



Court File No.: CV-

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**UNIVERSITY OF WATERLOO**

Plaintiff

- and -

**JOHN DOE, JANE DOE, PERSONS UNKNOWN, AHMAD KAMAL, RACHEL  
THEVENARD, JACOB PRIES, NICHOLAS SARWEH, SARAH AHMED,  
CHRISTINA VANALSTYNE, AND JOHN-LEE BANNISTER**

Defendants

**STATEMENT OF CLAIM**

**TO THE DEFENDANTS**

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 \$25,000 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$1,000.00 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL BE AUTOMATICALLY DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: June , 2024

Issued by: \_\_\_\_\_

Local Registrar  
Ontario Superior Court of Justice  
85 Frederick Street  
Kitchener, Ontario  
N2H 0A7

**TO: JOHN DOE**

**AND TO: JANE DOE**

**AND TO: PERSONS UNKNOWN**

**AND TO: AHMAD KAMAL**  
[anykamal@uwaterloo.ca](mailto:anykamal@uwaterloo.ca)

**AND TO: RACHEL THEVENARD**  
[rthevena@uwaterloo.ca](mailto:rthevena@uwaterloo.ca)

**AND TO: JACOB PRIES**  
c/o [divestuwatloo@gmail.com](mailto:divestuwatloo@gmail.com)

**AND TO: NICHOLAS SARWEH**  
[nsarweh@uwaterloo.ca](mailto:nsarweh@uwaterloo.ca)

**AND TO: SARAH AHMED**  
[s363ahme@uwaterloo.ca](mailto:s363ahme@uwaterloo.ca)

**AND TO: CHRISTINA VANALSTYNE**  
c/o [divestuwatloo@gmail.com](mailto:divestuwatloo@gmail.com)

**AND TO: JOHN-LEE BANNISTER**  
c/o [divestuwatloo@gmail.com](mailto:divestuwatloo@gmail.com)

## CLAIM

1. The Plaintiff claims against the Defendants, jointly and severally, for:
  - a. damages in the amount of \$1,500,000, including damages for trespass, damage to property, intimidation, and ejection;
  - b. a mandatory Order requiring the Defendants to remediate the Plaintiff's Property (as defined below) to the conditions as they existed as of May 12, 2024, and to deliver to the Plaintiff a record confirming such remediation;
  - c. an Order requiring the Defendants and any persons having notice of the Order to immediately dismantle and remove any encampment or obstructions erected, built, created, or imposed by them, including but without limitation any tent, shelter, structure, barrier, fence, personal chattels, or rubbish, of any kind whatsoever, on the Plaintiff's lands, premises, facilities, or equipment ("**Campus**");
  - d. an Order requiring the Defendants to refrain from re-building any such fence or obstruction that obstructs or restricts access to any part of the Campus;
  - e. an Order requiring the Defendants to cease, desist, and refrain from camping on the Campus or taking exclusive use and possession of any portion of the Campus, including without limitation, by erecting structures, fencing, barricading, blocking, or otherwise obstructing the Campus or any portion thereof;
  - f. an Order requiring the Defendants to refrain from interfering with the University's Senate, Board of Governors, all teaching and research activities and events related to University operations, and/or other regularly scheduled meeting on Campus or elsewhere in any way;

- g. an Order requiring that the Defendants refrain from gathering for the purpose of an Encampment or in any manner inconsistent with the University's policies;
- h. an Order authorizing the Waterloo Regional Police Service, the Ontario Provincial Police, and/or any other police authority to arrest and remove persons, objects, and structures who/which violate the terms of the Order;
- i. an Order validating service of the Statement of Claim, or an alternative to personal service, on Ahmad Kamal, Sarah Ahmed, Jacob Pries, Rachel Thevenard, Nicholas Sarweh, Christina Vanalstyne, and John-Lee Bannister;
- j. an Order dispensing with service of this Statement of Claim on John Doe, Jane Doe, and Persons Unknown;
- k. an Order for substituted service of this Statement of Claim;
- l. an Order abridging the time for service of this Statement of Claim and supporting materials, to the time of actual service;
- m. pre-judgement and post-judgement interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C.43;
- n. the costs of this proceeding, plus all applicable taxes; and
- o. such further and other relief as this Honourable Court may deem just.

## **Overview**

2. Since May 13, 2024, the Defendants have conducted an illegal occupation of the University of Waterloo's private property. Since May 13, 2024, a group of protesters unlawfully took over the green space next to the Graduate House on the University of Waterloo's main Campus, setting up what they call an "indefinite encampment". This encampment consists of tents

and structures surrounded by wooden barriers, effectively barricading a highly utilized central location on the University's Campus on the green space next to the Graduate House and preventing free access to, from, and through the site ("**Encampment**").

