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BY PROCESS SERVER

July 13, 2018

Caleb Stark
Residence Life Coordinator
Mt. Allison University
62A York Street
Sackville, NB E4L 1H3


Re: Lisa Kinsella v. Caleb Stark
Court File No.: CV-18-59847
Our File No.: 10390-999

Dear Mr. Stark,

We are the lawyers for the Plaintiff in the above-mentioned matter. Please find enclosed our Statement of Claim, which is being served upon you pursuant to the *Rules of Civil Procedures*.

Yours very truly,

Caza Saikaley srl/LLP

 **Jeff G. Saikaley**

Encl.

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of Counsel
M. Bastarache Q.C., c.c.
I.C. Whitehall Q.C., c.r.



Electronically issued : 24-May-2018
Délivré par voie électronique : 24-May-2018
Toronto

**ONTARIO
SUPERIOR COURT OF JUSTICE**

LISA KINSELLA

Plaintiff

– and –

CALEB STARK

Defendant

STATEMENT OF CLAIM

TO THE DEFENDANT

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 an Ontario lawyer acting for you must prepare a Statement of Defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff' lawyer or, where the Plaintiff do not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this Statement of Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your Statement of Defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a Statement of Defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your Statement of Defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$5,000 for costs, within the time for serving and filing your Statement of Defence you may move to have this proceeding dismissed by

the Court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff claim and \$2,500 for costs and have the costs assessed by the Court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date _____ Issued by _____
Local Registrar

Address of court office: 393 University Ave, 10th Floor
Toronto ON M5G 1E6

**TO: CALEB STARK
62A York Street
Sackville, NB E4L 1H3**

**THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED
PROCEDURE PROVIDED IN RULE 76 OF THE ONTARIO RULES OF CIVIL
PROCEDURE, R.R.O. 1990, Reg. 194 as amended**

CLAIM

1. The Plaintiff, Lisa Kinsella, claims against the Defendant, Caleb Stark, as follows:
 - a. General damages in the amount of one hundred thousand dollars (\$100,000.00), respectively, for defamation;
 - b. Damages for loss of income and loss of business opportunities, the particulars of which shall be provided to the Defendant prior to trial;
 - c. Aggravated damages in the amount of fifty thousand dollars (\$50,000.00);
 - d. Punitive damages in the amount of fifty thousand dollars (\$50,000.00);
 - e. A complete public retraction of the defamatory comments, as set out below;
 - f. Prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - g. Postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - h. The costs of this proceeding, plus all applicable taxes; and
 - i. Such further and other Relief as to this Honourable Court may seem just.

The Parties

2. The Plaintiff, Lisa Kinsella (hereinafter “**Ms. Kinsella**”) is a prominent commentator and consultant. Ms. Kinsella is a principal of The Green Light Group, a corporation that offers integrated public relations, media relations and government relations strategies.

3. The Defendant, Caleb Stark, is a Twitter enthusiast and avid social media user who resides in Sackville, New Brunswick.

Facts

4. The Green Light Group was retained by the musical group Hedley to manage their public relations for a short period of time.

5. Shortly following The Green Light Group’s appointment, multiple allegations of sexual misconduct surfaced involving the band and its frontman, Jacob Hoggard.

6. The Green Light Group’s principal, Ms. Kinsella, who prides herself on being an activist, women’s advocate, and proud supporter of the #MeToo movement, terminated the retainer with Hedley. Notwithstanding, Ms. Kinsella quickly became the victim of personal attacks by the Defendant.

7. In early 2018, Ms. Kinsella was asked to participate in a panel hosted by the Economic Club of Canada with other prominent and influential women.

8. Prior to the panel and on or about February 27, 2018, the Defendant published a series of tweets concerning the Plaintiff, Lisa Kinsella, namely the following:

- a. @supriyadwivedi are you still planning to participate in the @ECofCanada event? Do you plan on calling out @lisakinsella for jumping in to work with Hedley, spitting in the face of any victim of sexual assault, for her own personal gain?
- b. Replying to @DaisyGrp @lisakinsella @ECofCanada is she going to be discussing the fact that she is representing @hedleyonline and actively working to silence / discredit rape survivors?

9. Following the publication of the above referenced tweets, Ms. Kinsella served a Notice of Libel on Mr. Stark affording him the opportunity to publish a retraction and apology in order to bring the matter to a close.

10. Although the Defendant initially published the retraction and apology, he then saw fit to publish the details of the Notice of Libel and to further his smear campaign against Ms. Kinsella.

Defamation

11. The Plaintiff complains of the following tweets (hereinafter “**the Tweets**”) published on Twitter by the Defendant, using the handle @calebstark [emoticons, screenshots and/or hyperlinks omitted]:

February 27, 2018

- a. 11:05 am: “Today, I tweeted re: @lisakinsella, public relations rep. for Hedley. Since then her husband, @kinsellawarren, has contacted me threatening legal action for stating my opinion on a women's rights activist working with a band accused of sexual misconduct. Here is my apology [screenshot of the following passage, which appears to have been copy pasted]:

Recently, I stated that Lisa Kinsella, a Canadian feminist writer and activist, “spit in the face of any victim of sexual assault” and “discredits rape survivors.” I have deleted these messages and wish to retract my defamatory

statements about Ms. Kinsella, and apologize for them. My comments were false and malicious and went too far. I am sorry.

