

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN:

[REDACTED] and [REDACTED] and [REDACTED]

Plaintiffs

- and -

FAMILY YOUTH AND CHILD SERVICES OF MUSKOKA, ANDREA BEATTY,
RENNE LEFEBVRE, BONNIE GREER, MARTY RUTLEDGE, JOAN WADELL,
JEAN PIERRE ARSENAULT, LISA GREGORY, LISA BARDWICH, WENDY
SHIRTLIFF, NANCY PRICE and LOUISE HELIE-MASTERS

Defendants

PLAINTIFF'S RESPONSE TO THE DEMAND FOR PARTICULARS

1. The Adult Plaintiff's response to the Defendant's Demand for Particulars, dated May 13, 2013 (the Demand), as set out below. This response is Without Prejudice to the Adult Plaintiff's right to provide further particulars following discoveries or additional evidence arising from admission of facts by any individual Defendant settling the individual claim against them.

A) Paragraph 1 of the Demand requests:

"Paragraph 1 IV of the Statement of Claim claims a monetary sum against the Defendant Jean Pierre Arsenault. Please specify the nature of relief that gives rise to this claim."

Response

The Plaintiff's seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendant Jean Pierre Arsenault whom they assert:

- 1) Filed a false child protection application against the Plaintiff [REDACTED], on March 31st, 2011, in retaliation for and to circumvent a legitimate complaint

to the Family Services Review Board made by the Plaintiff ██████████. Mr. Arsenault acted in bad faith and in contravention of the law.

- 2) Would abuse his authority for months thereafter, until December 22nd, 2011 to separate the Plaintiffs and the minor child XXX from contact, denigrate the Adult Plaintiffs and cause severe emotional trauma to the Plaintiffs.
- 3) Did commit criminal perjury by swearing an affidavit on March 31st, 2011 wherein he describes injuries in Paragraph 17 as having been incurred by the minor child ██████████ on Sept 26th, 2010. Injuries including, "cuts scrapes bruises and a goose-egg" which he knew that the child had never sustained.
- 4) Having primary carriage of the file for FYCSM he failed to maintain records in accordance with Ministry guidelines and deliberately excluded records of his own contact with the OPP which contradicted his false accusations.
- 5) Was negligent in not obtaining or deliberately did not obtain, or obtained and concealed medical evidence which proved the minor child had not been injured.
- 6) Did deliberately exclude, from his affidavit and Application, details of his personal contact with the OPP whose investigation did not support his false claim of abuse.
- 7) Having primary carriage of the file and holding a supervisory position, he failed to ensure the investigations and documentation in the file met Ministry Guidelines.
- 8) Failed to comply with the August 5th, 2011 Order of Madame Justice Olan to provide the Plaintiff, ██████████ a (complete) copy of his CYFSM file forthwith and when forced to comply, removed or caused to be removed, material Ordered by the Court to be provided.
- 9) Having primary carriage of the file and in a supervisory role he did cause deliberately misleading affidavits of subordinates attesting to the non-existent injuries to be sworn and presented to the Court in support of his fraudulent Application.
- 10) Unable to prove his false allegations of abuse he did, under false pretenses obtain access to the minor child and did subject the minor child to interrogations under the guise of therapy in attempts to illicit and/or create false evidence to support his claim.

- 11) Did subsequently, in his sworn affidavit of June 15, 2011, embellish his false allegations of abuse of the minor child to include false allegations of domestic violence in the Adult Plaintiffs household.
- 12) Failed to comply with the September 6th, 2012 Order of the Family Services Review Board.
- 13) Having failed to comply with the September 6th, 2012 Order of the Family Services Review Board failed to comply with the subsequent directive issued on Dec 4th, 2013.
- 14) The specific causes of Action include: Intentional infliction of emotional harm, Negligence, Defamation, Abuse of Process, Conspiracy, Harassment and Breach of Statute including: Fabrication of Evidence contrary to S137 of the CC and Perjury contrary to S131 of the CC. Breach of Duty and Deliberate and Willful violations of the Child and Family Services Act CFSA RSO 1990 Sections 1.1, 1.2, 2.2, 15.4, 68. (1), 68. (2) 84. (a) and 68.1 (4) 4 and 5. Finally: failure to follow the September 6th 2012 Order of the Family Services Review Board which ruled in the adult Plaintiffs favor and failure to follow the subsequent Order that the first be followed.