3. The illegal Encampment was formed on University private property without the University's authorization or consent and in violation of numerous University policies. The Defendants have expanded their activities related to the illegal occupation within the Encampment to the broader University Campus, including going so far as to disrupt Needles Hall and blocking access to facilities, confining University staff and several members of its Board of Governors within parts of the building, and making it impossible for them to continue their regular activities. The occupants have engaged in this conduct without the University's authorization or consent, even though they know or ought to know that such conduct is unlawful.
4. While the University respects the right of all its community members to engage in free expression and peaceful assembly, these rights are not unlimited. The University has the lawful right to access and make use of its own property. The University also has a duty to ensure the health, safety, and security of everyone on its Campus.
5. Occupants in the Encampment have entirely blocked access to the Encampment and have dispossessed the University of its own private property. This pattern of unlawful behaviour has been escalating since May 13, 2024. Most alarmingly, on June 18, 2024, the occupants created a blockade within a University building, Needles Hall, preventing staff from attending a Board of Governors meeting and restricting access to rooms and faculty offices. These interruptions have resulted in serious concerns for the staff and Board of Governors attending the Senate/Board of Governors meeting room ("**Senate/Board meeting room**"), forcing the University to seek the assistance of the Waterloo Regional Police Service. Given

the occupants' misconduct and unlawful behaviour on June 18, 2024, the University has had to implement enhanced security at Needles Hall.

6. Members of the Encampment have also consistently refused to allow a health and safety inspection of the Encampment, creating a potentially hazardous situation. This refusal is a threat to the health and safety of both the Encampment occupants and the broader University community. It also inhibits the University's ability to comply with, among other things, the *Occupational Health and Safety Act*, R.S.O, 1990, c. O.1, and the *Fire Prevention and Protection Act*, 1997, S.O. 1997, c. 4.
7. The occupants' illegal activities have continued despite repeated notices from the University to dismantle the Encampment and attempts to engage in productive, respectful dialogue with representatives. For instance:
  - a. On May 9, 2024, a few days before the occupants established the Encampment, the University issued a formal communication to the University community committing to considering the issues raised regarding investments before their Finance & Investment committee and Pension Investment committee of the Board of Governors, and further committing to consulting on developing guidelines on institutional partnerships.
  - b. On May 20, 2024, the University issued a "Formal notice to end encampment and remove all structures" to the occupants to dismantle the Encampment in response to the installation of further barricades around the entire Encampment and a community barbecue. The notice referred to policy and legal violations. The occupants included the following handwritten comment on the notice: "I ain't reading all that. Free Palestine!". The occupants have refused to engage in any sort of productive dialogue with the University.

- c. On an almost daily basis, the University communicated with members of the Encampment about safety checks, the well-being of the members of the Encampment, and more generally to establish productive dialogue. But members of the Encampment refused to engage constructively in any of the University's requests for dialogue, often insisting on their terms, and refusing to communicate unless their specific demands were met.
- d. On May 29, 2024, after several prior communication attempts, members of the Encampment agreed to a formal meeting with members of the University's administration. Although the University had to agree to certain conditions set by the Encampment to proceed with the meeting, the meeting appeared to be productive. And when a consensus was not reached, the parties agreed to continue the discussion later. When the time came for a subsequent meeting, members of the Encampment refused to proceed, conditioning further meetings on further demands.
- e. On June 15, 2024, after a month of challenging and unsuccessful attempts at constructive dialogue and an escalation in tensions, the University sent a formal communication to members of the Encampment and the broader University community, once again notifying the occupants that the Encampment had breached several of the University's prohibited activities and policies and inviting representatives of the Encampment to resume dialogue.
8. On June 18, 2024, three days after the University's second notice, the Encampment members responded by blocking key access points to the University's facilities and occupying the inside of Campus facilities. The University needed to cancel the Board of Governors meeting and call in the Waterloo Regional Police Service to protect the safety of staff and members of the

Board of Governors attending the meeting. By this point, constructive dialogue had become impossible.

