

Additional Documents of the Defendant

Otavnik v Sinclair

VOLUME #2

INDEX

Volume #2 – The Forgery Issue

1. Published documentation
2. Norval Morrisseau's sworn Declarations
3. Images from declarations
4. Comparisons of authentic Norval Morrisseau artwork and the forgeries derived from them in the Smithsonian and the Art Gallery of Nova Scotia.
5. Other side by side comparisons and their sources.
6. Forgery organization and creation.
7. Filed documents in CV-08-00366828
8. Affidavits of the Plaintiffs on CV-08-00366828

results of their investigation have been forwarded to the authorities of jurisdiction for further action.

R.C.M.P. officers, Street, Faldo and Kent were contacted by Mr. Sinclair with regard to several new forgeries purported to be painted by Morrisseau. The paintings were commissioned, published and promoted by the syndicate in 2010 specifically to discredit Mr. Sinclair. Sgt. Sinclair to be patient with his complaint and to wait for the results of the general Morrisseau fraud investigation. To date, nothing has been done about these offensive paintings Mr. Sinclair complained about.

6. C.I.B. Detective Eastman, 53 Division, Toronto - This point contact the authorities who understood that Mr. McLeod and Mr. O'Connell were working together and chose to charge Mr. Sinclair with criminal assault without an investigation. Furthermore, he has Mr. Sinclair imprisoned without showing cause. Assisting officers include Constable Brian O'Connell and Sgt. Barclay.

7. Calgary Police - A complaint was apparently filed on behalf of Mr. McLeod, Mr. O'Connell, Mr. Monix, Mr. Potter and Mr. Manville alleging that Mr. Sinclair wrote a threat letter to them. Mr. Manville published a false allegation months later on the syndicate's website in an article he authored. Mr. Sinclair stated that the syndicate's threat complaint had been forwarded to the Toronto Police Service. This false report has not been properly investigated.

BACKGROUND

8. Norval Morrisseau is Canada's most significant and popular artist. Morrisseau passed away in Toronto on December 4, 2007. Morrisseau was in Toronto to meet with the R.C.M.P. and other authorities in order to begin an investigation into the factory-like production of thousands of fake paintings of his work. In September 2008 the R.C.M.P. began a comprehensive investigation, concluded Dec. 2010.

9. In October 2008 Morrisseau protégé Ritchie Sinclair opened a internet gallery through his morrisseau.com website. The gallery displayed images of fake Morrisseau art. The syndicate took offense to Mr. Sinclair's opinions and refocused their ongoing harassment campaign against those associated with Mr. Morrisseau to target specifically Mr. Sinclair. Mr. Sinclair has been criminally harassed by a consortium of at least eight individuals ever since.

10. Mr. O'Connell and a Mr. White both admitted under oath on January 11, 2011 that they planned a harassment campaign to offend, threaten and discredit those close to Morrisseau in August 2008. They have since carried out that plan of harassment specifically targeting Mr. Sinclair in particular.

Portrait of a scandal

Fierce debate erupts over authenticity of fake paintings credited to famed artist

BY KATIE MERCER, THE PROVINCE FEBRUARY 7, 2010 1:09 AM

The late Norval Morrisseau, Canada's "Picasso of the North," had an eye for colours with punch and a passion for paintings which made a statement.

But today there are heated debates over what are real Morrisseaus and what are fakes.

Morrisseau's body of work has seen art dealers, commercial galleries and individuals embroiled in civil litigation and has spawned several questionable websites, all clamouring over whether the multimillion-dollar Morrisseau market has been saturated with forgeries and fakes.

Two weeks ago, a purported fake was publicly destroyed at the Interurban Gallery in the Downtown Eastside.

"It's very hard to prove the authenticity of a painting, or the non-authenticity," said Bryant Ross, the owner of Aldergrove's Coghlan Art.

"This painting is a lie, someone put Norval's name on it: Copper Thunderbird. They made this painting a lie, it's not the truth," Ross continued before sloshing a large X across Water Spirits with red paint.

The painting, supposedly created by Morrisseau in 1979, was one of two works Ross obtained through an artwork exchange with a Winnipeg art dealer. Morrisseau, the founder of the Woodlands School, told Ross the works were fakes.

"It's not just art that can be discredited but the artist himself," said Gabe Vadas, Morrisseau's former manager and adopted son.

"He never thought this would happen. [The fakes] could replace his whole legacy."

Morrisseau's life was rife with controversy, which has followed him since his death in December 2007 as allegations of fakes and forgeries have continued.

A schism has developed between the Norval Morrisseau Heritage Society and the Norval Morrisseau Family Foundation, which represents his children, many of which have gone on to become accomplished Woodlands artists themselves.

The NMHS, a group of art experts from institutions such as the National Gallery of Canada, have

issued several warnings to the public about fake Morrisseaus circulating the secondary art market.

The committee members were called together by Morrisseau in 2005 to create a list, or catalogue raisonne, of Morrisseau's authentic work in an effort to bring the issue of forgeries to a close.

In the meantime, however, there is no appointed group authenticating Morrisseau works, including the society itself.

The situation is further complicated by the fact that the Art Dealers Association of Canada has held firm on its 2007 notice that its members would no longer issue certificates of authenticity for Morrisseau's paintings, citing the NMHS as the "sole authority" for authentication.

Meanwhile, Morrisseau's family members, including his children, have been providing certificates of authenticity themselves either by their own hand or through the Norval Morrisseau Family Foundation.

Morrisseau disavowed the group in an October 2007 press release, stating the foundation "does not have my authority or consent to authenticate my art or to otherwise hold itself out as representing me or my interests in any manner whatsoever."

The family could not be reached for comment for this article.

Morrisseau led a colourful life which took him across Canada, from his home near Red Lake, Ont., to troubled times in Vancouver's Downtown Eastside where he battled his addictions, often trading his works for a bottle.

Despite the Ojibway Shaman's success, including an illustrious showing at France's Bicentennial Celebration in 1989, there were times when he was known to sign certificates of authenticity for paintings that weren't by his hand simply for the cash or because he didn't want to cause insult or injury to a friend.

So are there fake Morrisseaus and who is telling the truth?

John O'Brien, a fine-arts professor from the University of B.C., said the question of Morrisseau forgeries is "the most notorious case in Canada."

"I don't think it will end," said O'Brien.

"There are too many forgeries and the problem has become too widespread."

kmerc@theprovince.com

© Copyright (c) The Province

Old art scam surfaces on-line

Buyers beware: Phony Norval Morrisseau paintings have been selling on eBay, VAL ROSS reports

They're back. It's another invasion of the fake Norval Morrisseaus. For years, canvases allegedly done by the great Ojibwa artist have been turning up in galleries and at auction — canvases which the artist, through his business manager and friend Gabor Vadas, insists are bogus.

Now they're showing up on eBay. It's a new wrinkle on an old scam," says Toronto lawyer Aaron Milrad, who acts for the artist and the Norval Morrisseau Heritage Society. And so far, eBay's position is that it's up to a vigilant public to inform Bay's 203 million registered members of fakes via an automated program; the company takes no further responsibility.

One ad, which appeared in late January, read: "A Genuine 100 per cent Authentic [sic] Acrylic on Canvas painting by Norval Morrisseau

... An Excellent Investment and a Golden Opportunity..." Prospective buyers were told that the painting comes with a certificate by a "Highly Qualified REGISTERED CERTIFIED MEMBER OF A.D.A.C. (ARTISTS DEALERS ASSOCIATION OF CANADA)"

Trouble is, there's no such organization. What ADAC usually stands for is the Art Dealers Association of Canada, its president, Patricia Fehleley, is appalled to see her organization cited as endorsing the sale of dodgy goods. "I have never been so angry as now, at seeing ADAC's name so blatantly plastered on something which the artist says is not authentic," she said last week, adding, "They didn't even spell authentic right."

That ad has since expired and the vendor vanished. But Vadas has found at least two other phony

Morrisseaus currently on offer on eBay.

Collectors have greedily amassed Morrisseau canvases ever since his first exhibition of flat, stylized mythological figures made headlines in 1962. The value of his best individual works has climbed as high as \$100,000, buttressed by recent shows such as the National Gallery of Canada's Norval Morrisseau: Shaman Artist (which will go to the National Museum of the American Indian in New York in October, 2007).

But there's confusion over what is his best work, and indeed, what is his work at all. Morrisseau fell on hard times in the 1980s and could be seen on skid-row street corners in Vancouver, peddling paintings for the price of a bottle. Speculators bought them cheaply, without documentation, and attempted to donate them to public galleries for huge tax write-offs.

"All artists are entitled to do inferior works," says Milrad. "The problem is the fakes." He's referring to works Morrisseau knows he did not create. Often drably coloured with wonky signatures, they've turned up for more than a decade at auction and in galleries. Vadas has more than 1,000 examples on file.

Two years ago, the Norval Morrisseau Heritage Society formed a six-person committee of museum and government experts to compile a list of all authentic Morrisseaus. To date, the committee has identified about 1,200 pieces — those with proper provenance thanks to gallery exhibitions or conscientious owners. The only way any vendor of a Morrisseau can claim it is genuine is if this committee authenticates it.



Search | Sell | Buy | My eBay | Community | Help

Search for: NORVAL MORRISSEAU ACRYLIC ON CANVAS GENUINE-DATED 1977

30-day CERTIFICATE OF AUTHENTICITY (A.D.A.C. MEMBER)

View all 10 items



View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

View all 10 items

You can't buy this Morrisseau fake through eBay anymore, but the on-line seller says it won't police its website for possible counterfeits.

Fehleley has advised eBay that the real ADAC only stands behind those paintings endorsed by the committee.

In fact, fakes of all kinds are a growing problem for eBay. Last year, Louis Vuitton filed a civil suit against the on-line marketplace in France (it's estimated that 90 per cent of Vuitton bags on sale on eBay last year were phony). But lawsuits take time, and eBay, which sells about \$45-billion (U.S.) worth of goods annually, is well-equipped to defend itself.

A similar case against eBay, filed in 2004 in a U.S. court by Tiffany, the luxury jeweller, will come to trial in May, 2007. Until U.S. courts tell eBay to police counterfeits more actively, the recourse eBay offers to outraged parties is to join its automated Verified Rights Owner program (VeRO).

"Counterfeits are bad for rights owners and for eBay," said Erin Sullivan, a spokesperson for eBay Canada. "For this reason, the co-operation of rights owners — who have the necessary expertise in their

product — is very important. As eBay is not a retailer, we never take possession of the items sold on our site. Therefore, we do not have the ability to inspect or examine them."

Late last month, Milrad couriered a letter to eBay's San Jose, Calif., headquarters saying: "Before any purported Morrisseau works are accepted by you for sale, it is imperative that you and the seller have the work reviewed by the committee and the artist himself to avoid lawsuits."

In reply, eBay reiterated that the Morrisseau defenders should join VeRO.

As of Feb. 6, eBay still had two fake Morrisseaus on offer. Such legal wrangling, Vadas says, costs the Morrisseau estate about \$70,000 a year. It could get worse: Tiffany spends more than \$1-million a year (U.S.) tracking down on-line counterfeits.

But Vadas insists the expense is worth it, adding: "The fakes are a cultural catastrophe. We must keep Norval's legacy from becoming tainted."



"The original image used on eBay gallery listing"

Morrisseau experts hunt for up to 10,000 pieces

Museums, galleries were the easy part: now on to basements and garages

Paul Gessell

The Ottawa Citizen

Tuesday, January 02, 2007

Cataloguing Norval Morrisseau's total artistic output during his lifetime has become a far more difficult task than anyone imagined, with up to 10,000 artworks in circulation.

A six-person committee of experts that formed in 2005 to create a catalogue raisonné listing all of Mr. Morrisseau's artworks has already identified about 1,000 pieces.

But those were the easy ones for the six experts -- the Norval Morrisseau Heritage Society -- to register. They were the ones that, in most cases, were known to have been in gallery exhibitions and were properly documented.

Tracking down as many as 9,000 more will be more difficult because many of those works are owned privately, many from the days before Mr. Morrisseau became famous or from his days as a derelict on the street trading art for alcohol, said Richard Baker, a Toronto lawyer and longtime Morrisseau associate who is the society's spokesman.

"These eventually will start to surface, some of them, anyway," Mr. Baker said. "Many never will."

Legions of people may not even be aware they own a potentially valuable painting from the man often called the father of contemporary aboriginal art. There could be many an attic or basement in Canada containing a painting purchased for the price of a bottle of beer, but, in today's market, worth thousands of dollars.

Complicating the picture are the large number of Morrisseau fakes in circulation.

The fakes are such a problem that the society issued a warning this holiday season for shoppers to beware of what they are buying.

"A work of art makes a very special Christmas gift you'll treasure for a lifetime, but make sure you know what you're buying," the society said in its advisory. "There are many works available for sale to the public that are falsely attributed to Norval Morrisseau. ..."

"Inquiries about the work's provenance or history are advisable, as it is to become familiar



CREDIT:

There may be 10,000 Norval Morrisseau paintings, dating back to when the prolific artist sold his works, which are now worth thousands, for just a few dollars.

with the artist's work and pricing in other galleries, auctions and exhibitions," the advisory concludes.

The market has especially been flooded with fakes in the past five years, says Mr. Baker. Some of the forgeries are sold through galleries and some on the Internet through eBay and other websites.

The six Morrisseau experts began their work last year on the catalogue raisonne at the request of the artist. The experts include three of the top curators of aboriginal art in the country, Lee-Ann Martin of the Canadian Museum of Civilization, Greg Hill of the National Gallery of Canada and Viviane Gray of the Indian and Inuit Art Centre.

Mr. Baker said he expects his group's efforts will take years to complete. The society has no funding and does its artistic sleuthing on a volunteer basis.

Without a complete and accurate catalogue raisonne, it becomes more difficult to separate the authentic from the phony works. Experts know certain tricks, which they are loath to reveal, that help them to authenticate works. But clever fakes are still easy to produce.

"Norval's work is fairly easy to copy," says Mr. Baker. "If you attempted to paint a Morrisseau, you could probably do a pretty good job, just copying it completely."

Mr. Baker said he was not aware of action by police, or other authorities, to stop the production of fake Morrisseaus. It seems that the artist, or his representatives, must take the lead in fighting the problem.

Various galleries make a point of claiming in advertisements that all the Morrisseaus they sell are "authentic."

Mr. Baker declined to discuss the gallery situation but said consumers should be especially careful of buying on the Internet. If in doubt, according to the society's advisory, works should be taken for authentication to the Art Dealers Association of Canada.

Mr. Morrisseau is in his 70s -- his exact birthdate is in dispute -- and living in a nursing home on Vancouver Island. He suffers from Parkinson's disease and is in fragile health. The value of his paintings will undoubtedly increase upon his death.

A retrospective of Mr. Morrisseau's work, Shaman Artist, opened at the National Gallery last winter and now is travelling the country, most recently opening at the McMichael Art Gallery at Kleinburg, Ont.

It was the first solo show by a First Nations artist ever held at the National Gallery.

© The Ottawa Citizen 2007

CLOSE WINDOW

Weekend Review



GAYLE MacDONALD ON TV'S SURPRISING NEW DESIGNER GUYS

JANE FONDA TALKS TO SARAH HAMPSON ABOUT GOD, DAD AND TED'S NEWLYWED NOONER, F

ROBERT EVERETT-GREEN ON GET-NO-RESPECT WHISTLERS, R7



Paint brawl

As a planned retrospective by the National Gallery, and the native artist's own failing health, put a premium on the value of his paintings,

Fierce battle has erupted over the work of Norval Morrisseau — involving allegations of concerted deception, market manipulation and forgeries being produced in an almost factory-like manner. **JAMES ADAMS** reports

The voice over the telephone line is no more than a slurred mumble. But the thoughts behind the words seem clear, and occasionally the words themselves spill forth in an articulate flow.

"The only thing I think about is to paint. I just want to paint. There are things in my head that I'd like to get out, but right now it can't happen."

The words are those of Norval Morrisseau, at 73 perhaps the most famous first nations painter in Canada, the man whose revolutionary, colour-packed synthesis of native mythology and personal expression pushed him into the mainstream of Canadian art and gave birth to an entire generation of

painters emboldened by his themes and bravura brushwork.

Next February, the National Gallery will unveil a three-month retrospective of 60 Morrisseau works. While the National has previously included Morrisseau in some group shows, and holds three of his acrylics in its permanent collection (compared to the 100 paintings and drawings by Lawren Harris), the 2006 exhibit will mark the first time a first nations artist (as opposed to an Inuit) has been given a solo showcase in the National's 126-year history. The long delay has been a reflection of "the historical ambivalence toward native art at the gallery," says curator Greg Hill.

See MORRISSEAU on page R11

A Morrisseau can sell for \$35,000 or more

MORRISSEAU from page R1

It's an ambivalence he hopes his exhibition will transcend by showing Morrisseau as a "prominent figure within the art history of this country as a whole."

Yet the Ojibwa artist and self-described shaman-trickster hasn't produced any new, commercially viable art in more than three years. He's living far from the Northern Ontario wilderness that originally inspired his art, in an extended care facility in Nanaimo, B.C., which has been his home since 1999. Severe Parkinson's disease and a stroke resulting, in part, from years of debilitating alcohol and drug abuse, as well as double knee-replacement surgery, have brought Morrisseau's vaunted productivity — estimated by some to total more than 9,000 paintings — to a halt, while confining his slumped body to a wheelchair. With no new art likely to enter the market between now and his death, whatever works out there now with a Morrisseau signature are all the more valuable.

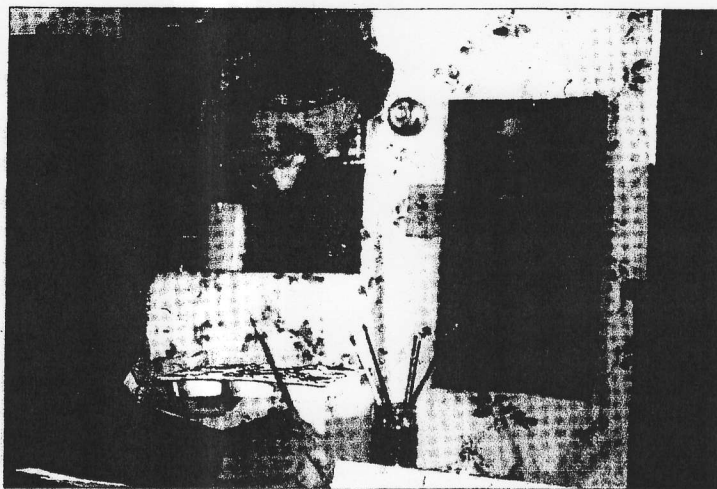
But how many of them are real Morrisseaus? A fierce brawl has broken out in part over just that question, with charges related to forgeries, market manipulation and issues of authentication being hurled back and forth across the country. Morrisseau claims forgeries of his work have been "a problem for a long time." But it's in the last three years that disputes over what is or is not a Morrisseau have become especially intense — so much so that a Toronto auctioneer who once sold Morrisseaus recently warned that the wariness those disputes are sowing "could kill the entire market."

Just last month the Competition Bureau of Canada launched an investigation into the activities of a Toronto art dealership over allegations it is undermining the resale market for paintings and drawings by Morrisseau for its own benefit. At this stage, the investigation of Kinsman Robinson Galleries, which has represented Morrisseau as his major Canadian dealer since late 1989, implies no civil wrongdoing. Rather, the federal Competition Act requires the commissioner of competition to initiate an enquiry on any complaint filed by "six persons resident in Canada."

In this instance, the six — their names have not been disclosed, as permitted by legislation, but they are believed to be owners and auctioneers of Morrisseau art, as well as dealers in the resale market — requested the enquiry last month. They argue that Kinsman Robinson has been violating the Competition Act by making "misleading statements to the public with a view to promote [sic] his [sic] business ... at the expense of other sellers of Morrisseau art and to the detriment of the Canadian public."

If the competition commissioner obtains enough evidence in support of the allegations, the case can be forwarded to a competition tribunal that can impose a remedy, including fines. Enquiries are conducted in secret.

Part of the impetus for the enquiry seems to derive from a recent series of Kinsman Robinson-sponsored ads in *The Globe and Mail*. The first, appearing in February, includes a detail of a Morrisseau painting and the text: "Kinsman Robinson Galleries are the sole au-



The artist in his studio in 1974, from the CBC documentary, *A Separate Reality — The Life and Times of Norval Morrisseau*: the prospect of competing committees charged with authenticating the painter's works.

"The day you make a rule about Norval Morrisseau — that he didn't put titles on the front of his paintings, say, or be never signed on the back of a canvas — the next day you'll find it broken."

thorized representatives for Norval Morrisseau in Canada. Artworks sold by Kinsman Robinson ... are guaranteed to be by the artist Norval Morrisseau." Subsequent ads have featured a photograph of a healthy-looking Morrisseau accompanied by the words: "For the record, I would like to state that Kinsman Robinson ... [etc.]" Questions or concerns? Please contact Kinsman Robinson Galleries ...

But only relatively recently has Kinsman Robinson had this "sole authorized" status. True, Kinsman Robinson had a trans-Canadian exclusivity deal between 1989 and 1994 for the marketing of new Morrisseau works. But from 1994 until at least the end of 2003, at least five other commercial galleries outside of Ontario had been permitted to sell new Morrisseaus, in an arrangement Kinsman Robinson was party to. Furthermore, virtually any commercial gallery, auction house or individual, not just a "primary-market" gallery like Kinsman Robinson, can sell a previously owned Morrisseau painting.

The demand for Morrisseaus has spanned more than four decades. His first public exhibition, in 1962, of 42 works at the Pollock Gallery in Toronto, sold out (for a grand total of about \$5,000), prompting *Time* magazine to declare: "Few exhibits in Canadian art history have touched off a greater immediate stir."

Nowadays a Morrisseau canvas can sell for as much as \$35,000, sometimes more, depending on its size, thematic significance, the year it was painted (generally collectors

prefer works done between 1960 and 1980) and its quality. (Earlier this month, Morrisseau's Toronto lawyer, Aaron Milrad, indicated there's a batch of Morrisseau paintings and drawings, completed before 2002, that Kinsman Robinson and the artist are holding back from sale. Some likely will be offered around the time of the National Gallery show; others, probably after Morrisseau's death.)

The market, however, experienced a pronounced slump in the 1980s, after the Pollock Gallery declared bankruptcy and Morrisseau embarked on an almost decade-long binge of wine, tequila, whisky and cocaine that saw him stumbling around the streets of Thunder Bay, Jasper and Vancouver, among other communities. Estranged from his wife now deceased, and seven children, Morrisseau continued to paint and sketch, but now he was selling pieces for as little as \$10. According to tax court of Canada documents published in 1999, Morrisseau didn't have a substantive sale of new works by "a private gallery sponsor" in Canada for almost nine years — a drought that ended when Donald C. Robinson, founder of Kinsman Robinson, presented a sold-out exhibition of 40 Morrisseaus in Toronto in 1990.

By this time Morrisseau had sobered up considerably. Much of the credit for this was due to Gabe Vadas, a fatherless Vancouver skid row kid and high-school dropout who took the artist under his wing. Explains Vadas's wife, Michele: "[Gabe] was so overwhelmed with Norval's spiritual endowment that he decided Norval could be his liege lord." Now, almost 20 years later, Vadas, 39, serves as Morrisseau's business manager. Morrisseau calls Vadas his son and companion shaman, and Michele his "daughter-in-law and Florence Nightingale."

During his '80s hiatus, Morrisseau occasionally sold art on his own to feed his habits, but mostly he relied on a bewildering array of "managers" (including a small-time mobster Albert Voipe, now deceased), galleries, institutions, roommates and other intermediaries to provide him with materials

(artistic, culinary, inebriant) and opportunities to produce, sell and trade his art.

In one instance, a handful of Thunder Bay lawyers bought almost 225 Morrisseau paintings over 24 months, starting in 1984, for a total of \$130,000. After getting an appraisal by what is now the Art Dealers Association of Canada that determined their "fair market value" was more than \$990,000, the lawyers donated the works to four not-for-profit cultural institutions and got to apply the appraisal as a tax deduction. (In 1996 a Tax Court of Canada judge reduced the value of the donation to \$680,000.)

Back then, no one seemed to raise questions about the authenticity of those 200-plus Morrisseaus. Such a scenario seems highly unlikely today. Kinsman Robinson, Morrisseau himself and their backers are convinced the market is rife with works that are, at best, sincere homages, and, at worst, crude fakes. Just last month Tom Hill, museum director of Bramford, Ont.'s Woodland Cultural Centre and co-author of *Norval Morrisseau and the Emergence of the Image Makers*, said some Norval connoisseurs "feel that prints put out in the market recently with his signature ... they don't believe they're by him."

Four weeks ago, lawyer Milrad, who has acted on behalf of both Kinsman Robinson and the artist, announced he was establishing a five-person committee that would, with Morrisseau's help, authenticate paintings brought to its attention. Another function of the committee, expected to be named later this month, would be to start the daunting process of assembling a catalogue raisonné, or definitive inventory, of Morrisseau's oeuvre.

It's presumed the committee, which will be financed by Morrisseau, would function much like the Andy Warhol Art Authentication Board established nine years after Warhol's 1987 death. The four-member board has been a perennial source of controversy, not least because it was founded (and continues to be funded) by the Andy Warhol Foundation, which has sold its own Warhols over the years. The

board invites submissions of works believed to be Warhols to its New York office three times a year, and eventually assigns each a grade: A for "work of Andy Warhol," B for "not the work of Andy Warhol" or C for "not able at this time to form an opinion." To avoid lawsuits, the Warhol board says its evaluations are "merely an opinion," not statements of fact, but most major U.S. auction houses, when asked to sell a Warhol, request the consignor have it graded by the authentication board first.

For Joseph McLeod, all this talk of forged Morrisseaus is a red herring. Sure, fakes exist, and, as the proprietor of Maslak McLeod, a Toronto gallery that works the Morrisseau secondary market, he's seen some. But "they are rare." What the "innuendo" of forgeries really is about, he insists, is the struggle over the Morrisseau market now and in the years ahead. McLeod's dealership has been selling "second-hand" Morrisseaus for years, currently from a converted house in the city's Yorkville district, just two blocks north of Kinsman Robinson. In 2002 he mounted an exhibition and sale of more than 60 paintings and serigraphs titled *Norval Morrisseau and the Development of the Woodland School of Art*, accompanied by a full-colour 58-page catalogue with a 74-word "message" from Ontario's Lieutenant-Governor James Bartleman (whose mother was Ojibwa).

At the same time as Kinsman Robinson has been running its "sole authorized" ads in *The Globe and Mail*, McLeod has occasionally bought his own ads in the newspaper, at least one time, coincidentally, on the same page, proclaiming the availability of "classic [Morrisseau] work from all periods."

McLeod, who first met Morrisseau in the late 1950s when McLeod was a teacher and school administrator in Northern Ontario, thinks there's already a network of experts — museum curators, commercial galleries familiar with Morrisseau, and organizations such as the Art Dealers Association of Canada and the Ontario Heritage Foundation — that have been keeping and can keep the Morrisseau market upright.

"If we could have a sort of honest, flat playing field for the next 15 years, and let the market find itself without interference, instead of being brought under suspicion, that would be best," he says. A similar shake-down period should ensue, he says, before work begins on assembling a catalogue raisonné, especially for an artist as "prolific and scatterbrained" as Morrisseau.

"It took David Silcox and David Milne's son [46 years] after Milne's death to publish his catalogue rais-

onné," says McLeod, "and it's more than a thousand pages." McLeod also has a jaundiced view of the looming authentication committee because "the day you make a rule about Norval Morrisseau — that he didn't put titles on the front of his paintings, say, or be never signed on the back of a canvas — the next day you'll find it broken. Steady, he was not."

Lawyer Milrad, however, remains just as convinced that forged Morrisseaus are being produced in an almost factory-like manner by unidentified artists in B.C. and Northern Ontario, and he says he's hired a private detective to flush them out. At the same time, he acknowledges that forming an authentication committee, and touting its authority, represents a "proactive alternative" to the time-consuming expense of dragging alleged counterfeiters into court. And he's adamant about the essential validity of such a committee: "Who exactly is supposed to authenticate if it can't be Morrisseau and a committee formed on his behalf?"

Well, how about yet another committee, this one composed of what McLeod calls "non-commercial, academic types" with no financial affiliation with Morrisseau? Such a "really amorphous preliminary group ... of over 25 persons" already exists, says McLeod, and was "struck" last year, in fact. But so far its information-sharing has been largely by phone and e-mail, and no strategy has emerged. Now "some kind of a meeting" might be in the offing this spring, "or a consensus of where we go from here."

McLeod acknowledges the risk involved. With a Competition Bureau enquiry under way, and one authentication board already in the works, can yet another Morrisseau mechanism be formed "without alarming the public further?"

Out on the West Coast, Norval Morrisseau is living a life seemingly unaffected by all this Sturm und Drang. Even though he can't paint, he says he's enjoying "good relationships" with the Vadas family, the staff at his nursing home and assorted friends, including Sandra Moorhouse, who runs a native gallery in Nanaimo called Art of the Siem (where Morrisseau occasionally makes a purchase) and Phil Ashbee, a Cree artist whose studio he visits. "I enjoy the people laughing and smiling," he says.

"I've changed," he adds. And how could it be otherwise when you're in your mid-'70s and no longer capable of being the hell-bent hellion you once were? Says Vadas: "Norval recently has been heard to say that he is more sane now than he's ever been in his life."

Art Dealers Association of Canada

111 Peter Street, Suite 501, Toronto, Ontario M5V 2H1
(416) 934-1583 www.ad-ac.ca email: info@ad-ac.ca
Advertisers please call: Toronto (416) 585-5677/92;
Montreal (514) 982-3050; Vancouver (604) 631-6627

**A message from
NORVAL MORRISSEAU**

For the record, I would like to state that Kinsman Robinson Galleries are my sole authorized representatives in Canada. Artworks sold by Kinsman Robinson Galleries are guaranteed to be by the artist Norval Morrisseau.

Thank you, Norval

Please contact Kinsman Robinson Galleries at 111 Campbell St., Toronto, ON M6R 1A6. Phone: (416) 585-5677. info@kinsmanrobinson.com

Ontario Association of
Art Galleries
49 McCord Street, Suite B2,
Toronto, Ontario M5T 2W7 (416) 598-0714
Web site: www.oaag.org

Ontario Museum Association

Art Dealers Association of Canada

111 Peter Street, Suite 501, Toronto, Ontario M5V 2H1 - (416) 934-1583 www.ad-ac.ca email: info@ad-ac.ca
Advertisers please call: Toronto (416) 585-5677/92; Montreal (514) 982-3050; Vancouver (604) 631-6627

ERY LIMITED

Group to authenticate Morrisseau artwork

Last Updated: Thursday, March 24, 2005 | 3:00 PM ET

CBC Arts

A group of art experts is being assembled in Toronto to help stem the proliferation of fake Norval Morrisseau paintings.

Morrisseau, an Ojibway, is recognized as one of Canada's most influential First Nations artists.

Aaron Milrad, Morrisseau's lawyer, says a committee of five Morrisseau experts will be in place by the end of April to authenticate Morrisseau artwork. Anyone owning a piece will be urged to contact the committee.

Milrad hopes to create a central repository of Morrisseau archives and records in Toronto to help the committee prepare an official inventory of the artist's work.

Forgeries are so abundant that Morrisseau recently put an ad in the Globe and Mail newspaper saying: "for the record, I would like to state that Kinsman Robinson Galleries are my sole authorized representatives in Canada."

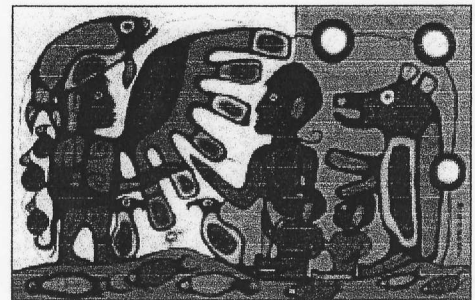
The Morrisseau family has hired a private investigator to track down the source or sources of the forgeries, which have cropped up across Canada.

Milrad acknowledges people are "buying in good faith" but says many will be disappointed to discover they are not Morrisseaus.

Milrad says he hopes to have the repository up and running by early 2006 to coincide with a three-month retrospective of Morrisseau's work at the National Gallery of Canada in Ottawa.

Morrisseau, 73, is being treated for Parkinson's disease at a nursing home in Nanaimo, B.C. He hasn't produced anything since 2001.

His vivid pictographic paintings using strong colours have been praised for their infusion of native themes with European traditional painting. Many artists have since emulated his style. Morrisseau's paintings sold for tens of thousands in the early 1970s and in 1978, he was named to the Order of Canada.



Norval Morrisseau, Thunderbird Shaman Teaching People, acrylic on canvas, 1990. (CP Photo)

Probe launched as native Canadian artist identifies paintings as forgeries

Morrisseau fakes alleged

BY MURRAY WHITE

Celebrated native Canadian painter Norval Morrisseau has identified at least 23 paintings sold recently at auction as forgeries, touching off an investigation that could lead to hundreds of money paintings attributed to him.

Donald Robinson, Mr. Morrisseau's gallery representative in Toronto, was approached last month by a collector who bought several paintings attributed to Mr. Morrisseau at Kahn's Country Auctions in Pickering, Ont. The collector wanted the works appraised, but Mr. Robinson was suspicious of their authenticity.

Mr. Robinson sent colour photocopies of 23 paintings to Mr. Morrisseau in British Columbia for identification. Mr. Morrisseau sent back a signed statement saying he did not paint any of the works in question.

The paintings were purchased from a collection of about 620 paintings sold by Kahn's on behalf of a single dealer in Thunder Bay, Ont. Also included in the collection was a painting attributed to West Coast native artist Robert Davidson. The painting, dated 1978, has also been denounced by Mr. Davidson as a fake.

Randy Potter, who owns Kahn's, said he believed all the paintings he has sold are authentic. He has sold more than 600, he said, and the only complaints he has received have come from Mr. Robinson himself. "I've sold a lot of these to a lot of people, big dealers, collectors, and not one guy has ever come back [except Mr. Robinson]," he said.

However, Mr. Robinson said these paintings had no relation to the artist's collection.

"I had long thought there was something wrong with these paintings," said Mr. Robinson, who bought some himself. "With

all these numbers coming out, I just thought 'this is impossible.'"

The alleged fakes first came to Mr. Robinson's attention through the Thunder Bay RCMP, which had received a tip through Crime Stoppers. An RCMP officer in Thunder Bay declined to comment on the case.

If the list contains more forgeries, the financial damages could run into the millions of dollars. Mr. Morrisseau, one of the country's best-known and most marketable living painters, typically sells a medium-sized canvas for \$1,000 to \$5,000. At auction, the paintings sold for an average of \$7,000 to \$1,000, with some going for as much as \$5,000.

Mr. Morrisseau, who is 70 years old, is in ill health with Parkinson's Disease. Over the course of a painting career that began in the 1960s, he developed a reputation for alcohol abuse. In 1987, he became national news not for his art, but for living on the streets in Vancouver's Gastown, scrambling through garbage and selling them to buy food and alcohol.

In the early nineties, Mr. Morrisseau began his recovery, aided by Gaber Yaloz, a young man he met on the street in darker days. Despite his disease, he has been a productive painter over the past decade. But some believe the combination of his former lifestyle and current ailment makes his judgment less than reliable. There is also some speculation Mr. Morrisseau, in later years, would fall back on painting simply to fuel his appetite.

"Over the last 20 years, he would be to recover and paint paintings for food or liquor," said Michael Hignett, president of Christie's Auctions in Toronto,

which has sold Mr. Morrisseau's work. "You give him acrylic paint and a canvas and tell him you'll take him out for dinner and give him some liquor and he'll paint. There are probably thousands of these things on reserves all over the country."

Given Mr. Morrisseau's past, coupled with the likelihood he has painted at least a thousand paintings during his career, it would seem likely he might not remember them all. Mr. Robinson, however, said it was preposterous to think Mr. Morrisseau would not recognize his own work.

"It's not possible," he said. "Norval has an excellent memory for longer-term things. His mind is still very good."

Mr. Morrisseau could not be reached for comment.

Mr. Robinson, who is perhaps the most knowledgeable person in the country on the subject of Mr. Morrisseau's art, said there were several clues as to the paintings' authenticity that would make Mr. Morrisseau's final say a formality.

Mr. Robinson says small details seem to be slightly off: Mr. Morrisseau's signature, painted in native characters, is not quite right. The titles, usually written on the back of the paintings, are so faded they are illegible, a characteristic Mr. Robinson says he has never seen in all his years of dealing with Mr. Morrisseau's paintings.

More than that, though, are the paintings themselves. Mr. Robinson, who described them as "stoddy," said they did not appear to be Mr. Morrisseau's work. "There's a whole pile of them, but mostly it's the images," he said. "Once you've seen his work in person, your eye gets adjusted.

We know how he does faces, what the brush strokes look like, we're so familiar with his stuff."

Allegations of forgeries of Mr. Morrisseau's work are nothing new. "He's been telling us for years about the fakes, and even the people who were painting them," Mr. Robinson said.

The reason for Mr. Morrisseau's apparent popularity with forgers is many. When he started, Mr. Morrisseau was hailed as a true innovator, an inventor of a unique aesthetic that merged a traditional style of native art with contemporary painting. At the height of his popularity in the late 1960s and early 1970s, his paintings would typically sell for \$10,000, a rare figure for a living Canadian painter.

In spite of that success, though, the market for native art soured badly in the 1980s. Only Mr. Morrisseau and a handful of others were still selling work.

Mr. Morrisseau's relative marketability may have made him a target, Mr. Robinson said.

"There are a large number of failed, unsuccessful, jealous and probably relatively poor native painters," he said. "It doesn't take much of a stretch of the imagination to think that one of these guys might say 'OK, if I can't make it in the art world, then this is simple. Why not just make these up and sell them?'"

Mr. Hignett, however, doubted that kind of effort would justify the payoff.

"He's a great artist and I respect him a great deal, but Norval Morrisseau's paintings are not worth so much money that it's worth someone's while to sit there and paint forgeries."

Mr. Robinson, however, says he supports Mr. Morrisseau unconditionally. "I wanted them to be real. We all did," he said. "But if someone brought one of these to me, I would say obviously that it's not an authentic."

—Neil MacNeil, *Press*



NORVAL MORRISSEAU

Norval Morrisseau

2

CANADA
PROVINCE OF
BRITISH COLUMBIA

To Wit:

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art presently being featured on the Randy Potter Auctions web site of Randy Potter Estate Auctions of Port Hope, Ontario
2. That all of the following works as described by their number, size, and date as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

| | | | |
|---|----|---------|------|
| * | #1 | 20 x 30 | 1980 |
| * | #2 | 24 x 29 | 1978 |
| * | #3 | 30 x 23 | 1974 |
| * | #4 | 37 x 24 | 1975 |
| * | #5 | 19 x 21 | 1976 |
| * | #6 | 25 x 93 | 1976 |
| * | #7 | 23 x 26 | 1976 |
| * | #8 | 31 x 28 | 1971 |
| * | #9 | 23 x 17 | 1974 |

EXHIBIT #8

RANDY POTTER AUCTIONEER LTD.

15 Cavan St.
Port Hope, Ontario
L1A 3B5
(905)885-6336

Attached is a copy of an email then letter received by myself October 2004 sent by Gabe Vadas as an intimidation tactic to dissuade me from selling secondary works by Norval Morrisseau. I ignored the letter/email and have continued to sell the paintings knowing the source and authenticity.

I have been an auctioneer for ten years and have sold approximately twelve hundred pieces from the same source. Mr. Vadas has never pursued these accusations and I have continued to sell these same paintings to collectors and multiple galleries, many who are considered experts in Morrisseaus' works. None of these works have ever been proven suspect.

Sincerely,



Randy Potter
President

EXHIBIT #8

From: Gabb Vadas <m&g.art@telus.net>
Subject: Morrisseau fakes
Date: October 20, 2004 10:28:59 AM PDT
To: rpauctions@rogers.com



To: Randy Potter

From: Norval Morrisseau

We put you on notice that the nine paintings, reproduced in your advertising on randypotterauctions.com are not by me and are fakes. I will deny paternity to them. If you proceed to sell these paintings as mine, you will suffer the consequences.

You are further advised to withdraw from sale all additional paintings, especially if they are from the same source, until we have viewed a photo of them to ascertain their authenticity.

