

Form 1 (Rule 3-1 (1) )

No. 12 3978

..... Registry  
**VICTORIA**

In the Supreme Court of British Columbia

Between

Robert Menard

Plaintiff

and

JOHN DOE

Defendant

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

(a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

(a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and

(b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff(s),

(a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,

(b) if you were served with the notice of civil claim anywhere in the United States of America, within 30 days after that service,

(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

12014  
214321  
512 3978

R155

200.00

## Claim of the Plaintiff

### Part 1: STATEMENT OF FACTS

[1] I am a social activist, often referred to as a Freeman-on-the-Land. In fulfilment of my duties I present the Freeman perspective to the public. I often do so at live shows typically employing comedy and satire, and I speak of respect, human dignity, equality, peace and abundance. Many have erroneously mislabelled the beliefs espoused by some Freemen as 'anti-government', and call us extremist, and 'paper terrorists'.

[2] One of the shows was booked to be at the Masonic Hall in Whitby Ontario on May 26<sup>th</sup> and 27<sup>th</sup> 2012.

[3] A posting on The RANDI FORUM, herein include as **Appendix A**, was published as a copy of an email sent by the poster 'D'rok'.

[4] That show was subsequently cancelled, though the reasons were unclear.

[5] Another show was booked and advertized for a comedic presentation at the Vic West Community Hall to be held on September 7<sup>th</sup>, 2012.

[6] An email, herein included as **Appendix B**, was then sent by the Defendant to Kate Longpre, of The Vic West Community Centre.

[7] The similarity of these emails raises the likelihood that one author sent both.

[8] The Plaintiff was informed that on the advice of counsel, Kate Longpre would not release the defamatory email, which would identify the Defendant, unless presented with a court order to do so.

[9] The offending email identifies the Plaintiff clearly and specifically by name as the target of the defamatory libellous statements. The email also provides links to sites which have the Plaintiffs photograph posted, identifies the Plaintiff as involved with the Association of Canadian Consumer Purchasers, and provides links to the online promotion of the show. There is therefore no doubt that the Defendant is referring to the Plaintiff for the Plaintiff is clearly, specifically and unequivocally identified.

[10] The Defendant stated in the email that the Plaintiff is a a criminal and engaging in criminal acts and used such words as 'scam', 'fraud', and 'crooks' to describe the Plaintiff and his organization.

[11] In ordinary meaning these words can only be construed as harmful to ones reputation.

[12] The Defendant either knew or should have known that publishing such accusations was a libellous defamation.

[13] The Defendant gloated about the negative effect the defamatory email had on the Plaintiff's reputation, business dealings with the venue, and cancellation of the show.

[14] The defamatory accusations of criminal activity offers clear evidence of malice and defamation, and negates any potential defence of qualified privilege.

[15] The Defendant further encouraged others to engage in similar defamatory conduct, posting on the RANDI forum as 'D'rok', herein included as **Appendix C**.

## **Part 2: RELIEF SOUGHT**

[16] An Order directing Kate Longpre of the Vic West Community Centre to release the email she received concerning this matter including all header information, enabling the identification of the Defendant John Doe.

[17] Damages in the amount of \$50,000.

[18] Punitive and exemplary damages for the malicious defamatory libel.

[19] A retraction and public apology for the defamation and libellous accusations.

[20] What ever other remedy the court considers just.

## **Part 3: LEGAL BASIS**

### **[22] Legal Framework**

The plaintiff is required to prove three things in order to succeed in a claim for defamation:

- a) the impugned words were defamatory in the sense that they would tend to lower the plaintiff's reputation in the eyes of a reasonable person;
- b) the words in fact refer to the plaintiff; and
- c) the words were published, meaning that they were communicated to at least one person other than the plaintiff.

*Grant v. Torstar Corp.*, 2009 SCC 61 (CanLII), 2009 SCC 61 at para. 28.

[23] The plaintiff must establish the elements on a balance of probabilities. Once the elements are established, "falsity of the statement and damage are presumed": at para. 28. It is not necessary for the plaintiff to show that the defendant either intended to do the harm or was careless. The tort of defamation is one of strict liability: at para. 28.

[24] If the plaintiff establishes the required elements, the onus shifts to the defendant to establish a defence. The usual defences available are outlined in *Grant* at paras. 29-34, as follows:

- a) the defence of justification; and
- b) the defence that the statement was made in a protected context, also known as a privileged statement.

[25] The defence of justification requires the defendant to prove that the statement was “substantially true”: at para. 33.

[26] The defence of qualified privilege arises in an occasion where “the defendant has an interest - legal, social or moral - to communicate the defamatory statement and the recipient has a corresponding duty to receive it”: *Smith v. Cross*, 2007 BCSC 1757 (CanLII), 2007 BCSC 1757 at para. 45; see also *McVeigh v. McWilliam*, , 2010 BCSC 34 at para. 23.

