

ONTARIO  
Superior Court of Justice



Plaintiff's Claim  
Form 7A Ont. Reg. No.: 258/98

00000-373/14  
Claim No.

Oshawa

Small Claims Court

150 Bond Street East  
Oshawa, ONT L1G 0A2

Address

905 743 2640

Phone number

Plaintiff No. 1

Additional plaintiff(s) listed on attached Form 1A.

Under 18 years of age.

Last name, or name of company <b>Otavnik</b>		
First name <b>Joseph Jr</b>	Second name	Also known as
Address (street number, apt., unit) <b>299 Dover Street</b>		
City/Town <b>Oshawa</b>	Province <b>ONT</b>	Phone no. <b>905 728 2133</b>
Postal code <b>L1G 6G7</b>	Fax no.	
Representative	LSUC #	
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Fax no.	

Defendant No. 1

Additional defendant(s) listed on attached Form 1A.

Under 18 years of age.

Last name, or name of company <b>CTVGlobeMedia</b>		
First name	Second name	Also known as
Address (street number, apt., unit) <b>299 Queen Street West</b>		
City/Town <b>Toronto</b>	Province <b>ONT</b>	Phone no. <b>416 924 6664</b>
Postal code <b>M4P 1A6</b>	Fax no.	
Representative	LSUC #	
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Fax no.	

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**REASONS FOR CLAIM AND DETAILS**

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

**What happened?** [Please find attached Plaintiff's Claim](#)  
**Where?**  
**When?**

Claim No. \_\_\_\_\_

**Libel Act of Ontario, Slander of Title of painting, defamation.**

How much? \$ ..... **25000** .....  
(Principal amount claimed)

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims pre-judgment interest from \_\_\_\_\_ under:  
(Date)

(Check only one box)  the Courts of Justice Act  
 an agreement at the rate of \_\_\_\_\_ % per year

and post-judgment interest, and court costs.

Prepared on: Sept 12<sup>th</sup>, 20 14 Joe O'Neil  
(Signature of plaintiff or representative)

Issued on: Sept 12<sup>th</sup>, 20 14 C. McNally  
Registrar/Greffier  
(Signature of clerk)

**CAUTION TO DEFENDANT:** IF YOU DO NOT FILE A DEFENCE (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca).



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# Plaintiff's Claim

## Overview

Norval Morrisseau was a internationally famous artist who was the first First Nations' artist to have an exhibit of his works' in the National Gallery of Canada. He is responsible for and created the "Woodland Art" movement and was an original founding member of the Indian Group of Seven artist(s). His work had been internationally acclaimed for decades and recently after his death his artwork was on display as part of an North American Indian exhibit put on the prestigious Smithsonian Museum. He broke all cultural/racial barriers through his artwork in which he depicted the stories/myths of his people. He was awarded among the Order of Canada, met with the Queen and was a member of the Royal Academy of the Arts. Norval Morrisseau is and remains one of the most important original Canadian/ First Nations artists.

## The Law

Under the Libel and Slander Act of Ontario material placed on a web site and made available through the Internet constitutes a "broadcast". It is also obvious that a airing of a TV would also constitute a Broadcast and thus as per section 2

2. Defamatory words in a newspaper or in a broadcast shall be deemed to be published and to constitute libel. R.S.O. 1990,e.L.12,S 2.

In this case the defamatory content of the segment on Canada AM produced/distributed and disseminated by the defendant Bell Media through all their communications channels constitutes a broadcast . Moreover, not only was this content produced once but made available to be re-broadcasted on the defendants' own webs site and that of the only guest on that segment, Ritchie Sinclair a.k.a "the stardreamer". Furthermore, "the stardreamers" own web site makes even more outrageous claims as a worldwide international art conspiracy involving organized crime, the Hells Angels etc all of which was highlighted by the defendant putting/giving "the stardreamer" a forum to do so on their program. Again, it is clear that the segment on Canada AM and its' accompanying distribution channels clearly constitute a broadcast. Under the Libel Act any plaintiff can sue not only for general damages but also special damages including future losses since under Sec 17 which states "and the plaintiff may recover damages without averment or proof of special damage". This case will be the central case which will be the basis of a class action lawsuit where any potential class certification and potential litigant will be anyone who has a painting owned by the artist whose painting has a distinct feature which in the guest/defendants' claim proves it (them) to be a "fake". Under the Libel and Slander Act the time period is two (2) years as per the *Ontario Limitations Act*.

