

ONTARIO

Superior Court of Justice
Cour supérieure de justice

Plaintiff's Claim
Demande du demandeur

Form / Formule 7A Ont. Reg. No. / Règl. de l'Ont. : 258/98



Brampton Small Claims Court

Small Claims Court / Cour des petites créances de

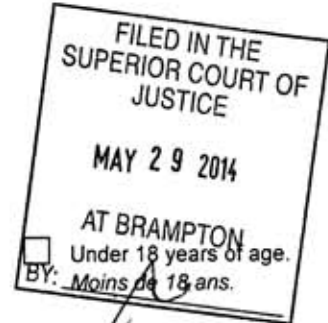
7755 Hurontario Street
Brampton, ON L6W 4T1

Address / Adresse

905-456-4700

Phone number / Numéro de téléphone

SC-14-003873W
Claim No. / N° de la demande



Plaintiff No. 1 / Demandeur n° 1

Additional plaintiff(s) listed on attached Form 1A.
Le ou les demandeurs additionnels sont mentionnés sur la formule 1A ci-jointe.

Last name, or name of company / Nom de famille ou nom de la compagnie Goldi Productions Ltd.		
First name / Premier prénom	Second name / Deuxième prénom	Also known as / Également connu(e) sous le nom de
Address (street number, apt., unit) / Adresse (numéro et rue, app., unité) 1409 Malibou Terrace		
City/Town / Cité/ville Mississauga	Province ON	Phone no. / N° de téléphone
Postal code / Code postal L5J 4B9	Fax no. / N° de télécopieur	
Representative / Représentant(e) Joan Goldi	LSUC # / N° du BHC	
Address (street number, apt., unit) / Adresse (numéro et rue, app., unité) 1409 Malibou Terrace		
City/Town / Cité/ville Mississauga	Province ON	Phone no. / N° de téléphone
Postal code / Code postal L5J 4B9	Fax no. / N° de télécopieur	

Defendant No. 1 / Défendeur n° 1

Additional defendant(s) listed on attached Form 1A.
Le ou les défendeurs additionnels sont mentionnés sur la formule 1A ci-jointe.

Under 18 years of age.
Moins de 18 ans.

Last name, or name of company / Nom de famille ou nom de la compagnie Postmedia Network		
First name / Premier prénom	Second name / Deuxième prénom	Also known as / Également connu(e) sous le nom de
Address (street number, apt., unit) / Adresse (numéro et rue, app., unité) 365 Bloor St. East, 3rd Floor		
City/Town / Cité/ville Toronto	Province ON	Phone no. / N° de téléphone
Postal code / Code postal M4W 3L4	Fax no. / N° de télécopieur	
Representative / Représentant(e) Jeffrey Haar	LSUC # / N° du BHC	
Address (street number, apt., unit) / Adresse (numéro et rue, app., unité) 365 Bloor St. East, 3rd Floor		
City/Town / Cité/ville Toronto	Province ON	Phone no. / N° de téléphone
Postal code / Code postal M4W 3L4	Fax no. / N° de télécopieur	

Brampton Small Claims Court
Goldi v Postmedia

How much? \$ 25,000.00
Combien? (Principal amount claimed / Somme demandée) \$

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.
DES FEUILLES SUPPLÉMENTAIRES SONT ANNEXÉES EN RAISON DU MANQUE D'ESPACE.

The plaintiff also claims pre-judgment interest from May 28, 2014 under:
Le demandeur demande aussi des intérêts (Date) conformément à :
antérieurs au jugement de

(Check only one box / Cochez une seule case)
 the Courts of Justice Act / la Loi sur les tribunaux judiciaires
 an agreement at the rate of _____ % per year / un accord au taux de _____ % par an

and post-judgment interest, and court costs.
et des intérêts postérieurs au jugement, ainsi que les dépens.

Prepared on: May 28, 20 14
Fait le :

Joan Goldi
(Signature of plaintiff or representative / Signature du demandeur/de la demanderesse ou du/de la représentant(e))

Issued on: MAY 29 2014, 20 _____
Délivré le :

[Signature]
(Signature of clerk / Signature du greffier)

CAUTION TO DEFENDANT: IF YOU DO NOT FILE A DEFENCE (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website: www.ontariocourtforms.on.ca.
AVERTISSEMENT AU DÉFENDEUR : SI VOUS NE DÉPOSEZ PAS DE DÉFENSE (formule 9A) et d'Affidavit de signification (formule 8A) auprès du tribunal au plus tard vingt (20) jours civils après avoir reçu signification de la présente demande du demandeur, un jugement peut être obtenu sans préavis et être exécuté contre vous. Vous pouvez obtenir les formules et la documentation à l'usage du client à la Cour des petites créances et sur le site Web suivant : www.ontariocourtforms.on.ca.

GOLDI PRODUCTIONS LTD. et al v POSTMEDIA

1. We are suing Postmedia under the tort of Negligence, and under the Tort of Injurious Falsehood for recklessly publishing malicious, false, misleading, and damaging information that was intended either deliberately or negligently to devalue our genuine Norval Morrisseau paintings, as well as those held by hundreds of other Canadians, by spreading false and misleading information to create doubt in the art market and make the paintings impossible to sell at any price close to what they should be worth.

