

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

Electronically issued : 16-Jul-2021
 Délivré par voie électronique : 16-Jul-2021
 Toronto

DR. RITA KILISLIAN

Plaintiff

-and-

DR. ROSANNA SALVATERRA, DR. ROBERT KYLE, DR. JANE
 DOE and PETERBOROUGH PUBLIC HEALTH

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The Claim made against you is set out in the Statement of Claim served with this Notice of Action.

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 Plaintiffs' lawyer or, where the Plaintiffs do not have a lawyer, serve it on the Plaintiffs, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this Notice of Action 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 PLAINTIFFS' CLAIM, and \$750 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 Plaintiffs' claim and \$400 for costs and have the costs assessed by the Court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE 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 _____ Issued by _____
Local Registrar

Address of court office: Superior Court of Justice
393 University Avenue, 10th Floor
Toronto ON M5G 1E6

TO: DR. ROSANNA SALVATERRA
Jackson Square, 185 King Street
Peterborough ON K9J 2R8

AND TO: DR. ROBERT KYLE and DR. JANE DOE
605 Rossland Rd E, Level 2, Whitby, ON L1N 0B2

AND TO: PETERBOROUGH PUBLIC HEALTH
Jackson Square, 185 King Street
Peterborough ON K9J 2R8

CLAIM

1. The Plaintiff is seeking
 - (a) damages in the amount of ten million dollars (\$10,000,000.00) for negligence, defamation, harassment, tortious interference in family and economic relations, tortious infliction of emotional suffering, malicious prosecution, fraudulent investigation, breach of the duty to exercise discretionary statutory powers in good faith, the breach of the duty of good faith, unlawful interference with economic relations, abuse of public office, conspiracy, and abuse of process, or any of them;
 - (b) punitive, aggravated, and exemplary damages, or any of them, in the amount of one million five hundred thousand dollars (\$1,500,000.00);
 - (c) A permanent injunction prohibiting or enjoining the Defendants from making any public statements or communications about the complaints or inspections leading to the issuance of one or more Section 13 Orders (as “**Section 13 Order**” is defined below) or the contents of any such Section 13 Order;
 - (d) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (e) post-judgment interest in accordance with section 129 of the *Courts of*

Justice Act,

R.S.O. 1990, c. C.43, as amended;

- (f) the costs of this proceeding, plus all applicable taxes; and
- (g) Such further and other relief as to this Honorable Court may seem just.

2. The Plaintiff is a licensed and board-certified practicing endodontist and dental practice owner who owns and operates dental practices throughout the Province of Ontario.

3. The Plaintiff has been licensed as a dental specialist to practice in the Province of Ontario since 1997.

4. The Plaintiff has been the Peterborough District Dental Society, and the Ontario Dental Society, political contact dentist since 2011. The Plaintiff's duties include municipal and provincial lobbying for dental programs. Through this role the Plaintiff met the Defendant, Dr. Rosanna Salvaterra ("**Salvaterra**").

5. The Defendant, Peterborough Public Health ("**PPH**"), is a local public health agency that delivers public health programs and services in the Peterborough area of the Province of Ontario. The Plaintiff operates a dental practice within the PPH jurisdiction.

6. Salvaterra is the PPH unit medical health officer. At all material times,

Salvaterra had a personal vendetta against the Plaintiff and her family. As a result of Salvaterra's issues with the media and politics, specifically, Salvaterra being accused of fearmongering and being irrelevant by the Ontario Provincial Government, in or about 2013, Salvaterra changed her name from Dr. Rosanna Pellizzari to what she is now known by (i.e., Dr. Rosanna Salvaterra).

7. The Defendant, Dr. Robert Kyle ("**Kyle**"), is a medical health officer for the Regional Municipality of Durham. Kyle has held various positions within crown corporations that he has used to harass, defame, intimidate, or otherwise conspire with the other Defendants, at times known to them and not known to the Plaintiff, with further particulars to plead before trial.

8. The Defendant Dr. Jane Doe ("**Jane Doe**") is a medical health officer in a jurisdiction known to her and the other Defendants. Jane Doe is friends with Salvaterra and is romantically involved with Kyle.

9. For approximately 13 years from 2008 until 2021, the Defendants have referred patients to the Plaintiff and never once has there been any supportable evidence or complaint that would challenge the Plaintiffs' clinical abilities to support the injury of a patient or transmission of some virus or bacteria. The Defendants encouraged patients to be seen by the Plaintiff for endodontic treatment up until the issuance of this action.

