

Court File No. CV-13-473208

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

RITCHIE SINCLAIR

Plaintiff

and

JOHN WERNER GOLDI & JOAN CATHERINE GOLDI

Defendants

**STATEMENT OF DEFENCE AND COUNTERCLAIM
OF JOAN CATHERINE GOLDI AND JOHN WERNER GOLDI**

To: Ritchie Sinclair
1604-30 Hillsboro Avenue
Toronto, Ontario
M5R 1S7
Tel: 647-887-8042
Plaintiff

**STATEMENT OF DEFENCE OF
JOAN CATHERINE GOLDI AND JOHN WERNER GOLDI**

1. The Defendants, John Goldi ("Goldi") & Joan Goldi, deny the allegations contained in paragraphs 2 to 38 of the Statement of Claim ("SOC") and deny that the Plaintiff is entitled to any of the relief claimed in paragraph 1 therein.
2. All of the words and content quoted in this Statement of Claim (SOC) (with the exception of paragraph 8) are taken from the Norval Morrisseau Blog located at <http://norvalmorrisseau.blogspot.com/> Ugo Matulic, who lives in Calgary, is the owner, author, and blogmaster of this blog.
3. Neither John Goldi nor Joan Goldi have access to post anything to Ugo Matulic's blog at the Norval Morrisseau Blog located at <http://norvalmorrisseau.blogspot.com/>
4. Neither John Goldi nor Joan Goldi posted any of the material listed in paragraphs 2 to 38 on Ugo Matulic's blog at <http://norvalmorrisseau.blogspot.com/>

PARAGRAPH 8 OF THE SOC

5. Paragraph 8 of the SOC states "In documents sworn by Joan Goldi and filed with Ontario Small Claims Court ("SCC") in October 2012, November 2012, and December 2012, respectively, Joan Goldi admits, amongst other things, that the Goldis participated in a campaign with Ugo Matulic to "discredit" the plaintiff."

- a) This statement is vague, unquoted, and totally untrue. Joan Goldi stated no such thing in any court document.
- b) The words alleged to be Defamatory of the Plaintiff are unspecified.
- c) Joan Goldi denies that any material in any court documents prepared by and filed with the SCC contains any untrue or defamatory statements.
- d) Documents and statements in a Statement of Claim filed in a court are not subject to claims of libel.

6. Any damages to the Plaintiff's reputation, result from the Plaintiff's malicious behavior targeting a wide number of individuals, collectors, art dealers, galleries, and businesses collecting and/or selling Norval Morrisseau art with false and totally unfounded allegations that their painting assets are fakes or forgeries as posted on Sinclair's malicious website.

7. The Plaintiff has attacked and deliberately tried to devalue the Morrisseau art holdings of many people, including paintings owned by John Goldi & Joan Goldi, Ugo Matulic, and many other individuals, businesses, organizations, and institutions, and has deliberately spread negative and unsubstantiated publicity to devalue those paintings. The Plaintiff has deliberately and maliciously devalued Canadian holdings of genuine Morrisseau paintings by millions of dollars.

8. In 2008, after a show of the Plaintiff's own paintings at the Scollard Street Gallery failed, and the gallery owner told him to take down his paintings and leave, Sinclair raged abusively into Joseph McLeod's Maslak-McLeod Gallery (also on Scollard Street at that time), and declared that he was going to "take down the entire Morrisseau market" (see enclosed transcript of court testimony). Sinclair suddenly began making grandiose public claims about his background and experience that was greatly exaggerated and distorted, claiming that he was an expert on Morrisseau art, and the chief "protégé" of famous Aboriginal artist Norval Morrisseau.

9. Then, in October, 2008, Sinclair posted a website (www.morrisseau.com) with over 1000 pictures of paintings he gathered from all over the web, and labelled them all as fakes or forgeries even though he has never seen, or personally examined, over 99% of them, and even though they were all painted long before Mr. Sinclair had even heard of Norval Morrisseau, or even seen a painting (or even a picture of a painting) by him, according to Sinclair's own court testimony in 2012. (McLeod's court testimony is enclosed.)

10. The website caused widespread doubt, and galleries selling Morrisseau art had their businesses severely damaged. Even after people fought back by getting forensic handwriting experts to examine their paintings to verify that they were indeed signed by Norval Morrisseau, Sinclair kept them up on his website labelled as fakes, which proves that he was driven by malice, not, as he claims, by a desire to preserve the Morrisseau heritage.

