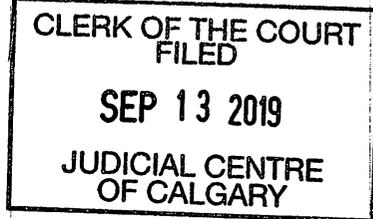


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COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFFS REBEL NEWS NETWORK LTD. and KEEAN BEXTE

DEFENDANTS THE BROADBENT INSTITUTE and LUKE LeBRUN

DOCUMENT **STATEMENT OF DEFENCE**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Attention: Matthew A. Woodley / Tess Layton
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File No: 115322-001-MAW

Statement of facts relied on:

1. Except as expressly set out herein, The Broadbent Institute and Luke LeBrun (the "Defendants") deny each and every allegation contained in the Amended Statement of Claim.
2. The Defendants admit the allegations in paragraph 3 and 4 of the Amended Statement of Claim.
3. With respect to the entirety of the Amended Statement of Claim, the Defendants state the following:
 - a. Alberta Premier Jason Kenney has accused Canadian environmental groups that are critical of his policies of accepting foreign funding.
 - b. The plaintiff Kean Bexte ("Bexte"), is employed or otherwise retained by Rebel News Network Ltd. (the "Rebel"). In various Rebel broadcasts, Bexte has advocated against so-called "foreign-funded" activists who are allegedly influencing Canadian public opinion.

- c. On September 1, 2018, Ezra Levant, the principal of the Rebel, introduced Bexte as Rebel's new Alberta reporter in a broadcast entitled "Meet the Rebel's NEW Alberta reporter: Kean Bexte".
- d. Since joining the Rebel in September, 2018, Bexte has appeared in at least 66 videos broadcast on the Rebel's website relating to Alberta politics.
- e. Bexte was first identified as a "Shillman Fellow" in a June 4, 2019 video broadcast on Rebel's YouTube channel.
- f. Bexte has been a public supporter of Jason Kenney in the past and provided election night coverage of the 2019 provincial election from the United Conservative Party headquarters.
- g. Bexte has tweeted about Alberta issues or Alberta politics through his twitter handle @TheRealKean, and appeared in videos posted to the Rebel's website regarding Alberta or Alberta politics on multiple occasions following June 4, 2019. Bexte's bio on the Rebel website indicates that he is "based in Alberta".
- h. Bexte is a "Shillman Fellow" which is a program financed in whole or in part by the American philanthropist Robert Shillman either individually or through his foundation, the Shillman Foundation. Bexte therefore receives foreign financial support.
- i. Publicly available reports and publications state that the Shillman Fellowship program and/or the Shillman Foundation and/or Robert Shillman have a relationship with the David Horowitz Freedom Center ("**DHFC**").
- j. Robert Shillman is a past or present board member of the DHFC, and is a donor of DHFC. Shillman has in the past, made statements about financing activists who confront Muslims and "Leftists".
- k. VICE Media and Georgetown University's Bridge Initiative have reported that the Shillman Fellowship program is "run through" the DHFC.
- l. The DHFC's website (<https://www.horowitzfreedomcenter.org/shillman-fellows>) thanks "Dr. Robert whose generosity has allowed us to create the Shillman Fellows in Journalism Program". The DHFC's website displays a link to "Shillman Fellows" page at the top of its home page. On the "about us" page of "Frontpage Magazine" (www.support.frontpagemag.com/), which is another project of the DHFC, Frontpage Magazine makes it clear that the Shillman Fellows in Journalism program is "underwritten by board member Dr. Robert Shillman."
- m. Various Canadian and American institutions and media have described David Horowitz, the namesake of the DHFC, and the DHFC as promoting controversial social and political ideologies.

