

CANADA

PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

No.: 500-17-0541 89-090

11/16/09  
W#115)  
500e  
SUPERIOR COURT  
(Civil division)

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**MOVIE STAR MUSCLECARS INC.**, duly constituted legal person having its head office at 169 Mozart, City and District of Montreal, province of Quebec, H9G 2Z5, and doing business at 1245C La Place, City and District of Laval, Province of Québec, H7C 2Z5;

-and-

**GARY PRONMAN**, domiciled and residing at 5754 NW, 120<sup>TH</sup> Avenue, City of Coral Springs, Florida 333076, USA;

-and-

**DANIEL PRONMAN**, domiciled and residing at 341 Barnett Street, Dollard-des-Ormeaux, District of Montreal, Province of Quebec, H9G 1W7;

**Plaintiffs**

-vs-

**BRIAN STYLES**, domiciled and residing at 1033 Waterway Lane, City of Delray Beach, Florida, 33482, USA;

**Defendant**

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**MOTION TO INSTITUTE PROCEEDINGS**

**IN SUPPORT OF THEIR ACTION, PLAINTIFFS STATE:**

1. Plaintiff, MOVIE STAR MUSCLECARS INC, hereinafter referred to as "Musclecars", operates in the field of purchase, sale and restoration of classic cars, the whole as appears from an extract of the CIDREQ system produced as **Exhibit P-1**;
2. Plaintiff, Gary Pronman, is the President, administrator and shareholder of Musclecars, the whole as it appears from exhibit P-1;
3. Plaintiff, Daniel Pronman is the secretary-treasurer, administrator and shareholder of Musclecars, the whole as appears from exhibit P-1;
4. In early 2009, a dispute occurred between the Plaintiffs and the Defendant regarding a business transaction, involving the purchase of a classic car by Defendant from Musclecars, which occurred in Montreal;
5. As a result of said dispute Defendant filed a civil legal action in Broward County Florida, with regard to the dispute, the whole as appears from Defendant's amended complaint, a copy of which is produced as **Exhibit P-2**;
6. Following this dispute, and the litigation entered into between the parties, Defendant created a website called <http://garypronman.com>, which is exclusively and maliciously directed against the Plaintiffs, the whole as appear from extracts of the website produced *en liasse* as **Exhibit P-3**;
7. In fact Defendant posted on this website false, defamatory and malicious mis-information, as well as false accusations against Plaintiffs, and more particularly and without prejudice to the foregoing, Defendant makes the following false statements:
  - A) He has been "scammed" by the Plaintiffs;
  - B) The Plaintiffs, refused to give him the car in question, or to refund the money;
  - C) The Plaintiffs never owned this car;
8. Furthermore, the Defendant advises the public on the said website not to do business with the Plaintiffs, the whole as appears from exhibit P-3;
9. Defendant also posted that he would send a T-shirt printed "Gary Pronman is a criminal"; to people who contact him to share a story about the Plaintiffs, the whole as appears from exhibit P-3;
10. Defendant declares that in July 2009 he attended a car show, namely the "Chrysler Nationals in Carlisle" wearing this T-shirt, the whole as appear from exhibit P-3;

11. Additionally, the Defendant, declares that he has filed a criminal complaint, in the city of Montreal against Daniel Pronman for "criminal fraud", under the event number 07090703015, the whole as appears from an extract of the website : <http://www.yenko.net/ubbthreads/printthread.php/Cat/0/Board/UBB4/main/325670/type/thread> produced as **Exhibit P-4**;
12. Plaintiffs have contacted the Montreal Police Department who confirmed a criminal complaint for fraud was filed;
13. Although Plaintiffs intend to vigorously contest any legal action which may be taken by Defendant, Defendant, instead of acting in good faith, and pursuant to rational and legal conduct, has proceeded and continues with these abusive means in order to force Plaintiffs to pay money, rather than having the grievances resolved before the proper Tribunal;
14. By publishing the website GaryPronman.com, spreading libellous misinformation, and by filing an unfounded criminal complaint against Plaintiff Daniel Pronman, the Defendant has engaged in a campaign of defamation and character assassination against the Plaintiffs, and has attempted to expropriate the name of Plaintiff Gary Pronman for Defendant's malicious purposes, for which said conduct, Plaintiffs hold Defendant liable in damages;
15. Defendant intentionally and maliciously intended to cause harm to the Plaintiffs' business and reputation, and has used the internet, as well as a police report with the Montreal police accusing Plaintiff Daniel Pronman of criminal conduct, with the real intent of pressuring Plaintiffs to pay him money before the hearing of the civil matter, which is being contested by Plaintiffs;
16. The Defendant has also violated the Plaintiffs' right to privacy, including the divulgation of the location of personal Plaintiff's residential addresses with the aim of subjecting Plaintiffs to possible retribution by others who read the false accusations;
17. Defendants' actions have caused Plaintiffs to be concerned for their personal safety as well as their business operations;
18. Furthermore, the Defendant is unjustly harassing the Plaintiffs in order to cause them to settle the litigation even before the trial of the issues between the parties, and has violated Plaintiffs rights under the Canadian and Quebec charters of rights and freedoms;
19. Considering that the Defendant unlawfully and intentionally interfered with the fundamental rights of the Plaintiffs under the Quebec Charter, the Plaintiffs are entitled to claim punitive damages against Defendant;
20. Plaintiffs are therefore each entitled to claim from Defendants the following damages caused by the fault of the Defendant;

