



BETWEEN:

ONTARIO
SUPERIOR COURT OF JUSTICE

Kelly Anne Winsa

Plaintiff

and

Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, David Arnold Winsa

Defendants

Form 14A

Courts of Justice Act

Statement of Claim (general)

statement of claim

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

(Where the claim made is for money only, include the following:)

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$ 1,000. for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

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

Date Issued by

Local registrar

Address of

court office

.....

TO Sarah Arleen Winsa, 299 Loach's Road, Sudbury, ON, Canada, P3E 2P8;

AND TO Peter Alexis Mills Henderson, 419 Wellesley Street East, Toronto, ON, Canada, M4X 1H6,

AND TO Patricia Lynn Winsa address unknown,

AND TO David Arnold Winsa address unknown,

AND TO Theresa Marie MacLean, 40 Isabella Street, Toronto, ON, M4Y 1N1.

claim

1. The plaintiff claims:

a) A declaration that Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, did breach the Tort for Intentional Infliction of Emotional Distress in knowingly creating a false narrative that the plaintiff had a mental illness, and spreading this story within the court system through false evidence, and throughout the community where Kelly Anne Winsa would be charged with gaining employment and community support, in a jurisdiction not her own, forced upon her, one infiltrated with false allegations about treatment of her children, a prejudicial false claim with lasting consequences.

b) A declaration that the defendants are vicariously liable to Kelly Anne Winsa for the removal of her children through the Tort of Simple Conspiracy connecting with each other to keep her from her children, also from her required share of property during divorce.

c) A declaration that the defendants Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, did breach the Tort for Simple Conspiracy by creating stories fed to her children, the court, and others, to make an ongoing deception. This deception created acute isolation for the plaintiff that continues.

d) A declaration that Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, communicated with third parties to further ostracize the plaintiff. This would

include moving her minor child for the purpose of seeing new judges after her case had been won, combining efforts.

e) A declaration that the defendants Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, acted in concert with intent and are vicariously liable for placing Kelly Anne Winsa in a false light in public.

f) A declaration that the defendants Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, are liable to the plaintiff for damages in liability for intentional infliction of emotional distress for removing her children, isolation of herself by the parties, and tortious defamation in personal and collegial communications, as a group using simple conspiracy to stop her free movement and human rights.

g) A declaration that the defendants Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, caused irreparable harm to the plaintiff, to her health, wellbeing and ability to receive the necessities of life. Creation of a false mental illness, in concert with each other, had a cumulative negative effect on her human rights. The defendants used common emails to affect her capacity, also called 'hate mail' and then 'ghosting' in an ongoing way.

h) A declaration that the defendants Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, forcibly confined Ms. Winsa away from her children, retrying her orders, Judge Wilson of Third Circuit Hawai's orders and Ontario Divisional Court orders. "[T]he doctrine of collateral estoppel, sometimes called issue preclusion, which says that once a judge or jury has made a decision about an issue it can only be appealed, not retried."

i) A declaration that the defendants Peter Alexis Mills Henderson, Theresa Marie MacLean, Sarah Arleen Winsa, Patricia Lynn Winsa, and David Arnold Winsa, each pay in damages 50,000. for intentional infliction of emotional suffering, harassment, punitive damages for using false light, defamation, simple conspiracy, emotional suffering.

k) Prejudgment and postjudgment interest pursuant to the Courts of Justice Act, R.S.O. 1995, c. C.43, as amended.

- k) Costs of the action on a substantial indemnity basis or in an amount that provides full indemnity.
- l) Such further and other relief as to this Honourable Court may seem just and appropriate in all the circumstances.

OVERVIEW

A

1. In 2015 Kelly Anne Winsa (hereafter Ms. Winsa) with her two sons came to Ontario for summer vacation and could not leave. Oscar Winsa Henderson left on his own after his father tried to get him to remain in Ontario, so he could finish high school. Patricia Lynn Winsa called Ms. Winsa, told her to live in her basement with Cleveland Winsa Henderson, and when the plaintiff refused, Patty Lynn Winsa wrote a defamatory and false letter about her that Peter Henderson used on September 17, 2015 in Peterborough at the Ontario Superior Court.
2. Peter Alexis Mills Henderson (hereafter Mr. Henderson) stalked Cleveland Winsa Henderson, who was with his mother in a hotel room. On September 17, 2015, he waited in the lobby, and realizing the child was not there, he began to drive to Peterborough. Cleveland Winsa Henderson had left his phone in the couch of Margy Wigle before on a previous stay over and when she returned the phone to Cleve Winsa Henderson he saw all the messages from his father and called. The boy had also left his iPad in the hotel room. He did not want contact.
3. On the drive to the airport hotel, Patricia Lynn Winsa phoned Ms. Winsa, told her to come and live in her basement. Ms. Winsa declined. Mary Wigle was driving at the time. Patricia Lynn Winsa was animated and told Ms. Winsa it was for her safety.
3. Peter turned the car around and waited at a restaurant, luring Cleveland Winsa Henderson from Mary Wigle's home. The child disappeared from her living room.
4. Mr. Henderson was under a Temporary Restraining Order signed by Judge Fujino of Third Circuit Hawaii court at this time.