- n. David Horowitz was interviewed by Ezra Levant on June 13, 2018, which was broadcast on the Rebel website, YouTube and Facebook pages. During that interview, Levant stated:
- i. David Horowitz is an “intellectual leader” and is “not only so passionate, but so skillful”.
 - ii. “David, it is a pleasure to have you on the show... we met very briefly last year at the Restoration Weekend that you hosted in Florida, which is a large conference of conservative thinkers and activists, a lot of our fan favorites were there... it sounds like you’ve put together a coalition of freedom fighters, it was very powerful to see”.
 - iii. “I like your fighting style”, in reference to David Horowitz.
 - iv. “It’s great to talk to you, I’m a big fan and I’ll encourage our viewers to check out the Freedom Centre, you have so many projects, thanks for fighting the fight and hopefully we’ll fight part of the same fight up here on the northern flank”.
- o. Other representatives of DHFC have also appeared on past Rebel broadcasts:
- i. DHFC Executive Director Mike Finch appeared on a Rebel broadcast in 2016: https://www.therebel.media/tiffany_gabbay_november_01.
 - ii. Rebel has a video from DHFC’s Daniel Greenfield posted to its website titled “We are winning the war with Islam”, from a seminar titled “Can Islam coexist with Western Civilization?”. The Rebel’s website further states that “Daniel Greenfield is a Shillman Journalism Fellow at the David Horowitz Freedom Center.”: https://www.therebel.media/daniel_greenfield_we_are_winning_the_war_with_islam.
- p. Former Rebel host Gavin McInnes gave credit to David Horowitz’s ideas whilst dressed up like an ISIS terrorist: https://www.therebel.media/liberals_are_isis.
- q. Further, representatives or employees of the Rebel have attended events hosted by or sponsored by DHFC:
- i. Rebel’s website states that former Rebel host and Shillman Fellow Katie Hopkins “spoke at an event sponsored by the Horowitz Freedom Center in Los Angeles on March 27, 2018”: https://www.therebel.media/too_rude_for_america_watch_katie_hopkins_at_the_horowitz_freedom_center

Video footage of some of those events is available on the Rebel’s website.

4. In specific response to para 21 of the Amended Statement of Claim, the Rebel did not post to the @pressprogress Twitter page. Instead, @EzraLevant published the following tweet in reply to @pressprogress on June 11, 2019:

Weird conspiracy theory by the NDP's front group. The Rebel & @TheRealKean do not receive any funds from @horowitz39 or his foundation. I really like them, but we don't have a financial relationship. This is pure fake news from the extreme left, with a dollop of anti-Semitism.

(the “@EzraLevant Tweet”)

The above statement does not constitute a *Defamation Act* notice, nor does it allege that any statements made by the Defendants were defamatory, nor does it request a correction to the Article. Further, the statement was not posted by either of the Plaintiffs in this action.

5. In response to @EzraLevant, Bexte, through his Twitter account @TheRealKean, published the following Tweet on June 11, 2019:

I'd ask for a retraction but... What's the point? Everyone knows they are fake news, and nobody cares what they think – least of all me.

6. Rebel's Twitter account, @RebelMedia, posted the following false and/or malicious tweets in retaliation to the Article, tagging @pressprogress, on June 11, 2019:

- a. “(FLASHBACK) @SheilaGunnReid and @TheRealKean on that time @pressprogress implied that a black UCP Candidate was a white supremacist.” (<https://twitter.com/RebelNewsOnline/status/1138558562693787648>). This tweet included a link to a Rebel YouTube video in which the Rebel, Bexte and Sheila Gunn Reid falsely alleged that PressProgress had claimed a black UCP candidate was a white supremacist.
- b. “(FLASHBACK) @SheilaGunnReid: “@loblawco is one of the largest donors to the Broadbent Institute, which is helping Notley run her re-election campaign based on character assassination and demonization, through @pressprogress...” (<https://twitter.com/RebelNewsOnline/status/1138556884078813185>). This Tweet included a link to a Rebel YouTube video which purported to connect Loblaws to PressProgress.
- c. “(FLASHBACK) @SheilaGunnReid and @TheRealKean: “If you were targeted by @pressprogress, you slid home with 60% to 80% of the vote” in the Alberta Principal election... (<https://twitter.com/RebelNewsOnline/status/1138554219991117826>). This Tweet included a link to a Rebel YouTube video which claimed that UCP

candidates that PressProgress wrote about during the election became more popular.

- d. “(FLASHBACK) @SheilaGunnReid: Attacks by @pressprogress didn’t deter Alberta voters from voting UPC.”
(<https://twitter.com/RebelNewsOnline/status/1138553094533537792>). This Tweet included a link to a Rebel YouTube video about PressProgress’ election reporting.

