

*ONTARIO*  
SUPERIOR COURT OF JUSTICE

BETWEEN:

GAIL ARDIEL and JOHN MCKEAN

Plaintiffs

-and-

MICHAEL SEGUIN, CATHERINE SCHULTZ, LINDA WYKES and SHELLY SAVILL  
o/a THE BLUE MOUNTAINS REVIEW, and RIVERSIDE PRESS

Defendants

STATEMENT OF CLAIM  
(Notice of Action issued on November 2, 2018)

CLAIM

1. The Plaintiffs, Gail Ardiel and John McKean (collectively, the "Plaintiffs"), claim against the Defendants, Michael Seguin, Catherine Schultz, Linda Wykes and Shelly Savill o/a The Blue Mountains Review, and Riverside Press (collectively, the "Defendants"), collectively as follows:
  - a. an Order requiring the Defendants to remove all statements, postings, and displays published by them on the internet or otherwise that are defamatory;
  - b. an interlocutory injunction and a permanent injunction to restrain the Defendants from any further publication of the defamatory statements complained of in this Statement of Claim and to restrain the Defendants from continuing to defame the Plaintiffs;

- c. an Order requiring the Defendants to publish a full and complete retraction of the defamatory statements complained of in this Statement of Claim and a full and complete apology to the Plaintiffs.
2. The Plaintiffs claim against the Defendants, jointly and severally, in the following amounts:
  - a. general damages for defamation in the amount of \$250,000;
  - b. special damages, in an amount to be determined at trial, flowing from personal and/or financial harm to the Plaintiffs caused by the publication of the defamatory statements complained of in this Statement of Claim;
  - c. aggravated, exemplary, and/or punitive damages in the amount of \$200,000;
  - d. pre- and post-judgment interest in accordance with the *Courts of Justice Act*, RSO 1990, c C43, as amended;
  - e. costs of this proceeding on a substantial indemnity basis together with the applicable HST; and
  - f. such further and other relief as this Honourable Court may deem just.

#### THE PARTIES

3. The Plaintiff, Gail Ardiel, resides in the village of Clarksburg, Ontario. Ms. Ardiel is a prominent member of the Blue Mountains Community and the former Deputy Mayor of the Town of the Blue Mountains, a position she held until 2018. Ms. Ardiel ran an unsuccessful campaign in 2018 for Mayor of the Town of the Blue Mountains.

4. The Plaintiff, John McKean, resides in the hamlet of Ravenna. Mr. McKean is a prominent member of the Blue Mountains Community and the former Mayor of the Town of the Blue Mountains, a position he held until Fall 2018.
5. The Defendant, Michael Seguin, resides in the village of Thornbury, Ontario. Mr. Seguin is a former councillor for the Town of the Blue Mountains. Mr. Seguin resigned from his position as councillor for the Town of the Blue Mountains in May 2018.
6. The Defendant, Catherine Schultz, resides in the village of Thornbury, Ontario. Ms. Schultz is the wife of Mr. Seguin.
7. The Defendant, Linda Wykes and Shelly Savill o/a The Blue Mountains Review, are the owners and operators of the unincorporated publication, The Blue Mountains Review. The Blue Mountains Review purports to post news of interest to the community on its website and publishes a print version distributed, free of charge, to nearly 3000 homes in the Blue Mountains (Thornbury, Clarksburg, Ravenna, Craigleith and Heathcote).
8. The Defendant, Riverside Press, is a sole proprietorship. Linda Wykes is the sole proprietor of Riverside Press. Riverside Press is the publisher of the Blue Mountains Review.
9. As set out below, the Defendants maliciously authored, uttered, published, and/or directed to be published false and defamatory comments concerning the Plaintiffs.

## THE DEFAMATORY AND LIBELOUS STATEMENTS

10. Specifically, in August 2018, Riverside Press, Shelly Savill and Linda Wykers o/a The Blue Mountains Review published in its Volume 4, Issue No. 8, an article/media release entitled "RUMOUR HAS IT THAT COUNCIL HAS MOVED ON FROM THE MICHAEL SEGUIN AFFAIR – THIS IS A MYTH", which contained, *inter alia*, the following defamatory and libellous statements:

- a. "The majority of Council, led by Mayor McKean and Deputy Mayor Ardiel, have rejected my acceptance of their March 28, 2018 offer to settle and want to continue to pursue action against me at the taxpayer's expense";
- b. "...which was followed by sanctions which were clearly designed to smear my good name and reputation"; and
- c. "Council's latest legal maneuver which is designed to drag this matter out and to continue to drive up my legal bills. They are expressing no remorse about spending your money and continuing their campaign against me."