### **The Facts**

This lawsuit is based in part on the comments made by Ritchie "the stardreamer" Sinclair hereinafter referred to as "the star dreamer" on Canada AM on February 11th, 2014. In that segment "the stardreamer" was introduced as a protégé of the late great artist (Norval Morrisseau) and made many ridiculous, misleading, damaging and outright false statements with respect to the works' of Norval Morrisseau in famous museums, private collectors, auction houses etc. The defendant (and Canada AM) simply provided "the star dreamer" with a platform to recklessly, falsely and carelessly disseminate these lies into the general public and affect the market value of anybody who owns/owned a painting done by the artist. The guest "the star dreamer" claimed that he was aware of thousands of such "fakes" and that the marketplace for the works' of Norval was ripe and proliferated with these "fake" paintings. These statements and the common everyday usage and understanding of these terms if true would obviously negatively affected the value of any such painting by the artist owned by anyone. The defendant promoted "the stardreamer" as an expert on the works' of Norval Morrisseau and further provided him a platform to direct the viewers to "the stardreamers" own web site [www.morrisseau.com](http://www.morrisseau.com) where "the stardreamer" claims as "fakes" thousands of painting by Norval as "fakes" including those who are part of the permanent collection of the National Gallery of Canada, the Senate and even the Smithsonian Institution.

1) The defendants' did not perform even a basic measure of due diligence by allowing the only guest (Ritchie a.k.a. "The Stardreamer" Sinclair) on a segment of Canada AM (on February 11th, 2014) a public forum and platform to spread his contention (i.e. lies) with respect to the prevalence of "fake" (or fraudulent artwork in the thousands) by the artist Norval Morrisseau that he claims' are in the public marketplace and being sold to an unwitting public.

2) The defendants had/have a duty of care not to spread deliberate, malicious, and obvious falsehoods with respect to the artwork of the late great First Nations' artist Norval Morrisseau into the public sphere where there are direct economic consequences. (The plaintiff will be requesting a professional grade copy of the segment to present as video evidence in court). If the defendant were to be stupid enough to put someone of the Flat Earth Society to argue the world is flat-that is just plain stupid but does not have any tangible economic consequences. This segment publicly directly and openly questioned the authenticity of thousands of the works' of a famous Canadian artist which again obviously has economic consequences.

3) It is clear with respect to what was directly stated (and spoken) by "the Stardreamer" on Canada Am and the subject matter that if true, would have a serious negative effect on the value of any painting by Norval Morrisseau owned by both the plaintiff and anybody else who owned one. The defendants' recklessly allowed and gave "the stardreamer" a forum for doing so and has/will affect the marketplace and obviously value of the artwork of Norval Morrisseau that is owned by anyone. The defendant has clearly called in question and slandered the title of my painting and any painting owned by anyone done by Norval Morrisseau. The plaintiff relies on Sec 17 of the Libel and Slander Act of Ontario

Slander of title etc.

17. In any action for slander of title, slander of goods or other malicious, it is not necessary to allege or prove special damage

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or

(b) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by the plaintiff at the time of publication,

and the plaintiff may recover damages without the averment or proof of special damage. R.S.O. 1990,c.L.12,s.17.

4) Canada Am should have been more careful since the fact that BCE Bell Media was already successfully sued in *Moniz vs. CTV Globemedia CV -07 -1776SR*. The case was settled out of court in Mr. Moniz's favour in March 2012. (Well known media and defamation lawyer Mr. Peter Jacobsen represented CTV Globe Media and lost this case).