11. Sinclair also used his website to post all kinds of malicious attacks on First Nations artists and Morrisseau family members. His website has caused severe damage to First Nations artists, and sales of their art.

12. Sinclair attacked people's online art businesses.

13. Sinclair also sends vile anonymous emails to people.

14. In recent judgments in two major court cases resulting from Sinclair's machinations (*Hatfield v Artworld of Sherway* (SC-09-87264) and *Her Majesty The Queen v Joseph Otavnik*), the judges both threw out the cases, rejecting Sinclair's testimony, and saying at great length they essentially did not believe a word that Sinclair said.

UGO MATULIC'S BLOG

15. Ugo Matulic ("Matulic"), who lives in Calgary, is the owner and author of the Norval Morrisseau Blog located at <http://norvalmorrisseau.blogspot.com/>. He is also the owner of many pieces of original Norval Morrisseau artwork, acquired from reliable sources and sources with direct connections to the artist, that Matulic has collected over a decade. As stated in the banner on the Norval Morrisseau Blog:

"This Blog is posted in honour of the Spirit of Norval Morrisseau a.k.a. Copper Thunderbird - Grand Shaman of the Ojibway. Also, this is the first and the only Blog incepted during Norval Morrisseau's lifetime. It is dedicated entirely to the preservation of his artistic legacy along with the living presence of the Ojibway peoples on the North American continent."

16. Ugo Matulic, has accumulated the largest archive of documents related to Norval Morrisseau that is available on the internet. Everybody who writes or reads about Norval Morrisseau accesses and uses the documents made available by Ugo Matulic on his blog. All posts on Mr. Matulic's blog are thoroughly researched and authenticated before they are written and published by Mr. Matulic. All of the blog postings written by Matulic contain statements that are factually accurate or contain statements of opinion based upon accurate facts.

17. Ugo Matulic's blog includes documents surrounding and exposing the hoax that was created by the Kinsman Robinson Galleries in 2001, to try to corner the market on Norval Morrisseau paintings by spreading false rumours, with the help of a compliant press, that there are thousands of fake or forged Morrisseau paintings "out there" being sold by competitors of that Gallery.

18. Since KRG created this hoax, they have been provoking and disparaging a very large number of pieces of Norval Morrisseau artwork not sold through or by the Kinsman Robinson Gallery, in a concerted effort to corner the public market in Norval Morrisseau's artwork owned by other collectors, dealers, and galleries. The smear campaign started by KRG is directed at devaluing and stigmatizing the authentic artwork of the late Norval Morrisseau who passed away in 2007.

19. They are using their own position, as a former Morrisseau dealer, to inflate the value of their own holdings of Norval Morrisseau's paintings, and deflate the value of paintings held by Matulic, other Morrisseau collectors, including Goldi, and art galleries all across Canada, by falsely claiming that many genuine Morrisseaus are forgeries, especially those signed on the back by the artist in black paint using drybrush (DB) technique.

20. However a significant number of these paintings have been positively confirmed to have an authentic signature by Norval Morrisseau by three independent forensic document examiners and handwriting experts from Ottawa, Toronto and Calgary.

21. In 2008, the Plaintiff in this case, Ritchie Sinclair, did a sudden complete about-face from his earlier public position of praising Ugo Matulic's blog and the pictures of the "lovely" and "genuine" Morrisseau paintings posted there, and joined the campaign created, expanded, and run by KRG to devalue and stigmatize the authentic artwork of the late Norval Morrisseau by posting a malicious website with pictures of about a thousand Norval paintings, 99% of which Sinclair had never seen, and many of which were in major museums and art institution, and declared they were all fakes.

22. He also claimed he had expertise and experience related to Norval Morrisseau and his art that was hugely exaggerated, and highly distorted. He began a campaign to use his website to maliciously attack Morrisseau art collectors, art dealers, galleries, First Nations artists, Morrisseau family members, and to actively go after and destroy web-based businesses selling Norval Morrisseau art.

**JUDGE PAUL MARTIAL'S JUDGMENT in the
HATFIELD V ARTWORLD OF SHERWAY CASE (SC-09-87264):**

23. In the important Hatfield v Artworld of Sherway case (SC-09-87264), a retired school teacher named Margaret Hatfield was suing Artworld of Sherway, a major gallery that acts for a number of First Nations artists, including Norval Morrisseau art, because Hatfield had become convinced that a Morrisseau painting she had purchased from Artworld of Sherway was a fake. It was signed by Morrisseau in black drybrush, an dated 1979. Hatfield did not merely want a refund of her \$10,000 purchase price; she wanted the Gallery to admit the painting was a fake.

