

COURT FILE NUMBER ~~2303~~ 2303 13143
COURT COURT OF KING'S BENCH
OF ALBERTA
JUDICIAL CENTRE EDMONTON



PLAINTIFFS PRIMERICA, INC., PFSL INVESTMENTS CANADA LTD.,
PRIMERICA LIFE INSURANCE COMPANY OF CANADA,
PRIMERICA LIFE INSURANCE COMPANY, and
PRIMERICA FINANCIAL SERVICES LLC

DEFENDANT MARCO MOUKHAIBER

DOCUMENT **AFFIDAVIT**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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AFFIDAVIT OF MARK BEAUCHAMP

Affirmed on July 18, 2023

I, Mark Beauchamp, of Atlanta, Georgia, United States of America, AFFIRM AND SAY THAT:

1. I am Executive Vice President of Primerica Life Insurance Company and a designated representative of Primerica, Inc. and Primerica Financial Services LLC, and as such I have personal knowledge of the matters hereinafter deposed to, except where stated to be based on information and belief, in which case I verily believe the same to be true.
2. I am authorized by the plaintiffs to make this affidavit.
3. I make this affidavit in support of the plaintiffs' application for injunctive and other relief, as detailed in the Notice of Application, filed July 18, 2023.

Parties

4. The plaintiff Primerica, Inc. is a company that provides investment, insurance and financial services to middle-income families across Canada and the United States. Primerica, Inc. is a corporation incorporated in Delaware, for which a corporate search is attached as **Exhibit A**, and is the parent organization in a corporate family consisting of several affiliated and subsidiary companies, including the other plaintiffs, that together conduct business as “Primerica”. The other plaintiffs (listed below) all operate as subsidiaries of Primerica, Inc.:
 - (a) PFSL Investments Canada Ltd. is a corporation incorporated in Canada, for which a corporate search is attached as **Exhibit B**.
 - (b) Primerica Life Insurance Company of Canada is incorporated in Canada by Letters Patent dated August 21, 1991, pursuant to the federal statute which was succeeded by the *Insurance Companies Act*. A corporate search for this company is attached as **Exhibit C**.
 - (c) Primerica Life Insurance Company is corporation incorporated under the laws of the State of Georgia.
 - (d) Primerica Financial Services LLC is corporation incorporated under the laws of the State of Nevada.
5. The plaintiffs are referred to herein collectively as “**Primerica**” except where it is necessary to distinguish any particular plaintiff.
6. The Defendant in this Action, Marco Moukhaiber (the “**Defendant**”), is a social media content creator based in Edmonton, Alberta who operates a number of accounts on various platforms, including the AlwaysMarco Accounts (defined below in paragraph 21).

Overview



7. Since January 2023, the Defendant has posted and promoted multiple videos relating to Primerica on his AlwaysMarco Accounts. The Primerica Videos (defined below in paragraph 25) contain false and misleading statements about Primerica and make unauthorized uses of Primerica’s registered trademarks and copyrighted materials. The Defendant also makes regular posts on various social media platforms with the stated intent of harming the plaintiffs.
8. The Primerica Videos have caused and will continue to cause significant and irreparable harm to Primerica. The Defendant has made statements that he intends to execute on next steps in a plan to continue harming the plaintiffs.
9. Primerica seeks injunctive relief: (i) to have the Primerica Videos and other social media posts removed, (ii) to restrain the Defendant from continuing to make available and promote the Primerica Videos, and any related content on any social media platform, (iii) from posting or promoting any similar content referring to Primerica, and (iv) to cease the unauthorized use of Primerica’s trademarks and copyrighted materials.

