



5128358
No. S116979
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

JOHN FURLONG

PLAINTIFF

AND

LAURA ROBINSON, DANIEL MCLEOD, CHARLIE SMITH, and
VANCOUVER FREE PRESS PUBLISHING CORP.

DEFENDANTS

REPLY to RESPONSE TO CIVIL CLAIM of LAURA ROBINSON

1. In response to the whole of the Response to Civil Claim of Laura Robinson (the "Robinson Response"), the Plaintiff says that the serious untrue allegations of wrongdoing by him made for the first time in that expanded pleading constitute an abuse of the court's process and of its privilege. Absent any privilege that may be allowed at law, the Defendant Robinson would be exposed to potential liability as a result of levying such damaging untrue allegations against the Plaintiff.

2. The new allegations that the Plaintiff abused persons not named in the Georgia Straight article, including students, his former wife, and an unnamed person described as a common law wife are defamatory, unfounded and cannot be supported by reliable evidence. The events alleged are said to have occurred in 1969 and the 1970s but have not been reported in the intervening decades to the Plaintiff or to the authorities by any of persons involved. This is because they never occurred.

3. The Plaintiff alleges that the defendant's legal tactic was designed to raise these defamatory documents in the court as part of a malicious act and

personal vendetta, designed by the Defendant to allow "back-door" publication of these defamatory comments in a manner that may deny the defendant recourse under defamation laws. The Defendant's allegations did not meet the normal evidence required for publication by a journalist working in media. However, by placing them before the court, the Defendant Robinson understood her defamatory allegations could, and would be published, because the Plaintiff is a well-known public figure and the media can publish the unfounded allegations because they were contained in a privileged document that shielded them and the Defendant from normal defamation laws.

4. The Plaintiff also states that there is a large body of evidence pointing to the Defendant's historical pattern of serious inaccuracies, reckless regard for the truth and later retraction of allegations she has made both in the media and in the courts against subjects in her professional reporting and business life. These include at least four documented instances of recklessly reporting highly damaging allegations that were made orally or published by the Defendant Robinson and then proven false by the alleged victims, proven to be untrue in court proceedings, by police investigation or proven false or wanting in fact by an independent investigatory body.

5. The Plaintiff also states there is no evidence at all that he "hid" five years of his life in his leadership book, as is alleged by the Defendant. The facts are that he came to Canada by invitation on a temporary basis to do volunteer work from 1969 to 1972, and had a very positive experience, and decided to immigrate and make it his home after the school where he had worked invited him to return and take up a full-time position. His book, *Patriot Hearts: Inside The Olympics That Changed The Country*, about leading Canada's Olympic effort was written as a history of the Vancouver 2010 Olympics, and was never intended as a chronological personal biography. The Plaintiff's permanent entry into the country, the beginning of his official road to Canadian citizenship, was his formal immigration to Canada. Any suggestion that he chose to hide his earlier visits to Canada is untrue and defamatory

Laura Robinson's Ten-Year History of Inaccuracies and Defamation:

6. The defendant's journalistic techniques are highly unorthodox, prejudicial and skewed to creating innuendo, journalistic imbalance and errors in fact. An example of the Defendant's unorthodox and unreliable investigatory techniques was her decision to place a poster regarding the plaintiff in a public place or places in Burns Lake, in order to attract unnamed sources for her defamatory allegations and reporting. This is part of a reckless pattern that has led to a history of errors and/or defamation by the Defendant, often based on unnamed sources. These include:

- (i) A 1994 article in the Globe and Mail in which the Defendant Robinson levied racism allegations against Ken Shields, the coach of the Canadian national men's basketball team. Following the publication of the article, Basketball Canada appointed an independent three-member panel to investigate the allegations of racism made by the Defendant Robinson. The panel concluded that there had been no basis for the allegations of racism. The allegations were later fully retracted by the Globe and Mail, which in an apology wrote that it "never intended to suggest that national-team coach Kenneth Shields was a racist, hereby retracts any such suggestion that might be considered to arise from the article and apologizes to coach Shields for any embarrassment he may have suffered." Mr. Shields brought an action against the Globe and Mail in libel, which was settled for an undisclosed sum.
- (ii) In October 2005 the Defendant brought an action in British Columbia Provincial Court (Vancouver Registry 0509349) which made baseless allegations including "harassment and discrimination" by Keith Benson, the then Principal of Green College at the University of British Columbia. In June 2006, the Defendant Robinson amended her Notice of Claim to include particulars of the "harassment" including "troubling" and "disturbing emails containing falsehoods about her" and suggesting that Dr. Benson may have been "fired for sexual harassment" from a previous position at University of Washington. In August 2006, the Defendant Robinson withdrew her allegations, stating at a hearing in Provincial Court that she now knew that she had not, in fact been the victim of sexual harassment and that she was therefore not

pursuing the claim of harassment. The claims against Dr. Benson were dismissed.

