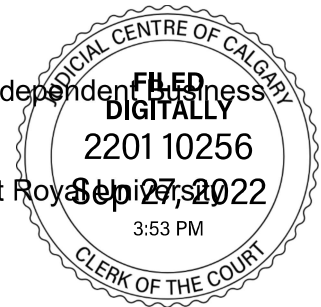


Court File No.	2201-10256
Court	Court of King's Bench of Alberta
Judicial Centre	Calgary
Plaintiffs	Craig Chandler and Progressive Group for Independent Business Inc.
Defendants	Cassandra Raugust, Duane Bratt, and Mount Royal University
Document	<b>Statement of Defence</b>
Party filing this document	Duane Bratt
Address for service and contact information of party filing this document	Anderson Morin LLP 902, 639-5 Ave SW Calgary, AB T2P 0M9 Attention: Monique Morin Phone: 403.232.5150 Facsimile: 403.232.5159 File No.: 9724



**Statement of facts relied on:**

1. Except as expressly admitted herein, the Defendant Duane Bratt (“**Bratt**”) denies each and every allegation against him in the Statement of Claim.
2. Bratt admits paragraphs 4 and 5 of the Statement of Claim.
3. Bratt is a professor of political science at Mount Royal University in the Department of Economics, Justice, and Policy Studies and is regularly contacted by the media to comment on political events of public interest occurring in Alberta and Canada.
4. On or about August 22, 2022, Bratt was contacted by the media to comment on published reports of prank telephone calls related to the leadership race for the Alberta United Conservative Party, the winner of which will become the next Premier of the Province of Alberta. There is great public interest in that race.
5. Bratt specifically denies that he published the statements alleged in paragraphs 9 and 11 of the Statement of Claim (the “**Alleged Statements**”) and puts the Plaintiffs to the strict proof thereof.
6. In specific response to paragraph 9 of the Statement of Claim, on August 22, 2022, CTV News of Calgary published an article “*Danielle Smith says audio recordings leaked on Twitter are ‘fake’*” with an associated media clip. In the media clip, Bratt states:
 

“I thought this sounds legitimate” ... “If I really wanted to attack them, I would have made it racial, I would have made it more vulgar, I would have gone much deeper than what was there if I was trying to really embarrass the Smith Team” ... “This is a party where there is an ongoing RCMP investigation into its very first leadership race in 2017. There were serious allegations in the leadership review back in May.”

In the associated article, Bratt is quoted by CTV News as follows:

"I'm looking at this and I'm thinking there's only a handful of possibilities: either the Smith team did this, (or) maybe one of the other UCP campaigns did that to try to embarrass the Smith campaign."

"Maybe the NDP or a like-minded group did this to embarrass the Smith campaign, or this is just a lone wolf, pranking a person."

"If I was doing disinformation against Smith, I would have gone a lot further than what the call did."

"If I really wanted to attack them, I would have made it racial, I would have made it more vulgar. I would have gone much deeper than what was there, if I was trying to really embarrass the Smith team."

7. Bratt specifically denies the allegations contained in paragraph 9 of the Statement of Claim.
8. In specific response to paragraph 11 of the Statement of Claim, on August 23, 2022, CityNews of Calgary published an article titled "*UCP leadership candidate Danielle Smith denies involvement in 'fake' prank political calls*" with an associated media clip. In the media clip, Bratt states:

"Evidence here tend to warrant a further look into this. And I don't think we can simply say "Well, Smith denied it therefore it's not true" ... "We've seen a number of dirty tricks over the years from Robo calls that actually sent people to jail during a previous federal campaign, to fake polls. So this fits with that pattern that we have. That doesn't mean it was actually done by the Smith Campaign" ... "Bear in mind, there's an ongoing RCMP investigation over the last UCP leadership race. There was ongoing suspicion about the leadership review because there were five credit cards that purchased 4,000 memberships. So, those are examples to say that bad stuff has gone on in the past."

In the associated article, Bratt is quoted by CityNews as stating, "I don't think we can say, well, Smith denied it so it's not true."

9. Bratt specifically denies the allegations contained in paragraph 11 of the Statement of Claim.
10. The comments made by Bratt set out in paragraphs 6 and 8 herein are collectively referred to as the "**Statements**".

**Any matters that defeat the claim of the Plaintiffs:**

11. The Statement of Claim does not provide sufficient particulars of the Alleged Statements, including the words allegedly published by Bratt, to whom they were published, or in what forum the statements were allegedly made.
12. Bratt denies that the Statements or Alleged Statements are defamatory or refer to the Plaintiffs or either of them as alleged, or at all.

13. Further, Bratt denies that the Statements or Alleged Statements, read in their plain and ordinary meaning, and understood within the context of his comments as a whole bear, or are capable of bearing, the meanings alleged in the Statement of Claim.
14. In the alternative, to the extent the Statements or Alleged Statements contain allegation of fact, they are true or substantially true. Bratt pleads and relies on the defence of justification.
15. In the further alternative, to the extent the Statements or Alleged Statements contain expressions of opinion, the statements are fair comments made on a matter of public interest, easily recognizable as statements of opinion, based on the facts as disclosed, and were made without malice. Bratt pleads and relies on the defence of fair comment.
16. In the alternative, the Statements or Alleged Statements were on matters of public interest and Bratt was reasonably diligent in verifying the information. Bratt pleads and relies on the defence of responsible communication on matters of public interest.
17. In the further alternative, the Statements or Alleged Statements were protected by qualified privilege.
18. Bratt specifically denies that he engaged in any of the conduct alleged in paragraph 22 of the Statement of Claim. Bratt further denies that any of the Statements were for a collateral purpose as alleged in paragraph 23 of the Statement of Claim.
19. Further, Bratt denies that the Plaintiffs have suffered any damages as a result of the Statements, the Alleged Statements, or at all, and puts the Plaintiffs to the strict proof of any and all damages alleged to have been caused by Bratt in the Statement of Claim.
20. In the alternative, if the Plaintiffs suffered any damages as a result of the Statements or Alleged Statements, which is expressly denied, such damages are mitigated entirely or substantially by the Plaintiffs' pre-existing reputation in the community.
21. Further, the damages claimed are excessive, remote, and not recoverable at law.
22. Finally, to the best of Bratt's knowledge, the Plaintiff Craig Chandler is not a lawyer. As such, the claim advanced and maintained in the Court of King's Bench on behalf of the Plaintiff Progressive Group for Independent Business Inc. is in contravention of s.106 of the *Legal Professions Act*, RSA 2000 c. L-8, and ought to be struck.

**Remedy sought:**

23. Bratt respectfully requests the within action against him be dismissed with costs.