B) Paragraph 2 of the Demand requests:

“Paragraph 1 V the Statement of Claim claims a monetary sum against the Defendant Lisa Gregory. Please specify the nature of relief that gives rise to this claim.”

Response

The Plaintiff's seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendant Lisa Gregory whom they assert:

- 1) Acting in bad faith and contrary to the law committed criminal perjury by swearing an affidavit on July 14th, 2011 which in Paragraph 8 describes injuries she claims to have seen on the child █████ on Oct 5, 2010, including a “bump, bruise and scrape on her head”. Injuries the child did not have nor did sustain.
- 2) Swore the entire affidavit which is completely denigrating to the adult plaintiff's as part of a conspiracy to support the false Application brought by the Defendant Jean Pierre Arsenault and consistent with the instructions she received from the Defendant Joan Wadell.

- 3) Failed to treat the Plaintiffs, conduct an investigation or keep records of an investigation in accordance with Ministry guidelines.
- 4) Fabricated details of phone calls to the Plaintiffs that never occurred and fabricated details of events that did not and could not have occurred while claiming third parties had advised the Defendant of these details. Details any prudent, competent and diligent society employee would have questioned, if in fact they had actually been presented by these third parties.
- 5) Failed to obtain written or sworn statements from the third parties whom the Defendant references in the affidavit sworn July 14, 2011.
- 6) Paraphrased and altered third party statements in the affidavit sworn July 14, 2011.
- 7) Deliberately excluded all details from her interaction with the OPP in the affidavit as they did not support the Defendants' false application.
- 8) Deliberately excluded or deliberately did not obtain medical evidence or photographic evidence of the injuries the Defendant has sworn were observed.
- 9) The Causes of Action will include: Intentional infliction of emotional harm, Negligence, Defamation, Abuse of Process, Conspiracy, Harassment and Breach of Statute including: Fabrication of Evidence contrary to S137 of the CC and Perjury contrary to S131 of the CC, Breach of Duty, Deliberate and Willful violations of the Child and Family Services Act CFSA RSO 1990 Sections 1.1, 1.2, 2.2 and 84. (a).

C) Paragraph 3 of the Demand requests:

"Paragraph 1 VI of the Statement of Claim claims a monetary sum against the Defendant Louise Helie-Masters. Please specify the nature of relief that gives rise to this claim."

Response

The Plaintiff's seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendant Louise Helie-Masters whom they assert:

- 1) Acted in bad faith and swore an affidavit containing false or misleading statements to bolster the false Application being made by the Defendants on July 12, 2011.
- 2) In paragraph 1 of that Affidavit the Defendant falsely identifies as, “a child and family therapist” despite not having completed any formal training in or any professional association in the field of therapy whatsoever.
- 3) Describes in paragraphs 2, 3, 7, 8, 9 and 20 to having, “a therapeutic relationship” or conducting, “therapy” on the minor Plaintiff [REDACTED], over a period of months despite being wholly unqualified to do so.
- 4) Refused to provide credentials to the Adult Plaintiff [REDACTED] while engaging in this, “therapy” for almost a year until Ordered to do so by Madame Justice Olah on August 5th, 2011.
- 5) Purposefully and willfully presented as a therapist to the Court in a sworn Affidavit to substantiate the false Application and assisted the Defendant Arsenault to obtain an Order of the Court granting access to the minor Plaintiff [REDACTED]
- 6) Used the access to the minor Plaintiff obtained by the Defendants under false pretenses to concoct additional false child protection concerns presented as opinion evidence in the capacity of a child therapist.
- 7) Forced the minor Plaintiff [REDACTED] to participate in producing drawings of the adult Plaintiffs designed to denigrate and defame the Adult Plaintiffs and advance the Defendants’ false Application without regard for the minor Plaintiffs emotional well-being or same and damage to reputation suffered by the adult Plaintiffs.
- 8) Directly caused the Plaintiffs some extreme emotional trauma and public embarrassment.
- 9) The Causes of Action will include: Intentional infliction of emotional harm, Defamation, Conspiracy, Harassment and Breach of Statute including: Fabrication of Evidence contrary to S137 of the CC and Perjury contrary to S131 of the CC, Fraudulent Misrepresentation, Breach of Duty, Deliberate and Willful violations of the Child and Family Services Act; CFSA RSO 1990 Sections 1.1, 1.2, 2.2, 28, and 84 (a).

