staff and community members that are committed to upholding our values of inclusivity, dignity, and respect. Statements that seek to promote or justify violence directly contravene these values.

The Lincoln Alexander School of Law was created on a foundation of inclusion and a commitment to care for each other and the communities we serve. As educators and members of the legal community, we maintain our support for Israeli and Palestinian statehood and we stand with those who advocate for a peaceful, sustainable de-escalation and resolution of the conflict.

The law school acknowledges the immense pain and damage that this letter has caused. We expect our students, staff and faculty to engage in civil discourse that supports human rights, upholds the rule of law, and promotes understanding while being mindful of the core principles of freedom of expression. The law school does not tolerate Antisemitism, Islamophobia or statements that promote violence, terrorism, discrimination, racism, and hate. All TMU community members are expected to act in accordance with university policies including the Student Code of Conduct and the Discrimination and Harassment Prevention Policy. These policies reflect the values that foster a safe and respectful educational environment as well as the principles of fairness and due process.

Our students, faculty, staff and supporters have taken a thoughtful and intentional approach to building a diverse, equitable, and inclusive community, which honours the legacy of our namesake, The Honourable Lincoln Alexander. We are incredibly grateful to the legal community for the support they have extended to us. Our hope is that we can move forward in a way that upholds the values of our law school, fulfills our duty to the public, and embraces our shared humanity.

93. At time of filing of this Statement of Claim, the LASL Response continues to be posted on TMU's website.

Supporters of Israel Pressure TMU to sanction signatories of the October 20 Letter

94. In late October 2023, following the publication of the LASL Response, twenty-three prominent, Ontario lawyers signed an open letter (“**Lawyers’ Letter**”) condemning TMU for its allegedly “inadequate” response to the October 20 Letter. Their letter stated as follows:

We write to express our grave concern about the inadequacy of your response to an Open Letter signed last week by 74 students in the Lincoln Alexander Law School at Toronto Metropolitan University.

The Open Letter is nothing less than a hate-filled incitement to violence against Israel and the Jewish people. It expresses its unequivocal support for “all forms” of resistance and efforts towards liberation, thereby endorsing rape, torture, murder and kidnapping of Israelis, including children and the elderly, and citizens of many other countries.

In your response, you have rightly acknowledged that the Open Letter promotes and attempts to justify violence against what the signatories audaciously refer to as “so-called Israel,” contravenes the values of the law school and is in violation of the Student Code of Conduct and the Discrimination and Harassment Prevention Policy.

However, you make no mention whatsoever of consequences being contemplated against the signatories. The lack of any such action to sanction or otherwise address these violations renders your response wholly inadequate. It does nothing to ensure a safe learning environment. It may, in fact, send a message to TMU, and beyond, that hate filled speech is acceptable and will be condoned by one of the country's foremost educational institutions.

Internal processes are clearly available to take appropriate action against the offending students. These processes provide for a variety of potential outcomes, including remedial, that would illustrate in no uncertain terms that hate speech and incitements to violence are utterly unacceptable. Yet, the clear implication of your statement is that a choice has been made to take no action of any sort. The empty nature of this response flies in the face of community concerns about resort to violence. The absence of a true response creates an unsafe educational environment, for those who do not accept this call for violence.

To be clear, this has nothing to do with prohibited freedom of speech. Students are free to vigorously express their opinions and be forceful advocates on the widest range of issues, including Israel, and Palestinian rights. However, speech that supports and incites violence, terrorism and the destruction of Israel and its people has no place in our society.

The students in question are training in the law and intend to take their place at the bar. One cannot help but wonder whether they have even the most rudimentary

understanding of the law or the good character requirements of licensure in Ontario.

You acknowledge in your statement that the support of the legal community is vital to the success of Lincoln Alexander Law School. That support is contingent upon the school living up to its responsibility to adequately train the next generation of lawyers and to create a safe environment for all students. It should go without saying that respect for the rule of law is of paramount importance. As members of the legal profession, they must also adhere to high standards of learning, competence and professional conduct. The students who signed the Open Letter appear to have fallen miserably short of that standard.