9. On June 21, 2024, the University issued a Trespass Notice to all Encampment participants. The University hand delivered the Trespass Notice to the Encampment participants, posted it on the wall of the Encampment, delivered it via email to [divestuwaterloo@gmail.com](mailto:divestuwaterloo@gmail.com), and posted on the University of Waterloo's website at: <https://uwaterloo.ca/freedom-of-expression/news/notice-trespass>.
10. Rather than complying with the Trespass Notice, on the same day of June 21, 2024, the Defendant Ahmad Kamal wrote on the Trespass Notice posted on the wall of the Encampment: "Again: I ain't reading all that. Free Palestine".
11. The occupants have refused to comply with the terms of the Trespass Notice. Right before the University issued the Trespass Notice, the Waterloo Regional Police Service informed the University that they would not enforce the Trespass Notice to clear the Encampment without a court order.
12. The Encampment and continuous occupation of University private property is tortious and a violation of the *Trespass to Property Act*, R.S.O. 1990, c. T. 21. The occupants have also engaged in other unlawful conduct at the Encampment and throughout the University, including property damage and intimidation, which, among other things, has caused the University reputational harm.

### **The Parties**

13. The University of Waterloo is a public research university incorporated under the *University of Waterloo Act*. The main Campus of Waterloo is located at 200 University Avenue West and occupies about 1000 acres, including over 100 buildings and six faculties in uptown Waterloo,



Ontario. Waterloo also operates three satellite campuses. The University has about 42,000 full and part-time students enrolled each year and about 11,500 active employees, including faculty, staff, and temporary and student employees.

14. The Defendants, John Doe, Jane Doe, and Persons Unknown, are individuals involved in the Encampment who the University cannot identify. Since the Defendants' cover their faces to obscure their identity, the University has been unable to identify any specific individuals or groups who exercise control over the Encampment, except for the Defendants Ahmad Kamal, Rachel Thevenard, Jacob Pries, Nicholas Sarweh, Sarah Ahmed, Christina Vanalstyne, and John-Lee Bannister, who claim to be Encampment representatives. The Defendants include members of the University community, such as students, staff, faculty, and employees, as well as members of the public who have no affiliation with the University of Waterloo.
15. The individual Defendants, Ahmad Kamal, Rachel Thevenard, Jacob Pries, Nicholas Sarweh, Sarah Ahmed, Christina Vanalstyne, and John-Lee Bannister, are all individuals who have publicly identified as participating in the Encampment or having a leadership role in the Encampment, or both:
  - a. The Defendant, Ahmad Kamal, is a student at the University, a claimed "admin liaison", a member of the Encampment, and a representative of the unauthorized and unlawful Encampment and the "uw4liberation" group.
  - b. The Defendant, Rachel Thevenard, is a former student at the University, member of the Encampment, and claimed "police liaison".
  - c. The Defendant, Jacob Pries, is a member of the Encampment and claimed "police liaison".

- d. The Defendant, Nicholas Sarweh, is a student at the University, a member of the Encampment, a claimed “media liaison” for the Encampment, and is associated with the Voices of Palestine and OccupyUWaterloo Instagram pages;
- e. The Defendant, Sarah Ahmed, is a student of the University, a member of the Encampment, a claimed “admin liaison”, and is associated with the OccupyUWaterloo Instagram page;
- f. The Defendant, Christina Vanalstyne, is a member of the Encampment and is associated with the OccupyUWaterloo Instagram page.
- g. The Defendant, John-Lee Bannister, is a member of the Encampment and is a student from Wilfrid Laurier University.

## **Background**

### ***The University’s Private Property***

- 16. All the University of Waterloo’s campuses, including the main Campus located in Waterloo, Ontario, are private property, owned and maintained by the University. The University has established policies and procedures to ensure the safety, security, and orderly conduct of activities on its premises. These policies are designed to protect the rights of the University community while maintaining a safe and functional educational environment.
- 17. The University’s property includes academic buildings, administrative offices, student residences, recreational facilities, and open spaces, all of which are integral to its operations and the well-being of its students, faculty, and staff. Access to these facilities is essential for the University to fulfill its educational mission, among other things.

18. The University permits and supports lawful expressions of free speech and peaceful assembly on its Campus. However, any activities or occupations that disrupt the University's operations or threaten health and safety are prohibited under its policies and law.

***The Events Leading to the Illegal Encampment***

19. On October 7, 2023, the Palestinian militant group Hamas launched a surprise attack on Israel. In response, Israel declared a state of emergency and initiated military operations in the Gaza Strip ("**October 7 Attacks**"). These events led to several organized demonstrations and protests worldwide, including at the University.
20. Following the October 7 Attacks, the University witnessed various on-Campus political events, discussions, and protests involving pro-Palestinian, pro-Israeli, or other advocates. In response, the University supported all its community members, including students, in expressing their concerns and beliefs, provided their activities were safe and legal. The University also implemented several precautionary measures to enhance the security of these events.
21. In the weeks following the October 7 Attacks, the University met with both Jewish and Muslim student groups to hear their concerns about the current climate on Campus resulting from the ongoing conflict. For instance, on November 22, 2024, the University met with Jewish groups, including Jewish students, to discuss the concerns facing Jewish students and action items they would like to see from the University. On November 23, 2023, the University also met with members of the Muslim and Palestine student clubs to discuss instances of Islamophobia and anti-Palestinian racism on Campus and address their requests for more dialogue, education, and protection against censorship on Campus.

