IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Yuan v. Corus Entertainment Inc.,* 2025 BCSC 1746

Date: 20250908
Docket: S1910178
Registry: Vancouver

Between:

Rongxiang Yuan

Plaintiff

And

Corus Entertainment Inc., Sam Cooper, Stewart Bell, Andrew Russell and James Armstrong

Defendants

Before: Associate Judge Harper

Reasons for Judgment

Counsel for the Plaintiff:	D. Reid
Counsel for the Defendant:	D. Burnett, K.C.
Place and Date of Hearing:	Vancouver, B.C. June 6, 2025
Place and Date of Judgment:	Vancouver, B.C. September 8, 2025

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Introduction

[1] This is a defamation case. The defendant Corus Entertainment Ltd. is a media and broadcasting company that owns and operates Global News. The individual defendants are national online investigative journalists at Global News. The defendant Sam Cooper's research and writings cover matters of Chinese government influence in Canada, money laundering, gaming, and trans-national crime. His investigations rely in part on a number of confidential sources, including those in law enforcement.

[2] The plaintiff, Rongxiang Yuan (also known as "Tiger" Yuan), claims that the defendants defamed him by publishing news reports that imply that Mr. Yuan is involved with criminal activity including drug trafficking, the production of Fentanyl, and money laundering.

[3] The defendants say that the statements are not, in context, defamatory. They plead a range of defences including truth, substantial truth, and responsible communications.

[4] The defendants have brought an application pursuant to the *Protection of Public Participation Act*, S.B.C. 2019, c. 3 [*PPPA*], commonly known as an anti-SLAPP application, for an order dismissing the action. The acronym "SLAPP" stands for "strategic lawsuits against public participation". In their notice of application, the defendants assert:

> This proceeding is in respect of expression on a matter of public interest. The claim does not have substantial merit. The defences of truth, honest comment and responsible communication are applicable. The public interest in continuing this action is limited and is outweighed by the damage it inflicts upon expression generally, including the defendants' expression and gathering of information on matters of significant public interest.

[5] Within the context of the anti-SLAPP application, Mr. Yuan has brought the within application seeking disclosure of the contents of the communications from the confidential sources from whom Mr. Cooper obtained the information that formed the basis for his reporting. Mr. Yuan also seeks disclosure of the identities of the confidential sources. The thrust of the notice of application is in support of an order

requiring the defendants to disclose the contents of the communications, not the identities of the sources. In fact, under “orders sought”, Mr. Yuan says the defendants may redact any reference to the identity of the source. This concession is contradicted in the body of the notice of application wherein Mr. Yuan seeks not only the contents of the communications, but also the identity of the sources. Since the filing of the notice of application, the defendants have disclosed the contents of the communications. Accordingly, the only issue for determination on this application is whether the defendants should be compelled to reveal the identities of the confidential sources.

[6] Over the course of the litigation, the basis for protecting the identities of two of the confidential sources has ended, one by waiver by the source himself, and one by the death of the source.

The *PPPA* Application

[7] The defendants seek an order dismissing the proceeding as a claim arising from expressions on a matter of public interest pursuant to s. 4 of the *PPPA*. Section 4 provides as follows:

> 4 (1) In a proceeding, a person against whom the proceeding has been brought may apply for a dismissal order under subsection (2) on the basis that
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> (a) the proceeding arises from an expression made by the applicant, and
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> (b) the expression relates to a matter of public interest.
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> (2) If the applicant satisfies the court that the proceeding arises from an expression referred to in subsection (1), the court must make a dismissal order unless the respondent satisfies the court that
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> (a) there are grounds to believe that
>
> (i) the proceeding has substantial merit, and
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> (ii) the applicant has no valid defence in the proceeding, and
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> (b) the harm likely to have been or to be suffered by the respondent as a result of the applicant's expression is serious enough that the public interest in continuing the proceeding outweighs the public interest in protecting that expression.

[8] Mr. Yuan appropriately concedes that the expressions relate to a matter of public interest. Indeed, there can be no credible argument to the contrary. In Mr. Cooper's words:

> Understanding and addressing the serious issues surrounding money laundering and its connection to casinos, organized crime, weapons, narcotics and other concerns are matters of the highest public interest, in my view.

Mr. Cooper goes on to say:

> I wish to continue exploring and reporting about these issues and the individuals who are suspected by law enforcement bodies as being involved, including their side of the story if they will share it.

Protecting source confidentiality is vital to Mr. Cooper's investigations.