TMU would be well advised to reflect on the negative reaction within the legal community, that would justifiably follow, should no action whatsoever be taken in relation to the signatories of the Open Letter. It is very much an open question whether, in light of your inaction, the legal community will continue to offer your students the professional placements that are a requirement of your curriculum.

We urge you to immediately initiate the processes that are available to you to address the conduct of the students who were signatories to this Open Letter. Anything less can only be read as a derogation of your responsibility to the community and to civil society.

95. The Lawyers' Letter repeated the false and defamatory statements contained in the LASL Response.
96. Moreover, the Lawyers' Letter contained the patently false and defamatory claim that the signatories of the October 20 Letter had 'endorsed' "rape, torture, murder and kidnapping of Israelis, including children and the elderly". In fact, and as was obvious upon a cursory reading of the October 20 Letter, the signatories of that letter explicitly described the Hamas attacks of October 7, 2023 as "war crimes".
97. Finally, the Lawyers' Letter explicitly or implicitly threatened a boycott of LASL graduates in the articling hiring process, and the withdrawal of financial support for LASL by the "legal community".

TMU and LASL succumb to pressure from the 'legal community'

98. On November 7, 2023, TMU announced that it had established an external review of

the October 20 Letter, stating:

In response to an open letter posted by a collection of individual students at Toronto Metropolitan University (TMU), the university has engaged the expertise of retired Chief Justice J. Michael MacDonald as an external reviewer.

The open letter, posted on October 20, 2023, was directed to the administration of the Lincoln Alexander School of Law. It was one of several events and actions that have occurred at TMU in recent weeks, following the conflict in the Middle East.

The university is engaging Mr. MacDonald as an independent expert to undertake a thorough, judicious review of the open letter in a manner that respects the seriousness of the situation. As part of his mandate, Mr. MacDonald will determine whether the Student Code of Non-Academic Conduct has been breached and, if so, what actions are appropriate.

“Given the impact of the open letter on TMU community members, our partners, and our stakeholders, we feel a formal external review is the best way forward. It will give TMU community members an opportunity to be heard, while taking into account the significant complexities of the challenges before us,” said president and vice-chancellor, Mohamed Lachemi. “We are extremely grateful to Mr. MacDonald for offering his guidance and expertise, and we look forward to receiving his determinations.”

99. Given the highly publicized nature of TMU’s announcement, students at LASL were aware of the investigation, and the fact that the Plaintiffs were being investigated.

Chief Justice MacDonald’s review exonerates the signatories of the October 20 Letter

100. Following his appointment as external reviewer in November 2023, retired Chief Justice MacDonald invited written submissions from the signatories of the October 20 Letter. He also offered to meet with the signatories and their lawyers as part of the review process.
101. All Plaintiffs accepted Chief Justice MacDonald’s invitation to meet with the signatories and did meet with him in early 2024.
102. Chief Justice MacDonald also met with members of the legal profession and representatives of Jewish groups who had criticized the October 20 Letter and who

had demanded that its signatories be punished.

103. On May 23, 2024, Chief Justice MacDonald submitted to TMU's administration a 169-page report setting forth the conclusions of his review and the basis of his conclusions ("**External Review Report**"). TMU published the External Review Report on May 31, 2024.

104. In the External Review Report, Chief Justice MacDonald wrote:

The ultimate substantive issue for the External Reviewer to decide was whether there had been a "breach of community standards", defined in Section 4.7 of the [Student Code of Non-Academic Conduct ("**Code**")] as: "A finding by a decision maker that a respondent's conduct has not met the University's community standards." The "balance of probabilities" threshold applied (see Section 8.4). This means that, as defined in Section 4.6, "The evidence shows it is more likely than not the alleged breach of community standards occurred."

[...]

Returning to the Code, Section 6 summarizes the "community standards for non-academic student conduct":

All students at the University are expected to conduct themselves in a manner that supports the University as a learning, teaching, living, research, and work environment where the rights and responsibilities of all students, staff, and faculty are respected. Students may also be responsible for the conduct of their guests.