5. Theresa Marie MacLean (hereafter Ms. MacLean) lied to the court. Denying having been served of the TRO, claimed Cleveland Winsa Henderson sought Mr. Henderson. The reverse was true. An amber alert should have been called. Mr. Henderson admitted to Ms. Winsa that he sought Cleveland Winsa Henderson that morning.
6. Mr. Henderson left two text messages on Cleveland Winsa Henderson's iPad demanding that the boy come to the hotel lobby, where Mr. Henderson was waiting: the night before the September 17, 2015 hearing, and the morning of. Mr. Henderson later asked his son to find out if his mother, Ms. Winsa, had taken a screen shot of Mr. Henderson's texts.
7. Theresa MacLean and Peter Henderson collaborated on the abduction of a minor which is a possible c felony in Hawaii during a TRO.
8. Ms. MacLean had tried to incite police to arrest Ms. Winsa on September 12, 2015 at the airport hotel the mother and child were staying at.
9. On September 12, 2015, Ms. Winsa's lawyer was not available to speak to the officers. Peter arrived at Ms. Winsa's hotel, during his TRO, when he was not allowed withing 300 yards, and demanded the mother release the child to him so that he could take him to school. Cleveland Winsa Henderson was enrolled at Parker School in Hawaii where he attended the year before.
10. Oscar Winsa Henderson, seventeen at this time, had already left for school in Hawaii on his own. Mr. Henderson had tried to get him to finish senior year in Toronto but could not force the seventeen-year old.
11. Oscar Winsa Henderson, Cleveland Winsa Henderson, were close, had teachers, friends, doctors, and lived in Hawaii for five years full time. Peter's demands were not consistent with either son's best interests.
12. Ms. Winsa had attempted to return with Cleveland Winsa Henderson on September 11, 2015, but Mr. Henderson had coached the child to stop at the border, which he did. Ms. Winsa held a non-removal order from the state of Hawaii, as well as custody. Mr. Henderson spoke to the Homeland Security official attempting to influence Ms. Winsa to be arrested. Mr. Henderson arrived after Ms. Winsa spoke to the team leader, explaining her held orders, and she and Cleveland Winsa Henderson left the airport. Mr. Henderson left a meeting where he told colleagues a story, then arrived at the airport. He told Ms. Winsa that evening he was shocked she had not

been arrested. Passport Canada had provided Cleveland Winsa Henderson a passport for one year so he could go back to school, without Mr. Henderson's signature. Passport Canada requested a copy of the TRO.

13. Ms. MacLean led Cleveland Winsa Henderson into a small room and closed the door, on September 17, 2015, after Mr. Henderson arrived with Cleveland Winsa Henderson from Mary Wagle's. Ms. Winsa opened the door, and said it should remain open. Within a few minutes, adult men police officers arrived in the court lobby to sit legs outstretched, leaving the child alone in the courtroom lobby.

14. Ms. MacLean made several false claims at the hearing on September 17, 2015. This initial situation traumatized Cleveland Winsa Henderson who reported blackouts soon after.

15. Mr. Henderson demanded that Cleveland Winsa Henderson call the blackouts, 'zoneouts'. He did this while Ms. Winsa was taking the boy to the doctor.

16. Mr. Henderson gained custody in this manner. Ms. MacLean defamed Ms. Winsa in several claims, including that she was in hiding as she had 'never served' the TRO 'before August 10'. In 2018 Ms. MacLean said she was served the TRO on May 28, 2015.

17. The Views and Preferences of the Child Report authored by Linda Chodos revealed that Cleveland Winsa Henderson had been influenced and that his wish to remain in Toronto with his father was 'superficial'. Mr. Henderson continued to influence Cleveland Winsa Henderson during the Report's interviews with the child, Ms. Winsa and himself, though Judge McLeod had asked if an order was necessary to make sure this did not happen, and Ms. MacLean said it was not necessary. Mr. Henderson 'squeezed' both boys as infants, reported to Ms. Chodos by himself.

18. Mr. Henderson received a bifurcated divorce in Ontario without child support. He sued for custody only after discovering Cleveland Winsa Henderson was awaiting a new passport. Mr. Henderson attempted to stop the passport.

19. Ms. Winsa appealed the decision to Divisional Court in early 2016 and was successful. She returned to Ontario to regain custody, and filed for a hearing in Ontario in late July, 2016. Judge Paisley ordered reintegration but Mr. Henderson had already moved Cleveland Winsa Henderson to a new house, not informed the court.
20. Mr. Henderson had hired a new US attorney to script a letter to Homeland Security before this hearing, to ask them to arrest Ms. Winsa a second time.
21. Mr. Henderson had hired two non-court appointed lawyers to represent Cleveland Winsa Henderson, without Ms. Winsa's permission. Judge Paisley wrote that children do not ordinarily hire lawyers, and the lawyers were dismissed. Ms. MacLean wrote to Mr. Gary Gottlieb asking him to continue after this.
22. Judge Paisley endorsed reintegration with Toronto Children's Aid Society (hereafter TCAS) to help, and that they should receive Divisional Court's decision ruling that Ontario had no jurisdiction, that Judge McLeod had made two palpable errors, that the child would suffer no harm if returned to his mother and Hawaii.
23. Ms. MacLean did not give Divisional Court's decision to TCAS but did give them the wrongly filed affidavit from the false child lawyers. TCAS told Ms. Winsa an investigation had been requested and cancelled the appointment for reintegration the morning of.
24. Ms. MacLean would later claim that Ms. Winsa did not show up.
25. Ms. Winsa had filed in early 2015 in Hawaii. In summer of 2016 she was attempting to find her son, return so he could go back to school, as was in his best interest. She could not find him, went to police. Ms. MacLean wrote to her, stop telling everyone [child] is missing. You know where he is, he is with [Mr. Henderson].
26. Mr. Henderson removed all orders in the Third Circuit by confining her in Ontario.
27. Mr. Henderson's US attorney wrote to Ms. Winsa, 'you are delusional' when she wrote that her son was missing.
28. Ms. MacLean used the letter written by the US attorney which made several false claims, including that the letter was sworn. The US attorney later admitted he made statements in the letter that were untrue. Mr. Henderson used third parties to confine Ms. Winsa, threaten with further, institutional confinement.

