

S-19 1943

No.  
Vancouver Registry

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY  
IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN: FEB 25 2019



SUSANNA KALJUR

PLAINTIFF

AND:

TED HARALDSON  
and JOHN DOE #1, JOHN DOE #2, JOHN DOE #3 and JOHN DOE #4

DEFENDANTS

**NOTICE OF CIVIL CLAIM**

**This action has been started by the plaintiff for the relief set out in Part 2 below.**

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

**JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.**

**Time for response to civil claim**

A response to civil claim must be filed and served on the plaintiff,

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed notice of civil claim was served on you,

(b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed notice of civil claim was served on you,

(c) if you reside elsewhere, within 49 days after the date on which a copy of the filed notice of civil claim was served on you, or

(d) if the time for response to civil claim has been set by order of the court, within that time.

## **CLAIM OF THE PLAINTIFF**

### **Part 1: STATEMENT OF FACTS**

#### **The Parties**

1. The Plaintiff Susanna Kaljur is an elected trustee of the Union Bay Improvement District Board of Trustees. The Plaintiff is a resident of Union Bay with an address for service at 601-510 Hastings Street West in Vancouver, British Columbia.
2. The Defendant Ted Haraldson ("Haraldson") is an elected trustee of the Union Bay Improvement District Board of Trustees. The Defendant is a resident of Union Bay Improvement District with an address for delivery at 6690 Island Highway South, in Fanny Bay, British Columbia.
3. The Defendants John Doe #1, #2, #3 and #4 are persons unknown to the Plaintiff but known to Haraldson who planned and agreed with Haraldson to pursue an unlawful course of conduct to defame the Plaintiff.

#### **Defamatory Statements**

4. The Plaintiff was elected as a Trustee of Union Bay Improvement District at a byelection held in October of 2016 and then was re-elected in April of 2017. The Plaintiff was elected with a mandate or perceived mandate to advocate for accountability and improvement in the quantity and quality of UBID's water supply and filtration system.
5. Upon his election in April of 2018, the Defendant Haraldson commenced a sustained public effort to politically marginalize and humiliate the Plaintiff, including persistently interrupting the Plaintiff at Board meetings, refusing to recognize the Plaintiff or let the Plaintiff speak at Board meetings, claiming that the Plaintiff was not entitled to vote on or propose corrections to Board meeting minutes, and repeatedly evicting and excluding the Plaintiff from Board meetings by various means.
6. On or about January 11, 2019, the Defendant Haraldson, acting in concert with John Does #1 through #4, purported to convene a secret closed-door meeting of the Board of Trustees, of which the Plaintiff and ratepayers were not given notice, and purported to "indefinitely suspend" the Plaintiff from her elected office, despite having received political advice and legal advice that that they lacked the authority to suspend a fellow Trustee.
7. On or about January 14, 2019 and January 15, 2019, the Defendant, by himself and in concert with John Does #1 through #4, stated and jointly and severally caused to be published about the Plaintiff the following defamatory words in a letter dated

January 14, 2019 and in the Comox Valley Now online newspaper, in an effort to publicly justify the Plaintiff's unlawful "indefinite suspension":

- The Plaintiff is engaged in "cyber bullying" employees of Union Bay Improvement District;
  - The Plaintiff is "endangering the public"; and
  - The Plaintiff had created "public safety concerns to UBID".
8. The same statements made by the Defendant Haraldson were also published in the Comox Valley Record on January 15, 2019.
  9. These defamatory statements, in their general meaning and in their innuendo, were false and defamatory of the Plaintiff. In their general meaning, the statements assert that the Plaintiff has deliberately and repeatedly caused serious harm to employees of Union Bay Improvement District by means of internet communications and had created public harm or risk of public harm and risk of harm to individual members of the public.
  10. In context, by way of innuendo, the defamatory statements play on and amplify sexist stereotypes of women in positions of elected office by insinuating and implying that the Plaintiff is unstable, hateful, hurtful, hysterical, is personalizing the disputes about water to the detriment of the public interest and is driven by emotional and non-rational appraisal of the water quality issues.
  11. The context of the defamatory statements includes the attitude conveyed in the liberties taken by the four older male Trustees at numerous open and closed meetings of the Board of Trustees. The following statement by the Defendant Haraldson published on November 14, 2018 in the Comox Valley Now newspaper:

I'm hoping trustee Kaljur can get on the same page with the rest of us. She is a smart gal, and I'm sure that she can contribute to the rest of us if she wanted to, but unfortunately, she doesn't seem to want to do that. I don't know why. I really hope that she does."
  12. The defamatory statements cross the line separating legitimate political discourse from defamatory statements. The damage to the Plaintiff's reputation from the false and defamatory statements extends beyond her role as an elected Trustee. The Defendants' defamatory statements were malicious and intended to injure the Plaintiff. No reasonable person could have any rational or factual basis for asserting that the Plaintiff is a "cyber bully", has "endangered the public" or has caused "public safety concerns".

13. The Plaintiff hired legal counsel to write a demand letter to the four Trustees who had purported to suspend her indefinitely from her position as elected Trustee. On February 14, 2019, the four Trustees of Union Bay Improvement District, including the Defendant Haraldson, admitted that they lacked the authority to suspend the Plaintiff and that the suspension was of no force and effect.
14. The Defendant Haraldson, however, when asked by a reporter from the Comox Valley Now whether he apologized for saying that the Plaintiff had engaged in “cyber bullying” and had threatened public safety, told a reporter that there was no reason for him to apologize because there was no defamation of character. This statement was also published, and constituted a repetition of and reinforcement of the defamatory statements, and enhanced the damage to the Plaintiff’s reputation.
15. On February 19, 2019, the Defendant Haraldson cancelled the pending meetings of the Board of Trustees.

**Part 2: RELIEF SOUGHT**

16. The Plaintiffs claim damages from the Defendants as follows:

- (a) general damages for defamation;
- (b) aggravated and punitive damages;
- (c) costs, including special costs and applicable taxes on those costs;  
and
- (d) such further and other relief as to this Honourable Court may seem just.

**Part 3: LEGAL BASIS**

1. This action is brought in defamation. The statements made by the Defendant Haraldson, with the agreement and concurrence of John Does #1, #2, #3 and #4, would tend to reduce the esteem and reputation of the Plaintiff from the perspective of a reasonable and informed member of the community.

2. In all the circumstances, the Defendant Haraldson and the John Does acted deliberately and maliciously to injure their Plaintiff's reputation.

Plaintiffs' address for service:      Gratl & Company  
Barristers and Solicitors  
601-510 West Hastings Street  
Vancouver, BC V6B 1L8  
**Attn: Jason Gratl**

Place of Trial:                                  Vancouver

The address of the registry is:      The Law Courts  
800 Smithe Street  
Vancouver, BC V6Z 2E1

Date: February 20, 2019

  
\_\_\_\_\_  
for: Signature of Jason Gratl  
Lawyer for Plaintiff

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.

## Appendix

### Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

This is a claim in defamation .

### Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

a motor vehicle accident

medical malpractice

another cause

A dispute concerning:

contaminated sites

construction defects

real property (real estate)

personal property

the provision of goods or services or other general commercial matters

investment losses

the lending of money

an employment relationship

a will or other issues concerning the probate of an estate

a matter not listed here



**Part 3: THIS CLAIM INVOLVES:**

*[Check all boxes below that apply to this case]*

a class action

maritime law

aboriginal law

constitutional law

conflict of laws

none of the above

do not know

**Part 4:**

*Libel and Slander Act, RSBC 1996, c. 263*