



Toronto
Small Claims Court
47 Sheppard Avenue East
Toronto, ON M2N 5N1
Address
416 326-3554
Phone Number

SC-19-1833-00
Claim No.

Plaintiff No. 1

Additional plaintiff(s) listed on attached Form 1A. Under 18 years of age.

Last name, or name of company Menzies		
First name David	Second name	Also known as
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.
Representative Minden Gross LLP, per Mark A. Freake		LSUC # 63656H
Address (street number, apt., unit) 145 King Street West, Suite 2200		
City/Town Toronto	Province Ontario	Phone no. 416 369-4326
Postal code M5H 4G2		Fax no. 416 864-9223

Defendant No. 1

Additional defendant(s) listed on attached Form 1A. Under 18 years of age.

Last name, or name of company Radisson Hotel Toronto East		
First name	Second name	Also known as
Address (street number, apt., unit) 55 Hallcrown Pl		
City/Town North York	Province Ontario	Phone no. 416 493-7000
Postal code M2J 4R1		Fax no.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code		Fax no.

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Claim No.

Plaintiff No. 2 **Defendant No.**

Last name, or name of company Monsanto		
First Name Efrain	Second Name	Also Known as Efron Monsanto
Address (street number, apt., unit)		
City/Town	Province	Phone No.
Postal Code		Fax No.
Representative Minden Gross LLP, per Mark A. Freake		LSUC # 63656H
Address (street number, apt., unit) 145 King Street West, Suite 2200		
City/Town Toronto	Province Ontario	Phone No. 416 369-4326
Postal Code M5H 4G2		Fax No. 416 864-9223

Plaintiff No. **Defendant No.** 2

Last name, or name of company Strong		
First Name David	Second Name	Also Known as
Address (street number, apt., unit) 15 Hallcrown Pl		
City/Town North York	Province Ontario	Phone No. 416 493-7000
Postal Code M2J 4R1		Fax No.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone No.
Postal Code		Fax No.

Plaintiff No. **Defendant No.**

Last name, or name of company		
First Name	Second Name	Also Known as
Address (street number, apt., unit)		
City/Town	Province	Phone No.
Postal Code		Fax No.
Representative		LSUC #
Address (street number, apt., unit)		
City/Town	Province	Phone No.
Postal Code		Fax No.

How much? \$ 20,000.00
 (Principal amount claimed)

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims pre-judgment interest from _____ under:
 (Date)

(Check one box only.) the Courts of Justice Act
 an agreement at the rate of _____ % per year and post-judgment interest, and court costs.

Prepared on: February 13, 20 19 ADA
 (Signature of plaintiff or representative)

Issued on: 15 February, 20 19 Atkinson
 (Signature of clerk)

CAUTION TO DEFENDANT: IF YOU DO NOT FILE A DEFENCE (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website: www.ontariocourtforms.on.ca.

CAUTION TO PARTIES: Unless the court orders or the rules provide otherwise, THIS ACTION WILL BE AUTOMATICALLY DISMISSED if it has not been disposed of by order or otherwise two (2) years after it was commenced and a trial date or assessment under subrule 11.03(2) has not been requested.



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SCHEDULE "A"

1. The plaintiffs, David Menzies ("**Menzies**") and Efrain Monsanto, also known as Efron Monsanto ("**Monsanto**"), claim against the defendants, Radisson Hotel Toronto East (the "**Radisson Hotel**") and David Strong ("**Strong**"), for:

- (a) general and aggravated damages in the amount of \$20,000.00;
- (b) prejudgment and postjudgment interest in accordance with the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) the costs of this proceeding, plus all applicable taxes; and
- (d) such further and other relief as to this Honourable Court may seem just.

Background

2. Menzies is an individual residing in the Province of Ontario. Menzies is a reporter for the Rebel News Network Ltd. (the "**Rebel**") and was working as a reporter for the Rebel at all material times described herein.

3. Monsanto is an individual residing in the Province of Ontario. Monsanto is a cameraman for the Rebel and was working as a cameraman for the Rebel at all material times described herein.

