



S1811588

FORM 1 (RULE 3-1 (1))

No.  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

STEVEN GALLOWAY

Plaintiff

and

CARALEA COLE, KEITH MAILLARD, ANNABEL LYON,  
CHELSEA ROONEY, ALICIA ELLIOT, BRIT BACHMANN,  
MANDI GRAY, THERESA SMALEC, GLYNNIS  
KIRCHMEIER, KIERA ANDERSON, EMILY KELLOGG,  
MADA CHOUAIN, ADELINE YORK, ARIELLE ROMBOUGH,  
JOHN BELL, BETHANY KILLEN, DANA KAGIS, WENDEL  
SCHWAB, MARCELLE KOSMAN, ALASDAIR REES,  
SUZIEBEDBUG, JOHN DOE, JANE DOE, JANE ROE and JILL  
ROE

Defendants

### NOTICE OF CIVIL CLAIM

**This action has been started by the plaintiff(s) for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff(s).

If you intend to make a Counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff(s) and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the Response to Civil Claim within the time for Response to Civil Claim described below.

### **Time for Response to Civil Claim**

A response to civil claim must be filed and served on the plaintiff,

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

### **CLAIM OF THE PLAINTIFF**

#### **Part 1: STATEMENT OF FACTS**

1. The plaintiff, Steven Galloway, is an award-winning and internationally best-selling novelist and a former professor and Chair of Creative Writing at the University of British Columbia (UBC), currently 43 years of age, and has an address for service in this action care of Owen Bird Law Corporation, 2900-595 Burrard St., Vancouver, V7X 1J5.
2. The defendant Caralea Cole, also known as Cara Cole, is an artist and former university professor with an address currently unknown to the plaintiff.
3. The defendant Keith Maillard is a professor at the UBC, with an address at 5733 Bluebell Drive, West Vancouver, British Columbia.
4. The defendant Annabel Lyon is a professor at the UBC, with an address currently unknown to the plaintiff.
5. The defendants Chelsea Rooney, Brit Bachmann, Glynnis Kirchmeier, are former UBC students whose occupations and addresses are currently unknown to the plaintiff.
6. The remaining defendants are individuals, whose occupations and addresses are currently unknown to the plaintiff.
7. The defendant Suzie\_Bedbug is a person using a pseudonym, whose identity, address and occupation are currently unknown to the plaintiff.

8. The defendants John Doe, Jane Doe, Jane Roe and Jill Roe are pseudonyms for other individuals who published or republished substantially similar defamatory statements to those set out herein, but whose involvement in the publications or identities are currently insufficiently known to the plaintiff to name as defendants.

### **The Defamations – Summary**

9. The plaintiff was defamed by false accusations of rape, sexual assault and physical assault. The defamation began with false statements by Cole to several other defendants, who recklessly repeated and asserted the truth of the accusations both within UBC and publicly on the internet, including on Twitter. The defendants have continued to publish the allegations despite a finding by a former Justice of the B.C. Supreme Court who, after interviewing Cole and numerous others, concluded the allegations of rape, sexual assault and assault were unsubstantiated. The defamatory statements were devastating to the plaintiff both personally and in his professional career. He claims general, special, aggravated and punitive damages against the defendants.
10. The defamatory publications set out herein all would be understood by reasonable readers to be about the plaintiff. In many cases, the statements included or were accompanied by explicit identification of the plaintiff. All other of the publications contained or were accompanied by references to matters known widely to the public and to the readers of the defamations as identifying the plaintiff, including but not limited to “#UBCAccountable”, which was a public statement in defence of the plaintiff’s right to due process, the names of certain public figures who signed UBCAccountable, or the “Boyd Report” which was publicly known to have been an investigation into allegations against the plaintiff.

### **Caralea Cole Defamations**

11. The plaintiff Caralea Cole (Cole) is older than the plaintiff and had herself been a professor before she met the plaintiff. She and the plaintiff had a consensual romantic affair that lasted over two years. Both of them were married and the affair was adulterous. Cole subsequently made the false allegations of rape, sexual assault and physical assault set forth below, despite knowing the allegations to be false and designed to deflect blame and create a false narrative to portray herself as innocent in the affair.

