

SHILLERS LLP
Barristers & Solicitors

September 16, 2008

Mr. Lorne Honickman
McCague Peacock Borlack McInnis &
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FACSIMILE TRANSMISSION**Fax No.** (416) 860-0003**Pages** 8

*The information contained in this fax is confidential and
intended only for the use of the individual to whom it is
addressed. If received in error, please notify us immediately and
return the original transmission.*

Dear Mr. Honickman:

Re: Kinsella v. Levant

We enclose a statement of claim in the above captioned matter.

Please advise if your client instructs you to accept service of this claim on his behalf.

We are instructed to offer to settle this claim on the following terms:

1. The defendant will pay to the plaintiff the sum of \$7,500;
2. The defendant will remove the offending entry from his blog without comment;
3. The action will be dismissed without costs; and
4. This offer is open for acceptance until one minute after the commencement of the trial of the action. If it is not accepted by September 31, 2008 it can thereafter only be accepted upon payment by the defendant to the plaintiff of his substantial indemnity costs from the date of the offer to the date of its acceptance.

445 King Street West,
Suite 202
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M5V 1K4

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www.shillers.com

September 16, 2008
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We look forward to hearing from you.

Yours very truly,
SHILLERS LLP

Brian G. Shiller
BGS*km

CW 08 0036 2587 0000
Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

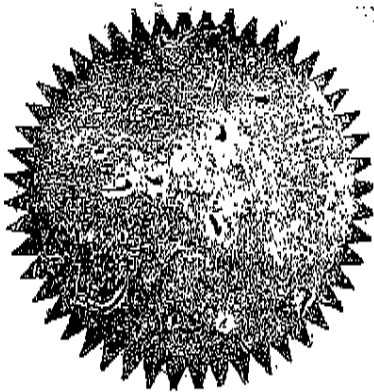
WARREN KINSELLA

Plaintiff

- and -

EZRA LEVANT

Defendant



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.

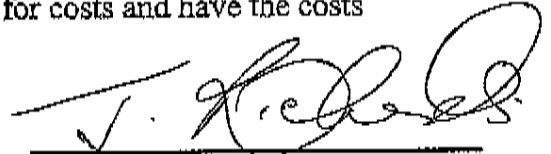
IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE

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



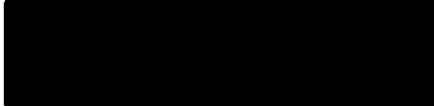
Local registrar

Address of court
office:

393 University Ave.
Toronto, ON M5G 1E6

TO:

Ezra Levant



THIS CLAIM IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED
PROCEDURE

CLAIM

1. The Plaintiff claims from the defendant:
 - (a) General and punitive damages for libel in the sum of \$50,000.00
 - (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.

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

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.

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6. The plaintiff first became aware of the defamatory words on June 16, 2008.

7. The plaintiff states that the defamatory words refer to him directly and that they are false and defamatory of him.

8. 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 published 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.

9. The plaintiff pleads that the defendant was actuated by malice when he published the defamatory words.

10. The plaintiff states that the defamatory words were calculated to injure him and that he has suffered damages as a result of their publication. Full particulars of the plaintiff's damages will be provided to the defendant prior to the trial of the within action.

11. The plaintiff pleads that the conduct of the defendant was outrageous and reprehensible and showed no signs of any feeling or concern respecting the harm caused by the irresponsible publication. Further, following service of a Notice of Libel upon him, the defendant (i) refused to apologize or withdraw the posting and (ii) intentionally re-published the defamation thereby aggravating the damage caused to the plaintiff. The conduct of the defendant therefore warrants an award of punitive damages.

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

September 16, 2008

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Toronto ON M5V 1K4

Brian G. Shiller LSUC#: 344705G
Tel: 416-363-1112
Fax: 416-363-5557

Solicitors for the Plaintiff

BETWEEN:

Warren Kinsella

- and -

Ezra Levant

W 08 00362587 008
Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding Commenced at TORONTO

STATEMENT OF CLAIM

SHILLERS LLP
Barristers and Solicitors
202 - 445 King Street West
Toronto ON M5V 1K4

Brian G. Shiller
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Law Society No. 344705G

Solicitors for the Plaintiff