5) In the above noted action the late reporter Val Ross publically identified in a *Globe & Mail* article as "fake" several Norval Morrisseau paintings being sold on eBay by Mr. Moniz at the time the article was written. Mr. Moniz sold a painting. After being labelled as a "fake" in the *Globe and Mail* article which Mr. Moniz's client saw, she (the purchaser) wanted her money back based on what was stated in the article. Mr Moniz refunded her and they sued for the lost sale. He was paid out for the loss of sale and the case was closed. Knowing this Canada Am still has allowed "the stardreamer" to go on National TV and claim thousands of "fakes" by the artist.

6) The only guest "the stardreamer" has stated in fact, in open court testimony that fakes of Norval Morrisseau's are hanging in

1) The Senate of Canada

2) The National Gallery of Canada

3) The Winnipeg Art Gallery

4) Nova Scotia Art Gallery

and National galleries all around the world and even the Smithsonian Institution in Washington which is one of the most respected internationally known cultural institutions in the world. In court "the star dreamer" claimed he knew more about art than the Smithsonian and all they (The Smithsonian) had to do was to call him and he would have told they had "fakes". This again was all in court testimony given by the "The stardreamer" prior to his appearance and should have been known to the defendant. (To note I guess only "the star dreamer" and the defendant believes this since "the stardreamers" testimony has been rejected by every judge) including an appeals court judge.

7) It is clear that the tort of negligent investigation applies here. While established in *Beckstead vs. City of Ottawa* [1998] 37 O.R. 3rd 62 ONT C.A and further reinforced by the Supreme Court in *Hill Vs Hamilton -Wentworth* [ 2007] 3. S.C.R 129 2007 SCC 41. The Supreme Court of Canada has clearly established the basic principles that while these cases dealt with the accused rights to a duty of care and a reasonable investigation by the Police, this duty is clearly extended to all third (3) parties. (It is interesting that the *Jane Doe vs. Metropolitan Toronto Police department* even extended this to the general public). It is clear that the defendant in this case did no investigation, review or cursory background check on "the stardreamer" and his ridiculous claims. The defendant clearly has/had a duty of care should not allow anybody to go on National TV and defame the works' of a famous artist and claim "thousands" of fakes in the marketplace without a reasonable basis for doing so.

8) As per Exhibit # 1 please find a letter written to the Prime Minister of Canada, the Attorney General etc. It's content is quite hilarious and ridiculous. The ideal that a major TV station and media outlet gave this person a forum to spend these harmful falsehoods into the marketplace is again, shameful and clearly negligent. Moreover, this letter was even posted on "the stardreamers" web site [www.morrisseau.com](http://www.morrisseau.com) with the full knowledge of the defendant. I am waiting for the defendant to allow holocaust deniers, 9/11 truthers etc on Canada AM soon. In this letter to the PM, Attorney General et al Mr. Sinclair clearly states

"Counterfeits are so pervasive, however, that one example, *Circle of Four*, today hangs in the Senate of Canada. Others have found their way into museums and art markets around the world"

"Municipal, provincial and federal authorities were also made aware of the issue, yet these criminal acts, in parts sustained by organized crime, continue unchallenged"



9) I mean really. What normal person writes a letter to the above claims such things with no evidence? Can the defendant point to one case where anybody has proven a "fake" painting by the artist? Not one? Well if there are "thousands" of "fakes" out there why hasn't anybody proven this is even one (1) case? Any reasonable ,responsible person reading this letter would not allow "the stardreamer" on TV to disseminate these falsehoods into the marketplace without performing an investigation of some substance.

10)This letter has not only been i.p. verified but also admitted as such by "the stardreamer" in court. However, again it should be noted every judge has rejected this evidence and again all prior to his appearance on Canada AM. This was again, on "the stardreamers' " own web site and clearly visible to anyone at the defendants' employ to discover. It is clear that "the stardreamer" was not vetted in any shape, way or form. How anybody, could book a guest like Mr. Sinclair after even viewing his web site and contents of this letter is clearly negligent. Again, even a basic rudimentary background check on "the star dreamer" would reveal this.

