

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DR. TIMOTHY BALL

Plaintiff

-and-

**THE CALGARY HERALD, a division of CANWEST MEDIA WORKS
PUBLICATIONS INC., LORNE MOTLEY, TRENT ANDERSON,
MONICA ZUROWSKI, DOUG FIRBY
THE GOVERNORS OF THE UNIVERSITY OF LETHBRIDGE
and DR. DAN JOHNSON**

Defendants

STATEMENT OF DEFENCE OF DR. DANIEL JOHNSON

1. Except as hereinafter expressly admitted, the defendant Dr. Daniel Johnson ("Johnson") specifically denies each and every allegation of fact and law made in paragraphs 1 to 19 inclusive of the Statement of Claim.
2. In answer to paragraph 1 of the Statement of Claim, the defendant Johnson admits that the plaintiff is retired and that at the time of his retirement the plaintiff was a professor.
3. The defendant Johnson admits paragraphs 2, 3 and 4 of the Statement of Claim.
4. In answer to paragraph 5 of the Statement of Claim, the defendant Johnson admits that he is a professor of environmental science in the department of geography at the University of Lethbridge.
5. In partial answer to paragraph 6 of the Statement of Claim, the defendant Johnson admits that the plaintiff wrote an op-ed piece for publication in the *Calgary*

Herald newspaper which was published on Wednesday, April 19, 2006 on the op-ed page of the newspaper. The defendant Johnson further admits that the aforesaid article was also published online by the *Calgary Herald* newspaper on its website at www.canada.com/calgaryherald. The defendant Johnson further admits that Schedule "A" to the Statement of Claim is a true copy of the op-ed piece as it appeared on the aforesaid website.

6. In partial answer to paragraph 7 of the Statement of Claim, the defendant Johnson admits that he wrote an email "letter to the editor" for publication in the *Calgary Herald* newspaper which in fact was published in the Sunday, April 23, 2006 edition of the *Calgary Herald* newspaper. The defendant Johnson admits that the *Calgary Herald* accurately quoted from the defendant's letter, except for one change. The defendant's letter stated in part that the plaintiff "*was not a Professor of Climatology at the University of Winnipeg for 28 years*" whereas the *Calgary Herald* printed "*was not a climatology professor at the University of Winnipeg for 28 years.*" The defendant was not consulted about this change.

7. In partial answer to the third sentence of paragraph 9 of the Statement of Claim, the defendant Johnson admits that the plaintiff was a professor at the University of Winnipeg from 1988 to the date of his retirement. The plaintiff retired from the University of Winnipeg in 1996 after eight years as a Professor of Geography.

8. In further answer to paragraph 9 of the Statement of claim, the defendant Johnson says that the plaintiff was awarded a degree of Doctor of Philosophy ("Ph.D.") in the Faculty of Geography of Queen Mary College of the University of London in October, 1983. The defendant specifically denies that the Ph.D. was defined by Queen Mary College as a Doctor of Philosophy "in Climatology."

9. In further answer to paragraph 9 of the Statement of Claim, the plaintiff is a member of the advisory board of the Friends of Science, a special interest group. With the plaintiff's knowledge and approval, a web page on the website of the Friends of Science has been devoted to the plaintiff's alleged curriculum vitae and accomplishments, at least since May, 2003.

10. In answer to the whole of the statement of claim, the defendant Johnson denies that the words complained of in the Statement of Claim are capable of being defamatory of the plaintiff or that they are in fact defamatory of the plaintiff, as alleged or at all.

11. The defendant Johnson specifically denies that the words complained of in paragraph 8 of the Statement of Claim bore or were understood to bear, or were capable of bearing, any one or more of the meanings attributed to them in sub-paragraphs 11(a) to 11(e) inclusive of the Statement of Claim.

12. In further answer to sub-paragraphs 8 and 11(a) to 11 (e) inclusive of the Statement of Claim, and in the alternative, the words complained of by the plaintiff are true in substance and in fact. Particulars of the true facts, with reference to each of the meanings pleaded by the plaintiff (which are denied) are as follows:

A: 11 (a) “Ball has falsified his professional and academic credentials”

- a. The defendant Johnson reiterates paragraphs 7, 8 and 9 of this Statement of Defence.
- b. The plaintiff presented a thesis to the University of London “in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Queen Mary College” in 1983 which was entitled “*CLIMATIC CHANGE IN CENTRAL CANADA: A Preliminary Analysis of Weather Information from the Hudson’s Bay Company Forts at York Factory and Churchill Factory, 1714-1850.*” [hereinafter the “Plaintiff’s Ph.D. Thesis”]
- c. The plaintiff’s Ph.D. thesis was on a topic in historical climatology and meteorology.
- d. When the plaintiff obtained the Ph.D. from Queen Mary College (University of London, United Kingdom), Canada already had numerous individuals with Ph.D.’s in climatology, a science generally then embraced within university departments such geography, physics, earth sciences,

oceanography, hydrology and others. Those individuals included, but are not limited to, Dr. F. Kenneth Hare, who earned his Ph.D. in 1950 while studying arctic climatology in the department of Geography of the University of Montréal; Dr. André Robert, who earned his Ph.D. in 1965 from McGill University; Dr. Timothy R. Oke, who earned his Ph.D. in 1967 from McMaster University. There were many others. Climatology is not a new field. Valuable contributions to climatology have been and are often made at the post-graduate level by those in atmospheric physics, statistics, geography and earth sciences including numerous individuals who obtained their Ph.D.'s before the plaintiff obtained his Ph.D. from Queen Mary College.

- e. At all material times, the plaintiff was well aware of the prior Canadian Ph.D.'s whose studies for their degrees involved topics in climatology. Alternatively, the plaintiff was recklessly indifferent to the truth of the allegation that he was the first Canadian Ph.D.
- f. The plaintiff expressly or impliedly approved and authorized the publication of his photographs and his curriculum vitae on a website sponsored by the "National Centre for Public Policy Research" on a webpage at <http://www.envirotruth.org/drball.cfm> [the "Envirotruth Webpage"].
- g. During the period from May 6, 2003 to July 24, 2004, the Envirotruth Webpage curriculum vitae for the plaintiff stated among other things:
 - *"Dr. Timothy Ball – Environmental consultant and 32 years Professor of Climatology, University of Winnipeg"*
 - *"Dr. Ball has B.A. (Honours), M.A. (University of Manitoba) and Ph.D. (Doctor of Science), University of London, England (the first Canadian climatology Ph.D.)"*
 - *"—Extensive science background in climatology, ..."*

- h. During the period from at least July 25, 2004 to October 3, 2006, the Envirotruth Webpage curriculum vitae for the plaintiff stated among other things:
- *“Dr. Timothy Ball – Environmental consultant and 28 years Professor of Climatology, University of Winnipeg”*
 - *“Dr. Ball has B.A. (Honours), M.A. (University of Manitoba) and Ph.D. (Doctor of Science), University of London, England (the first Canadian climatology Ph.D.)”*
 - *“—Extensive science background in climatology, ...”*
- i. Contrary to the Envirotruth Webpage, the plaintiff was not “28 years Professor of Climatology”, University of Winnipeg nor was he “32 years Professor of Climatology”, University of Winnipeg. According to the “Faculty” names and positions listed in the annual University of Winnipeg Calendar, the plaintiff was a “Professor of Geography” at the University of Winnipeg for 8 years during the period from 1988 to 1996; an “Associate Professor of Geography” at the University of Winnipeg for 5 years during the period from 1984 to 1988; an “Assistant Professor of Geography” in 1983-84; a “Lecturer in Geography” for 5 years from 1978 to 1982 and for one year in 1976-77; and a “Sessional Lecturer” in Geography for three years during the period from 1973 to 1976.
- j. The plaintiff obtained his B.A. from the University of Winnipeg in 1970. Throughout his studies for his B.A. degree, the plaintiff was not a member of the faculty at the University of Winnipeg or at any other university.
- k. At all material times, the plaintiff knew the aforesaid claims concerning the plaintiff on the Envirotruth Webpage were false.
- l. At all material times, the plaintiff approved and authorized the publication of the following statement on the website of The Friends of Science on a

webpage [hereinafter the “FOS Webpage”] at <http://www.friendsofscience.org/index.php?ide=2> which stated, among other things:

- *“Dr. Ball was the first Canadian Ph.D. in Climatology.”*
 - *“Dr. Ball has a B.A. (Honours), a M.A. (University of Manitoba) and a Ph.D, (Doctor of Science), University of London, England.”*
 - *“He is currently an environmental consultant and for 32 years was a Professor of Climatology at the University of Winnipeg.”*
- k. In response to the FOS Webpage, the defendant Johnson reiterates sub-paragraphs g, h and j above. 32 years before his retirement from the University of Winnipeg in 1996, the plaintiff did not have a university degree and was not employed as a member of the faculty of any university or college.
- l. At all material times, the plaintiff knew the aforesaid claims concerning the plaintiff on the FOS Webpage were false.
- m. In a letter he sent to the Hon. Paul Martin, P.C., M.P. before June 13, 2003, the plaintiff stated: *“I was one of the first climatology PhDs in the world.”* He signed himself: *“Dr. Tim Ball, Environmental Consultant, Victoria, British Columbia, 28 Years Professor of Climatology at the University of Winnipeg”*
- n. Contrary to what the plaintiff stated to the Hon. Paul Martin, the plaintiff well knew, and the fact is, that he was not one of the first climatology PhD’s in the world nor was he 28 Years Professor of Climatology at the University of Winnipeg. In this regard, the defendant Johnson reiterates sub-paragraphs 12. A (d), 12. A. (e), 12. A. (i) of this Statement of Defence. Alternatively, the plaintiff was recklessly indifferent to the truth

of the allegation that he was one of the first climatology Ph.D.'s in the world.

- o. In a posting on a website on or about May 11, 2003 at <http://www.johndaly.com/> maintained by John Daly (now deceased), the plaintiff was described as "*Environmental consultant and 32 years Professor of Climatology, University of Winnipeg*" and stated of himself: "*Dr. Ball has B.A., (Honours), M.A. (University of Manitoba) and Ph.D. (Doctor of Science), University of London, England (the first Canadian climatology Ph.D.)*" [hereinafter the "Posting"]. The contents of the Posting consisted of information accurately extracted from previous written statements by the plaintiff about his experience and qualifications.
- p. In response to the Posting, the defendant Johnson reiterates subparagraphs 12. A (d), 12. A. (e), 12. A. (i) of this Statement of Defence.
- q. At all material times, the plaintiff knew that his statements in the Posting were false. Alternatively, the plaintiff was recklessly indifferent whether the Posting statements were true or false.
- r. In advertisements for various speaking engagements published on the Friends of Science website, and in his listing as a member of the Scientific Advisory Board of the Friends of Science in May, 2005, the plaintiff was described as "Emeritus Professor." The plaintiff is not and never has been an "Emeritus Professor." He was aware that he was not entitled to allege that he was an "Emeritus Professor" but continued to do so and took no steps to correct mistaken impressions of his qualifications left with readers of the Friends of Science website.
- s. Consistent with his prior claims to certain academic qualifications and experience, in an article published on the literary website Orato.com [<http://www.orato.com/node/398/#top>] on May 28, 2006, the plaintiff stated:

Global Warming, as we think we know it, doesn't exist. And I am not the only one trying to make people open up their eyes and see the truth. But few listen, despite the fact that I was the first Canadian Ph.D. in Climatology and I have an extensive background in climatology ... Few listen, even though I have a Ph.D. (Doctor of Science) from the University of London, England and that for 32 years I was a Professor of Climatology at the University of Winnipeg. [hereinafter the "Orato Statement"]

- t. In response to the Orato Statement, the defendant Johnson reiterates subparagraphs 12. A (d), 12. A. (e), 12. A. (i) of this Statement of Defence.
- u. The defendant Johnson further says that the plaintiff does not have a "Doctor of Science" degree from Queen Mary College of the University of London. The Doctor of Science is an honorary degree (honoris causa) which is granted only in exceptional cases. The Ph.D. (Doctor of Philosophy) is an earned degree.
- v. The plaintiff's C.V. does not conform to accepted academic standards of true and accurate disclosure when citing publications. These standards were developed to ensure that authors and co-authors are properly credited. In numerous instances, the plaintiff has not credited his co-author(s) when listing his publications, although he was at all material times well aware of his obligation to do so. Particulars:
 - a) A.J.W. Catchpole is not credited as the first author of "Analysis of Historical Evidence of Climate Change in Western and Northern Canada", *Syllogeus, Climatic Change in Canada* 2, Vol. 33:48-96 (1981);
 - b) D. Dyck is not credited as the second author of "Observations of the Transit of Venus at Prince of Whales Fort in 1769", *The Beaver Outfit*, Vol. 315(2):57-5 (1984);

- c) S. LaDochy and B Woronchak are not credited as first and third authors of “The Nitty Gritty of Winnipeg Air”, Prairie Forum, Vol. 1(2): 135-150 (1976); and
- d) R.A. Kingsley is not credited as the second author of “Instrumental Temperature Records at Two Sites in Central Canada: 1768 to 1910”, Climatic Change, Vol. 6: 39-56 (1984).

B: 11 (b) “that his ‘entry’ level PhD’ ... is not a PhD in climatology”

- a. The defendant Johnson reiterates paragraph A, subparagraph 12. A.(b) and 12.A.(c) of this Statement of Defence.

C: 11 (c) “he does not have the academic background and qualifications to make serious comments on global warming”

- a. In the field of science, an individual demonstrates academic expertise in a particular field by publishing in the peer-reviewed scientific literature and by presenting his or her scientific findings at scientific conferences.
- b. The plaintiff has published relatively few articles in the peer-reviewed scientific literature, none of which relate to whether global warming caused by greenhouse gases is occurring. His scientific articles mainly concern the findings of his Ph.D. thesis. His previous and current rates of publication are negligible, as a result of which the plaintiff has little or no reputation for academic expertise and qualifications regarding the study of global warming and greenhouse gases.
- c. The plaintiff has not published anything in the peer-reviewed literature to demonstrate his expertise in matters relating to the physics of the global climate system and the modeling of the effects of the observed and projected increases in greenhouse gases.
- d. The reputation of an individual academic within the scientific community is based in substantial measure on the cumulative impact of his or her

published research. A very good measure of the cumulative impact is the ISI Science Citation Index.

- e. The ISI Science Citation Index shows that the plaintiff has been cited infrequently.
- f. Academic awards and fellowships to learned societies also reflect the depth of an individual's academic background and qualifications.
- g. The plaintiff has not received prestigious academic awards or fellowships to learned societies.
- h. Albeit not fatal to the possibility of developing a reputation in the study of global warming and greenhouse gases, the plaintiff does not have a physics or mathematics training which is typical of climate scientists or those considered to be authorities on the science of global warming.
- i. The plaintiff has never been a member of any of the societies one typically associates with expertise in the field of global warming science, namely the Canadian Meteorological and Oceanographic Society, the American Meteorological Society, the American Geophysical Union, the European Geophysical Union, or the Canadian Geophysical Union, among others.
- j. The plaintiff was not involved in any of the four Intergovernmental Panel on Climate Change (IPCC) Assessments on Climate Change. Membership on the panels is a mark of academic expertise and qualifications in climatology.
- k. The plaintiff has not published in mainstream climate science journals where global warming research is published, namely Nature, Science, Journal of Climate, Journal of Geophysical Research, Journal of the Atmospheric Sciences, Climate Dynamics, Geophysical Research Letters, Atmosphere-Ocean, or Tellus, Proceedings of the National Academy of Sciences.

- l. The plaintiff's publications are not cited in the classic textbooks used in the field of global warming.
- m. Although the plaintiff has published in *Climatic Change*, an interdisciplinary journal, his articles are not related directly to global warming, which is a field within climate science.
- n. The reputation of an individual academic within the scientific community, allowing such descriptions as "noted" and "authority," is also based on the training of graduate students and highly qualified personnel. The plaintiff has done relatively little, if any, such training of young scientists over his career.
- o. The plaintiff has developed a reputation in the scientific community as an outspoken critic of the findings of reputable scientific organizations and the majority of scientists who find the evidence for anthropogenic climate change convincing and are therefore urging action.
- p. Few if any of the plaintiff's public statements on global warming and its causes have been made to the scientific community. Most of his speaking engagements involve agricultural organizations such as pork producers, or naval associations, senior's groups, local historical societies, and the like.
- q. The plaintiff's published research relates to the historical climatology of northern Canada, not to global warming or whether human acts or omissions have contributed to, or exacerbated, global warming.

D. 11 (d) "he has not done sufficient research, study or publication of articles in the area of climate and atmosphere to give serious opinions with respect to global warming"

- a) The defendant Johnson reiterates paragraphs 12. C (a) to 12. C (r) inclusive of this Statement of Defence.

- b) The plaintiff has published in History and Social Science Teacher, Social Science Teachers Journal, and Manitoba Social Science Teachers Journal. These are not publications in the field of climatology science.
- c) The plaintiff has published articles in newsletters or magazines such as The Beaver and The Prairie Gardener. These are not scientific publications.
- d) The plaintiff's curriculum vitae reports that the plaintiff has published summaries from meetings, reports to agencies and symposia papers. These are not treated by the academic community as scientific publications.
- e) The plaintiff has given very few scientific talks at scientific conferences, workshops organized by scientific societies, or science training programs. Regular presentations at scientific conferences are the basic requirement of a notable, or even average, research program.
- f) The plaintiff's curriculum vitae reports that he has published in "Syllogeus." This is a museum publication, not a refereed scientific publication.
- g) The plaintiff's public statements reveal that he does not understand the basic physics of atmosphere and climate, as well as related issues.

