

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

and

DENIS RANCOURT

Defendant

RESPONDING PARTY'S MOTION RECORD
("case management motion")

Denis Rancourt

Defendant
(and Responding Party)

Responding Party's Motion Record

Table of Contents

TAB DOCUMENT

1. Affidavit of Denis Rancourt affirmed January 20, 2012.
 - A. Email from Defendant to counsel for Plaintiff dated January 6, 2012.
 - B. Reply email from counsel for Plaintiff dated January 10, 2012.
 - C. Defendant's Notice of Motion to dismiss the action for abuse of process (maintenance and champerty), served January 5, 2012.
 - D. Affidavit of Service of the latter Notice of Motion (maintenance and champerty), filed January 6, 2012.
 - E. Affidavit of Service of supporting affidavit for Defendant's Notice of Motion (maintenance and champerty), filed January 17, 2012.
 - F. Email exchange between Defendant and counsel for the Plaintiff, ending January 17, 2012 6:07pm, about case management motion.
 - G. Email exchange between Defendant and counsel for the Plaintiff, ending January 17, 2012 10:33am, about champerty motion.
 - H. Email exchange between Defendant and counsel for the Plaintiff, ending January 17, 2012 8:55pm, about scheduling for champerty motion.
 - I. Email from the Defendant to Plaintiff's counsel Mr. Dearden dated December 20, 2011.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

and

DENIS RANCOURT

Defendant

AFFIDAVIT OF DENIS RANCOURT

(Respondant's/Defendant's Motion Record, "case management motion")

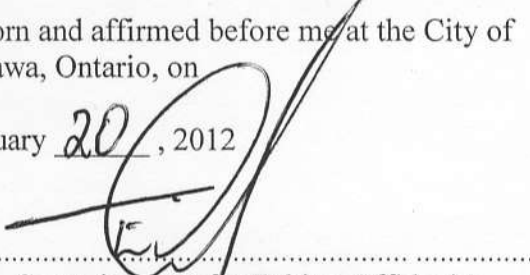
I, **Denis Rancourt**, of the City of OTTAWA, in the Province of Ontario, AFFIRM AS FOLLOWS:

1. I am the self-represented Defendant in this action commenced on June 23, 2011. As such, I have knowledge of the matters sworn to in this affidavit.
2. This affidavit is for my Motion Record as the responding party to the Plaintiff's instant "case management motion" served on December 6, 2011 for
 - (1) case management;
 - (2) to impose a schedule for all steps leading to a hearing of an intended (not served) Plaintiff's motion for summary judgement; and
 - (3) to bar examinations for discovery prior to the hearing of the intended summary judgment motion.
3. Attached as **Exhibit "A"** to my affidavit is an email dated January 6, 2012 1:33pm that I sent to the counsel for the Plaintiff in an attempt to solve the motion.
4. Attached as **Exhibit "B"** to my affidavit is the Plaintiff's reply to my latter email, as an email from her counsel dated January 10, 2012 9:47am in which the counsel states his intension to proceed with the motion hearing scheduled for January 26, 2012.
5. Attached as **Exhibit "C"** to my affidavit is my Notice of Motion served on January 5, 2012 and filed with the Court on January 6, 2012 about dismissing the action for abuse of process (maintenance and champerty).
6. Attached as **Exhibit "D"** to my affidavit is a copy of the Affidavit of Service filed to the Court on January 6, 2012 for the latter Notice of Motion; and two email confirmations from the counsels on record for the Plaintiff.
7. Attached as **Exhibit "E"** to my affidavit is the Affidavit of Service filed with the Court on January 17, 2012 for service of the supporting affidavit for my January 5, 2012 Notice of Motion; and cover and backsheets of the supporting affidavit itself also filed on January 17, 2012.
8. Attached as **Exhibit "F"** to my affidavit is a four-part email exchange ending January 17, 2012 6:07pm between me and the counsel for the Plaintiff. In the January 17, 2012 12:24pm (second) email the counsel informs me that at the motion hearing he will seek to "defer dealing with that part of the motion requesting case management of the summary judgment motion which will not be filed this month."
9. Attached as **Exhibit "G"** to my affidavit is a three-part email exchange ending January 17, 2012 10:33am in which the Plaintiff's counsel states (in part) that his client "will be filing an affidavit opposing [my] champerty motion..."