11) As per Exhibit #2 which is an on line rant of "the stardreamer " which again has been ip verified, admitted in court on "the stardreamers' web site" prior to his appearance on the show. In it "the stardreamer" claims that the RCMP, Assembly of First Nations, The Toronto Police, The Government of Canada, CBC all know/knew about this international crime syndicate (including the Hell's Angels) were/are producing these "fakes" and while knowing this did nothing about it. As "the star dreamer " so eloquently and empathetically states

" I will be shouting from the rooftops. "You let us down Canada. You knew, and you let this madness. You failed us already."

I it obvious that a reasonable person would not suggest that there is a worldwide/nationwide conspiracy to supposedly repress or ignore these facts. Anybody at the defendants ' place of employment would/should not have booked "the stardreamer" as an independent expert on the works' of Norval Morrisseau given these visible public statements via the Internet.

12) In reference to what is reasonable and the duty of care the defendant had to any third party, I refer to Arland v Taylor, [1955] 3 D.L.R Ontario CA, a reasonable man is

**" He is a person of normal intelligence who makes prudence a guide to his conduct. He does nothing a prudent man would not do and does omit to do anything a prudent man would do. He acts in accord with general and approved practice. His conduct is guided by considerations which ordinarily regulate the conduct of human affairs. His conduct is the standard adopted in the community by persons of ordinary intelligence and prudence".**

Moreover, in Prud'homme v Prud'homme, [2002] 4 S.C.R 663 at paragraph 36

**" A reasonable person will generally refrain from giving out unfavourable information about other people if he or she has reason to doubt the truth"**

Again, it is clear that the defendant is negligent with respect to the reasonableness of the person and subject matter that was going to be the subject of the segment on Canada AM

13) The plaintiff will also be asking for a Summons to investigate the demographics of the audience in order to determine his damages. I will be requesting a breakdown by Province in every media market, by age group, income etc. Since the dissemination of these blatant lies and falsehoods were communicated via TV, and Internet Etc nationwide the plaintiff will be seeking the number of downloads in tablet, handset, streaming video platforms from the defendant. If this information is not voluntarily handed over the plaintiff will apply for an Anton pillar motion to receive this information.

14) The defendant disseminated and allowed falsehoods with respect to the works' of Norval Morrisseau by their guest the "the stardreamer" and directed viewers to his web site where he further claims thousands of fake or fraudulent painting by Norval Morrisseau. In Hird vs Wood (1894), this case held that evidence pointed that a person sat by a defamatory placard, and pointed to it whenever others passed was sufficient to constitute defamatory publication of material on the placard. The sensational nature of the Canada AM segment would also draw the viewers interest to the guest "the stardreamer " and his web site [www.morrisseau.com](http://www.morrisseau.com) which holds the defamatory material.

15) This one case will be the basis of a class action lawsuit with the class comprising everyone who owns a painting by Norval Morriseau. Since the statement of fact was this all these works are fraudulent, let the defendant prove fraud in each and every case. Thus, since fraud has been alleged by the defendant the reverse onus to proof such lies with the defendant. The guest "the stardreamer" stated that the distinguishing feature of what constituted a "fake" Morriseau was that they ("the fakes" ) are signed on the back in acrylic dry ink". Thus, the class of litigants will/would include anybody who has a Norval Morriseau signed on the back. Since , this is how the artist in real life signed his artwork the potential class is everyone who owns one. Since, no court has ever proven a "fake" Morriseau and the recent ruling and re-affirmed in appeals court that a painting with these feature "Acrylic Dry Ink" was authentic the defendant failed on two (2) fronts. The defendant could have easily researched the case via the public records and found that the presiding judge in Hatfield vs. Child completely rejected this notion that Norval Morriseau didn't sign his paintings' on the back. Furthermore, the presiding judge and appeals court judge(s) completely rejected "the stardreamers" testimony and claims.

