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Defendant's credentials called into question

right to freedom of expression." "This case is about a politician behaving badly and trying to silence criticism with the use of a strategic lawsuit," Hasan told the court. Hasan went on to describe the test detailed in the PPPA that places a heavy burden on the plaintiff, who must establish that their claim has substantial merit, the defendant has no valid defence and that the harm they're likely to suffer is so serious, the public interest in allowing the lawsuit to proceed outweighs the public interest in protecting freedom of expression.

Public interest

The legislation also specifies the defendant must establish the case arises from expression related to a matter of public interest — a factor Newman's lawyers argued is easily met as her expression was about a public figure seeking high political office and his alleged conduct.

While a defamation action must prove that a person's reputation has been harmed, Di Carlo argued that a different standard applies to political actors.

"This is not a private dispute. Mr. Rizvee and his wife, his campaign manager, are holding themselves out as being worthy of the public's trust," said Di Carlo. "Citizens must be permitted to test this claim, even make harsh criticism. She (Newman) was not criticizing Rizvee for his business or personal life — it was all connected to campaign tactics."

Di Carlo also said that Newman's comments were consistent with what others in the community were also allegedly saying about Rizvee via other social media posts. Both parties cited examples of the wording used in Newman's posts that led to the lawsuit, including allegations that Rizvee engaged in dirty politics, intimidation tactics and borderline criminal behaviour, and conducted himself in a two-faced, hypocritical manner. "This (commentary) is standard fare during an election campaign," argued Di Carlo. "That is the right of a citizen to comment on someone running for office."

He also said that the underlying facts behind Newman's opinions were well-known and notorious in the community.

Campbell begged to differ, purporting that Newman's comments were part of a "sustained campaign of character assassination."

"This was not an isolated incident, nor was this a situation about a statement made during the heat of an election campaign," he told the court. "These posts continued after the election campaign was complete, and it was only after these posts continued once the election campaign was over and there was no prospect it was going to let up that they (the Rizvees) took action."

He alleged that Newman considered Rizvee "two-faced and hypocritical because she doesn't like him."

Campbell also discussed Newman's allegation that she was harassed and intimidated by one of Rizvee's campaign workers in a parking lot following a political event. He said while she references the incident multiple times, "it had nothing to do with Mr. Rizvee."

"This is one person's crusade against Azim Rizvee regarding a few incidents that aren't that big a deal," Campbell told the court.

He spoke at great length about Newman's profession as a freelance journalist, calling her credentials and abilities into question, and alleging that she falsely claims to be a journalist.

"By saying she's a journalist, people assume she has taken steps to determine if something is true before she takes someone else's life and reputation in her hands," he said.

Since Newman also wrote an open letter to Prime Minister Justin Trudeau regarding her allegations against Rizvee, Campbell contended that she's trying to "kill his future political prospects" as well.

The motion hearing will be back in Milton's Superior Court of Justice on January 18 at 10 a.m.

CORRECTION

In the Michaels ad starting on December 16, 2016, "Frames starting at \$4.99" was stated in error on page 2. Based on the images shown in the ad, the statement should have read "Frames starting at \$9.99". We apologize for any inconvenience this may have caused.