D) Paragraph 4 of the Demand requests:

“Paragraph 1 VII of the Statement of Claim claims a monetary sum against the Defendant Joan Wadell. Please specify the nature of relief that gives rise to this claim.”

Response

The Plaintiff's seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendant Joan Wadell whom they assert:

- 1) Held a supervisory position at Family Youth and Services and acting in bad faith instructed staff to use means and methods against the Adult Plaintiff contrary to policy, Ministry Guidelines, the CFSA and the Ontario Human Rights Code.
- 2) Further acted in bad faith by misleading and attempting to engage the North Bay CAS to pursue the Adult Plaintiffs after the withdrawal of the Application.
- 3) Failed to ensure subordinate staff conducted an investigation or kept records of an investigation in accordance with Ministry guidelines.
- 4) The Causes of Action will include: Intentional Infliction of Emotional Harm, Negligence, Defamation, Conspiracy, Harassment, Breach of Duty and Deliberate and Willful violations of the Child and Family Services Act FCSA RSO 1990 Sections 1.1, 1.2, 2.2, 15.4 and violation of S1 of the Ontario Human Rights Act Section 1.

E) Paragraph 5 of the Demand requests:

“Paragraph 1 VIII of the Statement of Claim claims a monetary sum against the Defendant's Nancy Price, Wendy Shirliff and Lisa Bardwich. Please specify the nature of relief that gives rise to these claims.”

Response

The Plaintiff's seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendants Nancy Price, Wendy Shirliff and Lisa Bardwich whom they assert:

- 1) That these Defendant's, all acting in bad faith and contrary to the law, swore affidavits respectively on July 13th, 2011, July 11th, 2011 and July 11th, 2011 containing information and assertions they knew to be false to support the

Defendant Jean Pierre Arsenault's conspiracy to advance a false protection application.

- 2) In the affidavit of Nancy Price sworn July 13th, 2011 the Defendant describes conducting an interview, contrary to Ministry guidelines, in a public hallway at a Courthouse on December 18th, 2008 and falsely describes the Adult Plaintiffs in a derogatory and in a gender stereotypical manner depicting an abusive relationship to bolster the false application and corroborate the false evidence being presented by the defendant Louise Helie-Masters.
 - 3) The affidavit of Wendy Shirtliff, sworn on July 11th, 2011 describes seeing injuries on the minor child [REDACTED], on September 26th, 2010, ten months earlier which the child did not have, including a goose-egg on her head, falsely describes a conversation with an OPP officer and falsely describes the Adult Plaintiff lurking outside the detachment.
 - 4) The affidavit of Lisa Bardwich sworn on July 11th, 2011 is in its entirety an attack on the Adult Plaintiff's to bolster the false application. It includes false allegations which include, but are not limited to; not feeding the child, abandoning the child, burning presents and not keeping the child warm. The Defendant falsely describes a veritable "house of horrors" in the affidavit.
 - 5) These Defendants knowingly participated in a false protection application and conducted themselves contrary to the law and Ministry guidelines.
 - 6) The Causes of Action will include: Intentional Infliction of Emotional harm, Negligence, Defamation, Conspiracy, Harassment and Breach of Statute including: Fabrication of Evidence contrary to S137 of the CC and Perjury contrary to S131 of the CC. Breach of Duty, Deliberate and Willful violations of the Child and Family Services Act FCSA RSO 1990 Sections 1.1, 1.2, 2.2, 15.4 and 84(a). The Defendant Price acted contrary to Section 1 of the Ontario Human Rights Act.
- F) Paragraph 6 of the Demand requests:

"Paragraph 1 IX of the Statement of Claim claims a monetary sum against the Defendant Marty Rutledge. Please specify the nature of relief that gives rise to this claim."

