

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

MAY 19 2006



S-063287

NO
VANCOUVER REGISTRY

1

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between:

WAYNE CROOKES and
WEST COAST TITLE SEARCH LTD.

Plaintiffs

And:

MICHAEL PILLING, CRAIG HUBLEY, HAYLEY EASTO,
WARREN DE SIMONE, and the said MICHAEL PILLING, CRAIG HUBLEY, HAYLEY
EASTO, AND WARREN DE SIMONE carrying on business as OPENPOLITICS.CA
and the said OPENPOLITICS.CA, and "ANONYMOUS".

Defendants

WRIT OF SUMMONS

(Name and address of each Plaintiff)

Wayne Crookes
c/o 1200 - 805 West Broadway
Vancouver, BC V5Z 1K1

West Coast Title Search Ltd.
99 Sixth Street
New Westminster, BC

(Name and address of each Defendant)

Michael Pilling
#2 - 270 Pape Avenue,
Toronto, Ontario.

Hayley Easto
98 Muir Ave
Toronto, Ontario.

Craig Hubley,
488 Crescent Breach Road,
La Have, Nova Scotia.

Warren De Simone
1375 Dupond Street, #5017,
Toronto, Ontario.

OpenPolitics.ca
c/o #2- 270 Pape Ave
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.

To the Defendants **MICHAEL PILLING, CRAIG HUBLEY, HAYLEY EASTO, WARREN DE SIMONE**, and the said **MICHAEL PILLING, CRAIG HUBLEY, HAYLEY EASTO, AND WARREN DE SIMONE** carrying on business as **OPENPOLITICS.CA** and the said **OPENPOLITICS.CA**, and "ANONYMOUS"

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

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

(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) Plaintiff's ADDRESS FOR DELIVERY is: Fax number for delivery: 604-874-5551	see (3) below.
(3) Name and office address of Plaintiff's solicitor (if any): Robert A. Kasting Stewart, Aulinger & Company Barristers & Solicitors 1200 - 805 West Broadway Vancouver, B.C. V5Z 1K1 Telephone: 604-879-0291	


THE PLAINTIFF'S CLAIM IS:

(See attached Statement of Claim)

Endorsement on Originating Process for Service Outside British Columbia.

The Plaintiff claims the right to serve this writ on the defendants outside British Columbia on the ground that the proceeding is founded on a tort committed in British Columbia (see Rule 13 (1)(h) of the BC Rules of Court).

DATED: 19 May 2006


Solicitor for the Plaintiff

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OPENPOLITICS.CA and the said OPENPOLITICS.CA, and "ANONYMOUS"

Defendants

STATEMENT OF CLAIM

1. The Plaintiff, Wayne Crookes, is a businessman who resides at 5775 Toronto Road, Vancouver, British Columbia.
2. The Plaintiff West Coast Title Search Ltd. is a limited company which does business throughout British Columbia, acting as an agent for lawyers, notaries and other business professionals in process serving, searching, filing and registration of legal documents, including court documents and land title documents. It has an address for business at 99 - Sixth Street, New Westminster, British Columbia. The Plaintiff Wayne Crookes is the president and sole shareholder of West Coast Title Search Ltd.
3. The Defendant Michael Pilling, whose occupation is unknown, resides at #2 – 270 Pape Avenue, Toronto, Ontario. He was at all material times, a

publisher, an editor, and a member of the steering committee of a website known as OpenPolitics.ca.

4. The Defendant Hayley Easto, whose occupation is unknown, resides at 98 Muir Ave., Toronto, Ontario. She was at all material times, a publisher, an editor, and a member of the steering committee of OpenPolitics.ca.

5. The Defendant Craig Hubley, whose occupation is unknown, resides at 488 Crescent Breach Road, La Have, Nova Scotia. He was at all material times, a publisher, an editor, and a member of the steering committee of OpenPolitics.ca

6. The Defendant Warren De Simone, whose occupation is unknown, resides at 1375 Dupond Street, #5017, Toronto, Ontario. He was at all material times, a publisher and a member of the steering committee of OpenPolitics.ca

7. "Anonymous" is a person, who is unknown at this time, who authored written material which was published on the website OpenPolitics.ca

8. OpenPolitics.ca is an unincorporated website which encourages political discussion and which is disseminated on the world wide web throughout British Columbia and elsewhere. It was maintained and controlled at all material times by its publishers and its steering committee, being the Defendants Pilling, Easto, Hubley, and De Simone. Its content was further controlled by its editors, the Defendants Pilling, Easto, and Hubley.

9. At some time prior to July 1, 2005, the website Open Politics.ca published an article entitled "*Gang of Crookes*" The article was written by an anonymous author, known presently as "Anonymous", and the Defendant Hubley. It was posted with the express or implicit approval of the individual Defendants, as publishers and members of the website's steering committee and with the

express or implicit approval of the Defendants Pilling, Easto and Hubley, as the website's editor.