2. Postmedia journalists and editors published an article in the National Post newspaper and on its website on Feb 3, 2014 which was deliberately intended to create the false impression that there are many forgeries of Norval Morrisseau paintings "out there" and to damage the reputation of, and devalue the genuine works of art by Norval Morrisseau held by hundreds of Canadians, including the Plaintiffs.

3. The targeted paintings that came to auction in the Toronto region beginning circa 1999 were painted mainly in the 1970s, Norval Morrisseau's most prolific period.

4. The National Post article was titled variously as:

a) Malicious & Defamatory Internet Title #1:

"Art forging ring alleged in lawsuit leaves authenticity of works by Aboriginal artist Norval Morrisseau in question" which was deliberately damaging to Morrisseau art. The National Post warned Canadians in no uncertain terms that "the art forging ring" allegations definitely *"leaves authenticity of works by Aboriginal artist Norval Morrisseau in question."* That statement is false. Just because the National Post decides to fabricate and publicize false and unsubstantiated allegations, does not change the validity or authenticity of my genuine Morrisseaus. But it definitely **does** taint their value in the minds of every National Post reader. Which, of course, is the intention. And it does significantly devalue the Plaintiffs' paintings – or those of anyone else – when they try to sell them.

b) Malicious & Defamatory Internet Title #2: Within hours of internet publication, the National Post, probably aware of the very obvious defamation implicit in the first internet title, removed it and changed it to ***"Barenaked Ladies' keyboardist suing in what may be the biggest art forgery case in Canadian history."*** This title is, of course, nonsense, because, to date, no one has produced or proven even a single forgery of a Morrisseau painting.

i) In fact the Hatfield v Artworld trial and Appeal, which took over three years, and just ended in December, 2013, a few weeks before this article was published, is the biggest court case dealing with alleged fine art forgery in Canadian history. And it concluded with two judges (trial judge Paul Martial and Appeal Judge Justice Mary Anne Sanderson) totally dismissing any and all allegations of Morrisseau forgery as unbelievable and totally unsubstantiated. In other words, absolutely no evidence was produced by the Plaintiff, Margaret Hatfield, or by her lawyer, Jonathan Sommer, who was the

journalist's source for this article, to support Hatfield's claim that her genuine Morrisseau painting was a fake.

ii) The title is also not "NEWS" and shows how artificially trumped up and fabricated is the whole article about the "Barenaked Ladies keyboardist suing." The reality is that Kevin Hearn had filed his lawsuit not a few days before, which would have made the story "hot" news and a reason for publishing, *but a full year and a half before, on June 8, 2012.*

And there had not been a new development in the lawsuit whatsoever, or any move to push forward, in his case since then...

c) Newspaper article title: (which did not come to our attention until some time later than the internet articles): "**Lucrative ring of art forgers alleged in suits.**" Yet nowhere in the article is it explained what is "lucrative" for anyone other than for the lawyer who is the journalist's "source" for this story. Nor is any forger identified, or any forgery shown.

5. The titles, just like the article, prove what false and unsubstantiated information has been fabricated into a phony "News" story by the National Post.

6. Postmedia journalists and editors clearly acted with "*actual malice.*" "*Actual malice*" is a legal term that means publication of defamatory material "*with knowledge that it was false, or reckless disregard of whether it was false or not.*"

7. Postmedia journalists and editors were extremely negligent. As journalists, they have a duty of care to their readers, and to the people who may be affected by their stories, to practice responsible journalism, which means doing due diligence and proper and thorough research before publishing a story. Responsible journalism also means journalists are legally and professionally obligated to consider and be aware of how people may suffer damage from a story that is not properly researched, and that includes false and damaging information.

8. In the case of this story, National Post journalists and editors were obviously after a spectacular story to grab the public interest and sell newspapers, and they obviously did not care if it was totally misleading, and was based totally on unsubstantiated so-called "rumours" and "allegations" which had been fabricated by a few people to suit their own self-interest, and for which absolutely no evidence had been found or produced.

9. They also did not care if their "sensational" story very seriously damaged the value of genuine art holdings of hundreds (perhaps thousands) of Canadians, and caused paintings that should be worth tens of thousands of dollars each, to be worth almost nothing, because the supposedly respected and trustworthy media organization, the National Post, published a major article masquerading as "news" and gave it a prominent place (page 2 of the main section of the National Post newspaper.) Once the story was published, the millions of dollars of damage it had done to Canadian art holdings could not

be repaired. But clearly, the journalists, editors, and publishers responsible for the damage did not care.

10. The Plaintiffs sent a "Cease and Desist" and "Intent to Sue" letter to Mr. Jeffery Haar, Executive Vice President and Legal and General Counsel for the Postmedia Network, demanding that the article be removed from the website and the internet, and requesting that the National Post publish a retraction and an apology to all those people holding genuine Morrisseau art, which was deliberately and maliciously devalued by the National Post article. However, we never received either an acknowledgement of the letter, or a reply. Obviously Postmedia was not the least bit interested in trying to repair the damage they had done to Canadians' art assets, including those held by the Plaintiffs.

11. Postmedia was also not the least bit interested in publishing an article that set the record straight by publishing true information about the so-called "rumours" of fake Morrisseau paintings.