10. Attached as **Exhibit "H"** to my affidavit is a four-part email exchange ending January 17, 2012 8:55pm about the scheduling of steps for my champerty motion (see above, Notice of Motion served on January 5, 2012). I have not received an acknowledgement or an answer from the Plaintiff's counsel to this date.
11. Attached as **Exhibit "I"** to my affidavit is an email to Mr. Richard Dearden, counsel for the Plaintiff, dated December 20, 2011 5:53pm with subject line: "Your in-court opening statements." A paper copy of this email was also served to Mr. Dearden by hand delivery on January 16, 2012 (see Exhibit "E"). I have not received an acknowledgement or an answer from Mr. Dearden to this date.

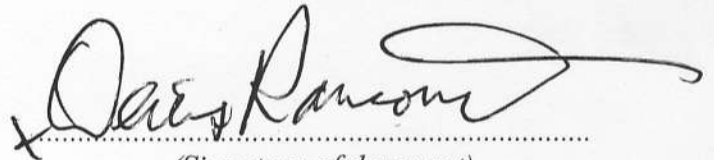
Sworn and affirmed before me at the City of
Ottawa, Ontario, on

January 20, 2012



Commissioner for Taking Affidavits

(or as may be)
Timothy Wade Ginley, a Commissioner, etc.,
City of Ottawa, for the Government of Ontario,
Ministry of the Attorney General.
Expires December 2, 2013.
Timothy Wade Ginley, un commissaire, etc.,
ville d'Ottawa, au service du gouvernement de
l'Ontario, Ministère du Procureur général.
Date d'expiration: le 2 décembre 2013.



(Signature of deponent)
Denis Rancourt



Exhibit--A

Denis Rancourt <denis.rancourt@gmail.com>

Response to your Motion (case management) served on December 6, 2011, Court File No. 11-51657

Denis Rancourt <denis.rancourt@gmail.com>

Fri, Jan 6, 2012 at 1:33 PM

To: "Dearden, Richard" <richard.dearden@gowlings.com>, "wendy.wagner" <Wendy.Wagner@gowlings.com>

Re: Response to your Motion (case management) served on December 6, 2011, Court File No. 11-51657

Mr. Dearden:

I am writing concerning your latest (fifth) motion served upon me on December 6, 2011, immediately following our Mandatory Mediation session.

I find it unfortunate that you have chosen, contrary to my email of October 23, 2011, to prepare and file a Motion Record without first exploring my position on its content.

In order to avoid wasting valuable judicial time and resources, I advise you as follows:

(a) Although I do not agree with your characterization of the reasons that case management would be beneficial, I am not opposed to the motion and in fact prepared to support an application for case management; and

(b) I also do not oppose a case managed discussion to set a schedule for several next steps in the action, however I do not believe that this can be done most efficiently and most justly at the scheduled hearing of your motion, for the following reasons.

- When you prepared and served your fifth motion, you were probably not aware of the Court of Appeal for Ontario decision about summary judgement motions released on December 5, 2011 (*Combined Air Mechanical Services Inc. v. Flesch, 2011 ONCA 764*).

- Following the latter ruling, if you serve a summary judgement motion, I reserve the right to move to stay or dismiss the motion for summary judgement by way of a motion for directions, because of your refusal to follow an orderly and efficient usual discovery process and given the nature and complexity of the issues.

- Of course, I also reserve the right to file a counter motion for summary judgement.

- In addition, on January 5, 2011, I served you with a motion to dismiss the action pursuant to Rule 21.01(3)(d) of the Rules of Civil Procedure and I wish this motion to be heard before your intended summary judgement motion.

Therefore, point-2 of your Notice of Motion (fifth motion) -- that the only items to be discussed or considered would be the steps in your intended summary judgement motion and to Order a set schedule for these steps -- would:

- bar or frustrate my procedural rights to other or counter motions; and
- is not compatible with what can reasonably and efficiently be accomplished at a motion hearing.

