

ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

SHAUN MCLAUGHLIN AND JOHN EDWARDS

Plaintiffs

and

STEVEN MAYNARD

Defendant

A N D B E T W E E N:

STEVEN MAYNARD

Plaintiff By Counterclaim

and

SHAUN MCLAUGHLIN AND JOHN EDWARDS

Defendants by Counterclaim

STATEMENT OF DEFENCE AND COUNTERCLAIM

TO THE DEFENDANTS TO THE COUNTERCLAIM:

A LEGAL PROCEEDING has been commenced against you by way of a counterclaim in an action in this court. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS COUNTERCLAIM, you or an Ontario lawyer acting for you must prepare a defence to counterclaim in Form 27C prescribed by the Rules of Civil Procedure, serve it on the plaintiff by counterclaim's lawyer or, where the plaintiff by counterclaim does not have a lawyer, serve it on the plaintiff by

counterclaim, and file it, with proof of service in this court, WITHIN TWENTY DAYS after this statement of defence and counterclaim is served on you.

If you are not already a party to the main action and you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

If you are not already a party to the main action, instead of serving and filing a defence to counterclaim, 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 COUNTERCLAIM, 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.

Date: July 24, 2017

Issued by:

Local Registrar

43 Drummond Street East,
Perth, Ontario
K7H 1G1

TO: Low Murchison Radnoff LLP
1565 Carling Avenue, 4th Floor
Carling Executive Park
Ottawa, Ontario
K1Z 8R1

Jonathan Collings
LSUC No. 55790M

T: (613) 236-9442
F: (613) 236-7942

Lawyers for the Plaintiffs

STATEMENT OF DEFENCE

1. Except as otherwise admitted herein, the Defendant/Plaintiff by Counterclaim, Steven Maynard ("Maynard") admits none and denies all of the allegations contained in the Statement of Claim of Shaun McLaughlin and John Edwards ("McLaughlin", "Edwards", "Plaintiffs").

PARTIES

2. Maynard is an individual residing in Carleton Place, Ontario and was born and raised in what is now the Almonte Ward of Mississippi Mills. He was a resident of Almonte for 48 years.
3. McLaughlin is an individual residing in the Pakenham Ward of Mississippi Mills, Ontario and was elected Mayor of Mississippi Mills in October, 2014.
4. Edwards is an individual residing in the Ramsay Ward of Mississippi Mills, Ontario and was re-elected Councillor for Ramsay Ward in October, 2014.

SUBSTANTIAL JUSTIFICATION

5. Maynard pleads that the words and images complained of in the Statement of Claim were published in good faith, without malice and are substantially true in substance and fact.

RESPONSIBLE COMMUNICATION ON MATTERS OF PUBLIC INTEREST

6. Maynard pleads that the words and images complained of in the Statement of Claim were on matters of public interest and of particular interest to residents and businesses of Mississippi Mills.

INTERIM INTERLOCUTORY INJUNCTION

7. The request by McLaughlin and Edwards for an interim interlocutory injunction requiring Maynard to delete all of the complained about Posts and third party comments should not be granted because the Posts are true and/or responsible communication.

COUNTERCLAIM

8. Maynard claims against McLaughlin and Edwards:
 - a. the sum of \$ 200,000 in general damages for libel;
 - b. the sum of \$ 200,000 in general damages for the intentional and/or negligent infliction of emotional suffering;
 - c. the sum of \$ 200,000 in general damages for harassment and abuse of power;

- d. the sum of \$ 400,000 in punitive and/or exemplary and/or aggravated damages;
- e. his costs of this action on a substantial indemnity scale;
- f. costs of this action for his time and effort to do work ordinarily done by a lawyer retained to conduct the litigation;
- g. prejudgement and postjudgement interest pursuant to the ***Courts of Justice Act, R.S.O. 1990, c. C.43***; and
- h. such further and other relief as this Honourable Court may deem just.

LIBEL

- 9. On June 11, 2017, McLaughlin published statements on his public "Shaun Your Mayor" Facebook Group and on his public "Shaun Your Mayor" web site ("Stand Up to Bullies, Speak Out"); and on June 16, 2017, McLaughlin published statements on "The Millstone" (an online "volunteer-run newspaper for the Mississippi Mills area") that was captioned "Lawsuits, complaints against Town cost taxpayers thousands".
- 10. The Facebook Group publication could be seen by everybody with a Facebook account and it was only removed the week of July 10, 2017.

11. The web site publication could be seen by everybody with internet access and was only removed the week of July 10, 2017.

