



No. S-140603  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

LAURA ROBINSON

PLAINTIFF

AND:

JOHN FURLONG, TWENTYTEN GROUP STRATEGIC MARKETING  
COMMUNICATIONS INC. and TWENTYTEN GROUP HOLDINGS INC.

DEFENDANTS

**AMENDED RESPONSE TO CIVIL CLAIM**

**Filed by: John Furlong**

**Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS**

**Division 1—Defendant's Response to Facts**

1. The facts alleged in paragraphs 1, 3, 8, 11, 16, 22, 28, 34, 40 and 45 of Part 1 of the Notice of Civil Claim are admitted.
2. The facts alleged in paragraphs 4, 13-15, 17-21, 23-27, 29-33, 35-39, 41-44 and 46-55 of Part 1 of the Notice of Civil Claim are denied.
3. The facts alleged in paragraphs 2, 5-7, 9, 10 and 12 of Part 1 of the Notice of Civil Claim are outside the knowledge of the defendant.

**Division 2—Defendant's Version of Facts**

4. The defendant Furlong was the president of the Vancouver 2010 Bid Corporation and the President and Chief Executive Officer of VANOC. He is currently executive chair of Whitecaps FC and is an Officer of the Order of Canada and a Member of the Order of British Columbia.
5. In light of ~~the~~ Mr. Furlong's status as a public figure, statements made by ~~the~~ Mr. Furlong in relation to the plaintiff's Georgia Straight article and other articles written

and published by the plaintiff as described below, her public statements about him, the civil claims filed by Beverly Abraham, Grace West and Daniel Morice alleging that he had abused them, and the RCMP complaint made by or on behalf of Beverly Abraham were matters of public interest.

6. At all material times, Mr. Furlong had a personal interest in responding to false and defamatory statements made about him by Ms. Robinson, or as a result of such statements made by her in order to defend his reputation and correct inaccuracies and the public had an interest in receiving Mr. Furlong's response.
7. Between 1969 and 1972, Mr. Furlong was a volunteer sports coach and instructor at Catholic schools in British Columbia.
8. For 14 months starting in 1969, Mr. Furlong volunteered at Immaculata School in Burns Lake, British Columbia and following that he moved to Prince George British Columbia where he continued his volunteer service until 1972 when he returned home to Ireland.
9. Thereafter, Mr. Furlong permanently immigrated to Canada.
10. Between December 2008 and March 2012, the plaintiff Ms. Robinson wrote and published in various publications a number of articles which were sharply critical of VANOC's actions in overseeing the 2010 Olympic Winter Games and of Mr. Furlong. In these articles, Ms. Robinson alleged that VANOC had failed to provide an adequate level of support for indigenous athletes, misrepresented the amount of money and number or extent of facilities that would be provided as a post-Games legacy for indigenous youth, engaged in discrimination against female ski jumpers, failed to protect values embodied in the *Charter of Rights and Freedoms*, failed to properly protect athletes resulting early in the Games in the death of Georgian luge athlete Nodar Kumaritashvili, failed to observe proper environmental standards and perpetuated and benefitted from an "Old Boys Club" mentality within international sport.
11. Commencing in or around March 2012, Ms. Robinson conducted an investigation into Mr. Furlong, including preparing a flyer that was posted in Burns Lake which stated that she was investigating abuse at Immaculata School and Prince George College and wished to meet students who had been in Mr. Furlong's physical education classes between 1969 and 1976. Ms. Robinson made this invitation knowing that a public campaign had been launched to obtain compensation for students who attended Indian day schools and were not eligible for compensation under the Indian Residential Schools Settlement.
12. In or around April 2012, Ms. Robinson met with and interviewed a number of persons who responded to her flyer including Beverly Abraham. In or around April and May 2012, Ms. Robinson drafted a number of written statements alleging abuse by Mr. Furlong including a written statement prepared for Ms. Abraham's signature that included allegations of abuse, including sexual abuse by Mr. Furlong.
13. Ms. Robinson caused eight people to attend at a lawyer's office in Burns Lake and to sign statutory declarations she had prepared containing untrue defamatory allegations about

Mr. Furlong, including that he had abused them as children at Immaculata School (the "Statutory Declarations").