Given the above-described circumstances, I propose the following agreement to solve your motion to compel case management:

- (i) Withdraw your motion for case management;
- (ii) Each party bears its own motion costs;
- (iii) We make a joint request for case management arguing mutual benefit to both parties without accusatory elements; and
- (iv) Under case management, such as at a case management conference or other efficient means, we cooperatively elaborate an efficient and just order for next steps in the action.

Furthermore, although you have clarified (on December 15, 2011) that "the Notice of Motion for case management does not request that the summary judgment motion be heard prior to the exchange of affidavits of documents", you have continued to refuse to discuss a discovery plan and continued to refuse to provide your client's Affidavit of Documents.

The latter Affidavit of Documents would be of significant utility in identifying and scheduling needed next steps under any case management. You continue to disregard the discovery rules by not providing the Affidavit of Documents. Please provide it now or indicate when you expect to provide it.

Please respond immediately to my above offer to resolve your case management motion (fifth motion) or indicate when you will respond.

Sincerely,
Denis Rancourt



Exhibit--B

Denis Rancourt <denis.rancourt@gmail.com>

Professor St. Lewis v. Denis Rancourt

Dearden, Richard <Richard.Dearden@gowlings.com>

Tue, Jan 10, 2012 at 9:47 AM

To: Denis Rancourt <denis.rancourt@gmail.com>

Cc: "Wagner, Wendy" <Wendy.Wagner@gowlings.com>

1. As regards paragraph 2 of your email below, please note that i have no obligation to explore your position on the content of a motion record that I file on behalf of Professor St. Lewis prior to filing the motion record. Also note that the hearing date of January 26th was chosen because it was the first available date before Master MacLeod who is familiar with this action . As has always been the case, if you have a valid reason to be unavailable on a selected motion date you can inform me and i will try to accommodate your schedule.
2. I am not withdrawing the motion for case management and it is proceeding on January 26th as scheduled. Are you consenting to case management ?
3. Professor St. Lewis' Affidavit of Documents will be served on you prior to the January 26th motion for case management.

Richard Dearden

Partner

T [613-786-0135](tel:613-786-0135)gowlings.com

From: Denis Rancourt [mailto:denis.rancourt@gmail.com]**Sent:** January 6, 2012 1:34 PM**To:** Dearden, Richard; Wagner, Wendy**Subject:** Response to your Motion (case management) served on December 6, 2011, Court File No. 11-51657**Re: Response to your Motion (case management) served on December 6, 2011, Court File No. 11-51657**

Mr. Dearden:

I am writing concerning your latest (fifth) motion served upon me on December 6, 2011, immediately following our Mandatory Mediation session.

I find it unfortunate that you have chosen, contrary to my email of October 23, 2011, to prepare and file a Motion Record without first exploring my position on its content.

In order to avoid wasting valuable judicial time and resources, I advise you as follows:

(a) Although I do not agree with your characterization of the reasons that case management would be beneficial, I am not opposed to the motion and in fact prepared to support an application for case management; and

(b) I also do not oppose a case managed discussion to set a schedule for several next steps in the action, however I do not believe that this can be done most efficiently and most justly at the scheduled hearing of your motion, for the following reasons.

- When you prepared and served your fifth motion, you were probably not aware of the Court of Appeal for Ontario decision about summary judgement motions released on December 5, 2011

(*Combined Air Mechanical Services Inc. v. Flesch*, 2011 ONCA 764).

- Following the latter ruling, if you serve a summary judgement motion, I reserve the right to move to stay or dismiss the motion for summary judgement by way of a motion for directions, because of your refusal to follow an orderly and efficient usual discovery process and given the nature and complexity of the issues.
- Of course, I also reserve the right to file a counter motion for summary judgement.
- In addition, on January 5, 2011, I served you with a motion to dismiss the action pursuant to Rule 21.01(3)(d) of the Rules of Civil Procedure and I wish this motion to be heard before your intended summary judgement motion.

Therefore, point-2 of your Notice of Motion (fifth motion) -- that the only items to be discussed or considered would be the steps in your intended summary judgement motion and to Order a set schedule for these steps -- would:

- bar or frustrate my procedural rights to other or counter motions; and
- is not compatible with what can reasonably and efficiently be accomplished at a motion hearing.

