



FORM 2 (RULE 3-3 (1))

No. S208950
Vancouver Registry

In the Supreme Court of British Columbia

Between

Jessica Simpson

Plaintiff

and

Rebel News Network Ltd.

Defendant

RESPONSE TO CIVIL CLAIM

Filed by: Rebel News Network Ltd. (the “defendant”)

Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

Division 1 – Defendant’s Response to Facts

1. The facts alleged in paragraphs NONE of Part 1 of the notice of civil claim are admitted.
2. The facts alleged in paragraphs ALL of Part 1 of the notice of civil claim are denied.
3. The facts alleged in paragraphs NONE of Part 1 of the notice of civil claim are outside the knowledge of the defendant.

Division 2 – Defendant’s Version of Facts

1. The defendant Rebel News Network Ltd. (“**Rebel News**”) is an independent news media outlet with its head office in Toronto, Ontario. For the purposes of this litigation, Rebel News has an address for service care of Owen Bird Law Corporation, 2900 – 595 Burrard Street, Vancouver, BC V7X 1J5.

2. The plaintiff Jessica Simpson is an individual more commonly known as “Jonathan Yaniv”, “Jonathan Jessica Yaniv”, and “Jessica Yaniv”. The plaintiff makes this admission in paragraph 11 of the notice of civil claim.
3. Rebel News has no knowledge of the plaintiff’s current actual legal name, or if Jessica Simpson is a person within the meaning of the *Supreme Court Civil Rules* capable of commencing an action.
4. The plaintiff self-identifies as an activist and a social justice warrior.
5. In response to the whole of the notice of civil claim, Rebel News says that the plaintiff has not adequately pled her cause of action, in particular:
 - a) in paragraph 10 of the notice of civil claim the plaintiff outlines a broad range of websites and social media platforms that she complains of, and does not limit the scope of her claim to the content of “Schedule A”;
 - b) it unclear what statements identified in “Schedule A” relate to what meanings or innuendos pled in paragraph 12;

Taken as a whole the notice of civil claim is prolix, vexatious and embarrassing; it does not contain a concise statement of the material facts giving rise to a claim or meaningfully inform the defendant of the case it has to meet.

6. In further response of the whole of the notice of civil claim, Rebel News says that the publications complained of, understood in their entirety for accuracy and context, concern:
 - a) its fair, accurate and good faith reporting on matters of public interest, without malice, namely the plaintiff’s numerous BC Human Rights Tribunal (“**BCVRT**”) proceedings, her criminal conduct and related proceedings, her ongoing involvement in civil proceedings, and her public persona; and

- b) its editorial comments with respect to the same, which in the context in which they were made, were immediately recognizable as comment based on stated, indicated or facts otherwise known by viewers of Rebel News.
7. Rebel News says that the plaintiff has commenced the within action as a strategic lawsuit against public participation (a “**SLAPP Suit**”), for the purpose of intimidating and silencing the defendant and to chill free speech.

Background concerning the plaintiff's BC Human Rights Tribunal

8. The plaintiff has been a complainant in the BCHRT since at least 2018. The plaintiff has filed at least 14 complaints against individuals and businesses that provide waxing services in the lower mainland of British Columbia.
9. In June 2018, the BCHRT ordered that the plaintiff's name be anonymized as “JY” in BCHRT filings.
10. In July 2019, the BCHRT lifted its publication ban with respect to the plaintiff, who was at that time identifying herself as Jessica Yaniv. Rebel News began publishing the Youtube videos at issue in this litigation approximately one month after the BCHRT lifted the publication ban.
11. In October 2019, the BCHRT issued reasons indexed as *Yaniv v. Various Waxing Salons (No.2)*, 2019 BCHRT 222 (the “**Waxing Decision**”). The Waxing Decision concerned seven of the complaints made by the plaintiff.
12. In the Waxing Decision the BCHRT dismissed each of the plaintiff's complaints against the seven waxing service providers and made a costs order against the plaintiff on account of her inappropriate conduct.
13. In November 2019, the BCHRT dismissed the plaintiff's application for a reconsideration of the Waxing Decision.

