

In the Supreme Court of British Columbia

Between

Andrew Weaver

Plaintiff

And

Terence Corcoran, Peter Foster, Kevin Libin, Gordon Fisher,
National Post Inc., d.b.a. *The National Post*,
John Doe, Jane Roe, Richard Poe and Sally Yoe

Defendants

STATEMENT OF CLAIM

THE PARTIES

1. The plaintiff Andrew Weaver is a professor and Canada Research Chair in Climate Modelling and Analysis in the School of Earth and Ocean Sciences, University of Victoria, British Columbia. The plaintiff was a lead author in the Nobel Prize-winning organization Intergovernmental Panel on Climate Change [the “IPCC”]. The plaintiff has an office at 3800 Finnerty Road (Ring Road), Victoria. He is a Canadian citizen and is domiciled and ordinarily resident in British Columbia.

2. The defendant Terence Corcoran [“Corcoran”] was at all material times employed by the defendant National Post Inc. d.b.a. *The National Post* [“NP Inc.”] as the Editor-in-Chief of *The Financial Post*, the business section of *The National Post* newspaper. The defendant Corcoran has an office at the premises of NP Inc. at 300 - 1450 Don Mills Road, Don Mills, Ontario, M3B 3R5.

3. The defendant Peter Foster [“Foster”] was at all material times employed by the defendant NP Inc. as a writer for *The National Post* newspaper. The defendant Foster has an office at the premises of NP Inc. at 300 - 1450 Don Mills Road, Don Mills, Ontario, M3B 3R5.

4. The defendant Kevin Libin [“Libin”] was at all material times employed by the defendant NP Inc. as a writer for *The National Post* newspaper. The defendant Libin has an office at the premises of the defendant NP Inc. at 300 - 1450 Don Mills Road, Don Mills, Ontario, M3B 3R5.

5. The defendant Gordon Fisher [“Fisher”] was at all material times the Publisher of *The National Post* newspaper and had an office at the premises of the defendant NP Inc. at 300 – 1450 Don Mills Road, Don Mills, Ontario, M3B 3R5.

6. The defendant NP Inc. is a company duly incorporated under the laws of Canada and is extra-provincially registered under the laws of the Province of British Columbia. The said defendant has an attorney for service within British Columbia at PO Box 49130, 2900 – 595 Burrard Street, Vancouver, British Columbia V7X 1J5, Canada.

7. Canwest Publishing Inc./Publications Canwest Inc. [“Canwest”] is a company duly incorporated under the laws of Canada and is extra-provincially registered under the laws of the Province of British Columbia. Canwest has an attorney for service within British Columbia at Farris, Vaughan, Wills & Murphy, 25th Floor, 700 West Georgia Street, Vancouver, British Columbia V7Y 1B3.

8. The defendant NP Inc. was at all material times the owner, publisher and printer of: (i) the hardcopy version of *The National Post* newspaper including *The Financial Post* business section [the “Hardcopy National Post”] which is published daily except Sundays to readers throughout Canada including the Province of British Columbia; and (ii) the *Financial Post Magazine*, which is published monthly and included free with the edition of the Hardcopy National Post which is published on the first Tuesday of each month. The Hardcopy National Post newspaper is also published to readers in the United States of America and to readers in other countries.

9. The defendant NP Inc. at all material times owned, operated and controlled the content of the Internet websites located at the following URLs:

- i. <http://www.nationalpost.com/>

- ii. <http://www.financialpost.com>
- iii. <http://network.nationalpost.com>
- iv. <http://www.facebook.com/NationalPost>

[the “National Post Internet Sites”].

10. The defendant NP Inc. publishes electronic versions of certain articles from each day’s edition of the Hardcopy National Post newspaper and electronic versions of the *Financial Post Magazine* on the National Post Internet Sites where they are accessible free of charge to anyone with access to the Internet [the “NP Free Zone”]. Certain electronic versions of Hardcopy National Post articles and the *Financial Post Magazine* remain available indefinitely in the NP Free Zone.

11. The defendant NP Inc. also publishes electronic versions of certain articles from each day’s edition of the Hardcopy National Post newspaper and electronic versions of the *Financial Post Magazine* in a “subscribers” zone on the Internet at <http://www.nationalpost.com/> and <http://www.financialpost.com> and <http://canada.com> [the “NP Subscribers Zone”] which is accessible to anyone with access to the Internet who has either a paid 6-days/week subscription to the Hardcopy National Post or a paid 6-days/week subscription to daily newspapers published by Canwest including the *Victoria Times Colonist*, *The Province* (Vancouver), the *Vancouver Sun*, the *Edmonton Journal*, the *Calgary Herald*, the *Regina Leader-Post*, the *Saskatoon Star-Phoenix*, the *Windsor Star*, the *Ottawa Citizen*, and *The Gazette* (Montreal). Certain electronic versions of Hardcopy National Post articles and the *Financial Post Magazine* remain available indefinitely in the NP Subscribers Zone.

12. Canwest also publishes electronic versions of certain articles from each day’s edition of the Hardcopy National Post newspaper and electronic versions of the *Financial Post Magazine* on an electronic database operated under the name “FPinfomart.ca” which is accessible indefinitely on the Internet at <http://www.fpinfomart.ca> [the “Financial Post Database”]. The Financial Post Database is accessible to anyone for a fee, and is owned and operated by Canwest.

13. The defendant NP Inc. also publishes or alternatively authorizes republication of electronic versions of certain articles from each day's edition of the Hardcopy National Post newspaper and electronic versions of the *Financial Post Magazine* in certain electronic databases accessible on the Internet including the following:

- i. Proquest, which serves libraries;
- ii. Factiva, a Dow Jones and Reuters Company;
- iii. LexisNexis, a member of the Reed Elsevier Group plc;
- iv. CPIQ; and
- v. the Financial Post Database.

[the "Electronic Databases"]

14. The defendant NP Inc. also authorizes Canwest News Service, a division of Canwest, to publish and/or to republish electronic versions of articles from each day's edition of the Hardcopy National Post newspaper and electronic versions of the *Financial Post Magazine* on a 24-hour wire service to the editorial and news staff at each of the Canwest daily newspapers, namely the *Victoria Times Colonist*, *The Province* (Vancouver), the *Vancouver Sun*, the *Edmonton Journal*, the *Calgary Herald*, the *Regina Leader-Post*, the *Saskatoon Star-Phoenix*, the *Windsor Star*, the *Ottawa Citizen*, and *The Gazette* (Montreal).

15. The defendant NP Inc. also authorizes the publication and/or republication of electronic versions of articles from each day's edition of the Hardcopy National Post newspaper and electronic versions of the *Financial Post Magazine* by means of "feeds" free of any additional charge to persons accessing the NP Subscribers Zone. The feeds are automatically downloaded by the aforesaid websites to the computers of everyone who subscribes to the "feed."

16. The identity of the defendant John Doe is not yet known to the plaintiff. As soon as his identity becomes known, the plaintiff will apply to this Honourable Court to amend the

style of cause to substitute that defendant's true name for "John Doe" in the writ of summons and the statement of claim in this action.

17. The identity of the defendant Jane Roe is not yet known to the plaintiff. As soon as her identity becomes known, the plaintiff will apply to this Honourable Court to amend the style of cause to substitute that defendant's true name for "Jane Roe" in the writ of summons and the statement of claim in this action.

18. The identity of the defendant Richard Poe is not yet known to the plaintiff. As soon as his identity becomes known, the plaintiff will apply to this Honourable Court to amend the style of cause to substitute that defendant's true name for "Richard Poe" in the writ of summons and the statement of claim in this action.

19. The identity of the defendant Sally Yoe is not yet known to the plaintiff. As soon as her identity becomes known, the plaintiff will apply to this Honourable Court to amend the style of cause to substitute that defendant's true name for "Sally Yoe" in the writ of summons and the statement of claim in this action.

THE DEFAMATORY EXPRESSION

December 2009 – The Defamatory Foster Expression

20. The defendants NP Inc., Fisher, Foster, Doe, Roe, Poe and Yoe libeled the plaintiff by publishing or causing to be published on page FP13 of the December 9, 2009 edition of the Hardcopy National Post and in the Electronic Databases, certain false, malicious and defamatory words of and concerning the plaintiff in an article authored by the defendant Foster and edited by the defendants Doe, Roe, Poe and Yoe [the "December 9 2009 Article"]. Particulars are as follows:

Headline:* *Weaver's web*

* The headline and subheading of the article as it appears on the National Post Internet Sites read as follows: Peter Foster;
Weaver's web

Is it unreasonable to suggest his charge of theft against the fossil fuel industry is totally without merit?

Text:

The spinning from the climate industry in the wake of Climategate has been as fascinating as the incriminating emails themselves.