24. Ritchie Sinclair and Donald Robinson, of Kinsman Robinson Galleries were Ms. Hatfield's only two witnesses.

25. The trial went on for 5 full court days over two years. Ten months passed after the end of the trial before Judge Paul Martial completed his carefully considered 39-page written judgment on March 25, 2013. Judge Martial had obviously conscientiously gone back through all his notes, the tapes, and the transcripts.

26. Judge Martial completely rejected all the testimony of Donald Robinson and Ritchie Sinclair, the two witnesses for Ms. Hatfield.

27. Judge Martial said there was "overwhelming evidence" that Norval Morrisseau often signed the back of his paintings in black dry brush, that the forensically verified signature on the back of Ms. Hatfield's painting was genuine, and that the painting was a genuine Norval Morrisseau.

28. Judge Martial also pointed out that the painting that Ritchie Sinclair had testified was a fake, was painted before Sinclair met Morrisseau or knew anything about Morrisseau or his art, so Sinclair was unable to give credible evidence about it.

29. Contrary to the Plaintiff's assertions, Mr. Joseph McLeod of Maslak McLeod Gallery, the other most prominent expert in Norval Morrisseau's art considers the painting in question to be authentic. Judge Martial found the testimony of Joseph McLeod to be highly credible, well-researched, and carefully considered.

30. Judge Martial also spoke highly of the testimony Wilfred (Wolf) Morrisseau, the youngest brother of Norval who lived with Norval and was his manger for some time.

31. Judge Martial also spoke highly of the testimony and work of Dr. Atul Singla, a highly educated (M.A., PhD) forensics and handwriting expert who has testified in over 500 court cases as an expert witness.

**WITHDRAWAL OF KINSMAN ROBINSON GALLERIES MILLION DOLLAR LIBEL SUIT
AGAINST UGO MATULIC**

32. Shortly after the release of this judgment Kinsman Robinson Galleries (KRG) opted out of the second day of Discovery for the million dollar libel suit they had brought against Mr. Matulic for postings on his blog that revealed the details of the KRG-created hoax to the public. KRG withdrew its SLAPP suit that they had used to try to silence Matulic, and asked to sign the release that Matulic's lawyer had offered some time before, with no penalty to Matulic.

33. On that second day of Discovery, which KRG opted out of, they would have to reveal to Mr. Matulic documents they have hidden from public scrutiny for the last thirteen years.

34. KRG obviously learned on their first day of Discovery that they had no case, and were likely to lose and face huge penalty costs being awarded by Mr. Matulic. On that first day of Discovery Mr. Matulic had disclosed to KRG lawyers all his proof that everything KRG had claimed was libelous on Matulic's blog, was, in fact, true, and thoroughly backed up with a devastating collection of documents, many of which are screen grabs of revealing documents and posts that have been since removed from the KRG website in order to cover up evidence of the hoax they had created as a marketing tool, claiming there were thousands of fakes supposedly created by umpteen unidentified "forgers" being sold by KRG competitors.

35. So ended a SLAPP suit brought in an attempt to silence a person determined to reveal the truth to the public about a hoax that had destroyed millions of dollars worth of art assets held by Canadian collectors, dealers, and galleries.

DEFENDANTS' BACKGROUND: JOHN GOLDI & JOAN GOLDI

36. John Goldi is the owner and author of the MorrisseauHoaxExposedBlog located at <http://theMorrisseauHoaxExposedblog.com/>. That blog was started on January 3, 2013, less than a month before this SOC was filed.

37. Nothing from <http://theMorrisseauHoaxExposedblog.com/> is quoted, cited, or referenced in the Plaintiff's Claim for this case.

38. Ugo Matulic does not have access to John Goldi's blog to write, edit or post anything on Goldi's blog.

39. Joan Goldi, who is John Goldi's wife, does not write for this blog.

40. Goldi is a trained historian, has been a high school teacher in East Africa with CUSO, and in Toronto, and has been a school principal in community schools in Inuit and First Nations schools in the Northwest Territories.

41. Joan Goldi has the same background, with a high school teaching background in mathematics and geography, and 6 years teaching in the NWT in Inuit and First Nations communities. Joan Goldi has produced curriculum materials for the NWT Department of Education.

