

Court File No. CV-08-00366828

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

**JOSEPH MCLEOD (c.o.b. as MASLAK MCLEOD GALLERY), JACKIE
BUGERA, BUGERA HOLDING LTD. (c.o.b. as BEARCLAW ART GALLERY),
JAMES WHITE, WHITE DISTRIBUTION LIMITED, DONNA CHILD,
ARTWORLD INC. (c.o.b. as ARTWORLD OF SHERWAY), SUN NAM KIM
("SUNNY KIM"), and GALLERY SUNAMI INC. (c.o.b as GALLERY SUNAMI)**

Plaintiffs

- and -

**RITCHIE SINCLAIR (also known as "RITCHIE ROSS SINCLAIR", "RICHIE
SINCLAIR", "STARDREAMER", and "BLACKMAGIC")**

Defendant

**SUPPLEMENTARY
AFFIDAVIT OF RITCHIE SINCLAIR
(Sworn January 8, 2009)**

**I, RITCHIE SINCLAIR, OF THE CITY OF TORONTO, IN THE PROVINCE OF
ONTARIO, MAKE OATH AND SAY:**

1. This is a Supplementary Affidavit that I have sworn prior to receiving any materials in reply to my Affidavit sworn, January 5, 2009.
2. I have sworn this affidavit in order to provide the Court with certain additional evidence that was not available to be included in my original Affidavit of January 5, 2009.

A. Symes & Street's December 22, 2008 Email (and Letter) to Godaddy

3. Yesterday, on January 7, 2009, I was advised by Godaddy, the web site host for Morrisseau.com, and verily believe it to be true, that on December 22, 2008, that Symes & Street sent an email to Goddady. Attached hereto and marked as **Exhibit "A"**, is a true copy of the email from December 22, 2008.
4. This email was sent fourteen (14) days after this Honourable Court made its Order of December 8, 2008, wherein inter alia, my Morrisseau.com web site was permitted to remain operating on the Internet, albeit with the requirement that an important notice as described in the Order, be posted. I complied with the requirement to post the Notice, within the time period allowed in the Order, i.e. by midnight on December 8, 2008.
5. The aforementioned email from Symes & Street, enclosed a letter from the Plaintiffs' counsel (the "letter"). The letter was copied to each of the Plaintiffs. Neither I nor my counsel was copied with the letter. The enclosed letter, dated December 19, 2008, is also attached as Exhibit "A".
6. The aforementioned email also enclosed a copy of this Honourable Court's Order, dated December 8, 2008, however it was missing the middle page, i.e. Page 2 of the Order. The incomplete Order is also attached as Exhibit "A".
7. Following Godaddy's receipt of the aforementioned email and letter from Symes & Street, Godaddy took down my Morrisseau.com web site. My web site was down for

two days. Godaddy put the site back up when I pointed out to them that the Order *permitted* the web site to remain up.

B. Mr. Ross's Email to Me Regarding Confirming My Background

8. Yesterday, on January 7, 2009, I received an email from Bryant Ross of Coughlan Art Studio and Gallery. Attached hereto to this my Affidavit and marked as **Exhibit "B"**, is a true copy of this email. I am advised by Bryant Ross of the contents of this email and verily believe them to be true. The email states as follows:

"My name is Bryant Ross. I own Coughlan Art Studio and Gallery in Aldergrove, B.C. I've been involved in the fine arts and in representing Northwest Coast artists for 25 years. I had a close personal relationship with Norval Morrisseau for more than 20 years. During this time, from 1987 to his death in 2007, I received 100s of paintings directly from the artist. This relationship went far beyond dealing with his paintings. He was my teacher and mentor. I am considered a well informed expert on Morrisseau. My Gallery is a Principle gallery of Norval Morrisseau's artwork. As a principle dealer of Morrisseau I continue to work with his art work.

I confirm that Ritchie Sinclair was an apprentice of Norval Morrisseau. As an artist he has taken Morrisseau's style and made it his own. This is what Morrisseau wanted. As the creator of the Woodland style Morrisseau wanted artists to continue developing his style in their own way. I can confirm that he has painted with Norval over the years, including painting the backgrounds for Mr. Morrisseau on two authentic 1993 Morrisseau paintings that I now have available for purchase through my Gallery.

Ritchie Sinclair exhibits considerable expertise in understanding Norval's artistic techniques and his methods. He painted with Norval as long ago as 1979 and he confirms my own assertion that Morrisseau did not sign, title and date the back of his paintings. Mr. Sinclair exhibits an expertise in properly identifying authentic Morrisseau paintings and differentiating them from the disputed works. In my opinion he has acted responsibly in presenting a venue at Morrisseau.com that shows many of the disputed works along with authentic ones for easy comparison."

C. Her Excellency the Right Honourable Michaëlle Jean
Speech on the Occasion of the Order of Canada Investiture Ceremony

9. On January 7, 2009, a very recent speech made by Her Excellency the Right Honourable Michaëlle Jean in part concerning Norval Morrisseau, on December 12, 2008, came to my attention. Attached hereto to this my Affidavit and marked as **Exhibit “C”**, is a true copy of Her Excellency’s speech, from the Governor General’s web site.
10. I make this Supplementary Affidavit in response to the Plaintiffs’ motion, and for not any other or improper purpose.

SWORN BEFORE ME at the City of)
 Toronto, in the Province of Ontario)
 this 8th day of January, 2009)
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 _____)
 A Commissioner, etc.
 Zak A. Muscovitch

 Ritchie Sinclair