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PLEASE REPLY TO EDMONTON OFFICE

February 25, 2019

PERSONAL AND CONFIDENTIAL

HAND DELIVERED

Mr. Prab Gill



Dear Mr. Gill:

Re: Defamatory Statements with Respect to Jason Kenney's United Conservative Party Leadership Campaign Team – CEASE AND DESIST

Please be advised that we are legal counsel for the Honourable Jason Kenney PC MLA ("Mr. Kenney") and the United Conservative Party ("UCP") in relation to allegations made in your letter to Deputy Commissioner Curtis Zablocki dated February 11, 2019 (the "Letter") that was also provided to Press Progress and published online. These allegations are plainly false and defamatory. We are authorized to send this letter on behalf of our clients.

Background

As you know, Mr. Kenney is the Leader of the UCP, an elected member of the Legislative Assembly, and the Leader of Her Majesty's Loyal Opposition. He is well-known and highly respected across the province of Alberta. His reputation is critically important to his electoral success and that of the UCP.

The UCP was formed in 2017 following the approval of the Agreement in Principle by 95% of the membership in both legacy parties. The UCP has grown to be the largest provincial political party in Canada and has earned the trust and support of thousands of Albertans. The UCP, like Mr. Kenney, relies heavily on its reputation as a transparent and accountable organization in its efforts to continue to grow.

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Despite only being formed in the summer of 2017, UCP administered a leadership contest in the fall of 2017 in a transparent and accountable fashion. The processes for membership sales, voter registration and PIN distribution were subject to stringent security protections and diligent review. An independent auditor was retained to ensure the leadership contest was administered in a fair and equitable fashion and that auditor certified the process and the results.

The voting process in the 2017 leadership contest involved multiple stages of authentication. First, a membership had to be purchased prior to the membership sales deadline. The membership application required a personal authorization, which the UCP randomly audited throughout the relevant period. Second, members had to register to vote by uploading photo identification that provides their name and address to an online portal created for the purpose or by mailing photocopies of their identification together with a registration form to the UCP office. Third, the UCP sent each registered voter a personal identification number to be used to cast their vote. The most common concern expressed by UCP members during the 2017 leadership contest was that the UCP's efforts to ensure the integrity of the process made it too difficult for members to vote and there was, and is, little concern that it was open for abuse.

At the conclusion of the 2017 UCP leadership contest, Mr. Kenney received 35,623 of the 58,232 votes cast. That vote total was 17,287 more than the second-placed contestant.

Defamatory Statements

In your Letter to Deputy Commissioner Curtis Zablocki, you made the following statements (the "Statements"):

"I believe that election laws may have been broken and that the criminal code was broken by members of the Jason Kenney UCP leadership campaign including by [redacted] who is the nominated UCP candidate for Calgary [redacted]."

"It seems that possibly thousands of memberships 'sold' by the Jason Kenney UCP leadership campaign had fraudulent email addresses added onto the membership application so that all communication from the party to them member [sic] was sent to an email address that the member did not have access to. This meant that when the member supplied a copy of their identification to the party to complete their registration to vote their voting passwords were not sent to them but were instead sent to the person who controlled the fraudulent email address that was attached to the membership.

During the early weeks of the campaign, I was personally told by Mr. [redacted] of the Kenney campaign that the campaign had created 1,000's of emails somewhere off-shore, which would be used for voting for Mr. Kenney in the leadership vote."

"I have personal information about a small group of Kenney volunteers including Ms. [redacted], now the nominated UCP candidate for Calgary [redacted], who operated what was referred to as a 'Kenney Voting Kiosk' at a warehouse belonging to a business in [redacted]. I was told that there were similar other kiosks [sic] in the

other parts of Alberta. [Redacted] supervised the one in [redacted] where these fraudulent email addresses were accessed and the credentials were used to vote for these members. This happened on three days that voting was opened.

During the voting days, I was also approached by another Kenney volunteer [redacted], who came to my constituency office with a short list of member's passwords and asked to me vote for them [sic] and I refused to do so.

At the time I thought all of this was only cheating and dirty politics. I did not know of any election law that was broken but since then I have learned that is may be a violation [sic] of the identity fraud section of the criminal code. Section 403(1) says 'everyone commits an offence who fraudulently personates another person, living or dead, with intent to gain advantage for themselves or another person.' I believe that the creation of fake email addresses to intercept the communication of another person so that Jason Kenney can steal someone's vote fits the details and intent of the law. I believe possibly thousands of individuals were impacted.

The UCP reported that almost 95% of registered voters voted. ... I have to wonder if that very high voter participation number and the complaints about not getting voting passwords was the result of passwords getting intercepted. I believe that this type of corruption is damaging to our democracy and to Alberta."

The Statements are outrageous and plainly false.

The Statements are also damaging to and defamatory of Mr. Kenney, the UCP, the nominated candidates that are referenced, and other members of the Kenney leadership campaign team. The Statements have caused significant damage to our clients' reputations and will continue to cause damage until a retraction and apology is issued as demanded below.

While we understand that you are disappointed by the fact that you were not permitted to seek a UCP nomination in the upcoming election, that does not justify this sort of malicious, irresponsible and outrageous conduct.

Cease and Desist

On behalf of our clients, we demand that you **cease and desist** from making any further defamatory comments and from any communication of any kind relating to the Statements and the Letter.

In addition, we demand that you immediately issue a written **retraction** of the Statements and an **apology** to Mr. Kenney, the UCP, and the other individuals that you specifically named in the Letter.

If you have not taken the above steps **within 3 business days** from receiving this letter, we will seek instructions to take further legal steps which may include filing a Statement of Claim seeking injunctive relief, damages for defamation, pre-judgment interest, and solicitor client costs. These further steps will be taken without further notice to you.

Kindly govern yourself accordingly.

Yours truly,

A handwritten signature in blue ink, appearing to read "Steven A.A. Dollansky". The signature is fluid and cursive, with a prominent flourish at the end.

STEVEN A.A. DOLLANSKY

SAD/kal
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