

Court File No. CV-22-00691880-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

DR. BYRAM BRIDLE

Plaintiff

- and -

UNIVERSITY OF GUELPH, JEFFREY WICHTEL, LAURIE ARNOTT, CHARLOTTE YATES, SCOTT WEESE, GLEN PYLE, ANDREW PEREGRINE, DOROTHEE BIENZLE, AMY GREER, DAVID FISMAN, NICK DULEY, JANE OR JOHN DOE JUNIOR SCIENTIST

Defendants

STATEMENT OF DEFENCE OF THE DEFENDANTS, UNIVERSITY OF GUELPH, JEFFREY WICHTEL, LAURIE ARNOTT, CHARLOTTE, YATES, SCOTT WEESE, GLEN PYLE, ANDREW PEREGRINE, DOROTHEE BIENZLE, AMY GREER, AND NICK DULEY

1. The Defendants University of Guelph, Jeffrey Wichtel, Laurie Arnott, Charlotte Yates, Scott Weese, Glen Pyle, Andrew Peregrine, Dorothee Bienzle, Amy Greer, and Nick Duley (collectively hereinafter “these Defendants”), specifically deny that the Plaintiff is entitled to the relief claimed in paragraphs 1, 2, 3 and 4 of the Statement of Claim, and put the Plaintiff to the strict proof thereof.

2. These Defendants plead that the Defendants John or Jane Doe Junior Scientist were never University of Guelph employees and therefore the University of Guelph did not have care, control or management over them at any material time in issue and cannot be responsible in law for any actions they may have committed as against the Plaintiff, as alleged in the Statement of Claim, which are not admitted but specifically denied. These Defendants further plead that none of Dr. David Fisman, Dr. Glen Pyle or Dr. Scott Weese colluded, cooperated, or assisted the Defendants John or Jane Doe Junior Scientist in any

way, as has been baldly alleged in the Statement of Claim. In this respect, the Defendants put the Plaintiff to the strict proof thereof.

3. Except as may hereinafter be expressly admitted, these Defendants do not admit any of the allegations contained in the Statement of Claim, and put the Plaintiff to the strict proof thereof.

The Parties

4. The Defendant, the University of Guelph, is a post-secondary educational institution in Ontario with a campus located at 50 Stone Road East in Guelph, Ontario.

5. The Defendant Dr. Jeffrey Wichtel, at all material times, has served as the Dean of the University of Guelph's Ontario Veterinary College.

6. The Defendant Laurie Arnott, at all material times, has served as the Assistant Vice-president, Faculty and Academic Staff Relations, at the University of Guelph.

7. The Defendant Dr. Charlotte Yates, at all material times, has served as the President & Vice Chancellor of the University of Guelph.

8. The Defendant Dr. Scott Weese, at all material times, has served as a Professor with the University of Guelph's Ontario Veterinary College.

9. The Defendant Dr. Glen Pyle, at all material times, has served as a Professor with the University of Guelph's Ontario Veterinary College.

10. The Defendant Dr. Andrew S. Peregrine, at all material times, has served as an Associate Professor with the University of Guelph's Ontario Veterinary College.

11. The Defendant Dr. Dorothee Bienzle, at all material times, has served as a Professor of Veterinary Pathology and the University Research Leadership Chair with the University of Guelph's Department of Pathobiology.

12. The Defendant Dr. Amy Greer, at all material times, has served as Canada Research Chair in Population Disease Modeling and Associate Professor & Graduate Program Coordinator, at the University of Guelph.

13. The Defendant Nick Duley is a Certified Human Resources Leader employed by the non-party North Shore HR Consulting Inc., who was appointed on or about July 29, 2021, by the Defendant University of Guelph to conduct an investigation into concerns raised about the conduct of the Plaintiff. Nick Duley's investigation report was delivered on or about November 9, 2021.

14. The Defendant, Dr. David Fisman, serves as a Faculty Member with the Dalla Lana School of Public Health at the University of Toronto.

The Plaintiff's Action is Without Merit

15. These Defendants plead that the Plaintiff's claim is frivolous, vexatious, and an abuse of process, and should be struck in its entirety.

16. These Defendants plead that this action is being used as a means of unduly limiting expression on matters of public interest and, in particular, to discourage these Defendants from participating in and contributing their expertise to matters of public interest. These Defendants therefore plead that the Plaintiff's action is barred by section 137.1 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43.

