

SUPERIOR COURT OF JUSTICE

B E T W E E N:

GOLDI PRODUCTIONS LTD ET AL

Plaintiff

-and-

RITCHIE SINCLAIR

Defendant

E V I D E N C E O F
J O H N G O L D I

(cross-examination)

BEFORE THE HONOURABLE JUSTICE TWOHIG
on July 7, 2014, at BRAMPTON, Ontario

APPEARANCES:

Self-represented

Counsel for the Plaintiff

Self-represented

Counsel for the Defendant

T A B L E O F C O N T E N T S

<u>WITNESSES</u>	<u>Examination in Chief</u>	<u>Cross Examination</u>	<u>Re- Examination</u>
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dated December 15, 2010

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TUESDAY, JULY 7, 2015

JOHN GOLDI: AFFIRMED

CROSS-EXAMINATION BY MR. SINCLAIR:

Q. Good morning Mr. Goldi.

A. Good morning.

Q. On the internet, you claim to be the curator
of a museum.

A. Correct.

Q. Who appointed you curator?

A. I did.

Q. And who promotes you as curator?

A. Who what?

Q. Who promotes you as curator of that, who
advertises you as curator of that museum?

A. I do.

Q. Does anyone else?

A. Well, I guess my wife.

Q. Is there any accreditation of any sort for
your museum?

A. I don't know what that means.

Q. Is your museum in some way recognized by, I
don't know, the Museum Association of Canada? I am not privy to
the particulars of that information but is there are
accreditation that says that your museum is actually a museum?

A. I do.

Q. Okay. How much does it cost to get in your
museum?

A. It's an internet museum Mr. Sinclair.

Q. So it's a website?

A. Well, it's an internet museum. That's what I've called it for let's say from 1999. How long is that? 15 years?

Q. What website is your museum located on?

A. Its own website. It's independent...

Q. What's the name of it on the internet?

A. I think it's called Canadian Anglo Boer.

Canadian Boer War Museum I think, dot com.

Q. Is it? You mean you actually don't know the name of your own museum?

A. No, I don't know.

Q. Who built the web site?

A. I did. I don't know if it is Canadian Anglo Boer War Museum. I think it is probably Canadian Anglo Boer War Museum. Is that what it is Joan?

MS. GOLDI: I don't know. I haven't looked at it for a while.

MR. SINCLAIR: Q. You haven't looked at your museum's website. Do you still take care of the museum's website?

A. I do all the time, yeah.

Q. Okay, but again...

A. Everything is done by click, click, click, not by typing, right? When you go to websites, you just click and an opening button, you don't look and see what its name is.

Q. So are you...

MS. GOLDI: ...war museum dot com.

THE COURT: I'm sorry, we can't have you talking Mrs. Goldi. It's cross-examination.

THE WITNESS: A. Is it the Canadian Anglo Boer War Museum dot com? Canadian Anglo Boer War Museum dot com.

Q. Okay. So, in a sense, what you're saying to

me then, is that anybody who has pictures of old things on a website, that to you is a museum?

5 A. No. If they don't call it a museum, it is not a museum. Anybody in Canada can open any museum of any kind anywhere. It's a museum. If they call it a museum, that's their choice. There is no law from the Federal government that says you have to call it or not call it. I'm not a member of any museum association, and there are a lot of museums across Canada. Bricks and mortar museums which are not members of
10 whatever that organization is an umbrella group. There are lots of, there are hundreds and hundreds of museums across Canada. Some are run by amateurs, some run by people with no degrees. Some have a B.A. in English, some have no B.A.'s at all. I have a lot more degrees as a curator than a lot of my friends who are
15 curators.

Q. Now, can you name me some of those museums that aren't bricks and mortar? That there's no bricks, no mortar, there is no actual place where people can go and actually look at the treasures.

20 A. Well, you can. People have asked to come to our bricks and mortar installation, and in some cases, I have allowed them access.

Q. Access to where?

A. To...

25 Q. To your bricks and mortar museum?

A. To the collections, to the collections.

Q. To the collections of the museum?

A. That's right.

30 Q. Where's the museum located, the collections for the museum?

A. That is my privilege. I am not going to publicize where my museum is located, for security reasons. A

lot of my friends say, "John..." I have a good friend in England who says, "Boy, I wouldn't do that if I were you. You are going to have break and enter artists into, breaking into your house." So, whenever anybody calls, I tell them, our collection is in the vaults.

Q. Well, now you are in Court and it is just us here, so, where are your collections stored?

THE COURT: Mr. Sinclair. I am having trouble understanding how this is in any way, relevant to this lawsuit.

MR. SINCLAIR: This is this man's reputation that he's claiming has been undermined. I have shown you that first off, the only curator of the museum is in his own mind.

THE COURT: This is unrelated to the Morriseau painting which is at issue.

MR. SINCLAIR: You know what? The Morriseau painting has never been an issue. What has been an issue Your Honour, is the fact that I have an opinion about a fake Morriseau painting.

THE COURT: Well, how does this help?

MR. SINCLAIR: Not the painting. Dr. Singla has nothing to do with the end result of this. This is injurious falsehood. How does this help?

THE COURT: Yes.

MR. SINCLAIR: It first of all shows that this man is not truthful and where he is truthful, he's pulling, he just here, standing here telling you that he has a museum, when he doesn't actually have a museum.

