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Fasken Martineau DuMoulin LLP
Barristers and Solicitors
Patent and Trade-mark Agents

333 Bay Street, Suite 2400
P.O. Box 20
Toronto, Ontario M5H 2T6
Canada

T +1 416 366 8381
+1 800 268 8424
F +1 416 364 7813

fasken.com

December 21, 2018

Peter A. Downard
Direct 416 865 4369
pdownard@fasken.com
www.fasken.com/peter-downard

VIA SERVICE & EMAIL

Mr. Jesse Brown
Canadaland
399-401 Richmond Street West
Toronto, Ontario
M5V 3A8

Mr. Jaren Kerr
Canadaland
399-401 Richmond Street West
Toronto, Ontario
M5V 3A8

Mr. Jonathan Goldsbie
News Editor
Canadaland
399-401 Richmond Street West
Toronto, Ontario
M5V 3A8

Canadaland
c/o Mr. Jesse Brown
399-401 Richmond Street West
Toronto, Ontario
M5V 3A8

John or Jane Doe
c/o Canadaland
399-401 Richmond Street West
Toronto, Ontario
M5V 3A8

Dear Mr. Brown, Mr. Kerr, Mr. Goldsbie and Mr. or Ms. 'Doe':

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

Further to our clients' libel notice dated November 6, 2018, I have reviewed the article you published at the Canadaland website (www.canadalandshow.com) on November 19, 2018 entitled, "How The Kielburgers Handle The Press" (subtitled "A history of aggressive responses to criticism"), and your podcast published on the same date entitled, "Is The Media Afraid of the Kielburgers?".

Both the article and podcast contain factual errors and are defamatory of WE Charity, ME to WE Social Enterprises in Canada, the ME to WE Foundation in the United States, and Craig Kielburger and Marc Kielburger personally.



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Our clients take issue with a number of portions of your November 19 article and podcast. I will address them in turn.

The *Good Housekeeping* Humanitarian Seal

Mr. Kerr's article and the podcast falsely allege that by receiving the first *Good Housekeeping* Humanitarian Seal, WE Charity has been the beneficiary of an illegitimate award which is "just advertising". Relying on an unnamed source, you have published this claim without verifying the accuracy of the allegation. Instead, in both the article and the podcast, Mr. Kerr reinforces the sting of the statement by adding that he has been unable to find evidence of any subsequent recipients of the award, thereby suggesting that the award is solely the result of a special relationship between *Good Housekeeping* and WE Charity.

Given that the award was created just over 16 months ago, and given the rigorous vetting process for the award described by *Good Housekeeping* itself (of which you are aware), it is obviously not unreasonable for only one organization to have received the award at this point in time.

For more than 100 years, the *Good Housekeeping* Seal has served as a beacon of trust and reliability for consumer products and services. All products bearing the Seal undergo rigorous testing at the *Good Housekeeping* Institute and are backed by a two-year guarantee by the magazine. In its press release announcing the award, *Good Housekeeping* described its Humanitarian Seal as having been developed "to give consumers that same confidence when choosing to support a charitable organization."¹

You have attempted to diminish the legitimacy of the Humanitarian Seal by attributing a description of the audit process undertaken by *Good Housekeeping* solely to our clients, whose credibility you repeatedly call into question. You further attempt to raise doubts of readers as to the truthfulness of our clients' statements on this subject by adding that *Good Housekeeping* itself did not respond to multiple requests by Canadaland for comments about the award.

In fact, you know full well that our clients' statements on this subject have been fully corroborated by *Good Housekeeping*. In its press release announcing the award, *Good Housekeeping* stated:

Engineers and senior-level members of the *Good Housekeeping* Institute worked with financial and legal experts as well as seasoned consultants in the fields of nonprofit governance, social responsibility and charitable giving to establish criteria for the *Good Housekeeping* Humanitarian Seal.