E. 11 (e) "he is denying that global warming is occurring on the basis of denial alone and not on the basis of any scientific research"

- a) The defendant Johnson reiterates subparagraphs 12. C (a) to 12. C(r) inclusive and 12. A. (a) to 12. D. (g) inclusive of this Statement of Defence.

13. In the further alternative, and in answer to the whole of the Statement of Claim, the words complained of were published in good faith and without malice on an occasion of qualified privilege. Particulars are as follows:

- a) In his op-ed piece which is Schedule “A” to the Statement of Claim the plaintiff attacked the credentials and credibility of Dr. David Suzuki and Dr. Tim Flannery, stating among other things:

Like Suzuki, Aussie zoologist Tim Flannery has no professional credentials in the field and so blunders regularly while pushing governments to save the world from global warming.

Sadly, both men have considerable influence over politicians and their unscientific rhetoric is treated with reverence by a gullible public who rarely compare their doomsday assertions with real world climate science.

...

Flannery’s book and message is yet one more in the long line of political positions masquerading as science.

- b) In doing so, the plaintiff put in issue the credentials and credibility of individuals on both sides of the public debate about whether global warming is occurring and if so, whether it is contributed to, or exacerbated by, man-made greenhouse gases.
- c) The plaintiff has in the past made it a regular practice to publish harsh attacks on the credentials and credibility of scientists who are concerned about the human influence on global warming. For example, in an op-ed piece in the Victoria Times Colonist on July 10, 2002 in which he describes global warming as a “*non-existent problem without scientific justification*” and refers to “*the junk science and exploitation of global warming*”, the plaintiff alleged that “*...the real problem is the credibility of science. When politicians masquerade as scientists and scientists as politicians, truth is the victim.*”

- d) Whether or not global warming is occurring, and if so, whether or not human acts or omissions are contributing to, or exacerbating, global warming, is a subject of enormous public interest, requiring the vigorous and public exchange of views on issues including the credentials and credibility of those involved in the debate.
- e) The defendant Dan Johnson is a senior scientist who has published extensively in the fields of agriculture, biometeorology, ecology, biogeography and the impacts of current and predicted climate, and a Professor of Environmental Science who lectures on the topic climate change and global warming in regular University classes, and who as a result of his published views, falls within the class of scientists whom Dr. Ball attacked in his op-ed piece as “having no professional credentials”, but who spread “sensationalist views on climate change” for reasons of “politics” and whose “unscientific rhetoric is treated with reverence by a gullible public who rarely compare their doomsday assertions with real world climate science.”
- f) In the circumstances, the defendant Johnson had a duty -- legal, social or moral -- to communicate the words complained of by the plaintiff to readers of the Calgary Herald and readers of the Calgary Herald had a corresponding duty or interest to receive that communication.
- g) The words complained of by the plaintiff were published to precisely the same audience as the plaintiff’s op-edit piece which attacked the credentials and credibility of Dr. David Suzuki and Dr. Tim Flannery, neither of whom resided in Calgary or other areas where the *Calgary Herald* was distributed.
- h) The defendant Johnson had a right to defend himself and others such as Dr. Suzuki and Dr. Flannery from the plaintiff’s attacks on the credentials and credibility of scientists and academics who do not agree with the plaintiff’s views on global warming.

14. In the further alternative, certain words complained of in the Statement of Claim are fair comment, published in good faith, and without malice upon true facts and upon matters of public interest. The words constituting comment are:

...newspapers ought to report factual summaries of authors' credentials.

...

There are great gains to be made in science from conjectures and refutations, but sometimes denial is nothing more than denial.

Particulars of the facts and matters expressed or understood upon which the comment was based are described in paragraph 12 of this Statement of Defence.

15. In the further alternative, and in answer to the whole of the Statement of Claim, says that the plaintiff failed to comply with the requirements of section 13 the *Defamation Act*, R.S.A. 2000, c. D-6. The defendant Johnson was not given notice in writing of the plaintiff's intention to bring an action against the defendant Johnson. If the defendant Johnson received such a notice (which is not admitted but denied), it was not served in the same manner as a statement of claim.

16. In specific answer to paragraph 12 of the Statement of Claim, the defendant Johnson specifically denies that the letter to the editor was false, and/or that it was a malicious attack on the plaintiff's reputation and/or that the plaintiff had a reputation as a noted climatologist and/or authority on global warming.

17. In specific answer to paragraph 13 of the Statement of Claim, the defendant says that this paragraph fails to state a reasonable claim, is frivolous, vexatious and embarrassing, and is calculated to delay or prejudice the fair trial of this action. Paragraph 13 should therefore be struck out.

18 In specific answer to paragraph 14 of the Statement of Claim, the defendant says that this paragraph fails to state a reasonable claim, is frivolous, vexatious and embarrassing, and is calculated to delay or prejudice the fair trial of this action. Paragraph 14 should therefore be struck out.

19. In answer to paragraph 16 of the Statement of Claim, the defendant denies that the plaintiff has a reputation as alleged or at all. In the alternative, the defendant Johnson denies that any reputation the plaintiff legitimately enjoys as an environmental consultant and/or public speaker and/or author has been damaged as a result of the publication of the words complained of in the Statement of Claim. The defendant Johnson further denies that the plaintiff has suffered damages to his income-earning capacity as a speaker with respect to global warming as a result of publication of the words complained of in the Statement of Claim.

20. In the alternative, and in further answer to paragraph 16 of the Statement of Claim, the defendant Johnson says that any damages otherwise payable to the plaintiff are entirely mitigated by the following facts. Prior to the publication of the words complained of:

- a) The plaintiff had become notorious, to those who knew of him, as a climate change denier who held unorthodox and scientifically unsupportable statements about climate and weather.
- b) The plaintiff was (and continues to be) the subject of other articles, including articles published on the Internet, which deride his credentials and credibility on the subject of climate change.

21. In further answer to paragraph 17 of the Statement of Claim, the defendant Johnson denies that his statements were false or malicious. The defendant Johnson further says in the alternative that this paragraph 17 of the Statement of Claim does not plead material facts which would justify an award of punitive damages.

22. In answer to paragraph 19 of the Statement of Claim, the defendant Johnson agrees with the location and length of trial. However, the defendant Johnson does not admit at this time that the within action is an appropriate case to be heard by way of a trial by jury (such an admission would be premature in the circumstances of this action) and therefore reserves his right to oppose a trial by jury and, in particular, the defendant Johnson relies on section 17(1.1) and (2) of the *Jury Act*.

WHEREFORE the defendant Johnson submits that this action should be dismissed with costs payable by the plaintiff to the defendant Johnson.

DATED at the City of Calgary, in the Province of Alberta, this 12th day of October, 2006 AND DELIVERED BY MCONCHIE LAW CORPORATION, 701 - 100 Park Royal S., West Vancouver, British Columbia, V7T 1A2, Solicitors for the Defendant, Dr. Daniel Johnson, by its Agents in Alberta, Borden Ladner Gervais LLP, Barristers and Solicitors, 1000, 400 - 3rd Avenue SW, Calgary, Alberta, T2P 4H2. The address for service of the Defendant, Dr. Daniel Johnson, in this action is in care of the said Agents, Borden Ladner Gervais LLP, Barristers and Solicitors, 1000, 400 - 3rd Avenue SW, Calgary, Alberta, T2P 4H2.

Action No.: 0601-10387

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA

JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DR. TIMOTHY BALL

Plaintiff

- and -

**THE CALGARY HERALD, a division of
CANWEST MEDIA WORKS PUBLICATIONS
INC., LORNE MOTLEY, TRENT ANDERSON,
MONICA ZUROWSKI, DOUG FIRBY, THE
GOVERNORS OF THE UNIVERSITY OF
LETHBRIDGE and DR. DAN JOHNSON**

Defendants

**STATEMENT OF DEFENCE OF DR. DANIEL
JOHNSON**

This Statement of Defence is delivered by Roger McConchie, McConchie Law Corporation, solicitors for the Defendant, Dr. Daniel Johnson.

And whose address for service is in care of the said solicitor's Alberta agent Borden Ladner Gervais LLP at 1000, 400 - 3rd Avenue S.W., Calgary, AB, T2P 4H2, Attention: Michael A. Marion [Phone: (403) 232-9464; Fax: (403) 266-1395] (File#433860/4)

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