THE COURT: Well, if we are going to spend hours...

MR. SINCLAIR: He can't...

THE COURT: Just a moment please. If we are going to spend hours and hours on matters that have no relevance to this lawsuit, just so you can argue at the end that he's not to be believed, we are never going to get through the trial. I would like you to focus on the issues in this trial.

MR. SINCLAIR: I think it is very viable. He says, answer this question...

THE WITNESS: Can I answer one short...

MR. SINCLAIR: Q. In your museum collection, you claim you have Morriseau paintings?

A. I believe so, yes.

Q. How many does Goldi Productions Limited, Canadian Anglo Boer War Museum dot com, have in its collections? Right? Do you think that's not relevant?

THE COURT: I'm not sure.

MR. SINCLAIR: He says...

THE WITNESS: I'm not sure. What's the point?

MR. SINCLAIR: He says his museum is losing money because I gave my opinion. Because he can't - his museum, his corporations' museum, remember these are Plaintiffs, I don't know if you remember that.

THE COURT: I do but that has nothing to do with the bricks and mortar of a website etcetera.

Let's focus on the issues in this trial.

MR. SINCLAIR: Why don't you tell me what the issues are then?

THE COURT: No. This is your case. This is the Plaintiff's case...

MR. SINCLAIR: Well, I am telling you...

THE COURT: ...it's your defence...

MR. SINCLAIR: ...he claims that he has a museum. And, in this museum, he claims to have a bunch of Morriseau paintings. My opinion is, that these Morriseau paintings that he's been putting on his website, which is really his museum, according to him, that those are legitimate Morriseau's...

THE COURT: Well, let's focus on the paintings.

MR. SINCLAIR: ...that's what's....

THE COURT: Let's focus on the paintings.

MR. SINCLAIR: Well, let's focus on how he acquired the paintings, what value they have with that corporation, what money has been lost in regards to those paintings, where those paintings are, where are the documents saying who owns those paintings, how much they were paid for, what the titles are - I mean, I want to discuss the painting as Morriseau's protégé.

THE COURT: Now...

MR. SINCLAIR: That's the case Your Honour, right there. I gave my opinion. Do I have a right to give my opinion or not?

THE COURT: Let's just calm down and focus on the issue here, and it is, as I understand it, whether or not you have defamed Goldi Productions by claiming that a certain painting is a fake.

MR. SINCLAIR: Right.

THE COURT: You can ask questions that go to the issue of whether or not, it's a genuine Morriseau painting...

MR. SINCLAIR: I know...

THE COURT: ...but talking about bricks and mortar of an internet museum is not helpful.

MR. SINCLAIR: A lie is the museum. Stuff that they collected at flea markets and third tier auction houses they have in their home.

THE COURT: But I'm trying to help you get through this trial Mr. Sinclair...

MR. SINCLAIR: Right Mr. Goldi?

THE COURT: ...because otherwise, we are going to be here for many, many days. I'm trying to help you focus.

MR. GOLDI: May I answer one of his questions please?

THE COURT: Certainly.

MR. GOLDI: A. I saw, I can call my, and I have since 1999, called my internet website, which is the largest educational website in the world.

Q. Bigger than the Louvre?

A. It's bigger - the Louvre has no internet presence that compares to mine. My educational Boer War Museum is bigger than the Smithsonian's, the Imperial War Museum, and the Canadian war museums combined. I have stuff published there, historical memorabilia, part of my collection of 4500 items that I have curated as a collector and curator and historian. I picked that name because it was cute. I didn't pretend, and nobody pretends that I have a bricks and mortar, as if I care if that's important. I might point out to you, that Random House published a book called "A Museum Called Canada." The book was the museum. In fact, Random House stole my concept as a book from my museum. I wrote a proposal to Random House, saying that they should do a book called "The Museum of This, That, the Other" and feature artifacts just the way I do on my website. They published it and called it, "A Museum Called Canada", all totally based on my Canadian Anglo Boer War Museum.

They did it without accreditation.

Q. So, your internet museum that you don't know the name of the website itself, is actually the biggest museum...

5 A. It is.

Q. ...in the whole world?

A. It's the biggest, educational museum in the world. And it's got thousands of huge pictures, thousands of items on it. It totally appals the Canadian War Museum's internet presence or the Canadian History Museum. They have tiny little pictures and they only have a few because their only interest is getting people into their bricks and mortar. If you've ever been on my website Mr. Sinclair, you should read the feed-back from all over the world. Hundreds of people saying there is nothing like it in the whole world.

15 Q. Mr. Goldi...

A. You should read, and do some research on my website before you go and, I might also point out that I'm not an imposter. I have a huge file published hugely and prominently on the website about my credentials and my background and there is nobody hiding or doing hanky-panky. My credentials are as good as any museum curator's in Canada.

20 Q. And what are your credentials with regards to being an investigative reporter, journalist?

25 A. I don't know Mr. Sinclair.

Q. And what are your credentials with regards to being a museum curator? What are your credentials with regard to being an expert about fakes, Mr. Goldi?

A. Yes.

30 Q. What are you doing? You are not supposed to be looking through books up there. You shouldn't have any paper up there.

A. Yup.

THE COURT: Mr. Goldi.

THE WITNESS: A. Here. I think I am the only Canadian...

MR. SINCLAIR: Your Honour.

