

## IN THE SUPREME COURT OF BRITISH COLUMBIA

### BETWEEN:

MICHAEL MORRISSEAU, CHRISTIAN MORRISSEAU, EUGENE MORRISSEAU, VICTORIA KAKEKAGUMICK, DAVID MORRISSEAU, PIERRE ROY MORRISSEAU and LISA ANNE MORRISSEAU

**Plaintiffs** 

### AND:

GABOR MICHAEL VADAS, in his capacity as executor of the will and trustee of the estate of NORVAL HENRY MORRISSEAU, deceased, and GABOR MICHAEL VADAS in his personal capacity

Defendants

### RESPONSE TO CIVIL CLAIM

Filed by: Gabor Michael Vadas, in his capacity as executor of the will and trustee of the estate of NORVAL HENRY MORRISSEAU, deceased, and Gabor Michael Vadas in his personal capacity (the "defendants")

### Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS

## **Division 1 -- Defendants' Response to Facts**

- 1. The facts alleged in paragraphs 1-10 of Part 1 of the notice of civil claim are admitted.
- 2. The facts alleged in paragraphs 11-14, 16 and 17 of Part 1 of the notice of civil claim are denied.
- 3. The facts alleged in paragraph 15 of Part 1 of the notice of civil claim are outside the knowledge of the defendants.

## Division 2 -- Defendants' Version of Facts

- 1. The last will and testament of Norval Able Henry Morrisseau ("Norval Morrisseau") was executed by the testator with the requisite formalities and with full knowledge and approval of the contents on July 11, 1999.
- 2. Norval Morrisseau received legal advice with respect to the making and execution of his will.
- 3. Although he had been previously diagnosed with Parkinson's disease, at the time of executing his will Norval Morriseau was of sound mind and very much able to make decisions regarding his personal and financial affairs.
- 4. At the time he executed his will Norval Morrisseau had full testamentary capacity.
- 5. Norval Morrisseau had a close and longstanding relationship with the defendant, Gabor Michael Vadas ("Gabor Vadas"), and considered Gabor Vadas to be his adopted son.
- 6. Gabor Vadas offered Norval Morrisseau care and support but did not control his business or personal relationships. Norval Morriseau was an independent and determined individual able to make his own decisions with respect to his business affairs and personal relationships.

### **Division 3 – Additional Facts**

- 1. Norval Morrisseau was also known as "Norval Able Henry Morriseau".
- 2. The Plaintiffs were estranged from Norval Morrisseu and failed to provide any material or emotional support to him during his lifetime.

### Part 2: RESPONSE TO RELIEF SOUGHT

- 1. The Defendants consents to the granting of the relief sought in paragraphs NONE of Part 2 of the notice of civil claim.
- 2. The Defendants oppose the granting of the relief sought in paragraphs (a), (b), (c) and (e) of Part 2 of the notice of civil claim.
- 3. The defendants take no position on the granting of the relief sought in paragraph (d) of Part 2 of the notice of civil claim.

## Part 3: LEGAL BASIS

- The last will and testament of Norval Able Henry Morrisseau was executed by the testator with the requisite formalities and with his full knowledge and approval of the contents.
- 2. At the time he executed his will Norval Morrisseau had full testamentary capacity.
- 3. At the time he executed his will Norval Morrisseau acted with full, free and informed intention.
- At the time he executed his will Norval Morrisseau had full testamentary capacity.
- 5. Norval Morrisseau had rational and valid reasons for not including the Plaintiffs as beneficiaries of his estate.

Defendant's(s') address for service:

Michael A. Miller Barrister & Solicitor 3499 16<sup>th</sup> Avenue, W. Vancouver, B.C. V6R 3B9

Fax number address for service (if any): (604) 629-8956

E-mail address for service (if any): mmiller@direct.ca

Date: 27 September 2010

Signature of [] defendant [X] lawyer for defendants Michael A. Miller

# Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and
    - (b) serve the list on all parties of record.

# IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

VICTORIA KAKEKAGUMICK, DAVID MORRISSEAU, PIERRE ROY MORRISSEAU MICHAEL MORRISSEAU, CHRISTIAN MORRISSEAU, EUGENE MORRISSEAU, and LISA ANNE MORRISSEAU **Plaintiffs** 

AND:

of NORVAL HENRY MORRISSEAU, deceased, and GABOR MICHAEL VADAS in his personal capacity GABOR MICHAEL VADAS, in his capacity as executor of the will and trustee of the estate

Defendants

RESPONSE TO CIVIL CLAIM

Michael A. Miller Barrister & Solicitor 3499 16<sup>th</sup> Avenue, W. Vancouver, B.C. V6R 3B9

(604) 685-7207 (604) 629-8956 fax