The Plaintiff has failed to particularize defamation

14. In paragraph 10 of the notice of civil claim the plaintiff asserts that Rebel News has published defamatory statements concerning her, including on Youtube, as identified in “Schedule A” to the notice of civil claim ” (the “**Youtube Videos**”).
15. There are 15 Youtube Videos published between August 15, 2019 and September 7, 2020.
16. In “Schedule A” the plaintiff includes a column labeled “defamatory statements made”. Rebel News denies that the “defamatory statements made” are defamatory or are an accurate account of the statements made in the Youtube Videos.
17. Rebel News says that the contents of “Schedule A” is not an appropriate or sufficient way to plead particulars of defamation. The relationship between the alleged statements, and the defamatory meanings pled in paragraph 12 of the notice of civil claim is not set out.
18. In further response to paragraph 10 of the notice of civil claim, the plaintiff has not set out any material facts, or provided any particulars, as to what other defamation she complains of concerning Rebelnews.com, Twitter or other social media channels owned by the defendant.

Defamatory Meanings

19. In response to paragraph 12 of the notice of civil claim, Rebel News says that plaintiff has failed to set out what statements identified in “Schedule A” she asserts have the meanings set out in that paragraph.
20. This deficiency in the notice of civil claim prevents the defendant and the court from being in a position to connect the statements complained of in “Schedule A” with the alleged defamatory imputations.
21. In response to the whole of paragraph 12 of the notice of civil claim the defendants deny that the material facts pled by the plaintiff are capable of supporting the defamatory meanings set out in that paragraph.

No publication

22. Rebel News denies publishing the following words or statements, and further, or in the alternative, that those words or statements in their natural and ordinary meaning, or by innuendo, could mean what is set out in the following paragraphs:

With Respect to “Schedule A”

a) *“Deadnaming” Jonathan Yaniv on Twitter lands Kean Bexte in the penalty box: Suspended!*

- i. “Yaniv is a violent thug who hurts journalists like it’s his day job” – these words were not published.
- ii. “I hope I can interview you when you’re in prison” – these words were not published.

b) *Jonathan Yaniv ARRESTED by Surrey RCMP! | Kean Bexte*

- i. “Infamous trans-parasite” – these words were not published.

c) *UPDATE: Jonathan Yaniv uses “mental state” as a defence for violent assault*

- i. “Why do you send sexually explicit messages to young girls” – these words were not published.

d) *Jonathan Yaniv games system, bumps up court appearance, sends lawyer instead | Sheila Gunn Reid*

- i. “He is still manipulating the system for his own benefit” – these words were not published.
- i. “Brandished a taser” – these words were not published.

With respect to paragraph 12 of the notice of civil claim

e) 12(x) and (y) [*incest*]

i) Rebel News denies publishing words or statements relating to incest, including that the plaintiff is involved in an incestual relationship with her mother or supports and enables those who commit incest. The word “incest” does not appear in “Schedule A” and was not a word published by Rebel News.

f) 12(z) and (aa) [*molestation*]

ii) The only references to the term “molest” in the Youtube Videos concern a question asked by a Rebel News journalist of the plaintiff, and a comment made in a video that clarified the word was not used to indicate physical or sexual molestation.

23. In the alternative, Rebel News says the words complained of were fair comment, being comment on a matter of public interest, specifically a high profile and unsuccessful litigant in the BCHRT, and based upon true or privileged facts and matters which were stated or indicated or otherwise publicly known, made in good faith and without malice, and were stating an opinion that a person could honestly hold. The facts and matters upon which the said comments were based are set out below.

Fair Comment

24. The “defamatory statements made” as particularized in “Schedule A” are comment, and immediately recognizable as such. Further, certain of the words complained of in “Schedule A” were in fact questions posed by journalists, and not actionable as such.

25. To the extent that any of the words complained of in “Schedule A” are found to be capable of supporting any of the meanings set out in paragraph 12 of the notice of civil claim as captioned below, Rebel News says that those statements, in the context in which they were made, were fair comment, being comment on a matter of public interest, specifically a high profile and unsuccessful litigant in the BCHRT, and based upon true or privileged facts and matters which were stated or indicated or otherwise publicly known,

made in good faith and without malice, and were stating an opinion that a person could honestly hold:

- a) 12(a) [*disability faker*]
- b) 12(b) and (c) [*terrorist*]
- c) 12 (d) [*transgender*]
- d) 12 (e) [*not a woman*]
- e) 12 (f) and (g) [*sex offender*]
- f) 12(h) [*public menace*]
- g) 12(l) and (m) [*preys upon individuals*]
- h) 12(n) [*shave genitals*]
- i) 12(o) [*con-man*]
- j) 12(p) and (q) [*fraudulent activities*]
- k) 12(r) [*pretending to be a woman*]
- l) 12(s) [*gender-bender*]
- m) 12(t) and (u) [*pedophile*]
- n) 12(v) and (w) [*abuses children*]
- o) 12(bb) [*look at naked teenagers*]
- p) 12(cc) and (dd) [*goes after immigrant women*]
- q) 12(ee) and (ff) [*bullies people*]
- r) 12(gg) and (hh) [*scams people*]