29. Ms. Winsa went to the border, could not cross, and was told to return in a month. She went to Sudbury, where Sarah Arleen Winsa and Arnold Fritz Winsa lived, her biological parents. There, Sarah Arleen Winsa told Ms. Winsa that Mr. Henderson claimed that all mental illness and violence came from Ms. Winsa.

30. Ms. Winsa was forced out of the house when Patricia Lynn Winsa was coming to visit, possibly with Ms. Winsa's own child, Cleveland Winsa Henderson. Sarah Arleen Winsa gave Ms. Winsa enough money for rent for a room in a house near Mr. Henderson's house in order to get her out.

31. Sarah Arleen Winsa would not allow Ms. Winsa a key to the house, subsequently when going out for dinner, Ms. Winsa went for a walk outside. Sarah Arleen Winsa told Ms. Winsa to find a job taking care of other people's children.

32. Ms. Winsa at this time had spent her proceeds from the sale of a joint Ontario property. She paid for tuition, mortgage payments, 2015 summer expenses, legal fees. She was awarded 3,500 US per month by the Third Circuit Court in Hawaii. Mr. Henderson paid her 1900. In 2016 he paid 900 to Ms. Winsa. He said he was going to pay the mortgage with her support payment, and he sent 900 US instead of 3,500. Ms. Winsa said this was improper use of her funds, but he denied her autonomy in writing. Ms. Winsa had been paying the full mortgage, credit line, and car loan from her own money because Mr. Henderson had refused to pay his share, for two years. He refused any child support from the date of the end of Separation, June 30, 2015, until he was ordered to pay the 3,500 in October 2015. Ms. Winsa paid in full for the boys' activities and travel during this period. She was never reimbursed for any of these costs.

33. Mr. Henderson used a chart in court which claimed he paid the whole amount of 3,500. At trial in October, 2018, Ontario Superior Court, University Avenue.

34. Mr. Henderson claimed a one-time payment of 15,000 US in this chart though Ms. Winsa had been paying his share of the car loan (384 US), mortgage (2300 US) and credit line (150) and 28,500 US in tuition, the first three expenses monthly, for two years, and tuition of 28,500 though she was the stay-at-home parent. He would claim still more in 2019 at Third Circuit Court in Hawaii, taking 162,000 US from the family home, sending 3,600 US to Ms. Winsa. Financial Statements, though he submitted few of them, did not reflect a true impression of Mr.

Henderson's carrying of any load. He fabricated a repayment to Oscar Winsa Henderson at trial 2018 in order to look a certain way. These documents gained influence with judges though they were not true.

35. Mr. Henderson claimed to have paid all the mortgage payments on the sold property until its sale closure, on his signed financial statement at trial.

36. Mr. Henderson made multiple false claims at trial, which covered up his chart, financial statement, child abduction. (Sept- Oct 2018)

37. Mr. Henderson leveraged Oscar Winsa Henderson's sports to attempt to force Ms. Winsa to meet him while he was under the TRO. He admitted this in sworn testimony at trial, that he would leverage anything.

38. "I will go ALL THE WAY with this till every penny I have is gone. The sleeper has awoken." October 25, 2015 Text from Mr. Henderson to Ms. Winsa

39. Patricia Lynn Winsa kept Cleveland Winsa Henderson on weekends when Mr. Henderson traveled, when Ms. Winsa was living in Toronto before the trial. Ms. Winsa could only see her son for two to three hours at a time.

40. Patricia Lynn Winsa drove Cleveland Winsa Henderson to Sudbury when he and his mother, Ms. Winsa had arranged to be together. This happened twice at the end of summer.

41. Patricia Lynn Winsa sent hate mail to Ms. Winsa and signed it Reporter, Toronto Star, using her position.

42. Patricia Lynn Winsa provided an unsigned letter to Ms. MacLean stating that Sarah Arleen Winsa saw Ms. Winsa as having mental health problems. This was used to sabotage Ms. Winsa's custody at the hearing on September 17, 2015. This was not an affidavit.

43. Patricia Lynn Winsa wrote in one of her letters to Ms. Winsa, you need a doctor's help, and you are lying.

44. Ms. Winsa sent Patricia Lynn Winsa the Third Circuit Court Decision, which was the first decision in the favor of Hawaii being the proper jurisdiction for the divorce. (Divisonal Court Ontario agreed independently) Patricia Lynn Winsa wrote that this was hearsay, in reply.

45. Ms. Winsa could not have real court orders followed as the defendants ridiculed them. This was true of each defendant, independently, continuously.

46. Ms. Winsa became aware that the defendants were telling both her sons that she, herself was mentally ill.

47. Mr. Henderson halted overnight visits for Cleveland Winsa Henderson in the few months before trial in 2018.

At trial he said there was no need for Ms. Winsa to have support payments. None were provided.

48. Ms. Winsa has three years of early childhood training, and has no history of mental illness. Mr. Henderson, and the other defendants continued to write to her until 2023, that she could not contact them, was completely cut off.

49. Ms. Winsa studied fashion at what is now Metropolitan University of Toronto. She had a fashion label that sold across Canada, won the Woolmark award, and worked with many actors making costumes and special effects. Mr. Henderson's defamation included colleagues in his business, which as a director of television commercials, intersects with hers.

50. In each subsequent court hearing, after overturning Divisonal Court, Mr. Henderson and Ms. MacLean made up fabrications so that the court would not look at Ms. Winsa's materials.