Norval Morrisseau

Norval Morrisseau

CANADA
PROVINCE OF
BRITISH COLUMBIA

To Wit:

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art presently being featured on the Randy Potter Auctions web site of Randy Potter Estate Auctions of Ports Hope, Ontario
2. That the following work as described by its catalogue number, size and date as found in the above noted Collection of Norval Morrisseau Art is a fake or imitation:

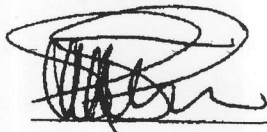
2 Morrisseau 22 x 28 1970

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 30th day of November 2004

Norval Morrisseau

Norval Morrisseau



A Commissioner for taking affidavits
for the Province of British Columbia

Samuel (Sam) H. Stevens
Stevens & Company
BARRISTERS & SOLICITORS
PO Box 943, #328 - 198 E. Island Hwy.
Parksville BC V9P 2G8
Office (250) 248-8220

| | | | |
|---|-----|---------|------|
| • | #10 | 10 x 17 | 1977 |
| • | #11 | 18 x 28 | 1970 |
| • | #12 | 23 x 19 | 1976 |
| • | #13 | 25 x 11 | 1980 |

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 24 day of April 2005

NORVAL MORRISSEAU
Norval Morrisseau



A Commissioner for taking affidavits
for the Province of British Columbia

Samuel (Sam) H. Stevens
Stevens & Company
BARRISTERS & SOLICITORS
PO Box 943, #326 - 198 E. Island Hwy.
Parksville BC V9P 2G9
Office (250) 246-8220

Adobe Web Photo Gallery

Page 1 of 2

A
Norman Morrisseau
 at *Phillipsville*
24th of April 05
[Signature]



13 signed
 Morrisseau
 25x11 1980



8 signed Morrisseau
 31x28 1971



9 signed Morrisseau
 23x17 1974



10 signed
 Morrisseau
 10x17 1977



11 signed
 Morrisseau
 18x28 1970



12 signed
 Morrisseau
 23x19 1976



1 signed
 Morrisseau
 20x30 1980



2 signed Morrisseau
 24x29 1978



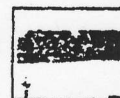
3 signed Morrisseau
 30x23 1974



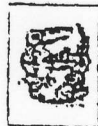
4 signed
 Morrisseau
 37x24 1975



5 signed
 Morrisseau
 19x21 1976



6 signed
 Morrisseau
 25x93 1976



7 signed
 Morrisseau
 23x26 1976



Deforest Crosley model
 850 1931 & 1929
 Westinghouse console
 radios



Philco 91 console
 radio 1939 & 1931
 Westinghouse
 Culinaire



Lane cedar
 chest



9 pc walnut
 DR suite



Queen Anne
 walnut BR
 suite



8 pc
 mahogany DR
 suite



Childs roll top dest
 newer



Mahogany drop front
 desk



Italian chairs
 signed Gerdru
 14



Leather sofa &
 chair



Mahogany
 china cabinet

CANADA
PROVINCE OF
BRITISH COLUMBIA

To Wit:

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art Presently being featured on the Gallery Sunami web site of Gallery Sunami of North York, Ontario
2. That all of the following works as described by their title, date, and size as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

- * Shaman with Power Spirits '77 56 x 29
- * Series Set of Seven (c. 1974) Each piece is 15 x 22.5
- * Painted Birch '70 40.5 x 5
- * Shaman Untitled '76 18 x 18
- * Thunderbird with Hatchlings '76 48 x 24

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 5th day of November 2004

Norval Morrisseau

Norval Morrisseau



A Commissioner for taking affidavits
for the Province of British Columbia

Samuel (Sam) R. Stevens
Stevens & Company
BARRISTERS & SOLICITORS
PO Box 943, #328 - 198 E. Island Hwy.
Parksville BC V8P 2G9
Office (250) 248-8220

(1)

GALLERY SUNAMI

Home | Exhibitions | Artists | Collection | Services | Contact



STATUTORY DECLARATION
 I, NORVAL MORRISSEAU
 do hereby declare that the above is a true and correct copy of the original as shown before me at Yellowknife
 this 20th day of November 2004
[Signature]
 A Commissioner
 for British Columbia



JOSHIM KAKEGANIC (1953-1983)
 Oil on Canvas
 20 X 16 In.
 Private Collection

Unavailable



NORVAL MORRISSEAU (B.1932)
 Arrangement on Brown '77
 32 x 19 inches
 Acrylic on Canvas

Available



NORVAL MORRISSEAU (B.1932)
 Sacred Fish '76
 24 x 21 inches
 Acrylic on Canvas

Unavailable



NORVAL MORRISSEAU (B.1932)
 Childlike Simplicity 2000
 22 x 30 inches
 Acrylic on Canvas

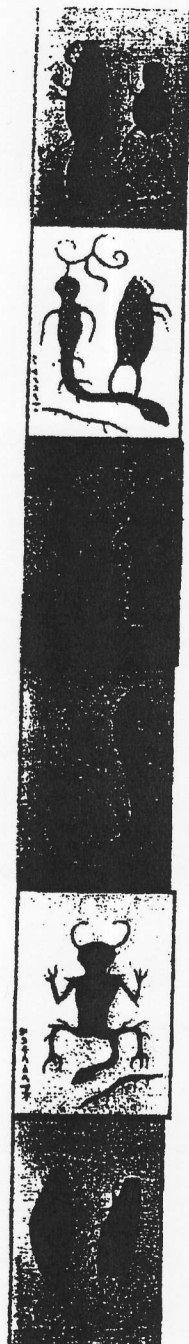
Available



NORVAL MORRISSEAU (B.1932)
 Shaman with Power Spirits '77
 56 x 29 inches
 Acrylic on Board

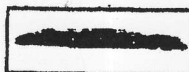
Available

(21)



NORVAL MORRISSEAU (B.1932)
 Series Set of Seven
 Acrylic on Paper Works
 Each piece is 15 x 22.5 inches each.
 Created in 1974 signed in Syllabics and pencil.

Available



NORVAL MORRISSEAU (B.1932)
 Painted Birch '70
 40.5 x 5 inches
 Acrylic on Birch Wood

Available

3



NORVAL MORRISSEAU (B.1932)
Shaman Untitled '76
18 x 18 inches
Acrylic on Canvas

Available



NORVAL MORRISSEAU (B.1932)
Thunderbird with Hatchlings '76
48 x 24 inches
Acrylic on Board

Available

Currently on
hold for
Government
of Canada
for
reproduction
to be
displayed at
the Lake
Superior
Provincial Park



DAVID MORRISSEAU (B.1961)
Mer Woman Preparing Medicine 1999
12 x 10 inches
Acrylic on Canvas
\$350

Available



DAVID MORRISSEAU (B.1961)
Crane Shaman
12 x 10 inches
Acrylic on Canvas
\$350

Available



DAVID MORRISSEAU (B.1961)
Shaman Speaking 2002
12 x 10 inches
Acrylic on Canvas
\$350

Available



DAVID MORRISSEAU (B.1961)
Infant Boy Feeling Emotions 2002
12 x 10 inches
Acrylic on Canvas
\$350

Available

(4)



ADAM SHERRIFF SCOTT (1887-1980)
ESKIMO MOTHER AND CHILD
 Oil on Canvas
 24 X 20 IN.
 Watson Gallery

Available



NORVAL MORRISSEAU (B.1932)
Loons (Mangoog)
 32 x 19 inches
 Acrylic on Paper
 Pollock Gallery Sticker on Verso

Available



NORVAL MORRISSEAU (B.1932)
Shaman in Bird Form
 24 by 30 in
 Acrylic on Canvas

Available



NORVAL MORRISSEAU (B.1932)
Untitled 90's
 24 by 30 in
 Acrylic on Canvas

Available

←MAIN

CANADA
PROVINCE OF
BRITISH COLUMBIA

To Wit:

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a print out of a Norval Morrisseau complete collection index presently being featured on the Artworld of Sherway web site of Artworld of Sherway of Toronto, Ontario
2. That all of the following works as described by their title, date, size, and catalogue number as found in the above noted Norval Morrisseau complete collection index are fakes and imitations:

| | | |
|---|-----------------|-------|
| * Spirit Beings (c. 1970) | 25 x 32 | 19324 |
| * Artist With Bird Form (c. 1976) | 19 x 23 | 19444 |
| * Thunderbird Protecting the Children (c. 1979) | 38 x 59 | 19445 |
| * Cycle of Salmon (c. 1974) | 27 3/4 x 22 1/5 | 19422 |
| * Wasakajak (c. 1976) | 51 1/5 x 54 | 19424 |
| * Astral Warrior (c. 1977) | 30 x 30 | 19425 |
| * Shaman in Combat with River Spirit (c. 1974) | 19 1/2 x 28 1/2 | 19426 |
| * Beavers (c. 1978) | 25 x 31 1/4 | 19427 |
| * Loons & Fish (c. 1972) | 18 3/4 x 31 | 19428 |
| * Life's Directions (c. 1976) | 28 x 41 1/4 | 19429 |

| | | |
|---|-----------------|-------|
| * Untitled Petroglyph Figures | 15 x 27 1/4 | 19430 |
| * Windigo (c. 1976) | 32 1/4 x 25 3/4 | 19431 |
| * Brothers Focus Good Energy on Serpent (c. 1974) | 30 1/4 x 30 1/2 | 19409 |
| * Inorganic Beings in Unity | 26 x 35 3/4 | 19410 |
| * Thunderbird With Shaman | 34 x 22 3/4 | 19411 |
| * Spirit helpers (c. 1971) | 30 x 28 | 19328 |
| * Hunter (c. 1971) | 23 x 30 | 19330 |
| * Thunderbirds (c. 1976) | 27 x 29 | 19333 |
| * Shaman With Medicine Bear and Thunderbird (c. 1976) | 22 x 42 | 19335 |
| * Shaman, Bear and Loon Circle (c. 1977) | 23 x 30 | 19336 |
| * Mother Earth Feeds Her Child (c. 1977) | 30 x 36 | 19337 |
| * Warrior and Canoe (c. 1977) | 36 x 64 | 19339 |
| * Spirit Life (c. 1977) | 34 x 52 | 19340 |
| * Spirits and Men (c. 1978) | 28 x 39 | 19342 |
| * Grand Assembly (c. 1978) | 36 x 46 | 19343 |
| * Heavenly Twins (c. 1978) | 53 x 54 | 19345 |
| * Spirits of the Earth (c. 1979) | 34 x 57 | 19347 |
| * Bear and Thunderbird Spirits (c. 1979) | 37 x 59 | 19348 |
| * Shaman With Medicine Plant (c. 1974) | 25 1/2 x 21 1/2 | 19351 |

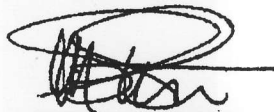
| | | |
|---|-----------------|-------|
| * Keepers of Life (c. 1980) | 53 1/4 x 95 1/4 | 19353 |
| * Spirits of the Underworld Share Energy in the Great Plain (c. 1979) | 51 x 72 1/2 | 19357 |
| * Struggle for Life (c. 1977) | 24 1/2 x 24 1/2 | 19359 |
| * Wheel of Life (c. 1979) | 34 3/4 x 34 3/4 | 19361 |
| * Children of the Sacred Thunderbird 9c. 1977) | 28 3/4 x 21 1/4 | 19239 |
| * Spirits of the Forest (c.1979) | 30 x 22 3/4 | 19235 |
| * Shaman with Three Apprentices (c. 1975) | 32 1/2 x 26 | 19244 |
| * Warrior on Sacred Journey of Life (c. 1979) | 50 1/4 x 58 | 19238 |
| * Spirit World II (c. 1979) | 59 x 50 | 19245 |
| * Spirits Gather (c. 1973) | 23 x 37 | 13071 |

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Nanaimo
in the Province of British Columbia
this 22nd day of September 2004

NORVAL MORRISSEAU

Norval Morrisseau



A Commissioner for taking affidavits
for the Province of British Columbia

Samuel (Sam) H. Stevens
Stevens & Company
BARRISTERS & SOLICITORS
PO Box 943, #326 - 198 E. Island Hwy.
Parksville BC V9P 2G8
Office (250) 248-6220

This is Exhibit " II " of Norval Morrisseau
affidavit of Yonamo
sworn before me at September 20 04
this 2nd day of September 20 04

9/22/04 8:50 AM

A Commissioner for taking Affidavits
for British Columbia

NORVAL MORRISSEAU

Current Artwork Slideshow

< Previous Artist | Next Artist >

Return to Artist's Biography

Acrylic on Canvas



Spirit Beings (c. 1970) 25 x 32 19324



Artist With Bird Form (c. 1976) 19 x 23 19444



Thunderbird Protecting the Children (c. 1979) 38 x 59 19445



Dreaming of Happiness (c. 1979) 25 x 32 19446



Cycle of Salmon (c. 1974) 27 3/4 x 22 1/5 19422



Shaman Communicates With Water Spirit (c. 1978) 43 x 34 3/4 19423



Wasakaiak (c. 1976) 51 1/5 x 54 19424



Astral Warrior (c. 1977) 30 x 30 19425



Shaman in Combat with River Spirit (c. 1974) 19 1/2 x 28 1/2 19426



Beavers (c. 1978) 25 x 31 1/4 19427



Loons & Fish (c. 1972) 18 3/4 x 31 19428



Life's Directions (c. 1976) 28 x 41 1/4 19429



Untitled Petroglyph Figures (c. 1969) 15 x 27 1/4 19430



Windigo (c. 1976) 32 1/4 x 25 3/4 19431



Brothers Focus Good Energy on Serpent (c. 1974) 30 1/4 x 30 1/2 19409



Inorganic Beings in Unity (c. 1976) 26 x 35 3/4 19410



Thunderbird With Shaman (c. 1975) 34 x 22 3/4 19411



Loon Family (c. 1977) 25 1/4 x 22 1/5 19412 (Sold)



Gathering of Tribes (c. 1975) 36 x 22 19413 (Sold)



Spirit Helpers (c. 1971) 30 x 28 19328 (Sold)



Hunter (c. 1971) 23 x 30 19330



Thunderbirds (c. 1976) 27 x 29 19333

Shaman With Medicine



Bear and Thunderbird (c. 1976)

22 x 42

19335



Shaman, Bear and Loon Circle (c. 1977)

23 x 30

19336



Mother Earth Feeds Her Child (c. 1977)

30 x 36

19337



Warrior and Canoe (c. 1977)

36 x 64

19339



Spirit Life (c. 1977)

34 x 52

19340



Spirits and Men (c. 1978)

28 x 39

19342



Grand Assembly (c. 1978)

36 x 46

19343



Heavenly Twins (c. 1978)

53 x 54

19345



Spirits of the Earth (c. 1979)

34 x 57

19347



Bear and Thunderbird Spirits (c. 1979)

37 x 59

19348



Spirits of the Forest (c. 1980) 23 x 30 19349



Shaman With Medicine Plant (c. 1974) 25 1/2 x 21 1/2 19351 (Sold)



Balance of Nature (c. 1975) 60 1/2 x 38 19352



Keepers of Life (c. 1980) 53 1/4 x 95 1/4 19353



Thunderbird (c. 1974) 21 1/4 x 34 1/2 19354



Thunderbird II (c. 1976) 28 1/2 x 50 1/2 19355 (Sold)



Spirits of the Underworld Share Energy in the Great Plain (c. 1979) 51 x 72 1/2 19357



Sacred Thunderbird (c. 1976) 25 3/4 x 25 1/4 19358



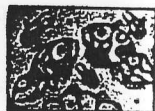
Struggle for Life (c. 1977) 24 1/2 x 24 1/2 19359



Wheel of Life (c. 1979) 34 3/4 x 34 3/4 19361



Salmon Life Giving Spawn (c. 1977) 44 x 30 19363



Salmon Spawn (c. 1975) 21 1/4 x 31 1/2 19364



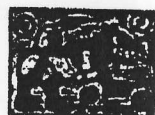
Birds and Fish in Harmony (c. 1971) 23 3/4 x 35 1/2 19366 (Sold)



Shaman (c. 1976) 26 1/4 x 22 19369 (Sold)











Christ (c. 1976) 46 1/2 x 21 19234



Medicine Bear (c. 1974) 21 3/4 x 31 1/4 19237 (Sold)



Children of the Sacred Thunderbird (c. 1977) 28 3/4 x 21 1/4 19239 (Sold)

| | | | |
|---|--|-----------------|-----------------|
|  | <u>Child in Nature (c. 1970)</u> | 22 x 30 | 19242 (Sold) |
|  | <u>Transformation (c. 1972)</u> | 20 3/4 x 28 1/2 | 19243 (Sold) |
|  | <u>Spirits of the Forest (c. 1979)</u> | 30 x 22 3/4 | 19235 |
|  | <u>Shaman Bear (c. 1970)</u> | 50 x 40 | 19240 |
|  | <u>Shaman with Three Apprentices (c. 1975)</u> | 32 1/2 x 26 | 19244 |
|  | <u>Brothers Share Life Lesson (c. 1975)</u> | 24 3/4 x 18 1/4 | 19241 (Sold) |
|  | <u>Warrior on Sacred Journey of Life (c. 1979)</u> | 50 1/4 x 58 | 19238 |
|  | <u>Spirit World II (c. 1979)</u> | 59 x 50 | 19245 |



Spirits Gather (c. 1973)

23 x 37

13071



Untitled (c. 1978)

34 1/2 x 52

12813

Limited Edition

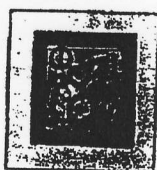


This Is The Way It Is

15 x 20

12693

Birchbark



Birds (c. 1970)

7 1/2 x 7

19367



Spirits Talk (c. 1960)

10 x 10 1/2

19236

Return to Featured Artists

3

To Wit:

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art presently being featured on the Bearclaw Gallery web site of Bearclaw Gallery of Edmonton, Alberta
2. That all of the following works as described by their title, product ID, and size as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

| | | |
|----------------------------------|---------|-------------|
| Ojibway Medicine Man | PNM035 | 48 x 50 |
| Artist With Thunderbird | PNM032 | 28 x 19 |
| Arrangement On Green | PNM0031 | 36 x 24 |
| Ojibway Shaman With Spirit Guide | PNM0030 | 23 x 23 |
| Sacred Fish | PNM0028 | 19 x 27 |
| Underworld Spirit | PNM0027 | 57 x 81 |
| Fisherman With Spirits | PNM0026 | 60 x 57 |
| Shamans Gather | PNM0025 | 25 x 38 |
| Water Dragons | PNM0024 | 45 x 34 |
| Great Thunderbird | PNM0023 | 28 x 37 |
| Thunderbird Family | PNM0019 | 40 x 28 |
| Thunderbird | PNM0018 | 38 x 25 |
| Astral Plain | PNM0017 | 22 x 42 |
| Untitled II | PNM0014 | 36 x 54 |
| Medicine Bear & Soul | PNM0011 | 20 (inches) |

Ojibway Medicine Man

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

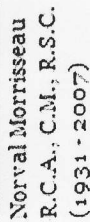
DECLARED before me at Parksville
in the Province of British Columbia
this 21 day of April 2005

Norval Morrisseau



A Commissioner for taking affidavits
for the Province of British Columbia

Samuel (Sam) S. Stevens
Stevens & Company
BARRISTERS & SOLICITORS
PO Box 943, Parksville, BC V9P 2G9
Phone: (250) 248-4220



> Unique Visitors from
03/03/2008:

> This Blog currently contains 810 posts.

~ To buy/sell/trade visit:

NORVAL MORRISSEAU
TRADING POST.

Sacred World of Norval Morrisseau (Part XIX)

"Sacred Serpents of the Underworld", 28"x25",
© 1979 Norval Morrisseau
/Click on image to Enlarge/

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a print out of a Collection of Norval Morrisseau Art presently being featured on The Woodland Gary Bruce Thacky Gallery web site of Gary Lamont of Thunderbay, Ontario

2. That all of the following works as described by their location in the site and title as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

- | | |
|----------|---|
| • Active | Three Worldly plains |
| • Active | Astral spirits scouts |
| • Active | Self |
| • Active | Spirits of the earth |
| • Active | 3 plains of upper thought |
| • Active | Shaman invokes medicine bear for healing |
| • Active | Thunderbird on tree |
| • Active | "Untitled" |
| • Active | Twins |
| • Active | Sacred serpents of the underworld |
| • Active | Black robe |
| • Active | Windigo in parallel universe |
| • Active | "Untitled" |
| • Active | "Untitled" |
| • Active | "Untitled" |
| • Active | "Untitled" |
| • Active | Husband and wife on the tree branch under the sea |
| • Active | Owls, toons and serpent |
| • Active | Second plain |
| • Active | "Untitled" |
| • Active | Arrangement on brown |
| • Active | Sacred fish |
| • Active | "Untitled" |
| • Active | Artist and bird form |
| • Active | Shaman shares life force with turtle for |

- | | | |
|---|---------------|----------------------------------|
| • | Gallery No. 1 | "Untitled" 1 of 7 |
| • | Gallery No. 1 | "Untitled" 2 of 7 |
| • | Gallery No. 1 | "Untitled" 3 of 7 |
| • | Gallery No. 1 | "Untitled" 4 of 7 |
| • | Gallery No. 1 | "Untitled" 5 of 7 |
| • | Gallery No. 1 | "Untitled" 6 of 7 |
| • | Gallery No. 1 | "Untitled" 7 of 7 |
| • | Gallery No. 2 | Windgoes 1-2 |
| • | Gallery No. 2 | Windgoes 2-2 |
| • | Gallery No. 2 | Warrior finds inner beauty |
| • | Gallery No. 2 | "Untitled" |
| • | Gallery No. 2 | Safety of the nest |
| • | Gallery No. 3 | Family gathering |
| • | Gallery No. 5 | Shamans with munderford power |
| • | Gallery No. 5 | Ticks |
| • | Gallery No. 6 | Shaman gives offering to Creator |

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 20th day of November 2004

Norval Morrisseau



A Commissioner for taking affidavits
for the Province of British Columbia

Stevens & Company
BARBERS & SHAVERS
PO Box 943, 6336 - 196 E. Island Hwy.
Parkville MO 64078
Office (314) 244-8270

To Wit:

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a print out of a Collection of Norval Morrisseau Art presently being featured on The Woodland Gary Bruce Thacky Gallery web site of Gary Lamont of Thunderbay, Ontario
2. That all of the following works as described by their location in the site and title as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

- Archive Three Worldly plains
- Archive Astral spirits scouts
- Archive Self
- Archive Spirits of the earth
- Archive 3 plains of upper thought
- Archive Shaman invokes medicine bear for healing
- Archive Thunderbird on tree
- Archive "Untitled"
- Archive Twins
- Archive Sacred serpents of the underworld
- Archive Black robe
- Archive Windigo in parallel universe
- Archive "Untitled"
- Archive "Untitled"
- Archive "Untitled"
- Archive "Untitled"
- Archive "Untitled"
- Archive Husband and wife on the tree branch under the sea
- Archive Owls, loons and serpent
- Archive Second plain
- Archive "Untitled"
- Archive Arrangement on brown
- Archive Sacred fish
- Archive "Untitled"
- Archive Artist and bird form
- Archive Shaman shares life force with turtle form
- Archive Blood line
- Archive "Untitled"
- Archive Fish with power circles and energy lines connecting the inner self
- Archive Motif
- Archive Artist with thunderbird
- Archive Sacred Moose spirit
- Archive

- "Untitled" 1 of 7
- "Untitled" 2 of 7
- "Untitled" 3 of 7
- "Untitled" 4 of 7
- "Untitled" 5 of 7
- "Untitled" 6 of 7
- "Untitled" 7 of 7
- Windgoose 1-2
- Windgoose 2-2
- Warrior finds inner beauty
- "Untitled"
- Safety of the nest
- Family gathering
- Gallery No. 1
- Gallery No. 2
- Gallery No. 3
- Gallery No. 4
- Gallery No. 5
- Gallery No. 6

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville in the Province of British Columbia this 21st day of *November* 2004

Norval Morrisseau

Norval Morrisseau

A Commissioner for taking affidavits for the Province of British Columbia

Samuel (Sam) J. Stephens
SHERIFF & CLERK
NOTARIES & SOLICITORS
PO Box 248, 2008 1st St. S. Grand Hwy.
Osoyoos BC V0N 1Z0
Office (250) 244-2220

Woodland Art Gary Bruce Thacky

11:04 12:31 PM

(C)

MY COLLECTION OF NORVAL MORRISSEAU ART

Last update: November 2nd, 2004

Gallery No.6



Shaman gives offering to Creator (NM-035)

"Untitled" 1-3 (NM-036)

"Untitled" 2-3 (NM-037)

"Untitled" 3-3 (NM-038)

the Woodland Gary Bruce Thacky gallery

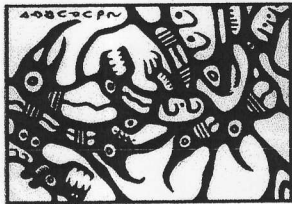
For Inquiries : garybruce10@hotmail.com

807-345-9165 (Office) OR 807-626-6697 (Cell)

TUESDAY, JULY 7, 2009

Canvas sets of Norval Morrisseau (Part I) 3-3

- Norval Morrisseau's Prime Period [1970's]



"Untitled" (3-3), © 1977 Norval Morrisseau
(Click on image to Enlarge)



Norval Morrisseau
R.C.A. C.M. R.S.C.
(1931 - 2007)

- Inception 11/12/2007.

> Unique Visions from
ed/ed/2008:

041172

HTML Hit Counter

- This Blog currently

contains 48 posts.

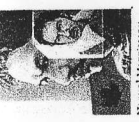
- Best viewed with

Internet Explorer 7

- To buy sell trade visit:

NORVAL.MORRISSEAU.CA

TRANSLATE PAGE



Norval Morrisseau
R.C.A. C.M. R.S.C.
(1931 - 2007)

- Inception 11/12/2007.

> Unique Visions from

ed/ed/2008:

041172

HTML Hit Counter

- This Blog currently

contains 48 posts.

- Best viewed with

Internet Explorer 7

- To buy sell trade visit:

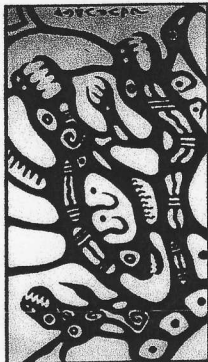
NORVAL.MORRISSEAU.CA

TRANSLATE PAGE

"It is our Ojibwa tradition to recall our history or obtain our history in an oral manner. It is important for our children and others to benefit through the process of continuing to recall and make history."

Canvas sets of Norval Morrisseau (Part I) 3-3

- Norval Morrisseau's Prime Period [1970's]

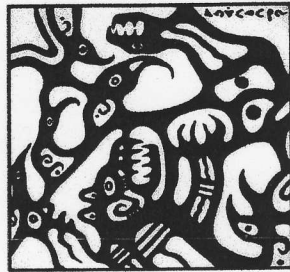


"Untitled" (1-3), © 1977 Norval Morrisseau
(Click on image to Enlarge)

TUESDAY, JULY 7, 2009

Canvas sets of Norval Morrisseau (Part I) 2-3

- Norval Morrisseau's Prime Period [1970's]



"Untitled" (2-3), © 1977 Norval Morrisseau
(Click on image to Enlarge)



Norval Morrisseau
R.C.A. C.M. R.S.C.
(1931 - 2007)

- Inception 11/12/2007.

> Unique Visions from
ed/ed/2008:

041172

HTML Hit Counter

- This Blog currently

contains 48 posts.

- Best viewed with

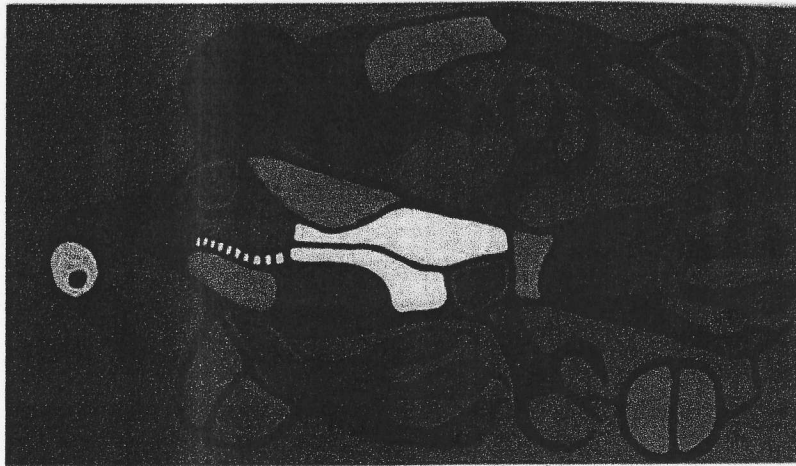
Internet Explorer 7

- To buy sell trade visit:

NORVAL.MORRISSEAU.CA

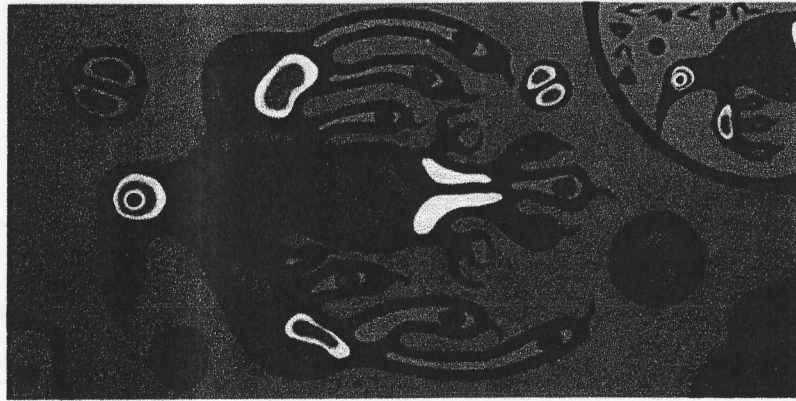
TRANSLATE PAGE

AUTHENTIC MORRISSEAU



Astral Thunderbird / 1978 / 71 x 41
Art of Norval Morrisseau p. 148
Collection of Mr. & Mrs. P. Honey

INFERIOR COUNTERFEIT



Thunderbird with Hatchlings / 1976 / 48 x 24,
Gallery Sunami

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art Presently being featured on the Gallery Sunami web site of Gallery Sunami of North York, Ontario
2. That all of the following works as described by their title, date, and size as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:
 - Shaman with Power Spirits '77 56 x 29
 - Series Set of Seven (c. 1974) Each piece is 15 x 22.5
 - Painted Birch '70 40.5 x 5
 - Shaman Untitled '76 18 x 18
 - Thunderbird with Hatchlings '76 48 x 24

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 5th day of November 2004

Norval Morrisseau
Norval Morrisseau

A Commissioner for taking affidavits
for the Province of British Columbia

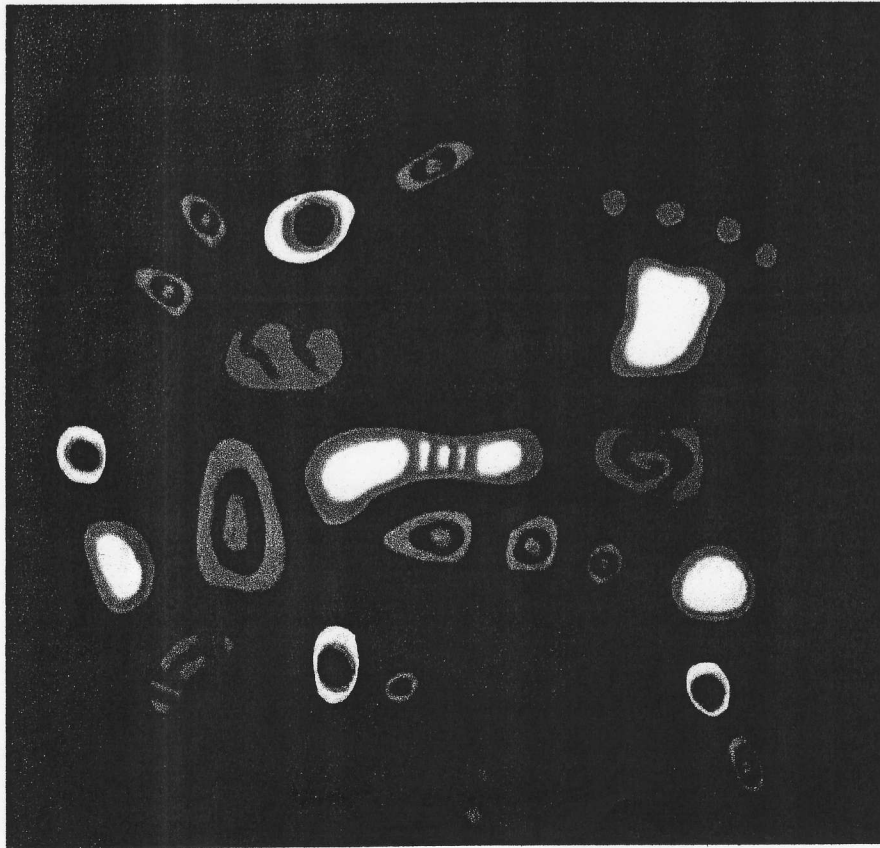
Available



NORVAL MORRISSEAU (B.1932)
Thunderbird with Hatchlings '76
48 x 24 inches
Acrylic on Board

Currently on
hold for
Government
of Canada
for
reproduction
to be
displayed at
the Lake
Superior
Provincial Park

INFERIOR COUNTERFEIT



Shaman Untitled
Acrylic on Canvas
18 x 18 inches
1976

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art Presently being featured on the Gallery Sunami web site of Gallery Sunami of North York, Ontario
2. That all of the following works as described by their title, date, and size as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:
 - Shaman with Power Spirits '77 56 x 29
 - Series Set of Seven (c. 1974) Each piece is 15 x 22.5
 - Painted Birch '70 40.5 x 5
 - Shaman Untitled '76 18 x 18
 - Thunderbird with Hatchlings '76 48 x 24

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 5th day of November 2004

Norval Morrisseau
Norval Morrisseau

[Signature]
A Commissioner for taking affidavits
for the Province of British Columbia



I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art Presently being featured on the Gallery Sunami web site of Gallery Sunami of North York, Ontario

2. That all of the following works as described by their title, date, and size as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

- Shaman with Power Spirits '77 56 x 29
- Series Set of Seven (c. 1974) Each piece is 15 x 22.5
- Painted Birch '70 40.5 x 5
- Shaman Untitled '76 18 x 18
- Thunderbird with Hatchlings '76 48 x 24

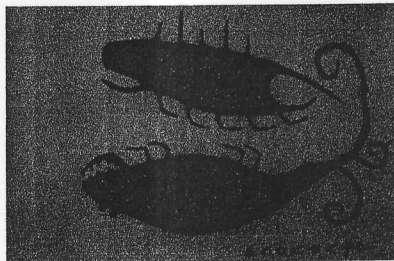
AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville in the Province of British Columbia this 31st day of November 2004

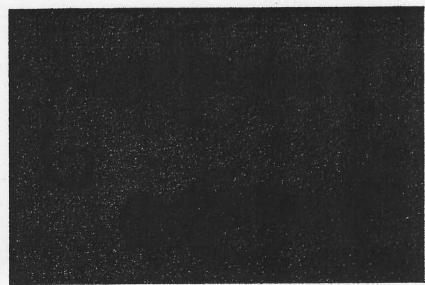
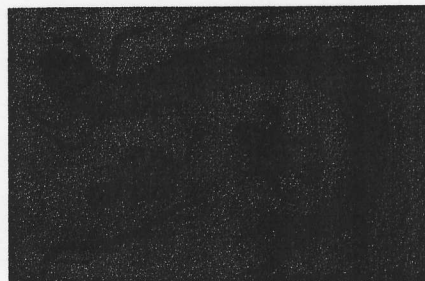
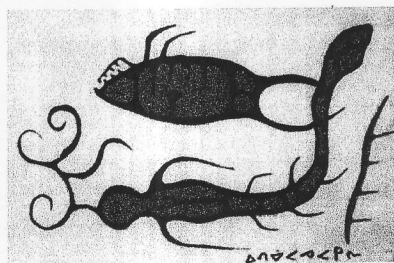
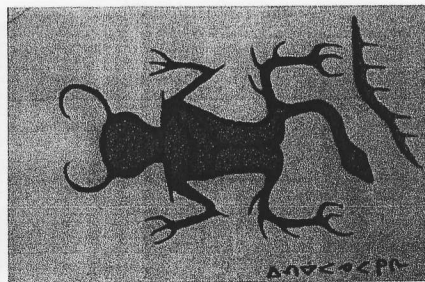
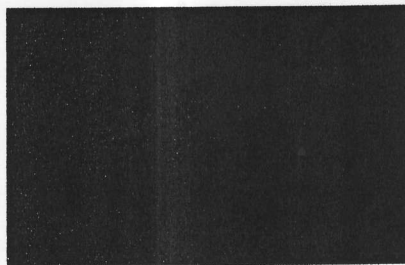
Norval Morrisseau
Norval Morrisseau

A Commissioner for taking affidavits for the Province of British Columbia

NORVAL MORRISSEAU (c.1932)
Shaman with Power Spirits
Acrylic on Paper Works
Each piece is 15 x 22.5 inches each.
Created in 1974 signed in stylized and pencil.



Series Set of Seven
Acrylic on Paper
15 x 22.5.
1974



Art World of Sherway >> Norval Morrisseau Declaration

[illegible]

To Wit:
I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

- [illegible]

| | | |
|---|-----------------|-------|
| Keopon of Life (c. 1980) | 53 1/6 x 96 1/4 | 19325 |
| Spirits of the Underworld and the Energy in the Great Plain (c. 1979) | 51 x 72 1/2 | 19357 |
| Stranger for Life (c. 1977) | 24 1/2 x 24 1/2 | 19359 |
| Winter of Life (1973) | 34 3/4 x 34 3/4 | 19361 |
| Chorus of the Second World War (1973) | 29 3/4 x 21 1/4 | 19359 |
| Spirits of the Forest (c. 1979) | 30 x 22 3/4 | 19356 |
| Shower with Three Apostrophes (c. 1978) | 33 1/2 x 26 | 19344 |
| Warrior on Sacred Journey of Life (c. 1979) | 60 1/4 x 58 | 19358 |
| Spirit's World (c. 1973) | 59 x 50 | 19346 |
| Sports Gutter II (1979) | 29 x 37 | 19371 |

AND make the solemn declaration, conscientiously believed to be true, that the above is a true and correct list of the same legal force and effect as if made under oath.

DECLARED before me at Menominee
County, Wisconsin, this _____ day of September, 2004.