Response

The Plaintiff's seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendant Marty Rutledge whom they assert:

- 1) Held the senior supervisory position at Family youth and Child Services of Muskoka and was responsible for and should have been aware of, the actions of his subordinates that give rise to the claim.**
- 2) That he acted in bad faith willfully ignoring, contrary to the CFSA, the legitimate complaint of the Adult Plaintiff brought to his personal attention in writing.**
- 3) That he was aware or reasonably should have been aware of his subordinates' actions and acting in bad faith took no steps to investigate or ensure the Plaintiffs were treated, the investigation was conducted and the necessary records kept, in accordance with Ministry Guidelines.**
- 4) That he was grossly negligent in or complicit in allowing the events which give rise to the Claim to occur and was aware of the actions of his subordinates.**
- 5) That in his position as Executive Director he was or should have been aware of the Directives of the Family Services Review Board and ensured they were followed.**
- 6) That in his position as Executive Director he was or should have been aware of the Orders of the Honourable Court and ensured they were followed.**
- 7) That in his position as Executive Director he was or should have been aware of the Rules of Procedure as they pertain to CFSA Applications and ensured they were followed.**
- 8) That he allowed the publically funded resources for which he was responsible to be unlawfully used giving rise to this Claim.**
- 9) That he held a Duty of Service to the Plaintiffs as described in the CFSA of which he should have been familiar and failed to meet.**
- 10) The Causes of Action will include: Negligence, Defamation, Abuse of Process, Conspiracy, Harassment, Breach of Duty and Deliberate and Willful violations of the Child and Family Services Act and, contrary to CFSA RSO 1990 Sections 1.1, 1.2, 2.2, 15.4 and 68 Breach of Duty. Failure to follow the August 5, 2011 Order of Madame Justice Olah. Failure to follow the September 6th 2012**

Order of the Family Services Review Board which ruled in the Plaintiffs favor and failure to follow the subsequent Order that the first be followed.

G) Paragraph 7 of the Demand requests:

“Paragraph 1 X of the Statement of Claim claims a monetary sum against the Defendant’s Andrea Beatty., Renee Lefebvre and Bonnie Greer. Please specify the nature of relief that gives rise to these claims.”

Response

The Plaintiff’s seek Compensatory Damages including: General Damages and Special Damages, Costs, Punitive and Aggravated Damages from the Defendants Andrea Beatty., Renee Lefebvre and Bonnie Greer whom they assert:

- 1) Were senior members of the Board of Directors of Family youth and Child Services of Muskoka during the period in which the events that give rise to this Claim occurred and had a Duty of Care to the Plaintiffs under the CFSA.
- 2) The Corporation and its staff, the Defendants, conducted themselves with impunity and complete disregard for the Paramount Purpose of the Act, complete disregard for Rules of the Court, complete disregard for the Ministry Guidelines and complete disregard for the Criminal Code. The Directors of the Corporation allowing such willful abuse acted in bad faith by failing to meet the basic duty of their positions.
- 3) These Defendants were ultimately responsible for ensuring the resources of the corporation were utilized in accordance with the Child and Family Services Act.
- 4) These Defendants were aware or should have been aware of the actions of the Corporation over which they presided.
- 5) These Defendants were aware or should have been aware of the Decisions of the Family Services Review Board with regards to their corporate conduct and should have ensured they were followed.
- 6) These Defendants were aware or should have been aware of the Ministry guidelines governing the Corporation and all other laws pertaining to the corporation and been diligent in ensuring the Corporation acted in accordance with the legislation and guidelines.

- 7) These Defendants had a Duty of Care to, but failed to, ensure the resources and finances of the publically funded Corporation were used justly and appropriately, that the staff possessed proper credentials, that the Act was followed, that the Rules were followed and that Ministry guidelines were adhered to.
- 8) The Causes of Action will include: Negligence, Breach of Duty allowing; violations of the CFSA within the Corporation, failure to follow Ministry guidelines governing the Corporation, failure to follow the Rules governing CFSA Applications, failure to follow the Orders of the Court, the intentional persecution of the Plaintiffs by the misuse of public resources and failure to follow the September 6th 2012 Order of the Family Services Review Board which ruled in the Plaintiffs favor and failure to follow the subsequent Order that the first be followed.

H) Paragraph 8 of the Demand requests:

“Paragraph 1 XI of the Statement of Claim seeks damages pursuant to the Family Law Act for [REDACTED] [REDACTED]. Please provide the material facts upon which Ms. [REDACTED] seeks recovery under the Family Law Act, including particulars regarding her legal relationship with [REDACTED] and [REDACTED] and her place of residence.”