12. On the date of these pleadings, The Millstone publication is still visible to everybody with internet access.

13. Maynard pleads that the publications as a whole and the following words on their own, are maliciously false and defamatory of him and calculated to cause serious harm to Maynard's reputation:
 - a. "Steve Maynard intruded into a Council meeting and served Mississippi Mills Councillor Jill McCubbin with court documents";

 - b. "We cannot allow meanness and vindictive actions to discourage Jill and smart women like her from running";

 - c. "Through various channels, Maynard, his minions, and PRATAC members have inundated the Municipality with claims, complaints, and appeals to various government agencies. So far, the Town has spent tens of thousands of taxpayer dollars on additional staff salaries to manage the workload and legal fees.";

 - d. "For reasons that escape me, PRATAC supports Maynard and is helping raise funds for his next expensive litigation against the taxpayers.";

- e. "Maynard has a history of bullying people with the law"; and
 - f. "The Law Society of Upper Canada (LSUC) recently denied him a paralegal license because of his litigious nature".
14. Maynard relies on the natural and ordinary meaning of the words which are *prima facie* defamatory and false.
15. The said words in their natural and ordinary meaning were meant and were understood to mean that Maynard:
- a. intentionally and rudely interrupted discussions at an active Council meeting to serve court documents;
 - b. was motivated by malice and spite when he applied to the Court to determine if Councillor McCubbin was eligible to hold a seat on Council while employed by the local Library Board;
 - c. has brought many frivolous and/or vexatious actions against Mississippi Mills starting before June, 2016 and the municipality has spent tens of thousands of dollars defending or resolving these actions;
 - d. is litigating against taxpayers of Mississippi Mills with no concern of costs;

- e. regularly bullies and intimidates people using the law to bend them to his will; and
 - f. regularly abuses the court system with excessive and unjustified litigation.
16. Bullying is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. Calling someone a “bully” or accusing them of “bullying” brings them into scandal, contempt and disrepute since bullies are seen as undesirable people in society.
17. McLaughlin's publications have incited people to post disparaging and hate filled comments towards Maynard. The comments include:
- a. "Maynard's unwarranted, baseless attacks...have no place in this town. These attacks are resulting in MY hard earned tax dollars being used to defend the Municipality instead of improving infrastructure.";
 - b. "All they (Maynard and others) can do now is try to burn up taxpayer dollars with their nonsense.";
 - c. "One judge referred to his tactics as “litigation terrorism.” - I think that says it all for me, an independent judge made this strong statement. Case closed.";

- d. "He (Maynard) fortunately lives in another town he is just found some grumpy people willing to listen to him here In the friendly town";
- e. "I am...very upset to hear that my money is being wasted this way, and that our Council and staff are wasting their valuable time and energy dealing with vicious and frivolous complaints like this.";
- f. "As for Don Maynard, I never had the privilege of knowing him, but IF a park had been dedicated to me for all the generous deeds I had done, I would be spinning in my grave to know that my descendants were stirring up hatred in the community I had worked so hard to nurture.";
- g. "It is a great shame that someone who doesn't live in MM (Mississippi Mills) can cost us tens of thousands of dollars";
- h. "Another unbelievable stunt by Maynard";
- i. "I believe he (Maynard) needs psychological help";
- j. "Steve Maynard was unleashed on Council to do as much damage as possible"; and
- k. "This is just horrible and classless act. Basically Mr. maynard is throwing a temper tantrum that will cost the taxpayers. Idiot."

18. Maynard states that Edwards has defamed him by turning a blind eye to McLaughlin's publications made under the guise of speaking for Mississippi Mills' Council, essentially condoning and agreeing with McLaughlin's statements.

INTENTIONAL AND/OR NEGLIGENT INFLICTION OF MENTAL SUFFERING

19. Maynard is receiving anonymous emails containing horrendous references to him and his late father and threats of violence and physical harm. The emails started on June 11, 2017, the same day of the first publications. These are excerpts from the emails:

- a. "LEAVE JILL ALONE. Next bout... you will never know."
- b. "Hey Fuck face... good thing the OPP were a council tonight. Likely the best things that MM has done for you personally ever. "
- c. "...here comes the storm!...(show you a personal dose of litigation terrorism for good measure)"
- d. "Mr. Maynard received \$23,000 from his bitch-ass father's estate."
- e. "Loved the reaction on your smug fuck-face tonight. You look like you really are a drunken jizz drinker."

- f. "Looks good on you fuck face, I hope that they use the money to have a party in the Town Office (or DMP) with a cake with your name and a penis on it."
20. On June 15, 2017, when Maynard returned home, there was a voice message left for him saying "Just saw you leave home, Steve".
21. Maynard emailed McLaughlin (and cc'd Edwards and all councillors) asking him to take down his publications in order to stop inciting stalker(s) responsible for the anonymous email and the voice message. Neither McLaughlin nor Edwards responded to Maynard's email and the publications were not removed at the time of the request.
22. Maynard has struggled with anxiety and depression all of his life. As a result of McLaughlin not removing the publications, Maynard became fearful of the stalker(s). He was unable to sleep or function normally. Maynard sought medical help and was prescribed meds to be taken in addition to his regular meds for depression and anxiety.
23. McLaughlin and Edwards knew or ought to have known that Maynard was very concerned about the stalker(s) and that this worry would cause him increased anxiety and depression.