42. Since 1979, the Goldis have been producing, writing, shooting, and marketing educational, informational, and documentary programs for television, and for educational use by schools, colleges, institutions, public service organizations, businesses and industry, and government department. They have produced over 60 programs, and have won many international awards.

43. They also have a series of educational websites, including the widely used First Peoples of Canada website. Their areas of specialization are Canadian history, Aboriginal history and issues, outdoor safety, science and environment, and art and antiques. They are very experienced in thorough research and verification of everything they write and produce.

44. They have been involved in and followed the Norval Morrisseau hoax since its beginning. Everything posted on <http://theMorrisseauHoaxExposedblog.com/> is thoroughly researched and is backed up and based on documents, including court transcripts, court judgments, documents used in court, affidavits, publications, and interviews.

45. All of the blog postings written by Goldi contain statements that are factually accurate or contain statements of opinion based upon accurate facts supported by court transcripts, notes made during court cases, interviews, court judgments, and many other documents.

QUALIFIED PRIVILEGE

46. Further, and in the alternative, all the postings on Goldi's blog were published in good faith and without malice on an occasion of qualified privilege, particulars of which occasion are as follows:

(a) Goldi's Blog constitutes a forum for fellow art enthusiasts, Norval Morrisseau supporters and others interested in his artwork to communicate with one another on those subjects.

(b) Goldi had an interest or duty- legal, social or moral - to communicate the postings complained of in the ASOC to other persons accessing Matulic's Blog.

(c) Other persons accessing Goldi's Blog had a corresponding duty or interest to receive the communications in the postings.

(d) Goldi's Blog expressly invited comments from the Plaintiffs and other persons accessing his Blog.

FAIR COMMENT

47. Further and in the alternative, the words in the postings constitute fair comment by Goldi, on matters of public interest, based on the substantially true facts with opinions in good faith and without malice.

PUBLIC INTEREST RESPONSIBLE COMMUNICATION

48. Further and in the alternative, the postings constitute communications on matters of public interest and Goldi is always diligent in trying to verify the statements made in the postings with regard to all relevant circumstances.

CHARTER IMMUNITY

49. Freedom of expression is guaranteed by s. 2 (b) of the Canadian Charter of Rights and Freedoms (the "Charter"). It is essential to the proper functioning of the institutions of a democratic form of governance, including the institutions of the courts, the judiciary and an independent professional bar. The law should encourage and permit freewheeling debate in good faith on matters of public interest. The law should not be used to thwart such freewheeling debate by an overtly solicitous attempt to protect an individual like Ritchie Sinclair who has many times demonstrated malicious intent towards a wide number of people and organizations, including galleries, dealers, collectors, First Nations artists, and Morrisseau family members.

50. The postings at issue in this action, demonstrate the vital importance of such a free-wheeling debate. In the particular circumstances of this case, the postings should benefit from constitutional immunity.

51. The Plaintiff has been associated with individuals and organizations who have been devaluating paintings from Goldis' personal collection, as well as Matulic's personal collection, and collections of many other people, galleries, businesses, and institutions, calling them forgeries and abominations.

52. There are more than 40 galleries and various auction houses and museums across North America which have exhibited authentic Norval Morrisseau's artwork which the Plaintiffs consider fakes and they are in support of individuals who collectively deflated the value of paintings held by Matulic and other Norval Morrisseau collectors all across Canada, by falsely claiming that many genuine Norval Morrisseau's are fakes.

53. The Plaintiff's concerted campaign of online terror in the form of libel chill is a transparent attempt to continue to maliciously interfere with the sale of genuine Norval Morrisseau artwork by silencing any of their critics.

54. It is not Goldi's fault if his opinion of the Plaintiff's actions brings unwanted publicity, public hatred, ridicule and contempt by supporters of Norval Morrisseau. The Plaintiff's actions have significantly and maliciously devalued the art of the great artist Norval Morrisseau.

BACKGROUND TO THE ALLEGED FAKE MORRISSEAU PAINTINGS.

55. Donald Robinson was the principal Morrisseau dealer in Ontario for the last decade of the artist's painting career from 1989 to 1999.

