

**THE QUEEN'S BENCH
Winnipeg Centre**

BETWEEN:

OUMER KINNARATH

plaintiff

- and -

**MONIQUE CHOISELAT, YOGI HENDERSON, STEVEN FLETCHER,
PEOPLE'S PARTY OF CANADA, TODD MCDUGALL, DEREK STORIE, JOHN
DOE, JANE DOE, and ABC INC.**

defendants

FILED OCT 08 2020

STATEMENT OF CLAIM

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TO THE DEFENDANTS:

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 a Manitoba lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Queen's Bench Rules*, serve it on the plaintiff's lawyer or where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Manitoba.

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.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGEMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

**S. CASTRO
DEPUTY REGISTRAR
COURT OF QUEEN'S BENCH
FOR MANITOBA**

October 8, 2020

Issued by _____
Deputy Registrar
100c- 408 York Avenue
Winnipeg, MB R3C 0P9

TO: People's Party of Canada
290 St-Joseph Blvd, Office 205
Gatineau, QC J8Y 3Y3

AND TO: People's Party of Canada
15 Montclair Boulevard
P.O. Box 30019, Retail Postal Outlet Montclair
Gatineau, QC J8Y 2E2

AND TO: Monique Choiselat
384 Roseberry St.
Winnipeg, MB R3J 1T5

AND TO: Steven Fletcher
6 Hermitage Winnipeg
Headingley, MB R4H 1K3

AND TO: Yogi Henderson

AND TO: Todd McDougall
8 Jupiter Bay
Winnipeg, MB R3T 0W6

AND TO: Derek Storie

CLAIM

A. Relief Sought

1. The Plaintiff claims the following in relief:
 - a) A declaration that the Defendants defamed the Plaintiff;
 - b) General Damages:
 - i) in the amount of \$150,000 for defamation, as against the Defendants Choiselat, Fletcher, Henderson, PPC, McDougall and Storie, jointly and severally; and/or
 - ii) in the amount of \$150,000 for malicious or injurious falsehood as against the Defendants Choiselat, Fletcher, Henderson, PPC, McDougall and Storie, jointly and severally; and/or
 - iii) in the amount of \$150,000 for publicity placing a person in false light as against the Defendants Choiselat, Fletcher, Henderson, PPC, McDougall and Storie, jointly and severally; and/or
 - iv) in the amount of \$150,000 for malicious publication of personal identifying information as against the Defendants Choiselat, PPC, McDougall and Storie, jointly and severally; and/or
 - v) in the amount of \$150,000 for invasion of privacy as against the Defendants Choiselat, PPC, McDougall and Storie, jointly and severally; and/or
 - vi) in the amount of \$150,000 for public disclosure of private facts as against the Defendants Choiselat, PPC, McDougall and Storie, jointly and severally; and/or
 - vii) in the amount of \$150,000 for harassment as against the Defendants Choiselat, PPC, McDougall and Storie, jointly and severally; and/or

- viii) in the amount of \$150,000 for intimidation as against the Defendants Choiselat, PPC, McDougall and Storie, jointly and severally;
- c) Aggravated and/or punitive damages in the amount of \$150,000 as against the Defendants Choiselat, Fletcher, Henderson, PPC, McDougall and Storie, jointly and severally;
- d) Special damages, in an amount to be proven at trial;
- e) An Order that the Defendants remove and/or destroy any copy of or reference to the Publications and the Defamatory Statements from any source, medium or place accessible to any third party;
- f) An Order permanently restraining the Defendants from disseminating, posting on the internet, or publishing or broadcasting in any manner whatsoever, either directly or indirectly, any defamatory statements concerning the Plaintiff.
- g) An Order that the Defendants publish on their websites and/or social media accounts a full apology and retraction, in a manner at least as prominent as the original publication of the Defamatory Statements;
- h) The costs of this proceeding on a solicitor and own client full indemnity basis, plus all applicable taxes and disbursements; and
- i) Such further and other Relief as this Honourable Court may deem just.

B. The Parties

2. The Plaintiff, Oumer Kinnarath ("**Kinnarath**"), is an individual who resides in Winnipeg, Manitoba.
3. The Defendant, People's Party of Canada ("**PPC**"), is an active federal corporation registered under the *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23. The PPC is a federal political party registered with Elections Canada under the *Canada Elections Act*, S.C. 2000, c. 9, on January 17, 2019. Maxime Bernier ("**Bernier**") is the

founder and current leader of the PPC.

4. The Defendant, Monique Choiselat ("**Choiselat**"), is a resident of Winnipeg, Manitoba. Choiselat was, at the time the claims in this action arose, the Chief Executive Officer of the PPC's Winnipeg Centre riding association.
5. The Defendant, Steven Fletcher ("**Fletcher**"), is a resident of Headingley, Manitoba. Fletcher is a former Conservative MP and was, at the time the claims in this action arose, the PPC candidate in the 2019 Canadian Federal Election for Charleswood-St. James-Assiniboia-Headingley.
6. The Defendant, Yogi Henderson ("**Henderson**"), is a resident of Calgary, Alberta. Henderson's hometown is Winnipeg, Manitoba. Henderson was, at the time the claims in this action arose, the PPC candidate in the 2019 Canadian Federal Election for Winnipeg Centre.
7. The Defendant, Todd McDougall ("**McDougall**"), is a resident of Winnipeg, Manitoba. McDougall is the owner of a volunteer-based organization, Winnipeg Alternative Media ("WAM"), which claims to engage in citizen journalism and reporting. McDougall prepares and appears in content published on the WAM platform, including creating and appearing in videos that appear on the WAM social media channels.
8. The Defendant, Derek Storie ("**Storie**"), is a resident of Ontario. Storie is a volunteer with WAM.
9. The Defendants, John Doe and Jane Doe are individuals unknown to the Plaintiff at this time who may be connected with some of the defendants in this claim.

10. The Defendant, ABC Inc., is an organization unknown to the Plaintiff at this time that may be connected with some of the defendants in this claim.

11. This action has a real and substantial connection to Manitoba. In accordance with Rules 17.02 and 17.04 of the *Court of Queen's Bench Rules*, Kinnarath will serve three parties outside of Manitoba, namely, the PPC, Henderson and Storie. Pursuant to Rule 17.04, Kinnarath pleads that the within proceeding relates to, *inter alia*:

- a) torts committed in Manitoba;
- b) loss and/or damage incurred in Manitoba;
- c) an order refraining these parties from committing certain acts, including in Manitoba;
- d) a claim authorized by statute to be made against these parties located outside of Manitoba via this proceeding;
- e) breaches of statutory, legal, and/or equitable duties in Manitoba;
- f) matters that make these parties, located outside of Manitoba, necessary and/or proper parties to this proceeding; and/or
- g) parties that are carrying on business in Manitoba.

