



Court File No *CV-21-00 671189-0000*

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

THERESA KIELBURGER

Plaintiff

and

**CANADALAND INC., JESSE BROWN, OLUSOLA ADEOGUN, ISABEL
VINCENT, MARK SLUTSKY, JAREN KERR, JONATHAN GOLDSBIE,
AND KIERAN OUDSHOORN**

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS

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's lawyer or, where the Plaintiff does 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.

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 October 29, 2021

Issued by


Local Registrar

Address of court office: Superior Court of Justice
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TO: CANADALAND INC.
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CLAIM

1. The Plaintiff claims against the Defendants, jointly and severally:
 - (a) general damages in the amount of \$1,000,000.00;
 - (b) aggravated damages in the amount of \$1,000,000.00;
 - (c) punitive damages in the amount of \$1,000,000.00;
 - (d) an injunction preventing the Defendants from republishing the defamatory statements, or words of similar effect, in any manner whatsoever, or disseminating or linking to them on the World Wide Web;
 - (e) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (f) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
 - (g) the costs of this proceeding, plus all applicable taxes; and
 - (h) Such further and other relief as to this Honourable Court may seem just.

2. The Plaintiff in this action, Theresa Kielburger (“Theresa”), is seventy-eight years old, and is a retired schoolteacher and the mother of Marc and Craig Kielburger. She resides in Toronto, Ontario.

3. The Defendant, Canadaland Inc. (“Canadaland”) is a corporation, registered under the laws of Ontario with its place of business listed as 401 Richmond St. W., Suite 399, Toronto. Canadaland uploads, disseminates, and broadcasts content through the internet globally, including to individuals in Ontario.
4. On or around August 20, 2021, and continuously thereafter, Canadaland uploaded, promoted and broadcast a podcast entitled “The White Saviors #1 The Children’s Crusade” (hereinafter referred to as the “White Saviors Podcast” or the “impugned Podcast”).
5. The Defendant, Jesse Brown, is the majority owner, officer, and director of Canadaland, publisher and president of the Canadaland podcast series, and a presenter on the impugned Podcast.
6. The Defendant, Olusola Adeogun, narrated and presented the impugned Podcast.
7. The Defendant, Isabel Vincent (“Vincent”), is a former contributing editor to Saturday Night Magazine (“Saturday Night”). Vincent appeared as a contributor and speaker on the impugned Podcast.
8. The Defendant, Mark Slutsky, contributed to the creation, production and publication of the impugned Podcast.
9. The Defendant Jaren Kerr, contributed to the creation, production and publication of the impugned Podcast.
10. The Defendant, Jonathan Goldsbie, is Canadaland’s News Editor and contributed to the creation, production and publication of the impugned Podcast.

11. The Defendant, Kieran Oudshoorn, is Canadaland's Managing Editor of Podcasts and contributed to the creation, production and publication of the impugned Podcast.

12. On or around August 20, 2021 and continuously thereafter, the Defendants falsely and maliciously, without belief that it was true or just, or with reckless indifference as to whether it was just or unjust, or as to whether it was true or false, published the White Saviors Podcast to the world at large, including individuals in Ontario, containing statements and innuendo false and defamatory of and concerning Theresa Kielburger.

Canadaland

13. Canadaland is a for-profit corporation that solicits hundreds of thousands of dollars per annum in listener contributions and commercial ad buyouts through its broadcasts of weekly podcasts on www.canadaland.com and through podcast subscription platforms. Canadaland markets its podcasts through, *inter alia*, Google Ads, social media platforms, such as Facebook, and Instagram, and Apple Podcast.

14. Canadaland's podcasts are free to stream and download, accessible globally to the public at large, over the internet and are represented by it to be downloaded at a rate of more than 100,000 times per week.

15. Theresa's name has become 'Google linked' to Canadaland.com such that anyone performing a Google internet search of her name will automatically be connected to a link directing them to www.canadaland.com and Canadaland's self-directed published content, of and concerning Theresa, over which she has no control.