POSTMEDIA JOURNALISTS AND EDITORS FAILED TO RESEARCH THE HISTORY OF THE MORRISSEAU HOAX

12. Prior to 2001, when a young, gullible National Post reporter published a story about "alleged Morrisseau fakes" fed to him by a self-interested businessman, art dealer Donald Robinson, there was no mention anywhere of fake Morrisseau paintings. Not in the entire painting life of Norval Morrisseau was there ever any talk of fakes by anyone ever, from 1950 to the mid-1990s when Norval could no longer paint, and was finally confined to a terminal care facility in 2001.

13. After all, what forger would be stupid enough to spend time and material making fakes, when the artist himself was selling his originals door-to-door, and in the streets of Thunder Bay, and other smaller northern Ontario towns for \$25 or \$50, or trading his paintings for food, booze, sex, or taxi rides, just so this driven artist could keep on painting?

14. In 2014, Postmedia journalists and editors failed to do due diligence and proper research on the actual background of this story they were featuring about "alleged" fake Morrisseau paintings. If they had, they would have learned that the National Post is, in fact, the publication that is notorious for enabling the spread of false information fed to its journalist, Murray Whyte, in 2001 by Morrisseau art dealer Donald Robinson, who invented what has been dubbed the "Morrisseau Hoax" to enrich himself, corner the Morrisseau art market, and destroy his competitors.

15. In 2001, Morrisseau art dealer Donald Robinson, fed a fabricated story to a gullible National Post journalist, telling him there were hundreds of Morrisseau fakes "out there," that they were coming from northern Ontario, and that they had forged black dry brush Morrisseau signatures on the back. He failed to tell the journalist that he, who claimed to be the world's leading Morrisseau expert, had bought 28 of these paintings for \$54,000, before he realized how many paintings were coming out of Morrisseau's home area in northern Ontario.

16. Norval Morrisseau, Canada's most famous Aboriginal artist, was a prolific artist. He had made his living by selling several thousand paintings door to door and on the streets all over northern Ontario where he lived and painted. When word got out in the late 1990s that the famous artist was terminally ill, and that the National Gallery was going to put on a retrospective show for him, the first ever for an Aboriginal artist, those paintings from northern Ontario that were hanging on walls, or stashed under beds or in garages, were sent to auctions in the Toronto region. Principal Morrisseau dealer Robinson feared the market would be flooded and drive prices down. So he invented the "fakes" story, and the National Post fell for it and published it.

17. The 2001 National Post article that spread the false information that there were lots of Morrisseau fakes "out there" was almost identical in format and execution to Tristin Hopper's current 2014 article. The 2001 journalist (Murray Whyte) was quite taken in by Donald Robinson's story of fakes, and the journalist failed to recognize that his source had considerable self interest in getting his story published and spread by the mainstream media. Whyte did his mandatory "check another source" bit of journalism. Whyte talked to Michael Rogozinsky, President of Empire Auctions. Rogozinsky told him there were no fake Morrisseau paintings, because no one would be foolish enough to make fake Morrisseaus because real Morrisseaus were available all over northern Ontario where the artist had lived and painted for most of his life, for next to nothing, and the artist would trade you a painting for a meal or anything else. But journalist Whyte ignored Rogozinsky, who has a lot of experience in the Canadian artworld, and went for the more sensational story fed to him by Robinson, who stood to make several million dollars if he could corner the Morrisseau market by convincing the public (i.e. by spreading his fabricated rumor) that his competitors were selling fake Morrisseaus. Whyte ignored Rogozinsky's true advice, and went ahead and published Robinson's self-interested fabrications.

18. And so the "Morrisseau Hoax" was born, enabled by a compliant and gullible reporter and by the National Post. That was in 2001

THE CAREFULLY RESEARCHED AND WELL-DOCUMENTED PROOF OF THE MORRISSEAU HOAX IS READILY AVAILABLE ON THE INTERNET

19. The completely substantiated and thoroughly documented information telling the story of what has been dubbed "the Morrisseau Hoax" is readily available on two well-researched blogs on the internet at <http://themorrisseauhoaxexposedblog.com/> and at <http://norvalmorrisseau.blogspot.ca/> (Both are easily found by typing "morrisseau" into the Google search engine.)

20. But in 2014 the National Post's journalist once again failed to do due diligence, and failed to do the most basic research –typing "morrisseau" into Google and checking out the two blogs listed above. No journalist or editor from the National Post bothered to contact the authors of either of these blogs to discuss their research and well-documented information with them

21. Postmedia journalists and editors even seem to be oblivious to the fact that not a single Morrisseau from the 1970s group of paintings with black dry brush signatures on the back, (the only Morrisseau paintings targeted by Donald Robinson, because they were from major northern collections, and were flooding the market back in 2001, and the only Morrisseau paintings ever alleged before the courts to be fake), has ever been accepted by a court to be a fake.

2001 TO 2014

22. Between 2001 and 2014, owners of Morrisseau paintings have fought back against the false stories spread by dealer Donald Robinson, by the National Post, and by the tiny group of "Morrisseau handlers" collaborating with Robinson (Morrisseau's companion and self-designated heir, former street kid Gabor Vadas, and Bryant Ross, Morrisseau's west coast art dealer).

