

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

EUGENE PHILLIP LAROCQUE

Plaintiff

- and -

PAUL LEDROIT, ADRIEN ST. LOUIS AND
LEDROIT BECKETT

Defendants



STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

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 Statement of Claim 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.

CLAIM

1. The Plaintiff claims:

- (a) damages in the amount of \$750,000;
- (b) exaggerated, exemplary or aggravated damages in the amount of \$250,000;
- (c) punitive damages in the amount of \$250,000;
- (d) pre and post-judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990 c. C-43;
- (e) costs on a substantial indemnity scale; and
- (f) such further or other relief which this Honourable Court deems to be just.

2. The Plaintiff, Eugene Phillip LaRocque (hereinafter referred to as "Bishop LaRocque") resides in the City of Windsor, Ontario. Bishop LaRocque has led a distinguished and dedicated career as a pastor, educator and administrator in the Catholic Church. Bishop LaRocque was ordained as a Catholic priest in 1952. In addition to the pastoral duties he discharged in various parishes after his ordination, he became the Registrar at King's College of the University of Western Ontario in 1956. He also lectured there in French and English literature and religion until 1965 when he was named Director of King's College in its entirety.

3. In 1971, Bishop LaRocque was appointed to the position of Dean of Essex County pursuant to which he held administrative responsibility for all the Catholic priests in his region. In 1972, he became president of the National Federation of Senates of Priests. In recognition of

his vocation and exceptional ability and service, he was ordained as the Bishop of Alexandria-Cornwall in 1974. He served in that community as its Bishop until 2002 when he retired.

4. As a Bishop in Cornwall, Bishop LaRocque was not only a leading member of that community but, under his tenure, worked tirelessly to establish programs for the eradication of abuse and the promotion and strengthening of the family, the amelioration of poverty and religious tolerance. For example:

- he led the funding initiative for the establishment of the Children's Treatment Centre for the sexually and physically abused;
- he was instrumental in helping finance the Family Counselling Bureau of Cornwall;
- he has been recognized as a leader within the community of the Catholic church where he has served both as a vice-president and president of the Conference of Catholic Bishops of Ontario and as a member of the Permanent Council of the Conference of Catholic Bishops of Canada;
- he was also the first president and a long-time serving member of the Liaison Committee between the Canadian Jewish Congress, the Canadian Council of Churches and the Conference of Catholic Bishops of Canada. In recognition of his distinguished service to that Committee and his contributions to religious tolerance at large, he was given the Isaiah Award by the Canadian Jewish Congress.

5. Paul Ledroit (hereinafter "Mr. Ledroit"), is a Barrister and Solicitor called to the Bar of the Province of Ontario. He practises with the firm of Ledroit Beckett in London, Ontario.

6. Adrien St. Louis is an individual who resides in or around the City of Cornwall, Ontario.
7. Ledroit Beckett is a partnership of lawyers carrying on the practice of law together. Ledroit Beckett is located in the City of London, Ontario.

BACKGROUND

8. In the mid-1990s, the Ontario Provincial Police (hereinafter referred to as the "OPP") developed a Task Force Unit in the City of Cornwall for the purpose of carrying out an extensive investigation into a variety of historical allegations of sexual abuse of minor children or others and into the existence of an alleged "pedophile ring" in Cornwall. The OPP Investigation Unit was dubbed "Project Truth". As a result of its work, some criminal charges were laid against a number of people for sexual assault. Some of those cases proceeded to trial in the late 1990s and continued into the year 2000 and later. The investigation itself, as well as the trial and legal proceedings which arose from it, caused what can only be described as a sensational impact in Cornwall and elsewhere in Ontario. It attracted daily or weekly media attention throughout the 1990s and into the year 2000 and following.

9. In the late 1990s, rumours began to circulate in the media in Cornwall and elsewhere that the "Project Truth" Investigation Unit had not conducted a proper investigation. People in some circles did not seem satisfied that enough charges had been laid. There followed an extensive debate in Cornwall and its media, as well as in the Ontario Legislative Assembly, concerning the prudence of calling a provincial commission of inquiry into the handling of the "Project Truth" investigation. Gary Guzzo, then a member of the Conservative Party of Ontario, elected to the Legislative Assembly, publicly identified himself with the position that the "Project Truth"

investigation team had not properly conducted itself and that a public inquiry ought to be called. He attempted to draw as much public attention to the issue as possible.