[Signature] Notary Public

Normal Mon

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

7

A Commissioner for taking affidavits
for the Province of British Columbia

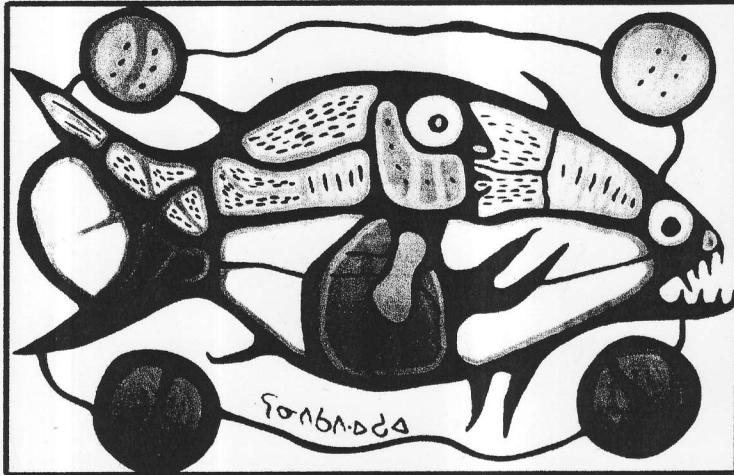
Annual (Barn) H. Stevens
 Stevens & Company
 LABORATORY & SOLUTIONS
 PO Box 342, 2228 - 1st E. 1st St. Hwy.
 Columbia SC, VPO 292
 Office (803) 244-4220



| | | |
|----------------------|---------|-------|
| Dunnington, C. [97A] | 27 x 29 | 19330 |
|----------------------|---------|-------|

Shahman With Medicine

AUTHENTIC MORRISSEAU



Sacred Fish with Human Heart - 1967 (reversed)

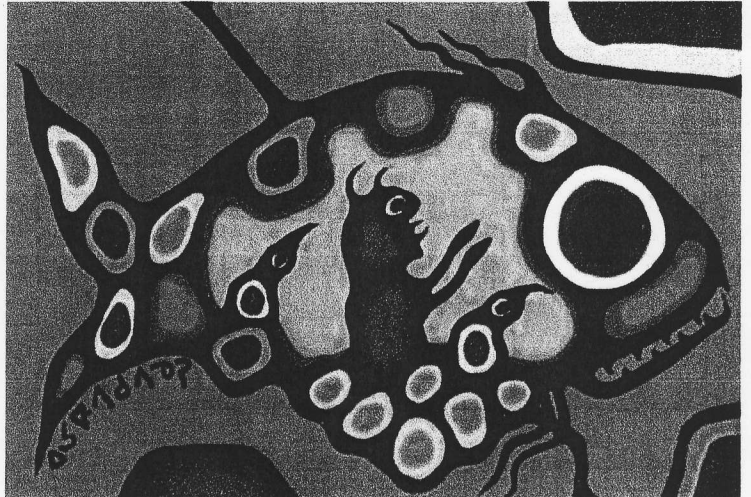
Art of Norval Morrisseau - pg. 188

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

- That attached hereto as Exhibit "A" to this my Statutory Declaration is a print out of a Norval Morrisseau complete collection index presently being featured on the Artworld of Sherway web site of Artworld of Sherway of Toronto, Ontario.
- That all of the following works as described by their title, date, size, and catalogue number as found in the above noted Norval Morrisseau complete collection index are fakes and imitations:

| | | |
|---|-----------------|-------|
| * Spirit Beings (c. 1970) | 25 x 32 | 19324 |
| * Artist With Bird Form (c. 1970) | 19 x 23 | 19444 |
| * Thunderbird Protecting the Children (c. 1979) | 38 x 59 | 19445 |
| * Cycle of Salmon (c. 1974) | 27 3/4 x 22 1/5 | 19422 |
| * Wasejakajak (c. 1978) | 51 1/8 x 54 | 19424 |
| * Astral Warrior (c. 1977) | 30 x 30 | 19425 |
| * Shaman in Combat with River Spirit (c. 1974) | 19 1/2 x 28 1/2 | 19428 |
| * Beavers (c. 1978) | 25 x 31 1/4 | 19437 |
| * Loons & Fish (c. 1972) | 18 3/4 x 31 | 19438 |
| * Life's Directions (c. 1976) | 28 x 41 1/4 | 19429 |
| * Untitled Petroglyph Figures | 15 x 27 1/4 | 19430 |
| * Windigo (c. 1978) | 32 1/4 x 25 3/4 | 19431 |
| * Brown's Focus Good Energy on Serpent (c. 1974/30 1/4 x 30 1/2 | | 19408 |
| * Inorganic Beings in Unity | 26 x 35 3/4 | 19410 |
| * Thunderbird With Shaman | 34 x 22 3/4 | 19411 |
| * Spirit helpers (c. 1971) | 30 x 28 | 19328 |
| * Hunter (c. 1971) | 23 x 30 | 19330 |
| * Thunderbird (c. 1976) | 27 x 29 | 19333 |
| * Shaman With Medicine Bear and Thunderbird (c. 1975) | 22 x 42 | 19335 |
| * Shaman, Bear and Loon Circle (c. 1977) | 23 x 30 | 19338 |
| * Mother Earth Feeds Her Child (c. 1977) | 30 x 36 | 19337 |
| * Warrior and Canoe (c. 1977) | 36 x 64 | 19339 |
| * Spirit Life (c. 1977) | 34 x 52 | 19340 |
| * Spirits and Men (c. 1978) | 28 x 39 | 19342 |
| * Grand Assembly (c. 1978) | 36 x 46 | 19343 |
| * Heavenly Twins (c. 1978) | 53 x 54 | 19345 |
| * Spirits of the Earth (c. 1979) | 34 x 57 | 19347 |
| * Bear and Thunderbird Spirit (c. 1979) | 37 x 59 | 19348 |
| * Shaman With Medicine Plant (c. 1974) | 25 1/2 x 21 1/2 | 19351 |

INFERIOR COUNTERFEIT



Shaman in combat with river spirit - dated 1974

**Art World of Sherway >>
Norval Morrisseau Declaration**

| | | |
|---|-----------------|-------|
| * Keepers of Life (c. 1980) | 53 1/4 x 85 1/4 | 19353 |
| * Spirits of the Underworld Share Energy in the Great Plain (c. 1976) | 51 x 72 1/2 | 19357 |
| * Struggle for Life (c. 1977) | 24 1/2 x 24 1/2 | 19358 |
| * Wheel of Life (c. 1979) | 34 3/4 x 34 3/4 | 19361 |
| * Children of the Sacred Thunderbird (c. 1977) | 28 3/4 x 21 1/4 | 19239 |
| * Spirits of the Forest (c. 1979) | 30 x 22 3/4 | 19235 |
| * Shaman with Three Apprentices (c. 1978) | 32 1/2 x 26 | 19244 |
| * Warrior on Sacred Journey of Life (c. 1979) | 50 1/4 x 58 | 19238 |
| * Spirit World I (c. 1979) | 58 x 59 | 19245 |
| * Spirits Gather (c. 1973) | 23 x 37 | 19071 |

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Nanaimo in the Province of British Columbia this 22nd day of September 2004

Norval Morrisseau

Norval Morrisseau

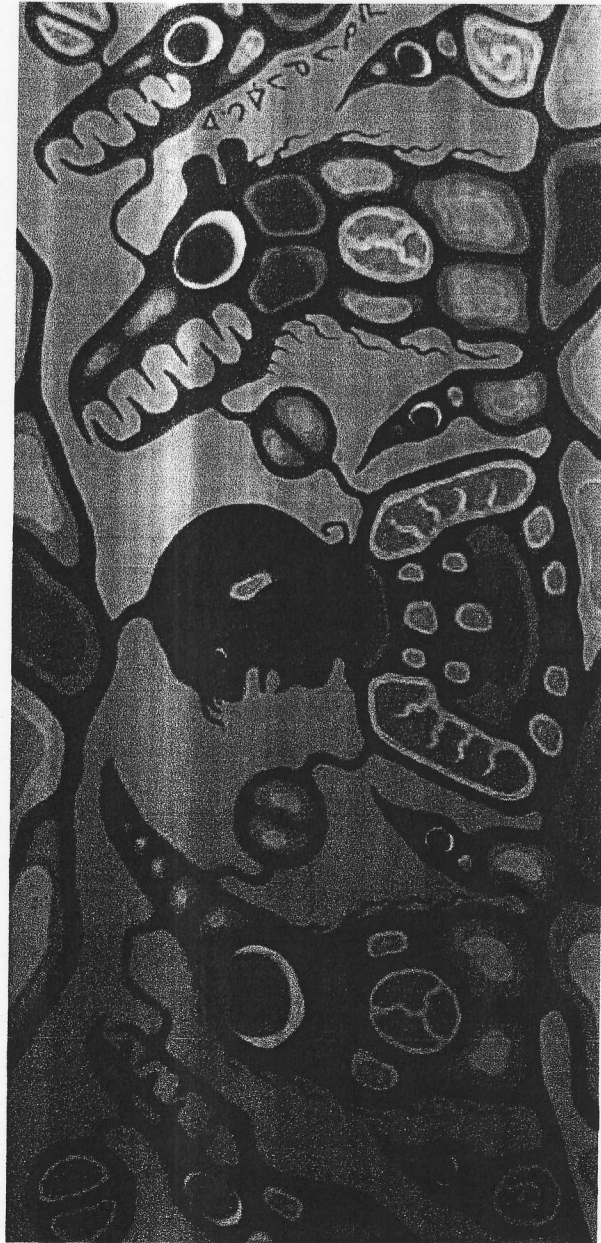
A Commissioner for taking affidavits for the Province of British Columbia

Sharon (Mrs) E. Stevens
Stevens & Company
Solicitors & Notaries Public
PO Box 888, 888 - 888 E. 1st Ave. N.
Nanaimo BC V9P 2H8
Office (250) 240-8888



**Shaman in Combat with
River Spirit (c. 1974)**

INFERIOR COUNTERFEIT



Shaman with Power Spirits
Acrylic on Board
56 x 29 inches
1977

I, Norval Morrisseau, in the Province of British Columbia solemnly declare that:

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art Presently being featured on the Gallery Sunami web site of Gallery Sunami of North York, Ontario
2. That all of the following works as described by their title, date, and size as found in the above noted Collection of Norval Morrisseau Art are fakes and imitations:

| | |
|-----------------------------------|-------------------------|
| • Shaman with Power Spirits '77 | 56 x 29 |
| • Series Set of Seven (c. 1974) | Each piece is 15 x 22.5 |
| • Painted Birch '70 | 40.5 x 5 |
| • Shaman Untitled '76 | 18 x 18 |
| • Thunderbird with Hatchlings '76 | 48 x 24 |

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath.

DECLARED before me at Parksville
in the Province of British Columbia
this 5th day of November 2004

Norval Morrisseau
Norval Morrisseau

A Commissioner for taking affidavits
for the Province of British Columbia



NORVAL MORRISSEAU (B.1932)
Shaman with Power Spirits '77
56 x 29 inches
Acrylic on Board

INFERIOR COUNTERFEIT



Painted Birch
Acrylic on Birch Wood
40.5 x 5 inches
1970

1. Norval Morrisseau, in the Province of British Columbia solemnly declares that

1. That attached hereto as Exhibit "A" to this my Statutory Declaration is a printout of a Collection of Norval Morrisseau Art Presently being featured on the Gallery Sunami web site of Gallery Sunami of North York, Ontario

2. That all of the following works as described by their title, date, and size as found in the above noted Collection of Norval Morrisseau Art are false and imitations:

- Shaman with Power Spins '77 56 x 29
- Series Set of Seven (c. 1974) Each piece is 15 x 22.5
- Painted Birch '70 40.5 x 5
- Shaman United '76 18 x 18
- Thundered with Hunchings '76 48 x 24

AND I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same legal force and effect as if made under oath

DECLARED before me at Parksville
in the Province of British Columbia
this 24th day of ~~March~~ ^{April} 2004

[Signature]
Norval Morrisseau

A Commissioner for taking affidavits
for the Province of British Columbia

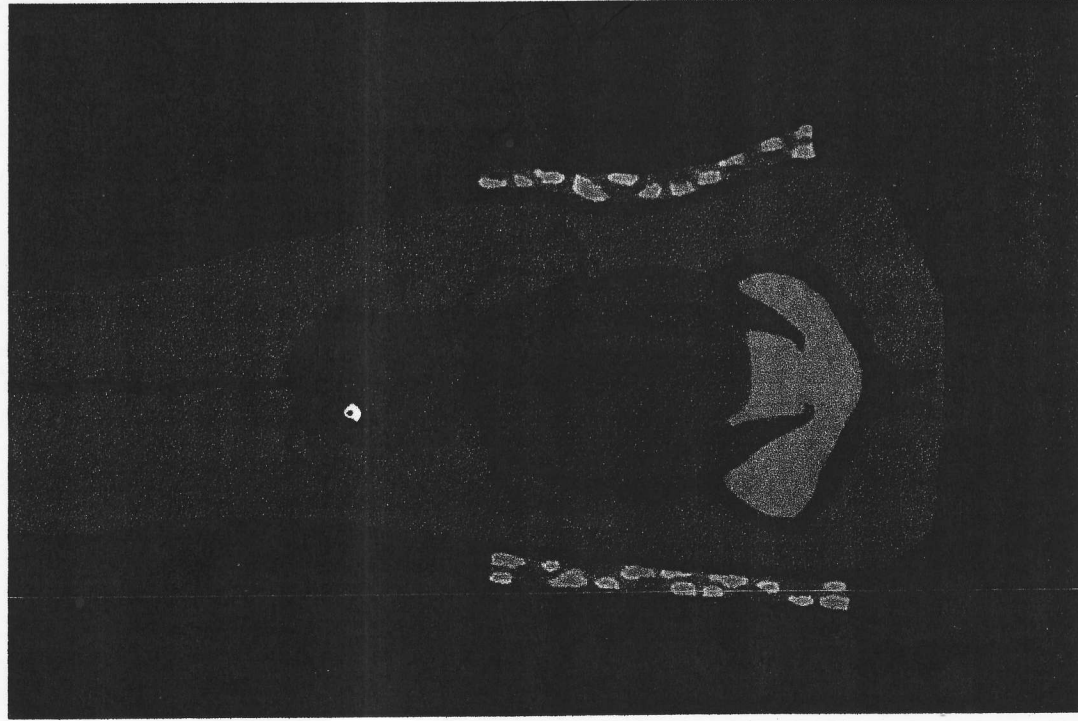


NORVAL MORRISSEAU (A 1931)
NORVAL MORRISSEAU
AKA: N. MORRISSEAU
AKA: N. MORRISSEAU

4-10-04

4

AUTHENTIC MORRISSEAU

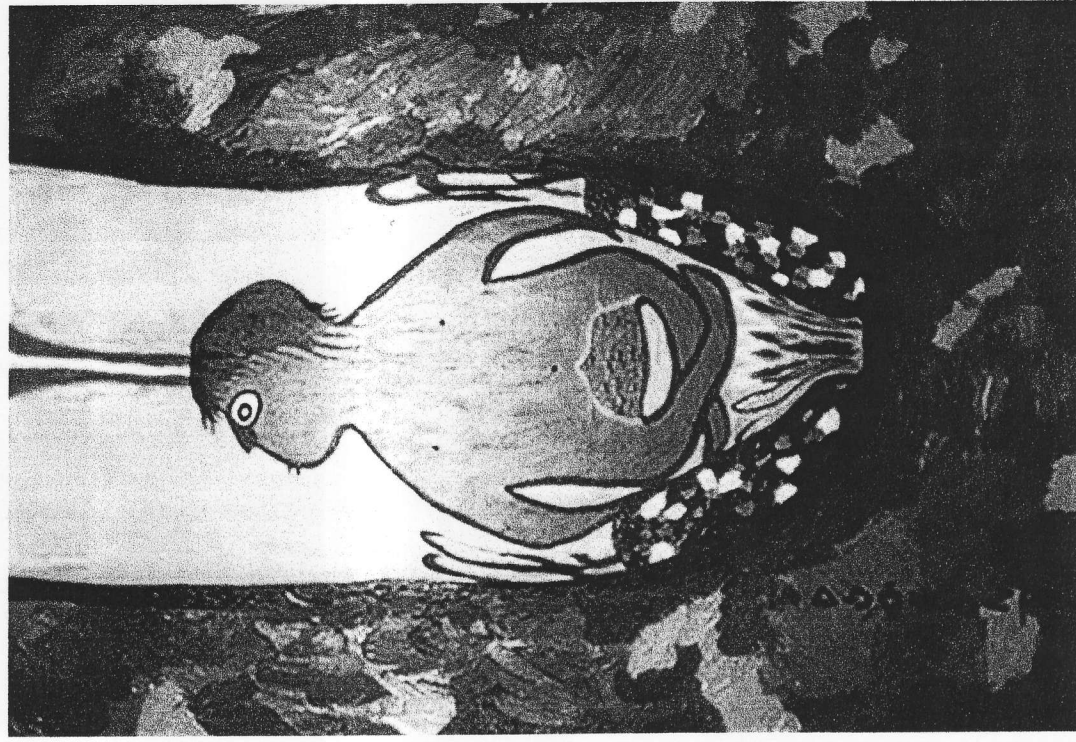


Indien dans l'Utérus de la Terre

33" x 28" - 1973

The Canada Council Art Bank

INFERIOR COUNTERFEIT

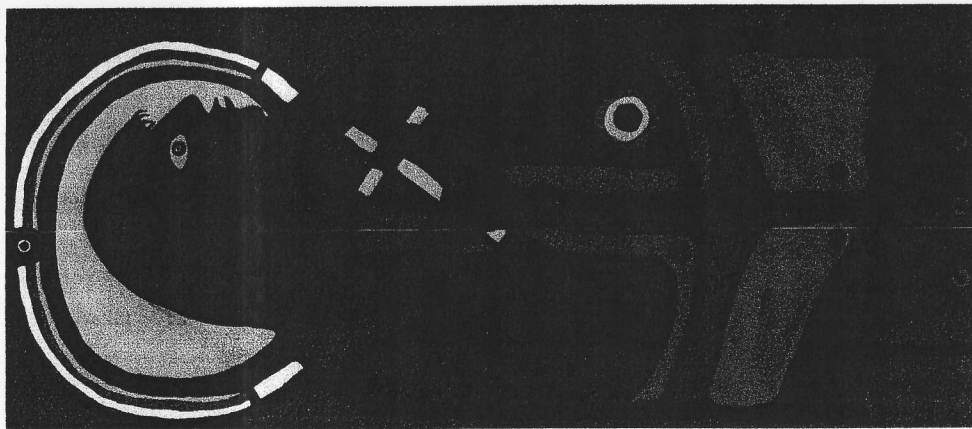


"Nature's Embryo", dated 1975

The Art Gallery of Nova Scotia,

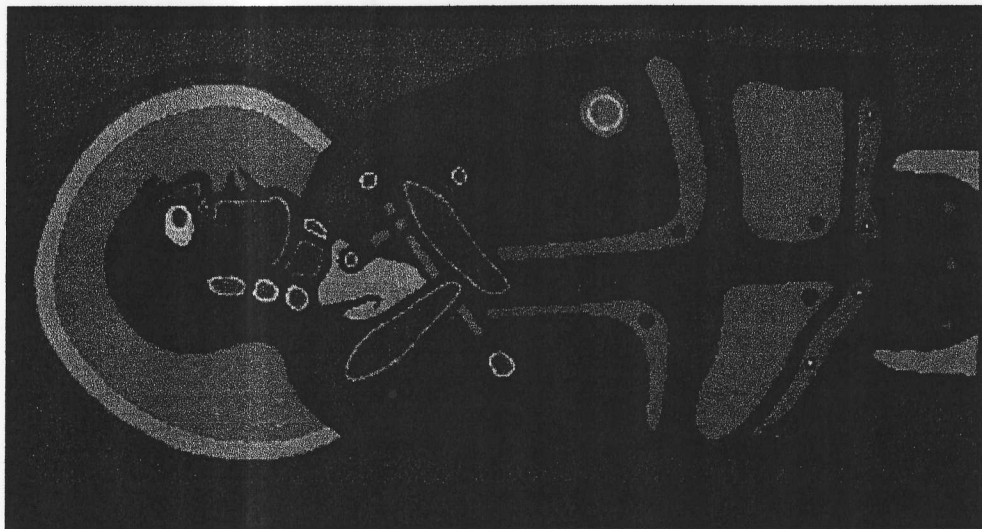
Gift of John de Witt.

AUTHENTIC MORRISSEAU



Lily of the Mohawk - 1974
Art of Norval Morrisseau - pg. 102

INFERIOR COUNTERFEIT



Lily of the Mohawk - 1979
Kinsmen Robinson Gallery >> Gift of E. Mansfield - 2003 >>> Smithsonian

Catalog Number: 264095.000

Object ID: Painting

Title: Lily of the Mohawk

Creation Date: 1979

Culture: Anishinaabe (Sand Point, Ontario)

State: Alberta

City/Town: Jasper

Site Name:

Materials: Paper/Art materials: Substrates > Canvas
 Paint/Drawing: Paints/Pigments > Acrylic
 paint

Artist Name: Morrisseau, Norval

Acquisition Source: Mansfield, R. E.

Method and Date: Gift or Presentation: 12/29/2003

Information from Catalog Card:

CARD: BLUE, CONDITION: Condition report on file.

NOTE: PRE-ACQUISITION INFO: Made by Norval Morrisseau (b 1931), signed and dated 1979.

NUMBER: DIGITAL (D): D [no number]

ORIGINAL OBJECT DESCRIPTION: Painting titled 'Lily of the Mohawk', acrylic paint on canvas, in dark colors depicting a woman wear a robe holding a cross with circle behind her head.

CATALOG CARD COUNT: (1 spec.)

ACQUISITION INFO: Gift of Anonymous

SITE INFORMATION: from Catalog Card : Canada : Albert Prov : Jasper

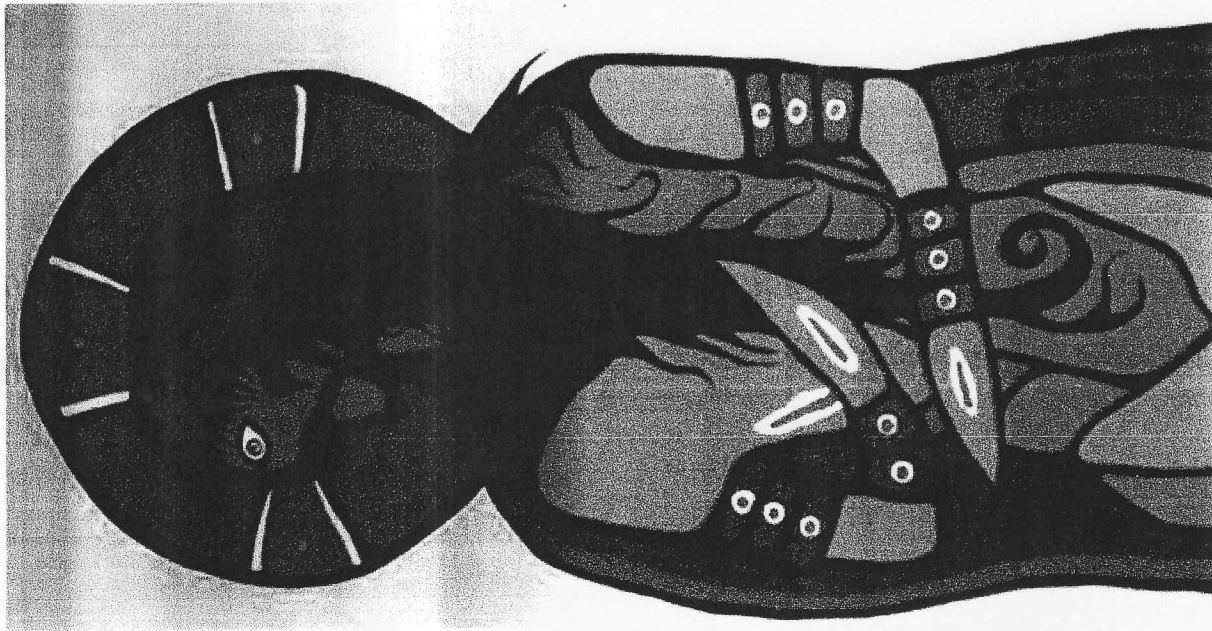
CULTURE INFORMATION: OJIBWA

Count: 1

264095.000

5

AUTHENTIC MORRISSEAU



INDIAN JESUS CHRIST

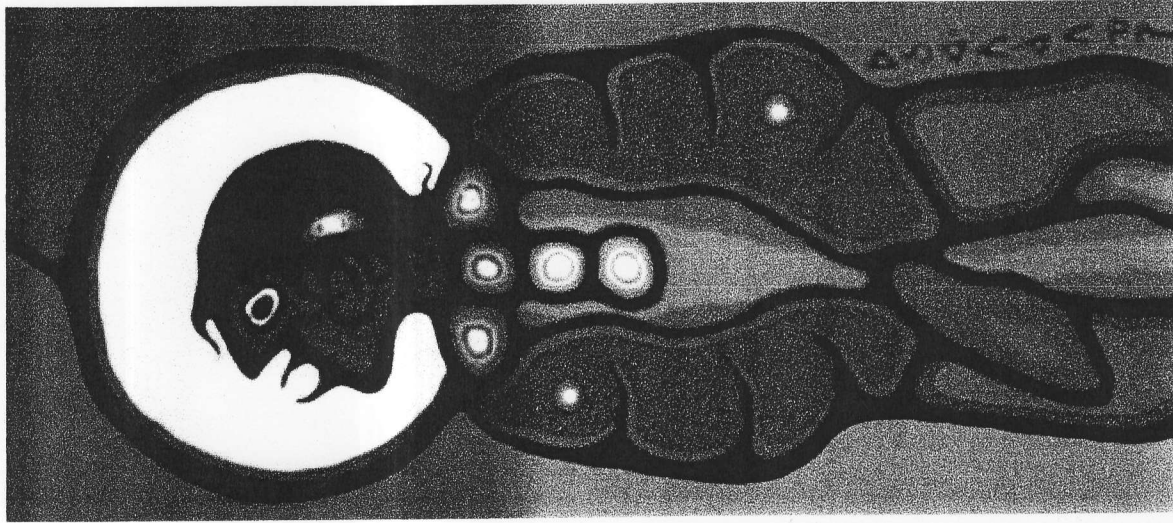
27" x 53" - 1974

Known Provenance -

Dept. of Indian and Northern Affairs, Ottawa

Art of Norval Morrisseau - pg. 106

INFERIOR COUNTERFEIT, ERFEIT MORRISSEAU

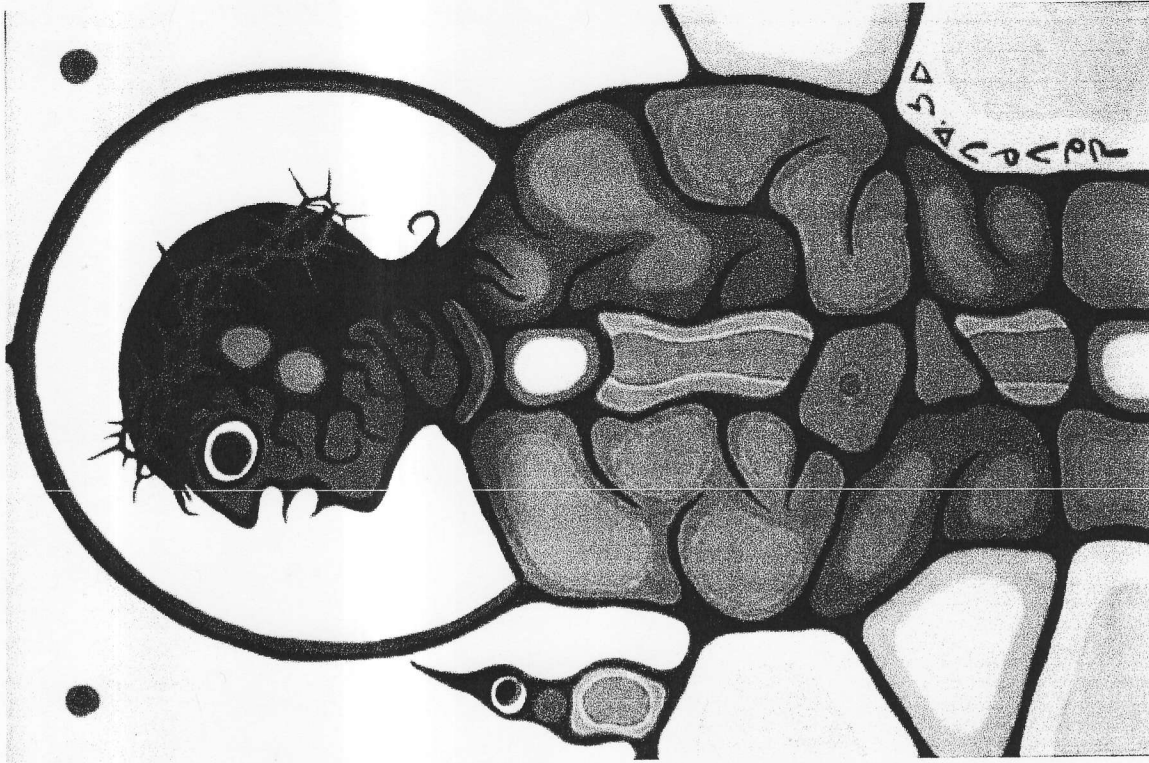


CHRIST

21" x 46" - Dated - 1976

Known Provenance - Artworld of Sherway

INFERIOR COUNTERFEIT, MORRISSEAU

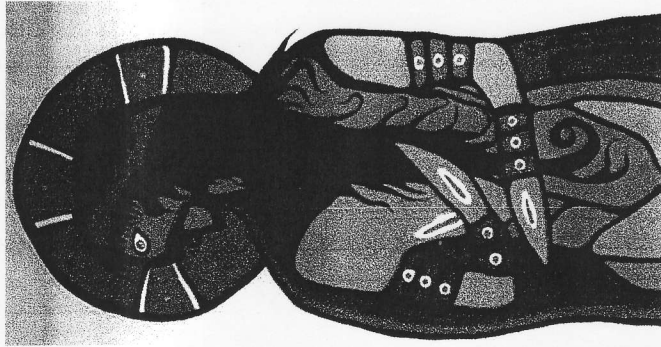


JESUS CHRIST

24" x 37"

Known Provenance - Randy Potter Auctions >> Bearelaw Gallery

AUTHENTIC MORRISSEAU

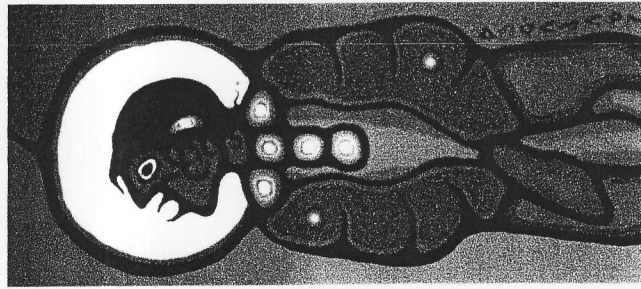


INDIAN JESUS CHRIST

27" x 53" - 1974

Known Provenance -
Dept. of Indian and Northern Affairs, Ottawa
Art of Norval Morrisseau - pg. 106

INFERIOR COUNTERFEIT
MORRISSEAU

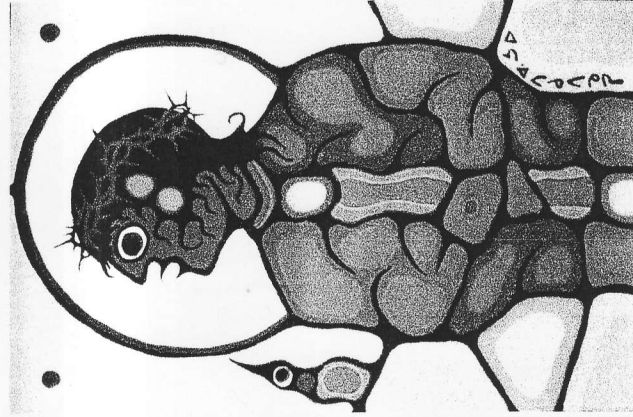


CHRIST

21" x 46" - Dated - 1976

Known Provenance -
Qualicum Frameworks &
Artworld of Sherway

INFERIOR COUNTERFEIT
MORRISSEAU

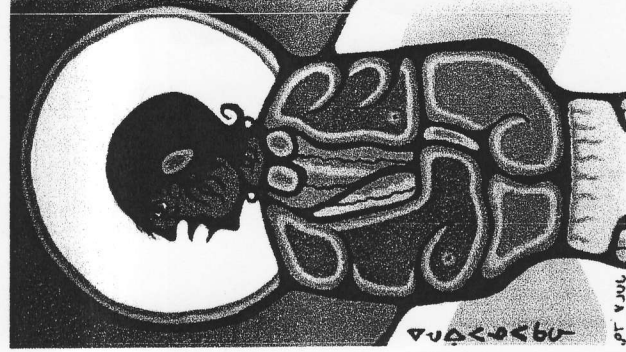


JESUS CHRIST

24" x 37"

Known Provenance - Randy Porter Auctions &> Bearclaw Gallery

INFERIOR COUNTERFEIT
MORRISSEAU

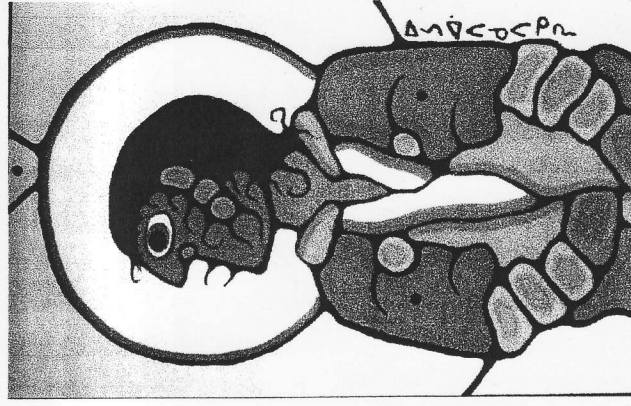


CHRIST FIGURE

Dated July 1979 - 60" x 37" inverse

Known Provenance - Maslak Mel and Gallery
Morrisseau Catalogue 2006 p. 41

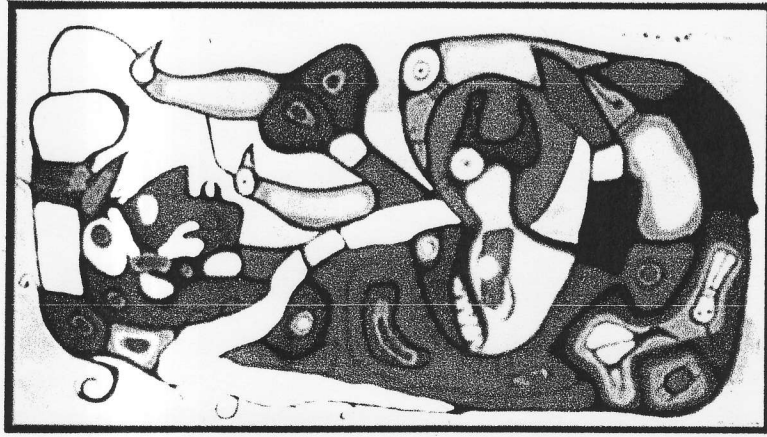
INFERIOR COUNTERFEIT
MORRISSEAU



Morliss Mubawak Chan - dated 1976 - 35 x 22

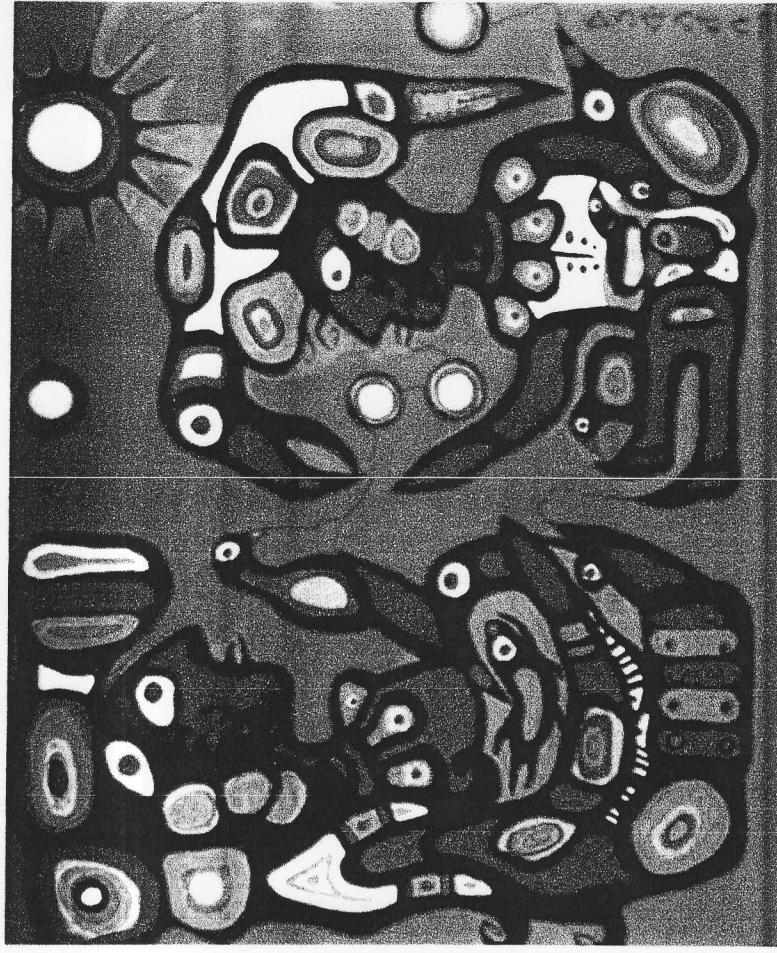
Known Provenance - Randy Porter Auctions &>
Gallery, Summit/Arctube

AUTHENTIC MORRISSEAU



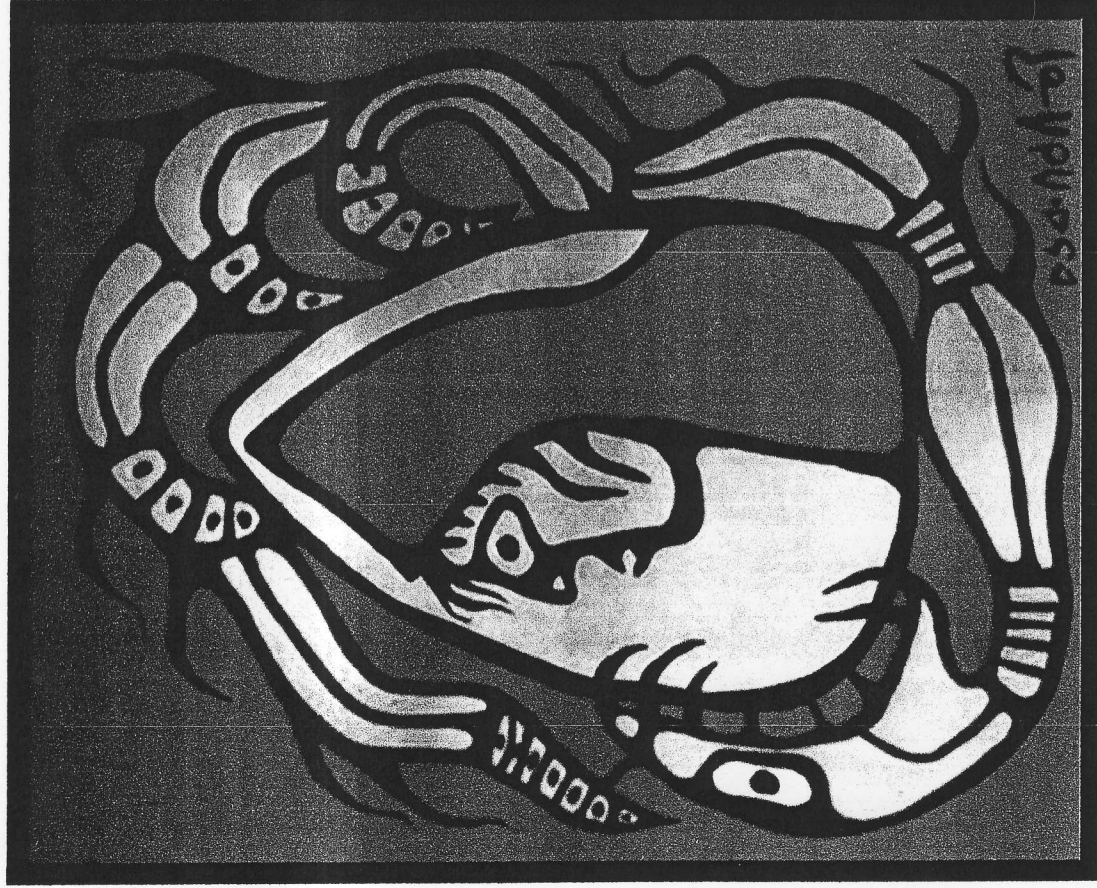
The Storyteller. The Artist and his grandfather
1978 / 68.5 x 37 / Art of Norval Morrisseau p. 151

INFERIOR COUNTERFEIT



Shaman and Son / 1987 / 24 x 28 / Art World of Sherway

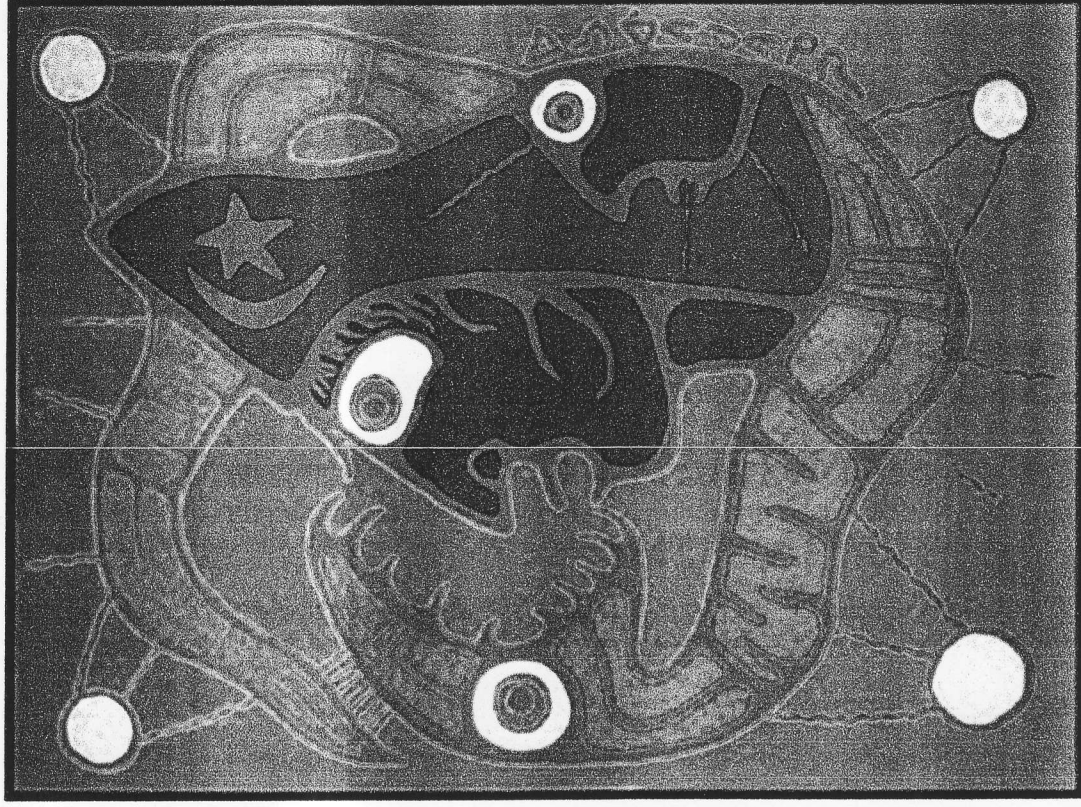
AUTHENTIC MORRISSEAU



Spirit Enclosed by a Serpent, 1975,

40 x 32, Art of Norval Morrisseau p. 127

INFERIOR COUNTERFEIT



Encestral Spirit, 1981, 30 x 22,

Displayed by UGO Matulic Oct 21, 2009

AUTHENTIC MORRISSEAU



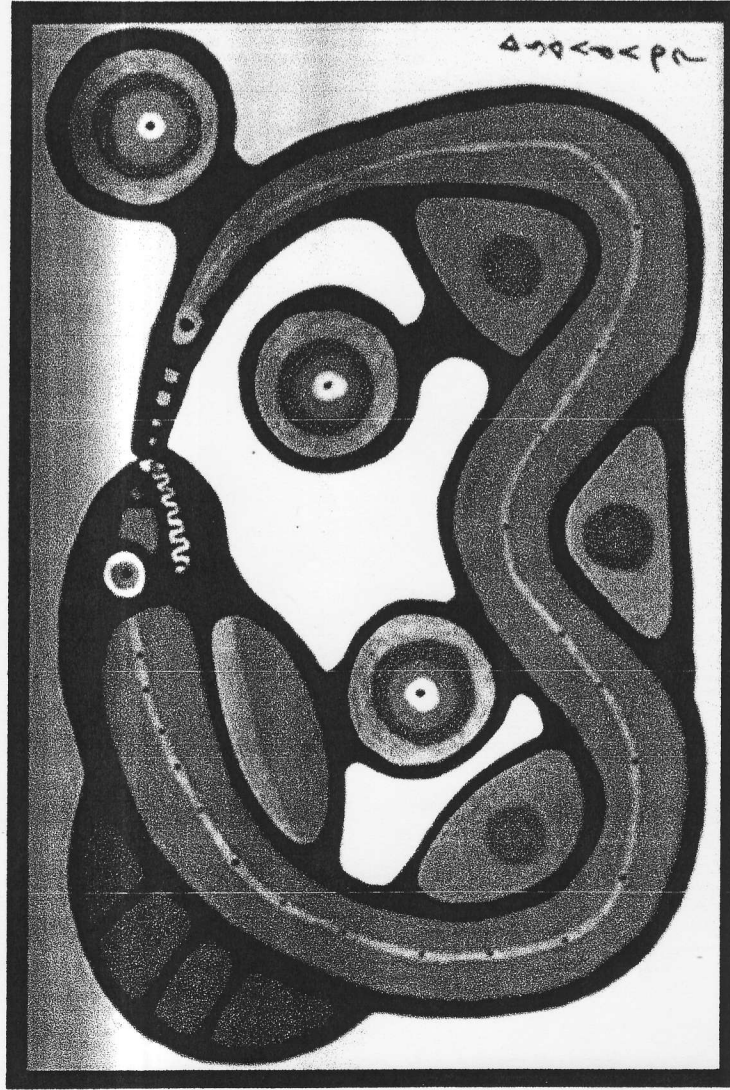
Phallic God in Disguise, 1972, 47 x 27 ½
Art of Norval Morrisseau p. 90

INFERIOR COUNTERFEIT



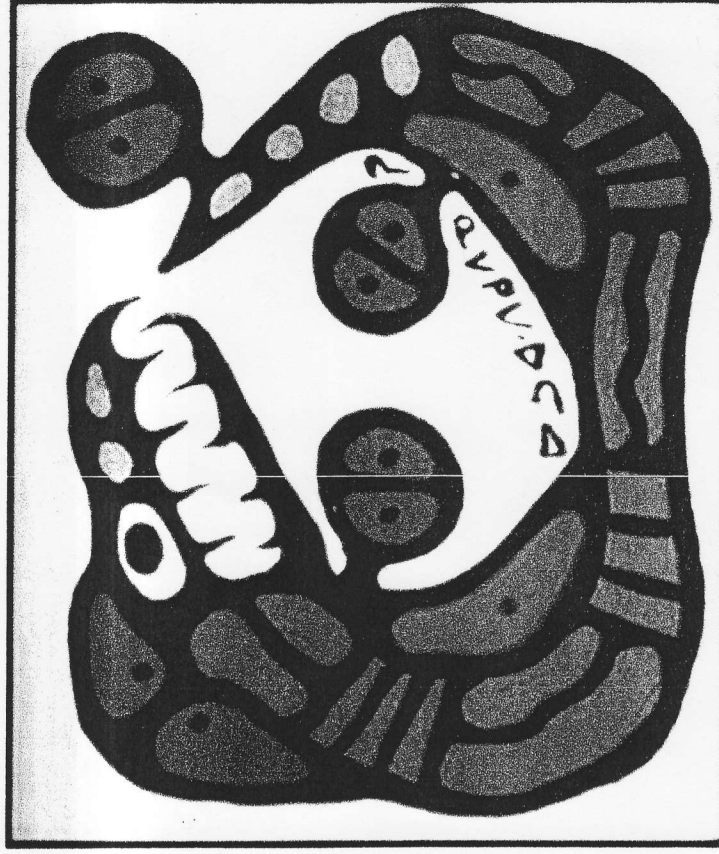
Patalic God 1981, 13 x 10,
Displayed by UGO Matulic Oct 21, 2009

AUTHENTIC MORRISSEAU



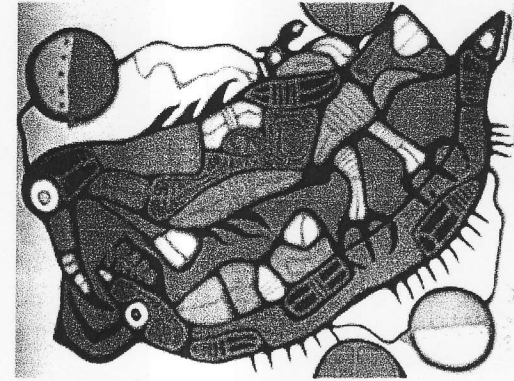
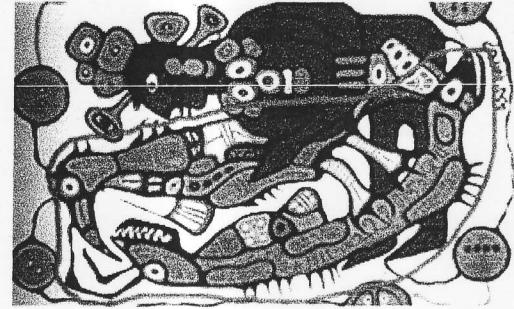
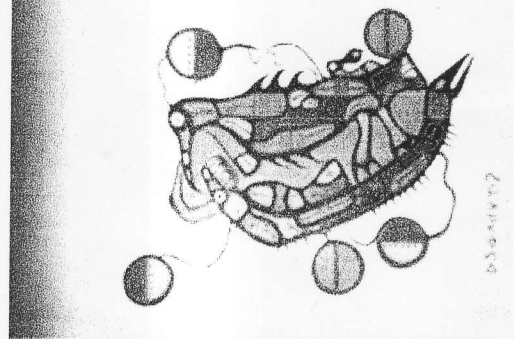
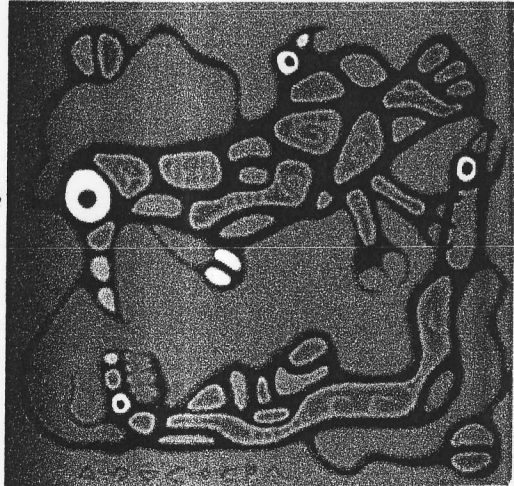
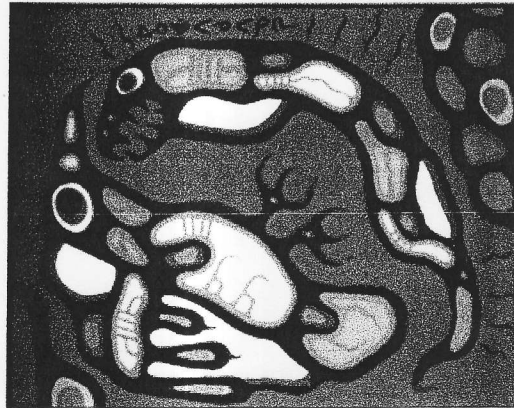
The Serpent of Life, 1969, 31 1/2 x 48,
The Art of Norval Morrisseau p. 85

INFERIOR COUNTERFEIT



Untitled, 1968, 12 x 14, Norval Morrisseau
Displayed by UGO Matulic Aug 28, 2009

There are often many fake versions of one published authentic Norval Morrisseau painting.



