

Superior Court of Justice  
Cour supérieure de justice



Defendant's Claim  
Demande du défendeur

Form / Formule 10A Ont. Reg. No. / Règl. de l'Ont. : 258/98

Toronto  
Small Claims Court / Cour des petites créances de

SC-09-00082782-0000  
Claim No. / N° de la demande

47 Sheppard Ave E. 3 fl, Toronto ON  
Address / Adresse

416-326-3554  
Phone number / Numéro de téléphone

Plaintiff No. 1 / Demandeur n° 1

- ☐ Under 18 years of age.  
Moins de 18 ans.
- ☐ Additional plaintiff(s) listed on attached Form 1A.  
Le ou les demandeurs additionnels sont mentionnés sur la formule 1A ci-jointe.

Sinclair

Last name of individual or name of company, etc. / Nom de famille du particulier ou nom de la compagnie, etc.

Ritchie

Stardreamer

First given name / Premier prénom Second given name / Deuxième prénom Also known as / Également connu(e) sous le nom de  
30 Hillsboro Avenue Apt. # 1604, Toronto ON

Address for service (street & number, unit, municipality, province) / Adresse aux fins de signification (numéro et rue, unité, municipalité, province)  
M5R 1S7 (416)968-2838

Postal code / Code postal Phone no. / N° de téléphone Fax no. / N° de télécopieur

Representative / Représentant(e) LSUC # (if applicable) / N° du BHC (le cas échéant)

Address for service (street & number, unit, municipality, province) / Adresse aux fins de signification (numéro et rue, unité, municipalité, province)

Postal code / Code postal Phone no. / N° de téléphone Fax no. / N° de télécopieur

Defendant No. 1 / Défendeur n° 1

- ☐ Under 18 years of age.  
Moins de 18 ans.
- ☐ Additional defendant(s) listed on attached Form 1A.  
Le ou les défendeurs additionnels sont mentionnés sur la formule 1A ci-jointe.

Otavnik

Last name of individual or name of company, etc. / Nom de famille du particulier ou nom de la compagnie, etc.

Joseph

~~Stardreamer~~

First given name / Premier prénom Second given name / Deuxième prénom Also known as / Également connu(e) sous le nom de  
299 Dover Court, Oshawa Ontario

Address for service (street & number, unit, municipality, province) / Adresse aux fins de signification (numéro et rue, unité, municipalité, province)  
L1G 6G7 (905)729-2133

Postal code / Code postal Phone no. / N° de téléphone Fax no. / N° de télécopieur

Representative / Représentant(e) LSUC # (if applicable) / N° du BHC (le cas échéant)

Address for service (street & number, unit, municipality, province) / Adresse aux fins de signification (numéro et rue, unité, municipalité, province)

Postal code / Code postal Phone no. / N° de téléphone Fax no. / N° de télécopieur

Within seven (7) calendar days of changing your address for service, notify the court and all other parties in writing.  
Dans les sept (7) jours civils qui suivent tout changement de votre adresse aux fins de signification, veuillez en aviser par écrit le tribunal et les autres parties.

**CAUTION TO THE DEFENDANT(S):** If you do not FILE A DEFENCE (FORM 9A) with the court WITHIN TWENTY (20) CALENDAR DAYS after you have been served with this Defendant's Claim, JUDGMENT MAY BE OBTAINED WITHOUT NOTICE AND ENFORCED AGAINST YOU.