The Toronto Metropolitan University Statement of Student Rights and Responsibilities outlines that students are expected to strive to make the community safe and uphold an environment defined by mutual respect, equity, civility, dignity, and inclusivity.

More information about the Toronto Metropolitan University Statement of Student Rights and Responsibilities is found on the Senate website.

Section 6 then references other University Policies:

The Code works in accordance with the Sexual Violence, Residence Community Standards, and the Discrimination and Harassment Prevention Policies to combat sexual violence, harassment, and discrimination of all forms. The University is committed to fostering diversity and inclusion where all community members feel welcomed, valued, seen and heard.

The policies must work in coordination to promote a culture of consent and to confront all barriers to equity, diversity, and inclusion such as racism, anti-Black racism, anti-Indigeneity, anti-Asian racism, Islamophobia, anti-

Semitism, xenophobia, gender-based violence, gender inequity, sexism, homophobia, transphobia, colonialism, ableism, and ageism. Students are to comply with all municipal, provincial, and federal laws and any professional standards related to their course of study.

Finally, Section 6 provides a “non-exhaustive list of conduct that does not meet the University’s community standards” including:

- 6.1 Violence, and/or Threats of Violence, to a Personal’s Physical or Mental Well-being
- 6.2: Harassment
- 6.3: Disrupting or Interfering with University Operations
- 6.4: Conduct that Breaches the Law
- 6.5: Damage to University and Community Members’ Property
- 6.6: Conduct that Breaches University Policies and Procedures (including the Discrimination and Harassment Prevention Policy); and
- 6.7: Abuse of the Code or other University Policies.

The University’s complaint did not specify which discrete aspects of the Code were alleged to have been breached. Neither did it specify whether any aspects of the letter were of particular concern to the University...

105. In the External Review Report, Chief Justice MacDonald also took note that, under Section 10 of the Code, various sanctions could be applied “following a decision that there has been a breach of community standards... Sanctions can range from a requirement to attend an educational program, up to and including expulsion.”

106. Ultimately, Chief Justice MacDonald concluded that no sanctions were warranted against any of the signatories to the October 20 Letter. He concluded that the signatories of the October 20 Letter did not violate the Code and that the October 20 Letter was not antisemitic, stating:

It is accepted that the participants intended the letter to criticize the historical treatment of Palestine and Palestinians, and Israel’s past and present military efforts – not to criticize Judaism or Jewish people more generally. ***The letter does not refer to Jewish people or Judaism, nor does it explicitly or implicitly equate Israel’s actions with those of Jewish people, whose views do not necessarily or universally align with those of the state of Israel.*** Furthermore, the letter does not expressly refer to Zionism.

[Emphasis added.]

107. Chief Justice MacDonald also commented on the conduct of the LASL administration and of prominent members of the legal profession who had attacked the signatories of the October 20 Letter, writing:

...In an October 23 statement, the LASL administration publicly condemned the letter *without first giving the participating students a meaningful opportunity to explain themselves*. Despite the administration's best intentions in a time of crisis, this too caused harm to the student community. Many students told us that the administration "threw them under the bus" at a moment when they needed tangible support and protection.

The reactions of many external actors, including prominent lawyers and interest groups — some of them publicly calling for the students to be expelled — caused further, and significant, harm to the students.

[Footnotes omitted; emphasis added.]

108. After the completion of Chief Justice MacDonald's review and the submission of the External Review Report to TMU's administration, TMU imposed no sanctions on any of the Plaintiffs or other signatories of the October 20 Letter.

109. Following the publication of the External Review Report, a former adjunct professor of LASL, Sarah Morgenthau, brought an application in the Ontario Superior Court of Justice for judicial review. In a decision rendered on September 4, 2025, the Ontario Divisional Court dismissed Morgenthau's application. In its reasons, the Court held that Morgenthau's application constituted a collateral or indirect attack on the External Review Report, and that the external review established by TMU constituted a "reasonable process".