- (iii) A 2000 article in Chatelaine Magazine in which the Defendant Robinson alleged that members of the Vancouver Fire Department organized the distribution of phone numbers to private lines in their fire hall in order to set up inappropriate sexual encounters with women. The allegations in this article were discredited by an independent investigation launched by the Vancouver Fire Department, in which the investigator found no evidence substantiating the allegations and found that the phone lines were a decade's old practice for fire fighters to stay in contact with their wives, children and families.
- (iv) Allegations made in "The Robinson Response", in which the Defendant alleged through a court document that the Plaintiff had a violent history with his former spouse, Margaret. No evidence was submitted and within 24 hours of the allegations being made, the Plaintiff's former spouse, Margaret, publicly stated those allegations were false and defamatory. Publication of these allegations in the media only took place because the Defendant chose to put these allegations into her court response, a privileged document which effectively allowed the media to publish her untrue allegations despite the Defendant's lack of journalistically sound evidence.

Laura Robinson's Lack of Journalistic Balance

7. With respect to the Plaintiff, the Defendant Robinson also displayed less than the required journalistic duty to exercise fair and balanced reporting to obtain facts prior to publication. A case in point is her serious allegation of sexual abuse by the Plaintiff against Beverly Abraham. The RCMP has found the allegation to have no basis in fact and the RCMP has stated such after an investigation.

8. In response to the Defendant Robinson's denial at para 3 that she made a report to the RCMP about the allegations of abuse, the Plaintiff says, and the facts are that Robinson made a report providing information to the RCMP of the untrue allegations that the Plaintiff had abused Beverly Abraham. This is also a highly unorthodox investigatory practice, not embraced by professional

journalists, and was designed by the Defendant to “generate” a story for publication that had no basis in truth and needed a manufactured “hook”.

9. The Defendant’s disregard for fair and balanced reporting is well documented in the alleged abuse of Beverly Abraham. The Georgia Straight was informed, before publication, by the RCMP in writing in September, 2012 of serious discrepancies in the Defendant’s facts and reporting on the alleged abuse. The RCMP investigator spoke with both the Defendant Robinson and Ms. Abraham and advised the Georgia Straight in writing prior to publication of the article that:

Based on my conversations with both the complainant/victim and Laura Robinson there seem to be some inconsistencies that I hope to clear up in the near future. . .

10. Subsequently, the RCMP has thoroughly investigated the alleged charges against the Plaintiff. The RCMP has found nothing to substantiate the complaint or allegation. As a result, counsel for the Plaintiff Furlong has been informed no charges have been laid and no report will be made to Crown Counsel.

Laura Robinson’s Demonstrated Malice Against the Plaintiff

11. The Plaintiff also says that the defendant has had a history of aggressive, vexatious and defamatory conduct with the plaintiff and his representatives, before the court case and continuing after court proceedings began.

12. This includes the authorship of a letter during an Air Canada flight on April 3, 2013, in which the defendant boarded an aircraft and subsequently met passenger Renee Smith-Valade, a former employee of the plaintiff. The Defendant Robinson took her seat, wrote a letter and then approached Ms. Smith-Valade with that letter which included allegations that the Plaintiff was responsible for the suicide of an aboriginal youth. These malicious and unfounded allegations, hastily scribbled on a sheet of paper with no documentary evidence and presented to a member of the public, are not based in fact and

indicate a reckless approach to the practice of journalism and are a further indication of malice and harassment toward the Defendant.

13. The Plaintiff says further that the Defendant Robinson continues an aggressive campaign to damage the Plaintiff's reputation and livelihood by repeating her defamations outside the courtroom and targeting his current employer and/or their clients. On June 18, 2013, the defendant Robinson wrote to the Musqueam First Nation to ask why they would take part in a First Nations Evening with The Vancouver Whitecaps soccer team when the Plaintiff was under the soccer team's employ. In her letter to the Musqueam, the Defendant stated:

I am writing a paper on how the sport community has re-traumatized those who alleged abuse by Mr. Furlong by dismissing their statements and supporting Mr. Furlong. Could you please explain the decision-making process by the Musqueam First Nation when they decided to be honoured on the field Wednesday evening by the Whitecaps, while that same organization harbours an alleged abuser of First Nation children?

