

Aurora Banner

Defendants push to end Morris suit

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The move to have former mayor Phyllis Morris' \$6-million libel lawsuit tossed out of court now rests in the hands of a judge.

Today, lawyer Jordan Golblatt, acting on behalf of residents Bill Hogg, Richard Johnson and Elizabeth Bishenden, introduced a motion to have Mrs. Morris' lawsuit against them, other blog participants and the blog's host dismissed.

After the motion was introduced, Ken Clark, acting on behalf of Mrs. Morris, responded and it will now be up to Justice Robert J. Spence to determine if the case should proceed.

"At this point, we'll have to see what Justice Spence rules," Mr. Goldblatt said, adding there's no time limit on his decision.

Beyond that, Mr. Goldblatt had no other comment on the case. However, the matter could drag on for years if the case does, in fact, manage to go to trial, he noted. As such, costs could climb as high as \$200,000.

Mr. Clark said in an e-mail he had no comment on the matter as it is now before the courts.

Court documents filed by the defence suggest Mrs. Morris' case is little more than a strategic lawsuit against public participation, or SLAPP action, and argues the matter should be dismissed on the grounds it has not properly identified the comments being complained about.

"The mayor's claim is fundamentally flawed," the document reads. "She has not pled the words on which she basis (sic) her claim. This is fatal to a defamation action. This claim should be struck."

The documents outline comments alleged to be defamatory and explain the defendants were given information about the author, comment title, date and time of the offending postings.

Further details were not included to spare Mrs. Morris' reputation more damage, it adds.

The exact words were not quoted in the statement of claim to mitigate the damages being suffered by the plaintiff, the document reads.

"The publication by the media or further dissemination of these words would have aggravated the harm caused to the plaintiff."

In December, the new council voted to end the town's involvement in the case.

In February, Mayor Geoff Dawe indicated the legal bills accrued as a result of Mrs. Morris' lawsuit had yet to be paid and were closing in on \$70,000. However, it has since been revised to \$55,000.

The town has retained the services of lawyer George Rust-D'Eye to determine if the process leading to the lawsuit was legal and the contract entered into valid.

Mr. Rust-D'Eye's findings could be revealed by the end of the month, Mr. Dawe said last week.

Documents filed on behalf of Mrs. Morris indicate a line of credit in excess of \$200,000 has been taken out against her home.

The two parties involved in the suit are to be back in court next week to deal with a motion related to the identities of the anonymous blog participants.

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