

Court File Number: CV-17-587463-CL

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Catalyst Plaintiff(s)
AND
West Face Defendant(s)

Case Management Yes No by Judge: _____

Counsel	Telephone No:	Facsimile No:

- Order Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)

- Adjourned to: _____
- Time Table approved (as follows):

S.F. DOWPHY J.

There ~~is~~ ^{are} two motions to strike a
 long statement of defence and counterclaim.
 The facts as alleged in the attacked
 pleadings are indeed extraordinary and,
 if proved, justify the five central
 issues pleaded being (i) a conspiracy,
 (ii) defamation; (iii) malice; (iv) punitive
 damages and (v) s. 1410 vexatious
 litigant.

June 15 / 2018
Date


Judge's Signature

Additional Pages 174

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

While it is true that one could take issue with various paragraphs and indeed one could likely pare it down by ten or fifteen pages, the facts pleaded all are relevant to the extraordinary narrative alleged. The interests of judicial economy will not be served by prolonging the pleadings stage of this litigation without material benefit. Yes, the pl. by counterclaim has anticipated ~~before~~ defences yet-to-be-pleaded and replied to them. Nothing will ~~be~~ be served by striking portions now only to have them back in reply.

The parties have chosen to litigate in the commercial court and I expect them to apply the three-C's in a pragmatic fashion to move forward or

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

find the means to resolve this
ever-broadening struggle.

The pl. by counterclaim has
agreed to amend its pleading
by deleting references to the
Weinstein matter. This was not
relevant and shall be struck.

The allegations re the Justice
Newbold affair are clearly relevant
not only relating to punitive damages
and malice but also to the
alleged efforts to maintain the
currency of the reputational part
the defamation efforts are alleged
to have cast upon the pl. by counterclaim
and its business.

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Judges Endorsment Continued

Re pt by counterclaim has explained the inelgance in its conspiracy pleading re two pre-2017 actions in furtherance in para. 43 of its factum. I see no need to strike anything to achieve a hypothetical standard of perfection.

This pleading is long because the history is large, long & complex and there is an allegation of a persistent campaign to destroy a competitor by means more foul than fair. I would not strike it apart from the conceded portions re Mr. Weinstein.

The motions are both dismissed with costs.