16) The only quest on the segment was "the stardreamer" who was introduced as a protégé of Norval Morriseau by the host Mr. Jeff Hutcherson. The common sense inference to the suggestion/introduction of the host that "the stardreamer" was his protégé and friend viewer is/was the fact that "the star dreamer" is/was an expert on the works' of art by Norval Morriseau. In fact, nobody had ever heard of "the stardreamer" before Mr. Morriseau died in 2007. In Hatfield vs Child (SC 09-87264), Mr. Morriseaus' own brother (Wolf Morriseau) stated that the only connection between "the stardreamer" and Norval Morriseau was that "the stardreamer" was working as a male prostitute on the streets of Toronto and Norval used his services. That's it. Wolf would pick "the stardreamer" up off the street and take him to Norval when Norval was living in Buckhorn, Ontario (near Peterborough). (This was be akin to me claiming that the current Royal family of England are imposters and have usurped my family's' position as the real heirs to the throne and putting this on a segment of Canada AM ).

17) The lies and false statements made directly on Canada AM were in the public sphere for a long time before finally being removed by the defendant. As in Barrick Vs Lopenhandia 2004 where a single blogger person posted such lies about Barrick Gold that government entities and even the SEC in the United States approached Barrick about what was merely posted and distributed on the Internet-all of course lies. In this case Mr. Lopenhandia accused Barrick of heinous crimes including genocide, and all types of corrupt illegal business practices. I will simply point out from the judge's decision as per selected paragraphs of the ruling

"Communications from the Internet is instantaneous, seamless, Inter-active, blunt, borderless and far reaching. It is also impersonal, and the anonymous nature of such communications may itself create a greater risk that the defamatory remarks are believed."

"The extraordinary capacity of the Internet to replicate almost endlessly any defamatory messages lends credence to the notion that' the truth rarely catches up with a lie"

"Internet defamation is distinguished from its less pervasive cousins, in terms of its potential to damage the reputation of individuals and corporations, by the features described above, especially the interactive nature, its potential for being taken at face value, and its absolute and immediate worldwide ubiquity and accessibility".

In this case, not only did the defendant incorrectly and misleadingly highlight the credentials of Mr. Sinclair as an expert, they directed people to his defamatory web site and even broadcast and re-broadcast this segment on their own internet platforms which is available 7/24 and around the world. Since the defendant is a major National/International media company with the electronic resources' to replay and disseminate the false contents of this program the plaintiff will be asking for all the Internet metrics which can determine the numbers of times the segment was viewed on the defendants' various Internet/Communications platform. If this is not voluntarily given up by the defendant at the settlement conference the plaintiff will seek an anton pillar order for this case and the class action suit.

18) It is clear that this defendant would never ever allow anyone to suggest that there are "fakes" in the marketplace for other non-aboriginal established artist. The segment on CTV clearly reflects "old boy club" view of these people which are/is clearly and patently racist.

19)The plaintiff further relies on the tort of interference with economic relations which requires four (4) elements

1. an intention to injure the plaintiff
2. through interference with the plaintiff's economic interests;
3. made by unlawful means; and
4. resulting economic loss

The above action would be akin to having a guest on Canada Am suggest that there was/is a current problem with ecoli in beef or hamburger products sold to the public and suggesting the beef Industry (i.e. beef producers, stores etc) knew/know of this and still sold/sell these deficient products to the public -all again without any evidence. The public dissemination of such a false storey would be obviously harm the marketplace (and sales) of beef at least in the short term. With respect to the particulars' of the art market and Industry this type of misrepresentation is simply the kiss of death for them work of any artist . There can be no other inference or conclusion that the defendant should/could have come to before putting on a person to propagate such falsehoods. Given the incendiary nature of the program and its' claims the plaintiff cannot see what other affect the subject matter of the program would have. Given its' sensational nature and sensitive topic in the art world the defendant clearly should have been more diligent and careful and failed in this duty of care to the audience of viewers.

20) In fact, the recent testimony/subject matter of Mr. Sinclair which was referred to in the segment was completely rejected by a judge in and this was all prior to his appearance on Canada AM. Again this should have been known by the defendant or whomever booked him on the show which would still be the responsibility /liability of the defendant.

21) The segment on Canada Am which is the subject of this suit has been removed from the defendants own web site. However, this segment on Canada AM it is still being broadcast by the "stardreamer" on his web site and YouTube and Wikipedia. Both You Tube and Wikipedia has vast numbers of followers and the defendant has done nothing to take down/remove the this defamatory material from their program in those web sites/organizations'.