Summary: The Courts & Allegations of Morrisseau Fakes & Forgeries to 2014

23. Not a single Morrisseau painting has ever been impugned, or declared a fake, in any way whatsoever, by any judge, court case, or lawsuit settlement, since the hoax involving so-called fakes was initiated in 2001, by the small group of Morrisseau's white business handlers manipulating the helpless dementia-debilitated Aboriginal artist, during the last seven years of his life:

24. Court cases include:

- Otvanik v Morrisseau & Vadas – Jun 9, 2008
- Browne v Bearclaw – Jan 15, 2009
- Moniz v CTVglobemedia – Mar 10, 2009
- Otavnik v Kinsman Robinson Galleries - 2010
- Kinsman Robinson Galleries v Matulic - May 16, 2013
- Queen (Sinclair) v Otavnik (Judge Lacavera) 2010 – May 19, 2013
- Otavnik v Sinclair (Judge Godfrey) – Jan 11, 2011
- Hatfield v Artworld (Judge Martial) – Mar 25, 2013
- Hatfield v Artworld (Justice Sanderson) – Dec 17, 2013

25. No documentary evidence of any kind has ever been produced by anyone, in any court or in any lawsuit, to prove the existence of even a single fake or forged Morrisseau painting

26. No forensic evidence of any kind has ever been produced in any court, or in any lawsuit, to prove the existence of even a single fake or forged Morrisseau painting

27. Every single painting that was subject to a lawsuit or court case - because it was alleged to be a forgery by members of the Robinson group – has been independently forensically authenticated to be a genuine Morrisseau by one of three top Canadian forensic scientists and handwriting analysis experts

28. Not a single court witness claiming forgery has ever been recognized by any judicial finding, or judgment, all of which have instead, been unanimously and repeatedly censorious, without a single exception, in dismissing or rejecting outright, all witness claims of forgery, their testimony, their expertise, and their expert reports

29. ALL the court findings and lawsuit resolutions have totally and utterly discredited every specific claim of forgery ever made by Donald Robinson, Kinsman Robinson Galleries, and Ritchie Sinclair, and have totally and absolutely discredited them as having any claim to having legitimacy of any kind, as to being knowledgeable or honest Morrisseau art authenticators or evaluators

30. A Mountain of Published Documentation Totally Discrediting So-called “Fakes”

Despite the intervening years – from 2001 – 2014 – having produced an astounding wealth of evidence showing that Robinson and Sinclair who later (2008) joined his group, and, even more recently (2010) Sommer, are perpetuating, nothing if not a genuine hoax, and they are doing so knowingly and deliberately for personal business reasons, in spite of:

- scores of findings by Canada's top forensic scientists who have proven every single “fake” alleged by this trio, as authentic
- findings of some six judges that dismissed and totally discredited Sinclair, and Robinson's allegations of fakes, their expertise, their proof, their claims, their testimony, their expert reports, indeed their very truthfulness and credibility as honest witnesses on the matter
- every single court (three so far) has ruled that the alleged “fake” paintings are authentic, without a single dissenting finding
- a huge RCMP investigation, launched at the instigation by Donald Robinson to check into his allegation of fakes, cost millions of dollars, took two years, interviewed scores of Morrisseau-related collectors, dealers, etc., across Canada, found not a single case of forgery or a single forger and closed the books without charging a single person with either forging, or selling forgeries.

31. Not a Single Fake Ever Proven

By 2014, after 13 years of false allegations, not a single proof of any kind has ever been produced by Sinclair, Robinson, or the lawyer they associate with, Jonathan Sommer, that passed even an elementary smell test to any Canadian judge, investigative journalist, or forensic scientist.

32. The RCMP Nixed the Hoax

The RCMP closing the file, without filing a single charge was nothing if not a devastating rebuff to Robinson's, Sinclair's, and Sommer's allegations of fakes, especially when compared to the fact that when the only Canadian forger ever found, one Richard McClintock was caught trying to sell two (2) forgeries of famous Quebec artists, he was immediately fingered by a dealer, apprehended by the police, and found guilty by a judge.

33. These are absolutely telling facts, considering that Sinclair, Robinson, Sommer and the National Post have spectacularly failed to finger a single verifiable fake to the police – or to a single judge – even though the trio wildly claim there are “thousands of fakes by umpteen forgers” out there.

34. Tellingly, not a single fake or forgery or forger has ever been taken to court by Robinson, Morrisseau, Vadas, Sinclair, or Sommer - not even once, have those who claim “thousands of fakes by umpteen forgers” ever taken a single fake, alleged forgery, suspected forger, or dealer they accuse of selling alleged forgeries, to court on their own dime, ever. They always work through naïve, gullible, witless, uninformed, and gullible proxies (an old schoolmarm, a singer, a musician) to use their money to file lawsuits to harass their business competitors with lawsuits they know they can never win. They have lost three so far; won none.

35. We predict that they will lose – hugely – it's the same trio, with the same discredited allegations – in the next two as well, both the Hearn and McDermott cases. Each of the two musicians will be out some \$60,000 each as well to pay off Sommer. (Retired school teacher Margaret Hatfield lost some \$58,000 funding from her meager pension savings paying for Sommer's losing trial, and losing Appeal.)

36. SLAPP Suits Tell the Tale

Tellingly, ALL the Lawsuits that Robinson, Sinclair, and Sommer have threatened and filed, have ALL, only been against investigative journalists for exposing the hoax, not against forgers, forgeries, or “crooked” and compromised art dealers, which, we had thought, was supposedly their main concern all along.