~

10. During this same period, the Plaintiff provided the Defendants' patients with hundreds of thousands of dollars' worth of dental treatment, by way of discount, nonprofit, or no fee service, in line with the Plaintiff's altruistic practices including the Plaintiff's treatment of a portion of her patient base at no charge or on a pro bono basis.

11. The Defendants have together met at times known to them acting as agents of one another and have erroneously asserted that the Plaintiff caused a liver abscess on a patient which the Defendants knew to be false or impossible.

12. Said patient is professionally connected to the Defendants and romantically connected to one of the medical health officer Defendants (the "**MHO Defendants**"). The Plaintiff does not plead that the Defendant Jane Doe was a patient.

13. For privacy reasons, the third medical health officer (i.e., Jane Doe) is not being named.

14. Based on their clinical incompetence, willful blindness, reckless disregard for scientific studies or lack thereof, and a lack of understanding of infectious diseases transmission from dental practice settings, the Defendants continue to harass the Plaintiff using various unrelenting campaigns of intimidation, which are not only directed to the Plaintiff, but also to the Plaintiff's patients, staff, and

coworkers.

15. The Defendants have lent credibility to one another or trade of one another's reputation for carrying out an illegal closure campaign of practices associated with the Plaintiff, all of which results from the blame that the Defendants put upon the Plaintiff for allegedly introducing bacteria into the mouth of another medical health officer connected to these Defendants, which blame and allegations are without merit and are false.

16. These Defendants owed a duty of care not only to the Plaintiff, but also to the Plaintiff's patients, and ought to have known that this bacteria that they complained to various regulators about, was not from the Plaintiff's practices but was preexisting bacteria within the medical health officers own mouth.

17. Upon learning that the newly voted Ontario Provincial government (at the time) was planning to recommend the medical health officers resign for, among other things, fear mongering, the three medical health officers conspired for an ulterior purpose, with a common goal to maliciously prosecute, participate in malicious prosecutions, and ultimately did maliciously prosecute, conspire, harass, and intentionally inflict upon the Plaintiff, foreseeable mental suffering.

18. The Defendants would meet with each other and their staff to encourage them to make complaints to regulators on social media, print, and to the media in general.

To trespass onto property owned by the Plaintiff's family, and at one point the Defendants incited over 1000 patients of the Plaintiff to be tested for blood-borne viruses knowing this to be as a further means to harass and intimidate the Plaintiff.

19. This was done as another means to defame the Plaintiff and her businesses and to carry out the unlawful closure campaign of businesses associated with or connected to the Plaintiff.

20. The governing statute for PPH is the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 (“**HPPA**”). Under section 10 of the HPPA, the MHO Defendants and PPH are empowered to, in the rarest of instances and when there is an urgent and objective health hazard, inspect dental offices about infection, prevention, and control protocols (“**IPAC**”) complained of by an arm's length member of the public who is not employed by public health units. The complaint must be verified, vetted and a determination made that the complaint is not vexatious.

21. A health inspector cannot legally enter a dental practice registered with the Royal College of Dental Surgeons, without establishing unbiased, reasonable, and probable grounds. Before doing so, a medical health officer must investigate the complainant's complaint merits to ensure the complaint is not frivolous, vexatious, or made in bad faith. Furthermore, under section 13 of the HPPA, the MHO Defendants may, among other things, order the closure of a premise, such as a dental office (each a “**Section 13 Order**”).

22. PPH received a call from a public health nurse who works with a medical health officer who is romantically involved with Kyle. PPH was previously aware that this nurse who is employed by public health, who is not a member of the public, was always a serial nuisance to the Plaintiff and engaged in a campaign of harassment, threats, and other misconduct. The identity of this complainant and person is known to the Defendants.

23. Based on the call from the public health nurse from another health unit to PPH in which she did not make a complaint but posed a question, PPH unlawfully and with abusive, malicious intent, entered 425 Water Street Peterborough. They searched the building without lawfully authority and extended their search past the constraints of the dental practice. As a result, the Plaintiffs' rights, as enshrined in the *Canadian Charter of Rights and Freedoms* (the "**Charter**"), were infringed.

