

Court File No. CV-09-386377

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**KHURRUM AWAN**

**Plaintiff**

- and -

**EZRA LEVANT**

**Defendant**

**STATEMENT OF CLAIM**

**(Notice of Action issued on September 3, 2009)**

1. The plaintiff claims as against the defendant:
  - (a) General, punitive and exemplary damages for libel in the sum of \$50,000;
  - (b) Pre-judgment interest pursuant to the *Courts of Justice Act*;
  - (c) Post-judgment interest pursuant to the *Courts of Justice Act*;
  - (d) his costs of this proceeding on a substantial indemnity scale together with applicable taxes thereon; and
  - (e) Such further relief as this Honourable Court deems just.

**The Parties**

2. The plaintiff is a lawyer and a licensee in good standing with the Law Society of Upper Canada and resides in the City of Toronto, in the Province of Ontario.

3. The defendant is a lawyer, blogger and a journalist who resides in the City of Calgary, in the Province of Alberta. The defendant blogs at the internet address [ezrelevant.com](http://ezrelevant.com) and writes almost exclusively on the topic of freedom of expression. On his blog, the defendant verbally attacks individuals with whom he disagrees and seeks to belittle and humiliate them.

### **Background**

4. While completing his studies at Osgoode Hall Law School, the plaintiff participated in a student group that fought negative stereotyping of Muslims in the media. MacLean's Magazine published an article of and concerning Muslim's and a human rights complaint was heard before the British Columbia Human Rights Tribunal. The plaintiff was a witness and the defendant attended to "live blog" the event. This action arises from the publication of various postings by the defendant concerning the plaintiff as a result of that hearing.

5. When the plaintiff became involved with the issues related to the MacLean's magazine article, the defendant turned his attention to him and, in purporting to advocate his point of view on the issues, variously described the plaintiff as "Khurrum Awan the liar", "stupid", a "fool", "a serial, malicious, money-grubbing liar", and unequivocally implied that he was an anti-Semite and perjurer.

6. The defendant published eight articles of and concerning the plaintiff on his blog commencing on June 3, 2008 through June 4, 2009. The June 4, 2009 posting republished the previous 7 postings. Each and every post has a title that explicitly states that the plaintiff is a liar. Notice of libel was served on the

defendant on July 14, 2009. The defendant also published as many as twenty other posts that refer to the defendant and are defamatory of him. The plaintiff will rely on all of the postings by the defendant at the trial of the within action.

7. The defendant published the Notice of Libel on his blog on July 26, 2009 and, despite the serious allegations of defamation and consequential damage to the plaintiff, the defendant mocked the plaintiff and repeated his offensive words. The plaintiff will rely on all eight postings in their entirety at the trial of the within action and the posting by the defendant in response to the Notice of Libel at the trial of this action.

### The Alleged Libels

8. The first post contained the following defamatory words:

"Khurram Awan, the serial liar" – <http://ezratelent.com/2008/06/khurram-awan-is-a-serial-liar.html>

Posted: June 3, 2008

Julian Porter himself was at the meeting where Khurram Awan and his junior Al Sharpton's tried to shake down Ken Whyte and Maclean's for cash and a cover story. Porter asked Awan point blank if the CIC's proposed "counter-article" was to be "mutually acceptable" to Whyte or of the CIC's own choosing. After obfuscating for a few rounds, Awan acknowledged that he never in fact offered a "mutually acceptable" article – that was simply an after-the-fact lie, a little bit of taqiya that Awan et al. has told the press. Awan admitted that he made no such offer of a mutually acceptable author. It was to be the CIC's own choice.

9. With respect to the first post, the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a dishonest person and a liar. By the use of the term "taqiyya", the defendant has falsely stated by innuendo that the plaintiff believes that it is permissible to lie and utilize deceit in order to further Islamic objectives.

10. The second post contained the following defamatory words:

The fool was stupid enough to put his shakedown demands in writing. And Porter is showing that Awan demanded that Maclean's submit to the CIC's choice. No "mutually acceptable" anything. That qualifier was added later by Awan the Liar, to appear more reasonable to the Gentile press. It reminds me of Yasser Arafat, who would preach peace when speaking in English to Western journalists, and preach terrorism to his own constituency when speaking in Arabic. That's Awan: reasonable to the media; a junior Al Sharpton when dealing with Ken Whyte. No wonder Awan had trouble finding employment following his clerkship.

