

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

WARREN KINSELLA

- and -

EZRA LEVANT

AMENDED THIS Jan 27, 2009 PURSUANT TO
 MODIFIÉ CE 27.01.09 CONFORMÉMENT A
 RULE/L'ARTICLE 26.02 (B)) Plaintiff
 THE ORDER OF L'ORDONNANCE DU
 DATED / FAIT LE 27.01.09

 REGISTRAR GREFFIER
 SUPERIOR COURT OF JUSTICE COUR SUPÉRIEURE DE JUSTICE

AMENDED 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 statement of claim served with this notice of action.

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 notice of action 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.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$4,000.00 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 \$400.00 for costs and have the costs assessed by the court.

Date: September 16, 2008

Issued by

J. Richards



~~January 27, 2009~~ C

Local registrar

Address of court office:

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TO:

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Solicitor for Ezra Levant

~~THIS CLAIM IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED
PROCEDURE~~

AMENDED CLAIM

1. The Plaintiff claims from the defendant:
 - (a) General, special and punitive damages for libel in the sum of \$5,000,000.00
 - (b) Pre-judgment and post judgment interest pursuant to the *Courts of Justice Act*;
 - (c) His costs of this action on a substantial indemnity basis
 - (d) Such further and other relief as this Honourable court will permit.

2. The plaintiff is an individual and a lawyer and resides in the City of Toronto.

3. The defendant is an individual and a lawyer and sometimes resides in Calgary, Alberta and sometimes resides in Toronto, Ontario.

4. The defendant operates a web site located at ezrelevant.com (the "Site"). From the Site the defendant expresses his views concerning the free speech debate. The defendant also uses the Site to criticize those individuals who do not share his views on free speech.

The June 15 Post

5. On June 15, 2008 at 10:55 p.m. the defendant published the following words of and concerning the plaintiff (the "June 15 Post"):

Farber's newest recruit to the CJC, Warren Kinsella, has provided political and media advice to the CIC's young bigots-in-training, the "sock puppets". Farber just verbally supports Elmasry. Kinsella -- on the CJC's legal affairs committee -- actually rolls up his sleeve and helps the anti-Semites out a bit.

This is the Canadian Jewish Congress in 2008. How repulsive.

6. The June 15 Post is defamatory of and concerning the plaintiff because it states by its innuendo that the plaintiff (i) condones anti-Semitism and (ii) works with anti-Semites.

7. The plaintiff first became aware of the June 15 Post on June 16, 2008.

The October 28 Post

8. Following service of the statement of claim in the within proceeding, the defendant once again republished the June 15 Post on the Site on October 28, 2008 (the "October 28 Post"). The plaintiff states that the bolded words in the October 28 Post as set out below are defamatory of him:

Disgraced Liberal lobbyist Warren Kinsella tries to destroy me

By Ezra Levant on October 28, 2008 12:28 AM | [Permalink](#) | [Comments \(81\)](#) | [Trackbacks \(2\)](#)

This latest lawsuit comes from the disgraced Liberal lobbyist, Warren Kinsella. You can see his statement of claim here.

It's a frivolous suit, but it will cost me money to defend against all the same. It's a SLAPP suit -- strategic litigation against public participation. The public participation is my criticism of Canada's abusive human rights commissions.

Earlier this year, Kinsella met with the bigoted Canadian Islamic Congress, the people who hauled Mark Steyn and Maclean's magazine to three human rights commissions on charges of "Islamophobia". On his website, Kinsella bragged about meeting the CIC's complainants, and he helpfully published a press release for them. I linked to Kinsella's site, and called his aid and comfort to the CIC "repulsive", since Kinsella sits on a committee of the Canadian Jewish Congress which is supposed to fight anti-Semites, not give them political advice and do PR work for them. Here's exactly what I wrote, and here's the original post where I wrote it:

Farber's newest recruit to the CJC, Warren Kinsella, has provided political and media advice to the CIC's young bigots-in-training, the "sock puppets". Farber just verbally supports Elmasry. Kinsella -- on the CJC's legal affairs committee -- actually rolls up his sleeve and helps the anti-Semites out a bit.

This is the Canadian Jewish Congress in 2008. How repulsive.

But there is another part to a defamation trial: the value of the reputation of the plaintiff. Just how much is Kinsella's reputation worth – and how badly was it hurt by my mild comment?

