

**FEDERAL COURT**

BETWEEN:

CARYMA SA'D

- and -

MORGAN YEW, CANADIAN ANTI-HATE NETWORK,  
and JOHN OR JANE DOE

Defendants

**STATEMENT OF CLAIM  
SIMPLIFIED ACTION**

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 solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the Federal Courts Rules, serve it on the plaintiff's solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the Federal Courts Rules.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

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F I L E D	FEDERAL COURT	D É P O S É
	COUR FÉDÉRALE	
Plaintiff	12-JUL-2023	
Brittney Channer		
TOR	1	

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

Issued by: Alice Prodan Gil

**Date:** 12-JULY-2023

Address of local office:  
200-180 Queen St W  
Toronto, ON M5V 3L6

**TO:** **CANADIAN ANTI-HATE NETWORK**  
439 University Ave, 5<sup>th</sup> floor  
Toronto, ON M5G 1Y8  
Canada

**TO:** **MORGAN YEW**

## CLAIM

1. The plaintiff claims against the defendants, by way of simplified action:
  - a. A declaration affirming the plaintiff's right to be free from all defendants' false or misleading remarks, under the *Trademarks Act*, RSC 1985, c T-13, s 7(a), and the *Competition Act*, RSC 1985, c C-34, s 52;
  - b. A declaration that the defendant Canadian Anti-Hate Network ("CAHN") uses false descriptions likely to mislead the public in its representations with the word mark ANTI-HATE, contrary to the *Trademarks Act*, s 7(d);
  - c. General damages of \$50,000;
  - d. Aggravated and exemplary damages of \$50,000;
  - e. An interim, interlocutory, and permanent injunction restraining the defendant CAHN's false or misleading remarks in respect of the plaintiff;
  - f. An interim, interlocutory, and permanent injunction mandating that CAHN disclose to the plaintiff John or Jane Doe's identity(ies);
  - g. An interim, interlocutory, and permanent injunction restraining the defendant John or Jane Doe's false or misleading remarks in

respect of the plaintiff as based on CAHN and Mr Yew's publications;

- h. An interim, interlocutory, and permanent injunction restraining the defendant CAHN's use of ANTI-HATE as a trademark element;
- i. Costs of this action; and
- j. Such further and other relief as this Honourable Court deems just.

#### **Background: the parties**

1. The plaintiff Caryma Sa'd ("**Ms Sa'd**") is an individual residing in Toronto, Ontario, of Muslim upbringing and Indo-Palestinian ethnic descent. She is a lawyer practising mainly residential landlord-tenant dispute resolution. She is also an independent journalist regularly documenting public protests and fringe social movements, publishing her photographs and videos on social media with her commentary. She also authors political cartoons shared through the same media. She posts on Twitter (or "tweets") under the Twitter name <@CarymaRules> and is regularly interviewed by mainstream media outlets for her expertise on extremism and other social issues.

2. The defendant Canadian Anti-Hate Network (“**CAHN**”) purports to be an antifascist and antiracist advocacy group based in Toronto, Ontario, organized as a not-for-profit corporation pursuant to the laws of Canada. As published on CAHN’s website <antihate.ca>, CAHN’s mission is stated as being “to monitor, research, and counter hate groups by providing education and information on hate groups to the public, media, researchers, courts, law enforcement, and community groups.”
3. The defendant Morgan Yew (“**Mr Yew**”) is an individual and independent journalist residing in Toronto, Ontario. Mr Yew has published with CAHN.
4. The defendant John or Jane Doe (“**Mx Doe**”) is the one or more individuals comprising CAHN’s network, acting on CAHN’s behalf, acting at CAHN’s direction, or otherwise under CAHN’s control or influence. Mx Doe’s identity(ies) is (or are) within CAHN’s actual or constructive knowledge.
5. Ms Sa’d, Mr Yew, and CAHN are all journalistic entities documenting right-wing politics and extremism.

**Background: CAHN is opaque and amorphous**

6. CAHN is a business. CAHN employs staff. CAHN solicits donation revenue online. From 2020 to 2022, CAHN received public grant

monies from the Department of Canadian Heritage to monitor hate-promoting groups and individuals, including by publishing articles on hate groups and important hate influencers (the “**Canadian Heritage Grant**”).