THE WITNESS: A. Excuse me? You asked, where are my credentials? Here is my credentials. Worldfest Houston. Platinum award. That's above gold. That's high for Investigative Journalism. Goldi Productions...

Q. Who printed that paper? Where is that located, and where is that in our materials? I don't...

A. It's in the materials.

Q. Where because I don't know what you are referring to. I didn't ask him to pull out whatever he can find on piece...

A. Well, you asked for my credentials and here they are.

Q. Well that's...

A. Investigative Journalism.

Q. So that's the school you went to?

THE COURT: Mr. Goldi. Would it be possible for you to tell him what you consider to be your credentials without referring to paper? Is that possible? Just tell him your background.

MR. SINCLAIR: Your Honour, even now it is just a distraction. Isn't that against the Rules?

THE WITNESS: A. Why do you ask for an answer and then think that my answer is a distraction Mr. Sinclair?

Q. The papers that I...

A. I asked a few questions, now answer them.

THE COURT: He is not referring to them anymore.

Unless you want to see them.

THE WITNESS: Here's another one of my...

THE COURT: Again, I don't know how this is helpful in any way.

MR. SINCLAIR: It's not helpful Your Honour.

THE COURT: Well then, let's not go down that road.

Q. But, I think what's being exposed here, is that this man is a fraud. That is what is being exposed here. He's not a legitimate journalist, but so, what are your credentials? What school did you go to as a journalist?

A. Do you know Peter Mansbridge? Peter Mansbridge is the CBC's...

Q. That's not an answer Mr. Goldi. What school did you go to?

A. Peter Mansbridge is the CBC's top journalist. Did you know that Mr. Mansbridge hasn't even got a university degree of any kind, and he is CBC's top journalist. I happen to have done my Honour, Bachelor of Arts in History at the University of Toronto, one of the leading universities in Canada. I went on to do graduate work towards my Bachelor of Education at McCarthur College at Queen's and I went on to do my Master's in History at Queen's. These credentials are higher than the vast majority of curators in Canada have. Every Tuesday night, I go fiddle in a bar in Hamilton. There is a table there with about 10 curators of regional museums from Oakville, Hamilton. All of them have lesser academic credentials than I have yet they are running Dundurn Castle. They are running the Chisholm House in Oakville. They are running the Steamship Museum in Hamilton...

Q. The actual bricks and mortar?

A. That's right. But, their credentials are fewer and less than mine. So don't tell me...

Q. Why? Because you have a Master's in English and History? You are saying that that makes you, that gives you the, that makes you an investigative journalist? What newspapers did you work at? You already testified none, right? 5 Let's get right to what Her Honour wants. Tell me about your expertise when it comes to fakes. Fake of any kind in the whole world. Have you ever found any fakes in your collections?

A. I have seen lots of fakes of different kinds, all over the place.

10 Q. That you actually bought? That were part of Goldi Productions Collections?

A. What are you talking about, because I have collected 4500 pieces of artwork and memorabilia items?

15 Q. Were any of those discovered by you with your expertise to...

A. All of them have been vetted by me as being historical authentic items, whether they're cups, saucers, whether they're photographs, whether they're lithographs, chromo-lithographic. Whether they're aqua-pinch, whether 20 they're pastels, acrylics. I've done it all Mr. Sinclair.

Q. Have you had any education whatsoever, and been able to identify authentic memorabilia...

A. Lots. My whole website is based on exposing frauds.

25 Q. It's based on - your website, or your company website?

A. No. My website...

Q. Is based upon...

A. ...is based upon the Boer War Museum.

30 Q. Your website or your company website?

A. It's my, it's my website.

Q. The Boer War Museum is your website?

A. That's right.

Q. Okay.

A. Do you want me to continue or not?

Q. Go.

5 A. As I said, my journalistic background started if you want, when I graduated from the University of Toronto in 1966. In fact, if you know, and I know you know, that you've read my website, I've celebrated my 50th year as an investigative journalist this year, because in 1965, I
10 infiltrated the Canadian, the founding of the Canadian Nazi Party in Toronto. That was my very first investigative job. I did that with a fourth year...

Q. Is the article with regard to this infiltration of the Nazi party...

15 A. It's on my website.

Q. ...well, it's here amongst the many, many volumes and materials of your history as an investigative journalist...

A. That's right.

20 Q. ...or did you not just join this Nazi group?

A. Mr. Sinclair. There is a headline on entering documents, December 20th, 2013. Stuff subsequent to that, I am not entering into the Court. The Court won't permit me to. There is a deadline.

25 Q. Okay, I'm asking you. You're on the stand. Was there a published article from your infiltration of the Nazi party 50 years ago, that was the first step of you as an investigative journalist in the classical sense, in the sense that we all understand a journalist to be?

30 A. I, followed the route of a classical investigative journalist in hiding, and infiltrating myself, in John Beatty's Nazi Party Funding.

Q. For what purpose?

A. Because we were going to expose it to the
Toronto Star.

Q. Did you expose it?

A. No, we didn't...

Q. Okay.

THE COURT: Let him answer.

MR. SINCLAIR: Q. Okay Sir.

