

Lawyer obtains injunction to stop defamatory online harassment (Miller v. Ahn)

Harassment | Internet Harassment | Litigation & Dispute Resolution

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In some cases, a plaintiff may need urgent relief to remove defamatory posts from the internet and social media before they irreparably harm their business or professional reputation.

In *Miller v. Ahn*, 2026 ONSC 4805 (CanLII), the plaintiff was a lawyer who owned a law firm in Ontario. The defendant operated various social media accounts under an anonymous handle on X (formerly Twitter), Facebook (with about 120,000 followers), Instagram, and YouTube. One topic discussed on her social media was the Israel-Palestine conflict.

The lawyer had no prior dealings with the defendant. They first interacted on Facebook in May and July, 2026, after the lawyer, who acknowledged it was “not her finest hour,” posted comments calling the defendant “stupid idiot,” “fkn moron,” “moron,” and “ludicrous idiot looking for likes.” The lawyer’s evidence was that she was responding to offensive and anti-Semitic content on the defendant’s social media, including content describing Israelis as “rats” and mocking bereaved Israeli parents at their child’s funeral.

The motion judge described what followed as “a wildly disproportionate, orchestrated campaign of online harassment” against the lawyer and her firm, directed by the defendant behind an anonymous handle and carried out by her followers.

On July 9, 2026, the defendant posted a video on her social media accounts, encouraging followers to leave negative Facebook reviews about the lawyer to undermine her professional reputation and livelihood. She called her followers’ attention to the lawyer’s perceived Jewish identity or association with Israel. In another post, she included the Facebook profile of the lawyer’s husband, which contained a photograph of their two small children.

The defendant’s followers complied with the defendant’s suggestions and “review bombed” the firm. They encouraged people to send the firm “spam” emails to lower its Google Business Profile rating and to “get” the lawyer.

People who had never been clients of the firm and were complete strangers to the lawyer posted online reviews, placed large numbers of sarcastic “laughing” emojis over the content of the firm’s website, posted comments, and sent the lawyer direct messages that the motion judge described as “anti-Semitic, utterly vile, and at times overtly threatening.”

Fabricated one-star reviews were posted within a day or two after the defendant’s video. There was no evidence that any fabricated reviews appeared earlier.

On July 10, 2026, the lawyer sent the defendant a written “cease and desist” letter demanding that she remove her posts. She described the defendant’s statements in the video and how they led to review bombing, direct messages, which contained slurs targeting her perceived religion and ethnicity, and calls wishing death on her and her family. The lawyer demanded, among other things, the removal of the video and any related posts about her or her business from the defendant’s social media platforms.

Instead, the defendant posted the letter on social media and wrote: “My first ever cease and desist LOL”.

Around August 1, 2026, Google removed most of the fabricated one-star reviews for violating its policies. At least two more fabricated one-star reviews appeared afterward. Google eventually disabled review posting on the lawyer's Google Business Profile, preventing users from posting authentic reviews.

The lawyer and her firm issued a statement of claim against the defendant for defamation and internet harassment, among other claims. They made four unsuccessful attempts to serve her at home. After the third attempt, the defendant posted a video acknowledging the service attempts and stating that she had told her building concierge not to confirm her presence.

The lawyer then sought interim relief requiring the removal of the defendant's July 9 video and a second post from the following day, pending interlocutory injunction proceedings.

To obtain injunctive relief, a moving party must establish that their action raises either a serious issue to be tried or a strong *prima facie* case, that they will suffer irreparable harm if an injunction is not granted pending trial, and that the balance of convenience favours the relief sought because they would suffer greater harm than the responding party if the relief were denied: *RJR-MacDonald Inc. v. Canada (Attorney General)*, 1994 CanLII 117 (SCC).

Because the lawyer sought a mandatory injunction requiring the defendant to remove the social media posts, the more onerous "strong *prima facie* case" standard applied to the first branch, requiring the lawyer to show "a case of such merit that it is very likely to succeed at trial" based on the law and the evidence presented: *R. v. Canadian Broadcasting Corporation*, 2018 SCC 5, at paragraph 17.

In response to the motion, the defendant tendered only an affidavit detailing her interactions with the lawyer before the July 9 video. The motion judge noted that the defendant did not contest making the posts at issue or her subsequent social media activity, including inviting her followers to "review bomb" the firm. She offered no evidence distancing herself from the vitriolic and anti-Semitic tone of her followers' engagement, or expressing any regret for "letting the genie out of the bottle."

As of the hearing date, the defendant had not removed the July 9 video or other posts at issue. The motion judge commented that "having released the trolls," one might expect her to try and rein them in. Instead, she avoided doing so, despite the cease and desist letter and the lawyer's motion.

The motion judge found that the lawyer made out a strong *prima facie* case of harassment in internet communications against the defendant. In Ontario, as affirmed by the Divisional Court in *Caplan v. Atas*, 2021 ONSC 670, at paragraph 171, the tort of harassment in internet communications arises in the following circumstances:

[W]here the defendant maliciously or recklessly engages in communications conduct so outrageous in character, duration, and extreme in degree, so as to go beyond all possible bounds of decency and tolerance, with the intent to cause fear, anxiety, emotional upset or to impugn the dignity of the plaintiff, and the plaintiff suffers such harm.

The motion judge found a strong *prima facie* case that the defendant engaged in this conduct through her social media posts. She knew what her followers were doing to the lawyer and the firm as she "liked" some comments and received the cease and desist letter, which she mocked. Although the conduct lasted less time than the online harassment in *Caplan v. Atas*, it was still outrageous in character and extreme in degree.

The motion judge also found a strong *prima facie* case that the lawyer suffered fear, anxiety, and emotional upset, that her dignity was impugned, and that the conduct undermined her professional reputation through review bombing and other harassment of her firm.

The motion judge was satisfied that the harm experienced by the lawyer was irreparable without an injunction, given its impact on her professional reputation, the privacy and safety of her family, and her dignity.

Although the court acknowledged that legitimate interests in freedom of speech may be engaged, any restriction thereof would last only until the interlocutory injunction proceedings concluded. If the defendant succeeded at that stage, the restriction on her freedom of expression would be removed and she will have lost only time: *M.S. v. T.V.*, 2022 MBKB 211, at paragraph 86.

Conversely, the lawyer and her firm would have suffered significant and irreparable harm in several respects, with no end in sight until the posts are removed. The balance of convenience therefore favoured granting the injunction.

The motion judge concluded that an interim order removing the offending posts was the appropriate remedy. The defendant was also ordered to refrain from publishing or causing to be published on any social or other media: any photograph, image, or identifying information concerning the lawyer or any of her family



members, addresses, contact information, or location information; links or directions to the lawyer's Google Business profile, Facebook pages, or other review or contact channels; or any encouragement to review, contact, or "spam" the lawyer or her firm.

The decision is a cogent illustration of when a court may grant interim relief to remove online posts that meet the criteria for internet harassment.

(This blog is provided for educational purposes only, and does not necessarily reflect the views of Gardiner Roberts LLP).

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