12. On or about November 12, 2015, Cole verbally published defamatory statements to the defendants Keith Maillard, Annabel Lyon, Chelsea Rooney and others known to Cole, saying that the plaintiff had “raped”, “sexually assaulted” and “physically assaulted” her (Cole Defamation 1).
13. Cole Defamation 1 constituted slander per se, as it was an allegation of crime or disparaged him in his occupation or both.
14. Cole Defamation 1, meant and was understood to mean, in both its literal and natural meanings, that the plaintiff had raped, sexually assaulted and physically assaulted her.
15. Cole actively encouraged Keith Maillard, Annabel Lyon and Chelsea Rooney to repeat Cole Defamation 1 and find others who would support or repeat it, and as such, each of these defendants was part of a common design and jointly liable for Maillard Defamation 1, Lyon Defamations 1 and 2 and the Rooney Defamations set forth below.
16. In 2018, Cole published in an art show and on the internet the following false and defamatory statements regarding the plaintiff, beginning in or about May of 2018 and continuing:
  - a) “It’s not just what he did, but that he was able to do it for so long. The Rape Narrative spans six years, and the losses keep piling up. It makes you sick and sad and filled with rage that it went on for so long. But that’s not on you. That’s on him”
  - b) “It’s terrifying to try to exist in the world again, because not only is the man who raped you determined to punish you, so are many powerful people who support that man.”

(Cole Defamation 2)
17. Cole Defamation 1 and 2 meant and were understood to mean, in both their literal and natural meanings, that the plaintiff raped, sexually assaulted and physically assaulted Cole. Those allegations were utterly false and Cole knew they were false.
18. In addition to its own content, Cole Defamation 2 would be understood to readers as referring to the plaintiff by virtue of the accompanying public statements about the art show quoted later in this Claim under the subtitle Theresa Smalec Defamation.

### **Keith Maillard Defamations**

19. On or about November 13, 2015, Keith Maillard (Maillard) spoke the following false and defamatory words, or substantially similar words to several colleagues of the plaintiff in the UBC Creative Writing Department:

- a) “Steven Galloway raped Cara Cole”
- b) “Steven Galloway sexually assaulted Cara Cole”
- c) “Steven Galloway physically assaulted Cara Cole”

(Maillard Defamation 1)

20. On or about November 15, 2015, Maillard repeated Maillard Defamation 1 to all tenured and tenure-track faculty in the UBC Creative Writing Department.

21. Maillard Defamation 1 constitutes slander per se as it was an allegation of crime or disparaged the plaintiff in his occupation or both.

22. Between November 12 and 18, 2015, the defendant Maillard further defamed the plaintiff by verbally repeating Maillard Defamation 1 to Chelsea Rooney and others known to him.

23. Maillard also published on Twitter the following false and defamatory words regarding the plaintiff on or about February 11, 2018. The context was that an article in the Walrus, after further editorial review, removed a portion of the article that repeated an unsubstantiated allegation of sexual assault. Maillard republished the same unsubstantiated defamation allegation:

“A very serious omission... She has stated her assault allegations were not about an affair at all. The fact that should not have been removed. Shame on you Walrus”

(Maillard Defamation 2)

24. Maillard also published in an essay titled “Burn” in or about September of 2018 the following false and defamatory words regarding the plaintiff, in the context of wide public knowledge by that point that Cole had accused the plaintiff of rape and sexual assault:

“I have received express permission from the Main Complainant to disclose that she has told me her story. I believe her”

(Maillard Defamation 3)

25. Maillard Defamations 1 through 3 Cole Defamation 1 through 3 meant and were understood to mean, in their literal and inferential meanings, that the plaintiff raped, sexually assaulted and physically assaulted Cole.
26. The context of Maillard’s publications quoted above was that he had in other publications and Twitter posts portrayed himself as someone who was an authority on the facts regarding the plaintiff such that his defamatory statements were intended to carry and did carry greater weight and authority with readers.

