

COURT FILE No.: CV-20-00653410-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

**ANSON ADVISORS INC., ANSON FUNDS MANAGEMENT LP, ANSON
INVESTMENTS MASTER FUND LP AND MOEZ KASSAM**

Plaintiffs

- and -

**ROBERT LEE DOXTATOR, JACOB DOXTATOR AND JOHN DOE 1, JOHN
DOE 2, JOHN DOE 3, JOHN DOE 4 AND OTHER PERSONS UNKNOWN**

Defendants

STATEMENT OF DEFENCE OF JACOB DOXTATOR

- 1) The Defendant, Jacob Doxtator (“Jacob”), is 20 years old. He resides in the Province of Ontario. Until recently he worked at a winery in Prince Edward County as a labourer.
- 2) Except as expressly admitted herein, Jacob either denies or has no knowledge of the allegations in the Statement of Claim. The Plaintiffs are put to the strict proof of the allegations in their pleading. The Plaintiffs and their lawyers knew or were reckless in not investigating and knowing of the matters pleaded herein.
- 3) Jacob pleads and relies on s.137.1 of the *Courts of Justice Act*. He reserves his right to bring a motion under s.137.1(3) at any time in this proceeding. This claim

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- is frivolous, vexatious and an abuse of the process of this Honourable Court. The Plaintiffs knew or ought to have known that when they issued their claim. This proceeding is intended to discourage individuals from expressing themselves on matters of public interest related to the Plaintiffs; it will prevent participation in debates on matters of public interest and it is a clear and dangerous misuse of litigation process in Ontario, contrary to the public interest. The Plaintiffs are attempting to make an example out of Jacob even though he has not engaged in any of the wrongdoing alleged or speculated about by the Plaintiffs.
- 4) There is no agreement, scheme or conspiracy between Jacob and anyone else as described throughout the Statement of Claim related to the matters pleaded. Jacob has not engaged in any of the unlawful, tortious or inappropriate behaviour alleged against him.
 - 5) Jacob is not John Murphy. He does not know John Murphy and he has no knowledge, information or belief as to who owns and operates a Twitter account under the user name @JohnMur67039142.
 - 6) Jacob does not know who John Doe is. He has no knowledge, information or belief as to who those persons described in the Claim are. Jacob is Robert Doxtator's ("Robert") cousin but he has not conspired, agreed or participated in any agreement or conspiracy with Robert. Most of his discussions with Robert are about family or hunting.
 - 7) Jacob does not trade in securities. He never had any knowledge of the Plaintiffs prior to this litigation. Jacob has never posted any information about the Plaintiffs on the internet or otherwise. Jacob had no prior knowledge of any of the allegedly

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- unlawful postings that are referred to in the Statement of Claim. Jacob does not know who did post them.
- 8) Jacob does not know if any of the Plaintiffs have a reputation in the community that is capable of being damaged as alleged in the Statement of Claim. He denies the Plaintiffs have suffered any damage as alleged. If they have, their own actions are the cause of that damage.
 - 9) Until served with this claim (in an unlawful manner), Jacob had never seen any of the postings alleged in the Statement of Claim. He had no knowledge that the websites called Stockhouse, Hindenburg Research or the other sites listed in paragraphs 98 of the Statement of Claim even existed.
 - 10) Jacob had nothing to do with any communications with the regulators as alleged in paragraph 164. Any ongoing inquiry, review or investigation into one or more of the Plaintiffs by one or more of the regulators is not within Jacob's knowledge but is within the knowledge of the Plaintiffs and should be disclosed.
 - 11) Jacob asks that the action be dismissed with substantial indemnity costs and costs as provided for in s.137.1 of the *Courts of Justice Act*.

▸

January 21, 2021

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Proceeding started in Toronto**

STATEMENT OF DEFENCE

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