

File No: 03972
Delivered by: Facebook Messenger

June 14, 2021

Dan Fraser
Also known as Dan Goodwin

Re: Defamatory Facebook Statements

I am counsel for James “Jimmy” Craig with respect to this matter.

It has been brought to my attention that you have falsely and maliciously published the following statements on facebook.com (“Facebook”):

Dan Fraser

...Guess that tracks for an old pockmarked head who spends time lusting after his own kid though....

...many of us were there when you were oogling [sic] your own daughter like some sort of incestuous ginger pedophile. I know you liberals are good at pretend reality because it's easier to stomach than the real world but, sometimes you can't actually hide from your past. You're sick and every time I see your name show up here, I'm reminded that your subjective view of objective reality is so twisted that as long as I'm disagreeing with you, I'm doing ok.

(the “Statements”)

Your statements were made on or about April 15, 2021 on the “Chilliwack Beware” Facebook Page. I understand that you also go by the name Dan Goodwin.

Your Statements are untrue, defamatory, and prejudicial to Jimmy Craig personally, and Mr. Craig in the way of his occupation, business, profession, or office and in relation to his conduct therein.

Grant v. Torstar Corp., 2009 SCC 61 (*Grant*) is the leading case on defamation in Canada. According to *Grant* in order to establish a defamation action, and to be awarded aggravated damages, three things need to be shown:

1. That the impugned words were defamatory, in the sense that they would tend to lower the Plaintiff's reputation in the eyes of a reasonable person;
2. That the words in fact referred to the plaintiff; and
3. That the words were published, meaning that they were communicated to at least one person other than the plaintiff.

It is clear that your Statements would lower Mr. Craig's reputation in the eyes of a reasonable person, both personally and professionally. It is also clear that you are referring to Mr. Craig as you are explicitly responding to a post made by Mr. Craig. Finally, as this Statement was posted on Facebook, to a group with at least 25,000 members it has been communicated to at least one person other than Mr. Craig.

Therefore, your statement is defamatory.

It should be noted that damages can be awarded for defamation without proof of actual loss.

Furthermore, if you contend that the Statements are not defamatory because they are true, I direct you to the case of *R v. Dhillon*, 2014 BCSC 1986 at paragraph 19:

According to the law that applies to the tort of defamation, statements may be defamatory even though they are justified or true. Justification or truth provides the defendant with a defence to the action in tort, but does not change the statements' defamatory character if, at the first stage, they are shown to be statements which reasonable or right-thinking members of society would understand as lowering the reputation of the person about whom they are made.

In addition to the above, you cannot claim the Statements to be true as, at this point, it remains merely an untested allegation against Mr. Craig.

It is my understanding that the Statements have already been removed from Facebook. Accordingly, we hereby demand that you:

1. Cease and desist from making any further false and defamatory statements regarding Mr. Craig, including but not limited to posts on Facebook, any social media platforms, or elsewhere; and
2. Provide Mr. Craig with a written apology apologizing for the Statements.

My client could pursue a claim for compensation against you but has agreed not to if you agree to points 1 and 2 above. We request a response by **Monday, June 28, 2021, at 4:00 pm**. Should you refuse to comply, or further publish, maintain, or broadcast any defamatory statements against Mr. Craig, our client may take legal action against you without further notice.

Yours truly,

SORENSEN SMITH LLP

Per:



Daniel A. Sorensen

Law Corporation

E-mail: daniel@sorensensmith.com

DAS/BG