56. For three decades, Norval Morrisseau, a prolific Aboriginal painter, (who critics now call an artistic genius, perhaps the equal of Picasso) had lived by selling his paintings door to door for \$25 or \$50 or trading paintings for booze, food, or sex (with both sexes, though he preferred boys) throughout northern Ontario where he lived and travelled. Morrisseau had become famous in 1962 when the Pollock Gallery in Toronto had his first show

57. In 1999, as word spread that Morrisseau was nearing the end of his life, and rumours spread that the National Gallery was preparing a retrospective of his art, people throughout the north who had helped out the artist by buying his paintings cheap, and had hundreds of his paintings stashed in garages, storage sheds, under beds, etc., began selling them through auctions. An enterprising collector, David Voss, consigned first his father's collection of over 500 paintings, and later, other people's, through Randy Potter Auctions in Pickering.

58. Robinson at first bought large quantities at this auction (31 paintings for \$54,000) in 1999 and 2000. (By this time, Morrisseau could no longer paint.)

59. Joan & John Goldi had lived in the north (NWT) for 17 years as teachers, school principal, and later as filmmakers and writers, and had followed Norval's career. The Goldis bought two paintings at Potter's auction in January 2000 (for about 20% of the gallery cost of originals) on which principal Morrisseau dealer Robinson was the underbidder. They talked to Robinson in line, while waiting to pay. Robinson told them they were fine Morrisseaus and were definitely authentic. He invited them to visit his gallery, which they did. He gave them the name of his framer, who gave them a good deal, but pointed out the wear and tear on the paintings from long storage.

60. Up until this time there was nothing in any literature or articles about Morrisseau mentioning fakes or forgeries. For years the artist had sold or traded his sizeable paintings for \$25 or \$50. What forger would fake something, when the original could be bought so cheap from the prolific artist?

61. But when principal Morrisseau dealer Robinson realized the large numbers of original Norval Morrisseau paintings that were coming out of northern Ontario, Robinson began spreading rumours, beginning in 2001, with an interview he sought with the National Post, that these 1970s paintings were all fakes. He was helped by a gullible and compliant press. What better way to control supply and demand than to spread word that all your competitors are selling fakes?

62. Robinson even persuaded the RCMP to open an investigation, but they found no evidence of fakes or forgeries.

63. Most people who knew Morrisseau, claim that he could no longer paint anything of significance after 1996-7 because of Parkinson's disease, and other effects of a lifetime of well-publicized alcoholism and drug abuse, including the dementia that strikes at least a third of Parkinson victims, and most extreme alcoholics, which Morrisseau certainly was. (Not just legal alcohol, but aftershave, and other poisons.)

64. Robinson worked closely with Gabor Vadas, a former street kid, who had become the companion of Norval Morrisseau after they met in 1987 on the streets of Vancouver, when Norval Morrisseau was nearing the end of his painting career. Vadas held, and wielded the Power of Attorney from Morrisseau. Morrisseau was destitute when he died, leaving not a bank account, not a painting, no house, no nothing, for his children to inherit. But somehow, somewhere millions of dollars worth of his paintings had "disappeared."

BACKGROUND TO THE PLAINTIFF, RITCHIE SINCLAIR

65. Sinclair met Morrisseau circa 1980 (he says late in 1979), and has testified that, before he met Norval, he had never heard of him, or ever seen a painting, or even a picture of a painting by him.

66. Which means that Sinclair can have no direct knowledge of his painting style in the 1970s, when Norval painted these targeted paintings that he sold all over northern Ontario. These paintings were already in collections, hanging in houses, or stashed under beds, in garages, and in storage sheds in northern Ontario by the time Sinclair met Morrisseau. Morrisseau rarely stayed long in any place, so he did not carry a collection of his paintings from place to place.

67. Norval had a wide variety of styles, and could switch from one to the other within a day, say those who knew him and often saw him paint. He also painted many paintings at once, moving from one to the other. Some say they have seen up to 40 paintings on the go at once.

68. There is no way that Sinclair could have had any knowledge of these 1970s paintings that he later chose to call "fakes."

69. It is very clear that Sinclair's later claims to a long painting association with Morrisseau are bogus. Sinclair definitely knew Morrisseau and worked with him for short periods here and there during the early 1980s. But Sinclair was unknown, not mentioned or pictured in any articles or literature anywhere about Morrisseau.

70. After approximately 1984, Norval was only in Toronto for only brief periods, and lived mostly in northern Ontario, then moved west to Jasper for a couple of years, then on to Vancouver. Sinclair was not with him in any of those places. There has never been any correspondence shown between Sinclair and Morrisseau, and no pictures of them painting together. If correspondence or pictures ever existed, Sinclair certainly would have made them public.

