

# LAUGHTON & COMPANY

BARRISTERS & SOLICITORS

BRUCE LAUGHTON

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June 7, 2004

Shortt Moore & Arsenault  
#1300 - 1140 West Pender Street  
Vancouver, B.C. V6E 4G1

**Attention: Theo Arsenault**

**Re: O.P.E.I.U. v. O.P.E.I.U. Local 15 and others – BCSC No. S042975**

We act for the OPEIU Local 378 and Ms. Jerri New. On Saturday, June 5, 2004 your client the Office and Professional International Employees Union published an advertisement in the Vancouver Sun. The same advertisement was published in the Vancouver Province on Sunday, June 6, 2004. A copy of that advertisement is attached for your ease of reference.

On behalf of our clients, we demand a public retraction and apology regarding the defamatory and misleading statements contained in those advertisements. We further demand that your client immediately cease publication or other communication of the statements and that your client issue a formal retraction to the news media of British Columbia.

That apology and retraction should include the following:

- Ms. New did not knowingly make false or untrue statements in her communications with OPEIU Canadian members.
- The British Columbia Supreme Court on Thursday, June 3, 2004 dismissed the OPEIU's court proceeding to enjoin the election regarding Canadian autonomy.

- The British Columbia Supreme Court ruled on Thursday, June 3, 2004 that the OPEIU had not established a prima facie case that a vote for Canadian autonomy must be preceded by a Canadian Convention.
- The British Columbia Supreme Court ruled on Thursday, June 3, 2004 that the OPEIU failed to make full frank and fair disclosure in its application seeking to enjoin the Canadian autonomy authorization procedure.

We are further of the opinion that your client's actions in publishing this advertisement were contumacious of the Court. Your client's general legal counsel Mr. Schwarzwald was in the court room on June 3 when Mr. Justice Pitfield issued his reasons. In spite of this your client published these advertisements two and three days later containing the misleading statement: "A court hearing was held Thursday, June 3 in Vancouver. We will inform you of developments as they occur."

At the time these advertisements were published your client knew full well that its application had been dismissed in the strongest of terms. The omission of that information in the advertisement therefore shows both malice and a willingness to misrepresent the status of the court action.

In closing we put your client on notice that any failure to retract and apologize for the defamatory and misleading statements contained in the advertisement will be used as an aggravating factor justifying increased damages in any proceeding brought by our clients.

Yours truly,

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File 100

Copy to Jerri New, OPEIU Local 378