10. The significant words in the "Gang of Crookes" article, the full contents of which article is available through discovery, were the following:

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.

11. These words in the "Gang of Crookes" article, which hyperlinked to an article entitled "Wayne Crookes" and an article entitled "Friends of Crookes" and the context within which they were presented, would lead a reasonable person to conclude that the Plaintiff Wayne Crookes was dishonest and abused power.

12. The words in the "Gang of Crookes" article libeled the Plaintiff Wayne Crookes.

13. On or about March 21, 2005, the website OpenPolitics.ca published an article entitled "Friends of Crookes" The article was written by an anonymous

author, presently known as "Anonymous" and edited by the Defendant Michael Pilling. It was posted with the express or implicit approval of the individual Defendants, as publishers and members of the steering committee and with the express or implicit approval of the Defendants Pilling, Easto, and Hubley as editors. It was edited several times between March 21, 2005 and July 1, 2005.

14. The significant words in the "*Friends of Crookes*" article, the full contents of which article is available through discovery, were the following on July 1, 2005:

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".

15. These words in the "*Friends of Crookes*" article, which hyperlinked to the article entitled "*Wayne Crookes*" and the article entitled "Gang of Crookes" and the context within which they were presented, would lead a reasonable person to conclude that the Plaintiff Wayne Crookes was dishonest and abused power.

16. The words in the "*Friends of Crookes*" article libeled the Plaintiff Wayne Crookes.

17. On or about February 28, 2005, the website OpenPolitics.ca published an article entitled "*Wayne Crookes*" The article was written by an anonymous author known presently as "Anonymous" and by the Defendant Hubley and was posted with the express or implicit approval of the individual Defendants, as publishers and members of the steering committee and with the express or implicit approval of the Defendants Pilling, Easto and Hubley, as editors.

18. The significant words in the "*Wayne Crookes*" article, the full contents of which article is available through discovery, were the following:

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

19. These words in the "*Wayne Crookes*" article, which hyperlinked to the articles entitled "*Gang of Crookes*" and hyperlinks to "*Friends of Crookes*" and the context within which they were presented would lead a reasonable person to

conclude that the Plaintiff Wayne Crookes was dishonest and abused power himself and through the Plaintiff West Coast Title Search Ltd. and that the Plaintiff West Coast Title Search Ltd. conducted itself dishonestly.

20. The words in the "Wayne Crookes" article libeled the Plaintiffs Wayne Crookes and West Coast Title Search Ltd..

21. On or about July 1, 2005 the Plaintiff wrote to the Defendants Pilling, Easto and Hubley, as editors of OpenPolitics.ca, requesting removal of these articles from the website and further requesting an apology.

22. On or about July 3, 2005, OpenPolitics.ca removed the article "*Gang of Crookes*" from open display on its website, but allowed it to remain accessible to anyone who wished to review previous edits of the website. No apology was offered to the Plaintiff Wayne Crookes.

23. On or about July 3, 2005, Michael Pilling edited the article entitled "*Friends of Crookes*" in a minor way which did not affect the meaning of the article. He kept this article posted on OpenPolitics.ca. He did not offer an apology to the Plaintiff Wayne Crookes. The article, as amended, represents a continuing re-publication of the words of the article, and an ongoing libeling of the Plaintiff Wayne Crookes. As of March 2006, the article remained posted on OpenPolitics.ca.

24. On or about July 3, 2005, Michael Pilling edited the article entitled "*Wayne Crookes*" in a minor way which did not affect the meaning of the article. He kept this article posted on OpenPolitics.ca. He did not offer an apology to either Plaintiff. The article, as amended, represents a continuing re-publication of the words of the article, and an ongoing libeling of the Plaintiffs. As of March 2006, the article remained posted on OpenPolitics.ca.

25. In March, 2006, the Plaintiff again requested an apology from all of the Defendants for all three articles and a removal of the articles "*Friends of Crookes*" and "*Wayne Crookes*" from the website. The Defendants have either ignored or refused this request. They have not offered an apology.

26. Since requesting an apology for the libels referred to from the Defendants, the Defendants have used their positions as editors and publishers of Openpolitics.ca to post additional articles which ridicule the request of the Plaintiffs for an apology.

27. The libeling of the Plaintiffs by the Defendants occurred in the Province of British Columbia.

28. As a result of being libeled as alleged, the Plaintiffs have suffered damages, including special, aggravated, and punitive damages.

The plaintiffs claim as follows:

- a. Damages against each of the Defendants;
- b. An order removing the libelous words from the website.
- c. Costs

Place of Trial: Vancouver, British Columbia

Dated: May 19, 2006



Plaintiffs' 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