(emphasis added)

11. Furthermore, since October 2016, Michael Seguin and Catherine Schultz communicated false and defamatory statements to the Town of the Blue Mountains community and beyond through The Blue Mountains Review, open letters, social media, and email.

Specifically:

- a. Mr. Seguin wrote as follows in an article/media release that was published in August 2018 in The Blue Mountains Review, Volume 4, Issue No. 8: "The majority of Council, led by Mayor McKean and Deputy Mayor Ardiel, have rejected my acceptance of their March 28, 2018 offer to settle and want to continue to pursue action against me at the taxpayer's expense"; "...which was followed by sanctions which were clearly designed to smear my good name and reputation"; and

“Council’s latest legal maneuver which is designed to drag this matter out and to continue to drive up my legal bills. They are expressing no remorse about spending your money and continuing their campaign against me”;

- b. In an email sent by Mr. Seguin to many members of the Town of the Blue Mountains community in or around July 19, 2018 wherein Mr. Seguin announced his endorsement of Alar Soever for Mayor of the Town of the Blue Mountains, Mr. Seguin wrote as follows: “Alar has been instrumental in exposing the truth behind the unfair and inappropriate back-room investigation of false harassment allegations against me by the former CAO and town staff....Although, the CAO fled the Town in August, 2017, the Mayor (McKean), and Deputy Mayor or that alternative (Ardiel), with support of the majority of Council, have continued their vindictive behaviour to cover-up the truth and avoid any settlement with me...Council’s latest legal maneuver, which is designed to drag this matter out and to continue to drive up my legal bills, is a clear indication that the whole negotiation process was a total sham, and was only designed to deplete my financial resources so that I can no longer continue. They are expressing no remorse about spending your money and continuing their campaign against me”;
- c. In a Facebook post published by Mr. Seguin in or around July 2018, Mr. Seguin wrote as follows: “I was silenced, shamed, humiliated and treated like a criminal, through sanctions for alleged (and unknown) harassment charges by an authoritarian that were never vetted by an independent Integrity Commissioner and explained to me...I think the fact that the Mayor and the rest of Council needed to take “Harassment Training” (which they did) is an admission that they had no clue in what they were accusing and sanctioning me for...In my opinion, my so-called Council lacks both respect and professionalism and are forcing me to correct their mistakes by taking the Town to the Divisional Court, and asking for a Judicial Review of their flawed handling of my case (at the taxpayers [sic] expense)”;
- d. In a Facebook post published by Mr. Seguin on October 22, 2016, Mr. Seguin wrote as follows: “The so-called protocol that the Deputy Mayor has instituted at the last minute, were [sic] never discussed with me in advance of her declaration nor were they mentioned or discussed with me in advance of her declaration nor were they

mentioned or discussed as part of the sanctions. In fact, they were never mentioned or enforced as part of the Committee of the Whole meeting of October 3, 2016”;

- e. In a Facebook post published by Mr. Seguin on October 25, 2016, Mr. Seguin wrote as follows: “That made it all the more pathetic to have our elected representatives demeaning themselves by condemning a fellow councillor without offering any evidence for their positions, and claiming that they were doing so “with a heavy heart,” or clichés to that effect. It was more than just a ‘kangaroo court,’ as someone remarked afterward; it was a ritual humiliation that they all participated in, apparently voluntarily, and in my eyes, they lost any authority they might have had, and ceded it to the CAO, who appears to be behind all of this”; and
- f. In a Council meeting that took place on April 30, 2018 in front staff and members of the general public, Ms. Schultz yelled as follows to Members of Council, Ms. Ardiel, and Mr. McKean while staring directly at Ms. Ardiel: “I hope you rot in hell!”