Given the above-described circumstances, I propose the following agreement to solve your motion to compel case management:

- (i) Withdraw your motion for case management;
- (ii) Each party bears its own motion costs;
- (iii) We make a joint request for case management arguing mutual benefit to both parties without accusatory elements; and
- (iv) Under case management, such as at a case management conference or other efficient means, we cooperatively elaborate an efficient and just order for next steps in the action.

Furthermore, although you have clarified (on December 15, 2011) that "the Notice of Motion for case management does not request that the summary judgment motion be heard prior to the exchange of affidavits of documents", you have continued to refuse to discuss a discovery plan and continued to refuse to provide your client's Affidavit of Documents.

The latter Affidavit of Documents would be of significant utility in identifying and scheduling needed next steps under any case management. You continue to disregard the discovery rules by not providing the Affidavit of Documents. Please provide it now or indicate when you expect to provide it.

Please respond immediately to my above offer to resolve your case management motion (fifth motion) or indicate when you will respond.

Sincerely,
Denis Rancourt

IMPORTANT NOTICE: This message is intended only for the use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Gowlings immediately by email at postmaster@gowlings.com. Thank you.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

and

DENIS RANCOURT

Defendant

NOTICE OF MOTION

The Defendant, Denis Rancourt, will make a motion to the court on March 29, 2012, at 10:00 a.m., or soon after that time as the motion can be heard, or at a date and time as set under case management if applicable, at the Ottawa Courthouse, 161 Elgin Street, Ottawa, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- in writing under subrule 37.12.1 (1);
- in writing as an opposed motion under subrule 37.12.1 (4);
- orally.

THE MOTION IS FOR:

1. An Order that the action be stayed or dismissed on the ground that the action is vexatious or is otherwise an abuse of process (Rule 21.01(3)(d) of the *Rules of Civil Procedure*).
2. The costs of this motion.
3. The Defendant's total costs in the action.
4. Such further and other relief as the Defendant may advise and this Honourable Court deems just.

THE GROUNDS FOR THE MOTION ARE:

1. The Plaintiff is a tenured assistant professor in law at the University of Ottawa. The Plaintiff's counsel (a law firm partner) is a part-time professor in law at the University of Ottawa.
2. The Defendant is a tenured full professor in physics dismissed after 23 years by the University of Ottawa in 2009. The dismissal is presently in on-going binding labour arbitration between the University and the Defendant's union.
3. This defamation action, filed in June 2011, is about the Defendant's public criticisms 2008-2011 of the University of Ottawa on his long-standing "U of O Watch" blog, centrally including criticisms of the Plaintiff's work for the University. The action seeks defamation damages of \$1 million.
4. The Defendant denies that his criticism of the Plaintiff's work for the University was defamation at law (Statement of Defence) and takes the position that the action is champertous and improperly financed using public money.
5. The Court of Appeal for Ontario has defined maintenance and champerty (citing Halsbury) as:

“Maintenance may be defined as the giving of assistance or encouragement to one of the parties to litigation by a person who has neither an [legitimate] interest in the litigation nor any other motive recognised by the law as justifying his interference. Champerty is a particular kind of maintenance, namely maintenance of an action in consideration of a promise to give the maintainer a share in the proceeds or subject matter of the action.”

Buday v. Locator of Missing Heirs Inc., 1993 CanLII 961 (ON CA)

6. That an action should be stayed or dismissed as an abuse of process because it is based on a champertous agreement is established at law. When maintenance and champerty are demonstrated, the courts have ruled the remedy to be to stay or dismiss the action, including at the Court of Appeal for Ontario.
7. Following the Defendant’s request, the University of Ottawa stated in an October 25, 2011 letter to the Defendant that it is entirely funding the instant litigation.
8. The Plaintiff’s Statement of Claim (June 23, 2011) claims \$125 thousand in punitive damages to be paid to the University for a scholarship fund. Therefore, the University of Ottawa is receiving a share in the proceeds of the action which it is funding entirely.
9. The Plaintiff is refusing all discovery and to even discuss a discovery plan. (The Defendant provided an Affidavit of Documents early in the process.)
10. A need to examine the Plaintiff and witnesses for this motion (Rule 39.03) arises in part from the Plaintiff’s sustained refusal of any discovery (see above) and is necessary in order to ascertain:
 - (a) The funding agreement between the University and the Plaintiff;
 - (b) The source of the funding;
 - (c) The maintenance and champertous characteristics or circumstances of the funding;and
 - (d) The motives for entering in the funding agreement for this action.
11. Rules 1.04(3), 2.01(1), 2.03, 3.02(1), 21.01(3)(d), 29.01, 30, 34.01(d), 34.02, 34.04(1), 34.04(4)-(5), 34.05-06, 34.08(1), 34.10, and 39.03 of the *Rules of Civil Procedure*.