51. The abduction of Cleveland Winsa Henderson was used to control Ms. Winsa. Patricia Lynn Winsa began introducing him to her son's friends just before the hearing of the appeal. Cleveland Winsa Henderson called his mother to tell her when it happened. He whispered.

52. Ms. MacLean threatened Ms. Winsa before the appeal. She wrote that she would contact Homeland Security to deport Ms. Winsa and the appeal 'would be moot'.

53. Ms. MacLean claimed that the Law Society denied the claim and that Ms. Winsa appealed it and lost. This is not the case. Mr. David Cass told Ms. Winsa in 2016 that the Law Society 'does not police lawyers.'

53. In 2016 when Ms. Winsa returned to Hawaii after having first having not been able to as Mr. Henderson had sent a letter to Homeland Security, she discovered an eviction hearing motion in her mailbox. Mr. Henderson claimed that she was living in a mental institution in the motion. He asked that this notice of service be sufficient.

54. Mr. Henderson had reason to believe Ms. Winsa would not receive this notice as she was blocked from leaving Ontario by his letter to Homeland Security. This gave him time to secure control of the joint property.

55. Mr. Henderson claimed Ms. Winsa perjured herself at the eviction trial, but she had made an error during a time that was not sworn, about the title of a disclosure document, not the realtor sales agreement. Both documents looked the same. Mr. Henderson's lawyer had requested a copy of the signed sales agreement. Ms. Winsa said she had it with her at the hearing and could give it to the lawyer at the end of the pre-eviction case management hearing. Mr. Henderson's lawyer left immediately after, to get to his plane to Oahu. Ms. Winsa saw that she signed the disclosure document, not the sale document, then she signed the sale agreement, wrote to the realtor asking if she should put a price, the realtor said not yet. This was not perjury, however the grandstanding by Mr. Henderson persuaded the judge to enter it as such. He understood what had happened. There is an email to prove the realtor, Margery Mayo told Ms. Winsa not to put the price on the document yet. Mr. Henderson told Ms. Mayo Ms. Winsa perjured herself, Ms. Mayo told others, and it came to the knowledge of Ms. Winsa's hanai mother, Wanda J. Patterson, of Waimea. She told Ms. Winsa. A woman asked Wanda J. Patterson if Ms. Winsa were really living in France, that perhaps she just made it up.

56. Mr. Henderson told the realtor that Ms. Winsa evicted him. He wrote that he wanted to co-operate.

57. Mr. Henderson's lawyer took pictures of the tenant's food remains on a kitchen table, and wrote in the motion that she left the apartment in disarray.

58. Mr. Henderson pretended Ms. Winsa could not cooperate though she organized the sale of the Ontario property in its entirety. The house sold for 300,000 more than a local offer because Ms. Winsa hired a Toronto realtor. She set up payments for taxes, Mr. Henderson's personal and corporate taxes, and 10% of proceeds to go into a trust for the boys' post secondary education. Mr. Henderson's claim was false.

59. Mr. Henderson repeatedly denied Ms. Winsa funds that were hers by court order.

59. Mr. Henderson removed Ms. Winsa's name from the corporate joint bank account contravening the Separation Agreement in April, 2015. He told the court in 2018 that he did so because "a big cheque was coming in."

60. Mr. Henderson emptied a joint trust account in 2019, for 11,700. 10,000 was to be put to Oscar Winsa Henderson's last year of university. He did this without Ms. Winsa's signature.

61. After trial, Ms. Winsa remained in Toronto. There was a fatality on Stoney Lake, where they had vacationed for twenty years. She contacted Sarah Arleen Winsa to find out if her sons were safe. Sarah Arleen Winsa wrote that Ms. Winsa was not needed, that they were doing fine without her, and that her sons did not want to talk to her. She wrote that she had taken Oscar Winsa Henderson to Florida, in March, while Ms. Winsa was in Toronto.

62. Sarah Arleen Winsa told Ms. Winsa to get help.

63. When Ms. Winsa left the room in the rental house that Sarah Arleen Winsa had helped to pay for, Mr. Henderson took both boys to discuss Ms. Winsa with the landlord, and Sarah Arleen Winsa also spoke by phone with the landlord about her.

63. At this time, Ms. Winsa decided to leave Toronto. She did not feel safe. The defendants built a wall that threatened her safety by claiming she was mentally ill as the Mental Health Act could give them leave to commit her. This ongoing concern was because all communications from defendants were threatening.

64. Arnold Fritz Winsa, Ms. Winsa's father began to claim that Oscar Winsa Henderson told him Ms. Winsa was mentally ill. Sarah Arleen Winsa was there and listening at the time of this conversation.

65. Cleveland Winsa Henderson, during a visit to France, where Ms. Winsa was staying after leaving Toronto, said to his father, Mr. Henderson, during a telephone conversation, "I am going to take care of this b...ch." Mr. Henderson did not reassure, or do anything during this conversation to stop this.

66. At the end of the visit, the plane was cancelled. Mr. Henderson screamed at Ms. Winsa calling her effectively the same names, and stopped when she told him he was non speaker in the restaurant.

67. During trial in 2018 Mr. Henderson claimed he could not sell the house in Hawaii he had evicted Ms. Winsa from in 2017. He said he could not sell because the roof leaked and Ms. Winsa would not sign a loan for him.

68. During the trial Mr. Henderson told the court he did not rent the house or apartment and lost two years worth of rent, after evicting Ms. Winsa, a loss of over one hundred thousand dollars. He also said this was on account of a roof leak.