(emphasis added)

11. In their natural and ordinary meaning, the words contained in the defamatory statements meant and were understood to mean that:

- a. Mr. McKean and Ms. Ardiel fail to comply with the rule of law;
- b. Mr. McKean and Ms. Ardiel have no moral authority;
- c. Mr. McKean and Ms. Ardiel are wasteful with public funds;
- d. Mr. McKean and Ms. Ardiel are ignorant of their professional responsibilities;
- e. Mr. McKean and Ms. Ardiel are unethical;
- f. Mr. McKean and Ms. Ardiel are incompetent;
- g. Mr. McKean and Ms. Ardiel are vindictive;
- h. Mr. McKean and Ms. Ardiel operate in a clandestine and illicit manner; and

- i. Mr. McKean and Ms. Ardiel deserve to rot in hell.
12. The Plaintiffs plead that the above statements are false and have caused and continue to cause them serious and irreparable reputational, and economic damage.
13. The Plaintiffs further claim that the false and defamatory statements above were made by the Defendants as part of a campaign to damage the reputation of the Plaintiffs in the small community of the Town of the Blue Mountains and beyond. This campaign was and continues to be, in part, conducted over the internet.

#### THE NOTICES OF LIBEL

14. The Plaintiffs plead that after November 2, 2016, they discovered Mr. Seguin's impugned Facebook posts.
15. On or around August 31, 2018, the Plaintiff served Libel Notices on the Defendants; specifically, in relation to the above-cited article published in *The Blue Mountains Review*, pursuant to Section 5(1) of the *Libel and Slander Act*, RSO 1990, Chapter L12 after learning about the statements reproduced in the article above.
16. On or around October 3, 2018, the Plaintiffs sent follow-up Libel Notices to the Defendants.
17. The Defendants have failed and/or refused to remove the defamatory statements from the internet, and failed and/or refused to provide an apology.

## LIBEL, SLANDER AND DEFAMATION

18. The defamatory statements set out in this Statement of Claim refer to the Plaintiffs and are of and concerning the Plaintiffs.
19. The Defendants wrote, printed, uttered, and/or published or caused to be written, printed and/or published the defamatory statements set out in this Statement of Claim.
20. There was no valid justification for the Defendants to write, utter, print, and/or publish or cause to be written, printed and/or published the highly offensive and defamatory statements set out in this Statement of Claim referring to the Plaintiffs.
21. The Plaintiffs further plead that the defamatory and libelous statements set out in this Statement of Claim are false and continue to be published maliciously in an attempt to injure the reputations of the Plaintiffs.
22. The Plaintiffs plead that the communication via the internet is instantaneous, seamless, interactive, blunt, borderless and far-reaching.
23. As a result of the injurious falsehood committed by the Defendants, the Plaintiffs have and continue to suffer damages, including loss of business, reputation, and good will.
24. The malicious, high-handed and egregious conduct of the Defendants warrants an award of punitive damages against them in addition to the other relief requested herein.



## INJUNCTION

25. As a result of the transmission, publication or posting of the statements as set out herein, which continues unabated to the time of this pleading, the Plaintiffs have suffered and continue to suffer irreparable harm. Accordingly, the Plaintiffs plead entitlement to the injunction and other equitable relief against the Defendants to prevent the further publication, transmission or dissemination of the defamatory statements.

## PLEADINGS AND FORUM

26. The Plaintiffs plead and rely upon the *Libel and Slander Act*, RSO 1990, c L 12, and the *Courts of Justice Act*, RSO 1990, c C 43, as amended.
27. The Plaintiffs propose that this action be tried at Owen Sound (Grey County).

Dated: November 29, 2018

PINTO JAMES LLP  
Barristers & Solicitors  
1155-65 Queen Street West  
Toronto ON M5H 2M5

Andrew Pinto (37268K)  
apinto@pintojames.com

Jonas Granofsky (68426I)  
jgranofsky@pintojames.com

Tel. (416) 703-2067  
Fax (416) 593-4923

Lawyers for the Plaintiff

GAIL ARDIEL AND JOHN MCKEAN  
Plaintiffs

-and-

MICHAEL SEGUIN, CATHERINE SCHULTZ, et al.  
Defendants

Court File No. CV-18-00000-179-0000

ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED IN  
OWEN SOUND (GREY COUNTY)

STATEMENT OF CLAIM  
(Notice of Action issued on November 2, 2018)

PINTO JAMES LLP  
Barristers & Solicitors  
1155 - 65 Queen Street W  
Toronto ON M5H 2M5  
Andrew Pinto (37268K)  
Jonas Granofsky (68426I)

Tel : (416) 703-2067  
Fax: (416) 593-4923

Lawyers for the Plaintiffs