



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

Filed in reply to: Response to Civil Claim of Daniel McLeod, Charlie Smith and Vancouver Free Press Publishing Corp. filed January 14, 2013 ("Georgia Straight Response")

Mr. Furlong's work as a Physical Education instructor

1. In response to paragraph 5 of Division 2 of Part 1 of the Georgia Straight Response, the Plaintiff says, and the facts, are that he arrived in Burns Lake in April 1969 to volunteer as a physical education instructor at Immaculata School. In 1970, he moved to Prince George and continued volunteering as a physical education instructor at Prince George College until 1972 when he returned to Ireland.
2. 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 at the school. Mr. Furlong accepted the school's offer to return and he and his wife Margaret immigrated to Canada permanently in 1974.

3. In addition to serious and untrue allegations of abuse, the Georgia Straight 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".

4. In response to paragraph 20 of Division 2 of Part 1 of the Georgia Straight Response and the whole of the Georgia Straight 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 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;
- (h) Had students during a basketball unit practice their footwork by 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.

5. 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.

6. In further response to paragraph 20 of Division 2 of Part 1 of the Georgia Straight Response, the Plaintiff denies that he is violent or a racist, as alleged or at all.

7. In response to paragraph 20(b) of Division 2 of Part 1 of the Georgia Straight 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.

8. In specific response to paragraph 20(c) of Division 2 of Part 1 of the Georgia Straight 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 threw medicine balls in the direction of students as part of a drill to teach students how to properly make a basketball pass.

9. Mr. Furlong was well-liked by many students at both Immaculata and Prince George College. On his last day of school at Prince George College before he was to relocate to Nanaimo, 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.

Reliance on diligence of the Defendant Robinson

10. The Georgia Straight Response does not plead that the Defendants Daniel McLeod, Charlie Smith or Vancouver Free Press Publishing Corp. ("VFPPC") took any steps or undertook any due diligence to verify the allegations made by the Defendant Robinson in the Georgia Straight Article. Rather, the

Defendants McLeod, Smith and VFPPC relied entirely on the due diligence that was allegedly undertaken by the Defendant Robinson.

11. The Plaintiff says, and the fact is, that it was irresponsible for the Defendants McLeod, Smith and VFPPC to rely on the diligence allegedly undertaken by the Defendant Robinson in light of the Defendant Robinson's lack of reliability as revealed by her shoddy journalistic practices and long history of levying incendiary allegations against male authority figures and male-dominated institutions which later were determined to be baseless. Particulars of the Defendant Robinson's lack of reliability in her work as a journalist include, but are not limited to:

- (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 retracted by the Globe and Mail, which 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) 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.

12. The Plaintiff further says, and the fact is, that the Defendants McLeod, Smith and VFPPC were irresponsible in relying on the diligence allegedly

undertaken by the Defendant Robinson in light of the fact that the Defendant Robinson's writing is motivated by an animus against male authority figures and male-dominated institutions, particularly in the world of sport. Particulars of the Defendant Robinson's animus in this regard include, but are not limited to:

- (i) Bringing an action in October 2005 in Provincial Court (Vancouver Registry 0509349) which made allegations of harassment against the then Principal of Green College at the University of British Columbia which were later admitted by the Defendant Robinson to be without basis and dismissed.
- (ii) Numerous attacks on the International Olympic Committee and VANOC as an "all boys club" and a "Boys Own Club" which actively pursue policies that are not in the best interests of female athletes and which do not respect human rights.
- (iii) A 2002 book attempting to expose what the Defendant Robinson believed to be systemic patriarchy and sexism within Canadian sport, which was described by the managing editor of the Ottawa Citizen as being replete with "shoddy journalism and speculation, all of it seen through an intolerant ideology that condemns everyone who doesn't toe that line."

13. Furthermore, the Plaintiff says, and the facts are that prior to the publication of the Georgia Straight Article the Defendant Robinson made a report providing information to the RCMP of the untrue allegations that the Plaintiff had abused Beverly Abraham.

14. In connection with that report, the RCMP spoke with both the Defendant Robinson and Ms. Abraham and advised the Georgia Straight 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. . .

15. 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.

16. In spite of the warning that the Defendant Robinson's report to the RCMP was inconsistent with the report of the alleged victim, the Defendants McLeod, Smith and VFPPC nevertheless proceeded to publish the article making serious allegations of abuse against the Plaintiff, including in relation to Ms. Abraham.

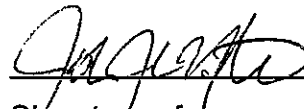
Damages

17. In response to paragraph 23(a) and (b) of Division 2 of Part 1 of the Georgia Straight 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.

18. 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 contained in the Georgia Straight Article. The Plaintiff says that following the publication of the Georgia Straight Article, the Plaintiff has had 16 speaking engagements cancelled, and the number of speaking engagements he has booked has dropped tenfold. The Plaintiff has also experienced a significant drop in employment income as a result of the Georgia Straight Article.

19. Except where admitted herein, the Plaintiff denies all of the facts alleged in the Georgia Straight Response.

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