

**SUPERIOR COURT OF JUSTICE (FAMILY COURT)**

**Campbell vs. Misener, Case No. 419/19**

**Attachment to Form 14A Affidavit (General)**

**Affidavit of Clayton Misener**

1. This affidavit filed prior to the 8<sup>th</sup> of July on order of The Honourable Madam Justice Scott in advance of a motion court hearing in this matter.
2. Respondent is not represented but would very much like to be. Respondent has been denied legal aid support as his former counsel, Sandra La Salva, was taken off the record. Respondent is making every reasonable effort to comply with the strenuous demands of this matter and asks for patience and understanding for any unintentional misstep he may take.
3. Whereas it appears that Applicant is attempting to try this case in motions court, Respondent has prepared this affidavit with great fullness and detail, to afford this Honourable Court real insight into the matter.
4. Respondent is a loving, caring, good father. He provides a comfortable home to his two amazing children, Alexandra Misener (Alexandra) and Paige Misener (Paige), and gives them opportunity to learn, grow and participate in the community. Respondent supports Alexandra and Paige emotionally, advocates on their behalf, gives security and stability and performs on his own the role of both a father and mother. Alexandra and Paige are happy, healthy, strong and successful young women.

5. Alexandra and Paige suffered sexual abuse at the hands of Jason Whittington, Applicant's now husband, and have gradually and substantially estranged from Applicant since that time. Applicant all but abandoned Alexandra and Paige and has not seen them for well over a year. Applicant continuously uses threats and intimidation to harass and annoy Alexandra and Paige, and Respondent, but refuses to take any real action to heal the rift between them. Alexandra and Paige want no contact with Applicant, Jason Whittington and their families and friends.
6. Respondent is deeply saddened that the relationship between Alexandra and Paige, and Applicant, is in such a failed state; however, Applicant is responsible for her own actions. Applicant routinely denies the sexual abuse suffered by Alexandra and Paige, blames Respondent for the rift, uses the courts, police and other authorities to harass and intimidate Alexandra and Paige, and Respondent, and deploys every weapon in her arsenal to disrupt, manipulate and hurt Alexandra and Paige.
7. Respondent is seeking sole custody of, and sole decision-making authority over, Alexandra and Paige, that Alexandra and Paige continue to live with Respondent, in Respondent's care, and that the needs and wishes of Alexandra and Paige are reflected in an order. Respondent is seeking a permanent, or as permanent as possible, police enforceable, restraining order be made against Jason Whittington, Applicant's now husband, the man who sexually abused Alexandra and Paige, that he stay away from and have no contact with Alexandra and Paige, and their family, including Respondent.
8. Respondent contends that Alexandra and Paige will vote with their feet and seeks an order granting them this right.
9. Respondent seeks withdrawal of orders that preclude Alexandra and Paige having and holding their own passports, travelling freely with and by consent of Respondent, participating in sporting or extracurricular activities, participating in the selection and completion of their education, retaining and instructing their own lawyers, attending

and testifying at court, and to have returned all other rights and privileges that have been taken by the courts at the request of Applicant.

10. Respondent contends that the decision to impose these restrictions and limitations has served no real purpose except to further estrange Alexandra and Paige from Applicant and to insult and enrage them. Paige has told me, and I verily believe, that “prisoners have more rights than we do.” Paige has stated that [Applicant] is doing this to get at us.”
11. Paige has told me, and I believe to be true, that she wishes to continue living with me, under my care and supervision, and not with Applicant. Paige has told me, and I believe to be true, that she refuses to have contact with Applicant because of Applicant’s past acts and present denials. Paige refers to Applicant as “Biological Mother” or “Kelly” and not in a more loving or reverent term. Paige has told me, and I believe to be true, that “I am afraid of Jason” [Whittington]. “He is going to take me away and touch me and rape me until I die.” Paige has told me, and I believe to be true, that she is afraid if given to Applicant she will never see her family again, being Alexandra, Respondent, Caroline and Thomas Misener, her paternal grandparents, and other close friends and family,
12. Paige has told me, and I believe to be true, that she will never go to Applicant’s home regardless of who tells her to, as this is the house in which she was sexually abused. Paige has told me, and I believe to be true, that she continues to have nightmares about the abuse she and her sister suffered.
13. Paige has told me, and I believe to be true, that she is deeply concerned about the safety of her half-brother, product of Applicant and her husband, Jason Whittington, Miles Whittington (Miles). Paige has told me, and I believe to be true, that she will likely attempt to contact Miles once she is eighteen years old and, if this is not possible, then when Miles is eighteen years old; however, that there is “no purpose” in having contact with him now.

14. Paige has told me, and I believe to be true, that she wants Applicant to stop texting her, that the onslaught of “useless texts,” as many as four per week, are upsetting to Paige and she wants it to stop. Paige has told me, and I believe to be true, that she does not wish to have any contact with Applicant’s mother, Gloria Rioux, or any of Applicant’s family or circle of friends and doubts that she will have any reason to contact them in the future.
15. Paige has told me, and I believe to be true, that she loves her life at present, save the ongoing court matter; that she loves where she lives – the environment, the way our family works, her extracurricular activities and the opportunities given to her.
16. Paige has on many occasions told me, and I believe to be true, that she “loves [me] as her father, protector, mentor and confidant” that she “doesn’t want it any other way” and that “nobody could ever replace [me] in her life.” Paige has told me, and I believe to be true, that she doesn’t want to leave, even for a minute, and would “fight like hell” to prevent it.
17. Alexandra has told me, and I believe to be true, that she does not want to go to Applicant’s home or have any contact with Applicant whatsoever; that she wants to stay at her home with her sister, Paige, Respondent and Caroline and Thomas Misener, her paternal grandparents; that she is “terrified of Jason Whittington,” the man who abused her, and that she “would prefer if he were dead so he can’t hurt us again.”
18. Alexandra has told me, and I believe to be true, that she has no desire to contact Miles, that it would just lead to trouble; that she wants no contact with Gloria Rioux or any of Applicant’s family” and that she wants to “stay away from all of them.”
19. Alexandra has told me, and I believe to be true, that “Kelly never did much to care about us and wasn’t very nice sometimes” and that Respondent is “Awesome Dad”