### **Annabel Lyon Defamation**

27. On or about November 16, 2015, the Defendant Annabel Lyon (Lyon) spoke the following false and defamatory words, or words substantially similar, about the plaintiff to all tenured and tenure track faculty of the UBC Creative Writing Department, all stated in the context of the same group of people having heard Maillard Defamation 1:

“The complainant’s allegation of sexual assault is true. Voice messages to her from Steven Galloway prove it. Galloway has never had any relationship with Cara Cole and was being dishonest when he suggests otherwise.” (Lyon Defamation 1)

“A person I assigned to find other complainants has confirmed there are many women ready to come forward with similar allegations” (Lyon Defamation 2)

28. Lyon Defamations 1 and 2 meant, in both their literal and natural meanings, that the plaintiff had committed rape, sexual assault and physical assault upon Cole. Lyon Defamation 2 carried the further literal and natural meaning that the plaintiff had committed rape, sexual assault and physical assault against many other women.

29. Lyon Defamations 1 and 2 constitute slander per se as they were allegations of crime or disparaged the plaintiff in his occupation or both.
30. Between November 12 and 18, 2015, Lyon repeated Maillard Defamation 1 to Chelsea Rooney and others known to her and is liable for her republication of Maillard Defamation 1.

### **Chelsea Rooney Defamations**

31. The defendant Chelsea Rooney (Rooney), on or about November 18, 2015, spoke the following false and defamatory words to Erin Flegg, Sierra Skye Gemma and others known to her:

“Steven Galloway raped Cara Cole”

(Rooney Defamation 1)

32. Rooney spoke the same or substantially similar false and defamatory statements to numerous other individuals known to her.
33. Rooney Defamation 1 constituted slander per se as it was an allegation of crime and disparaged the plaintiff in his occupation.
34. Following Rooney Defamation 1, Rooney sent an email on or about November 19, 2015 to Erin Flegg, Skerra Skye Gemma and others known to her to whom she had spoken Rooney Defamation 1. The email asked recipients to come forward with similar allegations and to contact a news reporter with negative stories and statements about the plaintiff.
35. The Defendants Keith Maillard, and Annabel Lyon had encouraged Rooney to make her defamatory statements above, to repeat Maillard Defamation 1 and Lyon Defamations 1 and 2 to others and to solicit others to come forward and make similar allegations. They acted in a common design with Rooney and as such are jointly liable for Rooney Defamation 1.
36. The plaintiff did not become aware of Cole Defamation 1, Maillard Defamation 1, Lyon Defamations 1 and 2 and Rooney Defamation 1 until the spring of 2016 and was unable to

reveal the information publicly until the fall of 2018 by virtue of confidentiality requirements of an UBC investigative process and later a grievance process.

37. Rooney published a false and defamatory statement regarding the plaintiff on Twitter on October 28, 2016, stating:

“A woman said she was sexually assaulted. UBC assessed ALL the evidence – including the flawed Boyd Report – and found the truth”

(Rooney Defamation 2)

38. Rooney Defamation 2 would be understood by a reasonable reader to refer to the plaintiff, who had been publicly identified as the professor whose conduct was the subject of the Boyd Report.

39. Rooney published a false and defamatory statement regarding the plaintiff on Twitter on November 16, 2016 as follows:

“We can be asked to believe a person who reports sexual assault. And we can believe her. And we do”

(Rooney Defamation 3)

40. Rooney Defamation 3 would be understood by a reasonable reader to refer to the plaintiff, who had been publicly identified by Rooney multiple times as the person who was the subject of a sexual assault complaint.

41. Rooney published a false and defamatory statement regarding the plaintiff on Twitter on November 24, 2016, stating:

“A woman broke her silence about sexual assault today, and the signatories of UBCAccountable are still uploading their stories, as if they matter”

(Rooney Defamation 4)

42. Rooney Defamation 4 would be understood by a reasonable reader to refer to the plaintiff, who had been personally identified by Rooney and many others as the professor against whom sexual allegations had been made at the center of an open public letter known as UBCAccountable.



