



No. S014582  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

**UNITED FOOD AND COMMERCIAL WORKERS'  
UNION CANADA AND UNITED FOOD AND COMMERCIAL WORKERS'  
UNION, LOCAL 777, GILBERT WHITLOCK AND DEAN PATRIQUIN**

PLAINTIFFS

AND.

**WILLIAM GAMMERT**

DEFENDANT

**WRIT OF SUMMONS**

Name and address of each Plaintiff:

United Food and Commercial Workers' Union Canada  
#300 – 61 International Blvd.  
Rexdale, Ontario M9W 6K4

United Food and Commercial Workers' Union, Local 777  
3012 Boundary Road  
Burnaby, BC V5M 4A1

Gilbert Whitlock  
c/o 3012 Boundary Road  
Burnaby, BC V5M 4A1

Dean Patriquin  
c/o 3012 Boundary Road  
Burnaby, BC V5M 4A1

Name and address of each Defendant:

William Gammert  
4485 St. George Street  
Vancouver, BC V5V 2A5

**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 Defendant:** William Gammert

**TAKE NOTICE** that this action has been commenced against you by the Plaintiffs for the claims 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 below, within the Time for Appearance provided below and **YOU MUST ALSO DELIVER** a copy of the Appearance to the Plaintiffs' 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 Plaintiffs' 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 this 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 Plaintiffs within 14 days after the later of

- (a) the time the Statement of Claim is served on you (whether with this Writ of Summons or otherwise) or is delivered to you in accordance within the Rules of Court, and
- (b) the end of the Time for Appearance provided for above.

The address of the Registry is:

800 Smithe Street  
Vancouver, BC V6Z 2E1

The Plaintiffs' address for delivery is:

United Food and Commercial Workers' Union Canada  
#222 – 780 Beatty Street  
Vancouver, BC V6B 2M1  
Fax number for delivery: (604) 609-4699

United Food and Commercial Workers' Union, Local 777  
and Gilbert Whitlock and Dean Patriquin  
#510 – 2695 Granville Street  
Vancouver, BC V6H 3H4  
Fax number for delivery: (604) 734-8004

The name, address and telephone number of the Plaintiff's solicitors are:

Richard L. Edgar  
Edgar & Shore  
#222 – 780 Beatty Street  
Vancouver, BC V6B 2M1  
Tel: (604) 609-4688  
Fax: (604) 609-4699  
(Counsel for United Food and Commercial Workers' Union Canada)

David Tarasoff  
Fiorillo & Glavin  
#510 – 2695 Granville Street  
Vancouver, BC V6H 3H4  
Tel: (604) 734-8001  
Fax: (604) 734-8004  
(Counsel for United Food and Commercial Workers' Union, Local 777, Gilbert Whitlock and Dean Patriquin)

### STATEMENT OF CLAIM

1. The Plaintiff, United Food and Commercial Workers' Union Canada ("UFCW") is a Trade Union whose ordinary place of business is Suite 300 – 61 International Blvd., Rexdale, Ontario.
2. The UFCW is a parent body which has created by "Charter" pursuant to the Constitution of the United Food and Commercial Workers' International Union (the "Constitution"), Local Unions, including Local 777 of the UFCW.
3. The Plaintiff, United Food and Commercial Workers' Union, Local 777 (Local 777) is a Trade Union chartered by the UFCW, whose ordinary place of business is 3012 Boundary Road, Burnaby, British Columbia.
4. The Plaintiff, Gilbert ("Gib") Whitlock ("Whitlock") is the President of Local 777, and resides in Vancouver, British Columbia.
5. The Plaintiff, Dean Patriquin ("Patriquin") is a Trade Union Representative employed by Local 777, and resides in Vancouver, British Columbia.
6. The Defendant, William Gammert is a grocery store worker employed by Westfair Foods Ltd. and is a member of Local 777.

### THE DEFAMATORY PUBLICATIONS

7. Commencing in or about 1999, the Defendant established a Website on the Internet on which he published a series of defamatory statements of and concerning the Plaintiffs.
8. In particular, commencing in approximately 1999, the Defendant falsely and maliciously wrote and published of and concerning UFCW and Local 777, and of them in the way of their business, the following defamatory words, highlighted with red colouring, on the first page of the Defendant's website:
  - (a) "The United Fraud and Corruption Workers' Union, Local 777".