Response

Mrs. [REDACTED] is the lawfully wedded wife of [REDACTED] and resides at [REDACTED]. Mrs. [REDACTED] was and is entitled to all the benefits of a husband. The actions of the Defendants caused such emotional trauma and overwhelming necessity to [REDACTED] that Mrs. [REDACTED] was deprived of marital benefits including but not limited to companionship, emotional support, financial support, and conjugal relations for an extended period of time.

I) Paragraph 9 of the Demand requests:

“Paragraph 1 XII the Statement of Claim seeks damages pursuant to the Family Law Act for [REDACTED]. Please provide the material facts upon which [REDACTED] seeks recovery under the Family Law Act, including particulars regarding her legal relationship with [REDACTED] and [REDACTED] and her place of residence.”

Response

The minor Plaintiff [REDACTED] is the biological child of [REDACTED] and resided

alternatively with mother and father. Mrs. [REDACTED] is the minor child's lawful stepmother. [REDACTED] was and entitled to contact with, emotional support from and all the benefits of an extended paternal family. The actions of the Defendants directly interfered with the minor Plaintiff [REDACTED]'s fundamental right to a father and access to her father as prescribed by an Order of the Court for almost 18 months. The effect on the minor Plaintiff was as devastating and had the same effect on a child at that age as the death of a father. The damage caused by the Defendants on the healthy relationship between the adult plaintiffs and the minor Plaintiffs continues to the present.

J) Paragraph 10 of the Demand requests:

"Please provide full particulars regarding the allegation in Paragraph 2 that the child protection application filed on March 31st "was fraudulent".

Response

The child protection application was hastily and incompletely brought falsely alleging and/or implying physical abuse supposedly occurring 6 months earlier in an attempt to circumvent legitimate complaints to lawful authorities (the Family Services Review Board) and mean-spirited retaliation against the Adult Plaintiff, for making such a complaint, by the Defendant Jean Pierre Arsenault .

In an effort to prevent the Family Services Review Board from pursuing the Plaintiffs complaint by placing an Application before the Court, Mr. Arsenault served a Notice of Motion on the Adult Plaintiff the evening of March 30th, 2011. On this document he indicated that his supporting Affidavit was served with the Notice of Motion. Such was his haste to retaliate his supporting Affidavit would not even be sworn, until the following day when it was served on the adult Plaintiff.

The Application had no merit and met the prima facie test only through the use by the Defendant Arsenault of false evidence. It was ultimately withdrawn by the Defendant without a single finding of fact supporting the multitude of false accusations levied against the Adult Plaintiffs by the Defendants.

K) Paragraph 11 of the Demand requests:

"Please provide full particulars regarding the allegation in Paragraph 2 that the Application contained allegations that Jean Pierre Arsenault knew to be false or should have known to be false."

Response

The Defendant Jean Pierre Arsenault had discussed the allegations of abuse with the Ontario Provincial Police who had diligently investigated and found them “completely unfounded” months before bringing his Application. The Defendant Arsenault’s initial Application and subsequent accompanying affidavit makes numerous and lengthy references to physical abuse but deliberately excludes any references to his own discussions with the investigating officer hence he was fully aware that no such abuse occurred and could not state that the information implying abuse was true to the best of his information and/or belief.

Despite this, and the irrefutable fact that he spoke with the investigating officer who had interviewed [REDACTED] on September 26th, 2010 The Defendant Arsenault indicates in his own affidavit that the Defendant Lisa Gregory saw the injuries (during a home visit on October 5th, 2010) and goes on to describe: *“a bump, a bruise, a scrape on her head (which was still partly visible to Lisa Gregory at the home visit), a fat lip, bleeding inside her nose, marks on her fingers that were bleeding, a hurt knee and one blue, green and purple finger that was sprained”*.

The Defendant Arsenault also alludes to and references these non-existent injuries indicating they were seen by the Defendant Wendy Shirtliff, again this affidavit was sworn after the Ontario Provincial Police had conducted an investigation and apprised the Defendant of the results of the investigation.

The Defendant Arsenault is a seasoned employee of the Corporation; Family Youth and Child Services of Muskoka and having been directly informed by the Ontario Provincial Police that the child had no injuries, he knew or should have known the statements in his affidavit to be false.

The Defendant Arsenault was fully aware at the time he swore his affidavit that Cathy MainDonald was not a Social Worker but described her as such a professional in his affidavit to lend credence to his references to her statements.