- and “makes sure we have everything we need.” Alexandra has told me, and I believe to be true, that she is very upset Applicant doesn’t believe her, that she and Paige were abused by Jason Whittington, and that Applicant calls them liars. Alexandra has told me, and I believe to be true, that “any good mother would get rid of him and take care of her children, and she didn’t do that, and “what kind of mother doesn’t believe her own children when they go through something like that?”
20. Alexandra and Paige are beyond furious that their personal health and medical information has been shared with Applicant, lawyers, judges and others who they don’t know and don’t trust without their permission. Alexandra and Paige have both stated to me, and I believe to be true, that they believe their private and personal information has been used against them, and they cite the OCL as one example of this. Alexandra has told me quite directly, and I believe to be true, that she has “had it with all this bullshit” and that “[she] isn’t doing counselling or therapy or any of that crap any more – no way.” Alexandra her stated her belief to me, and I believe to be true, that Applicant is using [counselling, therapy, etc] to keep tabs on them and use it against them. Alexandra has told me, and I believe to be true, that she will not obey anyone who puts her under Applicant’s control.
21. Respondent strongly contends that forcing Alexandra and Paige to have contact with, or to be placed with Applicant against their will, and out of their control is entirely irresponsible, and would lead to heavy resistance, further estranging Alexandra and Paige from Applicant. The imposition of force by police to achieve compliance to this, when considering the brutal and thuggish behaviour of the police to date, may well lead to violent confrontations and serious bodily harm. Paige has told me, and I believe to be true, that she is “tired of being pushed around and told what to do by people she doesn’t even know” and that she is not “a little baby anymore” and that she can “make up her own mind about what she wants.”
22. Respondent is deeply concerned that Applicant continues to ask the courts to impose irresponsible, unreasonable, barbaric force in the form of police enforcement to enact

- measures she knows, or ought to know, might have serious consequences and would be extremely harmful to Alexandra and Paige. Respondent contends that Applicant is entirely out of touch with the maturity level of Alexandra and Paige, and is simply desperate to gain control of them at any cost.
23. Respondent contends that the living environment proposed by Applicant as a home for Alexandra and Paige is not suitable. This belief is compounded given Applicant's stated plan to remove Alexandra and Page from all extra-curricular activities, forcing them to stay at that house all the time, in the presence of Jason Whittington, the man who sexually abused them.
  24. Applicant on separation elected to leave the family home and situate distant from Alexandra and Paige, and she did so of her own choosing. She moved an hour away, to a different region of the province. She now resides with her husband, Jason Whittington, the man who sexually abused Alexandra and Paige, their child together Miles Henry Whittington (Miles), and on a half-time basis, Whittington's two children from a previous relationship, Riley and Jacob. They all reside in a house approximately eight hundred square feet in size owned by Whittington's parents.
  25. Applicant's house, as told by Paige and Alexandra both, and I believe to be true, was on their last few visits, infested with rats/mice, not only audible in the walls but visible on the floors and by the damage they caused to clothing, etc. Whenever Alexandra and Paige would visit, they slept in old bunk beds in a small bedroom with no space for their belongings, clothing, etc. Alexandra told me that they barely fit in their room, could not fully open the door, and that the bunk bed they slept in was unsuitable for girls their age.
  26. Alexandra and Paige have grown substantially since this time and Respondent questions where they would sleep. Alexandra told me, and I believe to be true, that she "hated it at that house, that she was afraid of the rats or mice under her bed" yet she would stay in the bedroom and wait to return home just to avoid contact with

Applicant and Jason Whittington. Alexandra has told me that nobody noticed that she was missing for hours, that nobody cared.

27. Applicant proposes that her and Whittington, three boys and Alexandra and Paige would reasonably fit into the house at one time, sharing one and a half bathrooms that lack locking doors or even a courtesy knock protocol, and one shower. Paige has told me, and I believe to be true, that the house was too cramped, with uneven floors, no space to move around, no study or workspace and that it was far too hot in the summer to sleep – and further that the lack of privacy meant people would often walk in on her while using washroom facilities or that they would routinely make use of the toilet while she was in the shower.
28. Alexandra told me, and I believe to be true, that Applicant and Jason Whittington made her eat foods she did not want to, some that hurt her soft palette, e.g. hot pizza; that Applicant would withhold foods that she could and would eat, and deny her desert and other privileges when she would not comply, this despite her having a serious hearing disability and speech impediment with extreme sensitivity to food taste and texture.
29. Alexandra told me, and I believe to be true, that she often went without meals and just sat excluded; that the water at the house tasted “terrible” and that she often got sick whenever she drank it. Paige has told, and I believe to be true, that she and Alexandra often got sick while staying at that house on weekends, returned home where Respondent would tend to them, or get them medical attention, only to have to return to the house and get sick again.
30. Alexandra and Paige were forced daily to exit the house and remain outside for extended periods of time, even in highly inclimate weather – very hot, very cold, raining, etc. Paige has stated, and I believe to be true, that on a number of occasions, “the word forced means that Jason took me by the arm and shoved me out the door.” Applicant has spoken to this and said that all children in the house spend the