[27] The defendant must establish each element of the defence: *Smith*, at para. 47. The consideration of mutual interests should not be viewed technically or narrowly and the interest “sought to be served may be personal, social, business, financial, or legal.” The context of the statement is important: *RTC Engineering Consultants Ltd. v. Ontario et al.* 2002 CanLII 14179 (ON CA), (2002), 156 OAC 96 at para. 16 (CA); see also *Smith*, at para. 47; *M.D.A. Marine Design Associates Ltd. v. British Columbia Ferry Services Inc.*, 2008 BCSC 1432 (CanLII), 2008 BCSC 1432 at para. 25.

[28] ***The defence of qualified privilege may be defeated where there is actual or express malice.*** Malice refers to spite or ill-will, but can also include an “indirect motive or ulterior purpose that conflicts with the sense of duty or mutual interest which the occasion created”: *Hill v. Church of Scientology of Toronto*, 1995 CanLII 59 (SCC), [1995] 2 S.C.R. 1130 at paras. 144-145.

#### The Law on Defamation

[29] The Supreme Court of Canada in *Grant v. Torstar Corp.*, 2009 SCC 61 (CanLII), 2009 SCC 61, [2009] 3 S.C.R. 640 [*Grant* cited to SCC], a case involving a newspaper article on a potential rezoning and therefore a matter of public interest, summarized the plaintiff’s onus and the available defences (which I have underlined) as follows:

[9] A plaintiff in a defamation action is required to prove three things to obtain judgment and an award of damages: (1) that the impugned words were defamatory, in the sense that they would tend to lower the plaintiff’s reputation in the eyes of a reasonable person; (2) that the words in fact referred to the plaintiff; and (3) that the words were published, meaning that they were communicated to at least one person other than the plaintiff. If these elements are established on a balance of probabilities, falsity and damage are presumed, though this rule has been subject to strong criticism: see, e.g., R. A. Smolla, “Balancing Freedom of Expression and Protection of Reputation Under Canada’s *Charter of Rights and Freedoms*”, in D. Schneiderman, ed., *Freedom of Expression and the Charter* (1991), 272, at p. 282. (The only exception is that slander requires proof of special damages, unless the impugned words were slanderous *per se*: R. E. Brown, *The Law of Defamation in Canada* (2nd ed. (loose-leaf)), vol. 3, at pp. 25-2 and 25-3.) The plaintiff is not required to show that the defendant intended to do harm, or even that the defendant was careless. The tort is thus one of strict liability.

[10] If the plaintiff proves the required elements, the onus then shifts to the defendant to advance a defence in order to escape liability.

[30] – Since the defamatory publications alleged criminal activities, they are defamatory *per se*, and there is no requirement to prove damages.

[31] – Malice is presumed due to the accusations of criminal conduct. The malicious intent is further supported by the fact the Defendant encouraged others to also engage in similar defamatory actions.

**Part 4 – PLAINTIFF'S ADDRESS**

Plaintiff's address for service:

695 Alpha Street

Victoria, B.C., V8Z 1B5

E-mail address for service : freemanmenard@gmail.com

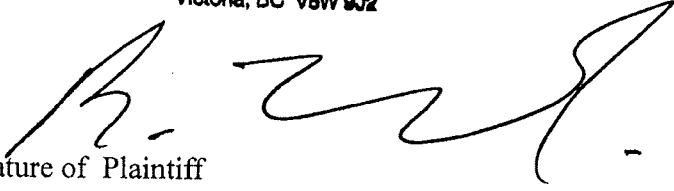
Place of trial: Victoria, British Columbia, Canada.

The address of the registry is:

850 Burdett Ave. Victoria, B.C.

Date: 20/11/2012

Ministry of Justice  
Court Registry  
2nd Floor, 850 Burdett Ave  
PO Box 8248 Stn Prov Govt  
Victoria, BC V8W 9J2

  
Signature of Plaintiff

Robert Menard

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
- (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and
  - (b) serve the list on all parties of record.

## Appendix A

Posted on the RANDI Forum found here:

<http://forums.randi.org/showpost.php?p=8314885&postcount=7511>

From the horse's mouth:

24th May 2012, 11:51 AM

The shows previously scheduled for May 26-27 have been cancelled. A notice will appear here when another venue has been found. Sorry for the inconvenience.

<http://consumerpurchasers.ca/?p=416>

Congrats to all who were involved. Don't know if it had any effect, but I wrote this email to the Lodge Master earlier this month:

Good day,

My late Grandfather was a long-standing fraternal member in Edmonton and, although I do not belong to any Lodge, through him I have a great respect for the brotherhood. Because of this, I wish to inform you that I believe the Whitby Masonic Hall will be used for a purpose contrary to the Masonic principle of "honesty in business" that you highlight on your website.

On May 26-27, a gentlemen named Robert Menard and his sham organization "The Association of Canadian Consumer Purchasers" (ACCP) are holding several seminars at the Hall. You should be aware that Mr. Menard is advertising one of these events as a sign-up seminar for what is almost certainly a criminal fraud scheme. This scheme involves collecting both one-time and monthly membership fees with the promise that members will be able to use Mr. Menard's system to have the Bank of Canada pay for all their consumer goods.