Commencing in approximately July, 2001, the Defendant replaced the words set out in subparagraph (a) and instead published of and concerning UFCW and Local 777, and of them in the way of their business, the following defamatory words, highlighted with red colouring, on the first page of the Defendant's website:

  - (b) "The United Fuckup Corruption Workers' Union local 777".
9. The words set out in paragraph 8(b) above were and continue to be published broadly and are available to be viewed by any person viewing the Defendant's website.
10. The words set out in paragraph 8 above refer to and were understood to refer to the UFCW, and Local 777.

11. The words set out in paragraph 8 above are defamatory of the UFCW and Local 777 in their natural and ordinary meaning, and in the innuendoes contained therein, in they meant and were understood to mean that both the UFCW and Local 777:
  - (a) Engage in fraud;
  - (b) Are corrupt organizations;
  - (c) Are untrustworthy;
  - (d) Engage in criminal activity;
  - (e) Are incompetent.
12. By reason of the publication refer to in paragraph 8 above, the UFCW and Local 777 have been seriously injured in their character, credit, and reputation, and have suffered distress and embarrassment.
13. Commencing in approximately 1999, the Defendant falsely and maliciously wrote and published or caused to be written and published and continues to publish of and concerning Whitlock and of him in the way of his occupation, business, profession, or office, and in relation to his conduct therein, the following defamatory words:
  - (a) In a heading linking a reader to a letter contained on the website:
    - (i) Gib gets caught with his hands in the Pension Plan cookie jar.
  - (b) And in the letter published by the Defendant which is electronically linked to the above-noted heading:
    - (i) ...that Jim Smith, and Gib Whitlock, or Cliff Evans on their behalf, seem to have negotiated a deal that gave themselves significant benefits over and above those afforded their members. ...if they received those valuable benefits specifically for turning over their members and their pension contributions to the Local 1518 Plan then I would advise you to investigate whether such benefits constitute illegal payments, bribes or kickbacks.
    - (ii) "Jim Smith, Gib Whitlock *et al.*, may or may not be found to have engaged in a criminal act by offering and accepting what might be interpreted to be illegal payments, bribes or kickbacks. It may take a careful reading of the Criminal Code or other statutes to answer that question. However, one or more of them must have been in a severe conflict of interest by spending trusted funds for personal gain.
14. The words set out in paragraph 13 above refer to and were understood to refer to Whitlock.

15. The words set out in paragraph 13 above are defamatory of the Plaintiff Whitlock in their natural and ordinary meaning and in the innuendoes contained therein in that they meant and were understood to mean:
- (a) That Whitlock was or may have been involved in criminal activity, in particular a scheme to confer illegal payments, bribes or kickbacks on himself;
  - (b) That Whitlock is corrupt;
  - (c) That Whitlock used the funds of UFCW union members for his own person gain, in a manner that may constitute criminal activity;
  - (d) That Whitlock is untrustworthy.
16. By reason of the publication of the words referred to in paragraph 13 above, Whitlock has been seriously injured in his character, credit, and reputation, and has suffered distress and embarrassment.
17. Commencing in approximately 1999, the Defendant falsely and maliciously wrote and published or caused to be written and published and continues to publish of and concerning Whitlock and of him in the way of his occupation, business, profession, or office, and in relation to his conduct therein, the following defamatory words:
- (a) As part of a notification on the Defendant's website identifying the persons elected to Executive positions of Local 777, which identifies Whitlock as "President incumbent re-elected", these defamatory words:
    - (i) !!! GOD HELP US ALL !!!

Challenges have been filed with the International President as to the validity of this election and I am waiting for a response from Washington, DC. We may be into another election for president before the end of 2000.....
  - (b) At page 1 of a "guess book" published on the Defendant's website, the Defendant republishes the following defamatory words:
    - (i) Gib is a thief in the worst way !!!
18. The words set out in paragraph 17 above refer to and were understood to refer to Whitlock.
19. The words set out in paragraph 17 above are defamatory of Whitlock in their natural and ordinary meaning and in the innuendoes contained therein in that they meant and were understood to mean that:
- (a) The Union members had something to fear from Whitlock's election as president:

