

CV 09 38447  
Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

(Court Seal)

ADVICESCENE ENTERPRISES INC., carrying on business as advicescene.com

Plaintiff

and

LAW BUZZ CANADA LIMITED. Carrying on business as lawbuzz.ca,  
JOHN DOE # 1, JOHN DOE # 2, JOHN DOE # 3, JOHN DOE # 4

Defendants

**STATEMENT OF CLAIM**

TO THE DEFENDANT(S)

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.

Date

August 5, 2009

Issued by

  
Local Registrar

Address of  
court office:

393 University Avenue  
10th Floor  
Toronto, Ontario  
M5G 1E6

TO Law Buzz Canada Ltd.  
200 University Avenue  
Suite 1000  
Toronto, Ontario  
M5H 3C6  
**Attention: Karen Hannaford**

AND TO: John Doe # 1

AND TO: John Doe # 2

AND TO: John Doe # 3

AND TO: John Doe # 4

## CLAIM

1. The plaintiff claims:

- (a) General damages the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00);
- (b) Punitive, aggravated and/or exemplary damages in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00);
- (c) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (d) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (e) the costs of this proceeding, plus goods and services tax; and,
- (f) such further and other Relief as to this Honourable Court may seem just.

2. The Plaintiff, AdviceScene Enterprises Inc., carrying on business as [advicescene.com](http://www.advicescene.com)

(<http://www.advicescene.com>) is a corporation incorporated pursuant to the laws of British Columbia and operates as a national web-site where the public can go to connect with lawyers and law students to get free legal advice and information, with its head office located in Victoria, British Columbia.

2. The Defendant, Law Buzz Canada Limited carrying on business as [lawbuzz.ca](http://www.lawbuzz.ca)

(<http://www.lawbuzz.ca>) and is self described as an online discussion group dedicated to

Lawyers, law students and people who are trying to become lawyers and law students in Canada, with its head office located in Toronto, Ontario.

3. The Defendant, John Doe # 1, also known as "lawdog" is a registered member of lawbuzz.ca, but is otherwise unidentifiable at this time.

4. The Defendant, John Doe # 2, also known as "justanothervoicetoweighin" is a registered member of lawbuzz.ca, but is otherwise unidentifiable at this time.

5. The Defendant, John Doe # 3, also known as "Atticus" is a registered member of lawbuzz.ca, but is otherwise unidentifiable at this time.

6. The Defendant, John Doe # 4, also known as "Herb Myerson" is a registered member of lawbuzz.ca, but is otherwise unidentifiable at this time.

7. The Defendant, lawbuzz.ca, domain name registration details are as follows:

**Domain name:** lawbuzz.ca

**Domain name status:** EXIST

**Domain number:** 778540

**Approval date:** 2003/08/05

**Renewal date:** 2012/08/05

**Updated date:** 2008/12/07

**Registrar name:** Namespro Solutions Inc.

**Registrar number:** 817195

**Registrant name:** LawBuzz Canada Inc.

**Registrant number:** 1963840

**Registrant  
description:**

**Administrative contact**

**Name:** Rob Martinelli  
**Job title:**  
**Postal address:** Namespro.ca Private WHOIS, 130-8191  
Westminster Highway, Box 276  
Richmond BC V6X1A7 Canada  
**Phone:** 16046828059  
**Fax:** 16046828059  
**Email:** nup-tsec9nhu@namesproprivacy.ca

**Technical contact**

**Name:** Tony Parente  
**Job title:**  
**Postal address:** Box 276, 130-8191 Westminster Highway  
Richmond BC V6X1A7 Canada  
**Phone:** 16046828059  
**Fax:** 16046828059  
**Email:** nup-tsec9nhu@namesproprivacy.ca

**Name servers:**

**DNS 1 hostname:** ns1.namespro.ca 74.52.83.210  
**DNS 2 hostname:** ns2.namespro.ca 74.52.61.50

8. During the month of March 2009, the Defendant, lawbuzz.ca published various untrue statements on its website through postings by various anonymous members of its website about the Plaintiff on the Internet. Said posts are disparaging to the Plaintiff and are intended to and have damaged the reputation of the Plaintiff causing the Plaintiff to suffer damages as a result of lost business and due to time spent by the staff of the Plaintiff who must address these libels.