24. The property, which KI Equity Corp. owns, holds the Plaintiff responsible for the Defendants' conduct for the trespass of the other tenants.

25. The scope of the investigation included an unlawful search of a co-tenant that was a training facility for infection prevention and control in dental settings. This is where the Defendants' staff of their dental practices had trained or had attended training in the past.

26. In the 425 Water Street Peterborough building, there are other offices related to a nonprofit organization who lobbied against these Defendants for, among other things, these Defendants sexist and women-hating posts their staff made on social media.

27. During the unlawful entry into 425 Water Street Peterborough, a new employee of PPH, who had inspected one dental practice previously and did not know about endodontics or specialty dental practices, conducted an IPAC inspection of the 425 Water Street Peterborough office on or around July 15, 2019, and based on that inspection, concluded that the 425 Water Street Peterborough office had several IPAC deficiencies.

28. At that time, the health inspector refused to speak with the Plaintiff and/or the IPAC lead at the 425 Water Street Peterborough office, and limited his exchange with them for 60 seconds. He then waited two days to fill out an IPAC checklist report and recorded his findings after learning the Plaintiff's husband had made a complaint about his sexist conduct, unlawful entry, and refusal to furnish a badge.

29. On or around July 15, 2019, PPH issued a Section 13 Order which required the practice at 425 Water Street Peterborough to be closed and cease all patient care. This was based on the alleged IPAC deficiencies at that office, and such Section 13 Order would continue until such time, if any, that PPH rescinds that Section 13 Order.

30. The Plaintiff threatened to appeal and ultimately did appeal the Section 13 Order. This prompted the Defendants to rescind the Section 13 Order, though only after an unprecedented amount of time had lapsed and financial damages to the Plaintiff and her business had occurred.

31. The conclusions of PPH leading to issuing the Section 13 Order are intentionally erroneous, devoid of context, and were part of the Defendants embarking upon a fear campaign to interfere in the Plaintiff's business and professional relationships.

32. PPH performed their respective IPAC inspections of the Plaintiff's offices negligently, which led to erroneous conclusions leading to issuing the Section 13 Order.

Specifically, all the Defendants:

- (a) previously employed inappropriate individuals i.e. Kerry Wong. Mr. Wong was found guilty of two counts of extortion. The charges were in connection with an incident while he worked as a health inspector for the health unit. The court found he had attempted to extort \$1,400 from a couple to make \$2,500 in food safety tickets disappear.
- (b) employed staff who would lie for them or be partisan to them or refuse to furnish proper government-issued badges;

- (c) employed staff or enlisted help from volunteers who have engaged in fraud and other unscrupulous or criminal misconduct;
- (d) assigned improperly trained inspectors who held sexist and misogynistic views to conduct the inspections of female operated dental practices, specifically specialty dental practices which differ from the restaurants or long-term care facilities that these inspectors were purposed for;
- (e) conducted a negligent and biased inspection of the 425 Water Street Peterborough building, thereby ascribing findings in an unrelated commercial space as findings in a clinical setting, that being the training facility or other tenanted area;
- (f) allowed the improper dentally trained and sexist inspector to make decisions autonomously and without consultation with Sarah Barradas, the IPAC lead at the 425 Water Street Peterborough office, the Plaintiff, Salvaterra, or without having regard to the opposite findings of the City of Toronto and Regional Municipality of Peel medical health officers;
- (g) Brittany Cadence, with the Peterborough health unit, issued press releases outlining they cannot disclose the reasons why Mr. Wong was fired from the health unit, but the health unit also confirmed subsequently hiring others accused of fraud and terminated for fraud and falsification of records; and

(h) conducted themselves at worst unlawfully and at best in bad faith and negligently about the foregoing.

33. At no time has any patient of the Plaintiff obtained or developed an infection of any kind because of an alleged IPAC lapse at any of the Plaintiff's offices. Still, the Defendant MHOs have made frivolous and vexatious complaints to regulators, and tribunals, and have made defamatory statements to anyone that will listen to their negligent assertions that liver abscesses and HIV, HEPC is or was spread because of the Plaintiff's alleged failure to keep written records of IPAC protocols in connection with the digital copies maintained within the Plaintiff's paperless dental practice (the specialist endodontic practice which is marketed as a dental practice concerned with adherence to "green dentistry").