- (b) Whitlock was elected by corrupt and fraudulent means;
  - (c) Whitlock is a thief;
  - (d) Whitlock engages in corrupt practices or criminal activity.
20. By reason of the publication of the words referred to paragraph 17 above, Whitlock has been seriously injured to his character, credit and reputation and has suffered distress and embarrassment.
21. Commencing in approximately 1999, the Defendant falsely and maliciously wrote and published or caused to be written and published and continues to publish of and concerning Local 777, and of it in the way of its occupation, business, profession, or office, and in relation to its conduct therein, the following defamatory words:
- (a) This website has website has scared Westfair and UFCW – 777 so bad that they have attempted to terminate me and have threatened to pull my union card.
  - (b) REAP NEW AND VIEWS what UFCW doesn't want you to see.
22. The words set out in paragraph 21 above, refer to and were understood to refer to Local 777.
23. The words set out in paragraph 21 above are defamatory of Local 777 in their natural and ordinary meaning and in the innuendoes contained in that they meant and were understood to mean:
- (a) That the contents of the Defendant's website exposed Local 777 as a corrupt organization, thereby causing Local 777 to improperly retaliate against the Defendant by attempting to terminate his employment.
  - (b) That Local 777 is motivated by malice with respect to the Defendant.
  - (c) That Local 777 is hiding true and accurate information from its membership.
24. By reason of the publication of the words referred to paragraph 21 above, Local 777 has been seriously injured in its character, credit, and reputation, and has suffered distress and embarrassment.
25. The Defendant has repeated the publication of the words contained of or similar words, and intends to continue to do so in the future.
26. Commencing in approximately July, 2001, the Defendant falsely and maliciously wrote and published or caused to be written and published and continues to publish of and concerning Patriquin, and of him in the way of his occupation, business, profession or office, and in relation to his conduct therein, the following defamatory words:

- (a) The only people that are putting out lies are the people working for the local like Mr. Patriquin.
- 27. The words set out in paragraph 26 above refer to and were understood to refer to Patriquin.
- 28. The words set out in paragraph 26 above are defamatory of Patriquin in their natural and ordinary meaning, and in the innuendoes contained therein, in that they meant and were understood to mean that Patriquin:
  - (a) Is dishonest;
  - (b) Is untrustworthy.

#### BREACH OF CONTRACT

- 29. The UFCW is entitled to and holds copyright in the Constitution.
- 30. Commencing in or about 1999, the Defendant has, and continues to, infringe the UFCW's copyright in the Constitution by reproducing that work, in its entirety, on his website, without consent, thereby causing loss and damage to the UFCW.
- 31. The UFCW pleads and relies on provisions of the *Copyright Act*, R.S., Chapter C-42, and amendments thereto.

#### DAMAGES

- 32. The Plaintiffs each claim aggravated damages, and rely on the following facts and matters to support the claim:
  - (a) The Defendant has acted in high-handed and arrogant manner in engaging in the conduct complained of;
  - (b) The Defendant has engaged in the conduct complained of in a calculated attempt to discredit the Plaintiffs;
  - (c) The Defendant has repeated the publication of the words complained of, or similar words, and intends to continue to so in the future.
- 33. The Plaintiffs each claim punitive damages, and rely on the following facts and matters to support the claim.
  - (a) The Plaintiffs repeat the particulars set out in paragraph 16 above.

#### The Plaintiffs claim as follows:

- (a) A temporary or permanent injunction restraining the Defendant from further writing or causing to be written or otherwise publishing of the Plaintiffs the alleged, or any, defamatory statements.



- (b) A declaration that the Defendant has infringed the UFCW's copyright in the Constitution of the United Food and Commercial Workers' International Union.
- (c) A temporary or permanent injunction restraining the Defendant from reproducing the Constitution of the United Food and Commercial Workers' International Union, on his website.
- (d) General damages.
- (e) Punitive damages.
- (f) Aggravated damages.
- (g) Special damages, particulars of which will be provided at the trial hereof.
- (h) Interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1979 c. 76 and amendments thereto.
- (i) Costs.
- (j) Such further and other relief which this Honourable Court may deem just.

Place of trial: Vancouver, British Columbia

Date: August 14, 2001 Richard L. Edgar  
 Solicitor for the Plaintiff United Food and  
 Commercial Workers' Union Canada  
 (Richard L. Edgar)

Date: August 15, 2001 David Tarasoff  
 Solicitor for the Plaintiffs United Food  
 and Commercial Workers' Union, Local 777,  
 Gilbert Whitlock and Dean Patriquin  
 (David Tarasoff)

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UNION, LOCAL 777, GILBERT WHITLOCK AND DEAN PATRIQUIN**

**PLAINTIFFS**

**AND:**

**WILLIAM GAMMERT**

**DEFENDANT**

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**WRIT OF SUMMONS**

**Fiorillo & Glavin**  
Barristers and Solicitors  
#510 – 2695 Granville Street  
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Attention: David Tarasoff