

LeBoeuf, Sylvain ~JLT

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**From:** Hood, Bruce  
**Sent:** October 27, 2003 3:05 PM  
**To:** Zamora, Phil  
**Cc:** Wood, Laurie  
**Subject:** FW: Digby Quarry

**Follow Up Flag:** Follow up  
**Flag Status:** Yellow

Hi Phil,  
Can you shed any light on the lawsuit in questions or the rumors that Richard refers to.

Thanks,  
Bruce

-----Original Message-----

**From:** Robertson, Carrie **On Behalf Of** Wex, Richard  
**Sent:** Monday, October 27, 2003 1:17 PM  
**To:** Nadeau, Richard; Hood, Bruce; Kotyk, Mel  
**Subject:** FW: Digby Quarry

FYI - can someone advise on this one. Thanks, CJ

-----Original Message-----

**From:** Tan, Stephanie  
**Sent:** October 27, 2003 12:14 PM  
**To:** Wex, Richard  
**Subject:** Digby Quarry

Hi Richard,

Could you please tap into the CEAA expertise you have in your sector and help me answer this? Since the article below ran there are rumours flying around that the company can pursue legal action against anyone that comments/participates in the Panel.

Could you tell me what, if any, protection is offered to those who comment via the CEAA process?

Thanks Richard, I know how slow things are around habitat these days! I appreciate it...

S.

## Mining company suing grandmother

Firm developing Digby-area quarry claims remarks in paper defamatory

By [David Jackson](#) and [Ian Fairclough](#) / Staff Reporters

A Digby-area grandmother whom a U.S.-controlled company is targeting in a libel lawsuit burst into tears Thursday as she talked about the case at Province House.

Evelyn-Harvey Dickinson said the lawsuit and fight against a proposed quarry has been hard.

"I said that they desecrated our graves," she said, pausing to compose herself. "I'm sorry, it's been very difficult. That was our land."

Mrs. Dickinson and other residents of the Little River area on Digby Neck have been fighting the quarry proposal for more than a year.

Global Quarry Products wants to develop a 120-hectare basalt quarry and deepwater marine terminal, but many residents reject the idea, saying a large quarry would disrupt their lives and possibly ruin the ecosystem.

The company has filed a defamation suit against the Digby Courier newspaper, one of its reporters and Mrs. Dickinson, who was quoted in a May 14 story alleging the company disturbed gravesites.

Digby-Annapolis MLA Harold Theriault Jr. brought the case to Province House this week, but Speaker Murray Scott said Mr. Theriault couldn't talk about it on the floor of the legislature because it was a court case that could go before a jury.

Mr. Theriault, a Liberal, said he'll try to keep pushing the government to stick up for residents.

"This seems to me to be intimidation by a huge company that wants to come here and destroy something these people don't want destroyed," he said.

Some people have questioned the timing of the lawsuit - just before the deadline for public comments to a federal-provincial panel review of the project.

Global Quarry communications consultant Kristy Herron, a former assistant to previous Digby-Annapolis MLA Gordon Balsler, said the lawsuit is the result of a specific incident, not an attempt to limit free speech.

Global's statement of claim, filed at Nova Scotia Supreme Court in Truro, says Mrs. Dickinson made critical public statements about the company's operation in Whites Cove, and "specifically stated that the defendant's quarry operation is a 'desecration' and that the work being done at the quarry site was disturbing a number of gravesites in Whites Cove."

The company claims Mrs. Dickinson's comments caused the community to have an adverse opinion of the business and "had the objective effect of lowering the plaintiff's business reputation in the community."

It said Mrs. Dickinson's statements were false and made without regard to accuracy or truth.

Her comments appeared in the May 14 edition of the Courier in an article with the headline Quarry Desecrating Gravesites. Global Quarry says the headline "contained a false innuendo in that it suggested that the plaintiff's quarry operation was in fact desecrating gravesites."

The company also said reporter Jeff Sunderland and the paper "failed to take the necessary steps to properly investigate the truth and accuracy of Dickinson's allegations."

The company claims the statement and the article injured its business reputation, credit and character. It seeks general, punitive, exemplary, aggravated and special damages.

Mrs. Dickinson said her ancestors were United Empire Loyalists and her family has had the land she now lives on since 1783. She said it was tradition in the area to bury relatives on family property.

She said she's spoken to other seniors who have similar concerns but they're afraid to make them public.

New Democrat Howard Epstein said it's disturbing to see a resident sued for speaking out, and he introduced legislation that would deal with what he called "strategic lawsuits against public participation," or "SLAPP suits."

The Halifax Chebucto MLA said it's a common tactic in environmental issues, mostly in the United States but also in Canada and Nova Scotia, for big companies to launch lawsuits as a way to stifle public comment.

Mr. Epstein said his bill would allow the courts to quickly look at a suit and throw it out if it's improper.

The NDP first introduced such a bill in 2001.