**AVERTISSEMENT AU(X):** Si vous ne DÉPOSEZ PAS DE DÉFENSE (FORMULE 9A) auprès du tribunal AU PLUS TARD VINGT (20) JOURS CIVILS après avoir reçu signification de la présente demande du défendeur,

DEFENDANT'S CLAIM / DEMANDE DU DÉFENDEUR



The plaintiff(s) by Defendant's Claim claim(s) from you \$  
 Le ou les demandeurs dans la demande du défendeur vous demandent paiement de

**25,000**  
10,000.00  
 (Principal amount /  
 Montant en principal)

, court costs, interest in  
 \$, ainsi que des dépens et des  
 intérêts

accordance with the Courts of Justice Act or payable by agreement at a rate of \_\_\_\_\_ % per year,  
 conformément à la Loi sur les tribunaux judiciaires ou exigibles par accord au taux de \_\_\_\_\_ pour cent par an,

being pre-judgment interest of \$ \_\_\_\_\_ to the date this claim was prepared, and  
 soit des intérêts antérieurs au (Amount / Montant) \$ jusqu'à la date de préparation de la présente demande  
 jugement de

post-judgment interest.  
 et des intérêts postérieurs au jugement.

To obtain forms and self-help materials to assist you in filing a Defence (Form 9A), attend the nearest Small Claims Court or access the following website: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca).  
 Vous pouvez obtenir les formules et la documentation à l'usage du client qui pourront vous aider à déposer une défense (formule 9A) auprès de la Cour des petites créances de votre localité ou en consultant le site Web suivant : [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca).

#### TYPE OF CLAIM / NATURE DE LA DEMANDE

(Check as many as apply / Cochez la ou les cases qui s'appliquent.)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Construction/Renovation<br>Construction/rénovation                    | <input type="checkbox"/> Motor Vehicle Accident<br>Accident de véhicule automobile | <input type="checkbox"/> Real Estate<br>Bien immeuble                       |
| <input type="checkbox"/> Contract<br>Contrat   | <input type="checkbox"/> Negligence<br>Négligence                                  | <input type="checkbox"/> Sale of Goods<br>Vente d'objets                    |
| <input type="checkbox"/> Damage to Property<br>Dommages causés à des biens                     | <input type="checkbox"/> N.S.F. Cheque<br>Chèque sans provision                    | <input type="checkbox"/> Services Rendered<br>Services rendus               |
| <input type="checkbox"/> Estates/Wills<br>Successions/testaments                               | <input type="checkbox"/> Professional Malpractice<br>Négligence professionnelle    | <input type="checkbox"/> Unpaid Account/Invoice<br>Compte/facture impayé(e) |
| <input type="checkbox"/> Landlord/Tenant<br>Locateur/locataire                                 | <input type="checkbox"/> Promissory Note<br>Billet                                 | <input type="checkbox"/> Wrongful Dismissal<br>Congédiement injustifié      |
| <input checked="" type="checkbox"/> Other / Autre Defamation, Harassment, Vexatious Litigation |  |   |

DEFENDANT'S CLAIM / DEMANDE DU DÉFENDEUR

## REASONS FOR CLAIM AND DETAILS / MOTIFS DE LA DEMANDE ET PRÉCISIONS

In separately numbered paragraphs, give a full explanation of what happened, including the date(s) and place(s) involved. Calculate and explain the amount of money which you are claiming.

*Indiquez en détail sous forme de paragraphes numérotés ce qui est arrivé, y compris la ou les dates et le ou les lieux en cause. Calculez et précisez la somme d'argent que vous demandez, en l'expliquant.*

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

*Si vous vous appuyez sur des documents ou d'autres pièces, vous **DEVEZ** en annexer des copies à la demande. Si une preuve est perdue ou n'est pas disponible, vous **DEVEZ** expliquer pourquoi elle n'est pas annexée.*

Please see attached Schedule 'A' to the Defendants Claim

(If more space is required, attach and number separate sheet(s). / Si vous avez besoin de plus d'espace, annexe et numérotez une ou des feuilles supplémentaires.)

Prepared on: June 10th, 20 09

Fait le :

(Signature of plaintiff by Defendant's Claim or representative / Signature du demandeur/de la demanderesse ou du/de la représentant(e))

Issued on: JUN 10 2009, 20

Délivré le :

(Signature of clerk / Signature du greffier)



## **SCHEDULE 'A'**

### **To the Amended Defendant's Claim**

1. The Defendant, Ritchie Sinclair (the "Defendant" or "Mr. Sinclair") claims damages against the Plaintiff, Joe Otavnik (the "Plaintiff" or "Mr. Otavnik") for harassment and defamation.
2. The Defendant claims that Mr. Otavnik specifically targeted Mr. Sinclair for vexatious litigation, defamation and malicious harassment.

