



ONTARIO
of Justice

Plaintiff's Claim
SC230007950089 No.: 258/98

Toronto

Small Claims Court
47 Sheppard Ave E
Toronto, ON M2N 5N1

Claim No.

Address

416-326-3554

Phone number

Electronically issued: 2023/10/17
Délivré par voie électronique:
Toronto - SmCC - 47 Sheppard Av

Plaintiff No. 1

Additional plaintiff(s) listed on attached Form 1A.

Under 18 years of age.

Last name, or name of company MacKenzie		
First name Jeremy	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	
Representative Fred Wu (Frederick Wu Professional Corporation)		Law Society of Ontario no. 73101W
Address (street number, apt., unit) 1 King St W, Suite 4800, Box 229		
City/Town Toronto	Province ON	Phone no. 416-639-7639
Postal code M5H 1A1	Email address fred@wulaw.ca	

Defendant No. 1

Additional defendant(s) listed on attached Form 1A.

Under 18 years of age.

Last name, or name of company Levant		
First name Ezra	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	
Representative A. Irvin Schein (Minden Gross LLP)		Law Society of Ontario no. 20055K
Address (street number, apt., unit) 2200-145 King St W		
City/Town Toronto	Province ON	Phone no. 416-369-4136
Postal code M5H 4G2	Email address ischein@mindengross.com	

Les formulaires des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

Claim No. _____

Plaintiff No.

Defendant No. 2

Last name, or name of company Rebel Media Holdings Inc.		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	
Representative A. Irvin Schein (Minden Gross LLP)		Law Society of Ontario no. 20055K
Address (street number, apt., unit) 2200-145 King St W		
City/Town Toronto	Province ON	Phone no. 416-369-4136
Postal code M5H 4G2	Email address ischein@mindengross.com	

Plaintiff No.

Defendant No. 3

Last name, or name of company Rebel News Network Ltd.		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	
Representative A. Irvin Schein (Minden Gross LLP)		Law Society of Ontario no. 20055K
Address (street number, apt., unit) 2200-145 King St W		
City/Town Toronto	Province ON	Phone no. 416-369-4136
Postal code M5H 4G2	Email address ischein@mindengross.com	

Plaintiff No.

Defendant No.

Last name, or name of company		
First name	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	
Representative		Law Society of Ontario no.
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	

REASONS FOR CLAIM AND DETAILS

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

What happened?

Where?

When?

[See attached.](#)

How much? \$ **35,000**
(Principal amount claimed)

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims prejudgment interest from July 25, 2023 under:
(Date)

(Check only one box) **the Courts of Justice Act**
 an agreement at the rate of _____ % per year

and postjudgment interest, and court costs.

Prepared on: October 17, 20 23 _____
(Signature of plaintiff or representative)

Issued on: _____, 20 _____
(Signature of clerk)

CAUTION TO DEFENDANT: IF YOU DO NOT FILE A DEFENCE (Form 9A) and proof of service (**either** an Affidavit of Service (Form 8A) **or** a Lawyer or Paralegal’s Certificate of Service (Form 8B)) with the court within twenty (20) calendar days after you have been served with this Plaintiff’s Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website:
www.ontariocourtforms.on.ca.

CAUTION TO PARTIES: Unless the court orders or the rules provide otherwise, **THIS ACTION WILL BE AUTOMATICALLY DISMISSED** if it has not been disposed of by order or otherwise two (2) years after it was commenced and a trial date or assessment under subrule 11.03(2) has not been requested.

1. The plaintiff Jeremy MacKenzie claims against all defendants jointly and severally:
 - a. General, aggravated, or exemplary damages in the amount of \$35,000.00;
 - b. Pre- and post-judgment interest pursuant to the *Courts of Justice Act*, RSO 1990, c C.43, as amended;
 - c. Costs of this action in the maximum amount permitted under Rule 19 of the *Rules of the Small Claims Court*, O Reg 258/98; and
 - d. Such further and other relief as this Honourable Court deems just.

Background

2. The plaintiff Jeremy MacKenzie ("**Mr MacKenzie**") is an individual residing in Nova Scotia. Mr MacKenzie publishes podcasts on various social media platforms.
3. The defendant Rebel News Holdings Inc is a company organized under the laws of Ontario with a registered office in Toronto, Ontario. The defendant Rebel News Network Ltd is a company organized under laws of Canada with a registered office in Toronto, Ontario. Collectively ("**Rebel News**"), these two defendants own and operate a news-opinion website, a YouTube video commentary channel, and several audio podcast series.
4. Ezra Levant ("**Mr Levant**") is an individual who is principal to the Rebel News entities. Mr Levant hosts a podcast series called *The Ezra Levant Show*, advertised as broadcasting his "contrarian and conservative take on free speech, politics, and foreign policy through in-depth commentary and interviews".