69. The house sale closed in December, 2018. The trial ended on October 1, 2018.

70. Mr. Henderson kept the sale from Ms. Winsa as he thought he could complete it without her signature. When he could not, he threatened her, gave her money, because she had none, to go to the US consulate to sign the papers. He threatened her telling her she would dissolve the sale if she did not go promptly.

71. Ms. MacLean kept the house sale from the court during trial.

72. Ms. MacLean admitted to denying service of the TRO in front of Judge McLeod was false at the trial in 2018.

73. David Arnold Winsa communicated with Ms. Winsa only when she wrote to wish happy birthday, and at that time he would not give her any information about Cleveland Winsa Henderson. Sarah Arleen Winsa wrote several emails saying David Arnold Winsa was part of the group in Florida, when Oscar Winsa Henderson was with them.

74. In 2023, after writing to Sarah Arleen Winsa, Ms. Winsa received a letter from David Arnold Winsa threatening to have her charged with French police.

75. In 2019 Mr. Henderson appeared in Third Circuit Court, and took 98% of the Hawaii home proceeds. He (through his lawyer) told the court that Ms. Winsa engaged in 'theivery'.

76. Mr. Henderson threatened Ms. Winsa, in writing, that she could have only 20,000 US from the sale. If she did not agree, he would give her share to this lawyer.

77. In 2023 Ms. Winsa sent a large parcel to Toronto, to a friend's home where Oscar Winsa Henderson had picked up a smaller parcel she had sent. Oscar Winsa Henderson never returned for the larger parcel, though she communicated several times that her friend was waiting. Mr. Henderson wrote to Ms. Winsa that she was, 'completely cut off'

78. Mr. Henderson wrote that all parcels must come through him. The Christmas 2023 parcel Ms. Winsa sent the boys was returned to France.

79. Mr. Henderson wrote many emails threatening the security of Ms. Winsa. These include threatening her support payment if she doesn't provide: copy of a plane ticket, her current address, the name of her nephew, who she hasn't met.

80. Mr. Henderson wrote an email claiming a payment of 1,000. from the joint property and that he wanted to meet Ms. Winsa to divide it equally. He later wrote that he made it all up to get her address.

81. Mr. Henderson has admitted that he harmed the boys as infants to a court order psychologist but used his own violence descriptively to defame Ms. Winsa, using his actions, in detail to hurt her.

82. Mr. Henderson blocked Ms. Winsa from speaking with Cleveland Winsa Henderson though he was having problems with drugs, and had used pot oil to sleep after Mr. Henderson gave him ADHD drugs. Cleveland Winsa Henderson tested negative while in Ms. Winsa's care for ADHD, and was found to only be a bit lazy, and distracted, that he got to work.

83. Ms. MacLean created a story that was false, on September 17, 2015, that Cleveland Winsa Henderson was contacting his father all night.

84. Patricia Lynn Winsa wrote that Ms. Winsa was a liar, that no one believed her.

85. Patricia Lynn Winsa discussed this with colleagues.

86. David Arnold Winsa's wife, Sherri Winsa searched Ms. Winsa on LinkedIn just before David Arnold Winsa threatened Ms. Winsa with filing a complaint with French police.

87. This reversal of blame by David Arnold Winsa was meant to scare Ms. Winsa to be silent. This was effective as France granted Ms. Winsa a Talent Visa, and such a report would have been dangerous to her life.

88. There were many discussions by the defendants in front of Oscar Winsa Henderson and Cleveland Winsa Henderson. This has caused trauma in them both and they do not contact Ms. Winsa. Cleveland Winsa Henderson told this to Ms. Winsa in 2019 when she returned to Toronto to visit him, but he said, the group says you are bad. He was crying, he slammed the phone.

89. Mr. Henderson used the Third Circuit Court to take money he was not allowed to take in the trial ruling from the joint property. He bifurcated the divorce in this method. His income in financial statements were different in each jurisdiction.

90. In 2016 Ms. MacLean attempted to receive 2,000 from Ms. Winsa by claiming that she forged Judge Paisley's signature, which she had been advised before the hearing was false.

91. Ms. MacLean, without conferring with her client, told Judge Kimmel in 2021 that Cleveland Winsa Henderson did not call 911 from 419 Wellesley Street, Mr. Henderson's home, which was false.

92. Ms. MacLean told Judge Kimmel that Ms. Winsa had not cashed a tax rebate where she could get money in order to harass Mr. Henderson. This was false.

93. Ms. MacLean told Judge Kimmel that Ms. Winsa was of this character, that she would leave this money on the table, but go after Mr. Henderson. Ms. MacLean claimed that Ms. Winsa asked for 'help' from Mr. Henderson and was doing this because he refused.

94. Ms. MacLean did not tell Judge Kimmel that Ms. Winsa attempted to negotiate without going to a hearing, for her share of joint property. Ms. MacLean did not tell Judge Kimmel that Ms. Winsa had told Mr. Henderson's accountant she would get her own accountant for the tax rebate.

95. In 2021, Ms. MacLean told Judge Kimmel that Ms. Winsa was herself responsible for no contact with her children. She also spoke about Ms. Winsa being responsible for not being in contact with the other defendants.

96. In 2020, Cleveland Winsa Henderson told Ms. Winsa that his father, Mr. Henderson had told him he would hire a legal aid lawyer should Cleveland Winsa Henderson continue to talk to Ms. Winsa

97. Though Judge Pollack told Mr. Henderson he must allow Ms. Winsa to tell her side to the children, he disallowed it.

98. At trial in 2018, Mr. Henderson said, under oath, that when he told Sarah Arleen Winsa that Ms. Winsa was mentally ill and violent, that she was happy to hear it.