14. Between May and September 2012, Ms. Robinson made defamatory statements about Mr. Furlong to a number of high profile persons in business and government and persons working for a number of different media outlets including by sending them copies of some or all of the Statutory Declarations, the particulars of which are set out below.
15. On or about May 4, 2012, Ms. Robinson wrote an email to employees of the Canadian Broadcasting Corporation, stating that she was working on a story on Mr. Furlong and had "seven signed affidavits from former students outlining disgusting physical and verbal abuse – racist slurs, taunts, and very serious physical injuries" and that "One of the affidavits from a woman states Furlong sexually abused her for the two years he was her PE teacher. She is standing by it. I have an unsigned affidavit (I think the woman was too traumatized with flashbacks as she cried a great deal as she told me her story) that states Furlong used to come into the girl's bathroom when they changed and watch them". She made further false and defamatory statements about Mr. Furlong to other CBC employees and provided contact information to the CBC for a number of the persons who had signed the Statutory Declarations, including Beverly Abraham. Ms. Robinson published false and defamatory statements about Mr. Furlong to the CBC with the intention that the CBC would re-publish them.
16. On or about May 5, 2012, Ms. Robinson sent an email attaching certain of the Statutory Declarations to the former chair of VANOC's hiring committee.
17. On or about May 6, 2012, Ms. Robinson sent an email to the then chair of the board of BC Hydro, attaching three Statutory Declarations and containing defamatory statements about Mr. Furlong including stating "I have statements from female students but will not send them as they alleged very serious physical and emotional abuse. One alleged sexual abuse and I am not prepared to put them in danger as adults."
18. On or about May 7, 2012, Ms. Robinson sent an email to the Executive Director, Communications of the Canadian Olympic Committee, that included false and defamatory statements including the following statement:

To give you an idea of the extent of the damage, yesterday a man told me Mr. Furlong was a good coach because he taught him how to play soccer and hockey very well. He said that, yes, Mr. Furlong did beat him and other students and yelled at them, but he thought that was just how a coach was supposed to be. He said he also had respect for him because he only physically abused him and did not sexually abuse him.
19. On or about May 8, 2012, Ms. Robinson sent the Executive Director, Communications of the Canadian Olympic Committee an email making further false and defamatory statements about Mr. Furlong including by including copies of three of the Statutory Declarations and the text of Ms. Abraham's Statutory Declaration alleging sexual abuse.

20. On or about May 10, 2012, Ms. Robinson sent an email to the Mayor of Vancouver attaching three of the Statutory Declarations. That email included additional false and defamatory statements about Mr. Furlong including stating that:

Since the spring of 2011 I have been investigating John Furlong as I was given a tip that he actually came to Canada from Ireland to work at a residential school. As it turns out, this is true. He came as a Frontier Apostle missionary in 1969 (not 1974 as his book and various interviews and speeches indicate, though he may have gone back to Ireland and then returned). He went not to Prince George as his official Olympic CV states, but to Burns Lake, and not to "a high-school to run the athletic program" but to Immaculata elementary school in Burns Lake where it is clear he was a very abusive phys ed teacher to young children. . .

21. On or about May 11, 2012, Ms. Robinson sent an email attaching copies of all eight Statutory Declarations to a director of the Canadian Olympic Committee. The email included false and defamatory statements about Mr. Furlong including stating:

I have even more interviews on the record and an equal amount off the record. All allege abuse. It is clear to First Nations people from Burns Lake that John Furlong was a very abusive person to elementary aged children. One of the affidavits from a woman alleges sexual abuse.

22. On or about June 29, 2012, Ms. Robinson spoke with and sent emails about Mr. Furlong to the director of policy and communications in the Office of the Mayor of Vancouver, attaching a number of the Statutory Declarations. The email included false and defamatory statements about Mr. Furlong including:

Please find attached five of the eight affidavits signed by former students of John Furlong that outline physical and emotional abuse endured at his hands. Former students also allege racial slurs from him. I will send two more affidavits in another email and withhold the affidavit that describes sexual abuse given there is no statute of limitations in that case. There are more former students who are on the record alleging physical and emotional abuse by Mr. Furlong and racial slurs.