22. After these discussions, the University announced that it would move forward with a previous plan to create a task force to address issues related to freedom of expression and implementing guiding principles for respectful and inclusive dialogue. Senate discussions about the University's statement following the October 7 Attacks helped inform the terms of reference for this task force.
23. At first, the on-Campus activities involved a series of student-oriented on-Campus seminars and educational events. To ensure the safety of these events, the University implemented a safety strategy, which involved deploying a small team of Special Constables from the University of Waterloo Special Constable Service and the Waterloo Regional Police Service to monitor and secure the events. These events included:
  - a. On November 20, 2023, the University's Foundation for Palestinian Studies Fund hosted a lecture by Saree Makdisi, a professor at the University of California, Los Angeles. The topic, "Palestine and the Culture of Denial," was seen as presenting a pro-Palestinian perspective and attracted the attention of pro-Israeli supporters who were unhappy that the University was hosting the event. In response to these concerns, Special Constables were deployed to maintain security at the event.
  - b. On November 27, 2023, the Foundation for Palestinian Studies Fund organized another lecture, featuring Jon Allen, Canada's former ambassador to Israel, speaking on the topic "What a Difference a Year Makes in Israel-Palestine." Like the last event, Special Constables were deployed to secure and monitor the event because some pro-Palestinian supporters were unhappy about the event showcasing a pro-Israeli viewpoint.
  - c. On November 30, 2023, a student group at United College, an Affiliated and Federated Institution of Waterloo that is affiliated with the University of Waterloo and located

on the west of the main campus of Waterloo, hosted a Documentary Night featuring the film “Born in Gaza”. The event attracted attention from pro-Israeli supporters who were unhappy the event was happening and being hosted at the University. Through its safety efforts, the University ensured the event proceeded securely and safely.

- d. On February 13, 2024, Michael Lynk, former United Nations Special Rapporteur for the Occupied Palestinian Territories, delivered a lecture at the University. Some perceived his views as pro-Palestinian, which posed a risk of disruption from pro-Israeli protestors. Once again, the University's Special Constables monitored the event, ensuring its safety and smooth execution.

24. During this period, the University also observed several demonstrations on Campus facilitated by various pro-Palestinian groups, including:

- a. On November 7, 2023, Voices of Palestine hosted a demonstration attended by about 500 people. The demonstration moved through the Campus and occupied Ring Road, disrupting pedestrian and vehicular traffic. The University redirected traffic to accommodate the protesters, ensuring no interference with their route. This demonstration coincided with a University Senate meeting.
- b. On February 6, 2024, protestors attended and sat in on a scheduled Board of Governors meeting without permission, bringing signs and disrupting the meeting to address the Board. Eventually, the Chair of the Board granted them an opportunity to address the Board, during which time they communicated both their concerns and their demands.
- c. On March 4, 2024, a demonstration occurred at the Arts Quad, organized by non-University sanctioned groups, "uw4liberation" and "pymtoronto". About 400

individuals attended and 20 protesters disrupted an ongoing University Senate meeting.

- d. On April 8, 2024, before a scheduled Senate meeting, the “uw4liberation” group, using their social media account, urged students to attend and support student representative Ahmad Kamal. Ahmad addressed the Senate, with permission, presenting the occupants’ pro-Palestinian viewpoints.
- e. On May 6, 2024, a demonstration took place near the Arts Quad during a University Senate meeting. About 100 individuals gathered. Ahmad Kamal, with permission, presented at Senate about the pro-Palestinian cause and the protest group’s demands. A handout was circulated to Senators articulating these demands in the form of motions.
- f. On May 27, 2024, the occupants organized a demonstration where they paraded a banner with the image of the President & Vice-Chancellor of the University defaced with the words “Genocide Goel” and hung it from a railing inside the Davis Centre at the University.
- g. On May 30, 2024, the day after the University had conducted its first formal meeting with representatives of the Encampment, the occupants organized a demonstration targeted at getting donations by organizing a barbecue. Around 300 people attended the demonstration, which took place off Campus on City of Waterloo property and made its way through Campus before landing in the Arts Quad. The “hibachi style” barbecue grills presented a fire risk as they were supervised by students, which raised additional safety concerns.