22) The defendant has allowed other people who complained about the original broadcast by "the stardreamer" time on Canada AM to rebut "the stardreamers" segment. This plaintiff demands the same treatment.

23) The plaintiff previously has not asked for any monies and had originally asked for nothing more than an apology to the Morrissesu family and the Mr. Joe McLeod who was also defamed in this segment. Plaintiff was reasonable then and now will not be.

24) The defamatory meaning of the words and charaterization of the so called proliferation of "fake" Norval Morrissesu paintings as stated by "the stardreamer" on National TV where he claimed a ring of forgers' and "fakes" in the marketplace are in their plain everyday common meaning and usage and understanding of those terms clearly defamatory and has/would directly cause anyone who holds/owns a Morrissesu painting a direct economic loss.

25) Moreover, by directing attention to the subject and causing the public to be aware of this the defendant's have promoted the notion of such false allegation in the marketplace. They did this by highlighting "the star dreamers" so called credentials and directing the audience to the stardreamers web site which again lists over 1,000 works of arts as so called fakes and were he stated on the program that he has seen images of over 2,000 fakes. On "the stardreamers" web site over 1,000 painting by Norval Morrissesu are clearly labelled as "inferior counterfeit" fake, false, falsified, forged, forgery, fraudulent, crock, deceptive" etc and with the previously disclosed letter to the Prime Minister Of Canada and rant against the RCMP, CBC etc. .

26) Again, the endorsement and promotion of "the stardreamer" has/will injure anyone who owns a painting by Norval Morrisseau. The segment on Canada AM was false, misleading and constituted malice. The defendant's simply had a careless disregard for the truth.

27)"The Stardreamer" referred to an ongoing investigation by the RCMP as proof of his claims. Yet, at the time of the program the results of the investigation were known and the claims of a ring of people producing counterfeit Norval Morrisseau paintings was completely dismissed in the report since no such evidence of fraud existed and the case was closed. This was before the program and clearly should have been known by the defendant as per Exhibit #3.

28) I present this painting (as per Exhibit # 4) that was worth approx \$25,000 and now is unsalable. Unless and until the defendant completely disavows this guest and his comment publicly the damages to the marketplace will not be reversed. It is the credibility of the defendant that enhances in the public's mind the credentials of "the stardreamer". The public respects the defendant and assumes that the defendant would not put on anybody without checking them out first. The title of this painting (and thus authenticity ) has been slandered and put into question by the defendant through the irresponsible, false, and outrageous claims on air and through "the stardreamers" web site. This painting has been/is signed on the back by the artist and such painting(s) with such signatures have specifically called "fake" on air due to this particular feature (i.e. The painting is signed on the back in black acrylic ink). It is clear that if the general public were to come to believe this through this segment that the authenticity and thus value of any such painting would be worthless. The value of \$25,000 is in line with the values placed on the plaintiffs' donated works of art by Norval Morrisseau which were also signed in the same fashion on the back and fully vetted by the Cultural Property Review Board and given similar valuation by the Board and further granted/approved by Revenue Canada.

29) The statements by "the stardreamer" on the segment and on his web site are untrue and defamatory. This guest "the stardreamer" has posted hundreds of bald, unsubstantiated allegations about the works' of Norval Morrisseau and was aided and promoted by the defendant. The segment on Canada Am was broadcast and available 24/7 all around the world in every on line platform owned/communicated and distributed by the defendant.

30) The web site owned by "the stardreamer" and promoted as an expert and protégé by the defendant is clearly and manifestly defamatory. The defendant by publishing and broadcasting and then re-broadcasting the defamatory nature of this web site has damaged the painting owned by the plaintiff. A prima facie action for defamation lies were

- 1) the defendant has published a statement
- 2) The statement references the Plaintiff
- 3) The statement was received by one or more third parties
- 4) the statement is untrue; and
- 5) the statement would tend to injure the reputation of the Plaintiff

31) The web site which is owned by "the stardreamer" refers to the plaintiff and states that the plaintiff and his family has/have engaged in "tax fraud". All of this brought to the attention of the public by the defendant through their identification of "the stardreamer" as a protégé and expert on the works' of Norval Morrisseau. The simple fact is that nobody ever heard of "the stardreamer" before "the stardreamer" set up a web site identifying as "fakes" over 1,000 paintings as "fakes" after the artist Norval Morrisseau died."The stardreamer" in court has even admitted that he has misidentified Norval works' of calling the same painting both "fake" and the "real" . Moreover, in "the stardreamer" has even attributed and called as authentic works' of art he claims done by Norval Morrisseau when in fact the artwork was done by another artist.



