



De Bousquet PC

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April 16, 2019

VIA MAIL DELIVERY

Attention: Dan Trigiani
Body of Elders
Aldershot Congregation of Jehovah's Witnesses
4025 Mainway
Burlington, ON L7M 2L7

Dear Sirs:

Re: Disfellowshipping of Eric Wilson
Judicial Committee Decision April 6, 2019

Please be advised that I act for Eric Wilson in the above-noted matter.

Background:

My client has informed me that on April 1, 2019, he was summoned to your congregation to appear before a judicial committee to answer to the charge of "apostasy." I am further advised that the following took place at the April 1, 2019 hearing:

1. My client requested that discovery or disclosure of his "apostasy" charge be provided to him either before or during the hearing. This request was denied.
2. When my client arrived at the congregation, the parking lot was blockaded by two vehicles and four guards. Although my client had brought two companions with him to support him at the hearing, they were denied access and my client was forced to enter alone, **where he encountered two more men standing guard at the front entrance of the Kingdom hall.**
3. Once he had entered, my client was escorted to a back room where he was told to remove his jacket, and forfeit his paper notes and research he had brought with him to the hearing. My client advised that he needed these notes for his defence, yet this request was denied.
4. My client asked if he could listen to the charges and adjourn the hearing so that he could prepare a defence and return once he had done so. This request was denied.

5. My client felt intimidated by the imbalance and inequality of power in this hearing, feeling defenceless and vulnerable, and as such, he left the hearing abruptly.
6. The hearing itself was not a hearing at all, and instead, was a form of unilateral interrogation, with no procedural fairness of any kind afforded to my client. My client advised the Body of Elders at this time that should a disfellowshipping decision be made in his absence, he would consider pursuing legal action.

On or about April 6, 2019, my client received a phone call informing him of the committee's decision to disfellowship him as an apostate, on the grounds that he was "disrupting the unity of the congregation and undermining the confidence of the brothers in Jehovah's arrangement" though no evidence was provided to him to support these claims, and that he would have seven days to appeal the decision.

Mr. Wilson's Position:

My client was a member of your congregation for a brief period of approximately one year and has not been a member since the summer of 2015. He received no warning, no complaints or any negative feedback from any members of the congregation. My client was, therefore, understandably confused when he was summoned to a judicial committee hearing in February, 2019.

My client was not provided with any information or evidence of his alleged "apostasy" for the April 1, 2019 hearing. The specific nature of the charges were (and remain) unknown to him, as was the scriptural basis for same. Further, my client was not afforded the opportunity to participate in the hearing by preparing a defence to answer to the alleged charge of "apostasy." Essentially, my client was an uninformed bystander at this hearing, with all basic and elementary rights stripped from his person.

As you are acutely aware, the consequences of disfellowshipping and being labelled an "apostate" are devastating to a Jehovah's Witness. Mr. Wilson was a devout follower of the Jehovah's Witness faith, serving as a respected elder for more than 40 years. When an individual is disfellowshipped, he is also concurrently disassociated from the Jehovah's Witness community. This is a far-reaching and extreme form of shunning. When an individual like my client is disfellowshipped, oral announcements are made at the congregation platform, so that all members are made aware of the congregation's decision and are reminded that associating with an apostate is an offence, punishable by their own disfellowshipping should they choose to disobey these rules.

In support of this notion of public shaming post-disfellowshipping, there is evidence that at annual regional conventions, videos are played for attendees (and viewers online across the world) which depict parents ex-communicating their own children, throwing them out of their own homes because of their child being disfellowshipped. This practice of dissociation/disfellowshipping is well known and referenced in the elder's manual, *Shepherd the Flock of God* (2019 Edition), Chapter 12, at para 17.1.

My client's demand is a reasonable one. My client is making a good-faith request that the decision to disfellowship him be vacated, reversed, and/or repealed. The decision to disfellowship my client is a decision that has serious legal implications for your congregation.

Legal Issues:

Defamation:

I have been informed that to be labelled an "apostate" is to label someone as an individual that is "mentally diseased." Only a qualified mental health professional may diagnose an individual in Canada with a mental disease. To disfellowship my client and label him an "apostate" or an individual with a "mental disease" is actionable defamation of character.

The July 15, 2011 edition of the Watchtower elaborates on the religion's views of an apostate, likening them to criminals, as stated below:

"Apostates "quietly" bring their ideas into the congregation, **like criminals** who secretly bring things into a country. Apostates use "counterfeit words." This means that they say things that make their false ideas sound true, **like criminals** who make false documents look real.
... The Bible says that apostates are **mentally diseased** and that they use their teachings to make others think like them.
- **The Watchtower 2011 Jul 15 p.11**

The religion's view of an apostate, accurately described in the above quotation, are echoed forcefully and repeatedly to members of the various congregations so that these views become inculcated and deeply entrenched. Purporting to others that my client is analogous to a criminal with a mental disease is an extremely serious form of defamation.

Further, I am informed that the "apostate" label is made public through word of mouth, and other members are then forced to govern their actions accordingly, because they must not associate with an "apostate" or risk their own disfellowshipping. As such, it is our position that the mere act of disfellowshipping my client based on an "apostasy" charge is an act of express defamation. This defamation has caused and will continue to cause my client damages.

As you may be aware, my client has developed a successful online ministry, with an active YouTube following that provides my client with support revenue. Many of my client's followers and readership base are Jehovah's witnesses. Due to your decision to disfellowship my client, my client has lost and will continue to lose customers and his business suffers as a direct result, as many of these individuals will dissociate from my client due to the shunning that occurs from the disfellowshipping.

Intentional Interference with Economic Relations:

In declaring my client an "apostate", you have gone further than to defame my client, as you indirectly threaten the entire congregation's community to avoid my client, or suffer the consequences themselves. This is the essence of the tort of intentional interference with economic relations (also known as "tortious interference"). Intentional interference with economic relations is an independently

actionable tort recognized at the common law that deals with situations such as this one, where an individual's economic status is being affected due to the tortfeasors actions against a third party.

Further, my client is currently being offered a 15% partnership in two companies. One of the partners in these companies is a practicing Jehovah's witness. I am advised that a Jehovah's Witness is barred from becoming partners with a disfellowshipped witness. It is evident that this form of interference will have far reaching implications for my client's business and long-term financial stability.

Fraudulent Misrepresentation:

In promoting the message to the congregation that Mr. Wilson is an apostate, you are misrepresenting a factual and/or legal mental health diagnosis to the entire congregation. There is absolutely no basis for such an outrageous determination, and in representing this is a fact to your congregation, you are engaging in the tort of fraudulent misrepresentation. By declaring Mr. Wilson an apostate, you indirectly force others in the congregation to disassociate themselves from Mr. Wilson, and you have induced them into this behaviour through a fraudulent misrepresentation about Mr. Wilson.

Resolution Proposal:

With an aim to resolve this dispute amicably and avoid litigation, my client's respectfully proposes the following resolution:

1. Reverse, Repeal, and/or vacate the decision to disfellowship; and
2. If any aspect of this decision to disfellowship has been made public in any form, to then make an amended public statement that this decision has been reversed, repealed, and/or vacated.

This offer to settle shall remain open for acceptance until May 1, 2019 at 5:00 p.m.

Should you fail to accept this resolution, my client has provided clear instructions to bring an action in the Ontario Superior Court of Justice, based on but not limited to, the tortious causes of action described earlier in this letter.

Please govern your actions accordingly.

Yours very truly,
De Bousquet PC



Richard Gorin
Barrister & Solicitor