- h. On June 10, 2024, the occupants joined with students allegedly from Wilfrid Laurier University and hosted another demonstration in front of Senate. About 75 people attended and distributed “newsletters” which read “UWaterloo & Laurier Students Escalate for Gaza! Join Now!”, among other things.

***The Illegal Encampment Constitutes Ongoing and Potentially Indefinite Trespass***

25. On May 13, 2024, protestors erected the unauthorized and illegal Encampment on a green space next to the Graduate House building on the University’s Campus, which they subsequently claim to have renamed the “Gaza House”. The Encampment included various tents that were fenced off with wooden barriers, each barrier measuring approximately 4 by 8 feet, with stakes that went through braces and snow fences that were later reinforced by more wooden boards. The wooden barriers were supported by sharp wooden stakes protruding out of the ground, creating tripping hazards. The total area of the Encampment measures about 23,700 square feet.
26. The location of the Encampment has obstructed access to one of the fire exits from the nearby Graduate House, creating a fire safety hazard. The occupants have constructed wooden barriers around the fire exit, such that any fire emergency from the Graduate House would lead right into the Encampment.
27. Entry and exit from the Encampment are restricted to a checkpoint that is always supervised by a representative of the Encampment. The occupants have set up a process for entry, which has not only restricted the University’s access but was not authorized by the University and conflicts with the University’s values and mandate. The occupants also moved several University-owned Adirondack chairs from their original locations around Campus into the Encampment for their sole use and have refused to return the chairs when requested.

28. The Encampment's refusal to allow University representatives to enter the Encampment has inhibited the University from complying with, among other things, the *Occupational Health and Safety Act*, R.S.O, 1990, c. O.1 and the *Fire Prevention and Protection Act*, 1997, S.O. 1997, c. 4.
29. The occupants established the encampment to maintain a continuous presence on campus for the express purpose of occupying the Campus indefinitely to coerce the University into capitulating to their demands. The Encampment is not about dialogue and cooperation. It is about coercion to have the University meet its demands.
30. The University, while respecting the right to peaceful assembly and free speech, recognized that the Encampment posed significant challenges. The Encampment disrupted the normal operations of the University, obstructed access to the University's own facilities, and raised health and safety concerns for both the University community and the occupants.
31. At first, the University asked only for the ability to conduct safety tours of the Encampment. But the occupants refused to grant access to the University and later publicly claimed that the University's existing video surveillance of its private property and nearby "police" presence was sufficient to assess health and safety within the Encampment.
32. Contrary to the Encampment's claims, the University's security cameras only reach certain areas of the Encampment, particularly since the occupants have added tarps and tents, thereby making it nearly impossible to get a proper view of the activities happening inside. Onsite health and safety walkthroughs are still necessary to properly assess the presence of any fire risks, health and safety hazards, and waste disposal.
33. After the occupants repeatedly refused access and engaged in concerning activities such as barbecuing near enclosed spaces, using the University's electrical outlets, enclosing the



encamped space without proper egress routes, and blocking established fire routes, creating potential fire and safety hazards, the University issued a formal notice requiring the occupants to dismantle the Encampment.

34. On May 20, 2024, the University hand delivered a formal notice to organizers of the Encampment alerting the occupants that the Encampment violated University policies and the law. More specifically, the University alerted the members of the Encampment of their violation of University policies and the *Trespass to Property Act*, R.S.O. 1990, c. T. 2. This notice was also posted close to the Encampment and posted on the University of Waterloo's website at <https://uwaterloo.ca/freedom-of-expression/news/formal-notice-end-encampment-and-remove-all-structures>.

35. Despite the University's notice, the occupants refused to dismantle the Encampment, forcing the University to explore further steps to address the situation.

36. The University initially tolerated the Encampment's unlawful behaviour and accepted certain risks to, among other things, health and safety to avoid confrontation and continue a dialogue with the occupants.

### ***The Occupants Escalate Tensions on Campus***

37. Since the first notice was issued, tensions have escalated on Campus, presenting risks to the health, safety, security, and wellbeing of members of the University and community that the University cannot ignore.