The *Good Housekeeping* Institute vets the financial health, accountability and transparency of eligible, well-aligned charitable organizations. The experts at the

¹ "Good Housekeeping Introduces First-Ever Humanitarian Seal", August 4, 2017, at <http://www.marketwired.com/press-release/good-housekeeping-introduces-first-ever-humanitarian-seal-2229053.htm>

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GH Institute will look at not only the administrative and logistical elements, but also the value proposition and mandate of the organization through testimonials and case studies. Their evaluation includes detailed reference checks and assessments of the integrity of the charity's organizational structure and administrative elements.

[...]

"After a rigorous 10-step evaluation process carried out over several months - which included in-depth analysis of WE's financial filings, tax audits, operational structure, programs and global expenses, as well as interviews with key stakeholders - WE met and even surpassed our intense criteria," says Laurie Jennings, director of the *Good Housekeeping* Institute. "Like other GH Seal stars, we support WE Charity, and feel confident anyone who contributes their time or dollars can trust it will be used in the most meaningful and responsible way. Congrats to founders Marc and Craig Kielburger and CEO Scott Baker and the entire WE Charity team on this outstanding achievement."

"I was impressed by the social entrepreneurship of the charity's leaders, and its dedication to empowering students and communities to be more engaged and seize self-agency," added Rachel Rothman, *Good Housekeeping's* chief technologist, who oversaw the vetting process.²

The *Good Housekeeping* Humanitarian Seal is an important recognition of WE Charity's accomplishments. Our clients rely on third party assessments to differentiate themselves in the charitable sector. The *Good Housekeeping* Humanitarian Seal is used extensively by WE Charity in its public communications, including in prominent positions in its annual report, promotional material and on its website. Your podcast indicates that you are aware of this. In particular, the *Good Housekeeping* Humanitarian Seal deeply resonates with a specific demographic vital to our clients' fundraising efforts and is highly recognizable in the United States, where our clients operate programs serving over 6,000 schools.

The allegation that the award of the *Good Housekeeping* Humanitarian Seal to WE Charity has been illegitimate undermines public trust in our clients and is damaging to them. You should retract it immediately and apologize to our clients. This letter is notice to you that our clients claim that the publication of this allegation is defamatory of them and is formal notice of libel.

Note that the addressees of this notice include an unknown 'Jane' or 'John Doe' defendant, being the unnamed source who told you that the award of the *Good Housekeeping* Humanitarian Seal to WE Charity is "just advertising". We request that you bring this notice to the attention of the unnamed source. We have included the source among the persons to whom this notice is provided in order to preserve our clients' rights. In that respect, we ask that we be provided with

² "Good Housekeeping Introduces First-Ever Humanitarian Seal", August 4, 2017, at <http://www.marketwired.com/press-release/good-housekeeping-introduces-first-ever-humanitarian-seal-2229053.htm>

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the entirety of the statement provided to you by the unnamed source, so that we may consider the information the source provided to you as a whole and in its context.

In addition to your defamatory allegation regarding the *Good Housekeeping* Humanitarian Seal, numerous other aspects of your article demonstrate your continued hostility toward our clients and are evidence of malice.

The *Saturday Night* Libel

Notwithstanding that *Saturday Night* paid over \$300,000 in damages and costs to Craig Kielburger and consented to a public judgment awarding this amount against it, the article and the podcast make every effort to downplay the merits of Mr. Kielburger's case. The contents of the article are presented as benign. The author of the *Saturday Night* article is quoted in Mr. Kerr's article and podcast as explaining the lawsuit on the basis that Craig didn't want "to deal with any kind of criticism, no matter how slight". The credibility of a media supporter of Craig's case is undermined on the basis that she later went on to work with WE, and her newspaper has a corporate partnership with our clients.

In the podcast, Mr. Brown also credits the *Saturday Night* article by stating, "Jaren it definitely sounds to me like her piece had an edge to it, but truth and fair comment are defences against libel." He then asks Mr. Kerr whether Craig Kielburger was able to "prove that *Saturday Night* got any facts wrong". Mr. Kerr then suggests that the merits of the case are uncertain, by saying that Craig's case "never got to trial" and ignoring the fact that the defendants paid over \$300,000 to settle the case.

Mr. Kerr also selectively described the text of the *Saturday Night* article as follows:

Vincent had written "the money goes directly to the Kielburger family. Free the Children is not a legally registered charity in Canada. Mrs. Kielburger says that they are in the process of applying for registered status".

