

Note: La présente décision et sentence arbitrale a été annulée par le juge C. Hackland de la Cour supérieure de justice de l'Ontario dans le numéro de dossier CV-24-98074, dont la référence est 2025 ONSC 2632 et est, par conséquent, nulle et sans effet.

NOTE IMPORTANTE : *cette version est une traduction de la version originale anglaise.*

CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)
SPORT DISPUTE RESOLUTION CENTRE OF CANADA

N° de dossier : SDRCC 22-0609

FRANK FOWLIE

Demandeur

et

WRESTLING CANADA LUTTE

Intimé

et

DAVID SPINNEY

MARA SCHIAVULLI

AHMED SHAMIYA

Parties affectées

1. Cette affaire a été longue et difficile. Elle s'inscrit dans le contexte du sport sécuritaire et concerne des allégations de harcèlement subi par le demandeur, un agent indépendant responsable des plaintes et des appels, dûment nommé. Le sport en question est la lutte.
2. J'ai été désigné à partir de la liste rotative des arbitres tenue par le Centre de règlement des différends sportifs du Canada (CRDSC).

Les parties

3. Le demandeur, M. Frank Fowlie, a été nommé par Wrestling Canada Lutte (WCL) comme responsable des plaintes et des appels (RPA) en vertu du Code de conduite de WCL (le Code de WCL) pour gérer divers dossiers, dont des appels internes et autres, ainsi que

des affaires de discipline et de conformité dans lesquelles la conduite de participants (au sens de la définition du Code de WCL) a fait l'objet de plaintes.

4. L'intimé est WCL, la fédération nationale qui régit le sport de la lutte au Canada.
5. La plainte à l'origine de cette procédure portait sur la possible existence d'une relation non divulguée entre un entraîneur de lutte et une lutteuse.
6. Il y a trois parties affectées : un entraîneur, David Spinney, (PA Spinney) qui a peut-être eu, ou peut-être pas, une relation non divulguée avec une athlète, un autre entraîneur/athlète, Ahmed Shamiya (PA Shamiya) et Mara Schiavulli (PA Schiavulli), mère de l'athlète concernée.
7. Les trois parties affectées, ainsi que le demandeur, correspondent à la définition de participant du Code de WCL.
8. Les relations entre les avocats ont été tendues.

Contestations et requêtes

9. La procédure a donné lieu à de nombreuses requêtes, contestations, incivilités et retards délibérés. Il y a apparemment plusieurs autres recours (ou menaces de recours) en cours devant d'autres instances que le CRDSC, qui impliquent certaines ou toutes les parties et parties affectées. Je ne suis saisi d'aucun de ces recours.

Participation des avocats

10. Le demandeur a été représenté tout au long de cette procédure par André Marin en tant qu'avocat principal.
11. WCL a été représenté par Jordan Goldblatt et Morgan McKenna.
12. PA Spinney a été représenté par Michael Smith durant cette procédure, jusqu'au 18 octobre 2024, date à laquelle M^e Smith a démissionné comme avocat. En ma qualité d'arbitre dans ce dossier, il ne m'appartient pas d'accepter ou de refuser cette démission, qui est une affaire entre l'avocat et son client, régie par la relation professionnelle en vertu des règles établies par le Barreau de l'Ontario.
13. PA Shamiya, malgré plusieurs engagements à retenir les services d'un avocat, n'a pas retenu d'avocat. Cory Coles, qui n'est pas avocat, s'est présenté le 7 décembre 2023 pour le représenter et a déclaré qu'il était prêt à contre-interroger les témoins qui avaient témoigné à la première date prévue de l'audience. Depuis, il s'est retiré de la procédure.
14. PA Schiavulli a été représentée occasionnellement par Eamonn Dorgan (qui a été révoqué le 18 mai 2023, est revenu le 26 février 2024 puis a été révoqué à nouveau le 26 juin 2024), Alexander Kelly (qui a démissionné le 7 juin 2023) et dernièrement par l'avocate Karen

McArthur depuis le 26 juin 2024, bien que l'on ne sache pas si cette représentation est en cours, puisque M^e McArthur a indiqué qu'elle s'attend à être rémunérée au moins pour les services en cours. Elle avait fait valoir que cette procédure devrait être retardée davantage, jusqu'à ce que PA Schiavulli ait reçu les dépens qu'elle s'attend à retirer d'une autre procédure, ce que j'ai refusé.

Première série de contestations de l'arbitre

15. Les parties affectées ont également soulevé des allégations de conflit d'intérêts (en particulier PA Shamiya, du fait du rôle que j'ai joué, il y a un certain temps, en rédigeant quelques pages dans un petit chapitre publié par le demandeur dans un ouvrage plus vaste, et PA Schiavulli, pour le motif que je siège au Conseil d'administration du Comité olympique canadien). Des arbitres juridictionnels ont rejeté les deux allégations.
16. En février 2023, une arbitre juridictionnelle (Harveen Thauli) a été désignée pour examiner les allégations de crainte raisonnable de partialité de ma part, soulevées par PA Spinney. PA Shamiya a également présenté des observations à cet égard en appui à la contestation de ma compétence. Le 3 avril 2023, l'arbitre juridictionnelle a conclu qu'il n'existait pas de telle crainte raisonnable de partialité.

Calendrier de procédure et demandes de report

17. Après d'autres retards, de nouvelles dates d'audience ont été fixées. Le 8 septembre 2023 (en fin d'après-midi le vendredi avant une audience prévue pour le lundi), PA Spinney a demandé un autre report, lié aux préparations pour les Championnats du monde de lutte seniors, que je n'étais pas disposé à lui accorder (étant donné qu'il avait accepté les dates d'audience fixées et que, étant entraîneur, il avait forcément été au courant des dates d'une compétition de l'importance des Championnats du monde de lutte seniors) mais le lundi matin, le 11 septembre 2023, le CRDSC a été informé que PA Shamiya avait été hospitalisé, ce qui a entraîné un nouveau report.
18. De nouvelles dates d'audience définitives ont été fixées, du 4 décembre 2023 au 8 décembre 2023.
19. Le CRDSC a fait parvenir des rappels à toutes les parties et parties affectées, avec les liens à utiliser pour se joindre à l'audience virtuelle.
20. Le 23 novembre 2023, l'avocat de PA Spinney, Michael Smith, a annoncé qu'il ne serait pas présent à la première journée de l'audience prévue en raison d'un événement lié au décès d'un ami quelque temps plus tôt, ce que, disait-il, son client comprenait. J'ai refusé de reporter l'audience pour le motif, notamment, qu'une autre avocate était inscrite au dossier, mais M^e Smith a dit que l'autre avocate n'était pas suffisamment au courant et ne serait de toute façon pas en ville. J'ai indiqué à M^e Smith que l'audience se déroulerait comme prévu, avec ou sans lui.

21. PA Spinney était présent au début de l'audience virtuelle, le 4 décembre 2023, mais il n'était pas à l'aise en l'absence de son avocat, nonobstant les observations de M^e Smith, et il a quitté l'appel peu après. PA Schiavulli ne s'est pas présentée.
22. Dans la soirée du dimanche 3 décembre 2023, une personne qui s'est identifiée comme le partenaire de PA Shamiya a fait savoir que PA Shamiya ne serait pas présent à l'audience et demandé le report de l'audience pour des raisons de santé. Je n'ai pas modifié les dates de l'audience, car je n'avais aucune idée de qui ni de quoi il s'agissait et il aurait sans doute été possible que PA Shamiya se joigne à l'audience virtuelle pour y participer.
23. Il semblait clair que les parties affectées s'imaginaient à tort qu'elles étaient en droit de décider quand l'audience aurait lieu. Elles n'avaient pas ce droit. Ces décisions sont prises par la Formation. Si les parties souhaitent modifier les dates d'audience établies, elles doivent au préalable obtenir le consentement de la Formation. Une simple demande de modification des dates n'est pas décisive. Seul la Formation peut prendre de telles décisions.
24. En fin de compte, seuls le demandeur et deux témoins appelés par lui ont témoigné de vive voix le premier jour (4 décembre 2023) de l'audience prévue. Le demandeur a également introduit et déposé des éléments de preuve documentaire.
25. Des dispositions ont été prises pour faire enregistrer la procédure, afin de pallier l'absence de M^e Smith. Le CRDSC a envoyé l'enregistrement à toutes les parties vers 17 h 39, heure de l'Est, le 4 décembre 2023. Les parties qui n'avaient pas été présentes auraient la possibilité de contre-interroger les témoins qui avaient pris la parole, en s'appuyant sur le témoignage enregistré.

Deuxième série de contestations de l'arbitre

26. Toutefois, quelques minutes à peine avant le début de la procédure le 5 décembre 2023, M^e Smith a présenté une autre requête au nom de PA Spinney, demandant ma récusation à titre d'arbitre en invoquant encore une fois une allégation de crainte raisonnable de partialité. L'affaire a été discutée brièvement et l'audience a été ajournée jusqu'à 13 h 00. Entre temps, M^e Smith devait écouter l'enregistrement de la procédure de la veille et je devais examiner la requête.
27. Il était évident pour moi que le principal, voire le seul objectif de la requête était de retarder l'examen sur le fond des allégations de harcèlement du demandeur. La tactique consistait à saisir un nouvel arbitre juridictionnel de la requête afin qu'il rende une décision, ce qui aurait sans doute entraîné un retard de plusieurs mois.
28. J'ai rendu une brève décision rejetant la requête pour abus de procédure. M^e Smith a consulté PA Spinney en privé et il a déclaré ensuite que son client maintenait sa position selon laquelle un arbitre juridictionnel devait être désigné.

29. En attendant, M^e Smith n'était pas disposé à contre-interroger le demandeur ou les autres témoins.
30. Aucun changement d'attitude n'était attendu pour l'audience du 6 décembre 2023 et en effet, rien n'a changé. La preuve a été présentée et le demandeur a mis fin à son argumentation, puis de brèves observations orales ont été présentées au nom du demandeur quant au fond, évoquant les conséquences et les dépens. WCL a également présenté de brèves observations qui portaient principalement sur le harcèlement en milieu de travail et argué que les parties affectées n'étaient pas des employés de WCL.
31. Le recours répété à des arbitres juridictionnels durant une procédure du CRDSC ne contribue manifestement pas à éviter tout retard ni à assurer un règlement des différends sportifs de façon juste, rapide et économique, comme le prévoit l'alinéa 5.7(f) du Code canadien de règlement des différends sportifs de 2021 (le Code) qui s'applique en l'espèce. Je n'ai jamais eu affaire à de telles manœuvres dilatoires dans des dossiers du CRDSC (et des organismes qui l'ont précédé) ni entendu parler de dossiers de cette nature qui ont connu de tels retards.
32. Il n'y a pas eu de malentendus au sujet des dates de l'audience et l'alinéa 6.5(d) du Code indique les conséquences auxquelles s'expose une partie affectée qui ne participe pas.
33. Néanmoins, le CRDSC a désigné un arbitre juridictionnel (Roger Bilodeau), qui a rendu une décision le 18 avril 2024 rejetant toutes les contestations soulevées par les parties affectées.

Nouveau calendrier de procédure

34. De nouvelles dates d'audience ont été fixées aux 2, 3 et 5 juillet 2024.
35. Le 28 juin 2024, PA Spinney a annoncé qu'il devait faire un voyage de dernière minute en Espagne « à titre d'entraîneur » et qu'il ne serait disponible que le 5 juillet 2024. Il n'a pas demandé d'autorisation pour les journées où il ne serait pas disponible.
36. Le 1^{er} juillet 2024, Cory Coles a annoncé que PA Shamiya ne serait disponible que le 5 juillet 2024 en raison d'une chirurgie.
37. Le 2 juillet 2024, M. Coles s'est déclaré prêt à contre-interroger les témoins qui avaient pris la parole, malgré l'absence de PA Shamiya, qui ne serait donc pas présent pour entendre les témoignages recueillis et fournir les informations qui auraient pu être utiles dans les circonstances.
38. Je n'étais pas disposé à accepter un tel processus sans pouvoir m'assurer que PA Shamiya était pleinement au courant des possibles conséquences de sa non-participation, notamment des lacunes dans la preuve, qui auraient pu amener à demander un autre contre-interrogatoire en sa présence. Je craignais même que la conduite de M. Coles, qui

n'était pas avocat, puisse être désavouée. Et je n'étais pas convaincu non plus que PA Shamiya serait présent le 5 juillet 2024.

39. Par ordonnance de procédure du 4 juillet 2024, les séances des 3 et 5 juillet 2024 ont été annulées. Il n'aurait pas été possible, à mon avis, même en permettant à M. Coles de contre-interroger les témoins en l'absence de PA Shamiya, de terminer le reste des contre-interrogatoires et l'interrogatoire principal des parties affectées, plus les contre-interrogatoires et les réinterrogatoires, le 5 juillet 2024.

Troisième série de contestations de l'arbitre

40. Le 6 juillet 2024, PA Schiavulli a déposé une autre demande pour obtenir la désignation d'un arbitre juridictionnel, encore une fois en alléguant l'existence d'une crainte raisonnable de partialité. PA Shamiya s'est joint à cette demande avec enthousiasme peu après.
41. Il était évident, à ce moment-là, que les parties affectées, pour des raisons qui n'ont jamais été révélées, ne voulaient pas que la procédure atteigne une conclusion normale.
42. À cette occasion, toutefois, malgré la requête déposée au nom de PA Schiavulli et PA Shamiya, le CRDSC a choisi de ne pas désigner d'arbitre juridictionnel. L'affaire a donc été laissée entre mes mains.

Calendrier définitif de la procédure

43. Bien que le processus soit beaucoup moins satisfaisant que celui que j'aurais privilégié en temps normal, les manœuvres stratégiques déployées par les parties affectées avaient été telles que j'ai décidé que le reste de la procédure, y compris la présentation de la preuve, les contre-interrogatoires et toutes les observations subséquentes, se ferait par écrit, au moyen d'affidavits. Un calendrier a été établi pour que ce processus puisse se dérouler dans un délai raisonnable et a été affiché sur le Portail de gestion de dossiers du CRDSC. Le recours à une procédure écrite pour la preuve et les plaidoiries n'est guère inconnu en droit. Des rappels réguliers de toutes les « dates d'échéance » ont été communiqués aux parties.
44. Les parties affectées n'ont pas été heureuses de la tournure des événements et elles ont estimé qu'elles auraient dû être consultées auparavant. Mais c'est leur attitude concertée et persistante qui a mené à la décision de procéder par écrit, caractérisée par des délais précis procurant une certitude quant à la conclusion de ce processus maintes fois retardé. Il n'est pas improbable que cette résistance au processus modifié puisse avoir un rapport avec l'évaporation de toutes nouvelles manœuvres dilatoires.
45. Pas une seule des parties affectées, représentée ou non, n'a choisi de participer à la phase de présentation de la preuve. Ce sont elles qui ont pris cette décision, elle n'a pas été

imposée par la Formation. Chacune des parties affectées a été avisée que les éléments de preuve (sous forme de déclaration ou de document) que je prendrais en considération pour parvenir à ma décision dans cette affaire devraient être introduits par un témoin dans le délai établi dans le calendrier publié. Faute de quoi, il n’y aurait aucune preuve au dossier au nom des parties affectées.

46. Le 21 octobre 2024, après l’expiration du délai prévu pour la présentation d’éléments de preuve par les parties affectées (qui n’en ont présenté aucun), j’ai publié un avis par l’entremise du Tribunal du CRDSC indiquant que je n’avais pas d’autres questions à poser.
47. La phase suivante consistait à recevoir les observations des parties au plus tard à la date prévue.
48. Le demandeur a déposé des observations finales le 1^{er} novembre 2024.
49. L’intimé a déposé des observations le 6 novembre 2024 en réponse aux observations du demandeur. Dans ces observations, l’intimé soutenait essentiellement que le demandeur cherchait en fait à faire réexaminer une question qui avait déjà été tranchée par les tribunaux de l’Ontario en faveur de WCL. Une poursuite en dommages-intérêts avait été intentée contre WCL au motif que WCL n’avait pas agi pour éliminer ou réduire le harcèlement du demandeur aux mains des parties affectées. Or ce n’est pas ce que le demandeur recherche dans la présente procédure. En effet, l’alinéa 5.14(d) du Code prévoit expressément que le Tribunal n’a pas compétence pour accorder des dommages-intérêts.
50. Le 14 novembre 2024, PA Spinney et PA Shamiya ont déposé des observations séparées dans lesquelles ils tentaient de justifier leur conduite en affirmant qu’elle était entièrement motivée et qu’elle n’était pas excessive au point de constituer du harcèlement. Malheureusement, étant donné leur refus de participer à la phase de la présentation de la preuve de la procédure, ces prétentions ne sont étayées d’aucune preuve. Je ne peux pas tenir compte de ces observations étant donné qu’elles ne sont fondées sur aucune preuve portée en bonne et due forme à ma connaissance dans cette procédure. Rien n’a été reçu de la part de PA Schiavulli.
51. Il était évident, pour moi du moins, que le processus d’appel interne sélectionné par le RPA qui a remplacé le demandeur à ce poste allait presque certainement être porté en appel, compte tenu en particulier de la décision du nouveau RPA de procéder sur la base d’un harcèlement qualifié de plus léger. J’avais suggéré de procéder directement à un appel *de novo* pour gagner du temps et de l’argent, et éviter de dédoubler les procédures. J’ai été informé que les parties n’étaient pas d’accord pour procéder ainsi.
52. Ceci a conduit à la révision de la décision du nouveau RPA concernant le niveau de harcèlement en cause. Malgré le mépris total de l’importance accordée, dans *Vavilov*, aux éléments de raisonnabilité du choix du décideur (il n’y en avait aucun), j’ai décidé de ne pas ajouter un niveau de processus supplémentaire en renvoyant l’affaire au RPA pour

qu'il fournisse les raisons de la qualification. J'ai déterminé que cela ne ferait que retarder davantage les choses et l'affaire a donc suivi son cours et abouti au résultat attendu ainsi qu'au présent appel *de novo*, également attendu.

Contexte de la plainte

53. L'affaire qui m'est soumise est survenue alors que le demandeur exerçait la fonction de Responsable des plaintes et des appels (RPA).
54. Des préoccupations exprimées au sein de la communauté de la lutte à propos d'une possible relation non déclarée entre PA Spinney et une lutteuse sont à l'origine de la procédure.
55. Les préoccupations avaient été communiquées au demandeur en sa capacité de RPA de WCL, par ce que l'on appelle souvent des « dénonciateurs » qui, en l'espèce, avaient signalé la situation en s'appuyant sur des ouï-dire et non pas en tant que personnes qui avaient eu directement connaissance des circonstances.
56. Après avoir reçu les préoccupations exprimées et passé en revue les documents préliminaires fournis, le RPA détermine si ces préoccupations sont suffisamment graves pour nécessiter une intervention de la part de (en l'espèce) WCL.
57. Le demandeur a estimé que l'affaire devait faire l'objet d'une enquête avant de pouvoir décider si une audience était justifiée et il a désigné un enquêteur à cette fin.
58. Selon le processus prévu, lorsqu'une enquête doit avoir lieu, le RPA avise les éventuels témoins que l'enquêteur désigné pourrait les contacter à cette fin. Pour les besoins de cette procédure, PA Spinney et PA Schiavulli ont reçu cet avis. Ces avis font partie des meilleures pratiques reconnues pour prévenir leurs destinataires que l'enquêteur désigné pourrait les contacter. À ma connaissance, PA Shamiya n'était pas directement impliqué dans la question de la relation, quoique l'on puisse déduire raisonnablement qu'il était au courant, mais d'après ce que je comprends, l'enquête ne l'a pas impliqué.
59. Le demandeur a estimé qu'il avait été harcelé par les parties affectées et il a demandé à WCL de prendre des mesures. Mais comme WCL n'a pas agi, il a déposé une plainte formelle à cet égard auprès de WCL, qui l'a présumément transmise à l'agent de WCL responsable du traitement de telles affaires à ce moment-là.
60. Au moment du dépôt de la plainte formelle du demandeur, la politique de WCL applicable prévoyait deux niveaux de harcèlement : un niveau pour les cas considérés relativement légers et un autre pour les cas plus graves. J'ai distingué les éléments du fond du dossier de ceux de la procédure. S'agissant de la procédure, toutes les parties semblent avoir accepté les règles de procédure révisées et elles ont procédé en conséquence. Cela, à mon avis, ne touche pas aux règles de fond et les parties conviennent que la question à trancher dans cette procédure se limite à savoir si la relation en question

avait été divulguée. Cette exigence de divulgation reflète la « loi » applicable dans les circonstances, qui ne change pas pour incorporer les modifications de fond subséquentes qui auraient pu alourdir le fardeau de divulgation, ainsi que les conséquences qui pourraient découler de telles modifications.

61. En examinant les documents présentés en appui à la plainte, le RPA de WCL de l'époque a conclu que le harcèlement reproché se situait dans la fourchette des cas plus légers et le processus d'appel interne s'est terminé par la conclusion qu'il y avait eu harcèlement et l'imposition de sanctions relativement mineures.
62. La présente procédure, en conséquence, constitue un appel de la décision qui découle de ce processus interne. Le demandeur estime que l'issue du processus interne n'est pas satisfaisante dans les circonstances.
63. PA Spinney a tenté de limiter la procédure actuelle à un appel qui serait restreint à la décision de l'appel interne fondée sur un harcèlement qui se situe dans la fourchette des cas mineurs au lieu de procéder à un appel *de novo* qui porterait sur l'ensemble des faits, et non pas simplement sur ce que l'appel interne avait pris en considération et conclu. Ce n'est que lorsqu'il a réalisé qu'il serait limité quant aux arguments et aux faits qu'il pourrait avancer que son avocat a abandonné cette position.
64. Le demandeur, pour sa part, avait essayé d'attaquer la décision du processus interne qui avait choisi la fourchette des cas plus légers, mais cette décision relevait du pouvoir discrétionnaire de l'agent interne.
65. J'ai rendu une décision à cet égard au début de la procédure et déclaré qu'il était permis au processus interne de se fonder sur la fourchette des cas plus léger.

Le contexte du sport sécuritaire

66. La sécurité dans le sport est également un enjeu important dans cette procédure, bien que cet aspect ait largement été enseveli sous les invectives qui ont marqué de nombreuses communications.
67. La sécurité dans le sport est devenue une question centrale dans le milieu du sport aujourd'hui, partout dans le monde, alors qu'elle aurait dû attirer une attention plus rigoureuse de la part des dirigeants du sport et, peut-être, des autorités publiques, depuis longtemps déjà.
68. De façon générale, les responsables sportifs, à savoir les administrateurs, les entraîneurs, le personnel médical et le personnel de soutien ont régulièrement fonctionné comme des fiefs de facto où l'autorité était administrée, du moins jusqu'à relativement récemment, comme les organismes de sport l'entendaient. Peu d'attention a été accordée, voire aucune, à la santé et à la sécurité des athlètes concernés, alors que ce sont eux qui jouent un rôle central dans la pratique du sport et son rôle dans la société.

69. Dans le sport de haute performance, ce qui importait, presque exclusivement, c'étaient les résultats de la performance en compétition et l'on se souciait malheureusement très peu de la manière dont ces résultats avaient été obtenus et des répercussions sur la santé, la sécurité et la vie des athlètes.
70. Les structures sportives étaient en fait des structures de commande et l'on s'attendait à ce que les athlètes fassent ce qu'on leur disait de faire, sans se plaindre.
71. D'autres acteurs du sport subissaient des pressions pour ne rien dire à propos de ce qu'ils avaient peut-être su ou peut-être vu. Combien de fois a-t-on entendu dans le milieu du sport des commentaires tels que « Si nous renvoyons l'entraîneur X, nous pouvons dire adieu à plusieurs médailles à (la compétition en question, peu importe laquelle) »?
72. Des histoires horribles ont commencé à sortir, que l'on pense à Hockey Canada, au cyclisme, au cas Larry Nassar en gymnastique aux États-Unis et à bien d'autres. Plus près de nous et de cette procédure, il y a la lutte au Canada. Ce milieu présentait, et présente encore, des problèmes liés à la sécurité dans le sport.
73. Dans la mentalité de structure de commandement, les « dénonciateurs » sont un anathème pour les personnes qui sont aux commandes. Ils sont traités bien plus sévèrement que les auteurs de conduites répréhensibles eux-mêmes par les organismes de sport. Ils deviennent des parias qui sont bannis, méprisés, harcelés, renvoyés, discrédités et qui souvent doivent quitter leur communauté, voire leur pays.
74. Le concept et la pratique du sport sécuritaire doivent encourager et protéger les personnes qui dénoncent et qui disent la vérité, ainsi que les athlètes et les officiels qui sont chargés de s'assurer que les principes du sport sécuritaire sont appliqués de façon appropriée.

L'étrange position de WCL

75. La position de WCL dans cette procédure a été à la fois troublante et frustrante.
76. C'est comme si WCL considérait que les questions liées au sport sécuritaire dans le milieu de la lutte au Canada ne le concernaient pas, que c'était le problème de quelqu'un d'autre.
77. Le demandeur a écrit sept fois à Tamara Medwidsky à WCL pour signaler qu'il faisait l'objet de harcèlement sur son lieu de travail, mais il n'a reçu aucune réponse. WCL a soutenu que la conduite n'était pas du harcèlement sur le lieu de travail parce que le harcèlement ne venait pas d'employés de WCL, passant outre ou ignorant ainsi le fait que le harcèlement provenait de participants qui étaient assujettis au Code de conduite de WCL.

78. En l'occurrence, les questions liées au sport sécuritaire ont été détournées par les parties affectées et WCL n'a rien fait pour protéger son propre agent responsable du sport sécuritaire. Les parties affectées ont voulu et ont réussi à passer outre les règles et processus de WCL sans autorité ni conséquences, alors que le Code de conduite s'appliquait à eux en tant que participants.
79. Bien que WCL ait été averti que son manque de coopération et sa résistance pourraient bien amener à tirer des inférences au sujet de sa conduite et de son engagement à l'égard du sport sécuritaire, WCL n'a pas accepté de faire témoigner des personnes bien informées de la situation dans cette procédure.
80. Sa position litigieuse est que WCL n'a rien à voir avec les relations entre le demandeur et les parties affectées. Bien qu'il ait été désigné comme intimé dans cette procédure, WCL affirme qu'il ne recherche aucune conclusion en ce qui le concerne. Il estime que WCL n'est l'intimé que parce que le CRDSC l'a identifié ainsi.
81. En tout respect, il s'agit d'une réponse tout à fait inacceptable à un harcèlement connu et évident du RPA de WCL. Quel que soit le bien-fondé technique de la position litigieuse de WCL concernant l'engagement contractuel du RPA, du point de vue du sport sécuritaire dans le milieu de la lutte au Canada, il s'agit d'un échec de politique majeur qui a éviscéré l'engagement déclaré par WCL pour assurer un sport sécuritaire.

La preuve

82. Les seuls éléments de preuve qui ont été portés à ma connaissance en bonne et due forme comprennent le témoignage du demandeur et de deux autres témoins qu'il a appelés, plus des copies de courriels et une certaine correspondance.
83. Aucune question n'a été soulevée au sujet de l'authenticité et des auteurs des documents déposés.
84. La preuve documentaire figure à l'Annexe « A » de cette décision. Cette preuve, qui comprend plus de 150 pages, parle d'elle-même. Je l'ai lue attentivement au complet et j'estime qu'elle est recevable et pertinente pour évaluer si et dans quelle mesure le harcèlement reproché a eu lieu¹.

¹ J'ai conscience de la pratique du CRDSC, lorsque des décisions sont rendues, de les publier dans les deux langues officielles. Je suggère donc, dans les circonstances de cette procédure, que s'il devient nécessaire, à un moment donné, de présenter ou de citer les documents de l'Annexe « A », en totalité ou en partie, dans une autre procédure, il serait acceptable de recourir à l'intelligence artificielle pour traduire les documents afin d'éviter les frais d'une traduction professionnelle et les délais additionnels qui en résulteraient.

85. Comme je l'ai indiqué ci-dessus, WCL n'a pas déposé la moindre preuve à titre d'intimé. En effet, WCL a refusé de présenter quelque preuve que ce soit.
86. Les parties affectées n'ont pas soumis la moindre preuve non plus, quoique l'Annexe « A » inclue des documents provenant de chacune des parties affectées. Ces documents ont été déposés en bonne et due forme par le demandeur, à titre de destinataire ou d'auteur.

La preuve du demandeur

87. Le demandeur est un ancien membre de la Gendarmerie royale du Canada (GRC). Après cette carrière, il a obtenu le titre de docteur en résolution de conflit de l'Université La Trobe de Melbourne, en Australie. Il est actuellement vice-président de la Commission d'éthique de la Fédération des Jeux du Commonwealth.
88. Son principal emploi régulier est celui de commissaire à la Section de la protection des réfugiés de la Commission de l'immigration et du statut de réfugié du Canada. Dans ce cadre, il a de nombreux contacts avec des personnes qui demandent l'asile au Canada et évalue leurs situations.
89. Le 1^{er} octobre 2019, le demandeur a été nommé comme RPA par WCL à titre contractuel. Dans ce rôle, il devait assurer un service de traitement des plaintes et des appels pour WCL. Les plaintes impliquent généralement des participants au sport ou des personnes reliées au sport, notamment des parents, qui dénoncent des violations au Code de conduite de WCL ou du harcèlement, ou de la maltraitance. Au moment de sa nomination, le Code universel pour prévenir et contrer la maltraitance dans le sport n'avait pas encore été adopté, et la fonction était donc entièrement fondée sur le Code de conduite de WCL.
90. Son second rôle à titre de RPA était celui de responsable des appels, qui consistait à établir des comités d'audience chargés d'examiner les appels concernant des questions telles que la sélection d'équipes, l'octroi de brevets (au titre du Programme d'aide aux athlètes de Sport Canada) et autres questions liées au sport. Il ne siégeait pas à titre de membre de ces comités.
91. Les deux rôles étaient très similaires. Lorsqu'il recevait une plainte ou un appel, il procédait à un triage afin de déterminer si la plainte ou l'appel était recevable selon la politique de WCL en matière de discipline ou de plainte applicable. Lorsqu'il s'agissait d'un appel, il désignait un comité formé d'une ou de trois personnes pour examiner l'affaire. S'il s'agissait d'une question de discipline, il pouvait nommer un comité ou, s'il jugeait que dans l'affaire en question un comité pourrait bénéficier de la tenue d'une enquête, il nommait un enquêteur indépendant. Il agissait essentiellement en tant que personne chargée du contrôle administratif au sein de WCL afin de s'assurer que les deux politiques (appels ou questions disciplinaires) étaient suivies en conformité avec les processus pertinents de WCL.

92. Il y avait assez peu de dossiers disciplinaires par rapport aux appels. Les plaintes disciplinaires portaient principalement sur des situations de maltraitance et de harcèlement. À la réception d'une plainte, il vérifiait que la plainte s'inscrivait dans la politique et qu'elle avait été soumise dans les délais prévus, et évaluait la gravité de l'incident (afin de déterminer si une suspension provisoire était nécessaire pour protéger les personnes concernées) ainsi que les éventuelles conséquences pour la réputation de la lutte ou du sport au Canada.
93. Il décidait ensuite si une enquête était nécessaire ou s'il existait des éléments de preuve suffisants à première vue pour soumettre l'affaire directement à un comité de discipline, quoique cette dernière éventualité ne se soit jamais produite. Toutes les plaintes disciplinaires dont il a été saisi ont dû faire l'objet d'une enquête en fin de compte, pour offrir une certaine clarté au comité de discipline et l'informer de toutes les positions, pas seulement celle du plaignant.
94. Lorsque l'enquête était terminée, il recevait le rapport et, selon les informations contenues dans le rapport, il décidait si un comité de discipline devait être établi ou non. Il y a eu des cas où, à la fin de l'enquête, l'enquêteur estimait qu'il n'était pas possible de conclure de façon satisfaisante qu'une violation du Code de conduite avait eu lieu. Dans ces cas, le demandeur ne soumettait pas l'affaire à un comité.
95. Dans d'autres cas, l'enquêteur revenait en disant qu'il avait recueilli des preuves qui devraient être présentées devant un comité. Il nommait alors un comité et fournissait le soutien administratif nécessaire, faisait les réservations nécessaires, établissait le mandat du comité et fournissait la documentation nécessaire pour des choses telles que la facturation.
96. Lorsque le comité était parvenu à une décision, elle était renvoyée à WCL, qui s'occupait du suivi prévu dans la politique en matière de discipline, notamment en affichant le rapport d'enquête ou l'issue de l'appel.
97. Il s'agissait essentiellement d'un emploi administratif. Il avait un pouvoir décisionnel lorsqu'il recevait une plainte et pouvait exercer un pouvoir discrétionnaire lors de la phase d'évaluation initiale. Il avait un pouvoir discrétionnaire pour déterminer quelles personnes formeraient un comité de discipline ou un comité d'appel, et établir le mandat approprié. Il n'a jamais été membre d'un comité de discipline.
98. Les commentaires qu'il a reçus de Tamara Medwidsky, directrice exécutive de WCL, à propos de sa performance en tant que RPA étaient positifs. Personne ne s'est plaint de la façon dont il avait exercé ses responsabilités, à part les parties affectées.
99. Tout s'est bien passé pendant huit à neuf mois, jusqu'au commencement d'une série de courriels envoyés par PA Spinney (suivis par des communications des autres parties affectées) découlant d'une possible relation non divulguée entre PA Spinney et Madison Parks. Apparemment, une plainte similaire avait été soulevée à l'Université Western, où

PA Spinney était entraîneur, qui avait donné lieu à une suspension. Par la suite, il avait été réintégré. Le demandeur a demandé à PA Spinney de lui fournir une copie du rapport dont PA Spinney soutenait qu'il l'avait exonéré. Il n'a jamais remis ce rapport. Le demandeur a donc décidé, en tant que RPA, qu'il était dans l'intérêt supérieur du sport que la situation fasse l'objet d'une enquête appropriée.

100. Un problème quelque peu similaire au sujet d'un document s'est posé à propos de PA Schiavulli, la mère de Madison Parks, qui affirmait être en possession d'une procuration de sa fille adulte et y a fait référence en disant être la détentrice d'un tel document. Elle avait une autre adresse de courriel – « madisonparkspoa ». Bien qu'il lui ait été demandé de fournir ce document, à supposer qu'il existe, aucune procuration n'a jamais été fournie.
101. En fin de compte, l'enquêteur désigné pour déterminer s'il existait une relation non déclarée a indiqué qu'il n'avait pas réussi à établir qu'une relation non déclarée existait entre PA Spinney et Madison Parks. Il n'était donc pas nécessaire de tenir une audience devant un comité. Si PA Spinney avait simplement laissé le processus suivre son cours normal, il est probable que cette affaire n'aurait jamais eu lieu.
102. WCL a mis fin à la nomination du demandeur comme RPA le 15 septembre 2020.
103. Deux plaintes déposées par des dénonciateurs ont été reçues début 2021 au sujet de PA Spinney. Elles ne sont pas impliquées directement dans cette procédure, mais elles fournissent un certain contexte.
104. L'une d'elles provenait de Lúcas Ó'Ceallacháin, qui avait été le directeur de la haute performance de WCL, responsable de la formation des équipes nationales, de l'entraînement de haute performance et de la gestion de trois ou quatre contrats de haute performance avec différents gymnases à travers le Canada, et qui gérait ainsi des athlètes du niveau des Jeux olympiques, des Jeux panaméricains, des Jeux du Commonwealth et des Championnats du monde. Il a quitté le Canada et obtenu un emploi à la Australian Sport Institute, qui a une très bonne réputation, et s'occupait d'athlètes de haute performance. Il réside actuellement à Perth, en Australie. C'était l'un des deux dénonciateurs qui avaient porté la conduite suspecte de PA Spinney à l'attention de WCL. En tant que dénonciateur, il était effectivement « fini » au Canada, et il est donc parti en Australie, où il travaille aujourd'hui. Et même après avoir quitté le Canada, il a été poursuivi à l'autre bout du monde par PA Shamiya, qui a contacté les autorités sportives australiennes, comme Sport Integrity Australia, la Australian Sports Commission et d'éventuels employeurs. Tout cela a sérieusement compromis ses chances de trouver un emploi, exigé qu'il fournisse des certificats de police supplémentaires et causé des perturbations telles qu'il a fallu délivrer une ordonnance de cesser et de s'abstenir contre PA Shamiya. Il n'avait jamais rien connu de tel, alors qu'il avait travaillé en Russie, au Kazakhstan, en Finlande, en Irlande et dans d'autres cultures sportives très différentes. Il n'avait jamais rencontré PA Shamiya.

