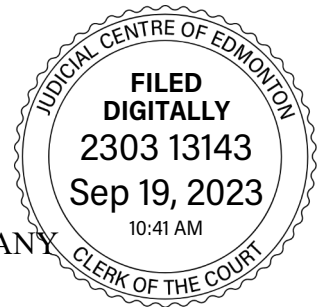


COURT FILE NUMBER 2303 13143
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
PLAINTIFFS PRIMERICA, INC., PRIMERICA LIFE
INSURANCE COMPANY, PRIMERICA
FINANCIAL SERVICES LLC, PFSL
INVESTMENTS CANADA LTD., and
PRIMERICA LIFE INSURANCE COMPANY
OF CANADA
DEFENDANT MARCO MOUKHAIBER
DOCUMENT **STATEMENT OF DEFENCE**
PARTY FILING THIS DOCUMENT THE DEFENDANT
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File No.: 729.00001



Note: State below only facts and not evidence (Rule 13.6)

Statement of facts relied on:

1. The Defendant denies each and every allegation made in the Statement of Claim, unless expressly admitted.

The Plaintiffs

2. The Plaintiffs are registered corporations in various jurisdictions in the United States of America and Canada that offer insurance and other services to consumers through a multi-level marketing scheme.
3. Over the years, the Plaintiffs have been subject to various investigations by government authorities, academics, and journalists for their marketing and recruitment tactics and have been labeled a multi-level marketing operation by the Federal Trade Commission (“FTC”) of the United States.
4. The Securities and Exchange Commission of the United States of America has censured and fined the Plaintiffs and its subsidiaries for its sales tactics. It has also been subject to extensive litigation over the sales and marketing techniques of its agents and employees all over the North America.

The Defendant

5. The Defendant is a resident of Alberta and a renowned consumer rights advocate with over 100,000 followers across the world, and millions of views across multiple platforms.
6. The Defendant investigates, documents, and reveals companies that manipulate and deceive consumers through a variety of techniques, including multi-level marketing systems and pyramid schemes. The Defendant provides educational content for free to members of the public, particularly vulnerable and unsophisticated individuals, so that they can make informed financial decisions.
7. The Defendant has been lauded for his work by various government agencies, and has been consulted by the FTC and Radboud University in relation to his efforts to expose and hold multi-level marketing operations accountable and transparent to consumers in the United States of America and Canada.
8. After six months of research and investigation, including infiltrating the Plaintiffs' organization, the Defendant published a series of videos, graphics, and other publications (the "**Publications**") outlining how the Plaintiffs and their sales representation engaged in multi-level marketing techniques and forms of manipulation that appeared to violate their own policies and regulations in place in the various jurisdictions that they operated in.
9. The Publications were accurate, factual, true, and represented fair comment. Any information or materials obtained by the Plaintiffs for the investigative report was used for advocacy, educational, and reporting purposes, and after extensive due diligence. The Defendant employed the logo and other images associated with the Plaintiffs in the Publications, but for identification and educational purposes, and not to pass off or mislead consumers, or to sell productions or services associated with them.
10. The Publications were not made with malice, and are directed at educating vulnerable consumers of the multi-level marketing tactics used by the Plaintiffs to induce individuals to purchase products and join their operations under false or misleading pretences. This includes how much they are likely to earn as the Plaintiffs' employees and agents, the payment and commission structure, and comparisons with other legitimate business models.
11. Through the Publications, the Defendant is engaging in his right to free expression, including expression that is in the public interest, which is a *Charter* value that informs any legal analysis over the adjudication of any claims and requests for relief made by the Plaintiffs.

Any matters that defeat the claim of the plaintiffs:

12. The Publications are accurate, factual, true, represent fair comment, are subject to absolute and qualified privileges, and constitutes responsible communication on matters of public interest and there is no basis in law to assert they are defamatory.
13. The Defendant, through the Publications, has not breached the provisions the Plaintiffs have plead in the Statement of Claim under the *Trademarks Act*, *Copyright Act*, and *Competition*

Act, and the Publications and investigative steps taken into producing and publishing them represent fair use or another permitted use.

14. The Publications were made in the public interest, serve the public interest, and are in-line with the *Charter* value of free expression in the public interest, defeating the Plaintiffs' claims.

Remedy sought:

15. A dismissal of the Plaintiffs' claim with full indemnity costs.