37. In fact, in utter panic, in April 2013, Robinson, and Kinsman Robinson Galleries, abruptly abandoned a \$1 million dollar SLAPP suit launched three years before against blogger Ugo Matulic, after Day 1 of Discovery, without preconditions, when they discovered the compromising evidence Matulic would lay before an independent judge, rather than face the penalties they expected the wrath of a judge would slam them with.

38. A Mountain of Published Documentation Exposing the Hoax

A wealth of published documentation hugely documents the Biggest Hoax in Canadian History, as shown on the MorriseauHoaxExposedBlog.com.

39. These eight points is the story the National Post should have published.
40. Instead the Post editors chose to publish unsubstantiated, deliberately libelous and defamatory trash that was deliberately intended to devalue genuine Morrisseau art held by Canadians, including the Plaintiffs in this case, at the behest of a self-serving private businessmen, a known art fraudster, liar, and perjurer, and their lawyer.
41. In view of this widely and publicly available information, ignoring this mountain of incontrovertible data and documents is an unforgivable act of journalistic malfeasance of the highest order by the National Post writer and editors.
42. By 2014, National Post journalists and editors knew, or ought to have known, that “the Morrisseau Hoax,” the deliberate fabrication by Donald Robinson in 2001 of “rumours” of Morrisseau fakes, and the story that was published in the National Post in 2001, have been hugely discredited, as the “greatest fraud in Canadian art history,” and the 2001 National Post article is known as one of the worst false and deliberately misleading and destructive pieces of journalism ever written in Canada.
43. Yet the National Post journalists and editors still failed do even the most basic research.
44. It is history repeating itself. The 2014 National Post article is an exact parallel to the notorious 2001 article.
45. Postmedia journalists and editors once again published false and damaging information without any proof whatsoever, and which they made no effort to substantiate at all. They tried to use the word “allegations” to cover up the fact that they had no proof for any of the damaging statements they published, which were attributed to a single source, lawyer Jonathan Sommer who has a great deal of self-interest in publicly promoting and spreading his totally unsubstantiated statements, since, once a gullible would-be art collector has been convinced by the small group that he/she has purchased a fake, and therefore should sue the gallery owner (so far it is always a gallery owner who has turned down Ritchie Sinclair when he asked to become one of their gallery artists), Sommer becomes the lawyer who, win or lose, gets paid a substantial sum in legal fees by the client.
46. Journalist Tristin Hooper starts off the National Post article with a ridiculous statement that immediately shows he has done zero research, other than to listen to Ritchie Sinclair and/ or Jonathan Sommer.

i) “According to a lingering — but never proven — accusation in the Canadian art world, there is a well-organized band of forgers in Thunder Bay, Ont., who have spent more than a decade churning out a lucrative supply of fakes in the style of Norval Morrisseau, arguably Canada’s most famous Aboriginal artist.

ii) If true, it could well signal one of the largest cases of art fraud in Canadian history.

iii) And now, that theory is at the centre of a lawsuit by Barenaked Ladies’ keyboardist Kevin Hearn and famed Canadian tenor John McDermott.

iv) "Particularly for Kevin Hearn, he's very committed to bringing out the whole truth on this thing," said Jonathan Sommer, a lawyer acting for the pair. "It's important to him that the truth about Norval, whatever it is, is revealed."

v) Both musicians are suing Joseph Bertram McLeod, owner of Toronto's Maslak McLeod Gallery, alleging that he sold them Morrisseau fakes, either unwittingly or intentionally.

vi) According to a statement of claim by Mr. McDermott, in 2003 he spent \$15,500 on three paintings from the Maslak McLeod Gallery, but after investigating their "likely source," the singer concluded that they "appear to have been made by a fraud ring operating out of Thunder Bay, Ontario."

47. All that this long piece says is that somebody fabricated and spread information for which there has never been any evidence, let alone any proof. If there is no proof, why is the National Post publishing an article on totally unsubstantiated allegations, which is deliberately intended to spread false information and create doubt in the art market and devalue genuine Morrisseau paintings held by hundreds of Canadians, including the Plaintiffs in this case?

48. In fact, there is no "accusation in the Canadian art world." This nonsense of "a well-organized band of forgers in Thunder Bay, Ont, who have spent more than a decade churning out a lucrative supply of fakes in the style of Norval Morrisseau" was fabricated by Ritchie Sinclair and spouted out in court during the Hatfield v Artworld case, when Sinclair was one of only two witnesses (the other was Donald Robinson) brought in by lawyer Jonathan Sommer to testify for the Plaintiff's side of the case. Hatfield v Artworld was the longest fine art case in Canadian history (five trial days over two years resulting in a 40-page written judgment by Judge Paul Martial that was not released for almost a year after the last trial day.)

49. Jonathan Sommer suffered two major losses when he was soundly defeated in both the trial and in the Appeal for Hatfield v Artworld. One certainly wonders why journalist Hopper did not delve into Sommer's major double defeat when he wrote his article. Hopper obviously did not even bother to read the judgments. Yet he wrote an article that sounded like a job ad for a lawyer. It is obvious that Sommer's purpose in going to the National Post was to get some publicity that might keep him from losing his clients Hearn and McDermott, who are apparently unaware that they are going to spend a lot of money, and likely will lose their cases, because the paintings come from the same source, and are forensically verified by the same handwriting expert, as the painting that was the subject of the Hatfield v Artworld case.