71. Sinclair first met Robinson in 1997, according to Robinson's testimony in the *Otavnik v Sinclair* case.

72. In 2004, a storage company consigned goods from lockers whose owners had not paid their bills to Randy Potter's auction, according to the storage contract. Several of Sinclair's paintings were among these items. Sinclair appeared at Potter's auction to try to buy back his paintings.

73. Donna Shea, Potter's wife and auction partner later testified (*Otavnik v Sinclair*) that Sinclair admired the Morrisseau paintings, and regretfully said that he would never be able to afford one of them. He said nothing about fakes or forgeries.

74. In 2007, Ugo Matulic started his Norval Morrisseau Blog located at <http://norvalmorrisseau.blogspot.com/>

75. Sinclair also had a website on which he posted pictures of a few Morrisseau paintings he liked. Sinclair had also posted on his website a statement that he could not tell if a painting was done by Norval Morrisseau unless he saw him paint it.

76. The Plaintiff, Ritchie Sinclair, set up an email correspondence with Matulic praising his blog, and praising the "lovely" and "genuine" Norval Morrisseau paintings posted there by Matulic.

77. In 2007, Sinclair told Matulic (email) that he would be having a show of his own work at the Scollard Street Gallery in September 2008. He also said that he intended to use his association with Norval Morrisseau to promote his own artistic career.

78. But, in 2008, after Morrisseau, and his well-known apprentices and companions were dead, Sinclair re-created himself as "principal Morrisseau protégé". (Norval's brother, Wolf, testified in court recently that Norval called all his boys/ apprentices/ companions "protégés.")

79. As described in above, when that show of Sinclair's paintings failed, he did a sudden about face, jumped on the Kinsman Galleries bandwagon, and created a website that he used to maliciously attack galleries and collectors and to devalue their Morrisseau art assets by millions of dollars. He destroyed many art businesses.

80. He also posted malicious material attacking First Nations artists and the Morrisseau family. He has done enormous damage to First Nations artists, and to the galleries who work with them.

Sinclair also made malicious attacks on Joseph McLeod, as described in Mr. McLeod's court testimony.

HER MAJESTY THE QUEEN AGAINST JOSEPH OTAVNIK

81. In approximately 2010, the Plaintiff, Ritchie Sinclair went to the Toronto police, and had Joseph Otavnik charged with criminal harassment. The Goldis have read the astonishing distortions that Sinclair gave to the police, beginning with the totally untrue statement that "The victim (Sinclair) is a member of the NMHS (Norval Morrisseau Historical Society)."

82. And "It is the victim's belief that the accused (Otavnik) acquired his forged paintings through the Hell's Angels." Sinclair claimed that Otavnik and his sister were falsifying tax credit claims for art donations for fake paintings.

83. Sinclair also claimed that the notorious "meatgrinder" death threat, an anonymous email sent to, and published by, Ugo Matulic, was actually sent by Otavnik to "make Sinclair look bad." What Sinclair did not know, is that Matulic's sitemeter actually showed that the vile anonymous email was actually sent from the C: drive of Sinclair's computer C: Stardreamer (Stardreamer is Sinclair's pseudo-Indian nickname).

84. Sinclair was clearly lying in order to maliciously attack Otavnik, who had successfully brought several suits against people who claimed that his genuine Morriseau paintings were fakes, including Gabe Vadas who would have had to produce Norval (who was suffering from dementia) in a court to testify.

85. Sinclair also claimed to police, and to the Crown, that there is a "syndicate" out to get him. In fact, Sinclair is the one who launched malicious attacks on a wide number of collectors, gallery owners, First Nations artists, the Morriseau family (brothers, nephews, children), and others with the intent to maliciously defame people, and devalue their art assets by claiming expertise and experience Sinclair does not actually have. What Sinclair calls a "syndicate" are various collectors, dealers, and others who did not know each other before Sinclair started his attacks. Gradually people, with nothing in common other than their art that Sinclair was defaming and devaluing, started sharing information with each other.