LEFT TO RIGHT

INFERIOR COUNTERFEITS



**AUTHENTIC
MORRISSEAU**

1. Thunderbird and Evil Serpent / 1976 / 30 x 23 / Collection of Ugo Matulic

2. Untitled (Spirit Figures) / 1979 / 36.7 x 35.3 / Lunds Auction 8/18/97 & 4/20/98 / Michael C. Williams Estate / University of Victoria

3. Unknown Title / 1979 / 24 x 36 / Kilshaw's Auctions August 2002 / Lunds Auctions 05/25/03

4. Shaman and Protector / 1987 / 56 x 34 / Bonham & Butterfield Auction House, New York / Listed provenance: Estate of Norval Morrisseau (Toronto, ON)

5. Symbols of the Opposite / 1977 / 68 x 49 / Art of Norval Morrisseau p.139 / Collection of Mr. & Mrs. Gordon Jones, Toronto

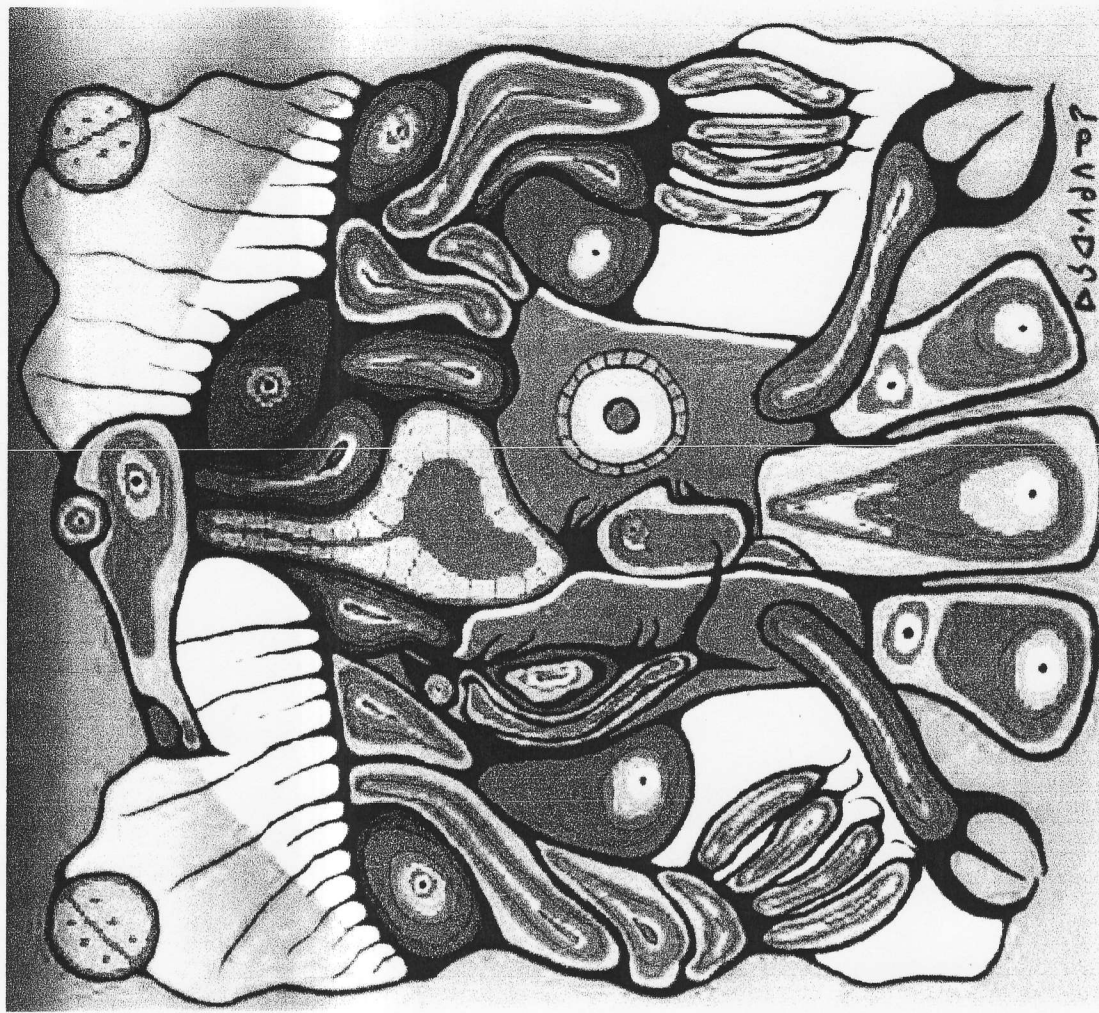
**AUTHENTIC
MORRISSEAU**



Thunderbird with Inner Spirit. 1978

Provenance:
The McMichael Canadian collection
P. 159, *The Art of Norval Morrisseau* (1979)

**INFERIOR COUNTERFEIT
MORRISSEAU**



Thunderbird Complex. Circa 1980's

Provenance:
Maslak McLeod Gallery
Page 53 - Maslak McLeod Catalogue. 2006+ Price - \$40,000

AUTHENTIC MORRISSEAU

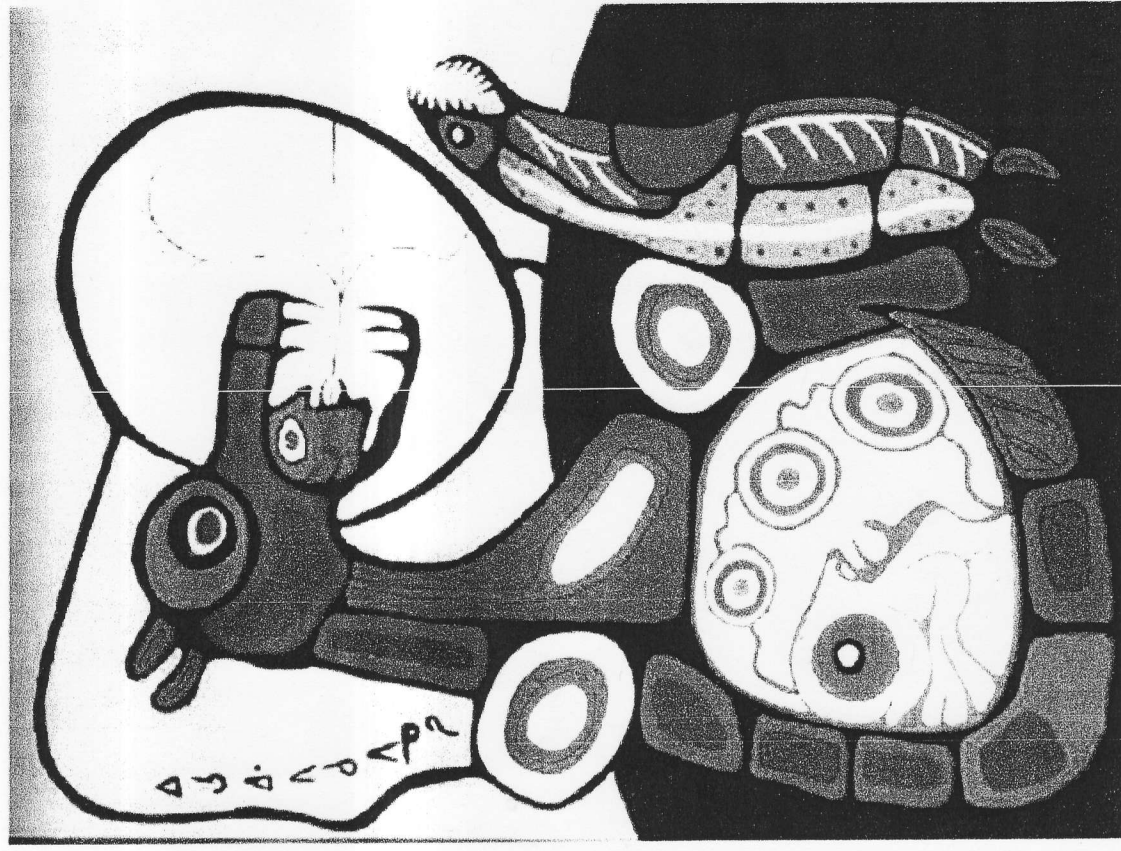
INFERIOR COUNTERFEIT MORRISSEAU



SHAMAN PROTECTED BY BEAR POWER

50" x 38" - 1978

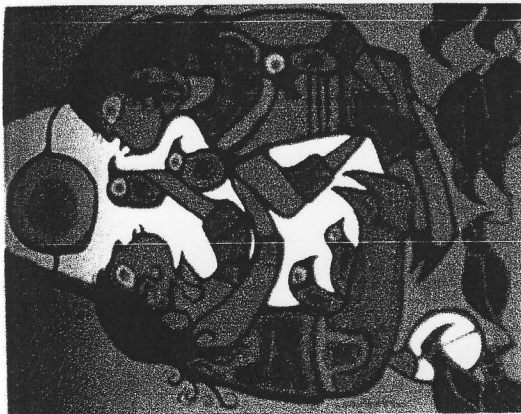
**Provenance - Pollock Gallery >
Art of Norval Morrisseau - pg. 156**



Untitled - Undated

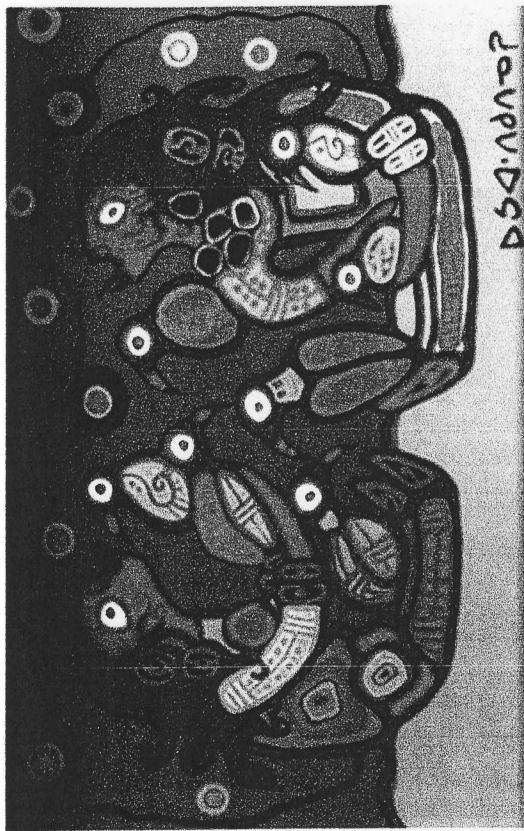
Provenance - Maslak McLeod Gallery >

AUTHENTIC MORRISSEAU



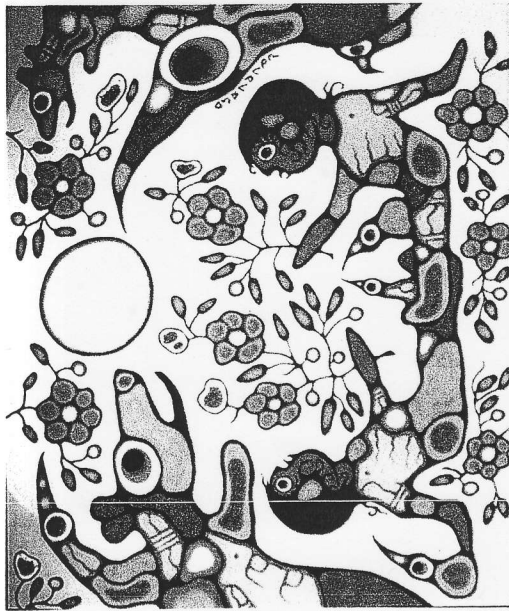
Heavenly Twins / 1976 / 46 x 36
Art of Norval Morrisseau p.132

INFERIOR COUNTERFEIT



Children with Circle of Life/1977 / 38 x 58 / Gallery on the Lake / Jim White

INFERIOR COUNTERFEIT



Heavenly Twins give gift of Life - 61 x 61 - Bearchlaw Gallery

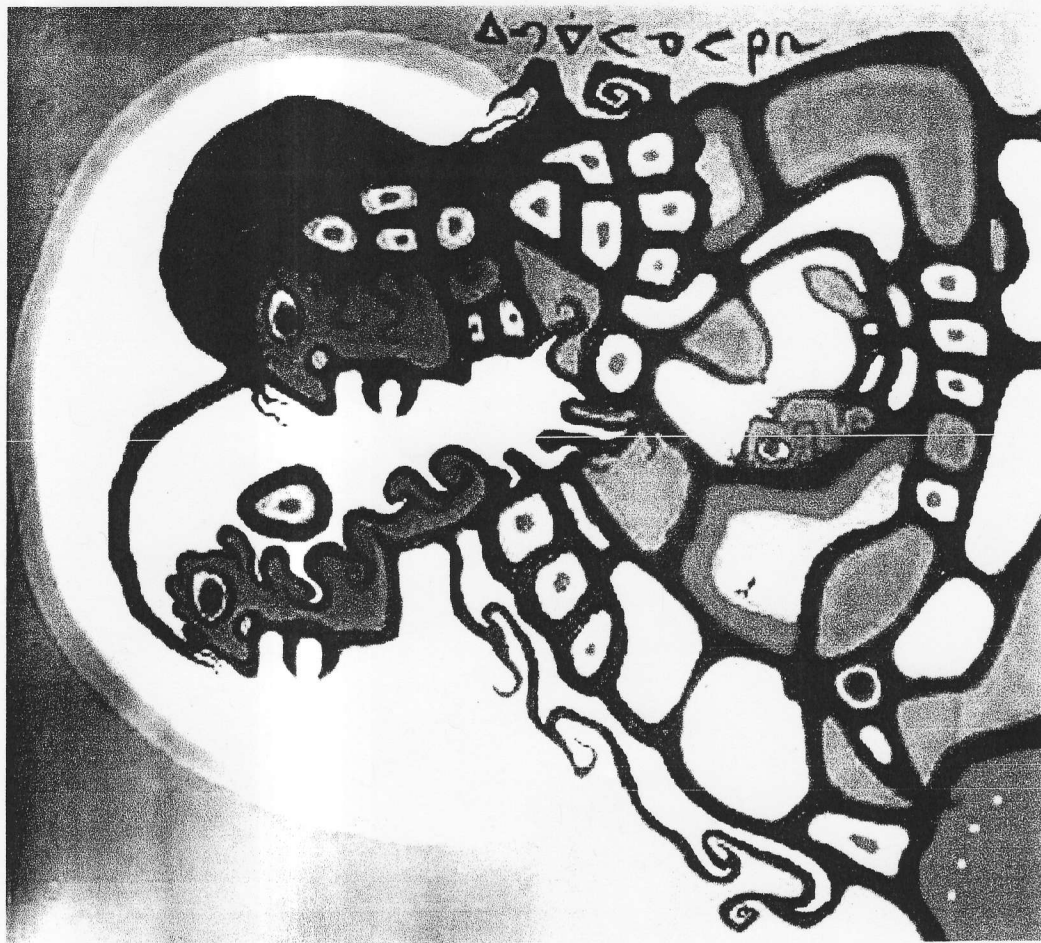
AUTHENTIC MORRISSEAU



Victoria and Family - 1978
59" x 39"

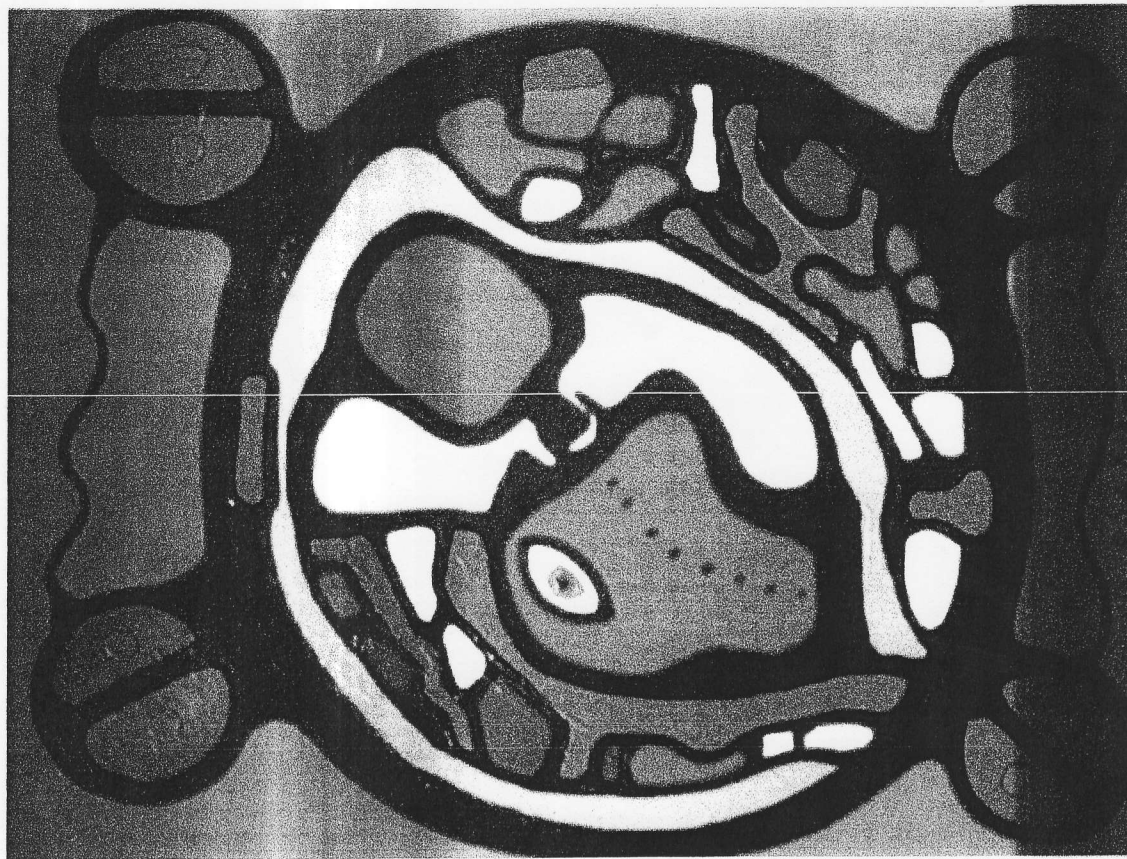
Art of Norval Morrisseau - pg. 153

INFERIOR COUNTERFEIT



Auctioned in 1998 for \$1,400 at Kishaws Auctions

**INFERIOR COUNTERFEIT
MORRISSEAU**



UNTITLED
24" x 32"

Provenance - Appeared for sale at Bearclaw Gallery

AUTHENTIC MORRISSEAU

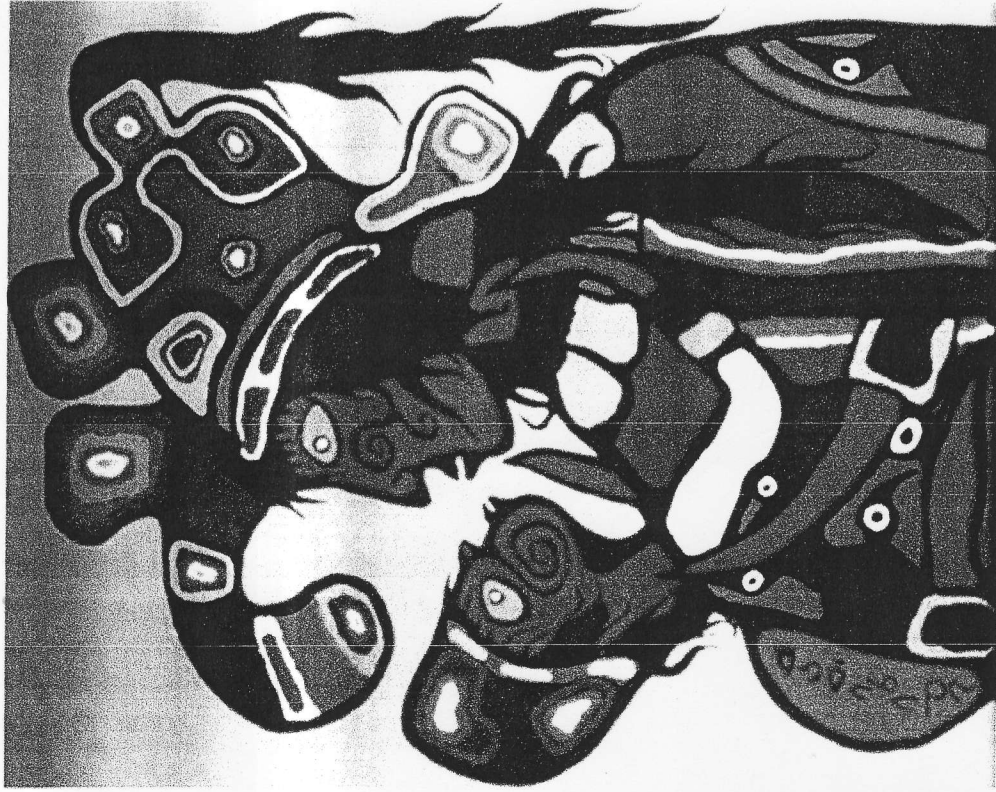


**VIRGIN MARY WITH CHRIST CHILD
AND ST. JOHN THE BAPTIST**

40" x 32" - 1973

Provenance - Dept of Indian and Northern Affairs
Art of Norval Morrisseau - pg. 101

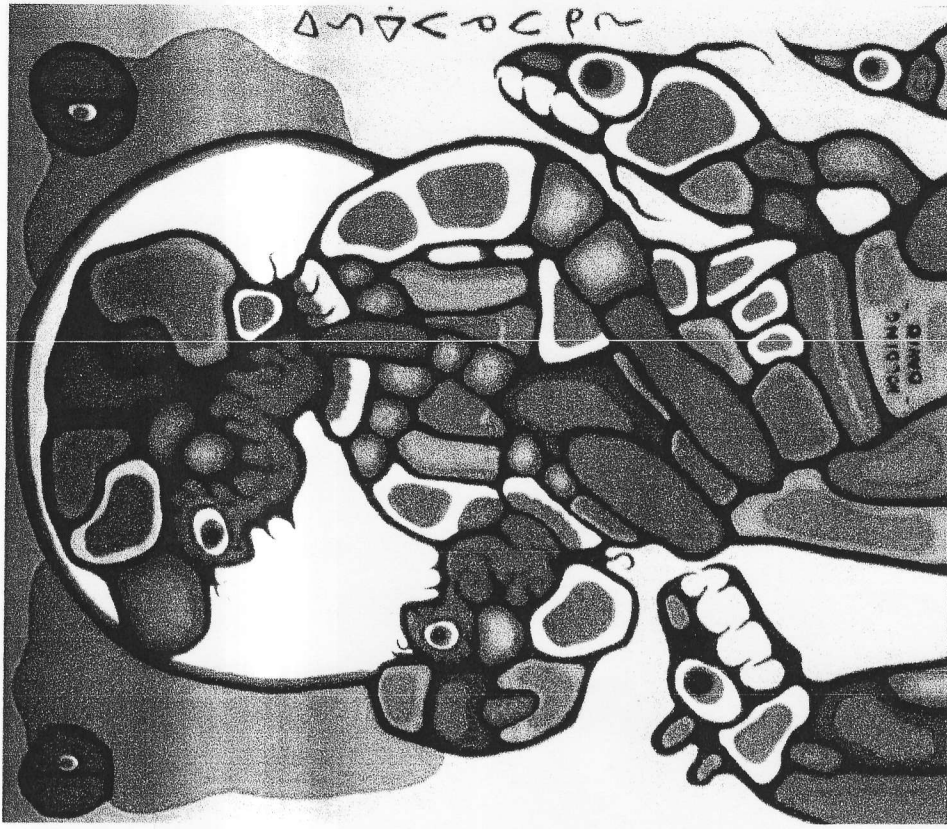
AUTHENTIC MORRISSEAU



Norval Morrisseau, b.1931
Artist's Wife and Daughter, c.1975

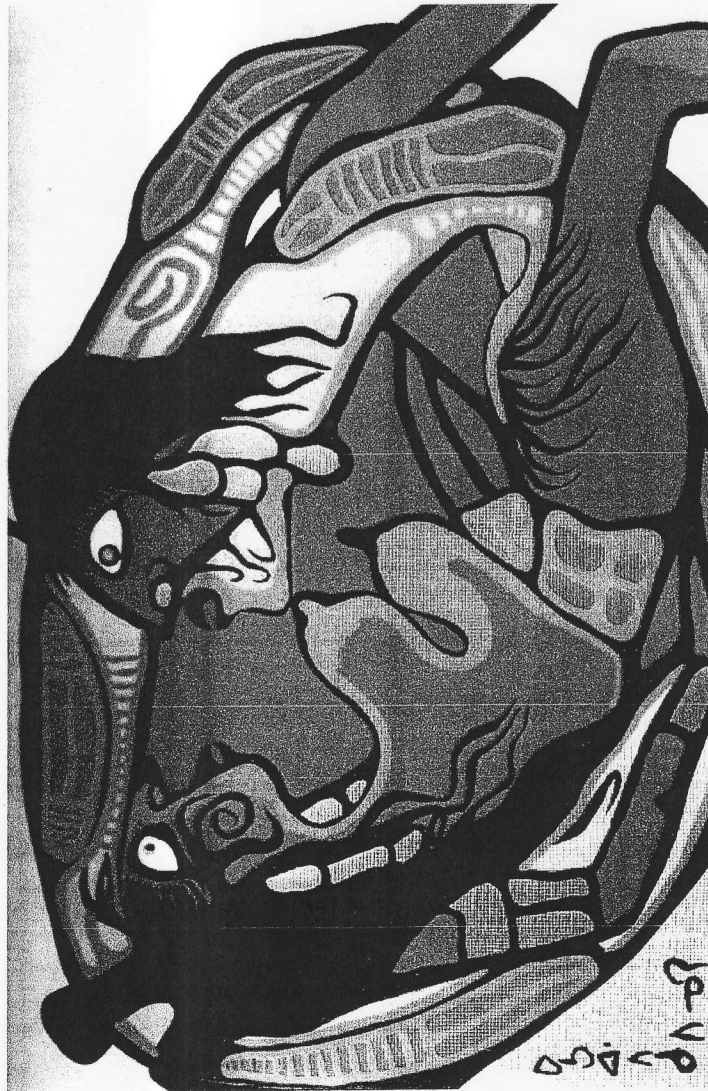
McMichael Canadian Art Collection

INFERIOR COUNTERFEIT



Holding David - undated - 52" x 45"
 Bearclaw Gallery

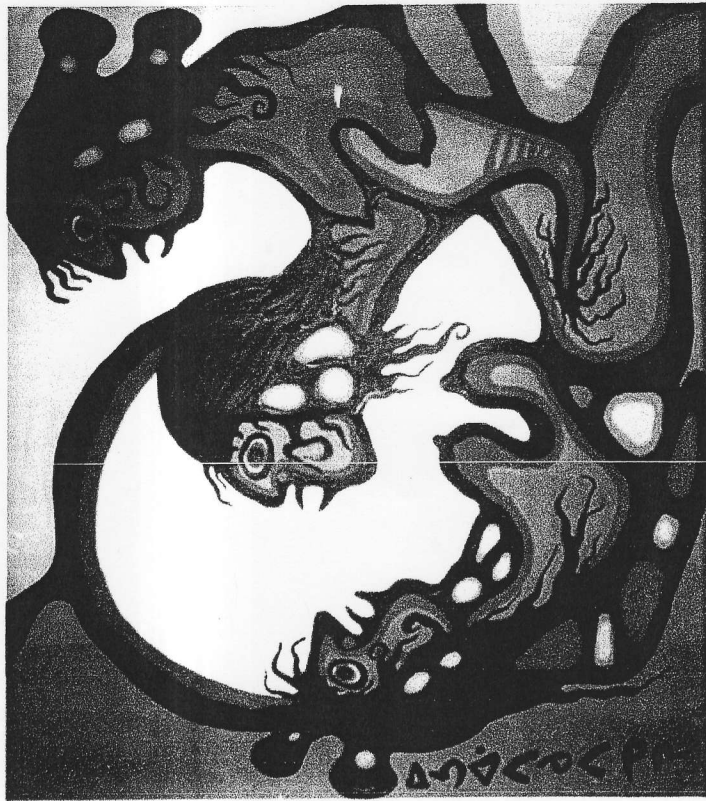
AUTHENTIC MORRISSEAU



ARTIST IN UNION WITH MOTHER EARTH
30" x 46" - 1972

Provenance - Pollock Gallery >
Art of Norval Morrisseau - pg. 89

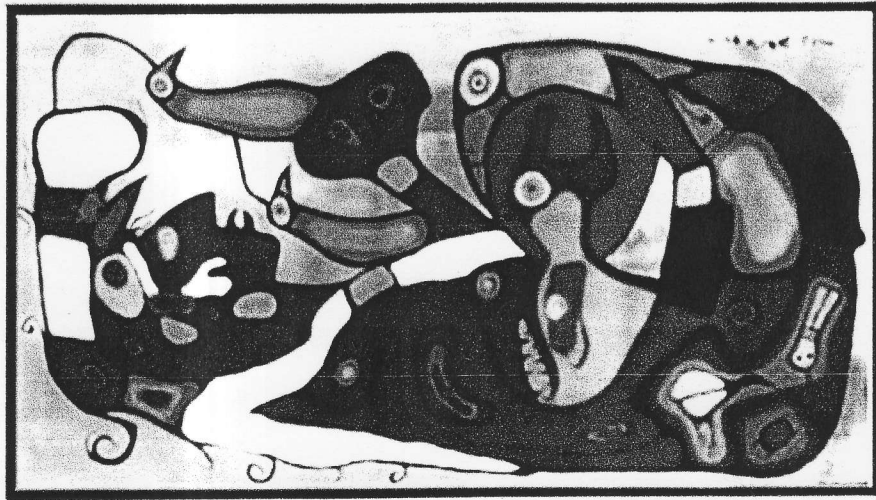
INFERIOR COUNTERFEIT MORRISSEAU



Untitled - Undated

Provenance - Gary Bruce Lamont >
WoodlandArtGallery.net

AUTHENTIC MORRISSEAU



The Storyteller. The Artist and his grandfather
1978 / 68.5 x 37 / Art of Norval Morrisseau p. 151

INFERIOR COUNTERFEIT

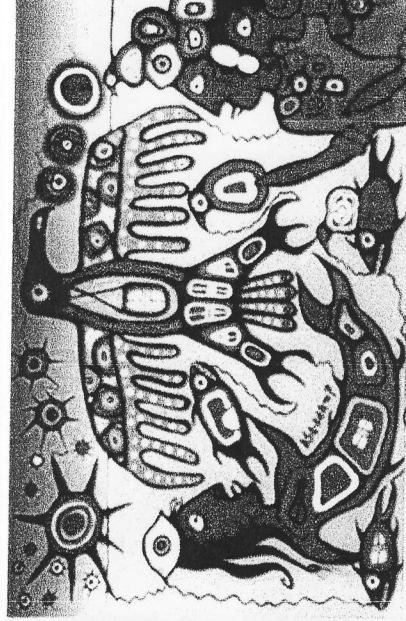
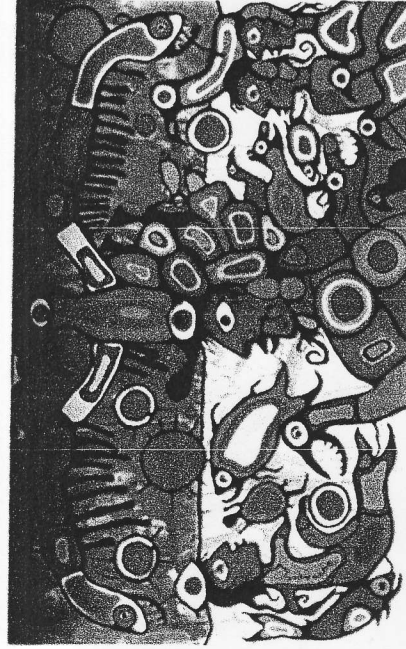


Shaman and Son / 1987 / 58 x 36 / Art Cube

AUTHENTIC MORRISSEAU

INFERIOR COUNTERFEIT

AUTHENTIC MORRISSEAU

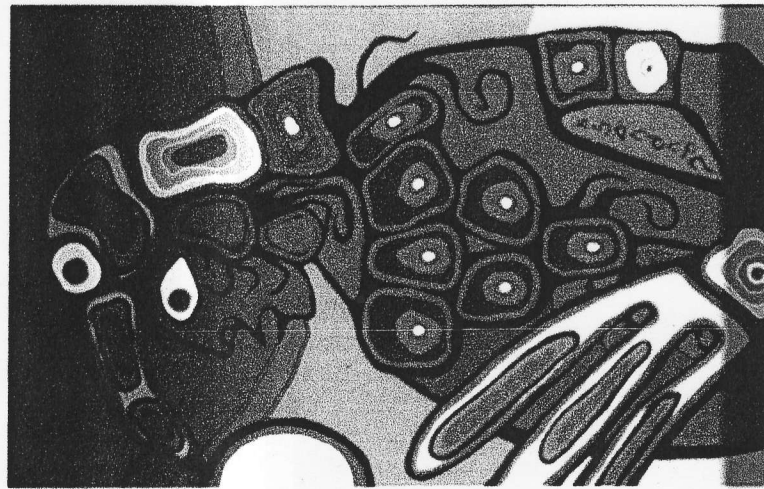
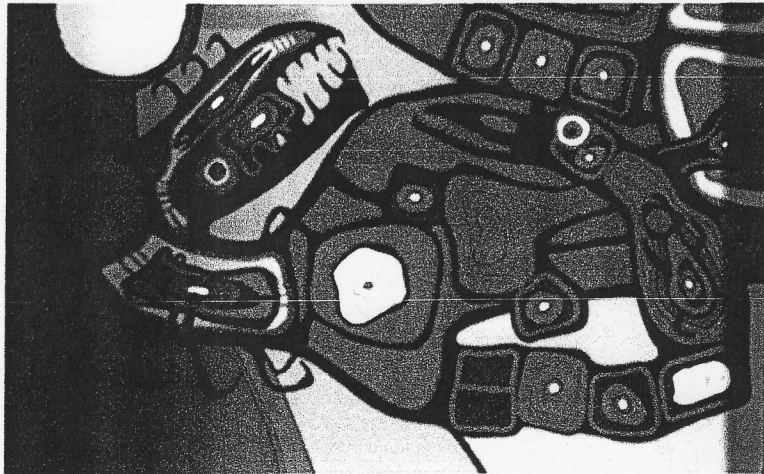


LEFT: Artist and Shaman between Two Worlds / 1980 / 69 x 111 / Norval Morrisseau Shaman Artist p.144-145 / Collection of the Klamer family

MIDDLE: The Legend of the Fish People - In Contact with my Ancestors / 1987 / 36 x 57 / Art Cube

RIGHT: Untitled (Thunderbird) / 1960 / 30 x 62 / Norval Morrisseau Shaman Artist p. 100-101 / Red Lake Regional Heritage Centre

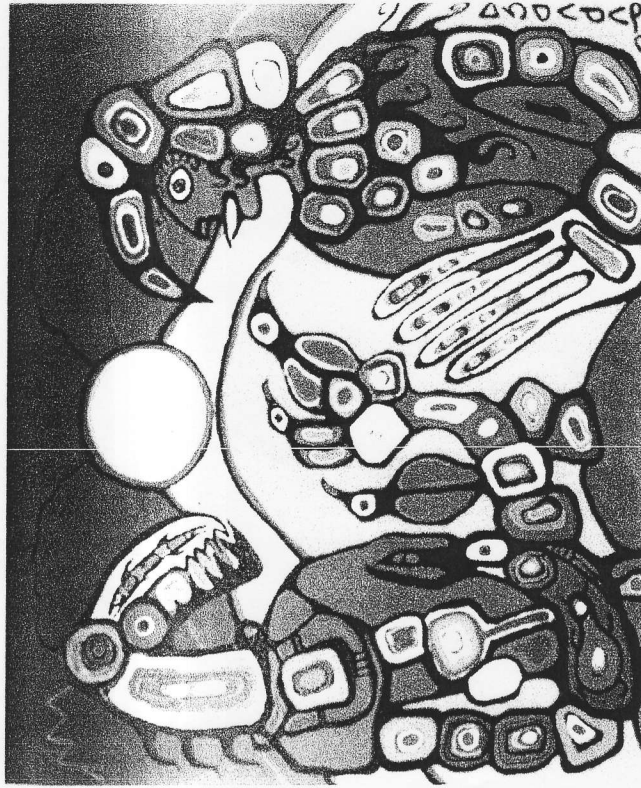
AUTHENTIC MORRISSEAU



Panel 1 & Panel 5 of Ancestral Figure with Spiritual Helpers / 1978
each panel 48 x 30 / Art of Norval Morrisseau p 154-155,