4. The Radisson Hotel carries on business operating a hotel at a building municipally known as 55 Hallcrown Pl, North York, Ontario, M2J 4R1 (the "**Property**").

5. Strong is an individual residing in the Province of Ontario. At all material times, Strong was employed by the Radisson Hotel as its Front Desk Manager.

6. On February 7, 2019, at approximately 3:00 p.m., Menzies and Monsanto arrived at a parking lot on, or adjacent to, the Property for the purpose of filming a news segment for the Rebel regarding refugee accommodation in the City of Toronto (the “**Issue**”).

7. The plaintiffs understood that the Radisson Hotel was one of several hotels in Toronto providing government-funded, long-term accommodations to refugees in Toronto. The plaintiffs’ understanding in this regard was informed by, among other things, their own independent investigations, published news reports by other media outlets, and numerous recent online reviews of the Radisson Hotel on travel websites such as TripAdvisor.ca and Expedia.ca.

The Assault

8. At approximately 3:05 p.m., Menzies and Monsanto walked from the parking lot to a position in front of the Radisson Hotel, approximately 20 metres from the entrance, where they began filming the segment.

9. Minutes later, as Menzies was on camera reporting, Strong exited the front entrance of the Radisson Hotel and approached Menzies and Monsanto in an aggressive manner stating “this is private property, please get off”.

10. Menzies immediately responded “oh, ok then” and asked Strong if he wished to make a statement on camera. Before Menzies could finish his sentence, however, Strong proceeded to assault the plaintiffs by:

- (a) first, shoving Monsanto, knocking the camera out of his hands, while yelling: “HEY, GET YOUR REBEL CRAP NEWS OUT OF HERE”; and then

(b) aggressively grabbing Menzies' microphone in an attempt to wrestle it from his hands (together, the "**Assault**").

11. The entire incident was filmed on camera and lasted approximately 30 seconds.

12. Strong's actions, notably the tone of his voice, the words stated, the shoving of Monsanto and the grabbing of Menzies' microphone, gave rise to an apprehension of imminent physical harm on the part of the plaintiffs.

13. Strong's actions were intentional and far exceeded what was reasonably necessary in the circumstances to remove the plaintiffs from the Property.

14. The plaintiffs did nothing to provoke the Assault. To the contrary, upon seeing Strong, the plaintiffs demonstrated a willingness to comply with his request that they leave the Property.

15. Following the Assault, the plaintiffs immediately left the Property and finished filming the segment from a nearby public sidewalk.

Aggravating Factors

16. First, Strong showed no remorse for the Assault. Instead, as he returned to the Radisson Hotel, Strong threatened to report the plaintiffs to the police for trespassing.

17. Second, Strong specifically targeted the plaintiffs because of their affiliation with the Rebel.

18. The Rebel is a well-known Canadian online news network with an audience of several million nationwide. The Rebel has a reputation of having a conservative viewpoint.

19. The Rebel is a known for its frank reporting on public interest stories, many of which the mainstream news outlets are hesitant to cover due to potentially polarizing content.

20. For reasons unknown to the plaintiffs, Strong appears to have formed a view prior to the Assault that the Rebel's reporting on the Issue would portray the Radisson Hotel in a negative light. Rather than engage the plaintiffs in a respectful dialogue on the Issue, or simply provide a statement on behalf of the Radisson Hotel, Strong instead attempted to forcefully silence the plaintiffs through the threat of imminent physical harm, all the while angrily voicing his disdain for the Rebel. This is a highly aggravating factor.

21. The plaintiffs were reporting on an issue of public importance and did nothing to warrant an attack. If not condemned in the strongest terms by this Court, Strong's actions could have a chilling effect on free speech and free press, particularly where the views of a reporter are perceived to be politically controversial or polarizing.

22. The plaintiffs further plead that the Radisson Hotel is vicariously liable for the actions of its employee, Strong.

23. The plaintiffs therefore claim that they are entitled to the relief set out in paragraph 1 herein.