10. The former Conservative government did not agree with Gary Guzzo and did not call a public inquiry. However, in the last provincial election, the then leader of the Opposition, Dalton McGuinty, made an electoral promise that he would call an inquiry.

11. Following the election of the Liberal government, agitation began in the Cornwall media for the Commission of Inquiry to be called in accordance with Premier McGuinty's election promise. Therefore, in late 2004, the Liberal government announced that it intended to call a Commission of Inquiry and that it would shortly release its terms of reference.

12. As 2005 began, the Attorney General of Ontario confirmed that the Commission of Inquiry had been called and his office released the terms of reference and appointed Judge Norman Glode, the Regional Senior Chief Justice of Sudbury, as the Commissioner for the public inquiry.

13. All of these developments attracted highly visible media attention in Cornwall on the radio, television and in the newspapers, as well as elsewhere in the Province of Ontario. It was in this highly volatile environment that the Defendants began the activities which gave rise to this proceeding.

14. In 2004, Paul Ledroit and the Ledroit Beckett firm represented an individual named John Swales in a sexual abuse case which proceeded to trial before the Superior Court. The Plaintiff was successful in the case. Following it, the Ledroit Beckett firm hired John Swales as its agent. Mr. Swales became part of a team devoted to sexual abuse cases and was specifically assigned

the task of establishing an office in Cornwall. Its sole purpose would be the solicitation of "would-be" sexual abuse plaintiffs against, among others, the Diocese of Alexandria-Cornwall.

LEDROIT BECKETT'S MEDIA STRATEGY

15. In furtherance of this plan, Ledroit Beckett, through Mr. Swales, placed advertisements in the *Cornwall Standard Freeholder* and other local media announcing community meetings and encouraging alleged victims of sexual abuse to come forward and meet with him for the purpose of discussing potential litigation against individuals or institutions in Cornwall which would be handled by Ledroit Beckett.

16. In view of the high profile of the Project Truth investigation and its associated criminal proceedings, Mr. Swales' presence in Cornwall and his advertisements attracted significant media attention.

17. Mr. Ledroit, Ledroit Beckett and Mr. Swales then conceived of a strategy to announce, through press conferences, any developments in their work relating to sexual abuse claims and to time those announcements to achieve the maximum potential publicity by holding them at or around the same time as any other related public announcements such as those in respect of the Public Inquiry. This strategy was designed to solicit as many would-be plaintiffs as possible on whose behalf Ledroit Beckett intended to act.

18. Early in 2005 Mr. Swales, on behalf of Ledroit Beckett and Mr. Ledroit, made public statements identifying the Ledroit Beckett firm as being on the side of the victims of abuse in Cornwall and that the Ledroit Beckett firm was an excellent potential candidate to represent such victims in litigation or those who might seek standing at the Commission of Inquiry.

THE FIRST PRESS CONFERENCE

19. In early 2005, Ledroit Beckett, Mr. Ledroit and Mr. Swales began to schedule and conduct press conferences announcing the commencement or intended commencement of lawsuits on behalf of various plaintiffs who had allegedly suffered abuse.

20. In furtherance of this strategy, during the week of June 6, 2004, John Swales, on behalf of Ledroit Beckett, and Paul Ledroit, contacted various media outlets in or around Cornwall and in the Province of Ontario, generally, for the purpose of scheduling a press conference for June 8, 2005 in Cornwall. The stated purpose of the press conference was to make various announcements concerning historic sexual abuse perpetrated in the Cornwall area, as well as to publicly launch a number of lawsuits arising from those issues. Ledroit Beckett attempted to draw maximum public attention to the press conference. In this regard, John Swales said, in a media announcement, that Paul Ledroit and Ledroit Beckett would “drop a bombshell on Cornwall” at the June 8, 2005 press conference. This comment was intended to sensationalize what was going to take place at the press conference, all with the view to promoting the greatest possible attention to it and Ledroit Beckett as potential counsel for new cases. Mr. Swales’ comments in this regard were re-published and reported on the day of the press conference itself, June 8, 2005, in the *Ottawa Sun*, under an article entitled “Ten New Cornwall Abuse Suits Launched”, and in the *Cornwall Standard Freeholder* on the same day under the heading “Project Truth Bombshell — Law Firm Promises Unveiling Big Names in Today’s Suit Announcement”.