86. Otavnik had to attend court at least 25 times over a 3 year period, and the trial took a full 5 days over that time.

87. On May 17, 2013, the Honourable Mr. Justice A. Lacavera gave his verdict in "Her Majesty the Queen against Joseph Otavnik." Justice A. Lacavera spoke for an hour and a half. He went through everything Richie Sinclair had alleged to the police and the Crown, and, as he disposed of one item at a time, he indicated that he did not believe a single piece of Sinclair's allegations and testimony. (A copy of the transcript of the judgement will follow when it is available.)

88. Justice A. Lacavera totally exonerated Joseph Otavnik (who is now suing the Toronto Police).

"ANONYMOUS" EMAILS FROM RITCHIE SINCLAIR.

89. Ritchie Sinclair regularly sends vile emails to Ugo Matulic. He now uses a proxy server, which means that the sender pays for transmission of an email that goes through many servers, and cannot be traced. The sitemeter shows that these all originate from Toronto, and the language and subject matter are all the same. There is no one else these emails can come from, since it would be highly unlikely that Kinsman Robinson Galleries would be sending vile emails like this.

90. Michael Moniz is the person who successfully sued the Globe and Mail, when a 2007 article claiming "lots of Morriseau fakes out there" referred to Michael's business and used a picture of one of his paintings. Michael won an out of court settlement after he had the Norval Morriseau signature forensically verified by a handwriting expert. Michael's affidavit describing how Sinclair ruined his business and his life is enclosed. Michael died of a stroke a few weeks ago at age 48. The "anonymous" email sent to Matulic, to his blog titled "In Memoriam Michael Moniz," obviously from Plaintiff Ritchie Sinclair, states "One fraudster down at least 4 more to go. Good riddance!"

NO DAMAGES

91. The Goldis deny that the Plaintiffs have suffered damages as alleged in the SOC paragraphs 34, 35, and 36 or at all as a result of anything to do with them, or as a result of any postings. and puts the Plaintiff to the strict proof of his allegations concerning damages, including proof of loss of income.

92. In paragraphs 2 and 33, the Plaintiff identifies himself as a teacher. However, he has never completed any post-secondary course. To be part of the teaching profession in an Ontario school or institution requires a degree and/or completion of a certification course lasting several years.

93. The Plaintiff also identifies himself as an artist. That does not mean that people have to buy his art. Nor does that mean that any gallery owner wishes to represent him. There is no market for First Nations style art painted by a Non-native person. (See letter by Donna Child, Director of Artworld of Sherway.) People who collect First Nations art do so because they have an interest in, and an empathy with, Aboriginal people. Mr. Sinclair should obviously change his style of painting if he wishes to sell it, or find a gallery to market it. But he cannot blame anyone except himself if he is unable to sell his paintings.

94. Most Canadian artists who sell their paintings get further outside professional training to qualify as teachers, or in graphic arts. For example, Tom Tomson and most of the Group of Seven taught either in high schools, or at colleges such as the Ontario College of Art, or worked in Graphic Arts for companies such as Grip (in those days). There seems to be no public record of Sinclair working at anything to bring in income.

DAMAGES IF ANY DUE TO ACTS AND OMISSIONS OF PLAINTIFFS

95. If the Plaintiff suffered any damages, which is not admitted but expressly denied, they are attributed to the acts and omissions of the Plaintiff who continued his malicious activity intended to devalue Canadian art assets, and genuine Norval Morrisseau paintings by millions of dollars and continued has malicious targeting of a wide variety of people, organizations, collectors, businesses, and institutions which held Morrisseau art by continuing to post on his website that genuine paintings by Norval Morrisseau were fake, even though the Plaintiff had no experience with Norval Morrisseau, and knew nothing about the artist or his works prior to late 1979, and all the paintings posted on the Plaintiff's website and called fakes were painted before late 1979. The Plaintiff continued to post these paintings and call them fakes did so even after these paintings were proven to be genuine.

NO BASIS FOR AGGRAVATED OR PUNITIVE DAMAGES

96. The SOC does not allege any material facts which would justify this Court in awarding either aggravated or punitive damages. In any event, the circumstances of this case do not warrant an award of either aggravated or punitive damages against the Goldis..

PLAINTIFF FAILED TO MITIGATE DAMAGES

97. Sinclair failed to recognize any proof from anyone that a growing number of the paintings he called fakes were, in fact, genuine, and proven so by forensics experts. Even after paintings were examined by forensics and handwriting experts who declared that the signatures were by Norval Morrisseau, Sinclair kept them up on his website labeled as fakes. This proves that he was motivated by malicious intent, rather, than as he claims, to preserve the heritage of Norval Morrisseau. He made no adjustment to reality, but just kept on with his unfounded and malicious public allegations on his website.