38. Before the Encampment was established, Ahmad Kamal on behalf of protesters who would later form the Encampment, requested to speak at the April 16, 2024, Board of Governors meeting. The Chair of the Board of Governors granted his request on April 14, 2024, but Ahmad Kamal rescinded his request on April 14, 2024. Nevertheless, Ahmad Kamal attended

the April 16, 2024, Board of Governors meeting and on that date the Board Chair agreed to meet with Ahmad Kamal in advance of the next Board of Governors meeting on June 18, 2024. On May 8, 2024, the meeting was confirmed for May 22, 2024. Two days before the meeting, Ahmad Kamal emailed the University Secretary and stated: “There has been a change in meeting location. The meeting will be held in the **liberated zone in Gaza House**, formerly known as Grad House Green.” Out of an abundance of caution and safety, the University said no, requesting and proposing an alternative location.

39. Between May 22, 2024, and May 29, 2024, the University attempted to coordinate meetings with representatives of the Encampment to discuss a possible resolution and conduct an inspection of the health and safety conditions inside the Encampment. The occupants would not allow the University in and prevented the University from inspecting the conditions within the Encampment. When the occupants finally agreed to a formal meeting with University senior administration, the representatives of the Encampment made a series of demands to circumscribe the conditions of the meeting with the University, which were accepted. The University also offered its criteria for a productive and respectful dialogue, which the Encampment accepted.
40. Before any formal meeting took place, on May 25, 2024, the occupants erected a large banner of the President & Vice-Chancellor of the University defaced with the words “Genocide Goel” repeated multiple times on a free-standing frame adjacent to the wall of the Graduate House within the Encampment. The occupants positioned the poster in a manner that made it visible to the public.
41. On May 27, 2024, members of the Encampment and alleged Wilfrid Laurier University students organized another demonstration to interfere with the UWaterloo Day celebration. UWaterloo Day gives incoming first-year students an opportunity to learn more about the

University and the services and amenities to them. Those who attend tour the campus and residences, speak with students and professors about programs and co-op, learn about scholarships, and discover the many supports on offers as they sample life at Waterloo with their families. Even though UWaterloo Day is intended to be a special day for incoming first-year students, the occupants again paraded the poster with the words “Genocide Goel” around Campus, hanging it from a railing inside the Davis Centre. The social media videos from the OccupyUWaterloo Instagram page from that day declared “Pro-Palestine Students Take Over You @ Waterloo Day” and that occupants had taken over one of the University’s buildings.

42. Between May 25, 2024, and May 26, 2024, the occupants hung a banner from the University’s Physics Building that read “Sufyan Taya Hall – Honour our Martyrs”. The OccupyUWaterloo Instagram page posted a picture of the banner with a caption attempting to rename the University’s Physics building and depicting an expansion of the protest beyond the Encampment. The University took down the banner on May 26, 2024, within several hours.
43. On May 29, 2024, members of University senior administration met with four Encampment representatives at the Dana Porter Library to attempt to have a productive and respectful dialogue to find a resolution. No resolution was reached, but the parties agreed to resume discussions. Despite these attempts at respectful dialogue, Encampment members organized another demonstration the same day as the meeting, where about 300 people attended.
44. On June 1, 2024, occupants once again posted the banner with the image of the President & Vice-Chancellor of the University defaced with the words “Genocide Goel” in and around the Encampment. Later that day, they disrupted the University of Waterloo, Faculty of Engineering Alumni Dinner by displaying the defaced image of the President & Vice-

Chancellor while yelling into a megaphone, chanting, and scattering flyers onto attendees from an upper floor.

45. Two days later, occupants arrived unannounced at the University's flag raising ceremony to launch Pride Month on Campus. Armed with signs and air horns, they began chanting aggressively, making accusations that the President & Vice-Chancellor had blood on his hands and was responsible for 40,000 deaths, among other things—entirely halting the ceremony. The occupants targeted the President & Vice-Chancellor once again, threatening to continue the disruption unless the President & Vice-Chancellor refrained from speaking at the event. Out of respect for the approximately 200 people who gathered to celebrate and mark the start of Pride month, the President & Vice-Chancellor stepped aside to allow the event to continue.
46. During the week of June 5, 2024, the University offered to recommence dialogue with the occupants to move closer to a resolution. But the occupants declined. At the same time, Ahmad Kamal was given permission to address the Senate at a scheduled meeting on June 10, 2024.
47. On June 10, 2024, occupants organized a demonstration outside of Needles Hall where the Senate meeting was taking place, which was attended by around 75 people, including students from Wilfrid Laurier University. The occupants distributed an “op-ed newsletter” which read “UWaterloo & Laurier Students Escalate for Gaza! Join Now!”.
48. On June 12, 2024, the occupants posted new posters around Campus that included the images of the President & Vice-Chancellor and Dr. Charmaine Dean, Vice-President, Research & International, with the words “Genocide Goel” and “Inhumane Charmaine”. The poster also included the words “Wanted for Complicity in Genocide”.

