



BY PROCESS SERVER

January 6, 2005

E-mail: aglavin@axion.net

NICHOLAS HUGHES

8930 – 113A Street
Delta, BC
V4C 5C3

Dear Mr. Hughes

**Re: Defamatory Website Postings Authored by Nicholas Hughes:
“Molson’s Suckerpunch: The Dick Findlay Story”, April 14, 2004;
“A Plea for Justice: Dick Findlay’s Open Letter”, December 26 & 30, 2004;
“Chuck Puchmayr (Rhymes with Liar)”, December 30, 2004.**

We are counsel for the Brewery, Winery & Distillery Workers Union, Local 300.

It has come to the attention of the Union that you, under the pseudonym “Labatt Buster”, have made false and defamatory statements on at least two websites concerning the Union and Messrs. Sutherland, Graham, Bergunder, and Puchmayr. As well, one of your comments implies that this law firm (Fiorillo Glavin Gordon) is acting in an unprofessional or unethical manner by having its ‘pockets lined’ by the Union’s executive officers. The two websites we refer to are the Members for Democracy Open Forum and the Babble Forum on rabble.ca. Specifically, the above-noted postings by you contain the following false and defamatory statements:

- you referred to the Union officers’ relationship with Molson Breweries as being “the result of collusion by corrupt union officials ...” in your April 14, 2004 posting in the Molson’s Suckerpunch thread (MfD Forum). This is false and defamatory comment that has now been circulated to a potentially immense audience;
- you describe *your* situation with former employer Labatt Brewery as resulting in discrimination by your employer to which the Union ‘apparently acquiesced’ in your April 14, 2004 posting in the Molson’s Suckerpunch thread. This is false and defamatory;
- you also posted in that same thread: “Thus I can attest to what I’ve found to be an unprincipled and ineffectual union that for too long has been corrupted by its former Business Agent [Rick Sutherland]”. This is false and defamatory;
- you posted an edited version of Mr. Findlay’s “open letter” (December 26, 2004, “A Plea for Justice ...” in the MfD Forum; December 30, 2004 in the rabble.ca Babble Forum) in which it is claimed that “an investigation by an Officer of PIPA

is currently underway" in respect of the Union's alleged failure to provide Mr. Findlay with documentation pertinent to his (non)membership in the Union. The Union has verified with the Privacy Commission that no investigation of the Union whatsoever has been contemplated and that the enquiry made by Mr. Findlay found (in November 2004) that "Local 300 has provided [him] with access to all of the records to which [he] is entitled". Thus, you have completely misled the public with that posting;

- in those same threads there is reference to an alleged "atmosphere of violence and intimidation at Molson's" the implication of which is that the Union and its officials have created and/or contributed to such an atmosphere. This is false and defamatory;
- in your posting of the open letter on these two websites you have also conveyed another false and defamatory comment concerning the Union and its officials when it is stated that there was "collusion between management and a corrupt union official" at Molson Breweries that resulted in Mr. Findlay's termination of employment. This is false and defamatory;
- in your December 30, 2004 posting (Babble Forum, "Chuck Puchmayr (Rhymes with Liar)"), you begin by implying that Mr. Puchmayr, a former Business Agent of the Union, is a "liar". You then malign the character of current Union President Roy Graham suggesting that he is a 'hypocrite'. And then you state that Mr. Puchmayr is a "two-faced, duplicitous, backstabber". All of these statements are false and defamatory and attempt to malign the character and integrity of current and former Union officials;
- finally, in your December 30, 2004 "Chuck Puchmayr (Rhymes with Liar)" posting, you state that Mr. Graham "currently lines the pockets of the Union's representative law firm" implying that both Mr. Graham and this law firm are involved in some untoward, unethical, and corrupt scheme that would benefit Mr. Graham's (and the Union's) political and legal interests, as well as this firm's financial interests. This statement is false and defamatory of the Union, its officers, and the law firm of Fiorillo Glavin Gordon.

All of these statements are *prima facie* defamatory in their normal and ordinary meaning. We therefore demand that you take all steps necessary to remove these references from the two websites immediately.

This letter serves as notice pursuant to section 10 of the *Libel and Slander Act*, R.S.B.C. 1996, c. 263 that you are expected to mitigate any potential damages by providing a full apology and a complete retraction of your statements in the form attached within seven (7) days of receipt of this letter. The original must be forwarded to the undersigned within that time.

If you fail to comply with these requirements, we will commence legal action against you without further notice to you. You should be aware that in addition to an injunction and damages, we will seek court costs against you.

For your information, we are requesting of the website administrators that a copy of the relevant apology and retraction letter be posted on the websites, and that your thread be eliminated from the relevant discussion website forum.

While the Union and its present officers would prefer to avoid litigation, we see no alternative if you do not cease and desist from defaming the Union and its officers forthwith.

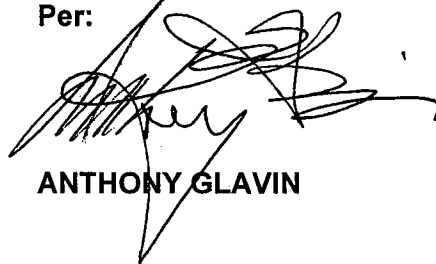
We recommend that you seek legal counsel on these issues.

We look forward to the apologies and retractions within seven (7) days of receipt of this letter.

Yours truly,

FIORILLO GLAVIN GORDON

Per:



ANTHONY GLAVIN

AG/pg

Encl.

cc: BWU Local 300
(Attn: Gerry Bergunder/Roy Graham/Rick Sutherland (via fax))
Chuck Puchmayr (via mail)
Website administrators (MfD Open Forum and Babble Forum)

(02)125Hughes1.doc