Primerica and its Business

10. Primerica is the largest independent financial services marketing organization in North America. For over 40 years, Primerica has been providing insurance, investment and financial services to middle-income families across North America.
11. In connection with its business, Primerica works with strategic partners in the financial services industry and a network of over 130,000 independent licensed representatives, who are supported by Primerica's over 2,000 full-time employees. Primerica's representatives are independent contractors that run their own businesses, but they receive training and resources from Primerica on Primerica's guidelines and standards. Primerica's representatives are paid commissions for providing services to clients.
12. Since at least 1986, Primerica has been operating in Canada through various affiliated companies, including the plaintiffs Primerica Life Insurance Company of Canada and PFSL Investments Canada Ltd. (collectively, "**Primerica Canada**"). Primerica Canada is regulated by federal and provincial regulatory authorities in Canada, including the federal Competition Bureau. Primerica Canada is duly licensed and in good standing with the various provincial regulatory authorities that govern Primerica's business in Canada.
13. Since 2010, Primerica, Inc. has been publicly traded on the New York Stock Exchange under the stock symbol "PRI" and is included in the S&P 400 stock market index.
14. Primerica's success as a business is a testament to Primerica's reputation in the North American marketplace. It has an A+ rating with the Better Business Bureau in the US, and Primerica Life Insurance Company of Canada has an A+ rating from A.M. Best. Primerica has received a number of awards in recognition of the quality of its services, including, among others:
 - (a) Forbes Best Insurance Companies, 2022; and
 - (b) in 2022, Investor's Business Daily awarded Primerica the #1 Most Trusted Life Insurance Company and #3 Most Trusted Financial Company with respect to Primerica's US life insurance business.
15. In connection with its business and services, Primerica has for many years continuously used the trademark and trade name PRIMERICA and variety of other trademarks and trade names that prominently feature PRIMERICA (collectively, the "**Primerica Trademarks**"), including the trademarks that are subject to the Canadian trademark registrations listed in paragraph 16 and the design mark depicted below:



16. In Canada, Primerica, Inc. is the owner of the following Canadian trademark registrations:

Trademark	Registration No.	Registration Date	Exhibit
PRIMERICA	TMA407,595	February 5, 1993	D-1
 PRIMERICA	TMA798,948	June 1, 2011	D-2
	TMA983,927	October 30, 2017	D-3

17. I attach as **Exhibits D-1 to D-3** copies of the details of the Canadian trademark registrations listed in the above table printed from the Canadian Trademarks Database maintained by the Canadian Intellectual Property Office.
18. Primerica Canada has always been licensed to use the Primerica Trademarks in Canada, and Primerica, Inc. has always exercised control (directly or indirectly through its licensees) over the character and quality of the services performed by Primerica Canada or Primerica’s licensed representatives in association with the Primerica Trademarks.
19. As a result of Primerica’s extensive use and promotion of the Primerica Trademarks in Canada, these marks have acquired significant goodwill and reputation. From coast to coast, Canadian families have more than \$147 billion of life insurance coverage through Primerica. Primerica Canada currently administers more than \$18 billion in Canadian assets.
20. Primerica, Inc. is the owner of the copyright in the design elements of the Primerica Trademark and in the works described in paragraphs 45 and 46, below.

The Defendant and the Primerica Videos

21. As noted above, the Defendant is a social media content creator based in Edmonton, Alberta who operates several accounts on various platforms that use the name or handle “alwaysmarco” (the “**AlwaysMarco Accounts**”), including those listed in the below table. I attach as the **Exhibits E-1 to E-9** listed below screenshots of the corresponding AlwaysMarco Accounts that Primerica is aware of, which were taken on July 17, 2023.