The White Saviors Podcast

16. In the White Saviors Podcast, the Defendants published statements of and concerning Theresa, defamatory of her in their natural and ordinary meaning and by innuendo, designed to lower her in the estimation of the reasonable listener of the Podcast. Theresa relies on the White Saviors Podcast in its entirety.

17. The Plaintiff states that the words published in the Podcast quoted below, in the context of the other words and statements of the Podcast are defamatory of her in their natural and ordinary meaning. Without limiting the generality of the foregoing, the Plaintiff states that the words meant and were understood to bear the defamatory meanings set out in bold below, following the quoted text.

- i. Olusola Adeogun [00:17:15] “Isabel Vincent is a reporter for The New York Post. In 1996, she lived in Toronto and worked as a freelance writer for the magazine Saturday Night.”
- ii. Isabel Vincent [00:17:34] “When I first saw it, I thought, wow, that's amazing that he's doing this. Is there anything else to this?”
- iii. Olusola Adeogun [00:17:52] “Isabel learned that behind the scenes, Craig's mother, Theresa, was in fact deeply involved in her famous son's career.”
- iv. Isabel Vincent [00:18:01] “But we were also conscious of, you know, the fact that his mother was kind of stage managing it. That made it a much more complex story.”

- v. Olusola Adeogun [00:18:30] “Vincent reported that Theresa Kielburger strategized Craig's press conferences. She also booked his \$5,000 for 30-minute speaking appearances, and she deposited hundreds of thousands of dollars in donation directly into the family's personal bank account. Vincent didn't accuse the family of stealing, but she did point out that they accepted large charitable donations before they were a legally registered charity.”

[The words meant and were understood to mean that: Theresa stage managed from behind the scenes as the person in control of the operation, deposited hundreds of thousands of dollars in donations directly into the family's personal bank account; she thereby diverted these donations into the family's personal bank account; her dealings raise questions of impropriety in her handling of these funds; while Vincent didn't expressly accuse Theresa of stealing, the issue of stealing charitable donations is raised; there was impropriety in Theresa accepting and handling these funds; Theresa dealt with hundreds of thousands of dollars in donations improperly before there was a legally registered charity. The words contain the innuendo of mishandling, diverting, misappropriating or failing properly to deal with or account for charitable donations.]

(The truth, known to the Defendants herein is that the donations referred to were not deposited into the Kielburger family bank account, but were handled by the Ontario Federation of Labour (“OFL”) who deposited the money into a trust fund administered by the OFL and who presented a cheque, at a public meeting, made out to the South Asian

Coalition Against Child Servitude responsible for administering the donations in India. This charity was run by Kailash Satyarthi, a recipient of the Nobel Peace Prize and the funds were used to build a rescue home for freed child slaves. Ms. Vincent was specifically told that the donations in question were held by the OFL in trust. As well, Mac McArthur who was the accountant for Free The Children, advised Ms. Vincent that he handled the finances for Free The Children, not Theresa. The statement that Theresa deposited hundreds of thousands of dollars in donations directly into the family's personal bank account is disinformation created and propagated by the Defendants for the purposes of sensationalism without regard for the falsity of the defamatory statements.)

- vi. Olusola Adeogun [00:28:54] "Hugh Winters wasn't the first person to get an aggressive response for questioning how the Kielburgers handled money. It happened years earlier when Isabel Vincent's magazine article was published."
- vii. News clips [00:29:51] "Saturday Night did not have an immediate reaction to the lawsuit, but the editor says he stands by the story."

[The words meant and were understood to mean that: the statement attributed to Isabel Vincent, questioning Theresa's handling of donations and implying that Theresa diverted hundreds of thousands of dollars in donations directly into the family's personal bank account, is true.]