21. On June 8, 2005, Ledroit Beckett held a press conference in Cornwall which was chaired by Mr. Ledroit. Mr. Ledroit acted as the media spokesperson and fielded all media questions at

the press conference. During the press conference, Mr. Ledroit announced the commencement of a large number of new lawsuits against area officials, including some members of the Diocese of Alexandria-Cornwall.

22. Having called the media conference for the purpose of disseminating his statements, Mr. Ledroit, by himself and on behalf of Ledroit Beckett, knew and intended that his words would be widely re-published as they were in fact. He therefore expressly or impliedly authorized the re-publication of the following defamatory words which he falsely and maliciously uttered of and concerning the Plaintiff:

- Bishop LaRocque, the former retired Bishop of Alexandria-Cornwall sexually abused Adrien St. Louis when he was about 15 years of age.
- Mr. Ledroit also stated that he intended, on behalf of Adrien St. Louis, to sue Bishop LaRocque and the Diocese of Alexandria-Cornwall, the Vatican, and others for sex abuse.
- In the June 9, 2005 edition of *The Cornwall Standard Freeholder* under the heading "Project Truth Erupts: Ten Civil Suits Filed", Mr. Ledroit was quoted at the press conference as having said:

Ledroit also announced 11 other civil lawsuits, including one yet to be filed which will name the retired Alexandria-Cornwall Bishop Eugene LaRocque and the Vatican as Defendants.

- On June 9, 2005, in the *Ottawa Sun* at page 10 under the heading "Victims Launch 13 Lawsuits: Judge has Distant Relations Among Plaintiffs Seeking \$3.1 Million", Mr. Ledroit was quoted as having made the following statement at the press conference:

London lawyer, Paul Ledroit, the lawyer for all 13 cases, said his client, Adrien St. Louis, would sue retired Bishop Eugene LaRocque. St. Louis claims LaRocque and two other priests abused him in the 1970s when was about 15. Ledroit said he would try to sue the Vatican because it ultimately is responsible for appointing Bishops.

- Page 3 of the June 9, 2005 edition of *The Cornwall Standard Freeholder* under the heading "Lawyer: Landmark Suit to be filed Against the Vatican: London Area Lawyer says those at the Top Need to Accept Some Responsibility", Mr. Ledroit was quoted as saying at the press conference:

Attorney Paul Ledroit said Wednesday a Statement of Claim will soon be filed against a retired senior clergy member who served in Cornwall for many years and will also name the Vatican as a defendant.

Ledroit said there is a ladder of responsibility regarding sexual abuse in churches and the church's Rome based headquarters is at the top.

23. Mr. Ledroit's statements were made on his own behalf, on behalf of Ledroit Beckett and on behalf of Ledroit Beckett's client, Adrien St. Louis, who expressly authorized and permitted Mr. Ledroit to make the statements aforesaid.

24. The words complained of in paragraphs 21 and 22 of this Statement of Claim were in their natural and ordinary meaning and having regard to their entire tone and context, defamatory of the Plaintiff. Having regard to the words spoken and the prevailing public controversy relating to sexual abuse in Cornwall, the words were meant and understood to mean that:

- (a) The Plaintiff was involved in a ring of pedophiles in or around the City of Cornwall;
- (b) The Plaintiff was a pedophile;

- (c) The Plaintiff repeatedly or consistently committed acts of sexual assault, abuse, molestation, indecency or rape of Adrien St. Louis;
- (d) The Plaintiff abused his position of trust and responsibility in order to seduce and have unlawful sexual contact with Adrien St. Louis;
- (e) The Plaintiff committed an assault on a minor boy;
- (f) The Plaintiff was unfit to be a Bishop in the Catholic church;
- (g) The Plaintiff was immoral, untrustworthy and acted inconsistently with his calling or duties as a priest and as a person holding a position of trust and influence.