5. At all material times, Mr Levant was acting both on his own personal behalf and in his capacity as principal to Rebel News.

The Ezra Levant Show broadcast on July 25, 2023

6. On July 25, 2023, the defendants broadcast an episode of *The Ezra Levant Show* entitled “I’m in Lethbridge as justice hangs in the balance for the Coutts 4 truckers” (the “**July 25 Podcast**”). Mr Levant, in the July 25 Podcast, discusses Mr MacKenzie’s purported influence over the criminal proceedings against the four accused in the Coutts protest incident (the “**Coutts Four**”). Several remarks therein were false and defamatory.
7. The July 25 Podcast broadcasts that Mr MacKenzie “has set up an explicitly racist organization” called Diagon. The podcast says the Coutts Four were then enabled to “LARP [...] pretending to be in the Diagon. [...] Suddenly, they’re transformed from being ‘oh, that’s just a country boy and his rifle and bullets’ to ‘oh, there’s a Diagon patch there [so] this is part of some uprising [or] revolutionary war’”
8. It states that government controlled or influenced events. “Isn’t it odd that the leader of Diagon isn’t in jail for 500 days, but these pawns on the chess board are in jail for 500 days. I tell you, sure looks like a fed[eral agent] to me. [...] Certainly not absurd. A generation ago, you might recall that CSIS actually created a hate group called the Heritage Front. [...] The man who actually led Canada’s most notorious hate group was working for the government the whole time. [...] Jeremy MacKenzie is the reason that these charges were laid and that these men are in prison. Any he may be the reason that they are convicted. He gave the prosecution what they were missing.”

The July 25 Podcast is defamatory

9. The July 25 Podcast states plainly or implies by innuendo:
 - a. That Mr MacKenzie founded an explicitly racist organization;
 - b. That Mr MacKenzie is a government agent;
 - c. That Mr MacKenzie concocted a social movement to entrap the Coutts Four in a criminal offence.

10. In reality, the July 25 Podcast is false in those respects and stretches beyond fair comment. Mr MacKenzie has not espoused explicit racism, has not founded any organization, and has not acted for government after his military service. His public commentary is no more “explicitly racist” than Mr Levant’s. Mr MacKenzie is, in no way, a party to any scheme devised to entrap militants in criminal offences. Diagonon is no more an organization than the Rebel News audience.

11. The July 25 Podcast has harmed Mr MacKenzie’s reputation. He is known to be strictly opposed to government overreach. He is simply a social media personality to whom others have ascribed more significance than he ever intended. He does not conspire with government to concoct grounds for criminal prosecution. He relies on his reputation to make a living.

12. As the July 25 Podcast remains available to the public for download, the July 25 Podcast is a continuing act.

13. The July 25 Podcast tends to lower Mr MacKenzie in the estimation of reasonable people and, in particular, would cause her to be regarded with hatred, contempt, ridicule, fear, or dislike.

Notice under the *Libel and Slander Act*, s 5(1)

14. Mr MacKenzie gave notice to the defendants in the meaning of the *Libel and Slander Act*, RSO 1990, c L.12, s 5(1), on or about August 22, 2023. Attached hereto as **Schedule "B"** is that notice.

15. Mr Levant and Rebel News acknowledged Mr MacKenzie's notice, but refused to retract their defamatory remarks. Attached hereto as **Schedule "C"** is their responding correspondence.

Schedule "B"

wu law.
SC23000079500000
Fred Wu, Barrister & Solicitor
+1.416.639.7639 (direct)
fred@wulaw.ca

August 21, 2023

WITH PREJUDICE
DELIVERED BY PROCESS SERVER

Rebel News Network Ltd
Attn: Ezra Levant
3400 – 1 First Canadian Place
Toronto, ON
M5X 1A4

Rebel Media Holdings Inc
Attn: Ezra Levant
2200 – 145 King Street West
Toronto, ON
M5H 4G2

Dear Mr Levant:

RE: Defamatory remarks regarding Jeremy MacKenzie - "I'm in Lethbridge as justice hangs in the balance for the Coutts 4 truckers": *The Ezra Levant Show (July 25, 2023)*

I am litigation counsel to Jeremy MacKenzie and am corresponding in respect of the above-captioned podcast episode (the "**July 25 Podcast**"). This notice is duly delivered to Rebel News Network Ltd, Rebel News Holdings Inc, and yourself personally, pursuant to the *Libel and Slander Act*, RSO 1990, c L.12 (the "**Act**"), s 5(1). The July 25 Podcast discusses Mr MacKenzie's purported influence over the criminal proceedings against the four accused in the Coutts incident (the "**Coutts Four**"). Several remarks therein were false and defamatory.