50. Including this unsubstantiated nonsense without any evidence at all, and failing to write about the landmark decisions in the Hatfield v Sherway case, clearly indicates that the journalist and the editors exhibited reckless disregard for the truth or falsity, or the significance of the information they were publishing, and that they showed no caution or concern for any economic damage they might be doing to Canadians who have invested in genuine Morrisseau art, which this article is recklessly and maliciously debasing and devaluing. That includes art owned by the Plaintiffs which is the subject of this lawsuit.

51. If journalist Hopper had done due diligence and proper research, he would have read both the landmark judgments for *Hatfield v Artworld*, both of which are readily available and downloadable on the internet. He then would have known that Sinclair's testimony was totally rejected and discredited by both Judge Martial, and by Appeal Court Justice Mary Anne Sanderson. His testimony about the forgery ring was especially totally rejected because there was no evidence whatsoever.

52. Appeal Judge Mary Anne Sanderson wrote, regarding Sinclair:

[18] *Similarly, the trial Judge was entitled to reject the evidence of Sinclair and to conclude it was unsupported and unreliable. Sinclair could produce no documentary evidence to support his assertion that a well organized forgery ring painted the works auctioned by Khan Auctions.*

53. It is absolute nonsense for the journalist to write "And now, that theory is at the centre of a lawsuit by *Barenaked Ladies'* keyboardist Kevin Hearn and famed Canadian tenor John McDermott." A "theory" cannot be "at the centre of a lawsuit". A lawsuit require evidence.

HISTORIC PARALLEL TO THE NOTORIOUS 2001 NATIONAL POST ARTICLE

54. A journalist is not supposed to, according to the ethics of responsible journalism, recklessly invent, out of thin air, without substantiation of any kind, a malicious defamation that destroys the values of people's genuine works of art. But the opening to this article certainly makes it seem like that is exactly what Tristin Hopper has done, and it has been accepted by his editors.

55. Just as journalist Whyte had done thirteen years previously when writing his notorious 2001 National Post article on non-existent Morrisseau fakes, Hopper did his mandatory "check another source" bit of journalism.

56. To that end Hopper contacted Brian Shiller, the winning lawyer in both the *Hatfield v Artworld* case, and the subsequent Appeal of that judgment before the Hon. Madam Justice Mary Ann Sanderson, in the Ontario Superior Court, for a response, since Mr. Shiller is also the Defence lawyer for Joe McLeod, the art dealer targeted in both the Hearn and McDermott cases.

57. So far so good; and then it falls apart

58. Mr. Shiller told Hopper two vitally important things:

A - the paintings alleged to be fakes, in the musicians' cases, are, in fact, both genuine Morrisseaus and forensically verifiable,

B - that Mr. Sommer, the lawyer for both Plaintiffs, and apparently the sole source for the National Post's story has never produced any evidence whatsoever to substantiate his claims of a ring of forgers or any forgeries, even though Mr. Shiller has, several times, without luck, asked for the evidence from Sommer. (Note: It is not clear whether Sinclair was also a source, or whether Sommer was the only person interviewed by Hopper and was speaking for Sinclair, who is his collaborator. Mr.

Hopper did not answer his email requesting clarification on who he actually interviewed for the article.)

59. So the journalist was fully primed, with information from an unimpeachable source, Brian Shiller, a two-time winning lawyer on the matter of a painting alleged by Ritchie Sinclair, and echoed by Plaintiff Margaret Hatfield to be a fake, before two separate judges, in trial and Appeal that went on for three years in Canada's longest fine art court case.

60. (Note: Ms. Hatfield testified that Ritchie Sinclair had convinced her that her Morrisseau painting, "Wheel of Life" was a fake and that she should sue Artworld, which she did. Note also that Artworld is one of the galleries that turned down Sinclair's request to become a gallery artist and be represented by that gallery.)

61. But, after being supplied with such powerful information that totally undermined the thesis of his article and the credibility of his source or sources, (i.e. that zero evidence for any of Sommer's (or Hearn's or McDermott's) claims had been produced) did Hopper go back to either Sommer or Sinclair, in light of such damning new information, and demand corroborating evidence for what they said? As a journalist is supposed to do if he checks a second source and finds out that he has gotten false or misleading information from his first source?

62. And did he reevaluate the wisdom of publishing Sommer's and his clients' allegations in light of Mr. Shiller's obviously devastating information? No, Hopper and his editor did not hold back before publication. *The National Post's journalist and their editors did not hold back their story, just because they had found out it was untrue and totally without evidence.*

63. Why did Mr. Shiller's warning information not serve as a clear wake-up call to the lax, negligent journalist and editors employed on this story by the National Post?

64. It seems incredibly beyond belief that the journalist, the editorial staff, and their legal staff at the National Post, who presumably vet all articles for legal purposes before publication, could possibly pass for publication, something that was obviously maliciously designed to devalue genuine Norval Morrisseau art held by Canadians by millions of dollars.