C. Background and Relationship

Kinnarath is a Social Justice Advocate and a Respected Member of the Community

12. Kinnarath was born in Thailand. Kinnarath is a Canadian citizen who came to Canada as a refugee 41 years ago.

13. Kinnarath is a Muslim, single father and a business owner.
14. Kinnarath is the owner of a clothing store named Urban 101 located at Portage Place Shopping Centre in Winnipeg, Manitoba.
15. Kinnarath works to advance the interests of racialized, religious, and other minority groups through his community work and organizing. Kinnarath is a well-known advocate against, without limitation, racism, xenophobia, Islamophobia, and white supremacy in Winnipeg.
16. Kinnarath engages in legitimate, well-recognized and respected forms of political activism.
17. Kinnarath is the founder of the Fascist Free Treaty One ("FF1") and has been involved with the FF1 since January 2017. The FF1 is an anti-fascist group that puts community action and education at the forefront of anti-racist activism. Kinnarath and the FF1 engage in peaceful tactics to counter, without limitation, hate groups, racism, xenophobia, Islamophobia, and white supremacy in Winnipeg and across Canada, and raise awareness on these issues within the Winnipeg community.
18. Kinnarath is a respected member in Winnipeg's social justice community. Kinnarath is committed to providing community service without regard to faith or creed. Kinnarath is a well-known and highly regarded community advocate and considered to be a leader in advancing social justice related issues in Winnipeg.
19. Kinnarath is active in assisting refugees and promoting respect for diversity and minority groups.
20. Kinnarath does educational work with schools and conducts social justice workshops

in the community.

21. Kinnarath is regularly featured in various media outlets for his community and advocacy work.
22. Kinnarath opposes far-right ideology and anti-immigrant sentiment and is concerned about the rise of the political far-right in Canada and around the world in recent years.
23. Kinnarath considers it his moral duty to stand against the rise of the far-right, and efforts to propagate anti-Semitism, Islamophobia, White Supremacy, Neo-Nazism, and other racist and xenophobic views.
24. Kinnarath has a valued reputation in his professional and personal capacities in Winnipeg. That reputation has been severely, and irreparably, damaged by the actions of the Defendants.

The PPC and Their Views and Policies

25. The PPC is referred to or seen as populist, right-wing to far-right, and alt-right.
26. The PPC advocates for steep cuts to immigration to Canada, cultural integration of immigrants, and eliminating official multiculturalism in Canada.
27. The PPC has allegedly employed or otherwise given a platform to (without limitation), Islamophobes, white supremacists, white nationalists, neo-Nazis, and individuals who hold otherwise racist, transphobic, or xenophobic views. In particular, PPC candidates were alleged to promote hate speech, and publish Islamophobic, racist and transphobic statements.
28. Some of the PPC's founding members were alleged to have ties to extreme far-right,

neo-Nazi, white supremacist, white nationalist and anti-immigrant groups.

29. On or about July 16, 2019, five senior members of the PPC's Elmwood-Transcona riding association — including the prospective candidate for the party — issued an open letter announcing that they were resigning over concerns that “racists, bigots, anti-Semites, and conspiracy theorists have (a) large presence in the public conversation surrounding the PPC.” The group stated in the letter that “Many of these PPC supporters would deny freedoms to Canadians and close our physical and economic borders. Many more spread disinformation and distrust online via their personal, and sometimes official party channels ... We are appalled to see it encouraged with a wink and a nod now.” Kinnarath was deeply concerned about this incident.

The Defendants Maliciously Publish Statements, Videos and Information About Kinnarath

30. On or about July 19, 2019, Kinnarath learned from a community member that a local Winnipeg art gallery, Cre8ery Gallery and Studio, would be hosting a Winnipeg Centre PPC rally.
31. Winnipeg Centre is one of the most ethnically and economically diverse ridings in Canada, with a large indigenous, refugee and immigrant population.
32. On or about July 22, 2019, Kinnarath contacted the owner of Cre8ery, to raise concerns privately about the PPC rally that was set to take place at the gallery on July 25, 2019.
33. Kinnarath, in furtherance of his moral and political convictions, emailed the gallery owner with concerns about the racism and anti-LGBT stance of some of the PPC's

candidates and the anti-immigrant sentiment within the party. He also provided her with examples of articles, which included articles regarding concerns that the PPC harbours racists, anti-Semites, and conspiracy theorists. Kinnarath informed her about the resignation of the PPC executives in Winnipeg and suggested that it would be in the best interest of the gallery and the community it served to cancel the PPC rally.

34. When the gallery owner noted that she was obliged to keep the \$75 booking, Kinnarath offered to cover the costs and assured her that the community would support her and the gallery in the event there was backlash from the PPC.
35. Kinnarath advised the owner that if the gallery proceeded with hosting the PPC rally, the FF1 would make that decision public and the community may choose to boycott the gallery.
36. When the gallery owner informed Kinnarath that the PPC rally would continue as planned, Kinnarath, along with members of FF1, informed the community that the venue was still planning to host the PPC rally.
37. Several community members contacted the gallery owner with their concerns, urging the gallery owner to cancel the event for the sake of inclusivity in the community.
38. On July 22, 2019, Choiselat privately reached out to Kinnarath via email, requesting to meet with him to discuss the matter. Kinnarath did not provide his contact information to Choiselat. Kinnarath and Choiselat exchanged emails back and forth. Kinnarath informed her that he did not wish to meet with Choiselat. Kinnarath's email correspondence contained his signature at the bottom, which included his full name, address, telephone number and email address.

39. On or about July 22, 2019, Choiselat sent an email correspondence to Kinnarath alleging that he is spreading misinformation to the media and threatening individuals. She proceeded to make a veiled threat against his job (or where she believed he was working) by copying Shaw Centre on the email correspondence. The correspondence includes the following:

Why would you spread misinformation to the media so cruelly...I can't understand how you can do this to people who work hard to succeed the same as you do at Shaw...Don't you consider yourself a human being the same as your fellow human being? Why would you threaten people who you do not even know and have nothing to do with you, like this? How would you like it if someone targeted you for your beliefs because they disagree with what you believe?...What kind of person would pressure innocent fellow Canadians with putting them out of business like this? What kind of person are you that you would do a thing like this?

40. On or about July 22, 2019, the gallery owner cancelled the PPC rally and returned the PPC's money back.

41. On or about July 22, 2019, Choiselat posted on her Facebook the following statements:

Some anti-hate-fa group is trying to shut down our rally in Winnipeg. Gee thanks CBC.

Just got a call from the venu owner . Someone threatened to burn down her building. So she's scared and cancelled.

Just to let you know Omar Kennarath who works at Shaw is the one who did this to her [sic].

42. This statement is categorically false. Kinnarath did not threaten to burn down any building, including the gallery. Kinnarath does not, and never did, work at Shaw.
43. When Kinnarath denied that he worked at Shaw, denied that he threatened to burn down any building and insisted that Choiselat stop lying, Choiselat responded with the following comment on her Facebook thread:

I guess you just got some other poor Omar fired at shaw. [sic]

44. This statement is categorically false. Omar played no role in, or had any involvement with, getting a person fired from Shaw.
45. On or about July 22, 2019, Choiselat posted the following comments on her Facebook page:

Omar Kinnarath Back at you baby. You gave us your address. Which we have in turn given to the RCMP and the Winnipeg Police. Along with your phone # and email address. [sic]

Then all the easier for them to go get you.

46. Kinnarath insisted that Choiselat admit she lied about him threatening to burn down the gallery.
47. On or about July 22, 2019, Choiselat posted the following comments on her Facebook page:

She cancelled because you omar tried to ruin her business. We

aren't mad at her. You bullied her by posting evil lies about her on line that reduced her to tears.. What you did was evil and mean.

