

S-073610
NO
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

WAYNE CROOKES and
WEST COAST TITLE SEARCH LTD.

Plaintiffs

And:

MICHAEL GEIST
and CHRIS TINDAL

Defendants

WRIT OF SUMMONS

(Name and address of each Plaintiff)

Wayne Crookes and
West Coast Title Search Ltd.
c/o 1200 – 805 West Broadway
Vancouver, BC V5Z 1K1

(Name and address of each Defendant)

MICHAEL GEIST
57 Louis Pasteur
Ottawa, ONTARIO

CHRIS TINDAL
914 Yonge Street, #1208
Toronto, ONTARIO

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom,
Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of
the Faith.

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To the Defendants **MICHAEL GEIST and CHRIS TINDAL**

TAKE NOTICE that this action has been commenced against you by the Plaintiff(s) for the claim(s) set out in this Writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim which you wish to have taken into account at the trial, **YOU MUST:**

(a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and **YOU MUST ALSO DELIVER** a copy of the "Appearance" to the plaintiff's address for delivery, which is set out in this writ, and

(b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, **FILE** a Statement of Defence in the above registry of this court within the Time for Defence provided for below and **DELIVER** a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the "Appearance". You may obtain a form of "Appearance" at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF

or **(a) YOU FAIL** to file the Appearance within the Time for Appearance provided for below,

(b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

Time for Defence

A Statement of Defence must be filed and delivered to the Plaintiff within 14 days after the later of

(A) the time that the Statement of claim is served on you (whether with the Writ of Summons or otherwise) or is delivered to you in accordance with the Rules of Court, and

(B) the end of the Time for Appearance provided for above. [OR, if the time for defence has been set by order of the court, within that time.]

(1) The address of the registry is:	800 Smithe Street, Vancouver, B.C.
(2) Plaintiffs' ADDRESS FOR DELIVERY is:	see (3) below. Fax number for delivery: 604-874-5551
(3) Name and office address of Plaintiffs' solicitor (if any):	<p>Robert A. Kasting Stewart, Aulinger & Company Barristers & Solicitors 1200 - 805 West Broadway Vancouver, B.C. V5Z 1K1 Telephone: 604-879-0291</p>

THE PLAINTIFFS' CLAIM IS:

(See attached Statement of Claim)

Endorsement on Originating Process for Service Outside British Columbia.

Form 6: Endorsement on Originating Process for Service Outside British Columbia

The Plaintiffs claim the right to serve this writ on the Defendants outside British Columbia on the ground that it concerns a tort committed in British Columbia as enumerated in s. 10(b) (g) of the *Court Jurisdiction and Proceedings Transfer Act*.

DATED: 17 May 2007


Solicitor for the Plaintiffs

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Plaintiffs

And:

MICHAEL GEIST
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Defendants

STATEMENT OF CLAIM

(Writ of summons served herewith)

1. The Plaintiff WAYNE CROOKES (the "Plaintiff") is a businessman who resides at 5775 Toronto Road, Vancouver, British Columbia. He is the president and sole shareholder of the Plaintiff WEST COAST TITLE SEARCH LTD.
2. The Plaintiff WEST COAST TITLE SEARCH LTD. (the "Corporate Plaintiff") is an incorporated body which does business throughout British Columbia, acting as an agent for lawyers, notaries and other business professionals searching, filing and registering legal documents, including court documents and land title documents, and in process serving. It has an address for business of 99 6th Street, New Westminster, British Columbia.
3. The Defendant MICHAEL GEIST is a university professor and sometime cyber-journalist who has an address of 57 Louis Pasteur, Ottawa, Ontario.
4. The Defendant CHRIS TINDAL, whose occupation is unknown, resides at 914 Yonge Street #1208, Toronto, Ontario.

The GEIST libels

5. The Defendant MICHAEL GEIST is the owner and editor of a website known as michaelgeist.ca with a url of <http://www.michaelgeist.ca> . This website is a newsletter in which the Defendant comments on various topics in the field of communications. The website also contains a site for readers to publish comments. This website is distributed world wide through the internet.

6. On or about June 5, 2006, the Defendant GEIST wrote an article on the website entitled "We Are All Journalists Now", with a url of <http://www.michaelgeist.ca/content/view/1283/135>. The website allows comments to be posted by readers.