65. Journalist Hopper was clearly told by Brian Shiller, who has an impeccable reputation, that no proof had ever been produced for any of the fabricated statements cited in the article, and yet neither Hopper nor his editors apparently made any effort to go back to Jonathan Sommer and demand proof for the wild, fabricated and unsubstantiated "allegations" made by lawyer Sommer.

RITCHIE SINCLAIR

66. The article also promotes to National Post readers the malicious website operated by Ritchie Sinclair, which is full of false and totally unsubstantiated information. The journalist refers to Ritchie Sinclair as "Morrisseau protégé Ritchie "Stardreamer" Sinclair". In fact,

67. Sinclair is not a protégé of Morrisseau, and he has none of the education, experience, or credentials he claims. He made up all of his wild claims beginning almost a year after Morrisseau died in order to promote his own failing art career.

68. The journalist seems unaware that in the two landmark cases that lawyer Jonathan Sommer just lost, the judges (trial judge and appeal judge), in their written judgments, totally discredited as unreliable, the lawyer's only two "witnesses," one of whom was Ritchie Sinclair, whose malicious website is intended to devalue Morrisseau art held by Canadian businesses, dealers, and collectors.

69. Appeal Judge Mary Anne Sanderson wrote, regarding Sinclair:

[18] *Similarly, the trial Judge was entitled to reject the evidence of Sinclair and to conclude it was unsupported and unreliable. Sinclair could produce no documentary evidence to support his assertion that a well organized forgery ring painted the works auctioned by Khan Auctions.*

[19] *The trial Judge noted Sinclair gave evidence that he did not view the original paintings before condemning them as fakes.*

[20] *The trial Judge was entitled to consider and accept the evidence of Cott, an independent witness with no stake in the litigation, when rejecting the evidence of Sinclair*

70. By promoting Sinclair and his website, the National Post is openly contributing to the deliberate devaluation of genuine Morrisseau artwork held by hundreds of Canadians, including the Plaintiffs in this lawsuit.

71. If the journalist had done any due diligence or basic research, he would have known that Ritchie Sinclair is driven by malice, and he has no qualifications to tell whether a painting by Morrisseau is real or fake, especially since he has never seen at least 99% of the paintings pictured on his website and maliciously labelled as fake.

72. Sinclair is maliciously trying to destroy the value of Morrisseau artwork held by Canadians, including by the Plaintiffs in this case. Sinclair is driven by malice.

73. Journalist Tristin Hopper wrote in the article:

"Rumours of a high number of fake Morrisseau painting have been circling around since well before his death in 2007, most notably on Morrisseau.com, a website operated by Morrisseau protégé Ritchie "Stardreamer" Sinclair that retains a detailed catalogue of "authentic" and "forged" Morrisseau art."

74. This statement is quite amazing because the journalist has managed to jam so much unresearched false, misleading, and damaging information into one short paragraph.

75. The statement "Rumours of a high number of fake Morrisseau painting have been circling around since well before his death in 2007" is nonsense, because there never were any "rumours" other than the false information deliberately fabricated by Donald Robinson in 2001 as described above, created with the intention of deflating the value of

genuine Morrisseau paintings that came out of northern Ontario to auction in the Toronto region. As described above, Robinson's self-serving fabrications were irresponsibly and negligently published and spread by the National Post in 2001.

76. The above statement in the National Post article refers to Ritchie Sinclair as "*Morrisseau protégé Ritchie "Stardreamer" Sinclair,*" which is not true. Sinclair was not a Morrisseau "protégé. He worked briefly (for a few months) with Morrisseau circa 1980, (i.e. over 30 years ago) as an artist's assistant and as one of Morrisseau's many young male companions, during the short time when Morrisseau lived in Toronto and worked for the Volpe family.

77. (Note: Morrisseau only lived in the Toronto region for a short period of time for about 2 ½ years from 1979 to 1981. During the rest of his life Morrisseau lived and painted in small remote northern Ontario communities in the Thunder Bay region, and in Thunder Bay itself, then, in 1987, moved west to Vancouver and Nanaimo where he spent the last two decades of his life.)

78. After the death of Norval Morrisseau at the end of 2007, Sinclair began falsely claiming credentials, experience, education, and qualifications he does not have, and began calling himself Morrisseau's "protégé," in order to advance his own failing art career.

79. Sinclair has never produced any evidence of any major association with Morrisseau, such as photographs of them painting together, or correspondence between them, or pay stubs. Sinclair is not mentioned in any of the literature, or newspaper articles, or videos about Morrisseau. There is a picture taken in 1979 or 80, and a video of a pseudo-Indian ceremony made at McMichael's at Kleinberg, ON in 1997, when Morrisseau came east for his book launch. That is all.

80. Up until October, 2008, Sinclair had never mentioned fake Morrisseaus. He had praised as "beautiful Morrisseaus" paintings the creators of "the Morrisseau Hoax" called fakes. But after his own solo art show at the Scollard Street Gallery failed (presumably because collectors of First Nations art do not want to buy First Nations style art created by a white man.) Sinclair joined this tiny group of self-interested businessmen in spreading the "Morrisseau Hoax," i.e. fabricated stories claiming that there were "thousands of fakes" made by "hundreds of forgers" "out there."

81. Literally overnight, Sinclair went from praising "beautiful Morrisseaus" to calling exactly the same paintings he had been praising, "fakes."