49. The occupants distributed similar flyers during a demonstration, which was attended by about 50 people, outside of the University's Convocation tents.
50. On June 13, 2024, the University found "Free Palestine" graffiti defacing University property, which also read "UW is Complicit Free Palestine".
51. On June 13, 2024, the Defendant, Ahmad Kamal, had an outburst during one of the University's attempted discussions with the representatives of the Encampment, which put an abrupt end to all dialogue. The University attempted to notify the Encampment that the posters violated University policies (in particular, Policy 33 – Ethical Behaviour), to which Ahmad Kamal replied, "Fuck politeness!".
52. On June 15, 2024, after representatives of the Encampment declined several attempts by the University to engage in productive, respectful dialogue, the University sent another formal communication to the Encampment members, and broader University community, putting the occupants on notice that the Encampment continued violate various University policies. While the Encampment did not issue a formal response, that same day posters were found around Campus near Needles Hall stating, "We Will Not Stop" and "We Will Not Rest".
53. The escalating tensions culminated with the forced shut-down of the University's Board of Governors meeting on June 18, 2024. The occupants took over parts of Needles Hall and tried, and in some cases, succeeded in physically preventing University staff and members of the Board of Governors from accessing the Senate/Board meeting room. The occupants chanted and formed a human chain, which trapped individuals attending the Board of Governors meeting in and around the Senate/Board meeting room in Needles Hall, and made it challenging or impossible for them to enter or exit the Board meeting. The protesters harassed the Vice-President, Research & International, chanting "Inhumane Charmaine" as she attempted to enter the Senate/Board meeting room. Throughout, the protesters

repeatedly chanted “Disclose! Divest! We will not stop we will not rest!”, among other things. They also confronted individuals face-to-face and called them, among other things, “killer”.

54. For the safety of staff, students, and Board of Governors members in the area, the University cancelled the Board of Governors meeting and called the Waterloo Regional Police Service to assist with maintain security on Campus.
55. The occupants continued with their threatening and intimidating behaviour. The day after the University had to cancel the Board meeting, on June 19, 2024, an occupant placed a letter under the door into the President & Vice-Chancellor's office. The letter is addressed to "Genocide Goel". It refers to the President & Vice-Chancellor as a "fucking racist". It also states that "[y]ou will have no peace until you contribute your fair share of justice to the people of Palestine". And it concludes, "Not yours truly, For your hands are red with blood."
56. On June 21, 2024, the University issued a Trespass Notice to the occupants. The Trespass Notice notified the occupants that they had been asked verbally and in writing to leave the premises and had failed to comply with the request.
57. On June 21, 2024, the University issued a formal communication to the University community. The formal communication explained that “This notice means that members of the encampment must leave the green space next to the Graduate House immediately and must not return the encampment to University property. If they fail to comply, they risk facing consequences consistent with the *Trespass to Property Act*, R.S.O. 1990, c. T. 21.”
58. The June 21, 2024, Trespass Notice prohibited the “Encampment Participants” from:
  - a. Occupying and remaining in the field in front of the Graduate House on Campus;
  - b. Erecting, installing or maintaining unauthorized tents, shelters, equipment, or other structures on University property, including in the Encampment;

- c. Occupying, gathering or remaining at the University property, including at the Encampment between the hours of 10:00 p.m. and 8:00 a.m., unless specifically authorized; and
- d. Gathering for the purpose of an Encampment at the University of Waterloo or in a manner inconsistent with our policies.

59. Failure to comply with the Trespass Notice violates the *Trespass to Property Act*, R.S.O. 1990, c. T. 21. The University notified the occupants that continuing to participate in the prohibited activities at the University would require the University to pursue consequences under the University policies, and/or agreements and the law.
60. After the Trespass Notice was posted on Campus, on that same day June 21, 2024, the Defendant Ahmad Kamal wrote on the Trespass Notice: “Again: I ain’t reading all that. Free Palestine”.
61. The Waterloo Regional Police Service has informed the University that it will not enforce the Trespass Notice on Campus and clear the Encampment unless the University obtains a court order.
62. On or about June 24, 2024, after the University issued a Trespass Notice, the occupants placed stickers with threatening language on the doors outside of the President & Vice-Chancellor's office, as well as the Provost's office. One of the stickers refers to the letter of June 19, 2024, and reads, "remember the letter". Another sticker reads “Our protest will continue until you DIVEST, BOYCOTT.” The other stickers also make derogatory comments, such as “DIVEST. BOYCOTT. CONDEMN GENOCIDE. STOP BEING RACIST BASTARDS”.
63. Despite the University’s steps to de-escalate the situation, the actions of the Defendants continued to present substantial challenges to the University, causing harm to the

University's operations, community, and environment. And because of the occupants' misconduct and unlawful behaviour, the University has had to enhance security at Needles Hall for its normal operations.

