

**Superior Court of Justice
Cour supérieure de justice**

**Affidavit
Affidavit**

Form / Formule 15B Ont. Reg. No. / Règl. de l'Ont. : 258/98

AFFIDAVIT / AFFIDAVIT

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

Phone number / Numéro de téléphone

Plaintiff No. 1 / Demandeur n° 1

☐ Additional plaintiff(s) listed on attached Form 1A.
Le ou les demandeurs 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

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)

L1G6G7

(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

Defendant No. 1 / Défendeur n° 1

☐ Additional defendant(s) listed on attached Form 1A.
Le ou les défendeurs additionnels sont mentionnés
sur la formule 1A ci-jointe.

Ritchie

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

Sinclair

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

**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.**

My name is Ritchie Sinclair

Je m'appelle _____

(Full name / Nom et prénoms)

I live in Toronto, Ontario

J'habite à _____

(Municipality & province / Municipalité et province)

1. I make this affidavit in support of:

Je fais le présent affidavit à l'appui de :

☐ Notice of Motion (Form 15A)
l'avis de motion (formule 15A)☒ Other: Responding Affidavit
autre : _____

and I swear/affirm that the following is true:

et je déclare sous serment/j'affirme solennellement que les renseignements suivants sont véridiques :

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

Indiquez les faits, sous forme de dispositions numérotées consécutivement, chacune étant, dans la mesure du possible, une phrase complète limitée à l'exposé d'un seul fait. Si vous avez pris connaissance d'un fait par l'entremise d'une autre personne, vous devez indiquer le nom de cette personne et déclarer que vous croyez que ce fait est véridique.

Please see Attached Responding Affidavit of Ritchie Sinclair

Put a line through any blank space left on this page. / Tracez une ligne en travers de tout espace laissé en blanc sur la présente page.

If more space is required, attach and initial separate sheets. / Si vous avez besoin de plus d'espace, annexe et paraphez une ou des feuilles supplémentaires.

Sworn/Affirmed before me at Toronto

Déclaré sous serment/Affirmé (Municipality / municipalité)
solennellement devant moi à

in Ontario

à/en/au (Province, state or country / province, État ou pays)

on December 14, 20 09
le

Commissioner for taking affidavits
Commissaire aux affidavits
(Type or print name below if signature is illegible.)
(Dactylographiez le nom ou écrivez-le en
caractères d'imprimerie ci-dessous si la
signature est illisible.)



Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary public
or commissioner for taking affidavits.)
(La présente formule doit être signée en
présence d'un avocat, d'un juge de paix,
d'un notaire ou d'un commissaire aux
affidavits.)

WARNING:

**IT IS AN OFFENCE UNDER THE CRIMINAL CODE TO KNOWINGLY SWEAR OR
AFFIRM A FALSE AFFIDAVIT.**

**AVERTISSEMENT : FAIRE SCIEMMENT UN FAUX AFFIDAVIT CONSTITUE UNE INFRACTION AU CODE
CRIMINEL.**

Responding Affidavit of Ritchie Sinclair

To the Plaintiff's Motion of December 17th 2009

Background as it pertains to this Motion

1. I am Norval Morrisseau's artistic protégé. The late Norval Morrisseau, who passed away on **December 4th 2007**, is one of Canada's most famous fine artists. The proliferation of Norval Morrisseau forgeries is a significant crime that the R.C.M.P. has given credence to and committed many resources to resolving.
2. Since at least **August 27th 2008** Plaintiff, Joseph Otavnik ("Otavnik" or "the Plaintiff") has carried out a premeditated harassment campaign against individuals and organizations associated with Norval Morrisseau. In particular, those who speak out about the prevalence of Norval Morrisseau forgeries have been targeted.
3. From **September 6th 2008** through **October 6th 2008** an exhibition of my artwork ran at the Scollard Street Gallery in Toronto. During this time collectors and media spoke with me about my show and about the Norval Morrisseau forgery issue. Though I'd been aware of Norval Morrisseau fakes for years, and had spoken up where possible, I was not aware of the massive scope of this organized fraud. I began to ask questions and I learned that there were thousands of these inferior counterfeit Norval Morrisseau paintings on the market. I also learned that Norval, ill with Parkinson's disease, had helplessly witnessed this ongoing theft of both his identity and his legacy. The realization shocked and saddened me. As his protégé I knew that I had an obligation of conscience to stand by my mentor and share what I understood about the paintings Norval Morrisseau referred to as "abominations".
4. On or around **October 3rd 2008** I began posting images of inferior counterfeit Norval Morrisseau paintings in an internet art gallery I had created at www.Morrisseau.com.
5. On or around **January 8th 2009** Otavnik served me with a lawsuit directed against myself and Morrisseau's principal art dealer, the Kinsman Robinson Gallery ("K.R.G.").
6. Otavnik's lawsuit claims that I slandered the title to a purported Norval Morrisseau painting that he owns because I included it in my internet art gallery of inferior counterfeit Norval Morrisseau paintings. He included K.R.G. in his Claim for acknowledging that I was Norval Morrisseau's protégé and for publishing their video interviews with me.
7. I filed a Defendant's Claim on **June 10th 2009** against Otavnik for harassment, defamation and vexatious litigation.
8. On **August 17th 2009** a Plaintiff's Motion to Strike paragraphs 18 and 19 of the Defendant's Claim was heard. Further particulars were filed by the Defendant on September 23rd 2009 pursuant to an August 17th 2009 Order though it appears that only the Plaintiff read the extensive materials filed. The Plaintiff understandably finds them to be "legally deficient".