THE PUBLIC MEETING

25. On June 29, 2005, Paul Ledroit and John Swales, on behalf of Ledroit Beckett, publicly announced that a meeting would take place on July 4, 2005, in Cornwall, allegedly to give sexual abuse victims and concerned citizens in Cornwall a chance to address issues and concerns they might have in connection with the upcoming provincial Public Inquiry. The announcement was intended to be and was in fact reported in the June 30, 2005 *Cornwall Standard Freeholder* on page 2 under the heading "London Law Firm Holds Meeting Next Week on Inquiry".

26. The public meeting took place on July 4, 2005, in Cornwall and it was chaired by Mr. Ledroit. The meeting was used as an opportunity to bolster publicity about the claims asserted by Ledroit Beckett against the Diocese and others, and to repeat and re-publish allegations of sexual abuse against the Diocese, including the Plaintiff. The meeting was also intended to recruit

- (c) The Plaintiff repeatedly or consistently committed acts of sexual assault, abuse, molestation, indecency or rape of Adrien St. Louis;
- (d) The Plaintiff abused his position of trust and responsibility in order to seduce and have unlawful sexual contact with Adrien St. Louis;
- (e) The Plaintiff committed an assault on a minor boy;
- (f) The Plaintiff was unfit to be a Bishop in the Catholic church;
- (g) The Plaintiff was immoral, untrustworthy and acted inconsistently with his calling or duties as a priest and as a person holding a position of trust and influence.

THE PUBLIC MEETING

25. On June 29, 2005, Paul Ledroit and John Swales, on behalf of Ledroit Beckett, publicly announced that a meeting would take place on July 4, 2005, in Cornwall, allegedly to give sexual abuse victims and concerned citizens in Cornwall a chance to address issues and concerns they might have in connection with the upcoming provincial Public Inquiry. The announcement was intended to be and was in fact reported in the June 30, 2005 *Cornwall Standard Freeholder* on page 2 under the heading "London Law Firm Holds Meeting Next Week on Inquiry".

26. The public meeting took place on July 4, 2005, in Cornwall and it was chaired by Mr. Ledroit. The meeting was used as an opportunity to bolster publicity about the claims asserted by Ledroit Beckett against the Diocese and others, and to repeat and re-publish allegations of sexual abuse against the Diocese, including the Plaintiff. The meeting was also intended to recruit

additional Plaintiffs for the purpose of commencing sex abuse proceedings, in which Ledroit Beckett sought to act as counsel.

27. Bishop LaRocque states that at the July 4, 2005 public meeting, Paul Ledroit or John Swales on behalf of Ledroit Beckett or both of them, falsely and maliciously published the following words of and concerning Bishop LaRocque.

- that Bishop LaRocque was a pedophile;
- that Bishop LaRocque sexually abused Adrien St. Louis when Adrien St. Louis was a young man of approximately 15 years of age.

28. Bishop LaRocque states that the words said by Paul Ledroit, John Swales on behalf of Ledroit Beckett, or both of them were intended to mean, meant or were understood to have the meanings attributed to them in paragraphs 21 and 22 of this Statement of Claim.

SUBSEQUENT PUBLIC STATEMENTS AND THE SECOND PRESS CONFERENCE

29. During the same week, Paul Ledroit and John Swales contacted a number of media outlets in Cornwall and in Ontario to announce that another press conference was going to take place on Tuesday, July 5, 2005 in Cornwall. The purpose of this press conference was to announce additional lawsuits and further allegations of sexual abuse. This announcement was made with the express purpose of drawing as much public attention to the second press conference as possible. The announcement was, in fact, reported in by the *Canadian Press* on Sunday, July 3, 2005 in its national general news section, the *Brockville Recorder and Times* on July 4, 2005 at page A5, the *London Free Press* on July 4, 2005 at page C1 and the *Windsor Star*

on July 4, 2005 at page A1. Accordingly, the Plaintiffs sought to achieve and did, in fact, achieve maximum media exposure with their public announcement of the second press conference.