43. Rooney published a false and defamatory statement regarding the plaintiff on Twitter on December 5, 2016, stating:

“I acted on allegations of violence. Because I believed the allegations.”

(Rooney Defamation 5)

44. Rooney Defamation 5 would be understood by a reasonable reader to refer to the plaintiff, as Rooney had repeatedly and publicly posted on Twitter references to the plaintiff and allegations against him, including the other Rooney Defamations herein.

45. Rooney published a false and defamatory statement regarding the plaintiff on Twitter on or about Dec 5 2016 “#UBCAccountable and their surrogates have effectively effaced the person who reported sexual harassment and assault”.

(Rooney Defamation 6)

46. Rooney Defamation 6 would be understood by a reasonable reader to refer to the plaintiff, as Rooney had repeatedly and publicly posted on Twitter references to the plaintiff and allegations against him, including the other Rooney Defamations herein.

47. Rooney published a false and defamatory statement regarding the plaintiff on Twitter on or about March 4, 2017 “#UBCAccountable start and end with the woman who reported rape.”

(Rooney Defamation 7)

48. Rooney Defamations 1-7 would all be understood by readers to refer to the plaintiff, by virtue of their own content, the references to UBCAccountable, and Rooney’s own repeated postings on Twitter referring to the plaintiff or identifying information about the plaintiff and allegations against him, including the other Rooney Defamations herein.

49. Rooney Defamations 1 through 7, meant and were understood to mean, in both their literal and natural meanings, that the plaintiff raped, sexually assaulted and physically assaulted Cole.

50. Rooney Defamations 1 through 7 have been republished by others and she has published further similar defamations to those above both verbally and elsewhere, known to her but

not yet known to the plaintiff. These constitute republications of the Rooney Defamations which Rooney expected, encouraged or could reasonably foresee, such that Rooney is jointly liable for all of them.

### **Alicia Elliot Defamations**

51. The defendant Alicia Elliott, on or about January 17, 2017, published the following false and defamatory words regarding the plaintiff on Twitter:

“re Galloway...those pesky sexual assault survivors wouldn’t shut up” (Elliot Defamation 1)

52. The defendant Alicia Elliot, on or about December 29, 2016 published the following false and defamatory words regarding the plaintiff on Twitter, by saying of a person who had co-authored the UBCAccountable defence of the plaintiff:

“This year you’ve managed to demonize rape survivors” (Elliot Defamation 2).

53. The defendant Alicia Elliot, on or about December 12, 2016, published the following false and defamatory words regarding the plaintiff on Twitter:

“They outline the ways that UBC’s process of dealing with sexual assault can be improved very well, esp considering they only had 4 months to prepare the report. Especially worth noting in the Galloway case is their definition of “sexual “assault.” It says, “Consent that is obtained through misuse of a position of trust or authority is not valid consent. (Elliot Defamation 3)

54. The defendant Alicia Elliot, on or about February 22, 2018, published the following false and defamatory words regarding the plaintiff on an internet website for crowdfunding:

“powerful men using their access to lawyers to silence the women accusing them of sexual assault... Steven Galloway” (Elliot Defamation 4)

55. Elliot Defamations 1 through 4 meant and were understood, in their natural meanings, to mean that the plaintiff had committed rape and sexual assault.

### **Brit Bachmann Defamations**

56. On or about January 7, 2018, Brit Bachmann published on Twitter the following false and defamatory words regarding the plaintiff, in the context of a reference to Coles accusations against the plaintiff, she referred to Cole as:

“A survivor of sexual assault”.

(Bachman Defamation 1)

57. On or about January 7, 2018, Brit Bachmann published on Twitter the following false and defamatory words regarding the plaintiff, in the context of a reference to Coles accusations against the plaintiff, she referred to the plaintiff as:

“a prof who sexually assaulted a student”

(Bachmann Defamation 2)

58. Bachmann Defamations 1 and 2, in both their literal and natural meanings, meant that the plaintiff had sexually assaulted a student.