That's an interesting and dangerous question for any highly political plaintiff. But in Kinsella's case, it's suicide. Kinsella was named a dozen times by a judicial inquiry into government corruption, and was legally found to have engaged in "highly inappropriate conduct". When he was a ministerial aide, Kinsella had written to the civil service demanding that they steer government advertising and polling contracts through Chuck Guité, who was convicted of five counts of fraud, and sentenced to 42 months in jail for his stealing money through fake ad and polling contracts. The kind of contracts Kinsella demanded be sent to him.

I'm not sure how it's even possible to hurt Kinsella's reputation after that.

I repeat my comment: for Kinsella to assist the anti-Semitic Canadian Islamic Congress is discreditable enough on its own, but for him to do so as a member of CIJA's Canadian Jewish Congress is repulsive. His lawsuit against me is the same sort of thing.

9. The plaintiff pleads that the bolded words in the October 28 Post were meant to mean and were understood to mean that the plaintiff:

- (a) has been disgraced;
- (b) has met with and done work with the CIC;
- (c) Supports anti-Semitism and anti-Semites;
- (d) took part in a criminal conspiracy to defraud Canadians

10. The plaintiff will rely on the entire October 28 Post at the trial of the within action.

The November 14 Post

11. The defendant published the following words on the Site on November 14, 2008 (the "November 14 Post"):

"Highly inappropriate" Adscam figure joins Michael Ignatieff's campaign

By Ezra Levant on November 14, 2008 1:21 AM | Permalink | Comments (30) | Trackback

For all of his flaws, the selection of Stephane Dion as leader of the Liberal Party represented a step away from the corruption that was rife in Jean Chretien's government. Dion had other unfortunate Liberal traits -- elitism, arrogance, socialism in his veins -- but he was not a thief like so many others who inhabited the Liberal Party in Quebec, several of whom have since been sentenced to jail terms for their roles in Adscam, the scandal that saw \$250 million in public money siphoned off by Liberal-connected crooks.

Which is why it's so surprising to learn that Michael Ignatieff, the leading contender to succeed Dion, has allowed Warren Kinsella to join his campaign team.

Kinsella was a key embarrassing figure in Adscam. The judicial inquiry into the matter, in a chapter titled "Who is responsible?" mentioned Kinsella by name over and over again, calling his conduct "highly inappropriate". In short, Kinsella was a political staffer at the time, and he wrote to a senior member of the public service demanding that government advertising and polling contracts be steered through Chuck Guite. Guite was later convicted on five counts of fraud, as the central figure in the scam.

Kinsella had tried to get even more public money steered through Guite; fortunately, the brave public servant who was on the receiving ends of Kinsella's demands didn't give into the bullying.

I'm stunned that Ignatieff would allow himself to be seen in public with such a figure as Kinsella.

But perhaps Ignatieff and Kinsella have more in common than it first appears.

Ignatieff famously denounced Israel as a "war criminal" for its response to the 2006 Hezbollah terrorist attacks on its civilians.

That fits in rather nicely with Kinsella's decision to give advice and help to the Canadian Islamic Congress -- whose president-for-life, Mohamed Elmasry, has publicly declared that every adult Jew in Israel is a legitimate target for a terrorist attack.

With Kinsella securely on board, can it be much longer before Ignatieff taps Jean Lafleur as his Quebec lieutenant, and Elmasry himself as a candidate?

Nov. 18 update: Today Kinsella told my friend Mike Brock that he didn't agree with my characterization that he was a "key" figure in Adscam. He was more of an Adscam B-team, definitely not in the big leagues like Guite or Lafleur. I think that's a matter of opinion and interpretation. There were two sides to Adscam: those shovelling the money out of the government, and those receiving the money -- though, of course, much of the money was cycled back to the Liberal Party in Quebec. Kinsella was the chief of staff to the Public Works Minister, and he ordered a civil servant to do some shovelling out. Sounds like a pretty big fish to me, trying a pretty brazen scam -- though, thankfully, the civil servant refused. I have no doubt there were people more senior than Kinsella on the inside, too -- but none of them were stupid enough to put their corrupt instructions in a written memo, like Kinsella did. That said, I'm open to a debate on the question: how big of an Adscam player was Kinsella? Big? Really big? Medium sized? I originally used the word "key" above, but I've edited it out, replacing it with embarrassing. Because, really: anyone mentioned a dozen times in the judicial inquiry, anyone caught red-handed trying to funnel government money to a criminal, anyone dumb enough to put it in a memo, and anyone legally found to be "highly inappropriate" is an embarrassment whether he was "key" or -- as he claims now, in the first recorded instance of Kinsella trying to take less credit for something -- a bit player in the corruption scandal of the decade. I'm really quite surprised Ignatieff would let such an unethical person on his team.