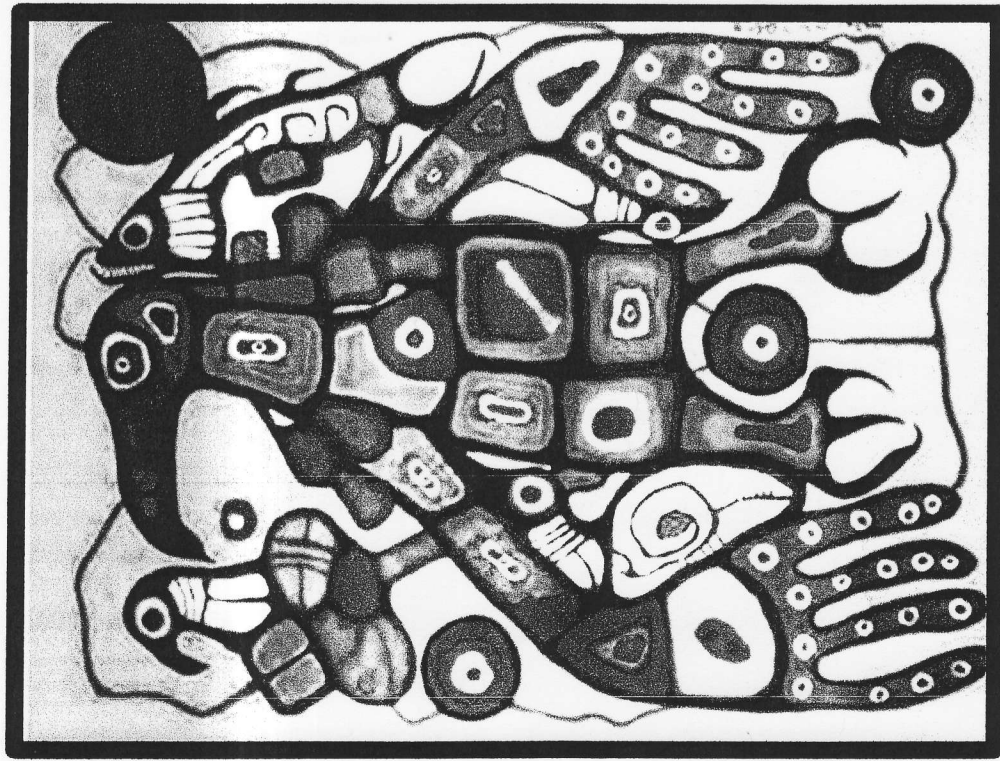
Owner: City of Toronto

INFERIOR COUNTERFEIT



METAMORPHOSIS THUNDERBIRD / 1979 / 51 x 61 / Art Cube

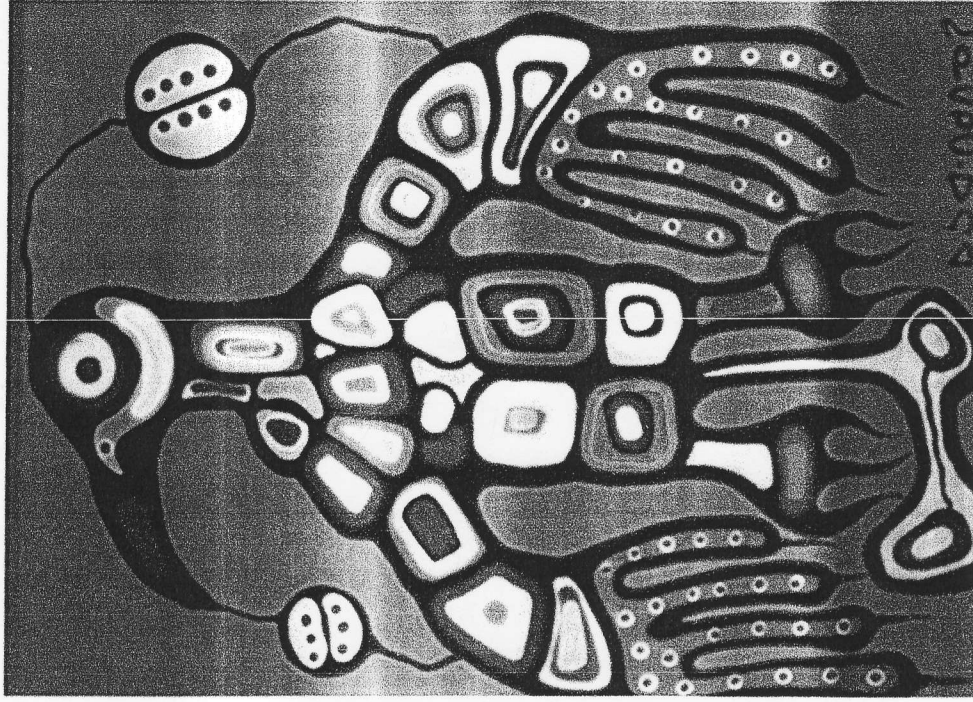
AUTHENTIC MORRISSEAU



Man changing into Thunderbird panel 6 / 60.5 x 49.5)

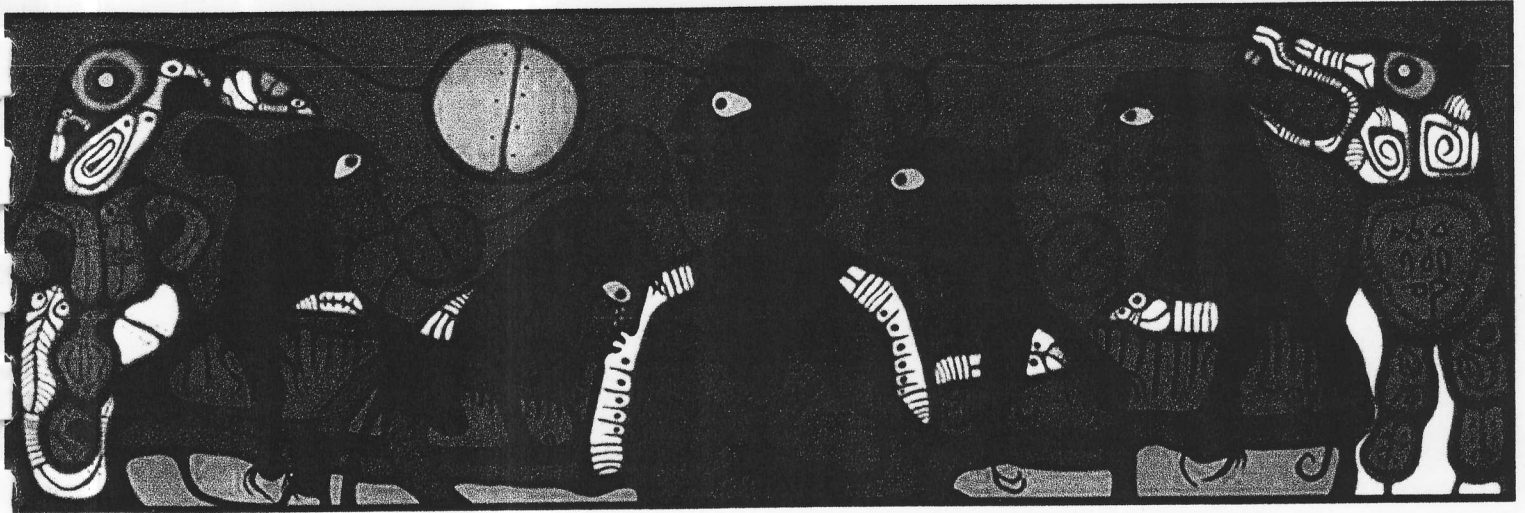
Art of Norval Morrisseau p 141

INFERIOR COUNTERFEIT



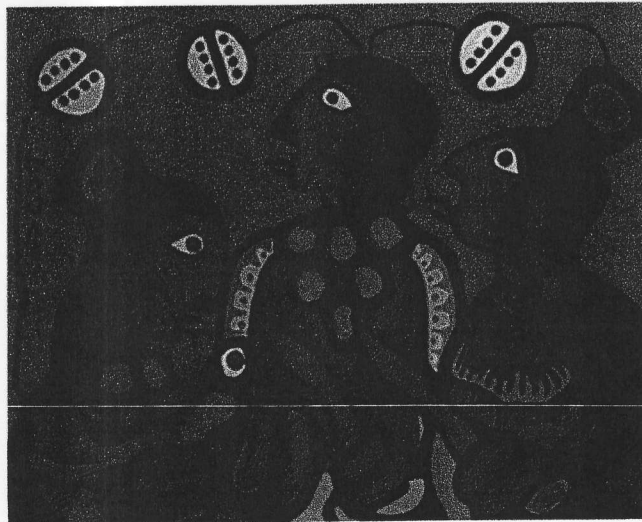
Thunderbird / 1976 / 46 x 33 / Art Cube

AUTHENTIC MORRISSEAU



Artist and his four wives / 1961 / 43 x 131 / Art of Norval Morrisseau p. 117

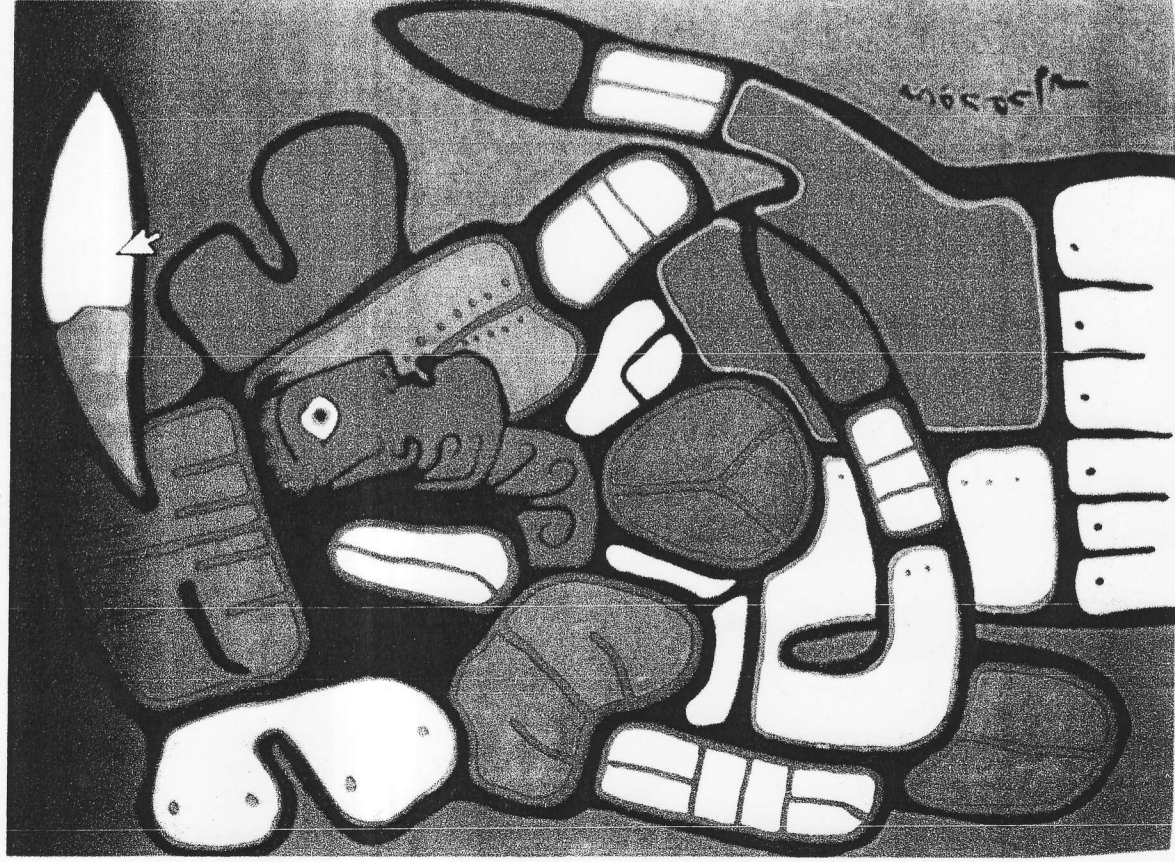
INFERIOR COUNTERFEIT



Shaman with two wives / 1978 / 30 x 37 / Art Cube

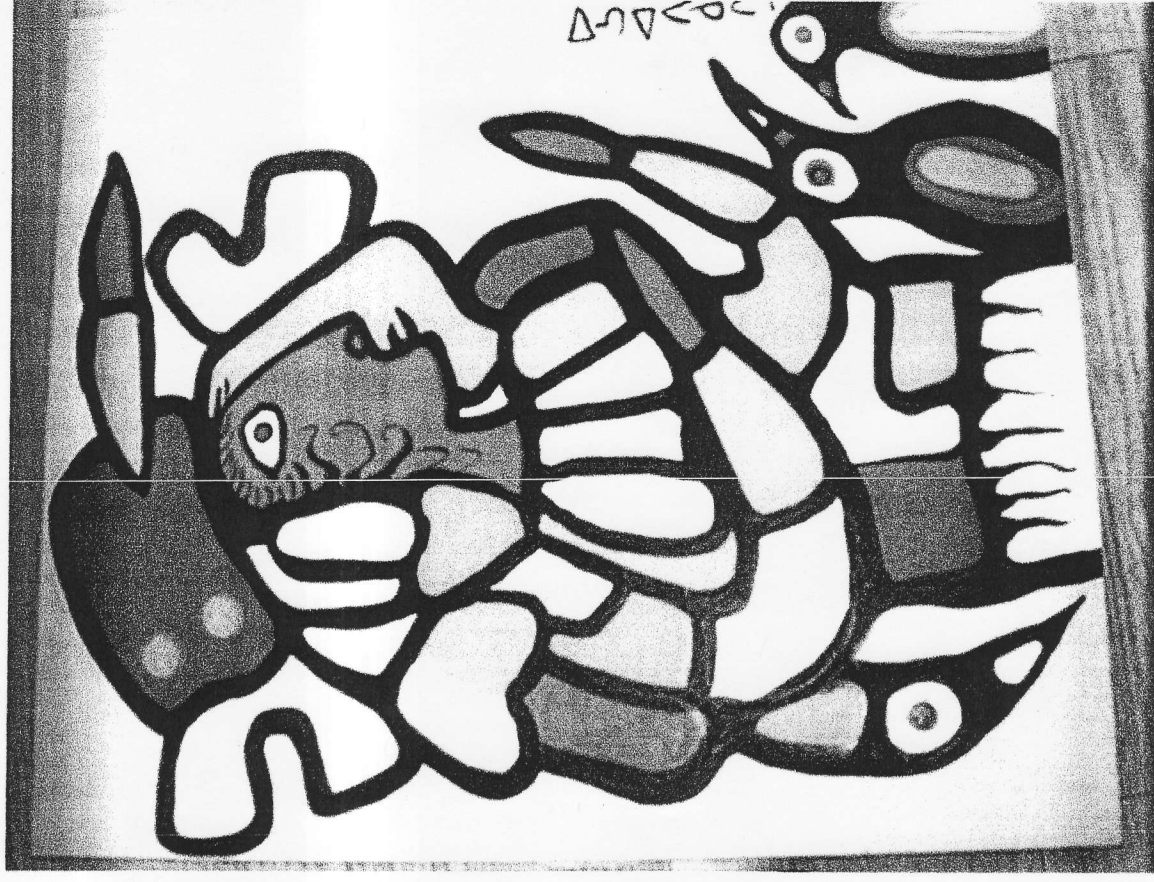
Sunny Kim - Gallery Sunami / Artcube

AUTHENTIC MORRISSEAU



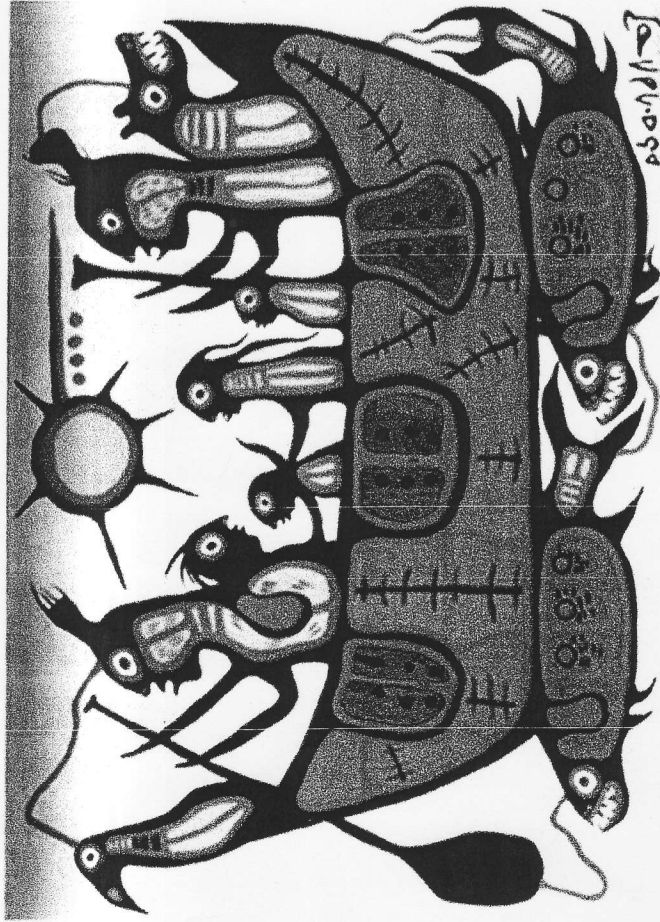
In Honour to All Medicine Women of Ojibwa Peoples Today
1996 / 48 x 36/ Return to the House of Invention p.58

INFERIOR COUNTERFEIT



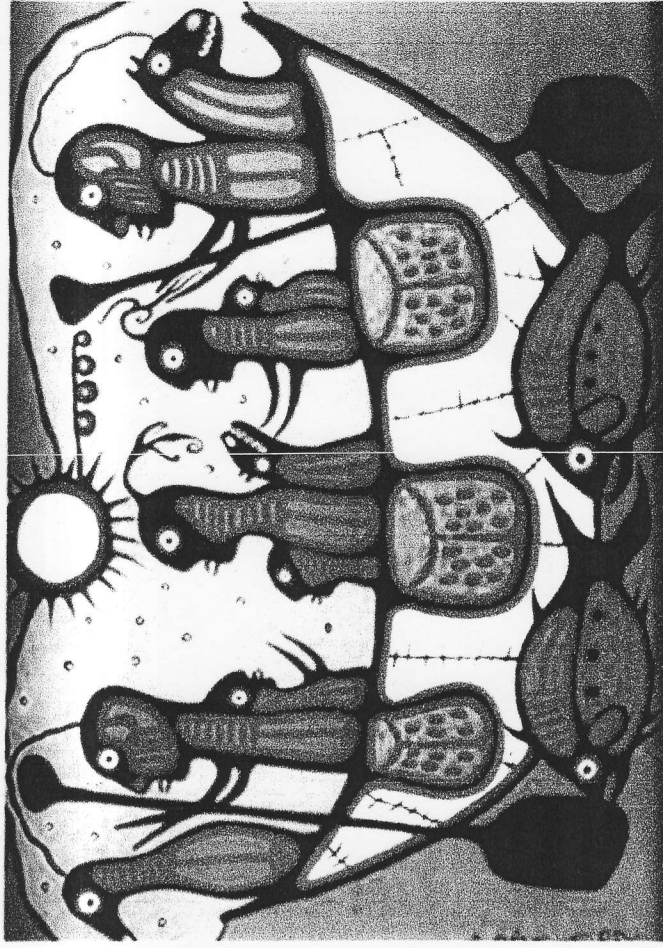
Bird Clan / ? / 59 x 37 / EBay Vendor Korchin1
Sunny Kim - Gallery Sunami / Artcube

AUTHENTIC MORRISSEAU



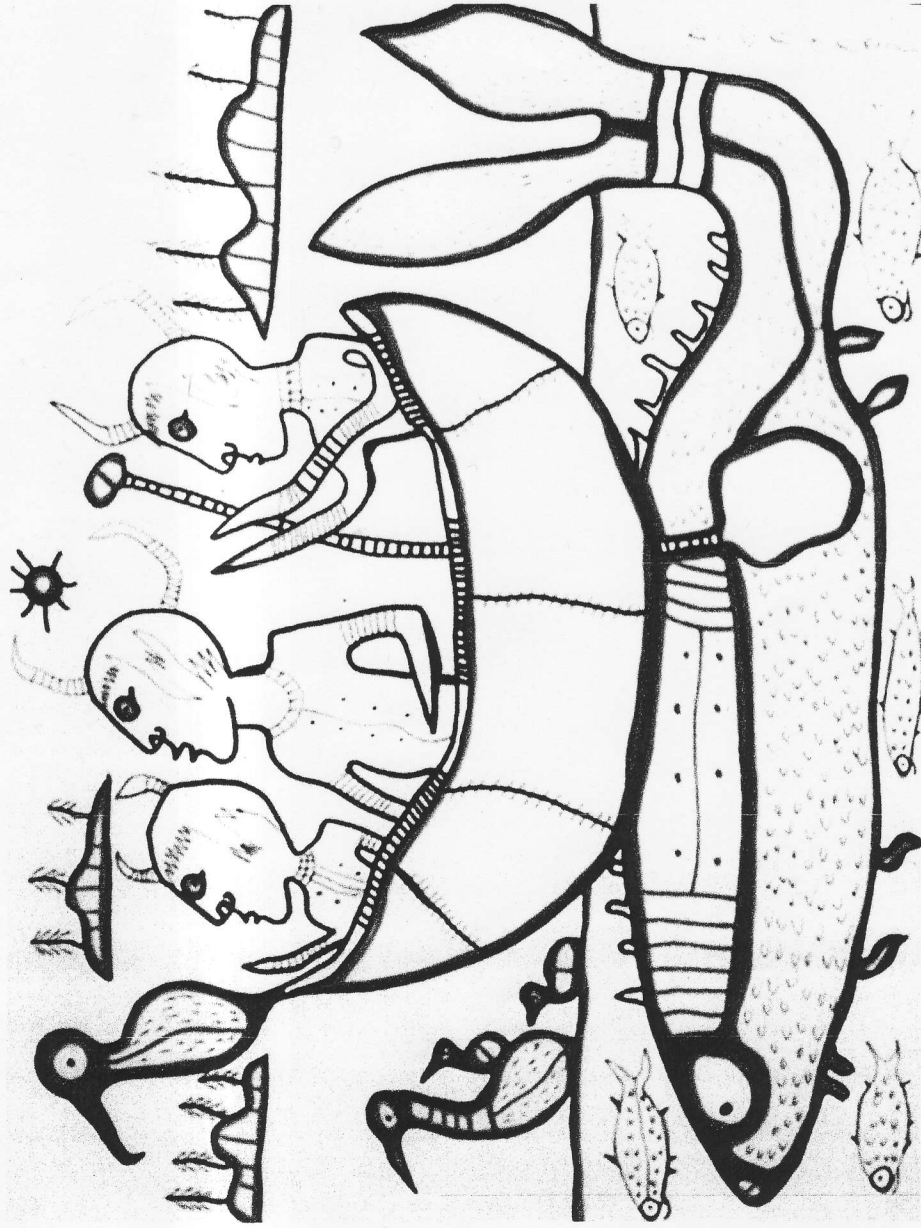
Migration - The Great Flood - 1973
Art of Norval Morrisseau - pg. 95

INFERIOR COUNTERFEIT



Migration - 1973
Artworld of Sherway

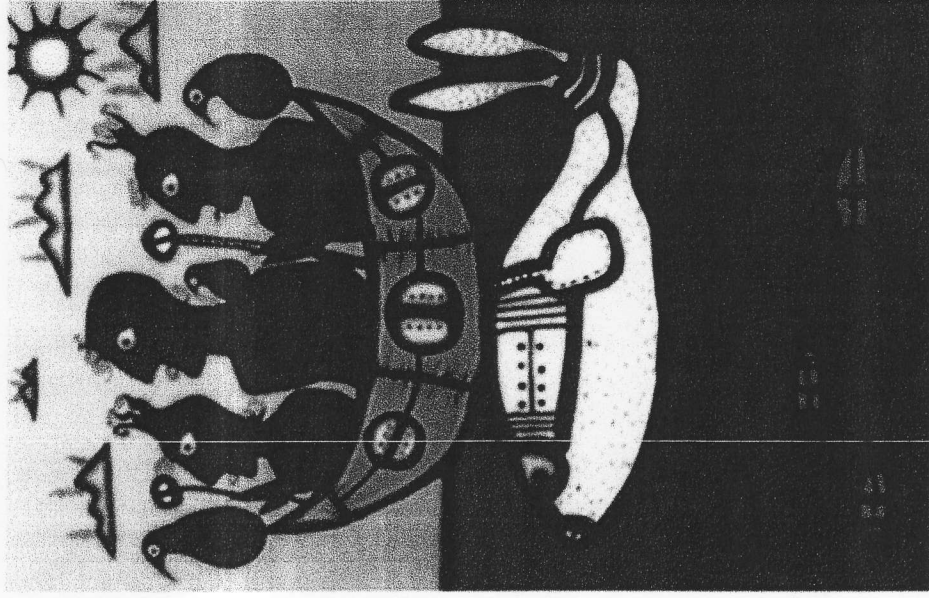
AUTHENTIC MORRISSEAU



Untitled (Three Shaman in a canoe) / c1990s / 23 x 30/

Nona Morriseau Shaman Artist in 1977

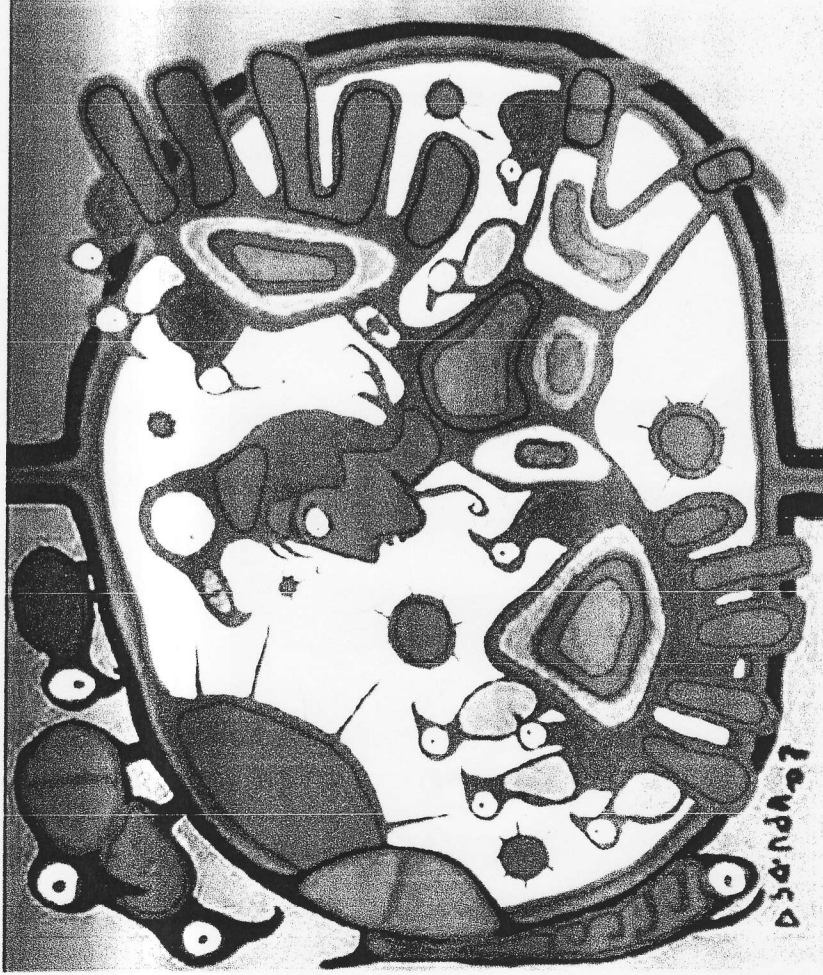
INFERIOR COUNTERFEIT



Migration with Fish / 1986 / 59 x 37

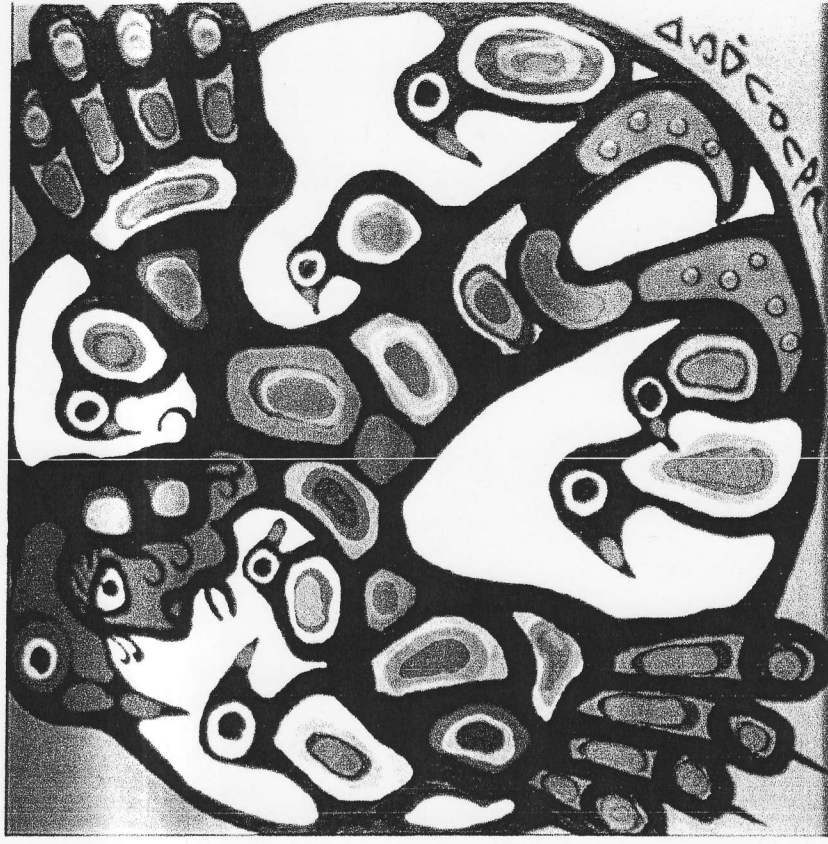
Kim Galloway Shaman Artist in 1977

AUTHENTIC MORRISSEAU



Untitled (Shaman Traveler to Other Worlds for Blessings)
c 1990s / 49 x 58 / Norval Morrisseau Shaman Artist p. 163

INFERIOR COUNTERFEIT



Shamen Thunderbird Man Giving Blessing / 1979 / 24 x 24 / Art Cube

Norval Morrisseau: Shaman Artist is on view at the Heye Center through January 20, 2008.

National Museum of the American Indian
George Gustav Heye Center
One Bowling Green
New York, NY 10004

Heye Center hours: 10 a.m. to 5 p.m. every day, except December 25. Thursdays to 8 p.m.
Admission is free.
The museum is fully accessible.

For recorded information about exhibitions, museum programs, and services, call 212-514-3888.

For the complete NMAI calendar of events, visit our website at www.AmericanIndian.si.edu.

To become an NMAI member, call 1-800-242-NMAI [6624] or visit www.AmericanIndian.si.edu and click on Membership & Giving.

© 2007 Smithsonian Institution

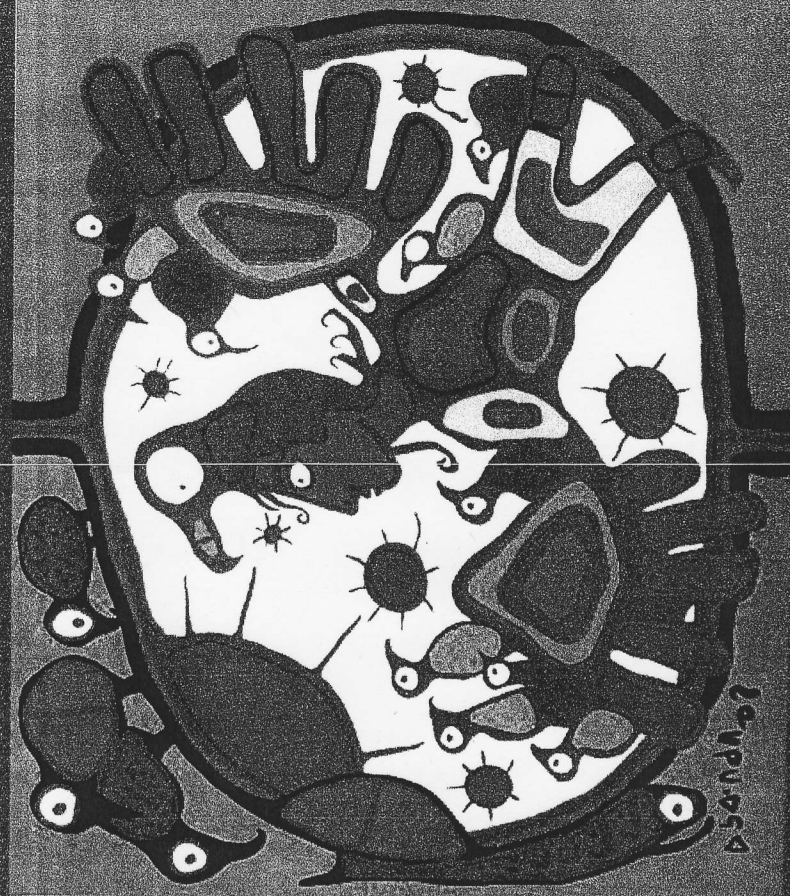
Cover image:
Untitled (Shaman Traveller to Other Worlds for Blessings),
c. 1990

Acrylic on canvas, 124 x 147 cm.
National Gallery of Canada, Ottawa,
purchased 2006
© Norval Morrisseau

NORVAL MORRISSEAU

Shaman Artist

Organized and circulated by the National Gallery of Canada



6

The Norval Morrisseau Forgery Organisation

ALLEGED PROVENANCE SOURCES

DAVID VOSS - ROLF SCHNEIDER

DIRECTORS

TONY MARTINENKO - GARY LAMONT a.k.a. GARY BRUCE THACKY

FORGERY PAINTERS

DAVID MORRISSEAU, CHRISTIAN MORRISSEAU, EUGENE MORRISSEAU, WOLF MORRISSEAU, LISA MORRISSEAU, GOYCE KAKEGAMIC, BEN MORRISSEAU, BRUCE MORRISSEAU, JOSHIM MORRISSEAU, KYLE MORRISSEAU, BLAIR DEBASSIGE, KARL BURROWS ET AL.

CONSIGNMENT & DISTRIBUTION

JIM WHITE - ALICIA HAY

PROPAGANDA, HARASSMENT & INFORMATION CONTROL

JOE OTAVNIK - UGO MATULIC

AUTHENTICATIONS

JOE MCLEOD, DAVID MORRISSEAU, WOLF MORRISSEAU, MARLOWE GORING SUNNY KIM, JACKIE BUGERA, TONY COLELLA.

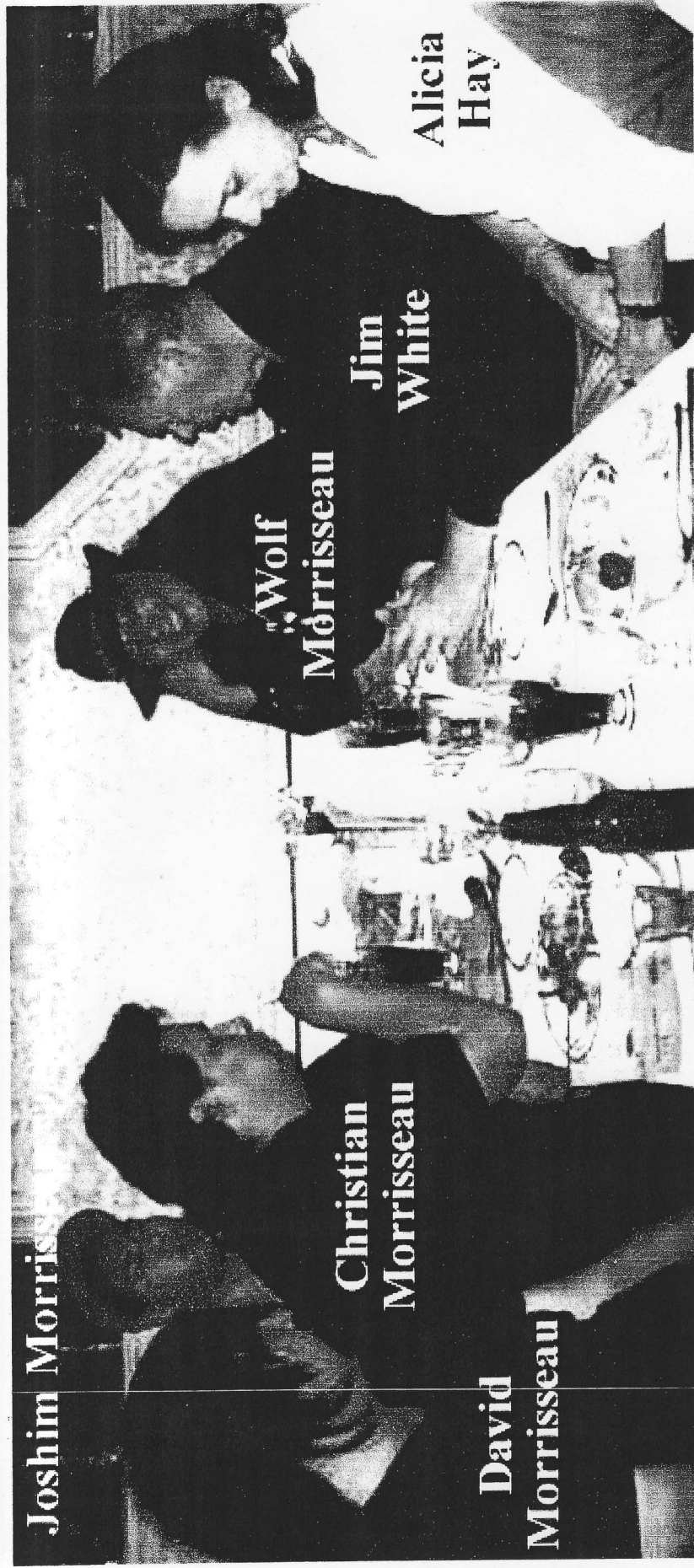
AUCTION VENUES

RANDY POTTER AUCTIONS, GALLERY 68 AUCTIONS, EMPIRE AUCTIONS, KAHN AUCTIONS HEFFELS AUCTIONS, SEAHAWK AUCTIONS, SKINNERS AUCTIONS, EBAY AUCTIONS, BONHAMS AUCTIONS, LUNDS AUCTIONS, SOTHEBYS AUCTIONS ET AL.

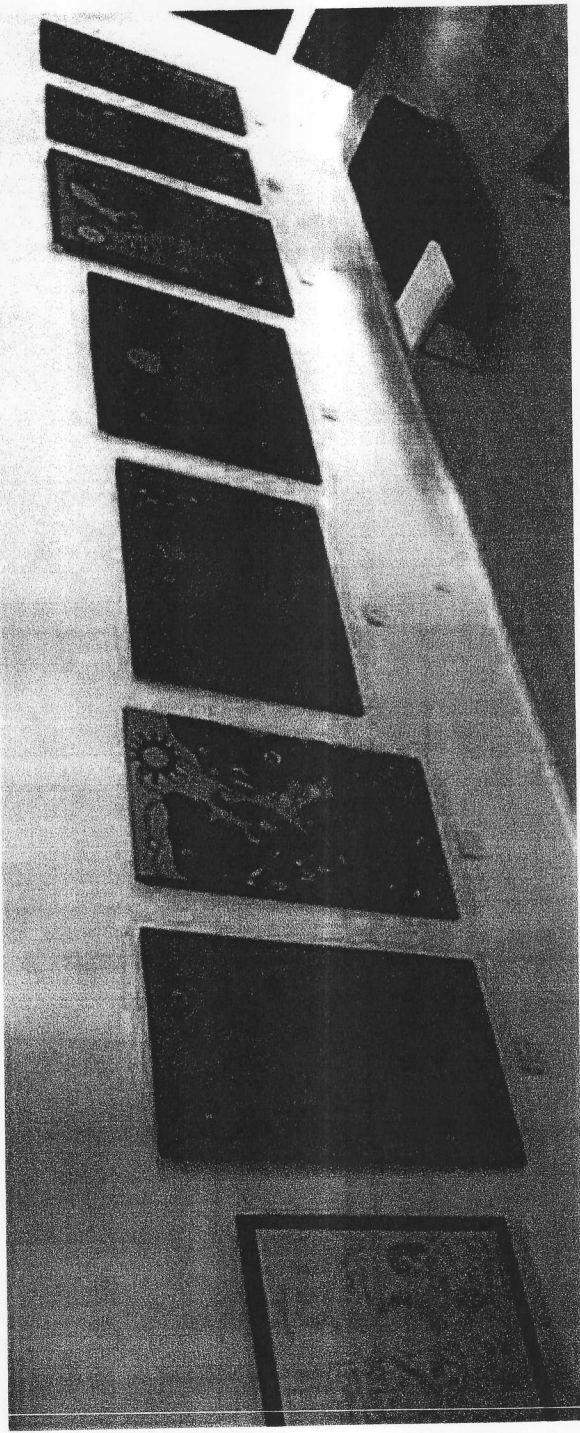
GALLERY VENUES

MASLAK MCLEOD GALLERY, BEARCLAW GALLERY, GALLERY SUNAMI / ARTCUBE ARTWORLD OF SHERWAY, QUALICUM FRAMEWORKS, BAY OF SPIRITS, WHETUNG GALLERY GALLERY ON THE LAKE, BLACK SHEEP GALLERY, GALLERIES OF AVALON, SEVENTH GENERATION OLD DOWNTOWN GALLERY, NORTHWIND ART GALLERY, WOODLAND ART GALLERY, GALLERY DE BOER, ANISHNABEE ART GALLERY, GALLERY CALLIGRAMMES, WAHSA GALLERY, GALLERY 260, ARCTIC FINE ARTS, NIMKEE GALLERY, MICAH GALLERY, TURTLE ISLAND GALLERY, REDKETTLE ART, NORTHERN ART IMPRESSIONS GALLERY, FOUR DIRECTIONS NATIVE ART, CALLIGRAMMES GALLERY, WEBSTER GALLERIES, NORTHLAND ART COMPANY, UP IN FRAMES, G.A.H. ENTERPRISES, MAYBERRY FINE ART, NINAVIK NATIVE ARTS, NATIVE AMERICAN ART WORLD.