One demand being peddled by the powers-that-warm in Copenhagen and elsewhere is that we should all concentrate not on the damning emails, but on who was responsible for their "theft," which had to be carried out for money, which in turn obviously came from the fossil fuel industry.

These guilty-until-proven-innocent villains have also been fingered by Canada's warmist spinner-in-chief, Dr. Andrew Weaver. Dr. Weaver, who is Canada Research Chair in Climate Modelling and Analysis at the University of Victoria, claims that his office has been broken into twice, that colleagues have suffered hack attacks, and that mysterious men masquerading as technicians have attempted to penetrate the university's data defences.

There have been no arrests, and there are no suspects, but Dr. Weaver has no problem pointing to the shadowy culprits — the fossil fuel industry — thus joining his colleagues in the left coast Suzuki-PR-industrial complex.

Is this what the scientific method looks like? Is Dr. Weaver's hypothesis about fossil-fuel interests "falsifiable?" If Dr. Weaver has any evidence, he should produce it. Indeed, the University of Victoria should immediately launch an inquiry into these very serious allegations. Who knows what they might find? Was Dr. Weaver's office the only office broken into? If other offices in non-climate departments of the university also had computers stolen, might this suggest that the thefts were not related to climate change? Is it unreasonable to suggest that Dr. Weaver's charge against the fossil fuel industry is totally without merit?

Dr. Weaver has also been in the forefront of the warmist counterattack. On Monday, he co-authored a piece with Thomas Homer-Dixon in The Globe and Mail from which references to Climategate were conspicuously absent. The two academics boldly knocked down erroneous "skeptical" arguments without identifying who actually holds them. Strangely, apart from avoiding the "C" word, and appearing not to understand what solar climate theory actually involves, they also ignored the main point of scientific skepticism, which is that a link between human activity and a significant impact on the global climate has not been established. Meanwhile they make some distinctly dodgy arguments of their own.

They assert that the claim that warming has stopped is based on nefariously taking 1998 as a starting point. "The El Nino [ocean oscillation] event of 1998 was the strongest in a century," they write, "so it's not surprising that the planet's surface temperature was sharply higher than it was in the years immediately before or after. To choose this year as the starting point for a trend line is misleading at best and dishonest at worst."

Call the campus police! But hang on, who first cherry-picked 1998 as a significant year? Climate alarmists such as Dr. Weaver! Indeed, in a piece in the Financial Post in September 1999, in which he sought to refute an article by skeptic Fred Singer, Dr. Weaver cited Climategate emailer Michael Mann's now-debunked hockey stick: "In the 1,000-year record," wrote Dr. Weaver, "1998 represented the warmest year, the 1990s the warmest decade and the 20th century the warmest century."

Far from citing El Nino as a factor in 1998, he quoted a study by paleoclimatologist Jonathan Overpeck that "failed to identify any natural mechanism for the unprecedented warming that led to 1998 being the warmest year in at least the past 1,200."

Mr. Overpeck, for the record, had noted in 1998 that "It's a good bet that the warming like we're seeing now is going to continue for decades." When it turned out to be a bad bet, at least for this decade, 1998 became a nuisance. However, Dr. Weaver tells us that "global temperatures are now about to resume their upward trend."

But apart from his implicit request to "trust me," doesn't saying that they will "resume their upward trend" admit that they've been flat?

...

Getting back to 1999, Dr. Weaver went on to write: "I don't understand Dr. Singer's suspicion of government-funded scientists ... Conspiracies require a motive, and I can't fathom what advantage would accrue from a government plot of climate change misinformation."

Anybody who can't fathom how scientists might be corrupted by government money, or why politicians and bureaucrats might embrace a theory that promises huge new powers, betrays an otherworldly innocence that should never be let outside the ivory tower. ...

In the light of all this, the conclusion of Monday's piece ranks as chutzpah indeed: "The difference between science and ideology is that science tries to explain all known observations, whereas ideology selects only those observations that support a preconceived notion."

Say, like 1998 being all about man-made climate change then, but, 10 years later, when the models are all falling apart, not so much?

[the "Defamatory Foster Expression"]

21. The Defamatory Foster Expression was also published in the manner described in paragraphs 14 and 15 of this statement of claim.

22. The literal meaning of each phrase which has been underlined above in the Defamatory Foster Expression is false, malicious and defamatory of and concerning the plaintiff. The true facts are as follows:

- a. The plaintiff did not/not "*point[] to shadowy culprits – the fossil fuel industry.*" This statement in the Defamatory Foster Expression is a fabrication.
- b. The plaintiff did not/not make a "*charge against the fossil fuel industry.*" This statement in the Defamatory Foster Expression is a fabrication.
- c. The plaintiff does not/not have a "*hypothesis about fossil-fuel interests.*" This statement in the Defamatory Foster Expression is a fabrication.
- d. The plaintiff truthfully told *National Post* reporter Megan O'Toole that his office was broken into twice within three days in 2008.

Police reports were filed at the time. Police visited the plaintiff's office following the first break-in.

The plaintiff's office door was crow-barred during the first break-in; his assistant's office (connected to the plaintiff's) was crow-barred during the second break-in. The papers in the plaintiff's desk were shuffled during the first break-in.

During the second break-in, a *Journal of Climate* computer was stolen.

The plaintiff provided this information to Ms. O'Toole. At no point in his interview with Ms O'Toole did the plaintiff allege that the fossil fuel industry or its agents were behind either break-in.

The plaintiff's statements to Ms. O'Toole about the fossil fuel industry concerned its publicity campaign questioning or denying the science of global warming; he characterized that publicity campaign as "a war for public opinion." The plaintiff did not implicate the fossil fuel industry in the break-in incidents in 2008 or 2009 involving facilities at the University of Victoria.

- e. The plaintiff truthfully told Ms. O'Toole that the Canadian Centre for Climate Modelling and Analysis [the "Centre"], a federal government office located on the 2nd floor of the School of Earth and Ocean Sciences building (the plaintiff's office is on the 3rd floor), suffered hack attacks and that two men masquerading as technicians attempted to gain access to the Centre after hours on a Friday.

The federal computer technician at the Centre who detected and defeated the hack attacks provided details of those attacks and how they were defeated to the plaintiff. Two employees of the Centre informed the plaintiff about the unauthorized attempt by two men, masquerading as technicians, to enter the Centre after hours on a Friday.

- f. *The Globe and Mail* piece that the plaintiff co-authored with Thomas Homer-Dixon is not/not a "warmist counterattack" to the controversy that the Defamatory Foster Expression refers to as "Climategate." *The Globe and Mail* piece was in the course of preparation long before the alleged controversy. It was not written as a counterattack.
- g. The plaintiff understands "*what solar climate theory actually involves*" and he did not ignore what Mr. Foster calls the "*main point of scientific skepticism.*"
- h. The plaintiff did not/not "cherry pick" 1998 as a "significant year" for global warming. Michael Mann's "hockey stick" graph of annual global mean temperatures over the past 1000 years has not/not been debunked.

The allegation that annual global mean temperatures stopped increasing during the past decade has no basis in reality. 2005 was the warmest year in the National Aeronautics and Space Administration Goddard Institute for Space Studies [“NASA GISS”] and National Oceanic and Atmospheric Administration [“NOAA”] instrumental records in terms of annual global mean temperatures. Seven of the eight warmest years in the NASA GISS and NOAA instrumental records have occurred since 2001 and the ten warmest years in the NASA GISS and NOAA instrumental records have occurred since 1997.

The allegation that 1998 became a “*nuisance*” to the plaintiff ignores the fact that annual global mean temperatures have continued to increase since 1998 as predicted by the plaintiff in his 1999 article.

The plaintiff noted in *The Globe and Mail* piece that there are warm years and cold years and that El Nino years are typically warm years. However, El Nino years in the NASA GISS and NOAA instrumental records before 1998 had never been as warm as 1998.

i. The models were not/not “*falling apart*” in December, 2009.

23. Further, and in the alternative, the Defamatory Foster Expression was understood to bear, and was intended by the defendants to bear, the following inferential meanings of and concerning the plaintiff, which are the natural and ordinary meanings to the ordinary, reasonable reader:

- a. The plaintiff attempted to divert public attention from an alleged IPCC scandal by fabricating stories about involvement of the fossil fuel industry in: (i) two break-ins at his office; (ii) hack attacks on the Centre; and (iii) an attempt by men masquerading as technicians to enter the Centre after hours on a Friday;
- b. The plaintiff is untrustworthy, unscientific and incompetent;
- c. The plaintiff fabricated his story about break-ins at his office or alternatively, there are good grounds to believe that the plaintiff fabricated the story about break-ins at his office;

- d. The plaintiff fabricated his stories about the hack attacks and the unauthorized attempt to gain entry to the Centre, or alternatively, there are good grounds to believe that the plaintiff fabricated his stories about the hack attacks and the unauthorized attempt to gain entry to the Centre;
- e. The plaintiff has engaged in a pattern of deceptive conduct in the news media to deflect attention from, and cover up, alleged misconduct at the IPCC described by the defendants as “Climategate;”
- f. The plaintiff engages in willful manipulation and distortion of scientific data for the purpose of deceiving the public in order to promote a political agenda;
- g. The plaintiff is so strongly motivated by a corrupt interest in receiving government funding that he willfully conceals scientific climate data which refutes global warming in order to continue alarming the public so that it welcomes inordinate government regulation and new government funding for climate scientists such as himself; and/or
- h. One or more of the above.