7. CAHN is the public-facing hub of a nascent activism-industrial complex in Canada. CAHN leadership leverage their CAHN credentials in bidding for lucrative diversity and inclusion consulting contracts. Pursuant to its Canadian Heritage Grant, CAHN was:

- a. held to content quotas in publishing articles about online hate-promoting groups and influencers;
- b. subject to quantity of articles published and distributed as a performance metric; and
- c. subject to quantity of social media engagement and impressions as a performance metric.

In essence, CAHN was and is an antifascism-themed content marketing firm incentivized to prioritize content quantity over content quality. CAHN’s business model does not anticipate ever exhausting the supply of alleged fascists to publish about. To CAHN, there must always be clickbait or the business fails.

8. CAHN does not meet reasonable expectations of a so-called anti-racist organization. For example, despite espousing social justice ideals,

CAHN is operated and governed by a white and male majority in both its management and its board of directors.

9. True to its corporate name, however, CAHN does operate as a network.

CAHN's sphere of control or influence extends beyond the entity itself to include:

- a. CAHN's associated quasi-journalists or journalists;
- b. CAHN's advisory board;
- c. CAHN's provision of comments to mainstream news reporting media.

10. CAHN holds itself out as hosting leading expertise and research in hate groups, hate speech, and hate crimes in the Canadian context. Yet, CAHN withholds and refuses to disclose expert identities, expert credentials, or research methodologies. Several CAHN personalities have not appeared in person or on video anywhere. Peter Smith, Elizabeth Simons, and Hazel Woodrow, for example, may be pseudonyms or imagined personalities concocted to project continuity of expertise where there is none.

### **CAHN sought to collaborate with Ms Sa'd**

11. On or about April 7, 2021, Ms Sa'd published a political comic about unsavoury right-wing personality Christopher Saccoccia (also known as

Chris “**Sky**”) that resulted in immediate and unexpected backlash. Sky encouraged his hundreds of thousands of social media followers to brigade Ms Sa’d’s online accounts and business profiles with hateful messages and one-star reviews. Ms Sa’d persevered with comics, videos, and commentary about Sky, using humour to galvanize public opinion against his negative behaviour.

12. On or about April 9, 2021, CAHN corresponded with Ms Sa’d by way of Twitter’s direct messaging (“**DM**”) regarding Ms Sa’d’s political cartoons: “Hey! We’d like to chat about maybe bringing you on board for a cartoon a week, based on that week’s content. Is that something you have interest/capacity for?” Over the next week, Ms Sa’d and CAHN discussed further, but ultimately Ms Sa’d declined to provide political cartoon content as CAHN had invited.

13. On or about April 11, 2021, CAHN contacted Ms Sa’d by DM in response to a website’s defamation directed at Ms Sa’d which she had been tweeting about. CAHN advised her to “archive that cyber hate website crap” to preserve the statements for evidence. CAHN dissuaded Ms Sa’d from engaging with the author of the defamatory material, stating: “We made the decision to ignore him long ago and it’s largely worked... it may be better to just let him sit and yell into the void. Giving him attention is exactly what he wants.”

14. On April 14, 2021, CAHN sent Ms Sa’d a DM linking their latest article about Chris Sky entitled *The Antisemitic, Islamophobic, Racist*



*Conspiracy Theorist Dominating the International Anti-Mask Movement is Canadian.*

15. On or about May 25, 2021, CAHN contacted Ms Sa'd by DM again to probe for information on a Law Society of Ontario bencher. In response, Ms Sa'd confirmed his identity as a member of a bencher-electoral slate called "StopSOP". A couple of days later, CAHN advised it was "digging into the StopSOP people" and asked for recommendations of "friendly benchers" who would be open to conversation.
16. There are no noteworthy journalistic works by Mr Yew published before July 2021.

#### **Cancelled event at Toronto Chinatown**

17. Ms Sa'd's business includes public commentary and engagement events. On or about July 5, 2021, Ms Sa'd announced her intention to run one such event: a comedy night on July 10, 2021, wherein Ms Sa'd would interview and roast the outspoken and unsavoury anti-masker Chris Sky, along with hosting five comics and a local Chinese pastor to speak. Her aim was to advocate and educate through entertainment, in compliance with COVID restrictions, and to allow Sky's absurdity to lampoon itself. The plan was to have the event at the Chinatown Centre, 222 Spadina Avenue, Toronto, in its private courtyard adjacent to a

retail unit rented by Ms Sa'd to keep seating and audio-visual equipment for hosting shows. Ms Sa'd's law office is based in the same building.