99. At trial in 2018, Ms. MacLean denied service of rents which Ms. Winsa sent by fax to her before the time a court order said it must be done. Ms. Winsa did fax the rents to Ms. MacLean separately from the rest of the disclosure as that package had already been sealed. There is email evidence of this.

100. At trial, Mr. Henderson provided a false receipt of four thousand dollars which was his own debt to Oscar Winsa Henderson. Mr. Henderson said he repaid Oscar Winsa Henderson for debt Ms. Winsa refused to pay. Mr. Henderson borrowed the December 2017 support payment from Oscar Winsa Henderson.

101. One year later, in 2019, Mr. Henderson emptied the last joint account in Toronto at CIBC without Ms. Winsa's knowledge. She discovered this months later.

i) In 2019 Mr. Henderson went back to court in Hawaii and took 162,000 US from the sale. He called Ms. Winsa's actions 'thievery'.

102. The Third Circuit Court in Hawaii decided in 2016, that Mr. Henderson had property and his children had; teachers, doctors, friends, in Hawaii. Therefore Hawaii was jurisdiction. When Mr. Henderson blocked Ms. Winsa from returning to Hawaii and overturning this order, he kept her away as he was overriding the Law of the Case, which says that without appeal, the court decision is law.

103. In 2020 Gisele Gallie facetimes Ms. Winsa, saying she had been with Mr. Henderson and Ms. Winsa should not be ashamed of what she had done. Gisele Gallie and Ms. Winsa had not been in contact in twenty years. Gisele Gallie went to school with Mr. Henderson, and she asked several times when Ms. Winsa was returning to Toronto. Mr. Henderson told false stories to Gisele Gallie.

104. Patricia Lynn Winsa wrote asking when Ms. Winsa was returning to Toronto at this time.

105. At trial in 2018, Ms. MacLean denied service of rents which Ms. Winsa sent by fax to her before the time a court order said it must be done. Ms. Winsa did fax the rents to Ms. MacLean separately from the rest of the disclosure as that package had already been sealed. There is email evidence of this.

106. Peter Alexis Mills Henderson and Theresa Marie MacLean both contacted Kelly Anne Winsa in early 2023 when she tried to get gifts to her sons. They both told her to move on. 'You are completely blocked.' Mr. Henderson wrote.

107. In 2016, Mr. Henderson hired four lawyers, Mr. Gary Gottlieb, Mr. Ryan Aalto, Ms. MacLean, and Mr. Farrell Esq. The letter to Homeland Security asking to arrest and keep Ms. Winsa in Ontario was addressed to Ms. MacLean. Ms. MacLean invited Mr. Gary Gottlieb to continue after Judge Paisley said that was over. Ms.

MacLean accused Ms. Winsa of forgery but Ms. Winsa had just won the case at Appeal at Divisional court, the Third Circuit Court, and in front of Judge Paisley. Ms. Winsa asked Judge Horkins, the judge who said, this does not look like Judge Paisley's signature, if he saw what was going on here. Judge Horkins said yes, he did.

No real orders came from this hearing as it was derailed.

DAMAGES:

108. Contumacy, contravening court orders by multiple engaged parties in order to control one woman shows a certain malice, with a conspiracy to pretend she was mentally ill in emails and motions.

109. Tortious Defamation

110. The defendants all used defamation to attack Ms. Winsa not only to isolate her, but to threaten her to silence her.

111. This inordinate organization of false testimonies, letters, represent indoctrination. They are actions that are reprehensible to any reasonable person.

112. Defamation was created both inside and outside courtrooms. Ms. MacLean confused herself at trial, asking and then answering when she had been served the TRO against her client Peter Henderson. Justice is a natural process. Most of the evidence is provided by the defendants themselves.

113. Ms. MacLean had lied in front of Judge MacLeod of Peterborough, but at trial in front of Judge Monahan, she admitted the true date of service of the TRO May 28, 2015. This revealing was a sensation to the plaintiff that shock was also delivered to tell her that Ms. MacLean was targeting her, that Ms. MacLean used the children for profit.

114. Mr. Henderson delivered a false defamatory story to each person, and when Ms. Winsa sent orders that showed he was incorrect, Patricia Lynn Winsa merely stated that she disagreed and continued to help Mr. Henderson, effectively taking over the position of Ms. Winsa.

115. In December, 2020 Giselle Gallie called Kelly Winsa expressing that Mr. Henderson had taken her out for drinks, and talked about what Kelly had done, saying repeatedly, I don't judge you. Ms. Winsa and Ms. Gallie hadn't spoken to each other in over twenty years.

116. Patricia Lynn Winsa then wrote and asked Kelly when she was returning to Toronto. (December 2020)

117. Ms. Winsa had sent a ticket to her younger son with a copy of the temporary Talent Visa she had been granted in France, which expired around this time. It seems certain that Mr. Henderson knew about the visa, and talking to people to monitor his ex-wife through third parties. These phone calls show a pattern of harassment and stalking.

118. The defamatory stories kept her in a position of being mentally ill, and in need of care, and this was dangerous considering solutions in Canada's Mental Health Act. Though Ms. Winsa continued to attempt to change this none of the defendants reversed their strategy.

119. Tortious Pain and Suffering - Intentional Infliction of Emotional Distress

120. The defendants administered and participated in group and individual infliction of emotional distress upon Ms. Winsa for a period of at least eight and a half years, and before and during the divorce. They acted individually and as a group, with internal communications. Theresa MacLean was a hub and used a letter from Patricia Lynn Winsa in order to attempt to prove a false claim that the plaintiff was mentally ill. This was done five thousand miles from the family home, where Kelly had no other supports, so this was unusual and cruel, and done the same day an abduction of Kelly's youngest son was taking place. This was an aggressive and intentional action that completely changed the fabric of Ms. Winsa's life.