105. La seconde plainte provenait d'Ed Zinger, que PA Spinney accusait de l'avoir extorqué. Ce dernier a écrit que si Zinger ne quittait pas la lutte dans les 48 heures, il [traduction] « lui rendrait la vie misérable et publierait toutes ces choses à son sujet ». Il disait qu'il avait également l'enregistrement d'une conversation (qui avait été faite subrepticement par PA Shamiya) qu'il allait mettre sur Internet.
106. Pour résumer, les deux affaires ont été jointes et les plaignants ont finalement eu gain de cause dans une procédure devant une formation du CRDSC. Ó'Ceallacháin et Zinger ont tous les deux fait face au même genre de manœuvres dilatoires que celles qui ont marqué la progression de la présente procédure. Les dépens que les arbitres ont adjugés en leur faveur n'ont jamais été payés.

Y a-t-il eu harcèlement?

107. C'est la seule question qui doit être tranchée dans cet appel. Le demandeur a-t-il été harcelé et si oui, par qui?
108. Au moment où la question d'une possible relation non déclarée a été soulevée, la définition de harcèlement dans le Code de conduite de WCL (juin 2017) était relativement générale :

Les participants doivent s'abstenir de tout comportement qui constitue du harcèlement, le harcèlement étant défini comme une conduite inappropriée de la part d'une personne pendant une activité d'affaires ou un événement sanctionné ou commandité par Wrestling Canada Lutte, conduite dont la personne en question savait ou aurait raisonnablement dû savoir qu'elle pouvait nuire ou causer des préjudices à autrui. De telles conduites comprennent des actes, commentaires ou démonstrations répréhensibles, qui dénigrent, avilissent, abaissent, humilient ou embarrassent, et tout acte constituant de l'intimidation ou une menace.

109. Les principes sous-jacents de cette définition ont été précisés davantage dans le Manuel de sécurité du sport de WCL (2021), qui définit ainsi le harcèlement :

Le fait d'adopter un comportement ou d'énoncer des commentaires vexatoires à l'encontre d'un participant ou d'un groupe lorsque l'on sait (ou devrait raisonnablement savoir) que ce comportement ou commentaire est importun. Les types de comportement qui constituent du harcèlement sont notamment ce qui suit:

- a) Violence écrite ou verbale, menaces ou accès de colère;
- b) Remarques ... répétés et importuns:

...

- e) Comportements condescendants ou paternalistes ...;

...

- l) Comportements comme ceux décrits ci-dessus qui ne sont pas dirigés vers une personne ou un groupe particulier, mais qui ont le même effet de créer un environnement négatif ou hostile;
- m) Représailles ou menaces de représailles contre une personne qui signale un cas de harcèlement à WCL.

110. La Politique disciplinaire de WCL (juillet 2018) prévoit une gamme de sanctions qui peut inclure, sans toutefois s’y limiter « ... (d) la suppression de certains privilèges de membre pendant une période de temps déterminée ... (f) la suspension de toutes les activités de WCL pendant une période de temps déterminée ... (j) la suspension de subventions de WCL ou d'autres sources ».
111. Les qualificatifs offensants que les parties affectées ont adressés au demandeur étaient notamment les suivants: raciste, intimidateur, misogyne, homophobe raciste et elles lui ont lancé : [traduction] « Tu te comportes comme un flic voyou typique, Frank Fowlie, c’est clair et net ». Je me suis délibérément abstenu d’inclure tous les exemples de harcèlement présentés dans les documents à l’Annexe « A ». Ils sont là pour être lus s’il le faut, mais assez odieux et répugnants pour ne pas être repris dans le corps de cette décision.
112. Il y a également eu de nombreuses menaces de poursuites qui avaient clairement pour but d’intimider le demandeur, dont aucune ne semble avoir été mise à exécution.
113. PA Shamiya a menacé d’organiser un mouvement de protestation auprès du ministre de l’Immigration à propos du rôle du demandeur à la Commission de l’immigration et du statut de réfugié.
114. Le harcèlement des parties affectées a continué bien après que le demandeur ait cessé d’avoir des liens ou d’exercer un rôle au sein de WCL, et visait clairement à essayer de ruiner sa réputation. En outre, la preuve démontre clairement que le demandeur exerçait un rôle administratif et qu’il n’a jamais siégé à aucun des comités qui ont affecté les droits des parties concernées. Les parties affectées se sont donné beaucoup de mal pour essayer de ruiner toute sa carrière.
115. Des copies des communications des parties affectées ont été envoyées à Kirsty Duncan (Ministre des Sports), Vicki Walker (Directrice de Sport Canada) et Steven Guilbault (Ministre du Patrimoine) qui occupaient ces fonctions à ce moment-là. Des copies ont également été envoyées à Marie-Claude Asselin (Chef de la direction du CRDSC), Tamara Medwidsky (Directrice exécutive de WCL), au Premier ministre et à Anne Merklinger (Chef de la direction de À nous le podium). Le seul but d’une distribution aussi large était de nuire à la réputation du demandeur.
116. Le demandeur a été accusé par PA Spinney d’avoir maltraité une personne des Premières Nations qu’il n’a jamais rencontrée.

117. Le demandeur a également été accusé de tirer profit de son ancienne carrière à la GRC. En réalité, il évitait scrupuleusement de le faire. Les réfugiés qui provenaient de régions troublées du monde se méfiaient souvent de la police en raison de leurs propres expériences. Il aurait été beaucoup plus difficile pour lui d'établir la relation nécessaire pour déterminer leur réelle situation en tant que réfugiés s'il avait révélé son ancienne carrière. Il lui est arrivé une seule fois de parler de sa première carrière, pour répondre à quelqu'un qui disait avoir été dans l'Aviation royale du Canada.
118. La campagne de harcèlement orchestrée par les parties affectées a sérieusement ébranlé le demandeur. Elle a causé beaucoup de stress, a nécessité la prise de médicaments, a entraîné une thyroïdectomie, une surdité de l'oreille gauche qui a duré six semaines et a affecté sa santé, sa psyché et son sentiment de bien-être de manière générale. Il a même consulté la GRC, qui lui a dit que le comportement des parties affectées jusqu'à présent constituait clairement du harcèlement, mais n'avait pas atteint le niveau de harcèlement criminel. La GRC a parlé avec PA Spinney, mais cela n'a servi à rien.
119. Je suis plus que convaincu que le demandeur a établi qu'il avait été victime d'une campagne vindicative de harcèlement agressif délibérément orchestrée par toutes les trois parties affectées.
120. Le demandeur a également été victime de ce que je considère, par inférence, comme une omission délibérée de WCL de faire respecter ses propres règles en matière de sécurité dans le sport, après avoir pris connaissance de la nature et de l'ampleur du harcèlement organisé par les parties affectées contre l'un des agents qu'il avait lui-même nommés. Je conclus que WCL était au courant du harcèlement et n'a rien fait, à part, peut-être, mettre fin à l'emploi du demandeur.
121. Je ne me prononce pas en ce qui concerne l'emploi régulier des parties affectées et je ne rends pas d'ordonnance à cet égard. Les dispositions prises, quelles qu'elles soient, n'ont pas été portées à ma connaissance et je n'ai pas l'intention de m'immiscer de quelque manière que ce soit dans leurs relations d'emploi.
122. En conséquence, je déclare que l'appel du demandeur est accueilli.
123. Il est déclaré par la présente que PA Spinney est suspendu de tous les postes au sein de WCL ou désignés par WCL, de tout soutien financier de la part de WCL, de toute participation à des activités qui ont lieu à WCL, ou sont organisées ou commanditées par WCL, incluant toute fonction liée à la participation des équipes canadiennes à des compétitions, à compter de la communication de cette décision et jusqu'à 30 jours après la fin des Jeux olympiques et paralympiques de 2028.
124. Il est déclaré par la présente que AP Shamiya est suspendu de tous les postes au sein de WCL ou désignés par WCL, de tout soutien financier de la part de WCL, de toute participation à des activités qui ont lieu à WCL, ou sont organisées ou commanditées par WCL, incluant toute fonction liée à la participation des équipes canadiennes à des

compétitions, à compter de la communication de cette décision et jusqu'à 30 jours après la fin des Jeux olympiques et paralympiques de 2028.

125. Il est déclaré par la présente que AP Schiavulli est suspendu de tous les postes au sein de WCL ou désignés par WCL, de tout soutien financier de la part de WCL, de toute participation à des activités qui ont lieu à WCL, ou sont organisées ou commanditées par WCL, incluant toute fonction liée à la participation des équipes canadiennes à des compétitions, à compter de la communication de cette décision et jusqu'à 30 jours après la fin des Jeux olympiques et paralympiques de 2028.
126. Le demandeur a indiqué que si son appel était accueilli, il présenterait des observations sur la question des dépens, conformément au paragraphe 5.14 du Code. Étant donné que cela est connu au moment où je rends ma décision dans cette affaire, il semble plus efficace de traiter de la question de ces observations à l'avance. Les observations du demandeur sur les dépens seront donc reçues au plus tard le 29 novembre 2024 et seront limitées à 10 pages. Les observations des parties affectées et de l'intimé seront reçues au plus tard le 6 décembre 2024 et seront limitées à 10 pages.
127. Dans le cas où des dépens seraient accordés, les suspensions indiquées ci-dessus seront prolongées jusqu'à ce que WCL certifie que ces dépens ont été payés en totalité et en présente la confirmation au CRDSC.

MONTREAL, le 22 novembre 2024

Richard W. Pound, CC, c.r.
Arbitre

NOTE IMPORTANTE: *Sur ordonnance de l'arbitre, les annexes ne sont pas traduites.*

ANNEXE A

Frank Fowlie

From: David Spinney [REDACTED]
Sent: February 23, 2021 1:49 PM
To: complaints@wrestling.ca; 'Madi Parks'
Cc: cayleyt@[REDACTED]
Subject: Re: Appointment of an Independent Investigator

Dear Dr. Fowlie,

This is a very clear and transparent reprisal for the efforts I have made to stand up to abusive men in the wrestling community. I have no doubt that there is a close connection between the complainant(s) and those who have been the subject of my recent criticism.

Both Madison and myself have already denied these allegations in years past, and again to you this month. Unless we are Respondents in an official WCL complaint with an opportunity to face our accusers we have nothing else to say on the matter.

We would kindly ask that you or Ms. Thomas do not communicate with us again until we are formally charged as this is quite upsetting to Ms. Parks. You are in possession of evidence regarding how a powerful man in the wrestling community defames, demeans, and harasses Ms. Parks relating to these same allegations that you are now investigating and so, please cease contacting her until you convene a Panel.

Ms. Parks' focus is trying to help Canada qualify the 50kg spot for the Olympics and your treatment of her thus far has been very damaging – it begs the question as to whether you are actually trying to sabotage her or if you are completely clueless with respect to what it takes for these athletes to succeed at the highest level ...

David Spinney

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:
[REDACTED]
[REDACTED]
[REDACTED]

AUTUS WEALTH | CAPITAL
200 Villagewalk Blvd. Suite 300B
London, Ontario N6G 0W8
T: 519.645.1113
F: 519.645.7899



From: "complaints@wrestling.ca" <complaints@wrestling.ca>

Date: Tuesday, February 23, 2021 at 1:46 PM

To: "Dave@[REDACTED]" "madiparks@[REDACTED]" <madiparks@[REDACTED]>

Cc: "cayleyt@[REDACTED]" <cayleyt@[REDACTED]>

Subject: Appointment of an Independent Investigator

Dear Mr. Spinney and Ms. Parks,

Further to my previous correspondences with you on February 3, 2021, it is my opinion that reasonable grounds exist to appoint an Independent Investigator to look into a potential violation of the WCL Code of Conduct:

Participants shall not have sexual relations, or sexual intimacy of any description, with any other participant he/she has access to in the sport environment if the participant is under the age of 18 years of age. *If the participant is 18 years of age or older and if there exists a significant imbalance of power with respect to the relationship between the participants which could reasonably jeopardize effective decision making given the existence or nature of the sexual relations or sexual intimacy, a written disclosure is required to enable assessment and appropriate action.*

Ms. Thomas will be fact finding and interviewing witnesses to determine if a violation occurred.

I have previously pointed out to you that if a relationship does, or has, exist(ed) between you that you may make a declaration as required by the Code of Conduct.

Mr. Spinney, I have asked you for a copy of the investigation you say was carried out by university in the past. You indicate that this investigation exonerated you. You may wish to provide a copy of the report, or an authorization to obtain the report from the university to Ms. Thomas. You also indicated that there was an investigation carried out in 2018. I have verified this claim and I can confirm that while you may have been interviewed as part of the 'Bennet Report' that no investigation took place at that time.

Should the investigation indicate that there was a breach of the Code of Conduct a Discipline Panel maybe convened.

Please feel free to write to me at any point should you have any questions or feedback for me.

Best regards,

Dr. Frank Fowlie
Complaints and Appeals Officer
complaints@wrestling.ca



Frank Fowlie

From: Shamiya, Ahmed [REDACTED]
Sent: February 24, 2021 1:18 PM
To: kirsty.duncan@[REDACTED] vicki.walker@[REDACTED] mcasselin@[REDACTED]
complaints@wrestling.ca; [REDACTED] Tamara Medwidsky; Guilbeault, Honorable
Steven (PCH)
Cc: dave@[REDACTED]
Subject: Response to Frank Fowlie's Demeaning Comments

Dear Frank Fowlie,

I just found out what you said to VOWL member [REDACTED]

You said;

"...rather than trying to have a meaningful conversation, you are using your email for purposes beyond the actual communication. I was hoping that we could continue a conversation based on trust and mutual respect, but I fear that is not your choice."

What an awful accusation to make against a mother of an abused child who has selflessly dedicated hundreds of volunteer hours advocating to make wrestling safer. If you had not declined to get the "other side of the story" you might have known that.

If you had all the facts (you are selective about what you want to hear) you would realize that not only was [REDACTED] correct in copying others on her communication with you but that she would have been careless if she didn't copy all those people. Including others in emails was done to ensure maximum transparency in real-time. I am not surprised that a man who has already been found to be lacking credibility is so obviously irritated by transparency.

You have impugned [REDACTED] motivations in the same way you impugned the motivations of much smaller women when your meal was not to your satisfaction. As a man of colour, I have many times witnessed white men attempting to use their position of power and privilege to belittle others exactly as you are doing now. You are a bully plain and simple. Canadian sport in 2021 needs to be done with bullies and I want to be part of the solution. Real men stand up to bullies. I have no control if you leave Canadian sport, but I will do my best to have you leave the sport of wrestling.

[REDACTED], I would recommend never communicating with this bully again. You are wasting your words with this man. Did you notice how he only responded to parts of your email? Professional fact-finders have already found Frank Fowlie to have changed his notes in order to paint himself in a better light. As a result of his sneaky behaviour his credibility was called into question. Men that behave this way will simply change the facts to fit the narrative....my recommendation is that you ignore this guy and continue your efforts towards advocating to the government for a solution.

Tamara, I am really big on forgiveness but Frank Fowlie has not reformed his bullying ways. I will be emailing you separately to find out how I can make a complaint against the complaints officer. I have several things I want to say about this man. Among other things, I find it horrible that when some people call him to complain about bad things happening in wrestling his recommendation is to go for a beer in order to try and solve problems (I have literally heard the audio recording) but when it suits his agenda Frank Fowlie takes a very different approach. I still can't believe that after everything that has gone on in wrestling, this man is our Complaints Officer.

Marie-Claude Asseline, can you please forward this email to your Board of Directors. In the same chain of emails in which Frank Fowle impugns [REDACTED] motivations, he references his roles with the SDRCC in order to establish credibility. I would ask that for the sake of improving a culture of safety in Canadian sport that the SDRCC distances itself from this man if he is still involved with your organization.

Regards,

Ahmed Shamiya, BSc. Kinesiology

Head Wrestling Coach

Athletics and Recreation

David Braley Athletic Center

☐ location [REDACTED]

☐ phone [REDACTED]

☐ email [REDACTED]



Frank Fowlie

From: David Spinney [REDACTED]
Sent: March 24, 2021 2:06 PM
To: complaints@wrestling.ca
Cc: 'Durant, Erin'
Subject: Re: Systemic investigation update

Dear Frank Fowlie,

As I have already explained to Ms. Thomas, regarding WCL's most recent retaliatory effort against me, it would be my preference that the false allegations of sexual relations with my athletes would move straight to a Panel. However, I have agreed to provide Ms. Thomas information and evidence because that is how the athlete Madison Parks wants to be supported. I always try and put the wishes of the athletes ahead of my own preferences. Because there are no athletes directly affected in this latest retaliatory effort by WCL, I am taking a different position regarding these allegations of harassment.

I have previously offered to provide you information related to these harassment allegations and you have declined. In an amazing display of clairvoyance you have taken the position that my evidence will not "have any relation to the matter at hand concerning the Code of Conduct allegations."

Based on the totality of circumstances I believe that in the not too distant future a court of law will determine that you have demonstrated a reasonable apprehension of bias (or worse) and for this reason I will not respond to you or anyone you hire/retain until official WCL charges are laid and/or a Panel is convened.

Kindly ensure that neither you nor anyone you hire/retain has any contact with me on this matter until official WCL charges are brought against me and/or a Panel is convened.

Regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:
[REDACTED]
[REDACTED]
[REDACTED]

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From: "complaints@wrestling.ca" <complaints@wrestling.ca>

Date: Wednesday, March 24, 2021 at 11:35 AM

To: "'Durant, Erin'" [REDACTED]

Subject: Systemic investigation update

Dear All,

I am writing to advise you that I have appointed Erin Durant to act as the Independent Investigator on this matter. After careful review with Daniele, who I had previously appointed, we have concluded that this matter is best handled and evaluated by a lawyer during the investigation phase.

I have included Erin's email address so that you can include it in your "safe senders" list.

Should you have any questions for me, please feel free to reach out at any time.

Thank you.

Best regards,

Dr. Frank Fowlie
Complaints and Appeals Officer
complaints@wrestling.ca



Frank Fowlie

From: Ahmed Shamiya [REDACTED]
Sent: April 12, 2021 9:29 AM
To: tamara@[REDACTED]
Cc: eamonn dorgan; David Spinney; cayleyt@[REDACTED] complaints@wrestling.ca
Subject: Concerns About Frank Fowlie

Dear Tamara,

I wanted to let you know that if the Board of Directors is not willing to replace Frank Fowlie, I will be calling for an open discussion in the wrestling community regarding his role in wrestling.

As I have described previously, this man's very public record of abuse and dishonesty should have been enough to disqualify him for the job, but I have come into new information that makes his involvement with wrestling even more problematic.

Also, I wanted to let you know that I am deeply disturbed about an incident involving Cayley Thomas, who is a lawyer. She has made it clear to me that Frank Fowlie is giving her important instructions and exercising a lot of power within her investigation of Madison Parks, who is a young woman I am supporting because of years of harassment she has suffered in wrestling. I spoke with Madison Parks' mother (who is her Power of Attorney) and she described that on February 23, 2021, both Frank Fowlie and Cayley Thomas were told to have no contact with Madison Parks and that Madison was only to be contacted once an official complaint was being sent to a Panel. Madison's mom described the negative impact that Ms. Thomas's contact had on Madison. Madison was in the United States training, and Madison cut her training short because she felt dejected and powerless. She said Madison felt completely deflated because she is in a sport in which her right not to be contacted isn't even respected.

What has happened to Madison is another reason why the role of Frank Fowlie needs to be considered, although the main reason I want his role examined is because of his transparent double standard involving [REDACTED]. When it comes to safety issues, there should never be double-standards. Now that I have learned more about what has happened to [REDACTED] over the last 5 years, the willingness of wrestling leadership to discriminate based on race, sexuality, and gender needs to be addressed. When it comes to the abuse suffered by a woman who has been discriminated against because of her race, sexuality, and gender ([REDACTED] is a BIPOC queer woman), Frank Fowlie recommends "going for a beer" with WCL leadership. However, when it comes to others (who just happen to be the enemies of wrestling leadership), Frank Fowlie seems to apply a completely different standard.

I have 2 questions, will the WCL board of directors be willing to:

A) Replace Frank Fowlie;

or

B) Call a Town-Hall meeting with the wrestling community in order to discuss concerns about Frank Fowlie

If WCL fails to do either, then I will be forced to reach out to the wrestling community myself and discuss why it is a very bad idea to have a man like Frank Fowlie involved with wrestling at this critical time. For example, I have spoken with a woman who was sexually assaulted in wrestling (a woman who I have been encouraging to come forward) and she has told me that she will not disclose the abuse she has suffered to a man like Frank Fowlie. (This woman has already provided a statutory declaration of the abuse she has suffered to Sport Canada).

Regards,

Frank Fowlie

From: Madison Parks <madisonparkspoa@[REDACTED]>
Sent: April 12, 2021 12:46 PM
To: cayleyt@[REDACTED]
Cc: dave@[REDACTED]; ahmed.a.shamiya@[REDACTED]; tamara@[REDACTED];
vicki.walker@[REDACTED]; [REDACTED] complaints@wrestling.ca
Subject: Public Shaming of Madison Parks
Attachments: Scan 2021-4-9 12.52.42.pdf

Ms. Thomas,

When you spoke with Madison you told her that the evidence that was supportive of the allegations of a sexual relationship came from 2 people.

The first person is an abusive ex-boyfriend from 6 years ago.

The second person is a powerful wrestling official Ed Zinger (who has been harassing, demeaning, and defaming Madison for years). You specifically said that Ed Zinger provided 2 pieces of information that you refer to as evidence "supportive" of a sexual relationship. The 2 pieces of evidence are:

- Ed Zinger was told by Madison Park's training partner, [REDACTED], that Madison Parks had a relationship with David Spinney.
- At the Olympic trials in 2015, Madison Parks' **mother** asked him to speak to her because she "wasn't making good decisions."

Incredibly, and disgustingly, both you and Frank Fowlie cared very little for **confidentiality** and went out into the wrestling community to shame and humiliate Madison by telling members of her peer group about these horrible allegations. You recklessly went "fishing for evidence" that could possibly substantiate the salacious allegations made against Madison....allegations that were clearly reprisals.

What you **DID NOT DO** however is start by simply checking with either **me** or [REDACTED] to see whether or not Ed Zinger's so called "evidence" was corroborated by the same women he referenced in his statement to you....evidence that you said was "supportive" of a sexual relationship.

Let's set aside for a moment the real reason why you didn't seek to speak to either me or [REDACTED] to corroborate Ed Zinger's evidence.

As you can see from the attachment, I suspected last week that you would not reach out to [REDACTED] and so I did your job for you. The attached letter from [REDACTED] confirms that Ed Zinger is lying and it confirms how the abusive ex-boyfriend was smearing Madison's reputation after she ended the relationship.

I can also confirm that I have NEVER asked Ed Zinger to speak to Madison Parks. Since 2014 I have wanted to confront Zinger about his harassing and unwelcome obsession with my daughter, but Madison is very non-confrontational and until very recently she has always asked me to just be civil with this man. Madison has always been fearful of Ed Zinger's immense power in the wrestling community and so she wanted to avoid any conflict with him.

Regarding the real reason why you and Frank Fowlie went into the wrestling community to share these allegations without first seeking out the most obvious and appropriate witnesses, I think that these answers will best be found in the upcoming litigation against WCL, Ed Zinger, Frank Fowlie, and possibly you Ms. Thomas. Madison and I have discussed it and because you are a woman working in Canadian sport we will

give you an opportunity to have a without-prejudice conversation with us prior to the filing of Madison's lawsuit to see if we can achieve an amicable resolution. The misogynist Frank Fowlie will not receive the same opportunity.

Regards,
Mara Schiavulli

Frank Fowlie

From: Madison Parks <madisonparkspoa@[REDACTED]>
Sent: April 14, 2021 6:52 AM
To: tamara@[REDACTED]
Cc: madiparks@[REDACTED] dave@[REDACTED] cayleyt@[REDACTED] moedorg@[REDACTED]
ahmed.a.shamiya@[REDACTED] [REDACTED]complaints@wrestling.ca;
vicki.walker@[REDACTED]
Subject: Please Help Madison Parks

Dear Tamara,

My name is Mara Schiavulli and I am the mother and Power of Attorney for Madison Parks, who is copied on this email.

We are requesting your help. Madison is concerned that Frank Fowlie may not accurately and honestly provide her information that she was told she would receive. Allow me to explain:

In the near-term, Madison will be suing Ed Zinger, Lucas Ó'Ceallacháin, Frank Fowlie, and possibly others (based on what her lawyer ultimately decides).

The reason that she will be suing Frank Fowlie is because Mr. Fowlie recklessly participated in Lucas Ó'Ceallacháin's reprisals. Madison takes the position that Mr. Fowlie knew, or ought to have known, that Mr. Ó'Ceallacháin's complaint was likely a reprisal. Madison takes the position that Mr. Fowlie knew, or ought to have known, that the negligent (or grossly negligent) manner in which he responded to Mr. Ó'Ceallacháin's reprisal would harm Madison.

Please let me know if you want me to provide you more details describing how Mr. Fowlie was negligent or grossly negligent.

I am telling you about Mr. Fowlie because we need information that is in his possession. He now has the final report of Cayley Thomas who is the lawyer that he hired and/or appointed to investigate the complaint made by Mr. Ó'Ceallacháin against my daughter.

During the investigation Madison was told that she would be informed of the outcome of the investigation and the rationale for Ms. Thomas's conclusion.

Unfortunately, because of Mr. Fowlie's track record we are afraid that he will not be truthful in providing this information. Please read this:

<https://www.theglobeandmail.com/news/national/internet-ombudsman-riled-by-disclosure-of-bad-behaviour-on-flight/article562193/>

This article speaks about Frank Fowlie. It says: *"In the five-page decision, posted on the CTA's website, the agency not only ruled against Mr. Fowlie but questioned his credibility and concluded his behaviour during the flight was **"abusive and offensive."*** The media report describes Mr. Fowlie as *"intimidating and aggressive"*. It was so bad that one of the managers said Mr. Fowlie ***"could have put the safety of the crew and the operation of the aircraft at risk"*** and that it was necessary to contact airport security.

Obviously this article gives us some insight into Mr. Fowlie's nasty character as a bully, however I draw your attention to what is said about Mr. Fowlie's honesty. This is what is most concerning to Madison and I right now.

Mr. Fowlie's arguments are described by the Tribunal as **"implausible"** and the Tribunal questioned how someone in his position could make such claims. The tribunal specifically questioned Mr. Fowlie's credibility and described how he **changed his notes in order to help his position.**

Tamara, we can all see that Frank Fowlie is a man who is:

- A. willing to be a bully when people don't bend to his will, and
- B. **willing to change documentary evidence if he believes it will help him**

For this reason can WCL please take steps to ensure that your latest "independent" hire Mr. Fowlie does not change any of the documentary evidence and please **immediately inform Madison of the outcome of the investigation and the rationale for Ms. Thomas's conclusion.**

Thank you,
Mara

Frank Fowlie

From: David Spinney [REDACTED]
Sent: May 2, 2021 9:58 PM
To: Durant, Erin; complaints@wrestling.ca; Walker, Vicki (PCH); Tamara Medwidsky
Cc: eamonn dorgan
Subject: Re: WCL Investigation - Lúcas Ó'Ceallacháin Complaint

Dear Director General Walker, Frank Fowlie, Ms. Durant, and Tamara/WCL,

As a preliminary matter, I draw your attention to WCL's repeated unwillingness to respect directions regarding contact. This is now the second instance in recent times in which I specifically directed agents of WCL to have no contact regarding Lucas's reprisals until the allegations are sent to a Panel, and yet once again, I am ignored. Yesterday, I spent 6 hours re-reading all of my correspondence with WCL employees, WCL coaches, and WCL Directors since 2015 and I find it noteworthy that I have never once ignored a direct request to have no contact with any person from WCL, and yet agents of WCL have now twice ignored my request. Is this harassment?

Ms. Durant's Email

I remind all of you what Frank Fowlie has already said about Lúcas Ó'Ceallacháin's "complaint". Frank Fowlie's has stated "I am considering it to be a systemic violation of the Code of Conduct, as opposed to a single time breach. I have read the various emails and have interviewed the impacted staff. I believe the systemic complaint to be well formulated, and that an individual who is a coach with WCL ought to have reasonably known that these communications were offensive, harassing, or generally disrespectful or inappropriate."

Frank Fowlie has also declined to see evidence/information that I previously offered to provide. In an amazing display of clairvoyance Mr. Fowlie has decided that the information I offered does not have "any relation to the matter at hand concerning the Code of Conduct allegations"

It has already been explained that it is **not the investigator** but Mr. Fowlie who ultimately decides whether allegations/complaints proceed to a Panel, and so at this point the only thing I have to say to Ms. Durant about these transparent reprisals of WCL leadership (Insidious Tactic #1) is:

- Harassment in sport is indeed a very serious matter.
- I am pleased to be a voice for the VOWL group that continues to expose abuse and harassment within the sport of wrestling. I will continue to advocate for athlete safety.
- If you truly want my "side of the story", then go and read **ALL OF MY COMMUNICATION** with WCL, since Lúcas Ó'Ceallacháin was hired. You will see that I **stand up to the powerful on behalf of the powerless**. Let this email officially serve as my consent for you to access **all emails** I have sent to WCL since Lúcas Ó'Ceallacháin was hired. This includes all communication I have had with WCL lawyer Jordan Goldblatt.

I would also strongly encourage Ms. Durant to speak to the Head Wrestling Coach of York University Coach Eamonn Dorgan (who is copied on this email) and he will provide you information about Lúcas Ó'Ceallacháin's abuse of [REDACTED]. The information Coach Dorgan will provide you will demonstrate in precise detail why the police had to be contacted and why it was essential that somebody stood up and directed Lúcas Ó'Ceallacháin to have no-contact with [REDACTED] as we entered 2021. Coach Dorgan will explain how [REDACTED] had multiple times attempted to access the WCL Discipline Process in order to keep herself safe and how WCL's fake "independent" lawyers engaged in shameful behaviour meant to silence her.

Director-General Walker you are being included on this email so that there is a public record establishing that you are being kept apprised in "real-time" regarding serious safety issues. This is another text-book example of how WCL weaponizes its Discipline Policy in order to engage in reprisals against those who speak out against abuse (Insidious Tactic #1).

When I sent you all of those letters and statutory declarations in December 2020 it clearly established how WCL has been able to engage in **5 Insidious Tactics** that are meant to discourage victims from disclosing abuse to the police and sports authorities, and now you continue to see with your own eyes more examples of exactly how WCL does this.

For example, what Frank Fowlie/WCL did to Madison Parks these past few months was precisely the kind of reprisals that we have been describing to you for years. I am sure you remember when Madison copied you when she reprimanded Frank Fowlie for his treatment of her. I regret to inform you Ms. Walker that immediately after Madison criticized Frank Fowlie, he publicly shamed her by sending correspondence to Madison's peer group in the wrestling community describing the salacious and humiliating complaint that HPD Lucas made against her. This may seem difficult to believe but it actually happened (less difficult to believe when you investigate Frank Fowlie's past behaviour).

It is important for you to know that not only did the investigator/lawyer exonerate Madison, but the investigator confirmed that:

- **When HPD Lucas made his complaint to Frank Fowlie he provided no evidence other than to say that he had heard rumours.**
- **The only allegations that the investigator/lawyer could find came from two people. The first was an abusive ex-boyfriend who was in his second year of university when he began sexually grooming 15 year-old Madison Parks (grade 10). The investigator/lawyer was provided evidence that this man stalked and abused Madison after she ended the relationship. The other allegation came from the powerful wrestling official Ed Zinger. You will remember that you were provided very serious evidence concerning Ed Zinger just days before Mr. Zinger made those allegations to the WCL investigator - classic WCL reprisals. You may find it interesting that the only evidence that Ed Zinger could provide the WCL investigator was to say that about 5 years ago 2 women told him that Madison was in a relationship with me, however the 2 women he referenced have stated in writing that Mr. Zinger is lying.**

I ask you to remember that VOWL member [REDACTED] sent you correspondence in August of 2020 describing how violating privacy discourages victims from coming forward to disclose abuse. I am compelled to ask you Director-General Walker, as the most powerful woman in Canadian sport, does Frank Fowlie's decision to publicly shame Madison trouble you? I am sure you remember what the Bennett Report said about WCL leadership engaging in breaches of confidential information.

I encourage you to go back and re-read the statements from the survivors of sexual abuse I am supporting and imagine how it would feel to carry that terrible burden knowing that coming forward to the police or sports authorities will almost certainly result in WCL leadership reprisal against you.

Perhaps you as the Director-General of Sport can write those victims of sexual violence assuring them that when it comes to the independent men that WCL hires "4-times-a-charm". You could tell victims to forget about WCL's previous "independent" men Brian Ward, Adam Klevinas and Andrew Furguele. I am sure you remember when Sport Canada/Minister of Sport/Athlete Helpline directed victims to contact those 3 fake independent lawyers. Perhaps you might tell survivors that this time it's real ... this time they should trust the 4th man WCL has hired in the last 3 years. Perhaps you have the courage to tell victims that Frank Fowlie is independent, neutral, and that he creates no apprehension of bias.

Perhaps you can tell those victims to forget about what Frank Fowlie just did to Madison Parks. Tell those victims to ignore what happened to [REDACTED], and other athletes who tried to speak out against abuse. Tell those victims that what WCL's HPD Lucas did to [REDACTED] at the last Canada Cup is no big deal ... **that queer female athletes should expect and accept that kind of terrifying treatment from powerful men in wrestling.**

Frank Fowlie constantly reminds us that he is an ex-RCMP officer and so perhaps you, as the most powerful woman in sport, can explain to Black and Indigenous victims of sexual violence that they should have full confidence in a retired Caucasian RCMP officer from the 1980's or 90's who has a disturbing tribunal record of abusing those who he perceives as less powerful than him. Perhaps, you you can tell victims of sexual violence that when it comes to hearing their disclosures of abuse in wrestling Frank Fowlie is the right man for the job.

You can be the person who tells victims that they should just go to the police and not to worry about the impact that going to court will have on their involvement with Wrestling Canada. You can tell victims not to worry about reprisals. You can ask victims to forget about the very public video of the Wrestling Canada President throwing himself to the ground and claiming he was assaulted the last time an abused athlete involved the courts. (By the way, I have to ask....do you find it almost unbelievable that after the Bennett Report and all of the ugliness involving the long-time WCL President, that he didn't have the sense of decency to simply say, "*For the sake of the sport of wrestling, I think it's best that I resign from this volunteer position*"? But of course, he didn't resign. You have audio recordings of him violating the privacy of members of the wrestling community exactly as the Bennett Report spoke about. The WCL President is part of the top WCL leadership that David Bennett specifically said that he was **NOT** given the mandate to investigate.

Perhaps you might reassure victims and tell them that it's perfectly acceptable that the Sport Law and Strategy Group showed up to run WCL's Safety Town Hall just a few months ago, even after SLSG lawyer Adam Klevinas was exposed engaging in abhorrent and dangerous behaviour in support of SLSG's long-time client (WCL). You can tell victims to ignore the fact that the SLSG started the Town Hall meeting describing how powerful the Firm is (Steve Indig said at the Town Hall that they now have over 1000 sport organizations as clients). Tell those victims to erase from their memories how the SLSG intimidates survivors of abuse by saying that even **Sport Canada is a client of the SLSG**. Tell those victims to forget how Sport Canada personally endorsed Adam Klevinas by name as a man who should receive allegations against WCL leadership. (This is one of the greatest scandals in all of Canadian sport ... even bigger than what is happening in just wrestling alone).

