

Court File No.

*ONTARIO*  
**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**MINA MAR GROUP INC. and MIRO ZECEVIC**

Plaintiffs

and

**JAMES DIVINE and CATHERINE DIVINE**

Defendants

**STATEMENT OF CLAIM**

**TO THE DEFENDANTS**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, **WITHIN TWENTY DAYS** after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$1000.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TO:

**JAMES DIVINE**  
12 Whippoorwill Way  
Belle Mead, NJ  
USA 08502

**A DEFENDANT HEREIN**

AND TO:

**CATHERINE DIVINE**  
12 Whippoorwill Way  
Belle Mead, NJ  
USA 08502

**A DEFENDANT HEREIN**

## CLAIM

1. The Plaintiff claims against the Defendants:
  - a. \$1,000,000.00 for general damages for libel and defamation;
  - b. \$1,000,000.00 for aggravated and punitive damages;
  - c. \$1,000,000.00 for special damages;
  - d. Pre and post judgment interest pursuant to S. 128 and S. 129 of the Courts of Justice Act.
  - e. A mandatory order that the Defendants apologize and publicly retract the slanderous statements made against the Plaintiffs in any manner this Honourable Court deems fit;
  - f. An interlocutory and permanent injunction enjoining the Defendants from making or allowing to be made, any statements or broadcast, whether orally or in writing in any newspaper, broadcast or electronic publication or on any web site(s), about the Plaintiffs.
  - g. An interim and final Order that the Defendants take any and all steps and make best efforts to remove and filter all past and any future negative and defamatory references to the Plaintiffs which appear on any publication, web site, blog or broadcast;
  - h. Costs of this action on a substantial indemnity basis;
  - i. Such further and other relief as this Honourable Court deems just.
  
2. The Plaintiff, Mina Mar Group Inc. of Canada (hereinafter called Mina Mar) is a Canadian, provincially incorporated company having its head office in Toronto, Ontario. It carries on business as an investors' relations firm for a roster of clients. Its clients include a number of publicly traded companies for whom Mina Mar acts as the agent for their relations with numerous investors.

3. Miro Zecevic (hereinafter called Miro) is a businessman, resident of Ontario and is an officer and director of Mina Mar.
4. The Defendants are anonymous authors/posters whose defamatory writings, publications and commentary are posted on publicly accessible and widely read web sites on the internet. One of the prominent and widely read web sites on which the Defendants post their writings is named InvestorsHub.
5. InvestorsHub would not reveal the identity of the Defendants. The Plaintiffs had to incur detective costs in order to determine the identity and the address of the Defendants. It only did discover that identity in September of 2009.
6. InvestorsHub is an internet business information web site which disseminates information to the public about a variety of publicly traded companies. InvestorsHub is an American company and has its principal place of business in Freeman, Missouri. For the penny stock market using the OTCBB and Pink Sheets listings as the exchanges InvestorsHub is an influential portal for business commentary about numerous stocks, individuals and companies whose shares are sold to the public.
7. Pursuant to a letter from Mr. Dan Berman, of Tsombonakis and Berman, Attorneys in Florida dated September 23, 2009 and Frederick Simon Hawa, Lawyer in Toronto, dated November 5, 2009 the Defendants were asked to cease and desist and to

apologise to the Plaintiffs for authoring and posting numerous posts which were libellous and malicious and which defamed the Plaintiffs.

8. Miro Zecevic's and Mina Mar's reputations are critical for the conduct of the business of Mina Mar. Miro is responsible for much of what Mina Mar (on behalf of its clients) disseminates to the public. The roster of clients for Mina Mar includes publicly traded companies who rely on Mina Mar in order provide information with respect to their investments, company news, financing and stock values.
9. Among Mina Mar's many clients are companies with names such as Hard To Treat Diseases Inc. Good Life China Corporation, Land Star Corp. and many others.
10. The Defendants have authored, have disseminated, have published, have broadcast and have made numerous libellous attacks and have encouraged the same against the Plaintiffs using the web site of InvestorsHub.com and others in order to do so. The postings of the Defendants on the InvestorsHub web site are scurrilous, libellous and defamatory attacks against the Plaintiffs.
11. Despite being cautioned to refrain from their attacks and despite the demand for an apology the Defendants continue to disseminate an unrelenting campaign of lies, unjustified criticism, libellous and defamatory attacks against the Plaintiffs, their reputation and integrity in the business community.