A. In 1966, I graduated in history, with an
honours degree, which would have made me easy to get a job in
any newspaper in Canada as a journalist, a print journalist. I
didn't do that. I became a teacher for the next 13 years, high
school teacher, in aboriginal villages. But, in 1979, I became
an investigative journalist and documentary film maker in 1979
and I trained at the CBC in Yellowknife, and they trained me in
documentary film making, and I make many programs for the CBC
between 1979 and 1988. There were, they hired me as a historian
and an investigative journalist to do documentaries.

Q. Was there anything in the materials with
regard to your employment at CBC?

A. It's in there somewhere.

Q. Well...

THE COURT: No, it is up to you to put documents
to the witness while you are cross-examining him.
We are not going to stop and start digging through
the boxes. You should have them ready if you want
to put them to the witness.

MR. SINCLAIR: Q. Mr. Goldi...

A. Let me just finish this.

Q. Is there evidence or not in these materials...

A. Yes, it's in there.

Q. ...with regards to...

A. Yes, it's all in there.

Q. ...working at the CBC?

A. Mr. Sinclair, you know everything that we had
is in there. I might also point out, I was hired as a film
5 producer and documentary film maker by the Department of
National Defence. I was hired by Parks Canada to do many
historical videos for Parks Canada. I did many documentary
films for St. John's Ambulance. I worked for Steve Caffrey
(ph.) and George Herasmiss (ph.), two of the top aboriginal
10 leaders in Canada. I might point out that the work that I did
for Steve Caffrey and George Herasmiss, a one hour documentary
on Indian life in the settlements was premiered on Parliament
Hill in 1986. It was also premiered in the European Parliament
in Bricksholm, Belgium. It won the Golden Sheath at Yorkton
15 which is Canada's oldest film festival and I, why do I need to
go through all and through the whole litany of films that I...

Q. So the point what you are trying to say, is
your company or you, I'm not sure how you are playing this, but
your company makes documentary films? That's what you do?

A. That's right, yes.

Q. Right?

A. Yes.

Q. That's what you do. So you find a certain
issue, and you make a film about it, right?

A. Sort of, okay.

Q. What's the last film you made?

A. The last one was, well there's always some in
progress, but the last one is probably Ipperwash I think. Is
it?

30 THE COURT: Sorry, this is not a conversation.
You have to only give your evidence...

MR. SINCLAIR: Q. What year is that?

A. Probably 2005 I think it was broadcast.

Q. And what films is your company, working on right now?

5 A. Well, we are doing outdoor safety stuff too. And we are pursuing more stuff - Treaties of the First Nations is another one we did after that I think. We are looking to do part 2 of Treaties, unfinished business, part 2 of Treaties of First Nations across Canada.

Q. That's in the last ten years?

10 A. Yes, in the last ten years.

Q. You have not produced any films, right?

A. Yes, oh no. We are working on films.

Q. Are you working on a film about this?

A. No.

15 Q. You're not? So why is Goldi Productions so involved in this?

A. Because you have been libelled and defamed us.

Q. Defamed your company....

A. It has been impossible for us...

20 Q. Well, now we are getting into the issue. So Goldi Productions Museum, internet museum, so we are just talking about pictures, somehow has pictures of Morriseau paintings that your company owns, correct?

25 A. Mr. Sinclair, you've got to stop mixing up one thing with another.

Q. Answer the question.

A. What is the question please? Stick to a, stick to a question that makes sense. Goldi Productions and the Boer War Museum are not connected, to my mind.

30 Q. They're not connected? Okay, I'm in Court here. Goldi Productions is suing me for defaming Goldi Productions.

A. That's correct.

Q. Okay, what does Goldi Productions entail?

What is this corporation? Who owns it? There's no documentation anywhere about what this corporation is or does, especially if you're standing up here on the stand and saying museums, the websites, none of this stuff has anything to do with Goldi Productions, even though it says Goldi Productions on your website pages. Is it, or is it not, a corporation?

A. Goldi Productions is a registered corporation since 1979.

Q. Okay.

A. We've done much work for the Federal government, all kinds of people. We're recognized as a company that's....

Q. So what does Goldi Productions do?

A. Pardon?

Q. They produce films? Is that what you're saying?

A. That's right. Films and television...

Q. Is that the entirety of what they do?

A. ...film and television programs, that's correct.

Q. And, the Anglo Boar Museum, that is...

A. The Anglo Boar War Museum Mr. Sinclair, was picked as a Canada Millennium project in 2000. The Canadian government thought so highly....

Q. I'm asking you...

A. Let me finish please.

Q. This is not answer to my question.

A. The Canadian government thought so highly of my work and initiative, they named it one of the few Canadian Millennium projects worthy of federal funding because it was

improving Canadian heritage communication. That is how important the museum was to the Canadian government. You may be snide about what it is, the Canadian...

Q. Again, my question is not about the Canadian government, my question is, does Goldi Productions Limited Corporation, own and operate the Canadian Anglo Boer War Museum? You already testified that it doesn't, but you do?

A. You're using the word "operate." I don't know what that means. I'm not into all the legalities. No, operate...

Q. Answer the question.

A. I operate...

Q. Answer the question. It's a simple question.

A. I operate - no it's not. I operate, I do, my wife has nothing to do with the Canadian Anglo Boer War Museum. I do it.

Q. Okay.

A. I do it all. The pictures and the lighting. It's all mine.

Q. See, where I am having a problem Mr. Goldi, is...

A. Why are you having a problem with me?

THE COURT: It is up to him to ask the questions, so he wants to clarify.