Each of these meanings is false, malicious and defamatory.

24. The defendants NP Inc., Fisher, Foster, Doe, Roe, Poe and Yoe also libelled the plaintiff by publishing the Defamatory Foster Expression on the National Post Internet Sites on December 8, 2009 at 9:06 PM [the “December 8 2009 Website Article”] and by publishing on the National Post Internet Sites (in the NP Free Zone and in the NP Subscribers Zone) the following false, malicious and defamatory words of and concerning the plaintiff:

*by Les Bolschitt
Dec 09 2009
2:48 AM*

Big Oil is the convenient bogeyman for all these frauds. Its easy as everyone 'hates' oil companies when the gas price goes up (and apparently don't realize how much of that is taxes). [“Posting 1”]

Weaver, Madoff, Pinnochio, etc.

by RogersJi
Dec 09 2009
2:37 PM

... *If Climategate shows that the science is suspect, Weaver will lose research grants for himself and his grad students as well as access to the federal government modeling group.* ["Posting 2"]

He is just protecting his income. Follow the money!

25. Posting 1 and Posting 2, when read collectively or in the context of the December 8 2009 Website Article, were understood to bear, and were intended by the defendants to bear, the following inferential meanings of and concerning the plaintiff, which are the natural and ordinary meanings to the ordinary, reasonable reader:

- a. The plaintiff fabricated his story about break-ins at his office;
- b. The plaintiff fabricated his story about the hack attacks and the unauthorized attempt to gain entry to the Centre;
- c. The plaintiff has engaged in fraudulent manipulation and distortion of scientific data for the purpose of deceiving the public;
- d. The plaintiff is so strongly motivated by a corrupt interest in receiving government funding that he willfully conceals scientific climate data which refutes global warming in order to obtain new government funding for himself; and/or
- e. One or more of the above.

Each of those meanings is false, malicious and defamatory.

26. Further, and in the alternative, the Defamatory Foster Expression and Posting 1 and Posting 2 constituted injurious falsehoods concerning the plaintiff, published with actual malice by each of the aforesaid defendants, which were calculated to cause, have caused and continue to cause actual loss, damage and expense to the plaintiff. Full particulars of such loss, damage and expense will be provided on request.

27. As of the date of filing this statement of claim:

- a. the said defendants continue to publish the Defamatory Foster Expression in the Electronic Databases; and
- b. the said defendants continue to publish the Defamatory Foster Expression and Posting 1 and Posting 2 on the National Post Internet sites in the NP Free Zone and in the NP Subscribers Zone at the following URLs:

- <http://www.financialpost.com/opinion/story.html?id=2320044>
- <http://www.financialpost.com/story-printer.html?id=2320044><http://network.nationalpost.com/NP/blogs/fpcomment/archive/tags/Peter+Foster/default.aspx?PageIndex=2>
- <http://network.nationalpost.com/np/blogs/fpcomment/archive/2009/12/08/peter-foster-weaver-s-web.aspx>
- http://www.facebook.com/note.php?note_id=193892072814

December 2009 – The Defamatory Corcoran Weaver’s Web II Expression

28. The defendants NP Inc., Fisher, Corcoran, Doe, Roe, Poe and Yoe libeled the plaintiff by publishing or causing to be published on page FP11 of the December 10, 2009 edition of the Hardcopy National Post and in the Electronic Databases, certain false, malicious and defamatory words of and concerning the plaintiff in an article authored by the defendant Corcoran and edited by the defendants Doe, Roe, Poe and Yoe [the “December 10 2009 Weaver’s Web II Article”]. Particulars are as follows:

Headline: *Weaver's Web II; Climate modeler's break-in caper spreads across Canadian university, exposing Climategate as monster cross-disciplinary big-oil funded attack on psychology labs”*

Text:

Following up on "Weaver's Web," Peter Foster's column on this page yesterday regarding Andrew Weaver, Canada's leading climate modeler and climate crime victim, we have news: The break-in at Doc Weaver's office, which he linked to the evil fossil fuel industry's attempt to discredit global warming policy, turns

out to have been one of numerous break-ins at the University of Victoria.

On Dec. 2, an official university-wide email warned that "there have been a number of office and lab break-ins across campus in recent days -- initially Science & Engineering buildings, but now Corbett & BEC. Psychology has had several offices and labs broken into, and last night there were break-ins in second-floor offices in BEC. Entry seems to be happening by jimmying/forcing locks."

This news comes from none other than Steve McIntyre (the man who broke Mr. Weaver's hockey stick) on his world-famous Climate Audit blog. A UVic informant sent Mr. McIntyre a copy of the internal email after reading that Doc Weaver was publicly blaming the oil industry for the break-in at his office at the university, where he is chair in Climate Modeling and Analysis. He says his computer was stolen and implied a connection to the Climategate email scandal at the Climatic Research Unit (CRU) a (sic) the University of East Anglia. Gosh those oil industry guys are smart and sophisticated--there they are wandering around the University of Victoria, jimmying locks in the psych labs. Look there: Are those lab tests on cognitive impairment part of the climate modelers tool kit?

... I have reason to believe -- based on the same high-quality line of reasoning and evidence that led Doc Weaver to link his office break-in to big oil

[the "Defamatory Corcoran Weaver's Web II Expression"]

29. The Defamatory Corcoran Weaver's Web II Expression was also published in the manner described in paragraphs 14 and 15 of this statement of claim.

30. The literal meaning of each phrase which has been underlined above in the Defamatory Corcoran Weaver's Web II Expression is false, malicious and defamatory of and concerning the plaintiff. The true facts are as follows:

- a. "The break-in at Doc Weaver's office" did not/not "turn[] out to have been one of numerous break-ins at the University of Victoria." The "office and lab break-ins across campus in recent days" referred to in the December 2, 2009 email did not include the two break-ins at the plaintiff's office which had occurred at least a year earlier.

- b. The plaintiff did not/not link the break-ins at his office in 2008 to the “*evil fossil fuel industry’s attempt to discredit global warming policy.*” This statement in the Defamatory Corcoran Weaver’s Web II Expression is a fabrication.
- c. The plaintiff did not not/not “*publicly blam[e] the oil industry for the break-in at his office at the university.*” This statement in the Defamatory Corcoran Weaver’s Web II Expression is a fabrication.
- d. The plaintiff did not/not “*impl[y] a connection [between his stolen computer and] the Climategate email scandal at the Climate Research Unit (CRU) at the University of East Anglia.*” This statement in the Defamatory Corcoran Weaver’s Web II Expression is a fabrication.
- e. Steve McIntyre was not/not “*the man who broke Mr. Weaver’s hockey stick.*” The plaintiff had nothing to do with developing the so-called “hockey stick”. That was a reconstruction of temperatures over the past thousand years by Michael Mann. There were twelve versions. Although the first version of the “hockey stick” contained a statistical error, after that error was corrected, Michael Mann’s “hockey stick” graph looked the same. In other words, the statistical error allegedly exposed by McIntyre was insignificant. Contrary to repeated claims in *The National Post*, the Michael Mann “hockey stick” has not been discredited.

31. Further, and in the alternative, the Defamatory Corcoran Weaver’s Web II Expression was understood to bear, and was intended by the defendants to bear, the following inferential meanings of and concerning the plaintiff, which are the natural and ordinary meanings to the ordinary, reasonable reader:

- a. The plaintiff, although well aware that other University offices had been broken into about the same time, deceitfully concocted a false story for media consumption that his office break-ins were “*linked to the evil fossil fuel industry’s attempt to discredit global warming policy;*”
- b. The plaintiff’s deceitful, concocted claims were exposed by a University informant who released a December 2, 2009 “*university-wide email [which] warned*” that “*there have been a number of office and lab breakins across*

attempt by men masquerading as technicians to enter the Centre after hours on a Friday;

- b. The plaintiff has engaged in a pattern of deceptive conduct in the news media to deflect attention from, and cover up, alleged misconduct at the IPCC;
- c. The plaintiff is a transparent liar who is undeserving of any credibility whatsoever; and/or
- d. One or more of the above.

Each of those meanings is false, malicious and defamatory.