82. Sinclair posted his malicious website in October, 2008, after Sinclair's own art show failed because no one wanted to buy Sinclair's art. An enraged Sinclair stormed into Joseph McLeod's Maslak McLeod Gallery and announced that he was going to "take down the whole Morrisseau market." (Source: court transcripts) Then he gathered over a thousand low resolution pictures of Morrisseau paintings, 99% of which he has never seen, from all over the internet, and posted them on his website and labelled them as fakes.

83. The 1000 paintings that have been labeled as forgeries by Mr. Sinclair include paintings that are in famous art museums that exhibit First Nations art: (Senate Chamber of Canada, Smithsonian Institution, Winnipeg Art Gallery, University of Victoria Art Gallery, Thunder Bay Art Gallery, National Museum of the American Indian, University of Oklahoma Fred Jones Jr. Museum of Art, Art Gallery of Nova Scotia, McMaster University Art Collection).

84. Also included are 5 paintings chosen by Norval Morrisseau himself, for the 1997 book "Travels to the House of Invention," written by Morrisseau, and later labeled as forgeries by Sinclair. The book was produced by Kinsman Robinson Galleries, the main Canadian dealer for Norval Morrisseau during his last productive decade.

85. Over 70 of those paintings Sinclair labels as fakes have been forensically verified as genuine, and/or proclaimed by judges as genuine. Sinclair shows that he is not interested in truth, but is driven by malice, because he continues to keep all these forensically verified paintings on his website labelled as fakes.

86. Sinclair's website includes pictures of six of the Plaintiffs' genuine Morrisseau paintings labelled as fakes, including those that have been forensically verified. (Forensic analysis of the signature on a painting costs well over \$1000.)

87. Sinclair maliciously uses his website and his false claims of expertise to attack owners, collectors, art dealers, and businesses by falsely claiming their genuine Norval Morrisseau art is fake. Sinclair's fabricated testimony has several times been strongly rejected by judges as totally unsubstantiated and totally unbelievable.

88. Sinclair's website, which the National Post is freely and enthusiastically promoting in this article, labels as fake over a thousand Morrisseau paintings, 99% of which Sinclair has never seen. It includes, and identifies as fake, almost 80 paintings which have been forensically verified by top Canadian forensic scientists and handwriting experts, as well as paintings that have been verified in court cases, and many paintings that are in major public museums and art galleries. It even includes paintings that were chosen by Morrisseau himself for inclusion in his book.

89. It also includes several genuine Morrisseau paintings that belong the Plaintiffs in this case., including several that have been forensically verified. By failing to do due diligence, by failing to present, let alone verify, a single specific example of one of these so-called fakes that this article is all about, and by promoting Sinclair and his website, the National Post is maliciously and negligently contributing to the devaluation of the Plaintiffs' paintings.

THE NATIONAL POST PROMOTED RITCHIE SINCLAIR'S MALICIOUS WEBSITE THAT IS INTENDED TO DEVALUE GENUINE MORRISSEAU PAINTINGS

90. The National Post's endorsement of Sinclair's malicious website has given it credibility, as if it was some kind of legitimate consumer site, and has devalued the Plaintiffs' genuine Morrisseau paintings, because six of our paintings are on this website labelled as fakes, in spite of forensic verification.

91. If National Post's journalists and producers had practiced responsible journalism and done proper research, they would have read the well-documented information that is readily available on the internet, proving that Sinclair's website contains false unsubstantiated, and malicious information directed against collectors of and dealers in Morrisseau art, as well as against First Nations artists and Morrisseau family members.

92. But instead of practicing responsible journalism, the National Post recommended and endorsed Ritchie Sinclair's notorious malicious website at www.morrisseau.com as if it was some kind of legitimate consumer information website.

93. In fact, Sinclair's site is a complete hoax, and Sinclair has no qualifications whatsoever to tell whether a painting is fake. He has never even seen 99% of the paintings represented by low resolution images on his website.

94. Almost all the paintings pictured on Sinclair's site and labeled as fakes were painted in the 1960s and 1970s, long before Sinclair had met, or even heard of Morrisseau or seen even a picture of a painting done by Morrisseau, according to Sinclair's own declarations.

95. Postmedia falsely labelled and promoted Ritchie Sinclair as a protégé of artist Norval Morrisseau, and recklessly endorsed him as an expert on Morrisseau paintings, none of which is true. The Postmedia journalist and editors promoted Ritchie Sinclair, but failed to check out his false and wildly exaggerated claims of education, qualifications, expertise and experience that he does not have.

96. As for the website www.morrisseau.com, Sinclair did not post his malicious website until October 2008, when Sinclair, who was enraged at the complete failure of his own art show at the Scollard Street Gallery, when his own art did not sell, Sinclair did a sudden about-face, literally overnight. He had never previously mentioned anything about fake Morrisseaus, even though he was well aware of Robinson's campaign to falsely spread "rumours" of fakes, been publicly praising

97. National Post's journalists and producers also failed to do proper research on lawyer Jonathan Sommer, who appears to be the single source for this story. The journalist, who wrote the story, Tristin Hopper, fails to disclose the very obvious self-interest of Mr Sommer in promoting and spreading this story. In fact, this story seems to be a job ad for the lawyer.

98. The article is still on the National Post website, where it remains today (the day of filing for this lawsuit.)