

**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

**NOTICE OF ACTION**

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the statement of claim served with this notice of action.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this notice of action is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES,

LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date Nov 21 18

Issued by "Cathy Higginson"  
Local registrar

Address of  
court office: Owen Sound (Grey County)  
611 - 9th Avenue East  
Owen Sound, ON  
N4K 6Z4

TO: Linda Wykes and Shelly Savill o/a The Blue Mountains Review  
158 Clark Street  
Clarksburgh, ON N0H 1J0

AND TO: Riverside Press  
158 Clark Street  
Clarksburgh, ON N0H 1J0

AND TO: Michael Seguin  
209 Peel St N.  
Thornbury, ON N0H 2P0

AND TO: Catherine Schultz  
209 Peel St N.  
Thornbury, ON N0H 2P0

## CLAIM

1. The plaintiffs claim against the defendants as follows:
  - a. an interlocutory injunction and a permanent injunction to restrain the defendants from any further publication of the defamatory statements complained of in this Notice of Action and to restrain the defendants from continuing to defame the plaintiffs;
  - b. an Order requiring the defendants to publish a full and complete retraction of the defamatory statements complained of in this Notice of Action and a full and complete apology to the plaintiffs.
  
2. The plaintiffs claim against the defendants 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 Notice of Action;
  - c. aggravated, exemplary, and/or punitive damages in the amount of \$100,000;
  - 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.

3. This is a claim by Gail Ardiel and John McKean against the Defendants, Michael Seguin, Catherine Schultz, Shelly Savill and Linda Wykes o/a The Blue Mountains Review, and Riverside Press (collectively, the "Defendants") flowing from false and defamatory comments published by the Defendants.
  
4. 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)

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

- a. Mr. Seguin wrote as follows in a 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)

- 5. The Plaintiffs plead that the above statements are false and have caused and continue to cause them serious and irreparable reputational, and economic damage.
- 6. 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.

7. 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.
8. The Plaintiffs propose that this action be tried at Owen Sound (Grey County).

November 1, 2018

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Lawyers for the Plaintiffs

GAIL ARDIEL AND JOHN MCKEAN  
Plaintiffs

-and-

MICHAEL SEGUIN, CATHERINE SCHULTZ, et al.  
Defendants

Court File No. *018-0000179-*  
*0000*

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

NOTICE OF ACTION

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