Platform	AlwaysMarco Account	Exhibit
YouTube	youtube.com/@AlwaysMarco/	E-1
TikTok	tiktok.com/@alwaysmarco	E-2
Twitter	twitter.com/alwaysmarcotv	E-3

Platform	AlwaysMarco Account	Exhibit
Facebook	facebook.com/alwaysmarco	E-4
Instagram	instagram.com/alwaysmarco	E-5
Discord	discord.com/invite/mFa37aVG7g	E-6
Patreon	patreon.com/alwaysmarco	E-7
Reddit	reddit.com/user/alwaysmarco/	E-8
Rumble	rumble.com/user/alwaysmarco	E-9

22. The Defendant also has various websites including alwaysmarco.lol/ and marcomoukhaiber.gay/ and marcomoukhaiber.com/. Attached, respectively as **Exhibits F-1 to F-3** are screenshots taken on July 17, 2023 of the main pages of these websites.
23. The Defendant sells merchandise “Always Marco” merchandise on the website alwaysmarcomerch.com, which the Defendant promotes on the AlwaysMarco Accounts. I attach as **Exhibit G** a screenshot of this website taken on July 17, 2023.
24. From the materials I have reviewed, I understand that the Defendant takes issue with Primerica’s business model and those of other companies, which he has deemed to be problematic.
25. The Defendant has posted and promoted multiple videos relating to Primerica on his AlwaysMarco Accounts (the “**Primerica Videos**”). The table below sets out information relating to the Primerica Videos, including the date when each was posted or live streamed on YouTube, the title of the video, and the link to the video on YouTube. I attach as the **Exhibits H-1 to H-9** listed below screenshots of the YouTube pages for the Primerica Videos, taken on July 17, 2023.

Date	Title	Link	Exhibit
Dec 14, 2021	Debate with Primerica Recruiter Gary Kornegay	youtube.com/watch?v=bjt78qojUXA	H-1
Jan 14, 2023	Marco vs Primerica	youtube.com/watch?v=Eh1Fu7DmLGE	H-2
Jan 19, 2023	She Lost \$100,000 in Primerica Multi-Level Misery	youtube.com/watch?v=zuO5SfgP0xM	H-3
Jan 25, 2023	Infiltration Successful...	youtube.com/watch?v=EzdULG6Jcvg	H-4

Date	Title	Link	Exhibit
Jan 30, 2023	17-Year-Old Recruited To Primerica By His DAD Multi-Level Misery	youtube.com/watch?v=cPQpOa5o1Og	H-5
Feb 28, 2023	Betting Every Penny On Primerica Multi-Level Misery	youtube.com/watch?v=EAaP6FLCWBk	H-6
April 14, 2023	PRIMERICA is threatening to sue me	youtube.com/watch?v=yKGvBPI9Qb8	H-7
July 14, 2023	Infiltrating A Pyramid Scheme: Primerica	youtube.com/watch?v=bDvoI-Zh7uA	H-8
July 15, 2023	The Many Lies of Mario Arrizon	youtube.com/watch?v=Hww2t18dJFs	H-9

Chronology of Events Leading Up to this Action and Application

26. On December 14, 2021, the Defendant posted his first Primerica Video. In response to this video, Primerica filed a take down request to YouTube in or around January 2022.
27. The Defendant did not post any further Primerica Videos until January 2023.
28. In January 2023, the Defendant posted and live streamed four Primerica Videos. In response to these videos, Primerica filed a take down request to YouTube in or around January 2023.
29. In February 2023, the Defendant posted one Primerica Video.
30. In or around March 2023, the Defendant announced on the AlwaysMarco Accounts that he would be posting a new Primerica Video entitled “Infiltrating A Pyramid Scheme: Primerica” in April 2023.
31. On April 14, 2023, in response to this announcement, Canadian counsel for Primerica sent a cease and desist letter to the Defendant (the “**April 14th Demand Letter**”). A copy of the April 14th Demand Letter is attached as **Exhibit I**.
32. Later that same day, on April 14, 2023, the Defendant live streamed a new Primerica Video entitled “PRIMERICA is threatening to sue me”, in which the Defendant displayed and went through the contents of the April 14th Demand Letter.
33. On July 14, 2023, the Defendant posted the Primerica Video entitled “Infiltrating A Pyramid Scheme: Primerica”.

