

CAMERON et al
Plaintiffs

and

BATEMAN et al
Defendants

Court File No. 00-CU-015075

SUPERIOR COURT OF JUSTICE

Proceeding Commenced at OTTAWA

STATEMENT OF CLAIM

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Served Sept 21/00

Court File No. 00-cv-015075

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

BERNARD CAMERON, EUGÉNE PHILLIP LaROCQUE, REJÉAN LEBRUN,
RANALD RODERICK MacDONALD, KEVIN JOSEPH MALONEY,
DONALD BERNARD McDOUGALD, and GARY OSTLER

Plaintiffs

- and -

JAMES BATEMAN, NBC INTERNET INC., PAUL LIKODIS,
ALPHONSE J. MATT JR., WANDERER PRINTING COMPANY,
DICK NADEAU, ALTA VISTA COMPANY and TERA-BYTE DOT COM INC.

Defendants



STATEMENT OF CLAIM

TO THE DEFENDANT(S)

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff(s). 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(s) or, where the Plaintiff(s) do(es) not have a lawyer, serve it on the Plaintiff(s), 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.

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 OF ISSUE: September 19, 2000

Issued by: G. Reid

Address of Court Office:

161 Elgin Street
Ottawa, Ontario
K2P 2K1

TO: JAMES BATEMAN
530D Sunnydale Place
Waterloo ON N2L 4T1

TO: NBC INTERNET, INC.
225 Bush St.
San Francisco CA 94104
USA

TO: PAUL LIKOUDIS
News Editor of The Wanderer
1489 Caywood Road
Lodi NY 14860
USA

TO: ALPHONSE MATT JR.
Editor of the Wanderer
201 Ohio Street
St. Paul, Minnesota 55107
USA

TO: WANDERER PRINTING COMPANY
201 Ohio Street
St. Paul, Minnesota 55107
USA

TO: DICK NADEAU
1538 Route 500 West
Casselman ON K0A 1M0

TO: ALTA VISTA COMPANY
1070 Arastradero Road
Palo Alto CA 94304
USA

Attention: Stephanie Lucie, General Counsel

TO: TERA-BYTE DOT COM INC.
Suite 900, CN Tower, 10004 - 104 Avenue
Edmonton AB T5J 0K1

Attention: Steve Kyser

CLAIM

1. Each of the Plaintiffs claim:

- (a) damages in the amount of \$50,000.00;
- (b) exaggerated damages in the amount of \$250,000.00;
- (c) punitive damages in the amount of \$500,000.00;
- (d) a declaration that the words complained of in this Statement of Claim, and that the allegations contained in the words complained of in this Statement of Claim are false and defamatory of the Plaintiffs;
- (e) an interim injunction restraining the Defendants from publishing or re-publishing on the Internet, or by any other means, both the words complained of in this Statement of Claim and the allegations embodied in the words complained of in this Statement of Claim;
- (f) a permanent injunction restraining the Defendants from publishing or re-publishing on the Internet, or by any other means, both the words complained of in this Statement of Claim and the allegations embodied in the words complained of in this Statement of Claim;
- (g) an Order requiring the Defendants, James Bateman, NBC Internet Inc., Dick Nadeau, AltaVista Company and Tera-Byte Dot Com Inc., to publish a full and fair apology to the Plaintiffs and a copy of the final judgment in this proceeding on the internet websites, www.projecttruth.com and www.projecttruth2.com, as well

as on the internet home pages of the Defendants, NBC Internet Inc., AltaVista Company and Tera-Byte Dot Com Inc.;

- (h) an Order requiring the Defendants, Alphonse J. Matt Jr., the Wanderer Printing Company and Paul Likoudis, to publish a full and fair apology to the Plaintiffs and a copy of the final judgment in this proceeding in the Wanderer;
- (i) pre and post-Judgment interest pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C-43;
- (j) costs on a solicitor and client scale; and
- (k) such further or other relief which this Honourable Court deems to be just.