You can tell victims who have been abused by Ontario Amateur Wrestling Association leadership not to worry about the fact that the lawyer Jordan Goldblatt was acting as a litigation lawyer for Ontario Wrestling at the same time that he was representing Wrestling Canada Lutte in child welfare matters. Why don't you ask one of your Government of Canada lawyers who sometimes sends us emails to explain to us how it's perfectly OK for litigation lawyers to represent both Ontario Wrestling and Wrestling Canada (the national sport organization whose constitution says that it is supposed to handle the discipline of Ontario Wrestling). Or perhaps independent Investigator Ms. Durant, who recently publicly expressed interest in some of Mr. Goldblatt's professional work, can provide her professional opinion regarding whether or not Mr. Goldblatt's decisions to represent both the PSO and NSO has made victims more or less likely to bring their disclosures about Ontario Wrestling leadership forward? I am curious if a female lawyer thinks decisions like this makes sport safer.

Perhaps Ms. Walker you can tell victims to ignore the reprisals that are taking place against me as we speak. Tell them to forget about the fact that when Coach Eamonn Dorgan spent an hour on the phone with Frank Fowlie detailing the abuse of [REDACTED] at the hands of WCL leadership, he recommended that Coach Dorgan go for a beer with WCL leadership, but when I sent the abusive HPD Lucas an email warning him to quit harassing [REDACTED], Frank Fowlie hired 3 separate investigators to try and substantiate the allegations HPD Lucas made against me.

Ms. Walker you have clearly been comfortable endorsing both the lawyers and the dispute resolution system designed and controlled by lawyers who profiteer from this dangerous system (lawyers who boast about their relationship with

Sport Canada), however I cannot in good conscience ever agree with any system that prioritizes the financial outcomes of an incestuous group of sport lawyers as being more important than the safety of athletes.

Tamara,

I am assuming that you saw the email from Director-General Walker from earlier today. You and I have proven that we can work together and accomplish good things so send me a text and we can set up a call. I am Hungary time...6 hours ahead of Ottawa.

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

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From: "Durant, Erin" [REDACTED]
Date: Tuesday, April 27, 2021 at 9:09 PM
To: "Dave @ [REDACTED]"
Subject: WCL Investigation - Lúcas Ó'Ceallacháin Complaint

Good afternoon Mr. Spinney,

As you are aware, I have been retained on behalf of WCL to investigate a complaint made by Lúcas Ó'Ceallacháin against you which arises from certain email communications sent to him and others at WCL. I have seen your email exchanges with Dr. Fowley where he notified you of the complaint and your wish not to be contacted regarding it. However, I would very much like to speak to you in order for you to provide me with your complete response so that I have your side of the story. I am required to complete my mandate whether or not you participate and doing so having only heard half the story is not ideal. I felt it only fair to give you every opportunity to respond.

In addition to an interview, I would also be happy to review any documentary evidence or other emails that you wish to bring to my attention. I am not bound by any decisions which may have been made by Dr. Fowlie or others regarding what he viewed to be relevant as I have the freedom and independence to make those decisions – so long as they fit within the scope of the complaint. If there is additional material that you require me to see in order to understand your perspective, I will of course receive it.

As you know, the WCL complaints process is a confidential one. A condition of your participation would be to acknowledge that you will agree to the confidentiality terms of the WCL policies and I would provide you with an agreement in that regard. Everyone else who was willing to speak to me has signed the same agreement.

I'd be happy to have a discussion with you if you wish to discuss process before deciding whether or not to participate. If you have already decided that there is nothing I can do to make you comfortable with this process, just let me know and I will complete my work accordingly. I do, however, hope that we can make this work.

Erin Durant

Partner

World Exchange Plaza, 100 Queen St., Suite 1300, Ottawa, ON, Canada K1P 1J9

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Frank Fowlie

From: David Spinney [REDACTED]
Sent: May 2, 2021 10:06 PM
To: complaints@wrestling.ca
Cc: Tamara Medwidsky; Walker, Vicki (PCH)
Subject: Baseless Complaint / Reprisal

Frank Fowlie,

You have had me under professional investigation for over 12 weeks. Yesterday, it only took me half a day to read every email I have sent to WCL coaches, staff, and directors since 2015 and so I think we can agree that 12 weeks is an excessive amount of time for you to determine if you can muster up enough evidence to advance these reprisals against me. Will you kindly confirm within the next 48 hours Lucas's allegations of "harassment" are being sent to a Panel?

Your decision will impact how I proceed with WCL, Sport Canada, the media, elected representatives, etc.

David Spinney

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

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Frank Fowlie

From: Madison Parks <madisonparkspoa@[REDACTED]>
Sent: May 2, 2021 10:19 PM
To: complaints@wrestling.ca
Cc: tamara@wrestling.ca; vicki.walker@[REDACTED] [REDACTED]
ahmed.a.shamiya@[REDACTED] dave@[REDACTED] moedorg@[REDACTED]
Subject: Request to Mitigate Damages

Mr. Fowlie,

I'm sure you have already realized that you let your emotions get the better of you again. You will be sued for your abhorrent behaviour.

Please understand that even if VOWL achieves a resolution with WCL Madison Parks will not be providing you indemnity from legal action.

Madison wants the court to have evidence that you were given an opportunity to help mitigate the damage you caused.

We have 2 requests of you.

1. Will you immediately send a letter to Madison unreservedly apologizing for communicating with her wrestling peer group about details of the false and salacious allegation of the former HPD? This will bring a measure of relief for Madison.
2. Will you immediately send a letter to everyone who you shared details about the former HPD's false and salacious allegations indicating that the investigator completed her investigation and determined that the allegations were unsubstantiated? This will bring a measure of relief for Madison.

Please advise as soon as possible.

Mara Schiavulli

Frank Fowlie

From: David Spinney [REDACTED]
Sent: May 3, 2021 12:45 PM
To: complaints@wrestling.ca
Cc: Durant, Erin; Tamara Medwidsky
Subject: Re: Discipline Policy

Dear Frank Fowlie,

All of the voices of our VOWL Group are directly involved in the allegations of WCL's former High-Performance Director. These false allegations are part of the same campaign of targeted reprisals that the former HPD began in 2018. Everyone I have included in emails would all be called as witnesses in this Discipline Proceedings.

Director-General Walker has been kept apprised of these reprisals for many years (long before your involvement in wrestling) and has advised victims with respect to these matters and so I will continue to keep her apprised. She would also be called as a witness in these Discipline proceedings as Sport Canada/Government of Canada was directly involved in the endorsement of Brian Ward and Adam Klevinas. These fake "independent" men are directly involved in these allegations concerning both Madison and myself.

But perhaps you would have known all of this if you hadn't so arrogantly dismissed the evidence that I offered to send you. Do you remember when you said that the information I offered does not have "any relation to the matter at hand concerning the Code of Conduct allegations"

I can assure you that all of the people who I have included in my correspondence had more to do with these discipline proceedings than those people in Madison's peer group who you contacted to share Lucas's salacious allegations ... you sure showed Madison who's boss when you publicly shamed her didn't you Frank Fowlie. You must have felt like a real tough guy when you got your revenge against Madison for scolding you in front of Sport Canada.

You behave like a classic former cop thug Frank Fowlie, plain and simple. This is why WCL hired you. With your terrible treatment of Madison Parks, you have certainly lived up to your billing as a misogynist who is willing to demean and shame those who do not sufficiently bend to your will.

I realize that you are desperate for something ... anything that you can use to retaliate. I appreciate that it must sting realizing that we all know that a tribunal has already found that **you are an abusive angry man who is willing to engage in deceitful practices in order to fit your false narratives ... literally the perfect fit for WCL!**

Perhaps instead of sending me silly emails as you desperately try to regain a bit of face, you should spend more time trying to come up with a counterclaim for the lawsuit that you will soon be defending. Perhaps you can try and figure how you will handle the questioning of [REDACTED]'s extremely talented sister as you explain under oath why you think the abuse [REDACTED] has suffered should be addressed by Coach Eamonn Dorgan going out for a beer with WCL leadership.

Those are all interesting thoughts for the weeks to come, but I asked you a question yesterday and so I expect an answer within the timeframe I gave you.

Ms. Durant, I am including you on this email so that you can see for yourself that the positions I take in my correspondence are measured against the kind of "power" that I am dealing with. Even though athletes who I care for very deeply are suing Tamara, I have never spoken to Tamara this way. The harshest words I ever had with

Tamara occurred after receiving Tamara's email after the last Canada Cup when [REDACTED] suffered a horrible and terrifying incident of maltreatment and then victim-blaming that never would have occurred if she were a heterosexual woman. But even then, I recognized that Tamara almost certainly did not write that email and I had empathy for the kind of toxic and dangerous environment that Tamara has for years been living in as first a female athlete and later as an employee/staff in wrestling. But when powerful men like Frank Fowlie who have a proven/established reputation for thuggery attempt to behave like a bully, then I will stand up to this nonsense with a bit more gusto.

This is a joke and Frank Fowlie, you are a joke.

See you in court,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

AUTUS WEALTH | CAPITAL
200 Villagewalk Blvd. Suite 300B
London, Ontario N6G 0W8
T: 519.645.1113
F: 519.645.7899



From: "complaints@wrestling.ca" <complaints@wrestling.ca>
Date: Monday, May 3, 2021 at 7:49 PM
To: "Dave@ [REDACTED]"
Subject: Discipline Policy

Mr. Spinney,

Further to my email to you on February 23, 2021, I am resending you the WCL discipline policy, and draw your attention to section to Section 27:

CONFIDENTIALITY

27. The discipline process is confidential. Once initiated and until a decision is released, none of those involved will disclose confidential information relating to the on-going process to any person not involved in the proceedings.

I note from your most recent correspondence that Ms. Walker and Mr Dorgan are not involved in the present proceeding.

Best regards,

Dr. Frank Fowlie
Complaints and Appeals Officer
complaints@wrestling.ca



Frank Fowlie

From: David Spinney [REDACTED]
Sent: June 29, 2021 3:45 PM
To: complaints@wrestling.ca
Cc: Eamonn Dorgan
Subject: Re: Investigator's Report

Hi Frank,

Please provide an address whereby you can be served legal documents. Thanks and Happy Canada Day,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

AUTUS WEALTH | CAPITAL

From: complaints@wrestling.ca <complaints@wrestling.ca>
Sent: Tuesday, June 29, 2021 4:21:38 PM
To: complaints@wrestling.ca <complaints@wrestling.ca>
Subject: Investigator's Report

Please be advised that the Investigator's report been received and forwarded to the Panel per Section 16 of the Discipline Policy. You will be advised of the Panel's decision to accept the complaint and report in due course.

Thank you, and Happy Canada Day

Best regards,

Dr. Frank Fowlie
Complaints and Appeals Officer
complaints@wrestling.ca



Frank Fowlie

From: David Spinney [REDACTED]
Sent: July 5, 2021 4:16 PM
To: Tamara Medwidsky; Jordan Goldblatt; complaints@wrestling.ca
Cc: Ahmed Shamiya; eamonn dorgan; [REDACTED] Erin Durant (she/her)
Subject: For Review
Attachments: Notice (23.9 KB)

Dear WCL,

I find it extremely unfortunate that we couldn't achieve a resolution.

As you may know, [REDACTED] has now initiated her lawsuit against all parties. Madison Parks and others will commence legal proceedings shortly.

We warned WCL that if we could not achieve a resolution that [REDACTED]'s would retain legal counsel to advocate on her behalf. For your reference I am forwarding you an email I sent WCL on December 24, 2020, regarding [REDACTED]. It is truly horrible what WCL, and others have done to this incredible [REDACTED].

Further, please be informed that our group has been contacted by TSN, hoping to publish an expose on WCL and [REDACTED]'s case.

I have asked [REDACTED] not to speak to the media and so I hope it is becoming even more clear to WCL that I have always attempted to escalate concerns very slowly. Even though I have been willing to escalate concerns in my efforts to assist abused athletes I have tried to simultaneously minimize the damage that the sport of wrestling suffers publicly.

Frank Fowlie, now that you are personally named in [REDACTED]'s lawsuit you may view this as a wake-up call. I will be watching how the court views your very clear double standards towards complaints. When an enemy of WCL leadership makes an allegation of abuse, you tell them they should try and go for a beer, but when abusive WCL staff make an allegation against the man who is exposing abuse you immediately hire 2 lawyers and a police officer ... truly amazing! Good luck to you Frank. Perhaps you thought you could come into the sport of wrestling and treat athletes and coaches the way you treat airline staff, but it was never going to be permitted on my watch. I trust you will behave more professionally moving forward – if, in fact, your role with WCL remains intact, which at this point seems doubtful to me. Regardless, I will make it my goal to ensure that you will feel some lasting effects from your tenure at WCL.

You have advised me that the report of Erin Durant has been sent to a Panel, and so kindly provide me the report immediately. It is within your power to do so. I expect to receive the report by the end of the day tomorrow. Failure to provide me with the report will only complicate your growing legal problems. CCC 346 (1.3) (2)

Thanks,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:



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200 Villagewalk Blvd. Suite 300B
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F: 519.645.7899



Frank Fowlie

From: David Spinney [REDACTED]
Sent: December 23, 2020 12:00 PM
To: Lúcas Ó'Ceallacháin
Cc: Don Ryan; Tamara Medwidsky; Jordan Goldblatt
Subject: Notice

Dear High Performance Director Lúcas Ó'Ceallacháin,

I hope this message finds you safe and well during these difficult times. I will be taking a much more assertive role in keeping athletes safe as we enter 2021. To that end, I have formally made Director-General of Sport Vicki Walker aware of allegations that have been made against you.

It is a fact that you approached [REDACTED] after it was made clear to both you and WCL, that you were not to have direct communication with her. I am cautioning you that any further contact with [REDACTED] will result in a complaint of criminal harassment to the police against you.

WCL has demonstrated a remarkable ability to call upon their lawyers when they need some "independent" help in the incestuous world of Canadian sports law, but I don't suspect that WCL will be nearly as influential when it comes to stopping the police from placing charges against you if you approach [REDACTED] in the future.

If you need to communicate with [REDACTED] you may only communicate with me or her personal coach, Eamonn Dorgan.

Please confirm that you understand my instructions regarding [REDACTED] for 2021.

Respectfully,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:
[REDACTED]
[REDACTED]
[REDACTED]

AUTUS WEALTH | CAPITAL
200 Villagewalk Blvd. Suite 300B
London, Ontario N6G 0W8
T: 519.645.1113

F: 519.645.7899



complaints@wrestling.ca

From: Madison Parks <madisonparkspoa@[REDACTED]>
Sent: August 3, 2021 3:17 PM
To: complaints@wrestling.ca
Cc: Zinger Ed; Tamara Medwidsky; vicki.walker@[REDACTED]
anne.merklinger@[REDACTED] dave@[REDACTED] ahmed.a.shamiya@[REDACTED]
moedorg@[REDACTED] officials@oawa.ca; ed.zinger@[REDACTED]
Subject: Re: Please listen to VOWL female sports leadership

Frank Fowlie,

Thank you for this information. I will make sure to pass it along to Madison's lawyer as I am sure she will find it helpful in her lawsuit against you and Zinger.

In the meantime, let me state as clearly as possible that you and Ed Zinger are horribly abusive misogynists who have abused my daughter. Everyone of the women on this email knows how immediately after my daughter Madison reprimanded you for misogynistic behaviour you reprised against her by sending written correspondence to her peer group shaming her with those horrible allegations that were obviously proven false.

But of course you did that to Madison because every woman on this email knows that you are man who has a proven tribunal history of abusing those who you believe have less power than you....and when you don't get what you want you have been proven by the tribunal to engage in deceitful behaviour..... and so you can take your weak attempts to intimidate me and save it for weaker prey.

And finally, I am not sure whether it is cognitive impairments or just another attempt to inappropriately engage with Madison, but I ask that you pay attention to the details when you send future emails....my name is Mara Schiavulli and I have POA for Madison. You are not permitted to speak with Madison.

Mara Schiavulli

On Tue, Aug 3, 2021 at 1:44 PM <complaints@wrestling.ca> wrote:

Dear Madison,

I am attaching a copy of the most recent WCL Safe Sport Policy Manual, and have pasted relevant Sections below:

***"Participants"** – Refers to all categories of individual members and/or registrants defined in the Bylaws

of WCL who are under WCL jurisdiction and who are subject to the UCCMS and the policies of WCL, as well as all people employed by, contracted by, or engaged in activities with, WCL including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators at WCL-sanctioned

Events, and Directors and Officers.

“Harassment” – A course of vexatious comment or conduct against a Participant or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

- a) Written or verbal abuse, threats, or outbursts;
- b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
- c) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
- d) Leering or other suggestive or obscene gestures;
- e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- f) Practical jokes which endanger a person's safety, or may negatively affect performance;
- g) Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;

- h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- i) Deliberately excluding or socially isolating a person from a group or team;
- j) Persistent sexual flirtations, advances, requests, or invitations;
- k) Physical or sexual assault;
- l) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
- m) Retaliation or threats of retaliation against a person who reports harassment to WCL.

Participants have a responsibility to:

- a) Maintain and enhance the dignity and self-esteem of members and other individuals by:
 - i. Treating each other with the highest standards of respect and integrity;
 - ii. Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;
 - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
 - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
 - v. Consistently treating individuals fairly and reasonably; and
 - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
- b) Refrain from any behaviour that constitutes Abuse, Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination or any form of Maltreatment.

The emails continuing to emanate from your email address are noted and filed.

Best regards,

Dr. Frank Fowlie

Complaints and Appeals Officer

complaints@wrestling.ca



From: Madison Parks <madisonparks@wrestling.ca>
Sent: August 3, 2021 11:14 AM
To: complaints@wrestling.ca
Subject: Fwd: Please listen to VOWL - female sports leadership

----- Forwarded message -----

From: Madison Parks <madisonparks_poa@wrestling.ca>
Date: Tue, Aug 3, 2021 at 11:34 AM
Subject: Fwd: Please listen to VOWL - female sports leadership
To: <dave@wrestling.ca>

----- Forwarded message -----

From: Madison Parks <madisonparks_poa@wrestling.ca>
Date: Tue, Aug 3, 2021 at 11:33 AM
Subject: Fwd: Please listen to VOWL - female sports leadership
To: <ed.zinger@oawa.ca>

Mr. Zinger,

Unlike you I don't run around saying horrible things about people behind their back. I have decided that from now on when I am speaking about you I will let you and your friend Frank Fowlie know about what I am saying and so please see the email I am forwarding you.

Mr. Fowlie, you and your friend Zinger will have an opportunity to spend a lot of time continuing to collude together when you are co-defendants in a lawsuit. There has been a slight delay in commencing the lawsuit for Madison because we want the same lawyer that is representing [REDACTED] (who has already filed a claim against you) to represent Madison.

Mara

----- Forwarded message -----

From: **Madison Parks** <madisonparks_poa@[REDACTED]>

Date: Tue, Aug 3, 2021 at 11:02 AM

Subject: Re: Please listen to VOWL - female sports leadership

To: <tamara@[REDACTED]>, <anne.merklinger@[REDACTED]>, <vicki.walker@[REDACTED]>, <mcasselin@[REDACTED]>

Cc: <dave@[REDACTED]>, <ahmed.a.shamiya@[REDACTED]>, <moedorg@[REDACTED]>

Dear Director General of Sport Vicky Walker, CEO of Own the Podium Anne Merklinger, and CEO of the SDRCC Marie-Claude Asselin

I still have not heard back from WCL. It was a very straightforward question that I asked **82 days ago** and yet no response. Back in May, Ms. Medwidsky said, "We are in the process of considering how best to address this particular matter and will come back within the next week with additional details"

I ask all of you to take note that WCL recently sent the Director General a letter making false statements about how VOWL makes "vaue" allegations. This was obviously a lie because WCL has an audio recording and statutory declaration that provides explicit details of defamatory and demeaning statements that the powerful wrestling official made about the female CEO and my daughter

I ask all of you powerful women in Canadian sport to ask yourself how many times have you received emails detailing WCL's 5 Insidious Tactics that discourage victims of abuse, particularly victims of sexual abuse, from making disclosures to the police and sports authorities. **You are all seeing Insidious Tactic #2 happening right before your eyes.**

Obviously we all know that if VOWL (who is supporting Madison) relentlessly keeps up the pressure and continues to demand a response, WCL will eventually provide one, however I ask you to all take notice of how WCL ignores and/or delays safety issues that WCL leadership selectively decides should be treated differently than those allegations that WCL aggressively pursues for the purpose of reprisals.

I am told that following the Olympics, VOWL will renew their advocacy and seek an independent investigation, so I want all of you to see for yourself what is happening in "real time". Even if WCL finally does the right thing and takes action against Ed Zinger, all of you will have witnessed the enormous advocacy effort it takes just to get WCL to take the most obvious and basic steps towards holding bad men accountable.....and so please ask yourself, **Is this a victory for safety in wrestling?** Of course not! It only underscores the effort that WCL continues to make insulate politically powerful men in wrestling who abuse and mistreat women.

All of you saw how quickly Rugby Canada moved to fire a coach for tweets he made that were disparaging to women....that coach will likely NEVER represent Canada at the Olympics again...and yet in the corrupted and abusively misogynist sport of wrestling, our top official Ed Zinger was allowed to say horrible demeaning lies about WCL's female CEO and he is rewarded with an Olympics spot. Look for yourself! **It's happening right before your eyes!**

In the corrupted and abusively misogynist sport of wrestling, our top official Ed Zinger was allowed to say horrible demeaning things about the sex life of my daughter, and the WCL Safety Officer Frank Fowlie reaches out to him asking him to participate in an official WCL complaint against VOWL members who advocate for athletes safety. Look for yourself! It's exactly the reprisals VOWL has been speaking about for years (Insidious Tactic #1). **It's happening right before your eyes!**

Ms. Medwidsky, how much advocacy is required to get you and your corrupted National Sport Organization to take action against politically powerful men who hurt women in our sport? It is possible that have you already spent all of your legal and safety budget reprising against VOWL members, or suing coaches for a few thousand dollars of travel expenses? Do you need money for legal resources because I am sure that VOWL could help raise this for you if it is necessary to help WCL to do the right thing.

Perhaps WCL could send another letter to Director General Walker describing how many good things WCL is doing for safety....I agree you have certainly paid a lot of money to the Sport Law and Strategy Group so that you can demonstrate "on paper" how much you are doing towards safety, **but everyone on this email can see with their own eyes how WCL is completely dangerous and corrupted in real life.**

Ms. Medwidsky, please just answer the question. **Will you/WCL be taking any action with respect to the audio recording and statutory declaration that is in your possession?**

Please know that even if you do something now, this entire process only proves that WCL remains dangerous and corrupt. WCL had an opportunity months ago to prove that the NSO was turning over a new leaf and you completely squandered it. Japan has the internet and you could have responded with something. Shame on WCL.

Mara Schiavulli

On Fri, Jul 30, 2021 at 9:38 AM [REDACTED] wrote:

Dear All,

I am writing this email to support and amplify Mara Schiavulli, who has recently been in contact with you. I am also writing to you in the context of the amazing success of our Canadian women at the 2021 Tokyo Olympics. Clearly, women in Canada are ascending to the forefront of our sports community, so the issue of the safety of our girls/women in sport should be of even more concern for those in sport leadership.

Setting aside the important and affecting words of Ms. Schiavulli and the situation with Ms. Madison Parks/Mr. Ed Zinger, I must ask: can you not see how it hurts girls and women in wrestling when a female CEO remains silent in the face of a powerful wrestling official engaging in misogynistic and defaming statements?

WCL is currently suing wrestling coaches who have been financially crippled during the COVID pandemic for relatively small amounts of money related to travel. Yet, the WCL lawyers take no action against powerful men in wrestling who publicly spread humiliating statements about WCL's female CEO. Do you think that victims are unaware of this terrible prioritization of WCL's legal resources?

We must also remember that female victims are NOT blind to the fact that Mr. Zinger is a board member of Ontario Wrestling and that WCL lawyer Jordan Goldblatt also acted as the litigation lawyer for Ontario Wrestling.

Shortly after these events, WCL was provided with very compelling evidence that demeaning and false statements were being spread about its female CEO from a powerful man in wrestling. Instead of acting swiftly to address these concerns, WCL chose to reward that very man with a coveted Olympics spot. Can you not see how WCL is perpetuating a culture of silence and institutional misogyny?

Ms. Medwidsky, I believe that you can see how women in wrestling are suffering. Are all of those women who have made serious allegations against WCL male leadership in recent years lying? There are too many victims to deny that a problem does not exist.

When Olympic Gold Medalist Erica Wiebe recently publicly spoke about "countless" victims in wrestling, she was sharing a powerful and undeniable truth.

We in VOWL cannot understand how women leaders in sport, like those addressed in this email and by Ms. Schiavulli, can continue to remain silent, even under conditions where men in their very organizations are working and speaking against them. This only encourages the powerful culture of fear and silence that remains in our sport community today.

How can we expect young women to come forward to disclose abuse when victims see that certain powerful "inner circle" men in wrestling can do and say whatever they want to women leaders in our sport, without any consequence?

How can we expect young victims to come forward when even the highest ranking woman in WCL is targeted, and a powerful man in wrestling defames her in her role as CEO/ED?

We here at VOWL offer support and encouragement to Ms. Medwidsky and all women in sports leadership, to use their power and leadership to make sport safer for all. Ms. Medwidsky, for the sake of women in wrestling and a better future - hear us, stand up, and take action immediately.

Will you do this?

Thank you,

[REDACTED]

VOWL member

From: Madison Parks <madisonparkspoa@[REDACTED]>
Sent: August 4, 2021 4:15 PM
To: complaints@wrestling.ca; Tamara Medwidsky; ahmed.a.shamiya@[REDACTED]
[REDACTED]moedorg@[REDACTED] dave@[REDACTED]
Subject: Re: Please listen to VOWL - female sports leadership

Dear Ms. Medwidsky and WCL,

Coach Spinney has asked me to not send any more correspondence to anyone outside of wrestling until after the Olympics and so I am only including WCL's CEO and Madison's support group in this email.

I ask that WCL receive my 5 safety concerns about Frank Fowlie, the 5th being the most immediately important:

1. Frank Fowlie has an established public history of abusing those who he believes are less powerful.
2. Frank Fowlie has an established public history of being deceitful in Tribunal settings in order to advance his nefarious agenda.
3. Frank Fowlie has been named in a lawsuit involving [REDACTED] and I am told that the reason for this is because after receiving detailed allegations against Lúcas Ó'Ceallacháin his advice was to "go for beer" with WCL leadership.

Frank Fowlie, has no hesitation in shrugging off athlete's allegations when the complaint is against WCL leadership (the same leadership who hires and pays Frank Fowlie), however when the complaint comes from WCL leadership against the athlete who makes complaints against Frank Fowlie's paying customer he immediately applies a wild double standard. For example, Frank Fowlie immediately hired lawyers to investigate the salacious and repressing allegations that were advanced by Ed Zinger and Lúcas Ó'Ceallacháin - allegations in which no actual evidence was provided beyond rumours and gossip.

4. Frank Fowlie sends me written communication that is unprofessional overtly/ unnecessarily argumentative. Frank Fowlie holds himself out as an expert in conflict resolution and management - please look carefully at all of his correspondence and you will see that he falls well short of an acceptable standard for a professional in his industry....but of course he does....he has an established tribunal history of abusing those who he perceives as less powerful.

5. **Frank Fowlie has multiple times violated the privacy of Madison.** Allow me to provide you with 2 easily verifiable examples.

- Frank Fowlie just sent me an email (see attached) in which he clearly communicated at the outset that he was unsure about who he was communicating with ("whoever is using this email address") and yet later in the same email he speaks about confidential information involving Madison. If Frank Fowlie was unsure about who he was communicating with then he should have NEVER spoken about any private matters involving Madison (ex. point #6 in his email). This is reckless and dangerous behaviour for someone in his position.
- Shortly after Madison reprimanded Frank Fowlie for speaking to her in a manner that was misogynistic he sent out written communication to Madison's peer group describing that Madison was being investigated for inappropriate sexual relationships with her coach. Surely WCL can see this is yet another example in which Frank Fowlie attempts to publicly shame those who he believes he can dominate.

Frank Fowlie has demonstrated a decade's long inability to emotionally regulate himself. His desire to dominate others is so overwhelming that he will even violate the confidentiality of athletes in his attempts to establish superiority. Frank Fowlie takes "pissing contest" to such a level that according to the tribunal decision even the safety of an aircraft may have been jeopardized because of his inability to appropriately control himself after receiving meal service that fell short of his expectations.

<https://www.merriam-webster.com/dictionary/pissing%20contest>

Please let me know if WCL needs any information from me as WCL addresses the conduct of the abusive misogynist Frank Fowlie. I expect that WCL will terminate his role in wrestling in the very near future.

And finally, please direct Frank Fowlie to stop sending me emails unless he is advancing official WCL business. Perhaps you could block him from sending me emails at the server level.

Thank you,
Mara Schiavulli

On Wed, Aug 4, 2021 at 10:09 AM <complaints@wrestling.ca> wrote:

Dear Madison, or Mara, or whoever is using this email address.

1. Thank you for your most recent missive;
2. No Power of Attorney has been filed with this office, and in lack of any documentation of a Power of Attorney document, your claims to a Power of Attorney have no foundation. If you wish to file a Power of Attorney with me, it will be held in confidence, and reviewed to determine if such Power of Attorney applies;
3. You have been treated with appropriate respect throughout all of our correspondence, and I am affronted that you would suggest that I have cognitive impairments is an obvious insulting and harassing comment, and I would encourage you to raise the level of respect you use in corresponding with me in my workplace;
4. You have made many threats concerning legal action, I am aware of your intentions to create a legal action, and while I am sure that your intention is to intimidate me in my workplace, I am not intimidated. If you wish to pursue legal action, please do so. It is a free and democratic country and you have every right to do so;
5. If you cannot transact communications with me in a respectful tone appropriate to the workplace, then I would ask you to cease writing to me, or sending me copies of correspondences which are only meant to intimidate, threaten, belittle, demean, or insult. Should such correspondence continue, I will ask WCL to block your email address at the server level;
6. I can assure that there has been NO reprisal against Madison. In 2021, it is imperative for sports to properly engage in safe sport complaints, failure to do so would be negligent. This office proceeded in good faith, and with a goal to ensure that Madison was not involved in a relationship where there was an imbalance of power. I note that the investigation found that there was no imbalance of power relationship, and that no further action was taken by this office or WCL. As a parent myself, I would be more upset if an NSO did not act in the best interest of the athlete as opposed to simply shrugging off such allegations. Your continued intimidation and threats are simply puffery;
7. I have never met Mr. Zinger, and we are not "friends";

8. Per the new safe Sport Policy, you, as a parent are considered to be a Participant, and you are expected to act within the bounds of the new WCL Safe Sport Policy;
9. Please feel free to share this with your colleagues and your legal counsel.

Best regards,

Dr. Frank Fowlie

Complaints and Appeals Officer

complaints@wrestling.ca



From: Madison Parks <madison.parkspca@>

Sent: August 3, 2021 3:17 PM

To: complaints@wrestling.ca

Cc: Zinger Ed <> Tamara Medwidsky <> vicki.walker@<>

anne.merklinger@<> dave@<> ahmed.e.shamiya@<> moedorg@<>

<> officielle@oww.ca; ed.zinger@<>

Subject: Re: Please listen to VOWL - female sports leadership

Frank Fowlie,

Thank you for this information. I will make sure to pass it along to Madison's lawyer as I am sure she will find it helpful in her lawsuit against you and Zinger.

In the meantime, let me state as clearly as possible that you and Ed Zinger are horribly abusive misogynists who have abused my daughter. Everyone of the women on this email knows how immediately after my daughter Madison reprimanded you for misogynistic behaviour you reprised against her by sending written correspondence to her peer group shaming her with those horrible allegations that were obviously proven false.

But of course you did that to Madison because every woman on this email knows that you are man who has a proven tribunal history of abusing those who you believe have less power than you....and when you don't get what you want you have been proven by the tribunal to engage in deceitful behaviour..... and so you can take your weak attempts to intimidate me and save it for weaker prey.

And finally, I am not sure whether it is cognitive impairments or just another attempt to inappropriately engage with Madison, but I ask that you pay attention to the details when you send future emails.....my name is Mara Schiavulli and I have POA for Madison. You are not permitted to speak with Madison.

Mara Schiavulli

On Tue, Aug 3, 2021 at 1:44 PM <complaints@wrestling.ca> wrote:

Dear Madison,

I am attaching a copy of the most recent WCL Safe Sport Policy Manual, and have pasted relevant Sections below:

**“Participants”* – Refers to all categories of individual members and/or registrants defined in the Bylaws

of WCL who are under WCL jurisdiction and who are subject to the UCCMS and the policies of WCL, as well as all people employed by, contracted by, or engaged in activities with, WCL including,

but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers,

managers, administrators, committee members, parents or guardians, spectators at WCL-sanctioned

Events, and Directors and Officers.

“Harassment” – A course of vexatious comment or conduct against a Participant or group, which is known or ought to reasonably be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

- a) Written or verbal abuse, threats, or outbursts;
- b) Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
- c) Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
- d) Leering or other suggestive or obscene gestures;
- e) Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
- f) Practical jokes which endanger a person's safety, or may negatively affect performance;
- g) Hazing, which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;
- h) Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
- i) Deliberately excluding or socially isolating a person from a group or team;

- j) Persistent sexual flirtations, advances, requests, or invitations;
- k) Physical or sexual assault;
- l) Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and
- m) Retaliation or threats of retaliation against a person who reports harassment to WCL.

Participants have a responsibility to:

- a) Maintain and enhance the dignity and self-esteem of members and other individuals by:
 - i. Treating each other with the highest standards of respect and integrity;
 - ii. Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or members;
 - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
 - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
 - v. Consistently treating individuals fairly and reasonably; and
 - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.
- b) Refrain from any behaviour that constitutes Abuse, Harassment, Workplace Harassment, Sexual Harassment, Workplace Violence, Discrimination or any form of Maltreatment.

The emails continuing to emanate from your email address are noted and filed.

Best regards,

Dr. Frank Fowlie

Complaints and Appeals Officer

complaints@wrestling.ca



From: Madison Parks <madison.parks@oawa.ca>
Sent: August 3, 2021 11:14 AM
To: complaints@wrestling.ca
Subject: Fwd: Please listen to VOWL - female sports leadership

----- Forwarded message -----

From: Madison Parks <madison.parks@oawa.ca>
Date: Tue, Aug 3, 2021 at 11:34 AM
Subject: Fwd: Please listen to VOWL - female sports leadership
To: <dave@oawa.ca>

----- Forwarded message -----

From: Madison Parks <madison.parks@oawa.ca>
Date: Tue, Aug 3, 2021 at 11:33 AM
Subject: Fwd: Please listen to VOWL - female sports leadership
To: <ed.zinger@oawa.ca> <officials@oawa.ca>

Mr. Zinger,

Unlike you I don't run around saying horrible things about people behind their back. I have decided that from now on when I am speaking about you I will let you and your friend Frank Fowlie know about what I am saying and so please see the email I am forwarding you.

Mr. Fowlie, you and your friend Zinger will have an opportunity to spend a lot of time continuing to collude together when you are co-defendants in a lawsuit. There has been a slight delay in commencing the lawsuit for Madison because we want the same lawyer that is representing [REDACTED] (who has already filed a claim against you) to represent Madison.

Mara

----- Forwarded message -----

From: **Madison Parks** <madisonparks_poa@[REDACTED]>

Date: Tue, Aug 3, 2021 at 11:02 AM

Subject: Re: Please listen to VOWL - female sports leadership

To: <tamara@[REDACTED]> <anne.merklinger@[REDACTED]> <vicki.walker@[REDACTED]> <mcasselin@[REDACTED]>

[REDACTED]

Cc: <dave@[REDACTED]> <ahmed.a.shamiya@[REDACTED]> <moedorg@[REDACTED]>

Dear Director General of Sport Vicky Walker, CEO of Own the Podium Anne Merklinger, and CEO of the SDRCC Marie-Claude Asselin

I still have not heard back from WCL. It was a very straightforward question that I asked **82 days ago** and yet no response. Back in May, Ms. Medwidsky said, "We are in the process of considering how best to address this particular matter and will come back within the next week with additional details"

I ask all of you to take note that WCL recently sent the Director General a letter making false statements about how VOWL makes "vaugé" allegations. This was obviously a lie because WCL has an audio recording and statutory declaration that provides explicit details of defamatory and demeaning statements that the powerful wrestling official made about the female CEO and my daughter.