30. On July 3, 2005, Mr. Ledroit spoke with representatives of the *Windsor Star* newspaper. During that conversation, Mr. Ledroit maliciously made a number of false and defamatory statements of and concerning the Plaintiff. Mr. Ledroit knew and intended that his statements would be republished by the *Windsor Star*. The *Windsor Star* did, in fact, re-publish Mr. Ledroit's statements the next day, on July 4, 2005 in an article entitled "RC Church Accused of Negligence: Sex Abuse Suit Names Vatican, Priest, Retired Windsor Bishop". Mr. Ledroit therefore expressly or impliedly authorized the defamatory statements for which he is responsible. The article appeared at page A1 of the *Windsor Star* and it repeated the following defamatory statements falsely and maliciously made by Mr. Ledroit to the *Windsor Star* of and concerning the Plaintiff. The statements were:

- Paul Ledroit, a London-based lawyer, said his firm will file a suit today in Cornwall against LaRocque and deceased priest Donald Scott on behalf of his client Adrien St. Louis.
- The suit will allege Scott and to a lesser extent, LaRocque, abused St. Louis in the late 1970s when LaRocque was Bishop of the Alexandria-Cornwall Diocese.
- "It occurred when this boy was an alter boy and would come to the rectory and sometimes stay overnight at the rectory", said Ledroit Sunday.

31. The statements described in paragraph 30 were uttered by Mr. Ledroit on behalf of Ledroit Beckett and Adrien St. Louis.

32. The Plaintiff states that the words complained of in paragraph 30 were meant or were understood to have the meanings referred to in paragraph 24 of this Statement of Claim.

33. On July 4, 2005, Paul Ledroit made a series of additional public statements on behalf of Ledroit Beckett and Adrien St. Louis. These statements were made to representatives of the *Cornwall Standard Freeholder* knowing and intending that they would be republished by it. Accordingly, the re-publication by the *Standard Freeholder* of Paul LeDroit's statements which, in fact, occurred, was expressly or impliedly authorized by Paul Ledroit. In this regard, Paul Ledroit falsely and maliciously made the following defamatory statements to the *Standard Freeholder* of and concerning the Plaintiff:

A civil suit filed Monday is a "social crusade" against widespread sex abuse perpetrated by the Catholic Church says a London-based lawyer: Paul Ledroit of the Ledroit Beckett firm.

The suit accuses the church of negligence and liability of their employees. Former local Bishop Eugene LaRocque and the late Donald Scott, a former Maxville priest, are named as defendants:

"Adrien was working and helping the church, he was dedicating his life to the church and enamoured by the institution", Ledroit said.

St. Louis, he said, did various tasks for the clergy over a number of years. This required him to "sleep over in the rectory" of the Maxville parish, Ledroit said. "The abuse began when he was 17 in 1974", Ledroit said, and lasted for 4 years until he was 22. Ledroit said St. Louis relented to the abuse because of the "power difference" between him and the clergy.

"You followed orders from the church."

The alleged abuse, Ledroit said, is just one example of sex abuse practiced by Catholic clergy and the church's failure to eliminate it.

34. The Plaintiff states that the words uttered by Paul Ledroit as aforesaid were understood to have the meanings referred to in paragraph 24 of the Statement of Claim and in addition, were also meant and understood to have the following additional meanings:

- that the Plaintiff sexually abused Adrien St. Louis over a period of four years;
- that the Plaintiff was involved in widespread sex abuse of young children in Cornwall;
- that the Plaintiff took advantage of a young, minor person working for the church who was enamoured with it;
- that the Plaintiff lured Adrien St. Louis into sleeping over at a church rectory in Maxville to perpetrate abuse;
- that the Plaintiff misused power and exerted personal, psychological and social control over Adrien St. Louis for the purpose of effecting sex abuse;
- that accordingly the Plaintiff misused his power for perverse and immoral purposes;
- that the abuse of Adrien St. Louis over 4 years was but one example of sex abuse carried out by Bishop LaRocque.

35. On July 5, 2005, Mr. Ledroit held the second press conference which he had previously announced. The press conference took place in Cornwall and was chaired by Paul Ledroit. At the press conference Mr. Ledroit presented his client, Adrien St. Louis, to the media. Mr. Ledroit and Mr. St. Louis planned the statements that Mr. St. Louis then made.

36. At the press conference Adrien St. Louis falsely and maliciously uttered the following defamatory words of and concerning the Plaintiff, all of which were re-published by the *Cornwall Standard Freeholder* on July 6, 2005 on its front page under the heading "He Knows Who I Am: Plaintiff in Sex Abuse Lawsuit Refutes Bishop's Claim of Innocence":

Under a picture of himself standing next to Father Scott, Mr. St. Louis said "when I had access to Father Scott's car, I would be picking up parcels from one diocese (office) to the other", said St. Louis while illustrating how he and Bishop LaRocque knew one another. "I am from the area; I have been in and out of his office."