Someday, omar, you will want forgiveness for this sin and there may be no one left who cares enough about your moral reversal to forgive you

48. These statements are categorically false. Kinnarath did not try to ruin the gallery owner's business or bully the gallery owner, including by posting false information about the gallery owner online. Kinnarath did not commit any "sin" or wrongdoing by convincing the gallery owner to cancel the PPC rally.
49. Kinnarath continued to insist that Choiselat was lying and that he did not threaten to burn down the gallery owner's building or do anything illegal. He informed her that all the receipts of the communication with the gallery are about to be made public.
50. On or about July 22, 2019, Choiselat posted the following comment on her Facebook page:

Actually, she was afraid that they would burn down her building because another building near hers just burned down. She was panicking. That's why she said she didn't want her building burned down. I just spoke to her about it.

People make mistakes, especially when they are scared. It's only human. [*sic*]

51. On or about July 22, 2019, Choiselat issued a correction on her Facebook account with the following post:

Correction:

There was no message about burning her building down. But the messages were so horrible that she was afraid that they would burn down her building because another building near hers just burned down. She was panicking. That's why she said she didn't want her building burned down. I just spoke to her about it.

People make mistakes, especially when they are scared. It's only human. [*sic*]

52. Choiselat's correction does not constitute a retraction and does not contain an apology to Kinnarath. Further, the allegation that Kinnarath's messages were "so horrible" such that they caused the gallery owner to be afraid that Kinnarath or the FF1 would burn down her building, is categorically false. Kinnarath was not, and has never been, involved with the burning down of any building.

53. On or about July 22, 2019, Choiselat posted the following statement on her Facebook account:

Omar you are a terrorist.

That's what terrorists do, they threaten people to get [their] own way.

54. This statement is categorically false. Kinnarath is not, and has never been convicted of being, a terrorist. He did not threaten anyone or use any illegal means to get his own way.

55. On or about July 22, 2019, Choiselat posted on her Facebook account a colour photograph of Kinnarath with the word "TERRORIST" beneath it and the comment

“Just saying...”. The photograph was also surrounded by the following text:

THIS THE TERRORIST'S DETAILS: [Kinnarath's full name, home address, phone number and email address] This terrorist shut-down our Rally to introduce our PPC Candidate by ruining online the little woman who was renting us our venue. He called this activity, “Free speech” Definition of terrorism: the systematic use of terror especially as a means of coercion [*sic*] (the “**Post**”)

56. This statement is categorically false. Kinnarath is not, and has never been convicted of being, a terrorist. He did not use any illegal means or engage in any act of terror in order to convince the gallery owner to cancel the PPC event. He did not ruin the gallery owner who was renting out the venue to the PPC.
57. The Post depicted Kinnarath wearing a kaffiyeh (an Arab headdress) around his neck with a Palestinian flag in the background. The Post contained Kinnarath's personal and private information, which Kinnarath did not consent to the disclosure or publication of. The Post includes Kinnarath's full name, home address, phone number, and email address.
58. On or about July 22, 2019, Choiselat responded to a Facebook user's concerns regarding the Post being defamatory, stating “No this is exactly accurate...”.
59. On or about July 23, 2019, the Twitter account ‘PPC Winnipeg Centre’ (@PPCWpgCntre) shared the Post with the comment:

Terrorism is not Free Speech. Just saying...

60. On or about July 23, 2019, the following comment was posted on the Twitter account

'PPC Winnipeg Centre' (@PPCWpgCntre) and Choiselat's Facebook page:

Our rally is cancelled because this guy terrorized the struggling gallery owner into cancelling our venue

61. This statement is categorically false. Kinnarath is not, and has never been convicted of being, a terrorist. Kinnarath's exercise of his free speech did not, and does not, constitute as terrorism. He did not use any illegal means or engage in an act of terrorism to convince the gallery owner to cancel the PPC event. He did not ruin the gallery owner who was renting out the venue to the PPC.
62. At the time the claims in this action arose, the Twitter account 'PPC Winnipeg Centre' (@PPCWpgCntre) was the official PPC Twitter account for the Winnipeg Centre riding.
63. On or about July 23, 2019, the gallery announced that it cancelled the PPC rally and noted that the venue is an inclusive space and that it would like to support others who feel the same.
64. On or about July 23, 2019, Kinnarath requested Choiselat to take down the Post from her Facebook page.
65. On or about July 23, 2019, Kinnarath shared an image of the Post (with personal information redacted) on his personal Facebook and Twitter accounts asking members of the public to report the Post to Facebook and Twitter. Kinnarath also tagged the official Twitter accounts of Bernier and the PPC, informing them about the Post.
66. On or about July 23, 2019, Facebook removed the Post from Choiselat's personal

account as a result of mass reporting. Choiselat subsequently shared the Post for a second time on her Facebook account. The Post was taken down for a second time by Facebook as a result of mass reporting.

67. On or about July 23, 2019, Twitter also removed the Post from the PPC Winnipeg Centre account.
68. On or about July 24, 2019, Kinnarath came to learn that a member of the PPC contacted a local Winnipeg media platform, The Jewish Post, to ask about a story that was previously published about Kinnarath. The article has since been deleted. Kinnarath believed, and continues to believe, it was highly inappropriate that the PPC was conducting opposition research on him and was targeting him, especially given that he is a private citizen.
69. On or about July 24, 2019, Kinnarath visited his former home to meet the family residing at the address identified in the Post. Kinnarath warned the family about the Post and the publication of the address so that they can take safety precautions.
70. On or about July 24, 2019, the Winnipeg Free Press published an article by Carol Sanders titled "People's Party of Canada calls anti-racist a 'terrorist' after gallery cancels political rally" (the "**Free Press Article**"). The Free Press Article references the Post.
71. Henderson was described in the Free Press Article as equating Kinnarath's conduct with the views expressed by Choiselat:

The PPC's candidate for Winnipeg Centre said Kinnarath's threat to boycott the gallery and Choiselat's "terrorist" response were both "extreme views" expressed by "two heated people."

72. This statement is categorically false. Kinnarath was not heated. His conduct did not reflect "extreme views" and was not equivalent or comparable to that of Choiselat's.

73. The Free Press Article also stated that Fletcher:

...contacted the *Free Press* to defend the post.

"The original sin is this person (Kinnarath) threatening a free and democratic activity and a business," said Fletcher. "What is ironic is this group (Fascist Free Treaty 1) calls themselves fascist-free yet what they're doing is exactly what fascists do... using severe bully tactics to prevent free and democratic activities," he said.

74. This statement is categorically false. Kinnarath is not a fascist. He did not engage in severe bully tactics or threaten a business.