34. Further, and in the alternative, the Defamatory Corcoran Weaver's Web II Expression and Posting 3 constituted injurious falsehoods concerning the plaintiff, published with actual malice by each of the aforesaid defendants, which were calculated to cause, have caused and continue to cause actual loss, damage and expense to the plaintiff. Full particulars of such loss, damage and expense will be provided on request.

35. Further, and in the alternative, and by way of legal innuendo, the defamatory meanings enumerated in paragraph 33 of this statement of claim were conveyed by the combined effect of the publication of the Defamatory Foster Expression, Posting 1 and Posting 2, the Defamatory Corcoran Weaver's Web II Expression and Posting 3.

36. As of the date of filing this statement of claim:

- a. the said defendants continue to publish the Defamatory Corcoran Weaver's Web II Expression in the Electronic Databases; and
- b. the said defendants continue to publish the Defamatory Corcoran Weaver's Web II Expression and Posting 3 on the National Post Internet Sites in the NP Free Zone and in the NP Subscribers Zone at the following URLs:

- <http://www.financialpost.com/m/story.html?id=2323222&s=Energy&p=2>

- [http://www.financialpost.com/scripts/story.html?id=1d0d5d49-fda6-441b-bdc9-
http://network.nationalpost.com/NP/blogs/fpcomment/archive/tags/climate++++c
hange/default.aspxc51313217bad&k=25714](http://www.financialpost.com/scripts/story.html?id=1d0d5d49-fda6-441b-bdc9-
http://network.nationalpost.com/NP/blogs/fpcomment/archive/tags/climate++++c
hange/default.aspxc51313217bad&k=25714)
- [http://network.nationalpost.com/np/blogs/fpcomment/archive/2009/12/10/365150.
aspx](http://network.nationalpost.com/np/blogs/fpcomment/archive/2009/12/10/365150.
aspx)
- [http://network.nationalpost.com/np/blogs/fullcomment/archive/2009/12/09/terenc
e-corcoran-weaver-s-web-ii.aspx](http://network.nationalpost.com/np/blogs/fullcomment/archive/2009/12/09/terenc
e-corcoran-weaver-s-web-ii.aspx)
- [http://www.canada.com/opinion/columnists/story.html?id=1d0d5d49-fda6-441b-
bdc9-c51313217bad](http://www.canada.com/opinion/columnists/story.html?id=1d0d5d49-fda6-441b-
bdc9-c51313217bad)

January 2010 – Climate Agency going up in flames

37. The defendants NP Inc., Fisher, Corcoran, Doe, Roe, Poe and Yoe libeled the plaintiff by publishing or causing to be published on page A1 of the January 27, 2010 edition of the Hardcopy National Post and in the Electronic Databases, certain false, malicious and defamatory words of and concerning the plaintiff in an article authored by the defendant Corcoran and edited by Doe, Roe, Poe and Yoe [the “January 27 2010 Article”]. Particulars are as follows:

Headline*: *Climate agency going up in flames; Exit of Canada's expert a sure sign IPCC in trouble*

* The Headline and subheading of the article as it appears on the National Post Internet Sites read as follows: *Terence Corcoran: Heat wave closes in on the IPCC
Insider Andrew Weaver is getting out while the going is good*

Text:

A catastrophic heat wave appears to be closing in on the Intergovernmental Panel on Climate Change. How hot is it getting in the scientific kitchen where they've been cooking the books and spicing up the stew pots? So hot, apparently, that Andrew Weaver, probably Canada's leading climate scientist, is calling for replacement of IPCC leadership and institutional reform.

If Andrew Weaver is heading for the exits, it's a pretty sure sign that the United Nations agency is under monumental stress. ...

For him to say, as he told Canwest News yesterday, that there has been some "dangerous crossing" of the line between climate advocacy and science at the IPCC is stunning in itself.

Not only is Mr. Weaver an IPCC insider. He has also, over the years, generated his own volume of climate advocacy that often seemed to have crossed that dangerous line between hype and science.

...

He has also made numerous television appearances linking current weather and temperature events with global warming, painting sensational pictures and dramatic links.

"When you see these [temperature] numbers, it's screaming out at you: 'This is global warming!'"

Mr. Weaver is also one of the authors of The Copenhagen Diagnosis, an IPCC-related piece of agit-prop issued just before the recent Copenhagen meeting.

The Copenhagen Diagnosis is as manipulative a piece of policy advocacy as can be found...

That Mr. Weaver now thinks it necessary to set himself up as the voice of scientific reason, and as a moderate guardian of appropriate and measured commentary on the state of the world's climate, is firm evidence that the IPCC is in deep trouble. He's getting out while the getting's good, and blaming the IPCC's upper echelon for the looming crisis.

...

Mr. Weaver's acknowledgement that Climategate -- the release/leak/ theft of thousands of incriminating emails from a British climate centre showing deep infighting and number manipulation -- demonstrates a problem is real news in itself. When Climategate broke as a story last November, Mr. Weaver dismissed it as unimportant and appeared in the media with a cockamamie story about how his offices had also been broken into and that the fossil-fuel industry might be responsible for both Climategate and his office break-in.

The latest IPCC fiasco looks even more damaging. In the 2007 IPCC report that Mr. Weaver said revealed climate change to be a barrage of intergalactic ballistic missiles, it turns out one of those missiles -- a predicted melting of the Himalayan ice fields by 2035

-- was a fraud. Not an accidental fraud, but a deliberately planted piece of science fiction. The IPCC author who planted that false Himalayan meltdown said the other day "we" did it because "we thought ... it will impact policy makers and politicians and encourage them to take some concrete action."

Mr. Weaver told Canwest that the Himalayan incident is "one small thing" and not a sign of a "global conspiracy to drum up false evidence of global warming." We shall see. It is a safe bet that there have been other tweaks, twists, manipulations and distortions in IPCC science reports over the years. New revelations are inevitable. Now is a good time to get out of the kitchen. Mr. Weaver is the first out the door.

[the "Defamatory Corcoran January Expression"]

38. The Defamatory Corcoran January Expression was also published in the manner described in paragraphs 14 and 15 of this statement of claim.

39. The literal meaning of each phrase which has been underlined above in the Defamatory Corcoran January Expression is false, malicious and defamatory of and concerning the plaintiff. The true facts are as follows:

- a. The plaintiff is not/not "*heading for the exits*" nor is he "*getting out*" of the IPCC. In fact, the plaintiff fully intends to participate in the next IPCC process.
- b. The plaintiff is not/not "*calling for the replacement of IPCC leadership.*" In his interview with *National Post* reporter Richard Foot, the plaintiff specifically told Mr. Foot that he is not calling for the leadership to change.
- c. The plaintiff is not/not "*calling for ... institutional reform*" of the IPCC. This statement in the Defamatory Corcoran January Expression is a fabrication.
- d. The plaintiff is not/not "*blaming the IPCC's upper echelon for the looming crisis.*" The plaintiff does not even believe there is a "*looming crisis*" at the IPCC.
- e. The plaintiff has not/not made "*numerous television appearances linking current weather and temperature events with global warming, painting sensational pictures and dramatic links.*"

Although the plaintiff has indeed been interviewed on television many times, he is consistently and appropriately cautious when questioned about a relationship between specific weather events and global warming.

In "*Keeping our Cool, Canada in a warming world*," published in 2008, the plaintiff explains the distinction between weather and climate and the relationship between the statistics of weather and climate.

- f. The plaintiff did not/not say in a television appearance linking current weather and temperature events with global warming: "*When you see these [temperature] numbers, it's screaming out at you: "This is global warming!"*"

The plaintiff does not link current temperature events with global warming. Neither the word "*temperature*" nor the "!" can be found in the original quotation from a newspaper article and MSNBC News.

The plaintiff's statement did not concern a weather event; e.g. a specific temperature on a specific date. Instead, he was speaking about "global annual mean temperature" in December, 2007, in light of the fact that 7 of the 8 warmest years on record have occurred since 2001 and the 10 warmest years on record have occurred since 1997. The year 2007 was then set to record the fifth highest "global annual mean temperature."

- g. The Copenhagen Diagnosis was not/not an "*IPCC-related piece of agit-prop*". The report is a science piece. There are no policy prescriptions. It synthesized the most policy-relevant climate science published in the most credible and peer reviewed literature since the close-off of material for the most recent IPCC report.
- h. The plaintiff does not/not accept that what the defendant Corcoran calls "*Climategate*" shows "*deep infighting and number manipulation*." This allegation in the Defamatory Corcoran January Expression is a fabrication.
- i. The plaintiff did not/not appear "*in the media ...with a cockamamie story about how his offices had also been broken into and that the fossil-fuel industry might be responsible for both Climategate and his office break-in*."

The plaintiff's office was broken into twice within three days in 2008. The plaintiff has never alleged that the fossil fuel industry might be responsible for either break-in.

