

# KEEPING CURRENT

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## Lawyers obtain permanent injunction to remove defamatory postings made against them (*Judson Howie LLP v. Blackwell*)

By Stephen Thiele

Founded in the 1920s, Gardiner Roberts LLP has grown to become a strategically placed mid-sized business law firm with a diverse client base which includes several of Canada's largest banks, public companies including mining, high tech and software companies, real estate enterprises, lenders and investors.

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The internet permits everyone with access to a computer to post their unfiltered views about anything. In this medium, there is an inherent risk that a person's unfiltered comments about others will be seen as a personal attack and thereby constitute defamation. Where a person repeatedly posts defamatory comments about another person, this can cause significant and ever-lasting reputational loss to the defamed person because comments made on the internet can live for an eternity. For professionals this poses a threat to their livelihood since potential clients will often conduct internet searches before retaining them.

However, as demonstrated in *Judson Howie LLP v. Blackwell*, 2025 ONSC 6689 (not yet on CanLII), a person subject to defamatory attacks on social media can blunt the ever-lasting effect of the attacks by obtaining a court order for the removal of an attacker's defamatory publications.

In this case, the applicants, a law firm and its respective partners, D and H,

became the target of over one hundred posts made on X (formerly Twitter) by the respondent, B.

Prior to B commencing his social media campaign against the applicants, the applicants had acted for the Canadian Aids Treatment Information Exchange ("**CATIE**"), and some of its employees and former and current board members, in a defamation lawsuit against B.

CATIE's action against B sought monetary and injunctive relief against him.

With respect to the injunctive relief, CATIE wanted a permanent injunction for the removal of all defamatory material published by B on the internet and to prevent B from posting any further defamatory statements about CATIE.

B did not defend CATIE's action and was noted in default.

Subsequently, the court granted CATIE default judgment in the amount of \$1.75 million a permanent injunction, as requested.

B then started his defamatory campaign against the applicants. Among other things, B utilized a photo of D and accused him of employing deceptive tactics to secure CATIE's default judgment. Across the photo, B further described "Things [D] Likes to Defend", with the headline of the post referring to "inappropriate sexual handouts to children."

Another post featured photos of D and H with the headline "Taxpayer Funder Filth: Nonprofits' Perverted Material Plague Schools, Punish Whistleblower".

In a further post, images of "drag" performers accompanied a photo of D. The applicants argued that this imagery was "plainly intended to be homophobic" and to cast D and H as sexual deviants.

On the application seeking the permanent removal of the impugned posts, B filed responding material and, in oral submissions, did not dispute having made the impugned posts.

Although B indicated that he had developmental and learning disabilities, the court found that the material demonstrated that he had an understanding of the legal process and of the issues, and was able to articulate his positions.

The court concluded that B's posts were defamatory because they attacked the applicants personally and professionally.

All three elements of the tort of defamation outlined by the Supreme Court of Canada in [Grant v. Torstar Corp., 2009 SCC 61](#) were met: (i) the posts would tend to lower the reputation of the applicants in the eyes of a reasonable person; (ii) the posts were about the applicants; and (iii) B published the posts.

The court further noted that the posts were in reprisal to the applicants having acted for CATIE.

In the result, the court granted, among other relief, a permanent injunction against B and ordered him to remove the impugned posts by November 25, 2025.

The key takeaway from this decision is that a party who is defamed can successfully obtain relief against a defamer without the need to seek monetary damages. In circumstances where the elements of defamation have been satisfied and where the defamatory publications are made on the internet, a court can order a defamer to permanently remove all defamatory posts and specify a time by which the defamer must do so.

In Ontario, such an application must be brought to the Ontario Superior Court of Justice. A person cannot bring this kind of proceeding in the Small Claims Court because this court does not have jurisdiction to grant injunctive relief.

It remains to be seen whether B complied with the court's order.

[Stephen Thiele is the co-author of A Practice Guide to the Law of Defamation (LexisNexis, 2024). His co-authors are Gavin J. Tighe and James Cook.]

### Contact us

If you have a litigation matter and are in need of legal advice, please do not hesitate to contact **Stephen Thiele** in our dispute resolution group at 416.865.6651 or via email at [sthiele@grllp.com](mailto:sthiele@grllp.com).

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