75. On or about July 25, 2019, McDougall, who is a supporter of the PPC, published a video ("**Video #1**") on the internet with respect to the PPC and its platform, the exchange between Kinnarath and the gallery owner, and Kinnarath's involvement with the PPC rally. The video contains, among other things, false and defamatory statements about Kinnarath, and included the following statements:

- i. "...I'd have to talk to the guy who wrote that little bit but to me it kind of sounds like just being sort of weak or being bullied. Who knows maybe by FF1 cause FF1 championed it right away. Right away they were on it sharing it around. Oh see told you so, told you so right?..."
- ii. "...I understand of course she's kind of frightened, she's fearing for her business and her livelihood here I guess, you know, she doesn't want all of a

sudden...and her good name as well too right? All of a sudden she's just running an art gallery, a political party says hey we'll give you some money we'll maybe help out with some business or whatever, if you can help us out like this and then all of a sudden she's got Omar sending her a whole bunch of hate mail probably telling other people to do the same, um you know, threaten her business and livelihood, mention that I guess maybe, I don't know, that they would be there that they would cause a disturbance, I don't know that they would continue to tell the rest of Winnipeg and her surrounding community that this is what she stands for too... FF1 is doing this going off of one frickin' letter, one Facebook post by a dude in Elmwood...and so therefore a good young woman has to have all this shit come upon her because of Omar and FF1. How ridiculously disgusting."

iii. "... Maybe don't be some Shmuck, don't be some punk that has to go and wreck everything..."

iv. "...So guess what that makes you. And Steven Fletcher said this too and I agree with him...but yeah ... he called you a terrorist. Yeah they called you a terrorist. Because doing this to large groups of people just because of a couple bullshit ideas doesn't make it fact. It doesn't make it right. It doesn't make it compassionate and it sure as fuck doesn't make it anti-fascist. It makes it anti-Canadian, anti-free speech, anti-freedom, it makes it like terrorism, it's disgusting bullying. And it makes you a punk. ..."

76. McDougall's claims are categorically false. Kinnarath is not a terrorist or a bully. Kinnarath did not send the gallery owner hate mail or threaten the gallery owner's business or livelihood. His conduct towards the gallery owner and involvement in the

cancellation of the PPC rally did not constitute as terrorism or bullying. Kinnarath's actions were not anti-Canadian, anti-free speech, or anti-freedom.

77. On or about July 25, 2019, WAM published the following statement on its Twitter account:

Winnipeg's Antifa attacks free speech again and shuts down @peoplespca rally. Time to band together so that new political parties can speak in Winnipeg without getting bullied by #communists Good call @HonSFletcher for calling them out! #wpgpoli #AntifaTerrorists #ff1 #Winnipeg

78. This statement is categorically false. Kinnarath is not a communist or a terrorist and does not belong to a group that consists of communists or terrorists.

79. On or about July 28, 2019, McDougall published and/or broadcasted a subsequent video on the WAM Facebook account with the comment "Video Taken Down Heres Why & Is The PPC Racist?" ("**Video #2**"), discussing the PPC, FF1, Kinnarath and his community work, the incident involving the gallery, and Video #1. Video #2 is unquestionably about Kinnarath, as it refers to him as the "leader of FF1", and discusses the events surrounding PPC and Kinnarath, including Kinnarath being labelled a "terrorist". Video #2 contains a series of defamatory statements about Kinnarath, and includes the following:

- i. "...But yes, the leader of FF1 was called a terrorist by somebody in the PPC. And apparently really really feels that's because he's a Muslim. Umm and then me, making a video about him being called a terrorist is me being a racist as well too..."

- ii. "...somebody from the PPC called the leader of FF1... a terrorist... I do consider it a bit of taste of your own medicine, making judgment calls, and making large kind of insulting statements like that is something that FF1 and Antifa does all the time..."
- iii. "...you're using bullying tactics of having to control narratives like this, while you make up things...and while the leader of FF1 a little bit kind of played the victim saying that it is only because he's Muslim. It has nothing to do with the actions taken but they're going around wanting to you know get somebody to shut down an event when you really don't have any good reasons just your own opinion..."
- iv. "And also for all the other people that are watching, that are the people that are trying to do things like dox me... You don't like being called a terrorist but you can throw around the exact same type of vile stuff. All the same, all of you, all of antifa does..."
- v. "They do want to dox me, they do want to see some sort of personal stuff come to me from what it seems like...to those of you that are listening, that are on the antifa side or the Yellow Vest Exposed side of things, is doxing absolutely is terrorism ok? Now should the leader of FF1 be called a terrorist by the PPC? Nope, maybe not. Maybe not. He kind of got to experience the shoe on the other foot now? He finally got to kind of see what it's like when you are just throwing out really nasty stuff like that and being kind of forced to deal with it. Of having it being spread across like you know the Internet and maybe even news media..."
- vi. "...did my video say anything about me even saying that "yes you are a

terrorist?" No. I said I could totally understand why eventually this has happened. That is exactly what I said...I did not say absolutely is a terrorist...like I want to call anybody a terrorist as well too. Nope. I said I can understand why eventually because of things that you've done, actions you've taken, that eventually this has happened. I can understand it. That's what I said. Okay?"

vii. "...wanted to kind of do the whole flip it thing and do the same back to me, yea let's not go that route. And let's not go the route of actual terrorism. Like wanting to harm my personal life and get personal information of mine on the internet and do the whole doxing thing. Yeah, then you're being a terrorist. So let's not go there. I'm not, I'm not in it to play that type of ridiculous personal hardball myself... OK, alright, moving on, oh yeah and you've apologized to Jordan and Cre8tery. OK that's great... "

viii. "...FF1 was only called a terrorist because of being a Muslim and it's like no no no no, I don't think any of that had anything to do with it. I think it all gets blown out of proportion. All this craziness. But I was a part of blowing it out of proportion a little myself. So I accept that responsibility. And that is of course what I am here to make right here today. And that's about it. I don't think I have anything much more that I could say on it..."

80. Video #2 does not contain an apology to Kinnarath or a retraction. Video #2 contains claims that are categorically false. Kinnarath does not engage in conduct that is vile or equivalent to labelling others as "terrorists". Kinnarath did not, and does not, engage in bullying tactics. Kinnarath did not dox or threaten McDougall.

81. The videos published by McDougall have between accessed and viewed between

200 and 2100 times and can still be accessed.

82. On or about August 30, 2019, McDougall and another PPC supporter, Storie, recorded a video, stating that they were going to Kinnarath's store to do a "crowder confronts".
83. On or about August 30, 2019, McDougall and Storie arrived at Kinnarath's place of business and proceeded to accost and harass Kinnarath at his store. McDougall and Storie filmed Kinnarath while he was at work despite Kinnarath telling them not to film in his store. Kinnarath asked McDougall and Storie to leave the store and they were eventually escorted away by security. McDougall and Storie then created and published a Youtube video titled "ANTIFA Exposed Episode 4 Winnipeg Omar Kinnarith" ("**Video #3**"), which includes images and statements related to ANTIFA, images and footage of Kinnarath, statements about Kinnarath, as well as private information about Kinnarath, such as the location of Kinnarath's place of business on a map. The video has more than 1300 views on www.Youtube.com alone and can still be accessed.
84. Video #3 includes, amongst others, the following statements:
 - i. Antifa a political protest movement comprising autonomous groups affiliated by their militant opposition to fascism and other forms of extreme right-wing ideology.
 - ii. AKA Counter Protesters;
 - iii. Milk Shake Attacks
 - iv. Organized international criminals

- v. Attacking the elderly
- vi. Attacking the Christian religion
- vii. Antifa are the real fascists
- viii. Will grab and break your stuff
- ix. Terrorize peaceful protesters
- x. The tower Antifa LGBTQ2 [depicting an image of the tower on fire]
- xi. "...if you are able to...man up and be honest, and not make up egregious lies about people..."

85. These statements are categorically false insofar as they are connected to Kinnarath. Kinnarath is not, and has never been, involved with "militant" groups, milk shake attacks, organized international crime, attacks on elderly, attacks on the Christian religion, terrorism, attacks on the LGBTQ2 community, or other forms of illegal activities.