40. Further, and in the alternative, the Defamatory Corcoran January Expression was understood to bear, and was intended by the defendants to bear, the following inferential meanings of and concerning the plaintiff, which are the natural and ordinary meanings to the ordinary, reasonable reader:

- a. The plaintiff knows or believes that the IPCC reports concerning global warming are unscientific and fraudulent and he now deviously seeks to avoid personal accountability for hype, manipulation and distortion in IPCC reports by dissociating himself from that organization and calling for replacement of its leadership and institutional reform of the IPCC;
- b. The plaintiff has made numerous television appearances in which he deceitfully (or alternatively incompetently) linked current weather and temperature events with global warming, painting sensational pictures and dramatic links;
- c. The plaintiff authored a deceitful and manipulative work of agitation propaganda known as the "Copenhagen Diagnosis" for the IPCC;
- d. The plaintiff deceitfully concocted a false story alleging the involvement of the fossil fuel industry in a break-in at his office and in the theft of emails from a UK university;
- e. The plaintiff condoned the inclusion of fraudulent information in the 2007 IPCC report;
- f. The plaintiff deceitfully sought to dissociate himself from the IPCC by calling for replacement of its leadership and institutional reform of the IPCC;
- g. The plaintiff has betrayed his obligation as a scientist to provide information he believes to be truthful to the public generally by knowingly and corruptly

participating in a scam to obtain public money for his personal, selfish benefit; and/or

h. One or more of the above.

Each of those meanings is false, malicious and defamatory.

41. The defendants NP Inc., Fisher, Corcoran, Doe, Roe, Poe and Yoe also libeled the plaintiff by publishing the Defamatory Corcoran January Expression on the National Post Internet Sites on January 26, 2010 at 8:17 PM [the "January 26 2010 Internet Article"] and by publishing on the National Post Internet Sites (in the NP Free Zone and in the NP Subscribers Zone) the following false, malicious and defamatory words of and concerning the plaintiff:

by hikeandski
Jan 26 2010
8:36 PM

Dr. Weaver is as big a hypocrite as he is a fraudster. He was front and center with his global warming" lies and deception and should be made to repay his research monies and lose his tenure and degrees. A few centuries in jail would give him time to reflect on his part in the biggest fraud in the history of mankind. Perhaps he would settle for a 100 year sentence by giving evidence against his fellow fraudsters?? ["Posting 4"]

by MikeMurphy
Jan 26 2010
9:43 PM

Weaver is going from a bleating heart to a rat abandoning ship. That he even purports to believe the conclusions of the political machine called the IPCC is any where near truthful tells me he hasn't lost his religion just his nerve. ["Posting 5"]

I wonder if he will now settle into real science instead of ideology. ...

by Les Bolschitt
Jan 26 2010
10:17 PM

Please - calling Weaver "probably Canada's leading climate scientist" makes any real scientist throw up in their mouth. "Dr." Weaver has definitely been an eager part of this fraud and now he's just trying to save his own skin and his fat budget. ... [Posting 6"]

by Les Bolschitt
Jan 26 2010
10:24 PM

Note also that "Dr." Weaver is a modeler. Models using cherry-picked data are the basis of this whole fraud, and they are now also being used in the whole 'endangered species' ["Posting 7"]

business.

....Weaver... seems an apt name for someone who has been weaving together false assumptions and selected data to produce the 'catastrophic' tapestry the IPCC has been selling.

*by David Ball
Jan 26 2010
10:31 PM*

Andrew Weaver is showing the true colors of a coward. Should he ever encounter anyone who truly knows the subject at hand (I happen to know someone who does), Weaver would be embarrassed out of the room. ... AGW (anthropogenic global warming) has become a religion, and the lack of science is showing. ["Posting 8"]

*by Dennis Seeley
Jan 26 2010
10:57 PM*

Weaver senses, as I do, a developing realization by the masses that they have been taken in by a bunch of UN con artists masquerading as science experts. He wants to survive the fury that will soon follow that realization. All of them, Weaver included, can go to Hell and find some real warming as far as I'm concerned ["Posting 9"]

*by wardb
Jan 26 2010
11:13 PM*

Consider what the end game to the AGW fraud was. Massive wealth transfers, and the ceding of our technological and economic sovereignty to an NGO. ["Posting 10"]

That the perps will be allowed to slink away, without having to answer to thier treasonous fraud is disgusting.

*by David Ball
Jan 26 2010
11:31 PM*

Some information for Terence Corcoran (who can validate this with a bit of research). The break in that Weaver had at his office went unreported for 11 months. Laptops were stolen from several other departments at the University, and his laptop was NOT hacked. Yeah, must have been "big oil". Explain yourself Dr. Weaver. ["Posting 11"]

*by Hunteroffortune
Jan 26 2010
11:33 PM*

David Ball, I want to tell you how much I appreciate the strength your father showed in standing up to those creeps. .. Over and over and over again, he stood in his place, with his convictions and facts, and these slime buckets disrespected ["Posting 12"]

him every step of the way. And now the rats are leaving the ship? We can not let them go without punishment. They should be banned from universities and from publishing any so called papers.

by V.I.
Jan 26 2010
11:45 PM

And we here in BC have the whisperings of Andrew "Wormtongue" Weaver in Gordon Campbell's ear to thank for the carbon tax. ...

["Posting 13"]

by Bill_37
Jan 27 2010
6:31 AM

@ David Ball. Just a note to add my voice of thanks to your father (?) for sticking to his guns in the face of the orchestrated efforts of the frauds and thieves. ...

["Posting 14"]

by Dave_12
Jan 27 2010
7:55 AM

All the praise in the world for your father, David. A true Canadian hero along with McKitrick and McIntyre. ... his courage in the face of the crooks is truly magnificent

["Posting 15"]

by Fred...
Jan 27 2010
8:24 AM

Dr Weaver, the Oceanographer who re-branded himself a Climatologist and then jumped on the global warming hysteria bandwagon is the one we should be throwing under the bus.

["Posting 16"]

Talk about the lead rats leaving when they think their ship of lies, red-herrings and hysteria is sinking.

Balancing the national budget can start by cutting this fool's lip lock n the publicly funded research teat.

The great AGW ponzi scheme is coming to a screeching end, the IPCC and its reports are being exposed as agit prop from the the international environmental industry, the IPCC leader is being exposed as a crook who profited from the scam.

Good by weaver . . . the sooner you are forgotten about the better.

Or maybe the RCMP should investigate to see your whole role?

by akeller
Jan 27 2010

Do you think Weaver will give back the money? Me neither.

["Posting 17"]

8:48 AM

by DRDon
Jan 27 2010
9:11 AM

Perhaps Weaver should be tried for treason? ["Posting 18"]

Canada needs to show leadership and return it's United Nations secret decoder ring. The UN "organization" is rotten to the core and brimming with incompetents, from the IPCC, to the WMD inspectors to UNRWA and beyond.

by aaw
Jan 27 2010
9:32 AM

Terence Corcoran, thank you for your persistence at following this ponzie scheme of fake science and billions of \$\$\$ in funding research. ... ["Posting 19"]

by Bay Bulls
Jan 27 2010
9:53 AM

The University of Victoria should also review this man's future employment. ["Posting 20"]

by andersm
Jan 27 2010
10:17 AM

So this is what it looks like when a global fraud starts to unwind. Self-reservation comes first. Weaver intends to hold onto his position as Canada's weather god ... ["Posting 21"]

by andersm
Jan 27 2010
10:31 AM

... AGW theory is unraveling and your attempts to point skeptics to articles supporting it are in vain when even when the IPCC climate scientists themselves are abandoning it! ... ["Posting 22"]

by Keepitsimple
Jan 27 2010
11:45 AM

The biggest sins of the IPCC involve their political advocacy of AGW - mainly based on mis-leading or outright fraudulent claims.....the hockey-stick, polar bears, himalayan glaciers, storms and hurricanes. By design, these alarmist fraudulisms become poster-children for activist groups and sensationalized media reports that serve to galvinize the public into believing the AGW gospel. It's precisely these "pictures" that dupe the uninformed population. Coming out of the UN, should we have expected anything different from the IPCC? ["Posting 23"]

by Dirt farmer
Jan 27 2010
12:14 PM

Thanks Terence and thanks to Dr. Ball and the others that persevered in exposing this fraud. ["Posting 24"]

The jig is up and it is time to fire some people and to prepare

some prosecutions.

by RogersJi
Jan 27 2010
12:38 PM

Andy Weaver is just trying to save his access to research grants. He has seen the change in the wind so has gone with it hoping to continue to get climate change research grants from the federal government and industry. ["Posting 25"]

Follow the money

by JETSOLVER
Jan 27 2010
1:15 PM

I don't believe Weaver on his about turn, his "attempted break-in" story, or anything else for that matter. ["Posting 26"]

See how that works champ? You lie once, and everything else you say is suspect. And so are you. Complicit you might say...