26. The facts and matters upon which the said comments were based, which were either stated, indicated or so notorious as to be already understood by the audience, were as follows:

a) In the Waxing Decision the BCHRT found the following:

i) “Ms. Yaniv has engaged in a pattern of filing human rights complaints which target small businesses for personal financial gain and/or to punish certain ethnic groups which she perceives as hostile to the rights of LGBTQ+ people”;

at paras. 2, 109 and 115

ii) “I found aspects of Ms. Yaniv’s testimony to be disingenuous and self-serving”;

at para. 16

iii) “Ms. Yaniv deliberately manufactured the conditions for each of her complaints by ensuring the denial of service was captured in writing or... recorded”;

at para. 16

iv) “I am now satisfied, that in filing these complaints, Ms. Yaniv was primarily motivated to resolve the complaints for a financial settlement”;

at para. 119

v) “In addition to seeking financial compensation, Ms. Yaniv sought to use these complaints as a method to punish the respondents”;

at para. 123

vi) “Ms. Yaniv has a grievance against certain ethnic and cultural groups in the Lower Mainland of British Columbia which she perceives are failing to

assimilate effectively into what she considers “Canadian culture”. These complaints are one way in which she is attempting to make this point and punish members of these groups”;

at para. 125

- vii) “Ms. Yaniv holds extremely negative views against South Asian and Asian people in her community”;

at para. 129

- viii) “Ms. Yaniv’s overriding purpose was to manufacture the conditions for human rights complaints against unsophisticated and vulnerable respondents, in order to secure a financial settlement and punish individuals involved”;

at para. 134

- ix) “Ms. Yaniv spent her days giving evidence and making argument to the Tribunal, and her evenings battling her critics in the media and on social media”;

at para. 156

- x) “I agree that Ms. Yaniv mislead the Tribunal about her privacy interests during these hearings”;

at para. 180

- xi) “Where a person seeks to use the Tribunal’s process as a weapon to extort or bully another person or organization into a financial settlement, it undermines the creditability of the process and the significance of the rights at issue. I find this is what Ms. Yaniv has done. It is improper and warrants an award for costs”; and

at para. 188

- xii) “I have concluded that Ms. Yaniv engaged in improper conduct by: filing these complaints for an improper purpose, misleading the Tribunal in respect of publication ban, being untruthful with respect to a central aspect of her complaint, engaging in extortion of behaviour, and making scurrilous attacks on Mr. Cameron and the JCCF”.

at para. 194

- b) The plaintiff’s public persona, actions and social media publications;
- c) The plaintiff’s text message exchanges with minors;
- d) Mainstream news media reporting on the plaintiff;
- e) The plaintiff’s conduct towards journalists employed by the Rebel News;
- f) The plaintiff’s complaints made to police concerning the alleged conduct of journalists employed by Rebel News;
- g) The particulars of the plaintiff’s other BCHRT proceedings, civil proceedings, and criminal proceedings;

27. Further, or in the alternative, Rebel News says that the words complained of in “Schedule A” are protected by the defence of qualified privilege and reportage, as fair and accurate reports of court and other public or administrative proceedings, made in good faith and without malice, including but not limited to the plaintiff’s BCHRT proceedings, criminal proceedings, and civil proceedings.

Justification

28. Further, or in the alternative, to the extent that any of the words complained of in “Schedule A” are found to be capable of supporting any of the meanings set out in paragraph 12 of the notice of civil claim as captioned below, Rebel News says that the

following statements, in the context in which they were made, are true or substantially true:

- a) 12(a) [*disability faker*]
 - i) The plaintiff is able to walk, climb stairs, sprint, and wield a cane as a weapon, all without the support of walking or mobility aids;

- b) 12(e) [*plaintiff is not a woman*]
 - i) The plaintiff is biologically a male, and at all materials times has had male genitalia.

- c) 12 (i), (j) and (k) [*plaintiff has possessed a firearm/Taser*]
 - i) The plaintiff has possessed a Taser and broadcast to the world at large, over the internet, evidence of her possession and discharge of the same, as well as her actual knowledge that it was illicit for her to possess the same.
 - ii) The plaintiff has pled guilty to a *Criminal Code* offence related to her possession of the same.

