

Court File No.: CV-16-564335-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

SARAH DOUCET and L.K.

Plaintiffs

- and -

THE ROYAL WINNIPEG BALLET (carrying on business as
the Royal Winnipeg Ballet School) and BRUCE MONK

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**STATEMENT OF DEFENCE
OF THE DEFENDANT BRUCE MONK**

1. Unless specifically admitted in this Statement of Defence, the Defendant, Bruce Monk ("Monk"), denies each and every allegations set out in the Amended Statement of Claim dated September 13, 2017 (the "Statement of Claim") and puts the Plaintiffs to the strict proof of their allegations.
2. Specifically, Monk denies that the representative Plaintiffs Sarah Doucet ("Doucet") and L.K, the "Student Class" and the "Family Law Class" as defined and described in paragraphs 1(a), 4, 5 and 6 of the Statement of Claim are entitled to rely on the statutes listed in paragraphs 1, 35, 52, or otherwise of the Statement of Claim. Monk denies that any of the foregoing are entitled to any of the relief requested in paragraphs 1, 42 – 46 and 48 of the Statement of Claim, or otherwise.
3. To the extent that the Plaintiffs allege that wrongdoings occurred in both Manitoba and Ontario, Monk pleads that this action is statute barred by virtue of the operation of the provisions of the *Limitations Act, R.S.O., 1990 c.24, L. 15*, the *Limitations Act, S.O. 2002, c.24 Schedule B* and *The Limitation of Actions Act, C.C.S.M. c. L150* and all prior versions for the time period 1984 to 2015.

- 2 -

4. Monk denies that this action satisfies the requirements for a class action under the *Class Proceedings Act, 1992*, S.O. 1992, c. 6. This Statement of Defence is a defence to the claims made by the Plaintiffs and is not a defence to the claims of the potential class members on whose behalf the Plaintiffs seek certification of this action.

5. Monk specifically reserves his right to amend this Statement of Defence to respond to the claims of each of the class members in the event that this action is certified as a class proceeding.

6. Monk denies having acted inappropriately or breached any duties towards, or caused any damage or loss, to any of the Plaintiffs or proposed class members.

7. Monk acknowledges the general accuracy with respect to the statements in paragraphs 14 (but for the phrase “a regular presence around the Ballet’s facilities”) and 15 (first paragraph only) of the Statement of Claim.

8. Monk denies that events occurred as described in paragraphs 18 – 23 of the Statement of Claim. These paragraphs of the Statement of Claim are individually and collectively inaccurate, incomplete, accusatory, false and/or misleading and as such Monk denies these allegations. With respect to these allegations, Monk states that he acted responsibly throughout his interaction with Doucet and denies that he was negligent in any way or breached any duties he may have owed. In particular, Monk never took any photographs of Doucet for which her torso was naked.

9. With respect to paragraphs 25 – 28 of the Statement of Claim, Monk states that he did not publically display, published, distributed, transmitted, sold or made available some or all of the photographs of Doucet or other proposed members of the Student Class without their knowledge or consent.

10. With respect to paragraph 30 of the Statement of Claim, Monk states that, to the best of his knowledge, the Winnipeg Police Service and Manitoba Child and Family Services investigations were concluded and no charges were laid against him.

11. With respect to paragraph 31 of the Statement of Claim, Monk states that he did not enjoy a special position of power, authority, trust, or otherwise in his dealings with Doucet or with any of the members of the said classes.

- 3 -

12. Monk states that the claim for any injuries, loss or damage are:

- (a) remote, excessive and unforeseeable;
- (b) vague, exaggerated and overstated;
- (c) the result of other incidents and events in life both before and after the alleged actions of Monk;
- (d) as a result of the Plaintiffs' failure to mitigate in a timely way, or at all.

13. Monk puts Doucet, L.K. and the said members of the classes to the strict proof of all of their allegations, the damages they claim to have suffered, which is specifically denied, as well as the various statements in the Statement of Claim including:

- (a) "coercing and compelling Sarah and the Student class into undressing and posing nude or semi-nude";
- (b) "Monk similarly cajoled and coerced the members of the Student Class into posing nude or semi-nude for photographs";
- (c) "Monk [...] exercised special power and control";
- (d) "Monk was insistent, and used his position of authority as well as his intimidating physical presence over Sarah to bend her to his will".

14. Monk denies that there are any grounds, as a matter of fact or law, or a combination of the two, to pursue a claim against him for punitive, special, and aggravated damages.

15. Monk states that the within proceedings should be dismissed against him with costs payable to him as determined by this Honourable Court.

- 4 -

December 20, 2017

MILLER THOMSON LLP
Scotia Plaza
40 King Street West, Suite 5800
P.O. Box 1011
Toronto, ON Canada M5H 3S1

Susan Adam Metzler LSUC#: A022829A
Tel: 416.595.8178
Fax: 416.595.8695

Baktash Waseil LSUC#: 70487C
Tel: 416.595.7925
Fax: 416.595.8695

Lawyers for the Defendant,
Bruce Monk

TO: WADDELL PHILLIPS
Professional Corporation
36 Toronto Street, Suite 1120
Toronto, ON Canada M5C 2C5

Margaret L. Waddell LSUC#: 29860U
Tel: 416.477.6979
Fax: 416.477.1657

Lawyers for the Plaintiffs

AND TO: DUTTON BROCK LLP
438 University Avenue, Suite 1700
Toronto, ON Canada M5G 2L9

Paul Tushinski LSUC#: 25572P
Tel: 416.593.4411
Fax: 416.593.5922

Lawyers for the Defendant,
The Royal Winnipeg Ballet (carrying on
business as the Royal Winnipeg Ballet School)

Doucet et al.
Plaintiffs and
The Royal Winnipeg Ballet et al.
Defendants

Court File No.: CV-16-56433S-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at **TORONTO**
under the *Class Proceedings Act, 1992*

**STATEMENT OF DEFENCE
OF THE DEFENDANT BRUCE MONK**

**MILLER THOMSON LLP
SCOTIA PLAZA
40 KING STREET WEST, SUITE 5800
P.O. BOX 1011
TORONTO, ON CANADA M5H 3S1**

Susan Adam Metzler LSUC#: A022829A
Tel: 416.595.8178
Fax: 416.595.8695

Baktash Waseil LSUC#: 70487C
Tel: 416.595.7925
Fax: 416.595.8695

Lawyers for the Defendant,
Bruce Monk