The Defendant Arsenault was in possession of all relevant material proving there was no Custody and Access Dispute nor anything but polite correspondence between the Adult Plaintiff and the mother of [REDACTED] at the time he swore his affidavit. Despite this, his affidavit falsely describes his concerns over a custody and access dispute. These concerns did not arise until after he was notified that the Family Services Board was pursuing the Adult Plaintiffs complaint against him.

L) Paragraph 12 of the Demand requests:

“Please provide particulars regarding the allegation in Paragraph 4 that JP Arsenault had his subordinates swear affidavits attesting to non-existent injuries. Specifically particularize which affidavits were sworn by whom on what dates.”

Response

- 1) Affidavits attesting to non-existent injuries which the Defendant’s claimed were abuse suffered by the minor child while in the Adult Plaintiff’s care the weekend of September 26th, 2010 were sworn by: the Defendant Lisa Gregory on July 14th, 2011 and the Defendant Wendy Shirtliff on July 11th, 2011.

M) Paragraph 13 of the Demand requests:

“Please provide particulars regarding the allegation in Paragraph 4 that the Society and Jean Pierre Arsenault “deliberately excluded and deliberately made false representations of key evidence”. Specifically what was excluded and what was false.”

Response

At no time during the CFSA proceedings initiated by Jean Pierre Arsenault did he or any other Defendant include in their affidavits; a police report, a medical report or a photograph of the minor Plaintiff, all of which existed, and which the Defendants knew existed and which proved beyond any doubt that no abuse had occurred as described by the Defendants.

What was false was every single allegation made collectively and individually by the Defendants creating an impression that the Child Protection Application was justified.

N) Paragraph 14 of the Demand requests:

“Please provide particulars regarding the affidavits referred to in Paragraph 5, including the date(s) those affidavits were sworn and full particulars regarding the allegation that statements in those affidavits were known to be false and/or misleading.”

Response

- 1) The affidavits referred to in Paragraph 5 are the affidavits of the Defendants already described above.

O) Paragraph 15 of the Demand requests:

“Please provide full particulars regarding the allegation in Paragraph 5 that the Defendants named therein were acting in bad faith.”

Response

This is detailed extensively in other responses. Filing a false Application and swearing false and or deliberately misleading affidavits to support it (the Application) are criminal acts of bad faith. Instructing subordinates to act in violation of legislation or allowing them to do so are also acts of bad faith. Willfully failing to exercise reasonable diligence where a Duty of Care exists is acting in bad faith.

P) Paragraph 16 of the Demand requests:

“Please provide particulars of the sworn document referenced in Paragraph 6, including the type of document and the date on which it was sworn.”

Response

- 1) The document referenced is an Affidavit by Lisa Gregory, sworn on July 14, 2011 and filed with the Court in support of the Supervisor JP Arsenault’s false application.

Q) Paragraph 17 of the Demand requests:

“Please provide particulars of the allegations in Paragraph 7. Specifically particularize the means and methods Joan Wadell instructed Lisa Gregory to use, and identify the Law and the provisions of the Ontario Human Rights Code violated by those means and methods.”

Response

- 1) Having never met either of the Plaintiffs ██████████ or ██████████, and having had only a single brief conversation with the Plaintiff ██████████ in March of 2010 during which ██████████ indicated a desire for a meditative approach to the Society’s concerns, the Defendant Joan Wadell instructed Lisa Gregory in October of 2010 to “go full force” against ██████████, that she “knew the family”, that his behavior was “escalating” that his access to his daughter should be stopped and it was “the only thing he would understand”.

- 2) No one from the Society had even spoken to the Plaintiff's regarding the complaints raised in September of 2010 at the time the Defendant Joan Wadell made these statements.
- 3) The Plaintiff's assert that this behavior was discriminatory contrary to the Ontario Human Rights Code, contrary to the Family and Child Services Act, contrary to the Criminal Code of Canada and contrary to Ministry Guidelines and resulted in the Defendant Lisa Gregory threatening the Plaintiff ██████████ on Oct 14, 2010 with the denial of access to her stepdaughter ██████████ prior to even meeting the Plaintiff's and the Defendant's subsequent swearing of a false Affidavit.
- 4) See Response to the Demand for Particulars pertaining to Joan Wadell above.