- viii. Isabel Vincent [00:30:01] "And I remember that they sued kind of globally. They sued me and they sued, I think the publisher of Saturday Night, but also the

copyeditors and the photographer and the art director. I mean, they covered all bases, you know, I guess to send a message.”

- ix. Jesse Brown [00:30:23] “Anyhow, the magazine ended up settling that lawsuit with the Kielburgers four years later for, not \$3 million, but for a little over \$300,000.”
- x. Isabel Vincent [00:30:52] “When we settled, they held a press conference declaring that they had been victorious against us, which really wasn't, you know, which really wasn't the truth because the case never went forward. I mean, I think we went to discovery and then it kind of ended there.”

[The words meant and were understood to mean that: the lawsuit against Saturday Night was unmeritorious, it was not victorious and it never went forward; the lawsuit was brought to silence the media and deter them from publishing reports of how the Kielburgers, including Theresa, mishandled donation money; the Kielburgers, including Theresa, misrepresented the claim as victorious but this was not the truth because the case never went forward, but ended after discoveries; the Saturday Night defamation was not vindicated through the condemnation of a judgment of the Court; the defamatory falsehood that hundreds of thousands of dollars in donations were deposited by Theresa into the family's personal bank account was not vindicated by a judgment of the Court and the imputation of impropriety in Theresa's handling of these hundreds of thousands of dollars in donations remains an open question.]

- xi. The caption appearing as a preview of the impugned Podcast described it as: “The White Savivors. Canadaland. True Crime.”.

[The words meant and were understood to mean that the allegations in the Podcast, including the allegations made concerning Theresa constituted acts of criminality.]

(The litigation referred to above is a 1997 action brought under Court File No. 97-CU-117869 by Theresa’s son, Craig Kielburger (“Craig”) who was thirteen years old at the time, for defamatory statements published by the Defendant Vincent in a November 1996 article in Saturday Night Magazine (hereafter the “Saturday Night Action”). The defamatory statements published in the White Savivors Podcast and complained of above include republication of defamatory statements litigated in the Saturday Night Action. The defendants in the Saturday Night Action, including Vincent, ultimately agreed to the condemnation of a judgment against them and on January 21, 2000, the Honourable Mr. Justice Cameron granted judgment ordering them to pay Craig \$319,000 by reason of their publication of the false and defamatory statements pleaded in that proceeding which included the false statement that “[t]he money goes directly to the Kielburger family”).

18. The Defendants published the defamatory statements particularized in paragraph 17 above, knowing they were false or with reckless disregard as to whether they were false. The Defendants published the defamatory statements under circumstances where they intended and anticipated that their publication of the defamatory statements would be republished or linked to by others. As such, the Defendants are responsible for all such republication by others.

19. In publishing the defamatory statements, the Defendants failed to act responsibly, including by using sensationalism in the manner of production to obfuscate the true facts, failing to conduct proper investigation or inquiries, failing to reasonably verify the truth of the statements, and failing to inform and provide Theresa with an opportunity to respond to the serious allegations made by the Defendants against her in the White Saviors Podcast.

20. In publishing the defamatory statements, the Defendants intended to further their own interests while knowingly causing harm to Theresa.

21. By reason of publication of the defamatory statements in the White Saviors Podcast, Theresa has been greatly injured in her reputation, has been brought into public scandal, odium, hatred, ridicule, contempt and disrepute and has suffered damage to her reputation.

22. The Defendants published the defamatory statements with malice, including with reckless disregard for the truth, and with the improper motive of creating sensationalism and an air of scandal concerning Theresa, to increase their listenership and profits, and to perpetrate a smear campaign against Theresa. The particulars of malice presently known to Theresa are as follows:

- i. using audio clips in the Podcast and previewing it as a “True Crime” podcast to infer criminal conduct by Theresa and investigations of a criminal nature.
- ii. The Defendants promulgated the injurious words set out in paragraph 17(v) above, and in particular the statement that Theresa “deposited hundreds of thousands of dollars in donation directly into the family’s personal bank account” with full knowledge of their falsity, or reckless disregard and indifference to their false nature.

