

ONTARIO
Superior Court of Justice

Affidavit
Form 15B Ont. Reg. No.: 258/98

Brampton Small Claims Court

Small Claims Court

SC-14-00003872-0000

Claim No.

**7755 Hurontario Street
Brampton, ON L6W 4T1**

Address

905-456-4700

Phone number

BETWEEN

GOLDI PRODUCTIONS LTD., JOAN GOLDI, JOHN GOLDI

Plaintiff(s)/Creditor(s)

and

BELL MEDIA INC.

Defendant(s)/Debtor(s)

My name is Grace Shafran

(Full name)

I live in Toronto, Ontario

(Municipality & province)

**I make this affidavit in relation to: Bell Media Inc.'s motion to strike scheduled for December 15, 2015,
per the endorsement of DJ McNulty dated November 10, 2015.**

(Specify why the affidavit is being filed with the court.)

and I swear/affirm that the following is true:

Set out the facts in numbered paragraphs. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

See Schedule "A" – Affidavit of Grace Shafran, affirmed December 11, 2015

Les formules des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

If more space is required, attach and initial extra pages.

Sworn/Affirmed before me at Toronto

(Municipality)

in Ontario

(Province, state or country)

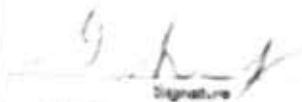
on December 11

20 15

Commissioner for taking affidavits

(Type or print name below if signature is illegible)

JULIA LEFEBVRE



Signature

(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)

WARNING

IT IS AN OFFENCE UNDER THE CRIMINAL CODE TO KNOWINGLY SWEAR OR AFFIRM A FALSE AFFIDAVIT

SCHEDULE "A"

Court File No.: SC-14-003872-00

**ONTARIO
SUPERIOR COURT OF JUSTICE
SMALL CLAIMS COURT**

BETWEEN:

GOLDI PRODUCTIONS LTD., JOAN GOLDI, JOHN GOLDI

**Plaintiffs
(Respondent)**

-and-

BELL MEDIA INC.

**Defendant
(Moving Party)**

**SUPPLEMENTARY AFFIDAVIT OF GRACE SHAFRAN
(affirmed December 11, 2015)**

I, GRACE SHAFRAN, of the City of Toronto, in the Province of Ontario AFFIRM:

1. I am counsel to CTV, a Division of Bell Media Inc. ("CTV") and have been since June, 2000. As such I have knowledge of the facts hereinafter deposed. Where that knowledge is based on information obtained from others, I have so stated, and verily believe that information to be true.

2. On October 8, 2015, I affirmed an affidavit in support of the motion by Bell Media Inc. ("Bell Media") to dismiss this claim pursuant to Rule 12.02 of the Rules of the Small Claims Court. I affirm this supplementary affidavit to respond to the following issues raised in the Plaintiffs' responding materials on the motion scheduled for December 15, 2015:

- (a) the timing of CTV's second broadcast with Donna Child, the Gallery Director of Artworld Fine Art, and Dr. Atul Singla, a handwriting expert, regarding the litigation and authenticity of the Norval Morrisseau painting "Wheel of Life";
and

- (b) the request made to YouTube to remove CTV's broadcast of February 7, 2014 from its site.

Early Request for Interview with Donna Child and Atul Singla

3. As set out in my affidavit of October 8, 2105, CTV broadcast an episode of the program Canada AM on the subject of Canadian painter Norval Morrisseau ("Morrisseau") on February 7, 2014 (the "first Broadcast"). The broadcast followed an article on the Canadian Broadcasting Corporation website that two Canadian musicians, Kevin Hearn and John McDermott, had issued claims alleging that they had purchased fake Morrisseau paintings.

4. During the first Broadcast, Ritchie Sinclair, a witness in *Hatfield v. Child et al.*, spoke about his testimony in that litigation. The case specifically involved the authenticity of the Morrisseau painting "Wheel of Life".

5. Shortly after the first Broadcast, on February 24, 2014, CTV invited Donna Child to appear on Canada AM to discuss the authenticity of Wheel of Life. Ms. Child is the gallery director of Artworld Fine Art and named party in *Hatfield v. Child et al.* CTV also invited the handwriting expert who testified in the *Hatfield v. Child et al.* litigation to appear on the program.

6. Commencing on February 24, 2014, CTV was in regular communication with Ms. Child to schedule the taping of the segment and determine which individuals would be appearing on the show.

7. CTV offered to tape the interview on February 26, 2014. Ms. Child was not available.

8. Ms. Child's counsel, Brian Shiller, was also involved in determining the date of taping and his availability was limited. Indeed, Ms. Child requested the interview take place on March 20, 2014, then cancelled the interview as Mr. Shiller was in court on that date.

9. The timing of the second Broadcast was directed by Ms. Child's availability and occurred as soon as possible in the circumstances.

- (b) the request made to YouTube to remove CTV's broadcast of February 7, 2014 from its site.

Early Request for Interview with Donna Child and Atul Singla

3. As set out in my affidavit of October 8, 2105, CTV broadcast an episode of the program Canada AM on the subject of Canadian painter Norval Morriseau ("Morrisseau") on February 7, 2014 (the "first Broadcast"). The broadcast followed an article on the Canadian Broadcasting Corporation website that two Canadian musicians, Kevin Hearn and John McDermott, had issued claims alleging that they had purchased fake Morriseau paintings.