34. Later that same day, on July 14, 2023, the Defendant made a guest appearance on a YouTube video posted by Pocket Watching with JT, entitled “Multi-level Marketing (MLM) SCAMS Exposed! with @AlwaysMarco”. A screenshot taken July 17, 2023 of this video, which was posted at youtube.com/watch?v=sTRK0Rh5Gw, is attached as **Exhibit J**. The statements made by the Defendant in this video include the following:
- (a) Primerica is “definitely a multi-level marketing company [...] in my opinion it is a pyramid scheme” (22:50);
 - (b) “the product is just a disguise and the product is essentially a means of laundering money within your own closed loop of people selling to new people in the company. So the way Primerica does this, for example, is they say ‘we don’t make money when we recruit anybody, we’ll never get paid for recruiting.’ Okay, so you’re just selling. Well, we know that’s not true or that’s not likely” (31:12); and
 - (c) “often times what they try to do is, they know they can’t make sense of what their business plan is logically, so they just try to bombard you with metaphors and analogies and Law of Attraction mindset nonsense until eventually you just bang your head against the wall and go, ‘okay, fuck it, I’ll just follow what they tell me to do.’ In your case, by the way I’m reading this directly from Primerica’s earnings statement on their website...” (45:59).
35. On July 15, 2023, the Defendant live streamed a Primerica Video entitled “The Many Lies of Mario Arrizon” (Mr. Arrizon is a representative of Primerica), which contained a number of notable features and comments from the Defendant, including:
- (a) repeated references to Primerica as “Crimerica” and “Primericult”;
 - (b) the Defendant was soliciting donations, which were tracked using a bar at the top of the screen which displayed the words “Help Defeat Primerica”, a screenshot displaying which is attached as **Exhibit K**;
 - (c) the Defendant states, beginning at around 16:37: “Follow me on Instagram, I am going to be posting, coming up here, daily examples of top leaders of Primerica posting stuff that violates their social media guidelines”;
 - (d) the Defendant displays and reads through a copy of Primerica’s Social Media Guidelines Handbook, which are not publicly available, and states, beginning at around 22:40: “How did I get a PDF copy of this handbook, don’t ask”; and
 - (e) the Defendant plays videos featuring Primerica representatives, including videos that are protected by copyright and owned by Primerica which the Defendant was not authorized to use.
36. On July 16, 2023, Canadian counsel for Primerica sent another cease and desist letter (the “**July 16th Demand Letter**”) demanding that the Defendant take down the Primerica Videos by 11:00 am MT on July 17, 2023, or Primerica would commence legal proceedings against him. A copy of the July 16th Demand Letter is attached as **Exhibit L**.

37. Later that same day, on July 16, 2023, after receiving the July 16th Letter, the Defendant made a number of posts on Instagram. Attached as **Exhibit M** are screen shots of these Instagram posts taken on July 17, 2023. Included among the statements made by the Defendant in these posts are the following:
- (a) “Wait til you see what I do next [...] I’m gonna use this document to control the IG profiles of all Primerica’s top leaders”
 - (b) “Primerica’s stock hit it’s [sic] lowest point in a week almost the exact moment my video dropped”
 - (c) “SCURRYING LIKE RATS [...] I know you’re reading this so just know I have access to ALL of your telegram group chats. I see everything, you can’t hide!!!”
 - (d) “just got a second case & desist letter from Primerica telling me it [sic] I don’t delete all Primerica-related content by tmrow at 11 am they’re suing lmao”
38. On July 17, 2023, Primerica filed a take down request to YouTube in respect of the Primerica Videos posted on July 14th and July 16th. Attached as **Exhibit N** are copies of the email responses Primerica received from YouTube, which state that YouTube is unable to determine the merits of Primerica’s claim, and that YouTube is therefore “unable to comply with your request to remove the content at issue.”
39. On July 18, 2023, after the Defendant failed to comply with the demands in the July 16th Letter or otherwise respond to the correspondence, Primerica filed this Action and Application.