24. McLaughlin and Edwards knew or ought to have known that filing a Statement of Claim against Maynard would exacerbate his already increased anxiety and depression by the stalker(s).
25. McLaughlin's and Edwards' conduct: was flagrant and outrageous; calculated to produce harm; and resulted in a visible and provable illness.

HARASSMENT AND ABUSE OF POWER

26. On October 28, 2015, the government of Ontario passed the ***Protection of Public Participation Act, 2015*** (PPPA), designed to identify and eliminate strategic lawsuits against public participation (SLAPPs) and protect freedom of speech on matters of public interest.
27. The PPPA allows the public to participate more freely in public discussions without fear of retribution. It gives them a better way to defend themselves against SLAPPs. The threat of a strategic lawsuit, which can be lengthy and expensive, is often used as a means to intimidate or punish opponents and discourage others from speaking out.
28. The Statement of Claim set forth by McLaughlin and Edwards is a SLAPP intended only to intimidate Maynard and punish him for speaking out about the misconduct of the Mayor, Councillors and senior staff of Mississippi Mills.

29. The Statement of Claim is the second SLAPP being used by The Municipality of Mississippi Mills. The municipality has filed with the Human Rights Tribunal of Ontario to have Maynard removed as his friend's representative in her Application against the Municipality..
30. Using SLAPP's against Maynard is harassment and an abuse of power by McLaughlin and Edwards. They are using their positions on Mississippi Mills' Council to harass, intimidate and punish Maynard.
31. In his publications, McLaughlin needlessly refers to a May 2, 2017 Decision by the Law Society Tribunal dismissing Maynard's application for a Paralegal License. The Decision is under Appeal and not yet final.
32. McLaughlin, Edwards and/or their lawyer had Maynard served with the Statement of Claim on Sunday, July 16, 2017 and instructed the process server to contact one or all of them once he was served.
33. McLaughlin, Edwards and/or their lawyer provided the Statement of Claim to a reporter at the Ottawa Citizen to make the Claim public.
34. The intent of McLaughlin, Edwards and/or their lawyer was to humiliate Maynard and lower the public's opinion of him.

35. The references by McLaughlin to the Law Society Tribunal Decision are malicious and are intended only to disparage and harass Maynard and encourage others to do the same. McLaughlin states in his publications:

"Postscript: Maynard has a history of bullying people with the law. The Law Society of Upper Canada (LSUC) recently denied him a paralegal license because of his litigious nature. One judge referred to his tactics as "litigation terrorism" The LSUC case is a public document. If you'd like a link to it, email me"

PUNITIVE AND/OR AGGRAVATED AND/OR EXEMPLARY DAMAGES

36. By reason of the facts set out in the Counterclaim and in particular the malicious, high-handed and arrogant conduct of McLaughlin and Edwards, an award of punitive and/or aggravated and/or exemplary damages is warranted and needed to ensure that McLaughlin and Edwards and others like them are appropriately punished for their conduct and deterred from such conduct in the future. The following examples of conduct by the McLaughlin and Edwards justify an award of such damages:

- a. publishing the libels in a way that would ensure that they would be disseminated to a wide audience in Mississippi Mills in order to maximize the injury to Maynard;

- b. maliciously using the defamatory statements against Maynard to make an example of him to discourage members of the public from actively and visibly questioning the conduct of members of Council and senior staff of Mississippi Mills;
- c. maliciously using the defamatory statements against Maynard to further their own political agenda in Mississippi Mills;
- d. publishing the libels maliciously and in bad faith with knowledge that they were false or with reckless disregard for their truth and falsity;
- e. not removing the publications from the internet despite knowing that the publications may be the cause of a person or people stalking Maynard and severely impacting his health;
- f. filing the Statement of Claim knowing that it is a SLAPP and would have a severe adverse effect on Maynard's health;
- g. having Maynard served with the Statement of Claim on a Sunday; and
- h. providing the Statement of Claim to the media.

JOINT AND SEVERAL LIABILITY

37. McLaughlin and Edwards are jointly and severally liable for the damages caused to Maynard.

PLACE OF TRIAL

38. Maynard proposes that this action be tried in the Town of Perth.

Date: July 24, 2017

Steve Maynard
340 Moffatt Street,
Carleton Place, Ontario
K7C 3L7