- b. 11:05 am: “Along with my apology I would like to provide context to what gave me the earlier impression. Here is a statement released by Hedley, with @lisakinsella's name attached as representative. Here are tweets where she is at the Hedley concert handing PR issues. #outHedley2k18” [attached images omitted].
- c. 11:05 am: “She is speaking at a @ECofCanada panel discussion about supporting women on Mar 5th. I would like to attach this article who she representing in the above post, without comment. <http://www.cbc.ca/news/entertainment/hedley-jacob-hoggard-rape-allegation-sexual-misconduct-1.4537263> You can draw your own conclusions. #outHedley2k18”
- d. 11:05 am: “I would also like to share her lawyer / husband attempting to dox me using his website, initiating a public bounty hunt for information about me, and liking comments about "embarrassing me at work," all because I had the audacity to stand up for the victims. #outHedley2k18” [screenshot omitted].

February 28, 2018

- a. 6:26 pm: “Interesting that the scheduled @ECofCanada panel "highlighting the voice of women in Canada" has disappeared from their website. Makes sense, as the moderator (@lisakinsella) openly represented Hedley last week.”
- b. 7:45 pm: “Just to be clear, the photo attached to the first tweet is a direct screenshot of the legal notice that @kinsellawarren sent me to try to scare me into silence. He's posting it all over as if it actually means anything. Still waiting to be "served" maybe the bailiff is lost....” [screenshot omitted].

12. The Plaintiff became aware of the above noted Tweets on February 27, 2018.

13. The Tweets are defamatory of the Plaintiff in their entirety as they state, in their plain and ordinary meaning or by virtue of the surrounding circumstances, which give the words a defamatory meaning and/or innuendo, that the Plaintiff *inter alia* is a rape apologist who condones sexual misconduct.

14. The Defendant's statements about the Plaintiff paints her in a highly negative light. Ms. Kinsella complains on the basis that the Defendant's statements are defamatory of and concern her by way of her standing in the community, her professional reputation, and on a personal basis.

15. The Tweets contain serious false allegations against the Plaintiff, in their plain and ordinary meaning or by virtue of the surrounding circumstances, which give the words a defamatory meaning and/or innuendo, in that they falsely state and/or infer that the Plaintiff:

- a. is a rape apologist;
- b. condones sexual violence and/or misconduct against women;
- c. sides with those who engage in sexual misconduct;
- d. is a faux feminist and/or activist;
- e. is a phony and faux supporter of the #MeToo movement; and
- f. is deceitful and opportunistic.

16. The Defendant knew when the defamatory statements were made that they would falsely and maliciously imply that Ms. Kinsella is a rape apologist who condones sexual misconduct against women.

17. The allegations, on their face or by way of innuendo, are defamatory as they tend to lower the Plaintiff in the estimation of reasonable people and, in particular, would cause them to be regarded with feelings of hatred, contempt, ridicule, fear, or dislike. They would also tend to discourage clients or prospective clients from using their services.

18. The Defendant has defamed and libeled Ms. Kinsella in her character, honesty, sincerity, and integrity.

19. The Plaintiff intends to hold the Defendant responsible for any and all republications, of the Defendant's defamatory statements by followers, including retweets. The Plaintiff also intends to hold the Defendant liable for the defamatory statements of others, which are the natural and probable consequence of the Defendant's tweets.

Damages

20. The Plaintiff states that the Defendant is liable to her for any and all damages flowing from the libelous words as set out herein, including pecuniary losses.

21. The Plaintiff, Lisa Kinsella, states that her reputation has been seriously prejudiced and her integrity impugned by the publication and/or broadcast of the words as set out herein. Ms. Kinsella has been held up to ridicule and contempt as a result of the actions of the Defendant as set out herein.

22. The Plaintiff claims damages accordingly.

Malice

23. The Plaintiff states that the Defendant acted maliciously and in a callous and high-handed manner in his failure to properly, or at all, ascertain correct information prior to the broadcast and/or publication of the defamation set out in this Statement of Claim.

24. In fact, the Plaintiff was no longer representing Hedley at the time of the defamatory publications, which the Defendant knew or ought to have known when he published the impugned defamatory statements referred to herein.

25. Additionally, it is evident from the foregoing that the Defendant acted maliciously and in bad faith in publishing the apology and retraction. He clearly had no intention of actually apologizing and did so merely to mock the Plaintiff, thereby exacerbating the damages suffered.

26. Such conduct should attract the censure of the Court.

27. In light of the foregoing, the Plaintiff states that an award of aggravated and/or punitive damages against the Defendant is warranted in the circumstances.

Notice of Libel

28. The Plaintiff served the Defendant with a Notice of Libel on or about March 8, 2018. The Defendant refused to retract his statements and/or apologize.

29. The Plaintiff pleads and relies upon the provisions of the *Libel and Slander Act*, R.S.O., 1990, c. L.12, as amended.

30. The Plaintiff pleads and relies upon the *Courts of Justice Act*, R.S.O. 1992, c. C-43, as amended, and more specifically on Rule 1.05 of the *Ontario Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 as amended, to obtain an Order from this Honourable Court ordering the Defendant to broadcast and publish a full retraction with as much clarity and prominence as the defamatory words spoken and/or published by the Defendant.

31. The Plaintiff pleads and relies upon Rule 17.02(g) of the *Ontario Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 as amended, with respect to service of the Statement of Claim outside Ontario.

32. The Plaintiff submits that this action should be tried at the City of Toronto.

Date: May 24, 2018

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Lawyers for the Plaintiff

LISA KINSELLA et al.
Plaintiff

-and- CALEB STARK
Defendant

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

STATEMENT OF CLAIM

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