

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**DONALD BEST**

Plaintiff

-and-

**GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI;  
LORNE STEPHEN SILVER; COLIN DAVID PENDRITH;  
PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL;  
FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP;  
BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP;  
KINGSLAND ESTATES LIMITED; RICHARD IVAN COX;  
ERIC IAIN STEWART DEANE;  
MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON;  
PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY  
'PRICEWATERHOUSECOOPERS');  
ONTARIO PROVINCIAL POLICE;  
PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE;  
DURHAM REGIONAL POLICE SERVICE;  
MARTY KEARNS; JEFFERY R. VIBERT;  
GEORGE DMYTRUK; LAURIE RUSHBROOK;  
JAMES (JIM) ARTHUR VAN ALLEN;  
BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.;  
TAMARA JEAN WILLIAMSON;  
INVESTIGATIVE SOLUTIONS NETWORK INC.;  
TORONTO POLICE ASSOCIATION;  
JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5  
JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5**

Defendants

**STATEMENT OF DEFENCE OF THE DEFENDANT  
INVESTIGATIVE SOLUTIONS NETWORK INC.**

1. The defendant Investigative Solutions Network Inc. ("ISN") does not admit any of the allegations contained in the Statement of Claim, unless otherwise noted herein.
2. The defendant ISN denies the allegations contained in paragraphs 1 to 10, 15 to 17, 24 to 25, 33 to 35, 46, 50, 76 to 77, 83 to 85, 87 to 91, 96 to 100, 102 to 110, 116 to 122, 124 to 143, 148 to 153, 158 to 163, 170 to 174, 176, 179, 181 to 188, 193 to 195, 197, 201, 208 and 211 to 219 of the Statement of Claim.

3. The defendant ISN has no knowledge in respect of the allegations contained in paragraphs 11 to 14, 18 to 23, 26 to 32, 36 to 45, 47 to 49, 51 to 75, 78 to 82, 86, 92 to 95, 101, 111 to 115, 123, 144 to 147, 154 to 157, 164 to 169, 175, 177 to 178, 180, 189 to 192, 196, 198 to 200, 202 to 207, 209 to 210, 220 to 234 of the Statement of Claim.

### **The Facts**

4. The defendant ISN is an Ontario corporation based in Pickering that is a full-service private investigations and training organization. The company provides investigative, security, training and screening services. The operating mind of ISN is Ron Wretham ("Wretham"). Hereafter, any reference to "the defendant ISN" includes those for whom the corporation was in law responsible at the material times.

5. In the Statement of Claim, the Plaintiff has lumped the defendant ISN into a group of defendants referred to as the "Van Allen Defendants." At the time of the matters at issue in this action, the defendant Jim Van Allen ("Van Allen") was employed as an Ontario Provincial Police officer. Van Allen has subsequently retired from the OPP. Van Allen is now a consultant to ISN in the capacity of an executive trainer and as a threat and risk assessment analyst.

6. At some time in the latter part of 2009, the defendant Van Allen, while an OPP officer, contacted Wretham of the defendant ISN to inquire if he knew the address of the Plaintiff. Van Allen was not a consultant to ISN at the time. Van Allen was familiar with Wretham as Wretham was a retired Toronto Police officer. Van Allen was aware that the Plaintiff was a former Toronto Police officer. Wretham did not know the address of the Plaintiff, so he referred Van Allen to the defendant Toronto Police Association ("TPA"). As a former member of the TPA, Wretham believed that the TPA kept address information on its former members including the Plaintiff.

7. That was the extent of the defendant ISN's involvement with the matters at issue in this action. No one at ISN made notes of the call from Mr. Van Allen, nor did ISN bill or receive compensation for this brief phone call between the defendant Van Allen and Wretham. No one at ISN provided any information about the Plaintiff to Van Allen or anyone else.

8. The defendant ISN had no further involvement relating to inquiries of the Plaintiff from Van Allen or anyone else. After Van Allen's call to Wretham, five years past before this claim was issued. ISN is not aware of whether Van Allen or anyone else obtained contact information for the Plaintiff from the TPA or anyone else.

## Liability

9. The Plaintiff has taken a shot-gun approach to this litigation, including the defendant ISN in with a wide range of defendants and alleging the torts of invasion of privacy, negligent investigation, negligent performance of statutory duty, conspiracy, breach of fiduciary duty, false imprisonment, malicious prosecution, intentional infliction of mental suffering, abuse of process or malfeasance of public office. ISN denies liability for each and every one of these torts. Further, the defendant ISN denies that any such employee, agent or contractor assisted the defendant Van Allen in respect of his alleged tortious conduct.

10. The defendant ISN further denies that its actions or inactions have caused or contributed to the damages or losses alleged in the Statement of Claim, which are not admitted but expressly denied, and holds the Plaintiff to the strict proof thereof. ISN states that the Plaintiff's ill conceived action is nothing more than a fishing expedition designed to cause economic harm to it in retaliation to his arrest for contempt of court and other issues as plead in the Statement of Claim.

11. The defendant ISN specifically denies liability for the tort on **invasion of privacy**. ISN did not intentionally (or otherwise) invade the Plaintiff's private affairs or concerns without lawful justification, such that a reasonable person would regard the invasion as highly offensive causing distress, humiliation or anguish. In fact, ISN did not have, access or obtain any private information about the Plaintiff, and consequently did not distribute or provide any such private information to the defendant Van Allen or to anyone else.