### **The Parties**

3. Norval Morrisseau, Grand Shaman of the Anishnaabe and Canada's most famous First Nation's artist, chose the Defendant to be his artistic apprentice in 1979. Morrisseau passed away on December 4th 2007.
4. As his protégé, the Defendant was trained and tutored by him in art, and is recognized by Morrisseau's principal art dealers as his protégé, as an expert in identifying authentic Morrisseau artwork, and as a teacher, leader and proponent of Morrisseau's Thunderbird School of Shamanistic arts.
5. The Plaintiff, Joe Otavnik lives at his parent's home in Oshawa, Ontario and sells purported Morrisseau art for a living.

### **Overview**

6. The Defendant asserts that since at least February 2004, Mr. Otavnik has conspired to sell forged Morrisseau art to Canadians and to use charitable venues to donate forgeries, profiting significantly from tax receipts.
7. Having revealed the truth about the prevalence of forgeries, Mr. Sinclair has since been repeatedly threatened and harassed, been the subject of inflammatory slander and libel orchestrated by Mr. Otavnik and been the subject of vexatious litigation intended by Mr. Otavnik to harass and intimidate Mr. Sinclair

### **The Plaintiff's Coercive Harassment**

8. The Defendant claims that Plaintiff, Joe Otavnik, has been on a malicious harassment and vexatious litigation campaign since at least October 2008 that specifically targets the Defendant.

9. The Plaintiff seeks to harass, cause expense, disturb and disrupt the lives and livelihoods of Mr. Sinclair, his friends and his professional colleagues primarily through the issuance of vexatious lawsuits.
10. On multiple occasions the Plaintiff has illegally breached the security of the Defendant's apartment building to aggressively pound on the Defendant's apartment door.
11. At all times of the day and night Mr. Sinclair has received numerous threat-/laced phone calls, calls that are rife with Mr. Otavnik's perverse observations, abusive ranting and irrational demands.
12. Mr. Otavnik has threatened to sue and is suing Mr. Sinclair's close personal and business associates.
13. Mr. Otavnik's vexatious litigation campaign against Mr. Sinclair includes a lawsuit brought against Mr. Sinclair's friend Garth Cole, Mr. Sinclair's lawyer Zak Muscovitch and his lawyer's wife Cathy Muscovitch.
14. Mr. Otavnik has also sued Mr. Sinclair together with Morrisseau's principal art dealer, the Kinsmen Robinson Gallery ('KRG'), in this small claims action.
15. In fact, the Plaintiff has threatened to sue anyone directly connected to Norval Morrisseau who speaks publically about the issue of forged Morrisseau art, including members of the Norval Morrisseau Heritage Society ('NMHS', a group of art experts formed by Morrisseau to stop the proliferation of fakes), other art collectors, galleries, experts, Canadian media sources and even Morrisseau himself, who Mr. Otavnik actually sued.
16. On August 27, 2008 Mr. Otavnik sent associate Jim White a letter regarding a strategy meeting to be held with others involved in the distribution and sale of forged Norval Morrisseau artwork, attached herein as Exhibit 'A' to Schedule 'A'.
17. Mr. Otavnik's letter details his plan to target those close to Morrisseau for harassment. The Defendant Claims that Mr. Otavnik has acted on his strategy by unlawfully targetting, in particular, the Defendant.

#### **The Plaintiff's Defamation of Mr. Sinclair**

18. Since October 2008 the Plaintiff has published numerous threatening and defamatory statements against the Defendant on a website located at



norvalmorrisseau.blogspot.com which he co-owns and operates with Mr. Ugo Matulic, another distributor of forged Morrisseau artwork.

