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File No: 14573-001

EMAIL (mwoodley@rmrf.com)

September 23, 2019

Matthew A. Woodley
Reynolds Mirth Richards & Farmer LLP
3200 Manulife Place
10180 - 101 Street
Edmonton AB T5J 3W8

Dear Sir:

**Re: Rebel News Network Ltd. and Kean Bexte v The Broadbent Institute
Action No. 1901-09750**

Further to the above noted matter, please find enclosed for service upon you our clients' filed Reply to the Statement of Defence.

Yours truly,

Jensen Shawa Solomon Duguid Hawkes LLP

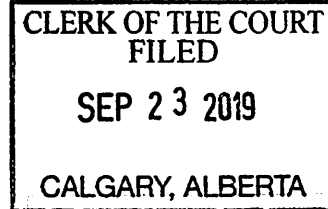


Robert J. Hawkes QC

RH:jjjs
Encl.

Cc: Tess C. Layton (TLayton@rmrf.com)

Form 12
[Rule 3.33]



Clerk's Stamp

COURT FILE NUMBER 1901-09750
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 REPLY TO DEFENCE
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This is the Reply of the Plaintiffs, Rebel News Network Ltd. and Kean Bexte, to the Statement of Defence filed by the Defendants, The Broadbent Institute and Luke LeBrun filed on September 13, 2019.

Statement of facts relied on:

1. Defined terms used herein adopt the definitions set out in the Amended Statement of Claim.
2. The Plaintiffs admit that the tweets set out:
 - (a) In paragraph 4 of the Statement of Defence was posted on Ezra Levant's twitter account @EzraLevant; and
 - (b) In paragraphs 5 and 6 of the Statement of Defence were posted on the Plaintiffs' twitter accounts @TheRealKean and @RebelMedia.

(collectively the "Response Tweets")

3. The Response Tweets were not false, or malicious, nor were they in retaliation to the Defendants' Defamatory Publications, rather the Response Tweets were posted in an effort to reduce damage to the Plaintiffs as a result of the Defamatory Publications. The Plaintiffs sought to inform the twitter community that the Defamatory Publications published to that point were false and that the Defendants' attempt to damage the Plaintiffs were, in part, in retaliation of the Plaintiffs' early reporting on the issues set out in paragraph 6 of the Statement of Defence.
4. Since the Statement of Claim was originally filed, the Defendants have been continuing and expanding the use of their campaign against the Plaintiffs as a fundraising tool, including:
 - (a) On September 16, 2019, at 10:32 a.m. Eastern time, PressProgress sent a fundraising email to one of its fundraising lists, falsely characterising the nature of the Plaintiffs' Statement of Claim, posting the Defendants' Statement of Defence, including the false statements in the Defence, expressly seeking financial donations; and
 - (b) On September 17, 2019, at 10:03 a.m. Eastern time, Rick Smith, Executive Director of the Broadbent Institute, sent a fundraising email to one of its fundraising lists, falsely characterising the nature of the Plaintiffs' Statement of Claim and seeking financial donations.

Any matters that defeat the defence of the Defendants:

5. The meaning of the Defamatory Publications is as set out in paragraphs 5, 6, 8 and 24 of the Amended Statement of Claim, as alleged, and do not bear the meanings set out in the Statement of Defence, and in particular in paragraphs 12 and 15 of the Statement of Defence.
6. In response to paragraph 11 of the Statement of Defence, the single publication rule has no application to this claim. The Defamatory Publications were published repeatedly and on different platforms, including the PressProgress website, the PressProgress twitter account, the PressProgress Facebook page and LeBrun's twitter account, all as alleged the Amended Statement of Claim. Further, each separate publication contained defamatory content independent of that contained in the Article, both before and after it was updated.
7. In response to paragraph 16 of the Statement of Defence, the factual inaccuracies are both material and central to the defamation.
8. In response to paragraph 17 of the Statement of Defence, the defence of fair comment is not available to the Defendants as the factual inaccuracies and omissions in the Defamatory Publications were not responsibly communicated, and those receiving the Defamatory Publications were not in a position to assess any defamatory opinions expressed by the Defendants. Further, the defence is not available as the Defamatory Publications were published

maliciously, as alleged in the Amended Statement of Claim and by the continued fundraising campaign referred to above.

9. In response to paragraph 18 of the Statement of Defence, the Defendants had no duty to communicate the information and it was not communicated in good faith. Even if the Defamatory Publications might otherwise have been published under a qualified privilege, such protection was lost immediately as the Defamatory Publications were published maliciously, as alleged above.

10. Finally, in response to paragraphs 19 and 20 of the Statement of Defence, the defence of Responsible Communication on a matter of Public Interest, is not available to the Defendants, for reasons including:

- (a) There was no public interest in publishing the Defamatory Publications, and in particular that the Plaintiffs were being funded by David Horowitz personally or through his foundation, as such allegations were false;
- (b) There was no urgency to publishing the Defamatory Publications;
- (c) There was no source upon which the false allegations were based, rather it was the Defendants' theory, who made no effort to contact the Plaintiffs to inquire into the truth of their theory;
- (d) The duty to seek the Plaintiffs' story is central to any defendant's efforts to avoid responsibility for publishing false allegations. In this case the Defendants made no effort to seek the Plaintiffs' side of the story prior to publication of every single one of the Defamatory Publications;
- (e) Even after being advised that the allegations were false by Mr. Levant's almost immediate tweet in reply to the initial publication, the Defendants continued to issue, distribute and feature the subsequent Defamatory Publications and made no effort to seek out the Plaintiffs' side of the story;
- (f) Even after receiving the formal defamation notice, no effort was made to contact the Plaintiffs to seek information their side of the story;
- (g) The Defendants' allegation that they "immediately unpublished" the defamatory article, is incorrect. The article remained published for days, during which time it remained pinned to the top of the Press Progress twitter feed;
- (h) In any event, the defence of Responsible Communication on a matter of Public Interest, is not available to the Defendants in this case as the Defamatory Publications were published maliciously, as alleged in the Amended Statement of Claim and above.

11. In further response to paragraph 20(f) of the statement of defence, on June 20, 2019, the Defendants republished the defamatory article forming part of the Defamatory Publications, having:

- (a) Still made no effort to contact the Plaintiffs to seek their side of the story;
- (b) Made no effort to contact the Plaintiffs to seek their commentary on the changes the Defendants proposed to make to the article, which changes continued to suggest that the Plaintiffs were receiving funding through the David Horowitz Freedom Center and failed to specifically retract the allegation. The Defendants also failed to take any steps to draw the changes in the article to the attention of anyone who had read the original version, failed to retract the allegations and quietly “unpinned” the article from the top of the PressProgress twitter feed.

12. The Defamatory Publications are still defamatory and are still being published by the Defendants.

Remedy sought:

13. Wherefore the Plaintiffs seek the remedies set out in the Amended Statement of Claim, filed August 30, 2019.

NOTE

This reply may only make admissions or respond to matters raised for the first time in the Statement of Defence (Rules 3.33(2)(b) and 13.10).