### **Mandi Gray Defamations**

59. Mandi Gray, on or about November 15, 2018, published the following false and defamatory words about the plaintiff in a series of publications on Twitter:

“Prof sexually assaults a student” (Gray Defamation 1)

“a dude who has sexually assaulted someone” (Gray Defamation 2)

“A bunch of Canadian authors jumping to the aid of someone who has assaulted and harassed numerous students” (Gray Defamation 3)

60. Mandi Gray, on or about November 16, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“UBC inaction re sex assault” (Gray Defamation 4)

61. Mandi Gray, on or about December 5, 2016, published the following false and defamatory words about the plaintiff on Twitter:

“#galloway ...rapists should be held accountable (Gray Defamation 5)

62. Mandi Gray, on or about March 14, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“Contradiction between supporting those who are sexually assaulted when they are faceless and nameless and the absolute erasure of those who have come forward: see complainants in Galloway and Ghomeshi” (Gray Defamation 6)

63. Mandi Gray, on or about July 6, 2018, published the following false and defamatory words about the plaintiff on Twitter, along with a photo of the art installation referenced in Cole Defamation :

“very important installation about campus sexual violence” (Gray Defamation 7)

64. Gray Defamations 1-7 meant and were understood to mean, in their literal and their natural inferential meanings, that the plaintiff raped, sexually assaulted and committed sexual violence upon Cole.

### **Theresa Smalec Defamation**

65. The defendant Theresa Smalec, on or about August 3, 2018, published the following false and defamatory words about the plaintiff on the website Political Letters Live:

Cara Cole’s installation, *Illuminated Manuscript*, opened on July 6, 2018 at the High Noon Gallery in Lower Manhattan and remains on view until August 26. Some might be tempted to interpret Cole’s project as a personal narrative emerging out of the #MeToo movement, since its subject matter is a student’s reported sexual harassment and sexual assaults at the hands of an unnamed professor.

*Illuminated Manuscript* derives from what Cole calls her “Rape Narrative”:

I prefer not to describe the panel’s disorienting bottom half, except to say that the student claims her sexual assault became what she perceived as a “horrible secret” that left her “in hell with him.”

(Smalec Defamation 1)

66. The italicized words *Illuminated Manuscript* in Smalec Defamation 1 were hyperlinked to the Internet publication containing Cole Defamation 2, and served to provide context going to the defamatory meaning and identity of the plaintiff in both Cole Defamation 2 and Smalec Defamation 1.

67. Smalec Defamation 1, in addition to its own content and its hyperlink identifying the plaintiff, would be understood by readers to be about the plaintiff by virtue of Smalec's publication on Twitter on July 24, 2018, containing the following words and reference to UBCAccountable:

“#ubccountable Cara Cole's “Illuminated Manuscript” has been extended at the High Noon Gallery in NYC”.

68. Smalec Defamation 1 meant, both in its literal and natural meanings, that the plaintiff raped and sexually assaulted Cole.

### **Glynnis Kirchmeier Defamation**

69. Glynnis Kirchmeier on or about February 6, 2018, published the following false and defamatory words about the plaintiff:

“That piece said Galloway had an ‘affair’, which we now know is what he calls raping” (Kirchmeier Defamation 1)

70. Kirchmeier Defamation 1, in both its literal and natural meanings, meant, that the plaintiff committed rape.

### **Kiera Anderson Defamations**

71. The defendant Kiera Anderson, on January 15, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“the survivor Galloway assaulted” (Anderson Defamation 1)

72. The defendant Kiera Anderson, on January 16, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“the woman #galloway assaulted” (Anderson Defamation 2)

73. Anderson Defamations 1 and 2 meant and were understood, in both their literal and natural meanings, to mean the plaintiff committed a sexual or physical assault upon Cole.