9. On **October 20th 2009** a final settlement conference in the Otavnik v Sinclair action was held. Otavnik made it clear at the conference that he was not prepared to go forward to trial. He said that he required still another Motion so I received permission from Judge Skolnik and personally filed the appropriate documents to set down his lawsuit against me for trial.

The Plaintiff's Motion of December 17th 2009

10. The Defendant continues to oppose the Plaintiff's Motion to Strike paragraphs 18 and 19 of the Defendant's Claim. The paragraphs in question constitute material facts which underpin my over-riding claim of harassment at the hands of Otavnik.
11. The Defendant claims that Otavnik produced the information specified in paragraph 19 of the Defendant's Claim which he then published to the website norvalmorriseau.blogspot.com.
12. It is the Defendant's assertion that if one closely reads *Otavnik's Claim* one will see a significant association between Otavnik and the website venue that he operates in collusion with Ugo Matulic ("Matulic") as an internet "front" for their "business" operation.
13. Furthermore, the *Defendant's Responding Affidavit* filed in response to Otavnik's Motion to Strike of August 17th 2009 clearly indicates that Otavnik wrote and published the defamatory comments identified in the Defendant's Claim against him.
14. Further still, if one explores the *Additional Particulars to the Defendant's Claim* filed on September 23rd 2009 pursuant to the Order of August 17th 2009, one will see a preponderance of evidence showing Otavnik to be the publisher of the defamatory statements specified.
15. Otavnik is colluding with Matulic. They have used their internet platform to discredit the Defendant's work and reputation, threaten him and defame him. They have also used their website to promote Otavnik's paintings, perspectives and one side of his many Claims.
16. It will be proven at trial that the defamatory statements referred to in the Defendant's Claim, and other defamatory statements directed at the Defendant, are the handiwork of Otavnik.
17. If required the Defendant will request that this Court provide an Order directing "Google", the company that owns the "Blogger" platform that the Plaintiff's website and comments appear on, to disclose log files and author identities from the Plaintiff's website.
18. To respond specifically to the Plaintiff's December 17th 2009 Motion to Strike I have provided additional new particulars which are provided below.

Otavnik's Defamation of Sinclair on www.norvalmorriseau.blogspot.com

19. On **October 11th 2008** I received a phone call from Matulic who is man that operates a Norval Morrissette focused website in return for forged Morrissette paintings. Matulic, who

wished to befriend me, called about an email he received from his associate Otavnik. Matulic read me Otavnik's letter. He ordered Matulic to immediately delete anything published about me, which Matulic did soon after speaking with me. In the email Otavnik called Matulic a "moron" because he had unwittingly published positive articles about my art exhibition on their website while I at the same time went about exposing their purported Norval Morrisseau paintings as forgeries on Morrisseau.com. Otavnik also wrote that I was about to be sued.

20. On or about **October 17th 2008** I was contacted by Norval Morrisseau researcher, John Zemanovich ("Zemanovich"), who operated a website dedicated to Norval Morrisseau at www.honouringnorvalmorrisseau.blogspot.com. Zemanovich published an acknowledgement stating that I was a chosen protégé of Norval Morrisseau on October 14th 2008 and wrote soon after to inform me that he had been threatened by Otavnik and had no choice but to take down his Norval Morrisseau website. He also stated that Otavnik defamed me in letters sent to Zemanovich on October 16th through 18th 2008.