[9] Given the concession that the expressions relate to a matter of public interest, the court must dismiss the action unless the plaintiff overcomes two hurdles. First, the plaintiff must show on a balance of probabilities that there are grounds to believe that the proceeding has substantial merit, and that the defendant has no valid defence to the proceeding. Second, the plaintiff must satisfy the court that the harm caused to the plaintiff is sufficiently serious that the public interest in allowing the plaintiff to proceed outweighs the public interest in protecting the expressions. If the plaintiff fails to overcome these two hurdles, the court will dismiss even meritorious claims.

[10] The defendants argue in their *PPPA* application that all of the statements complained of are true, or are honest comment on the true or privileged facts, and that all of them are protected by the defence of responsible communication, being on subject matters of public interest and being the result of extensive and responsible verification efforts, including efforts to obtain Mr. Yuan's side of the story.

[11] Mr. Yuan argues that he requires the identities of the confidential sources in order to challenge the defence of responsible communications.

The Context of the Application for Disclosure of the Sources' Identities

[12] An application for dismissal of an action must be heard as soon as practicable (s. 9(3)). When a party files an application under the *PPPA* for dismissal of an action, no party may take further steps in the proceeding until the application, including any appeals, has been finally resolved (s. 5(1)). Cross-examination on affidavits is permitted pursuant to s. 9(5).

[13] The document disclosure that may be ordered in the context of an anti-SLAPP application is not made pursuant to Rule 7-1 of the *Supreme Court Civil Rules*, because a Rule 7-1 application is a step in the proceeding and therefore not permitted. Rather, a document disclosure application is made pursuant to the authority of Rule 22-1 which is the rule that applies to chambers applications. Rule 22-1(4)(c) provides that on a chambers proceeding, the court may give directions required for the discovery, inspection or production of a document or copy of that document. The rationale contained within Rule 7-1 for document production (materiality to the matters in question in the action in tier one, and relevance to a matter in question in the action in tier two) do not apply. Rule 22-1(4)(c) provides no explicit guidance as to the test to be applied on an application for discovery of documents on an anti-SLAPP application. The basis of a document disclosure application must be found in s. 4(2) of the *PPPA*.

[14] Rule 22-1(4) provides that the court may "give directions" required for the discovery of documents. Other subrules of Rule 22 provide for "orders" (not directions). Neither side identified the distinction between "orders" and "directions" as material in response to a query from the court. They both take the view that "directions", if given by the court, are tantamount to orders. In my view, there is a distinction between orders and directions as those terms are used throughout the *Supreme Court Civil Rules*, but it may be a distinction without a difference. Since the issue was of no concern to the parties, and only addressed briefly in oral submissions, I will consider, for the purpose of these reasons, the directions sought to be on the same level as orders.

Issue

[15] The broad issue to be determined on this application is whether the court should exercise its discretion to require the disclosure of the identities of the confidential sources so that Mr. Yuan can challenge the reliability of the information provided by the sources and therefore challenge the defence of responsible communications. In determining this issue, I must consider whether, on a weighing of relevance versus prejudice, the identities of the confidential sources are sufficiently relevant on the anti-SLAPP application to justify setting aside journalistic privilege at this stage of the litigation.

[16] For the reasons that follow, I have determined that the identities of the confidential sources should not be disclosed.

Discussion

[17] The primary focus of the notice of application was to seek disclosure of the contents of the confidential communications. The rationale for seeking disclosure of the sources' identities was Mr. Yuan's allegation that the documents contained errors. For instance, the alleged defamatory statements included the following: that Mr. Yuan was charged with a wildlife offence; that he had "guard dogs" at his property in Chilliwack; that he had "armed guards"; and that he had a "firing range". Mr. Yuan says that he wishes to argue at the anti-SLAPP hearing that the sources are "fabulists".

[18] The *PPPA* is relatively new legislation in British Columbia. There are few decided cases and even fewer decisions on interlocutory applications for disclosure of documents in the context of an anti-SLAPP application in a defamation case.

[19] *Galloway v. A.B.*, 2020 BCCA 106 is the most relevant decision in British Columbia, but it dealt with a fact pattern that is the opposite of the present one: in *Galloway*, the plaintiff had the names of the sources, but not the contents of the communications. The chambers judge made orders for disclosure of some of the

communications because the communications went to the defence of the *PPPA* application.

[20] There is discretion to order production of documents in a dismissal application. The Court of Appeal in *Galloway* held that the discretion should be exercised "weighing the degree of relevance to the issues arising on the application and factors of comparative prejudice" (para. 51).