121. Intentional Emotional Distress Using Multiple Parties:

122. After the Divisional Court ruling (2016) Ms. Winsa received two emails from Gary Gottlieb threatening her with delay of her Motion unless he was served, then when she told him to stop, he wrote, 'You are denied'. These emails were cc'd to Ms. MacLean. Peter Henderson hired Gottlieb and Aalto who interviewed CWH privately and had him sign affidavits that held insignificant claims, such as Kelly sprinkling him with water to awaken him one morning. After this the lawyers were dismissed in court by Justice Paisley. CWH was moved to a different house, Ms. MacLean wrote to Kelly, 'Stop telling everyone Cleve is missing' to hide the fact she had not disclosed the real address on court papers, and to hide that Cleveland Winsa Henderson was being held from the court's endorsement. Mr. Henderson's US attorney wrote to Kelly that she was 'delusional' saying Cleve was missing. Though she had just won at Divisional Court, the entire group of Peter's hired and unhired people sent attacking and defamatory emails causing emotional distress. This happened just as Ms. Winsa used almost all of her funds from the first sale, of the Ontario property which had formed payments for Mr. Henderson's corporate and personal taxes. All of this happened within a month.

123. Her Orders were cancelled ex-parte while she could not leave Ontario. She was turned back at the border and went to her parents' home in Ontario.

124. Peter Henderson filed a Motion in Hawaii stating she had left the home in disarray and added an Order that a judge need only sign to give him full control of the sale of the joint property. He sent this Motion and requested Order to the Hawaii mailbox, where Ms. Winsa would not be able to access the mailbox.

125. At the end of the time in Sudbury Ms. Winsa was able to cross the border, she found the Motion and Order. This all happened within five months.

126. Ms. Winsa set-up payments so that each member of the family would be secure after the divorce, and during the divorce the children needed financial support, which she provided. Mr. Henderson did the opposite. He hid what she accomplished to secure the family.

127. DAMAGES SUFFERED;

128. Peter built a wall between the litigation in Ontario and Hawaii. What he did in one court he changed in the other, not letting each court know about the other. The stories he and Ms. MacLean told, varied at times, or were changed in real time, in front of Ms. Winsa, in the court.

129. Ms. Winsa informed the Third Circuit Court of the false claim that she was living in a mental institution, but Mr. Henderson then made up further narratives to influence the court.

130. Mr. Henderson used courts to falsely define her, an invasion of her privacy and ability to be herself in court proceedings as well as in public. He told her 'We are going after your mental health.' (2015)

131. "I will go ALL THE WAY with this till every penny I have is gone. The sleeper has awoken." October 25, 2015 Mr. Henderson sent this text to Ms. Winsa, also as she arrived back in Hawaii to care for Oscar Winsa Henderson who was in school.

132. Mr. Henderson baited Ms. Winsa continuously. Sarah Arleen Winsa, Patricia Lynn Winsa, David Arnold Winsa were satellites who continued this. Mr. Henderson needed a group, they all acted in concert. Some had fewer contacts with Ms. Winsa; however, when the question of seeing her children, or the harm they had suffered came up, she was shut down by each one.

133. Each action was a teaching to Ms. Winsa of the power Mr. Henderson had. Theresa Marie Maclean stopped Ms. Winsa from revealing the truth by re-categorizing her as vindictive, bringing a harassing hearing rather than a hearing to discover division of property and fraud. Ms. MacLean categorized Ms. Winsa's negotiations with Mr. Henderson outside the court as asking for 'help' and being denied help by Mr. Henderson rather than his refusal to discuss her share of the joint family home. (October 2021)

134. This unfolded in an ongoing manner. This was a stream of actions. Each new action hid the previous false claim.

135. Each defendant knew, was reminded, that Ms. Winsa was not mentally ill, had human rights to be with her children, that they not be used against her, that they needed to stop saying abusive things to them that harmed their psyche. Each person ought to have known that engaging in aggressive attacks against a mother and separating her from her children would cause severe psychological, emotional and physical harm. This knowledge would be also that the plaintiff would suffer in her community and in her work. A reasonable person would understand this.

136. As a result of their aggression the plaintiff suffers:

a) difficult sleeping

b) panic attacks

c) severe back and shoulder pain

d) feelings of exhaustion and hopelessness of seeing her children and being close with them again, of knowing who is in their life, and how they are doing. Shock at each new installation of postponement, and realizing it is not over, as 2023 Christmas where OWH would not receive his and his brother's gift. So it's not over. The package was sent back to France and received by Ms. Winsa's friend, M. Michèle Maublanc, who contacted Ms. Winsa.

This occurred during the summer as well. Mr. Henderson wrote that all things must pass through him, and he has removed so much, this is not practical. It is a trap where things disappear. This is one feature of ongoing IPV. It is hopeless to buy things because you cannot give them, they will be blocked. There is a never-ending deceit, false promise, and engagement with the boys whenever Ms. Winsa buys them anything. She cannot keep them as she does not have a home. At root, that is the cycle created by Mr. Henderson and the other defendants. There is no way out except through civil litigation and damages surrendered. When gifts were received Mr. Henderson referred to them as for CWH's ADHD which he does not have, but Mr. Henderson perpetuated instead of considering the child's blackouts as real. Everything must back up Mr. Henderson's claims, which the defendants continue to do, perhaps even into the future, such as Mr. David Winsa's real threat to contact French police. There is no feeling of rest.

e) Symptoms of PTSD

137. As a result of the defendants' conduct the plaintiff will need help re integrating with her children, at this time almost eight years after Justice Paisley endorsed such.