Adrien St. Louis spoke to reporters at a press conference Tuesday morning and chuckled softly when one reporter implied LaRocque, the former Bishop for the Alexandria-Cornwall Roman Catholic Diocese now living in Windsor, had no memory of him. "He knows who I am", said St. Louis. "I have a very good idea he knows who I am."

On Tuesday, the Windsor Star reported that LaRocque denied the allegations against him, and made no mention as to whether or not he knows St. Louis.

While he was allegedly being routinely abused by Scott, St. Louis said, he recalls two separate occasions when he says he was allegedly abused by the Bishop at the rectory of St. James Parish in Maxville. "I was pretty much living there", said St. Louis who explained he would do work around the rectory which included running errands for the Diocese. "He and (LaRocque) came into my room while I was sleeping."

St. Louis said the abuse involved fondling and masturbation. "I didn't touch him", he said. "He touched me, but I didn't touch him at all. He didn't talk to me. I just knew who he was."

There wasn't a lot he could do to stop it from happening.

"I was shocked and afraid and scared," he said, making reference to LaRocque's height and girth. "Who's going to say no to a guy who's 7' tall and weighs 300 pounds?" St. Louis said LaRocque abused him on at least one other occasion, and the abuse at the hands of Scott lasted "about three and a half to four years."

37. The statements referred to in paragraph 3 of this Statement of Claim were uttered by Adrien St. Louis at the press conference orchestrated by Ledroit Beckett and chaired by Paul Ledroit. Mr. Ledroit knew and intended that his client would utter the words aforesaid and that those words would be published and re-published by local and Ontario media which they were in fact. Mr. Ledroit and Ledroit Beckett therefore encouraged, advised and facilitated their client, Adrien St. Louis, to utter the words aforesaid and, accordingly, they are responsible for the words spoken by him and re-published by various media.

38. The Plaintiff states that the words aforesaid intended, meant and were understood to have the meanings referred to in paragraphs 24 and 34 of this Statement of Claim in addition to which the aforesaid words were intended, meant and understood to have the following additional meanings:

- that the Plaintiff deliberately lied to the media by refusing to acknowledge his acquaintance with Adrien St. Louis;
- that the Plaintiff deliberately misused Diocesan affairs and employees to facilitate sex abuse;
- that the Plaintiff used his height and weight to intimidate, bully, and aggressively subjugate St. Louis or others to facilitate sex abuse.

39. On July 12, 2005, John Swales, as an employer or agent of Paul Ledroit or Ledroit Beckett, as well as on behalf of Adrien St. Louis, gave an interview to the *Glengarry News* in Cornwall and, in doing so, expressly or impliedly authorized the publication or re-publication by the *Glengarry News* of the words which he uttered and spoke on that occasion. The words were in fact re-published by the *Glengarry News* in its July 13, 2005 edition at page A2. The following defamatory words spoken by John Swales and concerning the Plaintiff were published by the *Glengarry News* as follows:

John Swales of the firm of Ledroit Beckett, who serves as a client support worker for victims of sexual abuse, says that Mr. St. Louis' compromised faith in religious life is one of the most dire effects of the alleged abuse. "He finally came to realize how this ruined his life," says Mr. Swales, explaining why the firm's client waited so long to make the charges. Mr. Swales spoke to the news on Mr. St. Louis' behalf because he says the man is in too fragile a state of mind to give an interview since going public with the lawsuit.

40. The Plaintiff states that the words published aforesaid were intended, meant and understood to have the meanings referred to in paragraphs 24, 34 and 37 of the Statement of Claim, and that the publication of the words aforesaid had the effect of repeating and re-publishing, either by innuendo or otherwise, all of the allegations previously published by Paul Ledroit, Ledroit Beckett, John Swales on behalf of Paul Ledroit or Ledroit Beckett and Adrien St. Louis.