14. The Musqueam leadership, who have welcomed the Plaintiff onto their reserve and were unhappy with the Defendant's approach, alerted the Plaintiff to the Defendant's approach.

Laura Robinson's Abuse of Court Privilege To Back-door Publish Untruths

15. The Plaintiff also states that his reputation has been damaged by the defendant's vexatious use of the privilege of the court as a forum to publicly air new allegations that were not part of the original published work in question. They are not based in fact and would not meet the journalistic criteria for truth and balance for publication in the media. This abuse of court privilege, by placing new and untrue allegations in a privileged document, constitutes a form of back-door publishing. The Defendant knew her allegations were not fit for publication under normal journalistic criteria. But by placing them in a privileged court document, the Defendant attempted to shield herself from defamation laws, and understood the media could and would publish the allegations because they

were in a privileged document and had been raised in a court case that involved a public figure.

Mr. Furlong's true history as a Physical Education instructor

16. Mr. Furlong was well-liked by students at both Immaculata and Prince George College. On his last day of school at Prince George College, and before being recruited to be director of Parks and Recreation for the City of Prince George, an assembly was held and a grade nine student presented him with a trophy the students had purchased themselves to acknowledge Mr. Furlong's contribution as a physical education instructor and his status as one of the student body's most admired teachers.

17. In response to paragraph 5 of Division 2 of Part 1 of the Robinson Response, the Plaintiff says, and the facts are, that he arrived in Burns Lake in or about April 1969 to volunteer as a physical education instructor and sports coach at Immaculata School. In 1970, he moved to Prince George and continued volunteering as a physical education instructor and coach at Prince George College until 1972 when he returned to Ireland.

18. Mr. Furlong was well liked at Prince George College and after he returned to Ireland, the school recruited him to take on a permanent position teaching physical education and coaching at the school. Mr. Furlong accepted the school's offer to return and he and his wife immigrated to Canada permanently.

19. In addition to serious and untrue allegations of abuse, the Robinson Response alleges that many ordinary actions undertaken by the Plaintiff in the course of his duties as a physical education instructor at both at Immaculata School and at Prince George College as particulars of the allegation that the Plaintiff "physically abused students, bullied students and engaged in racial taunting of students". These are a distortion of normal practice.

20. In response to para 20 and the whole of the Robinson Response, Mr. Furlong denies that he physically abused, bullied and/or made racist

statements towards First Nations students in the 1969/1970 school year, or at all. Mr. Furlong says, and the facts are, that in the course of his duties to meet the expectations of his employers as a physical education instructor he:

- (a) Required students to do push-ups;
- (b) Stood over students doing push-ups to ensure that the students were using proper form;
- (c) Physically assisted students in assuming the proper form for push-ups;
- (d) Required students to run laps;
- (e) Brought students to other authority figures at the school to be disciplined;
- (f) Criticized and/or reprimanded students who were performing physical education activities improperly or without enthusiasm;
- (g) Demonstrated the proper way to make a basketball pass by passing a basketball or medicine ball to students, a common drill in training;
- (h) Had students during a basketball unit practice their footwork by an often-used drill that entailed throwing a basketball in a student's direction and requiring the student to dodge the basketball; and
- (i) Required students to wear the school-mandated physical education uniform or athletic gear.

21. Each of the actions described above was entirely appropriate, undertaken in the normal course of the Plaintiff's role as a physical education instructor and were neither intended to be nor in fact were malicious, unfair, abusive or otherwise harmful to his students.

22. It is a fact that no reports of abuse, physical or verbal, were ever filed during or after the Plaintiff's employment. This is because no such abuse, physical or verbal, ever happened. The Plaintiff has never exhibited racist attitudes toward First Nations or First Nation individuals. The facts are that he has always expressed the view that First Nations are an important part of Canadian society and, to demonstrate this, ensured that First Nations were

welcomed as hosts, and participated in events, of the 2010 Vancouver Winter Olympics.

23. In specific response to paragraph 20(c) of Division 2 of Part 1 of the Robinson Response, the Plaintiff does not recall teaching Roddy Joseph during the 1970-1971 school year, nor does he recall a student losing a tooth in his class. But as set out above, the Plaintiff says that he regularly passed medicine balls to students as part of a customary drill to teach students how to properly make a basketball pass.

24. In response to paragraph 39 of Division 2 of Part 1 of the Robinson Response, the Plaintiff denies that he is violent or a racist, as alleged or at all.