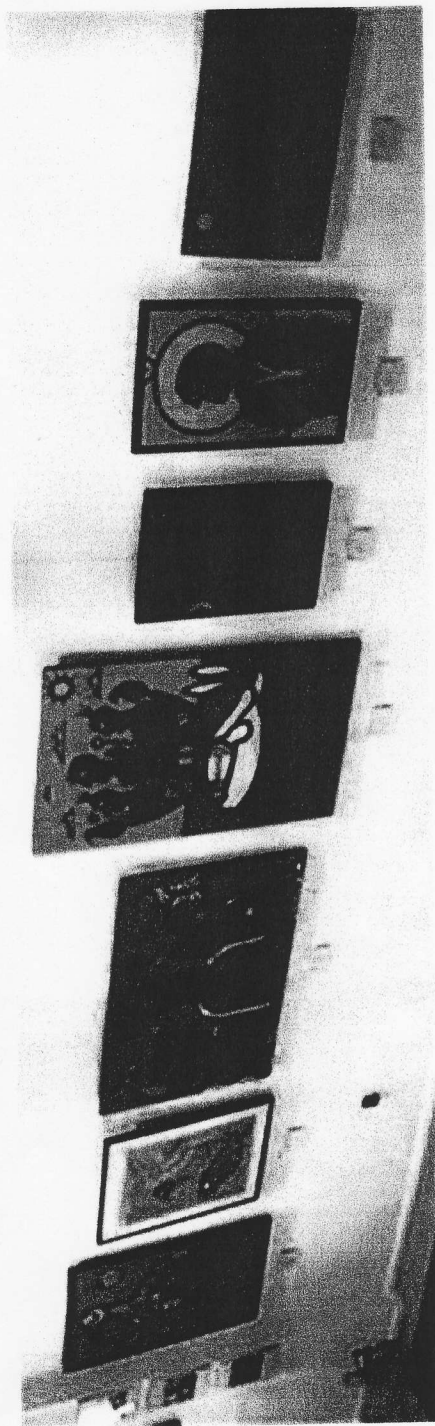
FORGERY PAINTERS, DISTRIBUTOR & PRINTER



The Second Generation of Inferior Counterfeit Noeval Morrisseau Paintings fraudulently created by Morrisseau's relatives.



The "ART OF NORVAL MORRISSEAU" 1979 coffee table book by Jack Pollock was used as the forger's guide.



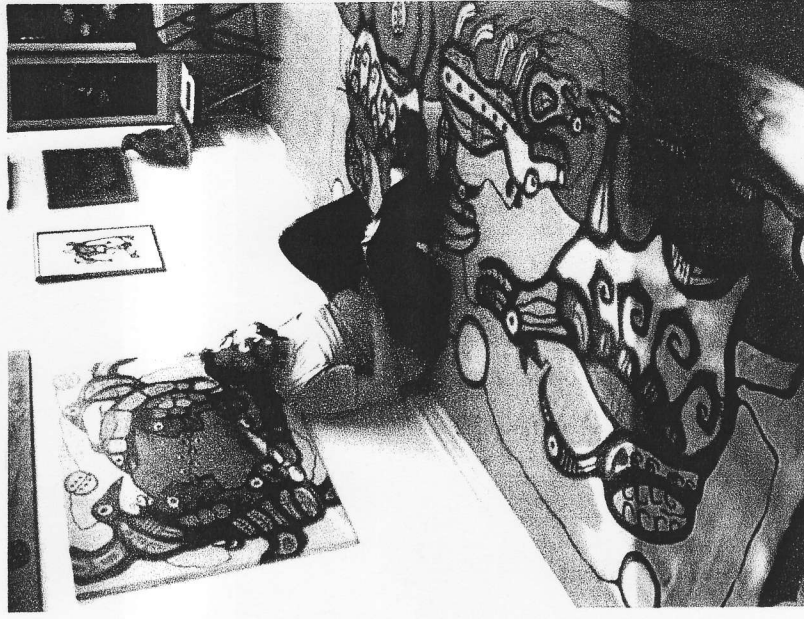
Displayed at Gallery Sunami / ArtCube - Toronto

AUTHENTIC MORRISSEAU



Animal Unity - 1978 - 50 x 108
Art of Norval Morrisseau p. 158

INFERIOR COUNTERFEIT



David Morrisseau at Artcube
sitting on his version of this painting.





This picture

is a

copy

of

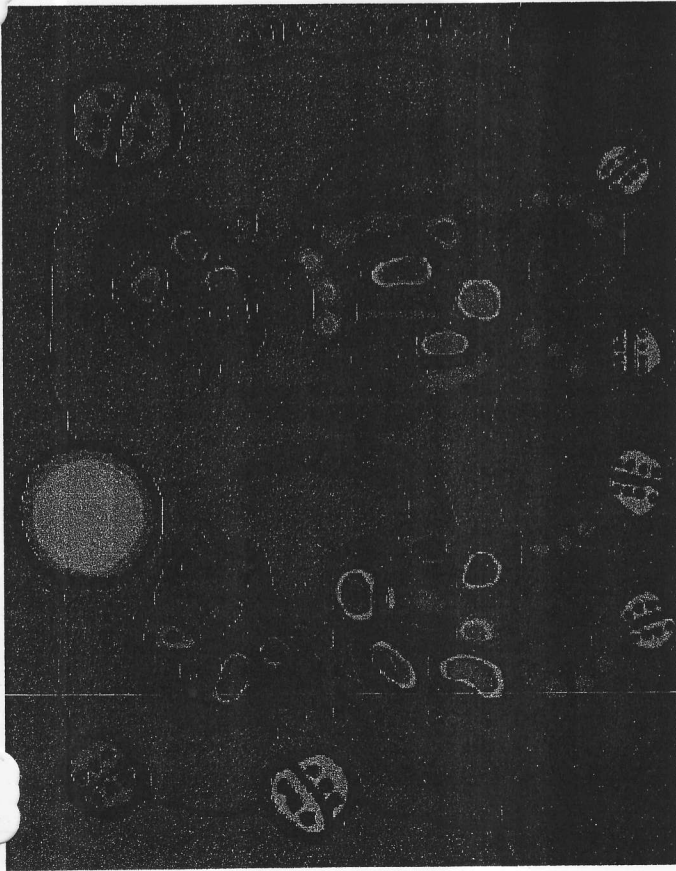
the

original

document

which

is



428

428.
Norval (Copper Thunderbird) Morrisseau (Canadian, 1931-2007)

Shaman's Children

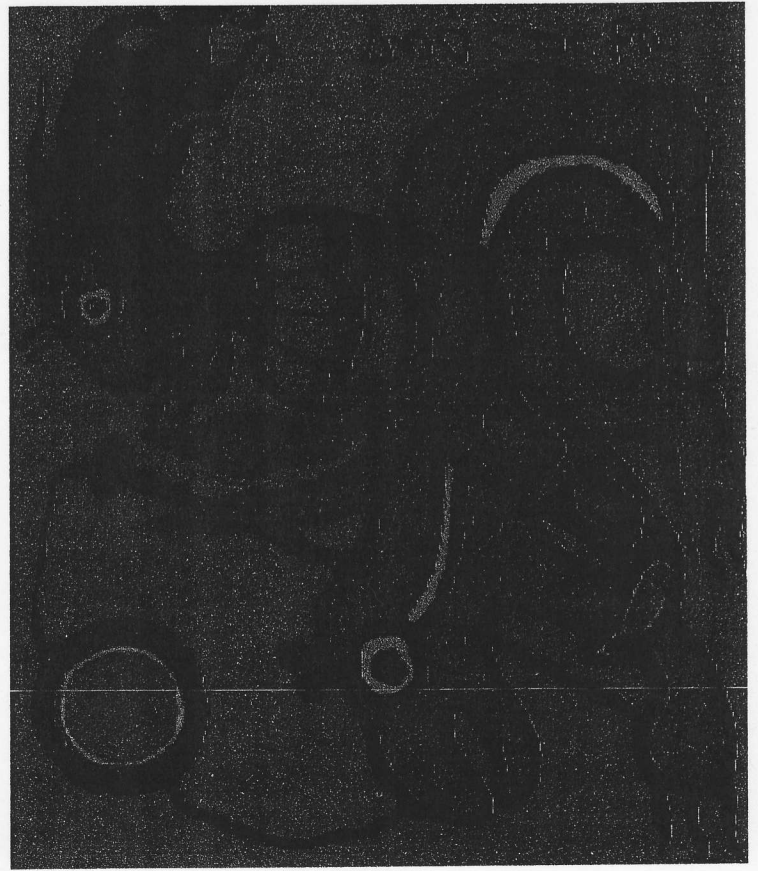
Signed in Cree syllabics l.r., also signed and dated "Norval Morrisseau '77" in pencil and inscribed "the picture is of a genuine painting done by my father Norval Morrisseau/David Morrisseau..." on the reverse.

Acrylic on canvas, 29 3/4 x 38 1/2 in. (75.6 x 97.8 cm), unframed.

Condition: Good.

Provenance: Through the estate of the artist.

\$4,000-6,000



426.

Norval (Copper Thunderbird) Morrisseau (Canadian, 1931-2007)

Medicine Woman and Bear

Signed in Cree syllabics l.r., also signed and dated "Norval Morrisseau © 77" and inscribed "The picture is of a genuine painting by my father Norval Morrisseau/David Morrisseau..." on the reverse.

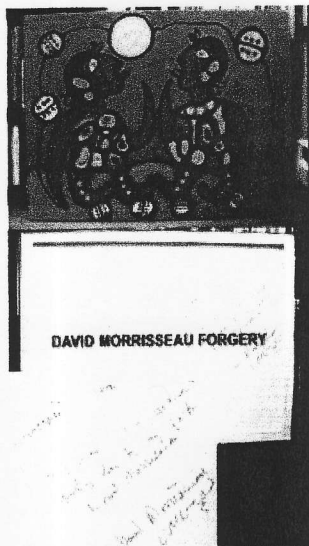
Acrylic on canvas, 29 1/2 x 34 1/2 in. (74.9 x 87.6 cm), unframed.

Condition: Good.

Provenance: Through the estate of the artist.

N.B. Northern Ontario-born Morrisseau pioneered a style known as Woodland or Legend painting. His work embodies a bold, colorful style that combines "shamanic experiences such as soul travel, depicting multiple levels of reality and visions of self-transformation."

The self-taught artist was raised by his maternal grandparents who



ACTIONS

Fave

Share

Report

Original Size

VIEW COMMENTS



JACOBSON101 (312 days ago)

Pathetic.....just gross, jealousy and greed is the demon that feeds this scam.....what perverseness!.....MAJ 2008!

Court File No. CV-08-00366828

The opinions expressed on this website
and on this page are those of
Ritchie Stardreamer Sinclair,
and of no other person.

These opinions are alleged to be defamatory
and are the subject matter of an action
in Ontario Superior Court
in the above-referenced court file number.

PHOTO INFO

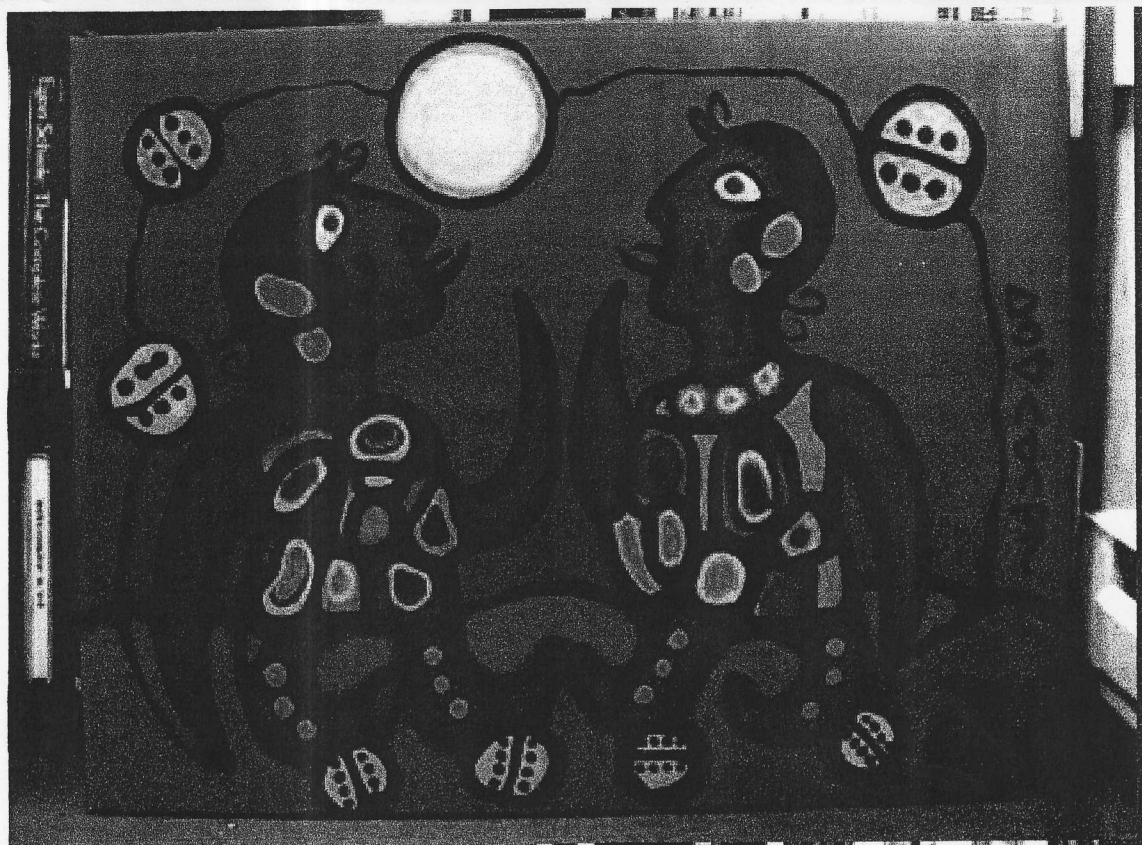


blackmagic
Photos: 941

Added: 312 days ago

Views: 250

URL: <http://www.morrisseau.com/viewPhoto>.Embed : `>> He titled it Shaman's Children and signed it in Cree syllabics. Also signed and dated "Norval Morrisseau '77" in pencil and inscribed "the picture is of a genuine painting done by my father Norval Morrisseau / David Morrisseau..." on the reverse. >>>> Acrylic on canvas, 29 3/4 x 38 1/2 in. (75.6 x 97.8 cm), unframed. >>>> Condition: Brand New! >>>>. Provenance: Through the estate of the artist (How is that possible? Has he got a key to Gabe's home?) >>> Inferior counterfeit >>> means counterfeit, fake, false, falsified, unauthorized, unguenuine, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable, or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under, underneath, bent, bogus, copied, crock, deceptive, delusive, delusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham. >>> in ebay at <http://cgi.liveauctions.ebay.com/ws/eBayISAPI.dll?ViewItem&item=350118931830>



DAVID MORRISSEAU FORGERY

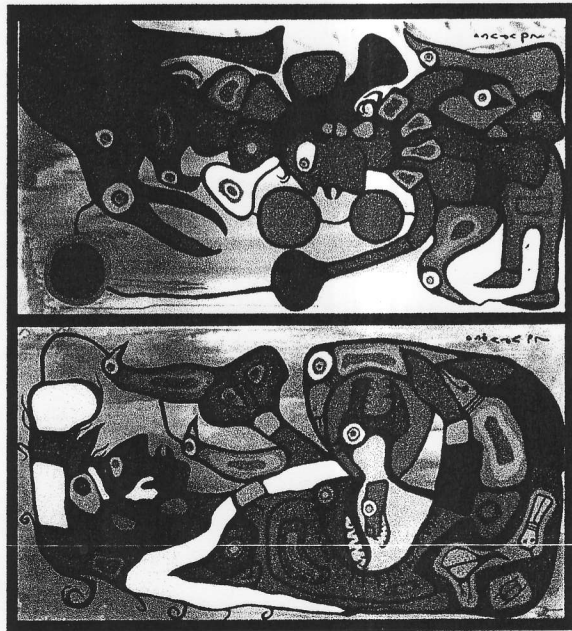
Shaman's children

the picture is of a Shaman's
party done by my father
David Morrisseau

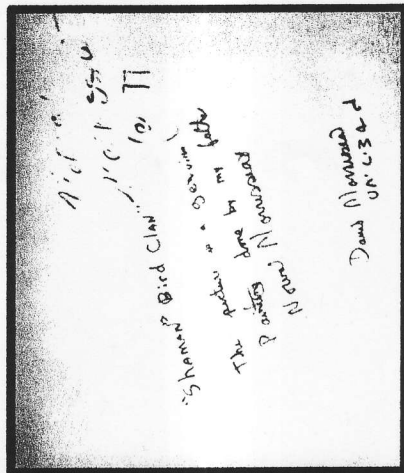
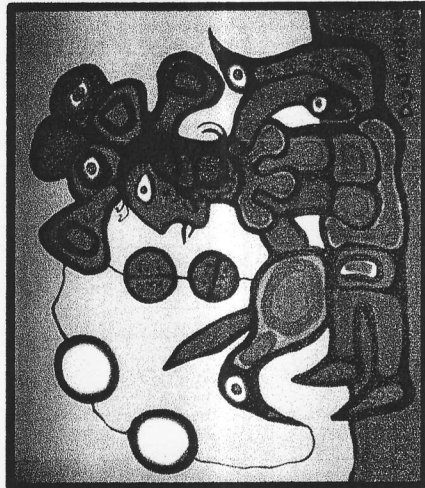
David Morrisseau
U1/L2/2

David Morrisseau
U1/L2/2

AUTHENTIC MORRISSEAU



INFERIOR COUNTERFEIT

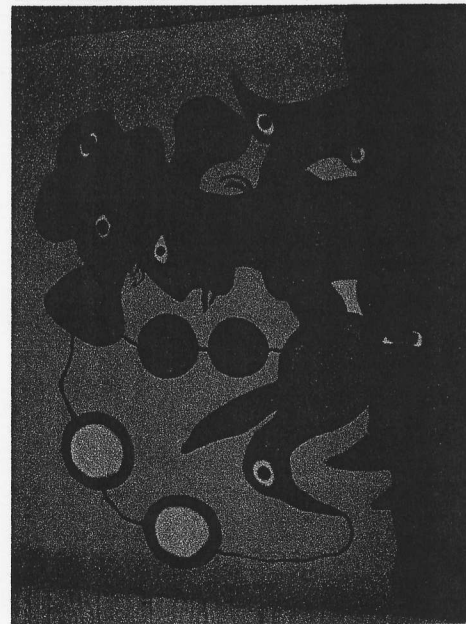


The Artist and His Grandfather - 1978
Art of Norval Morrisseau - pg. 151

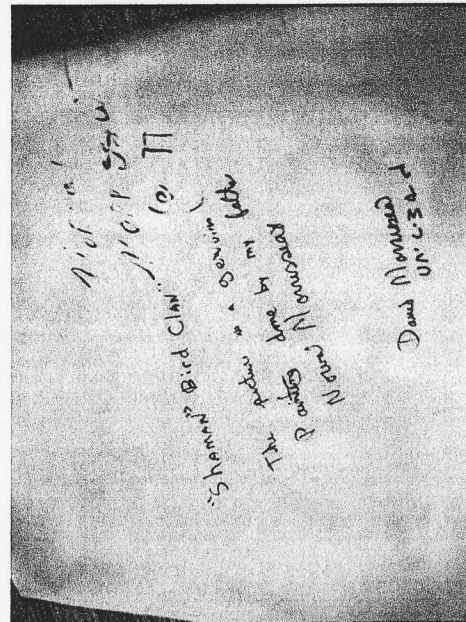
Gallery Sunami >> Ebay Auctions
David/Christian/Eugene Morrisseau - authored, titled, authenticated.

AUTHENTICATED BY DAVID MORRISSEAU

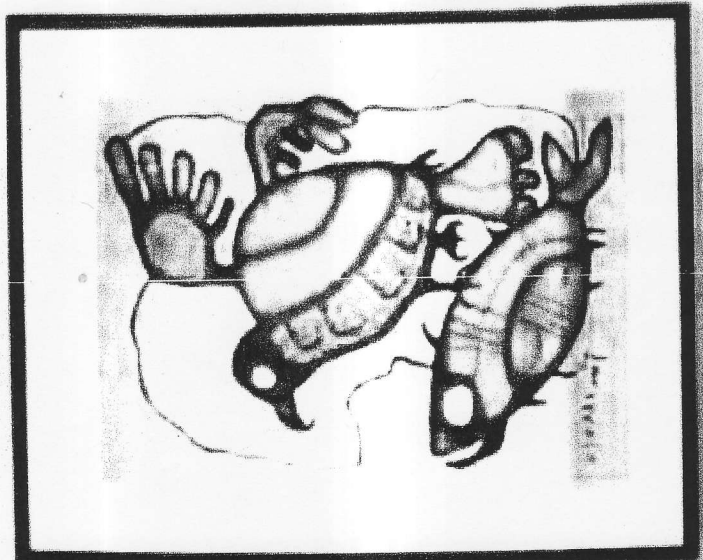
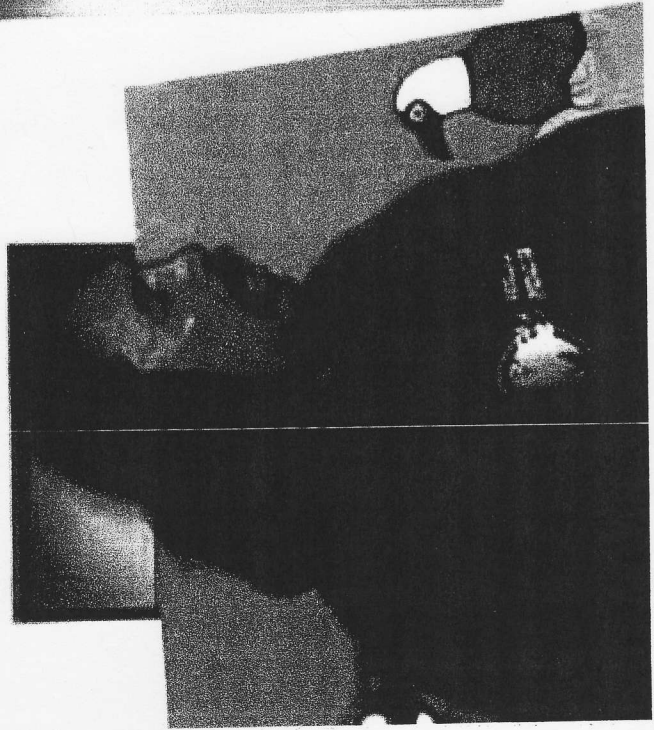
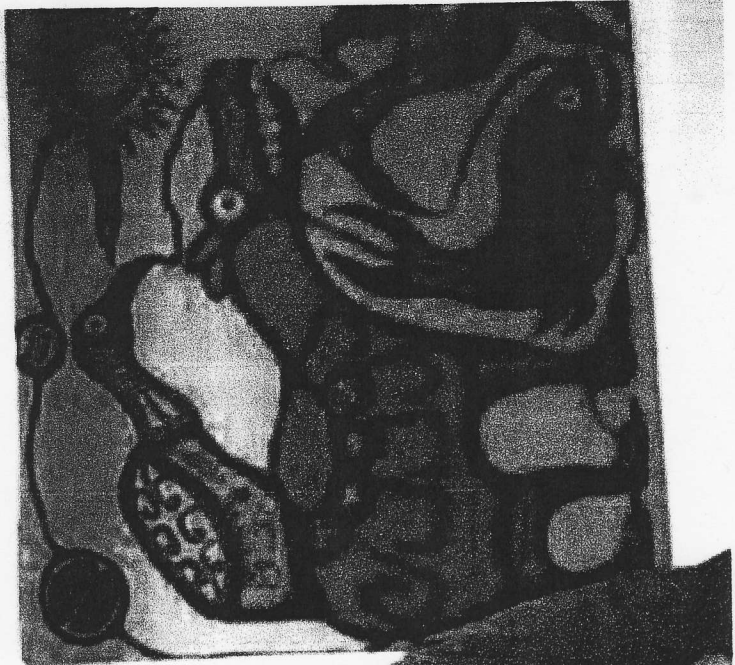
FRONT

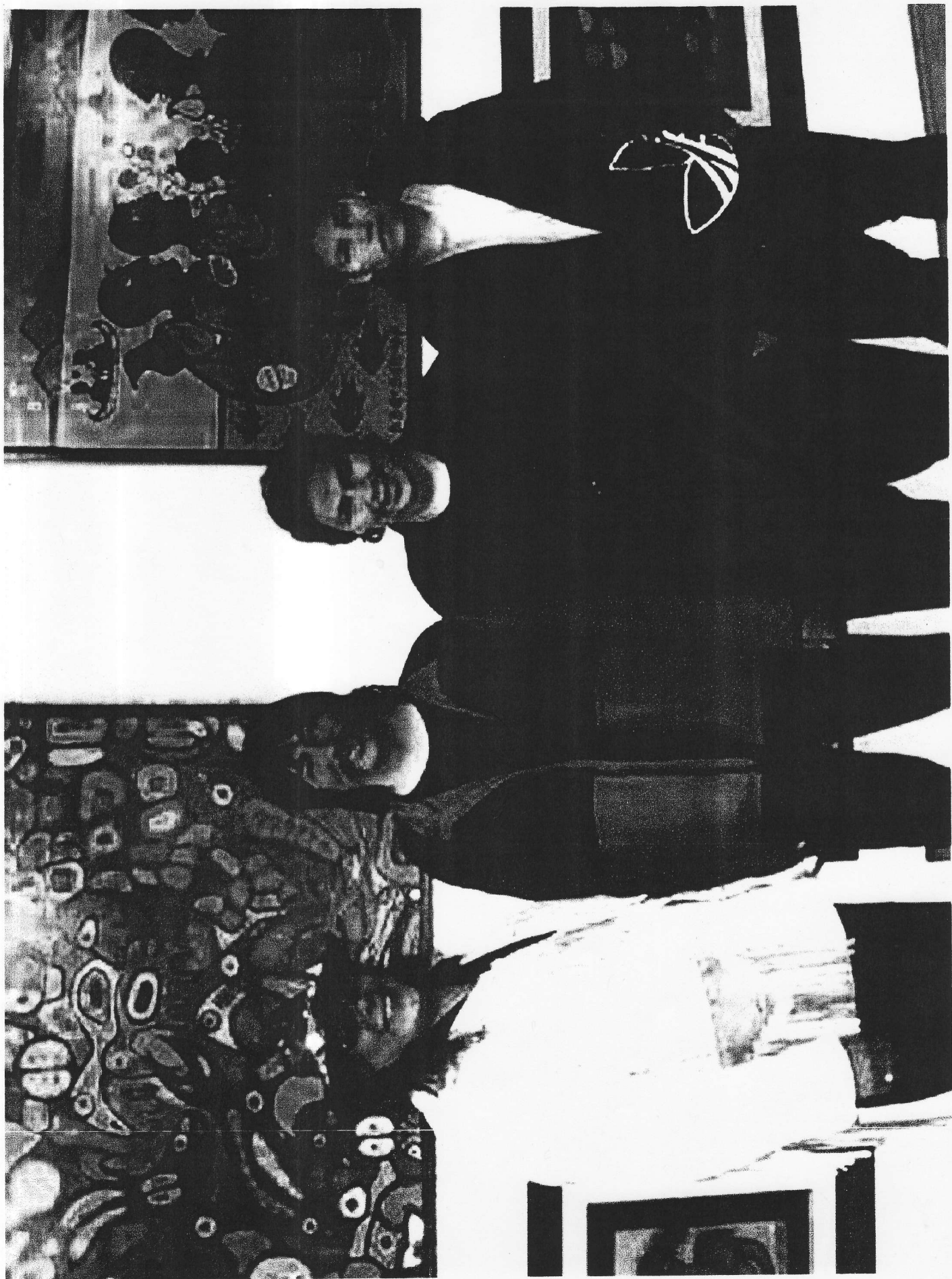


BACK



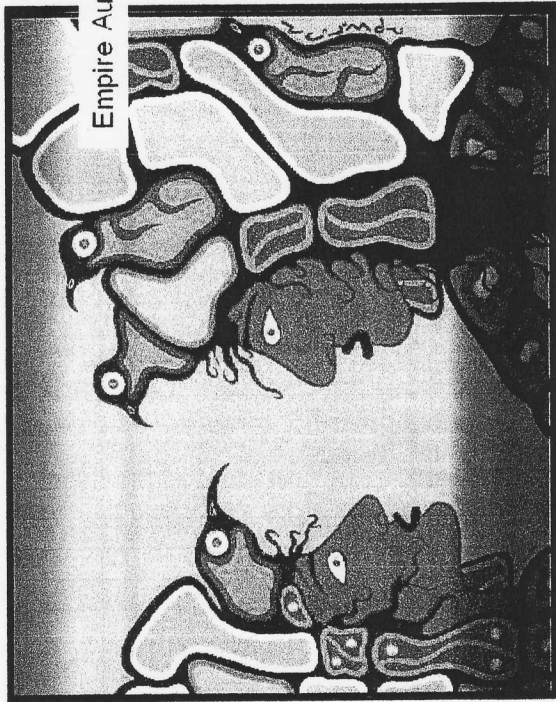
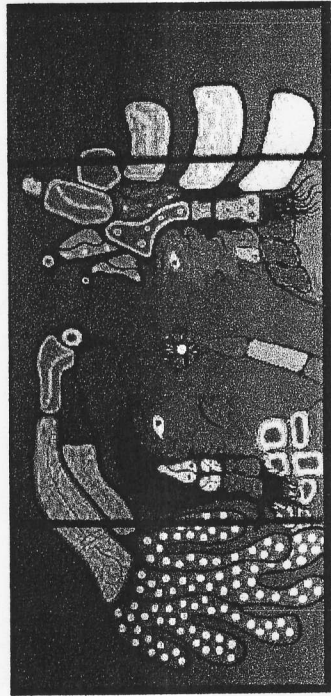
Source: Ebay



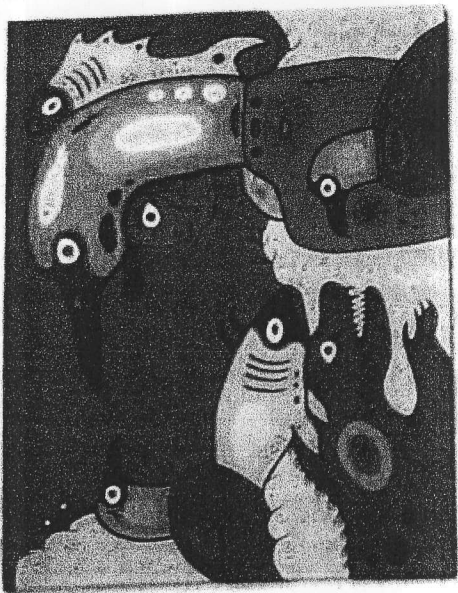
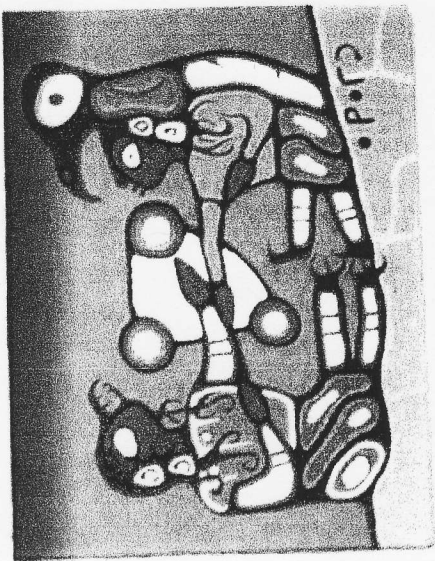
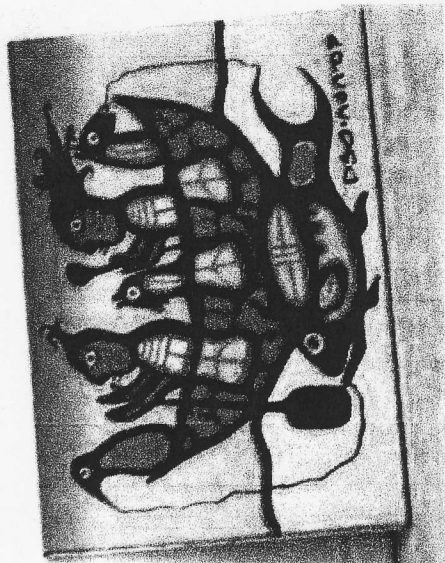




Eugene Morriseau and his early Morriseau forgeries auctioned off by Empire Auctions



Empire Auctions



7

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

STATEMENT OF CLAIM

Notice of action issued on November 21, 2008

1. The Plaintiff, Joseph McLeod, claims against the Defendant, Ritchie Sinclair:
 - i. general damages for defamation and intentional interference with economic relations in the amount of \$2,000,000;
 - ii. special damages for lost sales of Norval Morrisseau paintings in the amount of \$1,000,000, further particulars of which will be provided at trial; and
 - iii. punitive damages in the amount of \$200,000.

2. The Plaintiffs, Jackie Bugera and Bugera Holding Ltd., claim against Sinclair:
 - i. general damages for defamation and intentional interference with economic relations in the amount of \$2,000,000;
 - ii. special damages for lost sales of Norval Morrisseau paintings in the amount of \$1,000,000, further particulars of which will be provided at trial; and
 - iii. punitive damages in the amount of \$200,000.
3. The Plaintiffs, James White and White Distribution Limited, claim against Sinclair:
 - i. general damages for defamation and intentional interference with economic relations in the amount of \$2,000,000;
 - ii. special damages for lost sales of Norval Morrisseau paintings in the amount of \$1,000,000, further particulars of which will be provided at trial; and
 - iii. punitive damages in the amount of \$200,000.
4. The Plaintiffs, Donna Child and Artworld Inc., claim against Sinclair:
 - i. general damages for defamation and intentional interference with economic relations in the amount of \$2,000,000;
 - ii. special damages for lost sales of Norval Morrisseau paintings in the amount of \$1,000,000, further particulars of which will be provided at trial; and
 - iii. punitive damages in the amount of \$200,000.
5. The Plaintiffs, Sun Nam Kim and Gallery Sunami Inc., claim against Sinclair:
 - i. general damages for defamation and intentional interference with economic relations in the amount of \$2,000,000;

- ii. special damages for lost sales of Norval Morrisseau paintings in the amount of \$1,000,000, further particulars of which will be provided at trial; and
- iii. punitive damages in the amount of \$200,000.

6. The individual Plaintiffs, Joseph McLeod, Jackie Bugera, James White, Donna Child, and Sun Nam Kim, each claim against Sinclair \$200,000 in aggravated damages, for a total of \$1,000,000.

7. All of the Plaintiffs claim against Sinclair:

- i. a permanent injunction restraining Sinclair from making, publishing, distributing or in any way communicating any defamatory statements or assertions whether oral or written and whether distributed via the internet or otherwise about any or all of the Plaintiffs, the Plaintiffs' businesses, or any paintings or other artworks which are or have been purchased, owned, consigned to, possessed or sold by any of the Plaintiffs;
- ii. a mandatory order requiring Sinclair to take all necessary steps to immediately remove from the website, www.morrisseau.com, all of the words, references, statements, images or other information that is contained on the website, www.morrisseau.com, relating in any way to the Plaintiffs, the Plaintiffs' businesses, or any paintings or other artworks which are or have been purchased, owned, consigned to, possessed or sold by any of the Plaintiffs and not to re-post, broadcast or communicate any of the words or images described herein;
- iii. pre-judgment and post-judgment interest in accordance with the *Courts of Justice Act*;
- iv. costs of this action on a substantial indemnity basis; and
- v. such further and other relief as this Honourable Court deems just.

I. The Parties

8. All of the Plaintiffs are in the business of buying and selling the artwork of Norval Morrisseau in the secondary art market. What this means is that the Plaintiffs obtain paintings from other collectors and re-sell them. The Plaintiffs do not currently obtain the paintings from the artist or his estate, although two of the Plaintiffs, Gallery Sunami and Bearclaw Art Gallery, did previously obtain artworks directly from Morrisseau.

Joseph McLeod

9. The Plaintiff, Joseph McLeod, is the owner and sole proprietor of Maslak McLeod Gallery ("Maslak McLeod") which is located at 118 Scollard St. in Toronto Ontario. Maslak McLeod's business consists of buying and selling artwork, including the paintings of Norval Morrisseau. The gallery sells art to the public as well as to museums and other galleries.

10. McLeod began buying and selling artwork by Morrisseau under the business name "Maslak McLeod" in the early 1960's. He opened Maslak McLeod as a full time gallery in 1994. He has been selling paintings by Morrisseau for almost 48 years.

11. McLeod currently owns or has for sale approximately 100 Norval Morrisseau paintings valued at approximately \$2 million.

12. McLeod is a recognized expert in appraising and authenticating paintings by Aboriginal artists including Norval Morrisseau. McLeod authenticates all of the Morrisseau paintings owned and sold by Maslak McLeod by examining them and carefully tracing their provenance.

Jackie Bugera and Bugera Holding Ltd.

13. The Plaintiff, Jackie Bugera, is the sole shareholder, Director and Officer of Bugera Holding Ltd., operating as Bearclaw Art Gallery ("Bearclaw"). Bearclaw is located at 10403 124 Street, Edmonton Alberta. Bugera began working in this gallery

twenty-eight years ago (in 1980) and purchased the gallery from her parents in June 2007.

14. Bearclaw's business consists of buying and selling artwork, including the paintings of Norval Morrisseau. Bearclaw sells art to the public. Currently, Bearclaw has approximately 45 Morrisseau paintings in the gallery for sale. The total retail value of these paintings is approximately \$750,000. Bearclaw keeps careful records of all art purchased and sold.

15. Bearclaw only obtains Morrisseau paintings from select suppliers who have excellent reputations and extensive experience buying and selling Morrisseau paintings. Some of the Morrisseau paintings that Bearclaw has bought and/or sold have been authenticated by experts on Morrisseau's artwork. In other cases, Bearclaw has authenticated the paintings by carefully investigating their provenance.

James White and White Distribution Inc.

16. The Plaintiff, James White, is the sole shareholder, Officer and Director of White Distribution Limited ("White Distribution"), which is located at 16568 Mount Hope Road in Caledon, Ontario.

17. White Distribution's business consists of buying and selling the paintings of Norval Morrisseau. White has been buying and selling Morrisseau paintings since 2000, and he incorporated White Distribution for this purpose in 2006. White Distribution sells paintings on consignment through a number of art galleries. What this means is that galleries agree to display paintings owned by White Distribution for sale to the public. Generally the sale price of each painting is divided 50/50 between the gallery and White Distribution.

18. Since 2000, White has bought and put up for sale approximately 250 paintings by Morrisseau. White Distribution currently owns approximately 160 Morrisseau paintings which have a retail value of approximately \$2.5 million.

Complete Case History Report

For: Toronto

Case No.: CV-08-00366828-0000

Case Opened Date: 21-NOV-2008 Age: 112 Days Case Type: DEF Case Tracking TC Type: ACTIVE

| Party Name | Type | Sequence |
|----------------------------|-----------|----------|
| MCLEOD, JOSEPH | Plaintiff | 1 |
| BUGERA, JACKIE | Plaintiff | 2 |
| BUGERA HOLDING LTD. | Plaintiff | 3 |
| WHITE, JAMES | Plaintiff | 4 |
| WHITE DISTRIBUTION LIMITED | Plaintiff | 5 |
| CHILD, DONNA | Plaintiff | 6 |
| ARTWORLD INC. | Plaintiff | 7 |
| KIM ("SUNNY KIM"), SUN NAM | Plaintiff | 8 |
| GALLERY SUNAMI INC. | Plaintiff | 9 |
| SINCLAIR, RITCHIE | Defendant | 1 |

| Date | Description Event Resolution Note |
|-------------|--|
| 21-NOV-2008 | Document Notice of Action Filed By: *MCLEOD, JOSEPH Book No.: 0 Doc. No.: 0 Date Entered: Notes: |
| 21-NOV-2008 | Case Status ACTIVE |
| 21-NOV-2008 | Party Detail Party: MCLEOD, JOSEPH Lawyer: ELIZABETH CRAIG SYMES |
| 21-NOV-2008 | Timeline Case Management R78 |
| 27-NOV-2008 | Document Book of Authorities Filed By: *MCLEOD, JOSEPH Book No.: 0 Doc. No.: 0 Date Entered: Notes: MOTION VOL. 1 & 2 MOTION - DEC. 4/08 B/F JUDGE |
| 27-NOV-2008 | Document Factum Filed By: *MCLEOD, JOSEPH Book No.: 0 Doc. No.: 0 Date Entered: Notes: MOTION VOL. 1 & 2 MOTION - DEC. 4/08 B/F JUDGE |
| 27-NOV-2008 | Document Motion Record Filed By: |

1677

Complete Case History Report

*MCLEOD, JOSEPH

Book No.: 0 Doc. No.: 0 Date Entered:

Notes: MOTION VOL. 1 & 2

MOTION - DEC. 4/08 B/F JUDGE

04-DEC-2008

Event Detail

Motion on notice

Room: Crt 05 Osgoode Judge: Mr Justice Lederer,

Result: Order

Note: Endorsement

December 8/2008

...[41] Accordingly, I order: The website can remain up pending further order of this Court, but only on the following terms: ... Costs of this motion will be dealt with at the hearing of the motion on February 18, 2009.

