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Barrister and Solicitor

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Asher Wolfstein
Via email

October 7, 2025

WITHOUT PREJUDICE

Dear Mr. Wolfstein,

Re: Liana Kerzner defamation and harassment

First. I would like to apologize for misgendering you in earlier correspondence. This was done in error, not with malice.

Regarding Mrs. Kerzner, you have claimed that Mrs. Kerzner's video, in which she announced the end of development on the "Song of Sparklemuffin" game, did not sufficiently 'anonymize' you and Mr. Romero.

We don't know what standards you are applying to being sufficiently 'anonymized' but do assert that Mrs. Kerzner took reasonable steps she truly believed protected you both from identification.

- Mrs. Kerzner's video statement did not mention either you or Mr. Romero by name nor identify you by inference.

- Mrs. Kerzner's omission of yours and Mr. Romero's name from her video was a sincere effort to protect you from identification, not, as you have claimed, a form of subterfuge to identify you by implication to avoid charges of slander.
- Mrs. Kerzner said that "a" person she was relying on, who did not deliver promised work, was *a reason* for "some" of the delays and only a *partial* reason why she was ending the game. There was no allusion to that person's identity nor their role in the game, so there were no details with which someone could infer the identity of Mr. Romero, nor your name through affiliation with Mr. Romero.

If Mrs. Kerzner's work offended you or caused you difficulty, it was entirely by accident. Mrs. Kerzner did not act maliciously and did not wish to become embroiled in a dispute with you.

You have suggested that by virtue of "Merryjest" being the only name, besides Mrs. Kerzner, on the Kickstarter campaign, people would likely assume that "Merryjest" was the person Mrs. Kerzner spoke of as being a partial factor in canceling the game, leading people to connect this to Mr. Romero and you, by extension.

In response, Mrs. Kerzner, having worked in TV production, thinks it is a common belief among the general public that there are more people working on a project than the named leaders. For example, it is not generally assumed that the president and vice-president of a large or small business are the only people who work there. Therefore, it is beyond a reasonable standard to assert that 'Merryjest' would be automatically assumed to be the unnamed person in Mrs. Kerzner's video. Again, if you have found this to be otherwise – if, say, people are telling you that they assume 'Merryjest' is the unnamed person, this was never the intent of Mrs. Kerzner and she apologizes for any trouble this has caused.

Secondly, Mr. Romero's name was not included in the Kickstarter campaign; the name listed, "Merryjest", is an alias. There exists no information on Google under the listing "Merryjest" which in any way connects the alias with Pablo Romero, and therefore no connection that identifies you. If you have found evidence to believe this assertion is wrong, Mrs. Kerzner is open to hearing of it and to do her best to mitigate.

At this point, we believe the above-listed factors negate your claim that you and Mr. Romero could have been easily identified from Mrs. Kerzner's video.

The fact of the matter is that you yourself identified you and Mr. Romero as the unnamed people referenced anonymously in Mrs. Kerzner's video, through your own

social media statements. This makes it harder to determine whether the issues you raise were generated through your own postings. Therefore, the responsibility for any consequence you claim resulted from that revelation resides solely with you.

As Mrs. Kerzner undertook reasonable steps to obscure your identities, there was no attempt to 'defame' either you or Mr. Romero and Mrs. Kerzner has never wanted to do so.

Further, Mrs. Kerzner believed her statements to be truthful, as they were taken directly from statements made to her by Mr. Romero and yourself. If any of her statements were not factual, that stems from false statements she received from you and Mr. Romero, digital copies of which exist as proof.

Your Defamation of Mrs. Kerzner

Whereas Mrs. Kerzner has taken steps to avoid mentioning you or Mr. Romero by name, the both of you have clearly named Mrs. Kerzner in your online social media accounts, blog posts and videos in which you accuse her of a list of false transgressions. These actions constitute defamation under American and Canadian law, actionable in a Canadian court.

Mr. Romero has contacted organizations which have employed Mrs. Kerzner's services to communicate derogatory statements. This constitutes defamation. Whether these statements were transmitted before or after Mrs. Kerzner's services were provided is immaterial.

A review of your 'evidence' for the accusations against Mrs. Kerzner reveals that they do not rise to the level necessary to prove your assertions. Cherry-picked fragments from online conversations or comments and short clips from long-form videos presented in a false context do not constitute proof of the wrongdoing you have accused Mrs. Kerzner of committing. The law takes a holistic look at commentary.

I am therefore again advising you to immediately remove all social media posts, blog posts, videos or material in other mediums in which Mrs. Kerzner's name is mentioned in your accusations.

Mental Health Stigma

In your online activity you give what you describe as examples of Mrs. Kerzner engaged in what you claim is mental health stigma. It would be unwieldy to parse every one of

these many claims, but each one is false, often relying on false implications or connect-the-dots 'evidence' stitched together to reach a planned conclusion.

Mrs. Kerzner has consistently used her forums to speak against mental health stigma, often recruiting experts in the field to break down stigmas. Your claims are designed solely to harm Mrs. Kerzner and are defamatory under the laws of the United States and Canada. An action could be brought against you in Canada and judgment enforced in the United States.

For example, you state on December 10, 2024, in your blog on [asherwolfstein.com](https://www.asherwolfstein.com), that Mrs. Kerzner "fucked me over by using my mental health history to shame and stigmatize me for her own benefit."