21. On the morning of **Saturday Oct 18th 2008** I received an email from Otavnik included herein as **Exhibit "A"** to this my **Defendant's Responding Affidavit**. The following excerpt from his email clearly indicates that it was Otavnik who published the statements referred to in paragraph 19 of the Defendant's Claim;

"If you do not respond to my last email and give me your current address for legal service I will be forced to posted[sic] your last address and phone number in the public record and offer a reward to anybody who can find you. You have called some of my Norval Morrisseau paintings which are in my house "fakes" and I will not stand for it. You are just jealous that you can't[sic] paint worth a crap and nobody will buy your garage art. How many paintings do you sell in your last show? You can't paint you loser!!!!!" Joe Otavnik

22. I felt intimidated by Otavnik's malicious intentions which I feared also endangered my roommate. On **Saturday Oct 18th 2008 at 2:12 PM** I wrote back to tell Otavnik that he could verify the validity of my address with his associate, Joe McLeod, who had recently served documents to my home address successfully.
23. On the evening of **October 17th 2008** Matulic published a lengthy article on their website at norvalmorrisseau.blogspot.com. Their article was laced with defamatory allegations about me. In the hours and days that followed 33 comments were published that were attached to this article, including the following excerpt from a comment published by Otavnik as **"anonymous"** on or around **October 18th 2008 at 10:15 a.m.**;

"Does anyone know of Ritchie Sin-clair's address so that my lawyer can serve him with a lawsuit? 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"

24. And another comment published by Otavnik on **October 19th 2008** at around **11:11 a.m.** as the author, **"thehabs1"** states;

"Hello Collectors.

I shut down www.honouringnorvalmorriseau.blogspot.com. I am now offering a reward for the whereabouts of Ritchie[sic] Sinclair. I already have his last known address at

1604-30 Hillsboro Ave

Toronto, ONT

M5R 1S7"

25. And still another portion of a comment published by Otavnik as **"anonymous"** on **October 19th 2008** at around **10:04 p.m.** reads as follows;

"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 wont take long to find. We have already hired an individual to hunt him down..."

26. On **Sunday October 19th 2008** at around **10:19 a.m.**, I received a phone call at my studio from my roommate, Garth Cole ("Cole"). He was calling from our Yorkville apartment to tell me that a phone call he had received earlier that morning had scared him. He told me that the man sounded like a criminal. Cole told me that the man said that *"the police were looking for me"*. Out of concern for my safety Cole told this unidentified man that he wasn't sure where I was or when I would be back. This man told Cole that he was an owner of Norval Morrisseau paintings and that he didn't believe Cole's story about my whereabouts. Cole said that he was particularly concerned because this man knew where we lived, including our apartment and telephone numbers. I told him that I believed that his caller was a man named Joe Otavnik who had been sending me threatening emails.

27. From **October 20th 2008** through **October 22nd 2008** I received a number of intimidating and obscene emails from Otavnik which included the following statements;

"Give it up you loser. You have no talent. Go back to your coffee joint job for work because nobody will buy your worthless paintings. You can't paint you worthless piece of shit! ..." October 20th 2008 at 11:58a.m.

"Your[sic] still a pathetic loser with no artistic talent. Nobody will buy your paintings because they are crap. ..." October 20th 2008 at 8:30p.m.

"How stupid are you? Gabe has two homes, nine bank accounts and Norval died pennyless with the clothes on his back and you live in a shithole apartment. What haven't you figured out?" October 20th 2008 at 11:43p.m.

"No Richtie[sic]. I will see you[sic] but you won't see me coming. You are being used by Gade[sic] and Don Robinson. I suggest you cut a deal to get you of the hook. ..." October 21st 2008

"Hey Richtie[sic] I never knew that you and Norval were Bum Buddies. Do your children know? I guess you got the ass and Gade[sic] got the cash. Yeap, Gabe's got two homes nine bank accounts and you are in your shit hole apartment." Oct 22nd 2008

Otavnik's Defamation of Sinclair on Wikipedia

28. On or about **January 19th 2009** Otavnik created an author's identity named "**123thehabs**" at Wikipedia.com and proceeded to delete my existence and the Norval Morrisseau Heritage Society ("N.M.H.S.") from the Wikipedia historic biography of Norval Morrisseau. On **January 19th and 20th 2009** Wikipedia editors replaced text about me numerous times which Otavnik would then delete again. Otavnik eventually gave up deleting the section about my history with Morrisseau but only after calling the Wikipedia editors derogatory names.
29. Each time Otavnik would delete my historical account from the record he would leave defamatory comments which are published at Wikipedia under his **123thehabs** author's identity. They comments left behind read as follows;

"Again, no such school[sic] exists and the NMHS does not exist. Try contacting them. Again, this is not a forum to distribute lies.)"

