**Via facsimile (902) 742-0693 and email**

July 19, 2013

Justice Pierre Leon Muise
Supreme Court of Nova Scotia
Yarmouth Justice Centre
164 Main St.
Yarmouth, NS B5A 1C2

RE: Trout Point et al v Handshoe, Yarmouth Number #411345

Dear Justice Muise:

I feel compelled to object in the strongest terms to the applicant's letter to you of today along with their Notice of Motion to the Courts in Halifax the effect of which would be to procedurally derail the case management path you ordered in your letter to the litigants in this case dated June 20, 2013. This is a backdoor effort to attempt to cure the fatal procedural defects in Applicants' original and amended Applications in Court alleging Copyright Infringement on my part dating to January, 2013.

For the following reasons I suggest Applicants' motion of today has only one equitable remedy under the law and that is the complete dismissal of their Application to this court as amended WITH PREJUDICE.

**APPLICANTS ADMIT IN THEIR LETTER TO THIS HONERABLE COURT THEY ARE MANUFACTRING TORTS THEY DID NOT PREVEOUSLY HAVE STANDING TO ASSERT**

There is no nexus of facts between applicants' new claims of defamation and their previous asserted fictitious copyright claims and the set of laws under which these issues would be decided are distinct and separate. Applicants alleged, in a conclusory manner, in their original and amended complaints that respondent, rather than the legal owner of the Slabbed New Media LLC website is somehow in violation of the Canadian Copyright Act. In support of their application to this honorable court, applicants submitted takedown notices clearly submitted under the US law known as the Digital Millennium Copyright Act (DMCA). Those communications also contained "assignment of copyright" letters from US based organizations such as the Ashoka Foundation, owner of the copyrighted material when the images in question were downloaded and displayed on the Slabbed New Media LLC website. Slabbed New Media LLC is not a defendant or respondent in this matter nor has applicants ever asserted claims against the owner of the Slabbed New Media website. Respondent, appearing in a personal capacity in this instant action is sole owner and publisher of Slabbed New Media LLC, which owns the website in question.

As respondent will more fully set out in his brief regarding the jurisdiction of this honorable court over respondent due on July 23, 2013, no court in the Province of Nova Scotia has personal jurisdiction over respondent per *Club Resorts v Van Breda*. To the extent every image in question in this litigation was downloaded from a United States website / organization or "in line linked" to servers, none of which are located in the Province of Nova Scotia nor directly connected to Applicants, there will be no question regarding the jurisdiction of this honorable court over respondent.

To the extent applicants are still legally perfecting the copyright claims over the images in question and still seek to obtain copyright assignments over images to which they do not own, there is no question the claims made by the applicants at the time this action was filed were both baseless and frivolous and are being made for the sole purpose to harass and punish respondent for exposing their roles in one of many corrupt schemes involving their close business associate Aaron Broussard.

The issues of law concerning defamation and copyright are completely different and this includes jurisdictional issues. For instance, respondent will conclusively prove this court does not have jurisdiction over the baseless, frivolous copyright claims previously asserted by Applicants. However, while the issues involving jurisdiction over defamation claims, as set forth under *Breeden v Black*, involve the same processes as found in *Club Resorts v Van Breda* a reasonable legal observer could easily conclude this court could exercise personal jurisdiction over defamation claims asserted by Applicants against Respondent.

This is important because defamation claims are properly asserted in the form of an Action before the courts in Nova Scotia, not Application and the attempt to bootstrap this court's jurisdiction in what is essentially be a new action, without proper service of process, for supposedly new defamation claims is blatantly phony. I note that Applicants, by their own admission, have been aware of the allegedly new defamatory material since mid-June and only now bring it to the court attention on the eve of the final rounds of motions being due in this case after a major hearing which denied the vast majority of the baseless procedural claims made by Applicants.

This is also important because respondent understands that this honorable court could very well take jurisdiction of a properly served defamation complaint that actually contains coherent claims, something the current Application before this court does not. Because of the SPEECH Act of 2010 and the workings of the law which shield Respondent from Canadian defamation judgments, it is very possible that Respondent will not only defend any defamation claims the courts in Nova Scotia may take jurisdiction over but will also assert counter claims for defamation against Applicants along with several of their US based co-conspirators related to their postings on www.Real-Malice.blogspot.ca as well as other online postings made by Applicants.

Additionally I object to the Applicants multiplying these proceeding by filing documents with the courts in Halifax in this matter for hearing. This suit was filed by applicants, as masters of their own complaint, in Yarmouth and this case needs to be heard in Yarmouth by the judge assigned to the case. There is no judicial economy in having elements of this case heard by multiple judges and such would not be allowed in the US.

I object in the strongest possible terms to the baseless claims levied by applicants in their letter of today that I have suggested bias on the part of this court after the proceedings commenced and I would like to point out Applicants are simply recycling extraneous matters they previously brought to this courts attention that was the topic of hearing on July 10, 2013. These matters were decided in that hearing last week and to reintroduce them couched in different terms is sanctionable conduct and as such I request Applicants be sanctioned by this court.

I would like to remind this Honorable Court of something I wrote in a letter addressed to Your Honor last month regarding this litigation as I do not ask this court for sanctions against Applicants lightly:

> "My experience litigating against this bunch in the US is they typically deviate from their stated claim, degenerating the litigation into a glorified game of throwing as much food against the wall as possible hoping something sticks. Such tactics represent a wasting of judicial resources and make a mockery of the process."

This is exactly what has unfolded with Applicants' letter and motion of today. Unhappy with the results of the hearing held before your honor on July 10, 2013, Applicants now attempt to reset the proceedings with promises of new allegations to go with ones they are recycling from earlier in this instant litigation in an bald faced attempt to deprive respondent of his rights to challenge the jurisdiction of this honorable court in the matter as it was originally brought before this court.

To the extent these desperate actions underscore the fact the Application filed in January, 2013 to this court by Mssrs. Leary and Perret was baseless, without substance under the law, Applicants now try to morph the litigation into an entirely new cause of action. The only equitable remedy is to dismiss the Application WITH PREJUDICE and bring these fatally flawed proceedings to a close.

Thank you for your consideration in this matter.

Sincerely,

Douglas Handshoe
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Cc: Trout Point Lodge via email and fax