



196661

Case No.

New Westminster Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

GIAN NARWAL

Plaintiff

And:

JANE DOE, ALSO KNOWN AS SUKHI MAHIL

Defendant

NOTICE OF CIVIL CLAIM

This action has been started by the Plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

(a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

(a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

PART 1: STATEMENT OF FACTS

The Parties

1. The Plaintiff Gian Narwal (the “**Plaintiff**”) is a 20 year old male low voltage technician. The Plaintiff is ordinarily residence in British Columbia and for the purposes of this action the Plaintiff has an address for service c/o Bear Creek Law LLP, Attention: Mikhael Magaril, Suite 209 – 13588 88th Avenue, Surrey, B.C. V3W 3K8.
2. The Defendant is Jane Doe, also known as Sukhi Mahil (the “**Defendant**”), a person whose true identity is not presently known to the Plaintiff and the true identity is intended to be substituted in place of this nominal Defendant in the future.
3. The Defendant appears to be an adult female residing in British Columbia. The extent of the Plaintiff’s knowledge surrounding the true identity arises from her social media user names, the particulars which are as follows:
 - a. She uses the e-mail address ess_mahil@hotmail.com;
 - b. Her Instagram handle is “[essmahil](https://www.instagram.com/essmahil/)” and viewable at <https://www.instagram.com/essmahil/>;
 - c. She uses the Snapchat handle of [essmahil](#);
 - d. Her YouTube handle is “[Ess Mahil](https://www.youtube.com/channel/UC8klapbfVJgSDOC7mcNlJpg/)” and is accessible at <https://www.youtube.com/channel/UC8klapbfVJgSDOC7mcNlJpg/>; and
 - e. Her Facebook handle is “[SukhiMahil2008](https://www.facebook.com/SukhiMahil2008/)”, which is accessible at https://www.facebook.com/SukhiMahil2008.

4. The Defendant's further particulars are unknown to the Plaintiff at this time.

The Defamatory Videos

5. In or around May 2017, the Defendant placed a post on her Instagram account, which included three videos (the "**Videos**") and a comment (the "**Comment**" and collectively, the "**Publications**") from her in relation to the Videos.

6. The Comment stated as follows:

“*There are 3 videos, keep swiping!* No girl deserves to be blasted like this. There is a serious problem with some Indian men. It might be their ego or pride, whatever the fuck it is, it needs to stop. A 20 something year old guy attempted to blast a high school teenager, slandering her implying that she cheated on him and called her degrading names. He sent the video to some meme pages to watch the world take jabs at her because she tried walking away from a unhealthy toxic relationship, however he failed to mention that he was toxic towards her. People commented calling her so many degrading names. Younger women need to understand that dating an older guy isn't right especially when you're underage. Some of these men are disgusting and manipulative and are trying to take advantage of the fact that you are naive. There is reason some of these older guys aren't wanted by women their age, take note of that. A 3-4 year age gap is HUGE when you are in high school. Anyways, he called her degrading names in the video and accused her of cheating but failed to mention any of the facts that I talk about in this video. He clearly wants to "be the man" for putting that poor girl on blast, so sure I don't mind giving him that attention. Don't bother defending the abuser on my page, you'll probably get blocked. What goes around comes around. I'll blast every wanna be privileged brown guy that tries to bully and abuse females, don't take advantage of our silence. #StopThePedo #StopGianNarwal *sorry about the audio for the last video* Some people fail to see that his intentions were to literally destroy her rep and hurt her mentally, he tried to hurt her future, and that's something I don't fuck with.”

7. In addition to the comment, the Videos themselves specifically made reference:
- a. to a relationship the Plaintiff was allegedly having with a minor, whose further particulars and age are not provided, except to describe her as a high-school student, minor, and an ex-girlfriend of the Plaintiff;
 - b. to a video allegedly made by the Plaintiff to blackmail the aforementioned person into not breaking up with him, and which he later allegedly disseminated publicly;

- c. to the Plaintiff being a pedophile for dating a high-schooler and a minor;
 - d. to the Plaintiff engaging in extortion, intimidation, and harassment of a minor, by, inter alia, using a video the Plaintiff supposedly made to intimidate the aforementioned person into not leaving him;
 - e. to the Plaintiff acting in a manner that was abusive and threatening, and specifically, alleging the Plaintiff threatened to physically assault the aforementioned person.
8. The aforementioned Publication, comprising of both the Videos and the Comment were:
- a. "Liked" by no less than 2164 people, all or most of whom viewed the Publication in whole or part;
 - b. Republished by way of reposts or other forms of republication on Instagram and other forms of social media (such as Facebook and YouTube) by third parties. The Plaintiff does not at this time have further details or particulars of such additional reposts and republications; and
 - c. Viewed and thus published to an unquantifiable number people, including the approximately 23,400 followers the Defendant has on Instagram and other social media outlets, as well as numerous third parties, all of whom received the Publication indirectly, by way of republications, reposts and likes of the original posting of the Publication.
9. The Publication was viewed and read by at least one other person in British Columbia.
10. The literal meaning of the Publication is false, malicious and defamatory of and concerning the Plaintiff.
11. Further, and in the alternative, and in the context in which it was published, the Publication conveyed the following natural and ordinary meaning to the recipients of the statements, and were intended by the Defendant to mean, and further, carry at the minimum the string and/or innuendo, that:
- a. The Plaintiff is a criminal, engaged in sexual offences, extortion, harassment, and intimidation;
 - b. The Plaintiff is abusive to woman and/or persons who he is in a relationship with generally;
 - c. The Plaintiff is a sexual predator, who preys on vulnerable minors;