23. On or about July 12, 2012, Ms. Robinson caused Ms. Abraham to report false and defamatory allegations of sexual abuse by Mr. Furlong to the RCMP.

24. On or about July 13, 2012, Ms. Robinson sent an email to an employee of the Toronto Star with the subject line "John Furlong being investigated for child sex abuse". The email contained false and defamatory allegations about Mr. Furlong including the following words:

I know you thought the piece on John Furlong and allegations of physical and verbal abuse were better suited to Vancouver-based media – I am working with them. But as of yesterday Furlong is being investigated for child sexual abuse after one of his former students went to the RCMP. . . If Penn State was worth writing about, then I really think covering one of our own alleged sport abusers is worth writing about. I believe the complainant – watched as she broke down

more than once while she told me what he did. The other three girls he kept after phys ed class (they were kept individually) started drinking with the complainant when they were 12. Other three committed suicide. . .

25. Both the CBC and the Toronto Star declined to publish Ms. Robinson's story alleging that Mr. Furlong had abused children.
26. On or about September 27, 2012, Ms. Robinson published an article entitled "JOHN FURLONG BIOGRAPHY OMITTS SECRET PAST IN BURNS LAKE" (the "Georgia Straight Article") in the Georgia Straight and online at the website straight.com.
27. The Georgia Straight article contained false and defamatory allegations about Mr. Furlong including that he physically abused, bullied and engaged in racial taunting of students during the course of his volunteer service at Immaculata School.
28. Also on or about September 27, 2012, Ms. Robinson published an article entitled "John Furlong's fame causes nasty flashbacks" (the "Anishinabek News Article" and collectively with the Georgia Straight Article, the "Articles") in the Anishinabek News and online at the website anishinabeknews.ca.
29. The Anishinabek News Article contained false and defamatory allegations about Mr. Furlong including that he physically and sexually abused students during the course of his volunteer service at Immaculata School.
30. In particular, the Anishinabek News Article stated that:

One student called "Anne" from Babine Lake First Nation had him as a phys-ed teacher and school disciplinarian when she was 11 and 12. On July 12, 2012 she went to the Burns Lake RCMP Detachment and alleged that Furlong had sexually abused her. She said earlier in an affidavit, "He worked us to the bone. His attitude was very bad. 'You good for nothin' Indians – come on, come on. If you don't do this you're going to be good for nothing'."

She is one of eight former students of Furlong's who have signed affidavits alleging his physical, mental and [in] her case, sexual abuse. Many more are on the record about the abuse Furlong meted out.
31. The person referred to as "Anne" in the Anishinabek News Article is Beverly Abraham.
32. Ms. Robinson caused these allegations about sexual abuse to be published although she knew that responsible news organizations had concluded that publication of such harmful and unsupported allegations was not consistent with standard journalistic practice.
33. The publication of these allegations about sexual abuse was part of a continuing campaign to discredit Mr. Furlong in his personal and professional reputation and/or male authority figures in sports generally.

