

Aurora Banner

Former Aurora mayor faces municipal act suit

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An Aurora resident has launched legal action against former mayor Phyllis Morris under the Municipal Conflict of Interest Act in connection with her \$6-million lawsuit against the Aurora Citizen blog, three area bloggers and others.

Lawyers acting on behalf of George Hervey filed the notice of application to the Ontario Superior Court of Justice in Newmarket Tuesday.

In the document, he alleges Mrs. Morris breached portions of the act by participating in a Sept. 14 closed session discussion about a series of allegedly defamatory posts on the Aurora Citizen blog that resulted in a resolution directing the town solicitor "to retain external legal counsel and to take any and all actions to bring a resolution to this matter".

This authority resulted in Mrs. Morris commencing the action and funding it with the town's resources, the document reads.

The document alleges Mrs. Morris stood to gain millions of dollars through the town-funded legal action and that she had an undeclared pecuniary interest in the matter as a result of her participation in the aforementioned closed session meeting. It further notes the town, at that time, did not obtain any indemnity for any amount recovered from the action, legal fees incurred, costs to be paid to another party or recovery of damages awarded.

None of the allegations have been proven in court.

Steven O'Melia, a lawyer acting on behalf of Mrs. Morris, was not available for comment.

A hearing on the application is scheduled for June 29 at 9:30 a.m. at the Newmarket courthouse.

Apart from a declaration the former mayor breached the act, it seeks an order directing her to pay restitution to the town for any amount paid in connection with the lawsuit and also seeks to disqualify her from serving on a municipal council or other local board, as defined under the act, for a period of seven years.

Mr. Hervey also seeks costs for the application.

Mr. Hervey's lawyer, Jill Copeland of Sack, Goldblatt, Mitchel LLP, said Mr. Hervey's application is motivated out of concern taxpayer dollars may have been misused.

The town discontinued funding for Mrs. Morris' lawsuit Dec. 14 and, last month, council voted to cover the more than \$55,000 in legal expenses

incurred by Mrs. Morris to Dec. 15, for the amounts owed to law firm Aird & Berlis, and to Dec. 21 for the additional outside legal services provided by Paterson MacDougall.

The latter firm was retained in connection with the cross-examination of now former town solicitor Chris Cooper's affidavit.

Council also made it clear the town would attempt to recoup its costs if Mrs. Morris is awarded damages or recovers costs.

Council made its decision based on the advice of municipal lawyer **George Rust-D'Eye**, who was retained in February to determine if the town had an obligation to pay the former mayor's legal bills.

Following the release of Mr. Rust-D'Eye's executive summary, the town announced a series of changes were coming to its litigation policy designed to ensure something similar to the lawsuit could never happen again.

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