The July 25 Podcast broadcasts that Mr MacKenzie "has set up an explicitly racist organization" called Diagon. The podcast says the Coutts Four were then enabled to "LARP [...] pretending to be in the Diagon. [...] Suddenly, they're transformed from being 'oh, that's just a country boy and his rifle and bullets' to 'oh, there's a Diagon patch there [so] this is part of some uprising [or] revolutionary war'."

It states that government controlled or influenced events. "Isn't it odd that the leader of Diagon isn't in jail for 500 days, but these pawns on the chess board are in jail for 500 days. I tell you, sure looks like a fed[eral agent] to me. [...] Certainly not absurd. A generation ago, you might recall that CSIS actually created a hate group called the Heritage Front. [...] The man who actually led Canada's most notorious hate group was working for the government the whole time. [...] Jeremy MacKenzie is the reason that these charges were laid and that these men are in prison. Any he may be the reason that they are convicted. He gave the prosecution what they were missing."

SC23000079500000

The July 25 Podcast states plainly or implies by innuendo:

- That Mr MacKenzie founded an explicitly racist organization;
- That Mr MacKenzie is a government agent; and
- That Mr MacKenzie concocted a social movement to entrap the Coutts Four in a criminal offence.


In reality, the July 25 Podcast is false in those respects and stretches beyond fair comment. Mr MacKenzie has not espoused explicit racism, has not founded any organization, and has not acted for government after his military service. His public commentary is no more “explicitly racist” than yours. Mr MacKenzie is, in no way, a party to any scheme devised to entrap militants in criminal offences. Diagonon is no more an organization than Trekkies are. Star Trek producers do not “lead” Trekkies any more than Mr MacKenzie “leads” Diagonon. Mr MacKenzie ran a regular podcast. Diagonon is its fanbase.

The July 25 Podcast has harmed Mr MacKenzie’s reputation. He is known to be strictly opposed to government overreach. He is simply a social media personality to whom others have ascribed more significance than he ever intended. He does not conspire with government to concoct grounds for criminal prosecution. He relies on his reputation to make a living.

We request and require that you retract the statements summarized above, as well as apologize, in a subsequent *The Ezra Levant Show* podcast episode before September 1, 2023. Failing which, Mr MacKenzie intends to bring an action for defamation. While this correspondence should be considered a Notice of Action pursuant to the *Act*, s 5(1), Mr MacKenzie does not waive the position that the July 25 Podcast is not a “broadcast” under the *Act*. The July 25 Podcast remains publicly available for streaming and, therefore, is a continuing act.

Yours very truly,

FREDERICK WU PROFESSIONAL CORPORATION



Fred Wu





MINDEN GROSS LLP

BARRISTERS & SOLICITORS

145 KING STREET WEST, SUITE 2200

TORONTO, ON, CANADA M5H 4G2

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E-MAIL ischein@mindengross.com

FILE NUMBER 4134101

*Partner through Professional Corporation

August 24, 2023

DELIVERED VIA EMAIL

Fred Wu

Frederick Wu Professional Corporation

1 King Street West

Suite 4800

Toronto, ON M5H 1A1

Dear Mr. Wu:

Re: Rebel News and Jeremy MacKenzie

We act for Rebel News and its principal, Ezra Levant.

Your letter to our client dated August 21, 2023 has been brought to our attention and we have instructions to provide the following response.

Mr. Levant acknowledges having made statements concerning your client in his July 25 podcast. He stands by them unequivocally.

Mr. Levant's statements concerning the connection between your client and Diagonol were based on facts previously reported in the media, including mainstream media, on many occasions. Your client has been described repeatedly as Diagonol's founder and *de facto* leader.

The other statements made by Mr. Levant concerning your client were clearly opinions, which Mr. Levant was entirely entitled to express. These opinions were fairly reached given your client's history of public expressions, for example:

- (a) criticizing the Nuremberg Trials as having been unfair;

- (b) speaking sympathetically of one of the Nazi leaders who stood as a defendant at that time;
- (c) referring to Rebel News as “Jewish supremacist media”; and
- (d) musing about raping the wife of Conservative Party leader Pierre Poilievre.

Your client also has a history of boasting about having reported possible criminals to the RCMP, thereby acting as an unofficial government agent.

Mr. Levant was entirely justified in advancing the opinion that your client and Diagonol provided a connection among the Coutts defendants that made it easier for the police to charge them with criminal offences.

It follows that our client has absolutely no intention whatever of issuing a retraction and apology as demanded in your letter. If your client wishes to pursue the matter by means of a defamation action, as you have threatened, we will accept service of process.

Yours very truly,

MINDEN GROSS LLP



A. Irvin Schein*
AIS/rf