I ask all of you powerful women in Canadian sport to ask yourself how many times have you received emails detailing WCL's 5 Insidious Tactics that discourage victims of abuse, particularly victims of sexual abuse, from making disclosures to the police and sports authorities. **You are all seeing Insidious Tactic #2 happening right before your eyes.**

Obviously we all know that if VOWL (who is supporting Madison) relentlessly keeps up the pressure and continues to demand a response, WCL will eventually provide one, however I ask you to all take notice of how WCL ignores and/or

delays safety issues that WCL leadership selectively decides should be treated differently than those allegations that WCL aggressively pursues for the purpose of reprisals.

I am told that following the Olympics, VOWL will renew their advocacy and seek an independent investigation, so I want all of you to see for yourself what is happening in "real time". Even if WCL finally does the right thing and takes action against Ed Zinger, all of you will have witnessed the enormous advocacy effort it takes just to get WCL to take the most obvious and basic steps towards holding bad men accountable.....and so please ask yourself, **is this a victory for safety in wrestling?** Of course not! It only underscores the effort that WCL continues to make insulate politically powerful men in wrestling who abuse and mistreat women.

All of you saw how quickly Rugby Canada moved to fire a coach for tweets he made that were disparaging to women....that coach will likely NEVER represent Canada at the Olympics again...and yet in the corrupted and abusively misogynist sport of wrestling, our top official Ed Zinger was allowed to say horrible demeaning lies about WCL's female CEO and he is rewarded with an Olympics spot. Look for yourself! **It's happening right before your eyes!**

In the corrupted and abusively misogynist sport of wrestling, our top official Ed Zinger was allowed to say horrible demeaning things about the sex life of my daughter, and the WCL Safety Officer Frank Fowlie reaches out to him asking him to participate in an official WCL complaint against VOWL members who advocate for athletes safety. Look for yourself! It's exactly the reprisals VOWL has been speaking about for years (Insidious Tactic #1). **It's happening right before your eyes!**

Ms. Medwidsky, how much advocacy is required to get you and your corrupted National Sport Organization to take action against politically powerful men who hurt women in our sport? It is possible that have you already spent all of your legal and safety budget reprising against VOWL members, or suing coaches for a few thousand dollars of travel expenses? Do you need money for legal resources because I am sure that VOWL could help raise this for you if it is necessary to help WCL to do the right thing.

Perhaps WCL could send another letter to Director General Walker describing how many good things WCL is doing for safety....I agree you have certainly paid a lot of money to the Sport Law and Strategy Group so that you can demonstrate "on paper" how much you are doing towards safety, **but everyone on this email can see with their own eyes how WCL is completely dangerous and corrupted in real life.**

Ms. Medwidsky, please just answer the question. **Will you/WCL be taking any action with respect to the audio recording and statutory declaration that is in your possession?**

Please know that even if you do something now, this entire process only proves that WCL remains dangerous and corrupt. WCL had an opportunity months ago to prove that the NSO was turning over a new leaf and you completely squandered it. Japan has the internet and you could have responded with something. Shame on WCL.

Mara Schiavulli

On Fri, Jul 30, 2021 at 9:38 AM [REDACTED] wrote:

Dear All,

I am writing this email to support and amplify Mara Schiavulli, who has recently been in contact with you. I am also writing to you in the context of the amazing success of our Canadian women at the 2021 Tokyo Olympics. Clearly, women in Canada are ascending to the forefront of our sports community, so the issue of the safety of our girls/women in sport should be of even more concern for those in sport leadership.

Setting aside the important and affecting words of Ms. Schiavulli and the situation with Ms. Madison Parks/Mr. Ed Zinger, I must ask: can you not see how it hurts girls and women in wrestling when a female CEO remains silent in the face of a powerful wrestling official engaging in misogynistic and defaming statements?

WCL is currently suing wrestling coaches who have been financially crippled during the COVID pandemic for relatively small amounts of money related to travel. Yet, the WCL lawyers take no action against powerful men in wrestling who publicly spread humiliating statements about WCL's female CEO. Do you think that victims are unaware of this terrible prioritization of WCL's legal resources?

We must also remember that female victims are NOT blind to the fact that Mr. Zinger is a board member of Ontario Wrestling and that WCL lawyer Jordan Goldblatt also acted as the litigation lawyer for Ontario Wrestling.

Shortly after these events, WCL was provided with very compelling evidence that demeaning and false statements were being spread about its female CEO from a powerful man in wrestling. Instead of acting swiftly to address these concerns, WCL chose to reward that very man with a coveted Olympics spot. Can you not see how WCL is perpetuating a culture of silence and institutional misogyny?

Ms. Medwidsky, I believe that you can see how women in wrestling are suffering. Are all of those women who have made serious allegations against WCL male leadership in recent years lying? There are too many victims to deny that a problem does not exist.

When Olympic Gold Medalist Erica Wiebe recently publicly spoke about "countless" victims in wrestling, she was sharing a powerful and undeniable truth.

We in VOWL cannot understand how women leaders in sport, like those addressed in this email and by Ms. Schiavulli, can continue to remain silent, even under conditions where men in their very organizations are working and speaking against them. This only encourages the powerful culture of fear and silence that remains in our sport community today.

How can we expect young women to come forward to disclose abuse when victims see that certain powerful "inner-circle" men in wrestling can do and say whatever they want to women leaders in our sport, without any consequence?

How can we expect young victims to come forward when even the highest ranking woman in WCL is targeted, and a powerful man in wrestling defames her in her role as CEO/ED?

We here at VOWL offer support and encouragement to Ms. Medwidsky and all women in sports leadership, to use their power and leadership to make sport safer for all. Ms. Medwidsky, for the sake of women in wrestling and a better future - hear us, stand up, and take action immediately.

Will you do this?

Thank you,



VOWL member

From: David Spinney <Dave@[REDACTED]>
Sent: August 6, 2021 4:20 AM
To: complaints@wrestling.ca; Tamara Medwidsky; Jordan Goldblatt; Anne Merklinger; Walker, Vicki (PCH); mcasselin@[REDACTED]
Cc: Madison Parks
Subject: NOT Without Prejudice

Dear Frank Fowlie,

Any hope of you avoiding litigation was gone the moment that [REDACTED]'s sister graduated and became aware of the abuse that [REDACTED] has suffered in wrestling. Unlike you, [REDACTED]'s sister is not willing to shrug off Lúcas Ó'Ceallacháin's abuse by "going for a beer" (I am still baffled at the fact that you made that suggestion to a coach that came to you with legitimate safety concerns and concerns of abuse).

Due to her award-winning competitive advocacy efforts [REDACTED], and because of her experience as the [REDACTED], I have decided that I will wait for Ms. [REDACTED] to be settled in her new role so that she may handle my lawsuit against you and Lúcas Ó'Ceallacháin. However, I wish to continue to create a clear record that I have always been willing to amicably settle matters prior to involving the Courts. If you are interested in achieving a non-litigious resolution, I offer you this very simple and easy solution:

Settlement Offer to Frank Fowlie

I will agree to provide you a release from all claims if you send a letter to me and WCL in which you state:

Dear Wrestling Community,

In recent months I behaved in a way that I ought to have known would create an impression of bias. I am deeply sorry for sending written correspondence into the wrestling community describing allegations that I ought to have known provided no meaningful investigatory value and would likely bring shame and humiliation to the parties involved. As a result of my conduct, I am resigning in my role with WCL effective immediately.

To be clear, I do not speak for WCL however my offer still requires that you send the letter to WCL.

This offer expires on August 13, 2021.

WCL, I am including you on this email because if WCL's Safety/Complaints Officer Frank Fowlie rejects this settlement offer (nearly a forgone conclusion) I will move forward with litigation against him. It is my impression that based on the totality of events/circumstances that the lawyer handling this matter will likely recommend that WCL is added onto any claim against its WCL Safety/Complaints Officer, however, I would be willing to settle this matter with WCL even if Frank Fowlie does not accept my offer.

Settlement Offer to WCL

I will agree to provide a release to WCL for all claims involving Frank Fowlie if WCL immediately fires Frank Fowlie and posts the following message on its website:

WCL has terminated its Complaints Officer effective immediately. WCL has examined the behaviour of Frank Fowlie and believes that:

- Mr. Fowlie's conduct created an impression of bias
- Mr. Fowlie acted in a manner that was insensitive to members of the wrestling community
- Mr. Fowlie inappropriately shared information that he ought to have known would cause shame and humiliation to members in the wrestling community.

WCL holds those hired to deal with issues of safety to the highest of standards and any conduct that undermines the confidence of the wrestling community will result in immediate termination.

I do not speak for Madison Parks, but I had a conversation with her POA Mara Schiavulli who is copied on this email, and she tells me that Madison will sign the same legal releases being offered in this email. (Madison Parks would sign the release, not Mara Schiavulli)

I'm sure that WCL realizes that given all of the circumstances in recent years with its 4 "independent" Safety/Complaints officers WCL should terminate Frank Fowlie regardless of whether or not we are willing to provide releases. By posting this message on WCL's website, WCL has an opportunity to demonstrate that it is changing its approach and no longer tolerates misogyny and maltreatment within the organization. This legal release is an added bonus which I am happy to provide for the betterment of wrestling.

If WCL has done research into Frank Fowlie you will know that he is no stranger to making frivolous claims, and so if you accept my offer be forewarned that he might very well come after WCL, but I am confident that WCL has the legal horsepower to easily defeat this man.

Director-General of Sport Vicki Walker, In the coming week/months a significant effort will be made to address Sport Canada's and Own the Podium role in the abuse of athletes. As you know much of these issues concerning you/Sport Canada are a result of Wrestling Canada Lutte's highly questionable decisions to hire men who demonstrate incredible bias. It remains incomprehensibly reckless and dangerous that WCL chose Brian Ward, Adam Klevinas, and Andrew Furguele to be its Complaints/Safety Officer and it remains equally outrageous that the Government of Canada personally endorsed 2 of those men (one of those men intimidate and silence victims by publicly boasting that hundreds of sporting organizations, Own the Podium, and Sport Canada are their clients).

I'm including you on this email so that you are aware **for the record** that I have consistently focussed on **resolving matters early**. If WCL fires Frank Fowlie it will not solve the many issues of safety in wrestling, but it will certainly be a good start in a **process of reconciliation that I believe can be achieved in the very near future**.

Own the Podium, you are being included on this email because you have played a massive role in the complete and total destruction of female wrestling in Canada. The facts are clear, OTP has actively supported men in positions of leadership within wrestling who abused athletes. Furthermore, OTP was aware that Indigenous athletes were being abused and did nothing. Any efforts of OTP to pretend that WCL operates independently from OTP in terms of who it hires in positions of high-performance leadership will be exposed.

Marie-Claude Asselin, you are being included in this email because in the near future you will receive an offer to be given access to very disturbing evidence. Because of the accessibility that you have provided in past years (you are willing to answer your phone) our VOWL group holds out hope that with you at the helm the SDRCC has a future role to play in sport. However, the evidence is clear, **there is dangerous corruption that cannot be easily extracted from within the operational structure of the SDRCC**.

I realize that these are extremely serious allegations. You can confirm with Director-General Walker that our group does not make "vague or unsubstantiated allegations". In December 2020 I provided Sport Canada with detailed evidence of abuse, and the evidence that our group is willing to provide you will be equally disturbing. I am establishing **for the record** that I continue to keep all parties appropriately apprised of events.

This email is NOT without prejudice.

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:



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From: David Spinney [REDACTED]
Sent: August 9, 2021 4:43 PM
To: complaints@wrestling.ca
Cc: Tamara Medwidsky; Jordan Goldblatt
Subject: Offer

Dear Frank Fowlie,

I am aware that the offer I made you on August 6, 2021, has now become an even "sweeter deal" for you as a result of the stated position of WCL with regards to your behaviour. It certainly appears that the writing is on the wall with respect to your tenure with WCL.

I am aware that I have the legal right to withdraw my offer at this very moment and simply wait for you to be terminated, however, I do not possess the need to bully and dominate others, and so I will not revoke my offer before its August 13, 2021, expiry.

I draw your attention to the fact that both you and I have now benefited from the legal opinion of a formidable and experienced lawyer who has every reason to be neutral in his assessment of your behaviour. It is noteworthy that Mr. Goldblatt did not comment on how your behaviour may be viewed by a court when viewed from a more global perspective (eg. how you have been behaving since at least December 2, 2021, when you demonstrated an outrageous double standard with your "go for a beer" proposal).

You have appeared to demonstrate a historic propensity to irrationally digging your heels in even when you clearly are in the wrong. To be clear, I have no idea as to whether or not this is true, however, there are so many articles on the internet describing your failed legal actions that I have to ask myself; if this is the way you behave during your later years of life then I am certainly not holding out hope that you will suddenly develop the humbleness to admit when you have erred. Despite my pessimism I want the record to show (for a future court if necessary) that you were given every opportunity to do the right thing and accept my August 6th, 2021, settlement offer so that we might both save the time and expense of a lawsuit.

<https://www.dnjournal.com/archive/lowdown/2011/dailyposts/20110601.htm>

Regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

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Frank Fowlie

From: David Spinney <dave@[REDACTED]>
Sent: August 12, 2021 5:07 PM
To: mcasselin@[REDACTED]
Cc: Tamara Medwidsky; Jordan Goldblatt
Subject: Frank Fowlie

Dear Marie-Claude Asselin,

I hope this message finds you safe and well. As you may know, we have already provided detailed evidence of abuse to the Right Honourable **Justin Trudeau** Prime Minister of Canada, the Honourable **Steven Guilbeault** Minister of Heritage, the Honourable **Kirsty Duncan** Deputy Leader of the Government in the House of Commons, the Honourable **Mark Miller** Minister of Indigenous Services, the Honourable **Carolyn Bennett** Minister of Crown-Indigenous Relations, and the Director General of Sport **Vicki Walker**.

The Government of Canada is aware that I have been for years supporting many athletes who have suffered abuse, including Indigenous athletes who have been sexually abused in wrestling.

For the past 20 years WCL leadership has engaged in systemic reprisals against coaches and athletes who speak out against abuse. Some of these matters are already before the courts. Some of these matters will be before the courts in the coming months. And some of these matters are being addressed directly before the Government of Canada, elected officials, the police, and sports authorities.

As a small part of this advocacy, we have made the above-named parties aware that since at least December 2, 2020, WCL Officer/SDRCC Investigator Frank Fowlie not only demonstrated outrageous bias in the sport of wrestling, but he has engaged in reprisal behaviour against multiple coaches and athletes; reprisals that he knew, or ought to have known, would cause damage to victims and deepen a culture of fear and silence. For example, Frank Fowlie has breached athlete confidence on multiple occasions, including inappropriately sending humiliating information to the peer group of a young woman immediately after she reprimanded him for his misogynistic conduct. His behaviour as WCL Officer is consistent with his well-established public incidents of abuse and retaliation.

Of particular concern is that Frank Fowlie has a well-documented tribunal history of engaging in deceitful behaviour intended to advance his own personal agenda.

Please note that we have already shared much of these concerns with Wrestling Canada Lutte. Hopefully WCL once again responds to our public pressure and ends their relationship with yet another Safety Officer who we exposed making wrestling more dangerous.

For the past half year members of the wrestling community, including myself, have continued to make the Government of Canada and Canadian sport leaders aware about the inappropriate nature of having Frank Fowlie involved in any role meant for victims to disclose abuse.

Frank Fowlie and the Safety of Athletes

According to abuse-free-sport.ca the webpage "*was created to host the Canadian Sport Helpline, aimed at offering a safe place for victims and witnesses of abuse, harassment and discrimination in sport to share their concerns and get advice on next steps.*"

The Athlete Helpline was being administered by the SDRCC and so I am compelled to tell you as CEO that it makes sport less safe when Frank Fowlie continues to be listed as an investigator.

<https://abuse-free.sport.ca/investigation-unit-investigators/>

The SDRCC shares a measure of responsibility for the culture of fear and silence that still exists in Canadian sport because your organization knows (or should know) that victims are less likely to come forward and disclose abuse when the SDRCC partners with men who have a documented and public history of abusive and deceitful behaviour.

The SDRCC is aware of the many hours of advocacy it took just to have the Athlete Helpline stop saying that victims of abuse should bring their allegations against WCL leadership to the fake "independent" lawyer Adam Klevinas. The fact that it took the better parts of 2019 and 2020 just to remove Adam Klevinas only to then have the Athlete Helpline start referring victims to Andrew Furguele demonstrates frighteningly dangerous organizational dysfunction that must be addressed in the near future, however we are only volunteers and have only so much time we can dedicate to making sport safer. Today our focus is on the urgent matter of Frank Fowlie being associated with the SDRCC.

I would remind the SDRCC that victims of sexual abuse care very little about "impressive" resumes, when a simple Google search of Frank Fowlie quickly reveals that he has a public history of abusing others in a demeaning and physically imposing manner. There is no amount of resume building that erases Frank Fowlie's public legacy as a man who victims of abuse, particularly Indigenous victims of sexual abuse, would be likely to avoid.

In summary, if the SDRCC is genuinely interested in creating a safe space for victims to make sensitive disclosures, then all involvement with Frank Fowlie should be suspended until a comprehensive review is made to determine if this man's association with the SDRCC decreases the likelihood that victims of abuse will make disclosures.

To that end, myself and others in wrestling are willing to participate in any SDRCC review to provide disturbing first-hand information about Frank Fowlie. In the interim, I would ask that his name be removed from anything associated with the SDRCC.

With regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

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From: David Spinney [REDACTED]
Sent: August 12, 2021 6:14 PM
To: Daniel Ratushny
Cc: Tamara Medwidsky; Jordan Goldblatt; complaints@wrestling.ca; lucasoceallachain@[REDACTED]
Subject: Response
Attachments: Moving Forwards (14.0 KB); Frank Fowlie (34.0 KB)

Dear WCL Discipline Panel Daniel Ratushny,

In my efforts to support abused athletes I am a volunteer and not a professional advocate, and so Mr. Goldblatt is likely far more capable expressing how Frank Fowlie's behaviour raises concerns of bias/apprehension of bias. I will let my attached email to the SDRCC from earlier today describe some of our concerns about how the WCL Safety/Complaints Officer Frank Fowlie deepens a culture of fear and silence in the Canadian wrestling community.

Kindly let me provide you one single piece of information regarding why the WCL Officer Frank Fowlie should never have had anything to do with the "allegations" of WCL High-Performance Director Lúcas Ó'Ceallacháin.

First Incident

- On December 2, 2020, the Head Coach for wrestling at York University had a lengthy and detailed conversation with Frank Fowlie in which he carefully described abuse that [REDACTED] suffered at the hands of one of the highest-ranking employees of WCL leadership (Lúcas Ó'Ceallacháin). I am attaching an email that [REDACTED] sent the WCL Executive Director after Lúcas Ó'Ceallacháin resigned. As you can see, Ms. [REDACTED] was very close to quitting wrestling because of the abuse and harassment of Lúcas Ó'Ceallacháin.
- In response to these December 2, 2020, disclosures WCL Officer Frank Fowlie suggested to "go for beer" with WCL leadership. Please remember that WCL leadership are the people who hire and fire WCL Officer Frank Fowlie.

I would strongly recommend that the Panel simply ask Frank Fowlie to confirm or deny if he made this "go for a beer" comment. If he denies it then please let me know and I will further assist on this evidentiary issue.

Setting aside the plethora of outrageous behaviour of Frank Fowlie **after** December 2, 2020, I would respectfully submit that **this "go for a beer" incident alone** should have been enough for Frank Fowlie to recuse himself from any allegation in which the WCL High-Performance Director was alleging harassment surrounding any efforts to keep [REDACTED] safe from Lúcas Ó'Ceallacháin's abuse. (ex. My December 2020 email warning him to stay away from [REDACTED] or face a complaint of criminal harassment)

But to be clear, this December 2, 2021 "go for a beer" response to receiving serious allegations of harassment is only a single incident in a **much larger narrative** establishing that Frank Fowlie's behaviour and continued presence in wrestling creates a reasonable apprehension of bias. There is good reason that [REDACTED] has already filed her lawsuit in the courts against Frank Fowlie and Lúcas Ó'Ceallacháin.

Respectfully,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:



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Frank Fowlie

From: David Spinney [REDACTED]
Sent: August 12, 2021 5:07 PM
To: mcasselin@[REDACTED]
Cc: Tamara Medwidsky; Jordan Goldblatt
Subject: Frank Fowlie

Dear Marie-Claude Asselin,

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The Government of Canada is aware that I have been for years supporting many athletes who have suffered abuse, including Indigenous athletes who have been sexually abused in wrestling.

For the past 20 years WCL leadership has engaged in systemic reprisals against coaches and athletes who speak out against abuse. Some of these matters are already before the courts. Some of these matters will be before the courts in the coming months. And some of these matters are being addressed directly before the Government of Canada, elected officials, the police, and sports authorities.

As a small part of this advocacy, we have made the above-named parties aware that since at least December 2, 2020, WCL Officer/SDRCC Investigator Frank Fowlie not only demonstrated outrageous bias in the sport of wrestling, but he has engaged in reprisal behaviour against multiple coaches and athletes; reprisals that he knew, or ought to have known, would cause damage to victims and deepen a culture of fear and silence. For example, Frank Fowlie has breached athlete confidence on multiple occasions, including inappropriately sending humiliating information to the peer group of a young woman immediately after she reprimanded him for his misogynistic conduct. His behaviour as WCL Officer is consistent with his well-established public incidents of abuse and retaliation.

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Frank Fowlie and the Safety of Athletes

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The Athlete Helpline was being administered by the SDRCC and so I am compelled to tell you as CEO that it makes sport less safe when Frank Fowlie continues to be listed as an investigator.

<https://abuse-free-sport.ca/investigation-unit-investigators/>

The SDRCC shares a measure of responsibility for the culture of fear and silence that still exists in Canadian sport because your organization knows (or should know) that victims are less likely to come forward and disclose abuse when the SDRCC partners with men who have a documented and public history of abusive and deceitful behaviour.

The SDRCC is aware of the many hours of advocacy it took just to have the Athlete Helpline stop saying that victims of abuse should bring their allegations against WCL leadership to the fake "independent" lawyer Adam Klevinas. The fact that it took the better parts of 2019 and 2020 just to remove Adam Klevinas only to then have the Athlete Helpline start referring victims to Andrew Furguele demonstrates frighteningly dangerous organizational dysfunction that must be addressed in the near future, however we are only volunteers and have only so much time we can dedicate to making sport safer. Today our focus is on the urgent matter of Frank Fowlie being associated with the SDRCC.

I would remind the SDRCC that victims of sexual abuse care very little about "impressive" resumes, when a simple Google search of Frank Fowlie quickly reveals that he has a public history of abusing others in a demeaning and physically imposing manner. There is no amount of resume building that erases Frank Fowlie's public legacy as a man who victims of abuse, particularly Indigenous victims of sexual abuse, would be likely to avoid.

In summary, if the SDRCC is genuinely interested in creating a safe space for victims to make sensitive disclosures, then all involvement with Frank Fowlie should be suspended until a comprehensive review is made to determine if this man's association with the SDRCC decreases the likelihood that victims of abuse will make disclosures.

To that end, myself and others in wrestling are willing to participate in any SDRCC review to provide disturbing first-hand information about Frank Fowlie. In the interim, I would ask that his name be removed from anything associated with the SDRCC.

With regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]

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Frank Fowlie

From: [REDACTED]
Sent: February 11, 2021 10:59 AM
To: tamara@[REDACTED]
Cc: eamonn dorgan; Dave@[REDACTED]
Subject: Moving Forwards

Dear Tamara,

My reason for ending direct communication with WCL was because of Lucas, but now that Lucas is gone I consent to you communicating with me directly. I am comfortable with it now given that you are someone Spinney trusts. Please copy both Eamonn and Spinney on any communication with me. I still give permission for Eamonn and Spinney to be my representatives in wrestling.

I will be meeting with a lawyer soon to discuss my options regarding Lucas, and I expect that she will say I should sue him. I want you to know that if this is the road I go down, I will tell her that I prefer to deal only with Lucas, and not involve WCL. I realise that she may tell me that it's easier dealing with a corporation in Canada than chasing Lucas wherever in the world he is, but I am not doing this for money. I just want the opportunity to reclaim my voice from this man.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] It brings me great relief knowing that Lucas is gone from the Canadian wrestling community.

I also wanted to let you know that I'm very grateful for my coaches. Eamonn has always been there for me - if it wasn't for him I wouldn't be wrestling. It's unfortunate how WCL put him through more than a year of discipline proceedings dealing with [REDACTED] lies, and I can see how it has devastated his health. I am thankful that Spinney stepped in and spoke up for me when I needed it. During the Christmas season, I was close to quitting because my fear of being harassed by Lucas almost outweighed the passion that I have for this sport. I dreaded the idea of starting a new year with Lucas being involved in my future. When I found out that Spinney told him to stay away for me or face the police, I realized that I would be safe.

I have heard talk about a great reset, and with Lucas gone, I hope that you, Eamonn, Dave, and I can have a reset in our relationship and see each other as friends in sport.

Kind regards,

From: Ahmed Shamiya <ahmed.a.shamiya@[REDACTED]>
Sent: July 26, 2021 6:13 PM
To: [REDACTED]
Cc: Walker, Vicki (PCH); Anne Merklinger; Tamara Medwidsky; integrity@sportaus.gov.au; complaints@wrestling.ca
Subject: Athlete Safety

Dear [REDACTED]

My name is Ahmed Shamiya. I am a multi-time Canadian USport champion wrestler who has represented Canada around the world. I am the Head Coach of one of Wrestling Canada Lutte's National Training Centres located in Hamilton, Ontario. I also volunteer with a group of coaches, athletes, and parents who support wrestlers who have been abused in sport. My primary role in this group is to support Black, Indigenous, and LGBTQ+ athletes, while facilitating mentorship between more senior wrestlers of colour and younger athletes.

I write to let you know that a man who you are now associated with, named Lúcas Ó'Ceallacháin, has engaged in abuse/maltreatment of athletes and coaches in Canadian wrestling according to several athletes and coaches who have started legal proceedings against Mr. Ó'Ceallacháin.

I recognize that these are extremely serious allegations and the athletes and coaches involved do not make them lightly. I have viewed the disturbing evidence which includes statements from athletes and coaches, audio/video recordings, etc. **Mr. Ó'Ceallacháin is now being officially sued by a victim through the Canadian courts** (it is my understanding that legal documents were filed with the court earlier this month). I am also of the understanding that other athletes and coaches will be filing their claims in the courts against Mr. Ó'Ceallacháin in the very near future.

As a coach who cares deeply for the well-being of athletes in the black, Indigenous, and LGBTQ+ communities, I am very concerned that Mr. Ó'Ceallacháin may victimize others before the often lengthy legal process is completed (courts in Canada are often very slow). As such, I believe I have a duty as a racialized Canadian coach, and support person for many athletes of colour, to let your organization know about the information and evidence I have seen.

One of the ways that we support athletes is to make efforts to try and stop abusive men from continuing to harm athletes within the Canadian sport community. We do this by providing access to facts and evidence. The reason that I am reaching out to [REDACTED] is because I saw on a social media platform that your organization has connected Mr. Ó'Ceallacháin with a Canadian National Sport Organization ([REDACTED]).

Having seen the overwhelmingly negative impact that Mr. Ó'Ceallacháin had on the sport of wrestling in Canada, I felt it was important to provide your organization with the opportunity to address personnel issues. Please know that we have no interest in anyway harming [REDACTED]'s business which is why [REDACTED] is not copied on this email.

I recognize that receiving emails out of the blue from someone who [REDACTED] has no relationship with does very little to establish that [REDACTED] should have reasonable grounds to be concerned about its involvement Mr. Ó'Ceallacháin. Therefore I propose that we arrange a time for your associate, Mr. Ó'Ceallacháin, to attend a Zoom meeting in order to transparently answer questions related to his time working in Canadian high-performance sport. For example, through this questioning you will learn that Mr. Ó'Ceallacháin resigned almost immediately after he became aware that his continued harassment of a young female athlete, including maltreatment that never would have taken place if the athlete was a heterosexual woman, could result in a

criminal complaint and subsequent criminal charges against him. This was noteworthy because during Mr. Ó'Ceallacháin's time with Wrestling Canada Lutte, several men involved in Canadian wrestling had been charged with sex crimes and harassment against victims in wrestling. Even though Mr. Ó'Ceallacháin spent much of his time working remotely outside of Canada, he was well aware that the police in Canada take these matters very seriously. (Prior to this meeting you will receive letters of consent for Mr. Ó'Ceallacháin to speak about certain athletes.)

Because [REDACTED] is a business and may have concerns about responding to an email that may be nothing more than false allegations, I would like to provide a gesture of respect for [REDACTED]'s time/resources by proposing the following:

- If [REDACTED] agrees to have Mr. Ó'Ceallacháin attend a Zoom meeting to answer questions I will ensure that [REDACTED] is sent \$750 USD for Mr. Ó'Ceallacháin's time for a maximum of 3 hours. Or if [REDACTED] would prefer, I would ensure that a \$1000 donation would be made to [REDACTED]. Following the call I will ensure that you are sent a transcript of the call along with additional evidence from those who allege that Mr. Ó'Ceallacháin has engaged in abuse and maltreatment of Canadian athletes and coaches.

I am sure that we can all agree that following this process [REDACTED] will be in a far more knowledgeable position with hard facts and data that will allow it to make the best decisions moving forward.

You will notice that I have included on this email Canada's Director-General of Sport and the CEO of Own the Podium. These individuals are the two most powerful women in Canadian sport today. Since Mr. Ó'Ceallacháin worked closely with Own the Podium for several years I would encourage [REDACTED] to ask these Canadian sport leaders if their organizations will provide Mr. Ó'Ceallacháin with a **current positive reference letter**. Alternatively, you might want to simply ask these Canadian sport leaders if they believe in the veracity of [REDACTED] and Madison Park's allegations of abuse/maltreatment against Mr. Ó'Ceallacháin. I strongly suspect that they will not provide you a current reference for Mr. Ó'Ceallacháin as of July 2021, nor will they deny the veracity of the allegations of Ms. [REDACTED] or Ms. Parks. I believe that anyone who has knowledge of the facts would be deeply concerned about the impact of Mr. Ó'Ceallacháin on athletes.

And finally, separate and apart from [REDACTED]'s desire to not have abusive men associated with your organization, I want to offer some perspective as a high-performance coach that might be valuable for your company. [REDACTED]'s website states that you desire to help your clients "**create competitive advantage**". Lúcas Ó'Ceallacháin not only left a legacy in Canada of athletes and coaches alleging abuse, but he was the High-Performance Director during what is likely the **single greatest decline of performance in Canadian wrestling history**. As someone who has grown up in wrestling seeing Canadian women ALWAYS qualifying 100% of the spots for the Olympics, it is almost impossible to believe that in just one single Olympic cycle, with Lúcas Ó'Ceallacháin at the helm, Canadian female wrestling now only has 33% of the weight classes attending the Olympics that we had in Rio 2016. This is an unprecedented and catastrophic decline in competitive performance - a fundamental difference in this past Olympic cycle is Wrestling Canada's involvement with Lúcas Ó'Ceallacháin as the High-Performance Director. In short, [REDACTED]'s involvement with Mr. Ó'Ceallacháin seems to be at odds with [REDACTED]'s desire to "**create competitive advantage**".

Please let me know if [REDACTED] agrees to my proposal, and if so, provide a time for the Zoom meeting and an address for which I can send the funds.

Regards,
Ahmed Shamiya

Frank Fowlie

From: Tamara Medwidsky [REDACTED]
Sent: February 8, 2021 5:36 PM
To: Complaints & Appeal Officer
Subject: FW: Notice

Hi Frank,

Just reviewing my emails from the weekend again and I realize that you were NOT copied on this particular one. We'll add it to our list of things to discuss tomorrow.

Thanks, Tamara

From: David Spinney <Dave@[REDACTED]>
Date: Saturday, February 6, 2021 at 3:28 PM
To: "ed.zinger@[REDACTED]" <ed.zinger@[REDACTED]> "officials@oawa.ca" <officials@oawa.ca>
Cc: "Walker, Vicki (PCH)" <vicki.pch@[REDACTED]> Tamara Medwidsky [REDACTED]
"info@danielesauvageau.com" <info@danielesauvageau.com> Gary Bird [REDACTED]
Subject: Notice

Dear Mr. Ed Zinger,

For several years you have engaged in demeaning, misogynistic, and harassing behaviour directed at **multiple women in wrestling**.

Madison Parks is formally making you an offer:

Voluntarily depart from the sport wrestling until she retires from her competitive career, likely this year, but possibly as long as Paris 2024.

If you accept this offer, Ms. Parks will agree not to escalate these concerns in any manner that seeks to address your harassment of her.

Based on your past actions we doubt that you will accept this offer however, please be aware that if Madison is forced to escalate and seek sanctioning of your conduct, thereby involving witnesses, we will present this correspondence as evidence that we provided you an opportunity to achieve a resolution that would allow you to return to wrestling relatively unscathed. In other words, if you spare members of the wrestling community the anxiety of becoming involved as a witness against you (one of the most powerful wrestling officials in Canada), you have the opportunity to get off relatively easy.

Please be advised that for reasons that have already been provided to Wrestling Canada Lutte and Sport Canada neither I nor Madison will be a **complainant** in any WCL Discipline Proceeding at this point, however, if you don't accept this offer Wrestling Canada Lutte will be provided evidence of your behaviour regarding misogynistic, demeaning, and harassing conduct in wrestling.

We realize that because of WCL's past behaviour you may be hopeful that WCL will call on lawyer's like Bryan Ward or Adam Klevinas to assist in this matter, or perhaps you are hoping that a wrestling official who is subordinate to you will suddenly show up as the voice of the Discipline Panel, as was the case in the past. However, as you can see the **Director-**

General of Sport is copied on this email and she has already been provided audio recordings of you, in your own words, harming women in wrestling. We highly doubt WCL's past shenanigans will be easily repeated.

Thankfully the world of Canadian wrestling officials has proven to be filled with those who are willing to share evidence confidentially. I am grateful that others had the courage to audio record a powerful wrestling official like yourself engaging in this shameful behaviour. We are confident that unlike in years past your bad behaviour will be appropriately addressed if we are forced to escalate further.

And finally, we acknowledge that you have every right to due process. You are entitled to defend yourself against accusations. Likewise, victims are entitled to present you an offer that seeks to achieve a resolution that is more holistic, collaborative, and humanizing than the adversarial construct of Canadian sport conflict resolution or the Canadian justice system. We are entitled to make you an offer that is more victim-centric in which members of the wrestling community are spared the anxiety of having to present evidence against one of Canada's most powerful wrestling officials.

Please advise by 5 pm (Eastern) February 9th, 2021 if you would like to pursue this less adversarial approach and we will send you a draft agreement. If we don't hear from you we will assume that you are not accepting this offer and we will then begin to escalate these issues.

Mr. Gary Bird, you are being copied because you are the number one official in Canada.

It is impossible to describe in a single paragraph how essential officials are to our sport. Most people have no idea how quickly wrestling would perish in Canada without our referees. Unfortunately, Mr. Zinger failed to appreciate or care about how important officials are to wrestling in Canada. He failed to see how his reckless and hurtful conduct could so quickly bring the reputation of Canadian wrestling officials into disrepute. This horribly demeaning behaviour did not come from a low-level provincial official, rather it came from a man who chose to place himself at the very pinnacle of Canadian and Olympic sport. This was not a one-time mistake and Mr. Zinger should have known better.

I am sure that you are aware that many people in the wrestling community believe that you and Mr. Zinger are "joined at-the-hip", however, I have always known you to be someone who will enter the Wrestling Hall of Fame as an official who deeply loves wrestling and who has thousands of volunteer hours to prove it. I trust that regardless of any personal relationship, you will counsel Mr. Zinger to do the right thing and accept this conciliatory offer.