And

"Once again, there is no ThunderBird School and there is no Norval Morrisseau hertigage[sic] Society.)"

And

"Again, this school does not exist. I ask the editor to try and locate it. This is just a blog for these people to spread their lies. The only accurate thing on this page is that they s)"

And

"Again, no such school exists. Anyone, can set up a web site and call it whatever. The truth should be posted or the site should be shut down.)"

30. In the aforementioned statements Otavnik calls me a liar and discredits the *Thunderbird School of Shamanistic Arts*, a school of art created by Norval Morrisseau, which I lead.

Otavnik's Defamation of Sinclair to the Ottawa Citizen

31. On or around **Jan 22nd 2009** Otavnik slandered me to reporters and editors of the Ottawa Citizen newspaper in an attempt to stop the publication of a story about the Morrisseau forgery issue, as evidenced by the following excerpt from the Ottawa Citizen article.

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.***

32. On **Jan 22nd 2009** Dr. Browne, a Morrisseau collector who has spoken out about the prevalence of Morrisseau forgeries, called to inform me that he spoke with a Senior Editor and with article writer, Paul Gessel. Dr. Browne told me that Otavnik left abusive, obscene and unprintable voicemails, slandering both Dr. Browne and myself to the Ottawa Citizen.

Otavnik's "Death Threat" Allegation and Public Mischief

33. On or around **April 18th 2009** Otavnik phoned to demand that I give him Morrisseau.com. He told me that giving it to him was the only way I was going to get him to stop from suing Mr. Cole. He didn't say why he wanted to sue my roommate. I told him that he was being taped, not to call anymore, and to put his beefs and proposals in writing.
34. On or around **April 18th 2009** I received an email from Otavnik, included herein as **Exhibit "B"** to this my **Defendant's Responding Affidavit**. In the email Otavnik alleges that on March 28th 2009 I sent an email comment to their website threatening him, his subordinate Matulic, and others. I had nothing whatsoever to do with this unpublished comment yet **months later** Otavnik and Matulic chose to publish this comment themselves on their website under the misleading title "*Death Threat by Ritchie Stardreamer Sinclair*". They foolishly claim to have tracked this comment to my computer in downtown Toronto using Google maps.
35. On **September 13th 2009** Otavnik and Matulic published their allegations that I made a death threat on their website along with a photograph of me above the article and below the title "*Death Threat by Ritchie Stardreamer Sinclair*". Furthermore, they published to the general public, and made it known to me, that on April 20th 2009 they had reported their fictitious story about me to the Calgary police as Case # 09137075. This statement has already been filed as **Exhibit "G"** to the **Plaintiff's Motion Record**.
36. On **September 14th 2009** I wrote to Sgt. Jones who was the officer in charge of a Crown v. Otavnik criminal harassment investigation. In this case Otavnik was convicted on October 22nd 2009 of two counts of Criminal Harassment, included herein as **Exhibit "C"** to this my **Defendant's Responding Affidavit**. I sought direction from Sgt. Jones and I wrote that I too have been harassed by Otavnik as evidenced in the following excerpt from my letter to him;

"This morning Mr. Otavnik and his partner in harassment, Ugo Matulic, published my picture under the statement "Death Threat by Ritchie Stardreamer Sinclair". The article below makes clear Mr. Otavnik's involvement. I never made this statement however it is one of many forms of intimidation I have suffered at the hands of these criminals over the past year. I have been criminally harassed by Otavnik in every way possible including assault, which I reported to 32 division on July 17th 2009. Otavnik

has filed lawsuits against me personally, and to harass me further he has filed suits against my roommate, my lawyer, my lawyer's wife and my mentor's art dealer. He has also threatened many others affiliated with me into silence about all this."