34. The Plaintiff has always complied with and met all standards and regulations required by the Royal College of Dental Surgeons of Ontario and/or the Government of the Province of Ontario, as well as all applicable legislative authority.

35. Despite knowing this, all the Defendants have encouraged other dentists or doctors to make similar frivolous and vexatious complaints to these regulators to help their harassment and intimidation campaign aimed solely at closing the businesses connected to the Plaintiff. In so doing, the public interest aspect would cause the Plaintiff to defend herself in multiple proceedings as an abuse of process and power.

36. The Plaintiff states the Defendants all knew, or ought to have known, that at no time was any patient of the Plaintiff exposed to any reasonable risk of contracting a communicable disease or other infection.

37. Despite paragraph 14, the Defendants relied on information taken out of context from a training facility and created an inaccurate factual backdrop that would remove context from the inspection findings. The Defendants acted with malice and intent by making defamatory statements to various referring dentists associated with the Plaintiff, issued bogus complaints to the various regulators, and/or issued orders that would cause irreparable harm to the patients of the Plaintiff, as well as the Plaintiff herself. Lastly, the Defendants actions intentionally interfered with the Plaintiff's professional and family relationships.

38. The Plaintiff states that the Defendants knew, or ought to have known, that Section 13 Orders, in this case in which the reasonable and probable grounds were not established through a hearing, would cause irreparable harm to the Plaintiff.

39. The Plaintiff states that the balance of convenience lies in the Plaintiff's favor of prohibiting or enjoining the Defendants from making any public statements or communications about the investigations leading to the issuance of the Section 13 Orders.

40. The Plaintiff pleads their actions as set out above, the Defendants have

acted in an unlawful manner, breached their duty to act in good faith, and/or duty to exercise their discretionary statutory powers under the HPPA in good faith, which duties were owed by the Defendants to the Plaintiff.

41. The Plaintiff also pleads and states that by their actions as set out above, the Defendants have unlawfully interfered with the Plaintiff's economic relations, abused their public office to injure, engaged in an abuse of process, an abuse of power, and conspired to injure, and did injure the Plaintiff.

42. As a result of the conduct of these Defendants and other conspirators enlisted by them, to help them intimidate and malign the Plaintiff, their conduct as outlined was flagrant and outrageous; this reckless and lawless conduct was calculated to produce harm to the Plaintiff both financially and emotionally.

43. The Defendants acted with malice to drive a wedge between the Plaintiff and her patients, her businesses, and her family, and led to visible and provable illness which the suffering is ongoing and to which the Plaintiff cannot possibly ever recover from. The way the Defendants framed their defamation against the Plaintiff by writing to the Plaintiff's referring dentists and communicating with the Plaintiff's patients was carried out to further the closure campaign against the Plaintiff and to beat the Plaintiff into submission. The purpose of the multiple complaints and prosecutions is evidence of the elements necessary for the Plaintiff to establish the Defendants carried out the torts of malicious prosecution, intentional infliction of mental suffering, and tort of abuse of process, given the Defendants own knowledge

of the extortion they used against the Plaintiff.

44. The egregious conduct of the Defendants included the use of sexist harassment, violence to family members, illegal entry of the Plaintiff's businesses or property owned by the Plaintiff's family, defamation, and dissemination of false information, including but not limited to, that the Plaintiff infected patients with HIV and HEPC over a 13-year period from various dental practices associated with the Plaintiff.

45. The Plaintiff was maliciously prosecuted by or on behalf of the Defendants multiple times and those malicious prosecutions have all resolved in the favor of the Plaintiff. Full particulars of the malicious prosecutions are omitted to protect the privacy of patients. The Defendants are aware of their malicious prosecution as some of the prosecutions are in the public registry and some are protected for privacy reasons. Notwithstanding, all particulars of the malicious prosecutions are within the knowledge of the Defendants and full particulars will be provided prior to trial.

46. The Board of Health for Peterborough Public Health is responsible for the assessment, planning, delivery, management, and evaluation of a variety of public health programs and services in our community. They are one of 35 public health boards in the Province of Ontario who are mandated by the provincial government through the HPPA to implement the Ontario Public Health Standards.

47. Prior to Covid 19 being declared a global pandemic, the Provincial

Government indicated that it would be consolidating the 35 public health boards, and as a result, the MHO defendants would have their jobs at risk.