12. The widely read and defamatory statements have damaged the reputation of the Plaintiffs. The Defendants continuously place criticism of the Plaintiffs on the internet, in full view of the investing public. In so doing they have demonstrated a pre disposition to impose irreversible harm to the Plaintiffs. None of the defamatory statements are true nor is there any justification nor privilege which would allow the publication and dissemination of the defamatory statements.
13. The Defendants use the name Statey in order to defame the Plaintiffs.
14. The postings which are made by the Defendants can be removed by the Defendants however the Defendants have refused to do so.
15. The Defendants post their sharp and defamatory criticism on the bulletin board of InvestorsHub a widely read disseminator of information about many publicly traded corporations both within and outside of the United States.
16. The Defendants have been on a unilateral and malicious campaign of libel against the Plaintiffs. The Defendants have written and have posted libellous content in a campaign of misleading and damaging untruths.
17. The following are a small number of the many defamatory statements which are made by the Defendants :
  - a. "Garr/Miro/Zoran/Hugo have been and are creating a sham (GLCC)."
  - b. "This stock is being run by Gar/Miro/Zoran/Hugo and maybe some other guys

who are lining their pockets with cash from share gifts.”

c. “This company can’t even keep their lies straight”

d. “These guys have a reputation of ruining companies (Like GLCC), then moving on to the next scam.”

e. “GLCC and Mina Mar are lying to the shareholders.”

f. “They’re NOT working in the best interest of the shareholder”

18. As a result of the public display of malice, the Plaintiffs have suffered damages to their business. The Plaintiffs’ character, credit and reputation have been greatly injured by the defamatory statements of the Defendants. The Plaintiffs have lost business and clients the particulars of which will be provided to the Defendants on or before the discoveries and on an ongoing basis before trial. The Plaintiffs claim punitive and aggravated damages for the purposeful and malicious content of the postings.

19. Attached hereto are some of the many defamatory statements made by the Defendants. There are hundreds if not thousands of others.

20. The Defendants know or ought to know that the plain meaning and innuendo of the messages posted on InvestorsHub were defamatory and libellous and that these statements in their meaning and innuendo were untrue. In their natural and ordinary meaning, or alternatively by way of innuendo the words meant and were understood to mean that the Plaintiffs are corrupt and lacking of any integrity.

21. The pith and substance of the materials posted criticised the character and integrity of the Mina Mar and Miro Zecevic. In their plain and ordinary meaning, or alternatively by way of innuendo, the words used set about to portray the Plaintiffs as dishonest and lacking in moral principles.
22. The Plaintiffs cannot be certain how many potential clients they have lost because of the libel which is the subject of this claim however the Plaintiffs know for example that they have lost at least four clients due to the actions of the Defendants. The Plaintiffs have lost an Ontario candy company and a China biochem company. Most recently the Plaintiffs have lost a significant deal with two travel wholesale companies who had intended to be listed on the OTCBB and the Frankfurt Exchanges. The Plaintiffs stood to earn fees in excess of \$2.50 million dollars on the latter deals however on the basis of a review of the internet defamation these travel wholesale companies have now declined to deal with the Plaintiffs.
23. The Plaintiffs state that the Defendants may be served with this Statement of Claim outside of Ontario, without leave of the court, pursuant to Rules 17.02(g), 17.02(h) and 17.02(p) of the rules of Civil Procedure, since the Plaintiffs' claim is in respect of:
- a. a tort committed in Ontario; and
  - b. damage sustained in Ontario arising from a tort
26. The Plaintiffs reserve their right to amend their claims for general and special damages as this matter progresses. They will advise the Defendants of losses as they incur them

during the course of this litigation.

27. The Plaintiffs plead the provisions of the *Libel and Slander Act*, R.S.O. 1990, c. L.12 as amended.

The Plaintiffs propose that this action be tried in Toronto.

**FREDERICK SIMON HAWA**

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