Respectfully,

Dave

**David W. Spinney, President
M.A.(Econ.) CIM® FCSI®**

Executive Assistant:

[REDACTED]
[REDACTED]

AUTUS WEALTH | CAPITAL

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Frank Fowlie

From: David Spinney <dave@[REDACTED]>
Sent: Thursday, August 12, 2021 5:07 PM
To: mcasselin@[REDACTED]
Cc: Tamara Medwidsky; Jordan Goldblatt
Subject: Frank Fowlie

Dear Marie-Claude Asselin,

I hope this message finds you safe and well. As you may know, we have already provided detailed evidence of abuse to the Right Honourable **Justin Trudeau** Prime Minister of Canada, the Honourable **Steven Guilbeault** Minister of Heritage, the Honourable **Kirsty Duncan** Deputy Leader of the Government in the House of Commons, the Honourable **Mark Miller** Minister of Indigenous Services, the Honourable **Carolyn Bennett** Minister of Crown-Indigenous Relations, and the Director General of Sport **Vicki Walker**.

The Government of Canada is aware that I have been for years supporting many athletes who have suffered abuse, including Indigenous athletes who have been sexually abused in wrestling.

For the past 20 years WCL leadership has engaged in systemic reprisals against coaches and athletes who speak out against abuse. Some of these matters are already before the courts. Some of these matters will be before the courts in the coming months. And some of these matters are being addressed directly before the Government of Canada, elected officials, the police, and sports authorities.

As a small part of this advocacy, we have made the above-named parties aware that since at least December 2, 2020, WCL Officer/SDRCC Investigator Frank Fowlie not only demonstrated outrageous bias in the sport of wrestling, but he has engaged in reprisal behaviour against multiple coaches and athletes; reprisals that he knew, or ought to have known, would cause damage to victims and deepen a culture of fear and silence. For example, Frank Fowlie has breached athlete confidence on multiple occasions, including inappropriately sending humiliating information to the peer group of a young woman immediately after she reprimanded him for his misogynistic conduct. His behaviour as WCL Officer is consistent with his well-established public incidents of abuse and retaliation.

Of particular concern is that Frank Fowlie has a well-documented tribunal history of engaging in deceitful behaviour intended to advance his own personal agenda.

Please note that we have already shared much of these concerns with Wrestling Canada Lutte. Hopefully WCL once again responds to our public pressure and ends their relationship with yet another Safety Officer who we exposed making wrestling more dangerous.

For the past half year members of the wrestling community, including myself, have continued to make the Government of Canada and Canadian sport leaders aware about the inappropriate nature of having Frank Fowlie involved in any role meant for victims to disclose abuse.

Frank Fowlie and the Safety of Athletes

According to abuse-free-sport.ca the webpage "was created to host the Canadian Sport Helpline, aimed at offering a safe place for victims and witnesses of abuse, harassment and discrimination in sport to share their concerns and get advice on next steps."

The Athlete Helpline was being administered by the SDRCC and so I am compelled to tell you as CEO that it makes sport less safe when Frank Fowlie continues to be listed as an investigator.

<https://abuse-free-sport.ca/investigation-unit-investigators/>

The SDRCC shares a measure of responsibility for the culture of fear and silence that still exists in Canadian sport because your organization knows (or should know) that victims are less likely to come forward and disclose abuse when the SDRCC partners with men who have a documented and public history of abusive and deceitful behaviour.

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I would remind the SDRCC that victims of sexual abuse care very little about "impressive" resumes, when a simple Google search of Frank Fowlie quickly reveals that he has a public history of abusing others in a demeaning and physically imposing manner. There is no amount of resume building that erases Frank Fowlie's public legacy as a man who victims of abuse, particularly Indigenous victims of sexual abuse, would be likely to avoid.

In summary, if the SDRCC is genuinely interested in creating a safe space for victims to make sensitive disclosures, then all involvement with Frank Fowlie should be suspended until a comprehensive review is made to determine if this man's association with the SDRCC decreases the likelihood that victims of abuse will make disclosures.

To that end, myself and others in wrestling are willing to participate in any SDRCC review to provide disturbing first hand information about Frank Fowlie. In the interim, I would ask that his name be removed from anything associated with the SDRCC.

With regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:



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Frank Fowlie

From: Ahmed Shamiya <ahmed.a.shamiya@[REDACTED]>
Sent: Thursday, September 1, 2022 1:11 PM
To: Mark Bourrie
Cc: Frank Fowlie; Andre Marin
Subject: Re: Mr. Shamiya's email of August 29

Mr. Bourrie,

Instead of spending your time trying to intimidate me, you might want to redirect your efforts towards making another complaint with the RCMP. Perhaps your client can send your case law to Officer [REDACTED] of the Richmond RCMP and take another shot at trying to persuade him to charge me with a crime.

The Ontario Court of Appeal in Paragraph 4 of R. v. Simoes describes the facts in that case. The court states,

"E-mails inviting sexual activity were sent to the complainant's employer from fake e-mail accounts set up in the complainant's name. The same sexually explicit message was posted on an adult cyber-dating website. That posting also included the complainant's photo."

I encourage you to use your legal skills and attempt to convince the RCMP that concerned Palestinian immigrants communicating facts and evidence with their Member of Parliament is pretty much the same thing as the facts in R. v. Simoes.

Your client has a remarkable history of failed legal proceedings and while I do appreciate the money I will receive when I am awarded costs against your client (likely double costs), I strongly urge you to finally get some legal advice from a reputable criminal law colleague and show some self-restraint before sending me ridiculous letters that are nothing more than transparent bluster. If you believe my email of "August 29 contains a new litany of false allegations that are actionable." then spend your time doing actual legal work and amend your Statement of Claim instead of sending me letters trying to scare me with your nonsensical arguments.

Like I said previously, I am extending you the generous courtesy to seek an injunction before I send my correspondence to my Member of Parliament. Save your arguments for the court and the upcoming tribunals that will be addressing Fowlie's violations of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport.

Ahmed

On Wed, Aug 31, 2022 at 5:03 PM Mark Bourrie <bourrielaw@gmail.com> wrote:

Mr Shamiya,

Please find attached a letter concerning the email you sent to parties and counsel in the defamation lawsuit filed against you by my client, Dr. Frank Fowlie.

yours truly,

Mark Bourrie PhD JD
Co-counsel to Dr. Frank Fowlie

The information in this email is intended solely for the addressee(s) named and is confidential. Any other distribution, disclosure or copying is strictly prohibited. If you have received this communication in error, please reply by email to the sender and delete or destroy all copies of this message. Thank you.

Ce courriel est transmis à titre confidentiel et n'est destiné qu'à la personne ou à l'entité à qui ils sont adressés et pourraient bénéficier du secret professionnel. Un tel privilège est réclamé de façon expresse. Si vous avez reçu ce courriel par erreur vous êtes prié de contacter l'auteur immédiatement et d'effacer la version originale. Veuillez ne pas diffuser, distribuer ou copier. Merci.

Frank Fowlie

From: Andre Marin <andremarinlaw@gmail.com>
Sent: Monday, August 29, 2022 11:01 AM
To: Mark Bourrie; Frank Fowlie
Subject: Fwd: Next Steps Concerning Fowlie

You can't fix crazy!

Sent from my iPhone

Begin forwarded message:

From: Ahmed Shamiya <ahmed.a.shamiya@[REDACTED]>
Date: August 29, 2022 at 11:09:21 AM EDT
To: justins@[REDACTED] Mark Bourrie [REDACTED] Andre Marin
[REDACTED]
Cc: David Spinney [REDACTED] dtaylor@[REDACTED] KCaron@[REDACTED]
Subject: Next Steps Concerning Fowlie

Dear Legal Representation for Frank Fowlie, David Spinney, Mara Schiavulli,

I am writing to advise all of you that I will be making an official WCL Complaint against Frank Fowlie today for engaging in racist and threatening behaviour.

Also, I would like all of you to know that once the WCL Discipline Process addressing Fowlie's racism is complete, myself, some fellow Palestinians, McMaster students and alumni who feel strongly about the integrity of Canada's immigration system, will be reaching out to my Member of Parliament, The Honourable Karina Gould. We will be providing her with detailed information concerning the past and recent disturbing behaviour of Frank Fowlie.

We will be asking Minister Gould to speak with her colleague, The Honourable Sean Fraser, Minister of Immigration, Refugees, and Citizenship, to investigate the appropriateness of Frank Fowlie being involved in a decision making capacity regarding immigrants in Canada.

I realize Coach Spinney believes that since Frank Fowlie is no longer involved in wrestling, there is no need to raise any concerns about Fowlie. However, after seeing Fowlie's most recent racist, xenophobic, and threatening behaviour, I cannot simply stand by and remain silent while this bully remains in a position of authority over the lives of immigrants. My family has received immeasurable benefit from Canada's immigration system and I feel I have a duty to share important information about Frank Fowlie with the Government of Canada - a serial bully who uses his position of privilege as a white man to engage in the maltreatment of women, minorities, and immigrants.

It is also important for the sexually abused and harrassed female athletes and coaches that I am supporting to see that I continue to take a stance against men in positions of authority behaving badly. I have come to learn that the strength I demonstrate in the face of bad behaviour has a positive impact upon victims who are too fearful to speak out themselves.

Out of respect for Coach Spinney, I am letting his legal counsel know my intentions in advance so that there are no surprises. I also want the record to be clear that I am giving Fowlie

advanced opportunity to mitigate any of the damages that he might later seek to claim. For example, I will send Fowlie all of my communication with the Government of Canada in advance so that he has enough time to seek an injunction to suppress my communication.

When I communicate with the Government of Canada, I will share facts and evidence that demonstrates:

- Fowlie's past abusive and dangerous behaviour (Tribunal proven)
- Fowlie's deceitful conduct in Tribunal settings
- The circumstances of Fowlie being described by WCL as the "judge, jury, and executioner" as well as WCL's references to the scathing rebuke Fowlie received during his role with Athletics Canada
- Fowlie's outrageous double standards being applied to the harassment of women and minorities in wrestling in favour of white men in positions of power, including harassment that would have been impossible if one of the victims were a heterosexual women. These facts concerning Fowlie's treatment of women in wrestling will be especially compelling after the allegations of [REDACTED] and Madison Parks are heard before The Office of the Sport Integrity Commissioner. I am fairly certain Fowlie will NOT be involved in the hiring of any of those Panel members.
- The public shaming of Madison Parks as a direct violation of Sections 2.2.6.1.1 and 2.2.1.2.1 of the Universal Code of Conduct to Address and Prevent Maltreatment in Sport
- Fowlie's most recent racist and threatening language as described below

Below is the text that will be in my WCL complaint.

Ahmed Shamiya

My complaint is distinct from Coach Spinney's in that I am only reporting only one specific issue; **racism**.

Frank Fowlie has engaged in a violation of **section 2.2.1.2.1 of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)** when Fowlie/his representation made: *comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening*

I am formally making a complaint that Frank Fowlie/Fowlie's representation has engaged in racist and threatening behaviour during my time participating in 2 separate WCL Discipline Proceedings (one as a respondent and one as a witness). Fowlie's most recent objectionable comments are highlighted below in yellow.

On July 12, 2022 I was sent an email from Fowlie/Fowlie's representation in which he referred to me and other BIPOC "Participants" in the sport of wrestling using racist language.

Fowlie's legal representative said, "*This is like an internet scam. We never really know what the three amigos are up to, except no good.*"

The Everyday Language of White Racism

I am attaching a screenshot of what comes up when you google "three amigos". The pictures in this screenshot speak volumes. It is shameful that Frank Fowlie thinks it's OK to reduce BIPOC coaches (who happen to share phenotypical characteristics of Latin American people) to "comical" racist stereotypes.

The social psychologist Dr. Christian Tileaga of Loughborough University states,

"Irrespective of the chosen analytical perspective, analysis of the language of racism considers "speaking about others" a matter of paramount significance. This is a far-reaching issue that can help one understand not only the interplay and role of language, culture and race in the continuous reproduction of racism.....Commonsensical meanings we attach to race and racism, to language and the way we use language, are said to be an integral part of how racism operates and perpetuates itself in society."

The Complainant will likely attempt to downplay the racism in this July 12, 2022 communication because he is clearly obtuse to the standards expected in Canadian sport in 2022, however I would ask WCL to consider what would happen if Frank Fowlie dressed up like the "three amigos" and walked around our campus at McMaster University (or any of the many campuses that host WCL Training Centres). I suggest that Frank Fowlie would quickly learn that standards related to racism in 2022 are very different than they were 36 years ago in 1986 (the year that the Three Amigos movie was released).

There is no excuse for white people to refer to brown people as **"three amigos"**. I acknowledge that because of the colour of my skin, I sometimes gets mistaken as Latin American, however I am brown because I am ethnically Palestinian.

Scholars refer to this behaviour as the "everyday language of white racism" - see Ms. Jane Hill's publication on the matter (Online ISBN: 9781444304732). It is deeply offensive when white people engage in name calling that perpetuates "comical" stereotypes of my skin colour - **it is racist and has no part in a WCL Discipline Hearing or in wider Canadian society.**

I am attaching a news article that speaks about the racism of the "three amigos" comment.

<https://www.sandiegouniontribune.com/opinion/letters-to-the-editor/sd-three-amigos-response-utak-20170616-story.html>

Additional Racism and Xenophobia from Fowlie/Fowlie's Representation

I was also a witness in another WCL Discipline Proceeding in which I was provided evidence demonstrating that Frank Fowlie/Fowlie's representation engaged in racially demeaning behaviour.

As part of my duties in that hearing, I read an email dated June 9th, 2022, from Fowlie/Fowlie's representative to the WCL Complaint's Officer Yampolsky. Fowlie/Fowlie's representative says:

"One day, your "determinations" may set off a complainant who might successfully hunt for your head"

"You are laying the groundwork for your demise. Remember that. Remember where you heard it first. You might consider resigning before it gets to that. By the way, you might want to invest in a spell check. Your email, with all its grammar and syntax mistakes make you look amateurish."

In the "three amigos" news article referenced above, it states, "Community members who have been impacted by words that reflect **casual racism and actual fear** for their families need more than an apology". As you read the words of Frank Fowlie/Fowlie's representation you can clearly see the **violent and threatening** messaging, while he simultaneously engages in xenophobic ridicule of an immigrant. The news article's description of "actual fear" rings true when you read these intimidating words from Fowlie.

The WCL Complaints Officer Ilan Yampolsky, it would seem, speaks English as a second language. I come from a family of immigrants and so I realize that because of the age at which some people arrive in Canada, newcomers may continue to speak English with an accent and make grammatical mistakes. It is beyond question that belittling an immigrant because of flaws in their English is cruel and offensive. I am a BIPOC wrestling coach who has seen and experienced racism in the sport of wrestling. I believe I have a duty to take a stand against racism in all its forms.

Appropriate Resolution

I ask that Frank Fowlie receive a reprimand from a WCL Panel for violating Section 2.2.1.2.1 of the UCCMS by using racially offensive and threatening language during the course of WCL Discipline Proceedings as well as an indefinite suspension that will only be lifted once Frank Fowlie has provided an apology letter for using racially offensive and threatening language.

Frank Fowlie

From: Ahmed Shamiya <ahmed.a.shamiya@[REDACTED]>
Sent: Monday, July 18, 2022 9:58 AM
To: Timothy Cullen
Cc: Madison Parks; David Spinney; Andre Marin; Mark Bourrie; Frank Fowlie; Ilan Yampolsky; Tamara Medwidsky
Subject: Re: Fowlie v. Spinney et al. - Response of the Panel

Dear WCL Executive Director Tamara Medwidsky,

I am writing to you to express my concern about the racism taking place in 2 WCL hearings of which I am involved in; one of which I am a Respondent and one in which I am a witness (or possible representative). At the end of this email I ask WCL a very important question.

Facts

On July 13, 2022 I wrote to Panel Cullen and carefully and thoughtfully expressed my concerns about the racism I had just suffered in the hearing.

On July 15, 2022 Panel Cullen reprimanded all sides for "*lack of civility*" in the content of our "*written exchanges*" in this proceeding. I have only had one "written exchange" in this hearing and that was my July 13, 2022 email.

On July 16, 2022 I read an email dated June 9th, 2022 from Frank Fowlie's legal representative. In this email Dr. Fowlie's representation said to the WCL Complaint's Officer Yampolsky,

"You have no credibility left at all. You continue to show animus against Dr. Frank Fowlie. I see no need to respond to either of your "determinations." You're not a judge. You are like a traffic cop directing traffic. You have no legal credentials whatsoever. And you don't even offer what little contribution you can make to your "determination".

Dr. Fowlie through his representative also said,

"One day, your "determinations" may set off a complainant who might successfully hunt for your head".

Dr. Fowlie through his representative also said,

"You are laying the ground work for your demise. Remember that. Remember where you heard it first. You might consider resigning before it gets to that. By the way, you might want to invest in a spell check. Your email, with all its grammar and syntax mistakes make you look amateurish".

As you can see Dr. Fowlie engages in racist and disrespectful behaviour on matters that I am involved with. Reading this email was terrifying. **Dr. Fowlie's side aggressively foreshadows the imminent harm of the WCL Complaint's Officer - using speech laced with horribly violent descriptions while simultaneously engaging in blatantly racist and xenophobic commentary about the Complaint Officer's imperfect English.**

I ask Panel Cullen, how can Dr. Fowlie complain about me when he speaks like this to the new Complaint's Officer?

When I was criticizing Dr. Fowlie, I was advocating for athlete safety - Dr. Fowlie on the other hand was engaged in nothing more than a reprehensible racist tantrum related to the decision of Mr. Yampolsky to send his violation of confidentiality to a Discipline Panel.

Aftermath

I have gone back and read my July 13, 2022 email multiple times and I am at a loss to understand how my email amounted to a "*lack of civility*". All I did was speak out against a man who has a historical record of engaging in aggressive bullying type behaviour, who was actively engaging in casual white racism against me in the hearing. Panel Cullen's letter indicates that he believes that speaking out against racist behaviour amounts to a "lack of civility". Clearly I stand no chance of being absolved by Panel Cullen.

I have barely slept since having experienced Dr. Fowlie's racist bullying taking place in events of which I am involved with. I am gutted that even speaking out will cause someone in a position of power like Panel Cullen to reprimand me. The emotional impact upon me is significant.

Analysis

Dr. Fowlie's negative comments about a non-native English speaker's grammar is reprehensible and the courts have condemned this kind of behaviour.

In *R v Stephan*, 2021 ABCA 82, the Alberta Court of Appeal case addressed this exact issue of xenophobic and racist conduct in which a trial judge negatively commented on the speech and grammar of a witness.

In this case the Crown argued that the way a person speaks should have no bearing on the weight of their evidence, saying the comments made by the judge about the witness were "*downright degrading*". The Crown argued that the judge in that case "*sent a message to people who speak English as a second language that they shouldn't even bother participating in our courts*". The Alberta Court of Appeal condemned the judges comments as a factor in demonstrating an apprehension of bias, leading to the overturning of the trial judge's decision.

(FYI - Dozens of medical and legal experts filed a complaint against Justice Terry Clackson alleging that he acted in a "*discriminatorily*" fashion and "*harshly mocked*" a medical examiner's accented speech. This complaint has been accepted and is being adjudicated by the Canadian Judicial Council's conduct committee. www.cbc.ca/news/canada/calgary/alberta-judge-terry-clackson-complaint-medical-expert-1.5944109)

Frank Fowlie's behaviour as an "expert" sends a message to participants in wrestling, that if you speak English as a second language, you shouldn't even bother participating in our Discipline Proceedings unless you are prepared to be demeaned and belittled.

Dr. Fowlie should not be allowed to demean a non-native English speaker in this way and he shouldn't be allowed to make racist comments to BIPOC members of the wrestling community, or anyone else for that matter. **This abusive/harassing behaviour simply has no place in Canadian sport.**

Is WCL Willing to Take a Stance on Dr. Fowlie's Everyday White Racism?

Ms. Medwidsky, I am sure you can appreciate that since McMaster University is a stakeholder in WCL (as part of USport), they may have serious concerns about the shockingly brazen racism taking place in the two hearings I am involved in. They may also have objections to the reprimand I received on July 15, 2022 after I expressed my concerns about racism. **It is not in the interest of WCL to have its stakeholders believing that BIPOC coaches or athletes are being subjected to racism in their involvement with WCL.**

Since Panel Cullen found my words problematic, then perhaps a news article that speaks to the racism of the "three amigos" comment would be less objectionable. www.sandiegouniontribune.com/opinion/letters-to-the-editor/sd-three-amigos-response-utak-20170616-story.html

This is truly the everyday language of white racism.

I have an extremely serious question for WCL about its interpretation of its own Code of Conduct. Sec. 48 of the WCL Discipline Policy says that the discipline and complaints process "involves" WCL and so please do not avoid answering this very serious question because there are no Policy prohibitions on WCL commenting on Dr. Fowlie's racist and xenophobic conduct at this time.

If a white man engages in casual racism against a BIPOC coach, and that coach speaks out in the way that I spoke on July 13, 2022, has that coach committed an offence worthy of a reprimand?

I do not speak on behalf of McMaster University, but I can tell you that they take racism very seriously. Once this hearing is over I will be showing McMaster everything, including WCL's answer, or non-answer, to this question.

Regards,
Ahmed Shamiya

On Fri, Jul 15, 2022 at 4:39 PM Timothy Cullen [REDACTED] wrote:

Dear Parties and Counsel,

In response to all of the correspondence that has been exchanged this week, the Panel notes:

1. Mr. Spinney's extension was understood to have been sought in respect of his own submissions and was accordingly granted in respect of his own submissions. Before rendering a decision in respect of any of the Respondents, the Panel will be reviewing all submissions from the Claimant and Mr. Spinney.
2. This is a Process #1 proceeding, which does not contemplate motions being made to the Panel. The role of the Arbitrator is limited to a determination with respect to sanction in relation to the Complaint on the basis of the written submissions of the parties. No motions will be heard by the Panel in this process.
3. While the subject matter of the Complaint is deeply personal for the parties and tensions are high, the Panel is disappointed by the lack of civility in the content of the written exchanges from all sides in this proceeding. The Panel reminds all parties and counsel that the use of inflammatory language, quick quips and other uncivil exchanges do nothing to advance the positions of the parties in this proceeding and will be disregarded by the Panel in any event.
4. Counsel for the Claimant know better than to copy a non-participant on an exchange in this proceeding, regardless of the fact that the particular non-participant in this instance may be fully aware of this proceeding and the allegations in the Complaint. The Panel expects all parties and counsel to respect the confidentiality of this Complaint process as contemplated by the WCL policy.



Timothy Cullen

Partner, Litigation and Dispute Resolution

[REDACTED]

[REDACTED]

[REDACTED]

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From: Madison Parks <[madisonparkspoa@\[REDACTED\]](mailto:madisonparkspoa@[REDACTED])>
Sent: Wednesday, July 13, 2022 8:28 PM
To: Ahmed Shamiya <[ahmed.a.shamiya@\[REDACTED\]](mailto:ahmed.a.shamiya@[REDACTED])>
Cc: David Spinney <[Dave@\[REDACTED\]](mailto:Dave@[REDACTED])> Andre Marin [REDACTED] Timothy Cullen [REDACTED]
Mark Bourrie [REDACTED] Ilan Yampolsky [REDACTED]
Subject: Re: Schiavulli and Shamiya's default in meeting the July 11, 2022 deadline

[EXTERNAL/EXTERNE]

Dear All,

After Frank Fowlie was fired and was no longer in a position of power over my daughter I put him out of my mind...all communication ended. I was relieved that this misogynist would never again engage in maltreatment of my daughter...good riddance to the so-called "independent" Complaints Officer who "***styled himself as the judge, jury, and executioner***". (WCL lawyer Mr. Goldblatt wrote those highlighted words immediately before Frank Fowlie was terminated)

But after these most recent disrespectful emails that make racist commentary and false allegations it's apparent that I'm still being forced to deal with this man's ugly behaviour. I may share the same skin colour and appearance as many Mexicans but I am Canadian. It's wrong to refer to me and these 2 BIPOC coaches as "three amigos".

I find it deeply offensive that the Complainant makes demeaning racist comments in a manner that suggests that he believes that he's immune from being held to the standard of behaviour that is acceptable in the current era of Canadian sport. It seems obvious that Frank Fowlie's inglorious termination from WCL has taught him no humility whatsoever.

Frank Fowlie continues to behave like a bully whose legal team uses insults, false allegations, and racist commentary simply because they feel like it.

For the above stated reasons, I would like to join Coach Shamiya and Coach Spinney in my criticism of a man who, among other things, violated the Universal Code of Conduct to Prevent and Address Maltreatment in Sport while harming my daughter - a man who is still behaving badly today.

I readily admit that my email today is the same kind of criticism that I've made against this "expert" in the past - criticism that has resulted in me being a Respondent in this hearing. By this rationale, it only makes sense to add today's email to the "evidence" that Frank Fowlie believes is deserving of my lifetime ban. Perhaps Frank Fowlie can amend his Statement of Claim to include my criticism from today and then re-submit his amended Statement of Claim to Panel Cullen as evidence against me.

Please read the sentence in which Frank Fowlie asks Panel Cullen for my permanent removal from wrestling. This single sentence demonstrates the inappropriateness of Frank Fowlie being in the role of WCL's Complaints Officer far better than 10,000 words written by me ever could. In the words of Mr. Goldblatt, "*What is clear is that this Complaint became personal to the Officer. He abandoned neutrality and entered into the fray. This was inappropriate*"

This "expert" actually believes that for the rest of my life I should be prohibited from attending a tournament to watch my daughter compete because as a parent I spoke out against his maltreatment of my daughter.

But of course Frank Fowlie thinks I'm deserving of the most extreme sanction in all of sport, because after all, Fowlie has a history of failed claims in which he purports to have been victimized by some form of injustice (Spinney's submissions will prove it). Even Mr. Goldblatt has criticized Fowlie for "*comparing himself to a victim of domestic violence.*" It's no wonder that WCL realized that this "expert" needed to be fired.

I stood up and spoke out against a man in a position of power who was engaging in Maltreatment of my daughter and if that means that Panel Cullen is going to punish me for it then, like Coach Shamiya, I will accept those sanctions as a badge of honour.

I ask that my name be added in support of both Coach Shamiya's and Coach Spinney's motions.

Mara Schiavulli

On Wed, Jul 13, 2022 at 11:41 AM Ahmed Shamiya [REDACTED] wrote:

Dear All,

I forgot to attach the screenshot in my last email. Please find attached a screenshot of what comes up when you Google "three amigos". As you can see, the pictures that appear prominently speak loud and clear.

Ahmed Shamiya

On Wed, Jul 13, 2022 at 11:23 AM Ahmed Shamiya [REDACTED] wrote:

Dear Panel Cullen and Mr. Yampolsky,

Upon the conclusion of this hearing I will be meeting with my employer McMaster University to give them an update on these matters.

McMaster University has taken a very strong stance in the last two years on issues relating to racism. I am confident that when McMaster reads all of the documentation related to Frank Fowlie they will be disturbed regarding how he has treated BIPOC coaches and athletes from December 2020 until present.

Coach Spinney's submissions will deal with the double standards that the Complainant applied to white people and BIPOC members of the wrestling community, but I am compelled to speak up here and now in the face of the Complainant's ongoing racism.

The Everyday Language of White Racism

I am attaching a screenshot of what comes up when you google "three amigos". The pictures in this screenshot speak volumes. It is shameful that the Complainant thinks it's OK to reduce BIPOC coaches (who happen to share phenotypical characteristics of Latin American people) to a "comical" racist stereotype.

The social psychologist Dr. Christian Tileaga of Loughborough University states,

"Irrespective of the chosen analytical perspective, analysis of the language of racism considers "speaking about others" a matter of paramount significance. This is a far-reaching issue that can help one understand not only the interplay and role of language, culture and race in the continuous reproduction of racism.....Commonsensical meanings we attach to race and racism, to language and the way we use language, are said to be an integral part of how racism operates and perpetuates itself in society."

The Complainant will likely attempt to downplay the racism in this July 12, 2022 communication because he is clearly obtuse to the standards expected in Canadian sport in 2022, however I would ask the Panel to consider what would happen if Frank Fowlie and his two white lawyers dressed up like the "three amigos" and walked around our campus at McMaster University (or any of the many campuses that host WCL Training Centres). Please consider if Dr. Fowlie would impress anyone with his resume when dressed like that. I suggest that Frank Fowlie would quickly learn that standards related to racism in 2022 are very different than they were 36 years ago in 1986 (the year that the Three Amigos movie was released).

While I believe that Frank Fowlie has egregiously misrepresented the facts in many of his allegations, let me admit here and now that I have assertively criticized Frank Fowlie's behaviour on many occasions. **I have consistently taken the position that Frank Fowlie behaves like a bully who does not belong in the position of Complaints Officer in which victims of abuse, particularly Indigenous victims of sexual abuse, should be expected to trust Frank Fowlie to receive their sensitive disclosures.**

The sport of wrestling has a serious problem with gender-based sexual violence as evidenced by the fact that at least three more victims of sexual abuse in wrestling have spoken out in recent months (including an Indigenous victims of sexual abuse). Separate and apart from these three victims, in this year alone a wrestling referee and a Provincial Coach from the last Canada Games have been criminally convicted for sexual assault (the latter being sentenced to four years in jail).

Sadly, the Government of Canada statistics are undeniable - only 5% of victims of sexual violence come forward to disclose abuse and so it is incumbent upon the Canadian sport dispute resolution system to ensure that the Complaints Officers hired to receive these disclosures/allegations do not behave in a way that will cause victims to be hesitant to speak to the Officers.

As has been stated previously, no amount of resume building can erase the fact that Frank Fowlie has a historical public record of being a bully. The CTA Tribunal proved that Frank Fowlie is a bully (as well as someone who will nefariously change evidence in order to advance his false and failed narrative). Frank Fowlie's 2021 treatment of Madison Parks proved that he is a bully. And yesterday's July 12, 2022 correspondence proves that Frank Fowlie is still a bully who behaves like we are back in 1986.

Let me be perfectly clear what I am alleging: **White male Complaints Officers who behave like Frank Fowlie decrease the likelihood that female and BIPOC victims will make disclosures of sexual abuse and harassment - for this reason Frank Fowlie made the sport of wrestling less safe.** The submissions of Coach Spinney will demonstrate this.

If Panel Cullen convicts me of a WCL Code of Conduct violation for speaking out about Frank Fowlie during his time as WCL Complaints Officer, then it will be a badge of honour that I will wear proudly.

Mr. Yampolsky, upon our return to Canada in August, Coach Spinney and I will be making a formal WCL complaint for the "Disrespectful Conduct" of the Complainant's July 12, 2022 communication - I simply will no longer tolerate racist and bullying behaviour from Frank Fowlie and/or his representation.

But in the meantime, I would like to make my own separate motion. I am asking the Panel to do more than Coach Spinney is asking in his motion.

Motion: I make a motion that Panel Cullen immediately denounce the July 12, 2022 correspondence from the Complainant as "disrespectful conduct".

I respectfully submit that it is important that the Panel restores order by making it clear that the Panel believes that we as BIPOC coaches should be safe to participate in this hearing without experiencing racist disrespectful conduct.

Regards,

Ahmed Shamiya

On Wed, Jul 13, 2022 at 6:54 AM David Spinney <Dave@autus.ca> wrote:

Dear WCL Discipline Panel Ilan Yampolsky and Panel Cullen,

I write to you today for 2 reasons:

Issue #1: The Volume of Reading

The first reason I write is to possibly be of assistance with respect to the 50 extra pages of reading that the Complainant has added to the Panel's mandate.

Frank Fowlie believes that submitting a 50-page Statement of Claim at this late stage "*provides all of the salient arguments and analysis of the various emails*".

I believe it is inappropriate to ask a WCL Discipline Panel to read a 50-page Statement of Claim meant for the Civil courts in a Process #1 WCL Discipline Hearing dealing with "Disrespect Conduct".

However, since Dr. Fowlie/Marin wants his Statement of Claim used as evidence against me then I will consider providing you with the Statement of Defence for myself and Ms. Schiavulli, prior to the deadline.

Since the parties are not allowed to question each other, I ask that the Panel weigh the strength of the competing documents on their face. You will be able to see that the Statement of Defences provides a clear and rational example of how Frank Fowlie makes erroneous allegations.

I plan on making a larger submission before my deadline as well, but I wanted to make you aware of my intentions.

Issue #2 Directing the Complainant to Cease Disrespectful Conduct

As stated above, it is clear on the face of those of the legal pleadings that the Complainant makes many erroneous claims/allegations. You will see from my upcoming submissions that it was Dr. Fowlie's own bad behaviour that caused him to be fired by WCL.

In fact, in the last 2 weeks we have all just had a chance to experience in **real-time** how the Complainant makes false accusations. In the Complainant's June 29th, 2022, letter to the WCL complaints officer, it was stated that:

"Mr. Spinney is not an official member of the team Canada coaching staff at the Commonwealth game. He's being deceitful and disingenuous and claiming that he is part of any team Canada coaching."

He also stated,

"Mr. Spinney is merely attending as a tourist or observer, not in any formal capacity. "Volunteer Coach" as he calls himself do not have any standing."

I submit to WCL Discipline Panel Ilan Yampolsky and Panel Cullen the June 29, 2022, letter from the Executive Director of Wrestling Canada Lutte establishes that the Complainant's June 29th, 2022, allegations are false and derogatory.

To state that I would make such a flagrant and egregious lie about my role as a coach for Canada is a serious allegation that speaks directly to my role within Wrestling Canada Lutte - an accusation that is clearly false.

I ask the Panel to take note that once the Complainant makes an allegation, he apparently expects it to be believed as truth regardless of what the facts state. In the last 2 weeks you have seen this bizarre and incomprehensible behaviour - it speaks to the credibility of Dr. Fowlie's allegations as a whole. For example, yesterday, July 12, 2022, the Complainant just said. *"Spinney asked for a postponement of his submission based on HIS purported coaching at the Commonwealth Games, which we demonstrated was a complete fake."*

Panel Cullen, what is going on here? Did we not all read the June 29, 2022, letter from the Executive Director of WCL that clearly stated that I am part of, *"WCL's coaching staff for the 2022 Commonwealth Games in Birmingham, England. He is expected to be travelling from August 3 to 9, 2022."*

How is the Complainant simply ignoring the facts? He has received the letter from WCL and yet he continues to make these disparaging allegations against me. Clearly, I am being neither *"fake"* or *"deceitful"* regarding my coaching role at the Commonwealth Games.

It is disturbing that while making these false allegations of being *"deceitful"* in my role as a coach the Complainant continues to use rude, inflammatory, and racist language.

For example, there is no excuse for white people to refer to brown people as *"three amigos"*. I spoke with Coach Shamiya yesterday and he would like to point out that because of the colour of his skin he sometimes gets mistaken as Latin American, however he is brown because he is ethnically Palestinian. I am also a person of colour, and even though my family originated from Cuba I was born and raised in Canada. I am in no way Latin American or Spanish - I

am Canadian. Scholars refer to this behaviour as the “everyday language of white racism” - see Ms. Jane Hill’s publication on the matter (Online ISBN: 9781444304732). Coach Shamiya and I don't appreciate white people engaging in name calling that perpetuates "comical" stereotypes of our skin colour - **it is racist and has no part in a WCL Discipline Hearing.**

Furthermore, the Complainant specifically mentioned Madison Parks in his June 29, 2022, letter. Referencing Ms. Parks in simple timeline protestation provided absolutely no evidentiary/argumentative value to the issue he was advancing. When the WCL Complaint’s Officer considers the totality of historical circumstances between Madison Parks and Frank Fowlie it is evident that the inclusion of Madison Parks in his June 29, 2022, letter was **beyond disrespectful** to the young athlete/victim.

I will have more to say about the Complainant's Disrespectful Conduct in my submissions, but in the meantime, I make the following motion.

Motion: I make a motion that the Panel order the Complainant to cease his Disrespectful Conduct which includes racist name-calling, inflammatory language, and making transparently false allegations.