- iii. The Defendants promulgated the injurious words set out in paragraphs 17(x) and, in particular, the Kielburgers “held a press conference declaring that they had been victorious against us, which really wasn't, you know, which really wasn't the truth because the case never went forward. I mean, I think we went to discovery and then it kind of ended there”, not only with full knowledge of their falsity, but also purposefully misrepresented the true facts by omitting disclosure of the Superior Court Judgment granted against the Saturday Night defendants in that action.
- iv. Despite the condemnation through the judgment of the Ontario Superior Court more than 20 years ago, the Defendants have repeatedly and persistently republished the defamatory statements forming the sting of the defamation in the Saturday Night Action on www.canadland.com prior to the publication of the White Saviors Podcast, including in a podcast dated November 19, 2018, entitled “Is the Media Afraid of the Kielburgers”; and an article dated November 19, 2018 entitled “How the Kielburgers Handle The Press: A history of aggressive responses to criticism”.
- v. In maliciously publishing the defamatory statements, the Defendants have never provided Theresa with an opportunity to respond to their serious, false and defamatory statements.

23. The Defendants' conduct, in publishing the defamatory statements globally on the world wide web through multiple platforms has caused Theresa to suffer great anxiety, emotional harm and mental distress. Prior to the publication of the White Saviors Podcast, Theresa had, over time, overcome the mental distress and anguish she suffered resultant from the defamatory statements

published in the Saturday Night Article. In republishing the defamatory statements, where they now enjoy the permanency of the internet, the Defendants have retraumatized Theresa in her later years, exacerbating and aggravating Theresa's anxiety, emotional harm and mental distress.

24. The Defendants' conduct has further aggravated the injury they have caused to Theresa by:
- i. their use of sensationalism in the production of the Podcast to create the tone of scandal and infer that Theresa is a criminal or has engaged in criminal conduct, diverting charitable donations intended for the benefit of impoverished children and child slaves;
 - ii. the instantaneous, broad, and global publication of the defamatory statements on the World Wide Web;
 - iii. the continuous invasion of her privacy and interference with her right to be left alone, where her name is now globally electronically linked to www.canadaland.com and the defamatory statements, over which she has no control; and
 - iv. the republication of defamatory statements already condemned by a judgment of the Ontario Superior Court, to perpetuate a smear campaign and injure Theresa.

25. The Defendants have engaged in reckless, malicious, vicious, callous, reprehensible, shocking, oppressive, high-handed conduct against Theresa and in disregard of her rights and reputation. The Defendants, with their broad listenership, access to multiple global media platforms, and having the benefit of the presumption of legitimacy, abused their positions and

power by disseminating and propagating the defamatory statements in a fake news campaign, to which they knew Theresa was unmatched to respond. The Defendants' conduct is worthy of condemnation and warrants the imposition of aggravated and punitive damages against them.

26. On September 24, 2021, Theresa gave notice in writing to the Defendants of her complaint in respect of the White Saviors Podcast in order that the Defendants may consider the publication of an apology and retraction of the defamatory statements and to cease their continued publication of the defamatory statements complained of through the internet. The Defendants elected not to publish an apology and retraction and continue to publish, broadcast, and disseminate the false and defamatory words to the world at large on the internet and through other electronic means.

27. To the extent Theresa is required to serve this Statement of Claim outside of Ontario, Theresa pleads and relies on Rule 17.02(g) and (i) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

28. Theresa proposes that this action be tried at Toronto, Ontario.

October 29, 2021

**R. RUETER PROFESSIONAL
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Lawyers for the Plaintiff

RCP-E 14A (June 9, 2014)

THERESA KIELBURGER

Plaintiff

and

Defendants

Court File No.

CU-21-00671181-02

CANADALAND INC. et al.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

STATEMENT OF CLAIM

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