86. The video includes a disclaimer, stating "This video is all facts and have experience it with my own eyes and lense. This is not hate speech nor it's it defamatory. But Built on nothing but facts [*sic*]".

87. The above-referenced Video #1, Video #2 and Video #3 are collectively referred to as the "**Videos**".

88. On or about September 17, 2019, Kinnarath served a Notice of Intended Action on the Defendants Choiselat, Fletcher, Henderson and the PPC. Kinnarath provided a detailed written complaint with respect to the Post and the statements made in the

Free Press Article and requested a clear and unqualified retraction and apology.

89. On or about September 17, 2019, CityNews published an article by Lauren Boothby titled 'PPC critic demands apology, takes legal action against party over 'doxxing' (the "**CityNews Article**"). When asked for a comment with respect to the legal action, Choiselat responded with the following:

I simply don't care who it is. If someone commits a vile act, terrorizing a vulnerable person to fulfil his or her own agenda, even if the victim will not stand up for her or himself, I will call it out. All Canadians must, if we want to preserve our civilized, law abiding country. Democracy is not a spectator sport. Further, I can guarantee nothing has happened to the vile person or his family, on the other hand I have been harassed by the FF! entity none stop since I exposed this abomination without support of the police, the people's party or any of my friends and relatives. [sic]

90. This statement is false. Kinnarath did not terrorize the gallery owner or any vulnerable person involved in the matter. Kinnarath and his family were impacted as a result of the Post.
91. In the CityNews Article, Fletcher commented with respect to his quote in the Free Press Article, which includes the following:

"In the context with that particular story, the quote is true. All the other stuff around the quote and in the letter, have nothing to do with me, or my comment," Fletcher wrote in a Facebook message.

92. The CityNews Article depicts the Post, but redacted Kinnarath's personal information

from the Post.

93. On or about September 17, 2019, the Winnipeg Free Press published a subsequent article by Carol Sanders titled "Winnipeg man seeks apology from People's Party" ("**Second Free Press Article**"), regarding Kinnarath's Notice of Intended Action. Fletcher was the only PPC member who could be reached for comment. The Second Free Press Article discussed Fletcher's statements in the July Free Press Article, and states that Fletcher "said he stands by his remarks and has nothing to apologize for. "It was a perfectly true statement," he said."

94. The Second Free Press Article also includes the following comment from Fletcher:

"This is a larger issue in our society," said Fletcher. "People with different points of view on X are being called all sorts of things by people who have a different position on X. People are not talking about the issue, they're just calling each other names and what they're calling their opponents is what they themselves are doing."

95. Kinnarath has no way of ascertaining how many times the Post, the Videos, the Defendants' statements, and the above-referenced news articles have been accessed, viewed, downloaded and shared on or through the internet, including through the many online platforms on which the Defendants are engaged in.

96. To date, the Defendants have not published a formal retraction and/or an apology.

PPC's Failures

97. The PPC and its members did not acknowledge or apologize for the Post, conduct or statements made in the Articles nor did they take any action to remove the Post.

98. The harm suffered by Kinnarath has been made worse by PPC's failures, including:

- i. Failing to properly supervise the conduct of its employees or members, including the conduct of the Defendants Choiselat, Fletcher and Henderson, in connection with this claim;
- ii. Failing or choosing not to acknowledge the Post or statements made against Kinnarath, or to take corrective action to address or remove the statements;
- iii. Engaging in or permitting retaliation against Kinnarath;
- iv. Failing to act when wrongful conduct by its employees or members was disclosed;
- v. Maintaining and permitting an organizational culture which fosters racism, Islamophobia, harassment, bullying, intimidation, and abuse of power;
- vi. Failing to act honestly and responsibly;
- vii. Failing to hold accountable those employees or members who engaged in wrongful conduct against Kinnarath;

Impact on Kinnarath

99. The Defendants maliciously published or made the Post, Videos, and statements about Kinnarath (collectively referred to as the "**Publications**") and have caused, and will continue to cause, Kinnarath to suffer injury and damage to his feelings, reputation, goodwill, community relationships, occupation, business and business relationships.

100. Kinnarath was the subject of physical and online harassment and the recipient of

demeaning comments and threats as a result of the Publications.

101. The Defendants' conduct and the Publications, as well as the harassment and threats against Kinnarath as a result of the Publications, have caused significant fear, stress, anxiety, mental suffering, and humiliation to Kinnarath and compromised his personal safety and that of his family.
102. Kinnarath feared, and continues to fear, that he may be physically assaulted or targeted based on the Publications, and as a result, was forced to take security precautions, including installing a video camera at his place of business and changing his phone number.
103. Kinnarath is concerned about his and his family's safety and well-being, and whether he or his family may be targeted.
104. The Publications have also undermined Kinnarath's personal and professional reputation and affected the reputation of his business. In addition, the Publications have undermined Kinnarath's authority and reputation as an advocate for social justice and equity-related issues in Winnipeg.

D. Defendants' Liability

Defamation

105. The Publications contain statements that are false and defamatory of Kinnarath in their natural and ordinary meaning, including their implied meanings (collectively the "**Defamatory Statements**"), and are intended to lower the reputation of Kinnarath in the eyes of others.
106. The following statements are false and defamatory on their face, in their plain and

ordinary meaning:

- a) "Why would you spread misinformation to the media so cruelly...I can't understand how you can do this to people who work hard to succeed the same as you do at Shaw...Don't you consider yourself a human being the same as your fellow human being? Why would you threaten people who you do not even know and have nothing to do with you, like this? How would you like it if someone targeted you for your beliefs because they disagree with what you believe?...What kind of person would pressure innocent fellow Canadians with putting them out of business like this? What kind of person are you that you would do a thing like this?"
- b) "Some anti-hate-fa group is trying to shut down our rally in Winnipeg. Gee thanks CBC. Just got a call from the venu owner . Someone threatened to burn down her building. So she's scared and cancelled. Just to let you know Omar Kennarath who works at Shaw is the one who did this to her."
- c) "I guess you just got some other poor Omar fired at Shaw"
- d) "Omar Kinnarath Back at you baby. You gave us your address. Which we have in turn given to the RCMP and the Winnipeg Police. Along with your phone # and email address...Then all the easier for them to go get you."
- e) "She cancelled because you omar tried to ruin her business. We aren't mad at her. You bullied her by posting evil lies about her on line that reduced her to tears. What you did was evil and mean"
- f) "Someday, omar, you will want forgiveness for this sin and there may be no one left who cares enough about your moral reversal to forgive you"

- g) "Actually, she was afraid that they would burn down her building because another building near hers just burned down. She was panicking. That's why she said she didn't want her building burned down. I just spoke to her about it. People make mistakes, especially when they are scared. It's only human."
- h) "But the messages were so horrible that she was afraid that they would burn down her building because another building near hers just burned down. She was panicking. That's why she said she didn't want her building burned down. I just spoke to her about it. People make mistakes, especially when they are scared. It's only human."
- i) "Omar you are a terrorist. That's what terrorists do, they threaten people to get [their] own way."
- j) "TERRORIST" [appearing on Kinnarath's photograph]
- k) "Just saying... THIS THE TERRORIST'S DETAILS: [Kinnarath's picture, name, home address, phone number and email address] This terrorist shut-down our Rally to introduce our PPC Candidate by ruining online the little woman who was renting us our venue. He called this activity, "Free speech" Definition of terrorism: the systematic use of terror especially as a means of coercion."
- l) "Terrorism is not Free Speech. Just saying..."
- m) "Our rally is cancelled because this guy terrorized the struggling gallery owner into cancelling our venue"
- n) "Kinnarath's threat to boycott the gallery and Choiselat's "terrorist" response were both "extreme views" expressed by "two heated people."