THE WITNESS: Fine, clarify please.

Q. Okay. Goldi Productions Limited has a problem with what I said, my opinion, about some purported Morriveau paintings that appeared on one of your websites. Correct?

A. No. We had a huge problem with you, (inaudible) a company which pays me, which hires me. Goldi Productions...

Q. Pays you and hires you?

A. That's right. I am an employee of Goldi Productions...

Q. Since 1979?

A. ...they pay me.

5 Q. Right.

A. And when you defile and defame Goldi Productions, you prevent them from paying me my wages, my salary. I can't get paid because we can't sell paintings that you defame. We recycle paintings into money so we can create
10 new programs. When you defile and defame and liable my company, and my paintings, we can't sell them. Do you follow that?

Q. Who owns the paintings? The museum?

A. No, Goldi Productions Limited owns the paintings.

15 Q. Right. I cannot relocate anywhere in the materials, any evidence in particular, I'm not denying that they do, but that is a problem throughout this, because claims have changed and one minute - you walked into this Court, how about telling this Court why you withdrew your claim, your personal
20 claim?

A. Mr. Sinclair, nothing has changed at all in our presentation of this case since we started...

Q. Please answer the question.

A. ...nothing has changed what so ever. I don't
25 know what you are talking about.

Q. Why did you withdraw your personal claim? You are no longer the Plaintiff in this particular case.

THE COURT: It doesn't matter one bit or not.

Goldi Productions Limited is the Plaintiff.

30 MR. SINCLAIR: Q. And there is no doubt about that. Okay. It does go nowhere, doesn't it? So you have 4500 objects in your collection, but these six paintings, you own six

purported Morriseau paintings?

A. No, I own more I think.

Q. How many do you own?

A. Six are liable defamed by you.

5 Q. Okay, how many Morriseau's do you own?

A. I think maybe eight or nine. It may be eight
or nine. I don't know. Honestly. All I know is you have the
defamed, defiled and liabled six of my paintings for the past
five years according to your count. Those are the ones that are
10 an issue here.

Q. Okay, and these eight or nine paintings they
are all owned by Goldi Productions Limited, correct?

A. That's correct.

Q. But, Goldi Productions Limited's reputation is
15 about film making, correct?

A. No, it's about the internet on which we have a
huge presence. We sell educational materials Mr. Sinclair, and
when people go online and see that my painting is defiled and
defamed on your website, how many are going to say, "Oh I know.
20 That's the one that's on Goldi's website."

Q. How long have you owned these eight or nine
paintings?

A. The first one on January 26, 2000.

Q. So 15 years?

25 A. That's right.

Q. What educational materials have they appeared
in? Any publications?

A. They've appeared on numerous of my websites,
including First Peoples of Canada, which is a hugely praised
30 website all over Canada. It's on there.

Q. And so you are saying that there were images
of these paintings, including the subject painting, on the

websites of Goldi Productions Limited?

A. We have a number of websites like the Canada site.com which is...

Q. Just say yes or no.

A. To what?

THE COURT: I believe the question was whether these paintings were on websites owned by Goldi Productions Limited. That right?

THE WITNESS: The answer is yes.

Q. And they were on the internet for how many years?

A. I don't remember when they first went up.

Q. Maybe 2000?

A. You know Mr. Sinclair...

Q. Would 2000 be reasonable?

A. I don't...

Q. Somewhere around there?

A. I don't think so.

Q. So you have had them up on the internet for years though?

A. Yes, they have been up for years.

Q. What is, what do you recall - did you write the pages?

A. On what?

Q. Did you make the web pages where the images were of your paintings?

A. I can't recall if I did them all. We had staff working....

Q. So you...

A. We had staff working on - first of all Mr. Sinclair, I had 4,500 art and memorabilia items. Are you going to ask me if I remember when those first went up on my website?

Q. No, I am not worried about...

A. Be serious.

Q. So seriously, you put up webpages regarding these paintings, the very ones that we are discussing here today...

A. Yes.

Q. ...and they were up here for years?

A. Yes.

Q. Right?

A. Yes.

Q. What were you doing, what were you trying to say? Do you recall the webpages?

A. All our webpages have only one name. All of ours. Canadian Heritage Promotion. We celebrate Canada with, because of our huge and long background as teachers, we were teachers for many years, fully credentialed Mr. Sinclair.

Q. Did you claim that they were authentic paintings?

A. Oh yes, certainly.

Q. Did you take them to an authenticator of any sort or someone knowledgeable with regards to Morriseau art?

A. We finally did yes. We took one, in fact, Soma went to two. It's the only Canadian painting in history to have two forensic scientists independent of each other look at it.

Q. Okay, this is in....

A. Also...

Q. This is recently correct?

A. A couple of years ago.

Q. Okay, so from the year 2000 and on, when you had these on the internet, saying that they were authentic Morriseau's, right?

A. That's right.

Q. What did you do to verify that they were authenticate Morriseau?

5 A. I didn't want to go anything, because I know in my gut from my long investigative background as a historical writer, as a historian going to back to 1966, and all my subsequent work as a curator on the Anglo Boar War Museum, that the paintings were as genuine as you are standing there, but I was asked by somebody else, why don't you let us be sure,
10 authenticate these with a forensic scientist. I said, "I don't want to do it." The person said, "It is very important because those two paintings were vetted as authentic by Donald Robinson. He was the under bidder on them, so they are two very important historical Canadian paintings. It is important that we have a
15 genuine handwriting expert look at them."