18. On July 6, 2021, CAHN sent a further DM to Ms Sa'd expressing concern over the planned event, explaining that Sky "has spread extremely dangerous ideas, and brought countless people in, radicalizing them to those ideas, since his rise". Ms Sa'd responded: "I want to be clear that I'm not setting up a 'debate', nor will he be provided an opportunity to spout his rants. My objective is to get him to further entrench divisions in the anti-masker movement, with a side of mockery. [...] [P]eople seem to respond well to my infotainment approach. [...] I'm hopeful his big mouth can be weaponized against him."

19. In the afternoon of July 10, 2021, CAHN sent Ms Sa'd DMs espousing further concern: "To be straightforward, we don't agree with the event." CAHN further expressed worry that far-right personalities were commenting on Ms Sa'd's Instagram posts.

20. In the evening of July 10, 2021, activists styling themselves as "community defenders" or "community protectors" blockaded access to the private venue. Ms Sa'd cancelled the event out of safety concerns. A dialogue among uninvited third parties, a handful of would-be attendees, and blockaders then devolved into a physical altercation, despite Ms Sa'd's event security detail.

21. Their self-styled titles notwithstanding, these purported defenders/protectors were not acting on behalf of any community. However, tweets self-identifying by these titles from these individuals continue to discuss this incident to the present day.

22. Mr Yew was among these so-called defenders. When it was evident the event was cancelled, and after physical altercations ensued, Mr Yew spotted Ms Sa'd and said to her: "Caryma, you're so fucked!"

23. On July 13, 2021, Ms Sa'd released a statement explaining and apologizing for the event's outcome.

24. Also on July 13, 2021, Mr Yew and CAHN published an article about Ms Sa'd and her cancelled event on CAHN's website <antihate.ca>, which was false or misleading in, at least, the following statements:

<b>CAHN's statement</b>	<b>Missing context</b>
"Caryma blames the blockade, and not her event, for the ensuing violence."	The blockade prevented lawful access to the courtyard through physical intimidation. Some blockaders wore helmets and goggles, which signalled readiness for physical confrontation. Several faces were covered with bandanas.  Ms Sa'd feared for her safety and cancelled the show to avoid putting staff, performers, and guests at risk. The blockade did not disperse when the event was cancelled. It remained in place even when continuing became unsafe.

<p>“Not only is this event not permitted by the mall board of directors, the potential for an audience would be against public health codes, and the risk of Sky's anti-mask supporters being present puts those who are most marginalized in our community at risk”</p>	<p>Ms Sa'd rents a store in the mall courtyard, and she had permission from the Chinatown Centre board of directors to host the event on the stage.</p> <p>She invited 25 guests, which followed the rules for outdoor gatherings. About one or two dozen hopeful audience members showed up uninvited. These individuals would have been safely accommodated in the upstairs plaza if the event had not been cancelled.</p> <p>The blockade itself did not comply with public health regulations, both in terms of size and lack of distancing.</p> <p>The courtyard is unlit after dark and rarely used. The risk of harm was overstated considering the event was scheduled to take place two hours after the mall closed at an otherwise low-traffic time.</p>
<p>“Many, many more Saccoccia fans ultimately showed up, and nobody was trespassed.”</p>	<p>Ms Sa'd invited 25 guests, only a handful of whom were aligned politically with Chris Sky. Her guests were part of the crowd and cannot all be fairly described as “Saccoccia fans.”</p> <p>About one or two dozen hopeful audience members showed up uninvited. These individuals would have been safely accommodated in the upstairs plaza if the event had not been cancelled.</p> <p>At least two trespass notices were handed out, but security was instructed to desist once it became</p>

	<p>apparent the efforts were futile. Ms Sa'd was unwilling to put the guards at risk of physical confrontation.</p>
<p>"Holding a large banner reading 'Mask it or Casket,' demonstrators tell CAHN their plan was to remain silent and non-confrontational, and to prohibit entry for as long as it was safe to do so."</p>	<p>The blockade was confrontational with people who tried accessing the courtyard. The blockade shoved invited guests when attempting to use the access staircase. The blockade told an intimidated and fearful performer: "There's no comedy happening here tonight." The blockade also intimidated, scared, and denied access to a store owner with no connection to the event.</p> <p>The blockade did not disperse when Ms Sa'd cancelled the event. The blockade continued even when physical altercations began, irrespective of safety.</p>
<p>"Denying a platform to hatemongers is not divisive, controversial, or contradictory to free expression. In fact, it bolsters expression."</p>	<p>Differing views exist on the effectiveness of de-platforming, and what that even entails.</p> <p>Ms Sa'd herself helped de-platform Chris Sky from Instagram. He lost over 250,000 followers when his primary and secondary accounts were banned, in part due to targeted harassment against her account.</p> <p>The event was not structured as a rally in support of Chris Sky, or even as a debate. Rather, the program overall was designed to mock and subvert his message. Hosting comedy performances and conducting interviews was Ms Sa'd's chosen form of political expression.</p>