Mat to file.

05-DEC-2008

Party Detail

Party: BUGERA, JACKIE Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: BUGERA HOLDING LTD. Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: WHITE, JAMES Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: WHITE DISTRIBUTION LIMITED Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: CHILD, DONNA Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: ARTWORLD INC. Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: KIM ("SUNNY KIM"), SUN NAM Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: GALLERY SUNAMI INC. Lawyer: ELIZABETH CRAIG SYMES

05-DEC-2008

Party Detail

Party: SINCLAIR, RITCHIE Lawyer: UNREPRESENTED

08-DEC-2008

Order Detail

Order

Affected:

*MCLEOD, JOSEPH *BUGERA, JACKIE *BUGERA HOLDING LTD. *WHITE, JAMES

*WHITE DISTRIBUTION LIMITED *CHILD, DONNA *ARTWORLD INC. *KIM ("SUNNY KIM"),

SUN NAM *GALLERY SUNAMI INC. *SINCLAIR, RITCHIE

Notes: Endorsement

December 8/2008

...[41] Accordingly, I order: The website can remain up pending further order of this Court, but only on the following terms: ... Costs of this motion will be dealt with at the hearing of the motion on February 18, 2009.

Mat to file.

Book No.: 0 Doc. No.: 0 Date Entered:

18-DEC-2008

Document

Complete Case History Report

Statement of Claim

Filed By:

*MCLEOD, JOSEPH *BUGERA, JACKIE *BUGERA HOLDING LTD. *WHITE, JAMES
*WHITE DISTRIBUTION LIMITED *CHILD, DONNA *ARTWORLD INC. *KIM ("SUNNY KIM"),
SUN NAM *GALLERY SUNAMI INC.

Book No.: 0 Doc. No.: 0 Date Entered:

Notes:

07-JAN-2009 Document
Responding Motion Record
Filed By:
*SINCLAIR, RITCHIE
Book No.: 0 Doc. No.: 0 Date Entered:
Notes:

15-JAN-2009 Document
Responding Motion Record
Filed By:
*SINCLAIR, RITCHIE
Book No.: 0 Doc. No.: 0 Date Entered:
Notes:

18-FEB-2009 Event Detail
Motion on notice
Room: JUDGE TBA Judge: Mr Justice REGULAR MOTIONS - JUDGE,
Result: Adjourned on consent
Note:

17-MAR-2009 Event Detail
Motion without notice
Room: JM2TBA Judge: Mr Justice LONG MOTIONS - JUDGE,
Result:
Note: As per Lederer, J - Do not assign to Justice Lederer

17-MAR-2009 Event Detail
Motion on notice
Room: JUDGE TBA Judge: Mr Justice REGULAR MOTIONS - JUDGE,
Result: Adjourned on consent
Note: **SEIZED BY LEDERER, J.**
Adjourned from 18-FEB-09

CM TIMELINES

| Issue Date | Timeline | Cancelled | Issued |
|-------------|---|-----------|--------|
| 22-NOV-2010 | R78 Notice of Action Dismissal (No Defence) | N | N |
| 16-JAN-2011 | R78 Order Dismissing Action (No Defence) | N | N |

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

NOTICE OF MOTION

The Plaintiffs, will make a motion to the Court on **June 10, 2009 at 10:00 a.m.** or as soon as the motion can be heard at the court house 393 University Avenue, 6th Floor, Toronto Ontario, M5G 1E6.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

- i. an Order removing Symes & Street as solicitors of record for the Plaintiffs in this matter;

- ii. costs of this motion on a substantial indemnity basis; and
- iii. such further and other relief as this Court may deem just.

THE GROUNDS FOR THE MOTION are

- i) Rule 15.04 of the *Rules of Civil Procedure*.
- ii) There is an irreconcilable conflict between the Plaintiffs on the fundamental issue of how to proceed in this litigation. The conflict cannot be resolved. It is not possible for Symes & Street to continue to act for any of the Plaintiffs as we are unable to get unanimous instructions.
- iii) Each of the clients was billed by Symes & Street on a monthly basis for the fees that were incurred in this matter. However, despite repeated requests for payment both orally and in writing, the clients have not paid all of the outstanding accounts.
- iv) As of today, the outstanding account is \$42,941.10. Symes & Street is not prepared to take any further steps in this litigation without being paid.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- 1) Affidavit of Benjamin Millard, sworn on May 8, 2009, and Exhibits attached thereto.
- 2) Such further and other material as counsel may advise and this Honourable Court may permit

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

AFFIDAVIT OF BENJAMIN MILLARD

I, Benjamin Millard, of the City of Toronto make oath and say as follows:

1. I am an associate in the law firm of Symes & Street and as such have knowledge of the matters hereinafter deposed to.
2. On October 8, 2008 Joseph McLeod, the owner of the Maslak McLeod Gallery in Toronto, retained Symes & Street to take steps to require Ritchie Sinclair to remove from the morrisseau.com website all references that certain paintings of Norval Morrisseau that were for sale or had been for sale through this gallery were allegedly counterfeit and/or stolen.

3. On October 29, 2008 James White on his own behalf and on behalf of White Distribution Limited and Donna Child on her own behalf and on behalf of Artworld of Sherway and Artworld Inc. also retained Symes & Street to require Ritchie Sinclair to remove from the morrisseau.com website all references that certain paintings of Norval Morrisseau that were for sale or had been for sale through White Distribution and Artworld of Sherway were allegedly counterfeit.

4. On October 31, 2008 Jackie Bugera on her own behalf and on behalf of Bearclaw Gallery and Bugera Holdings Ltd. retained Symes & Street to require Ritchie Sinclair to remove from the morrisseau.com website all references that certain paintings of Norval Morrisseau that were for sale or had been for sale through this gallery were allegedly counterfeit.

5. On November 11, 2008 Sun Nam Kim on his own behalf and on behalf of Gallery Sunami Inc. and Artcube Inc. retained Symes & Street to require Ritchie Sinclair to remove from the morrisseau.com website all references that certain paintings of Norval Morrisseau that were for sale or had been for sale through these galleries were allegedly counterfeit.

Retainer Agreements

6. On November 21, 2008 Joseph McLeod, Sunny Kim and Jackie Bugera signed Retainer Agreements on behalf of themselves and on behalf of their respective galleries to launch an action in the Ontario Superior Court of Justice against Ritchie Sinclair for defamation and to seek an injunction to prevent Sinclair from posting any other images of Norval Morrisseau paintings that are owned, were sold, are being sold by or displayed by the galleries and to prevent Sinclair from posting further defamatory statements. The desired outcome was to have the images and defamatory statements taken down from the website, to have no further objectionable content posted, to have a public retraction and

apology posted on the website and to seek damages in the civil action. Attached as Exhibit "A" is a copy of the Retainer Agreement signed by Joseph McLeod, as Exhibit "B" is a copy of the Retainer Agreement signed by Sunny Kim and as Exhibit "C" is a copy of the Retainer Agreement signed by Jackie Bugera.

7. On November 22, 2008 James White and Donna Child signed Retainer Agreements on behalf of themselves and on behalf of White Distribution Limited and Artworld of Sherway and Artworld Inc., respectively. The Retainer Agreements are the same agreements as set out in paragraph [6] above. Attached as Exhibit "D" is a copy of the Retainer Agreement signed by James White and as Exhibit "E" is a copy of the Retainer Agreement signed by Donna Child.

8. Symes & Street were retained to represent all of the plaintiffs jointly.

9. The Retainer Agreements provide that if conflicts arose between the clients, Symes & Street would confirm each of the client's instructions in an attempt to resolve the conflict. If a successful resolution could not be accomplished in a timely way or at all, or if the firm's attempts to resolve the issue would cause the lawyers ethical concerns, Symes & Street would have to withdraw from representing all of the clients.

10. Symes & Street agreed to bill the clients on a monthly basis for legal work performed. The hourly rates for each lawyer in the firm, the time spent working on the case was defined as well as disbursements and taxes. The clients were jointly and severally responsible for payment of the entire amount.

Conduct of Litigation

11. On October 9th, November 4th and 12th 2008 Defamation Notices were served on Ritchie Sinclair. A Notice of Motion for an Interim Injunction was

prepared and the affidavits of Joseph McLeod, Jackie Bugera, Donna Child, James White and Sunny Kim in support of the interim injunction were drafted. The Motion materials were served on Sinclair on November 28, 2008.

12. Beth Symes and I attended before Justice Lederer on December 4, 2008. Zak Muscovitch, representing the Defendant, Sinclair, sought an adjournment. On December 8, 2008 Justice Lederer issued an interim interim injunction requiring the Defendant to post on the website, morrisseau.com, on each and every page that states or in any way suggests that any distributor, gallery, or individual owner possesses, has possessed, owns or has owned, sold or is selling any work attributed to Norval Morrisseau that is stolen, forged, fraudulent, counterfeit, or otherwise deficient or inauthentic the Court File Number of this action and the following:

The opinions expressed on this website and on this page are those of Ritchie Stardreamer Sinclair, and of no other person.

These opinions are alleged to be defamatory and are the subject matter of an action in the Ontario Superior Court in the above-referenced court file number.

Attached as Exhibit "F" is a copy of the Order of Justice Lederer dated December 8, 2008.

13. The Motion was returnable on February 18, 2009 before Justice Lederer. The Court subsequently changed the date to March 17, 2009. Subsequently, the parties agreed to adjourn the motion *sine die*.

14. On December 17, 2008 the Statement of Claim was issued and subsequently served on counsel for the defendant.

15. On January 5, 2009 counsel for the defendant served responding materials, including the affidavit of Ritchie Sinclair.

✓

16. No Statement of Defence has been served.

Conflicts

17. In March 2009 conflicts arose between the Plaintiffs as to the conduct of the litigation. Symes & Street attempted unsuccessfully to find common ground between the clients and to obtain unanimous instructions from them.

18. On April 22, 2009, Beth Symes wrote to the clients, setting out the conflict and seeking common instructions on how to proceed. The clients were advised that unless this impasse could be resolved and unanimous instructions obtained in writing, Symes & Street would be unable to continue to act for any of the clients.

19. Between April 23rd and April 29th, 2009 Symes & Street received confirmation from four of the five individual clients that they could not agree on how to proceed. The fifth individual has still not provided confirming instructions.

20. There is an irreconcilable conflict between the Plaintiffs on the fundamental issue of how to proceed in this litigation. The conflicts cannot be resolved. It is not possible for Symes & Street to continue to act for any of the Plaintiffs as we are unable to get unanimous instructions.

Unpaid Accounts

21. Each of the clients was billed by Symes & Street on a monthly basis for the fees that were incurred in this matter. However, despite repeated requests for payment, the clients did not pay all of the outstanding accounts.

22. On January 23, 2009, the clients were advised that all unpaid accounts with Symes & Street had to be paid immediately. The outstanding accounts were not paid.

23. On February 25, 2009 the clients were advised that Symes & Street could not continue to act in this matter unless the outstanding fees were paid.

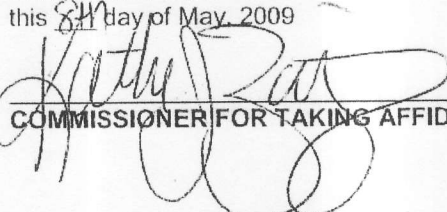
24. On March 12, 2009, Beth Symes wrote to the clients and advised that Symes & Street could no longer represent the Plaintiffs unless the outstanding fees were paid by 5:00pm on March 31, 2009 failing which Symes & Street would take steps to be removed as counsel of record in this matter. The deadline for payment was extended to April 30, 2009.

25. As of today, the outstanding account is \$42,941.10. Symes & Street is not prepared to take any further steps in this litigation without being paid.

26. On May 13, 2009, Symes & Street will be initiating proceedings to have the clients' accounts assessed pursuant to the *Solicitors Act*, R.S.O. 1990, c. S.15.

27. This affidavit is in support of a motion to remove Symes & Street as counsel of record for the plaintiffs in this action.

SWORN BEFORE ME at the
City of Toronto, in the
Province of Ontario
this 8th day of May, 2009


COMMISSIONER FOR TAKING AFFIDAVITS

)
)
)
)

BENJAMIN MILLARD

ONTARIO
SUPERIOR COURT OF JUSTICE

MASTER PETERSON) WEDNESDAY, THE 10TH DAY OF
) JUNE, 2009.
)

BETWEEN:

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

ORDER

THIS MOTION made by Symes & Street, solicitors for the Plaintiffs, for an
Order removing them as solicitors of record for the Plaintiffs, was heard this day
at 393 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, Affidavit of Benjamin Millard, sworn on May 8, 2009, and Exhibits attached thereto, and on hearing the submissions of the lawyers for the Plaintiffs, the Plaintiffs not appearing although properly served as appears from the Affidavits of Service

1. **THIS COURT ORDERS** that the firm of Symes & Street are removed as solicitors of record for the Plaintiffs in this proceeding.
2. **THIS COURT FURTHER ORDERS** that this Order shall be served by mailing a copy to the Plaintiffs via regular mail at their last and only known addresses as set out herein:

Donna Child, Artworld Inc. (c.o.b. as Artworld of Sherway)
25 The West Mall
Suite 207
Toronto, ON M9C 1B8
Ph: 416-620-0500
Fax: 416-620-1776

James White and White Distribution Limited
16568 Mount Hope Road
Caledon, ON L7E 3K8
Ph: 416-850-7850
Fax: 416-850-7859

Jackie Bugera and Bugera Holding Ltd. (c.o.b. as Bearclaw Art Gallery)
10403-124 Street
Edmonton, Alberta, T5N 3Z5
Ph: 780-482-1204
Fax: 780 488-0928

Joseph McLeod and Maslak McLeod Gallery

118 Scollard Street
Toronto, ON M5R 1G2
Ph: 416-944-2577
Fax: 416-922-1636

Sunny Kim and Gallery Sunami Inc. (c.o.b. as Gallery Sunami)

6035 Yonge Street
Toronto, ON M2M 3W2
416-221-5056
Fax: N/A

3. **THIS COURT FURTHER ORDERS** that pursuant to Rule 15.04(6) of the *Rules of Civil Procedure* a client that is a corporation shall, within 30 days after being served with the Order removing the lawyer from the record,
- a. Appoint a new lawyer of record by serving a notice under subrule 15.03 (2); or
 - b. Obtain and serve an order under subrule 15.01(2) granting it leave to be represented by a person other than a lawyer.

If the corporation fails to comply with subrule (6),

- a. The Court may dismiss its proceeding or strike out its defence; and
- b. In an appeal,
 - (i) a judge of the appellate court may, on motion, dismiss the corporation's appeal, or
 - (ii) the court hearing the appeal may deny it the right to be heard.

4. **THIS COURT FURTHER ORDERS** that pursuant to Rule 15.04(8) of the *Rules of Civil Procedure* a client who is not a corporation shall, within 30 days after being served with the Order removing the lawyer from the record,
- a. Appoint a new lawyer of record by serving a notice under subrule 15.03(2); or
 - b. Serve a notice of intention to act in person under subrule 15.03(3).

If the client fails to comply with subrule (8),

- a. The Court may dismiss the client's proceeding or strike out his or her defence; and
- b. In an appeal,
 - i. a Judge of the Appellate Court may, on motion, dismiss the client's appeal, or
 - ii. the Court hearing the appeal may deny the client the right to be heard.

~~MASTER PETERSON~~_____

MASTER PETERSON

8

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

**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

**AFFIDAVIT OF JOSEPH MCLEOD
Sworn November 21, 2008**

I, Joseph McLeod, of the City of Toronto in the Province of Ontario make oath
and say as follows:

1. I am the owner and sole proprietor of Maslak McLeod Gallery ("Maslak McLeod") which is located at 118 Scollard St. in Toronto Ontario.
2. My business consists of buying and selling artwork, including the paintings of Norval Morrisseau. Maslak McLeod sells art to the public as well as to museums and other galleries. I keep careful records of all art purchased and sold by Maslak McLeod.
3. Maslak McLeod buys and sells Morrisseau paintings in the secondary art market. What this means is that we buy Morrisseau paintings from other

collectors and re-sell them. We do not obtain the paintings directly from Morrisseau or his estate.

4. I started collecting Norval Morrisseau paintings in the early 1960's. At that time I began buying and selling artwork by Morrisseau and other artists under the business name "Maslak McLeod". I opened Maslak McLeod as a full time gallery in 1994. I have been selling paintings by Morrisseau for almost 48 years.

5. I am an expert in appraising and authenticating paintings by native artists including Morrisseau. I regularly appraise art on behalf of owners who need to have their works valued for income tax and insurance purposes. In 1993, I was qualified as an expert and gave expert evidence relating to the authentication of Norval Morrisseau paintings in Federal Court on behalf of the Government of Canada, Department of National Revenue.

6. I have been retained to authenticate Norval Morrisseau paintings by McMaster University Museum of Art, Thunder Bay Museum, the McIntosh Gallery at the University of Western Ontario, and the Montreal Museum of Fine Arts. I am a member of the Canadian Public Appraisers, which is a professional organization of art appraisers and authenticators, as well as the Morrisseau Family Foundation, which was established by Norval Morrisseau's children for the purpose of authenticating the artworks of Norval Morrisseau.

7. I authenticate all of the Morrisseau paintings owned and sold by Maslak McLeod by examining them and carefully tracing their provenance. I believe that all of the Morrisseau paintings that have been purchased and/or sold by Maslak McLeod are authentic works painted by Norval Morrisseau.

Ritchie Sinclair

8. I have known of the Defendant, Ritchie Sinclair, for about ten years. Sinclair refers to himself as "Stardreamer". He considers himself an artist and he has approached me to see if Maslak McLeod would show his work. Our gallery did not agree to show Sinclair's work.

9. I do not believe that Sinclair has any expertise in identifying or authenticating original artworks by Norval Morrisseau. I am not aware of anyone in the art community who recognizes Sinclair as an expert in the artwork of Norval Morrisseau.

Discovery of Morrisseau.com website

10. On or around October 2, 2008, Joe Otavnick, a fellow art collector in the Canadian art community, contacted me to tell me that Sinclair had created the website, www.morrisseau.com. Otavnick informed me and I do believe that on or around September 16, 2008, Sinclair began posting images on the website of paintings which Maslak McLeod owns, has sold, or is attempting to sell. Sinclair alleged that the paintings were forgeries, counterfeits or otherwise inauthentic.

11. On or around October 2, 2008, I visited the website and confirmed that it contained numerous images of paintings which Maslak McLeod owns, has sold, or is attempting to sell. The website describes those paintings as being forgeries, counterfeits or otherwise inauthentic.

12. In addition to the paintings owned or sold by Maslak McLeod, I have observed images posted on the website of at least two paintings by Norval Morrisseau which are hanging in the National Gallery of Canada in Ottawa. I have observed that on the website, Sinclair describes both paintings "forgeries", "counterfeits" or otherwise inauthentic works.

13. On or around October 7, 2008, Sinclair visited Maslak McLeod Gallery. In light of his untrue allegations which I had observed on his website, I asked Sinclair to leave. Sinclair stated, "I'm going to get the Morrisseau establishment."

Description of the Defamatory Statements

14. There are currently over one thousand images of Norval Morrisseau paintings posted on the website which Sinclair claims are counterfeits, forgeries, frauds, stolen or otherwise inauthentic. The site is updated several times a day with new images of alleged counterfeit Morrisseau paintings being constantly added. Due to the updating of the site, it is virtually impossible to make a

complete list of all the paintings related to Maslak McLeod that are posted on the site.

15. On or around October 10, 2008 I identified 45 images posted on the website which relate to Maslak McLeod. I believe that these images that I observed on morrisseau.com were taken from the gallery's website www.maslakmcleod.com and/or from our published gallery books: *Norval Morrisseau* (2006), Gallery Book [Maslak McLeod Gallery]; and *Norval Morrisseau: The Development of the Woodland School of Art* (2003), Gallery Book [Maslak McLeod Gallery].

16. The images were taken from these sources without my or Maslak McLeod's permission and posted on morrisseau.com. I observed that the images on the website were numbered and were accompanied by statements which alleged that the various paintings were stolen, forgeries, counterfeit or were otherwise inauthentic. The retail value of the paintings in question is \$868,000. Attached as Exhibit A is a chart setting out the names of each of these paintings and their retail value. I have reviewed the chart at Exhibit A and I confirm that this information is correct. Attached as Exhibit B are screen-captures of the images and statements that I observed on morrisseau.com relating to the paintings described in Exhibit A. The images in Exhibit B that relate to Maslak McLeod have been circled by hand.

17. I observed that thirty-eight of the images as set out in Exhibit B were described as "Forged Morrisseaus" on www.morrisseau.com. Seven paintings were described as "Stolen Morrisseaus."

18. In an attempt to have the images and statements removed from the morrisseau.com website, I instructed my counsel to contact the host of the website, morriseau.com, Wild West Domains Inc., to ask them to remove the offending images and commentary. I am informed by my counsel that as the host is governed by U.S. law, and the images had been improperly taken from the Maslak McLeod website and publications website, it was possible pursuant to a Takedown Notice procedure set out in the *Digital Millennium Copyright Act*, 112

Stat. 2860 (1998), to have the images removed from the website. Attached as Exhibit C1 is a copy of the letter sent by Symes & Street to Wild West Domains Inc. dated October 10, 2008. I am informed by my legal counsel that at some time after October 10, 2008, Godaddy.com became the host of the website morrisseau.com. I instructed my counsel to contact Godaddy.com as well to ask them to remove the offending images and commentary. Attached as Exhibit C2 is a copy of the letter sent by Symes & Street to Wild West Domains Inc. and Godaddy.com, dated October 15, 2008. On October 15, 2008 the website host advised Symes & Street that it would be suspending the morrisseau.com website. Attached as Exhibit C3 is a copy of the email confirmation from GoDaddy.com dated October 15, 2008.

19. On or after October 15, 2008 I went to the morriseau.com website and observed that the images related to Maslak McLeod had been removed from the website.

20. However, by October 28, 2008 I observed that more images were posted on morrisseau.com of Morrisseau paintings owned or sold by Maslak McLeod, with similar allegations of forgery and fraud attached.

21. On October 29, 2008, I observed that the website contained at least 18 new images of paintings which Maslak McLeod owns, has sold, or is attempting to sell. The images were numbered 601, 600, 598, 597, 100, 595, 582, 103, 581, 374, 361, 361, 360, 358, 321, 101, 105, 53. These numbered images on morrisseau.com were labeled "Inferior Counterfeit Morrisseau". The total retail value of these paintings is \$283,000. Attached as Exhibit D is a chart setting out the 18 new images that I observed on the website, as well as the title and retail value of the corresponding painting from Maslak McLeod. I have reviewed the chart at Exhibit D and I confirm that this information is correct.

22. Attached as Exhibit E are screen-captures of the "thumbnail" images and statements relating to the paintings in Exhibit D that I observed on morrisseau.com on or about October 29, 2008.

23. On October 29, 2008 my counsel again engaged the US process for takedown of this material taken from our gallery publications and website. Attached as Exhibit F1 is the letter sent by Symes & Street to Godaddy.com, dated October 29, 2008. On October 29, 2008 the website host advised Symes & Street that it would be suspending the morrisseau.com website. Attached as Exhibit F2 is a copy of the email confirmation from GoDaddy.com dated October 29, 2008.

24. On or around October 30, 2008 I went to the morriseau.com website and observed that the second set of images related to Maslak McLeod had been removed from the website.

25. However, after October 31, 2008, I have visited the website and observed that Sinclair has continued to post untrue allegations about me and Maslak McLeod on morrisseau.com. The most recent postings have even more clearly identified Maslak McLeod as being involved alleged theft and forgery. On or around November 11, 2008, I observed the following posting on the main page (homepage) of morrisseau.com:

Stolen art for sale? These murals were unseen since 1985... Why? Joe McLeod's campaign to sell them at 100K+ began days after Morrisseau's death...Why?

Under this posting, I observed the following comment posted by "Stardreamer".

Unfortunately the photos of the seven TTC artworks won't be shown here because Joe McLeod has sworn, under penalty of perjury, that he owns the exclusive copyright to the images of these paintings - and he won't allow me to post them. He published pictures of these magnificent Morrisseau paintings in a catalogue that he is using to promote his sale.

Joe McLeod chose to ignore Norval's signed letter sent to him and his gallery. The letter demands that they cease and desist publishing pictures of Norval's art (or inferior counterfeit art that they attribute to Norval Morrisseau). Norval, as the creator, owns the copyright.

Maslak McLeod Gallery have no right to publish any of Norval's images however if you wish to see this series of amazing paintings give Joe some traffic at http://www.maslakmcleod.com/norval_subway.html

>>>>>>>> Stardreamer

Attached as Exhibit G are screen captures of the posting and the comments that I observed.

26. Stardreamer's comments are accompanied by a photo of an individual who I recognize as Ritchie Sinclair. When I clicked on the profile name "Stardreamer" above the user comment, a new page opened up which displayed the "Stardreamer" user profile. I observed that the profile identifies "Stardreamer" as "Ritchie Sinclair". Attached as Exhibit H is the user profile of "Stardreamer" that I observed on morrisseau.com.

27. In addition, On November 18, 2008, I observed that Sinclair has posted at least 12 additional images of paintings which Maslak McLeod owns, has sold, or is attempting to sell. The total retail value of these paintings is \$185,000. Attached as Exhibit I is a chart setting out the 12 additional images that I observed on the website, as well as the title and retail value of the corresponding painting from Maslak McLeod. I have reviewed the chart at Exhibit I and I confirm that this information is correct.

28. I have observed that Sinclair has described each of these paintings as "Inferior Counterfeit Morrisseau." When I selected one of the images, a new page opened with a larger image of the selected painting, and a commentary. On each of these sub-pages, except for the image entitled "Inferior Counterfeit Morrisseau #919", Sinclair provided a description:

Description: INFERIOR COUNTERFEIT NORVAL MORRISSEAU >>> In the opinion of Norval Morrisseau protege, Ritchie "Stardreamer" Sinclair this is an image of an INFERIOR COUNTERFEIT NORVAL MORRISSEAU painting. >>>> Inferior counterfeit >>>> means counterfeit, fake, false, falsified, unauthorized, unguenuine, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable, or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under, underneath, bent, bogus, copied, crock, deceptive, delusive, delusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham. >>> Titled: "Energy Transformation"- acrylic on canvas, approx. 28"x 44", 1976 >>> From the Ugo Matulic a.k.a. Spirit Walker blog at <http://norvalmorrisseau.blogspot.com/>

Attached as Exhibit J are screen-captures of the images and commentaries that I observed on morrisseau.com relating to the artworks described in Exhibit I.

29. All of the allegations on the website regarding me Maslak McLeod and the Morrisseau paintings owned, or sold by me or the gallery are all untrue. My opinion and belief is that the paintings in question are authentic paintings by Morrisseau.

Identification of me and Maslak McLeod

30. I have observed that many of the most recent posts on the website identify me by name and suggest that I and my gallery sell forged or counterfeit Morrisseau paintings, as set out in Exhibit G.

31. All of the images at Exhibits B, E, and J are of one-of-a-kind paintings that are owned, were sold or are currently for sale by MasLak McLeod. Even without naming Maslak McLeod, I believe that anyone in the Canadian art community, and particularly anyone who deals with Norval Morrisseau artwork, could easily determine that these paintings are owned or were sold by me and/or Maslak McLeod. I believe that anyone with knowledge of Morrisseau art or who would consider purchasing such art would associate the image on the website with me and my gallery. Thus, the allegations of fraud, forgery, and theft taint my reputation and the reputation of Maslak McLeod even if we are not explicitly named in relation to each image.

Damage to My Business

32. In my business, I am only successful if Maslak McLeod and I have the trust of my clients and colleagues. My business depends entirely on my reputation for honesty and upon my clients' trust that Maslak McLeod sells authentic paintings. If collectors, colleagues or other members of the public come to believe or suspect that Maslak McLeod sells inauthentic artworks, my reputation will be ruined and my business will be permanently destroyed.

33. The Canadian art community is a small one. The community of dealers, galleries and purchasers involved with the purchase and sale of Norval Morrisseau paintings is even smaller. Very few individuals are involved and as a rule, these persons know and rely on one another for business.

34. The images and the statements that Sinclair posted on the website, as set out in Exhibits B, E, G, and J, have damaged my reputation, my business and my livelihood. These statements wrongly inform all visitors to the website that the paintings owned, sold, or displayed by Maslak McLeod are forged, counterfeit or inauthentic. These statements are untrue. If these statements continue to be published they will destroy my business and my livelihood.

35. At the time that the morrisseau.com website posted the images and allegations of fraud in September 2008, Maslak McLeod owned approximately 100 Norval Morrisseau paintings valued at approximately \$2 million.

36. In September – October 2007, my sales of Morrisseau paintings were approximately \$17,000. My sales in September – October 2008 are approximately \$7,000. I believe that this significant decline in sales is a result of the untrue allegations posted on morrisseau.com. I believe that the statements on this website will continue to negatively impact the volume of sales for Maslak McLeod.

37. The untrue statements on the website have been read by members of the public. In the screen captures attached at Exhibits B, E, and J, each numbered image has a view counter which shows that each of the listed images and the accompanying commentary had been viewed, sometimes dozens of times.

38. As noted, my colleagues such as Joe Otavnick have viewed the website and have contacted me regarding the untrue statements about me and Maslak McLeod which are contained on the website. In addition, a client of Maslak McLeod, Robert Hall, has contacted me and advised that he has seen the allegations on morrisseau.com and is troubled by them.

39. Where untrue statements have been made about paintings which have already been sold by Maslak McLeod, I fear that my customers may sue me and that I will incur the costs and risks of defending my reputation and my business in the Courts.

40. If the allegations and untrue statements on the website continue to be published, I expect that my reputation and my business will be permanently and irreparably destroyed.

41. In addition, I believe that the continued publication of the untrue allegations on the website will destroy the market for Norval Morrisseau artworks. That is, I believe that these untrue allegations will destroy the value of all the works of Norval Morrisseau, who is one of Canada's most important artists.

Notice of Defamation

42. On October 8, 2008, I retained the law firm Symes & Street to represent me, Maslak McLeod Gallery in this matter. On October 8, 2008 my counsel sent a notice of defamation to Ritchie Sinclair. Attached as Exhibit K is a copy of that letter and the affidavit of service from the process server who delivered the notice.

43. To date, Sinclair has not responded to this Notice of Defamation and has not removed the untrue allegations relating to me and Maslak McLeod from his website.

44. Sinclair has continued to post additional untrue statements and allegations relating to me and my business on his website despite being served with a Notice of Defamation and two Takedown Notices under the U.S. *Digital Millennium Copyright Act*. Given this persistent and unrepentant conduct, I believe that Sinclair will continue to post these untrue statements on his website in an effort to permanently destroy my reputation, my business and my livelihood.

Undertaking to Pay

45. I make this affidavit in support of this motion for an interlocutory injunction and other relief, and for no other improper purpose. I undertake to abide by any order concerning damages that the Court may make if it ultimately appears that the granting of the order requested has caused damage to Sinclair for which the moving parties ought to compensate Sinclair.

SWORN BEFORE ME at the
City of Toronto, in the
Province of Ontario
this 21st day of November, 2008



COMMISSIONER FOR TAKING AFFIDAVITS



JOSEPH MCLEOD

Court File No. CV08-00366828

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

**AFFIDAVIT OF DONNA CHILD
Sworn November 22, 2008**

I, Donna Child, of the City of Toronto in the Province of Ontario make oath and say as follows:

1. I am the Gallery Director of Artworld of Sherway ("Artworld"), which is a division of Artworld Inc., and is located at Sherway Gardens, 25 The West Mall #207 in Toronto Ontario. My husband, Brian Child, is the sole shareholder, Director and Officer of Artworld Inc. He opened Artworld 16 years ago in 1992 and the gallery has remained in its original location since that time. I became the Gallery Director of Artworld in 1995.
2. Artworld's business consists of buying and selling original artwork of approximately thirty artists, including the paintings of Norval Morrisseau. Artworld buys and sells Morrisseau paintings in the secondary art market. What this

means is that we buy Morrisseau paintings from other collectors and from estates and re-sell the paintings. The gallery does not obtain the paintings directly from Morrisseau or his estate.

3. Artworld sells art to the public, and occasionally on consignment to other galleries. On average, Artworld sells 1,000 to 2,000 pieces of art each year. Artworld keeps careful records of all art purchased and sold. It is Artworld's practice to carefully investigate the history of each piece of art it purchases, consigns or sells in order to ensure its authenticity. I believe that every Morrisseau painting that Artworld has bought, consigned and/or sold is an original work of art by Norval Morrisseau.

Ritchie Sinclair

4. I met the Defendant, Ritchie Sinclair in March 2008. He considers himself an artist and refers to himself as "Stardreamer". Sinclair approached me in or around March 2008 and asked if my gallery would show his work. I told Sinclair that, at that time, Artworld did not have any space and had all of our shows planned for 2008.

5. Although I have been involved in the business of purchasing and selling paintings, including the works of Norval Morrisseau, for over 13 years, I had not met or heard of Sinclair until March 2008. I am not aware of anyone in the art community who recognizes Sinclair as an expert in the artwork of Norval Morrisseau.

Discovery of Morrisseau.com website

6. On or around October 11, 2008, Joe Otavnick, a fellow art collector in the Canadian art community, contacted me to tell me that Sinclair, had created the website, www.morrisseau.com. Joe informed me and I do believe that on or around September 16, 2008, Sinclair began posting images on the website of paintings which Artworld owns, has sold, or is attempting to sell. Sinclair alleged that the paintings were forgeries, counterfeits or otherwise inauthentic.

7. On or around October 11, 2008, I visited the website and confirmed that it contains dozens of images of paintings which Artworld owns, has sold, or is attempting to sell. The website describes those paintings as being forgeries, counterfeits or otherwise inauthentic.

Description of the Defamatory Statements

8. There are currently over one thousand images of Norval Morrisseau paintings posted on the website which Sinclair claims are counterfeits, forgeries, frauds, stolen or otherwise authentic. The site is updated several times a day with new images of alleged counterfeit Morrisseau paintings being added. Due to the constant updating of the site, it is virtually impossible to make a complete list of all the paintings related to Artworld that are posted on the site.

9. I have identified images on the website of at least 36 paintings which relate to Artworld. When I viewed the website I observed that images in question were accompanied by statements which alleged that the various paintings were stolen, forgeries, counterfeit or were otherwise inauthentic. The total retail value of the paintings in question is \$572,000. Attached as Exhibit A is a chart setting out the 36 paintings of which images were initially posted on the website, their title, and retail value. I have reviewed this chart and I confirm that this information is correct.

10. When I viewed the website, I observed that each and every one of these numbered images was given a title "Inferior Counterfeit Morrisseau" and a number, for example, "Inferior Counterfeit Morrisseau #331". This was displayed on the web-page within the site entitled "photos". On the main page, 24-120 images could be displayed at once. Attached as Exhibit B are screen-captures of the "thumbnail" images and statements on morrisseau.com relating to the art described in Exhibit A. I have circled by hand the images in Exhibit B that relate to Artworld.

11. When I selected one of the images, a new page opened with a larger image of the selected painting, and a commentary. On this sub-page, Sinclair provided a description stating:

Inferior Counterfeit Morrisseau # 351**blackmagic****Tags: copy inferior forgery fake sherway 1976**

Description: INFERIOR COUNTERFEIT NORVAL MORRISSEAU Titled: Bear & Salmon Spirits Dance (c. 1976) 31 x 35 >>> In the opinion of Norval Morrisseau protege, Ritchie "Stardreamer" Sinclair this is an image of an INFERIOR COUNTERFEIT NORVAL MORRISSEAU painting. >>>> Inferior counterfeit >>>> means counterfeit, fake, false, falsified, unauthorized, unguenuine, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable, or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under, underneath, bent, bogus, copied, crock, deceptive, delusive, delusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham. >>> Displayed in Toronto at the Art World of Sherway, <http://www.artworldofsherway.com>

12. Attached as Exhibit C list of each painting with a transcription of the description that was posted next to each image on morrisseau.com. I am informed by my legal counsel and do believe that the transcription was made by Lori LeBlond, a legal assistant employed by Symes & Street, on November 4, 2008. I have reviewed the transcriptions at Exhibit C and I believe that it accurately reflects the descriptions that I viewed on morrisseau.com which accompanied the images in question.
13. The statements and allegations on the morrisseau.com site, as set out at Exhibits B and C, are untrue and they damage my reputation, the reputation of Artworld, my business and my livelihood.
14. In an attempt to have the images and statements removed from the morrisseau.com website, I instructed my counsel to contact the host of the website, morriseau.com, GoDaddy.com, to ask them to remove the offending photographs. Attached as Exhibit D is a copy of the letter sent by Symes & Street to GoDaddy.com dated November 4, 2008. I am informed by my counsel that as the host is governed by U.S. law, and the images had been improperly taken from the Artworld website and gallery catalogue, it was possible pursuant to a Takedown Notice procedure set out in the *Digital Millennium Copyright Act*, 112 Stat. 2860 (1998), to have the images removed from the website. On November 5, 2008 the website host advised Symes & Street that it would be suspending the morrisseau.com website. Attached as Exhibit D2 is a copy of the email confirmation from GoDaddy.com dated November 5, 2008.

15. On November 5, 2008 I went to the morrisseau.com website and observed that the photographs from Artworld Gallery had been removed from the website.

16. On or after November 8, 2008 I went again to the morrisseau.com website and observed that Sinclair had posted new and more harmful images and text relating to Artworld.

17. I observed on the website that Sinclair had posted new images labeled "Inferior Counterfeit" at numbers 330-352, 443, 450, 453, 455, 474, 481, 500, 530, 532, 538, 543, 545, 546, 548, 563, 630, 631, 634 which all stated on the image of a "stop sign":

IMAGE COPYRIGHT – ARTWORLD OF SHERWAY- THIS IMAGE HAS BEEN REMOVED. THERE ARE SO MANY INFERIOR COUNTERFEIT MORRISSEAU TO CHOOSE FROM... AND IT SEEMED SO IMPORTANT TO THIS GALLERY THAT THEY SWORE UNDER PENALTY OF PERJURY, THAT THEY HOLD EXCLUSIVE COPYRIGHT TO THIS IMAGE THAT... IT SEEMED WISE TO COMPLY. IMAGE COPYRIGHT – ARTWORLD OF SHERWAY

18. Attached as Exhibit E are the screen captures of the "thumbnail" images of the "stop sign" postings relating to Artworld that I observed on the morrisseau.com website. Attached as Exhibit F are screen captures of the full sized "stop-sign" images relating to Artworld that I observed on the website.

19. Next to each "stop sign" image is the same description "Inferior Counterfeit Morrisseau" which had previously been posted next to the numbered image of a Artworld-owned painting. The damage in posting the new statements is even greater to Artworld, in that the name of the gallery is written next to the allegation that "there are so many inferior counterfeit Morrisseaus to choose from", and the description of an "Inferior Counterfeit Morrisseau".

Identification of Artworld

20. As noted, Sinclair has specifically identified Artworld in dozens of images as set out in Exhibits E and F.

21. With respect to the earlier postings that were displayed on the website prior to service of the Takedown Notice, these postings either directly or implicitly referred to Artworld as well. As noted, when I selected one of the images, a new

page opened with a larger image of the selected painting, and a commentary. For the images with numbers 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352 the website clearly noted that the paintings are "Displayed in Toronto at the Art World of Sherway , <http://www.artworldofsherway.com>", as set out in the transcription at Exhibit C.

22. With respect to the postings that do not identify Artworld explicitly, the images in question are of one-of-a-kind paintings that were sold or are currently for sale by Artworld. Even without naming Artworld, anyone in the Canadian art community, and particularly anyone who deals with Norval Morrisseau artwork, could easily determine that these paintings are owned, consigned or were sold by me and/or Artworld. Anyone with knowledge of Morrisseau art or who would consider purchasing such art would associate the image on the website with me and my gallery. Thus, the allegations of fraud, forgery, and theft taint my reputation and the reputation of Artworld even if we are not explicitly named in relation to each image.

Damage to My Business

23. In my business, I am only successful if Artworld and I have the trust of my clients and colleagues. My business depends entirely on my reputation for honesty and upon my clients' trust that Artworld sells authentic paintings. If collectors, colleagues or other members of the public come to believe or suspect that Artworld sells inauthentic artworks, my reputation will be ruined and my business will be permanently destroyed.

24. The Canadian art community is small. The dealers, galleries and purchasers involved with the purchase and sale of Norval Morrisseau paintings is even smaller. Very few individuals are involved and as a rule, these persons know and rely on one another for business.

25. The images and the statements that Sinclair posted on the website, as set out in Exhibits B, C, E, and F, have damaged my reputation, my business and my livelihood. These statements wrongly inform all visitors to the website that the

paintings owned, sold, or displayed by Artworld are forged, counterfeit or inauthentic. These statements are untrue. If these statements continue to be published they will destroy my business and my livelihood.

