



January 11, 2019

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Doug Richardson
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Dear Mr. Richardson:

Re: WE Charity et al v. Canadaland, Brown and Kerr et al.

I have reviewed your clients' articles and podcasts published on the Canadaland website on October 15, 2018 and November 19, 2018, as well as your responses to two Notices of Libel referred to you by Mr. Brown and Mr. Kerr.

The articles and podcasts all contain numerous intentional (and avoidable) factual errors, and were replete with your clients' obvious hostility towards WE.

Your clients maligned the reputations of my clients by publishing blatantly false information, premised on fabricated evidence, to make the unfounded claim that my clients lied to the public regarding their commitment to ending child and slave labour, and that they tolerate, secretly consent to and promote the use of child and slave labour.

Specifically, the entire narrative of the October 15, 2018 article and podcast was premised on falsely characterized "extensive evidence," including a digitally created mock-up of a non-existent Kellogg's cereal box bearing the ME to WE logo. Your clients also published knowingly incorrect financial data and either they (or their source) significantly altered confidential and internal WE Charity documents. Accurate data provided by my clients prior to publication, and this document in its original form, demonstrably prove that your clients' statements are false.

Your clients further published a podcast and blog on November 19, 2018, falsely claiming that WE Charity has manipulated the media through nefarious partnership agreements and intimidation tactics. Your clients falsely claimed that WE Charity received the first ever Good Housekeeping Humanitarian Seal without proper merit, notwithstanding the fact that my clients provided Mr. Kerr with substantial information concerning the basis for the award and research from public sources would readily have unearthed a press release from the magazine outlining the rigorous vetting process applied to the Seal. There were many other inaccurate statements in your article, including your client's selective editing and misleading statements regarding a previous legal case involving Saturday Night magazine, and further false statements regarding my clients' relationship with the Globe & Mail.

Although your clients claim they purportedly began their research three years prior to publication of the first article and podcast, they tellingly only first reached out to my clients on September 26, 2018, just days

before their first publication, and refused to take into account information provided by clients that confirmed that claims in the publication were false. To make matters worse, your clients further omitted (and continue to omit) substantial documents in their self-labelled “disclosure” of key documents posting via the Canadalandshow.com website.

While your clients have twice issued minor clarifications buried and difficult to find online, they have refused to correct the false statements on the podcasts or blogposts, and continue to defend via social media their defamatory words, saying “Canadaland stands by their reporting”, thereby aggravating the harm done to my clients.

Your clients belligerent defence of its reporting also contradicts the independent opinion on this matter from the retired Honourable Justice Stephen Goudge, who served on the Court of Appeal for Ontario. After a thorough review of all relevant facts and circumstances, Justice Goudge dismissed each of Canadaland’s eight core claims featured in its blog and podcast, and concluded that “*these allegations by Canadaland are without merit.*”

In an effort to mitigate the damages caused your clients and the defamatory words, my clients delivered two notices of libel, simply requesting an apology and retraction. This request was rebuffed. Given that my clients’ reputations are perhaps their most valuable asset in their charitable mission, they are left with no choice but to commence legal proceedings in an effort to avoid further damage and seek compensation for significant incurred damages.

Please be advised that I have been retained to prepare and initiate a lawsuit to remedy your clients’ defamation of my clients, working alongside Mr. Downard and Mr. McDowell, cc’d below.

Like Canadaland, WE Charity is a national organization. My clients intend to commence a claim in Manitoba given it is the most suitable forum for such litigation because the predominant defamatory sting was delivered in the days leading up to WE Day Manitoba, a large event held by our clients with an audience of thousands subject to being influenced by your client’s defamatory statements. In addition to your clients’ initial crowdfunding efforts on October 15, they continued to promote their defamatory statements to solicit funds on five additional podcasts leading up to WE Day Manitoba. In addition, countless re-postings on social media leading up to WE Day Manitoba were accompanied by the University of Manitoba station (UMFM) broadcasting both defamatory Canadaland podcasts over radio in Manitoba.

With more than 450 Manitoba schools and youth groups actively participating in WE Schools and WE Charity’s largest individual donor(s) residing in the province, your clients’ relentless solicitations caused considerable damage to WE Charity’s work in that province and across the country. My clients will also be relying on key witnesses relevant to the case who reside in Manitoba, as well as key documents stored in the province. Furthermore, as will become evident, there are additional reasons relevant to the case materials why it should be pursued in Manitoba.

Please notify your clients (Canadaland, Mr. Brown, Mr. Kerr and Mr. Golsdbie) and their insurance provider of our intention to commence an action against them in Manitoba and of their obligation to preserve any and all relevant documents and information. Please also ensure that any Jane and/or John Does are similarly advised. Our clients reserve all of their rights, including in the event that your clients continue to engage in defamatory acts or publish further false information concerning my clients.

Should you wish to discuss this matter further, please contact me.

Yours truly,

TAPPER CUDDY LLP

Per:

A handwritten signature in blue ink that reads "Robert L. Tapper". The signature is written in a cursive style.

ROBERT L. TAPPER

/gls