7. In specific response to paragraph 22 of the Amended Statement of Claim, the *Defamation Act* Notice sent by the Rebel to PressProgress on June 14, 2019 did not dispute the characterization of Bexte as “an early Kenney supporter” or the characterization of Bexte as “Rebel Media’s Alberta Correspondent”.

Publication

8. The Defendants admit the publication of the article “Rebel Media’s Jason Kenney Coverage is Being Funded With Foreign Money From an Anti-Muslim Billionaire” published on June 11, 2019 (the “**Article**”) which refers to the Plaintiffs but deny the innuendos pleaded by the Plaintiffs in paragraphs 8 and 24 of the Amended Statement of Claim.
9. The Defendants published an updated version of the Article on June 17, 2019, which included information received from the Rebel concerning some aspects of the original publication (the “**Updated Article**”).
10. The Defendants acknowledge the publication of the following statements online by the Defendant The Broadbent Institute which refer to the Plaintiffs but deny the additional innuendos pleaded by the Plaintiffs in paragraph 24 of the Amended Statement of Claim:
 - a. June 11, 2019 tweet posted to @pressprogress Twitter account - “Rebel Media’s Jason Kenney coverage is being funded with foreign money from an anti-Muslim billionaire”. This tweet was “re-tweeted” by Luke Lebrun (@_llebrun) on June 11, 2019.
 - b. June 11, 2019 statement posted to the pressprogress Facebook page “Found the foreign-funded radicals Jason Kenney keeps talking about”.
 - c. June 12, 2019 statement posted to the pressprogress Facebook page “Rebel Media takes foreign money from a far-right billionaire who says he funds activists that attack Muslims around the world” and “Ezra Levant’s Rebel Media is funded by a foreign billionaire who wants to divide Canadians”.

- d. June 12, 2019 tweet posted to the @pressprogress Twitter account “We looked into Rebel Media’s funding, Jason’s Kenney’s story checks out” and “FACT CHECK Jason Kenney claims “foreign funded activists” are “meddling in our country” TRUE, Ezra Levant’s Rebel Media is funded by a far-right foreign billionaire”. This tweet was “re-tweeted” by Luke LeBrun (@_llebrun) on June 12, 2019.

(hereinafter, the “**Additional Internet Statements**”, and together with the Article, the “**Publications**”)

Single Publication

11. The Article and the Updated Article are the sole publications upon which an action for defamation can be brought, and the Defendants rely on the single publication rule in relation to any subsequent publication, including links to the Article contained in the Additional Internet Statements, any “re-tweets” of the tweets, and including continuing access over the internet, following the dates set out in paragraph 8 and 9 above.

Meaning of the Publications

12. With respect to the entirety of the Amended Statement of Claim, the Publications bear the following meanings:
 - a. Bexte was employed or otherwise retained by the Rebel to, among other things, cover politics and to cover aspects of the 2019 Alberta election.
 - b. Bexte reported on the 2019 Alberta Election from the United Conservative Party headquarters. He has also reported on or commented on other aspects of Alberta Politics or issues relating to Alberta while employed or otherwise retained by the Rebel.
 - c. Bexte receives funding through the Shillman Fellowship which is financed in whole or in part by Robert Shillman, an American billionaire, and/or his foundation, the Shillman Foundation.
 - d. Other individuals who are current or past employees, or who were or are otherwise retained by the Rebel are “Shillman Fellows”.
 - e. Robert Shillman and/or the Shillman Foundation have a past or current relationship with the DHFC and/or David Horowitz.
 - f. Some Canadian and American media and institutions have described David Horowitz and the DHFC as promoting controversial social and political ideologies.
13. The Defendants deny that the Publications were defamatory of the Plaintiffs.

14. The Defendants deny that the Publications are capable of bearing, or in fact bear, the meanings and innuendo ascribed to them in paragraphs 8 and 24 of the Amended Statement of Claim.
15. The Defendants rather plead the lesser defamatory meanings set out in paragraph 7, above, as true in substance and in fact.

Substantial Truth

16. In the event that meanings set out in paragraph 7, above, contain factual inaccuracies, which is denied, those inaccuracies do not materially impact the truth of the statements, and the Defendants rely on the defence of substantial truth.