THE PLAINTIFFS

2. The Plaintiff, Bernard Cameron (hereinafter referred to as "Father Cameron"), resides in the Village of Apple Hill, Ontario. Father Cameron obtained a Bachelor of Theology Degree in 1958. In the same year, he was ordained as a Catholic Priest following which, he began a long and committed career of service as a curate and then, as a pastor in a variety of parishes throughout Eastern Ontario. In addition to his other pastoral duties, in 1988 he was appointed to the position of Rector of St. Finnan's Cathedral in Alexandria, Ontario and in 1992, he was appointed as the Spiritual Director of the Diocese Catholic Women's League. Father Cameron's career has been dedicated to pastoral work, education and the support of Eastern Ontario communities, including programs for the relief of poverty, illness and suffering of all kinds.

3. The Plaintiff, Eugéne Phillip LaRocque (hereinafter referred to as "Bishop LaRocque"), resides in the City of Cornwall, 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, in 1956 he became the Registrar at King's College at the University of Western Ontario where he also lectured in both french literature and religion until 1965 when he was named the Director of King's College in its entirety. 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 the President of the National Federation of Senates of Priests. In recognition of Bishop LaRocque's dedication and exceptional abilities and service, he was ordained as the Bishop of Alexandria-Cornwall in 1974 and, he has served in his community in that capacity since that time. Bishop LaRocque has not only been a leading member of the Cornwall community but, under his tenure he has also worked to establish programs for the eradication of abuse and for the promotion and strengthening of the family. For example, he led the funding initiative for the establishment of the Children's Treatment Centre for the Sexually and Physically Abused, and he was instrumental in helping finance the Family Counselling Bureau of Cornwall. Bishop LaRocque has also been a recognized leader within the community of the Catholic Church where he has served as both the Vice-President and President of Conference 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 was 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 and understanding, he was given the Isaiah Award by the Canadian Jewish Congress.

4. The Plaintiff, Rejéan Lebrun (hereinafter referred to as "Monsignor Lebrun"), resides in the City of Cornwall, Ontario. Monsignor Lebrun was ordained as a Priest in the Catholic Church in 1962. Prior to his ordination, he obtained both a Bachelor of Arts Degree and a Bachelor of Theology Degree from the University of Ottawa. Following his ordination, Monsignor Lebrun served as a vicar and a pastor in a variety of Eastern Ontario parishes. He was appointed to the position of Vice Chancellor to the Bishop of Cornwall in 1965 and later, became the director of

religious education for the french sector of the Diocese of Alexandria-Cornwall. In that capacity, Monsignor Lebrun oversaw and taught religion studies in the Eastern Ontario French Catholic School Board. In 1972, he was appointed as the parish Priest at St. Jean Bosco where he served until 1987 when he attended in Rome at the Pontifical University of Saint Thomas of Aquinas where he earned a diploma in pastoral theology in order to compliment the ecumenical work he had been carrying out sitting on the Christian Council of Cornwall for nearly 30 years. Monsignor Lebrun has also acted as the Secretary to the Ontario Conference of Catholic Bishops and in 1990, Monsignor Lebrun was given the title Prelate of Honour, Monsignor, in recognition of his exceptional dedication and service. At that time, his contributions to his community were widely recognized by members of Parliament, churches of various denominations, and by representatives of the Cornwall community. Monsignor Lebrun has also been recognized for his service to the Eastern Ontario Catholic School Board, the Knights of Columbus and the Daughters of Isabella. Monsignor Lebrun previously sat as a member of the Board of Directors of the United Way of Cornwall, and he is currently a member of the Pastoral Board of the Cornwall General Hospital.

5. The Plaintiff, Ranald Roderick MacDonald (hereinafter referred to as "Father MacDonald") resides in Petawawa, Ontario. Father MacDonald was ordained as a Priest in the Catholic Church in 1992. Prior to his ordination, he obtained a Bachelor in Theology Degree from St. Paul's University in Ottawa. Since his ordination, Father MacDonald has served as an associate at St. Columban's Parish, and at Canadian Forces Base in Petawawa. In addition to his regular duties, Father MacDonald has served as a Chaplain for the Cornwall Jail and the Hotel Dieu Hospital, and he has also served on the Board of Directors of the Children's Aid Society of the City of Cornwall.