MALICE

41. The Plaintiff states that having regard to the following circumstances which follows, all of the publications aforesaid or each of them were actuated by malice or were uttered with reckless disregard to their truth:

- The Defendants, Mr. Ledroit and Ledroit Beckett, having succeeded in the John Swayles' sexual abuse case decided to set up an office in Cornwall with the deliberate intent of publicizing the availability of their services. They conceived of a strategy of hiring John Swales to bolster their credibility and to advertise their attractiveness, and having the media announce and sensationalize all of their utterances and public communications. Therefore, the Respondents engaged in a reckless and self-serving media campaign to draw attention to their services for their own self interest.
- The Defendants constantly solicited the attention of the media with a view to publishing and re-publishing meetings or announcements of intended or launched proceedings or to accuse people in Cornwall of sex abuse.

- The Defendants knew that Cornwall was an environment in which the question of sexual abuse was hotly debated almost on a daily basis. In short, it was a sensational subject in Cornwall, and the media relations strategy pursued by Ledroit Beckett and Mr. Ledroit deliberately courted to the media's appetite to promote coverage of this issue.
- The Defendants deliberately set about to make the most exaggerated and sensationalized allegations against the Plaintiff in the public spotlight. Not only did they announce their intention to do this to the media in advance, they set about to achieve the widest possible dissemination of their allegations and to aggressively sensationalize what the allegations would be when they were released. They therefore intended that the allegations would cause maximum controversy in Cornwall, all with a view to promoting the existence of their services for potential, additional Plaintiffs in or around Cornwall or elsewhere.
- The Defendants conceived of a strategy of graphically presenting allegations and evidence in the form of the testimony of Mr. St. Louis, who portrayed the Plaintiff as a large, overbearing, vicious aggressor. This was designed to elicit not only sympathy, but to provoke a sense of outrage and horror in the public.
- In making the public statements that he did and by sponsoring and encouraging those made by others, Mr. Ledroit violated his duties under Rule 6.06 of the Rules of Professional Conduct governing the affairs of lawyers when they engage in communications with the media by using his media announcements for the purpose of publicizing himself and his firm and their services. Mr. Ledroit also knew or ought to have known that the statements which he published or which others published on his behalf or with his knowledge and concurrence were made in such a way as to have a

substantial likelihood of materially affecting the Plaintiff's right to a fair hearing. In this regard, Mr. Ledroit also acted in contravention of Rule 6.06(2) of the Rules of Professional Conduct governing lawyers in Ontario.

- The Defendants' statements were high handed, outrageous and made with reckless disregard to the reputation and interests of the Plaintiff.
- The Plaintiff served a Notice of Libel on the Defendants, notwithstanding which they have done nothing to retract their statements or to otherwise attempt to reduce the damage they have caused to the Plaintiff.

DAMAGES

42. The Plaintiff is a person of significant prominence and integrity. He held for many years a position of extraordinary trust and responsibility as Bishop in Cornwall. He is known throughout Ontario and Canada as a prominent member of the Catholic Church and is one of its distinguished members. The defamatory words spoken by Paul Ledroit, Ledroit Beckett, John Swales on behalf of Paul Ledroit, or Ledroit Beckett and Adrien St. Louis created the most sensational impact. The words accused the Plaintiff of directly committing sexual assault on a minor boy. They accused him of a heinous crime and of a fundamental breach of his duties, oaths, responsibilities, and obligations. The description by John Swales that the allegations were "a bombshell" was therefore not an understatement. In the result, the Plaintiff has suffered extensive damage to his personal and professional reputation and calling. He has been brought into significant public scandal, odium and contempt. He has been the subject of continuing media discussion and debate throughout Ontario and in the locality where he presently resides. Moreover, as a result of the publication of the allegations by the Defendants, the Plaintiff has,

pursuant to protocol, issued by the Canadian Conference of Bishops, now been precluded from offering public ministry in which he was actively engaged up to the day of the publications aforesaid. In the circumstances, the allegations could not have been more damaging to the Plaintiff who is accordingly entitled to general damages. The Plaintiff proposes that this action be tried at the City of Ottawa in the East Region.

Date: September 7, 2005

BORDEN LADNER GERVAIS LLP

Barristers and Solicitors
1100 - 100 Queen Street
Ottawa ON K1P 1J9

David Sherriff-Scott (LSUC No. AO316821)

(613) 237-5160 telephone
(613) 230-8842 facsimile

Solicitors for the Plaintiff