

Former Founder of Montreal's Animal Rescue Network (ARN), Barbara Lisbona, Loses Defamation Case—Ruled A SLAPP Suit

Defamation Suit Dismissed - Momentous victory for Defendants as their claim for moral damages, punitive damages, and legal costs have been granted by the court.

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In a prolonged legal procedure, [Case # 500-17-092587-164](#) for Defamation of Character has been dismissed.

Ms. Barbara Lisbona, former Founder and President of Animal Rescue Network (ARN), has been denied the \$1+million sought for Defamation of Character, a claim levied with the intent to stifle public debate. Her extensive five-year proceeding was deemed a SLAPP suit, and the defendants' claims for moral damages, punitive damages, and legal costs in excess of \$220,000 were granted in a February ruling.

BEHIND THE SCENES

According to the court, under Lisbona's tenure, ARN had all the signs of a rescue-gone-wrong. Volunteers, and other rescue professionals who approached Lisbona with concerns were met with virulent or evasive reactions. When rescue authorities like MAPAQ and the Montreal SPCA failed to intervene, their concerns became a matter of public debate.

Susan Mackasey, Darryl Brisebois, Ursula Lord, Patricia Godair, Neil Sullivan, and Pierre Beauchamp were among those who came forward more than five long years ago. They had [first-hand accounts](#), [third party evidence](#), and sufficient reason to be suspicious of ongoing mistreatment. They believed the operator to be hoarding animals, failing to provide proper



Montreal Gazette Article

veterinary care, and subjecting the animals to unfit conditions across multiple locations, including the ARN shelter, other warehouses and Lisbona's own home. Feeling the situation was a matter of urgency, they leveraged social media and journalistic outlets to inform the public—and the industry—of this potential neglect.

"I am not alone among rescuers in offering Ms. Lisbona help. She always declined. It was a moral imperative for me to speak out on their behalf" says Defendant Ursula Lord.



After an article published by the Montreal Gazette in 2015 raised the above concerns, Lisbona filed for injunctive relief. Her initial action, filed for defamation in early 2016, against nine defendants, including PostMedia Network (Montreal Gazette and National Post) and the aforementioned individuals. The action also impleaded Facebook, Twitter, Weebly, Ellen Nation, and Change.org.

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Susan Mackasey

THE BURDEN OF PROOF

The case against PostMedia was dismissed in 2018; the judgment held it aimed “to stifle public comment on matters of public interest”. Concurrently, another defendant’s case was dismissed, and charges against a third defendant were discontinued. Six defendants remained.

Meanwhile, a long-awaited investigation by MAPAQ (Ministère de l’Agriculture, des Pêcheries et de l’Alimentation du Québec) was taking place. The agents found “sufficient elements to warrant the immediate seizure of animals,” and a total of 134 cats were immediately taken from Lisbona’s premises, “to ensure their well-being” and “put an end to repeated infractions.” Shortly thereafter, Lisbona was presented a Statement of Offence, charging her with 7 counts of infractions to the Animal Welfare and Safety Act.

In the words of Superior Court Justice, Marie-Anne Paquette, “These charges are serious. The Statement of Offence was served on her on October 24, 2018. Still, she persisted in her proceedings against the defendants.”

Among other findings, the court found the plaintiff guilty of continual delays, including five requests for postponement of the inscription as well as other tactics. By way of one example, when a bailiff came to present her with a court notice, Lisbona gave her a false name. In addition, 2 of Lisbona's lawyers ceased representing her; one of which filed suit against her for non-payment. On the first day of the defamation trial, Lisbona was absent; another dilatory action that didn't go unnoticed by the court.

COURT RULING

The defendants filed a cross-claim, contending that Ms. Lisbona's filings were abusive as per Article 51 of the Code of Civil Procedure. They also alleged substantial breaches in Lisbona's conduct according to article 342. C.C.P.

As for the abusive nature of the case, the court's findings were clear. The court ruled that statements made by the defendants were based on verified information seen personally and made in the interests of the animals. The voluminous infraction reports by Anima Quebec And MAPAQ prove as further support. With an abundance of proof, the court concluded that Lisbona's application was "clearly unfounded, frivolous, vexatious, quarrelsome and thus abusive."

The court also ruled that Lisbona's application met all the characteristics of a SLAPP suit with the intention of silencing and defeating the end of justice, particularly to restrict the defendants' freedom of expression in public debate. Lisbona claimed damages that were exorbitant of awards found in similar cases, including \$400,000 against defendant Mackasey, suggesting an attempt to intimidate.

According to the court, her indictments crossed clear boundaries. "With respect to Defendants Brisebois and Beauchamp, there clearly was no possibility of any fault," said Justice Paquette. Defendant Brisebois was implicated simply in that he is Defendant Mackasey's spouse, and Defendant Beauchamp, Lisbona's former landlord, has no connection but for a quote provided to the Montreal Gazette. Lisbona's injunctive conclusions are as broad as her accusations are far-reaching. In essence," said Justice Paquette, "a blanket-order not to speak at all about her is sought."

As outlined in the judgement by Justice Paquette, intimidating behavior and aggressive tendencies on the part of Ms. Lisbona have been illustrated by additional testimonies and documents.

In addition to the cross-claim, Lisbona has a pending charge of [Breaking and Entering](#) (Dossier #760-01-095935-190 - Valleyfield Court House) after an attempt to reclaim the seized cats. Her 7 counts of infractions under the Animal Welfare and Safety Act will be brought to court this spring (Case # 500-26-108037-189 - Montreal Superior Court).

"This case dragged on for far too long," says Patricia Godair, one of the Defendants. " We've faced intimidation, as well as financial and emotional hardship. I'm relieved to put it behind me."

That the judge ruled in favor of the cross-claim, exonerating the defendants and acknowledging the abusive nature of the case, is validating. But there remains a larger issue at hand. "The animals are the true victims. They can't represent themselves," says Defendant Mackasey. "It was our job to give them a voice. I have no regrets. We did what was right morally. And after 5-long years, we were finally heard," Mackasey continued.

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