### **Emily Kellogg Defamation**

74. The defendant Emily Kellogg on or about April 5, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“it takes a village to protect a rapist #ubccountable” (Kellogg Defamation 1)

75. Kellogg Defamation 1, in both its literal and natural meanings, meant that the plaintiff is a rapist.

### **Mada Chouain Defamation**

76. The defendant Mada Chouain, on or about January 15, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“high profile perpetrators of sexual assault like UBC’s creative writing chair”  
(Chouain Defamation 1)

77. Chouain Defamation 1 meant and was understood, in both its literal and natural meanings, to mean the plaintiff committed sexual assault.

### **Adeline York Defamation**

78. The Defendant Adeline York, on or about February 23, 2017, published the following false and defamatory words about the plaintiff on Twitter:

“a UBC Prof who sexually assaulted his students” (York Defamation 1)

79. York Defamation 1 was meant and understood, in both its literal and natural meanings, to mean that the plaintiff had sexually assaulted multiple students.

### **Arielle Rombough Defamation**

80. The Defendant Arielle Rombough, on or about January 8, 2018, published the following false and defamatory words about the plaintiff on Twitter:

“#stevengalloway after he was fired for sexual assault”

(Rombough Defamation 1)

81. Rombough Defamation 1 was meant and understood, in both its literal and natural meanings, to mean that the plaintiff committed sexually assault.

### **John Bell Defamation**

82. John Bell, on or about November 27 2016, published the following false and defamatory words about the plaintiff:

“I believe Galloway sexually assaulted her” (Bell Defamation 1)

83. Bell Defamation 1, in both its literal and natural meanings, meant the plaintiff sexually assaulted Cole.

### **Bethany Killen Defamations**

84. Bethany Killen, on or about April 27, 2017, published the following false and defamatory words about the plaintiff on Twitter:

“Margaret Atwood is a rape apologist” (Killen Defamation 1)

85. Bethany Killen, on or about November 23, 2016, published the following false and defamatory words about the plaintiff on Twitter:

“Galloway, a UBC professor who was fired for abusing his students sexually” (Killen Defamation 2)

86. Killen Defamations 1 and 2 meant and were understood, in both their literal and natural meaning, that the plaintiff committed rape and sexual assault.

### **Dana Kagis Defamation**

87. Dana Kagis, on or about November 16, 2016 published the following false and defamatory words about the plaintiff on Twitter, attaching a link to UBCAccountable naming the plaintiff:

“a whole lotta really big writers are super into supporting their rapist friend” (Kagis Defamation 1)

88. Kagis Defamation 1 meant and was understood, in both its literal and natural meaning, that the plaintiff is a rapist and has committed rape and sexual assault.

### **Wendel Schwab Defamation**

89. The defendant Wendel Schwab, on or about July 13, 2018, published the following false and defamatory words about the plaintiff on Twitter”:

“In my opinion, Steven Galloway sexually assaults women...in my opinion, Steven Galloway is what I would consider human garbage” (Schwab Defamation 1)

90. Schwab Defamation 1 meant and was understood, in both its literal and natural meanings, to mean the plaintiff has committed sexual assault upon multiple women.

### **Marcelle Kosman Defamations**

91. The defendant Marcelle Kosman, on or about May 29, 2017, republished the following false and defamatory words about the plaintiff on Twitter:

“We will never know the scope of Galloway’s violence and can never fully account for it”

92. The defendant Marcelle Kosman, on or about March 29, 2017, published the following false and defamatory words about the plaintiff on Twitter in response to reference to whether the plaintiff’s writings should be included and taught as part of the UBC curriculum:

“You cannot teach a rapist if you do not want to promote rape culture” (Kosman Defamation 2)

93. Kosman Defamations 1 and 2 meant and was understood, in both its literal and natural meanings, to mean the plaintiff committed violent assaults.