There is no truth to this accusation. You were not involved in the creation of the video game, so cancelling it did not "fuck (you) over." Mentioning that the game was partially derailed due to the mental health issues of an unnamed person's partner did not "fuck (you) over" as names were left anonymous and there were no means to identify you. Stating that mental health issues were a factor in the game's cancellation is not stigmatizing mental illness as Mrs. Kerzner was stating the facts as she knew them and making no value judgment. People leave projects (and jobs) all the time because of mental health issues. Unless you see that as a moral failing or weakness, it is difficult to understand why you see this as stigmatizing. It is a common experience for neurodivergent people.

The above statement from your blog and others which accuse Mrs. Kerzner of promoting mental-health stigma are untrue and intended to damage her reputation as a peer-counsellor and her business. These false statements constitute defamation and must be immediately removed.

Client confidentiality

As neither you nor Mr. Romero were ever clients of Mrs. Kerzner's peer-counselling service, none of the statements she may have made with reference to your mental-health condition constitute revealing confidential client information.

Additionally, as Mrs. Kerzner took steps to conceal your identities, any statements she may have made about an anonymous person's mental health challenges were not intended to be connected to any specific person's issues.

Most significantly, you yourself spoke openly of your mental health challenges as a guest on *It's Not Therapy*.

Note that your statements on *It's Not Therapy* do not make it easy to connect you to the anonymous individual whom Mrs. Kerzner referenced in her video (or subsequent remarks), as she has released numerous interviews with individuals with similar mental-health issues.

My client understands that you are an intelligent, experienced online broadcaster. She knows your participation in the episode of *It's Not Therapy* was undertaken by you with full knowledge of the nature of the show, what the topic would be, that the show would be shared via radio and podcast and would remain posted online indefinitely. There exists no record of you objecting to the conduct of the podcast nor its distribution since it was posted well over a year ago. Therefore, any claims by you that you didn't consent to the show's recording and distribution are not supported by evidence.

If you are now stating that you made false statements about your condition on that podcast episode, please confirm this and we will remove the episode, as the makers of the podcast do not want to traffic in false information.

Regarding your claims that Mrs. Kerzner reveals private client information on her Discord server, this is both false and absurd. There are quite a few of Mrs. Kerzner's peer-counselling clients on the Discord server so a) it would be foolish of her to be seen revealing anyone's information to other clients and b) seeing private client information on the server would lead the clients on the server to question Liana as to their own information security and/or cease to use her peer-counselling services. That these things have not occurred is proof that the accusation is false.

Your accusations that Mrs. Kerzner has improperly revealed confidential client information are false and intended to damage Mrs. Kerzner's reputation as a peer-counsellor and her business. This constitutes defamation and must be removed immediately or you can be held financially responsible for the damage to her business.

Peer-counsellors in Ontario do not require a license. Comments by you and Mr. Romero referring to Mrs. Kerzner as an 'unlicensed' peer-counsellor are intended to undermine her professional legitimacy and damage Mrs. Kerzner's reputation as a peer-counsellor. We ask that you remove this defamatory material immediately.

Spreading defamation

While your followings on social media are not large, accusations from your posts have turned up in posts by others, including, as you claim, in posts by Kiwi Farms. The spread of your accusations is evidence that your defamatory comments are causing

damage to Mrs. Kerzner's reputation and potentially to her business. These are also the source of harassment against her.

For further certainty, Mrs. Kerzner wants you to know that she has never had any intention to release the audio files of your arguments with Mr. Romero, which he had sent her. The recordings were mentioned, again without naming either of you, as corroboration for Mrs. Kerzner's belief that the unnamed person with mental-health issues was unstable.

Mrs. Kerzner has never accused you of being a paedophile or perpetrator of sexual violence. In fact, Mrs. Kerzner has tweets wherein she actively defended you against such accusations, which had arisen in response to a blog post you had made concerning a childhood experience you had with another child (which it seems you have deleted, but screen-captures exist). Mrs. Kerzner referenced recently that Kiwi Farms had accused you of being a paedophile, not that she agreed - and again, in that post, she did not mention your name. It's within your posts that you call attention to the statements being about you.

Mr. Romero's claim that Mrs. Kerzner 'poisoned' his mind against you is false, as anything Mrs. Kerzner said about you to Mr. Romero was based solely on information shared by Mr. Romero.

Mentioning that two unnamed people lived in a two-room apartment was not an attempt to suggest you have financial difficulties, but to explain that the close-quarters situation led her to believe that the situation which delayed the game work would not soon change.

Out of respect for your past friendship and for the sake of the mental and financial health of everyone caught up in this dispute, Mrs. Kerzner would like this to be settled without any further online rancour and hopes that you share that goal.

Please inform me when you have removed all the above-referenced social media posts, blog posts, video and other public-facing material and we can conclude our business.

It is time that people who hold themselves out as empathic and caring start de-escalating this online fight, repair the damage and move on to more productive activities that actually help people. Please do not reply with disputes about Mrs. Kerzner's statements. I am not looking for a debate but a way forward to ending this for all parties.

Yours truly,

A handwritten signature in black ink, appearing to be 'MB' with a stylized flourish extending from the bottom.

Mark Bourrie PhD JD
Barrister and Solicitor
Counsel to Steven and Liana Kerzner