6. The Plaintiff, Kevin Joseph Maloney (hereinafter referred to as "Father Maloney") resides in Cornwall, Ontario. Father Maloney was ordained as a Priest of the Catholic Church in 1972. Prior to his ordination, he obtained a Bachelor of Arts Degree from St. Francis Xavier University, a Bachelor of Theology Degree, a Sacred Theology Baccalaureate, and a Masters in Religious Education Degree from St. Paul's University in Ottawa. Following Father Maloney's ordination,

he served as pastor in a variety of Parish centres in Eastern Ontario. He also became the Director of Religious Education for the Stormont-Dundas and Glengarry Separate School Board pursuant to which, he coordinated religious programming for elementary english schools and provided liaison and instruction, in service for teachers. In 1994, Father Maloney assumed responsibility for the administration of the Permanent Diacorate and has, since 1996, in addition to his other pastoral duties, been a Chaplain at the Cornwall County Jail. In June of 2000, Father Maloney was named as an Episcopal Vicar responsible for all pastoral programs and personnel in the Cornwall Diocese. Father Maloney's career has also been dedicated to the specific support of a variety of community programs. For example, Father Maloney worked to establish and was a founder of the Big Brothers Association in Cornwall in 1974 and later, he served in a series of successive terms as the President of the Big Brothers Association in Cornwall and on the National Board of Directors of the Big Brothers Association of Canada. In 1998, Father Maloney was chosen as the Honorary Big Brother of the Year by the Local Association. Father Maloney has also served on the Board of Directors of the Children's Aid Society and he currently sits as a member of the Board of Directors of the Cornwall General Hospital.

7. The Plaintiff, Donald Bernard McDougald (hereinafter referred to as "Monsignor McDougald") resides in Hamlet of St. Raphael, Ontario. Monsignor McDougald was ordained as a Catholic Priest in 1951. Following his ordination, he served as curate, administrator and pastor in a variety of parishes in Eastern Ontario. In 1979, he was named as the Rector at St. Finnan's Cathedral in Alexandria and he was given the title of Vicar General in 1979. In December of 1980, Monsignor McDougald was named as a Prelate of Honour and given the title of Monsignor in recognition of his exceptionally distinguished and dedicated service to his lay and church community. In addition to his duties as Rector of the Cathedral of St. Finnan's, he also acts in the role of Pastor of the Parish of St. Alexander of Lochiel. Monsignor McDougald also currently acts in the role of Pastor of St. Raphael's Parish, and he is the part time Chaplain for the Glengarry Memorial Hospital and the Community Nursing Home in Alexandria. Monsignor McDougald has also served as a member of the Board of Directors of the Children's Aid Society of Cornwall.

8. The Plaintiff, Gary Ostler (hereinafter referred to as "Father Ostler") resides in Cornwall, Ontario. Father Ostler was ordained as a Priest in the Catholic Church in 1972. Prior to and immediately following his ordination, he obtained a Bachelor of Arts Degree from the University of Ottawa, a Sacred Theology Baccalaureate from St. Paul's University, a Brevet "A" Teaching Certificate for the Province of Quebec, and a Masters of Education in Counselling from the University of Ottawa. Father Ostler has taught Religious Education and Counselling in both English and French in Secondary schools in the Province of Quebec. He has also served as the director of religious education for both Primary and Secondary Canadian schools in Europe, and he has both taught religion and lay curriculum studies in Secondary High Schools in Ontario, and has taught programs at St. Lawrence College, Cornwall Campus. Father Ostler has also served as a chaplain and as a pastor in a variety of parishes and at a number of Canadian Armed Forces bases including Calgary, Banff and Trenton. Father Ostler holds the rank of "Major" in the Canadian Armed Forces where he has served as the Deputy Command Chaplain in charge of all military chaplains in Canada and the Deputy Area Chaplain for Land Forces in Ontario. He is currently the Area Chaplain responsible for all Land Forces' chaplains of all denominations in Ontario. Father Ostler has acted as the Director of Vocations for the Diocese of Alexandria-Cornwall overseeing the training and admission of new priests and he is currently, the President of the Vocation Director of all of Ontario. Father Ostler received the Bishop Conroy Award from Wadhams Hall in Ogdensburg, New York in recognition of his outstanding contribution to the promotion of future priests. From 1994 to this year, Father Ostler held the position of Episcopal Vicar and as such, he was responsible for all pastoral programs and personnel within the Alexandria-Cornwall Diocese. In addition to his many pastoral duties and duties as an educator, Father Ostler was a founding member of Mount Carmel House for the treatment of alcoholism and drug abuse, and acted as the Chair of the Medical Ethics Committee at the Hotel Dieu Hospital in Cornwall. Father Ostler was also a founding member of the Knights of Columbus in both St. Columban's and St. Francis de Sales parishes.