R) Paragraph 18 of the Demand requests:

"Please provide particulars of the allegation in Paragraph 14 that all the Defendant's acted in bad faith, if there are particulars regarding the actions or omissions of any Defendant not already set out in the preceding paragraphs of the Statement of Claim or Response to the Demand for Particulars. Please also identify any affidavits that are alleged to be false if not already identified elsewhere in the Statement of Claim or Response to the Demand for Particulars."

Response

The subsequent affidavits of Jean Pierre Arsenault sworn June 15th, 2011 November 2nd, 2011 and December 5th 2011 contain misleading and false information.

S) Paragraph 19 of the Demand requests:

"Please provide full particulars of the allegation in Paragraph 18 that the Family and Child Services of Muskoka engaged in "subsequent bad acts including criminal acts of perjury". Specifically, please identify the bad acts including the actors and the dates of such acts. Please also identify the material facts upon which the allegation of perjury is made."

Response

Details are provided in other responses and;

At the conclusion of the Defendants investigation in 2010 regardless of the unprofessional, deceitful, intrusive and inappropriate nature of the investigation, the full scope of which would later be discovered by the Plaintiffs, the Defendants took no action against the Plaintiffs.

The subsequent bad acts included misrepresentations of therapy by the Defendant Jean Pierre Arsenault and the Defendant Louise Helie-Masters which predicated the Adult Plaintiff registering a legitimate complaint with the Family Services Review Board on March 28th, 2011 regarding the conduct of the Defendants.

The Defendant Jean Pierre Arsenault filed in retaliation for and to circumvent that complaint an unwarranted, inflammatory and false Child Protection Application in contravention of the CFSA on March 31st, 2011. He would subsequently attempt to use the Application to curtail the Family Services Review Board investigation into the complaint.

To support this Application the Defendant Jean Pierre Arsenault swore and filed, on March 31st, 2011 an Affidavit intentionally designed to mislead the Court containing information implying the minor Plaintiff had been assaulted and that the Adult Plaintiffs were of such character to participate such that his Application would be deemed to have merit by the Court.

From the Criminal Code of Canada:

131. (1) Subject to subsection (3), every one commits perjury who, with intent to mislead, makes before a person who is authorized by law to permit it to be made before him a false statement under oath or solemn affirmation, by affidavit, solemn declaration or deposition or orally, knowing that the statement is false.

The Plaintiffs rely on the abundance of evidence that indicate beyond doubt that no prudent person could be engaged in anything but an attempt to Mislead Justice. The Plaintiffs also rely on the fact that the Defendant Arsenault, if he indeed did believe his own allegations, would have been compelled by Law to have filed his Application on September 27th, 2011 not 6 months later.

The Defendants abused their authority and ability to interfere with Rights of the Plaintiffs in a vain attempt to have the Plaintiffs agree to their supervision and thus justify the Application.

The Plaintiffs assert that the Defendant Jean Pierre Arsenault was attempting to extract a favourable resolution to the Family Services Review Board Complaint and prevent a finding of fact by the Honourable Court by using false accusations to force the Plaintiff's to agree to an Order under S57.1 of the CFSA.

The Defendants would then mislead the Honourable Court into Ordering that [REDACTED] be subjected to interrogation and coercion in the guise of Therapy, by a person known to be unqualified as a Therapist to create false evidence supporting the Application.

Faced with an Application without Merit the Defendants created false evidence:

From the Criminal Code of Canada:

137. Everyone who, with intent to mislead, fabricates anything with intent that it shall be used as evidence in a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

The Defendant Louise Helie-Masters would fabricate a drawing depicting obscene marital discord as supposedly witnessed by [REDACTED] and attach it as an Exhibit to her affidavit. This Defendant would coerce a child into participating in drawing her father strapping her stepmother's bare buttocks. This Defendant would include this repulsive fabrication as an exhibit to an Affidavit in which she misrepresented herself as a therapist on July 12, 2011.

To lend further credence and corroboration to the Defendants false Application, the Defendants Nancy Price, Wendy Shirtliff and Lisa Bardwich would on July 13, 2011, July 11, 2011 and July 11, 2011 respectively all swear affidavits containing false information and the Defendants would revise their Application, reflecting the "new (false) evidence" in a Notice of Motion dated July 13th, 2011 with a new plan of care.

This new plan of care was prepared by the Defendant Jean Pierre Arsenault and took an even harsher stance towards the Plaintiffs family than the original. This Defendant would further abuse his authority demanding the Adult Plaintiff complete a psychological assessment for his review. This Defendant took the initial bad acts and abuse of authority to a whole new level.