48. The ten-member board functions autonomously and is one of only a few boards of health in the Province of Ontario with First Nations, municipal, and provincial representatives serving together. Non-voting members of our Board of Health include the Medical Officer of Health Defendant, the Director of Operations and the Director of Public Health Programs, Chief Nursing, and Privacy Officer.

49. The defendants have knowingly provided this board false and misleading information that was subjective, not objective, in furtherance of its agenda to cause harm to the Plaintiff.

50. The Defendants intentionally manipulated and coerced the board to participate in its campaign to hurt the Plaintiff.

51. The Plaintiff is also entitled to a monetary remedy under section 24. (1) of the Charter against the Defendants to:

- a. compensate for pain and suffering;
- b. compensate for loss of dignity and reputation;
- c. vindicate fundamental rights; and
- d. deter systematic violations of a similar nature.

52. The Defendants breached the duty of care is owed to the public through the Defendants' negligence and unlawful conduct.

53. The acts of each of the Defendants are not demonstrably justified in a free and democratic society.

54. The Defendant MHOs used their influence, abuse their power, and medical training based on bias, discrimination (based on the Plaintiff being a promoter of females in dentistry, and then exposing the Plaintiff to sexist health inspectors), and hate for the Plaintiff because of the Plaintiff's lobbying against them, to mislead, manipulate, or use fear mongering and misinformation to gain the required support of the Board of Health and its board members. This was to carry out its unlawful closure campaign and furtherance of its conspiracy to harm or do harm to the Plaintiff.

55. The Plaintiff has suffered considerably, including suffering analogous to the symptoms and conditions of post-traumatic stress disorder, and has suffered nervous shock because of the tortious and unlawful conduct of the Defendants. Yet, as a professional, the Plaintiff does not hold the members of the Peterborough board accountable for the outrageous, unlawful, and negligent conduct of the MHO Defendants. The Plaintiff holds the Defendants solely accountable for their conspiracy and does not ascribe any bad conduct or willful blindness to the board of health or its members.

56. The Plaintiff has suffered damages financially and psychologically. The full

particulars of which are not yet known, but will be particularized before trial, because of the Defendants' conduct above, and the Plaintiff deserves an award of punitive, aggravated, and exemplary damages, or any of them.

57. The Plaintiff states that the PPH is vicariously liable for the torts, Charter violations, as pleaded above or will be pleaded prior to trial. Particularly, the details of the infliction of mental suffering on the Plaintiff and her family, and the interference in the Plaintiff's business and family relationships.

58. As a result of the wrongful conduct of the Defendants pleaded herein, the Plaintiff has suffered the following harms and injuries which have caused or materially contributed to ongoing pain, suffering, and loss and enjoyment of life:

- a. emotional and psychological harm;
- b. impairment of mental and emotional health and well-being;
- c. anxiety and depression;
- d. post-traumatic stress disorder or symptoms analogous to post-traumatic stress disorder;
- e. recurrent nightmares and sleep disturbances and insomnia.

59. The wrongful and unlawful conduct of the Defendants has derailed the Plaintiff's plan for dental consolidation or the scaling of the Plaintiff's current dental operations. As a result, the Plaintiff has suffered an economic loss, both in the past and in the future.

60. The Plaintiff's Charter rights were infringed by the Defendants, and the Plaintiff is entitled to compensatory and exemplary damages pursuant to s. 24.(1) of the Charter.

61. The Plaintiff pleads and rely on the relevant provisions of HPPA, the *Negligence Act*, R.S.O. 1990, c. N.1, the Charter, the *Proceedings Against the Crown Act*, R.S.O. 1990, c. P.27, and the *Family Law Act*, R.S.O. 1990, c. F.3, and all regulations promulgated thereunder, each as amended and/or restated from time to time and any successor statute thereof.

62. The wrongful conduct of the Defendants is of such a reprehensible nature as to warrant an award of aggravated and/or punitive damages to deter the Defendants or those similarly situated, such as other medical health officers, from taking such wrongful acts in the future.

63. The Plaintiff proposes that this action be tried in the City of Toronto, Province of Ontario.

Court File No.: - - -

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at Toronto

STATEMENT OF CLAIM

DR. RITA KILISLIAN
28 Park Lane Circle
Toronto, Ontario M3B 1Z7

Tel: 705 -772 -9070

Email: driritakilislian@gmail.com

Self-Represented Plaintiff