Canadaland omitted reference to the text immediately preceding these words in the *Saturday Night* article. The relevant passage in its entirety reads:

Though donations to the cause continue to pour in. On November 21, 1995, before Craig went to South Asia and upstaged the prime minister, he attended an Ontario Federation of Labour (OFL) convention in Toronto where members spontaneously pledged \$150,000, most of which has gone towards building a rehabilitation centre for freed child slaves in India, says Mrs. Kielburger. The money goes directly to the Kielburger family. Free the Children is not a legally registered charity in Canada. Mrs. Kielburger says that they are in the process of applying for registered status.

Mr. Kerr's article ignores the fact that a central point of complaint about the *Saturday Night* article - that a \$150,000 commitment from the Ontario Federation of Labour ("OFL") went to an

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account controlled by the Kielburger family - was completely false. The OFL funds in fact never left the control of the OFL, and were donated by the OFL directly to a charity in India. The defamatory nature of the *Saturday Night* article was beyond any doubt, contrary to what was suggested by Mr. Kerr. These facts were specifically pleaded in the statement of claim in the *Saturday Night* lawsuit, a public document of which you should be aware.

The Globe and Mail

It is stated in the article that special section content published in *The Globe and Mail* is “created by WE employees”, and in the podcast that, “WE creates the content and they put it in [*The Globe and Mail*].” That is not correct. *The Globe and Mail* has full authority and editorial control of the content in the special sections. WE special section content published in *The Globe and Mail* is created by writers employed by that newspaper, although it is clearly stated to be related to the newspaper’s partnership with our clients. WE does not see, review, or approve the content in advance of publication. Craig and Marc Kielburger’s “guest column” in the most recent special section of *The Globe and Mail* would be the only exception. Had Mr. Kerr independently reviewed the special sections he would have readily seen that most articles have bylines of *Globe* staff or regular contributors to the newspaper.

In the podcast Mr. Kerr also states that a WE special section in *The Globe and Mail* “looks like another section” of the newspaper. That is again misleading. The special nature of the WE section is made plain in a statement on the front page of the section.

Omission of Key Documents and Information

In the November 19 podcast you refer to the 100 pages of documents shared with you by our clients. Mr. Brown states, “We published all of that. All of the 100 pages. You can find them all on our website.”

Mr. Brown’s statement refers to an October 15, 2018 post at your website, “All of WE’s Answers to CANADALAND (And Letters From Their Lawyers)”, in which you state that, “In the interests of transparency, and to fully represent everything WE had to say, we are also publishing the documents they provided to us in full”. Contrary to that claim and the headline of the post, Canadaland in fact failed to publish all of the documents provided by WE.

This is of particular concern because this very issue was highlighted in our clients’ November 6 libel notice. More than a dozen email exchanges, most of which convey Mr. Kerr’s hostility toward our clients and his secretive posturing, as well as a key document entitled “Erin Barton information for Canadaland”, remain absent from the material you have made available to your audience.

Republication of the October 15 Libel

In the November 19 article and podcast, you have republished the October 15, 2018 Canadaland publications complained of as being libelous in our clients’ libel notice dated November 6, 2018.

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In the November 19 article and podcast it is stated that Canadaland “stands by” those publications. You say this notwithstanding your own published corrections of the October 15, 2018 publications. Similarly, in a November 6, 2018 ‘Tweet’, Canadaland stated to the public, “We wouldn’t have published our investigation of @WeMovement if we did not believe it to be 100% accurate.” These statements aggravate the damages to which our clients will be entitled.

As stated in our clients’ November 6, 2018 libel notice, our clients reserve all of their rights in this matter, including their rights to commence legal proceedings against you for substantial general, aggravated, punitive and special damages. I also repeat my caution to you in that notice that you should immediately take reasonable steps to preserve all documents relevant to this matter.

Yours truly,

FASKEN MARTINEAU DuMOULIN LLP


Peter A. Downard
PAD/

cc. Doug Richardson
O'Donnell, Robertson & Partners