32) The plaintiff (and his family) did donate works' of art through the Cultural Property Review Board (CPRB) which was completely vetted by the sponsoring museum ("The Thunder Bay Art Gallery) and completely vetted again by the staff and full member Board of the Canadian Cultural Property Review Board. It is the plaintiff's position that these false information was highlighted and brought to the attention and aware to the public through this broadcast. Given the sensational nature and content matter one can only assume people checked out" the star dreamer" on the Internet once they heard/became aware of these outlandish claims. In short, the sensational nature of the storey drew attention to it and I submit the defendant had a duty of care to be more responsible and verify "the stardreamer" story before allowing it on the air.

33) It is the position of the plaintiff that he (and others) will face irreparable harm if the defendant who gave "the star dreamer" this platform does not proceed with a takedown notice under the US Digital Millennium Copyright Act and/or correct the misstatement(s)made by "the star dreamer" through and on this segment on Canada AM.

34) Since the airing of this show the market for the works' of Norval Morrisseau has all but dried up. My witnesses will include art dealers, auctioneers etc who will testify as to the economic damages caused to them and their businesses by this false story. Even "Class A" Museums who have authority to receive Canadian works' of art and have the ability to submit application(s) to the Canadian Cultural Property Review Board in order to give the applicant/owner of the work preferential tax treatment have been reticent to accept donations for these purposes further depressing the market and adding to the confusion in the marketplace. (In essence you can't even give them again now-they have in effect no value).

35) Even the content of the program and what "the stardreamer" claimed on Canada AM is false and deliberately misleading. All of these basic facts were public knowledge and should have been know by the defendant. " The stardreamers" contention that the tell tale sign of a "fake" Norval Morrisseau painting is that is it signed on the back in black brush paint was contradicted by the actual court ruling in which "the Stardreamers" testimony was dismissed.

36) In the ruling the judge stated

"The court finds that there is overwhelming evidence that Norval Morrisseau signed paintings in black dry ink"

This was even upheld on appeal. Thus, anyone who owns a painting by Norval signed on the back in "black dry ink " paintings who be suspect due to this false presentation and communication into the marketplace. This fact, could have easily been challenged by the defendant had they did any due diligence and researched "the stardreamers" claim before putting him on the air or conversely challenging "the stardreamer " while on the air with the facts. I present these two judgements as per Exhibit # 5 and Exhibit #6 .

37) This guest "the star dreamer" even claimed as "fakes" paintings' by Norval Morrisseau in a exhibit put on by Sherry Bryden who owns the Elmwood spa. It is interesting to note that Ms. Bryden who is a niece of the Ken Thomson (The 2nd Baron Thomson of Fleet ) who family stills owns a ownership interest in CTV Globemedia through the Woodbridge Corporation of which she has a 23% interest in. Again, all of which was prior to his appearance on Canada AM). In fact, I present to you as per Exhibit # 7 which is a press release by Elwood spa and Exhibit # 8 which is the identification of the artwork by Norval Morrisseau indented as "fakes" by "the stardreamer" in the RCMP report.

38) Again, as per Exhibit # 7 and Exhibit # 8 these paintings were labelled as "fake", "fraudulent", " unauthentic " etc. They are also signed on the back by the artist because I know the source of these paintings and personally viewed them before they were sold to Westerkirk Art Company which is owned by Sherry Bryden. Sherry Bryden is the richest woman in Canada with a net worth of over \$6 Billion to suggest that she (or her people) won't/didn't due their due diligence before buying such painting and putting them on display is laughable.