<p>“Sa’d referred to demonstrators bringing ‘weapons,’ which it turned out were taiko drumming sticks from someone who had arrived from practice.”</p>	<p>Drumsticks can be used as weapons. A performer saw members of the blockade use a bike, baton, and walking stick as a weapon.</p>
<p>“Sa’d has been parroting anti-anti-fascist talking points we more commonly associate with the far-right. She repeatedly describes them as ‘violent,’ ‘militant,’ shares the unsubstantiated claim they brought weapons, and complains that the anti-racists have ‘censored’ her.”</p>	<p>Ms Sa’d does not support fascist or racist ideologies.</p> <p>Her characterization of the blockade and its impact was reasonable and accurate in the circumstances.</p>

25. Further excerpts from the article are consistent with the framing above.

Overall, the article misleads its audience to conclude:

- a. That Ms Sa’d supports fascism;
- b. That Ms Sa’d is a racist;
- c. That Ms Sa’d lied about the blockade’s violence;
- d. That Ms Sa’d jeopardized the Chinatown community’s safety.

26. The article does not disclose Mr Yew’s personal bias. Mr Yew actively participated in the blockade and had previously published statements that Ms Sa’d is a “bad actor” with no conscience, implying Ms Sa’d is not part of the “actual community” and comparing Ms Sa’d to far-right American media personality Andy Ngo.

27. In the days that followed, CAHN tweeted a summary of its article, linking to commentary from various Twitter personalities.

28. In or about the end of July 2021, Ms Sa'd corresponded with CAHN corporate director Richard Warman about the above-noted misleading elements and biases, among others. Eventually, on or about August 5, 2021, CAHN ceded to minor revisions of a handful of passages. While revising the article to more closely correlate with some facts, the revisions do not materially change the misleading character of the article. What is more, after revision, the editorial note simply stated: "Following publication of this article, further information was provided by Caryma Sa'd, and the article was updated accordingly." CAHN refused to expressly specify what updates were amended into the article.

29. The article remains publicly visible and is a continuing act.

30. Ms Sa'd continued to attend and document public protests and fringe social movements. In early 2022, she began covering the emergence of counter-protests in response to right-wing protesters.

31. From time to time, CAHN publishes materials geared towards counter protesters, or self-styled "community defenders" and "community protectors." CAHN specifically encourages counter protesters to "ice out fake journalists" at events through noisemaking, and the use of banners and flags to create visual and physical barriers. CAHN holds no authority to distinguish fake from real journalists.

32. Ms Sa'd has been subjected to in-person harassment at rallies by counter-protesters employing such tactics.

33. The fallout arising from the defendants' conduct includes online sexism and racism being directed at Ms Sa'd for the last two years. Mx Doe is/are among the online personalities who persist in impugning Ms Sa'd.

### **Trade libel and unfair competition**

34. The CAHN and Mr Yew's article and tweets are actionable under the *Competition Act*, s 36, and the *Trademarks Act*, s 7(a). The conduct is contrary to the *Competition Act*, s 52, and the *Trademarks Act*, s 7(a).

CAHN and Mr Yew's business interests include:

- a. Discrediting a competing journalist;
- b. Attempting to establish CAHN as an exclusive source for anti-fascist journalism;
- c. Retaliation for failing to collaborate with CAHN so as to motivate other journalists covering right-leaning movements to participate with CAHN;
- d. Mr Yew's enhanced credibility as an anti-fascist journalist in taking down Ms Sa'd, a credible and known progressive media personality.



35. As CAHN's conduct in fact promoted hateful conduct against Ms Sa'd, a member of an equity-seeking minority group, CAHN's use of any sign as a trademark that includes ANTI-HATE is a description that is false and likely to mislead the public as to services CAHN provides, in a manner contrary to the *Trademarks Act*, s 7(d).

36. CAHN's network of control or influence includes Mx Doe, who is/are (an) online and in-person actor(s) propagating accusations of Ms Sa'd's alleged racism or fascism on the basis of Mr Yew and CAHN's publications.

The plaintiff proposes this action be tried in Toronto.

July 12, 2023

  
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