11. With respect to the second post, the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a liar, is unethical, dishonest and is not fit to be a lawyer.

12. The third post explicitly calls the plaintiff a liar in the title.

13. The fourth post contained the following defamatory words:

Awan wrote a letter to a Rogers executive Brian Segal. It was part of his Sharptonian adventure in shaking down Rogers. Bad idea. It didn't work. I met Segal yesterday. He comes across as a gentleman businessman, but I get the feeling he's good with a bowie knife. Segal didn't pay a dime. But that's not why Awan's letter was so stupid. It was stupid because now we have a written track record of Awan's shakedown. It's being read back to him in court. He's being asked where the phrase "mutually agreeable" exists. It doesn't. Now Awan is trying to explain away that lie. Uh, it isn't working. I'd go with the crying strategy.

14. With respect to the fourth post, the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a liar, is unethical and a con artist.

15. The fifth post contained the following defamatory words:

Porter then read out Awan's article in the Globe and Mail, where Awan not only said the proposed article would be from a mutually acceptable writer, but that writer could be from inside or outside the Muslim community -- but, in fact, Awan had demanded that the author of that cover-story rebuttal be from the Muslim

community, and of the CIC's own choosing. Another lie. Awan is drowning in his own quicksand. Keep talking, little grasshopper. Keep talking.

16. With respect to the fifth post, the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a liar.
17. The sixth post contained the following defamatory words:

Awan the liar, part 6 - <http://ezrelevant.com/2008/06/aw-an-the-liar-part-6.html>  
Date of Posting: June 3, 2008

**Blog:** Now Awan is listing authors he'd find acceptable for the rebuttal article they were demanding -- including Haroon Siddiqui, of the Toronto Star. Why the hell not? Just because they're competitors, no reason why you shouldn't try to force Siddiqui onto Maclean's. But Porter points out that Awan did not mention Siddiqui's name, or any other. Porter: why didn't you put those ideas to Whyte? "Well we couldn't." Uh, okay. So you had time to demand cash, and a cover story, but you "couldn't" have spoken the truth back then? I don't even understand the excuse. But it's not meant to be understandable; it's not meant to clarify; it's meant to muddy, to confuse.

Let me sum up for you, dear reader, who are not here to watch a junior [sic] would-be lawyer try to explain to a court why he is a serial, malicious, money-grubbing liar. Khurrum Awan went in demanding cash and editorial control. Then he realized that doesn't look good in a liberal democracy like Canada. So he edited the truth. He amended what he said. He lied. And lied and lied and lied. And kept lying.

He smeared Ken Whyte. He smeared Maclean's. He smeared Rogers. And that damn fool thought he'd get away with it. He was so brazen that he thought he'd even call himself as a witness. Julian Porter has earned his fee today.

18. With respect to the sixth post, the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a liar, is a dishonest and deceptive person and is a person who seeks to deceive the court.
19. The seventh post contained the following defamatory words:

Julian Porter is asking Awan if he remembers whether or not he demanded money from Maclean's. Porter is now reading out a written demand by the sock puppets for "substantial" monies. Awan is denying the documentary record. Awan says that

\$10,000 was the number they had in mind -- though he acknowledges he hadn't particularize that sum before.

20. With respect to the seventh post, the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a liar.

21. The eighth post contained the following defamatory words:

"Khurrrum Awan the liar, part 8" - <http://ezraevant.com/2009/06/khurrrum-awan-the-liar-part-8.html>

Date of Posting: June 4, 2009

"One of the reasons I enjoyed blogging from that trial was that it was the first time that the anti-Semites at the Canadian Islamic Congress had to face cross-examination for their conduct. Their anti-Semite-in-chief, Mohamed Elmasry -- who had boasted on national TV that all adult Israelis were legitimate targets for terrorist murders -- refused to take the witness stand, the coward. But bizarrely, his young protégé, a Toronto law student named Khurrrum Awan, took the stand in his place."

"He was just some guy who was testifying so that his boss, Elmasry, could avoid answering tough questions. The idea of sending in a proxy -- a PR flack; a stunt double; an actor; whatever -- to give testimony on behalf of the real complainant is novel in law. But then these kangaroo courts aren't run by real judges with real rules of procedure -- they just make it up as they go along."