12. Statutes *An Act respecting Champerty, R.S.O. 1897; Class Proceedings Act, 1992; Freedom of Information and Protection of Privacy Act, R.S.O. 1990; and University of Ottawa Act, 1965.*

13. Such further and other grounds as the Defendant may advise and this Honourable Court deems just.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. An affidavit of the Defendant, sworn prior to serving the Motion Record, and the exhibits attached thereto.
2. Transcripts from the oral examinations for this motion (Rule 39.03) and documents produced on examinations for this motion (Rule 34.10), from witnesses:
 - Joanne St. Lewis, Plaintiff
 - Allan Rock, President of the University of Ottawa
 - Robert J. Giroux, Chair, Board of Governors, University of Ottawa
3. Such further and other evidence as the Defendant may advise and this Honourable Court may permit.

DATED: January 5, 2012

Denis Rancourt
Defendant

TO: Richard G. Dearden
Counsel for the Plaintiff
160 Elgin Street, Suite 2600
Ottawa, ON K1P 1C3



Exhibit--F

Denis Rancourt <denis.rancourt@gmail.com>

discovery plan - and - motion about case management

Denis Rancourt <denis.rancourt@gmail.com>

Tue, Jan 17, 2012 at 6:07 PM

To: "Dearden, Richard" <richard.dearden@gowlings.com>, "wendy.wagner" <Wendy.Wagner@gowlings.com>

Mr. Dearden:

Discovery Plan

1. A Discovery Plan is not something that one party unilaterally "serves" on the other party. It is something that is discussed to arrive at a mutual agreement: "the parties to the action shall agree to a discovery plan..." (from Rule 29.1.03).
2. Yes, we may have the required discussion (to agree) about the Discovery Plan by email.
3. This is the first time that you have agreed to even have any exchange about the Discovery Plan requirement foreseen by the Rules, since I first attempted this discussion shortly after pleadings were closed. I sent you a draft Discovery Plan at that time, you will recall. You never responded.

Rule 77 motion

4. As a self-represented person, I am not aware of the relevant practices, traditions, customs that apply in Ottawa regarding Rule 77 but Rules 77.05 (1) and (2)(b) appear to say that when both parties consent (as is our case) to case management, a motion is not required. Please correct me if I am wrong.
5. Since you are now withdrawing your only other requested Order (your Notice of Motion point-2) in your motion for case management, it appears, there seems to be no need for a motion hearing. Therefore, I do not understand why you insist on the motion hearing and on requiring me to appear on January 26th. Can we not simply request case management by letter to the Master and drop the motion hearing and motion? You could send the letter and I would be in cc, or vice versa. In this case, I would not seek costs against you if you could confirm immediately.
6. Are there any remaining contested matters in your motion for case management? If so what are they? I need to know this to continue preparing.
7. Will you be asking the Master that Examination for Discovery also be deferred until your intended summary judgement motion is heard? I need to know to continue my preparation.

Sincerely,
Denis Rancourt

----- Forwarded message -----

From: **Dearden, Richard** <Richard.Dearden@gowlings.com>

Date: Tue, Jan 17, 2012 at 12:24 PM

Subject: RE: [] motion about case management

To: Denis Rancourt <denis.rancourt@gmail.com>Cc: "Wagner, Wendy" <Wendy.Wagner@gowlings.com>

Mr. Rancourt

1. you will be served with Professor St. Lewis' affidavit of documents (and copies of the documents) on or before

this Friday.

2. You will be served with a Discovery Plan on or before this Friday which i assume i can do my emailing it to you - please confirm. Accordingly, on January 26th i will be asking Master Macleod to defer dealing with that part of the motion requesting case management of the summary judgment motion which will not be filed this month.