26. In September-October 2007, Artworld's sales of Morrisseau paintings were approximately \$20,000. In September-October 2008, Artworld has not sold any Morrisseau paintings. I believe that this significant decline in sales is a result of the untrue allegations posted on morrisseau.com. I further believe that the statements on this website will continue to affect the volume of sales for Artworld.

27. The morrisseau.com website makes allegations of fraud about at least 36 Morrisseau paintings that Artworld is selling or has sold. The total retail value of these paintings is \$572,000, as set out in Exhibit A. I believe that the statements on this website are negatively impacting my business and will make it difficult or impossible to sell these paintings.

28. The untrue statements on the website have been read by members of the public. In the screen captures attached at Exhibits B, C, E, and F, each numbered image has a view counter which shows that each of the listed images and the accompanying commentary had been viewed, sometimes dozens of times.

29. I fear that the purchasers who have previously bought Morrisseau paintings from me may attempt to sue me or to seek a refund for their purchases as a result of the untrue allegations on morrisseau.com. A client of mine who purchased a Morrisseau painting from Artworld recently called me and advised that he had seen the morrisseau.com website and that he was extremely disturbed to see his painting listed on the site as a fake. This was a regular client of Artworld, but he has not returned to the gallery and has not purchased anything from Artworld since this incident.

30. If the allegations and untrue statements on the website continue to be published, I expect that my reputation, the reputation of Artworld, my business and my livelihood will be permanently and irreparably destroyed.

Notice of Defamation

31. On October, 29, 2008, I retained the law firm Symes & Street to represent me, Artworld of Sherway, and Artworld Inc. in this matter. On November 4, 2008 my counsel sent a notice of defamation to Ritchie Sinclair. Attached as Exhibit G is a copy of that letter and the affidavit of service from the process server who delivered the notice.

32. To date, Sinclair has not responded to this Notice of Defamation, and has not removed the untrue allegations relating to me and Artworld from his website.

33. Sinclair has continued to post additional untrue statements and allegations relating to me and my business on his website despite being served with a Notice of Defamation and a Takedown Notice under the *Digital Millennium Copyright Act*. Given this persistent and unrepentant conduct, I believe that Sinclair will continue to post these untrue statements on his website in an effort to permanently destroy my reputation, my business and my livelihood.

Undertaking to Pay

34. I make this affidavit in support of this motion for an interlocutory injunction and other relief, and for no other improper purpose. I undertake to abide by any order concerning damages that the Court may make if it ultimately appears that the granting of the order requested has caused damage to Sinclair for which the moving parties ought to compensate Sinclair.

SWORN BEFORE ME at the
City of Toronto, in the
Province of Ontario
this 22nd day of November, 2008


COMMISSIONER FOR TAKING AFFIDAVITS


DONNA CHILD

Court File No. CV-08-00366828

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

**AFFIDAVIT OF JACKIE BUGERA
Sworn November 21, 2008**

I, Jackie Bugera, of the City of Edmonton in the Province of Alberta make oath and say as follows:

1. I am the sole shareholder, Director and Officer of Bugera Holding Ltd., operating as Bearclaw Art Gallery ("Bearclaw"). Bearclaw is located at 10403 124 Street, Edmonton Alberta. I began working in this gallery twenty-eight years ago (in 1980). I purchased the gallery from my parents in June 2007.
2. Bearclaw's business consists of buying and selling artwork, including the paintings of Norval Morrisseau. Bearclaw buys and sells Morrisseau paintings in the secondary art market. What this means is that we buy Morrisseau paintings from other collectors and re-sell them. Until 1996, Bearclaw also worked through an agent to obtain Morrisseau paintings from Norval Morrisseau (the primary

market). Currently, the gallery does not obtain paintings directly from Morrisseau or his estate.

3. Bearclaw sells art to the public. Currently, Bearclaw has approximately 45 Morrisseau paintings in the gallery for sale. The total retail value of these paintings is approximately \$750,000. Bearclaw keeps careful records of all art purchased and sold.

4. I only obtain Morrisseau paintings from select suppliers who have excellent reputations and extensive experience buying and selling Morrisseau paintings. Some of the Morrisseau paintings that Bearclaw has bought and/or sold have been authenticated by experts on Morrisseau's artwork. In other cases, Bearclaw has authenticated the paintings by carefully investigating their provenance. I believe that every Morrisseau painting that Bearclaw has bought and/or sold is an original work of art by Norval Morrisseau.

Ritchie Sinclair

5. Although I have been involved in the business of purchasing and selling paintings, including the works of Norval Morrisseau, since 1980, I do not know Sinclair and have had no dealings with him. I am not aware of anyone in the art community who recognizes Sinclair as an expert in the artwork of Norval Morrisseau.

Discovery of Morrisseau.com website

6. On or around October 11, 2008, Joe Otavnick, a fellow art collector in the Canadian art community, contacted me to tell me that the Defendant, Ritchie Sinclair, had created the website, www.morrisseau.com. Otavnick informed me and I do believe that on or after September 16, 2008, Sinclair began posting images on the website of paintings which Bearclaw owns, has sold, or is attempting to sell. Sinclair alleged that the paintings were forgeries, counterfeits or otherwise inauthentic.

7. On or around October 11, 2008, I visited the website and confirmed that it contained numerous images of paintings which Bearclaw owns, has sold, or is

attempting to sell. The website describes those paintings as being forgeries, counterfeits or otherwise inauthentic.

Description of the Defamatory Statements

8. There are currently over one thousand images of Norval Morrisseau paintings posted on the website which Sinclair claims are counterfeits, forgeries, frauds, stolen or otherwise authentic. The site is updated several times a day with new images of alleged counterfeit Morrisseau paintings being added.

9. Due to the updating of the site, it is virtually impossible to make a complete list of all the paintings related to Bearclaw that are posted on the site. As a representative sample I have identified 45 paintings posted on the website which are either owned, consigned or have been sold by Bearclaw. The images were posted on morrisseau.com accompanied by statements which alleged that the various paintings were stolen, forgeries, counterfeit or otherwise inauthentic. The total retail value of the paintings in question is \$563,300. Attached as Exhibit A is a chart setting out the 45 images that were posted on the website, with their retail value and an indication of whether they have been sold. I have reviewed this chart and I confirm that this information is correct.

10. Each and every one of these numbered images on morrisseau.com was given a title "Inferior Counterfeit Morrisseau" and a number, for example, "Inferior Counterfeit Morrisseau # 808". This was displayed on the web-page within the site entitled "photos". On the main page, 24-120 images could be displayed at once. Attached as Exhibit B are screen-captures of the "thumbnail" images and statements on morrisseau.com relating to art described in Exhibit A. The images in Exhibit B that relate to Bearclaw have been circled by hand.

11. When I selected one of the images on the website, a new page opened with a larger image of the selected painting, and a commentary. On this sub-page, Sinclair provided a description stating:

INFERIOR COUNTERFEIT NORVAL MORRISSEAU...In the opinion of Norval Morrisseau protégé, Ritchie "Stardreamer" Sinclair this is an image of an INFERIOR COUNTERFEIT NORVAL MORRISSEAU painting. Inferior counterfeit.... Means counterfeit, fake, false, falsified, unauthorized, ungenuine, unreal, forged, forgery,

descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under underneath, bent, bogus, copy, crock, deceptive, delusive, illusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham...

12. These untrue statements damage my reputation, my business and my livelihood.

13. In an attempt to have the images and statements removed from the morrisseau.com website, I instructed my counsel to contact the host of the website, morriseau.com, GoDaddy.com, to ask them to remove the offending photographs. Attached as Exhibit D is a copy of the letter sent by Symes & Street to GoDaddy.com dated November 4, 2008. I am informed by my counsel that as the host is governed by U.S. law, and the images had been improperly taken from the Bearclaw website, it was possible pursuant to a Takedown Notice procedure set out in the *Digital Millennium Copyright Act*, 112 Stat. 2860 (1998), to have the images removed from the website. On November 5, 2008 the website host advised Symes & Street that it would be suspending the morrisseau.com website. Attached as Exhibit C1 is a copy of the email confirmation from GoDaddy.com dated November 5, 2008.

14. On November 5, 2008 I went to the morriseau.com website and observed that the photographs from Bearclaw Gallery had been removed from the website.

15. On November 8, 2008 I went again to the morrisseau.com website and observed that Sinclair had posted new and more harmful images and text relating to Bearclaw.

16. I observed on the website that Sinclair had posted new images labeled "Inferior Counterfeit" at numbers 107-118, 202, 280, 282, 302, 320, 326, 575, 576, 579, 584, 589, 665, 666, 669, 696, 700 – 704, 706, 707, 808, 814 on the website. Sinclair replaced most of the previous images of the paintings with a "stop sign" image which read as follows:

IMAGE COPYRIGHT – BEARCLAW GALLERY- THIS IMAGE HAS BEEN REMOVED.
THERE ARE SO MANY INFERIOR COUNTERFEIT MORRISSEAU TO CHOOSE
FROM... AND IT SEEMED SO IMPORTANT TO THIS GALLERY THAT THEY SWORE

UNDER PENALTY OF PERJURY, THAT THEY HOLD EXCLUSIVE COPYRIGHT TO THIS IMAGE THAT... IT SEEMED WISE TO COMPLY. IMAGE COPYRIGHT — BEARCLAW GALLERY

17. Attached as Exhibit D are the screen captures I saw on the morrisseau.com website on November 8, 2008 of the "thumbnail" images of the "stop sign" postings relating to Bearclaw. Attached as Exhibit D1 are screen captures of the full sized "stop-sign" images I observed on November 8, 2008 on the website.

18. Next to each "stop sign" image I saw the same description "Inferior Counterfeit Morrisseau" which had previously been posted next to the numbered image of a Bearclaw-owned painting. The damage in posting the new statements is even greater to Bearclaw, in that the name of the gallery is written next to the allegation that "there are so many inferior counterfeit Morrisseaus to choose from", and the description of an "Inferior Counterfeit Morrisseau".

Identification of Bearclaw

19. As noted, the Sinclair has specifically identified Bearclaw Gallery in dozens of images as set out in Exhibit D and Exhibit D1.

20. With respect to the earlier postings that did not identify Bearclaw explicitly, the images in question are of one-of-a-kind paintings that were sold or are currently for sale by Bearclaw. Even without naming Bearclaw, anyone in the Canadian art community, and particularly anyone who deals with Norval Morrisseau artwork, could easily determine that these paintings are owned or were sold by me and/or Bearclaw. Anyone with knowledge of Morrisseau art or who would consider purchasing such art would associate the image on the website with me and my gallery. Thus, the allegations of fraud, forgery, and theft taint my reputation and the reputation of Bearclaw even if we are not explicitly named in relation to each image.

Damage to My Business

21. In my business, I am only successful if Bearclaw and I have the trust of my clients and colleagues. My business depends entirely on my reputation for honesty and upon my clients' trust that Bearclaw sells authentic paintings. If

collectors, colleagues or other members of the public come to believe or suspect that Bearclaw sells inauthentic artworks, my reputation will be ruined and my business will be permanently destroyed.

22. The Canadian art community is a small one. The dealers, galleries and purchasers involved with the purchase and sale of Norval Morrisseau paintings is even smaller. Very few individuals are involved and as a rule, these persons know and rely on one another for business.

23. The images and the statements that Sinclair posted on the website, as set out in Exhibits B, D and D1, have damaged my reputation, my business and my livelihood. These statements wrongly inform all visitors to the website that the paintings owned, sold, or displayed by Bearclaw are forged, counterfeit or inauthentic. These statements are untrue. If these statements continue to be published they will destroy my business and my livelihood.

24. As set out in Exhibit A, the morrisseau.com website makes allegations of fraud about at least 30 Morrisseau paintings which Bearclaw had already sold, valued at approximately \$389,300. I fear that the purchasers of these paintings may attempt to sue me or seek a refund for their purchases as a result of the comments on morrisseau.com.

25. As set out in Exhibit A, the morrisseau.com website makes allegations of fraud about at least 15 Morrisseau paintings which Bearclaw currently has for sale, valued at approximately \$174,000. I believe that the statements on this website are negatively impacting my business and will make it difficult or impossible to sell these paintings.

26. The untrue statements on the website have been read by members of the public. In the screen captures attached at Exhibits B, D and D1, each numbered image has a view counter which shows that each of the listed images and the accompanying commentary had been viewed dozens of times.

27. As noted, my colleagues such as Joe Otavnick have viewed the website and have contacted me regarding the untrue statements about me and Bearclaw which are contained on the website.

28. If the allegations and untrue statements on the website continue to be published, I expect that my reputation and my business will be permanently and irreparably destroyed.

Notice of Defamation

29. On October 31, 2008, I retained the law firm Symes & Street to represent me, Bearclaw, and Bugera Holdings Ltd. in this matter. On November 4, 2008 my counsel sent a notice of defamation to Ritchie Sinclair. Attached as Exhibit E is a copy of that letter and attached as Exhibit E1 is the affidavit of service from the process server who delivered the notice.

30. To date, Sinclair has not responded to this Notice of Defamation, and has not removed the untrue allegations relating to me and White Distribution from his website.

31. Sinclair has continued to post additional untrue statements and allegations relating to me and my business on his website despite being served with a Notice of Defamation and a Takedown Notices under the U.S. *Digital Millennium Copyright Act*. Given this persistent and unrepentant conduct, I believe that Sinclair will continue to post these untrue statements on his website in an effort to permanently destroy my reputation, my business and my livelihood.

Undertaking to Pay

32. I make this affidavit in support of this motion for an interlocutory injunction and other relief, and for no other improper purpose. I undertake to abide by any order concerning damages that the Court may make if it ultimately appears that the granting of the order requested has caused damage to Sinclair for which the moving parties ought to compensate Sinclair.

SWORN BEFORE ME at the
City of Edmonton, in the
Province of Alberta
This 21st day of November, 2008



COMMISSIONER FOR TAKING AFFIDAVITS



JACKIE BUGERA

Michael J. Hughes
Student-at-Law

Court File No. CV-08-00366828

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

**AFFIDAVIT OF JAMES WHITE
Sworn November 22, 2008**

I, James White, of the City of Toronto in the Province of Ontario make oath and say as follows:

1. I am the sole shareholder, Officer and Director of White Distribution Limited ("White Distribution"), which is located at 16568 Mount Hope Road in Caledon, Ontario. My business consists of buying and selling artwork of Norval Morrisseau in the secondary art market. What this means is that I buy paintings from other collectors and re-sell them. I do not obtain paintings directly from the artist or his estate. I started this business in 2000.
2. White Distribution sells paintings on consignment through a number of art galleries. What this means is that the gallery agrees to display paintings owned by White Distribution for sale to the public. Generally the sale price of each

painting is divided 50/50 between the gallery and White Distribution. White Distribution sells paintings on consignment primarily through the following galleries:

- i. **Maslak McLeod Gallery** – a fine art gallery specializing in Native art which is located in Toronto, Ontario;
- ii. **Artworld of Sherway** – a fine art gallery located in Toronto, Ontario;
- iii. **Bay of Spirits Gallery** – a fine art gallery specializing in Native artworks, which is located in Toronto, Ontario;
- iv. **Whetung Ojibwa Crafts and Art Gallery** – a fine art gallery specializing in Native artworks, which is located on the Curve Lake Indian Reserve, Ontario;
- v. **Gallery on the Lake** – a fine art gallery specializing in Canadian artworks, which is located in Buckhorn, Ontario; and
- vi. **Qualicum Frameworks Gallery** – a fine art gallery and custom frameworks business, which has locations in Qualicum Beach, British Columbia, and Calgary, Alberta.

3. It is White Distribution's practice to obtain certificates of authenticity from qualified appraisers for each Morrisseau painting that we buy or sell. In many cases the paintings in question have been authenticated by David Morrisseau, who is Norval Morrisseau's son and is considered an expert on his father's work. In addition, the signature of Norval Morrisseau on the back of the Morrisseau paintings owned or sold by White Distribution has, in many cases, been authenticated by Documentation Examination Consultants Inc. which is a forensic services company that specializes in authenticating signatures. I believe that every painting that White Distribution has bought and/or sold is an original work of art by Norval Morrisseau.

4. Since 2000, I have bought and put up for sale approximately 250 paintings by Morrisseau. I currently own approximately 160 Morrisseau paintings which have a retail value of approximately \$2.5 million.

Discovery of Morrisseau.com website

5. On or around October 11, 2008, Joe Otavnick, a fellow art collector in the Canadian art community, contacted me to tell me that the Defendant, Ritchie Sinclair, had created the website, www.morrisseau.com. Otavnick informed me and I do believe that on or around September 16, 2008, Sinclair began posting images on the website of paintings which White Distribution owns, has sold, or is attempting to sell and alleged that the paintings were forgeries, counterfeits or otherwise inauthentic.

6. On or around October 11, 2008, I visited the website and confirmed that it contains hundreds of images of paintings which White Distribution owns, has sold, or is attempting to sell. I observed that the website describes those paintings as being forgeries, counterfeits or otherwise inauthentic.

Ritchie Sinclair

7. I was first introduced to Sinclair, who refers to himself as "Stardreamer", in 2007 at an exhibition at Liss Gallery in Toronto. Sinclair attended the exhibition with another individual who was a potential customer of mine. Sinclair stated to me and to the other individual that a particular Morrisseau painting that White Distribution had for sale was "a great Morrisseau" and recommended that the client purchase the piece. The other individual then purchased that painting from White Distribution.

8. I have visited morrisseau.com and observed that Sinclair has posted an image of the painting in question which he now describes as "Inferior Counterfeit Morrisseau #640". Next to the image I observed that Sinclair has posted the following commentary:

Description: INFERIOR COUNTERFEIT NORVAL MORRISSEAU >>>> In the opinion of Norval Morrisseau protege, Ritchie "Stardreamer" Sinclair this is an image of an INFERIOR COUNTERFEIT NORVAL MORRISSEAU painting. >>>> Inferior counterfeit >>>> means counterfeit, fake, false, falsified, unauthorized, unguenuine, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable, or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under, underneath, bent, bogus, copied, crock, deceptive, delusive, delusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham. >>>

Attached as Exhibit A is a screen capture of the image and the accompanying commentary that I observed on the morrisseau.com website.

9. Although I have been involved in the business of purchasing and selling the works of Norval Morrisseau since 2000, I had not heard of Sinclair or had any dealings with him until 2007. I do not believe that Sinclair has any expertise in identifying or authenticating original artworks by Norval Morrisseau. I am not aware of anyone in the art community who recognizes Sinclair as an expert in the artwork of Norval Morrisseau.

Description of the Defamatory Statements

10. There are currently over one thousand images of Norval Morrisseau paintings posted on the website which Sinclair claims are counterfeits, forgeries, frauds, stolen or otherwise inauthentic. The site is updated several times a day.

11. I have observed hundreds of images posted on the website which are either owned by or have been sold by White Distribution. Due to the constant updating of the site, it is virtually impossible to make a complete list of all the paintings related to White Distribution that are posted on the site. As a representative sample and for the purposes of this action, I have identified 24 images in particular. I observed that the images were posted on morrisseau.com accompanied by statements which alleged that the various paintings were stolen, forgeries, counterfeit or otherwise inauthentic. Attached as Exhibit B is a chart setting out the title, retail value and, if applicable, its date of sale for each of these 24 paintings that were referred to on the website. The total retail value of these paintings is \$753,500. I have reviewed Exhibit B and verify that its contents are accurate.

12. I observed that the images displayed on the website are each given a number. Each and every one of these numbered images on morrisseau.com was given a title "Inferior Counterfeit Morrisseau" and a number, for example, "Inferior Counterfeit Morrisseau # 83". I observed that "thumbnail" images of each painting were displayed on the web-page within the site entitled "photos". On the main

page, 24-120 images could be displayed at once. Attached as Exhibit C are screen-captures of the thumbnail images in question.

13. When I selected one of the images, a new page opened with a larger image of the selected painting, and a commentary. On each of these sub-pages, Sinclair provided a description. For the images with numbers 131, 151, 158, 163, 182, 188, 643, 683, 705, 692, 738, 787, 860, 894, 907, 925, 941, the description states:

INFERIOR COUNTERFEIT NORVAL MORRISSEAU...In the opinion of Norval Morriseau protégé, Ritchie "Stardreamer" Sinclair this is an image of an INFERIOR COUNTERFEIT NORVAL MORRISSEAU painting. Inferior counterfeit.... Means counterfeit, fake, false, falsified, unauthorized, ungenune, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under underneath, bent, bogus, copy, crock, deceptive, delusive, illusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham....

Attached as Exhibit D are screen-captures of the images and commentaries that I observed on morrisseau.com relating to the artworks described in Exhibit B.

14. For each of the images above, I observed that the website identifies the name of the painting. In image number 151 I observed that the description indicates that "Each Norval Morriseau inferior painting sold is accompanied by a Certificate of Authenticity and an appraisal." I observed a similar statement next to the images numbered 158, 163, 182, and 188.

15. The allegations on the website regarding these paintings are all untrue. I believe that the paintings listed in Exhibit A are authentic paintings by Morriseau based on the certificates of authenticity and in many cases the expert opinion of David Morriseau and Documentation Examination Consultants Inc. Attached as Exhibit E are certificates of authenticity issued by appraiser Marlowe J. Goring and the screen capture from morrisseau.com of that painting.

16. Sinclair has also made untrue allegations about me with respect to a painting that I had never seen and have never owned or sold. On morrisseau.com, I observed that Sinclair has posted an image titled "Inferior counterfeit auctioned off by Jim White." The image is of a painting which I had

never seen and which neither I nor White Distribution has ever owned or sold. White Distribution has never auctioned a Morrisseau painting.

17. When I clicked on the image a new page opened with a larger image of the selected painting. Next to the image, I observed the following commentary:

Did you buy this 70s style forgery from Jim White? >>>> Titled: >>> Thunderbird Envoke Into After Dimention (suddenly Norval has no idea how to spell!) >>>> Framed acrylic on canvas, signed in syllabics and on verso signed, titled and dated 1979 (I was there...this wasn't!). >>>> Provenance: Gallery Sunami (ARTCUBE), Toronto (as noted by present owner JIM WHITE >>> From his private Collection of fake Morrisseaus, Richmond Hill, Ontario >>>> Condition: DANGEROUS. Sight: 34 3/4"x 52", Frame: 40" x 58" x 2" >>>> >>> Inferior counterfeit >>> means counterfeit, fake, false, falsified, unauthorized, unguine, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable, or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under, underneath, bent, bogus, copied, crock, deceptive, delusive, delusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham. >>> <http://www.liveauctioneers.com/item/5287786>

18. I observed a number of user comments accompanying this image and commentary. Two of the comments are posted by "Stardreamer", one of which reads as follows:

It actually appears to be Titled" Thunderbird voices to push windigo into afterdimention". [sic] The listing title must have been Jim White's attempt at reading drybrush.

Attached as Exhibit F are screen captures of the image, the commentary and the user comments that I observed on morrisseau.com.

19. Stardreamer's comments are accompanied by a photo of an individual who I recognize as Ritchie Sinclair. When I clicked on the profile name "Stardreamer" above the user comment, a new page opened up which displayed the "Stardreamer" user profile. The profile identifies "Stardreamer" as "Ritchie Sinclair". Attached as Exhibit G is the user profile of "Stardreamer" from morrisseau.com.

20. The title, commentary and user comments about this image state that I auctioned this painting and that it is a forgery. The user comments by Stardreamer/Sinclair suggest that I invented the title for this painting. All of this is untrue. As noted, neither I nor White Distribution have ever seen, purchased owned or sold the painting in question.

Identification of White Distribution

21. As noted, I observed that Sinclair has referred to me by name in the untrue statements and comments that he posted on the website as set out at Exhibit F.
22. For the images with numbers 530, 532, 538, 543, 545, 548 I observed that the website states that the images are "displayed at Qualicum Frameworks." As noted, Qualicum Frameworks is one of the galleries to which White Distribution sells paintings on consignment. The images listed are of White Distribution owned paintings and I believe that they could easily be linked back to White Distribution.
23. For the images with numbers 494 and 514 I observed that the website states that the images are "displayed at Randy Potter Auctions, Port Perry, 2007." The images listed are owned by White Distribution and were purchased from Randy Potter Auctions. I believe that the paintings could easily be linked back to White Distribution.
24. All of the paintings referred to in Exhibits A, C, D, and F are one of a kind paintings that White Distribution owns, has sold, or is attempting to sell. Even without naming White Distribution, I believe that it is easy for anyone in the Canadian art community, and particularly anyone who deals with Norval Morrisseau artwork, to determine that these paintings are owned or have been sold by White Distribution.
25. I believe that anyone with knowledge of Morrisseau art who would consider purchasing such art would associate the image on the website with my business. The allegations of fraud, forgery, and theft taint White Distribution even if it is not explicitly named in each comment.
26. I have already had numerous calls from clients and colleagues who have identified White Distribution as the source of the paintings whose images are posted and commented upon on the website, as will be detailed below.

Damage to My Business

27. In my business, I am only successful if White Distribution and I have the trust of my clients and colleagues. My business depends entirely on my reputation for honesty and upon my clients' trust that White Distribution sells authentic paintings. If gallery owners, collectors, or other members of the public come to believe or suspect that White Distribution sells inauthentic artworks, my reputation will be ruined and my business will be permanently destroyed.

28. The Canadian art community is a small one. The dealers, galleries and purchasers involved with the purchase and sale of Norval Morrisseau paintings is even smaller. Very few individuals are involved and as a rule, these persons know and rely on one another for business.

29. The images and the statements that Sinclair posted on the website, as set out in Exhibits A, C, D, and F, have damaged my reputation, my business and my livelihood. These statements wrongly inform all visitors to the website that the paintings owned, sold, or consigned by White Distribution are forged, counterfeit or inauthentic. These statements are untrue. If these statements continue to be published they will destroy my business and my livelihood.

30. At the time that the morrisseau.com website posted the images and allegations of fraud in September 2008, White Distribution had approximately 100 Norval Morrisseau paintings for sale on consignment, valued at approximately \$1.5 million. None of these paintings have sold since the images were posted on morrisseau.com.

31. In the fourth quarter of 2007, White Distribution's sales of Morrisseau paintings were approximately \$160,000. To date my sales in the fourth quarter of 2008 are approximately \$7,000. I believe that this enormous decline in sales is a result of the untrue allegations posted on morrisseau.com. I further believe that the statements on this website will continue to affect the volume of sales for White Distribution.

32. The untrue statements on the website have been read and acted upon by my customers. One of my biggest customers is Qualicum Beach Frameworks Gallery. In 2007, Qualicum sold White-Distribution owned paintings worth approximately \$250,000. On November 12, 2008, Marlowe Goring, the Director of Qualicum, sent me the following email:

From: Qualicum Frameworks Gallery [mailto:info@qualicumframeworks.com]
Sent: Wednesday, November 12, 2008 10:32 AM
To: jw@delarm.com
Subject:

Jim,

I realize that the website, morrisseau.com is a joke but I am feilding [sic] calls from longstanding customers regarding the authenticity of their pieces. I have asked stardreamer to take the pieces off his website to no avail. Thus I have taken them off my website and off my gallery floor. I have had one sale go south because of this site, and I am hoping there will be no more. I am worried about returns of works that are already sold. Is there anything I can do?

Marlowe

A copy of this email is attached as Exhibit H.

33. Thus, as a direct result of the untrue allegations on the website, Qualicum has taken down all paintings that White Distribution had on consignment at the gallery. These paintings have a retail value of approximately \$200,000.

34. I expect that if the untrue allegations on the website continue to be posted, my business with other galleries and customers will continue to suffer as well.

35. I had already sold some of the Morrisseau paintings listed on the website (#158 and #860 as set out in Exhibit B). I fear that the purchasers of these paintings may attempt to sue the White Distribution and the galleries that sold the paintings on consignment and/or seek a refund for their purchases as a result of the untrue allegations I have observed on morrisseau.com.

36. White Distribution only buys and sells paintings by Morrisseau. If the allegations and untrue statements on the website continue to be published, I

expect that my reputation and my business will be permanently and irreparably destroyed.

37. In addition, I believe that the continued publication of the untrue allegations on the website will destroy the market for Norval Morrisseau artworks. That is, I believe that these untrue allegations will destroy the value of all the works of Norval Morrisseau, who is one of Canada's most important artists.

Notice of Defamation

38. On October, 29, 2008, I retained the law firm Symes & Street to represent me and White Distribution in this matter. On November 4, 2008 my counsel sent a notice of defamation to Ritchie Sinclair. Attached as Exhibit I is a copy of that letter and the affidavit of service from the process server who delivered the notice.

39. To date, Sinclair has not responded to this Notice of Defamation, and has not removed the untrue allegations relating to me and White Distribution from his website.

40. Sinclair has continued to post additional untrue statements and allegations relating to me and my business on his website despite being served with a Notice of Defamation. Given this persistent and unrepentant conduct, I believe that Sinclair will continue to post these untrue statements on his website in an effort to permanently destroy my reputation, my business and my livelihood.

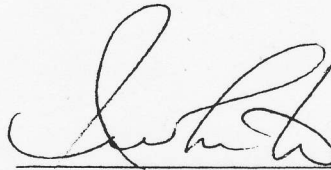
Undertaking to Pay

41. I make this affidavit in support of this motion for an interlocutory injunction and other relief, and for no other improper purpose. I undertake to abide by any order concerning damages that the Court may make if it ultimately appears that the granting of the order requested has caused damage to Sinclair for which the moving parties ought to compensate Sinclair.

SWORN BEFORE ME at the
City of Toronto, in the
Province of Ontario
this 22nd day of November, 2008



COMMISSIONER FOR TAKING AFFIDAVITS



JAMES WHITE

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**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

**AFFIDAVIT OF SUN NAM KIM ("SUNNY KIM")
Sworn November 21, 2008**

I, Sun Nam Kim, of the City of Toronto in the Province of Ontario make oath and say as follows:

1. I am the sole shareholder and Director of Gallery Sunami, a division of Gallery Sunami Inc. I am also the sole shareholder and Director of Artcube Inc. Gallery Sunami has two locations. In 1997 it opened at the first location at 5322 Yonge Street, in North York. The Gallery moved in 2006 to 6035 Yonge Street, Toronto. In December, 2006 Gallery Sunami opened a second location called "Artcube" located at 2387 Weston Road, Toronto. The Artcube location is used only for exhibitions.

2. Sunami's business consists of buying and selling original artwork, including the paintings of Norval Morrisseau. Sunami buys and sells Morrisseau

paintings in both the primary and the secondary art market. What this means is that we buy Morriseau paintings from other collectors and from estates and re-sell the paintings (the secondary market). In addition, the Sunami has in the past obtained the Morriseau paintings directly from Morriseau and his family (the primary market).

3. Approximately 25% of Sunami's 2007 sales were of Norval Morriseau artwork.

4. I have been selling Norval Morriseau paintings since 1997 and Sunami has had an exhibition of Morriseau's work and Morriseau's family member's work each year since that time. I have sold hundreds of Morriseau paintings since 1997 and am considered an expert on Norval Morriseau's work. I am able to identify and authenticate original Norval Morriseau artworks. I have carefully examined each piece of Norval Morriseau artwork that Sunami has bought, consigned, or sold and have satisfied myself that each work is an original painting by Morriseau. Until this dispute, my assessments of Morriseau paintings have never been challenged.

Ritchie Sinclair

5. Although I have been involved in the business of purchasing and selling paintings, including the works of Norval Morriseau, since 1997, I do not know Sinclair and have had no dealings with him prior to this dispute. I am not aware of anyone in the art community who recognizes Sinclair as an expert in the artwork of Norval Morriseau.

Discovery of Morriseau.com website

6. In early October, 2008, James White and Joe Otavnick, who are both fellow art collectors in the Canadian art community, each contacted me to tell me that Sinclair had created the website, www.morrisseau.com. White and Otavnick informed me and I do believe that on or after September 16, 2008, Sinclair began posting images on the website of paintings which Sunami owns, has sold, or is

attempting to sell. Sinclair alleged that the paintings were forgeries, counterfeits or otherwise inauthentic.

7. In early October 2008, I visited the website and confirmed that it contained numerous images of paintings which Sunami owns, has sold, or is attempting to sell. The website describes those paintings as being forgeries, counterfeits or otherwise inauthentic.

Description of the Defamatory Statements

8. There are currently over one thousand images of Norval Morrisseau paintings posted on the website which Sinclair claims are counterfeits, forgeries, frauds, stolen or otherwise authentic. The site is updated several times a day with new images of alleged counterfeit Morrisseau paintings being added. Due to the constant updating of the site, it is virtually impossible to make a complete list of all the paintings related to Sunami that are posted on the site.

9. I have identified at least 70 images posted on the website of Morrisseau paintings which are either owned or have been sold by Sunami Gallery. As a representative sample and for the purposes of this action, I have identified 12 images in particular. The images were posted on morrisseau.com accompanied by statements which alleged that the various paintings were stolen, forgeries, counterfeit or otherwise inauthentic. The total retail value of the paintings in question is \$167,000. Attached as Exhibit A is a chart setting out the names of each of the paintings in question, its retail value, and if sold by Sunami, its date of sale and sale price. I have reviewed the chart at Exhibit A and I confirm that this information is correct.

10. I observed that each of these numbered images on morrisseau.com was given a title "Inferior Counterfeit Morrisseau" and a number, for example, "Inferior Counterfeit Morrisseau # 20" except for numbers 18 and 22 which state only "Inferior Counterfeit." "Thumbnail" images of each painting were displayed on the web-page within the site entitled "photos". On the main page, 24-120 images could be displayed at once. Attached as Exhibit B are screen-captures of the

thumbnail images in question. I have circled by hand the images in Exhibit B that relate to Sunami.

11. When I selected one of the images entitled "Inferior Counterfeit Morrisseau # 89", a new page opened with a larger image of the selected painting, and I observed the following commentary next to the image:

Description: INFERIOR COUNTERFEIT NORVAL MORRISSEAU >>> In the opinion of Norval Morrisseau protege, Ritchie "Stardreamer" Sinclair this is an image of an INFERIOR COUNTERFEIT NORVAL MORRISSEAU painting. >>>> Inferior counterfeit >>>> means counterfeit, fake, false, falsified, unauthorized, unguenuine, unreal, forged, forgery, descending into the inferior regions of the earth, poor in quality, substandard, less important, valuable, or worthy, bottom-rung, less, lesser, lower, nether, peon, subordinate, under, underneath, bent, bogus, copied, crock, deceptive, delusive, delusory, faked, fishy, fraudulent, imitation, misleading, mock, pseudo, sham. >>> Shaman with Creator '79 Acrylic on Canvas 29 x 23 inches

12. I observed the same or similar commentary next to each of the images identified in Exhibit A, except for the image entitled "Inferior Counterfeit Morrisseau #87", which did not display any commentary. Attached as Exhibit C are screen-captures of the images and commentaries that I observed on morrisseau.com relating to the artworks described in Exhibit A.

13. In addition to the numbered images, which morrisseau.com indicates are "Inferior Counterfeits", I observed a number of featured sub-pages on the website which directly allege that Sunami is selling inauthentic Morrisseaus. In one page with the heading "Inferior Counterfeits at Artcube" the site posts an advertisement flyer from Artcube for a 2008 Morrisseau show. On this page, I observed statements that "David Morrisseau authenticates and titles these paintings." David Morrisseau is Norval Morrisseau's son and he is also an artist. Sunami Gallery is the exclusive agent for David Morrisseau's work. The statements I observed on morrisseau.com suggest that David is falsifying artwork to allege it is his father's. This is not true. Attached as Exhibit D is a screen capture of this page as I observed it on the website.

14. I observed another sub-page website which is also titled "Inferior Counterfeits at Artcube". The page a picture of David Morrisseau seated on a painting. The comments indicate

Mr. David Morrisseau posing with what appear to be inferior counterfeit Norval Morrisseau paintings.... There appear to be copies of the old "70's" style "Reforged" and there appear to be fresh paintings like this one that David Morrisseau is sitting on David Morrisseau authenticates and titles these paintings

15. This page notes that it has "65 views" (at the time of printing, November 12, 2008) and comments have been posted by readers. A comment from Jacobson101 states

There it is.....right there.... I would never let a person "sit" on a painting purported to be a Norval Morrisseau" original..... what the hell are you thinking? Especially at \$50,000.00 to \$100,000.00 dollars..... but I must say once again..... a picture tells quite the story wouldn't you say?..... I sure think so..... what lunacy!.....MAJ 2008!

Attached as Exhibit E is a screen capture of this page as I observed it on the website.

16. I observed another page on the website which presents a picture and written identification of "Artcube owner Sunny" in another page in which I am pictured sitting with Christian Morrisseau, another son of Norval Morrisseau. The Description states:

Mr. Christian Morrisseau posing with what appear to be inferior counterfeit Norval Morrisseau paintings.... There appear to be fresh paintings behind Artcube owner Sunny who sites [sic] with Christian Morrisseau.... David Morrisseau authenticates and titles these paintings...

This image similarly alleges fraud on the part of me and my gallery. We are clearly identified throughout these images. Attached as Exhibit F is a screen capture of this page as I observed it on the website.

17. Finally, I observed another page on the website which presents a similar allegation of forgery as follows:

Mr. David Morrisseau posing with what appear to be inferior counterfeit Norval Morrisseau paintings... There appear to be fresh paintings like this one the Artcube owner is holding up with David Morrisseau.

Attached as Exhibit G is a screen capture of this page as I observed it on the website.

18. In each of these pages at Exhibits D through G, there is an excerpt taken from the Artcube website which describes the gallery and its location.

19. These untrue statements and allegations as shown in Exhibits B through G damage my reputation, my business and my livelihood.

Identification of Sunami

20. The website has specifically identified me, Gallery Sunami and Artcube as set out above, and in Exhibits D through G.

21. With respect to the postings and images that do not identify me or Sunami explicitly, the images in question are of one-of-a-kind paintings that were sold or are currently for sale by Sunami. Even without naming Sunami, anyone in the Canadian art community, and particularly anyone who deals with Norval Morrisseau artwork, could easily determine that these paintings are owned or were sold by me and/or Sunami. Anyone with knowledge of Morrisseau art or who would consider purchasing such art would associate the image on the website with me and my gallery. Thus, the allegations of fraud, forgery, and theft taint my reputation and the reputation of Sunami even if we are not explicitly named in relation to each image.

Damage to My Business

22. In my business, I am only successful if Sunami and I have the trust of my clients and colleagues. My business depends entirely on my reputation for honesty and upon my clients' trust that Sunami sells only authentic paintings. If collectors, colleagues or other members of the public come to believe or suspect that Sunami sells inauthentic artworks, my reputation will be ruined and my business will be permanently destroyed.

23. The Canadian art community is a small one. The community of dealers, galleries and purchasers involved with the purchase and sale of Norval Morrisseau paintings is even smaller. Very few individuals are involved and as a rule, these persons know and rely on one another for business.

24. The images and the statements that Sinclair posted on the website, as set out in Exhibits B through G, have damaged my reputation, my business and my livelihood. These statements wrongly inform all visitors to the website that the paintings owned, sold, or displayed by Sunami are forged, counterfeit or

inauthentic. These statements are untrue. If these statements continue to be published they will destroy my business and my livelihood.

25. Eleven of the twelve paintings identified above in Exhibit A are currently for sale at Sunami Gallery. When I became aware of the website, morrisseau.com, I was in negotiations with longstanding clients to sell each of these 11 paintings. When I became aware of the untrue allegations of fraud on morrisseau.com I was compelled to halt these negotiations. This is because I did not want to jeopardize my relationships with these important clients by selling them Morrisseau paintings at a time when the authenticity of those paintings is being questioned on morrisseau.com. That is, I have lost the sales of these 11 paintings, which have a total retail value of \$142,000 (as set out in Exhibit A) as a direct result of the untrue allegations on morrisseau.com. But for the images posted on morrisseau.com, I would have sold these 11 paintings. I further believe that the statements on this website will continue to affect the volume of sales for Sunami.

26. I have sold only one Morrisseau painting since the images were posted on morrisseau.com. I fear that the purchaser of this painting may attempt to sue me or seek a refund for their purchase as a result of the untrue allegations on morrisseau.com.

27. As noted above, a number of other art dealers, including Joe Otavnick and James White, have contacted me to alert me about the allegations on the website. I believe that other art dealers, clients, and members of the public who view the untrue allegations contained on the website will choose not to purchase any Morrisseau paintings from Sunami. I believe that Sunami will continue to lose sales from these and other clients as a direct result of the untrue allegations on morrisseau.com.

28. If the allegations and untrue statements on the website continue to be published, I expect that my reputation and my business will be permanently and irreparably destroyed.

29. In addition, I believe that the continued publication of the untrue allegations on the website will destroy the market for Norval Morrisseau artworks. That is, I believe that these untrue allegations will destroy the value of all the works of Norval Morrisseau, who is one of Canada's most important artists.

Notice of Defamation

30. On November 11, 2008, I retained the law firm Symes & Street to represent me, Gallery Sunami, and Gallery Sunami Inc. in this matter. On November 12, 2008 my counsel sent a notice of defamation to Ritchie Sinclair. Attached as Exhibit H is a copy of that letter and the affidavit of service from the process server who delivered the notice.

31. To date, Sinclair has not responded to this Notice of Defamation, and has not removed the untrue allegations relating to me and Sunami from his website.

32. Sinclair has continued to post additional untrue statements and allegations relating to me and my business on his website despite being served with a Notice of Defamation. Given this persistent and unrepentant conduct, I believe that Sinclair will continue to post these untrue statements on his website in an effort to permanently destroy my reputation, my business and my livelihood.

Undertaking to Pay

33. I make this affidavit in support of this motion for an interlocutory injunction and other relief, and for no other improper purpose. I undertake to abide by any order concerning damages that the Court may make if it ultimately appears that the granting of the order requested has caused damage to Sinclair for which the moving parties ought to compensate Sinclair.

SWORN BEFORE ME at the
City of Toronto, in the
Province of Ontario
this 21st day of November, 2008


COMMISSIONER FOR TAKING AFFIDAVITS


SUN NAM KIM