As regards Plaintiff Musclicars

a)	Injury to the reputation, harm to the Plaintiffs business, and for slander, libel and defamation:	\$100,000.00
c)	Punitive exemplary and Charter damages	<u>\$50,000.00</u>
Total		\$150,000.00

As regards Plaintiff Daniel Pronman

a)	Injury to the reputation, and for slander, libel and defamation, filing of police report, Invasion of privacy	\$100,000.00
b)	Punitive exemplary, and charter damages	<u>\$50,000.00</u>
Total		\$150,000.00

As regards Plaintiff Gary Pronman

a)	Injury to the reputation, and for slander, libel and defamation Invasion of privacy, and Expropriation of personal rights attaching to Gary Pronman's name	\$150,000.00
b)	Punitive, exemplary, and charter damages	<u>\$ 50,000.00</u>
Total		\$200,000.00

21. Although Defendant was duly put in default to pay said sums by letter dated October 1, 2009, Defendant refuses and/or neglects to pay said sums, the whole as appears from a copy of said claim letter dated October 1, 2009, communicated herewith as **Exhibit P-5**;
22. The cause of the present action took place in the district of Montreal, since the Plaintiff is doing business in the district of Montreal, Province of Quebec, the sale transaction regarding the vehicle took place in Montreal, the damages suffered by Plaintiffs took place in Montreal, the criminal complaint has been filed in the city of

Montreal, and the automobile which forms the object of the dispute is situated in the province of Quebec;

23. In addition Plaintiffs are entitled to ask that this Honourable Court order Defendant to cease and desist from posting malicious false and defamatory statements on the Internet and cease the invasion of privacy of Plaintiffs;

24. The present action is well founded in fact and in law.

**WHEREFORE MAY IT PLEASE THIS HONOURABLE COURT TO :**

**MAINTAIN** the present action;

**ORDER** the Defendant:

- a) To remove from internet network the website <http://garypronman.com> within 5 days of within service of the judgment to be rendered on the present action
- b) To immediately cease and desist from issuing, publishing, duplicating or circulating defamatory materials regarding the Plaintiffs on the internet or any other medium

**ORDER** Defendant to pay to Plaintiffs, the following damages,

To Plaintiff Movie Star Muscledcars Inc the amount of \$150,000.00

To Plaintiff Dan Pronman the amount of \$150,000.00

To Plaintiff Gary Pronman the amount of \$ 200,000.00

with interest at the legal rate, plus the additional indemnity provided by law, to accrue from the date of service of the present proceedings;

**THE WHOLE** with costs.

Montreal, November 6, 2009

Tiger Goldman inc.  
**TIGER GOLDMAN INC.**  
Attorneys for Plaintiffs

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Tiger Goldman inc.

## NOTICE TO DEFENDANT

**TAKE NOTICE** that the Plaintiff has filed this action in the office of Superior Court of Quebec of the judicial district of Montreal.

To contest the Plaintiff's allegations, you must first appear in writing at the office of the Court House of Montreal, situated at 1 Notre-Dame Street East, Montreal, Quebec, within a delay of **ten (10) days** of service of the present action. You may mandate a lawyer to represent you and act in your name.

If you fail to appear within the time limit indicated, Plaintiff may obtain a judgment by default against you without further notice or extension.

If you appear, the action will be presented before the court on **December 16, 2009** at **9:00 a.m.**, in **room 2.16** of the Montreal Court House, at which time the Court may exercise such powers as are necessary to ensure the orderly progress of the proceeding, unless a written agreement is made by the parties before that date to determine a timetable for the orderly progress of the proceeding.

In support of the motion, Plaintiff discloses the following exhibits:

- Exhibit P-1:** Report from CIDREQ;
- Exhibit P-2:** Defendant's amended complaint
- Exhibit P-3:** Extracts of the website: [http://www.garypronman.com](http://www.garypronman.com;);;
- Exhibit P-4:** Extract of the website:  
<http://www.yenko.net/ubbthreads/printthread.php/Cat/0/Board/UBB4/main/325670/type/thread>;
- Exhibit P-5:** Claim letter dated October 1, 2009.

These exhibits are available upon request.

### **REQUEST TO TRANSFER RELATING TO SMALL CLAIMS**

If the amount claimed from you is lower than \$7,000.00 and if, Defendant would be admissible as a plaintiff to institute such claim to the Small Claims Division, you may request to the clerk for the action to be disposed of pursuant to the rules of Book VIII of the *Code of Civil Procedure* (L.R.Q. c. C-25). If you do not make such a request, you may be condemned to higher costs than those provided in Book VIII of the present Code.

Montreal, November 6, 2009

Tiger Goldman inc.  
TIGER GOLDMAN INC.  
Attorneys for Plaintiffs

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Tiger Goldman inc.

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SUPERIOR COURT  
PROVINCE OF QUÉBEC  
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MOVIE STAR MUSCLECARS INC.,

-and-

GARY PRONMAN,

-and-

DANIEL PRONMAN

Plaintiffs

-vs-

BRIAN STYLES,

Defendant

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**MOTION TO INSTITUTE  
PROCEEDINGS**

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Copy for:

**BRIAN STYLES,**  
1033 Waterway Lane, City of Delray Beach,  
Florida, 33482, USA;

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O/☐: 3434.1

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Code: BT1332