9. All of the Plaintiffs in this action have, throughout their entire working adult lives, been devoted to the realization through example of Christian values, faith, charity and tolerance in

society. Each of the Plaintiffs have accordingly followed a path of dedication to service and the elimination of hardship, poverty, suffering and abuse of all kinds in their communities. Through their work and commitment, the Plaintiffs have each earned exemplary reputations for honesty, integrity and selflessness.

THE DEFENDANTS

10. The Defendant, James Bateman (hereinafter referred to as "Bateman"), resides in Waterloo, Ontario. Bateman was, at all material times, the registered owner, operator and author of an internet website entitled, "www.projecttruth.com".

11. The Defendant, NBC Internet, Inc. (hereinafter referred to as "NBCI"), is a company incorporated pursuant to the laws of the State of Delaware in the United States of America. NBCI carries on business as an internet service provider and in that capacity it, among other things, hosts websites on its computer servers for its paying clients. NBCI was, at all material times, the host company for the internet website known as www.projecttruth.com.

12. The Defendant, Paul Likoudis, resides in the City of St. Paul, Minnesota, in the United States of America (hereinafter referred to as "Likoudis"). Likoudis is and was, at all material times, the news editor of a weekly newspaper entitled, "the Wanderer", and the author of a story published in the Wanderer entitled, "Storm-Tossed House ... Pending Arrest of Pedophiles Expected to Implicate Bishop".

13. The Defendant, Alphonse J. Matt Jr. (hereinafter referred to as "Matt"), resides in the City of St. Paul, Minnesota, in the United States of America. Matt is and was, at all material times, the Editor-in-Chief of the Wanderer.

14. The Defendant, Wanderer Printing Company, is a company incorporated pursuant to the laws of the State of Minnesota, United States of America (hereinafter referred to as "Wanderer

Company"). Wanderer Company is the publisher of the Wanderer and as such, was the publisher of the article authored by Likoudis and edited by Matt.

15. The Defendant, Dick Nadeau (hereinafter referred to as "Nadeau"), resides in the City of Cornwall, Ontario. Nadeau is, and was, at all material times, the registered owner, author and operator of an internet website entitled, www.projecttruth2.com.

16. The Defendant, AltaVista Company (hereinafter referred to as "AltaVista"), is a company incorporated pursuant to the laws of the State of Delaware in the United States of America. AltaVista carries on business as an internet service provider and in that capacity it, among other things, hosts internet websites on its computer servers for its paying clients. AltaVista is and was, at all material times, the host company for the internet website, www.projecttruth2.com.

17. The Defendant, Tera-Byte Dot Com Inc. (hereinafter referred to as "Tera-Byte"), is a company incorporated pursuant to the laws of the Province of Alberta, Canada. Tera-Byte carries on business as an internet service provider and in that capacity, it hosts and facilitates access to internet websites for its paying clients. At all material times, Tera-Byte also hosted the website, www.projecttruth2.com.

THE FIRST WEBSITE

18. In July of 2000, the Defendant, James Bateman (hereinafter referred to as "Bateman"), wrote, authored and recklessly caused to be published on the internet a website described as www.projecttruth.com (hereinafter referred to as "the first website"). The Plaintiffs state that Bateman falsely and maliciously wrote and caused to be published the following defamatory words on the first website of and concerning the Plaintiffs: