

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

JORDAN PETERSON

Plaintiff

- and -

NATHAN RAMBUKKANA, HERBERT PIMLOTT, ADRIA JOEL and WILFRID
LAURIER UNIVERSITY

Defendants

- and -

LINDSAY SHEPHERD

Third Party

THIRD PARTY CLAIM

TO THE THIRD PARTY

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by way of a Third Party Claim in an action in this Court.

The action was commenced by the Plaintiff against the Defendant for the relief claimed in the Statement of Claim served with this Third Party Claim. The Defendant has defended the action on the grounds set out in the Statement of Defence served with this Third Party Claim. The Defendant's Claim against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS THIRD PARTY CLAIM, you or an Ontario lawyer acting for you must prepare a defence in Form 29B prescribed by the *Rules of Civil Procedure*, serve it on the lawyers for the other parties or, where a party does not have a lawyer, serve it on the party, and file it, with proof of service, WITHIN TWENTY DAYS after this Third Party Claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your third party defence is forty



days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a third party defence, you may serve and file a Notice of Intent to Defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your third party defence.

YOU MAY ALSO DEFEND the action by the Plaintiff against the Defendant by serving and filing a Statement of Defence within the time for serving and filing your third party defence.

IF YOU FAIL TO DEFEND THIS THIRD PARTY CLAIM, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date December 17, 2018

Issued by



Local Registrar

Em Brenton)

Address of 393 University Ave
court office: Toronto, Ontario
M5G 1E6

1. The Defendants, Nathan Rambukkana ("Rambukkana") and Herbert Pimlott ("Pimlott") claim against the Third Party, Lindsay Shepherd ("Shepherd"):

- a) contribution and indemnity under the *Negligence Act*, R.S.O. 1990, c. N.1, as amended, for any amounts which Rambukkana and Pimlott, may be found to be responsible to the Plaintiff;
- b) the costs of the main action, plus all applicable taxes;
- c) the costs of this Third Party Claim, plus all applicable taxes; and,
- d) Such further and other Relief as this Honourable Court may deem just.

2. Rambukkana and Pimlott have been named in a lawsuit for damages alleged to have been sustained by the Plaintiff as a result of alleged defamation suffered by the Plaintiff, resulting from a recording of a meeting involving Lindsay Shepherd, Nathan Rambukkana, Herbert Pimlott, and Adria Joel that occurred on or about November 8, 2017.

3. The Plaintiff, Jordan Peterson ("Peterson") is a Psychology Professor at the University of Toronto, who resides in the City of Toronto in the Province of Ontario.

4. The Third Party, Shepherd, is an individual who resides in the City of Waterloo.

5. Rambukkana is a full-time professor of Communication Studies at Wilfrid Laurier University. He was the Professor of the class Canadian Communication in Context, for the fall 2017 semester.

6. Pimlott is a full-time professor of Communication Studies at Wilfrid Laurier University (the "University").

7. Rambukkana and Pimlott deny that they are liable to the Plaintiff.
8. On or about November 1, 2017 Shepherd played two self-selected excerpts from a TV Ontario program moderated by Steve Paikin, consisting of a debate between the Plaintiff and Nicholas Matte ("the TVO debate"), during the tutorial for Rambukkana's Canadian Communication in Context class. The excerpts selected by Shepherd of the TVO debate involved the Plaintiff arguing against the use of gender neutral pronouns and criticizing the then proposed Bill C-16, *An Act to Amend the Canadian Human Rights Act and the Criminal Code* ("Bill C-16"). The excerpts selected by Shepherd of the TVO debate were played during the tutorial without Rambukkana's knowledge, approval or consent ("The November 1, 2017 tutorial").
9. On or about November 8, 2017 Rambukkana and Pimlott met with Shepherd to better understand the circumstances of the November 1, 2017 tutorial and the effect of the airing of the TVO debate involving Peterson on the students in that class ("the November 8, 2017 meeting"). In doing so, Pimlott and Rambukkana acted pursuant to their respective academic freedom, in response to a student concern raised about the content and conduct of the tutorial through the Diversity and Equity Office (DEO), and in accordance with University policy and procedure, and the instructions and suggestions of relevant University personnel.
10. Rambukkana and Pimlott deny that any of their respective comments made at the November 8, 2017 meeting constitute defamation in respect of the Plaintiff. Rambukkana and Pimlott plead and rely of their Statement of Defence in this regard.
11. In the alternative, if any of their respective comments made at the November 8, 2017 meeting are found to constitute defamation in respect of the Plaintiff, Rambukkana and Pimlott plead that Shepherd is responsible for the damages claimed by the Plaintiff

in this regard.

12. Rambukkana and Pimlott deny that the Plaintiff has suffered any damages as required to support a claim of injurious falsehood or punitive damages. Rambukkana and Pimlott plead and rely of their Statement of Defence in this regard.

13. In the alternative, if that the Plaintiff has suffered any damages as required to support a claim of injurious falsehood or punitive damages Rambukkana and Pimlott plead that Shepherd is responsible for the damages claimed by the Plaintiff in this regard.

14. Rambukkana and Pimlott deny that they published, broadcast, or otherwise distributed the statements or content of the November 8, 2017 meeting.

15. Rambukkana and Pimlott plead that the November 8, 2017 meeting with Shepherd was a private and confidential meeting among four individuals, namely Rambukkana, Pimlott, Shepherd and Adria Joel. Rambukkana and Pimlott did not and could not have known that the comments made in and content of the November 8, 2017 meeting could or would be made available beyond the participants of the meeting.

16. Rambukkana and Pimlott state and the fact is that they had no reason to believe that any communications or discussions during the November 8, 2017 were being recorded or would be published or publicly disseminated.

17. The November 8, 2017 meeting was surreptitiously recorded by Shepherd without the knowledge or consent of Rambukkana and Pimlott.

18. Rambukkana and Pimlott plead that Shepherd had power and control over the recording of the contents of the November 8, 2017 meeting and the distribution and

publication of its contents.

19. Rambukkana and Pimlott state and the fact is that the surreptitiously recorded contents of the November 8, 2017 meeting were published and disseminated by Shepherd in all formats including but not limited to online, newspaper, television, radio and other media, again without knowledge or consent of Rambukkana and Pimlott.

20. Rambukkana and Pimlott plead that Shepherd knew and intended, in recording, publishing and disseminating the contents of the November 8, 2017 meeting, that the contents of the meeting could be available and potentially widely discussed.

21. Rambukkana and Pimlott plead that Shepherd intended the publication and dissemination of the contents of the November 8, 2017 meeting and implicitly or explicitly authorized the republication of that the contents of the meeting.

22. Rambukkana and Pimlott state that the damages or injuries claimed by the Plaintiff, which are not admitted but specifically denied, are attributable to Shepherd and her publication and dissemination of the contents of the November 8, 2017 meeting.

23. Rambukkana and Pimlott plead that any and all of the injuries and/or damages sustained by the Plaintiff, which are expressly denied, were caused by Shepherd, and Shepherd is liable to the Plaintiff, for all such damages found due to the Plaintiff.

24. Rambukkana and Pimlott plead and rely upon the provisions of the *Negligence Act* R.S.O. 1990, chapter N.1 and any amendments thereto; the *Courts of Justice Act*, R.S.O. 1990, chapter C.43 and any amendments thereto; and the *Libel and Slander Act*, R.S.O. 1990, c. L.12.

25. Rambukkana and Pimlott state that they are entitled to indemnification from

Shepherd, including indemnification for all claims of the Plaintiff, as well as their costs in defending the main action and in prosecuting the Third Party Claim.

26. Rambukkana and Pimlott propose that the trial of this Third Party Proceeding take place at the same time or immediately following the trial of the main action.

December 17, 2018

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RCP-E 18B (November 1, 2005)

JORDAN PETERSON
Plaintiff

-and-

NATHAN RAMBUKKANA et al.
Defendants

-and-

LINDSAY SHEPHERD

Court File No. CV-18-00599971-0000 ⁰⁰⁰¹

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PROCEEDING COMMENCED AT
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THIRD PARTY CLAIM

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File Number: 16,637

RCP-E 4C (May 1, 2016)