

Stillman SLAPP

INITIAL CASE ASSESSMENT

Blake, Cassels & Graydon LLP

To: Iris Fischer and Partners Committee

From: Ben Beveridge | Proconsul

Re: Ben Beveridge v. Stillman LLP / Gregory Bentz / Hassin Sam Mraiche / MHCare Medical Corporation

Date: May 23, 2025

Classification: Potential High-Profile Constitutional Challenge

EXECUTIVE SUMMARY

This is an exceptional case with significant precedent-setting potential. The Stillman LLP threat letter against Ben Beveridge represents a textbook Strategic Lawsuit Against Public Participation (SLAPP) targeting Charter-protected political expression. The underlying article is legally bulletproof, the constitutional framework is ironclad, and the opportunity to establish anti-SLAPP protection in Alberta is unprecedented.

Recommendation: Accept immediately. This case could define press freedom in Alberta for decades.

CASE STRENGTH ASSESSMENT

Constitutional Foundation: Exceptional (9/10)

Mr. Beveridge's article "No Money, No Power" falls squarely within core Charter section 2(b) protection:

- **Political Commentary:** Analysis of government contract allocation and public procurement processes
- **Public Interest:** Scrutiny of taxpayer-funded medical supply arrangements
- **Democratic Accountability:** Transparent examination of business dependencies on public money

The Supreme Court's guidance in *Grant v. Torstar* directly supports this type of responsible communication on public interest matters. The article explicitly advises against personal targeting ("Do not touch, target, or mention anything to do with Mraiche") while focusing on systemic business vulnerabilities—precisely the type of analytical journalism the Court sought to protect.

Defamation Defence: Overwhelming (10/10)

Stillman's defamation claim fails on every essential element:

1. **No False Statements Identified:** Their letter cites zero factual errors because none exist. Every corporate entity, relationship, and government contract referenced is publicly verifiable through Alberta's corporate registry and procurement databases.
2. **Truth Defence:** Complete bar to defamation. Mr. Beveridge's analysis is based entirely on public records and transparent methodology.
3. **Responsible Communication:** Our *Grant v. Torstar* precedent provides additional protection for diligent journalism on public interest matters.
4. **Fair Comment:** Strategic business analysis and policy critique qualify for fair comment protection.

SLAPP Identification: Textbook Perfect (10/10)

The Stillman letter exhibits every hallmark of strategic litigation against public participation:

- **Public Interest Subject Matter:** Government contracts and medical procurement
- **Intimidation Over Merit:** No factual challenges, only procedural threats
- **Resource Exhaustion Strategy:** Expensive legal defence costs to silence criticism
- **Pattern Targeting:** Multiple media defendants (Beveridge, Nathan Pike/The Breakdown)
- **Forum Shopping:** Targeting Alberta specifically due to lack of anti-SLAPP legislation

Professional Misconduct Exposure: Strong (8/10)

Stillman LLP has created significant Law Society vulnerability:

- **Frivolous Litigation:** Pursuing claims without factual foundation
- **Abuse of Process:** Using legal system for non-legal intimidation
- **Coercive Discovery:** Demanding editorial information without court authority
- **Constitutional Violations:** Systematic attack on protected expression

STRATEGIC OPPORTUNITIES

1. Alberta Anti-SLAPP Precedent

This case could establish judicial anti-SLAPP protection absent legislative framework. Success here would protect future journalists, activists, and citizens from similar intimidation—positioning Blakes as champions of press freedom.

2. Constitutional Precedent-Setting

Opportunity to expand *Grant v. Torstar* principles to systematic business analysis and strategic transparency advocacy. Could strengthen Charter protection for investigative journalism examining government contracts.

3. Professional Standards Development

Law Society complaint against Stillman could establish deterrent against weaponised defamation threats, protecting media defendants province-wide.

4. Network Effect Protection

Success protects not just Mr. Beveridge, but entire networks of transparency advocates, creating multiplicative client development opportunities.

RISK ASSESSMENT

Client Risks: Minimal

- **Financial:** Standard litigation costs, but case strength suggests favorable resolution
- **Reputational:** Mr. Beveridge has already published extensively; additional exposure minimal
- **Strategic:** No meaningful downside given constitutional protection

Firm Risks: Negligible

- **Legal:** Case strength is overwhelming; professional liability nil
- **Reputational:** Defending press freedom enhances Blakes' media practice profile
- **Resource:** Standard constitutional challenge scope; manageable commitment

Opponent Vulnerabilities: Extreme

- **Stillman LLP:** Professional misconduct exposure, reputational damage
- **MHCare/Mraiche:** Discovery liability would expose government contract relationships
- **Strategic:** They cannot win on merits; only victory is intimidating withdrawal