This does however, call for a round for the principles.

We are going to need a lot of Grape Flavor-aid to cover this stink...it smells like almonds...

42. The literal meaning of each phrase which has been underlined above in Postings 4 to Posting 26 is false, malicious and defamatory of and concerning the plaintiff.

43. Postings 4 to Posting 26 inclusive, when read collectively or in the context of the Defamatory Corcoran January Expression, were understood to bear, and were intended by the defendants to bear, the following inferential meanings of and concerning the plaintiff, which are the natural and ordinary meanings to the ordinary, reasonable reader:

- a. The plaintiff knows or believes that the IPCC reports concerning global warming are unscientific and fraudulent and he now deviously seeks to avoid personal accountability for hype, manipulation and distortion in IPCC reports by dissociating himself in a cowardly way from that organization and calling for replacement of its leadership and institutional reform of the IPCC;
- b. The plaintiff has wilfully and knowingly participated in fraudulent activity by the IPCC;

- c. The plaintiff authored a deceitful and manipulative work of false assumptions and selected data in order to hold out the spectre of catastrophic climate change;
- a. The plaintiff has betrayed his obligation as a scientist to provide information he believes to be truthful to the public generally by knowingly and corruptly participating in a fraudulent scam;
- b. The plaintiff falsely reported that a break-in had occurred at his office and did so 11 months after the break-in allegedly occurred in order to bolster a false claim that the break-in was perpetrated by the fossil fuel industry;
- c. The plaintiff is guilty of criminal fraud by virtue of his participation in an international conspiracy calculated to produce substantial unwarranted revenue in the form of research grants to study a problem that does not exist; and/or
- d. One or more of the above.

Each of those meanings is false, malicious and defamatory.

44. Further, and in the alternative, and by way of legal innuendo, the defamatory meanings enumerated in paragraph 43 of this statement of claim were conveyed by the combined effect of the publication of the Defamatory Foster Expression, Posting 1 and Posting 2, the Defamatory Corcoran Weaver's Web II Expression, Posting 3, the Defamatory Corcoran January Expression, and Postings 4 to 26 inclusive.

45. Further, and in the alternative, the words complained of in the Defamatory Corcoran January Expression and Postings 4 to 26 inclusive constituted injurious falsehoods concerning the plaintiff, published with actual malice by each of the aforesaid defendants, which were calculated to and have caused and continue to cause actual loss, damage and expense to the plaintiff. Full particulars of such loss, damage and expense will be provided on request.

46. As of the date of filing this statement of claim:

- a. the said defendants continue to publish the Defamatory Corcoran January Expression in the Electronic Databases; and
- b. the said defendants continue to publish the Defamatory Corcoran January Expression and Postings 4 to 26 inclusive on the National Post Internet Sites (in the NP Free Zone and in the NP Subscribers Zone) at the following URLs:
 - <http://www.nationalpost.com/opinion/columnists/story.html?id=90f8dd19-4a79-4f8f-ab42-b9655edc289b> and
 - <http://network.nationalpost.com/np/blogs/fpcomment/archive/tags/Andrew+Weaver/default.aspx>

The February 2 Article

47. On or about Tuesday, February 2, 2010, the defendants NP Inc., Fisher, Libin, Doe, Roe, Poe and Yoe libeled the plaintiff by publishing or causing to be published in the *Financial Post Magazine*, on the National Post Internet Sites and in the Electronic Databases, certain false and malicious words of and concerning the plaintiff in an article authored by the defendant Libin and edited by Doe, Roe, Poe and Yoe [the “February 2 Article”]. Particulars are as follows:

Headline: *“So much for pure science; ‘Climategate’ raised questions about global warming. The ongoing debate about its impact raises questions about the the (sic) vested interests of climate science”*

Text:

Confronted with the infamous hacked emails from the University of East Anglia's Climate Research Unit - suggesting scientists at one of the world's most influential climate labs conspired to manipulate data and censor research that cast doubt on anthropogenic global warming - one of Canada's more prominent scientists zeroed in on what he saw as the heart of the scandal. "The real story in this is, who are these people and why are they doing it?" demanded Andrew Weaver, a University of Victoria atmospheric scientist and contributor to the Intergovernmental Panel on Climate Change's reports blaming humans for altering

the weather. He actually meant the hackers: agents of Big Oil, he figured. They "don't like" the research, "so they try to discredit it."

Really, CRU staff did the discrediting, with talk of "hiding" data and sabotaging journals publishing papers they disliked. The hacker simply revealed it. But Weaver's reflex to distract is understandable: The success of his book, Keeping Our Cool: Canada in a Warming World, and, to some extent, his career success, depend on the momentum of a global-warming panic. Just as discomfoting, the events that have now been dubbed "Climategate" provide an important public service, reminding us that scientists, too, can be close-minded and crooked.

Environmental alarmists have long insinuated as much, baselessly smearing critical scientists - the esteemed MIT climatologist Richard Lindzen; former National Academy of Sciences president Frederick Seitz - as corrupt industry shills. James Hoggan, the chairman of the David Suzuki Foundation, calls skeptics "fake" scientists peddling "deception." But having implied that scientists can be led astray, why assume only IPCC types are immune? The climate panic is, after all, rather big business itself (as Weaver's publisher knows). The CRU alone lured \$22 million in research grants....

It's naïve to presume that nowhere could there be vested interests in this great slush of shekels. But it isn't just money that can blind scientists to truth; they are, like us, mere emotional and fallible mortals. As David Resnik, the National Institute of Environmental Health Sciences bioethicist, has written, universities promote ethical research codes precisely because biases exist (though such codes are only as good as those upholding them). Bias happens, too, "when researchers fail to critically examine their work because they want to believe that their research is accurate," Resnik notes. Or where they see only "what they want or expect to see."

... If Climategate raises doubts about global warming, it also raises perhaps overdue ones about the credibility of the folks in white coats. No wonder some would prefer we focused on something else.

[the "Defamatory Libin Expression"]

48. The Defamatory Libin Expression was also published in the manner described in paragraphs 14 and 15 of this statement of claim.

49. The literal meaning of each phrase which has been underlined above in the Defamatory Libin Expression is false, malicious and defamatory of and concerning the plaintiff. The true facts are as follows:

- a. The plaintiff did not/not say nor/nor did he “figure” that the “hackers” of “*emails from the University of East Anglia’s Climate Research Unit*” were “agents of Big Oil.” This statement in the Defamatory Libin Expression is a fabrication.
- b. The plaintiff did not/not display a “reflex to distract.” This statement in the Defamatory Libin Expression is a fabrication.
- c. The “*success of his book, Keeping Our Cool: Canada in a Warming World, and, to some extent, his career success*” do not/not “depend on the momentum of a global-warming panic.”
- d. The plaintiff has not/not “smeared ...MIT climatologist Richard Lindzen” nor/nor has he alleged that Dr. Lindzen is a “corrupt industry shill.” In *Keeping Our Cool*, the plaintiff discusses his debate with Professor Lindzen in June, 2001, shortly after President Bush pulled the United States out of the Kyoto Protocol. The book (pages 53-60) reproduces the transcript of that debate which originally appeared in the *Los Angeles Times* with the permission of that newspaper and Professor Lindzen. The plaintiff, who knows Professor Lindzen quite well, had an email exchange with him before putting this section in the book.
- e. The plaintiff has not/not “smeared ... Frederick Seitz” nor/nor has he alleged that Frederick Seitz is a “corrupt industry shill.”
- f. The plaintiff is not/not part of the University of East Anglia Climate Research Unit [the “CRU”].

50. Further, and in the alternative, the Defamatory Libin Expression was understood to bear, and was intended by the defendants to bear, the following inferential meanings of and concerning the plaintiff, which are the natural and ordinary meanings to the ordinary, reasonable reader:

- a. The plaintiff is deceitful, avaricious, corrupt and untrustworthy;

- b. The plaintiff deceitfully and malevolently falsely accused the fossil fuel industry with being involved with the hackers who hacked emails from the CRU for the purpose of diverting public attention from the misconduct of the CRU;
- c. The plaintiff deceitfully and recklessly alleged that MIT climatologist Richard Lindzen and former National Academy of Sciences president Frederick Seitz were corrupt industry shills;
- d. The plaintiff deceitfully promotes the false theory that global warming is occurring and is caused by human activity in order to cause public panic and generate funding to satisfy a selfish personal interest in receiving financial rewards from the public purse;
- e. The plaintiff is not a competent or credible scientist; and/or
- f. One or more of the above.

Each of these meanings is false, malicious and defamatory.

51. Further, and in the alternative, the Defamatory Libin Expression constituted injurious falsehoods concerning the plaintiff, published with actual malice by each of the aforesaid defendants, which were calculated to and have caused and continue to cause actual loss, damage and expense to the plaintiff. Full particulars of such loss, damage and expense will be provided on request.

