

Court File No.: 11-51657

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

- and -

DENIS RANCOURT

Defendant

AFFIDAVIT OF RYAN KENNEDY

I, Ryan Kennedy, of the City of Ottawa in the Province of Ontario MAKE OATH AND SAY :

1. I am an associate with the law firm of Gowling Lafleur Henderson LLP ("Gowlings"), solicitors for the Plaintiff, Joanne St. Lewis. As such, I have knowledge of the matters sworn to in this affidavit. Where my knowledge is based on information and belief, I have identified the source of my knowledge and verily believe it to be true.
2. On August 18, 2011, counsel for the Plaintiff served the Defendant with a motion seeking an Order that the mandatory mediation of this action take place during the month of September, 2011, and prior to the exchange of affidavits of documents and conducting examinations for discovery. The motion also seeks an Order appointing James Chadwick as the mediator, or in the alternative Kevin Mullington. Attached as **Exhibit "A"** to my affidavit is the Notice of Motion dated August 18, 2011 and as **Exhibit "B"** is an affidavit I swore on August 18, 2011, in support of that motion.
3. In response to the Plaintiff's motion, the Defendant Denis Rancourt (self-represented) served a motion record containing two of his own affidavits and a third affidavit sworn

by Claude Lamontagne who the Defendant claims is an expert witness. Attached as **Exhibit "C"** to my affidavit is the Affidavit of Denis Rancourt, sworn August 25, 2011. Attached as **Exhibit "D"** to my affidavit is the second Affidavit of Denis Rancourt, sworn August 26, 2011. Attached as **Exhibit "E"** to my affidavit is the Affidavit of Claude Lamontagne, sworn August 25, 2011.

4. On September 6, 2011, Denis Rancourt and Claude Lamontagne were cross-examined on their affidavits. Court copies of the transcripts of the cross-examinations of Denis Rancourt and Claude Lamontagne will be filed. The pages of the transcripts of the cross-examinations in issue in this refusals motion are attached as **Exhibit "F"**.
5. On September 13, 2011, counsel for the Plaintiff sent a list summarizing the refusals, advisements and undertakings arising out of the September 6, 2011, cross-examinations of Denis Rancourt and Claude Lamontagne to the Defendant. Attached as **Exhibit "G"** to my affidavit is this correspondence from Plaintiff's counsel to the Defendant, as well as the list summarizing the refusals, advisements and undertakings.
6. The Defendant responded by email to counsel for the Plaintiff maintaining his objections in regards to a number of questions posed on the cross-examinations. Attached as **Exhibit "H"** to my affidavit is the email response of the Defendant to Plaintiff's counsel sent at 8:29 p.m. on September 14, 2011. The Defendant's email of September 14, 2011, to counsel for the Plaintiff stated in part:

"You need to contact affiant Associate Professor Claude Lamontagne directly."

7. Attached as **Exhibit "I"** to my affidavit is an email from counsel for the Plaintiff to Claude Lamontagne sent at 1:13 p.m. on September 15, 2011, attaching a list of refusals, advisements and undertakings arising out of his cross-examination. Attached as **Exhibit "J"** is an email from Claude Lamontagne to counsel for the Plaintiff sent at 7:21 a.m. on September 21, 2011, that states:

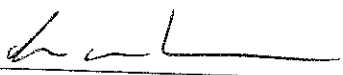
"Just a quick note to say that I am proceeding to obtain legal evaluation of your requests (Refusal/advisements to questions asked during cross-examination of Claude Lamontagne and

undertakings), emailed to me on September 15. My teaching and research duties at the University are particularly heavy this term. I may be in a position to be able to respond to you within a week or so, depending on the circumstances.”

- 8. Attached as **Exhibit “K”** is an email from Joseph Hickey to counsel for the Plaintiff sent on September 19, 2011, at 8:15 a.m. that states:

“This report is about you :
<http://studentseyeview.wordpress.com/2011/09/11/lawyer-richard-dearden-attacks-self-represented-witness-case-of-st-lewis-v-rancourt/> . Please provide me with any comments or corrections for posting on the blog.”

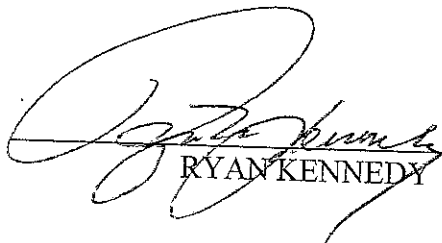
SWORN before me at the City of
 Ottawa, this 22nd day of September,
 2011.



 Commissioner for Taking Affidavits

Kristina Melissa Mahon,
 a Commissioner, etc., Province of
 Ontario, while a Student-at-Law.
 Expires April 23, 2013.

OTT_LAW



 RYAN KENNEDY