- afternoon outside, regardless; Respondent contends that this is negligence at best, but more likely deliberate abuse.
31. Paige was witness to Jason Whittington assault his son Riley by lifting him off the floor by his neck and pinning to a door, and she was caused to give a statement to the child protection authority. Paige also fell victim to attack by Applicant's dog "Terrian" who on two occasions bit her cheek and arm.
  32. Despite all of this, and against his own instincts, up until the time the sexual abuse was reported, Respondent continued to encourage Alexandra and Paige to be forgiving and connect with Applicant – to make the best of their visits; however, Respondent did discuss these events and concerns with Applicant who gave Respondent assurance that there was nothing to be concerned about and that she was going to take corrective measures. Respondent maintained this cooperative position until Alexandra and Paige reported their sexual abuse.
  33. At the time of separation, Respondent drafted a separation agreement according to the collective wishes and mutual agreement of both parties. Applicant was asked and declined any parental role in the lives of Alexandra and Paige, asking only for visitation and only according to her work schedule. Respondent was specifically charged to manage the day-to-day and business affairs of Alexandra and Paige. Applicant claimed to have had the agreement reviewed by a lawyer and there appears no reason to dispute this claim. Applicant signed the agreement in the presence of a witness of her choosing.
  34. Applicant has since acted contrary to that agreement on several occasions. Applicant relocated outside of the Niagara Region and has never compensated Respondent for additional expenses as required by the agreement. Applicant obstructed Respondent's rights under the agreement to obtain and keep passports for the children, and obtain citizenship and/or preferential status in Australia for the children. Applicant caused the courts to impose unreasonable and insulting limitations on Alexandra and Paige

having their own passports, against the express wishes of Alexandra and Paige, further isolating and estranging them from Applicant.

35. Respondent is deeply concerned that Applicant may have secretly filed false and vexatious complaints with the United States border authority that Respondent is likely to kidnap Alexandra and Paige and to arrest Applicant should he attempt to enter the United States with them, regardless of the separation agreement, permission slips, court orders and the like. Respondent suspects that Applicant may take this and other actions to sabotage Alexandra and Paige and to keep them from participating in extracurricular activities in nearby American cities due to her strong opposition to them doing so.
36. Applicant has refused to pay child support, in any amount whatsoever, since 2015 despite a clear schedule imposed by the agreement, knowing that her actions cause Respondent to seek financial assistance from family, and knowing that Alexandra and Paige become precluded from activities they would otherwise enjoy and benefit from.
37. Applicant has refused to consent to Alexandra and Paige travelling to Alberta to see Respondent's Aunt Nancy Misener who has a very aggressive cancer and may soon pass. This, despite the fact that Aunt Nancy is an incredibly close and important person to Alexandra and Paige, and that Aunt Nancy, when living in Ontario, was a major contributor to the happiness and development of Alexandra and Paige in their early years. Respondent has offered to put up a bond, consent to tracking devices and to take other measures to satisfy Applicant; however, Applicant outright refuses so Respondent is unable to effect this last visit.
38. Respondent contends that Applicant is extraordinarily cruel for refusing this request and may very well be preventing Alexandra and Paige from seeing Aunt Nancy ever again. Respondent contends that Alexandra and Paige should be free to travel with Respondent, for this or for any other reason, without the need to obtain consent or court order. Respondent pleads with the court to enable Alexandra and Paige to

- travel, on short notice determined at a later date, by land with Respondent, and perhaps his family, to see Aunt Nancy before it is too late.
39. Applicant routinely kept Alexandra and Paige outside of her visitation periods, despite protests from Respondent, and from Alexandra and Paige. Whenever Respondent would be scheduled to retrieve Alexandra and Paige on the evening before a school day, Applicant would refuse to release them to Respondent and would instead wake them terribly early the next day to take them into school herself.
  40. Alexandra has stated, and I believe to be true, that she was forced by Applicant or by Jason Whittington to wake up at six o'clock in the morning to be driven to school an hour away and would then be left by Applicant in an empty parking lot/schoolyard, without supervision, often only with Paige, until other students arrived, and the school opened. Paige has stated, and I believe to be true, that she was very cold at times and that she was somewhat scared, that she was confused as to why [Respondent] didn't pick them up the night before as was normally the case.
  41. Respondent contends that Applicant was entirely negligent and put Alexandra and Paige at terrible risk by doing this, and that she did so as a power game and nothing more. Respondent contends that Applicant could have dropped Alexandra and Paige at their home to be brought to school by Respondent at a much more reasonable hour. Respondent suspects that Applicant was pressured by Jason Whittington not to attend Respondent's home for this or any purpose.
  42. When Respondent learned of this practice, he would attend the school at that early time and stay with Alexandra and Paige until a more reasonable hour.
  43. Well over a year ago, in response to false and misleading allegations by Applicant that Respondent was "keeping the children from [Applicant]" Respondent offered to pay Alexandra and Paige each fifty dollars per visit to meet with Applicant and talk about their divide. Alexandra and Paige accepted, provided I was within eyesight and

- earshot, that the meeting would be at a safe location, that Jason Whittington would not be present or proximate and that Applicant would not lie or otherwise frustrate the discussion. On each of the four occasions that Alexandra and Paige invited Applicant to meet, Applicant declined.
44. Respondent has in the past repetitively endeavoured and encouraged Alexandra and Paige to contact and speak with Applicant on the phone; however, any time this was achieved, Applicant caused serious upset and Alexandra and Paige would disconnect. Eventually, Alexandra and Paige would simply refuse to have contact with Applicant, even when Respondent offered to pay them, reward them with privileges, buy them gifts, etc.
45. Respondent is deeply concerned that Applicant has not filed any form of a transition or parenting plan to accompany her frequent requests for forcible custody and transplant of Alexandra and Paige. This form of plan was requested by the courts, and I have yet to see even a basic draft. Respondent asserts that Applicant has no plan to provide adequate necessities to Alexandra and Paige, to house them, to educate them, to entertain them, to contribute to their growth and to otherwise parent them. The only firm commitment that Applicant has made in this respect is by affidavit where Applicant makes clear her intent to remove Alexandra and Paige from all extracurricular activities, a proposal Alexandra and Paige will not tolerate.
46. Respondent and his family and circle of friends treat Alexandra and Paige with reverence and respect. Same encourages Alexandra and Paige to take part in decisions that impact them and their environment. Same endeavours to protect them from harm, including harmful people, and to overcome challenges using logic and reason. Same inspires and invites Alexandra and Paige to study, question, learn and

grow, to reach their potential and to establish a sense of self-worth, a place in the family unit and the community at large. Alexandra and Paige are a blessing.

47. Applicant, it seems, wants to weaponize community resources, e.g. counselling and therapy, and by force of the courts and police, impose her greedy and self-serving will onto Alexandra and Paige, stripping them of opportunity for growth and their love of life – to force their return to the place where they were sexually abused, to muzzle them and strip them of their dignity and self-respect. Respondent is quite concerned for Alexandra and Paige.
48. Alexandra and Paige are deeply loved by Respondent, and to suggest, as Applicant has, that Respondent has brainwashed or somehow coerced them is unfounded, untrue, divisive and irresponsible. Continued accusations of this type further estrange Alexandra and Paige from Applicant. Alexandra has told me, and I believe to be true, that Applicant is insulting, “like I can’t make up my own mind – like I don’t know what is happening here – I mean I know my own Dad and everything she says is not true.” Paige has told me, and I believe to be true, that she is “sick and tired of being excluded from everything” and that “everything is secret from her” and that “[she] isn’t a two-year-old child.” Respondent strongly contends that if Alexandra or Paige felt they were being mistreated, held against their will, abused, muzzled or in any other way coerced or intimidated by Respondent, or by anybody else, they are well equipped and perfectly able to resolve that situation.
49. Alexandra and Paige each have their own, private room in a home with three readily accessible adults who love and care for them, all of whom would protect them against the things Applicant is alleging. Each have their own cellular telephone, laptop computer and internet connection capable of reaching family, friends, social agencies, police and even Applicant at any time, independent of Respondent.
50. Alexandra and Paige are confident, strong young women who are fully capable of assessing a situation and coming to their own conclusion and resolution. Alexandra

and Paige are highly accomplished in Brazilian Jiu Jitsu, Paige now instructing other children, and have attained sufficient rank that they would likely be able to effect escape, if it came down to it. We are surrounded by good neighbours who would all protect Alexandra and Paige if they went to them for help.

51. Alexandra and Paige have made their assessment of Applicant and are steadfast in their self-preserving position to estrange from her. Applicant asserts that the reason Alexandra and Paige withdrew from her is Respondent and his magical brainwashing, his “parental alienation,” and his forced coercion and forcible confinement; however, Applicant has offered no evidence of this insulting, imaginary and repetitive allegation, and substantially underestimates and miscalculates what Alexandra and Paige have to say on the matter. If Alexandra and Paige felt brainwashed or in any way coerced, which they would easily detect, they would turn to any number of the resources they know they can access anytime. They never have, because they have never been, and are not, and will never be.
52. Applicant suggests that she would provide a better environment for Alexandra and Paige than does Respondent. Respondent is deeply concerned about the safety and security of Alexandra and Paige given the past conduct of Applicant’s husband, Jason Whittington, the state of their home and proposed parenting. Applicant has suggested that Jason Whittington is a good and caring man and parent, and that he cares deeply for Alexandra and Paige, and that these feelings are reciprocated. Respondent contends that the courts need to consider the facts here and listen carefully to what Alexandra and Paige have to say on the matter, that this assertion by Applicant entirely untrue.
53. The courts are already aware that Alexandra and Paige were sexually abused by Jason Whittington, husband of Applicant. The courts are already aware that Jason Whittington has a violent criminal history, suffers from a litany of mental/emotional deficiencies and refuses to take the medication prescribed to him. The court is already aware that Jason Whittington intercepted Alexandra and Paige at the mental

- health facility at the St. Catharines Hospital and that he overtly harassed and frightened them, and Caroline Misener, at that time, upsetting Alexandra and Paige tremendously and jeopardizing the progress made in managing their mental health. The courts are already aware that Jason Whittington has alcohol and drug dependencies, and that he stores vast quantities of marijuana in his home, easily accessible by anyone.
54. The courts are already aware that Jason Whittington attempted to strangle his son, Riley, in plain view of Paige and that Paige was caused to give statement to child protection authorities about this event. The courts are already aware that Jason Whittington took inappropriate pictures of his son holding a hand-written sign referencing a ‘dick’ and texted same to Paige.
55. The courts have already received documentary evidence and affidavits of all of this from Respondent. The courts have made orders for Jason Whittington to stay away from Alexandra and Paige, but Applicant ignored them. When Alexandra and Paige were last abused by Jason Whittington, an order of supervision was in place, and was outright ignored by Applicant who routinely left Alexandra and Paige alone in their bedroom at night with Jason Whittington entering to, according to Applicant, “tuck them in and give them a goodnight kiss.”
56. Respondent is speechless that Applicant is, once again, asking that Alexandra and Paige be forced to be in Jason Whittington’s presence and left to his supervision while Applicant is at work. Respondent contends that this simply doesn’t work and that the courts need to impose absolute measures to protect Alexandra and Paige, specifically police enforced ‘must arrest’ restraining orders.
57. Aksana Kavaliova-Moussi, a registered psychotherapist who provided counselling to Alexandra and Paige via the Family Counselling Centre of Niagara, told me, and I believe her to be true, that both Alexandra and Paige show behaviours typical of children who have been sexually abused and that she [Kavaliova-Moussi] believes

that Alexandra and Paige are the victims of abuse at the hands of Jason Whittington, Applicant's husband. This was derived over eight therapy sessions each, conducted individually with Kavaliova-Moussi, with Alexandra and Paige, sessions that Applicant denies took place. Kavaliova-Moussi said in an e-mail to Applicant, to paraphrase, that Applicant needs to back off her current approach to Alexandra and Paige and that Alexandra and Paige may one day look to reunite with her, but not now. Respondent contends that it can't be made any clearer than this.

58. Alexandra and Paige were subjected to sexual abuse (kissing, groping, grooming, exposing) at the hands of Jason Whittington, Applicant's husband. Alexandra and Paige reported this to me. Paige has told me that this happened on numerous occasions in their bedroom and that Applicant left them alone with Jason Whittington and sat in a room proximate, well within earshot. Paige told me, and I believe to be true, that Applicant did not respond to their calls for her. Paige contends that Applicant knew of the abuse. Respondent contends that the abuse took place during a period where a supervision order made by the courts was in full effect, but that Applicant simply ignored this. Further details and evidence of this abuse will be introduced at trial.
59. Respondent reported the abuse to the OPP, NRP, OCL and to FACS. The OPP directed Respondent to contact the NRP to make the complaint with them as that is where the victims live. The NRP at first directed Respondent to make the complaint with the OPP as that is where the crime took place. FACS was, at the time, busy investigating Respondent for a series of false and misleading accusations laid by Jason Whittington, all of which were cleared.
60. FACS directed that Respondent take Alexandra and Paige to the NRP headquarters in Niagara Falls and that FACS employees and NRP sex assault detectives would attend to meet, take statements, etc. Respondent brought Alexandra and Paige to the place and at the time stipulated by FACS where nobody was waiting. Respondent attempted to check in with reception and was told that the sex abuse detectives had all

- gone home and that no meeting was scheduled. Respondent, after waiting for FACS to show up for over an hour, contacted FACS through their after-hours line to be told that there had been an error and that I was to bring Alexandra and Paige another day.
61. Alexandra told me, and I believe to be true, “obviously, we count for shit.” Paige asked me why “nobody cares about what happened?” Respondent was later contacted by the NRP and rescheduled to attend another day, alone. Respondent attended NRP as instructed, made a video statement and was told that it would be sent to the OPP for them to investigate.
  62. Nobody actually saw or contacted Alexandra and Paige for many weeks after.
  63. The involvement of the Niagara Regional Police (NRP), Ontario Provincial Police (OPP), Family and Children Services Niagara (FACS) and Children’s Aid Society of Haldimand Norfolk (CASHN) has been plagued with insufficiency and incompetence, likely due in part to the barrage of false and misleading reports and accusations Applicant has made against Respondent.
  64. Respondent contends that these organizations have used thuggery, bully and intimidation tactics, deceit, secrecy and other despicable means in attempts to conceal their failure to perform and to revictimize the victims.
  65. Respondent has filed complaint after complaint to no avail. Alexandra and Paige, Respondent and their family are now afraid of the police, have zero confidence in FACS and the other organizations named, and have no trust in them whatsoever. Respondent no longer considers any of these agencies as a viable resource to investigate the abuse suffered by Alexandra and Paige, lay criminal charges or even offer basic protection to Alexandra and Paige, and substantial evidence supporting this belief will be introduced at trial.

66. There was a time where the NRP attended our home five evenings in a row, allegedly acting on information from Applicant and Jason Whittington, to check on the welfare of Alexandra and Paige, to interrogate them about school attendance and other matters before the court at the time, and to intimidate Respondent.
67. Alexandra, Paige and Respondent suffered ongoing, severe intimidation and harassment at the hands of the NRP. Respondent eventually took the matter to the police watch commander and, after a lengthy and heated discussion, threatened litigation and media coverage. Subsequently, a police supervisor attended our home to apologize to Alexandra and Paige, and Respondent, for what had happened but it seemed too little too late.
68. Respondent contends that the abhorrent police conduct they were exposed to has forever tainted the way Alexandra and Paige see the police. Subsequent “welfare checks” were much more cordial but Alexandra and Paige were visibly frightened. Eventually, police attendance met with a closed door and directions to leave. Respondent is concerned that Alexandra and Paige may forego reporting a crime or giving witness statements in future as a direct result of this experience. Respondent contends that Applicant and Jason Whittington were the guiding hand of these police practices and that they share blame for the outcome.
69. Respondent was never arrested, charged with an offence or even invited to attend a police station for questioning. Neither Alexandra nor Paige was apprehended by anyone. No order, writ, warrant or anything of the sort was produced. Respondent contends that all of this was simply police officers using bully and intimidation tactics to obtain information to report back to Applicant.
70. Paige has told me, and I believe to be true, that she is “so afraid of the police after they did that at the house” and that they “kept yelling and screaming and grabbing at all their stuff and saying and yelling that they were taking your Dad [Respondent] to

- jail.” Paige lost control of her bladder during the first “welfare check” resulting from the conduct of the police, she was shaking and sobbing for some time after.
71. Respondent contacted the OPP frequently to verify they received the report from the NRP and to make arrangements to bring Alexandra and Paige for statements, but they never did. The OPP for many weeks denied receiving the report from the NRP. I contacted the NRP and was told that the video had been couriered and received by the OPP. I was admonished by the OPP (Cayuga) that the report did not exist and that I was to stop calling.
  72. Respondent made contact directly with a staff officer (Inspector) at the Commissioner’s Office (OPP) who caused a deeper and much more rapid search to be made for the report. Respondent was contacted same day by an OPP detective constable, Ashley Horton, who said, and I believe to be true, that she received the file and took the file home without entering it into their system, and that she had subsequently taken leave.
  73. She had the file in her possession the whole time. For the weeks following, the OPP refused to take a statement from Alexandra and Paige because Respondent wanted a criminal investigation into the actions of Jason Whittington and not a child welfare interview on behalf of FACS and CASHN, the involvement of which was instigated by the OPP. Respondent was beyond frustrated as there were two police forces and two child protection authorities involved in this matter and nobody would take a statement from the victims of a crime growing older week by week.
  74. Many weeks after Alexandra and Paige reported the abuse to Respondent, and after continuous pressure being applied to the OPP, and after continued intervention by the Office of the Commissioner of the OPP as well as officials at the Ministry of the Solicitor General, all orchestrated by Respondent, the OPP in Cayuga, the same detachment where the matter had been misfiled, forgotten and passed off, finally, begrudgingly agreed to interview Alexandra and Paige as a criminal matter.

75. Respondent was instructed by Detective Horton to bring Alexandra and Paige to her OPP detachment and gave vague travel directions; however, Respondent ended up at an old, storefront style detachment with nobody present. Respondent deduced the correct detachment on his own and, on his arrival, Alexandra and Paige, and Caroline Misener, Respondent's mother, we were led by Detective Horton directly to a basement meeting room with a large glass bowl full of candy on the table. Horton invited us to help ourselves to the candy, telling Alexandra and Paige that they could have as much as they want. Horton and the other detective left the room to prepare for the interview.
76. Alexandra and Paige ate a large amount of candy. Respondent was hesitant to stop Alexandra and Paige from eating so much candy, which they normally have little to none of, out of fear they would get upset and carry that into the interview. Respondent recalls that Alexandra and Paige ate far too much candy. Horton proceeded to interview Alexandra and Paige. Shortly thereafter, we were permitted to leave.
77. Paige told me on the way home, and I believe to be true, that she ate a lot of candy and felt shaky, that she was nervous and just wanted to leave; that she was polite, she smiled and did not complain but that "I didn't get it all out." This was echoed by Paige to the OCL and is reflected in the OCL report. Alexandra told me, and I believe to be true, that she did not feel as if she had been heard, that she didn't say everything she wanted to say.
78. Respondent suspects that a proper victim statement was not performed, that the true purpose of the interview was to provide same to FACS and/or CASHN and not for purposes of a criminal investigation, as had been the intent. Respondent will enter evidence in support of this suspicion at trial.

79. Subsequently, Horton contacted Respondent with “good news” that Alexandra and Paige were not abused; however, she refused to describe who and how this conclusion was reached, the methods used, etc. While I affirm to the contact, I don’t believe what she said.
80. Respondent contends that this conclusion was derived by a young, inexperienced and potentially underqualified police detective following a grid or reference manual and not a credible expert. Respondent contends that the OPP was motivated to get rid of the matter due to the terrible mess they had made of it, to conceal the fact that their mistakes precluded a proper criminal investigation and that Jason Whittington had, by their hands, escaped justice.
81. Respondent contends that the aforesaid examples of incompetence and negligence, and more that will be introduced at trial, has impacted the reasonable prospect that Jason Whittington will ever be convicted, or even tried, for his disgusting misdeeds in a criminal court, due to lack of physical evidence, improper procedure, etc.
82. This being said, the failures of these agencies to properly perform do not take away from the validity of the statements Alexandra and Paige have made in this respect. I truly believe that Alexandra and Paige have consistently given true accounts of the abuse they suffered at the hands of Jason Whittington, and Applicant, specifically her negligence failure to act in her duty of care.
83. Respondent contends that even if Jason Whittington was no longer part of the equation, Applicant has still acted with such disregard and negligence toward Alexandra and Paige and cannot be reasonably trusted to have any custody or access rights whatsoever.
84. Paige told me, and I believe to be true, that “it was really hard to learn that the police don’t care about us” and “school tells us that police help people, but they don’t.”

Alexandra told me, and I believe to be true, that “she [Applicant] doesn’t care anymore and doesn’t want to think about it.”

85. Respondent contends that regular attacks in the court and frequent demands that Alexandra and Paige review and restate and answer to their experience is incredibly harmful and serves only to revictimize them. Respondent fully intends to introduce more evidence to this at trial, and to deeply and aggressively probe witnesses from each of the name agencies.
86. The report of Cynthia Katz (OCL) is, in part, sharply contested by Respondent. This report is just shy of being one year old and is already far out of date, and by the time of trial, portions of the report will have no resemblance whatsoever to the reality of today. Respondent strongly denies and disputes several of the conclusions reached by Katz.
87. Respondent reports that he questioned Katz about a potential conflict of interest with Kevin Rawlings, Respondent’s Uncle, and Katz claimed that she didn’t know him. Respondent later found that Katz had worked with Rawlings in a prior place of employment. Portions of Katz’s report are entirely vague and heavily biased in favour of Applicant and her husband, Jason Whittington. At one point, Katz praises Jason Whittington, the man who abused Alexandra and Paige, for his handling of his mental incapacities, even though he was, at the time, refusing to take prescribed psychiatric medication.
88. Katz, who is neither a psychologist nor a psychiatrist, nor a nurse, social worker or other health clinician, chose to identify as a “clinician” and an “investigator”; however, she admittedly has no qualifications to this, nor experience. Katz is not a member of the Investigator, Inspector and Enforcement Officer Directorate of the Government of Ontario. At best, Katz is a part-time interviewer-notetaker who wrote a paper full of speculation and conjecture, blended and comingled with her direct observations to bolster the credibility of her guess work.

89. In her timeline synopsis, Katz makes little mention of Alexandra and Paige being abused by Jason Whittington, except to say that a sexual abuse investigation was underway. Katz also fails to report that Applicant steadfastly denies any abuse took place, and that this denial adversely impacts Alexandra and Paige. Katz allows Applicant to quote directly alleged professionals without stating their application to this case. Much of this report is plagued with inaccuracies and inconsistencies too many to itemize.
90. Katz, who has never presented as a dietician, makes insulting and demeaning remarks about the amount and type of food Alexandra and Paige ate at a lunch meeting that she observed. Katz body-shamed eleven-year-old, super athletic Paige without any balanced reference to their physical output, time of meal, caloric requirements, etc. Katz even criticized Paige for paying for her food on her own without exploring that Paige may not want to owe Applicant anything for her lunch. Respondent is aware of a phrase called “Going Dutch” and believes it is one of many methods recommended to keep meal sharing from being an obligation in other forms.
91. What her report does show is that Alexandra and Paige clearly and directly communicate their anger, hurt and frustration to Applicant, and Applicant brushes them off, claiming they don’t communicate. Respondent contends that Applicant needs to listen and talk to Alexandra and Paige about their experience, fears and concerns, otherwise she will never have a positive and respectful relationship with them. Katz even defended Applicant’s actions to Alexandra and Paige, suggesting another meeting that neither Alexandra nor Paige wanted to have. Katz fails to note in her biographies that Alexandra suffers from hearing loss and speech impediments.
92. Alexandra and Paige both expressed to me, and I believe to be true, their feelings that they had not been heard by Katz at their private interviews. Paige told me, and I believe to be true, that she felt “under pressure” to answer her questions and “just wanted to go home.” Alexandra told me, and I believe to be true, that she “didn’t

want to talk to [Katz] but didn't want to make the judge mad." Both Alexandra and Paige wanted to give further, written communication to Katz but Katz rejected their request. Katz describes numerous quotations and observations in a biased tone and nomenclature, yet fails to investigate and set context. Without even drawing attention to this, Katz attempts to twist, spin and manipulate the subject matter against Respondent.

93. While some of Katz's direct observations may be valid and truthful, her assignment of context is not. Most of her report simply quotes "the literature" without fitting it to this case. Respondent contends that Katz lacks the foundation necessary to give opinion, yet she does throughout.
94. Respondent has not been copied this report and has had to rely on provision by Applicant to have any access. It may well be that the actual report contains more material than Applicant needed for her case conference and motion. Respondent should not have to rely on Applicant to have full disclosure from the OCL or any other pertinent agency.
95. In her lengthy discussion section, Katz appears to copy directly out of a textbook and says nothing about this matter in specific. Katz takes absolute opinions and fails to explore alternates or optional contributing factors. For example, Katz reports that Paige saying "From what my Dad is telling me, you just want me to go out there" as hard proof that Respondent is committing parental alienation; however, she fails to explore that Respondent routinely expressed to Alexandra and Paige is that "everybody wants you to see [Applicant]" and that Respondent even offered to pay them to connect with Applicant.
96. Katz makes no study of the sexual abuse Alexandra and Paige suffered at the hands of Jason Whittington, nor the impact on them by Applicant's subsequent choice of behaviour. She at times even contradicts directly what Alexandra and Paige said. She references "the literature" and stops giving particulars of this case.

97. Respondent contends that, despite Katz volleying for Applicant, there is only one valid course of action to take: listen to Alexandra and Paige; believe them; keep them safe and secure; and serve their interests. Alexandra and Paige have made their case. Respondent contends that he is the only parent who has historically done this, and the only party who will. Respondent contends that the only solution is one that serves Alexandra and Paige in absolute, the measures that Respondent has asked for.
98. Respondent is a loving, caring and attentive father. Respondent is very much on top of the medical and health needs of Alexandra and Paige, and has an excellent rapport with them in this respect. Respondent was the only parent who explained menstruation, reproduction, sex and sexuality to Alexandra and Paige, the only parent to equip Alexandra and Paige with sanitary supplies for home and school, the only parent who has discussed deeply personal and emotional matters like “love” with Alexandra and Paige, and the only parent Alexandra and Paige have ever turned to for information or guidance in this respect.
99. Applicant ducked out of all of these conversations. Alexandra and Paige elected to conceal their period from Applicant for months because, in their words, that I believe to be true, “we felt really uncomfortable about telling her.”
100. Respondent monitors the medication Alexandra and Paige are prescribed, ensures accuracy and administration and supply of same, acts as liaison with physicians, counsellors, therapists and other medical professionals. Alexandra and Paige have started to exercise their privacy rights and stipulate that certain medical practitioners are to be precluded from sharing information with Applicant, e.g. the eight sessions of therapy provided by the Family Counselling Centre to help them overcome some of the impacts of abuse; and intake files with Contact Niagara. Respondent will expand on this in great detail at trial.

101. Respondent schedules medical appointments as necessary, and where applicable at the instruction of Alexandra and Paige, cancels them. Respondent ensures that Alexandra and Paige are at scheduled appointments, virtual or in person, and that they have the tools they need to manage their health. Respondent contends that Alexandra and Paige are very responsible in respect to their health.
102. Respondent causes attendance at medical appointments even when I would rather utilize an alternative provider. Respondent, where appropriate, shares his own observations with practitioners, in the presence of Alexandra and Paige, and ensures that Alexandra and Paige have all of their questions answered and concerns addressed. No secrets.
103. Respondent is the only parent who undertook a barrage of assessments and consultations to have Alexandra assessed, diagnosed and treated for attention deficit disorder (ADD). Respondent is the only parent who insisted that Paige be given a true psychiatric assessment, diagnosed and be treated for anxiety. Respondent has defended the medical diagnosis and treatments of Alexandra and Paige despite Applicant's protests and obstruction. Alexandra and Paige are both, according to a multiplicity of sources, all of which I believe to be true, much healthier and emotionally sound than they were.
104. Applicant proclaims that counselling is the only option to solve problems. Applicant has told me that counselling helped Jason Whittington, the man who sexually abused Alexandra and Paige, "become the loving parent he is." Alexandra and Paige have told me, and I believe to be true, that they are deeply frustrated and highly concerned that their private medical information is "being shared with Kelly and a bunch of people we don't know without our permission."
105. Alexandra and Paige, by their own assessment, and by a multiplicity of adults in their life, all of which I believe to be true, received no benefit from Pathstone Mental

Health or any of the counselling programs Applicant insisted they attend, and still insists they attend in preference to true medical treatment.