7. On or about August 25, 2006, a comment was posted on the website by a Craig Hubley. The comment was entitled "ethical troll" and included the following passages:

Ideas and concepts are learned and formed necessarily from metaphor and analogy - you cannot escape the frequent use of images, historical scenarios, quasi-poetic images ("GPC bunker", "gang of Crookes") in politics and you certainly cannot ban their use in cases where there are definite and documented resemblances. My analysis that the management habits of the GPC resembled the Nazi bunker (right down to a group of good generals trying to kick it over), and that the absolute hierarchy upheld by Mr. Crookes and friends (the so-called "gang of Crookes") resembled a mafia organization with a code of silence and no due process and no engagement other than by exclusion, was influential only to the degree that it was accurate and resonated with Green Party members and the public. So accurate and so stinging that lawsuits, censorship and disqualified candidates and expelled members seem to have been the bunker's response. I submit that this proves that both of my analogies were therefore correct.

(known as "Hubley's comments")

8. Hubley's comments libelled the Plaintiff. The words in their natural and ordinary meaning, as well as in their context and in popular innuendo were intended to and understood to lower the Plaintiff's reputation and expose the Plaintiff to ridicule and contempt.

9. The Plaintiff communicated with the Defendant GEIST to make him aware of Hubley's comments and to request their removal from his website. The Defendant GEIST refused to remove Hubley's comments.

10. As a result of the publication of Hubley's comments on his website and his refusal to remove them, the Defendant GEIST has libelled the Plaintiff.

11. In the "We Are All Journalists Now" article posted on the michaelgeist.ca website and referred to above, the Defendant GEIST referred to the "recent spate of lawsuits against Canadian online news sites including suites against OpenPolitics.ca and P2Pnet.net."

12. On or about July 30, 2006, the Defendant GEIST wrote an article on the website which was entitled "Canadian Libel Law Raises Net Free Speech Chill". In this article, the Defendant GEIST refers to the website P2Pnet.net as follows:

My weekly Law Bytes column (Toronto Star version, BBC International version, homepage version) places the spotlight on the week's fundraiser in support of P2Pnet.net, a British Columbia-based website that is being sued for defamation for comments posted on the site by its readers. The importance of the Internet intermediary liability issue extends well beyond just Internet service providers—corporate websites that allow for user feedback, education websites featuring chatrooms, or even individual bloggers who permit comments face the prospect of demands to remove the content that is alleged to violate the law.

13. The michaelgeist.ca website lists "P2Pnet" as a Regular Read and hyperlinks to the website P2Pnet.net which has a url of <http://www.p2pnet.net>. On the website P2Pnet.net, the article "Free Speech in Canada" appears with a url of <http://www.p2pnet.net/story/9387> .

14. In the article "Free Speech in Canada" the following words appear:

Under new developments, thanks to the lawsuit, I've just met Michael Pilling, who runs [OpenPolitics.ca](http://www.openpolitics.ca). Based in Toronto, he, too, is being sued for defamation. This time by politician [Wayne Crookes](#).

15. The name Wayne Crookes is hyperlinked to a url of http://www.usgovernetics.com/Res-to-Ros/resignation_letters.php. in which an article entitled "Wayne Crookes" appears and which says, inter alia, the following:

Wayne Crookes...

...Several months later, in protest to the actions of this Committee, another group of GPC Council and Committee and Shadow Cabinet members resigned with strongly worded resignation letters. Some of these used strong language ("fraudulent", "illegal") that led to the epithet gang of Crookes becoming a common way to refer to Crookes and his colleagues and favourites...

...After the election, Crookes had taken further legal actions against critics of his allies and friends in the party. As one of what Michael Geist described as a "spate of lawsuits against Canadian online news sites", in May 2006 Crookes sued openpolitics.ca, a "political chat site, after he objected to several comments posted on the site." These had cited the resignation letters, discussed the gang epithet in that context, and reported the allegations of Crookes personal favourites, friends of Crookes, wielding power not granted to them by the membership.

....(Crookes) pointed out no factual errors on any page, but only claimed that they implied he was "dishonest" and had "abused power". Which was already implied by the strong language in some of the resignation letters and the other insider information cited in the articles.

(referred to as the "Wayne Crookes USGovernetics article")

16. The words Openpolitics.ca are hyperlinked with the Openpolitics.ca website which has a url of <http://www.OpenPolitics.ca>. The OpenPolitics.ca website contains the following passages:

a. **Gang of Crookes**

The phrase 'Gang of Crookes' is used as a pejorative nickname for a GPC faction which its apologists call the GPC Leader clique or "friends of Crookes".

The term 'Gang' is both an accusation of criminal-like intent and organizing structure...and a play on Wayne Crookes's perhaps unfortunate name. Because it may be reasonably assumed that Gang is only a play on his name, this is not a good name for publicity purposes. The criminality of the gang is based on its reliance on a single command hierarchy and its willingness to lie, break rules, and steal money allocated to other groups.

The essential criminality of the Gang was established through many of their actions in the GPC Council Crisis, which involved illegal displacement of CPC Council officers and the wholesale disregard for the GPC Constitution...

Elio Di Iorio resigns GPC Council, 2005-06-19, citing \$250,000 in funds effectively being embezzled as they are being spent on personal promotion of the leader not the GPC Shadow Cabinet as a whole, and have not been scrutinized nor effective at reaching the mass media....

The underlined words friends of Crookes, Wayne Crookes, GPC Council Crisis, and single command hierarchy are hyperlinked to postings referred to elsewhere in this Paragraph.

b. ***Friends of Crookes***

Wayne Crookes is the GPC's main creditor, having financing it through the Canadian federal election, 2004 during which he held the title "Campaign Manager, Green Party of Canada"... Those who continue to support him include, the friends of Crookes, form a faction in the GPC Council Crisis often called the GPC Leader Clique or the "Gang of Crookes" for some obvious and non-obvious reasons that are explained in depth in those articles, notably: "its reliance on a single command hierarchy and its willingness to lie, break rules, and steal money allocated to other groups"....

Who are Crookes'?

The friends include at least those individuals who support the GPC's major creditor Wayne Crookes, and his partner Debbie Hartley in controlling the GPC's day to day operations....

What did they do?

There are too many accusations to list here...

Elio Di Iorio resigns GPC Council, 2005-06-19, citing \$250,000 in funds effectively being embezzled as they are being spent on personal promotion of the leader not the GPC Shadow Cabinet as a whole, and have not been scrutinized nor effective at reaching the mass media....

Status of plans

The "simplicity" offer by this group was characterized by Craig Hubley "as being that of gangsters in a mob, a crime family, or particularly irresponsible corporation or clique," which likewise seeks unlimited assent to "1) a simple plan that it executes relentlessly and without diversion from priorities".

The underlined words Wayne Crookes, and Gang of Crookes are hyperlinked to postings referred to elsewhere in the listing in this Paragraph.

c. **Wayne Crookes**

Wayne Crookes is a British Columbia businessman who runs a business called West Coast Title Search...

Certain friends of Crookes, known for their organizing style as the "Gang of Crookes" have been accused of having strong and specific motivations to seize control of the Green Party of Canada, which as of 2005-06 they had effective (sic) done. ..

He was a shadowy figure on the de facto/secret GPC Advisory Board until he became GPC ERCT Chair, to protect his own "investment" in the Green Party of Canada. It is not clear what policy concessions or contracts he had been promised. It is very clear he is partly responsible for the GPC Council crisis.

The underlined words friends of Crookes, Gang of Crookes and GPC Council crisis are hyperlinked to postings referred to elsewhere in the listing in this Paragraph.

d. **GPC Council Crisis**

libel chill by Crookes

Online accounts of the situation including this page, and other mention on Wikipedia drew the ire of Wayne Crookes, who by July was demanding visible and public apologies from, and threatening libel lawsuits, various GPC members (including but in no way limited to those whose resignation letters are linked above). ...

The libel chill tactic remains a common one in Canadian business, employed by such notables as Garth Drabinsky and Conrad Black, who use it to silence critics of their activities, which were later found to be literally criminal. The term: Gang of Crookes has been used to likewise describe GPC management.

The underlined passages Wayne Crookes and Gang of Crookes are hyperlinked to the posting of the same name referenced above. The underlined passage libel chill is hyperlinked to a posting on openpolitics.ca which reads as follows:

So-called libel chill is a legal tactic whereby typically arbitrary and sometimes ungrounded claims that libel has occurred are used as a pretext to force critics to silence or mute published concerns. It is commonly engaged in by people who are later discovered to be criminals, notably:

- Conrad Black
- Garth Drabinsky.