12. The defendant ISN denies liability for the tort of **negligent investigation**. ISN states that it did not owe a duty of care to the Plaintiff. In the event that it is found to owe such a duty to the Plaintiff, ISN did not breach the standard of care applicable to the circumstances. ISN did not conduct any investigation of the Plaintiff, or cause any facts or information to be presented in the motions and application at issue in this action. Therefore, the conduct of ISN was not the cause of any losses as alleged by the Plaintiff or at all.

13. The defendant ISN denies liability for the tort of **negligent performance of statutory duty**. ISN did not owe a statutory duty or duty of care to the Plaintiff, and even if it did, it did not intentionally or negligently fail to protect the Plaintiff's statutory privacy rights. In any event, neither the actions nor inactions of ISN allowed the defendant Van Allen improper access to information about the Plaintiff or otherwise led to the discovery, dissemination and publishing of

such information. Further, ISN was not complicit in Van Allen illegally acting as a private investigator. The fact is that Van Allen was not a private investigator at the material times.

14. The defendant ISN denies liability for **conspiracy** to injure the Plaintiff. ISN did not enter into any agreement with any other defendant, including Van Allen, to perform specific acts intended to injure the Plaintiff. Further, no actions, unlawful or otherwise, were done by ISN in furtherance of any such alleged agreement.

15. The defendant ISN specifically denies that it owed a **fiduciary duty** to the Plaintiff. ISN also denies that it knew of and/or was a party to the dishonest or fraudulent breach of the fiduciary duty allegedly owed by the defendant TPA to the Plaintiff. Further, the conduct of ISN was not the cause of any losses as alleged by the Plaintiff or at all.

16. The defendant ISN denies liability for the tort of **false imprisonment**. The arrest and detention of the Plaintiff by the police while on bail pending appeal or otherwise was not caused by ISN. Similarly, the imprisonment of the Plaintiff that resulted from various findings of the Court was not caused by ISN. ISN pleads that the Plaintiff's arrest was caused by his own misguided conduct as he has alleged in his Statement of Claim.

17. The defendant ISN denies liability to the Plaintiff for **malicious prosecution** as alleged or at all. The proceedings at issue in this action were not initiated or continued by ISN. In fact, this defendant had no involvement or interest in any of the court proceedings. Further, and in the alternative, there were reasonable grounds for the arrest of the Plaintiff, and there was no involvement let alone malice by anyone at ISN leading up to the Plaintiff's arrest.

18. The defendant ISN denies liability for the tort of **intentional infliction of mental suffering**. ISN did not engage in any flagrant or outrageous conduct calculated to produce harm in circumstances where it was known that harm will ensue and which resulted in a visible and provable illness or injury to the Plaintiff. Nor was ISN negligent in causing such harm. ISN did not access or provide any of the Plaintiff's private information to the defendant Van Allen or anyone else and had no involvement allowing Van Allen improper access to information or in the alleged presentation of false and misleading facts at various motions, which led to the prosecution and incarceration of the Plaintiff.

19. The defendant ISN denies liability for the tort of **abuse of process**. ISN did not provide any information about the Plaintiff to the defendant Van Allen or to anyone else and did not initiate and/or assist in any legal processes against the Plaintiff.

20. The defendant ISN denies liability to the Plaintiff for the tort of **misfeasance in public office**. ISN is not a holder of public office who owes a duty of care to the Plaintiff, nor was it an agent for any such individual.

### **Damages**

21. The defendant ISN denies that the Plaintiff sustained any of the damages and/or losses as alleged in the Statement of Claim or at all and holds the Plaintiff to the strict proof thereof.

22. In the alternative, the defendant ISN states that if the Plaintiff has sustained the damages and injuries as alleged, which is not admitted but expressly denied, the Plaintiff's damages and injuries are excessive, too remote, and not recoverable at law, or were caused or contributed to by unrelated, pre-existing and/or subsequent incidents. In the further alternative, the defendant ISN states that the Plaintiff has failed and/or neglected to take any reasonable, prudent and/or proper steps to mitigate his damages.

### **Costs**

23. The defendant ISN requests that this action against it be dismissed with costs payable to it on a scale deemed appropriate by this Court. ISN pleads that substantial indemnity costs are justified in this action as the Plaintiff has no basis in fact or law for initiating this proceeding as against it, as the Plaintiff has been given the opportunity by ISN to demonstrate what basis it has for the claims as alleged and has failed to do so, and as the Plaintiff's claim is maliciously motivated as against ISN as part of his larger scheme or retaliation against the various other defendants he has had dealings with against in prior and other litigation.

### **Limitation Period**

24. The defendant ISN pleads and relies on the *Limitations Act*, S.O. 2002, c.24. The Plaintiff has brought his action approximately five years after the telephone call from the defendant Van Allen to Wrethem.

February 12, 2015

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**DONALD BEST**

v.

**INVESTIGATIVE SOLUTIONS NETWORK INC. et. al.**

Plaintiff

Defendants

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
BARRIE**

**STATEMENT OF DEFENCE**

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