Thank you,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

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From: Andre Marin [REDACTED]

Date: Tuesday, July 12, 2022 at 5:55 PM

To: Timothy Cullen [REDACTED]

Cc: Mark Bourrie [REDACTED] Ahmed Shamiya [REDACTED] Madison Parks

<[madisonparkspoa@\[REDACTED\]](mailto:madisonparkspoa@[REDACTED]) "KCaron@[REDACTED]" [Dave@\[REDACTED\]](mailto:[REDACTED])

[REDACTED] Ilan Yampolsky [REDACTED]

Subject: Re: Schiavulli and Shamiya's default in meeting the July 11, 2022 deadline

We reject this contention. Spinney asked for a postponement of his submission based on HIS purported coaching at the Commonwealth Games, which we demonstrated was a complete fake.

Regardless of his blustering email, he was never acting on behalf of the three defamers.

This is like an internet scam. We never really know what the three amigos are up to, except no good.

We request a decision based on the evidence you have before you. Not misc emails you might get from Spinney.

ANDRÉ MARIN LAW

PROFESSIONAL CORPORATION

André Marin, B.A., L.L.L.-JD

Barrister and Solicitor/Avocat et notaire
Of the Ontario Bar/Barreau de l'Ontario



Bio: <https://www.linkedin.com/in/ontarioandremarin/>

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On Jul 12, 2022, at 5:44 PM, David Spinney [REDACTED] wrote:

Dear Panel Cullen,

This is a single hearing that involves 3 Respondents. My submissions speak to all of Dr. Fowlie's allegations involving all three parties who he alleges were acting in concert.

For example, I will be using the erroneous allegations of Dr. Fowlie against Ahmed Shamiya to help demonstrate the absurdity of all these allegations.

Thank you,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]

[REDACTED]

[REDACTED]

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<image001.png>

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From: Andre Marin [REDACTED]
Date: Tuesday, July 12, 2022 at 5:25 PM
To: Ilan Yampolsky [REDACTED]
Cc: "Dave@" [REDACTED] Mark Bourrie [REDACTED] Ahmed Shamiya
[REDACTED] Madison Parks <madisonparkspoa@> Ilan Yampolsky
[REDACTED] "KCaron@" [REDACTED] Timothy

Cullen [REDACTED]

Subject: Schiavulli and Shamiya's default in meeting the July 11, 2022 deadline

Dear Mr. Yampolky:

Please acknowledge receipt and copy whomever I might have missed, if anyone.

ANDRÉ MARIN LAW

PROFESSIONAL CORPORATION

André Marin, B.A., LL.L.-JD

Barrister and Solicitor/Avocat et notaire
Of the Ontario Bar/Barreau de l'Ontario

<image002.png>

[REDACTED]

[REDACTED]

Bio: <https://www.linkedin.com/in/ontarioandremarin/>

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Frank Fowlie

From: Ahmed Shamiya [REDACTED]
Sent: Monday, September 20, 2021 12:23 PM
To: complaints@wrestling.ca
Cc: Tamara Medwidsky; edurant@[REDACTED] RatushnyD [REDACTED]
Subject: A Continuing Double Standard

Dear Government of Canada, and/or Commissionaire of Inquiry, and or Trial Judge, and or Human Rights Tribunal,

Even though you will not likely be reading this correspondence for a period of weeks or months I am addressing you in advance to establish for the record that I am aware of the nefarious games that Frank Fowlie continues to play, however, I am never-the-less participating in good-faith in this WCL Discipline Process even though it is biased and not genuinely attempting to address issues of athlete safety.

I also wanted to point out to you the enormous amount of effort and pressure it took just to have Frank Fowlie demonstrate the most basic levels of respect to address me by name. As you consider Frank Fowlie's abusive past, his 5 Instances of Misconduct, and his unwillingness to even respect a complainant's wishes to be addressed by name, I ask yourself if you think this is the kind of man who victims of abuse, particularly racialized victims of sexual abuse, would feel safe making disclosures too. WCL Officer Fowlie's behaviour is a textbook example of how WCL has been able to help silence victims of abuse for so many years.

WCL Officer Fowlie,

Thank you for referring to me by name.

I realize that you liken yourself to a victim (you have an established public history of falsely claiming you have been mistreated). Although I think it is most likely that you are behaving as a "hired gun" for WCL (just like the previous 3 Safety Officers), I am willing to consider the possibility that you are not being sinister but instead you possibly genuinely operate from a belief system suffering from grand delusion. Let me state for the record:

I know that it must be frustrating to have your public history of abuse and deceit discussed over and over again, however I remind you that you are the person who chose to generate money as someone who victims of abuse in wrestling should be expected to trust with sensitive disclosures. You applied for a job that affords you massive power to impact the lives of others. For this reason, so long as you remain in this position of incredible importance to the safety of our sport and the lives of others, your very public history as abusive and deceitful behaviour, along with the horrible behaviour you have demonstrated to marginalized groups within the wrestling community, will remain a live issue that will continue to be discussed as relevant to the issues at hand.

With respect to my complaint I am aware that you are trying to impede my efforts, however I will continue to dedicate a little more time to establish that I was more than reasonable in the efforts I made to advance a complaint - a complaint intended to help make the sport safer for marginalized members of the wrestling community.

WCL Officer Fowlie asks:

Will you please advise why Mr. Ratushny and Ms Durant are included as CC's in this email? How did you come to know of their involvement, if any, with any WCL Matter?

Coach Spinney has provided me information about this ongoing matter and I am copying parties that I believe are involved.

WCL Officer Fowlie, will you now authorize Ms. Durant to continue her investigation and afford my allegations the same investigatory resources you afforded the male Caucasian complainants who hold/held positions of power in WCL/the sport of wrestling?

Regards,
Ahmed Shamiya

Frank Fowlie

From: Ahmed Shamiya [REDACTED]
Sent: Saturday, September 18, 2021 11:49 AM
To: complaints@wrestling.ca; Tamara Medwidsky; RatushnyD@[REDACTED]
Cc: edurant@[REDACTED]
Subject: Complaint Follow-up

Dear WCL CEO Medwidsky

I ask you to take note that the WCL Officer has repeatedly decided to not address me by name and/or title. Because of his established tribunal history of abuse and deceit, along with his very concerning behaviour during his time as the WCL Officer, I believe that Frank Fowlie is a dangerous and abusive man who should not be involved with our sport, and yet despite my views I still demonstrate the professional courtesy of addressing him by name and/or title when sending him communication.

I realize that given the 5 serious instances of disturbing behaviour of Frank Fowlie during his time in wrestling, not addressing complainants by their name or title is a relatively minor instance of unprofessionalism by comparison, however I feel it appropriate to demonstrate to WCL all aspects of unprofessionalism when Officer Fowlie is receiving complaints.

Please add this to the growing list of examples of why it is reckless for WCL to expect that complainants and/or victims of abuse disclose abuse to a man who doesn't even address the sender by name when he receives complaints, consistently behaves in a way that creates fears of bias, and who grotesquely violates the privacy of abused athletes.

Officer Fowlie,

You should not have to be repeatedly corrected on issues of professionalism/misconduct. Please do better when you communicate with those who make complaints.

Thank you for the graphic. You are already very familiar with these facts and issues and so it should take you no time to tell me what the next steps are. Any delay in communicating your decision will be perceived as a stalling tactic.

My statutory declaration (and witnesses) is all the evidence that I will be proceeding with in my complaint. The audio recording referred to in my statutory declaration includes information about females in the wrestling community beyond Madison Parks. After receiving legal advice, I sent copies of the audio recording to those who were demeaned as well as sport authorities such as Sport Canada and WCL. After losing my laptop on a recent international trip I realized how quickly sensitive information could get into the wrong hands. As a result, I deleted much off of my phone because I did not want to be responsible for storing that kind of sensitive evidence/information.

Among those who have received the audio recordings are Madison Parks, WCL, and Sport Canada. If you would like a copy of the recording you are certainly free to ask for them. Perhaps you could do the same thing you did when you were investigating Madison Parks and you can send all of those people a letter saying that they will be contacted by a lawyer who will be investigating Ed Zinger for Code of Conduct violations. I am sure I don't need to remind you how you sent that written communication about Madison Parks out to the wrestling community even though the only evidence that Lucas Ó'Ceallachán was able to provide you was rumours and gossip. Fortunately I am not providing you with rumours or gossip, rather I am speaking about what I directly witnessed.

Again, I am proceeding in my complaint with my sworn statement. I suspect that Ed Zinger or Lucas Ó'Ceallachán did not give you a sworn statement.

Like so many tribunal hearings it will be my word (and the word of witnesses) against that of the respondent. You could of course do what you have done previously when WCL staff made complaints/allegations and you could hire Ms. Durant as the investigator who could speak with Ed Zinger and simply ask him if the portions of my Statutory Declaration that describes my interactions with Ed Zinger are accurate.

Obviously I expect bias from you because of your previous behaviour, but I would like you to render a decision anyways for the record.

Please tell me how you are proceeding.

Regards,
Ahmed Shamiya

Frank Fowlie

From: Ahmed Shamiya [REDACTED]
Sent: Sunday, September 19, 2021 3:37 PM
To: complaints@wrestling.ca
Cc: Tamara Medwidsky; edurant@[REDACTED]
Subject: More Bad Behaviour

Officer Fowlie,

I note that you still refuse to address me by my name despite my request.

As a late aged Caucasian man who boasts about being a police officer from decades ago, and who has already been proven by a tribunal to be abusive and deceitful, I should not be surprised that you would not afford basic levels of respect to a young Muslim Palestinian.

I note that you also used your discretionary power to apply a grotesque double standard when you were provided allegations of abuse of a Queer BIPOC athlete against a caucasian man. In that case you recommended "going for a beer". But when 2 Caucasian men wanted to make a complaint against a BIPOC coach after he spoke against the abuse of a BIPOC athlete you hired 3 lawyers and a police officer to go after that BIPOC man.

You sir, are displaying transparent racism. As this young Black Indigenous Queer woman advances her lawsuit against you I will be keeping the Government of Canada apprised of the verifiable facts and evidence. Based on your historically verifiable behaviour I take the position that men who behave like you have no business dealing with refugees or immigrants while employed by the Government of Canada. When I start sending facts and evidence to the Government of Canada I look forward to your cease and desist letters, almost as much as I look forward to a possible lawsuit or human rights complaint because after all Frank Fowlie, that is your historical record.

I am aware that you make fake extortion allegations and so it's important that you are told that even if you start behaving better at this very moment there is nothing you can do that will prevent me from exercising my right to keep the Government of Canada informed about matters of public record.

You don't have to like me Officer Fowlie, but as a WCL Complaints Officer you do have to afford basic levels of respect to complainants. Once again, I insist that you begin behaving better; my name is Ahmed Shamiya.

Officer Fowlie states:

[Please provide a copy of the correspondence you have received from WCL indicating they will not be acting as the complainant.](#)

I never said that I received correspondence from WCL indicating that they will not be acting as the complainant (strange how you seem to have such a poor handle on the facts...or perhaps this is just part of the transparent games you are playing). Coach Spinney told me last week that Ms. Parks was very upset because she had just found out that WCL was not willing to be the complainant against Ed Zinger.

Officer Fowlie states:

[From what you have written below you have not provided a written request explaining why you did not make the complaint within 14 days.](#)

This is now the third time I have explained this but I am willing to do it again for the record:

Reason for not Reporting within 14 Days

When I first heard Ed Zinger demeaning women in the wrestling community, I was fearful to speak out. Mr. Zinger is a very powerful person in the wrestling community and has the power to hurt both me and my athletes through reprisals. I have personally experienced severe reprisals for speaking out against abuse and I have seen other people experience reprisals after they spoke out against abuse and maltreatment. Reprisals were also confirmed in the Bennett Report.

I am not sure how much clearer I can make this; **I didn't make a complaint within 14 days because I was fearful of reprisals against me and the athletes I coach.**

In February of 2021 I decided to publicly share what Ed Zinger had done and so I made a statutory declaration. It is my understanding that this Statutory Declaration and the audio recording was going to be shared with WCL (it was). In recent years WCL has acted as the complainant against men in the wrestling community however I just found out last week that WCL was not going to be acting as the complainant against Ed Zinger (I have no idea why) and for reasons that I have already explained, I felt compelled to make an official WCL complaint now knowing that nobody else is making a complaint. I must do this as part of my efforts to improve athlete safety in the sport of wrestling.

Regards,
Ahmed Shamiya



From: Ahmed Shamiya [REDACTED]
Sent: September 15, 2021 12:14 PM
To: complaints@wrestling.ca; edurant@[REDACTED] Tamara Medwidsky [REDACTED] David Spinney <dave@[REDACTED]> RatushnyD@[REDACTED]
Subject: Fwd: Exposing Abuse in Wrestling

Dear WCL Complaints Officer and WCL Panel,

I have recently discovered that WCL will not be the complainant against Ed Zinger. For this reason, I feel compelled to make a complaint against Ed Zinger myself (even though I believe the WCL discipline process is deeply flawed/corrupted).

I am attaching a statutory declaration describing these concerning events that give rise to my complaint.

The Bennett Report has much to say about the treatment of women in wrestling and I need to express as strongly as possible that when powerful men in the sport of wrestling demean and defame women, **it deepens a culture of fear and silence.**

<https://wrestling.ca/wp-content/uploads/2018/12/FINAL-WCL-Report-for-Release-December-2-2018.pdf>

Our wrestling program here in Hamilton has had multiple instances of sexual abuse and harassment (you only need to Google "wrestling coach sexual assault Hamilton") and I am currently part of a support group that assists multiple young women in wrestling, who have been sexually abused and harassed but who are too

fearful to make disclosures to the police and sport authorities. I therefore have a duty as a coach and witness to Ed Zinger's behaviour to make an official WCL complaint.

Financial and Procedural Considerations Concerning my Complaint

I have been told by David Spinney that I will be called as a witness in an upcoming hearing in which he is named as a Respondent. Coach Spinney advises that I will be asked questions about my involvement with Ed Zinger as per the attached statutory declaration.

As the coach for McMaster University, as well as the Head Coach for a WCL National Training Centre, I am a stakeholder in wrestling and my athletes have an interest in the financial health of WCL. There is a lot of discussion in the wrestling community about the incredible amount of money WCL spends on lawyers. I have heard that our NSO spends a far greater percentage of our budget on lawyers when compared to other sports. I have also learned that for the first time in 40 years, Senior level athletes will have to entirely fund themselves to the World Championships next month. Some athletes describe this as a very difficult financial hardship.

In order to minimize expenses for WCL, I propose that Erin Durant be permitted to continue her investigation into the allegations against Ed Zinger since the incident described in the attached statutory declaration involves the same issues that were partially investigated by Erin Durant previously. If WCL doesn't have the money to allow Ms. Durant to continue her investigation then **I will pay this cost.**

After this investigation, a decision can be made on whether or not my complaint should move to a Panel. If the answer is yes, then it makes sense for Mr. Ratushny to act as the Panel because he will be dealing with the same set of facts in the complaint against David Spinney. David Spinney is being ??? before the Panel with respect to communication he had with Ed Zinger and Lúcas Ó'Ceallacháin in response to the maltreatment of Madison Parks and [REDACTED], and both of these young women have made allegations against Ed Zinger and Lúcas Ó'Ceallacháin. Therefore, the Panel will be able to make a ruling on all of these issues in one single proceeding.

Victim Centric Considerations

The most important reason to include my complaint in the same proceeding being adjudicated before Mr. Ratushny is that it will allow Madison Parks and [REDACTED] to only have to attend one Disciplinary Hearing to be examined/cross-examined. Because of the abuse they have suffered at the hands of Ed Zinger and Lúcas Ó'Ceallacháin, who are/were men in positions of power over these athletes, every effort should be made to be victim-centric in the handling of these allegations. One hearing to address all of these issues is the most considerate and compassionate way forward for these young athletes. There will also be other witnesses who will be spared having to attend multiple hearings.

I remind everyone that this WCL Proceeding has already combined multiple complainants and so I hope that we are not going to experience more double-standards.

Do My Efforts to Expose Abuse in Wrestling Constitute Harassment?

The lawsuits against Frank Fowlie will address his horrible behaviour as WCL Complaints Officer (not unexpected given his established tribunal history of abuse and deceit), but that is another issue for another day; what matters right now is that he is still the WCL Complaints Officer and according to the standards of Officer Fowlie, I have apparently also engaged in systemic harassment.

I am forwarding an email describing my efforts to expose Ed Zinger. As you can see my communication is more public and my language is arguably much stronger than Coach Spinney's communication. I have also made efforts to publicly expose the abuse of Lúcas Ó'Ceallacháin, resulting in a cease and desist letter from his lawyer.

Furthermore, a good argument could be made that according to the "standards" of Officer Fowlie my communication is even more problematic because Coach Spinney's communication was making a settlement

offer when he was corresponding with Ed Zinger, but my communication made no such conciliatory offer to Mr. Zinger.

For the Record

My efforts concerning Ed Zinger and Lúcas Ó'Ceallacháin were meant to accomplish 2 things:

1. To create awareness in the sport community about Ed Zinger's dangerous behaviour. I maintain that the sport is safer when stakeholders are made aware about men in positions of power who are dangerous, harassing, and demeaning towards women.
2. To keep the Government of Canada, and the relevant organizations they fund, apprised regarding the dangerous systemic behaviour taking place in the sport of wrestling. All of these parties are stakeholders in the sport of wrestling and I will continue to communicate with the Government of Canada, the Prime-Minister's Office, and Members of Parliament, regarding relevant safety issues in our sport (as per the instructions of the Minister of Sport in 2018).

For reasons of procedural and cost efficiencies, I think my actions should also be part of Erin Durant's continuing investigation and a determination be made by WCL Officer Fowlie if I am to be named as a Respondent.

And finally I want to restate what has been said so many times; because of what has gone in WCL over the course of the previous 3 fake "independent" Complaints Officers and the Panels they have put in place; I have no faith whatsoever that this WCL complaints process is fair or unbiased, but I think that the sport of wrestling will ultimately be better off if I go through this complaint's process.

Please advise how both my **complaint** and **admission of public communication involving Ed Zinger and Lúcas Ó'Ceallacháin**, will be handled.

Regards,
Ahmed Shamiya

----- Forwarded message -----

From: **Ahmed Shamiya** [REDACTED]
Date: Tue, Sep 14, 2021 at 3:14 PM
Subject: Exposing Abuse in Wrestling
To: Ontario Amateur Wrestling Association <admin@oawa.ca>, Tamara Medwidsky [REDACTED]
<[erica.wiebe@\[REDACTED\]](mailto:erica.wiebe@[REDACTED])>, <[jasminemian89@\[REDACTED\]](mailto:jasminemian89@[REDACTED])>, <[lappage.d@\[REDACTED\]](mailto:lappage.d@[REDACTED])>, David Spinney [REDACTED]
eamonn dorgan <[moedorg@\[REDACTED\]](mailto:moedorg@[REDACTED])>, <[Steventakahashi92@\[REDACTED\]](mailto:Steventakahashi92@[REDACTED])>, <[ed.zinger@\[REDACTED\]](mailto:ed.zinger@[REDACTED])>
<officials@oawa.ca>, <[refgary@\[REDACTED\]](mailto:refgary@[REDACTED])>, <[mflinders@\[REDACTED\]](mailto:mflinders@[REDACTED])>, <[mcasselin@\[REDACTED\]](mailto:mcasselin@[REDACTED])>, Walker, Vicki (PCH) [REDACTED]
[REDACTED] <complaints@wrestling.ca>, Anne Merklinger [REDACTED]

Dear Members of the Canadian Wrestling Community, Sport Canada, and Own the Podium,

Now that I have discovered that WCL will not be advancing a complaint against Ed Zinger I bring to your attention the horrible behaviour of one of the most powerful men in wrestling.

WCL and Sport Canada are already in possession of a statutory declaration and audio recording confirming incidents that I witnessed. They have had this information for over 6 months.

Officials/Referees are essential to the success of our sport, but the evidence demonstrates that Ed Zinger is an abusive misogynist. When a young woman says that Ed Zinger has harassed her for nearly a decade, I believe her. I have seen with my own eyes how Mr. Zinger treats women in wrestling.

I firmly believe that the primary reason for the complete and catastrophic destruction of high-performance female wrestling in Canada is because for far too long, so-called "good men" have remained silent when women are abused, marginalized, and silenced. Silence has clearly led to violence for many victims in our sport.

Over the past 12 months I have had the opportunity to look carefully at what Coach David Spinney has done to support sexually abused and harassed wrestlers over the last 20 years. I realize through his example, that I cannot call myself a good man if I am silent on the important issue of safety and respect for women in wrestling. Because of the example of Coach Spinney and Erica Wiebe, I am inspired to speak out and become part of the solution.

Today my efforts are focused on exposing Ed Zinger, but he is not the first abusive man who I have helped expose in the sport of wrestling. I helped bring to light the abuse of our former High-Performance Director Lúcas Ó'Ceallacháin. In response to my efforts, Lúcas Ó'Ceallacháin tried to silence me by having a lawyer threaten me with lawsuits. I am attaching my response to those threats. Lawyers and lawsuits won't silence me.

Ed Zinger, you should be ashamed of yourself. The evidence proves that you are a misogynist who demeans and harasses women in the wrestling community. Why would any victim feel safe to come forward to disclose abuse when they realize that powerful men like you will publicly demean and shame them? What kind of man would speak that way about a young woman he coached as a child? Your actions have helped deepen a culture of fear and silence in the sport of wrestling. Do the right thing and leave our sport so that individuals who have the decency to respect women can occupy your positions of power.

WCL, your previous efforts at reprisals against me earlier this year failed, and so you had better hurry up with another "retaliation allegation" to once again try and silence me. A reckoning is coming that will further expose the deep level of corruption that continues to put athletes at risk. I will continue to demonstrate that WCL actively discourages victims of abuse, particularly victims of sexual abuse, from making disclosures to the police and sports authorities.

Erica Wiebe, I am including you on this email because you have boldly spoken out against abuse in wrestling. It is clear that you are one of the only people who has demonstrated the courage to be a public voice for change in our sport. Thank you for setting an example of leadership that is so desperately needed. I strive to be more like you and Coach David Spinney. I am hopeful that I can help make a difference in the coming months and years. I realize that you don't really know me, but I will reach out to you in the near future and privately share some important information.

Regards,
Ahmed Shamiya

From: David Spinney [REDACTED]
Sent: Friday, November 19, 2021 3:58 AM
To: Ilan Yampolsky
Cc: Erin Durant (she/her); Jordan Goldblatt; Ahmed Shamiya; Daniel Ratushny
Subject: Re: Confidential - Complaint
Attachments: Wrestling Canada Lutte Investigation for Mr Spinney.pdf; Moving Forwards; Response to your request for information

Hi Ilan,

Ahmed and I are prepared to have a conversation with you provided that if you decide to move forward with Frank Fowlie's complaint, you hire Erin Durant to continue her investigation.

In reading the report of Ms. Durant, she made it clear that she was limited in her scope of investigation. She stated that she would be willing to expand her investigation into these matters. For the sake of continuity and cost efficiency I propose that Ms. Durant be permitted to continue her investigation. Even though I have already been the subject of 2 investigations in 2021 I would be prepared to again be interviewed by Ms. Durant will provide her additional information or evidence as per her request. Further, I have attached her report. I understand that Frank Fowlie has already provide it to you, however, a previous Tribunal found that Frank Fowlie altered documents, so although I'm not saying that he altered this document, I wanted to ensure that you received the genuine article.

If WCL has funding limitations such that it cannot afford to allow Ms. Durant to continue her investigation, please let me know and I will make a charitable donation (WCL is a registered charitable organization).

I want the record to be clear that I am providing you 6 instances of very concerning behaviour regarding Frank Fowlie.

These Incidents are listed in chronological order, but please note that **The Third Incident** is the most important in my estimation.

First Incident Demonstrating Officer Fowlie's Misconduct: "Go for a Beer" Double Standard

On December 2, 2020, the Head Coach for wrestling at York University, Eamonn Dorgan, had a lengthy and detailed conversation with Officer Fowlie in which Coach Dorgan carefully described the abuse that [REDACTED] suffered at the hands of one of the highest-ranking employees of WCL leadership (Lúcás Ó'Ceallacháin). I am attaching an email that [REDACTED] sent the WCL Executive Director after the WCL High Performance Director resigned. As you can see, [REDACTED] was very close to quitting wrestling because of the abuse and harassment of the WCL HPD Ó'Ceallacháin.

In response to these December 2, 2020, disclosures, Officer Fowlie suggested to "go for beer" with WCL leadership. Please remember that WCL leadership are the people who hire and fire Officer Fowlie (As a less important aside: I find it interesting that Officer Fowlie recommended drinking alcohol within a National Sport Organization that has documented problems with drinking culture. Apparently, Officer Fowlie only cherry picks which parts of the Bennet Report suits his agenda at any given moment. But of course, Frank Fowlie cherry-picks because he has an established tribunal history of deceitful behaviour)

I would strongly recommend that you simply ask Officer Fowlie to confirm or deny if he made this "go for a beer" comment. If he denies it then please let me know and I will further assist on this evidentiary issue.

WCL should be very concerned about the incredible double standard that Officer Fowlie demonstrated when [REDACTED] was making allegations against WCL HPD Ó'Ceallacháin ([REDACTED] has since filed a lawsuit against WCL HPD Ó'Ceallacháin in the Ontario courts) and yet when the WCL HPD Ó'Ceallacháin took exception with my December 23, 2021, warning to cease all contact with [REDACTED] or face a criminal complaint, Officer Fowlie immediately hired 2 lawyers and a police officer to investigate me. He then later hired a third lawyer to act as the Panel against me, despite independent investigatory reports from the first 2 lawyers that concluded that I have not engaged in Code of Conduct violations.

Second Incident Demonstrating Officer Fowlie's Misconduct: Reprisals Against York and McMaster Coaches

Both the head coaches for York University and McMaster University publicly raised concerns about the appropriateness of expecting victims of abuse and harassment, particularly Indigenous victims of sexual abuse, to make disclosures to an older white man who brags about being a former police officer and who also has an established and public history of abuse and misogyny - a man who has been found to be physically imposing when engaging in his abuse. These concerns were especially important given WCL's troubled history of safety/complaints officers.

These coaches also raised concerns about Officer Fowlie's disregard ("go for a beer") for [REDACTED] allegations of harassment.

In response to these expressed concerns, Officer Fowlie reprised against those coaches by sending communication to both York University and McMaster University - communication for which he did **not** copy either coach. For example, the York University Administrative Coordinator [REDACTED] has stated that the WCL Officer Frank Fowlie made a complaint to York about the York Wrestling Coach Eamonn Dorgan. Please remember that Coach Dorgan was the same coach who shared detailed allegations against HPD Ó'Ceallacháin with Officer Fowlie on December 2, 2020 (the "Go for a Beer" incident).

These letters of complaint from Officer Fowlie were not a bona fide effort to fulfill his specific duties as WCL Complaints Officer (as defined by either the SDRCC or WCL's Schedule A Statement of Work) - these letters to York and McMaster were reprisals against those coaches for their public commentary of the appropriateness of Officer Fowlie's role in WCL.

Once again, I refer you to the Bennett Report statements on reprisals within WCL.

Third Incident Demonstrating Officer Fowlie's Misconduct: Officer Fowlie Retaliates by Publicly Humiliating Madison Parks

As you read the facts below, please consider the position of the SDRCC and the **UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT**.

- The **SDRCC** has been clear about its expectations of someone in Officer Fowlie's position. The SDRCC states that the Officer should "*Preserve the confidentiality of the complaints, allegations or concerns so that no one potentially conflicted in the organization may discover who the complainant is, who the person alleged to have breached the rules is, and what the allegations are about*". [http://www.crdsc-sdrcc.ca/eng/documents/Third Party - Profile and Role with Declaration EN.pdf](http://www.crdsc-sdrcc.ca/eng/documents/Third%20Party%20-%20Profile%20and%20Role%20with%20Declaration%20EN.pdf)
- The **UNIVERSAL CODE OF CONDUCT TO PREVENT AND ADDRESS MALTREATMENT IN SPORT (UCCMS)** states:
 - *Maltreatment Related to Process* consists of "**publicly disclosing a Participant's identifying information, without the Participant's agreement**" (2.2.6.1.1)
 - The UCCMS states that **Psychological Maltreatment** consists of "**humiliating**" a Participant and "**the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately**" (2.2.1.2.1)

The Facts of HPD Ó'Ceallacháin's Complaint/Allegations against Madison Parks and David Spinney (I refer myself in the third person during the following bulleted points):

- Ms. Parks is a 27 year old athlete who, like [REDACTED], is pursuing legal action for harassment. Ms. Parks has been harassed by the powerful wrestling official Ed Zinger for nearly a decade. WCL already has in its possession an abundance of evidence supporting Ms. Park's allegations of harassment. For example, WCL has an audio recording and statutory declaration confirming that Ed Zinger made publicly demeaning and humiliating commentary pertaining to his allegations of Ms. Park's sexual life. WCL also has evidence of Mr. Zinger making other false defamatory statements about female leadership in wrestling).
- On December 23, 2021, Coach David Spinney sent correspondence to WCL HPD Ó'Ceallacháin telling him that if he continued to harass [REDACTED] that a criminal complaint would be made against him. WCL is encouraged to again read the attached correspondence from [REDACTED] to the WCL CEO that states that it was Coach Spinney's December 23, 2021, email that was instrumental in preventing her from leaving sport.
- In response to Coach Spinney's December 23, 2021 email, WCL HPD Ó'Ceallacháin made 2 complaints/allegations against Coach Spinney. The first complaint was a harassment complaint. The second was a complaint/allegation that the athlete Ms. Parks and Coach Spinney were involved in a sexual relationship.
- It was later determined by the lawyer Cayley Thomas, who Officer Fowlie hired to investigate Ms. Parks and Coach Spinney, that the only evidence that WCL HPD Ó'Ceallacháin provided in his complaint/allegations were **rumours** of an inappropriate relationship. Once again, please refer to what the UCCMS states about rumours.
- On February 3, 2021, the WCL Officer sent Coach Spinney an email stating, "I am considering it to be a systemic violation of the Code of Conduct, as opposed to a single time breach. I have read the various emails and have interviewed the impacted staff. I believe the systemic complaint to be well formulated."
- In response to Officer Fowlie's allegations of harassment and sexual relationship with Ms. Parks, Coach Spinney sent an email on February 4, 2021, stating that the allegations were reprisals related to his advocacy efforts on behalf of athlete safety. Because Officer Fowlie was accusing Coach Spinney of systemic violations over time, Coach Spinney offered to provide Officer Fowlie "my previous past communication". Coach Spinney also stated that "the University of Western Ontario received these same false allegations in 2016. Western took the matter very seriously and correctly suspended me pending an investigation. The matter was investigated, I was cleared of any wrongdoing, and I was reinstated as a coach."
- In an outrageous display of **prejudgement**, the WCL officer responded to Coach Spinney's offer stating, "I do not think that these will have any relation to the matter at hand concerning the Code of Conduct allegations." I remind WCL that WCL's contract with Officer Fowlie (Statement of Work) states that Officer Fowlie is to "work with the parties by providing information, using active listening skills, and by providing suggestions, options or alternatives towards resolution". Officer Fowlie knew, or ought to have known, that he could not properly provide suggestions or alternatives towards resolution because he was not inclined to actively listen to what Coach Spinney offered to share with him.
- On February 3, 2021, Officer Fowlie sent Ms. Parks an email that stated, "Please advise me in writing by the close of business Monday (5 pm Pacific Time), February 8, 2021, of your status. If, in fact, you are in a sexual relationship with David"
- Ms. Parks responded to Officer Fowlie with a scolding email that was copied to the investigator hired by Officer Fowlie as well as several female leaders in Canadian Sport. One of the persons copied was the Director-General of Sport Vicki Walker who had already received a relevant statutory declaration of Ms. Parks in December 2020 describing the abuse she had suffered in wrestling. I am attaching Ms. Parks's email in which she references the Globe and Mail article describing Officer Fowlie's abusive history. As you read the email, you will clearly understand why Officer Fowlie was motivated to retaliate against Ms. Parks. Officer Fowlie is a man

with a well-documented history of relentlessly (and unsuccessfully) pursuing those he believes have wronged or embarrassed him - a man who was found to have engaged in deceitful behaviour in his efforts to further his agenda in tribunal settings.

- Immediately after Ms. Parks reprimanded Officer Fowlie for his insensitive and misogynistic behaviour, Officer Fowlie sent written correspondence into the wrestling community and peer group of Ms. Parks. For example, Officer Fowlie sent written communication on WCL letterhead from a WCL email address to a teammate of Ms. Parks. This teammate also serves an official role with the WCL Athlete Council. Officer Fowlie's communication specifically referenced the salacious allegations of HPD Ó'Ceallacháin (allegations pertaining to the rumours the HPD had heard about Ms. Parks' sexual activities). Ms. Parks describes feeling shame and humiliation when Officer Fowlie began publicly spreading these re-circulated false rumours, especially since she has repeatedly stated to both wrestling leadership and Western University that these rumours are false.
- In previous years board members from the Ontario Amateur Wrestling Association (OAWA) had made the same allegations of Ms. Parks and Dave Spinney being in a sexual relationship. Ed Zinger is a board member for the OAWA. Those allegations were sent to Western University and a formal investigation took place. Western University determined those allegations to be unsubstantiated rumours.

Analysis of Officer Fowlie's Reprisals Against Madison Parks:

- If Mr. Ó'Ceallacháin's allegation/complaint about Ms. Parks was true, it would have meant that Ms. Parks was in a sexual relationship with someone in a position of power, and therefore quite possibly a victim in need of support. Instead of handling the allegations of HPD Ó'Ceallacháin delicately, the facts demonstrate that Officer Fowlie behaved like a bull in a china shop and treated Ms. Parks exactly as you would expect a man with an established public tribunal history of abusive and misogynistic behaviour.
- Officer Fowlie's written communication about Ms. Parks to members of the wrestling community violated the professional standards/expectations set out by the SDRCC and the UCCMS (see above).
- Officer Fowlie knew, or ought to have known, that the disclosure of highly sensitive allegations of WCL HPD Ó'Ceallacháin to members of the wrestling community provided minimal appropriate investigatory value in an investigation of allegations of which, if true, were meant to address the possible victimization of Ms. Parks. (UCCMS 2.2.1.2.1 and 2.2.6.1.1)
- Officer Fowlie knew, or ought to have known, that he was engaging in Psychological Maltreatment by disclosing highly sensitive allegations of WCL HPD Ó'Ceallacháin to members of the wrestling community because these disclosures could reasonably be expected to cause shame and humiliation to Ms. Parks. (UCCMS 2.2.1.2.1 and 2.2.6.1.1).
- Officer Fowlie knew, or ought to have known, that the disclosure of the highly sensitive allegations of WCL HPD Ó'Ceallacháin to members of the wrestling community would diminish Ms. Park's reputation. (UCCMS 2.2.1.2.1 and 2.2.6.1.1)
- As stated in the above facts, Officer Fowlie was made aware that the rumours being advanced by Mr. Ó'Ceallacháin's had previously been investigated by Western University. Therefore, Officer Fowlie should have received Mr. Ó'Ceallacháin's allegations with a healthy and reasonable amount of caution and skepticism. This is especially so because Officer Fowlie knew that the rumours about Ms. Parks were being advanced by Mr. Ó'Ceallacháin on the heels of his harassment allegation against Coach Spinney. There is simply no justifiable excuse for Officer Fowlie to send humiliating written communication to the peer group of Ms. Parks specifically referencing the salacious allegations/rumours of HPD Ó'Ceallacháin.

Ms. Parks will prove in a court of law that Officer Fowlie behaved as a man who likens himself to a victim of domestic violence - a victim who seized the opportunity to retaliate against his abusers.

Fourth Incident Demonstrating Officer Fowlie's Misconduct: Communicating Sensitive Information with Unknown Parties

On August 4, 2021, Frank Fowlie sent an email in which he acknowledged at the outset that he was unsure of who he was communicating with, and yet in that same email he provided personal information about Ms. Parks. Again, Frank Fowlie proves that he is willing to set aside professional expectations set out by the SDRCC and the UCCMS when it suits him. This should be no surprise because Frank Fowlie has a well-established public history of engaging in deceitful and manipulative conduct when advancing arguments in tribunal.

Fifth Incident Demonstrating Officer Fowlie's Misconduct: Officer Fowlie's Accusations of Extortion

After being challenged about his bad behaviour, Officer Fowlie made it a point to inform the wrestling community that he is a former police officer.