110. Since October 20, 2023, reputable human rights experts and organizations from around the world have concluded that, in the Gaza Strip, Israel is committing genocide within the meaning of the *Genocide Convention of 1948*. Those experts and

organizations include, but are not limited to, Amnesty, the International Association of Genocide Scholars, B'Tselem, Physicians for Human Rights Israel and the United Nations Independent Commission of Inquiry on the Occupied Palestinian Territory.

111. The growing consensus of independent human rights experts from around the world that Israel is committing genocide demonstrates that the concerns raised by the Plaintiffs in the October 20 Letter were fully justified.

112. Nonetheless, as of the filing of this Statement of Claim, neither TMU nor LASL has retracted or apologized for any of its public criticisms of the October 20 Letter or the signatories thereof.

V. CAUSES OF ACTION

Defamation

113. The Plaintiffs plead that the LASL Response constituted the tort of defamation against them in that it (1) referred to the Plaintiffs, (2) was issued by representatives of TMU and on behalf of TMU and disseminated to members of the public, and (3) was defamatory in that the statements therein would harm the Plaintiffs' reputation in the eyes of a reasonable person.

114. The LASL Response referred explicitly to the signatories of the October 20 Letter, which included the Plaintiffs, and was published online through TMU's website at which point it became available to the general public and was widely publicized.

115. The LASL Response was defamatory in that it:

- a. falsely asserted and/or implied that the Plaintiffs had expressed "sentiments of Antisemitism and intolerance";
- b. falsely asserted and/or implied that the Plaintiffs violated the values of inclusivity, dignity and respect;

- c. falsely asserted and/or implied that the Plaintiffs sought to promote or justify violence, terrorism, discrimination, racism and hate;
- d. falsely asserted and/or implied that the Plaintiffs did not support human rights or the rule of law; and
- e. falsely asserted and/or implied that the Plaintiffs had violated TMU's policies, including TMU's Student Code of Conduct and the Discrimination and Harassment Prevention Policy.

116. The words employed by LASL in the LASL Response meant, and were understood to mean, that the signatories to the October 20 Letter, including the Plaintiffs:

- a. were anti-Semites;
- b. were intolerant;
- c. were disrespectful;
- d. supported, glorified and/or endorsed terrorism;
- e. did not support human rights;
- f. did not support the rule of law; and
- g. had violated TMU's policies, including TMU's Student Code of Conduct and the Discrimination and Harassment Prevention Policy;

117. The said defamatory statements by the Defendants tended to, and actually did, damage the personal and professional reputations of the Plaintiffs.

118. As is evident from the External Review Report, the said statements were not true, nor did they constitute fair comment, nor were they subject to any form of privilege.

119. At no point did TMU or anyone acting on its behalf offer a retraction or an apology adequate to the Plaintiffs or any of them for the said defamatory statements.

120. Further, as of the date of filing of this Statement of Claim, the LASL Response

remains available on TMU's website.

121. The Plaintiffs plead and rely on the *Libel and Slander Act*, R.S.O. 1990, c. L.12.

Negligent Misrepresentation

122. The Plaintiffs plead that TMU committed the tort of negligent misrepresentation against them in representing LASL as an institution committed to social justice, equity, diversity, inclusion and anti-racism, implicitly and/or explicitly representing that students of all backgrounds and advocates for social justice were welcome and would be treated as valued members of the community. This was not the case.

123. TMU's negligent misrepresentations include:

- a. Promoting LASL online and on marketing and recruitment materials on the basis of its special, unique and/or deeply-held commitment to social justice and inclusion of all racialized and other historically underserved communities;
- b. Representing equity, diversity, inclusion, access to justice, and social justice principles as “foundational pillars” of LASL;
- c. Representing that TMU prioritized equity, diversity and inclusion “throughout its curriculum, clinical and experiential learning opportunities, and professional placements;”
- d. Representing that TMU aimed “to shape lawyers who will serve a broad range of communities, including those who have often been underserved by the legal community;” and
- e. Representing that “Social justice principles aren't just talking points for our law school, they're an essential element of our vision for legal education.”

124. TMU owed a duty of care to the Plaintiffs prior to their enrolment based on its special relationship with them as prospective students to whom it promoted itself and whose enrolment TMU sought through its representations. The said duty of care required

TMU to describe accurately its policies, practices, mission, and values, including with respect to matters relating to social justice.