37. On **September 16th 2009** I filed a Criminal Harassment Report with the Toronto Police.

38. On **November 27th 2009** another article rife with libelous allegations was added to Otavnik and Matulic's lengthy list of articles about me on their website. Amongst other things, in this article I am blatantly called a criminal, as exhibited by the following excerpt;

*"Progress is being made in the courts to **bring this criminal to justice** and the small group of people that have supported him in the past which have evidently been abandoning him as well."*

39. Matulic can barely write English so he has relied upon Otavnik and other involved parties to develop his articles to discredit me. In an article written on **August 30th 2009** they published my photograph with a line through my face. On **September 13th 2009** they published my photograph with a claim that I made death threats. In their recently published article of **November 29th 2009** I am called a prostitute and a thief. On multiple occasions I am called a liar. The following is a list of major articles they have written to discredit me;

- Blog Master's Public Address V - **October 17th 2008**
- Blog Master's Public Address VI - **October 30th 2008**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part I) - **February 16th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part II) - **February 19th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part III) - **February 26th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part IV) - **February 28th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part V) - **March 1st 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part VI) - **March 20th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part VII) - **April 1st 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part VIII) - **April 10th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part IX) - **April 13th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part X) - **April 23rd 2009**
- Where in the KRG World is Ritchie "Stardreamer" Sinclair? - **May 9th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part XI) - **June 10th 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair (Part XII) - **August 21st 2009**
- Changing Faces of Ritchie "Stardreamer" Sinclair - **August 30th 2009**
- Death Threat by Ritchie 'Stardreamer' Sinclair - **September 13th 2009**
- Morrisseau History Detective Stories (Part V) - **November 27th 2009**
- How Ritchie 'Stardreamer' Sinclair met Norval Morrisseau - **November 29th 2009**
- Deceptions of the main 'Norval Morrisseau Conspirators': - **December 13th 2009**

40. Added to all the aforementioned published libel are numerous derogatory and threatening comments made against me. Furthermore, comments are moderated (i.e. controlled) so dissenting opinions are never published.

Continuing Harassment of my Witnesses by Otavnik

41. For my defence in the Otavnik v. Sinclair Claim I required high resolution photographs of Otavnik's purported Morrisseau painting so that Expert Reports could be prepared to prove my case. Otavnik opposed my Motion to examine the painting that he had sued me for discrediting. He then lost at the Hearing. It was agreed by all parties that the painting would be delivered and held at the offices of Richard Baker, a member of the N.M.H.S., for safekeeping while I had it photographed and inspected. On **September 18th 2009** Otavnik sued Richard Baker for doing this.
42. On or around **November 17th 2009** I received a series of harassment emails sent by Otavnik to Dr. Wang, who is a witness for my defence. Dr. Wang is the professor in charge of a Pennsylvania University forensics group who are providing me with Expert Reports on Morrisseau forgeries. In these letters Otavnik has defamed me and interfered with my witness by threatening Dr. Wang with lawsuits against him and his University for assisting me.
43. On or around **April 27th 2009** Otavnik settled his lawsuit against K.R.G. in return for the removal of all published articles or interviews that mention me from K.R.G.'s website. On or around **September 23rd 2009** KRG provided me with a comprehensive Expert Report on Otavnik's purported Norval Morrisseau painting. On or around **October 27th 2009** Otavnik filed Minutes of settlement in the Otavnik v. Kinsman Robinson Claim and on or around **November 2009** Otavnik sued K.R.G. yet again.
44. The aforementioned witnesses are included in my witness list for this action. All three are important to my case. Dr. Wang and K.R.G. are integral to my case in that they are providing Expert Reports. The third, Richard Baker, is a member of, and the lawyer for, the Norval Morrisseau Heritage Society ("N.M.H.S."), an organization of art luminaries created by Norval Morrisseau to assist in dealing with the prevalence of Norval Morrisseau fakes.
45. Will the Court provide me with a remedy to Otavnik's ongoing harassment of my witnesses?

Otavnik's Vexatious Litigation

46. Otavnik has been vexatiously litigating or threatening legal action to intimidate those who were close to Norval Morrisseau into silence. There are numerous boiler-plated lawsuits directed by Otavnik against me, or those associated with me, that have been brought in order to further intimidate, harass and discredit me. The lawsuits filed by Otavnik are as follows;

1. **Otavnik v Sinclair**
2. **Otavnik v. Kinsman Robinson Gallery**
3. **Otavnik v. Cole**
4. **Otavnik v. Zak Muscovitch**
5. **Otavnik v. Cathy Muscovitch**
6. **Otavnik v. Baker**
7. **Otavnik v. Art Dealers Association of Canada**

47. Otavnik's lawsuits where he is named as the plaintiff are filed in Small Claims Court where the bar is set so low that he can wield multiple lawsuits for the price of filing them and then intrude on the lives of innocent people until they bend to his will.
48. In addition to Otavnik's Small Claims lawsuits is the multi-plaintiff, **McLeod et al v. Sinclair** higher Court action that Otavnik secretly initiated, directed and co-funded.