12. The plaintiff pleads that the entire November 14 Post is defamatory of him. The plaintiff pleads that the November 14 Post was meant to mean and was understood to mean that the plaintiff is a criminal who illegally funnelled money to Mr. Guité for illicit reasons.

13. The November 14 Post was also meant to mean and was understood to mean that the plaintiff, as a criminal, should not have been hired by Mr. Ignatieff's campaign.

The November 20 Post

14. On November 20, 2008, the defendant once again wrote about the plaintiff on the Site and stated the following (the "November 20 Post"):

That's the great man's standard of public ethics -- the police couldn't lay charges, despite a six-month investigation, so obviously everything's fine! It sounds like Burny has been taking lessons in government ethics from his friend Warren "Adscam" Kinsella.

15. The plaintiff pleads that the November 20 Post is defamatory of him as it states by its innuendo that the plaintiff is unethical and has taught Bernie Farber, the President of the Canadian Jewish Congress, to be unethical as well.

The November 24 Post

16. On November 24, 2008 the defendant once again wrote about the plaintiff on the Site and stated the following (the "November 24 Post"):

Of course, the most embarrassing thing is Burny's fetish for book-burning. It's not surprising that his latest recruit is Warren "Adscam" Kinsella, who joined the CJC as a consolation prize after he was fired from the National Post. It's fitting, because both Burny and Kinsella believe in the 21st century analog to Nazi book burning: Internet censorship. The fact that Kinsella is a partisan Liberal hack means he fits right in with Burny and the CJC; the fact that a judicial inquiry found that Kinsella's unethical conduct during the Sponsorship scandal was "highly inappropriate" means that, like Burny, he has no problem with the corruption of the Canadian Human Rights Commission. And the fact that Kinsella sees a Nazi under every bed -- and in some boys' bathrooms -- fits in with the CJC just fine, too. Kinsella and Burny will do anything to avoid seeing the evil in radical Islam -- Kinsella actually gave help and advice to the anti-Semitic Canadian Islamic Congress. But they think Canada is overrun with Nazis -- including anyone who dares to criticize them.

And even if Jews wanted to support censorship (there might be a few, though they probably all work for the CHRC), would it really make sense to send money to an organization with Kinsella on board? This was a man who, when he was chief of staff to a Liberal cabinet minister, demanded that the civil service divert money to Chuck Guite, the criminal at the center of Adscam. Even if I were a Jewish censor like Harvey Goldberg or Ian Fine, I'd want to make sure Kinsella had no control over the CJC's budget.

17. The plaintiff pleads that the bolded portions of the November 24 Post are defamatory of him because they falsely state as facts that:

- (a) He was fired from the National Post;
- (b) He is unethical;
- (c) He condones corruption; and
- (d) He assists anti-Semites.

18. The plaintiff also pleads that the innuendo of the entire November 24 Post is that the plaintiff is a criminal.

19. The plaintiff states that all of the defamatory postings set out above either refer to him directly or are capable of referring to him and that they are false and defamatory of him.

20. ~~The defamatory words are defamatory of the plaintiff as they explicitly state that the plaintiff helps anti-Semites propagate hate and that he is a repulsive person. In the alternative, the plaintiff states that the defamatory words are defamatory of him as the innuendo of those words is that the plaintiff helps anti-Semites propagate hate and that he is a repulsive person.~~

21. The plaintiff pleads that the defendant was actuated by malice when he published the words complained of above and that it is a pattern of conduct by the defendant to seek to destroy the reputation of the plaintiff through falsehoods.

BETWEEN:

Warren Kinsella

- and -

Ezra Levant

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding Commenced at TORONTO

AMENDED STATEMENT OF CLAIM

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