125. The said representations were untrue, inaccurate, and/or misleading, as TMU's actions and omissions following, and in response to, the October 20 Letter, detailed herein, indicate, being contrary to LASL's avowed commitments to social justice, equity, diversity, inclusion and anti-racism. The said actions and omissions include, but are not necessarily limited to, the false, defamatory and discriminatory statements in the LASL Response; the creation of a poisoned environment at LASL and rampant Human Rights Code violations detailed herein following the publication of the October 20 Letter; and the failure to provide adequate supports to the Plaintiffs during that time.
126. TMU and its representatives acted negligently in making the said misrepresentations. TMU knew or ought to have known that these representations were false.
127. TMU was negligent in causing the Plaintiffs to believe that LASL was an institution deeply and meaningfully committed to the principles of social justice, equity, diversity, inclusion and anti-racism and that they, as students, would be safe and free to advocate for such principles without fear of repercussions from TMU.
128. The Plaintiffs relied on the said negligent misrepresentations in deciding to enrol as students of LASL and were reasonable in so relying. Certain Plaintiffs chose to apply to, and attend TMU based primarily on its stated commitment to social justice, equity, and diversity.
129. The Plaintiffs' reliance was detrimental to them and caused damages, including but not necessarily limited to mental and emotional suffering, reputational and career damage, and injury to dignity, feelings and self-respect.

Breach of Contract

130. The Plaintiffs further plead that TMU's conduct described herein constituted a breach of the contracts it had with the Plaintiffs.
131. The Plaintiffs entered into contracts with TMU at or around the time that they enrolled in LASL whereby TMU was to provide, *inter alia*, educational services and accreditation in exchange for tuition money constituting consideration.
132. The Plaintiffs plead that TMU's representations with respect to its commitment to social justice, equity, diversity, inclusion and anti-racism, described above, formed an essential part of that contract.
133. The Plaintiffs further plead that it was either an express or an implied term of the said contracts that TMU would provide, foster and maintain a school environment and institutional culture at LASL that was safe for its students, and that specially privileged, emphasized and celebrated social justice, de-colonialism, and anti-racism.
134. The Plaintiffs further plead that it was either an express or an implied term of the said contracts that LASL students would be supported in advocating for social justice causes without interference or reprisal by TMU and its representatives.
135. The Plaintiffs further plead that it was either an express or an implied term of the said contracts that TMU would provide adequate supports for LASL students with respect to mental health, equity, diversity, inclusion, and career development and advancement.
136. The conduct of TMU described herein violated the said contracts, in particular by failing to honour the terms described above, thereby causing damages as detailed below.

Discrimination

137. The Plaintiffs plead that TMU's conduct set out above constituted discrimination

against them on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, and creed in the context of services and/or contracts in violation of sections 1, 3, 9 and 11 of the *Human Rights Code*, R.S.O. 1990, c. H.19 (“**the Code**”).

138. The Plaintiffs plead that each of them (1) has one or more Code-protected characteristics, (2) was subjected to adverse treatment by TMU, and (3) the protected characteristic(s) were a factor in the adverse treatment.
139. The Plaintiffs’ protected characteristics include their race, ancestry, place of origin, ethnicity and creed, being Pakistani and Muslim (Ms. Tahir), Persian and Muslim (Ms. Zaker Shahrak), Filipino, Indo-Caribbean and Muslim (Ms. Khan), West Asian/Turkish and Muslim (Ms. Asik), Southeast Asian/Malaysian and Polish (Ms. Lee), Korean/biracial (Ms. Coombe), Ethiopian/Black and Muslim (Ms. Abawajy).
140. In the alternative, the Plaintiffs plead that the above-named adverse treatment was additionally connected to their relationship(s) and association with a Code-protected group, namely Palestinians, with whom they were associated irrespective of their own background and/or nationality on the basis of their advocacy including in the October 20 Letter in violation of section 12 of the Code.
141. TMU’s adverse treatment of the Plaintiffs includes:|
- a. Associate Dean Sari Graben’s repeated online sharing of official propaganda and other messages in support of the Israeli military’s violent actions against Gaza and its people following October 7, 2023, implicitly and/or explicitly endorsing the said violent actions;
 - b. The release of the LASL Response on October 23, 2023, publicly accusing the Plaintiffs and their fellow signatories of, *inter alia*, anti-Semitism, intolerance, justifying violence, promoting terrorism, discrimination, racism and hate, and violating TMU’s policies. The Plaintiffs plead that the release of the said