Richard Dearden

Partner

T [613-786-0135](tel:613-786-0135)

gowlings.com

From: Denis Rancourt [mailto:denis.rancourt@gmail.com]

Sent: January 17, 2012 12:17 PM

To: Dearden, Richard

Cc: Wagner, Wendy

Subject: Re: [] motion about case management

Mr Dearden:

1. I consent to the Court using its discretion to apply case management to the degree that the Court judges to be necessary, in the spirit of and following the Rules of Civil Procedure.

2. I do not consent to the other request in your motion: "2. An Order establishing a timetable for the steps in the Plaintiff's intended summary judgment motion (to be served prior to the hearing of this motion), including setting a date for the summary judgment motion to take place prior to examinations for discovery in this action."

3. I need your Record Motion for your intended summary judgement motion immediately in order to prepare. When do you expect to provide this document?

4. Likewise, I need your client's Affidavit of Documents immediately to prepare. When will it be provided? When do you expect to provide it?

Sincerely,

Denis Rancourt

On Tue, Jan 17, 2012 at 10:26 AM, Dearden, Richard <Richard.Dearden@gowlings.com> wrote:

Mr. Rancourt:

I do not see the word "consent" in you email of January 6th sent at 1:34pm in which you wrote :

"Although I do not agree with your characterization of the reasons that case management would be beneficial, I am not opposed to the motion and in fact prepared to support an application for case management " .

For the purposes of the case management motion on January 26th i am interpreting your January 16th email as your consent to my motion to have the libel action case managed.

Richard Dearden

Partner

T [613-786-0135](tel:613-786-0135)

gowlings.com



Exhibit--G

Denis Rancourt <denis.rancourt@gmail.com>

request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Dearden, Richard <Richard.Dearden@gowlings.com>

Tue, Jan 17, 2012 at 10:33 AM

To: Denis Rancourt <denis.rancourt@gmail.com>, "Wagner, Wendy" <Wendy.Wagner@gowlings.com>, alain.roussy@uottawa.ca, "Scott, David W." <dsconfig@blgcanada.com>

Cc: allan.rock@uottawa.ca, president@uottawa.ca, diane.davidson@uottawa.ca

Mr. Rancourt

I have reviewed your affidavit that you delivered to Gowlings yesterday afternoon. Professor St. Lewis will be filing an affidavit opposing your champerty motion and you will have the opportunity to cross-examine her on that affidavit.

Richard Dearden

Partner

T 613-786-0135

gowlings.com

From: Denis Rancourt [mailto:denis.rancourt@gmail.com]

Sent: January 16, 2012 5:06 PM

To: Dearden, Richard; Wagner, Wendy; alain.roussy@uottawa.ca; Scott, David W.

Cc: allan.rock@uottawa.ca; president@uottawa.ca; diane.davidson@uottawa.ca

Subject: request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Re: Request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Richard Dearden
Counsel for plaintiff

Wendy Wagner
Counsel for plaintiff

Alain Roussy
Legal Counsel, University of Ottawa

David W. Scott
Counsel for the University of Ottawa

Dear Sirs and Madam:

You have not acknowledged or answered my below (January 6th) requests for the availabilities of you and your clients.

Please provide your availabilities by January 24th.

After this I will serve a notice of examination to the plaintiff and a summons to witness to each witness. If the persons to be examined do not show then I will seek orders to compel participation and to make you responsible for costs.

Sincerely,
Dr. Denis Rancourt
(Defendant)

----- Forwarded message -----

From: **Denis Rancourt** <denis.rancourt@gmail.com>

Date: Fri, Jan 6, 2012 at 2:13 PM

Subject: request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

To: "Dearden, Richard" <richard.dearden@gowlings.com>, "wendy.wagner" <Wendy.Wagner@gowlings.com>, alain.roussy@uottawa.ca, "Scott, David W." <dscott@blgcanada.com>

Cc: allan.rock@uottawa.ca, president@uottawa.ca, diane.davidson@uottawa.ca

Re: Request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Richard Dearden
Counsel for plaintiff

Wendy Wagner
Counsel for plaintiff

Alain Roussy
Legal Counsel, University of Ottawa

David W. Scott
Counsel for the University of Ottawa

Dear Sirs and Madam:

I have served and filed the attached Notice of Motion (Ontario Superior Court of Justice, Court File No. 11-51657).