One of the most important and primary functions of a police officer is the enforcement of the Criminal Code of Canada, and so I am sure you can imagine how shocking it was to discover that the former police officer, and now WCL Officer, told Ed Zinger that I had committed a crime against him.

Specifically, the WCL Officer told Ed Zinger, "You are being **extorted** to resign from your volunteer role in WCL, or if you do not do so that Mr. Spinney will take steps to embarrass, humiliate, or harass you" (bolded added).

I state in the strongest terms that **Officer Fowley's accusation of criminal activity is a defamatory false allegation.**

Frank Fowlie's false allegation explains why members of the wrestling community have told me that they have heard that I was involved in extortion against Ed Zinger. I have highly sensitive evidence in my possession that these extortion allegations have been leaked in the wrestling community. I am willing to share this information with Erin Durant if the evidence is kept in confidence.

Since the Frank Fowlie referenced the Bennett Report in support of his previous actions, I remind you that the Bennett Report also recommended that WCL "*Investigate all future leaks of sensitive information and sanction those responsible*"

Extortion is a Serious Crime

Extortion is a very serious criminal offence, however, the Criminal Code lists one single specific instance in which a threat is **not** extortion, and this is the "threat to institute civil proceedings".

The WCL Complaints Officer has access to experienced legal counsel and so it surely realizes that sending Ed Zinger a settlement offer prior to initiating civil proceedings is **not** extortion. We should all be very concerned that its Complaints Officer specifically accused me of this crime because of the impact it has on legitimate victims in the sport of wrestling.

Sixth Incident Demonstrating Officer Fowlie's Misconduct: Officer Fowlie's Accusations of Criminal Harassment

According to Officer [REDACTED] of the RCMP, just a few weeks ago, Frank Fowlie made a criminal complaint to the police against both Ahmed Shamiya and myself. According to Officer [REDACTED], Frank Fowlie described himself as the WCL Complaints Officer and he provided significant amounts of email correspondence he received in his role as WCL Complaints Officer.

Please ask yourself if Frank Fowlie has a duty to keep the information he receives in his role as WCL Complaints Officer confidential. Obviously, if he has a legal duty to report this information then he is required to do so, but we can agree that there is general presumption of confidentiality with respect to information he receives in his role as WCL Complaints Officer.

To be clear, Frank Fowlie was not sharing this confidential information with the police because he had concerns that someone else was being victimized rather he took information he received as the WCL Complaint's Officer to attempt to convince the police that he was a victim of criminal activity at the hands of Ahmed Shamiya and myself. Officer [REDACTED] noted 2 very concerning aspects to the criminal complaint of Frank Fowlie.

1. There was clearly nothing in the correspondence submitted by Frank Fowlie that would cause him "**reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them**". <https://laws-lois.justice.gc.ca/eng/acts/c-46/section-264.html>
2. The moment that Frank Fowlie was removed in his role WCL Complaint's Officer, all communication ended involving myself, Ahmed Shamiya, and Frank Fowlie ended. This fact further demonstrated that Frank Fowlie was attempting to advance a criminal complaint that was frivolous and vexatious.

Seriously Ilan, ask Erin Durant or any other lawyer you choose to hire if Frank Fowlie had any kind of legitimate reason to advance a criminal harassment complaint against Ahmed and myself. And after you get confirmation that there was no legitimate reason then ask yourself what is really going on here.

What is Really Going On?

Facts:

- In the weeks before Frank Fowlie contacted the RCMP, he had just received his second report from a lawyer exonerating me from allegations that he was attempting to advance. Keep in mind that Frank Fowlie had already decided that the harassment allegations against me were legitimate as indicated in Fowlie's February 3, 2021 email. It was an obvious disappointment for Fowlie when he read the report of Erin Durant who did not share his views with respect to the harassment allegations.
- Despite Erin Durant's report Fowlie took the unusual step of ignoring her and he sent the allegations to a Panel anyways.
- WCL lawyer Jordan Goldblatt is an accomplished and renowned civil litigator, and he is aware that WCL is already facing litigation addressing WCL's past nefarious weaponization of the Discipline Policy against those who speak out against abuse. Jordan Goldblatt immediately intervened and wrote scathing commentary regarding Frank Fowlie's decision to send allegations to a Panel (hence the "judge, jury, and executioner" comments). In short, Goldblatt eviscerated Fowlie.
- Frank Fowlie was effectively fired, and you were hired.
- Frank Fowlie finds himself today named in the lawsuit of [REDACTED] and he knows he is facing multiple other lawsuits, which are matters of public record. This means that when these matters progress to a trial he will likely find himself on the receiving end of damning judgements that will undoubtedly impact upon his ability to be hired into roles in which his character, credibility, and impartiality are at issue.

And so Ilan, these are the facts leading up to Fowlie's desperate attempt to exact revenge with a frivolous and vexatious complaint to the police, who obviously saw right through his antics.

Today Frank Fowlie finds himself without WCL income, he is a Defendant in civil litigation that has the potential to end his current income generating activity, and after having failed at getting the police to support his allegations, Fowlie is desperately hoping that you will support his allegations. I am reminded of the proverb that says, "As a dog returns to his vomit, so a fool repeats his folly...."

My question for you ilan is this; do you really think that victims of sexual violence are going to feel safe to come forward to disclose abuse when they know WCL Complaints Officer's like Frank Fowlie are going to behave like I have described in the above 6 Incidents?

Kindly let me know if you will hire Erin Durant to continue her investigation into these matters. Further, I am available to answer any questions or clarify any of the above, if necessary.

Regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

Executive Assistant:



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From: ilan Yampolsky [REDACTED]
Date: Thursday, November 18, 2021 at 6:26 PM
To: "Dave" [REDACTED]
Subject: Re: Confidential - Complaint

Thank you Mr. Spinney. The process that I am in charge of is very specific to the Code of conduct and discipline policy of WCL. While it would have been very beneficial to hear your side of the story on the points that relate to the allegation identified in the complaint against you, at this point I will document that you are not willing to do that. This means that I will have to proceed with my recommendation without your input.

Sensierly,

Ilan

On Thu, Nov 18, 2021 at 3:45 PM David Spinney [REDACTED] wrote:

Dear Ilan,

Thank you for your email.

This nonsensical complaint of Frank Fowlie makes reference to "Criminal Harassment", once again - this is actually getting comical ... I am aware that Frank Fowlie has attempted to make criminal complaints against me and others with the RCMP. The comments of the RCMP officer I spoke with recently confirm the same sentiments of WCL lawyer Jordan Goldblatt who has described Frank Fowlie as the "judge, jury, and executioner". I am sure you are aware that there are good reasons why you were hired and why Fowlie is no longer involved.

I recognize how angry Frank Fowlie must be to have his abhorrent, dangerous, and tortious conduct exposed, resulting in his removal as WCL's "independent" safety officer, but I have nothing further to comment as I will let the multiple lawsuits (some of which have already been filed in the courts) sort this man out. I look forward to Frank Fowlie defending himself in Ontario Superior Court where he can once again attempt to convince a judge that his experiences in wrestling are like that of a victim of domestic violence. If you do some research into Frank Fowlie, you will find that he has a rather inglorious and unsuccessful public history of attempting to convince tribunals of his perceived victimhood, only to have the adjudicators describe Fowlie's abusive behaviour and then further comment on how Fowlie engaged in deceitful conduct with respect to his handling of the evidence.

I have already submitted to 2 separate investigations ordered by Frank Fowlie and much to his chagrin, both of those lawyers conducting the investigations provided reports that were very favourable to me. I will not participate in any further investigations unless those investigations are being conducted by Erin Durant.

If you decide to send the complaints of Frank Fowlie to a Panel I will respond accordingly.

Regards,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]

[REDACTED]

[REDACTED]

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From: Ilan Yampolsky [REDACTED]
Date: Wednesday, November 17, 2021 at 7:56 PM
To: "Dave@[REDACTED]"
Subject: Confidential - Complaint

Hello Mr. Spinney,

This notice is to inform you that a formal complaint has been filed against you. I would like to hear your side of this complaint before making a decision if further investigation is required. Please review the attached complaint as well as WCL's code of conduct and ethics and Discipline policy that can be found here:

https://wrestling.ca/wp-content/uploads/2021/07/Safe_Sport_Policy_Manual-June-2021.pdf

The discipline and complaints process is confidential and involves only WCL, the Parties, the Complaints & Appeal Officer, the Discipline Panel, and any independent advisors to the Discipline Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Please confirm the receipt of this complaint and provide your response by Dec 1, 2021.

If you have any questions about the process please don't hesitate to contact me.

Kind regards,

--

Error! Filename not specified.

Ilan Yampolsky

CEO

[REDACTED]



Ilan Yampolsky
CEO
[Redacted]

ffowlie@hotmail.com

From: David Spinney [REDACTED]
Sent: Tuesday, December 14, 2021 9:54 AM
To: [REDACTED]@rcmp.grc.gc.ca
Cc: Prime Minister | Premier Ministre; patty.hajdu@[REDACTED] david.lametti@[REDACTED]
Marc.Miller@[REDACTED] pascale.st onge@[REDACTED] AG.Minister@gov.bc.ca; Tamara Medwidsky;
Jordan Goldblatt
Subject: Follow Up

Dear RCMP Officer [REDACTED],

I am following up from our telephone conversation in which you advised me that Frank Fowlie has made criminal allegations against me.

As was described to you in our conversation, Frank Fowlie's criminal complaint against me, McMaster University Head Coach Ahmed Shamiya, and possibly others, is part of an ongoing campaign of reprisals involving Wrestling Canada Lutte leadership. These reprisals are a result of our role as whistleblowers advocating for victims of abuse, including Indigenous victims of sexual abuse.

The practice of Wrestling Canada Lutte ("WCL") leadership reprisal against whistleblowers has been taking place since I first reported the sexual abuse of a child taking place in a National Training Centre almost 20 years ago. Tragically, today sexual abuse is still taking place in the sport of wrestling.

I will be sending you a significant amount of information and evidence as per the following:

- I will provide my ongoing communication with the Government of Canada, including the Prime-Minister's Office and the Director General of Sport. I am copying several Governmental leaders on this email. This will include many statutory declarations of victims of abuse, including victims of sexual abuse, demonstrating the support I have provided survivors in their efforts to heal and safely participate in the sport of wrestling.
- I will provide evidence illustrating how Wrestling Canada Lutte has engaged in the systemic practice of reprisals and other Insidious Tactics designed to discourage victims from disclosing abuse, including sexual abuse, to the police and sports authorities.
- I will provide you **Frank Fowlie's 6 incidents of Maltreatment and Misconduct** in the sport of wrestling. This will include Officer Fowlie's **violations of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport**.
- I will provide evidence demonstrating that Frank Fowlie has previously attempted to claim he was the victim of mistreatment, but when he advanced his complaints to a tribunal (the Canadian Transport Agency), it was determined that Frank Fowlie was not a victim, rather he was the perpetrator who was dangerously abusive to many affected parties. It was also determined that he was deceitful with respect to his manipulation of evidence.

I will be sending you this information in order to establish the factual context demonstrating that Frank Fowlie is not the victim of criminal harassment. Frank Fowlie is a man who acted in a role with power and authority over the lives of athletes, and like so many leaders in the sport of wrestling, he has engaged in abuse/maltreatment as defined, in part, by the **Universal Code of Conduct to Prevent and Address Maltreatment in Sport**.

Frank Fowlie was in a position of power over victims of abuse, and instead of supporting those victims, he subjected them to further maltreatment. For example, Frank Fowlie's treatment of a young Indigenous woman who suffered abuse that would never have taken place if she were a heterosexual woman, is abhorrent and inexcusable. The evidence indicates that Frank Fowlie behaved this way because it was in his financial interest to do so. For reasons such as this, he was

criticized by coaches and parents in the presence of governmental and sports leadership. In the months after these whistleblowers began exposing the conduct of Frank Fowlie, he was replaced in his role as WCL Complaints Officer. It is noteworthy that Frank Fowlie chose not to pursue civil remedies for the public commentary being made against him. Frank Fowlie understands it would cost him money to have a lawyer advance a lawsuit that has no bona fide grounds to succeed in a civil action. Making allegations to the RCMP, however, is free.

Frank Fowlie publicly boasts that he is a former RCMP officer, and he knows that after he contacted the RCMP to allege criminal harassment, you, as the investigating officer, would contact the people he complained about to gain a better understanding of what was really going on. Frank Fowlie also knows that almost every lawyer tells their clients that when a police officer contacts you and tells you that they are investigating criminal allegations that have been made against you, you should remain silent. This is why the head wrestling coach of McMaster University, who is a fearless advocate for sexually abused and harassed women, declined to speak to you when you contacted him.

In summary, former RCMP officer Frank Fowlie weaponized a criminal complaint to the RCMP in order to try and silence those who were acting as whistleblowers and exposing his role in abuse/maltreatment in the sport of wrestling.

Once you have reviewed the evidence, I ask the RCMP and British Columbia Attorney General to advance criminal charges of Public Mischief as defined by Section 143 (1) (b) and/or 143 (1) (c) of the Criminal Code of Canada, (or any charge deemed appropriate upon completion of your investigation).

As a former RCMP officer, Frank Fowlie knew he was reporting that an "offence had been committed when it had not been committed" - he certainly knew that his complaint would not result in a criminal charge. The facts and evidence demonstrate that Frank Fowlie "caused a peace officer to enter into an investigation" in an attempt to silence those who were actively accusing him of abuse/maltreatment and therefore "divert suspicion from himself".

My upcoming submissions will demonstrate how men in positions of WCL leadership, like Frank Fowlie, have been able to engage in all manner of abuse and maltreatment in order to silence victims, including Indigenous victims of sexual abuse. I am sure you recall from our telephone conversation that a very young athlete living close to your detachment in Richmond almost certainly suffered sexual exploitation at the hands of a Provincial Coach. This is a young woman who was subsequently publicly shamed by a WCL National Team youth coach. Sadly, the evidence indicates that this incredibly talented young woman left the sport of wrestling because of the ongoing shame and humiliation she felt.

Officer [REDACTED], this kind of abuse in the sport of wrestling continues to take place close to your home in the Lower Mainland, my home in London, and all across Canada. For the reasons described above, I respectfully submit that if there is single paragraph that I ask that you take away from this correspondence it is this:

With less than 5% of female victims of sexual violence disclosing abuse, the shaming and silencing of victims and whistleblowers in Canadian sport needs to stop. I believe that because of the specific behaviour of WCL Complaints Officer Frank Fowlie, the RCMP now has a role to play in helping make the sport of wrestling become safer for sexually abused athletes who are too fearful to come forward.

The submissions referred to above are forthcoming.

Regards,

Dave

David W. Spinney, President
M.A.(Econ.) CIM® FCSI®

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ffowlie@hotmail.com

From: Lúcas Ó'Ceallacháin [REDACTED]
Sent: Thursday, December 16, 2021 2:47 PM
To: ffowlie@[REDACTED]
Subject: Fwd: Follow-Up
Attachments: Follow-Up.eml; Ratushny - WCL Submission .pdf

----- Forwarded message -----

From: David Spinney [REDACTED]
Date: Thu, 16 Dec 2021 at 00:45
Subject: Follow-Up
To: Lee MacKay [REDACTED] Tamara Medwidsky [REDACTED] Jordan Goldblatt [REDACTED]
[REDACTED] Daniel Ratushny [REDACTED]
Cc: Ilan Yampolsky [REDACTED] Zinger Ed [REDACTED] Lúcas Ó'Ceallacháin [REDACTED]

Dear WCL and Panel Ratushny,

Please see attached correspondence - I suggest you begin with the PDF Document entitled, "Ratushny – WCL Submission"

Regards,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]

[REDACTED]

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Le spraoi, grá agus cúnamh,
Lúcás Ó'Ceallacháin

Dear WCL,

I am including WCL in this email because WCL is very much impacted by all of the abhorrent behaviour of WCL Officer Frank Fowlie. As you can see WCL Officer Frank Fowlie's appointee (Mr. Ratushny) is reluctant to grant a pause in this hearing while the criminal allegations of Frank Fowlie are being investigated by the police, which of course, is not surprising. As we move towards hard advocacy for a Public Inquiry (or a truly independent investigation) I want the record to be clear that I consistently provided WCL opportunities to alter their historical patterns of behaviour and opt to do the right thing. WCL may want to take a position on this.

I am providing you a copy of my recent correspondence with the investigating RCMP officer (see attached). As you can see, I have included the Government of Canada on that email with the RCMP because these events perfectly demonstrate the reprisals that I have been speaking about for many years. Fortunately, long ago in my communication with the Government of Canada I foreshadowed the reprisals that I would suffer for speaking out against abuse ... after all this has been WCL's modus operandi for years.

However, even I would not have predicted the extreme lengths that this latest WCL Complaints Officer would go to try and silence me and my witnesses. He has made former WCL Complaint's Officer Adam Klevinas's behaviour seem professional by comparison. I can't imagine a more perfect example of retaliation from a man who is presently claiming to the RCMP and others that he is still a WCL Complaints Officer (let me know if you would like me to get you evidence of this).

WCL Panel Ratushny:

A More Accurate Statement

The Panel states:

"The present disciplinary proceeding is the result of complaints filed by the Complainants pursuant to the WCL Discipline Policy (July 2018)."

Allow me to provide a more accurate statement:

"The present disciplinary proceeding is the result of Frank Fowlie, aka the "Judge, Jury, and Executioner", hiring Mr Ratushny after he was dissatisfied that 2 separate investigations conducted by lawyers did not support the allegations of the Complainant Ó'Ceallacháin. "

Mr. Rathushny, your role in this hearing is the desperate "Plan B" of a man who has engaged in abuse, maltreatment, and grotesque professional misconduct against female athletes, myself and the witnesses in this hearing. As demonstrated in the following paragraphs, you, as Frank Fowlie's hired Panel, continue to engage in language and behaviour that creates an apprehension of bias and is now bordering on bad faith.

Erroneous Legal Comments from the Panel

In response to my December 6, 2021, email in which I raised concerns about how my witnesses will not be speaking at the hearing while Frank Fowlie's criminal complaints are being investigated by police, you state:

"First, the Panel understands that a criminal investigation is normally conducted confidentially, without notification to the suspect(s) at the outset."

I have made no secret that I feared that Frank Fowlie's chosen Panel has been biased from the outset, but even I am surprised how your language blatantly continues to create concerns of bias and bad faith. Your above sentence is inappropriate for 2 reasons.

1. When Complainant Ó'Ceallacháin erroneously used the words "witness tampering" you used language that was accusatory against me and immediately called a "pre-hearing inquiry" so that you could protect the **"integrity and transparency"** of the proceedings. However, despite my repeated requests, you refused to ask Complainant Ó'Ceallacháin to provide you even the most basic of evidence that could establish if he was telling the truth with respect to his claims about [REDACTED].

When I raised legitimate concerns about the impact Fowlie's criminal allegations had on my witnesses ability to testify, your first reaction was to question the veracity/credibility of my statements. Once again you demonstrate another double standard, and you propagate further concerns of bias and bad faith.

Since you have questioned the veracity/credibility of my email, I will provide you evidence demonstrating that Frank Fowlie has made criminal allegations and that the RCMP are investigating - let the record be clear, however, I should never have had to provide you this evidence simply to overcome your implicit indictments on my credibility. **I am attaching a copy of my recent correspondence with police which establishes that the RCMP have contacted me and my witnesses.**

2. The second reason that I am concerned about your transparent attempts to question the veracity/credibility of my December 6, 2021, email is that you did so by making a statement that has been described by multiple lawyers as "foolish" and "ignorant of criminal procedure".

I was advised that some criminal complaints, especially investigations into very serious crimes, may involve the police investigating matters before the accused is contacted by police, however, in many cases, especially cases of criminal harassment and other summary and hybrid offences, the police routinely contact the accused right away. After the police receive facts and supporting evidence from a complainant alleging less serious crimes, the investigating officer(s) will soon after contact the accused to:

- i) lay charges against the accused or
- ii) gather evidence to better understand "the other side of the story".

Several lawyers have made it clear that your decision to make that comment on criminal procedure simply does not meet the professional standards of a lawyer. As a lawyer you are

not required to provide legal commentary on areas of the law in which you are not comfortable, however, if you do decide to provide commentary, you are required to do so competently. You work in a big Firm, and I am sure that you can walk down the hallway and find colleagues who will help you with criminal procedure or any other area of law that you may not be comfortable with.

Mr. Ratushny, kindly maintain a professional legal standard in your communication with me moving forward.

Legal Requirements for the Panel to Not Be Grossly Negligent or Engage in Bad Faith in his Duty to Provide the Respondent Procedural Fairness

The Panel states:

"Even if, as indicated by the Respondent below, an investigation was underway against the Respondent or any of his witnesses, there is nothing before the Panel that identifies any legal requirement upon which to postpone this proceeding. This is another statement in which the Panel is making erroneous legal commentary.

While it is true there may be no codified law that specifically prohibits a WCL Panel from adjudicating a hearing while a criminal investigation is taking place, there is **there is a legal requirement upon the Panel to not to be grossly negligent or act in bad faith when taking steps to ensure that I receive procedural fairness.**

While the law in Canada is generous in providing immunity to arbitrators from civil claims, this can be overcome if bad faith is established. Determining what constitutes procedural fairness is based on an analysis on many factors/circumstances of each unique case. Below are some of the factors and factual narrative that impact upon the determination of procedural fairness in this specific instance - this is not an exhaustive list.

- Frank Fowlie has an established historical tribunal record of nefariously advancing complaints against those who he believes have wronged him. Within tribunal settings, Fowlie has been found to be abusive against those who he complains about. Even more concerning, **Fowlie has been found to be deceitful with respect to his manipulation of evidence as he advances frivolous complaints.**
- Immediately after I warned Mr. Ó'Ceallacháin, the WCL High-Performance Director, to cease any further harassment of [REDACTED] or else a criminal complaint would be made to police, the WCL HPD contacted the WCL Complaints Officer and made 2 separate allegations/complaints against me.
- Frank Fowlie immediately hired 2 lawyers and a police officer to investigate the 2 separate allegations Mr. Ó'Ceallacháin made against me. I cooperated fully with both investigations, providing everything that the investigators asked of me. These investigations resulted in both lawyers providing reports that **did not support the allegations of the Complainant Ó'Ceallacháin.**

- The historical record conclusively establishes that I have been actively involved in publicly raising **safety concerns** about WCL's 3 previous Complaints Officer's (prior to Fowlie) with respect to bias. I also raised legitimate concerns about Frank Fowlie. As a result of our efforts the previous 4 WCL Complaint's Officers were removed from their roles. You will also notice that Frank Fowlie, aka the judge, jury, and executioner, is no longer listed as an investigator for the SDRCC. **In short, I have established a perfect record of correctly identifying WCL Complaint's Officers that don't belong.**
- During the same period that Mr. Ó'Ceallacháin's complaints were being investigated, I was actively involved in raising **safety concerns** involving **6 Incidents of Abuse and Professional Misconduct** of WCL Complaints Officer Fowlie. These 6 Incidents included abuse/maltreatment (defined, in part, by the Universal Code of Conduct to Prevent and Address Maltreatment in Sport) of female athletes, myself, and those who are witnesses in this hearing. Please see attached November 19, 2021, email detailing the 6 Incidents of Professional Misconduct involving Frank Fowlie.
- Frank Fowlie responded to my efforts to expose **safety concerns** by likening himself to a victim of domestic violence. He then summarily ignored the recommendations of the 2 investigatory lawyers and had another lawyer named Daniel Ratushny to adjudicate the allegations of Mr. Ó'Ceallacháin. It should be noted that when the Air Canada employees felt that Frank Fowlie put the aircraft at risk and took actions because of "**safety concerns**", Frank Fowlie feigned the role of victim and advanced his complaints to a tribunal (who subsequently made damning findings about Fowlie). A simple Google search reveals a historical pattern of individuals who claim that Frank Fowlie takes the role of victim when others raise concerns about his behaviour.
- The behaviour of Frank Fowlie in his dealings with me was so egregious that even WCL's lawyer referred to him as, "judge, jury, and executioner". WCL's lawyer made a motion to have Mr. Ratushny removed as Panel and the allegations of Mr. Ó'Ceallacháin sent to a new Complaint's Officer. Mr. Ratushny declined to give up the contract that Frank Fowlie had given him and moved forward to adjudicate the complaint of Mr. Ó'Ceallacháin.
- Shortly after WCL failed in having Fowlie/Rathusny removed from any involvement in these allegations. WCL hired a new Complaints Officer.
- In the wake of the effective removal of Frank Fowlie as WCL Complaints Officer, he has now contacted the RCMP to make criminal allegations against myself and the witnesses in the WCL hearing. Frank Fowlie was a police officer, and he knows that criminal lawyers almost **always advise clients to remain silent during an active criminal investigation in which they are being accused of crimes, even when the criminal allegations are plainly ludicrous, as is clearly the case here.** Frank Fowlie is fully aware who my primary witnesses would likely be, and so for him to advance criminal complaints against my witnesses, even though he knows, or ought to know, that his criminal complaint will almost certainly not result in criminal charges once these matters are investigated, appears to be **an attempt to silence my witnesses in this hearing.**

Arguments that Support a Pause in WCL Proceedings While the RCMP are Investigating the Allegations of WCL Officer Fowlie

WCL has had many instances in which the adjudication of complaints takes place years after the allegation is said to have occurred (I can provide you evidence of this if you ask). In some cases, the proceedings themselves take years. Given all of the circumstances, it is not inappropriate to have a pause in WCL proceedings, especially during a police investigation initiated by the same Complaints Officer who decided that this matter should be adjudicated in a WCL hearing.

Furthermore, you can confirm with WCL that there are no imminent safety concerns for athletes or vulnerable people with respect to these harassment allegations that have been made against me.

WCL Complaint's Officer Frank Fowlie has advanced complaints of harassment to the WCL Panel while simultaneously advancing harassment complaints against me and my witnesses to the RCMP. I submit that so long as WCL Officer Frank Fowlie's criminal allegations are being investigated by the police, the hearing should be paused so that my witnesses can follow standard and sound legal advice to remain silent while under police investigation.

Given all of the circumstances in this case, forcing this hearing to move forward knowing that my witnesses cannot attend without disobeying sound legal advice, would amount to the most extreme example to date of the WCL Panel engaging in bias and bad faith.

Fresh Legal Advice

I have received fresh legal advice. Instead of allowing the hearing to proceed in-absentia, I have been advised to attend the hearing "**under duress**". I reserve all my evidentiary legal rights with respect to defending/protecting myself in future legal proceedings. If I am forced to attend the hearing while the police investigation is taking place, I will cross examine the complainants and their witnesses, but I will not present my own witnesses for the reasons mentioned above. I will then proceed to my appeal.

Regards,

David Spinney

Frank Fowlie

From: Ahmed Shamiya [REDACTED]
Sent: Monday, July 18, 2022 9:58 AM
To: Timothy Cullen
Cc: Madison Parks; David Spinney; Andre Marin; Mark Bourrie; Frank Fowlie; Ilan Yampolsky; Tamara Medwidsky
Subject: Re: Fowlie v. Spinney et al. - Response of the Panel

Dear WCL Executive Director Tamara Medwidsky,

I am writing to you to express my concern about the racism taking place in 2 WCL hearings of which I am involved in; one of which I am a Respondent and one in which I am a witness (or possible representative). At the end of this email I ask WCL a very important question.

Facts

On July 13, 2022 I wrote to Panel Cullen and carefully and thoughtfully expressed my concerns about the racism I had just suffered in the hearing.

On July 15, 2022 Panel Cullen reprimanded all sides for "*lack of civility*" in the content of our "*written exchanges*" in this proceeding. I have only had one "written exchange" in this hearing and that was my July 13, 2022 email.

On July 16, 2022 I read an email dated June 9th, 2022 from Frank Fowlie's legal representative. In this email Dr. Fowlie's representation said to the WCL Complaint's Officer Yampolsky,

"You have no credibility left at all. You continue to show animus against Dr. Frank Fowlie. I see no need to respond to either of your "determinations." You're not a judge. You are like a traffic cop directing traffic. You have no legal credentials whatsoever. And you don't even offer what little contribution you can make to your "determination".

Dr. Fowlie through his representative also said,

"One day, your "determinations" may set off a complainant who might successfully hunt for your head".

Dr. Fowlie through his representative also said,

"You are laying the ground work for your demise. Remember that. Remember where you heard it first. You might consider resigning before it gets to that. By the way, you might want to invest in a spell check. Your email, with all its grammar and syntax mistakes make you look amateurish".

As you can see Dr. Fowlie engages in racist and disrespectful behaviour on matters that I am involved with. Reading this email was terrifying. **Dr. Fowlie's side aggressively foreshadows the imminent harm of the WCL Complaint's Officer - using speech laced with horribly violent descriptions while simultaneously engaging in blatantly racist and xenophobic commentary about the Complaint Officer's imperfect English.**

I ask Panel Cullen, how can Dr. Fowlie complain about me when he speaks like this to the new Complaint's Officer?

When I was criticizing Dr. Fowlie, I was advocating for athlete safety - Dr. Fowlie on the other hand was engaged in nothing more than a reprehensible racist tantrum related to the decision of Mr. Yampolsky to send his violation of confidentiality to a Discipline Panel.

Aftermath

I have gone back and read my July 13, 2022 email multiple times and I am at a loss to understand how my email amounted to a "*lack of civility*". All I did was speak out against a man who has a historical record of engaging in aggressive bullying type behaviour, who was actively engaging in casual white racism against me in the hearing. Panel Cullen's letter indicates that he believes that speaking out against racist behaviour amounts to a "lack of civility". Clearly I stand no chance of being absolved by Panel Cullen.

I have barely slept since having experienced Dr. Fowlie's racist bullying taking place in events of which I am involved with. I am gutted that even speaking out will cause someone in a position of power like Panel Cullen to reprimand me. The emotional impact upon me is significant.

Analysis

Dr. Fowlie's negative comments about a non-native English speaker's grammar is reprehensible and the courts have condemned this kind of behaviour.

In *R v Stephan*, 2021 ABCA 82, the Alberta Court of Appeal case addressed this exact issue of xenophobic and racist conduct in which a trial judge negatively commented on the speech and grammar of a witness.

In this case the Crown argued that the way a person speaks should have no bearing on the weight of their evidence, saying the comments made by the judge about the witness were "*downright degrading*". The Crown argued that the judge in that case "*sent a message to people who speak English as a second language that they shouldn't even bother participating in our courts*". The Alberta Court of Appeal condemned the judge's comments as a factor in demonstrating an apprehension of bias, leading to the overturning of the trial judge's decision.

(FYI - Dozens of medical and legal experts filed a complaint against Justice Terry Clackson alleging that he acted in a "*discriminatorily*" fashion and "*harshly mocked*" a medical examiner's accented speech. This complaint has been accepted and is being adjudicated by the Canadian Judicial Council's conduct committee. www.cbc.ca/news/canada/calgary/alberta-judge-terry-clackson-complaint-medical-expert-1.5944109)

Frank Fowlie's behaviour as an "expert" sends a message to participants in wrestling, that if you speak English as a second language, you shouldn't even bother participating in our Discipline Proceedings unless you are prepared to be demeaned and belittled.

Dr. Fowlie should not be allowed to demean a non-native English speaker in this way and he shouldn't be allowed to make racist comments to BIPOC members of the wrestling community, or anyone else for that matter. **This abusive/harassing behaviour simply has no place in Canadian sport.**

Is WCL Willing to Take a Stance on Dr. Fowlie's Everyday White Racism?

Ms. Medwidsky, I am sure you can appreciate that since McMaster University is a stakeholder in WCL (as part of USport), they may have serious concerns about the shockingly brazen racism taking place in the two hearings I am involved in. They may also have objections to the reprimand I received on July 15, 2022 after I expressed my concerns about racism. **It is not in the interest of WCL to have its stakeholders believing that BIPOC coaches or athletes are being subjected to racism in their involvement with WCL.**

Since Panel Cullen found my words problematic, then perhaps a news article that speaks to the racism of the "three amigos" comment would be less objectionable. www.sandiegouniontribune.com/opinion/letters-to-the-editor/sd-three-amigos-response-utak-20170616-story.html

This is truly the everyday language of white racism.

I have an extremely serious question for WCL about its interpretation of its own Code of Conduct. Sec. 48 of the WCL Discipline Policy says that the discipline and complaints process "involves" WCL and so please do not avoid answering this very serious question because there are no Policy prohibitions on WCL commenting on Dr. Fowlie's racist and xenophobic conduct at this time.

If a white man engages in casual racism against a BIPOC coach, and that coach speaks out in the way that I spoke on July 13, 2022, has that coach committed an offence worthy of a reprimand?

I do not speak on behalf of McMaster University, but I can tell you that they take racism very seriously. Once this hearing is over I will be showing McMaster everything, including WCL's answer, or non-answer, to this question.

Regards,
Ahmed Shamiya

On Fri, Jul 15, 2022 at 4:39 PM Timothy Cullen <Timothy.Cullen@mcmillan.ca> wrote:

Dear Parties and Counsel,

In response to all of the correspondence that has been exchanged this week, the Panel notes:

1. Mr. Spinney's extension was understood to have been sought in respect of his own submissions and was accordingly granted in respect of his own submissions. Before rendering a decision in respect of any of the Respondents, the Panel will be reviewing all submissions from the Claimant and Mr. Spinney.
2. This is a Process #1 proceeding, which does not contemplate motions being made to the Panel. The role of the Arbitrator is limited to a determination with respect to sanction in relation to the Complaint on the basis of the written submissions of the parties. No motions will be heard by the Panel in this process.
3. While the subject matter of the Complaint is deeply personal for the parties and tensions are high, the Panel is disappointed by the lack of civility in the content of the written exchanges from all sides in this proceeding. The Panel reminds all parties and counsel that the use of inflammatory language, quick quips and other uncivil exchanges do nothing to advance the positions of the parties in this proceeding and will be disregarded by the Panel in any event.
4. Counsel for the Claimant know better than to copy a non-participant on an exchange in this proceeding, regardless of the fact that the particular non-participant in this instance may be fully aware of this proceeding and the allegations in the Complaint. The Panel expects all parties and counsel to respect the confidentiality of this Complaint process as contemplated by the WCL policy.



Timothy Cullen

Partner, Litigation and Dispute Resolution

[REDACTED]

[REDACTED]

[REDACTED]

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From: Madison Parks <[madisonparkspoa@\[REDACTED\]](mailto:madisonparkspoa@[REDACTED])>

Sent: Wednesday, July 13, 2022 8:28 PM

To: Ahmed Shamiya [REDACTED]

Cc: David Spinney [REDACTED]; Andre Marin [REDACTED]; Timothy Cullen

[REDACTED]; Mark Bourrie [REDACTED]; Ilan Yampolsky [REDACTED]

Subject: Re: Schiavulli and Shamiya's default in meeting the July 11, 2022 deadline

[EXTERNAL/EXTERNE]

Dear All,

After Frank Fowlie was fired and was no longer in a position of power over my daughter I put him out of my mind...all communication ended. I was relieved that this misogynist would never again engage in maltreatment of my daughter...good riddance to the so-called "independent" Complaints Officer who "**styled himself as the judge, jury, and executioner**". (WCL lawyer Mr. Goldblatt wrote those highlighted words immediately before Frank Fowlie was terminated)

But after these most recent disrespectful emails that make racist commentary and false allegations it's apparent that I'm still being forced to deal with this man's ugly behaviour. I may share the same skin colour and appearance as many Mexicans but I am Canadian. It's wrong to refer to me and these 2 BIPOC coaches as "three amigos".

I find it deeply offensive that the Complainant makes demeaning racist comments in a manner that suggests that he believes that he's immune from being held to the standard of behaviour that is acceptable in the current era of Canadian sport. It seems obvious that Frank Fowlie's inglorious termination from WCL has taught him no humility whatsoever.

Frank Fowlie continues to behave like a bully whose legal team uses insults, false allegations, and racist commentary simply because they feel like it.

For the above stated reasons, I would like to join Coach Shamiya and Coach Spinney in my criticism of a man who, among other things, violated the Universal Code of Conduct to Prevent and Address Maltreatment in Sport while harming my daughter - a man who is still behaving badly today.

