

B E T W E E N :

JAMES TOPP

Intended Plaintiff

- and -

**GLOBAL NEWS, a division of CORUS ENTERTAINMENT INC. and RACHEL
GILMORE**

Intended Defendants

NOTICE OF LIBEL

TAKE NOTICE that pursuant to the *Libel and Slander Act*, R.S.O., 1990, c.L.12 (the “**Act**”), the Intended Plaintiff, James Topp (“**Mr. Topp**”), complains of and objects to the false, malicious, irresponsible, unprofessional and defamatory words described and identified herein, that were publicly communicated by the Intended Defendants to the world at-large (the “**Defamatory Words**”).

On or about August 18, 2022, the Intended Defendants, or each of them, published on the website globalnews.ca an article entitled “ ‘Good PR’: Why anti-hate experts are urging politicians to step up vetting practices (the “**Defamatory Article**”). The Defamatory Article referenced Mr. Topp – a Canadian soldier who has spoken out against the federal government’s COVID-19 vaccine requirements and who is protesting the various mandates by walking across the country to draw attention to the cause.

The Defamatory Article, inclusive of the URL tag, referred to Mr. Topp as a white supremacist, among other things. A screenshot of the URL is set out below:



CANADA

‘Good PR’: Why anti-hate experts are urging politicians to step up vetting practices

The Intended Defendants published the URL, implying that Mr. Topp was a white supremacist. They did so without providing any evidence supporting their statements.

The Intended Defendants also included various ‘tags’ on the Defamatory Article, further implying that Mr. Topp is a white supremacist, extremist and member of the far right. The complete list of ‘tags’ are set out below:



TAKE NOTICE that the Defamatory Words meant, and were intended to mean, the following:

- a) Mr. Topp is a white supremacist.
- b) Mr. Topp supports white supremacists.
- c) Mr. Topp identifies or associates with the white supremacist movement.
- d) Mr. Topp is a racist.
- e) Mr. Topp is Islamophobic.
- f) Mr. Topp is a member of the far-right.
- g) Mr. Topp is an extremist; and
- h) Mr. Topp is a threat to Canadian society.

TAKE NOTICE that ordinary, objective, reasonable readers read the Defamatory Article and understood it to mean that Mr. Topp is associated with white supremacy, in addition to the aforesaid meanings.

Days later, after the reputational harm to Mr. Topp already occurred, the Intended Defendants' via an 'editor's note' conceded that a reasonable review of the Defamatory Article could imply that Mr. Topp is a white supremacist. The Editor's Note is now set out in the Defamatory Article as follows:

Editor's Note: The URL for this story has been revised to omit a reference to 'white supremacist' to avoid any misunderstanding that persons named in the URL are associated with that label.

TAKE NOTICE that Mr. Topp intends to plead that the Defamatory Words were made deliberately, irresponsibly and with malice. The Intended Defendants knew that the Defamatory Words, and the innuendo arising from them, were false, yet expressed them in any event in order to generate headlines, expand the reach of the Defamatory Article and garner interest from as many

members of the public as possible. Alternatively, they were made with a reckless disregard for the truth. They knew that the Defamatory Words were posted to the Internet where they would be accessible to the world at large, and in particular to those in the communities that were aware of who Mr. Topp is and his ongoing protest. They knew that the Defamatory Words were likely to cause reputational and other harm to Mr. Topp but proceeded in any event.

Full particulars of malice will be set out in the Statement of Claim.

TAKE NOTICE that Mr. Topp states that the plain, natural and ordinary meaning of the Defamatory Words, and/or the inference or innuendo arising from them, is false, malicious and defamatory, has lowered his reputation, and has caused and will continue to cause reputational and financial harm, along with emotional pain and suffering.

MR. TOPP HEREBY DEMANDS that the Intended Defendants immediately take steps to publish an unequivocal apology and retraction of the Defamatory Words in a written form, to be communicated directly to Mr. Topp and to be posted in prominent locations and on all platforms used by the Intended Defendants inclusive of the Defamatory Article.

MR. TOPP HEREBY DEMANDS that the Intended Defendants retain and preserve in safekeeping all records, drafts, notes, communications and website activities referring to the Defamatory Words and the underlying content set out therein, including but not limited to all communications (emails, text messages, what'sapp messages, etc.) between the Intended Defendants relating to the matters set out in this Notice of Libel.

TAKE NOTICE that Mr. Topp will seek damages, interest and costs against the Intended Defendants in the proceeding that will commence.

MR. TOPP HEREBY GIVES NOTICE pursuant to the *Courts of Justice Act* that he will be claiming prejudgment interest from the date of this Notice to the date of Judgment.

September 19, 2022

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