All the Defendants were aware of their individual and collective bad acts and deliberately engaged in a (criminal) conspiracy. The Defendant's Rutledge and Wadell were aware of the actions of the other Defendants.

None of the abusive and obscene events described by the Defendants in their sworn affidavits were true.

On August 5th, 2011 the Defendants Application and the Plaintiffs Motion to dismiss were heard by Madame Justice Olah. Madame Justice Olah made a number of rulings including: *"the Application should proceed as quickly as possible to a TMC to have the matter set for the November trial sittings or any earlier date available"* and *"the Respondent Father has the right to receive the qualifications of all the Society's witnesses and review the Society's file as it pertains to himself, the mother and child to prepare for trial. Arrangements in this regard are to be made forthwith."*

On September 19th, 2011 the Ontario Children's Lawyer representing the minor [REDACTED] wrote with "URGENT ATTENTION REQUESTED" to the Defendants requesting that they allow the Plaintiffs unsupervised access to each other and that there were no "*concerns or fears*". The Defendants, despite being fully aware of the trauma they were causing to the Plaintiffs, ignored the request and continued the infliction of harm to the Plaintiffs. The Ontario Children's Lawyer would repeat the request a month later on October 17th, 2011.

The Defendant Arsenault wrote on October 18th, 2011 that an assessment had been conducted (without the Plaintiffs participation) and he now determined there was "*a high risk of future harm*" in an effort to justify his false Application.

The Defendants also ignored the Order of Madame Justice Olah and instead, in the intervening months attempted to coerce an agreement from the Adult Plaintiffs which would indemnify the Defendants from responsibility for their bad acts.

The Defendants blatantly ignored the Order of Madame Justice Olah until a Motion for Contempt was brought against the Defendants Marty Rutledge and Jean Pierre Arsenault. Attached to Jean Pierre Arsenault's affidavit of November 2nd, 2011 was the resume of the Defendant Louise Helie-Masters.

Throughout the proceedings the Defendants under the direction of the Defendant Arsenault would conduct themselves with complete disregard for the Rules, deliberately serving materials improperly and on one occasion bringing an

ex parte motion without cause for no other reason than to derail a properly served Motion for Contempt brought against the Defendants.

On December 22nd, 2011 the Defendants indicated at the Court in Bracebridge that they were unconditionally withdrawing the Defendants application. Despite this the Defendants would attempt to continue to interfere with the Plaintiffs into March of 2012 and participate in corrupting the final Order.

In February of 2013 The Plaintiffs received correspondence from the North Bay Children's Aid Society indicating that they had been contacted by the Defendant Joan Wadell who had informed them that the Plaintiffs had hurt [REDACTED] in the past and had requested their assistance. The Defendant Joan Wadell was still going "full force", this final bad act led to the Claim being filed against the Defendants.

The Plaintiffs assert that the Defendants engaged in a conspiracy of continuous and collective "bad acts" from September 2010 until the filling of the Claim. The Plaintiffs further assert that the bad acts described in the Claim would have or should have come to the attention of prudent and reasonable members of a Board of Directors of a Corporation and the Defendants named as such were complicit through gross negligence and Breach of Duty in the described acts.

February 28, 2014

[REDACTED] and [REDACTED]
Plaintiffs

[REDACTED] Rd. [REDACTED]
[REDACTED]

To: Anna Matas
Lerners LLP, Lawyers for the Defendants
130 Adelaide Street West, Suite 2400
Toronto, ON M5H 3P5

[REDACTED]
[REDACTED] and **[REDACTED]**
Plaintiffs

and **FAMILY YOUTH AND CHILD SERVICES OF MUSKOKA,
ANDREA BEATTY, RENNE LEFEBVRE, BONNIE GREER,
MARTY RUTLEDGE, JOAN WADELL, JEAN PIERRE
ARSENAULT, LISA GREGORY, LISA BARDWICH, WEND
SHIRTLIFF, NANCY PRICE and LOUISE HELIE-MASTER
and LERNERS LLP, Lawyers for the Defendants**

Court File No. 54248/13

**ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at
59 Church Street
St. Catherines
L2R 7N8**

**RESPONSE TO THE DEMAND FOR
PARTICULARS**

[REDACTED]
[REDACTED]
[REDACTED]