

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

- and -

DENIS RANCOURT

Defendant

**MOTION RECORD OF THE UNIVERSTIY OF OTTAWA
[Motion for Leave to Intervene, Rule 13.01]**

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MOTION RECORD OF THE UNIVERSITY OF OTTAWA

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

- and -

DENIS RANCOURT

Defendant

**NOTICE OF MOTION FOR LEAVE TO INTERVENE
BROUGHT BY UNIVERSITY OF OTTAWA
(Leave to Intervene, Rule 13.01)**

THE PROPOSED INTERVENOR, UNIVERSITY OF OTTAWA, will make a motion to the Court at a date and time to be fixed by the Case Management Master or Judge, to be heard at the Court House at 161 Elgin Street, Ottawa, Ontario.

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

THE MOTION IS FOR:

- (a) an Order granting the University of Ottawa leave to intervene as a party solely on the Defendant’s motion to stay or dismiss (champerty motion) (“Champerty Motion”) filed on January 6, 2012;
- (b) an Order abridging the time for service of this motion, if necessary; and
- (c) such further and other relief as counsel may advise and this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. The Plaintiff, Joanne St-Lewis, is an Assistant Professor in the Common Law Section of the Law Faculty at the University of Ottawa and, in November 2008, was the Director of the Human Rights Research and Education Centre of the University of Ottawa.
2. The Defendant, Denis Rancourt, is a former professor at the University of Ottawa. In May 2007, the Defendant started a blog entitled UofO Watch.
3. In or about November 2008, the Plaintiff was asked to prepare an evaluation of a report by the Student Appeal Centre of the Student Federation of the University of Ottawa ("Student Appeal Centre Report"), which was released on November 12, 2008. The Student Appeal Centre Report accused the University of Ottawa of systematic racism.
4. The Plaintiff's evaluation of the Student Appeal Centre Report was released on November 25, 2008 and concluded that the Student Appeal Centre Report was methodologically flawed, lacked substantiation, and failed to provide a sufficient foundation to enable the University of Ottawa to identify the specific areas of concern or to assess the depth or existence of a problem.
5. On February 11, 2011, the Defendant published statements about the Plaintiff's evaluation of the Student Appeal Centre Report on his UofO Watch blog and entitled the blog "Did Professor Joanne St-Lewis act as Allan Rock's house negro?" alleging that the Plaintiff was not independent in conducting her evaluation and was influenced by the University of Ottawa and specifically by Allan Rock, President of the University of Ottawa.
6. The Plaintiff commenced a libel action on June 23, 2011.

7. The Defendant now brings a motion (the Champerty Motion) seeking to have the libel action against him stayed or dismissed on the ground that the libel action is vexatious or is otherwise an abuse of process pursuant to Rule 21.01(3)(d) of the *Rules of Civil Procedure*.
8. The Defendant's Champerty Motion is based on his allegations that a champertous agreement exists between the Plaintiff and the University of Ottawa.
9. The University of Ottawa may be adversely affected by a judgment in the Champerty Motion.
10. There exists between the University of Ottawa and the parties to the Champerty Motion a question of law and fact in common with one or more of the questions in issue.
11. There will be no undue, or any, delay or prejudice to the parties if leave to intervene is granted.
12. Rule 13.01(1) of the *Rules of Civil Procedure*.
13. Such further and other grounds as counsel may advise and this Honourable Court may permit.

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

- (a) the Affidavit of Christopher Hart, sworn February 1, 2012; and

- (b) such further and other evidence as counsel may submit and this Honourable Court may permit.

DATE: February 1, 2012

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TO: **Denis Rancourt**

[REDACTED]
[REDACTED]
[REDACTED]

Defendant

AND TO: **GOWLING LAFLEUR HENDERSON LLP**

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Lawyers for the Plaintiff

JOANNE ST. LEWIS
Plaintiff

- and -

DENIS RANCOURT
Defendant

Court File No. 11-51657

ONTARIO SUPERIOR COURT OF JUSTICE
Proceeding Commenced at OTTAWA

**NOTICE OF MOTION
FOR LEAVE TO INTERVENE**

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Facsimile No. for Defendant: No Fax

(File: 308227-000158) BOX 368

Court File No.: 11-51657

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

JOANNE ST. LEWIS

Plaintiff

– and –

DENIS RANCOURT

Defendant

**AFFIDAVIT OF CHRISTOPHER HART
(Sworn February 1, 2012)**

I, CHRISTOPHER HART, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY:

Background

1. I am an articling student at the law firm of Borden Ladner Gervais LLP (“BLG”), lawyers for the University of Ottawa, the proposed intervenor, and as such I have knowledge of the matters to which I hereinafter depose, save and except where I am advised by others, in which case I verily believe such information to be true.
2. The Plaintiff alleges that the Defendant published false, defamatory and racist articles about her that directly attack her personal and professional reputation as a lawyer and a Law Professor at the University of Ottawa. Attached as **Exhibit “A”** is a copy of the Statement of Claim issued on June 23, 2011.
3. The Defendant filed a Statement of Defence on July 22, 2011. Attached as **Exhibit “B”** is a copy of the Statement of Defence dated July 22, 2011.

4. The Plaintiff filed a Reply on August 5, 2011. Attached as **Exhibit "C"** is a copy of the Reply dated August 5, 2011.

5. On October 25, 2011, Mr. David W. Scott sent a letter to the Defendant. A copy is attached hereto as **Exhibit "D"**.

The Defendant's Motion to Stay or Dismiss (Champerty Motion) the Libel Action

6. The Defendant now brings a motion seeking to have the libel action against him stayed or dismissed on the ground that the libel action is vexatious or is otherwise an abuse of process pursuant to Rule 21.01(3)(d) of the *Rules of Civil Procedure*. Attached as **Exhibits "E"** and **"F"** is a copy of the Notice of Motion dated January 5, 2012, and a copy of the Affidavit of Denis Rancourt, sworn January 16, 2012 in support, including Exhibits "A" to "Z" thereto.

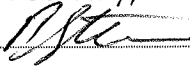
7. On January 6 and 16, 2012, the Defendant sent an email to all counsel, including Mr. David Scott of this firm, advising that he wished to examine, for the purposes of the Champerty Motion, Allan Rock, the President of the University of Ottawa, and Robert J. Giroux, the Chair of the Board of Directors of the the University of Ottawa. Attached as **Exhibit "G"** is a copy of the email string.

8. In response to that email, on January 17, 2012, Mr. Peter Doody, from BLG, advised the Defendant that a motion for leave to intervene would be brought on behalf of the University of Ottawa, which would also deal with the issues arising out of his request to examine Allan Rock and Robert J. Giroux. Mr. Doody's email is attached hereto as Exhibit "G".

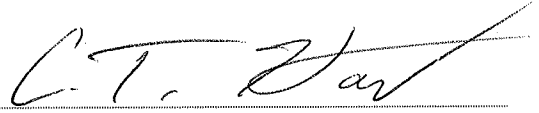
9. On January 19, 2012, Mr. Peter Doody further wrote to the Defendant advising him that the University of Ottawa had no desire to delay the hearing of the Champerty Motion, in response to the Defendant's concerns. Attached as **Exhibit "H"** is a copy of the email from Mr. Doody to the Defendant.



SWORN BEFORE ME at
the City of Ottawa
in the Province of Ontario
this 1st day of February, 2012



A Commissioner for Taking Affidavits



CHRISTOPHER HART

OTT01\4896006\w2

**Ryan Gardner Steeves, a Commissioner, etc.,
Province of Ontario, while a Student-at-Law.
Expires April 6, 2014.**