False and Misleading Statements

40. As noted in the April 14th Demand Letter, the Primerica Videos posted by the Defendant prior to July 2023 contain numerous false and misleading statements, including:
- (a) In the video entitled “Infiltration Successful...”, the Defendant states: “This company – Primerica – has such a deep history of political lobbying that continues today, um, brainwashing people, this cult culture, [...] the methodology of how they get around being classified as an illegal pyramid scheme” (48:14).
 - (b) In the same video, the Defendant states that he found one of Primerica’s presentations online and that it promises \$5-10k per month in income (54:20).
 - (c) In the video entitled “17-Year-Old Recruited To Primerica By His DAD | Multi-Level Misery”, the Defendant stated that Primerica was “absolutely [...] a pyramid scheme” (9:05) and that an individual was “illegally recruited at age 17” by his father. Attached as **Exhibit O** is a screenshot taken on July 17, 2023 of the thumbnail for this Primerica Video, in which the Defendant prominently displays the words “ILLEGALLY RECRUITED AT AGE 17” and the Primerica Trademarks.
 - (d) In the video entitled “She Lost \$100,000 in Primerica | Multi-Level Misery”, the Defendant stated that an individual spent \$100,000 in her short affiliation with

Primerica and that Primerica bullied her by, among other things, forcing her to wear “diapers”. Attached is **Exhibit P** is a screenshot taken on July 17, 2023 of the thumbnail for this Primerica Video, in which the Defendant prominently displays the words “Forced to Wear DIAPERS” and the Primerica Trademarks.

41. The Defendant makes similar false and misleading statements about Primerica in the most recent Primerica Videos posted in July 2023, including:
 - (a) that Primerica is a “pyramid scheme”, which is stated prominently in the title of the video “Infiltrating A Pyramid Scheme: Primerica” and is repeatedly stated by the Defendant in the video entitled “The Many Lies of Mario Arrizon”;
 - (b) in the video entitled “Infiltrating A Pyramid Scheme: Primerica”, the Defendant describes Primerica as a “commercial cult”; and
 - (c) in the video entitled “The Many Lies of Mario Arrizon”, the Defendant states:
 - (i) “It is primarily Black and Hispanic people that are being targeted by Primerica specifically” (18:40);
 - (ii) Primerica is engaged in “criminal fraud” (36:10; 36:38);
 - (iii) “Make no mistake, this is crime. This is fraud. This hurts people. This hurts Brown people, Mexican people, Black people primarily, so please consider that before you support the Primericult or Crimerica, as I sometimes like to refer to them” (39:52); and
 - (iv) “That’s what this is, it is a FisherPrice playset of business, it is not real, it is completely fake, it is a scam, it is a fraud, it is a con, it is a pyramid, I mean, I can’t drill it home enough” (48:10).
42. The above are only a few examples of the numerous false and misleading statements the Defendant makes about Primerica in the Primerica Videos.

Unauthorized Use of Primerica’s Trademarks and Copyright

43. Attached as **Exhibit Q** are screenshots taken on July 17, 2023 showing use the Primerica Trademarks in the Primerica Videos.
44. Attached as **Exhibit R** are screenshots taken on July 17, 2023 showing use of the Primerica Trademarks in the thumbnails for the Primerica Videos, including in the thumbnail for the video entitled, “The Many Lies of Mario Arrizon”, in which the “P” in the Primerica Trademarks has been crossed out to spell “Crimerica”.
45. Primerica, Inc. is the owner of copyright in the Social Media Guidelines Handbook that was shown and reviewed by the Defendant in the Primerica Video entitled, “The Many Lies of Mario Arrizon”, from approximately 22:41 to 37:00. Attached as **Exhibit S** are screenshots from this video showing Primerica’s Social Media Guidelines Handbook, which is not publicly available and intended for internal use only.