- o) "The original sin is this person (Kinnarath) threatening a free and democratic activity and a business,"
- p) "What is ironic is this group (Fascist Free Treaty 1) calls themselves fascist-free yet what they're doing is exactly what fascists do... using severe bully tactics to prevent free and democratic activities"
- q) "...I'd have to talk to the guy who wrote that little bit but to me it kind of sounds like just being sort of weak or being bullied. Who knows maybe by FF1 cause FF1 championed it right away. Right away they were on it sharing it around. Oh see told you so, told you so right?..."
- r) "...I understand of course she's kind of frightened, she's fearing for her business and her livelihood here I guess, you know, she doesn't want all of a sudden...and her good name as well too right? All of a sudden she's just running an art gallery, a political party says hey we'll give you some money we'll maybe help out with some business or whatever, if you can help us out like this and then all of a sudden she's got Omar sending her a whole bunch of hate mail probably telling other people to do the same, um you know, threaten her business and livelihood, mention that I guess maybe, I don't know, that they would be there that they would cause a disturbance, I don't know that they would continue to tell the rest of Winnipeg and her surrounding community that this is what she stands for too... FF1 is doing this going off of one frickin' letter, one Facebook post by a dude in Elmwood...and so therefore a good young woman has to have all this shit come upon her because of Omar and FF1. How ridiculously disgusting."
- s) "... Maybe don't be some Shmuck, don't be some punk that has to go and

wreck everything...”

- t) “...So guess what that makes you. And Steven Fletcher said this too and I agree with him...but yeah ... he called you a terrorist. Yeah they called you a terrorist. Because doing this to large groups of people just because of a couple bullshit ideas doesn't make it fact. It doesn't make it right. It doesn't make it compassionate and it sure as fuck doesn't make it anti-fascist. It makes it anti-Canadian, anti-free speech, anti-freedom, it makes it like terrorism, it's disgusting bullying. And it makes you a punk. ...”
- u) “Winnipeg's Antifa attacks free speech again and shuts down @peoplespc rally. Time to band together so that new political parties can speak in Winnipeg without getting bullied by #communists Good call @HonSFletcher for calling them out! #wpgpoli #AntifaTerrorists #ff1 #Winnipeg”
- v) “...But yes, the leader of FF1 was called a terrorist by somebody in the PPC. And apparently really really feels that's because he's a Muslim. Umm and then me, making a video about him being called a terrorist is me being a racist as well too...”
- w) “...somebody from the PPC called the leader of FF1... a terrorist... I do consider it a bit of taste of your own medicine, making judgment calls, and making large kind of insulting statements like that is something that FF1 and Antifa does all the time...”
- x) “...you're using bullying tactics of having to control narratives like this, while you make up things...and while the leader of FF1 a little bit kind of played the victim saying that it is only because he's Muslim. It has nothing to do with the actions

taken but they're going around wanting to you know get somebody to shut down an event when you really don't have any good reasons just your own opinion..."

- y) "And also for all the other people that are watching, that are the people that are trying to do things like dox me... You don't like being called a terrorist but you can throw around the exact same type of vile stuff. All the same, all of you, all of antifa does..."
- z) "They do want to dox me, they do want to see some sort of personal stuff come to me from what it seems like...to those of you that are listening, that are on the antifa side or the Yellow Vest Exposed side of things, is doxing absolutely is terrorism ok? Now should the leader of FF1 be called a terrorist by the PPC? Nope, maybe not. Maybe not. He kind of got to experience the shoe on the other foot now? He finally got to kind of see what it's like when you are just throwing out really nasty stuff like that and being kind of forced to deal with it. Of having it being spread across like you know the Internet and maybe even news media..."
- aa) "...did my video say anything about me even saying that "yes you are a terrorist?" No. I said I could totally understand why eventually this has happened. That is exactly what I said...I did not say absolutely is a terrorist...like I want to call anybody a terrorist as well too. Nope. I said I can understand why eventually because of things that you've done, actions you've taken, that eventually this has happened. I can understand it. That's what I said. Okay?"
- bb) "...wanted to kind of do the whole flip it thing and do the same back to me, yea let's not go that route. And let's not go the route of actual terrorism. Like wanting

to harm my personal life and get personal information of mine on the internet and do the whole doxing thing. Yeah, then you're being a terrorist. So let's not go there. I'm not, I'm not in it to play that type of ridiculous personal hardball myself... OK, alright, moving on, oh yeah and you've apologized to Jordan and Cre8tery. OK that's great..."

cc) "...FF1 was only called a terrorist because of being a Muslim and it's like no no no no, I don't think any of that had anything to do with it. I think it all gets blown out of proportion. All this craziness. But I was a part of blowing it out of proportion a little myself. So I accept that responsibility. And that is of course what I am here to make right here today. And that's about it. I don't think I have anything much more that I could say on it..."

dd) "If someone commits a vile act, terrorizing a vulnerable person to fulfil his or her own agenda, even if the victim will not stand up for her or himself, I will call it out. All Canadians must, if we want to preserve our civilized, law abiding country. Democracy is not a spectator sport. Further, I can guarantee nothing has happened to the vile person or his family, on the other hand I have been harassed by the FF! entity none stop since I exposed this abomination without support of the police, the people's party or any of my friends and relatives."

ee) "Antifa a political protest movement comprising autonomous groups affiliated by their militant opposition to fascism and other forms of extreme right-wing ideology."

ff) "AKA Counter Protesters"

gg) "Milk Shake Attacks"

- hh) "Organized international criminals"
- ii) "Attacking the elderly"
- jj) "Attacking the Christian religion"
- kk) "Antifa are the real fascists"
- ll) "Will grab and break your stuff"
- mm) "Terrorize peaceful protesters"
- nn) "The tower Antifa LGBTQ2" [depicting an image of the tower on fire]
- oo) "...if you are able to...man up and be honest, and not make up egregious lies about people..."
- pp) "...People with different points of view on X are being called all sorts of things by people who have a different position on X. People are not talking about the issue, they're just calling each other names and what they're calling their opponents is what they themselves are doing."
- qq) Such further and other particulars as will be proven at trial.