52. As of the date of filing this statement of claim:

- a. the said defendants continue to publish the Defamatory Libin Expression in the Electronic Databases; and
- b. the said defendants continue to publish the Defamatory Libin Expression on the National Post Internet Sites (in the NP Free Zone and in the NP Subscribers Zone) at the following URLs:

- <http://www.nationalpost.com/related/topics/story.html?id=2513619>
- <http://www.nationalpost.com/related/topics/story.html?id=2513673>
- <http://www.financialpost.com/magazine/archive/story.html?id=2513619>
- <http://www.nationalpost.com/related/topics/index.html?subject=Andrew+Weaver&type=Person>
- <http://www.nationalpost.com/m/story.html?id=2513619&s=Related+Topics&is=Kevin%20Libin&it=Person>
- <http://www.financialpost.com/related/topics/index.html?subject=Andrew+Weaver&type=Person>
- <http://webcache.googleusercontent.com/search?q=cache:4AwyKCy2-fwJ:www.nationalpost.com/m/story.html%3Fid%3D2513619%26s%3DRelated%2BTopics%26is%3DKevin%2520Libin%26it%3DPerson+%22confronted+with+the+infamous+hacked+emails%22&cd=2&hl=en&ct=clnk&gl=ca>

AGGREGATE DEFAMATORY MEANINGS

53. Further, and in the alternative, and by way of legal innuendo, the defamatory meanings enumerated in paragraphs 23, 25, 31, 33, 40, 43 and 50 of this statement of claim were conveyed by the aggregation of data objects in response to inquiries or searches conducted in the electronic environment of the National Post Internet Sites by individual readers concerning the plaintiff, climate change, global warming, the IPCC and related topics.

54. During the period from February 2, 2010 to April 9, 2010, visitors to the NP Subscribers Zone and to the Electronic Databases who were searching for information about the plaintiff were each presented by search software with aggregate data objects which included the Defamatory Foster Expression, the Defamatory Corcoran Weaver's Web II Expression, the Defamatory Corcoran January Expression, and the Defamatory Libin Expression.

AUTHORIZATION TO PUBLISH

55. The defendant NP Inc. and Canwest published the defamatory expression and injurious falsehoods complained of in this statement of claim in the Hardcopy National Post, the

Financial Post Magazine, on the National Post Internet Sites and in the Electronic Databases with the prior knowledge, consent and authorization of the defendants Corcoran, Foster, and Libin.

REPUBLICATION BY THIRD PARTIES

56. The defendants and each of them knew, intended, and expected that the electronic versions of the Defamatory Foster Expression, the Defamatory Corcoran Weaver's Web II Expression, the Defamatory Corcoran January Expression and the Defamatory Libin Expression would be republished by third parties on the Internet which has in fact occurred. Alternatively, such republication by third parties on the Internet was the natural and probable result of the defendants' publication on the Internet of electronic versions of the Defamatory Foster Expression, the Defamatory Corcoran Weaver's Web II Expression, the Defamatory Corcoran January Expression and the Defamatory Libin Expression. Particulars known to the plaintiff as of this date are as follows:

A. The Defamatory Foster Expression

- <http://politifi.com/news/Denmark-does-not-include-shipping-industry-when-calculating-annual-carbon-footprint-50609.html>
- <http://politifi.com/news/Peter-Foster-Weavers-web-53282.html>
- http://www.facebook.com/note.php?note_id=191674418950
- <http://climaterealists.com/index.php?id=4615>
- http://www.facebook.com/note.php?note_id=191674418950
- http://webcache.googleusercontent.com/search?q=cache:ZaIEM2FjHhsJ:www.imischief.com/Peter_Foster/blogs.htm+%22charge+of+theft+against+the+fossil+fue+l+industry%22&cd=7&hl=en&ct=clnk&gl=ca
- <http://www.freedominion.com.pa/phpBB2//viewtopic.php?t=126165&start=0&postdays=0&postorder=asc&highlight=&sid=d8e38d9ab752009f46c839f7d26ade18>
- <http://climaterealists.com/index.php?tid=118>
- http://www.facebook.com/note.php?note_id=193892072814
- <http://climateaudit.org/2009/12/09/8155/>
- <http://www.proudtobecanadian.ca/index/category/climategate/>

- <http://www.bluelikeyou.com/2009/12/09/response-to-the-warming-spinners/>
- <http://topics.dallasnews.com/article/07jTboh5AifpO?q=%22year+in+review%22+OR+%22year-in-review%22+OR+%22best+of+2009%22+OR+%22best+and+worst+of+2009%22+OR+%22rewind+2009%22>

B. The Defamatory Corcoran Weaver's Web II Expression:

- <http://docendi.niuz.biz/terence-t299665.html?s=cfcbl6dbb45624ac884c2731a2b1f5df&>
- http://article.wn.com/view/2009/12/10/Weavers_Web_II/
- http://webcache.googleusercontent.com/search?q=cache:F_cEhtip3EUJ:www.carboncapturereport.org/cgi-bin/biodb%3FPROJID%3D3%26mode%3Dviewpersonname%26name%3Dmick_kelly+%22Weaver%27s+Web+II%22&cd=9&hl=en&ct=clnk&gl=ca
- <http://webcache.googleusercontent.com/search?q=cache:5gCFmrhSy-kJ:www.kelowna.com/2009/12/10/weavers-web-ii-climate-modelers-break-in-caper-spreads-across-canadian-university-exposing-climategate-as-monster-cross-disciplinary-big-oil-funded-attack-on-psychology-labs/+%22Weaver%27s+Web+II%22&cd=15&hl=en&ct=clnk&gl=ca>
- <http://topics.npr.org/article/0a0pbqY1Qg2Wa>
- http://groups.google.com/group/bc.politics/browse_thread/thread/b7cd064034fb2e25/2eb677df9b69a986?lnk=raot

C. The Defamatory Corcoran January Expression:

- <http://wattsupwiththat.com/2010/01/27/heading-for-the-exits/>
- <http://climategatehoax.blogspot.com/>
- <http://climaterealist.com/index.php?id=4977>
- <http://www.climatechange fraud.com/politics-propaganda/6204-heat-wave-closes-in-on-the-ipcc>
- <http://www.radicalgreenwatch.com/main/?p=123>

- <http://anhonestclimatedebate.wordpress.com/2010/01/>
- <http://www.smalldeadanimals.com/archives/013214.html>
- http://www.smalldeadanimals.com/archives/2010_01.html
- <http://windfarms.wordpress.com/2010/01/27/ipcc-united-nations-climate-fraud/>
- <http://windfarms.wordpress.com/2010/01/27/ipcc-united-nations-climate-fraud/>
- http://ja-jp.facebook.com/note.php?note_id=268463523950
- http://torydrroy.blogspot.com/2010_01_01_archive.html
- http://www.bloggingtories.ca/tag/andrew_weaver/
- <http://blackkettle.wordpress.com/2010/01/29/andrew-weaver-ipcc-computer-modeler-and-political-chameleon/>
- http://www.bloggingtories.ca/tag/andrew_weaver/
- <http://canadafreepress.com/index.php/article/19458>
- <http://www.opensubscriber.com/message/osint@yahoogroups.com/13354574.html>
- <http://politifi.com/news/First-Stop-Arkansas-373043.html>
- <http://politifi.com/news/Ohio-House-Democrats-to-push-ahead-with-bond-issue-to-expand-technology-jobs-program-151829.html>
- <http://www.canadafreepress.com/index.php/article/19458>
- <http://climategatehoax.blogspot.com/>
- <http://climateaudit.org/2009/12/10/weaver-solves-climategate/>
- <http://www.topix.com/forum/news/heat-wave/TR95D70PTL91C47H0>
- <http://www.climatechange-fraud.com/politics-propaganda?start=77>
- <http://cobourgskeptic.com/archives/601>
- <http://nextbigfuture.com/2010/02/more-exaggerated-climate-change-claims.html>
- http://article.wn.com/view/2010/01/27/Climate_agency_going_up_in_flames/
- <http://www.topix.com/forum/news/heat-wave/TR95D70PTL91C47H0>
- <http://www.freerepublic.com/focus/f-news/2438275/posts>
- <http://personalqwest.blogspot.com/2010/01/andrew-weaver-ipcc-canada-editor.html>

D. The Defamatory Libin Expression:

- <http://webcache.googleusercontent.com/search?q=cache:dCZtEHwcGO8J:www.kelowna.com/2010/02/02/so-much-for-pure-science-climategate-raised-questions-about-global-warming-the-ongoing-debate-about-its-impact-raises-questions-about-the-the-vested-interests-of-climate-science/+%E2%80%9CSo+much+for+pure+science%3B+%E2%80%98Climategate%E2%80%99+raised+questions+about+global+warming.&cd=1&hl=en&ct=clnk&gl=ca>
- <http://www.ottawacitizen.com/technology/Arctic+seed+vault+hits+half+million+mark/2671874/Canada+warmest+winter+ever+beyond+shocking/2666979/much+pure+science/2513673/story.html>
- http://www.carboncapturereport.org/cgi-bin/biodb?PROJID=3&mode=viewpersonname&name=kevin_libin
- <http://www.daylife.com/article/0b3DaRD6lq0Jh>
- <http://webcache.googleusercontent.com/search?q=cache:1kaUdwUcfRoJ:homepage.cooketech.net/~yllar/Site.AdSense/Site.AdSense/science/23045.php+%22confronted+with+the+infamous+hacked+emails%22&cd=8&hl=en&ct=clnk&gl=ca>

The plaintiff will provide further particulars of republication as and when they become known to the plaintiff.