TACTICAL RECOMMENDATIONS

Phase 1: Immediate Response

1. **Support Mr. Beveridge** with constitutional challenge retainer
2. **File Law Society Complaint** against Stillman for professional misconduct
3. **Coordinate with Other Targets** (Nathan Pike/The Breakdown) for joint strategy
4. **Media Strategy** - controlled disclosure emphasizing press freedom defence

Phase 2: Legal Counterstrike (Week 1-2)

1. **Charter Challenge Preparation** - frame as systematic attack on section 2(b)
2. **Abuse of Process Claims** - coordinate individual actions by multiple targets
3. **Discovery Warfare** - force disclosure of Stillman's client relationships and SLAPP operations
4. **Constitutional Framework** - connect with University of Calgary Public Interest Law Clinic

Phase 3: Precedent Setting (Month 1-3)

1. **Judicial Anti-SLAPP Recognition** - establish protection absent legislation
 2. **Professional Sanctions** - ensure Law Society disciplinary action
 3. **Legislative Advocacy** - use case to advance Alberta anti-SLAPP legislation
 4. **Network Institutionalization** - create permanent SLAPP resistance framework
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BUSINESS DEVELOPMENT IMPLICATIONS

Immediate Value

- **High-Profile Case:** Significant media attention enhances Blakes' constitutional practice profile
- **Precedent Creation:** Positions firm as architect of Alberta press freedom protection
- **Network Effects:** Other SLAPP targets become natural clients

Long-term Strategic Value

- **Market Leadership:** Establishes Blakes as premier anti-SLAPP counsel in Western Canada
- **Constitutional Expertise:** Reinforces Supreme Court constitutional practice
- **Media Relationships:** Strengthens ties with journalism community
- **Legislative Influence:** Participation in anti-SLAPP legislation development

Client Development Pipeline

- **Media Organizations:** Enhanced credibility with news outlets, broadcasters, publishers
 - **Transparency Advocates:** Natural client base of investigative journalists, activists
 - **Civil Society:** NGOs, policy organizations requiring SLAPP protection
 - **Corporate Clients:** Businesses seeking ethical transparency practices
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COMPARATIVE ADVANTAGE

This case plays to Blakes' core strengths:

1. **Constitutional Expertise:** Direct application of *Grant v. Torstar* precedent
2. **Supreme Court Track Record:** Established credibility in media/Charter cases

3. **Strategic Sophistication:** Complex multi-party coordination requiring top-tier counsel
4. **Resource Depth:** Ability to sustain extended constitutional challenge

No other firm in Canada combines this constitutional expertise, media law specialization, and Supreme Court track record. This case is precisely why clients retain Blakes for precedent-setting constitutional work.

FINANCIAL ASSESSMENT

Fee Structure Recommendation

- **Hybrid Arrangement:** Partial contingency with constitutional challenge premium
- **Public Interest Component:** Reduced rate structure given press freedom implications
- **Success Bonus:** Additional fee upon successful precedent establishment
- **Media Rights:** Documentation rights for case study development

Cost-Benefit Analysis

- **Investment:** Standard constitutional challenge resource commitment
 - **Return:** High-profile precedent, enhanced practice profile, pipeline development
 - **Risk:** Minimal given case strength and constitutional protection
 - **Strategic Value:** Immeasurable precedent-setting opportunity
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CONCLUSION AND RECOMMENDATION

This case represents a perfect convergence of legal strength, constitutional importance, and strategic opportunity. Mr. Beveridge has been targeted precisely because his analysis was effective—creating the visibility and vulnerability Stillman's clients sought to avoid.

The legal framework is bulletproof: His article is protected political expression analyzing publicly-funded operations. The Charter protection is ironclad. The defamation defence is overwhelming.

The strategic opportunity is unprecedented: This could establish judicial anti-SLAPP protection in Alberta, protect press freedom for decades, and position Blakes as the definitive anti-SLAPP counsel in Western Canada.

The precedent potential is exceptional: Success here creates the legal framework protecting investigative journalism, transparency advocacy, and democratic accountability from legal intimidation.

Stillman LLP made a catastrophic strategic error targeting someone with Mr. Beveridge's sophistication, platform, and constitutional protection. They've created exactly the test case needed to establish anti-SLAPP precedent in Alberta.

Recommendation: Accept immediately with full resource commitment. This is the constitutional challenge you've been waiting for.

This argument is ideally suited for:

Iris Fischer

Co-Practice Group Leader, Litigation & Dispute Resolution

Leader, Media & Defamation Practice

Blake, Cassels & Graydon LLP

"The legitimacy of our institutions and justice system comes from the public's ability to scrutinize them. This case will determine whether that scrutiny can survive legal intimidation."