34. Following the publication of the Georgia Straight Article and the Anishinabek News Article, the allegations that John Furlong physically and sexually abused students at Immaculata School were widely repeated and republished by local and national media.
35. The facts set out at paragraphs 11 – 24 and 26 – 34 constitute attacks on Mr. Furlong’s character and conduct to which Mr. Furlong was entitled to answer. Mr. Furlong’s words at the September 27, 2012 press conference set out at paragraph 14 of the Notice of Civil Claim and his words in the October 2, 2012 statement set out at paragraph 21 of the Notice of Civil Claim were a response to the attacks described at paragraphs 11 – 24 and 26 – 34.
36. Ms. Robinson gave interviews about the allegations against Mr. Furlong including an interview with Aboriginal Peoples Television Network on October 3, 2012.
37. Ms. Robinson continued her campaign against Mr. Furlong after the publication of the Articles, including preparing statements for signature of additional persons that contained allegations that they were former students of Mr. Furlong and that made additional false and defamatory allegations of abuse, including sexual abuse.
38. The additional statements prepared by Ms. Robinson included statements for Grace West and Daniel Morice which alleged Mr. Furlong had sexually abused them.
39. In preparing these statements, Ms. Robinson failed to investigate basic facts about the allegations contained in the statements, including whether the persons who alleged they were abused while students at Immaculata School ever attended that school .
40. Ms. Robinson caused Ms. West, Mr. Morice and Ms. Abraham to file civil claims alleging sexual abuse by Mr. Furlong, which were widely reported in the press.
41. Also following the publication of the Georgia Straight Article and the Anishinabek News Article, Ms. Robinson continued to repeat and expand on the false and defamatory allegations including by:
- a. contacting organizations with which Mr. Furlong is associated in order to reiterate the allegations in those articles and question whether and why the organizations still supported Mr. Furlong. In the course of this campaign, Ms. Robinson contacted Whitecaps FC, Rocky Mountaineer, Own the Podium, Whistler-Blackcomb Holdings Inc., the Canadian Olympic Committee, Canadian Tire and VANOC. In these communications, she continued to make false and defamatory statements about Mr. Furlong including:
    - i. in a November 8, 2012 to the Chris Dornan of Own the Podium, a not-for-profit organization of which Mr. Furlong is Chair of the Board of Directors and in a November 8, 2012 email to directors, including the chair, of the Canadian Olympic Committee, stating:

Since the Sept. 27 article many, many more former students of Mr. Furlong’s have contacted the Georgia Straight and myself wanting

to give statements about very serious abuse and racist behaviour. Non-Native students have given statements confirming Mr. Furlong's abuse.

We have also been given other information from people. There is a great deal of confirmation that Mr. Furlong was violent and racist;

ii. in a November 25, 2012 email to the Chief Executive Officer of Own the Podium, stating "Former students of John Furlong's have made very serious allegations recently in signed documents about his violence against women and children";

b. writing and delivering a communication to the former Vice President of Communications of VANOC in April 2013 containing false and defamatory allegations about Mr. Furlong, including the words in relation to Mr. Furlong:

I want you to know that over 40 of JF's students have come forward about his abuse now. They have nothing to gain and everything to lose by making an enemy of such a powerful person. They have been generous in trying to understand what happened to him to make him so violent towards children and women.

They are extremely traumatized not only by his denial, but by the way in which other powerful people and organizations have stood behind him with no research or investigations. There has already been one suicide...

c. writing and delivering a communication to the Musqueam First Nation in July 2013 in which Ms. Robinson asked why the Musqueam First Nation had agreed to be honoured by Whitecaps FC "while that same organization harbours an alleged abuser of First Nations children";

42. On November 27, 2012, Mr. Furlong commenced an action *Furlong v. Robinson and others*, Vancouver Registry No. 128358 alleging that the Georgia Straight Article is false and defamatory, that Ms. Robinson knew or ought to have known prior to the publication of the Georgia Straight Article that the allegations were not reliable, that Ms. Robinson made a report with the RCMP making untrue allegations of further abuse by Mr. Furlong of Beverly Abraham and that Ms. Robinson maliciously intended to injure Mr. Furlong's reputation and cause him harm (the "First Defamation Action").

43. The First Defamation Action also alleged that Ms. Robinson had made additional defamatory statements about Mr. Furlong including stating in an email to Chris Dornan of Own the Podium that "[t]here is a great deal of confirmation that Mr. Furlong was violent and a racist".

44. In her Response to Civil Claim in the First Defamation Action (the "Robinson Response"), Ms. Robinson relied on the defence of responsible communication and made additional untrue and defamatory allegations about Mr. Furlong including that he abused

additional students, his former wife and an unnamed person described as a common law wife, none of whom were named in the Georgia Straight Article.