(known collectively as the *Openpolitics.ca* articles)

17. The P2Pnet.net website with its hyperlinks to the *Wayne Crookes USGovernetics article* and to the *Openpolitics.ca articles* libelled the Plaintiffs. The words in their natural and ordinary meaning, as well as in their context and in popular innuendo were intended to and understood to lower the Plaintiff's reputation and expose the Plaintiff to ridicule and contempt. They were also intend to show that the Plaintiff is dishonest and abuses power. Further, these words were intended to mean and understood to mean in their context and in innuendo that the Corporate Defendant shares similar characteristics as its principal.

18. The Plaintiffs requested that the Defendant GEIST remove the hyperlink between the michaelgeist.ca website and the P2Pnet.net website. The Defendant has refused.

19. By advertising, promoting, and driving internet traffic to the P2pnet.net website through his articles "We Are All Journalist Now" and "Canadian Libel law Raises Net Free Speech Chill", by hyperlinking with P2PNet.net, and by refusing to remove the hyperlink when requested, the Defendant GEIST is a publisher of the *Wayne Crookes USGovernetics article* and the *OpenPolitics.ca articles* and has libelled the Plaintiffs.

20. As a result of being libeled by the Defendant GEIST, the continuing libel, and the refusal of the Defendant GEIST to remove the libel, to apologize, or to repudiate the libel, the Plaintiffs have suffered damages, including special, aggravated, and punitive damages.

The Chris Tindal libels

21. On or about August 7, 2006, the Defendant TINDAL wrote an article entitled "The Silliness of Suing a Wiki", which appeared on a website owned and edited by him. The article had a url of <http://www.christindal.ca/?p=55> . The website is distributed worldwide through the internet.

22. The article, which is several pages in length and is referred to as the "Tindal blog".
23. The Tindal blog hyperlinked to five sites which libelled the Plaintiff directly.
24. The name Wayne Crookes in the Tindal blog is hyperlinked to an article entitled "Wayne Crookes" with a url of http://en.wikipedia.org/wiki/Wayne_Crookes which contained, inter alia the following words:

Wayne Crookes...

*...Several months later, in protest to the actions of this Committee, another group of GPC Council and Committee and Shadow Cabinet members resigned with strongly worded resignation letters. Some of these used strong language ("fraudulent", "illegal") that led to the epithet **gang of Crookes** becoming a common way to refer to Crookes and his colleagues and favourites...*

*...After the election, Crookes had taken further legal actions against critics of his allies and friends in the party. As one of what Michael Geist described as a "spate of lawsuits against Canadian online news sites", in May 2006 Crookes sued [openpolitics.ca](http://www.openpolitics.ca), a "political chat site, after he objected to several comments posted on the site." These had cited the resignation letters, discussed the gang epithet in that context, and reported the allegations of Crookes personal favourites, **friends of Crookes**, wielding power not granted to them by the membership.*

....(Crookes) pointed out no factual errors on any page, but only claimed that they implied he was "dishonest" and had "abused power". Which was already implied by the strong language in some of the resignation letters and the other insider information cited in the articles.

(referred to as the "Wayne Crookes Wikipedia article")

25. The words OpenPolitics.ca in the Tindale blog hyperlinked to a website with a url of <http://www.OpenPolitics.ca> and which contains the words referred to in Paragraph 16 above as the *Openpolitics.ca* articles.
26. The words GreenKateHolloway in the Tindal blog hyperlinked to a website with a url of <http://www.MySpace.com/greenkateholloway> and which website contained inter alia the following words:

folks like Crookes at the expense of freedom of speech.

27. The words GreenCompostHeap in the Tindal blog hyperlinked to a blogsite entitled The Green Compost Heap with a url of <http://greencompostheap.blogspot.com>.

28. The Green Compost Heap blogsite contained an article entitled "Blow it out your tailpipe" which had a url of <http://greencompostheap.blogspot.com/2006/08/blow-it-out-your-tailpipe.html>. The article contained the following words:

Blow it out your tailpipe

The humans tending my compost heap gave the pile a turn today, and look what came up!

Dear Ms. Johannson, Ms. Holloway and Mr. White:

I am writing to you in your capacities as moderators/administrators of gpc-members@yahoo.com.

I would ask you to please review message #6253. For your convenience, a copy of the offending post follows this message. In my mind it is clearly vulgar, disrespectful, and I submit libelous. I hope you will agree with me that it is not the type of message that falls within the standards of dialogue you want for this site. I trust you will agree we all benefit when people communicate politely and are respectful of other people and their reputations.