Fair Comment

17. Further, or in the alternative, to the extent the words in the Publications bear the defamatory meanings set out in the Statement of Claim, which is denied, the Defendants state that the words in the Publications were fair comment, made in good faith and without malice on a matter of public interest. Those matters of public interest include the sources of funding of Bexte, an Alberta-based political correspondent, working with or for the Rebel, including Bexte's receipt of financial support from the Shillman Fellowship program, particularly in light of his support of Jason Kenney, who has denounced foreign funding in relation to Alberta environmental issues, and the connection between the Shillman Fellowship program and organizations or individuals which hold controversial social or political views which has been reported by other media or organizations. The words in the Publications constitute opinions a person could honestly hold based on facts presented in the Publications, or are generally known by the public, which are substantially true and/or which were privileged or responsibly communicated.

Qualified Privilege

18. The Publications were published in good faith, without malice, on an occasion of qualified privilege. They relate to matters of public interest, including sources of funding for the political reporting of Bexte and the Rebel in Alberta, and concerns regarding the ideologies expressed by financiers of programs which support political reporting in Alberta. The Defendants had a duty to publish the results of their investigation and the public had a corresponding interest in receiving this information.

Responsible Communication on a Matter of Public Interest

19. In relation to the Publications, the Defendants rely on the defence of responsible communication on a matter of public interest. It is a matter of public interest that an Alberta-based political correspondent receives support and funding from a foreign-financed program, and that such program may have a relationship with or connection to a foreign organization which some institutions and media outlets consider to hold controversial political and social views.
20. In researching, producing, and publishing the Publications, the Defendants acted in a responsible manner on a matter of public interest. In particular and without limiting the generality of the foregoing:
 - a. The Publications related to a matter of high public interest relating to the source of funding of an Alberta-based political commentator.
 - b. The Defendants relied on reliable information that was already in the public domain.
 - c. Prior to publication of the Article, the Defendants attempted to contact Robert Shillman regarding Rebel's Shillman Fellows and its connection to the DHFC but received no response.
 - d. Following receipt of a *Defamation Act* notice from Bexte and the Rebel, the Defendants sought comment from DHFC, Robert Shillman and the Shillman Foundation on multiple occasions prior to publishing the Publications, who would not provide comment.
 - e. When a representative of the Plaintiffs did contact the Defendants on June 14, the Defendants immediately unpublished the Article on June 17, 2019.
 - f. On June 20, 2019, the Defendants published the Updated Article which included the Plaintiffs' perspective and the following editor's note:

Following publication of this story, Rebel Media notified PressProgress their "Shillman Fellowship is not run through the DHFC" and wished to make clear that neither Rebel Media nor any of their current Shillman Fellows are funded by, or have any association with, the DHFC or David Horowitz personally.

The DHFC website indicates that it runs a "Shillman Fellows in Journalism" program, also funded by Robert Shillman. However, DHFC did not respond to multiple requests for comment from PressProgress and Shillman himself declined comment. The story has been updated to reflect the information that Rebel Media brought to our attention.

- i. The Updated Article did not include any reference that Bexte receives any funding "run-through" or directly subsidized through the DHFC.

No Malice

21. The Defendants specifically deny the allegations of malice in the Amended Statement of Claim, and deny that the matters set out in the Amended Statement of Claim are capable of constituting malice on the part of any of the Defendants.

Any matters that defeat the claim of the Plaintiffs:

22. The Defendants did not defame the Plaintiffs as alleged or at all.
23. In the alternative, the Plaintiffs have not suffered damages as alleged or at all. Additionally, to the extent that any defamatory comments were published by the Defendants, which is specifically denied, the comments were corrected immediately upon the Plaintiffs contact with the Defendants.
24. If the Plaintiffs have suffered damages, such damages were not caused by the Defendants, but were caused by the Plaintiffs.
25. Specifically, the Plaintiffs have, through their own conduct, associated themselves with the DHFC, David Horowitz, Robert Shillman, and/or the Shillman Fellowship and as a result have not suffered any damages at the hands of the Defendants.
26. In the further alternative, the Plaintiffs have contributed to their own damages, or have failed to mitigate their damages.
27. In any event, the damages claimed are excessive.

Remedy sought:

28. The Defendants request:
 - a. Judgment dismissing the claims of the Plaintiffs;
 - b. Costs; and
 - c. Other relief as the Court deems appropriate.