46. Primerica, Inc. is also the owner of copyright in two videos that were played by the Defendant (without authorization) in the Primerica Video entitled, “The Many Lies of Mario Arrizon”, namely:
- (a) a video entitled “Is Primerica A Scam?”, parts of which the Defendant shows at approximately 42:40-43:10, 45:28-56:00, and 56:53-59:50 in the Primerica Video, and
 - (b) a video entitled “Considered the Source”, parts of which the Defendant shows at approximately 1:05:46-1:09:48, 1:12:24, 1:16:25-1:23:00 and 1:26:08-1:26:22 in the Primerica Video.
47. Primerica has never authorized the Defendant to use the Primerica Trademarks or any copyrighted material owned by Primerica.

Irreparable Harm to Primerica

48. As a result of the Defendant’s conduct, Primerica has already suffered and will continue to suffer irreparable harm to its reputation, goodwill and its business relationships, particularly with its network of over 130,000 licensed representatives. As a services company that works with strategic partners and licensed representatives, Primerica’s business is substantially based on its reputation and goodwill.
49. The Defendant’s false and misleading statements that Primerica is engaged in criminal conduct and that Primerica’s business is a scam and pyramid scheme are direct attacks on Primerica’s reputation and goodwill, particularly among its licensed representatives.
50. The Defendant expressly states in the Primerica Videos that his intention is to defeat Primerica, and he uses this as a basis to solicit donations his followers and viewers, and that he will continue his unlawful activities and publish further defamatory content that is expressly intended to harm Primerica. The Defendant’s intention to harm Primerica is evident from many statements that the Defendant has made in the Primerica Videos and in other posts made on the AlwaysMarco Accounts, including:
- (a) “Primerica’s stock hit it’s [sic] lowest point in a week almost the exact moment my video dropped” (see paragraph 37(b) and Exhibit M);
 - (b) the Defendant’s use of the words “Help Defeat Primerica” to solicit donations (see paragraph 35(b) and Exhibit K);
 - (c) “Make no mistake, this is crime. This is fraud. This hurts people. This hurts Brown people, Mexican people, Black people primarily, so please consider that before you support the Primericult or Crimerica, as I sometimes like to refer to them” (see paragraph 41(c)).
51. The potential for the Defendant’s conduct to cause irreparable harm to Primerica is evident from the number of individuals who have viewed the Primerica Videos and related social media content the Defendant has posted on the AlwaysMarco Accounts. For instance, the Primerica Video entitled, “Infiltrating A Pyramid Scheme: Primerica”, which was posted

on July 14, 2023, already has over 500,000 views on YouTube as of July 18, 2023. One of the Defendant's posts promoting the same video on TikTok has over 1.2 million views. This TikTok post is visible in Exhibit E-2 and can be viewed at the following URL: <https://www.tiktok.com/@alwaysmarco/video/7255723400478330118>.

52. It is clear that the Defendant intends to continue making content with false and misleading statements about Primerica. On July 18, 2023, the Defendant posted that he will be releasing a new video Primerica Video, which is entitled "Gary Kornegay & Daniel Alonzo's INSANE Interview" and is scheduled to go live on July 19, 2023. Attached as **Exhibit T** is a screenshot taken July 18, 2023 of the YouTube page for this upcoming Primerica Video, which is found at the following URL: youtube.com/watch?v=2w3s10iEv0I.
53. If the Defendant's conduct is allowed to continue, the Defendant will continue to profit through revenue generated on his various social media platform, an increase in notoriety, and through the sales of products and services, while Primerica will continue to suffer a loss of reputation and goodwill, including through the diminishment and depreciation of the value of the goodwill associated with the Primerica Trademarks.

Undertaking as to Damages

54. Primerica undertakes to abide by any order concerning damages that this Court may make if it is ultimately determined that the granting of the injunctive relief has caused damage to the Defendant for which Primerica ought to compensate the Defendant subject to any further judicial directions.

Dianne Henderson
7-18-23

Mark Beauchamp
Mark Beauchamp