### **Alasdair Rees Defamations**

94. The defendant Alasdair Rees, who uses the pseudonym Justalasdair, published on or about November 16, 2016, the following false and defamatory words about the plaintiff on Twitter:

“please withdraw support from Steven Galloway. Is one rapist’s job more important than his survivors’ well being?” (Rees Defamation 1)

“Margaret Atwood ... why are you supporting a rapist” (Rees Defamation 2)



95. The defendant Alasdair Rees, who uses the pseudonym Justalisdair published on or about November 21, 2016, the following false and defamatory words about the plaintiff on Twitter, in the context of a thread regarding the plaintiff's case:

“Capitalism doesn't justify assault” (Rees Defamation 2)

96. Rees Defamations 1 - 3, in both their literal and natural meanings, meant the plaintiff is a rapist and commits assault.

### **Suzie\_BedBug Defamation**

97. The defendant who uses the pseudonym Suzie\_BedBug, on or about January 3, 2017, published the following false and defamatory words about the plaintiff on Twitter:

“sexually assaulting douchebags deserve bad press” (Suziebedbug Defamation 1)

98. Suziebedbug Defamation 1, in both its literal and natural meanings, meant that the plaintiff committed sexual assault.

### **As to All Defamations Herein**

99. The defamatory words and all other defamatory words set forth in this Claim, where they did not identify the plaintiff explicitly, would, by virtue of their context and their references, be understood by reasonable readers to refer to the plaintiff.
100. All of the defamatory words referred to herein were read by many people in British Columbia and elsewhere.
101. In respect of all defamatory words herein, the defendants sought and obtained wide publication and re—publication of their defamatory publications as the intended or foreseeable consequence of the said publications, and they are all liable for all republications.
102. The defamatory words herein by all defendants were published with express malice arising from the extreme and vicious content of the publications, knowing falsehood of them, reckless willingness to publish accusations without knowledge of their truth or falsehood,

attitudes of spite towards the plaintiff illustrated by their numerous other publications about the plaintiff on Twitter and elsewhere, or all of these .

103. The allegations of rape and sexual assault and physical assault were found in the Boyd Report to be unsubstantiated by a former B.C. Supreme Court Justice, and this finding became known to all defendants herein by the fall of 2016, but they nevertheless continued and persisted in repeating false claims that the plaintiff was guilty of rape and sexual assault, as set forth herein.
104. As a consequence of the defamations set forth herein, the plaintiff has and continues to suffer grave damage to his reputation, upset and emotional damage, as well as special damages including the destruction of his career, all to be particularized at trial.
105. Injunctive relief is required as the defendants through their conduct and repetition of defamation have shown they will not cease unless enjoined by the court.

**Part 2: RELIEF SOUGHT**

Wherefore the plaintiff claims against the defendants and each of them, jointly and severally:

1. General and special damages;
2. Aggravated and punitive damages;
3. A permanent injunction requiring the defendants to remove the defamatory words from the Internet and every other public posting, and to restrain the defendants from publishing the same or similar defamatory statements by any means;
4. Interest;
5. Costs; and
6. Such further relief as this Honourable Court considers just.

**Part 3: LEGAL BASIS**

1. The common law of defamation; and
2. The *Libel and Slander Act*, R.S.B.C. 1996, c. 263.

Plaintiff's address for service: Owen Bird Law Corporation  
P.O. Box 49130  
Three Bentall Centre  
2900-595 Burrard Street  
Vancouver, BC V7X 1J5  
(Attention: Daniel W. Burnett, Q.C.)

Fax number address for service (if any): N/A

E-mail address for service (if any): [dburnett@owenbird.com](mailto:dburnett@owenbird.com)

Place of trial: Vancouver, BC

The address of the registry is: Law Courts,  
800 Smithe Street,  
Vancouver, BC V6Z 2E1

Date: October 26, 2018



---

Signature of lawyer for plaintiff  
Daniel W. Burnett, Q.C.

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and
  - (b) serve the list on all parties of record.

## APPENDIX

### Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

Defamation

### Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

### Part 3: THIS CLAIM INVOLVES:

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflict of laws
- none of the above
- do not know

### Part 4:

*Libel and Slander Act*, R.S.B.C. 1996, c. 263.