

## VICTORY

By Jim Hughes

We finally won one. So what if it was in Canada, this war has become a worldwide attack from animal activist. These idiots think they can subdue the natural bondage between humans and their animals. They like to pretend that they are only concerned with the welfare of the animals, but fail to acknowledge that domesticated animals can not survive if turned into the wild. Proof of point is the horses that are now facing starvation if the government does not step in to correct a grave injustice done to the horse industry by the bleeding hearts that successfully closed down the horse slaughter plants in the United States. We are now considering using several millions of tax payer's dollars to feed these abandoned horses to prevent mass starvation.

Counsel for the plaintiffs, Luc Barrick, has announced that the plaintiffs, James, Charlene, and Nicole Labombard, doing business as Paws "R" Us Kennel, were successful in their small claims court action against the defendant, Lorie Dixon, a.k.a. Lorie Gordon.

Paws "R" Us Kennels is a High Volume dog breeder in Shawville, Quebec, Canada operated by the Labombard family. They do an excellent job and are not afraid to show their kennels and dogs to potential customers. Paws "R" Us Kennels are the largest commercial dog breeding facility open to the public in Canada.

Lorie Dixon is a past client of the kennel, who wrongfully alleged that the kennel was a "Puppy Mill" and proceeded to defame the kennel on various Internet discussion boards.

In making his decision, Deputy Judge M. Galligan of the Superior Court of Justice at Ottawa, made these findings:

1. The term, "puppy mill" used in this sense is derogatory.
2. He found that Paws "R" Us is **not a puppy mill** and that they were wrongly described in that respect.
3. Not only has the defendant defamed the plaintiff, but the defamation is worsened by the use of the Internet, which is more serious for purpose of damages than defamation in other media.
4. The defendant's action is particularly malicious in that her purpose was to close down the defendants business, even though she knew it to be the source of income and support for a family of some eleven persons.
5. In view of all circumstances, here will be a Judgment for the plaintiffs for damages in defamation, for interference with economic interests, and for interference with contractual relations in the amount of \$10,000, plus cost.
6. He found no liability on the part of the plaintiffs in respect of the defendant's dog care and the defendant's claim is dismissed without cost.
7. The plaintiffs shall have cost of this action against the defendant consisting of a counsel fee of \$3000 plus \$1000 on account of disbursements and post judgment interest at the court rate from the date from which this judgment is issued.

Actions leading up to the courts decision were:

On April, 6, 2002, Lorie Dixon purchased a Labrador Retriever from Paws "R" Us Kennels. She declined the one year guarantee against hereditary defects for an additional fee. For the next two years everything was cordial between the two parties.

In the spring of 2004, a problem arose with the then 2 year old dog, as it developed hip dysplasia. The client, Lorie Dixon, chose to have the dog euthanized without any consultation with the breeder, rather than undertake the expense of remedial surgery. Upon being advised of the problem, the kennel immediately offered to supply a replacement dog, **free of charge**. On April 9, 2004, Ms. Dixon came to the kennel and received another Golden Retriever. Ms. Dixon seemed happy with her free dog thru April, May, June and July, but in August, she contacted the kennel and said the dog had developed Mange and she was going to shut the kennel down. She then began to post defamatory remarks on the internet.

Mr. Louis McCann, an inspector with PIJAC Canada, testified that in 2002, some of the Labombard family were members of his association for the purpose of taking educational programs. They requested that an inspection be made of their premises, and the findings of the PIJAC inspection were very positive. In the report, Mr. McCann stated that the Labombard's showed genuine interest in always trying to improve their operation. Mr. McCann stated, "What I found did not support a designation of a puppy mill".

Dr. Aliva Jong served as the veterinarian for the facility in 2004. She declared that, with the exception of a few isolated cases, the health of the animals were excellent and that this facility was in no way to be classified as a "puppy mill".

Dr. Sylvie Choquette replaced Dr. Jong in November, 2004 and was still caring for the animals at the time of this trial. She too, stated that this facility would not be considered as a "puppy mill" in the Code of Practice for Canadian Kennel Operations. Finally, Dr. Choquette testified that she was present at the time of one of the visits there by Daniel Davenport of the Montreal Humane Society.

Mr. Jack Long, the Mayor of Claredon Township, testified that after receiving many calls of complaints on Paws "R" Us Kennels, he determined to visit the kennels personally. He found that the dogs were in a good and clean environment and found no justification for the complaints to his office. Ms. Dixon produced a number of witnesses who submitted negative testimony from past clients of the kennel concerning conditions they had found at the kennel.

David Davenport is a peace officer in the Province of Quebec, an investigator for the Canadian Society for Protection of Animals and associated with the Montreal Humane Society. He stated that Paws "R" Us was a puppy mill, as was various others which he had been forced to shut down, but that he had taken no action against it as he had made recommendations and gave advice to the kennel personnel on five different occasions and that his recommendations had been followed. His failure to act against the facility obviously contradicts his opinion of it.

Ms. Dixon has, because of her many defamatory remarks, cost the kennels \$9,050 in lost contracts plus an unknown amount of possible customers. Although there is evidence of some health problems plus unusual levels of barking noise and foul odor from time to time, the Judge, having reviewed all of the evidence offered by both parties has ruled that Paws "R" Us is NOT a puppy mill. He has determined that Ms. Dixon was particularly malicious in that her actions were for the express purpose of forcing Paws "R" Us out of business. In view of all this, the Judge has awarded the kennel \$10,000 plus \$3,000 in legal cost plus \$1000 in court cost. This judgment became final on July 22, 2009, seven years after the incident took place on the dysplastic dog. The message of this article is FIGHT BACK!!