

Additional Filing

SC 17-00000373-0000

Joseph Otavnik Jr Vs CTVGlobemedia

1) Enclosed please find a copy for the Globe and Mail on line version from printed version from

October 31st, 2014 as reported by Mr. James Adams reporter for the defendant labelled Exhibit #1.

2) This article is further proof of the complete lack of due diligence by CTVGlobemedia and the

segment on Canada Am and what was in the newspaper article by the Globe and Mail. The article is

just another example of the paper not reporting the actual news or facts but creating a false narrative

with respect to the works' of Norval Morrisseau in the marketplace. This false narrative which has

been promoted by CTVGlobemedia has had a negative impact on the value of the works' of Norval

Morrisseau in the marketplace. This article is just an extension of this false narrative which the

newspaper has been pushing for years and should know is patently false and damaging.

3) Given the serious nature of the allegations and the devastating impact of this false narrative on the

value of the artists' work and constant drumbeat over the years and with the "star dreamer" on

National Television the defendant should have taken more care to verify at least some part of the

storey etc.

4) The defendant owes the plaintiff and the public at large a higher standard of care for the truth

than what has been reported over the years. The simple status and reliability of the sources are

simply not believable given the information that has always been publicly available by the defendant.

5)The article suggests that an individual named "Gary Lamont" is the likely source of the fraud ring which is/has been the source of the so called "fakes" in the marketplace. The true fact is that Mr. Gary Lamont is one of the few sources were again the courts have proven that his works' of art by Norval Morrisseau are/were genuine. In fact, the works' of art by Mr. Lamont have not only been approved by the Cultural Property Review Board but also by the Federal Tax Court of Canada.

6) The reporter for the Globe and Mail fully knows the fact is over 216 works of art attributed to Mr. Lamont are authentic and yet the Globe and Mail still continues to promote the view that he is the source of the so called fake paintings. The Globe and Mail are using the patently false information in the statement of claim mentioned in the article to further promote the existence of "fakes" in the marketplace when they know it is false. The defendant has over the past ten (10) years has printed any storey told be anyone who would say something negative about the works' of Norval no matter what the source is/was. The defendant is hiding behind these ridiculous assertions and claiming to only be reporting the news yet by their actions they are creating the news and promoting this false narrative into the marketplace. The defendant has to know what they are and have been reporting is/are simply not true. There is no rational explanation for the reasons why such a position and reporting has been allowed to occur. A simple, reasonable investigation could easily shatter the ideal of any "fakes" in the marketplace and should have stopped the dissemination of these blatant lies.

7) Mr. Lamont in lieu of payment for legal services to his lawyer Mr. Ken Whent gave Mr. Whent paintings by Norval Morrisseau. Mr. Whent then turned around and donated 216 of these works' of art by Norval Morrisseau received from Mr. Lamont to various Class "A" galleries. He (Mr. Whent) donated them and they were accepted by these galleries as authentic paintings by Norval Morrisseau. Thus the paintings' were vetted by the receiving donors including the Glenbow Alberta Institute, Hamilton Art Gallery, Ontario Heritage Foundation and Thunder Bay National Exhibition Centre for Indian Art and then approved by the Cultural Property Review Board. Mr. Whent then applied for a tax break under the Income Tax Act under Sec 39 (1) (a)(i1) after being approved by the sponsoring institution and accepted by the Cultural Property Review Board.

8) In the Whent case, per as Exhibit # 2 , the Minister of Finance did not question the authenticity of the paintings' given by Mr. Lamont to Mr. Whent who then donated the works' of art-but rather the Minister questioned the valuation of the paintings.

9) The Cultural Property Review Board (and Mr. Whent) accepted the paintings from Mr. Lamont as authentic and placed a value of \$990,000 to \$1,047,795. The Minister of Finance argued that a large block discount was required and placed a value of \$255,155 on the value of the donated works' of art of Norval Morrisseau. Again, the Minister of Finance did not question the authenticity of the artwork of Norval Morrisseau but rather the valuation. In the end the court accepted the valuation of \$660,000 as the value to be used for Income tax purposes.

10) The Globe and Mail and the reporter of his article fully know this fact to be true but still promote this notion of fakes by a fraud ring involving Mr. Lamont even after the defendant is/was aware of the Whent case and the fact the RCMP dismissed as unfounded any notion of a fraud ring. Still the defendant still promotes this false narrative with clear malice.

11) The important point is that Mr. Lamont had the same source of paintings that Randy Potter auctions had. The same source which paintings' have been accepted by other galleries, the Government of Canada and even the Smithsonian Institution. Mr. Adams was in court and heard this directly and knows the truth yet continues to publish material which is false.