- d. The Plaintiff resorts to extortion, harassment, and intimidation to coerce vulnerable persons to stay in intimate relationships with him;
 - e. The Plaintiff is a cyber-bully; and
 - f. The Plaintiff is morally depraved.
12. Each of these meanings is false, malicious and defamatory of and concerning the Plaintiff.
13. The Publication was made with the intention of defaming and injuring the reputation of the Plaintiff, and in turn, has caused the Plaintiff to be defamed, and thus caused the Plaintiff to suffer serious and irreparable damage to his reputation and standing in the community at large, including among his friends, acquaintances, colleagues, and others which come into contact with him, and that segment of society who viewed or read the Publication.
14. The Publication would cause, and has caused, the reputation of the Plaintiff to be lowered in the eyes of reasonable members of society, and specifically, that segment of society who viewed or read the Publication.
15. The Defendant published the publication with complete indifference to the actual facts or harm it would cause to the Plaintiff, simply as a means of making an example of the Plaintiff, without any regard for the truth. The Plaintiff states that this was a malicious form of naming and shaming the Plaintiff, who was an innocent victim and did not commit the acts alleged against him, and as a result has been, and will continue to be subject to torment and ridicule in society at large, by virtue of the large audience to whom the publication was disseminated and society's attitude towards abuse towards women in general.
16. Therefore, and based on all of the above, the Defendant's behaviour was high-handed, callous, malicious and reprehensible, and warrants an award of aggravated, exemplary and punitive damages.
17. The Plaintiff continues to suffer injuries and damage as a result of the publication, including a loss of reputation among the community at large.
18. Further, as a result of the conduct of the Defendant, the Plaintiff has suffered and continues to suffer mental distress and anxiety and has suffered both general and special damages in relation thereto, particulars of which will be provided from time to time as they become available.
19. The particulars of the Plaintiff's injuries, include, but are not limited to:

- a. humiliation and indignity;
- b. physical, emotional, and mental pain;
- c. guilt, shame, and self-blame;
- d. thoughts of self-harm;
- e. distressing thoughts and recurring memories of the incident that has given rise to this action;
- f. impaired concentration;
- g. severe psychological and mental distress;
- h. moodiness;
- i. headaches;
- j. nightmares;
- k. impaired social and interpersonal relationships;
- l. lack of self-confidence and self-esteem;
- m. depression and helplessness;
- n. loss of enjoyment of life;
- o. anger;
- p. anxiety;
- q. impairment of his mental health and well-being such that he has and will require medical treatment, therapy and counselling;
- r. loss of his ability to function normally including inability to work;
- s. loss of reputation;
- t. inability to trust others; and
- u. such further and other injuries as may be advised prior to trial.

20. The Plaintiff further states that the publication by the Defendant, was intended to cause the aforementioned consequences and harm to the Plaintiff, and at a minimum, was

reasonably foreseeable by the Defendant, and as such, the Defendant is liable for the tort of intentional infliction of mental anguish and the publication of malicious falsehoods.

PART 2: RELIEF SOUGHT

21. The Plaintiff seeks the following relief as against the Defendant:

- a. general damages;
- b. aggravated, exemplary, special, and punitive damages;
- c. An interlocutory and permanent injunction to restraint the Defendant from any further publication of the Publication or any substantially similar defamatory expression to the same effect, either directly or indirectly;
- d. An order requiring the Defendants to display on her social media accounts, including her FaceBook, Instagram, Snapchat, and YouTube account a copy of any judgements or orders from this Honourable Court;
- e. Interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79
- f. Special costs plus disbursements; and
- g. Such further and other relief as this Honourable Court may deem just.

PART 3: LEGAL BASIS

22. The common law principles governing the torts of defamation, injurious falsehood, intentional infliction of emotional distress, and the assessment of damages and injunctive relief for those torts.
23. The *Court Order Interest Act*, R.S.B.C. 1996, c. 79
24. Supreme Court Civil Rule 14-1; and
25. The inherent jurisdiction of this Honourable Court.

The Plaintiffs' address for service:

c/o Bear Creek Law LLP
Attention: Mikhael Magaril
Suite #209 – 13588 88th Avenue
Surrey, B.C. V3W 3K8

Fax number address for service: (604) 259-6202 (please also serve by e-mail)

E-Mail address for service: mmagaril@bearcreeklaw.com (please also serve by fax)

Place of trial: New Westminster, British Columbia

The address of the registry is:

Law Courts, Begbie Square
651 Carnarvon Street
New Westminster, B.C. V3M 1C9

Dated: 24/NOV/2017



Signature of lawyer for the Plaintiffs

Mikhael Magaril

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The Defendant has widely disseminated defamatory material in the form of electronic text, video and audio, in respect to the Plaintiff, via social media. The Defendant accuses the Plaintiff of engaging in a relationship with a minor, to blackmailing the minor, and to generally being abusive towards her.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

☐ a motor vehicle accident

☐ medical malpractice

☒ another cause

A dispute concerning:

☐ contaminated sites

☐ construction defects

☐ real property (real estate)

☐ personal property

☐ the provision of goods or services or other general commercial matters

☐ investment losses

☐ the lending of money

☐ an employment relationship

☐ a will or other issues concerning the probate of an estate

☒ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

☐ a class action

☐ maritime law

☐ aboriginal law

☐ constitutional law

☐ conflict of laws

☒ none of the above

☐ do not know

Part 4:

1. *Court Order Interest Act*, R.S.B.C. 1996, c. 79; and
2. *Libel and Slander Act*, R.S.B.C. 1996, c. 263.