107. Further, the Defamatory Statements are defamatory by way of innuendo, as they imply that Kinnarath:

- a) Is a criminal, public menace, danger or threat to the public and society;
- b) Is an aggressive and violent individual;
- c) Is engaged in and/or is associated with criminal activities, including violence or

terrorism, to further his personal or political agenda;

- d) Uses illegal means to coerce or intimidate members of the public;
- e) Is engaged in and/or is affiliated with terrorist activities and organized international crime;
- f) Is engaged in and/or is affiliated with criminal or illegal activities;
- g) Is engaged in and/or is affiliated with criminal or terrorist activities to harm Canada or Canadians;
- h) Is a fascist and his actions are contrary to what the FF1 claim to be, namely a fascist-free group;
- i) Threatened the PPC rally, the gallery and gallery owner;
- j) Is the person who first committed the wrong-doing;
- k) Is an extremist who has "extreme views" and/or engages in activities that are "extreme";
- l) Engaged in activities that were equivalent to publicly calling someone a "terrorist";
- m) Is, by way of association with Middle Easterns, Muslims or the Islamic faith, engaged in, associated with or promoter of terrorism or other criminal activities;
- n) Is, by way of association with Middle Easterns, Muslims or the Islamic faith, engaged in, associated with, or promoter of terrorism or other criminal activities to harm Canada and Canadians;

- o) Engages in violence against citizens, including the elderly and the LGBTQ2 community;
- p) Attacks other religions or religious groups;
- q) Engages in aggressive, illegal and/or violent measures to oppose far right-wing movements and ideologies, and counter hate groups;
- r) Belongs to an anti-fascist group that engages in violence, criminal and/or illegal activities to counter, without limitation, hate groups, racism, xenophobia, Islamophobia, and white Supremacy;
- s) Engages in “doxing” campaigns, harassment and/or intimidation;
- t) Engages in militant forms of opposition;
- u) Is dishonest, makes false claims and/or disseminates false information;
- v) Is engaged in political activism that is illegal and/or not democratic; and
- w) Is not a person of high moral character.

108. The Defamatory Statements are categorically false. Kinnarath is not a criminal and does not have a criminal record. Kinnarath was never, and is not, involved in terrorism or any form of organized international crime. Kinnarath is not a terrorist or an extremist and has never been convicted as a terrorist. He did not terrorize, or use any illegal means whatsoever, to cause the gallery owner to cancel the PPC's booking. Kinnarath did not threaten to burn the gallery owner's building.

109. The Defamatory Statements referred to Kinnarath, directly or indirectly, or were, on their face, about Kinnarath. They were published or communicated to third parties.

The Publications were disseminated throughout the world on the internet, including through various social media and news outlets.

110. The Defendants falsely described Kinnarath and Kinnarath's conduct to undermine his reputation, and to position Kinnarath as an unstable, violent terrorist or individual who is a threat to the public.
111. The Defendants' aim was to create fear of Kinnarath, or expose him to harm, hatred, contempt or ridicule, by relying on stereotypes and prejudices with respect to minority groups, including Muslims or Middle Eastern men. Indeed, the Defendants' false and maliciously-published Defamatory Statements are harmful to Kinnarath because the effects of false accusations, including of terrorist and criminal activity, are less readily overcome by persons of Muslim origin.
112. The Defamatory Statements were published or communicated to the public at large, including to individuals in Kinnarath's own community, and to others across Canada.
113. The Defendants did not have a private or public duty or interest, including any legal, moral, economic, or political duty or interest in publishing the Defamatory Statements about Kinnarath and impugning him as a menace, criminal or a terrorist to the world through various social media channels and news outlets.
114. The Defendants are not newspapers or broadcast stations as defined by the *Defamation Act*, and are not entitled to the protections provided for newspapers and broadcast stations under the statute.
115. The Defamatory Statements did not involve a matter of public interest and were communicated as statements of facts, rather than opinion. The Defendants made the Defamatory Statements maliciously, with an improper purpose, with the intent to

undermine Kinnarath's reputation, including the reputation of his business, and expose him to harm. Specifically, the publication of the Defamatory Statements was part of an attempt to destroy the personal and professional reputation of Kinnarath, undermine Kinnarath's political activism and community work, cause members of the public at large to view Kinnarath in a negative light, and to cause Kinnarath to be negatively viewed and shunned by members of his own community and by others across Canada.

116. The Defendants acted irresponsibly in publishing the Defamatory Statements. The Defendants never sought comment from Kinnarath prior to making the Statements or engaged in any due diligence to determine the accuracy of what is stated or implied about Kinnarath.

117. The Defamatory Statements were false statements of fact that were based upon racist tropes associated with Muslims and Middle Eastern men that portray them as criminals, terrorists or extremists and did not involve a matter of public interest.

118. Kinnarath requested the Defendants to issue apologies and a retraction on PPC's relevant Twitter and Facebook pages. To date, none of these things have occurred. The Defendants never apologized or even acknowledged their defamatory conduct. The Defamatory Statements, Free Press Article and CityNews Article, remain widely available and accessible on the Internet.

119. The Defendants repeated, shared, or endorsed the Defamatory Statements across social media and other news platforms. The Defendants knew, or ought to have known, that the Defamatory Statements are defamatory. The Defendants Choiselat, PPC, Fletcher, Henderson and Storie did not take any action to remove the Defamatory Statements from social media outlets or from distribution.

120. The Defendant McDougall allegedly removed Video #1, which had already been published and circulated on the internet but did not take any action to remove Video #2 or Video #3.

121. As a result of the defamation set out above, Kinnarath has suffered, and continues to suffer, significant damage to his personal and professional reputation.

Malicious or Injurious Falsehood

122. The Defendants Choiselat, Henderson, Fletcher, PPC, McDougall and Storie committed the tort of malicious or injurious falsehood against Kinnarath.

123. The aforementioned Defendants engaged in this behaviour as a result of the following:

- a) Published statements against Kinnarath that are false and misleading.
- b) Published or endorsed the false statements maliciously, with an improper purpose, with the intent to injure and damage, and which in fact injured and damaged, Kinnarath's business, goodwill and reputation; and with the intent to intimidate and bully Kinnarath, and produce or expose him to harm. Alternatively, the Defendants published or endorsed the statements with a reckless, willful indifference as to whether the statements were true or false, and they know or ought to have known that making such statements, if false, would undoubtedly result in harm to Kinnarath. The false statements were part of an attempt to destroy Kinnarath's reputation by having Kinnarath viewed negatively by the public and were so calculated as to induce persons not to deal with Kinnarath or to incite hatred against Kinnarath.

- c) The false statements have caused, is causing, and were calculated to cause injury and damage to Kinnarath, both personally and professionally, including injury and damage to Kinnarath's goodwill, reputation and business. The statements made by the Defendants, as well as the harassment and threats against Kinnarath as a result of the statements, have caused, and is causing, significant fear, stress, anxiety, mental suffering, and humiliation to Kinnarath and compromised his personal safety and that of his family.

Publicity Placing a Person in False Light

124. The Defendants Choiselat, Henderson, Fletcher, PPC, McDougall and Storie committed the tort of publicity placing a person in false light against Kinnarath.

125. The aforementioned Defendants engaged in this behaviour as a result of the following:

- a) Portraying Kinnarath in a false light publicly, which included, without limitation, publicizing false information about Kinnarath to portray him as dangerous, a criminal and/or a menace to society.
- b) The false portrayal of Kinnarath would be highly offensive to a reasonable person, and in fact, was highly offensive to Kinnarath.
- c) The Defendants had knowledge of, or acted in reckless disregard as to, the falsity of the publicized matter and the false light in which Kinnarath would be placed. Even if the Defendants published details that were true, which is not admitted but expressly denied, such details were private, the publicity of which placed Kinnarath in a false light.

Malicious Publication of Personal Identifying Information

126. The Defendants Choiselat, PPC, McDougall and Storie committed the tort of malicious publication of personal identifying information (otherwise referred to as “doxing”) against Kinnarath.

