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**CANADIAN DEFAMATION LAW
AND PRACTICE**

Pepper, Morritt, Stephenson & Ross

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This book is designed to provide an overview of the Canadian law of defamation and a practice guide for lawyers advising on defamation issues or engaged in prosecuting or defending defamation actions. It will also assist in-house counsel in recognizing areas of concern and help editors and others involved in the communications, advertising and media fields avoid publishing defamatory material. It is an extremely practical guide to the area providing an overview of the law, practice tips and precedents. Topics covered include: the plaintiff and defendant, defences, remedies, defamation and the internet, defamation and the Charter, and more.

What's New in This Update:

This release provides valuable updates to the Defamation Quantum Table. In addition, updates have been made to the Appendices tab with updates to legislation and annotations.

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Highlights:

- **Defamation Quantum Table — Internet (Excluding Emails)** — Plaintiff worked for First Nation and was supervisor of defendant — Defendant entered plaintiff's office without permission and juxtaposed cartoon of Smurf in office with photograph of former president of Tribal Council, who had died, and took digital image — Defendant sent image to employee of another organization — Defendant was suspended for entering plaintiff's office without permission and subsequently terminated — Defendant sent copy of image to colleagues of plaintiff and image emerged on Facebook — Plaintiff claimed that between February and May 2015 he was contacted by co-workers and colleagues in Northwest Territories and Yukon and advised that image continued to be discussed by community members and attributed to plaintiff — Plaintiff was terminated in May 2015 — Plaintiff brought action against defendant for defamation — Action allowed — Evidence established that defendant entered plaintiff's office and staged image — Words and image were published in email and clearly referred to plaintiff — Defamation had significant negative effect on plaintiff's professional and personal standing and was significant attack on plaintiff's character, judgment and integrity — Plaintiff lost trust of employer, other organizations and community members and was unable to find other employment in Northwest Territories — Plaintiff awarded damages in amount of \$50,000: *Tomlinson v. Gordon*, 2017 NWTSC 68, 283 A.C.W.S. (3d) 893, 2017 CarswellNWT 77 (N.W.T. S.C.).
- **Defamation Quantum Tables — Mass Media — Newspaper** — Plaintiff was lawyer in Philippines before immigrating to Canada in 1972 — Plaintiff became businessman and started consulting business in field of business development, and he was very active and well respected in Filipino community — Defendants were newspaper and two of its employee who published approximately 35 articles, both in print and online, containing alleged defamatory statements about plaintiff — References to plaintiff included "gasbag" and "bully" with various adjectives, and allegations made against plaintiff included threats, blackmail, dishonesty, fraud, and advantage-taking — Plaintiff brought action against defendants for relief for defamation — Plaintiff brought motion for summary judgment — Motion granted — Plaintiff was awarded \$300,000 for general/aggravated damages and \$110,000 for punitive damages, jointly and severally against defendants, and permanent injunctive relief was to be granted subject to submissions on wording — Defendants carried out all-out cyber attack on plaintiff over 14-month period, at times on multiple platforms, and even after defendants were served with notice of intended action for libel and

statement of claim — There was no apology or retraction, and aside from not pushing case to trial, defendants did everything in their power to inflict pain on plaintiff and to aggravate damages — Plaintiff's pain and suffering were palpable from his affidavits, and two witnesses had also set out their observations of plaintiff following publication of defamatory articles — Defendant newspaper was much like tabloid but it was prominent in Filipino community, and offending articles were disseminated in so many forums and ruined plaintiff's reputation — Award \$300,000 including aggravated damages: *Magno v. Balita*, 2018 ONSC 3230, 292 A.C.W.S. (3d) 894, 2018 CarswellOnt 8111 (Ont. S.C.J.).