12)The reporting of the fact that Mr. Lamont has been charged with various crimes is not defamation. Mr. Lamont has been charged and that is true. However, that is the only accurate so called fact in the article. The pending charges against Mr. Lamont are not germane to the issue of 'fake' Morrisseau paintings'. However, nothing is ever mentioned about the Whent case because it proves Mr. Lamont had real paintings by Norval Morrisseau, the newspaper knows this and refuses to disclose or inform it to the reader. Only negative information is reported.

13) In the Whent case Mr. Don Robinson testified as an Expert witness on Norval's work in 1996. However, in other court testimony (in 2009) he called that he only really became an expert on Norval's work in 2000. Mr. Robinson further claimed that he has been duped by Potter auction had bought 28 "fake" painting by Norval Morrisseau but didn't ask for his money back as per Exhibit # 3.

14) Robinson had to admit in court that he asked the Randy Potter Auctions to refund him \$250 for a painting he thought was "fake" by another artist but didn't ask for a refund on the so called 28 "fake" Norval Morrisseau paintings which he paid \$52,000. So he asked for \$250 dollars back but not \$52,000. The court of course did not believe any of his testimony which is of course in the judge's decision which will be part of the record in this case. James Adams was right in court and directly heard that testimony and yet has never reported that fact in any newspaper article.

15) Enclosed as per Exhibit # 3 is a copy of signed affidavit by Randy Potter which has been used in various court cases. These are a copy of the actual sales receipts of Don Robinson buying paintings from Potter auction in 1999 which is three (3) years after he testified as an expert witness in the Whent Case. Mr. Adams was even in court when Mr. Robinson admitted his yet there is never a mention of this in any news article. Why? I submit that it does not fit in with the false notion of faked in the marketplace which had been promoted and disseminated by the Globe and Mail.

16) The plaintiff who knows and has spoken to Mr. Adams asked in person at the various trials why certain facts like the above have never been reported told me "they won't let me print it". The simple fact that Mr. Robinson has claimed that the same place he bought paintings from were selling "fakes" would make the assertions and storey line promoted by the Globe and Mail reporting to look preposterous if reported. In fact, the reporter knows that Mr. Robinson only started to claim "fake" paintings' from Randy Potter Auctions after the person who supplied Potter rejected Robinson's offer to sell to Robinson instead of Potter. This has not been reported because again ,it goes against the narrative being promoted by the defendant.

17)The defense of fair comment only applies if the defendant had/has a reasonable to basis in fact to report and state what they have printed and communicated . It appears that the defendant has no desire to verify any storey from within the ranks if the Globe and Mail and has no editorial oversight whatsoever. The plaintiff has personally sent information which if properly researched, vetted and even received a cursory review should have caused the defendant to review and question the validity of their reporting.

18) The defendant cannot simply claim that they are reporting the news when they known what is being written in the newspaper is simply false and they know it. The Defendant is merely using the untrue and unproven allegations in a statement of claim to further promote and disseminate what they know is simply untrue. I can file a statement of claim sung the Government for sending aliens from area 51 and I lost a weeks' worth of pay and want to recover that and other damages. I would of course be eventually dismissed due to lack of evidence etc but would meet the bar to file.

19)The defendant has presented the false story and promoted it for over fifteen (15) years all again in the absence of one (1) single example where an can prove one fake. As per Exhibit # 4 from 2005. The Globe and Mail has no problem presenting a storey and platform for the lawyer for Gabe Vadas (Aaron Milrad) apparently endorsement Don Robinson of Kingsman Robinson as official agent for Norval Morrisseau and sets up the Norval Morrisseau Heritage Society(NMHS) to protect the public from buying "fakes" in the marketplace.

20)After almost ten (10) years after the article was written, the NMHS does not exist, they have never produced a catalogue raisonne and I guess they are still looking for the forgers even though private investigators were hired. Okay, you have had almost ten (10) years so what's up. The Globe and Mail simply wouldn't update the article since it doesn't fit into the narrative of "fakes". The fact that after ten (10) years these people have nothing to say or report speaks volumes. The point is that the defendant only publishes articles that question the authenticity of the works' of Norval Morrisseau but does not publish or follow up any story that does not fit this false narrative.