***The Defendants Conspire to Harm the University***

64. The Defendants engaged in deliberate actions aimed at damaging the University, its property, reputation, and goodwill in the community. This includes organized demonstrations, misinformation campaigns, graffiti on University property, repeated intimidation and harassment of students and staff near the Encampment grounds, and the public misinformation about the University's President & Vice-Chancellor and Vice-President, Research & International, all of which have harmed the University's reputation. This concerted effort to disrupt University operations, leadership, and financial stability was intended to, and did, inflict harm, affecting the University's ability to function effectively and maintain its standing in the academic community.

***The Defendants' Conduct Constitutes Ejectment***

65. The Defendants have also caused the University to lose possession of a portion of its land, constituting ejectment. The ongoing occupation of a portion of the University's private property has caused the University to lose possession of a portion of land on Campus that is lawfully owned by the University. Since May 13, 2024, the Defendants have illegally taken control of the University's land without authorization, forcing the University to commence this action in ejectment to recover its lawful property.



***The Defendants Engaged in Intimidation and Harassment***

66. The Defendants have consistently made outrageous comments and statements about the University's President & Vice-Chancellor and Vice President, Research & International on University property. In doing so, the Defendants harmed the University's reputation.
67. The occupants have targeted the President & Vice-Chancellor since the beginning of the Encampment, preventing him from speaking at the University's flag raising ceremony to launch Pride month, by erecting a large banner and posters around Campus of the President & Vice-Chancellor of the University defaced with the words "Genocide Goel". The occupants have also targeted the Vice-President, Research & International, by posting posters of her image defaced with the words "Inhumane Charmaine". Posters with both the President & Vice-Chancellor and Vice-President, Research & International's images have also included the words "Wanted for Complicity in Genocide". Not only were these posters visible to members of the University community and the public who attended Campus, but the posters and other similar misinformation campaigns were also accessible to the public via social media.
68. These attacks have led to significant disruptions to the University's business and activities, in addition to reputational harm for the University and those that have been targeted, which include the President & Vice-Chancellor and Vice-President, Research & International.
69. The occupants have committed further intimidation against the University and its community members by threatening to remain on Campus "indefinitely" unless the University capitulates to its demands. Thus far, the University has worked with the Encampment members' demands, including by allowing them to set the agenda and terms for the May 29, 2024, meeting and more broadly, by allowing the occupants to remain on

Campus without interference. The University has attempted to engage in constructive dialogue with the occupants but has not interfered with their unlawful Encampment in any way, opting instead to attempt to reach an amicable solution. This has become impossible. The Defendants have used the threat of an indefinite encampment as a means of compulsion and to cause harm to the University, its community members, its property, and its reputation.

### **Damages**

70. The Defendants have, jointly or severally, caused the Plaintiff significant harm and damages, the particulars of which will be provided before trial, but which include the following:
- a. **Direct Costs:** Expenses for property repairs, security upgrades, and other safety measures to restore Campus operations and ensure community safety.
  - b. **Operational Disruptions:** Cancellations and postponements of academic and commercial events, as well as delays in construction projects, leading to substantial economic losses and lost revenue opportunities.
  - c. **Reputational Damage:** Negative effect on the University's ability to, among other things, attract and retain students and faculty, secure funding, and maintain its academic and community standing.
  - d. **Legal and Administrative Costs:** Expenses related to legal counsel and increased administrative efforts to manage disruptions and legal challenges.
  - e. **Diminished Property Values:** Reduction in the market value of the University's property assets, affecting financial status and future investment potential.
71. Thus, the University seeks compensatory damages for these losses and reserves the right to seek punitive damages for the Defendants' intentional and malicious conduct. The University

also reserves the right to amend this claim to include further damages and additional forms of relief as necessary.

72. The University pleads and relies on the *Trespass to Property Act*, R.S.O. 1990, c. T.21, *Occupational Health and Safety Act*, R.S.O, 1990, c. O.1, the *Fire Prevention and Protection Act*, 1997, S.O. 1997, c. 4, and the *Criminal Code of Canada*, R.S.C. 1985, c. C-46, as amended.
73. The Plaintiff proposes that this action be tried at the City of Kitchener.

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Court File No.: CV-

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
KITCHENER, ONTARIO

**STATEMENT OF CLAIM**

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