Q. Now, are you aware that Donald Robinson is a witness for me in this case?

A. That's fine.

Q. Are you also aware, and are you going to
20 expect that he is going to testify that he thinks they are all fakes?

A. He is the world's worst art expert in history.

Q. Just answer yes or no.

A. The answer is...

25 THE COURT: That is a call for speculation. He shouldn't be asked to speculate on what your witness might testify to.

THE WITNESS: A. Let me tell you, since you asked
me.

30 Q. Mr. Goldi...

A. ...you asked me if I sent them for forensic testing. I sent, I sent two of them to, what to hell is his

name in Calgary? Davies...

Q. Mr. Robinson...

A. ...he authenticated, and then I also sent Soma to Dr. Singla, and Dr. Singla gave it the only 100 percent authentication he's ever given a painting. It's the only Canadian, Morriveau painting that's received 100 percent authentic signed by Norval Morriveau. So, there's your answer.

Q. So...

A. It's not my word that says that they are genuine.

Q. Actually, my question is about Mr. Robinson. Now in the evidence filed, and I am not sure what Exhibit they are Your Honour, are two expert reports by Donald Robinson.

A. Yes.

Q. Right?

A. Which one?

Q. You're aware of them because you filed them.

A. Which one are you talking to? He wrote four in his life. Those are two. I don't know which two you are talking about.

Q. Your witness, Mr. Otavnik, in this case...

A. Are you talking about his expert report on Jesuit Priest?

Q. Mr. Otavnik's painting.

A. Jesuit Priest?

Q. Right.

A. Okay.

Q. Okay, so that was mentioned in Judge Godfrey's court, right?

A. Right.

Q. You were there?

A. Yeah.

Q. Okay, what did Mr. Robinson believe about Joe Otavnik's painting?

A. I don't really care, okay.

Q. What's the answer?

A. The answer is, Judge Godfrey ignored it...

Q. Answer the question.

A. ...he doesn't care about it.

Q. What is the answer Sir?

THE COURT: How is it helpful what Judge Godfrey said that...

MR. SINCLAIR: I'm not asking what Justice Godfrey said.

THE COURT: ...well, then what is it that you are asking?

THE WITNESS: You're asking me?

MR. SINCLAIR: Q. About Don Robinson, I wanted to ask that but you told me I couldn't, so I am going around it by saying things are in evidence, the two expert reports, but Morriveau's principle art dealer as he said, and they both say they are fakes coming out of Randy Potter Auctions.

A. And his reports have been discredited by, everyone is his reports, four of them, have been discredited by every Judge that have been in front of Mr. Sinclair.

Q. Not true.

A. Do you want me to give you the name of the Judge?

Q. Your Honour, do you want me to go down that road? You didn't file Senior Justice Godfrey's claim in here, and my files have been restricted, you know, so were it left to me or you testifying to what happened with Judge Godfrey's Court.

A. I am not sure, we did not do Justice Godfrey -

I'm not sure...

THE COURT: Mr. Sinclair, you are free to call your own witnesses who may have given opinions in another Court. Mr. Goldi can then cross-examine on them. You can present documentary evidence if it has been given to the Plaintiff prior to today, and using that in argument, but having Mr. Goldi testify about what somebody else may or may not have said, is not particularly helpful.

MR. SINCLAIR: So, you are saying that I can bring in evidence that I have right here that has not been previously filed...

THE COURT: No, I'm saying no, it has to have been previously filed, but if you are planning to call Mr. Robinson as a witness for example, let's hear from him, rather than from Mr. Goldi as to what he might or might not say.

MR. SINCLAIR: Q. So Mr. Goldi, on your corporation's website, for many many years, you had paintings up there that - that the paintings, was there disclosure to these images, these paintings? (inaudible) these websites were owned by Goldi Productions or yourself or anybody.

A. Can you focus me on which of my many websites you are talking about?

Q. Does it really matter...

A. Yes, it matters.

Q. ...you don't know the names of your...

A. It matters.

Q. ...you said you had the biggest website in the whole world...

A. That's the Canadian...

Q. ...and you don't even know the name of it?

A. That's the Canadian War...

Q. And you operate it?

THE COURT: I'm sorry. The reporter cannot record this if you are both talking at once...

MR. SINCLAIR: It's very tough Your Honour.

THE COURT: ...yes, it is. So, you will have to focus your questions...

MR. SINCLAIR: I am not getting straight answers to any of the questions.

THE COURT: ...ask the focused questions without interrupting...

THE WITNESS: And then you will get straight answers.

THE COURT: ...and listen to the answer.

THE WITNESS: A. What do you want to know? Don't be combative, be eliciting of information. All that I've said here...

Q. Mr. Goldi...

A. ...is on my website. I haven't said a single thing here which hasn't been published for years.

Q. For years and years...

A. I had...

Q. ...you had the images of these websites on websites. I don't care which ones you put them on. I don't care what the name it is. All I want to know is, you had them up there. Did you identify that Goldi Productions owned these paintings on the websites?

A. I think everybody assumes that what's on my museum website, is owned by me. That is certainly from the information that I get when people like me constantly and say "Will you sell me this item? Will you sell me that item?" I get these letters every week.