45. Ms. Robinson caused a copy of the Robinson Response to be published on her website at [www.laurarobinsondefensefund.org](http://www.laurarobinsondefensefund.org) and on or about June 17, 2013 sent a copy of the Robinson Response to the newswire NationTalk. The additional false and defamatory allegations made in the Robinson Response were reported by the press including in the Vancouver Sun.
46. Mr. Furlong alleged in his reply filed July 26, 2013 and maintains that these further allegations were part of a malicious act and personal vendetta, designed by Mr. Robinson to allow “back-door” publication of these defamatory comments in a manner that may deny the defendant recourse under defamation laws.
47. Mr. Furlong also alleged in his reply and maintains that Ms. Robinson’s journalistic techniques are highly unorthodox, prejudicial and skewed to creating innuendo, journalistic imbalance and errors in fact and that her conduct in attracting unnamed sources for her defamatory allegations and reporting was part of a reckless pattern that has led to a history of errors and/or defamation by Ms. Robinson, including:

  - a. A 1994 article in the Globe and Mail in which Ms. 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 Ms. 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.
  - b. In October 2005 Ms. Robinson 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, Ms. 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, Ms. 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.
  - c. A 2000 article in Chatelaine Magazine in which Ms. 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.

- d. Allegations made in "The Robinson Response", in which Ms. Robinson 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~~ Mr. Furlong's former spouse, Margaret, publicly stated those allegations were false and defamatory. Publication of these allegations in the media only took place because Ms. Robinson chose to put these allegations into her court response, a privileged document which effectively allowed the media to publish her untrue allegations on that basis alone, without need of investigation or any supporting evidence, despite Ms. Robinson's lack of journalistically sound evidence.
48. The First Defamation Action attracted a lot of media interest, including because Ms. Robinson and her counsel provided interviews to the media.
49. The facts set out at paragraphs 36 – 38, 40 – 41, 44 and 45 constitute attacks on Mr. Furlong's character and conduct to which Mr. Furlong was entitled to answer.
50. Mr. Furlong's words in the October 29, 2013 statement set out at paragraph 27 of the Notice of Civil Claim, the October 28, 2013 interview set out at paragraph 33 of the Notice of Civil Claim and the October 29, 2013 interview set out at paragraph 39 of the Notice of Civil Claim were a response to the attacks described at paragraphs 11 – 24, 26 – 30, 36-38, 40-41, 44 and 45 of this Amended Response.
51. On or about October 30, 2013, Ms. Robinson presented a paper entitled "Truth, Lies and History: John Furlong and Canadian Sport's Moral Vacuum" at a conference Play the Game, 2013 in Denmark. The paper was also published on the website [www.playthegame.org](http://www.playthegame.org) and on Ms. Robinson's website at [www.laurarobinsondefensefund.org](http://www.laurarobinsondefensefund.org) and remains available on both of these websites. This paper repeats the allegations of physical and sexual abuse in the Georgia Straight and Anishnabek News Articles and the Robinson Response and makes additional false allegations about Mr. Furlong.
52. Mr. Furlong's words in the December 12, 2013 statements set out at paragraph 44 of the Notice of Civil Claim were a response to the attacks described at paragraphs 11 – 24, 26 – 30, 36-38, 40-41, 44 and 45 of this Amended Response.
53. The statements of Mr. Furlong alleged to be defamatory in this action were made in response to Ms. Robinson's attacks, as set out above, and to the media interest in the First Defamation Action which arose from Ms. Robinson's false and defamatory statements about Mr. Furlong made in the Georgia Straight Article and the continuing malicious