127. The Defendants Choiselat and PPC engaged in this behaviour as a result of the following:

- a) Published information that personally identifies Kinnarath or identifies personal information about Kinnarath, which includes, without limitation, Kinnarath’s photograph, full name, residential address, telephone number, email address, and details about his community work.
- b) Published Kinnarath’s personal identifying information to third-parties.
- c) Published Kinnarath’s personal identifying information without his consent.
- d) Published Kinnarath’s personal identifying information with malicious intent to intimidate or bully Kinnarath and/or incite third parties to further publish and/or use Kinnarath’s personal identifying information. Alternatively, the aforementioned Defendants published Kinnarath’s personal identifying information with a reckless, wilful indifference as to the use and/or further publication of Kinnarath’s personal identifying information.
- e) Such actions were intended to produce or expose Kinnarath to harm or harassment. Alternatively, the aforementioned Defendants knew or ought to have known that the publication of Kinnarath’s personal identifying information would undoubtedly produce or expose Kinnarath to harm or

harassment.

128. The Defendants McDougall and Storie engaged in this behaviour as a result of the following:

- a) Published information that personally identifies Kinnarath or identifies personal information about Kinnarath, which includes, without limitation, Kinnarath's full name, photograph, details about his community work, occupation or place of business, and video footage of Kinnarath.
- b) Published Kinnarath's personal identifying information to third-parties.
- c) Published Kinnarath's personal identifying information without his consent.
- d) Published Kinnarath's personal identifying information with malicious intent to intimidate or bully Kinnarath and/or incite third parties to further publish and/or use Kinnarath's personal identifying information. Alternatively, the aforementioned Defendants published Kinnarath's personal identifying information with a reckless, wilful indifference as to the use and/or further publication of Kinnarath's personal identifying information.
- e) Such actions were intended to produce or expose Kinnarath to harm or harassment. Alternatively, the aforementioned Defendants knew or ought to have known that the publication of Kinnarath's personal identifying information would undoubtedly produce or expose Kinnarath to harm or harassment.

Invasion of Privacy

129. The Defendants Choiselat, PPC, McDougall, and Storie committed the tort of invasion of privacy against Kinnarath.

130. The Defendants Choiselat and PPC engaged in this behaviour as a result of the following:

- a) Engaged in conduct that was intentional or reckless.
- b) Deliberately invaded, without lawful justification, Kinnarath's private affairs or concerns by, without limitation, obtaining and sharing information about Kinnarath with the public, which included Kinnarath's photograph, full name, address, telephone number, email address, details about his community work, occupation or place of employment.
- c) The invasion was highly offensive (and would be regarded as highly offensive to a reasonable person) and was intended to cause, and did cause, distress, humiliation and/or anguish to Kinnarath.

131. The Defendants McDougall and Storie engaged in this behaviour as a result of the following:

- a) Engaged in conduct that was intentional or reckless.
- b) Deliberately invaded, without lawful justification, Kinnarath's private affairs or concerns by, without limitation, obtaining and sharing information about Kinnarath with the public, which included Kinnarath's photograph, full name, details about his community work, occupation or place of employment, and video footage of Kinnarath.

- c) The invasion was highly offensive (and would be regarded as highly offensive to a reasonable person) and was intended to cause, and did cause, distress, humiliation and/or anguish to Kinnarath.

Public Disclosure of Private Facts

132. The Defendants Choiselat, PPC, McDougall, and Storie committed the tort of public disclosure of private facts against Kinnarath.

133. The Defendants Choiselat and PPC engaged in this behaviour as a result of the following:

- a) Publicized aspects of Kinnarath's private life to third parties.
- b) Kinnarath did not consent to the publication of this private information. This includes, without limitation, the disclosure of his personal information, details about his political activism and community work, and details regarding his occupation or place of business.
- c) The disclosure or publication of this information was highly offensive to Kinnarath and there was no legitimate public concern justifying the disclosure.

134. The Defendants McDougall and Storie engaged in this behaviour as a result of the following:

- a) Publicized aspects of Kinnarath's private life to third parties.
- b) Kinnarath did not consent to the publication of this private information. This includes, without limitation, the disclosure of his personal information,

details about his political activism and community work, video footage of Kinnarath, and details regarding his occupation or place of business.

- c) The disclosure or publication of this information was highly offensive to Kinnarath and there was no legitimate public concern justifying the disclosure.

Harassment

135. The Defendants Choiselat, PPC, McDougall, and Storie committed the tort of harassment against Kinnarath.

136. The conduct of the Defendants was flagrant and outrageous. It was intended, and did, cause Kinnarath emotional stress or was carried out with a reckless disregard for whether it would cause Kinnarath to suffer from emotional stress. Kinnarath did suffer severe or extreme emotional distress, the proximate cause of which was the conduct of the aforementioned Defendants, for which PPC is directly and/or vicariously liable.

Intimidation

137. The Defendants Choiselat, PPC, McDougall, and Storie committed the tort of intimidation against Kinnarath.

138. The aforementioned Defendants' conduct constituted a threat, with an intent to silence, intimidate and injure Kinnarath so that he would cease his political activism or refrain from engaging in legitimate speech and community organizing in the public interest that is at the core of Kinnarath's political expression and association. Kinnarath had to take steps to protect himself and others due to the Defendants' conduct, as a result of which Kinnarath suffered emotional and mental distress.

Vicarious Liability

139. The PPC is vicariously liable for the conduct of Choiselat, Fletcher and Henderson as against Kinnarath, and is thus liable to pay damages for the harm that Kinnarath suffered.

140. The PPC is vicariously liable for the conduct of Choiselat, Fletcher and Henderson as a result of the following:

- a) At the time the claims in this action arose, Choiselet, Fletcher and Henderson were agents or employees of the PPC.
- b) Choiselat, Henderson and Fletcher committed the tortious conduct against Kinnarath during their employment with the PPC.

Aggravating Factors

141. The Defendants' conduct and their actions in publishing and/or republishing the Publications were egregious, high-handed, malicious, and intended to cause harm, injury, and damage to Kinnarath. The Defendants were motivated by actual malice, which increased the injury to Kinnarath, either by spreading further afield the damage to the business, goodwill, and reputation of Kinnarath, or by increasing the emotional or mental distress and humiliation of Kinnarath.

142. The Defendants acted in bad faith and maliciously-published the Defamatory Statements with knowledge that they were false, or with reckless disregard for their truth or falsity.

143. The Defendants published and republished the Publications on the internet, making them immediately available and accessible worldwide, including on a range of online

and social media platforms, thereby making them accessible to an indeterminate number of third parties. Further, even after receiving the libel notice from Kinnarath, the Defendants Choiselat and Fletcher continued to make defamatory statements about Kinnarath and/or defend their conduct.

144. The Publications and conduct by the Defendants were unprovoked, politically motivated and designed to suppress and silence Kinnarath. Kinnarath holds political views that differ from those held by the Defendants, and the Defendants' statements and conduct were intended to suppress and silence views that differ from their own.

145. In addition, the Defendants have not retracted their Defamatory Statements nor have they apologized for their Defamatory Statements and/or conduct.

146. These factors warrant significant aggravating and/or punitive damages in order to denounce and deter such conduct.

147. Kinnarath pleads and relies upon provisions of the *Defamation Act*, C.C.S.M. c. D20 and *The Tortfeasors and Contributory Negligence Act*, C.C.S.M. c. T90.

148. Kinnarath proposes that this action be tried in Winnipeg, Manitoba.

October 8, 2020

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