19. Defamatory comments made by the Plaintiff include the following:

*"The Metro Police Department in Toronto are looking for this guy folks. I know that several lawsuits are being launched against this idiot as we speak."*

And

*"Come on man are you that stupid Ritchie Sin-clair?"*

And

*"... 'Too late Sin-clair...you have already committed the crime and it will be used against you in a court of law.'"*

And

*"... He has just recently added this because now he knows that many of the galleries are filing lawsuits against this con-man."*

And under the signature, "the habs1", Mr. Otavnik published the Defendant's telephone number and home address after the following statement;

*"I shut down www.honouringnorvalmorrisseau.blogspot.com. I am now offering a reward for the whereabouts of Ritchie Sinclair. I already have his last known address at..."*

And

*"How stupid can you be Ritchie? I think its time that these guys like Ritchie and his associates get what's coming. He is already being looked for and won't take long to find. We have already hired an individual to hunt him down."*

And

*"I just came back from Ritchie Sin-clair's website and I must say this man is a little crazy."*

20. As is evident from the aforementioned libelous statements published by Mr. Otavnik, he has maliciously threatened the Defendant, attacked his character, and damaged his reputation before the Art community and the general public.
21. Furthermore, Mr. Otavnik has slandered the Defendant to any who would listen, as is evident from the following excerpt from a Jan. 22, 2009 Ottawa Citizen article entitled, 'Collectors sue gallery over disputed painting';

*"Mr. Otavnik's conversation with the Citizen was peppered with insults directed at many prominent players in the Morrisseau drama. Some of his harshest criticism was directed at the Brownes. He is also no fan of Mr. Sinclair and has launched a suit in Small Claims Court in Whitby seeking damages that he says Mr. Sinclair's website and Kinsman Robinson Gallery in Toronto have done to his business.*

*Mr. Otavnik is not part of the much larger defamation suit by the five art dealers against Mr. Sinclair, who claims to have worked with Mr. Morrisseau for several years before the artist's death Dec. 4, 2007. However, all five art dealers, in affidavits filed in court, say Mr. Otavnik was the person who first notified them of Mr. Sinclair's website."*

### **Summarization and Damages**

22. Plaintiff, Joe Otavnik's litigation, harassment and defamation campaign against the Defendant has damaged Mr. Sinclair's professional reputation, perhaps irreparably.
23. The Plaintiff's malicious campaign has detrimentally affected Mr. Sinclair's personal life by causing unwarranted expense and disruption to the lives and livelihoods of Mr. Sinclair's personal and business associates, simply for being associated with him.
24. The Plaintiff's libel, his slanderous activities, his agitated tirades directed at the Defendant during Court appearances on March 31, 2009 in Whitby and May 12, 2009 in Toronto, and his perverse letters sent to intimidate Mr. Sinclair, have caused the Defendant concern for his own, his family's, and his personal and business associates' well being and even physical safety.
25. At the May 12, 2009 pre-trial conference for this action, Mr. Otavnik verbally abused Judge Skolnik so excessively that the Judge felt the need to summon a police officer for personal protection.
26. Judge Skolnik demanded and received apologies from Mr. Otavnik for his abusive conduct before proceeding further.
27. The Defendant is regularly subject to far more excessive abuse by Mr. Otavnik, and he is extremely concerned that Mr. Otavnik is dangerously out of control and a threat to the Defendant, the Defendant's family, and the Defendant's personal and business associates.

28. The Defendant claims that the numerous lawsuits filed by Mr. Otavnik are frivolous, vexatious, inflammatory, a waste of time, and clearly an abuse of the court's process.
29. The defendant asserts that Mr. Otavnik should be barred from further legal action and the cases he has filed should be dismissed, or alternatively stayed, until the RCMP have completed their investigations.
30. The Defendant, Ritchie Sinclair, claims against the Plaintiff, Mr. Otavnik, damages in the amount of \$25,000 for defamation and harassment.