PUNITIVE DAMAGES:

138. The arrogant, detrimental engagement of the legal system to control a woman, who had been a full-time mother, and volunteer teacher, friend, and home-owner, to create a false world of defamation, homelessness, loss of property, and regard from community and others is grave. It is discriminatory of her sex, and uses her role in the family as a weapon. Ms. Winsa's human rights were violated by discrimination under Canada's Charter of Rights and Freedoms. She was targeted as a mother, her role denied.

139. In all the circumstances the defendants breached and continue to breach through group action and this needs to be dissolved by punitive damages to discourage others from following this route. The defendants spread false narratives throughout the towns and city Ms. Winsa lived in and destroyed her reputation. Then she was told to 'get work'. This is the corkscrew; confinement while forcing her to stay in Ontario, while her reputation, orders, security, children and home were violently taken from her. Members of Mr. Henderson's team vilified her throughout by contacts, their own and third parties, a rapid stream of escalating violence, violation of her human rights under the Charter. As OWH told his mother in fall, 2023, "There was nothing I could do. There were too many of them." Each party enabled the other. This could not have been done without constant irrevocable attack.

140. The ease with which the defendants were able to cover up their actions over the period of nine years, and which could have ended in a fatality of a child or the mother, who each had been taken from support systems, cannot be overlooked. One of the singular kinds of assault: the use of a child's health to keep a mother on a loop of trying to contact that child, and then continuing to hide that child, and telling the child to tell his mother he has been told she will get a court order (tro) against herself if she keeps trying to contact him, is a travesty. This child had issues with drugs, ideation of self-harm, and had been attacked on the street. Theresa Marie MacLean denied that attack when she told an Ontario Superior Court judge the child had never called 911 and this is the tactic

continuously mandated on the mother, by MacLean but also by Sarah Arleen Winsa, Patricia Lynn Winsa and David Arnold Winsa.

141. David Arnold Winsa's letter in 2023 shows that this includes the future. Even if Mr. Henderson does not control, others will. Ms. Winsa is older than David Arnold Winsa, and it is clear that the control will not stop into the future.

142. Financial abuse was rampant throughout the eight years. Profiting from the divorce, Ms. MacLean won a cost award from spousal support of only 2450 CAD in October 2021 of 150 per month for eighteen months. This was when she denied Cleveland Winsa Henderson's 911 call – staging that Ms. Winsa made this up.

142. These are grievous actions from parents themselves and this cannot be allowed to exist without demonstrating to the institutions that it will not be tolerated. The defendants are fighting against life itself. Their projections are dangerous to life. There is overwhelming evidence that Ms. Winsa's youngest son was a target of the group: that they discussed his devolution into drug-using and left him in it. A system of ongoing harm to torture a mother. This included other members of Mr. Henderson's immediate family, who were involved also from the outset. These individuals deprived Ms. Winsa of her son, using letters, ghosting. Judge Pollack of Ontario Superior Court told Mr. Henderson and Ms. MacLean that Ms. Winsa should be able to talk to her children and give her side, they were informed.

143. Oscar Winsa Henderson was similarly used: his sports forced from him, Ms. Winsa blamed for forcing him into sports, when clearly this was false, and admitted by Mr. Henderson under oath: he leveraged caring.

144. Weaponization of a court officer role must be stopped in institutions. For all intents and purposes, Peter Alexis Mills, Theresa Marie MacLean, Patricia Lynn Winsa, Sarah Arleen Winsa, and David Arnold Winsa, ignored law, court orders, and Ms. Winsa, the mother when she had custody and jurisdiction. To keep this under wraps was a ploy. Silencing the boys to contain the mother was one of the tributes in that their power was entirely fixed in controlling her against her will. They were dependent on her caring for her own children. This is clear from repeated evidence of their own pattern of communication/threats and then ghosting. One was used and then the other. False narratives continued keeping oversight of the court system frozen, unavailable to Kelly Anne Winsa.

145. Ms. MacLean's constant actions create a milieu of devastation: the centre comes from her to overrule the mother in an institution far beyond what is possible in a marriage. She uses the court to spread disease to mothers and children counter using those who pay her, delivering despair, liquidating justice and balance into her purse.

146. Theresa Marie MacLean, Peter Alexis Mills Henderson, Sarah Arleen Winsa, Patricia Lynn Winsa, David Arnold Winsa did: lie, attempt false arrest, obtained illegal custody of children, in ongoing pursuit, and deserve real legal consequences for using Kelly Anne Winsa to satisfy an addiction to control, defamation, invasion of real privacy and reputation, and psychological torture. Violently kidnapping and brainwashing two sons out of jealousy for their real love for their mother, attempting to destroy her life and incarcerate her.

147. Applicable Statutes:

- a. Canadian Charter of Rights and Freedoms
- b. Human Rights Code, RSO 1990, c H.19
- c. Bill C-78 The New Divorce Act
- d. Appeal decision Ahluwalia v Ahluwalia

58. The Plaintiff proposes the trial of this action should take place in Toronto, Ontario, in the Province of Ontario.

FORM 4C
Courts of Justice Act
BACKSHEET

*Winsa v Henderson et
al*

CV-23-00707024-
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*Ontario Superior
Court*

PROCEEDING
COMMENCED AT
330 University Ave.
Toronto

Statement of Claim

Kelly Anne Winsa,

*rsomersuki@gmail.c
om*

self-represented