

June 13, 2012

VIA EMAIL AND CONFIRMATION COPY BY MAIL

Robert McQuaid
558 Martin Road
Mattawa, ON P0H1V0
rtm@fixcas.com

Dear Mr. McQuaid:

Re: Removal of photos of Douglas, A.C.J.

As counsel to Associate Chief Justice Lori Douglas of the Manitoba Court of Queen's Bench Family Division, I am writing to request that you remove the photos on your website fixcas.com which purport to be images of the Judge. The photos are a violation of the privacy rights of Douglas, A.C.J. and were published on the internet without her knowledge or consent. The continued hosting of the photos on your website constitutes a continual violation of the Judge's privacy rights pursuant to the *Canadian Charter of Rights and Freedoms* and at common law. The photos were likely given to the source from which you copied them in violation of an injunction issued by a Canadian court of law. Their continued presence on your website violates the personal property interest of the subject of the photographs, as well as the copyright of the photographer.

The photos on the URL <http://www.fixcas.com/cgi-bin/go.py?2010e.Douglas> are not legal, and are not in furtherance of the original source's, or your, exercise of freedom of speech. They are photos which were illegally distributed without the knowledge and consent of Justice Douglas, illegally retained by a party to a binding settlement agreement which required the return or destruction of all photos in his possession, and subsequently illegally reposted with malice and intent to cause financial, reputational and psychological harm to the Judge and others.

When we spoke by telephone on June 12, you indicated that you didn't think you had done anything illegal by posting the photos. However, the presence of the photos on your website constitutes an ongoing violation of the privacy rights of Douglas, A.C.J., which have long been recognized as fundamental values underlying the torts of breach of confidence, defamation, breach of copyright and various property rights. *Charter* jurisprudence recognizes privacy as worthy of constitutional protection and integral to an individual's relationship with the rest of society and the state and Canadian common law has developed in a manner consistent with those *Charter* values. The Ontario Court of Appeal has recognized a civil tort regarding the invasion of another's privacy, for which the perpetrator may be held liable.

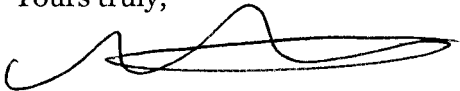
Your website states that the source of the photos is Above the Law. You note that while the pictures have been removed from the Above the Law html page, they are accessible by searching for cached pages. You provide instructions on how to search for the images on cached Above the Law pages. As I informed you by telephone, Above the Law has removed all illegal photos of

Douglas, A.C.J. from its html page, its server and its cache. When the editor of Above the Law, David Lat, learned of the circumstances in which these photos had been illegally distributed (as described above), he chose to exercise discretion in replacing the images with written descriptions of the pictures and noted this update to his February 3, 2011 Above the Law post regarding the Judge.

I expect that after considering the information provided above you will similarly decide to remove these illegal photos from the HTML version of the above-noted URL, your server and cache to avoid any continuing violation of Douglas, A.C.J.'s rights.

Please confirm you will cease this ongoing breach of our client's rights.

Yours truly,

A handwritten signature in black ink, appearing to read 'Molly Reynolds', with a stylized, flowing script.

Molly Reynolds

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mreynolds@torys.com

MR