- d) 12 (ii) [*flew to Toronto to meet a minor*]
 - i) The plaintiff travelled to Toronto and attended Sick Kids hospital to meet a minor

Responsible communication

29. Further, or in the alternative, Rebel News says that all of the Youtube Videos are protected by the defence of responsible communication including “reportage”, being publications on a matter of public interest, having been made responsibly and in good faith, and with the use of facts, conclusions, language and orders made by the BCHRT in the Waxing Decision or the plaintiff’s other court proceedings.

30. In response to paragraph 10 and 13 of the notice of civil claim, Rebel News admits and agrees that it has attempted to speak with the plaintiff from time-to-time, to obtain her comments and side of the story as it concerned the subject of its reporting, but it denies it has done so improperly, illegally or in a manner that would constitute stalking or harassment.
31. Rebel News says that at all times its attempts to communicate with the plaintiff have been respectful, in accordance with standard journalistic practice, and appropriate in the circumstances.

Plaintiffs has not suffered any damages

32. In response to paragraph 14 of the notice of civil claim, Rebel News denies that the Youtube Videos, or any other publications complained of, have damaged the plaintiff's professional or personal reputation, as alleged or at all, and says that any damage that the plaintiff has suffered to reputation, which is not admitted and is denied, has been caused directly by her own actions, including but not limited to:
 - a) BCHRT proceedings, namely the Waxing Decision;
 - b) Her arrests, convictions and related court proceedings for her criminal conduct;
 - c) Her public statements on social media, including Twitter, Instagram and other platforms as well as interviews she has granted;
 - d) Other news media and bloggers reporting on her criminal, civil and human rights proceedings and other aspects of her life that she has chosen to make public; and
 - e) Such other and further particulars as shall be provided by Rebel News in advance of trial.
33. The plaintiff has not disclosed any material facts that would justify an award of punitive or aggravated damages, or support the issuance of an injunction.

34. If the plaintiff has suffered any loss or damage, as alleged or at all, which is denied, Rebel News says the plaintiff has failed to mitigate her losses.
35. Rebel News has not invaded the privacy of the plaintiff, as alleged or at all, and she has not pled any facts that would support such a cause of action.
36. Rebel News has not acted maliciously towards the plaintiff.

SLAPP Suit

37. The plaintiff has not commenced this action for *bona fide* reasons to protect or rehabilitate reputation.
38. The plaintiff has commenced this action in an effort to chill free speech and silence Rebel News or punish it for reporting on a matter of public interest.
39. The within action lacks merit, is an abuse of process, and should be dismissed as a SLAPP Suit with costs payable to the defendant

Division 3 – Additional Facts

1. The plaintiff has physically assaulted two of Rebel News' journalists who were seeking her comment on the publications at issue in this litigation.

Part 2: RESPONSE TO RELIEF SOUGHT

1. The defendant consents to the granting of the relief sought in paragraphs NONE of Part 2 of the notice of civil claim.
2. The defendant opposes the granting of the relief sought in paragraphs ALL of Part 2 of the notice of civil claim.
3. The defendant takes no position on the granting of the relief sought in paragraphs NONE of Part 2 of the notice of civil claim.

Part 3: LEGAL BASIS

1. The common law of defamation, including the defences of:
 - a) fair comment;
 - b) justification;
 - c) responsible communication;
 - d) consent to publication;
 - e) qualified privilege; and
 - f) reportage.
2. The plaintiff has sought out the public attention she now complains of.
3. The plaintiff has failed to mitigate any loss or damage that she has suffered.
4. The within notice of civil claim fails to comply with the requirements of the *Supreme Court Civil Rules*, specifically *Rules 3-1* and *3-7*.
5. *Libel and Slander Act*.
6. *Protection of Public Participation Act*.
7. Rebel News seeks the dismissal of the within action and an order of costs in its favour.

Defendant's address for service:

Owen Bird Law Corporation
P.O. Box 49130
Three Bentall Centre
2900-595 Burrard Street
Vancouver, BC V7X 1J5
(Attention: Daniel H. Coles)

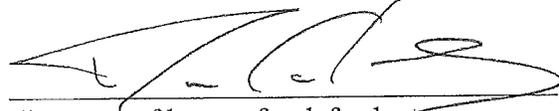
Fax number address for service (if any):

n/a

E-mail address for service (if any):

n/a

Date: August 4, 2021



Signature of lawyer for defendant
Daniel H. Coles

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.