Cross-examination of John Goldi

Q. So...

A. From all over the world. "Will you sell me that?" I just sold National Geographic something. I just sold for Deerborne Museum, I sold them a very rare...

5 Q. Between the year 2000, and the date that this was filed, August 31st, 2011, those images were up on your website?

THE COURT: Which website now are we talking about?

10 Q. All the websites. Any of his websites. He's got six of them all connected, and whatever. They are non-sensicle.

THE COURT: Well, I think Mr. Sinclair's question was a fair one though. When he asked about, whether it was indicated on any of the websites that Goldi Productions Limited owned any of the Morriseau paintings at issues, although I understood that only (inaudible) owned the 1976 is at issue in this case.

15 THE WITNESS: Yes. All our museums have copyright protection to Goldi Productions Limited. All of us on the internet, know that means Goldi Productions has something to do with it.

Q. So now you have multiple museums?

25 A. I have - no, no. I have the Canada site. I have the First People site. I have Outdoor Safety. I have a lovely French version of that...

Q. Okay, so...

A. ...we have many...

30 Q. ...different images were...

A. ...educational.

Q. ...up for many years, on websites that are

owned by Goldi Productions, correct? It was not identified that they were run by Goldi Productions, you were just saying because by vary the virtue of them being on that website, that meant the people should understand that they were owned by Goldi Productions?

A. That's the convention Mr. Sinclair. Nobody goes around saying, "I own this. I own this. And by the way, I own this."

Q. You were trying to educate the public with regard to Morriseau art, if using these paintings? Is that what you were doing?

A. Yes.

Q. Was education?

A. All of our websites are educational.

Q. Okay, and you didn't identify that you owned them?

A. Mr. Sinclair...

Q. You didn't specifically identify this is owned by Goldi Productions Corporation?

A. It is on the bottom of every one of our pages. The convention on publication is copy right. It's the same in front of every book. If I am going here, I'll find copy right. You don't dare copy this stuff. This stuff belongs to -

Q. I just wondered if...

A. That is what I'm saying Mr. Sinclair. Come on Mr. Sinclair.

Q. Mr. Goldi, you are trying...

A. I don't know what...

Q. ...to educate people, and I'm trying to say there is a corporation that using certain pictures of Morriseau paintings on their website and I'm saying, did you have pictures of other Morriseau paintings that Goldi Corporation didn't own

on your website?

A. Yes, I do.

Q. Now, were people supposed to assume that those were owned by Goldi Productions too, because...

5 A. People can assume whatever they like, and when they want to know more, they usually write me.

Q. Now, when you had these...

A. Did you hear what I just said Mr. Sinclair?

10 Q. Now when you had these images, of some paintings that Goldi Productions didn't own that were proported Morriseau's and some paintings that Goldi Productions did own that were purported Morriseau's, right? You got me?

A. No.

15 Q. Okay, you've got pictures of purported Morriseau paintings...

A. No, I...

Q. ...on your website...

A. They were Morriseau paintings Mr. Sinclair.

Q. Pardon me?

20 A. Don't give me this "purported." You are an imposter. You're not...

Q. Your Honour.

THE COURT: All right, all right.

25 Q. Okay, so you are taking images from somewhere in the world, Goldi Productions the company, took pictures from somewhere in the world of Morriseau paintings and put them up and discussed them from an educational perspective, correct?

A. For instance...

Q. Correct?

30 A. ...in a few cases, but the vast majority...

Q. Okay...

A. ...Mr. Sinclair, let me answer the question.

Q. ...you are not answering my questions, you get off...

THE COURT: Let him answer please. Okay.

THE WITNESS: A. The overwhelming majority of the
5 1000's of pictures on my websites are my pictures taken by me.
In a few cases, for instance, in the case of Kevin Cott, where
you were cited for perjury...

Q. We are talking about paintings...

A. ...I had taken Kevin Cott's picture and put it
10 in the website. That picture is not mine. It's Kevin Cott's
picture.

Q. We are talking about specific pages here Mr.
Goldi.

A. I am talking about...

15 Q. Okay, so stay right there for now. Okay.

A. ...Kevin Cott's.

Q. We are talking about your opinions, your
written opinions about purporting Morriseau paintings that were
owned by Goldi Productions. Right? And purported Morriseau
20 paintings that were not owned by Goldi Productions and your
educational discussion on your website pages. That is what I am
trying to get to Mr. Goldi.

THE WITNESS: Is he allowed to goad me with
inflammatory language?

25 MR. SINCLAIR: I don't think it's inflammatory.

THE COURT: Are you concerned with the word
"purported?"

THE WITNESS: It is totally a preposterous word.

THE COURT: Well for him it is important. But you
30 tell him your version of the story and if you say
that they are genuine then that is fine.

THE WITNESS: A. That's right. Everything that

is on my website is 100 percent authenticated by a professional accredited historian with a huge background Mr. Sinclair, which you can't even imagine in authenticated historical memorabilia items. I also have a huge background in education, which you
5 can't even imagine.

Q. So...

A. I also have a huge background in experience working with, for, and about Aboriginal people. So, these paintings, I don't put anything fake on my website. I don't put
10 anything purported up. My stuff is genuine. More genuine than you are Mr. Sinclair.

Q. Tell me, why did you have Morriseau paintings up there over those years, on those pages, you have images of Morriseau paintings that you discussed on these pages. Did you
15 give your opinion about these paintings, that Goldi Productions didn't want? Did you give your opinion about them?