I request as moderators/administrators that you remove post #6253 immediately.

I also request that someone post an apology for it, preferably from the author, which meets the requirements of the libel laws of Canada ; that is an apology that is complete, full and unconditional. If the author is not prepared to apology I request you advise me whether there will be any consequences for him.

Like you I strongly believe in freedom of speech and the Canada Charter of Rights and this is one of the many reasons for my strong support of the Green Party. With free speech comes the responsibility to not recklessly or maliciously damage reputations. The Charter, of course, does not give people a licence to libel.

Very truly yours,

Wayne Crookes

Oh my! I am having a wormy shiver! I am just a little tube! What was the horrible thing that was said? Oh:

Crookes threatened PEP once and we advised him, in legal terms, to blow it out his tailpipe. Apparently he did. All you have to do is say "Bring it on! We're ready!" and he'll back down.

I know that I am just a little worm, but how can this be libel? If I thought it was, I would not publish it. Of course, I am unclear as to what a tailpipe is, and how one can blow a threat through it, but the trolls tell me that this is something called a "UPHOMISM". So people blow things though their uphomisms? I am just a little worm, I understand none of this. Perhaps it is made of tubes?

If Mr. Crookes wishes to argue differently here, I would be more than pleased to issue an apology, nematode to nematode.

(referred to as the "*Blow it out your tailpipe*" article)

29. The Green Compost Heap blogsite also contained an the article entitled "*Impartial*" elections committee member donated to David Chernushenko!!! which had a url <http://greencompostheap.blogspot.com/2006/08/impartial-elections-committee-member.html> and contained the following words:

Chernubunko certainly has the worst people in the GPC in his camp: Debbie Hartley is THE worst, but Wayne Crookes, Jim Harris, Dermod Travis, Markus Buchar and Kevin Coiton certainly are in that race to destroy whatever is left of "green values" in the GPC. And all of them back Chernubunko....

He and his faction really need to be flushed now, for the credibility of the entire Green movement. There's no unity with shameless liars, plain morons, and those crookes who can't follow even their own twisted rules.

(the "*Chernushenko article*")..

30. The words [P2Pnet.net](http://www.p2pnet.net) in the Tindal blog hyperlinked to a website with a url of <http://www.p2pnet.net>. On the website P2Pnet.net, the article "Free Speech in Canada" appears with a url of <http://www.p2pnet.net/story/9387> and which words are referred to in Paragraph 13 and following above, along with the hyperlinks also referred to.

31. The Tindal blog and the hyperlinks libel the Plaintiff. The words in their natural and ordinary meaning, as well as in their context and in popular innuendo were intended to and understood to lower the Plaintiff's reputation and expose the Plaintiff to ridicule and contempt. They were also intend to show that the Plaintiff is dishonest and abuses power.

33. The Plaintiff has requested that the Defendant TINDAL remove the hyperlinks referred to and apologize.

34. The Defendant TINDAL has removed the hyperlink with GreenCompostHeap, but has refused to apologize or to repudiate the libel. The Defendant TINDAL has refused to remove the hyperlinks to the other four sites referred to.

35. Further, the Defendant TINDAL has, in concert with other anonymous persons, conspired to libel the Plaintiff.

36. As a result of being libeled by the Defendant TINDAL through the hyperlinks referred to, the continuing libel, the refusal of the Defendant TINDAL to remove the libel or to apologize, the Plaintiff has suffered damages.

37. In acting as alleged, Defendants have driven internet traffic to those sites referred to, increasing the damages of the Plaintiffs.

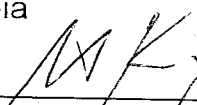
38. The libel of the Plaintiffs by both Defendants occurred in the Province of British Columbia, and as a result of its distribution on the internet, the libel has been published throughout Canada and around the world.

The Plaintiffs claim as follows:

- a. General, aggravated, and punitive damages;
- b. Further relief as requested.
- c. Costs pursuant to Rule 57 of the Rules of Court.

Place of Trial: Vancouver, British Columbia

Dated: May 18, 2007



Plaintiff's solicitor

This Statement of Claim is filed by Robert A. Kasting, of the law firm Stewart, Aulinger & Co. 1200- 805 West Broadway, Vancouver, BC V5Z 1K1 Tel 604-879-0291 Fax 604-874-5551