Response had the foreseeable effect of promoting, encouraging, abetting and contributing to the ensuing campaign of rampant and widespread bullying, harassment, public humiliation and attacks on the Plaintiffs by members of the public, including but not limited to the Lawyers' Letter and in print and online media.

- c. Initiating the external review of the October 20 letter, and for this purpose retaining Chief Justice MacDonald, to investigate the signatories, thereby subjecting the Plaintiffs to additional accusations, explicit and implicit threats of disciplinary sanctions, undue and excessive scrutiny and policing, humiliation, opprobrium, and the attendant mental and emotional impact of the investigation;
- d. Fostering a poisoned school environment through its actions and omissions as described herein in connection with the above-named Code-protected grounds and in violation of TMU's obligations under the Code;
- e. Failure to respond appropriately to, or take adequate measures to remedy, the culture of anti-Palestinian and anti-Arab racism, Islamophobia, and other forms of Code-prohibited discrimination that developed at LASL following the release October 20 Letter in accordance with TMU's obligations as a university administration;
- f. Failure to respond appropriately in support or defence of the Plaintiffs as students of TMU and LASL to the false, defamatory, discriminatory and injurious statements expressed in the Lawyer Letter;
- g. Failure to provide adequate supports to the Plaintiffs with respect to mental health, emotional wellbeing, and career advancement and development following the release of the October 20 Letter, including a failure to

adequately protect them against threats made by members of the public and legal profession; and

- h. Selective and inconsistent enforcement of TMU policies including the Student Code of Conduct and the Discrimination and Harassment Prevention Policy following the release of the October 20 Letter.

- 142. The above-named adverse treatment was connected to the above-named Code-protected grounds, which grounds were a factor in said adverse and differential treatment.
- 143. The Plaintiffs plead that they signed the October 20 Letter in a spirit of solidarity with the people of Palestine based, in part, on their own diverse backgrounds, histories, perspectives and lived experiences coming from diverse backgrounds including many with histories of oppression, subjugation, discrimination, colonization, erasure, and displacement.
- 144. The Plaintiffs plead that TMU's response to the October 20 Letter had the effect of creating, aggravating and perpetuating systemic and structural discrimination against them in connection with the aforementioned grounds and characteristics and creating a racially and religiously poisoned school environment.
- 145. The said discriminatory treatment caused significant injury to the Plaintiffs' dignity, feelings and self-respect.
- 146. The Plaintiffs plead that TMU's adverse treatment, outlined above, further constituted unlawful reprisal against them for attempting to enforce and give effect to their own and others' human rights in the face of TMU's actions and omissions following October 7, 2023 and leading up to the publication of the October 20 Letter in violation of section 8 of the Code.
- 147. The Plaintiffs plead that they would not have been subjected to the said adverse

treatment had they advocated in like manner in support of a nation, people or community other than Palestine and the Palestinians. TMU's conduct in this manner constituted a textbook example of anti-Palestinian racism.

148. The Plaintiffs rely on section 46.1 of the Code.

Consumer Protection Act Unfair Practices

149. The Plaintiffs, as students of TMU and LASL, are consumers within the meaning of the *Consumer Protection Act, 2002*, S.O. 2002, c. 30, Sch. A ("the CPA") and in particular section 1 thereof, being consumers and purchasers of educational services for personal purposes from TMU.

150. The Plaintiffs entered into agreements with TMU for the supply of such services at or around the time of their enrolment. These agreements comprise consumer transactions within the meaning of sections 1 and 2(1) of the CPA.