9. The libels posted mean or imply, according to the plain meaning of the words used as a reasonable person would understand them:

- (a) the Plaintiff is not a legitimate website and is intended as viral marketing;
- (b) the Plaintiff misrepresents itself to its members and the general public;
- (c) the Plaintiff is in breach of the rules of various provincial law societies;
- (d) the Plaintiff's website is a "scam";
- (e) the Plaintiff's mission statement to disseminate free legal information is erroneous;

10. The specific words posted that the Plaintiff complains of are found on the Internet at <http://www.lawbuzz.ca/lofiversion/index.php/t24078-50.html> and are as follows:

- (a) Lawdog – March 10, 2009 – “Anonymous legal advice is a crock. If you really want to give legal advice, and are qualified to do so, put your money where your mouth is. Too many cowards on the internet as it is. Russ”
- (b) Justanothervoicetoweighin - March 10, 2009 – "it's ok. along with most other legal concepts, the op hasnt heard of contingency fees, either. or, for that matter, the fact that the lsuc doesnt charge to follow up on legitimate complaints. remember, your lawpro deductible is payable after the statement of claim is issued and filed (unlike most liability policies, lawpro specifically has a deductible on

defence costs, damn their evil souls hehe). so ya. run away. run awaaaaaay as fast as you can."

- (c) Justanothervoicetoweighin - March 17, 2009 – "the link is broken. likely no surprise - i call bull\*\*\* on a judge giving legal advice on your site. and if he didnt agree as you said above, this thread should be deleted asap.";
- (d) Justanothervoicetoweighin - March 17, 2009 – "gimme a link to something he's posted, under his real name. i want to see on your site the judge of that name posting under his name. then i want to call his office and find out if it's really him. don't worry - he's in the press enough i'm sure his assistants are used to getting calls for comment."
- (e) Atticus - March 18, 2009 – "This sounds like a pretty serious effort to get traffic to the page, and sounds more and more like a scam to me. A Judge giving Legal Advice? What about the impartiality of the bench?"
- (e) Herb Myerson - March 18, 2009 – "Like everyone else, I would be extremely surprised (and that's putting it mildly) to see a sitting judge giving even the most anodyne legal advice to strangers online. I would have thought AdviceScene would want to make sure they have confirmed the identity of that user before announcing his presence on their site."
- (f) Justanothervoicetoweighin - March 18, 2009 – "ya, but that person isnt actually holding himself as being the head boob. here, someone is purporting to be a judge

and posting on an internet web site. if it's not brownstone who's actually posting there, that website is going to be in a world of hurt."

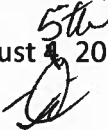
- (g) Atticus – March 19, 2009 – “yeah. It reads like viral marketing. What an articulate and informative discussion that contains all relevant details and perfect spelling. Everyone is so agreeable and grateful. I don’t think I’ve ever had a conversation with a client that went so swimmingly well.”

11. The Defendant has aggravated the damages caused to the Plaintiff by publishing/broadcasting the libels in bad faith, and spreading slander in bad faith, with knowledge that they were false, or with reckless disregard for their truth or falsity.

12. All of the said libels and slander have caused damage to the Plaintiff’s reputation and have caused a reduction in the Plaintiff’s revenue by way of a reduction of its business income and have caused losses to the Plaintiff in that its staff have had to address this defamation.

The Plaintiff proposes that this action be tried at Toronto, Ontario, Canada.

August 4<sup>5th</sup> 2009



**STEINBERG MORTON HOPE & ISRAEL LLP**  
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Lawyers for the plaintiff

ADVICESCENE ENTERPRISES INC., c.o.b. as ADVICESCENE.COM  
Plaintiff

-and- LAW BUZZ CANADA LTD.  
Defendant

Court File No. *CV 09 38444 F*

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**PROCEEDING COMMENCED AT  
TORONTO**

**STATEMENT OF CLAIM**

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