



Divisional Court File No. DC-22-128

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

THE HONOURABLE
JUSTICE CORBETT
JUSTICE RYAN BELL
JUSTICE O'BRIEN

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THURSDAY, THE 19th
DAY OF OCTOBER, 2023

B E T W E E N:

40 DAYS FOR LIFE

Plaintiff (Respondent)

and

BROOKE DIETRICH, JOHN DOE, JANE DOE
and PERSONS UNKNOWN

Defendants (Appellant)

and

CANADIAN CIVIL LIBERTIES ASSOCIATION

Intervener

ORDER

THIS APPEAL, brought by the Defendant (Appellant) Brooke Dietrich for an Order setting aside the Decision of Justice Valente as set out in the Endorsement dated March 1, 2022, and the Order dated March 2, 2022, and from the Decision of Justice Valente as set out in the Endorsement of March 9, 2022 and the Order dated March 10, 2022, was heard by videoconference on April 28, 2023, at the Divisional Court, 45 Main Street E., Hamilton, Ontario, L8N 2B7.

ON READING the Appeal Book and Compendium, Factum, Book of Authorities, Reply Factum, and Written Submissions of the Defendant (Appellant), Brooke Dietrich, and the Responding Compendium, Responding Factum, and Written Submissions of the Plaintiff (Respondent), 40 Days for Life, and the Factum of the Intervener, Canadian Civil Liberties Association, filed, and on hearing the submissions of the parties and the Intervener:

1. **THIS COURT ORDERS** that the Orders of Valente J. dated March 2, 2022, and March 10, 2022 are quashed;
2. **THIS COURT ORDERS** the Plaintiff (Respondent), 40 Days for Life, shall publish notice on its website and social media platforms that the Orders dated March 2, 2022 and March 10, 2022 are quashed. This notice shall be provided in the same manner as the original notice to Unknown Defendants that the injunction had been granted;
3. **AND THIS COURT ORDERS** the Plaintiff (Respondent) 40 Days for Life shall pay the costs of the Defendant (Appellant), Brooke Dietrich, in the amount of \$30,000, all inclusive, within 30 days.

THIS ORDER BEARS INTEREST at the rate of 7% per year commencing on October 19, 2023.

Assistant Registrar

40 DAYS FOR LIFE
Plaintiff (Respondent)

-and- BROOKE DIETRICH et al.
Defendants (Appellant)

Divisional Court File No. 180/22

**ONTARIO
SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

PROCEEDING COMMENCED AT
KITCHENER

ORDER

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