151. As detailed in paragraph 120, TMU made representations to the Plaintiffs regarding its purported commitment to the principles of social justice, equity, diversity, inclusion and anti-racism prior to their becoming students through the aforementioned consumer transactions.

152. Under section 14(1) of the CPA, it is an unfair practice "to make a false, misleading or deceptive representation."

153. The said representations by TMU were false, misleading and deceptive in that TMU:

- a. represented that LASL was an institution committed to the principles of social justice, equity, diversity, inclusion and anti-racism when it was not;
- b. represented that racialized and other communities historically underserved by the justice system would be welcome and safe at LASL when it knew or ought to have known that they would not be welcome and safe at LASL;
- c. represented that social justice principles were not "just talking points" but "an

essential element” of LASL’s vision when it knew or ought to have known that this was not the case;

- d. represented that LASL had performance characteristics, benefits and/or qualities that it did not have, including the “foundational pillars” of equity, diversity, inclusion, access to justice, and social justice principles;
- e. representing that LASL’s education services were of a particular standard, quality or grade with respect to social justice principles when they were not;
- f. representing that the transactions with the Plaintiffs involved rights, remedies or obligations that they in fact did not; and
- g. using exaggeration, innuendo and/or ambiguity as to material facts and/or failing to state material facts in a manner that deceived and tended to deceive the Plaintiffs.

154. Under section 15(1) of the *CPA*, it is an unfair practice “to make an unconscionable representation.”

155. The said representations by TMU were unconscionable in that TMU knew or ought to have known:

- a. that the Plaintiffs would be unable to receive a substantial benefit from the subject-matter of the representation;
- b. that the terms of the transactions were so adverse to the Plaintiffs as to be inequitable; and
- c. that the representations regarding LASL’s purported commitment to social justice principles were misleading and that prospective students would be likely to rely on them to their detriment.

156. The Plaintiffs did not know and could not reasonably have known before becoming students at LASL that the above-described representations were false, misleading,

deceptive, and/or unconscionable.

VI. DAMAGES

157. The Plaintiffs plead that they have suffered extensive harm as a consequence of the violations set out herein.
158. The said harm includes, *inter alia*, reputational harm, loss of academic and economic opportunity, emotional harm, pain and suffering, injury to dignity, feelings and self-respect, injury to mental and physical health, social isolation, loss of trust, loss of confidence, harm to academic performance and success, loss of use and enjoyment of school spaces and facilities, and damaged relationships with friends and family.
159. Several of the Plaintiffs suffered loss of career opportunity as a direct or indirect consequence of the Defendant's conduct described herein, including, *inter alia*, being denied jobs and job interviews, revocation of job offers, loss of clerkships, internships and mentorship opportunities, and lost opportunity to attend networking events.
160. The Plaintiffs additionally suffered economic losses in the form of expenses incurred as a consequences of the violations outlined herein including paying out of pocket for therapy, counselling and other supports necessitated by the said violations.
161. A number of the Plaintiffs became unable to regularly attend classes as a result of the poisoned environment, thereby reducing their ability to meaningfully participate in their legal education. Other Plaintiffs did not attend their law school graduation as a result of the continuing mental health impacts of TMU's conduct.
162. The Plaintiffs suffered further emotional and psychological harm through the targeted harassment and bullying that foreseeably resulted from the conduct of TMU and its representatives.
163. Certain plaintiffs with underlying medical conditions experienced exacerbated symptoms as a result of the Defendant's conduct.

164. The Plaintiffs plead that all such damages were reasonably foreseeable in the circumstances.
165. The Plaintiffs claim that an award of punitive damages is appropriate, having regard to the high-handed, willful, wanton, reckless, contemptuous and contumelious conduct of the Defendants.

VII. PLACE OF TRIAL

166. The Plaintiffs request that this action be tried in Toronto.

DATE: October 3, 2025

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EBRU ASIK et al.
Plaintiffs

v. **TORONTO METROPOLITAN UNIVERSITY**
Defendant

Court File No.

SUPERIOR COURT OF JUSTICE
Proceeding Commenced at Toronto

STATEMENT OF CLAIM

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