- campaign to damage his reputation described in the Notice of Civil Claim and Reply filed in the First Defamation Action as well as the preceding paragraphs in this Amended Response.
54. In or around December 2013, Ms. Robinson became aware that the RCMP had concluded their investigation into Ms. Abraham's sexual assault allegations against Mr. Furlong and determined that they were not supported.
55. In or around December 2014, Ms. Robinson became aware that Ms. Abraham had withdrawn her lawsuit against Mr. Furlong in the Supreme Court of British Columbia and that the case had been formally dismissed by the Court.
56. After December 2013, and as well after December 2014, Ms. Robinson continued to repeat Ms. Abraham's sexual assault allegations against Mr. Furlong including in late 2014 or early 2015, publishing on the website [www.laurarobinsondefensefund.org](http://www.laurarobinsondefensefund.org) words to the effect that she continues to believe that Beverly Abraham's sexual abuse allegations against Mr. Furlong are true.
57. On or around February 17, 2015, Ms. Robinson became aware that Ms. West's lawsuit against Mr. Furlong in the Supreme Court of British Columbia had been dismissed and that, contrary to the written statement prepared by Ms. Robinson which stated Ms. West had attended Immaculata from 1964 to 1977, the Court had found that Ms. West did not attend Immaculata School during the time Mr. Furlong was taught there in 1969 – 1970.
58. In or around March 30, 2015, Ms. Robinson became aware that Mr. Morice's lawsuit against Mr. Furlong in the Supreme Court of British Columbia had been dismissed and that Mr. Furlong was awarded special costs payable by Mr. Morice.
59. At no time has Ms. Robinson publicly acknowledged that the allegations of Grace West and Daniel Morice against Mr. Furlong are false.
60. In light of the defendant Furlong's status as a public figure and the media interest in the First Defamation Action, the statements made by Mr. Furlong at issue in this action were in relation to matters of public interest.
61. Similarly, Mr. Furlong had a personal interest in responding to the false and defamatory statements that Ms. Robinson made and caused to be made about him to defend his reputation and correct inaccuracies and the public had an interest in receiving Mr. Furlong's response. All of the statements made by Mr. Furlong at issue in this action were subject to a qualified privilege as responses to attack as set out above.
62. Mr. Furlong acted diligently in attempting to verify the truth of his public comments in the circumstances.
63. On March 31, 2015, Mr. Furlong discontinued the First Defamation Action against Ms. Robinson.

64. In response to the whole of the Notice of Civil Claim, and in particular paragraphs 14, 21, 27, 33, 39 and 44 of Part 1 of the Notice of Civil Claim, the defendant Furlong admits that he said the words set out in the Notice of Civil Claim but denies that those words were defamatory of the plaintiff, as alleged or at all.
65. In response to paragraphs 17-19 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the words spoken at the September 27, 2012 press conference have the meanings alleged by the plaintiff, either expressly or by innuendo.
66. In response to paragraphs 20, 26, 32, 37, 38, 43, 48 and 51 of Part 1 of the Notice of Civil Claim, the defendant Furlong admits that he knew that the impugned statements were likely to be republished, but had no knowledge of the extent to which the statements would be republished.
67. In response to paragraphs 23-25 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the words of the October 2, 2012 statement have the meanings alleged by the plaintiff, either expressly or by innuendo.
68. In response to paragraphs 29-31 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the words of the October 29, 2012 statement have the meanings alleged by the plaintiff, either expressly or by innuendo.
69. In response to paragraphs 35-37 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the words spoken by the defendant Furlong on October 28, 2013 have the meanings alleged by the plaintiff, either expressly or by innuendo.
70. In response to paragraphs 41-43 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the words spoken by the defendant Furlong on October 29, 2013 have the meanings alleged by the plaintiff, either expressly or by innuendo.
71. In response to paragraphs 46-47 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the words of the December 12, 2013 statement have the meanings alleged by the plaintiff, either expressly or by innuendo.
72. In response to paragraph 49 of Part 1 of the Notice of Civil Claim, the defendant Furlong believes that the plaintiff brought Beverly Abraham's allegations to the RCMP based on his diligent review of the information available to him and the information provided to him by the RCMP. The defendant Furlong has no direct or actual knowledge of whether the plaintiff initiated a complaint with or otherwise reported Ms. Abraham's allegations to the RCMP.
73. In response to paragraphs 49 and 50 of Part 1 of the Notice of Civil Claim, the defendant Furlong admits that on both November 13, 2013 and December 13, 2013 the plaintiff's counsel sought apologies for certain statements made by the defendant Furlong. The defendant Furlong says, and the fact is, that no apology was offered because the impugned statements are not defamatory of the plaintiff as alleged or at all and because the impugned statements are true.