25. In response to paragraph 39(b) of Division 2 of Part 1 of the Robinson Response, the Plaintiff denies that he physically abused, bullied or made racist statements toward First Nation students at Immaculata School during the 1969/1970 school year, as alleged or at all.

26. In response to paragraph 39(c) of Division 2 of Part 1 of the Robinson Response, the Plaintiff denies that he physically abused, bullied or made racist statements toward First Nation students at Prince George College between 1970 and 1972 or during the 1975/1976 school year, as alleged or at all.

27. In response to subparagraphs 39(c)(i-iii) of Division 2 of Part 1 of the Robinson Response, the Plaintiff does not recall whether he taught the students named therein. Aside from the allegation that he taught these students, which he cannot confirm or deny, the Plaintiff denies each and every allegation contained in subparagraphs 39(c)(i-iii).

28. In response to paragraph 40(b) of Division 2 of Part 1 of the Robinson Response, the Plaintiff denies that he ever had any inappropriate contact with Beverly Mary Abraham or any other student, as alleged or at all. Furthermore, this allegation has been investigated by the RCMP and found to be false, as state above, a fact ignored by the Defendant.

29. In response to paragraph 40(d) of Division 2 of Part 1 of the Robinson Response, as noted at paragraph 20 above, the Plaintiff regularly required students to wear school-mandated physical education uniforms, which included standard-issue shorts for all students.

30. In further response to paragraph 40(d) of Division 2 of Part 1 of the Robinson Response, the Plaintiff does not recall whether he taught Audrey George. Aside from the allegation that he taught Ms George, which he cannot confirm or deny, the Plaintiff denies each and every allegation contained in paragraph 40(d).

Other Matters

31. The Defendant Robinson was not an accredited journalist at the 2010 Vancouver Olympic games and the Plaintiff was not personally aware of her until the "Ink and Beyond" luncheon in or around April 2011. In answer to paragraph 8 of Division 2 of Part 1 of the Robinson Response, the Plaintiff says, and the facts are, that the Defendant Robinson asked a question in a media event about Prince George students being abused. The Plaintiff responded in that public setting that he had no knowledge of any abuse. That exchange formed the entirety of the interaction on that day between the Plaintiff and the Defendant Robinson and lasted about 30 seconds.

32. After the lunch, the Plaintiff learned about the Defendant Robinson's April 2011 article "The Vancouver Olympics and John Furlong's Sins of Omission" on the website www.playthegame.org as well as some details of her previous writing critical of the Vancouver Olympics and of authority figures in sport generally.

33. The Defendant Robinson first contacted Mr. Furlong's publisher seeking comment from Mr. Furlong about the unfounded allegations of abuse in April 2012.

34. In light of the Plaintiff's knowledge of the Defendant Robinson's previous work and the nature of the questions being asked, the Plaintiff did not wish to

participate in the story. Through his counsel, he identified Prince George College as a former employer and denied all allegations of abuse but was not otherwise prepared to provide information to the Defendant Robinson.

35. In response to paragraph 25 of Division 2 of Part 1 of the Robinson Response, the Plaintiff denies that his comments regarding the Defendant Robinson at the press conference on September 27, 2012 were an attack on the Defendant Robinson or defamatory of the Defendant Robinson, as alleged or at all. The Plaintiff says that his comment that the Defendant Robinson has "a personal vendetta" against him is true in substance and fact.

Damages

36. In response to paragraph 23(a) and (b) of Division 2 of Part 1 of the Robinson Response, the Plaintiff denies that his loss of income related to *Patriot Hearts* is in any way related to the insolvency of Douglas & McIntyre and that any cancellation of his paid speaking engagements was caused or contributed to by the statements he made at his press conference on September 27, 2012.

37. The Plaintiff says, and the fact is, that cancellation of his paid speaking engagements was instead caused or contributed to by the numerous defamatory statements made by the Defendant Robinson in and outside the court. Plaintiff has also experienced a significant drop in employment income as well as pain and suffering as a result of the Georgia Straight Article.

38. Except where admitted herein, the Plaintiff denies all of the facts alleged in the Robinson Response. The plaintiff claims general, special and punitive damages and costs on a solicitor and own client basis.

Dated: July 26, 2013



 Signature of
 plaintiff lawyer for plaintiff

Hunter Litigation Chambers
 (John J.L. Hunter, Q.C.)

Rule 7-1(1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a list of documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.

This Reply is filed and delivered by Hunter Litigation Chambers, whose address for service is 2100 – 1040 West Georgia Street, Vancouver, BC V6E 4H1. Facsimile: 604-647-4554