I know this sounds ridiculous, but this is exactly what Mr. Menard promises. You can read all about it on Mr. Menard's promotional site here:  
<http://www.consumerpurchasers.ca>

The Ontario Superior Court and the Ontario Court of Appeal have already ruled against this scheme - a fact of which Mr. Menard is well aware. You should also be aware that Mr. Menard is the subject of a court order in British Columbia prohibiting him from holding himself out as a lawyer. Mr. Menard has a history of providing false legal advice for a fee and causing serious legal problems, including incarceration, for victims who have acted on that advice. In addition to collecting membership fees for his "consumer purchase" scam, Mr. Menard will be disseminating this advice at several of the planned seminars at your Hall.

Typically, it is the most desperate and vulnerable members of Canadian society that are attracted to "free money" scams like the one Mr. Menard is promoting - just the sort of people that Freemasons are renowned for supporting through charitable work. I urge you to look closely at the person and the organization to whom you have rented your facilities. If you do so, I am certain that you will reconsider allowing your facilities to be used by these crooks.

Best Regards,

## Appendix B

**From:** Kate Longpre  
**Date:** September 4, 2012 11:09:06 AM PDT  
**To:** 'Charles' <[charles.murray@me.com](mailto:charles.murray@me.com)>, [pstein11@mac.com](mailto:pstein11@mac.com)  
**Subject:** Information that I have received with regards to Menard.

I wish to inform you that the Vic West Community Centre will be used for a purpose I believe contrary your organization's efforts to the meet the diverse needs of our community.

On September 7, a gentlemen named Robert Menard and his sham organization "The Association of Canadian Consumer Purchasers" (ACCP) are holding a seminar at your community centre. See: <http://public.worldfreemansociety.org/index.php/forum/197-announcements/108037-victoria-bc-show#108037> . You should be aware that Mr. Menard is advertising this event as a promotion for what is almost certainly a criminal fraud scheme. This scheme involves collecting both one-time and monthly membership fees with the promise that members will be able to use Mr. Menard's system to have the Bank of Canada pay for all their consumer goods.

I realize that this scheme sounds ridiculous, but this is exactly what Mr. Menard promises. You can read all about it on Mr. Menard's promotional site here:  
<http://www.consumerpurchasers.ca>

The Ontario Superior Court and the Ontario Court of Appeal have already ruled against this scheme - a fact of which Mr. Menard is well aware. You should also be aware that Mr. Menard is the subject of a court order in British Columbia prohibiting him from holding himself out as a lawyer. Mr. Menard has a history of providing false legal advice for a fee and causing serious legal problems, including incarceration, for victims who have acted on that advice. In addition to promoting his "consumer purchase" scam, Mr. Menard will be disseminating this advice at the seminar at your Hall.

Typically, it is the most desperate and vulnerable members of Canadian society that are attracted to "free money" scams like the one Mr. Menard is promoting - just the sort of people the Vic West Community Centre is renowned for supporting through its work. I urge you to look closely at the person and the organization to whom you have rented your facilities. If you do so, I am certain that you will reconsider allowing your facilities to be used by these crooks.

### **Kate Longpre**

Manager - Victoria West Community Centre  
521 Craigflower Road  
Victoria, BC V9A 6Z5  
Tel [250-590-8922](tel:250-590-8922)  
Fax [250-590-8921](tel:250-590-8921)  
[coordinator@victoriawest.ca](mailto:coordinator@victoriawest.ca)  
[www.victoriawest.ca](http://www.victoriawest.ca)

## Appendix C

Posted on the RANDI Forum found here:

<http://forums.randi.org/archive/index.php/t-176799-p-31.html>

D'rok - 25th May 2012, 07:38 AM

I recommend we do this every time they announce a venue. I am fairly sure no privately owned venue, unless its operated by nutters themselves, would want to be associated with FMTOL. As soon as they reschedule the CCP scam "meeting" lets figure out who owns the building and see if we can make a difference again. Meeting has been changed to a privately owned venue operated by nutters themselves - i.e., some jackass' house.

Venue change: Is now going to be held at a private residence with a huge backyard! Bring your own lawn chairs!

<http://consumerpurchasers.ca/?p=423>

It's BYOB too, but you can use the BBQ. :rolleyes:



## Appendix D

Posted on the RANDI Forum found here:  
<http://67.228.115.45/showpost.php?p=8654493&postcount=43>

29th September  
2012, 12:18 AM

#43

**D'rok**  
Free Barbarian on  
The Land

Originally Posted by LashL

I suspect that someone we know did much of the legal research for Associate Chief Justice Rooke for this judgment...



This is true.

For all those heaping praise on Justice Rooke, the real credit goes elsewhere. I sincerely hope that person consents to bask in the glory that is due.

Join Date: Dec 2006  
Location: Edmonton,  
Alberta  
Posts: 6,164