



# THE REVIEW

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## Council split over lawsuit move

### Town pays \$37,000 legal bill, withdraws from suit

By Richard Mahoney

**HAWKESBURY** – In a move that has split members, Hawkesbury town council has decided that the municipality should no longer pay the lawyers retained to represent chief administrator Martin Bonhomme and former mayor Jacques Hétu in a libel lawsuit against St-Eustache businessman Jean Jolicoeur.

On the initiative of newly-elected mayor Jeanne Charlebois, council voted last week to pay the approximately \$37,000 in legal fees owed to the Ottawa legal firm of Heenan Blaikie, and to declare the “town’s file closed.”

The resolution was ratified at Monday’s regular council meeting by a margin of 4-3. In a registered vote called by Councillor André Chamaillard, he, Charlebois and Councillors Gilbert Cyr and Sylvain Dubé voted for the resolution. Councillors Michel Beaulne, Gilles Roch Greffe and Gilles Tessier voted against the resolution.

Charlebois has reasoned that the municipality should not be engaged in the litigation, which was formally launched shortly before Hétu stepped down as mayor at the end of November.

But Greffe contended that the town’s withdrawal from the action effectively shows the municipality does not back up its employees.

After Heenan Blaikie was retained in September, the firm filed a suit on behalf of Bonhomme and Hétu, alleging that their reputations had been damaged by Jolicoeur. Bonhomme and Hétu each sued for \$150,000 in damages.

But after the election, the legal firm offered to settle out of court, suggesting that a mediation session with Jolicoeur be scheduled for January.

“We have to show respect and support for our employees,” Greffe told The Review after Monday’s meeting. Town employees perform duties that “aren’t always easy,” he observed.

Greffe allowed that, after incurring the \$37,000 bill, while the town does not have unlimited resources, the town could have at least followed through and footed the mediation session bill, which would have been about \$2,000.

Jolicoeur was sued for defamation because of his constant criticism of the town on his internet site and at televised council meetings.

He and his wife Huguette are battling the town on another front; they continue the suit they launched against the municipality several years ago.

In a December 7 letter, Justin Bertrand, of Heenan Blaikie, suggested that a mediation session be held sometime in January to try to resolve the libel suit. The goal is to settle the case so that the parties do not incur unnecessary legal costs, Bertrand said.

The mediation suggestion was surprising since lawyers for the town and its insurers have over the past 15 years objected to the Jolicoeurs' mediation proposals, Jean Jolicoeur wrote in a December 12 letter addressed to Charlebois.

Jolicoeur has complained that the town has been unable to produce documents which he says are vital to a lawsuit he has launched against the town.

In his letter to Charlebois, Jolicoeur said he was prepared to defend himself in the libel case. If he had won, after legal costs had been paid, he would have donated any financial award to young people, Jolicoeur said.

The town's inability to provide the documents sought by Jean Jolicoeur is "troubling," the Information and Privacy Commissioner of Ontario has concluded. However, adjudicator Catherine Corban has dismissed the appeal by Jolicoeur, concluding the town conducted "reasonable research" in trying to locate the papers Jolicoeur sought. The town has said that although certain documents could not be located, there was no wrongdoing on the part of the municipality. Jolicoeur said the town had broken its own regulations governing the recording of destroyed documents. He and his wife had offered \$5,000 to anyone who can produce two records – the original copies of September 3, 1993 construction permits and minutes of a September 8, 1992 land use advisory committee meeting.

## Two fronts

**Businessman Jean Jolicoeur and his wife, Huguette, continue their lawsuit against the town of Hawkesbury while the town has decided to stop paying the bills for lawyers retained to represent administrator Martin Bonhomme and former mayor Jacques Hétu in a libel lawsuit against Jean Jolicoeur.**