Please provide me with your availabilities and the availabilities of your clients for the Oral Examinations (with produced documents) required under this motion.

The plaintiff and witnesses to be examined are:

Joanne St. Lewis
Allan Rock
Robert J. Giroux

Please respond by January 13, 2012.

Sincerely,
Dr. Denis Rancourt
(Defendant)

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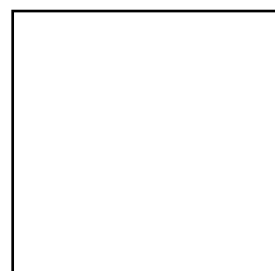




Exhibit--H

Denis Rancourt <denis.rancourt@gmail.com>

request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Denis Rancourt <denis.rancourt@gmail.com>

Tue, Jan 17, 2012 at 8:55 PM

To: "Dearden, Richard" <richard.dearden@gowlings.com>, "wendy.wagner" <Wendy.Wagner@gowlings.com>

Mr. Dearden:

1. Please inform me when you expect to serve your affidavit of Joanne St. Lewis in response to the champerty motion.
2. Please by January 24th provide your availabilities for examining the witnesses Allan Rock and Robert Giroux.
3. After I examine the University of Ottawa witnesses, then I will cross-examine the Plaintiff on her affidavit for the champerty motion.
4. Please provide your availabilities for the cross-examination of your client's affidavit.
5. Please tell me how much time you need at the hearing for the champerty motion and your preferences for hearing dates, as needed.

Sincerely,
Denis Rancourt

----- Forwarded message -----

From: **Dearden, Richard** <Richard.Dearden@gowlings.com>

Date: Tue, Jan 17, 2012 at 10:33 AM

Subject: RE: request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

To: Denis Rancourt <denis.rancourt@gmail.com>, "Wagner, Wendy" <Wendy.Wagner@gowlings.com>, alain.roussy@uottawa.ca, "Scott, David W." <dscott@blqcanada.com>

Cc: allan.rock@uottawa.ca, president@uottawa.ca, diane.davidson@uottawa.ca

Mr. Rancourt

I have reviewed your affidavit that you delivered to Gowlings yesterday afternoon. Professor St. Lewis will be filing an affidavit opposing your champerty motion and you will have the opportunity to cross-examine her on that affidavit.

Richard Dearden
Partner
T 613-786-0135
gowlings.com

From: Denis Rancourt [mailto:denis.rancourt@gmail.com]

Sent: January 16, 2012 5:06 PM

To: Dearden, Richard; Wagner, Wendy; alain.roussy@uottawa.ca; Scott, David W.

Cc: allan.rock@uottawa.ca; president@uottawa.ca; diane.davidson@uottawa.ca

Subject: request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Re: Request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Richard Dearden
Counsel for plaintiff

Wendy Wagner
Counsel for plaintiff

Alain Roussy
Legal Counsel, University of Ottawa

David W. Scott
Counsel for the University of Ottawa

Dear Sirs and Madam:

You have not acknowledged or answered my below (January 6th) requests for the availabilities of you and your clients.

Please provide your availabilities by January 24th.

After this I will serve a notice of examination to the plaintiff and a summons to witness to each witness. If the persons to be examined do not show then I will seek orders to compel participation and to make you responsible for costs.

Sincerely,
Dr. Denis Rancourt
(Defendant)

----- Forwarded message -----

From: **Denis Rancourt** <denis.rancourt@gmail.com>

Date: Fri, Jan 6, 2012 at 2:13 PM

Subject: request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

To: "Dearden, Richard" <richard.dearden@gowlings.com>, "wendy.wagner" <Wendy.Wagner@gowlings.com>, alain.roussy@uottawa.ca, "Scott, David W." <dscott@blgcanada.com>

Cc: allan.rock@uottawa.ca, president@uottawa.ca, diane.davidson@uottawa.ca

Re: Request your clients' availabilities to be examined, Ontario Superior Court of Justice, Court File No. 11-51657

Richard Dearden
Counsel for plaintiff

Wendy Wagner
Counsel for plaintiff

Alain Roussy
Legal Counsel, University of Ottawa

David W. Scott
Counsel for the University of Ottawa

Dear Sirs and Madam:

I have served and filed the attached Notice of Motion (Ontario Superior Court of Justice, Court File No. 11-51657).