I readily admit that my email today is the same kind of criticism that I've made against this "expert" in the past - criticism that has resulted in me being a Respondent in this hearing. By this rationale, it only makes sense to add today's email to the "evidence" that Frank Fowlie believes is deserving of my lifetime ban. Perhaps Frank Fowlie can amend his Statement of Claim to include my criticism from today and then re-submit his amended Statement of Claim to Panel Cullen as evidence against me.

Please read the sentence in which Frank Fowlie asks Panel Cullen for my permanent removal from wrestling. This single sentence demonstrates the inappropriateness of Frank Fowlie being in the role of WCL's Complaints Officer far better than 10,000 words written by me ever could. In the words of Mr. Goldblatt, "*What is clear is that this Complaint became personal to the Officer. He abandoned neutrality and entered into the fray. This was inappropriate*"

This "expert" actually believes that for the rest of my life I should be prohibited from attending a tournament to watch my daughter compete because as a parent I spoke out against his maltreatment of my daughter.

But of course Frank Fowlie thinks I'm deserving of the most extreme sanction in all of sport, because after all, Fowlie has a history of failed claims in which he purports to have been victimized by some form of injustice (Spinney's submissions will prove it). Even Mr. Goldblatt has criticized Fowlie for "*comparing himself to a victim of domestic violence.*" It's no wonder that WCL realized that this "expert" needed to be fired.

I stood up and spoke out against a man in a position of power who was engaging in Maltreatment of my daughter and if that means that Panel Cullen is going to punish me for it then, like Coach Shamiya, I will accept those sanctions as a badge of honour.

I ask that my name be added in support of both Coach Shamiya's and Coach Spinney's motions.

Mara Schiavulli

On Wed, Jul 13, 2022 at 11:41 AM Ahmed Shamiya [REDACTED] wrote:

Dear All,

I forgot to attach the screenshot in my last email. Please find attached a screenshot of what comes up when you Google "three amigos". As you can see, the pictures that appear prominently speak loud and clear.

Ahmed Shamiya

On Wed, Jul 13, 2022 at 11:23 AM Ahmed Shamiya [REDACTED] wrote:

Dear Panel Cullen and Mr. Yampolsky,

Upon the conclusion of this hearing I will be meeting with my employer McMaster University to give them an update on these matters.

McMaster University has taken a very strong stance in the last two years on issues relating to racism. I am confident that when McMaster reads all of the documentation related to Frank Fowlie they will be disturbed regarding how he has treated BIPOC coaches and athletes from December 2020 until present.

Coach Spinney's submissions will deal with the double standards that the Complainant applied to white people and BIPOC members of the wrestling community, but I am compelled to speak up here and now in the face of the Complainant's ongoing racism.

The Everyday Language of White Racism

I am attaching a screenshot of what comes up when you google "three amigos". The pictures in this screenshot speak volumes. It is shameful that the Complainant thinks it's OK to reduce BIPOC coaches (who happen to share phenotypical characteristics of Latin American people) to a "comical" racist stereotype.

The social psychologist Dr. Christian Tileaga of Loughborough University states,

"Irrespective of the chosen analytical perspective, analysis of the language of racism considers "speaking about others" a matter of paramount significance. This is a far-reaching issue that can help one understand not only the interplay and role of language, culture and race in the continuous reproduction of racism.....Commonsensical meanings we attach to race and racism, to language and the way we use language, are said to be an integral part of how racism operates and perpetuates itself in society."

The Complainant will likely attempt to downplay the racism in this July 12, 2022 communication because he is clearly obtuse to the standards expected in Canadian sport in 2022, however I would ask the Panel to consider what would happen if Frank Fowlie and his two white lawyers dressed up like the "three amigos" and walked around our campus at McMaster University (or any of the many campuses that host WCL Training Centres). Please consider if Dr. Fowlie would impress anyone with his resume when dressed like that. I suggest that Frank Fowlie would quickly learn that standards related to racism in 2022 are very different than they were 36 years ago in 1986 (the year that the Three Amigos movie was released).

While I believe that Frank Fowlie has egregiously misrepresented the facts in many of his allegations, let me admit here and now that I have assertively criticized Frank Fowlie's behaviour on many occasions. **I have consistently taken the position that Frank Fowlie behaves like a bully who does not belong in the position of Complaints Officer in which victims of abuse, particularly Indigenous victims of sexual abuse, should be expected to trust Frank Fowlie to receive their sensitive disclosures.**

The sport of wrestling has a serious problem with gender-based sexual violence as evidenced by the fact that at least three more victims of sexual abuse in wrestling have spoken out in recent months (including an Indigenous victims of sexual abuse). Separate and apart from these three victims, in this year alone a wrestling referee and a Provincial Coach from the last Canada Games have been criminally convicted for sexual assault (the latter being sentenced to four years in jail).

Sadly, the Government of Canada statistics are undeniable - only 5% of victims of sexual violence come forward to disclose abuse and so it is incumbent upon the Canadian sport dispute resolution system to ensure that the Complaints Officers hired to receive these disclosures/allegations do not behave in a way that will cause victims to be hesitant to speak to the Officers.

As has been stated previously, no amount of resume building can erase the fact that Frank Fowlie has a historical public record of being a bully. The CTA Tribunal proved that Frank Fowlie is a bully (as well as someone who will nefariously change evidence in order to advance his false and failed narrative). Frank Fowlie's 2021 treatment of Madison Parks proved that he is a bully. And yesterday's July 12, 2022 correspondence proves that Frank Fowlie is still a bully who behaves like we are back in 1986.

Let me be perfectly clear what I am alleging: **White male Complaints Officers who behave like Frank Fowlie decrease the likelihood that female and BIPOC victims will make disclosures of sexual abuse and harassment - for this reason Frank Fowlie made the sport of wrestling less safe.** The submissions of Coach Spinney will demonstrate this.

If Panel Cullen convicts me of a WCL Code of Conduct violation for speaking out about Frank Fowlie during his time as WCL Complaints Officer, then it will be a badge of honour that I will wear proudly.

Mr. Yampolsky, upon our return to Canada in August, Coach Spinney and I will be making a formal WCL complaint for the "Disrespectful Conduct" of the Complainant's July 12, 2022 communication - I simply will no longer tolerate racist and bullying behaviour from Frank Fowlie and/or his representation.

But in the meantime, I would like to make my own separate motion. I am asking the Panel to do more than Coach Spinney is asking in his motion.

Motion: I make a motion that Panel Cullen immediately denounce the July 12, 2022 correspondence from the Complainant as "disrespectful conduct".

I respectfully submit that it is important that the Panel restores order by making it clear that the Panel believes that we as BIPOC coaches should be safe to participate in this hearing without experiencing racist disrespectful conduct.

Regards,

Ahmed Shamiya

On Wed, Jul 13, 2022 at 6:54 AM David Spinney [REDACTED] wrote:

Dear WCL Discipline Panel Ilan Yampolsky and Panel Cullen,

I write to you today for 2 reasons:

Issue #1: The Volume of Reading

The first reason I write is to possibly be of assistance with respect to the 50 extra pages of reading that the Complainant has added to the Panel's mandate.

Frank Fowlie believes that submitting a 50-page Statement of Claim at this late stage "*provides all of the salient arguments and analysis of the various emails*".

I believe it is inappropriate to ask a WCL Discipline Panel to read a 50-page Statement of Claim meant for the Civil courts in a Process #1 WCL Discipline Hearing dealing with "Disrespect Conduct".

However, since Dr. Fowlie/Marin wants his Statement of Claim used as evidence against me then I will consider providing you with the Statement of Defence for myself and Ms. Schiavulli, prior to the deadline.

Since the parties are not allowed to question each other, I ask that the Panel weigh the strength of the competing documents on their face. You will be able to see that the Statement of Defences provides a clear and rational example of how Frank Fowlie makes erroneous allegations.

I plan on making a larger submission before my deadline as well, but I wanted to make you aware of my intentions.

Issue #2 Directing the Complainant to Cease Disrespectful Conduct

As stated above, it is clear on the face of those of the legal pleadings that the Complainant makes many erroneous claims/allegations. You will see from my upcoming submissions that it was Dr. Fowlie's own bad behaviour that caused him to be fired by WCL.

In fact, in the last 2 weeks we have all just had a chance to experience in **real-time** how the Complainant makes false accusations. In the Complainant's June 29th, 2022, letter to the WCL complaints officer, it was stated that:

"Mr. Spinney is not an official member of the team Canada coaching staff at the Commonwealth game. He's being deceitful and disingenuous and claiming that he is part of any team Canada coaching."

He also stated,

"Mr. Spinney is merely attending as a tourist or observer, not in any formal capacity. "Volunteer Coach" as he calls himself do not have any standing."

I submit to WCL Discipline Panel Ilan Yampolsky and Panel Cullen the June 29, 2022, letter from the Executive Director of Wrestling Canada Lutte establishes that the Complainant's June 29th, 2022, allegations are false and derogatory.

To state that I would make such a flagrant and egregious lie about my role as a coach for Canada is a serious allegation that speaks directly to my role within Wrestling Canada Lutte - an accusation that is clearly false.

I ask the Panel to take note that once the Complainant makes an allegation, he apparently expects it to be believed as truth regardless of what the facts state. In the last 2 weeks you have seen this bizarre and incomprehensible behaviour - it speaks to the credibility of Dr. Fowlie's allegations as a whole. For example, yesterday, July 12, 2022, the Complainant just said. *"Spinney asked for a postponement of his submission based on HIS purported coaching at the Commonwealth Games, which we demonstrated was a complete fake."*

Panel Cullen, what is going on here? Did we not all read the June 29, 2022, letter from the Executive Director of WCL that clearly stated that I am part of, *"WCL's coaching staff for the 2022 Commonwealth Games in Birmingham, England. He is expected to be travelling from August 3 to 9, 2022."*

How is the Complainant simply ignoring the facts? He has received the letter from WCL and yet he continues to make these disparaging allegations against me. Clearly, I am being neither *"fake"* or *"deceitful"* regarding my coaching role at the Commonwealth Games.

It is disturbing that while making these false allegations of being *"deceitful"* in my role as a coach the Complainant continues to use rude, inflammatory, and racist language.

For example, there is no excuse for white people to refer to brown people as *"three amigos"*. I spoke with Coach Shamiya yesterday and he would like to point out that because of the colour of his skin he sometimes gets mistaken as Latin American, however he is brown because he is ethnically Palestinian. I am also a person of colour, and even though my family originated from Cuba I was born and raised in Canada. I am in no way Latin American or Spanish - I

am Canadian. Scholars refer to this behaviour as the “everyday language of white racism” - see Ms. Jane Hill’s publication on the matter (Online ISBN: 9781444304732). Coach Shamiya and I don't appreciate white people engaging in name calling that perpetuates "comical" stereotypes of our skin colour - **it is racist and has no part in a WCL Discipline Hearing.**

Furthermore, the Complainant specifically mentioned Madison Parks in his June 29, 2022, letter. Referencing Ms. Parks in simple timeline protestation provided absolutely no evidentiary/argumentative value to the issue he was advancing. When the WCL Complaint’s Officer considers the totality of historical circumstances between Madison Parks and Frank Fowlie it is evident that the inclusion of Madison Parks in his June 29, 2022, letter was **beyond disrespectful** to the young athlete/victim.

I will have more to say about the Complainant's Disrespectful Conduct in my submissions, but in the meantime, I make the following motion.

Motion: I make a motion that the Panel order the Complainant to cease his Disrespectful Conduct which includes racist name-calling, inflammatory language, and making transparently false allegations.

Thank you,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]
[REDACTED]
[REDACTED]

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From: Andre Marin [REDACTED]
Date: Tuesday, July 12, 2022 at 5:55 PM
To: Timothy Cullen [REDACTED]
Cc: Mark Bourrie [REDACTED], Ahmed Shamiya [REDACTED], Madison Parks
<[madisonparkspoa@\[REDACTED\]](mailto:madisonparkspoa@[REDACTED])>, "[KCaron@\[REDACTED\]](mailto:KCaron@[REDACTED])", "[Dave@\[REDACTED\]](mailto:Dave@[REDACTED])"
[REDACTED] Ilan Yampolsky [REDACTED]
Subject: Re: Schiavulli and Shamiya's default in meeting the July 11, 2022 deadline

We reject this contention. Spinney asked for a postponement of his submission based on HIS purported coaching at the Commonwealth Games, which we demonstrated was a complete fake.

Regardless of his blustering email, he was never acting on behalf of the three defamers.

This is like an internet scam. We never really know what the three amigos are up to, except no good.

We request a decision based on the evidence you have before you. Not misc emails you might get from Spinney.

ANDRÉ MARIN LAW

PROFESSIONAL CORPORATION

André Marin, B.A., LL.L.-JD

Barrister and Solicitor/Avocat et notaire
Of the Ontario Bar/Barreau de l'Ontario



Bio: <https://www.linkedin.com/in/ontarioandremarin/>

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On Jul 12, 2022, at 5:44 PM, David Spinney [REDACTED] wrote:

Dear Panel Cullen,

This is a single hearing that involves 3 Respondents. My submissions speak to all of Dr. Fowlie's allegations involving all three parties who he alleges were acting in concert.

For example, I will be using the erroneous allegations of Dr. Fowlie against Ahmed Shamiya to help demonstrate the absurdity of all these allegations.

Thank you,

Dave

David W. Spinney, President

M.A.(Econ.) CIM® FCSI®

Executive Assistant:

[REDACTED]

[REDACTED]

[REDACTED]

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<image001.png>

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From: Andre Marin [REDACTED]
Date: Tuesday, July 12, 2022 at 5:25 PM
To: Ilan Yampolsky [REDACTED]
Cc: "Dave@" [REDACTED], Mark Bourrie [REDACTED], Ahmed Shamiya [REDACTED],
[REDACTED], Madison Parks <madisonparkspoa@>, Ilan Yampolsky [REDACTED],
[REDACTED], "KCaron@" [REDACTED], Timothy [REDACTED]

Cullen [REDACTED]

Subject: Schiavulli and Shamiya's default in meeting the July 11, 2022 deadline

Dear Mr. Yampolky:

Please acknowledge receipt and copy whomever I might have missed, if anyone.

ANDRÉ MARIN LAW

PROFESSIONAL CORPORATION

André Marin, B.A., LL.L.-JD

Barrister and Solicitor/Avocat et notaire
Of the Ontario Bar/Barreau de l'Ontario

<image002.png>

[REDACTED]

[REDACTED]

Bio: <https://www.linkedin.com/in/ontarioandremarin/>

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Frank Fowlie

From: Frank Fowlie
Sent: Saturday, September 2, 2023 11:18 AM
To: Frank Fowlie
Subject: FW: Next Steps Concerning Fowlie

From: Ahmed Shamiya [REDACTED]
Date: August 29, 2022 at 11:09:21 AM EDT
To: [justins@\[REDACTED\]](mailto:justins@[REDACTED]) Mark Bourrie [REDACTED] Andre Marin [REDACTED]
Cc: David Spinney [REDACTED] [dtaylor@\[REDACTED\]](mailto:dtaylor@[REDACTED]) [KCaron@\[REDACTED\]](mailto:KCaron@[REDACTED])
Subject: Next Steps Concerning Fowlie

Dear Legal Representation for Frank Fowlie, David Spinney, Mara Schiavulli,

I am writing to advise all of you that I will be making an official WCL Complaint against Frank Fowlie today for engaging in racist and threatening behaviour.

Also, I would like all of you to know that once the WCL Discipline Process addressing Fowlie's racism is complete, myself, some fellow Palestinians, McMaster students and alumni who feel strongly about the integrity of Canada's immigration system, will be reaching out to my Member of Parliament, The Honourable Karina Gould. We will be providing her with detailed information concerning the past and recent disturbing behaviour of Frank Fowlie.

We will be asking Minister Gould to speak with her colleague, The Honourable Sean Fraser, Minister of Immigration, Refugees, and Citizenship, to investigate the appropriateness of Frank Fowlie being involved in a decision making capacity regarding immigrants in Canada.

I realize Coach Spinney believes that since Frank Fowlie is no longer involved in wrestling, there is no need to raise any concerns about Fowlie. However, after seeing Fowlie's most recent racist, xenophobic, and threatening behaviour, I cannot simply stand by and remain silent while this bully remains in a position of authority over the lives of immigrants. My family has received immeasurable benefit from Canada's immigration system and I feel I have a duty to share important information about Frank Fowlie with the Government of Canada - a serial bully who uses his position of privilege as a white man to engage in the maltreatment of women, minorities, and immigrants.

It is also important for the sexually abused and harrassed female athletes and coaches that I am supporting to see that I continue to take a stance against men in positions of authority behaving badly. I have come to learn that the strength I demonstrate in the face of bad behaviour has a positive impact upon victims who are too fearful to speak out themselves.

Out of respect for Coach Spinney, I am letting his legal counsel know my intentions in advance so that there are no surprises. I also want the record to be clear that I am giving Fowlie advanced opportunity to mitigate any of the damages that he might later seek to claim. For example, I will send Fowlie all of my communication with the Government of Canada in advance so that he has enough time to seek an injunction to suppress my communication.

When I communicate with the Government of Canada, I will share facts and evidence that demonstrates:

- Fowlie's past abusive and dangerous behaviour (Tribunal proven)
- Fowlie's deceitful conduct in Tribunal settings
- The circumstances of Fowlie being described by WCL as the "judge, jury, and executioner" as well as WCL's references to the scathing rebuke Fowlie received during his role with Athletics Canada
- Fowlie's outrageous double standards being applied to the harassment of women and minorities in wrestling in favour of white men in positions of power, including harassment that would have been impossible if one of the victims were a heterosexual woman. These facts concerning Fowlie's treatment of women in wrestling will be especially compelling after the allegations of [REDACTED] and Madison Parks are heard before The Office of the Sport Integrity Commissioner. I am fairly certain Fowlie will NOT be involved in the hiring of any of those Panel members.
- The public shaming of Madison Parks as a direct violation of Sections 2.2.6.1.1 and 2.2.1.2.1 of the Universal Code of Conduct to Address and Prevent Maltreatment in Sport
- Fowlie's most recent racist and threatening language as described below

Below is the text that will be in my WCL complaint.

Ahmed Shamiya

My complaint is distinct from Coach Spinney's in that I am only reporting only one specific issue; **racism**.

Frank Fowlie has engaged in a violation of **section 2.2.1.2.1 of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport** (UCCMS) when Fowlie/his representation made: *comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening*

I am formally making a complaint that Frank Fowlie/Fowlie's representation has engaged in racist and threatening behaviour during my time participating in 2 separate WCL Discipline Proceedings (one as a respondent and one as a witness). Fowlie's most recent objectionable comments are highlighted below in yellow.

On July 12, 2022 I was sent an email from Fowlie/Fowlie's representation in which he referred to me and other BIPOC "Participants" in the sport of wrestling using racist language.

Fowlie's legal representative said, "*This is like an internet scam. We never really know what the three amigos are up to, except no good.*"

The Everyday Language of White Racism

I am attaching a screenshot of what comes up when you google "three amigos". The pictures in this screenshot speak volumes. It is shameful that Frank Fowlie thinks it's OK to reduce BIPOC coaches (who happen to share phenotypical characteristics of Latin American people) to "comical" racist stereotypes.

The social psychologist Dr. Christian Tileaga of Loughborough University states,

"Irrespective of the chosen analytical perspective, analysis of the language of racism considers "speaking about others" a matter of paramount significance. This is a far-reaching issue that can help one understand not only the interplay and role of language, culture and race in the continuous reproduction of racism.....Commonsensical meanings we attach to race and racism, to language and the way we use language, are said to be an integral part of how racism operates and perpetuates itself in society."

The Complainant will likely attempt to downplay the racism in this July 12, 2022 communication because he is clearly obtuse to the standards expected in Canadian sport in 2022, however I would ask WCL to consider what would happen if Frank Fowlie dressed up like the "three amigos" and walked around our campus at McMaster University (or any of the many campuses that host WCL Training Centres). I suggest that Frank Fowlie would quickly learn that standards related to racism in 2022 are very different than they were 36 years ago in 1986 (the year that the Three Amigos movie was released).

There is no excuse for white people to refer to brown people as **"three amigos"**. I acknowledge that because of the colour of my skin, I sometimes gets mistaken as Latin American, however I am brown because I am ethnically Palestinian.

Scholars refer to this behaviour as the *"everyday language of white racism"* - see Ms. Jane Hill's publication on the matter (Online ISBN: 9781444304732). It is deeply offensive when white people engage in name calling that perpetuates "comical" stereotypes of my skin colour - **it is racist and has no part in a WCL Discipline Hearing or in wider Canadian society.**

I am attaching a news article that speaks about the racism of the "three amigos" comment.

<https://www.sandiegouniontribune.com/opinion/letters-to-the-editor/sd-three-amigos-response-utak-20170616-story.html>

Additional Racism and Xenophobia from Fowlie/Fowlie's Representation

I was also a witness in another WCL Discipline Proceeding in which I was provided evidence demonstrating that Frank Fowlie/Fowlie's representation engaged in racially demeaning behaviour.

As part of my duties in that hearing, I read an email dated June 9th, 2022, from Fowlie/Fowlie's representative to the WCL Complaint's Officer Yampolsky. Fowlie/Fowlie's representative says:

"One day, your "determinations" may set off a complainant who might successfully hunt for your head"

"You are laying the groundwork for your demise. Remember that. Remember where you heard it first. You might consider resigning before it gets to that. By the way, you might want to invest in a spell check. Your email, with all its grammar and syntax mistakes make you look amateurish."

In the "three amigos" news article referenced above, it states, *"Community members who have been impacted by words that reflect **casual racism and actual fear** for their families need more than an apology"*. As you read the words of Frank Fowlie/Fowlie's representation you can clearly see the **violent and threatening** messaging, while he simultaneously engages in xenophobic ridicule of an immigrant. The news article's description of "actual fear" rings true when you read these intimidating words from Fowlie.

The WCL Complaints Officer Ilan Yampolsky, it would seem, speaks English as a second language. I come from a family of immigrants and so I realize that because of the age at which some people arrive in Canada, newcomers may continue to speak English with an accent and make grammatical mistakes. It is beyond question that belittling an immigrant because of flaws in their English is cruel and offensive. I am a BIPOC wrestling coach who has seen and experienced racism in the sport of wrestling. I believe I have a duty to take a stand against racism in all its forms.

Appropriate Resolution

I ask that Frank Fowlie receive a reprimand from a WCL Panel for violating Section 2.2.1.2.1 of the UCCMS by using racially offensive and threatening language during the course of WCL Discipline Proceedings as well as an indefinite suspension that will only be lifted once Frank Fowlie has provided an apology letter for using racially offensive and threatening language.

De : [Ahmed Shamiya](#)
A : [Tribunal](#)
Objet : Witnesses
Date : 5 mai 2023 15:30:31

Dear SDRCC and Arbitrator Pound,

I intend to call 8 witnesses, however because of the reckless behaviour of Frank Fowlie, it is important that the names of 5 of the witnesses remain undisclosed to Frank Fowlie.

As will be demonstrated, Fowlie has a long and well established history of engaging in unsuccessful litigation in which he claims to have suffered some serious grievance - Fowlie is seemingly a serial victim.

As part of Fowlie's legacy of victimhood, another court has just made an adverse finding to one of Fowlie's most recent claims. The Superior Court (Ontario) has just confirmed the same criticism I have previously made about Frank Fowlie. **Fowlie is a man who continues to demonstrate a reckless disregard for his handling of confidential information and how it harms others.**

As part of his most recent litigation, Fowlie and his corporation are suing WCL and much of Fowlie's case has just been thrown out by the Superior Court.

The Superior Court of Ontario has found that:

[56] Furthermore, the Plaintiffs (Fowlie and his corporation) have gone too far in pleading confidential details about complaints that were filed with WCL in which Dr. Fowlie was involved. For example, paragraph 37 and 38 of the Amended Claim are unnecessary and inappropriate because they contain confidential information that was obtained by Dr. Fowlie through WCL's confidential dispute resolution process. Dr. Fowlie was required to keep this information confidential under the Contract with WCL.

[57] I note that in a decision dated October 28, 2022, David Kellerman dismissed a complaint against Dr. Fowlie for breaching the confidentiality obligations in the Contract. However, Mr. Kellerman did find that the information Dr. Fowlie disclosed in the context of the defamation action was deemed confidential under s. 48 of WCL's Discipline and Complaints Policy. Dr. Fowlie was not found to have breached the Policy because by the time the complaint was brought against him, he was no longer a participant under the terms of the Policy.

[58] Mr. Kellerman's finding is relevant to the present litigation because it appears that the same confidential information that was disclosed in the defamation lawsuit is disclosed in the present litigation. The confidential information is not necessary to establish the elements of the claim for breach of contract and/or damages, and it is prejudicial to third parties who are not involved in the present litigation. Therefore, I direct the Plaintiffs to remove the confidential information from the Statement of

Claim, with the caveat that allegations such as the ones set out in paragraph 39 that relate to the dispute may remain (with the removal of the term "defamatory").

Simply put, Fowlie cannot be trusted with confidential information involving Participants in wrestling.

All of the anonymous witnesses are, however, willing to have their identities made known to Arbitrator Pound.

1. I would like to call Eamonn Dorgan as a witness. Mr. Dorgan will describe a conversation he had with Frank Fowlie in December 2020 in which Fowlie demonstrates a bias against a female who suffered maltreatment at the hands of one of the most powerful employees in WCL - maltreatment that never would have taken place if she were a heterosexual woman.
2. I would like to call WCL Executive Director Tamara Medwidsky. I would like Ms. Medwidsky to simply confirm the existence of the document in which WCL describes Fowlie as styling himself as "**judge, jury, and executioner**".
3. I would like to call "Jane Doe" as a witness. Jane Doe is the mother of a child who was abused within the sport of wrestling. This mother will confirm that the reckless behaviour of Frank Fowlie was a significant factor in causing her to remain silent regarding the abuse of her child.
4. I would like to call "John Doe" as a witness. John Doe is an athlete in the sport of wrestling who will confirm that the reckless behaviour of Frank Fowlie was a significant factor in causing him to remain silent regarding the sexual maltreatment he suffered as a child in wrestling.
5. I would like to call "Jane Doe #2" who will confirm that she was sexually assaulted at a wrestling event. She will confirm that the reckless behaviour of Frank Fowlie was a significant factor in causing her to remain silent regarding the sexual abuse she suffered in wrestling.
6. I would like to call "John Doe #2" as a witness. John Doe is an athlete in the sport of wrestling who will confirm that the reckless behaviour of Frank Fowlie was a significant factor in causing him to remain silent regarding the sexual maltreatment he suffered in wrestling.
7. I would like to call Western University Coach Steven Takahashi as a witness. Mr. Takahashi will confirm that Frank Fowlie sent him a letter indicating that Madison Parks was being investigated for improper conduct with her coach David Spinney.
8. I would like to call John Doe #3. John Doe will confirm that he suffered racial abuse in the sport of wrestling and that the reckless behaviour of Frank Fowlie was a significant factor in causing him to remain silent regarding the racial abuse he suffered in wrestling.

Regards,
Ahmed Shamiya

De : [Michael Smith](#)
A : ["SDRCC Tribunal CRDSC"](#)
Objet : 22-0609
Date : 22 juin 2023 15:30:05
Pièces jointes : [image001.png](#)

Dear SDRCC,

I am providing you with a response to Mr. Marin's June 16th, 2023. Mr. Spinney would like his thoughts, captured below to be communicated to Arbitrator Pound asap.

Best,

Michael

Dear Arbitrator Pound,

I am writing today to demonstrate another misrepresentation by Fowlie's side. I remind you that Fowlie has previously been found guilty of engaging in deceitful behaviour before a tribunal. (CTA)

In the June 16, 2023 letter of Andre Marin, he provides timelines in which he attempts to demonstrate that he is not in a conflict. That is inaccurate. The information referenced below demonstrate that Fowlie/Marin attempted to advance a deliberate misrepresentation in their June 16, 2023 submissions to you.

-

Andre Marin's Attempt to Use the [REDACTED] Matter case to bolster his position

In paragraph 4 and 5 of Marin's June 16, 2023 letter he states:

"Between April to August 2021, I was appointed as an Investigator by Fowlie, while he was working as Complaints and Appeal Officer, to make inquiries and prepare an opinion for a discipline panel of three arbitrators sitting regarding a complaint of [REDACTED]

[REDACTED] At no time did I have any access to WCL materials or personnel files from either the Officer or from WCL. My task was that of a fact-finder on a very specific case and provide of a legal opinion for the Panel."

"WCL and the Officer maintained strict confidentiality at all times, and I never made a request for any personnel files. I was unaware of who Ahmed Shamiya, David Spinney or Mara Schiavull were. In addition, they were irrelevant to my work."

Marin's facts and arguments have nothing to do with the information and arguments set out in Ms. Schiavulli conflict of interest complaint. The approach taken here is an attempt create misdirection. Marin is attempting to draw your attention to the timeline of April to August 2021 ([REDACTED]) when Ms. Schiavulli's complaint is clearly addressing Marin acting as legal counsel for

the Office of the Complaints Officer in the O’Ceallachain/Zinger complaint beginning on or before August 10, 2021.

Please note that F that the O’Ceallachain/Zinger complaint is so connected to the Fowlie complaint before Arbitrator Pound that they asked an SDRCC jurisdictional arbitrator to merge the case with Fowlie’s complaint against me/Shamiya/Schiavulli. As you will see below, Marin was involved as legal counsel for the “Office of the Complaints Officer” in the O’Ceallacahain/Zinger complaint from at least August 10, 2021 until WCL fired him.

-
Evidence that Marin was in an Attorney Client Relationship with the Officer of the Complaints Officer in the O’Caellachain/Zinger Matter

Marin, June 16, 2023 letter states:

"Timelines matter. My report was finalized in August 2021. Fowlie was terminated on September 15, 2021. He subsequently retained me to represent him in these and other proceedings on January 18, 2022."

To be clear, Fowlie/Marin have lied with this statement. Both Marin and Fowlie know that Marin was in an attorney/client relationship with the Office of the Complaint’s Officer for the O’Ceallachain/Zinger “harassment” complaint on or before August 10, 2021.

This is evidenced in the August 10, 2021 communication of Frank Fowlie to Jordan Goldblatt. I am attaching this August 10, 2021 email. As you read this August 10, 2021 communication it is obvious that Fowlie was addressing what he believed was inappropriate involvement of WCL into the O’Caellachain/Zinger harassment complaint.

Fowlie’s August 10, 2021 communication states:

"I am responding to you as the Complaints and Appeals Officer, and not in my personal capacity."

This statement clearly establishes that Fowlie is communicating NOT in his personal capacity.

Fowlie states:

"If WCL found it necessary to intervene, this Office opines that it should have been to enforce that WCL’s staff, volunteers, officials, contractors, etc, have the right to a harassment free workplace....You have also left the Office, and me personally, in the crosshairs of Mr. Spinney and his acolytes for increased harassment."

This statement establishes that while Fowlie was communicating on behalf of the Office of the Complaint’s Officer, he was simultaneously attempting to rebuke WCL for his own claims of harassment that he alleges he personally suffered. There is no doubt that this communication had nothing to do with [REDACTED] and everything to do with the O’Ceallachain/Zinger harassment complaint - a complaint that Fowlie/Marin attempted to merge into Fowlie’s complaint of

harassment before you.

Fowlie states:

"Should WCL seek standing this Office will oppose it. To that end, the Office has engaged Mr. Andre Marin to serve as Legal Advisor on this matter.... Should WCL seek leave to intervene, this Office will communicate with the Panel in opposition to that request, and will provide the Panel with the facts contained herein. This Office would have wished that you would have spoken or written to it first before writing to Mr. Spinney."

This statement clearly demonstrates that Marin was already in an attorney/client relationship with the Office of the Complaints Officer, at the time of Fowlie's composition of the email. Furthermore, Fowlie copied Andre Marin on that communication to Jordan Goldblatt and WCL Executive Director, which further proves that Andre Marin knew that was in engaged in that matter on or before August 10, 2021.

Arbitrator Pound, this proves that Marin's June 16, 2023 letter has attempted to advance a deliberate misrepresentation in their submissions to you. Andre Marin and Frank Fowlie both knew that Marin was engaged as a lawyer on behalf of the Office of the Complaint's Officer in the harassment complaint of O'Ceallachain/Zinger - a complaint that Fowlie/Marin just attempted to have merged to the case before you.

What to do About Fowlie/Marin's Conflict and Deliberate Misrepresentations

I cannot do a better job than Ms. Schiavulli at describing the gravitas of how Marin's conflict impacts safety in Canadian sport. For this reason, I will say nothing. I am however, making a motion that Fowlie/Marin be found to have engaged in willful misrepresentation before this SDRCC Tribunal. I realize that we have not yet started the de novo hearing, however, it doesn't change the fact that as we move through these preliminary matters a deliberate attempt to mislead the Arbitrator has just taken place. Respectfully, this attempt to mislead the Arbitrator should be addressed.

Michael A. Smith, B.A., LL.B.

Partner/Avocat associé

LMS | Lawyers

Lawyers • Avocats

190 O'Connor Street, 9th floor

Ottawa, ON K2P 2R3

[REDACTED]

[REDACTED]

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De : [Mara Schiavulli](#)
A : tribunal@crdsc-sdrcc.ca; [mcasselin@](#)
Objet : Fowlie's Side Just Got Caught in Lie!
Date : 22 juin 2023 20:08:38
Pièces jointes : [Fw Order of Proceedings - Lúcas Ó'Ceallacháin and David Spinney.png](#)
[Fw Order of Proceedings - Lúcas Ó'Ceallacháin and David Spinney-2.png](#)

Dear Arbitrator Richard Pound,

I have just read the June 16th letter of Andre Marin in response to my submission. Fowlie's side has lied to you!

Marin just said, "My report was finalized in August 2021. Fowlie was terminated on September 15, 2021. He subsequently retained me to represent him in these and other proceedings on January 18, 2022. Not only was I not privy to any information on the Affected Parties but there was also a five-month gap between the time I was retained by Fowlie as the WCL Complaints and Appeal Officer, and him retaining me as counsel in the SDRCC Appeal."

This is a complete lie! Marin is trying to tell you that after he completed his report he wasn't involved with the Affected Parties until Frank Fowlie launched his SDRCC Appeal, but this is false because Frank Fowlie said on August 10, 2021 (BEFORE he was fired) that "the Office has engaged Mr. Andre Marin to serve as Legal Advisor on this matter".

Fowlie said, "engaged" which is past tense. How can Marin be "engaged" without the knowledge and consent of Marin? We just caught Fowlie's side in another attempt to deceive a tribunal. Fowlie has done it before and he's doing it again!

I am attaching several screenshots of emails dealing with the harassment complaint of Affected Party Spinney and I ask that you please look and see who is included on those emails. **Andre Marin was copied on all of that. He WAS INVOLVED** with the complaint of Ed Zinger and Lucas ÓCeallacháin against Affected Party Spinney. Fowlie's side thinks that the Zinger/ÓCeallacháin harassment complaint is so interlinked with Fowlie's complaint that they just tried to have the SDRCC combine that complaint into Fowlie's complaint.

Frank Fowlie is asking you to ban me for life because he is mad that I criticized him for shaming my daughter on WCL Letterhead and so how is it fair that Fowlie's side can just speak lies in an SDRCC proceeding aimed at having me receive the harshest punishment in sport???

I would like to make a motion:

I make a motion that because Fowlie's side has just been caught lying to Arbitrator Pound in an SDRCC proceeding in which Fowlie is trying to have the Affected Parties banned for life, that Fowlie's complaint be dismissed, effective immediately.

I need to ask for this dismissal because how can we defend ourselves when Fowlie's side is willing to tell blatant lies to the Arbitrator deciding our fate?

Please upload this email and the attachments to the portal.

Sincerely,

Mara Schiavulli

PS. **Andre Marin**, you know that you represented the Office of the WCL Complaints Officer in the Zinger/ÓCeallacháin harassment complaint, and after you read my last submission you knew you were in a horrible conflict. You saw that Arbitrator Pound was taking my submission seriously and so you lied to him in order to try and convince him you were not involved. But I caught you because you didn't think I knew about those emails. I will be reporting you to the Law Society for lying.