[21] In *Galloway*, unlike the present case, there was no issue of the protection of confidential sources. There were no safety concerns for the persons making the statements.

[22] Mr. Cooper promised to keep the identities of his sources confidential. Mr. Yuan is unable to cite any authority for the proposition that a defendant should be required to disclose the identity of a confidential source during an anti-SLAPP process. Indeed, the authorities that consider the "newspaper rule" are uniformly to the contrary.

[23] At this stage, the identities of the sources should be kept confidential: *Canwest Publishing Inc. v. Wilson*, 2012 BCCA 181 at paras. 61-63.

[24] Further, the sources are legitimately concerned about their safety should their identities be disclosed.

[25] Mr. Yuan has provided two extensive affidavits in which he responds to the allegedly defamatory statements. (He did not respond to Mr. Cooper's requests for comment before he published the news reports for reasons that are difficult to understand. Mr. Cooper avers that he would have taken Mr. Yuan's responses into account if Mr. Yuan had, in fact, responded before publication). Mr. Yuan admits only to having a gambling problem, losing $10 million USD. Mr. Yuan says he borrowed large sums of money, in cash, from a Jiuxiao Wang to support his gambling at the River Rock Casino in Richmond, British Columbia. Mr. Yuan says he repaid Mr. Wang in China.

[26] Mr. Yuan relies on two Ontario decisions: *Dong v. Global News*, 2024 ONSC 3532 and *Ke v. Cooper, et. al*., 2024 ONSC 5532. Neither of these decisions assist Mr. Yuan. In both cases, the matters proceeded to the hearing on the merits of the anti-SLAPP application with the defendant preserving confidentiality of their sources.

[27] In *Dong*, the motions judge hearing an anti-SLAPP application made determinations as to whether the confidential source information was "credible or reliable". Counsel for the defendants submits that the court on the present application should conclude that *Dong* is not good law. For the purposes of the present application, the court is not required to weigh in on that question because in *Dong*, there was never any disclosure of source-identifying information and no order to do so.

[28] In *Ke*, the court observed on the specific facts of that case that a reference in the impugned article to assertions by national intelligence service sources conveyed a sense of incontestability. The article specifically referred to the allegations as having come directly from a federal intelligence report. In the present case, the judge hearing the merits of the anti-SLAPP application will have to examine the specific words in the impugned publications.

[29] The Supreme Court of Canada has made clear that in an anti-SLAPP application, the court is to avoid a "deep dive" into the evidence. An anti-SLAPP application is intended as a filtering process to determine which claims over expression on matters of public interest should be permitted to proceed and which should not: *1704604 Ontario Ltd. v. Pointes Protection Association*, 2020 SCC 22. Courts should only engage in a limited weighing of evidence, including credibility. On the present application, Mr. Yuan seeks to challenge the sources' credibility. Requiring disclosure of the sources' identities would lead to an impermissible "deep dive" into the evidence. In *Pointes* at para. 52, the court said:

> [52] It is therefore important to recognize how s. 137.1 motions differ from summary judgment motions, as briefly touched on in the preceding section. Section 137.1 motions are made at an earlier stage in the litigation process, with much more limited evidence and corresponding procedural limitations (see s. 137.2). As a result, a motion judge deciding a s. 137.1 motion should

> engage in only limited weighing of the evidence and should defer ultimate assessments of credibility and other questions requiring a deep dive into the evidence to a later stage, where judicial powers of inquiry are broader and pleadings more fully developed. This is not to say that the motion judge should take the motion evidence at face value or that bald allegations are sufficient; again, the judge should engage in limited weighing and assessment of the evidence adduced. This might also include a preliminary assessment of credibility — indeed, the legislative scheme allows limited cross-examination of affiants, which suggests that the legislature contemplated the potential for conflicts in the evidence that would have to be resolved by the motion judge. However, s. 137.1(4)(a)(i) is not an adjudication of the merits of the underlying proceeding; the motion judge should be acutely conscious of the stage in the litigation process at which a s. 137.1 motion is brought and, in assessing the motion, should be wary of turning his or her assessment into a *de facto* summary judgment motion, which would be insurmountable at this stage of the proceedings.
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> [emphasis added]

[30] Disclosure of the sources' identities is not necessary for Mr. Yuan to address the validity of the defendants' defences. Mr. Yuan claims that there are factual errors in the information some sources gave Mr. Cooper that justify disclosure of their identities. I am unable to accept that argument. Mr. Yuan will be able to maintain his position on the anti-SLAPP application that there are factual errors that undermine the defence of responsible communications without knowing the identities of the sources. (Of course, the defendants will be able to argue that in weighing the defendants' diligence, the court should permit the defendants to rely on confidential sources: *Grant v. Torstar Corp.*, 2009 SCC 61.)