4. During the first Broadcast, Ritchie Sinclair, a witness in *Hatfield v. Child et al.*, spoke about his testimony in that litigation. The case specifically involved the authenticity of the Morriseau painting "Wheel of Life".

5. Shortly after the first Broadcast, on February 24, 2014, CTV invited Donna Child to appear on Canada AM to discuss the authenticity of Wheel of Life. Ms. Child is the gallery director of Artworld Fine Art and named party in *Hatfield v. Child et al.* CTV also invited the handwriting expert who testified in the *Hatfield v. Child et al.* litigation to appear on the program.

6. Commencing on February 24, 2014, CTV was in regular communication with Ms. Child to schedule the taping of the segment and determine which individuals would be appearing on the show.

7. CTV offered to tape the interview on February 26, 2014. Ms. Child was not available.

8. Ms. Child's counsel, Brian Shiller, was also involved in determining the date of taping and his availability was limited. Indeed, Ms. Child requested the interview take place on March 20, 2014, then cancelled the interview as Mr. Shiller was in court on that date.

9. The timing of the second Broadcast was directed by Ms. Child's availability and occurred as soon as possible in the circumstances.

10. On April 10, 2014, I wrote to John Goldi and set out the efforts by CTV to have Ms. Child on Canada AM to discuss *Hatfield v. Child et al.* and the authenticity of Wheel of Life. Attached hereto at **Exhibit "A"** is a copy of my email to Mr. Goldi of April 10, 2014.

Request for Removal from YouTube

11. On February 24, 2014, I contacted Toby Lang, senior counsel at Bell Media about the posting of the First broadcast on YouTube and to request its removal.

12. On February 25, 2014, Mr. Lang confirmed to me that YouTube removed the video clip of the First broadcast from its site.

13. Despite Bell Media's demand for removal, the video was re-posted on YouTube. Mr. Lang informed me that the reason it was re-posted was the issuance of a counter-notification by Ritchie Sinclair. Neither YouTube nor Mr. Sinclair would remove the video.

14. I affirm this supplementary affidavit in support of Bell Media Inc.'s motion to strike the Plaintiffs' Amended Amended Claim and for no other or improper purpose.

AFFIRMED BEFORE ME at the City
of Toronto, in the Province of Ontario
on December 11, 2015.



Julia L. Lefebvre

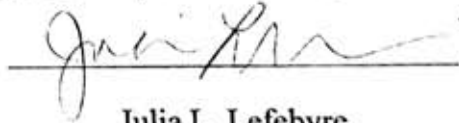
Commissioner for Taking Affidavits



GRACE SHAFRAN

EXHIBIT "A"

This is Exhibit "A" referred to in the affidavit of Grace Shafran, affirmed before me this 11th day of December, 2015.

A handwritten signature in cursive script, appearing to read "Julia L. Lefebvre", is written over a horizontal line.

Julia L. Lefebvre
LSUC#: 60176M

From: Grace Shafran
Sent: Thursday, April 10, 2014 2:30 PM
To: 'jgoldl@sympatico.ca'
Subject: Morrisseau and Canada AM
Importance: High

Dear Mr. Goldi,

Please be advised that I am counsel to CTV News. Your letter of April 1 2014 has been forwarded to me.

I wanted to let you know that CTV has been taking a second look at this story for some time. Canada AM has been in contact with Donna Child, Gallery Director of Artworld Fine Art, since February 24th to arrange an interview with her to come on Canada AM to discuss the Morrisseau allegations as well as the lengthy court case her gallery was involved in, regarding the authenticity of the Morrisseau "Wheel of Life" work.

You may also be interested to know that prior to the airing of the interview with Ritchie Sinclair, CTV had tried to arrange an interview with Joseph McLeod of Maslak McLeod Gallery, in response to the lawsuits filed by Kevin Hearn and John McDermott against his gallery. Mr. McLeod, referred us to his lawyer Brian Shiller, who had also acted on Ms. Child's behalf as I am sure you know. Mr. Shiller was also not available to appear on Canada AM.

While CTV had expected the interview with Ms. Child to air by now, they are still waiting for her to be available to conduct the interview which is expected in the next week or so, hopefully. CTV is also expecting that Dr. Singla, the handwriting expert will also be interviewed together with Ms. Child. I can forward the link to the report once it has aired.

Regards,

Grace Shafran/Barrister & Solicitor
t 416 789-0244 | f 416 783-7362 | m 416 419-5971 | grace.shafran@ctv.ca

This e-mail message, together with any related message I receive, is privileged, confidential and subject to copyright. Any unauthorized use or disclosure is prohibited.

GOLDI PRODUCTIONS LTD. et al.
Plaintiff

BELL MEDIA INC.
and
Defendant

Court File No: SC-14-00003872-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
SMALL CLAIMS COURT

Proceeding commenced at Brampton.

SUPPLEMENTARY AFFIDAVIT
OF GRACE SHAFRAN
(AFFIRMED DECEMBER 11, 2015)

BERSENAS JACOBSEN CHOUET
THOMSON BLACKBURN LLP
Barristers, Solicitors
33 Yonge Street
Suite 201
Toronto, Ontario M5E 1G4

Peter M. Jacobsen LSUC#: 17803P
Julia L. Lefebvre LSUC#: 60176M
Tel: 416-982-3800
Fax: 416-982-3801

Lawyers for the Defendant Bell Media Inc.