74. In response to paragraphs 52 and 53 of Part 1 of the Notice of Civil Claim, the defendant Furlong denies that the plaintiff has suffered injury, loss or damage as alleged or at all, and puts the plaintiff to the strict proof thereof.
75. In response to paragraph 54 of Part 1 of the Notice of Civil Claim, if the plaintiff has suffered damage, which is not admitted but specifically denied, the defendant Furlong denies that his conduct has aggravated these damages, as alleged or at all.
76. In response to paragraph 55 of Part 1 of the Notice of Civil Claim, if the defendant Furlong has defamed the plaintiff, which is not admitted but specifically denied, the defendant Furlong denies that the circumstances of this case warrant an award of punitive damages.

### **Division 3—Additional Facts**

1. Nil.

### **Part 2:RESPONSE TO RELIEF SOUGHT**

1. The defendant opposes the granting of the relief sought in paragraphs 1 to 8 of Part 2 of the Notice of Civil Claim.

### **Part 3:LEGAL BASIS**

1. The said words in so far as they consist of allegations of fact are true in substance and in fact, and in so far as they consist of expressions of opinion they are fair comments of matters of public interest, made in good faith and without malice.
2. Particular of the words that are said to be allegations of fact and the words that are said to be allegations of law have been provided.

#### Statements not defamatory

3. The statements excerpted in the Notice of Civil Claim are not defamatory of the plaintiff, as alleged or at all, including because they do not tend to lower her reputation in the community.

#### Justification

4. All of the statements excerpted in the Notice of Civil Claim are true in substance and fact.
5. The defendant Furlong pleads and relies on the common law defence of justification.

Fair comment

6. In the alternative, the statements excerpted in the Notice of Civil Claim were comment on a matter of public interest based on facts known to both the defendant Furlong and the recipients of the comment. The defendant Furlong says that the comments complained of were comments of honestly held opinion made in good faith and without malice on a matter of public interest that could have been made by a reasonable person based on the known facts, which were true, and particulars of which have been provided.
7. The defendant Furlong pleads and relies upon the defence of fair comment.

Qualified privilege

8. Moreover, the statements excerpted in the Notice of Civil Claim were protected by a qualified privilege, including because they were a response by Mr. Furlong to attack by Ms. Robinson. The words complained of in each of the statements excerpted in the Notice of Civil Claim were made without malice on an occasion of qualified privilege, in that Mr. Furlong had a legitimate interest and/or duty to communicate the words to the public, and particularly members of the public who had read or otherwise been made aware of Ms. Robinson's attacks, and those persons had a corresponding legitimate interest or duty to receive them, particulars of which are set out in paragraphs 6, 11-24, 26-38, 40-41, 44-45 and 48-51.
9. The contents of Mr. Furlong's statements excerpted in the Notice of Civil Claim were reasonably appropriate in the circumstances. Mr. Furlong honestly believed in the truth of his statements and took reasonable steps to confirm the allegations before making his response. Further, the defendant states that the plaintiff suffered no harm to her reputation or other damages as a result of the statements excerpted in the Notice of Civil Claim.
10. The defendant Furlong pleads and relies upon the defence of qualified privilege.

Responsible communication

11. In the further alternative, the statements excerpted in the Notice of Civil Claim were statements on matters of public interest and the defendant Furlong was diligent in his attempts to verify the allegations contained in the statements prior to publication.
12. The defendant Furlong pleads and relies upon the defence of responsible communication on a matter of public interest.

No Damages

13. The defendant denies that the plaintiff has suffered damages as alleged and puts the plaintiff to the strict proof thereof. In the alternative, the defendant states that the plaintiff has failed to take reasonable steps to mitigate her damages.

Defendant's address for service: Hunter Litigation Chambers, 2100 – 1040 West Georgia Street,  
Vancouver, BC V6E 4H1

Fax number address for service: 604-647-4554

E-mail address for service: jhunter@litigationchambers.com

Dated: April 20, 2015

Hunter Litigation Chambers  
Signature of lawyer for Defendants  
per: 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.