THE ACTION AGAINST THE GOLDIS IS AN ABUSE OF PROCESS

98. The Goldis submit that this action constitutes an abuse of process and has been commenced with the vexatious attempt to deter the Goldis from expressing their opinions, and as such, this is a strategic lawsuit against public participation intended to interfere with the Goldis' right to freedom of expression.

99. The Goldis plead and rely on sections 4, 5, 23 and 24 of the Libel and Slander Act and sections 1 and 2 (b) of the Charter.

100. None of the materials the Plaintiff has listed as Defamatory were posted by either of the Goldis, as neither of the Defendants had any access to the website they were posted on, which is Ugo Matulic's blog at the Norval Morrisseau Blog located at <http://norvalmorrisseau.blogspot.com/>

101. However, it is also clear that all the words and opinions in that blog that Sinclair calls Defamatory are all based on factual documents and events. Therefore, there is, in fact, nothing Defamatory in any of the words cited by Sinclair.

102. Any damage to the Plaintiff results entirely from his own malicious actions and malicious intent. The Plaintiff no longer appears to be able to distinguish fact from fiction.

RELIEF SOUGHT

103. The Defendants, Joan Goldi and John Goldi, ask that this action be dismissed with costs on a substantial-indemnity basis.

104. The Defendants, Joan Goldi and John Goldi also ask that the court grant a permanent injunction to close down Sinclair's www.morrisseau.com website and forbid him from creating any further site with the Morrisseau name in it, or posting anything about Morrisseau paintings or fakes or forgeries, in order to protect the public from Sinclair's malicious intent and actions. We want the morrisseau.com domain name turned over to the Morrisseau family.

COUNTERCLAIM

105. The plaintiffs by counterclaim, John Werner Goldi and Joan Catherine Goldi ("the Goldis"), claim against Ritchie Sinclair, the defendant by counterclaim:

a) That Ritchie Sinclair has maliciously and deliberately acted publicly, and posted on his website (www.morrisseau.com) statements to make the public believe that their genuine paintings by Norval Morrisseau are fakes or forgeries, in order to maliciously devalue these paintings and make them unsaleable for anything but a minimal amount, rather than the amount they should sell for, considering the talent and fame of the artist. Hence, Sinclair has deprived the Goldis of a minimum of \$350,000 of retirement income. (Tort of Trade Libel, otherwise known as Injurious Falsehood).

For this, the Goldis seek damages of \$350,000.

b) That Ritchie Sinclair has deliberately defamed the Goldis personal names, and the name of their family-held educational media production company (Goldi Productions Ltd.), by promoting publicly on his website that paintings the Goldis have included in their personal, and publicly sponsored educational media productions used for teaching by schools and universities across Canada (<http://FirstPeoplesofCanada.com>, <http://theCanadasite.com>, <http://HeritageArtAndAntiques.com>) are fakes or forgeries, thus indicating that the Goldis have failed to do due diligence in their research, and that their expertise developed from years of education, and well-honed experience in education, in exacting research, and as reliable and informed art and antique collectors and dealers. are all non-existent.

This is especially damaging, because one of their major personal and company media production areas of expertise and concern is Aboriginal issues and achievements, because they spent 17 years in Canada's Northwest Territories working with Aboriginal people (Inuit and First Nations) as teachers, school principal, and as producers of educational curriculum material and video and television material. They have also been involved in Aboriginal issues since they moved back to Ontario. It was their investigative work, working with the families and their lawyers (promoters of human rights), that led, eventually, to the 2004-7 Ipperwash Inquiry into the only police killing during the twentieth century of a First Nations person involved in a demonstration in regards to a land claims dispute. They also produced a documentary for CBC Television on the events at Ipperwash, which is widely used in schools to inform people about the effects of prejudice against Aboriginal Canadians.

Dated May 23, 2013

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Defendants

To: Ritchie Sinclair
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Tel: 647-887-8042
Plaintiff

RITCHIE SIMCLAIR

V S

+ JOHN GOLDI

(Short Title of Proceedings)

Court File No

CV-13-473208

SUPERIOR COURT OF JUSTICE
Proceedings commenced at Toronto

**STATEMENT OF
DEFENCE &
COUNTERCLAIM**
(Name of Document)

(Name, Address & Telephone No.
of Solicitor or Party)

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