17. These Defendants plead, and the fact is, that at all material times each of them acted reasonably, professionally, properly, and in accordance with the University of Guelph's academic and other policies and procedures, throughout their involvement with the Plaintiff.

18. These Defendants deny that there was any misrepresentation, breach of duty, want of care, or negligence on their part or on the part of any of their servants, agents, or employees which caused or contributed to the damages alleged by the Plaintiff, which damages are not admitted but expressly denied, and put the Plaintiff to the strict proof thereof.

19. These Defendants, and Dr. Weese and Dr. Pyle in particular, deny that any of them engaged in any form of online harassment and/or bullying of the Plaintiff, as is alleged, or at all, and put him to the strict proof thereof.

20. These Defendants deny that there was, at any time, a "conspiracy" as against the Plaintiff, as is alleged in the Statement of Claim, and put the Plaintiff to the strict proof thereof.

21. These Defendants deny that any of them owed the Plaintiff a fiduciary duty, under the circumstances. In the alternative only, these Defendants deny that any of them breached any fiduciary duty that may have been owed to the Plaintiff.

22. These Defendants further deny that any of them are public office holders, and put the Plaintiff to the strict proof thereof. In the alternative, these Defendants plead that at all material times they acted appropriately and fairly in carrying out their duties.

23. These Defendants further deny that any of them endangered the Plaintiff's life in any way, and put him to the strict proof thereof.

24. These Defendants further deny that any of them interfered in any way with the Plaintiff's economic interests, and put him to the strict proof thereof.

25. These Defendants specifically deny that any of their actions, or the actions of their servants, agents, or employees, were motivated in any way whatsoever by bad faith or malice, and put the Plaintiff to the strict proof thereof.

26. These Defendants further plead that the essential nature of the dispute between the Plaintiff and these Defendants, in particular but without limitation as described in the Statement of Claim, is an employment dispute. These Defendants plead that by virtue of the collective bargaining agreement that the dispute complained of is within the exclusive jurisdiction of the processes established by the collective agreement, and not within the jurisdiction of this Court. As such, these Defendants plead that the collective agreement, and the processes established therein, serves as a complete bar to the Plaintiff's action as against them.

27. These Defendants plead that the Statement of Claim does not contain a precise statement of material facts. Rather, it is replete with evidence, and should therefore be struck.

28. These Defendants deny that the Plaintiff has suffered, due to any acts or omissions of these Defendants, their servants, agents or employees, damages as alleged, or at all, and put the Plaintiff to the strict proof thereof.

29. These Defendants plead that any injuries, conditions or illnesses from which the Plaintiff may be suffering, as alleged, were caused or contributed to by incidents or health conditions unrelated to matters at issue in this claim, and are in no way causally related to such issues.

30. These Defendants deny that the Plaintiff suffered any damages as a result of any negligence, breach of duty, act or omission on the part of these Defendants or any of their servants, agents or employees, and put the Plaintiff to the strict proof thereof.

31. In the alternative only, these Defendants plead that any damages sustained by the Plaintiff are excessive, exaggerated and remote in law.

32. These Defendants further plead that the Plaintiff has failed to mitigate his damages, if any.

33. These Defendants plead that the Plaintiff's damages, if any, will be assessed in an amount not exceeding \$200,000.00 and, as such, these Defendants plead and rely upon the cost consequences contained in Rule 76.13 of the *Rules of Civil Procedure*, as this matter ought to have proceeded by way of the *Simplified Procedure*.

34. These Defendants specifically deny that any of them acted in a manner which would warrant an award of punitive or aggravated damages, as alleged, and put the Plaintiff to the strict proof thereof. These Defendants specifically deny that their conduct, or the conduct of anyone for whom they are in law responsible, was improper, abusive, unjustifiable, high-handed, or vindictive, and put the Plaintiff to the strict proof thereof.

35. These Defendants allege that a number of the Plaintiff's allegations are statute barred, and plead and rely upon the *Limitation Act*, 2002, SO 2002, c. 24 Sched. B.

36. These Defendants plead and rely upon the *Courts of Justice Act*, RSO 1990, c. C.43, *Negligence Act*, RSO 1990 c. N.1, *Human Rights Code*, RSO 1990 c. H.19, *Occupiers' Liability Act*, RSO 1990, and *Limitation Act*, 2002, SO 2002, c. 24 Sched. B c. O.2, as amended.

37. These Defendants therefore submit that the Plaintiff's claim should be dismissed, as against them, with costs and applicable HST thereon.

March 1, 2023

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at TORONTO

STATEMENT OF DEFENCE

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