To Summarize

49. This is Otavnik's second attempt at striking paragraphs 18 and 19 of my Defendant's Claim against him. Otavnik's states in his Claim that he gave Matulic a picture of the subject painting to publish on their site. He states in his Claim that under his direction Matulic published the picture and under Otavnik's direction Matulic did not disclose to the public, and in turn the Defendant, the fact that Otavnik was the owner of the painting. Otavnik's Claim clearly indicates a back-door association between Matulic and Otavnik.
50. Otavnik is responsible for publishing the defamatory and threatening comments specified in my Defendant's Claim because, amongst other things, it is a fact that;
 - i. ...**only** Otavnik telephoned my roommate to make it known to us that he had our address and that the police were allegedly looking for me.
 - ii. ...**only** Otavnik sent me prior emails threatening to publish my personal information and wrote to tell me that his "associates" would be hunting me down for a reward that he was offering them.
 - iii. ...**only** Otavnik threatened and harassed John Zemanovich into removing his Norval Morrisseau website. The "**habs1**" author identity that takes credit for removing the Zemanovich website also defames and threatens me.
 - iv. "**123thehabs**" is an author's identity on Wikipedia that claims ownership to some of Otavnik's websites, takes credit for taking down Zemanovich's website, defames me, and interferes with my business on Wikipedia.
 - v. Otavnik is a Montreal Canadian's ("**habs**") fan that sells and trades hockey cards, thus the associated author identities, "**habs1**" and "**123thehabs**".
 - vi. I have an abundance of obscene, threatening emails from Otavnik, as do others associated with me who have received similar letters and telephone calls from Otavnik that defame me and threatening them.
 - vii. Otavnik has been convicted of criminal harassment for similar activities in the recent past and is now under investigation for his malicious acts against me.

- viii. Otavnik has an ongoing business association with his subordinate Matulic. He exerts control over Matulic and their website venue which comprises the lion's share of material related to Otavnik on the internet.

In Conclusion

- 51. The final years of Norval Morrisseau's life were spent defending his art and fighting for his legacy against organized crime. The last year of his life he and his caretakers were required to defend his name against Otavnik because Morrisseau himself, with all moral and legal rights to do so, stated to Heffels, *"I didn't paint those abominations"* so Otavnik sued him.
- 52. It is my personal view that Otavnik's unconscionable action against my mentor was opportunistic and premeditated. His actions were responsible for making the final moments of Norval Morrisseau's life miserable. Otavnik should be ashamed. Instead he is proud of his actions. Otavnik believes that he has the right to do whatever he wishes to me or to Norval Morrisseau if it aids him in his cause of selling forgeries as this excerpt from Otavnik's 2007 Claim against Norval Morrisseau makes evident;

"Moreover, it is clear that Mr. Morrisseau has not rendered any opinion on anything nor does he care about his past work. He has made it abundantly clear in many interviews and newspaper articles. I can find articles and can attest to the fact that Norval doesn't even care if people are copying his style of painting or even if they are selling fakes. Norval Morrisseau is a true artist in the sense that he painted for himself and does not care about anything other than receiving satisfaction from his painting." **Joe Otavnik**

- 53. Joseph Otavnik is involved in a forgery ring with Ugo Matulic that is the subject of a nationwide R.C.M.P. investigation. Their website at www.norvalmorrisseau.blogspot.com has been utilized to spread disinformation, promote their fake Morrisseau artwork and discredit those closest to Norval Morrisseau. I, in particular, have been targeted by Otavnik.
- 54. An often published statement on their website specifically identifies Morrisseau's two principal art dealers and individuals closely associated with Norval Morrisseau's as targets. An excerpt from this statement, attached as **Exhibit "F"** to the **Plaintiff's Motion Record**, reads as follows;

"The reason why I started this blog more than two years ago was due to false statements made by Kinsman Robinson Galleries, Coghlan Art Studio & Gallery and individuals closely associated with Norval Morrisseau regarding paintings in question." **Ugo Matulic**

- 55. I make this Responding Affidavit in opposition to the Plaintiff's 2nd Motion to Strike paragraphs 18 and 19 of the Defendant's Claim and for no other or improper purpose.