106. Applicant obstructed Respondent from taking Paige to an emergency psychiatric facility, even when told to do so by FACS. The only concern Applicant has raised with health providers is what Alexandra and Paige are saying about her and Jason Whittington. Respondent contends that Applicant is so deeply invested in counselling, she is unable and unwilling to find medical solutions to medical problems for Alexandra and Paige.
107. This being said, Respondent draws the court's attention; however, to the eight sessions allotted specifically for them at Family Counselling Center under the care of Aksana Kavaliova-Moussi, where Alexandra and Paige learned some specific coping skills to help them deal with the impacts of the abuse they suffered at the hands of Jason Whittington, and the exacerbation of same by the treatment of Applicant. Unfortunately, Applicant demanded that this resultant therapy be replaced with reunification counselling. Respondent was threatened with legal action if consent was withheld and, under this duress, consented.
108. Reunification counselling lasted two sessions and fell apart, alienating and estranging Alexandra and Paige. Paige told me, and I believe to be true, that "at first it was great, I learned some things and sometimes it worked, but then they brought Kelly and she lied and Aksana said I had to listen and I just couldn't stand it anymore." Alexandra told me "sorry Dad, I just told them all to fuck off, I'm not going to put up with that shit; no more."
109. Respondent believes Applicant has deliberately misled school officials about the medical challenges faced by Alexandra and Paige, and has caused school staff to pester and harass both Alexandra and Paige under the guise of "monitoring" them. School officials, under the direction of Applicant, routinely pulled Alexandra and Paige out of class as many as three times daily and forced them into a private room

for intimate and personal discussions alone with the male principal. Alexandra and Paige both stated, and I believe to be true, that the principal, Bradley Digweed, questioned them about their life at home, and when Alexandra and Paige reported that they enjoyed their life and loved their father and their family, Digweed suggested that they were just afraid of Respondent and that they should live with their mother, the Applicant. Digweed filed a false and misleading report with FACS that was closed without investigation.

110. When Alexandra and Paige disagreed with him, he made private notes and shamed them for their beliefs. Alexandra and Paige told me that they were made very uncomfortable by Mr. Digweed and they described him as a “creep.” At one point, I saw Mr. Digweed put his hand on Paige’s shoulder and watched as Paige decisively used force to remove it, saying “don’t touch me.” Paige contends that any positivity she may have had toward school was lost by this prolonged and embarrassing harassment.
111. Respondent filed a complaint with the Ontario College of Teachers against Digweed which stopped him; however, he simply delegated to the vice-principal to continue the same. Respondent was caused to intervene yet again and solved the matter with the school superintendent and school board lawyer.
112. Alexandra and Paige had a higher-than-average number of absences from school one year due to their regular attendance at Pathstone. They no longer attend Pathstone and haven’t for approximately eighteen months. Alexandra undertook three programs from Pathstone and Paige two. Alexandra and Paige both contend, and I believe to be true, that none of the programs or services at Pathstone made any difference whatsoever, that they were a complete waste of time. Neither Alexandra nor Paige were “pulled out of” programs at Pathstone, they were simply not registered in any more. Applicant again failed to listen to what Alexandra and Paige were saying.

113. That school year, Alexandra and Paige achieved grades best described as A, B and one C. Respondent contends the proven laws of science dictate that an object cannot occupy two spaces at the same time. Applicant's insistence that Alexandra and Paige attend Pathstone religiously while not missing a day of school does not subordinate to this proven theory, it is simply not possible; yet Applicant continues to push both sides in her filings.
114. With the permission of the District School Board of Niagara (DSBN), Alexandra and Paige were withdrawn from classroom attendance to virtually attend several private educational facilities for the COVID period.
115. Respondent paid for and coordinated their attendance, facilitated the exchange of documents and supervised Alexandra and Paige's study schedule. Respondent also arranged educational field trips that supported their learning, and acted as a learning resource when requested. All of the institutions used for this purpose are licensed and inspected by the Ontario Ministry of Education, and teach the provincial curriculum.
116. Respondent is pleased to report that Alexandra and Paige not only completed the curriculum grade seven, but continued on their own initiative and at their own choosing to complete the curriculum grade eight as well. For purposes of clarity, Alexandra and Paige completed grade seven and eight in one school year, and are now preparing for grade nine.
117. Respondent is so very proud of Alexandra and Paige for making good use of their COVID-imposed time away from other activities. Alexandra and Paige worked extremely hard to accomplish this and achieved respectable grades, in some cases much, much higher than while attending Pine Grove Public School. Study focused on the science, technology, engineering and mathematics curricula (STEM), core curriculum courses as well as social observation, language, business and research initiatives outside of regular study. Respondent is looking forward to expanding on this report at trial.

118. Respondent has often requested disclosure already ordered by the courts, including without limitation OPP, NRP, FACS, CASHR, OCL and others. Respondent has received nothing; however, the schedule to Applicant's motion shows that Applicant has indeed received disclosure from OCL. Respondent is curious what else Applicant has received and is waiting with baited breath, so to speak, to be gifted his own disclosure.
119. Respondent has all but given up trying to get disclosure from these organizations, and from Applicant and from Jason Whittington, etc. Should Respondent not receive full disclosure as ordered by the courts, and as requested many times by Respondent, he intends to move to exclude all material and witnesses of the non-disclosing agency from trial.
120. Alexandra and Paige wish to meet with the trial judge, and to enter their testimony to him or her directly, assuming they will not be permitted to testify. Their testimony will cover everything in this affidavit and more.
121. Respondent contends that Applicant has failed to pay child support and half the cost of extracurricular activities, etc. since 2015 and seeks an enforceable order to recoup that debt and to enforce payment going forward. Respondent has, from time to time, been forced to rely on his family for financial support because Applicant has refused to pay the agreed upon child support.
122. Respondent suspects that Applicant has withheld child support to further stress and punish Respondent. Applicant is gainfully employed, and Jason Whittington is receiving a government pension. The two operate a cash-based taxidermy business and sell/trade in those goods via online resources. There is no reason for Applicant to withhold support for Alexandra and Paige, and this matter must be addressed by the courts.

123. Respondent contends that this motion made by Applicant is frivolous, vexatious and previously heard by the courts. Respondent asks for sanctions. Respondent asks that Applicant motion is denied with prejudice and that Applicant is admonished.