21)The Globe and Mail has basically promote the fact that these "fakes": are everywhere in the marketplace but offer no proof. It's racism pure and simple and not "fair comment". The fact is that Norval Morriseseau is an First Nations' artist and why the Globe and Mail has singled out Norval Morrisseau starting in the early 2000's. Mr. Morrisseau was a well established internationally known artist for forty (40)years) before and such claims of "fake" artwork was promoted by the Globe and Mail. Moreover, the theme is that the paintings from the 1970's era are the fakes. In essence, the whole art world was unaware of these fakes for thirty (30) years only to figure out in the early 2000's they were fakes. Moreover it is/was Don Robinson who I have pointed out has no credibility and even his testimony has been rejected by the courts who was spoon feeding it to the Globe and Mail who promoted this view this no facts or reasonable basis whatever for doing so.

22)As per Exhibit # 5 enclosed please find a copy of the assertions made by the guest on Canada Am "the stardreamer" with respect to the "fakes" held by the Smithsonian. The "fakes" held by the Smithsonian come directly from a book published by Don Robinson firm Kinsman Robinson " Travels to the House of Invention" who promoted Mr. Sinclair as an expert on Norval Morriseasu on Kinsman Robinsons own web site. This is know but the reporter Mr. James Adams and the Globe and Mail and has never been reported as a fact in any article. Mr. Adams was in court when he heard this, I have communicated this fact to management of The Globe and Mail this has been reported or clarified to the reader. It's obviously evidence would shatter and spot a light on the shoddy reporting by the defendant. The defendants had a duty of care to anybody that owned a Norval Morriseau paintings the real truth that they directly knew.

23)Thus the defendant went on National TV on the Canada Am segment claiming that Don Robinson was the sole authority on Norval works but he " the stardreamer" called works in Robinson own publication as "fakes". This was clearly know to the defendant and yet was still allowed to be communicated on National TV with no questions. This act of omission or non reporting of a material fact is further proof of the bald faced lies the defendant has distributed and promoted in the newspaper. These are facts which if properly reported would cast doubt on the theme of "fakes" as promoted by the defendant.

24)I have informed both the reporter and The Globe and Mail with the fact that I successfully sued Mr. Gabe Vadas who represented Norval Morrisseau when he (Norval) was alive. I put an a painting in a well know auction house on consignment. Mr. Vadas told the auction house it was a "fake" . The painting was pulled by the auction house and I lost a sale. I sued and before the trial started Mr. Vadas paid out the entire amount of the claim + my costs.

25)In that case the artist himself could have testified my painting was a "fake" but didn't. I offered to give them the painting which they never seen and take it for a forensic analysis but they didn't.

26)If this was disclosed or reported people would view the previous reporting in a new light. However, since it didn't fit with the narrative of "fakes" being perpetuated by the newspaper it was not reported. The defendant has never published a story that deviated from the narrative of "fakes". Morrisseau painting even though they knew or should have known that these false claims simply didn't hold water.

27) When the Globe and Mail was forced to pay out the claim of Mike Moniez due to the article by Val Ross the fact that there was even a settlement has never been disclosed to the reader. Moreover, the existence of the lawsuit was never disclosed or reported in the paper -ever. So much for freedom of the press.

28)The defendant has impugned the painting by the artist and the reputation and value of his work for no reason and with no proof. This is not "fair comment" but rather an attempt to create the shape the news to their benefit or whatever reasons they have chosen to do so.

29) The people who the defendant's relied upon for information to feed this false narrative e have all been rebuffed and discredited by the courts. This would be namely Don Robinson of Kinsman Robinson Galleries and of course "the stardreamer". Moreover, the people who have been their reputations questioned by the defendant (namely Joe McLeod of Maslak McLeod) have been embraced by the courts and their testimony was/were preferred to those the defendant embraced and promoted.

30) Again and in conclusion this defendant has spread and disseminated falsehoods about the marketplace for Norval Morrisseau for close to fifteen (15).Fifteen (15) years and have claimed thousands of "fakes". Not a few, not a hundred but, thousands I say it is time for the defendant to put up or shut the f**k up.

31) Surely, if there are thousands out there that are fake let the defendant prove their case once, just once.

32) As the defendant's lawyer (Mr. Peter Jacobsen) has recently communicated as per Exhibit # 6

"... making false and extremely damaging statements and I think that is where the line is drawn between free expression in our society and defamation. I am a tremendous advocate of free expression, but I think that where it can do a lot of harm to the whole concept of free expression is if we're going to allow people, with impunity, to make false statements that are blatantly untrue, and they won't back them up..."

I agree, let this be the opportunity for the defendant to finally step forward and provide a reasonable and rational explanation and live/report by the same standard their lawyer asks of other people.

ALL OF WHICH IS RESPECTFULLY SUBMITTED