[31] Further, given that discovery is suspended pending the outcome of the application, the identities will not assist Mr. Yuan. In dialogue with the court during oral submissions regarding the use Mr. Yuan would make of the disclosure of the identities of the sources, counsel for Mr. Yuan submitted that Mr. Yuan (presumably through counsel or an agent) would try to interview the sources and obtain their cooperation in providing an affidavit. The source who waived confidentiality was Ross Alderson, former director of the BC Lottery Corporation anti-money laundering unit. Mr. Alderson gave evidence at the Cullen Inquiry into money laundering. There is no evidence that Mr. Yuan or anyone on his behalf has attempted to obtain an affidavit from Mr. Alderson. Given Mr. Alderson's testimony regarding Mr. Yuan, it

appears highly unlikely that Mr. Alderson would now provide evidence in support of Mr. Yuan's position. As for the unidentified sources, given that they wish to protect their identities, it is, in my view, highly unlikely that the sources would agree to an interview, let alone agree to provide an affidavit.

[32] Further, if a source declined to answer any of Mr. Yuan's questions, either orally or in writing, a pre-trial examination of a witness pursuant to Rule 7-5 would not be available because of the operation of *PPPA*, s. 5. Mr. Yuan would have to apply under Rule 22-1(4)(b) for an order for the examination of a witness. Such an application appears to me to be contrary to the admonition in s. 9(3) of the *PPPA* that the application for dismissal be heard as soon as practicable. Courts have raised serious concerns about the extent to which many SLAPP proceedings have devolved into lengthy and expensive processes of their own, rather than the efficient screening process they were intended to be. In *Park Lawn Corporation v. Kahu Capital Partners Ltd.*, 2023 ONCA 129, paras. 34-40, the Ontario Court of Appeal observed, in part:

> [34] Unfortunately, it would appear that the practice has evolved into quite a different state than that anticipated by the Legislature and by *Pointes Protection and Bent*.
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> [35] In *Tamming v. Paterson,* 2021 ONSC 8306, at paras. 7-9, Myers J. observed that anti-SLAPP motions have become expensive, time-consuming and open to abuse:
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> ...[quotation omitted]...
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> [39] ... If the parties and the motion judge focus on the purposes that animate the anti-SLAPP provision, the inquiry will not generally be a difficult one for a motion judge. Indeed, typically the conclusion should be obvious and one readily reached by a motion judge.
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> [40] I would also add that the cost of litigation is a plague that has infected our system of justice and serves to undermine its efficacy. Here the Legislature enacted a provision designed to help people avoid a costly defamation lawsuit and preserve the opportunity for public discourse and expression, but at the same time allow legitimate actions to proceed. The procedure was to be efficient and inexpensive. Ironically, a procedure intended to avoid costly, unmeritorious, protracted defamation lawsuits has developed into a platform for sometimes costly, unmeritorious and protracted litigation. This is not to say that anti-SLAPP motions should not be brought, but rather the parameters of the ensuing litigation should be limited in scope. Providing a guideline for costs may serve to dampen the enthusiasm, no doubt well intentioned, to over-litigate an anti-SLAPP motion.

[33] Our Court of Appeal emphasized the same concern in *Rooney v. Galloway*, 2024 BCCA 8, para. 700:

> [700] We echo the statement of the Ontario Court of Appeal that "[u]nlike SLAPP suits which reek of the plaintiff's improper motives…this litigation smells of a genuine controversy [and it] should be tried on its merits" (*Bondfield Contruction Company Limited v. The Globe and Mail Inc.*, 2019 ONCA 166, at para. 28). The parameters of anti-SLAPP litigation should be limited in scope in order to avoid costly, unmeritorious, and protracted litigation, which is ironically what the *PPPA* procedure is meant to protect against (*Park Lawn*, at para. 40).

[34] Although Mr. Yuan points the finger at the defendants for delay for having brought the anti-SLAPP application, the defendants were entitled to engage the process available under the *PPPA*. Moving the litigation forward expeditiously is a collective responsibility of the parties and of the courts.

Disposition

[35] The application is dismissed with costs to the defendants in the cause.

"Associate Judge Harper"