Please provide me with your availabilities and the availabilities of your clients for the Oral Examinations (with produced documents) required under this motion.

The plaintiff and witnesses to be examined are:

Joanne St. Lewis
Allan Rock
Robert J. Giroux

Please respond by January 13, 2012.

Sincerely,
Dr. Denis Rancourt
(Defendant)

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Exhibit--I

Denis Rancourt <denis.rancourt@gmail.com>

Your in-court opening statements

Denis Rancourt <denis.rancourt@gmail.com>

Tue, Dec 20, 2011 at 5:53 PM

To: "Dearden, Richard" <richard.dearden@gowlings.com>

Cc: "wendy.wagner" <Wendy.Wagner@gowlings.com>

December 20, 2011

Mr. Dearden,

I am concerned about “backdrop” opening statements that you have repeatedly made in court, on October 6, 2011 and on October 7, 2001 (you have the court transcripts), on three of your motions, and that your most recent motion record shows you intend to continue making.

Specifically:

(1) Anarchism

Your client has instructed you to mine my personal Facebook page in order to misrepresent my character to the court. In doing so, Gowlings has violated the Facebook Terms of Use, paragraph-5.7; not to mention the unsavoury nature of this practice – unrelated to the legal issues at hand.

In court, you have stressed that “in his Facebook page, describes himself as an anarchist” and that this justifies special interventions as “realized that I’m dealing with a self represented anarchist, I decided that we needed...”.

As an educated man, you are fully aware that anarchism is a highly developed political theory studied and applied by some of the world’s leading academics, such as Noam Chomsky to name one. Yet you persist in labelling me in a way that would make it socially acceptable to deprive me of my rights.

My statement on the record that I have given several invited and keynote talks about anarchism at major academic conferences has not deterred you.

For example: *“Minorités, solidarité, résistance, et confrontation : La place de l’anarchisme dans l’enseignement des sciences.”* Invited keynote (90 minutes) by Denis G. Rancourt in Colloque 611: Enseignement des sciences en milieu francophone minoritaire, hier et aujourd’hui: Quels espoirs pour demain? ACFAS, May 5-9, 2008, Québec.

You may have also seen this glossy magazine feature article:

“Anarchy in the U of O: Denis Rancourt wants to return academia to its freethinking roots; the establishment has other plans.” City feature article by Ron Corbett (photo by Colin Rowe), Ottawa Magazine, September 2007 issue, p.13-14.

Your opportunistic use of the street meaning of “anarchist” is inconsistent with advancing your client’s case fairly and honourably. You must stop this practice.

(2) Misrepresenting the facts

Regarding the alleged defamation claimed by your client, you have repeatedly and knowingly made the following false statement in court:

“[H]e’s published a number of defamatory statements about Professor St. Lewis, one of which is that she was

‘the house negro’ of Allan Rock who is the President of the University of Ottawa.”

You fully know that I have never stated that and you are highly qualified to discern the words and their meanings in a defamation context. You have knowingly misstated the contents of a document (web post).

Your opportunistic out-of-context fabrication is additionally meant to map the wrong and ill-informed meaning of “house domestic” onto the social analysis racial term “house negro”. You have done this in a litigation context where both parties intend to provide expert opinions on the meaning of the term complained about.

Your actions, sir, in this regard are the opposite of professional and constitute an attempt to mislead the court. Such practice does not serve the public interest and is beneath the profession’s standards of behaviour.

From a moral perspective, it is hypocritical in a defamation action to defame the defendant.

Moving Forward

In moving forward, I suggest that we get to the issues without posturing and unnecessary tactics. As a self-represented litigant, I will continue to act following the profession’s code of ethics, to the best of my ability and I ask that you do the same.

Finally, it is generally acknowledged in the justice system that there is a negative bias against self represented litigants. I would be appreciative if you would stop re-enforcing this negative bias with demeaning comments in court.

Please confirm immediately that you will not be making these (above) statements at our future court appearances.

Sincerely,
Dr. Denis Rancourt, *B.Sc., M.Sc., Ph.D.*
Anarchist