"My favourite part was when Julian Porter, Q.C., got Awan to admit that he had been lying to the Canadian media for months when he had publicly claimed that he had said to Maclean's that their demanded "rebuttal" to Mark Steyn's article could be authored by someone that the Canadian Islamic Congress and Maclean's mutually agreed upon. Under oath, Awan admitted that was a lie -- he had demanded that Maclean's submit to an author of the CIC's own choosing. And, under oath again, Porter got Awan to admit that he also tried to shake Maclean's down for thousands of dollars, too."

...

But it's so curious: what is it about Awan that just makes him say or write anything -- anything at all -- no matter if it's true or no?

I can understand if he has an urge to lie. It's called aqiyya. But surely any intelligent liar would choose a lie that is not so easily check-able. Why lie about something that can be so easily disproven?

"P.S. At Steyn's trial last year, Awan was revealed to be a non-party, non-expert, no-standing witness. And it was more bizarre than that. Awan was not only a stand-

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In witness for Elmasry -- he was co-counsel for Elmasry, along with Faisal Joseph. Could you imagine: someone's lawyer (or articling student, to be more accurate), being a "witness" for his client, too? It's the definition of conflict of interest."

And then take that conflict of interest to the power of two: when Awan was testifying, he was being led by Faisal Joseph, Elmasry's other lawyer (and co-counsel with Awan). And -- here's the gorgeous part -- Awan testified that he was going to go to work for Joseph at his firm, as a lawyer."

To recap:

1. Awan wasn't a party or an expert in any way. Yet he testified.
2. But he was also co-counsel for the complainant and party in the case, Elmasry.
3. The lawyer who examined Awan was Awan's co-counsel, Joseph.
4. And Joseph had offered Awan a job at his firm.

Crazy.

~~Just for fun, I went to Faisal Joseph's law firm, Lerners LLP. And Awan is not in fact working there -- see for yourself.~~

~~Did he not do a good enough job at the show trial?~~

~~Did the Lerners partners read about his article, and reject his job offer?~~

~~Did Awan's serial lies cause them to disown him?~~

~~Are Joseph and Awan still buddies?~~

~~What's going on? Other than being an unimpressive emcee at CIC events, what's Awan up to these days? Is he even lawyering?~~

~~The Law Society of Upper Canada directory suggests he's not.~~

A commenter points out, I'm wrong: Awan is indeed an articling student at Lerners.

22. With respect to the eighth post (including the words that are crossed through but never removed from the posting), the plaintiff pleads that the words meant and were understood to mean explicitly or by their innuendo that the plaintiff is a liar, a perjurer, an anti-Semite, a con artist, is unfit to be a lawyer and has acted in a conflict of interest. By the use of the term "taqiyya", the defendant has falsely stated by innuendo that the plaintiff believes that it is permissible to lie and utilize deceit in order to further Islamic objectives.

23. The plaintiff further states that the words complained of as set out above refer directly to the plaintiff, are untrue and defamatory of him. The sting of the

defamation goes to the heart of the plaintiff's professional reputation as a lawyer and is accordingly particularly egregious.

24. The plaintiff pleads that the defendant was actuated by malice in his publication of the words complained of in this statement of claim.

25. The posting as set out above have been widely republished on the internet. The republication of the words published by the defendant was the natural and probable result of the publications made by the defendant and the defendant intended and authorized the republication on other internet sites on the world wide web. The republication includes publications on the web sites blazingcatfur.com and fivefeetoffury.com. The words are also republished at the web site open.salon.com under the headline "Ezra Levant being sued by serial litigator towel head Khurram Awan".

**General Damages:**

26. As a result of the defamatory words made by the defendant as set out above and the republication thereof, the plaintiff has suffered mental distress, humiliation and loss of reputation. The plaintiff has been shunned by former friends ridiculed in various publications and is the subject of odium and contempt.

**Punitive damages:**

27. The defendant has attacked the integrity of a first year lawyer with false, vicious, malicious and scurrilous publications designed to humiliate, embarrass and

ruined the plaintiff. The defendant should be condemned to pay punitive and exemplary damages for his outrageous conduct.

**Place of Trial:**

28. The plaintiff submits that this action should be tried at Toronto.

Date: October 1, 2009

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