57. The defendants and each of them expressly authorized republication by everyone who accessed electronic versions of the Defamatory Foster Expression, the Defamatory Corcoran Weaver’s Web II Expression, the Defamatory Corcoran January Expression and the Defamatory Libin Expression on the National Post Internet Sites by including in each story prominent hypertext links: (i) under the heading “Story Tools” inviting readers to “email this story” to other persons using a special email facility provided by the defendants; and (ii) under the heading “Share This Story” inviting readers to republish the story on Facebook, Digg and Linkin and by employing many other Internet applications enumerated in a popup entitled “bookmark.” Massive republication of the defamatory expression complained of in this statement of claim occurred as a result.

VICARIOUS LIABILITY

58. All of the acts and omissions of the defendants Fisher, Corcoran, Foster, Libin, Doe, Roe, Poe and Yoe complained of in this statement of claim occurred during the course and scope of their employment by the defendant NP Inc.

59. The defendant Fisher is also liable for each of the defamatory publications complained of in this statement of claim by virtue of his role and responsibility as Publisher of *The National Post* newspaper.

60. The defendant Corcoran is also liable for each of the defamatory publications complained of in this statement of claim by virtue of his role and responsibility as Editor in Chief of the *Financial Post* section of *The National Post* newspaper and of the *Financial Post Magazine*.

EXPRESS MALICE

61. The defendants have for many years each acted in bad faith and engaged in a campaign of malicious attacks on the plaintiff which is characterized by defamatory expression and injurious falsehoods complained of in this statement of claim.

62. The defendants each published and/or authorized the publication of the defamatory expression and injurious falsehoods complained of in this statement of claim with the knowledge that the meanings conveyed by that defamatory expression and the injurious falsehoods were false, or alternatively, with reckless indifference whether they were true or false.

63. The predominant purpose of the defendants was to harm the plaintiff and to expose him to hatred, ridicule and contempt, to lower him in the estimation of others, and to cause him to be shunned and avoided. In this regard, the said defendants sought to destroy the plaintiff's reputation so that he would have no professional or scientific credibility with the general public, decision-makers, and other scientists, in Canada or abroad.

64. On or about February 10, 2010, the plaintiff asked the defendants NP Inc., Fisher and Corcoran to publish a retraction and apology for the Defamatory Corcoran Weaver's Web II Expression and the Defamatory Corcoran January Expression and asked the defendants to

remove it from the National Post Internet Sites and from the Financial Post Database. The defendants refused.

65. On or about February 11, 2010, the plaintiff asked the defendants NP Inc., Fisher and Foster to publish a retraction and apology for the Defamatory Foster Expression and asked the defendants to remove it from the National Post Internet Sites and from the Financial Post Database. The defendants refused.

66. On or about February 12, 2010, the plaintiff asked the defendants NP Inc., Fisher and Libin to publish a retraction and apology for the Defamatory Libin Expression and asked the defendants to remove it from the National Post Internet Sites and from the Financial Post Database. The defendants refused.

DAMAGES AND INJUNCTIVE RELIEF

67. The defamatory expression and injurious falsehoods complained of in this statement of claim were deliberately calculated by the defendants and each of them to cause injury, loss and damage to the plaintiff including injury in particular to his professional reputation, to cause persons to shun and avoid the plaintiff and to compromise the plaintiff's ability to carry out continued research into global warming in the public interest.

68. The defamatory expression and injurious falsehoods complained of in this statement of claim have exposed the plaintiff to contempt, ridicule and hatred, and were calculated to lower the plaintiff in the estimation of right thinking persons generally, and have thereby severely damaged the plaintiff's reputation, and have caused and will in the future continue to cause damage, loss, and injury to the plaintiff.

69. The defendants and each of them have been guilty of reprehensible, insulting, high-handed, spiteful, malicious and oppressive conduct, as particularized above, and such conduct by the defendants justifies the court in imposing a substantial penalty of exemplary damages on the defendants and an award of special costs in favour of the plaintiff, in addition to the award of general damages for injury to reputation. The plaintiff will rely upon the entire conduct of the defendants before and after the commencement of this action to the date of judgment.

70. The defendants and each of them were actuated in publishing the defamatory expression and injurious falsehoods complained of in this statement of claim by express malice, which increased the injury to the plaintiff, and increased the mental distress and humiliation of the plaintiff.

71. The defendants and each of them will continue to publish the defamatory expression and injurious falsehoods complained of in this statement of claim on the National Post Internet Sites and in the Financial Post Database unless the defendants are restrained from doing so by Order of this Honourable Court.

72. The defamatory expression and injurious falsehoods complained of in this statement of claim will also continue to be republished by third parties on the Internet as pleaded in paragraph 56 of this statement of claim unless the defendants expressly withdraw their consent to such republication and all necessary steps are taken to restrain subsequent unauthorized republication of the aforesaid defamatory expression and the injurious falsehoods, including without limiting the generality of the foregoing, legal proceedings to restrain the infringement of copyright.

RELIEF CLAIMED

The plaintiff therefore claims against the defendants, jointly and severally, as follows:

- (a) general damages;
- (b) aggravated damages;
- (c) exemplary damages;
- (d) special damages;
- (e) an interlocutory and permanent injunction to restrain the defendants, by themselves or by their agents, servants, employees, directors, or otherwise, directly or indirectly, from any further publication of the defamatory expression and injurious falsehoods complained of in this statement of claim, or expression to the same effect;

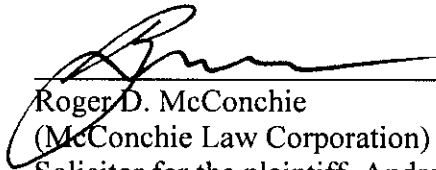
- (f) an Order requiring the defendants to permanently remove the defamatory expression and injurious falsehoods complained of in this statement of claim from any electronic database where they are accessible, including without limiting the generality of the foregoing, the National Post Internet Sites and the Electronic Databases;
- (g) an Order requiring the defendants to expressly withdraw any consent given to third parties to republish the defamatory expression and injurious falsehoods complained of in this statement of claim and to require any such third parties to immediately cease republication;
- (h) an Order requiring the defendants to assign and grant in writing to the plaintiff, all right, title or interest they have in the copyright for the defamatory expression and injurious falsehoods complained of in this statement of claim so that the plaintiff may in his sole discretion take any legal proceedings he considers necessary to restrain the continued republication of the defamatory expression and injurious falsehoods by third parties on the Internet or elsewhere;
- (i) an Order requiring the defendants to assist the plaintiff in obtaining the removal of electronic copies of the defamatory expression and injurious falsehoods complained of in this statement of claim: (i) from Internet Search engine caches; (ii) from any other electronic database where they are accessible; and (iii) from other Internet websites operated by third parties, whether or not those third parties were originally expressly or impliedly authorized by the defendants or one or more of them to republish the aforesaid defamatory expression and injurious falsehoods;
- (j) a mandatory injunction requiring the defendants to publish a full and complete retraction of the defamatory expression and injurious falsehoods complained of in this statement of claim in the Hardcopy National Post, the *Financial Post Magazine*, on the National Post Internet Sites and in the Electronic Databases, in a form agreed to by the plaintiff, and that failing

such agreement, the plaintiff be at liberty to apply to this Court for directions concerning the form and content of such retraction;

- (k) a mandatory injunction requiring the defendants to publish in *The National Post* newspaper a fair and accurate report of the final judgment of the Court in this action, in a form agreed to by the plaintiff, and that failing such agreement, the plaintiff be at liberty to apply to this Court for directions concerning the form and content of such a report;
- (l) interest pursuant to the Court Order Interest Act;
- (m) special costs plus disbursements; and
- (n) such further and other relief as to this Honourable Court may seem just.

Place of trial: Vancouver, British Columbia

DATED: April 20, 2010



Roger D. McConchie
(McConchie Law Corporation)
Solicitor for the plaintiff, Andrew Weaver