A. I gave Kevin Cott's opinion.

Q. I'm not talking Kevin Cott's opinion. I am talking about between the year 2000 and 2011...

20 THE COURT: One at a time please, one at a time.

Q. Everything after the date that you filed the case is another whole world.

A. Mr. Sinclair I am not like you, a wild eye blogger that says any old thing who says any old damn thing that
25 comes into his mind.

THE COURT: All right, all right.

Q. Did you or did you not give your opinion Sir?

A. I am a credentialed historian who has footnotes and gives quotes and gives reference for everything
30 that I say.

Q. Did you identify the owners of the Morriseau paintings that you put up on Goldi Productions Limited?

A. Which ones? You mean the Kevin Cott one?

Q. No, I mean between the year 2000 and 2011 you had numerous pages where you had the subject painting and others and you were comparing them with other Morriseau paintings. Is that correct?

A. It is not correct.

Q. Okay then, explain to me what was going on on those pages.

A. I have not compared them to anything else. I said, "free standing, alone, they are genuine Morriseau paintings" based on my knowledge and background.

Q. And did you contend that other Morriseau were fakes up there and put pictures up of them?

A. In early on, before I really started doing research I had some tongue-in-cheek Morriseau's up there and I didn't say they were fake. I said, "You guess. You ask. Do you think this is a real one or do you think this is the real one?"

Q. So you make it clear really, that your opinion was that they were inauthentic?

A. No.

Q. Did you compare them with the ones that you personally owned and say that the ones that you own are authentic?

A. I said, I gave them both pictures and said, "You decide."

Q. Right, so basically you put your Goldi Production paintings without identifying directly that Goldi owned them...

A. They were on separate...

Q. ...and then you put other ones up there and then you said, here's my opinion but you guys figure it out. My

opinion is, you didn't say these are fakes but you said, "There is something wrong with these. Who is going to trust this..."

A. I didn't say any such thing Mr. Sinclair.

5 Q. How is it that you are allowed to have an opinion about art work and I'm not?

A. Because you are not credentialed in any way, shape or form. You are a nobody from nowhere. You do not have credits listen anywhere. You don't have credentials of any kind from anybody.

10 Q. Did you not submit films here that show Morriseau initiating me, or doing a ceremony with me?

A. You mean the goofy bear dance video?

Q. Who is it? Was it me?

A. Yeah.

15 THE COURT: All right. I think this is an appropriate time for morning recess. Let's recess until 11:35.

R E C E S S

20 U P O N R E S U M I N G

25 THE COURT: Just before we get going again, and while you are organizing your materials Mr. Sinclair...

MR. SINCLAIR: Yes.

30 THE COURT: ...a trial Judge may and is expected to reasonably limit cross-examination. In order to finish with Mr. Goldi today, I am going to have to cut you off at 3:00, so I hope that you are able to complete your cross-examination...

MR. SINCLAIR: Your Honour, the fact is, I have to

leave at 3:00 really to get back to Toronto.

THE COURT: Well, the Court sits until 4:00 so, you know, it is a full day. We can't...

MR. SINCLAIR: We are going to be here on Thursday, and there is only Ms. Goldi.

THE COURT: Well, I don't propose to stop at 3:00. If there is re-examination that needs to take place before 4:00, I said this at the outset.

Having said that, normally re-examination occurs when parties are represented by a paralegal agent, or a lawyer and they need to be rehabilitated in some way or they need to clarify their evidence that was given on cross-examination. In this case, Mr. Goldi, you have no difficulty clarifying exactly what you meant and your answers have been full and complete and I see very little scope for re-examination here, so I'm not sure how much time you think you will need but it is not going to be long. Usually re-examination of a witness takes about 15 minutes to half an hour so, I don't imagine that we would need any more than that for you to clarify anything. Do you see it differently?

MR. GOLDI: I see it differently because Mr. Sinclair has spent all his time talking about and cross-examining John Goldi about John Goldi. He has done nothing about Goldi Productions, in other words he has dragged me out from where I am supposed to be talking into all kinds of areas where I have to now defend myself.

THE COURT: Well, you are defending yourself adequately though as far as I can see in the

witness box, and I am not sure that more of that is needed, and if you don't believe that it is relevant in any event, I'm not sure we need to spend much time on it. This is a case by Goldi Productions Limited, I appreciate that, and if none of the questions in your view have to do with Goldi Productions Limited, then maybe we don't even need to have any re-examination. I'll just leave that with you, but I do need to limit this.

MS. GOLDI: Is it possible for me to just...

THE COURT: Would you like to stand up Ms. Goldi?

MS. GOLDI: I am concerned that Mr. Sinclair is totally avoiding the issue. He is trying to say about de-valuing paintings. That is not what it is about. The six paintings that we have in the Exhibit, have vile words associated with Goldi Productions Limited, and we also have in the Exhibits, how it is shown up on Google when people Google Goldi Productions Limited, they get these vile words. That part is for liable and slander. The part about the Soma, the one painting, the proof has to be on us to prove that that one is real for malicious falsehood. I just would like to clarify that because that is being totally avoided. Mr. Sinclair keeps talking about devaluations of the paintings.

THE COURT: Well, that is fine. You put your case in in-Chief for Goldi Productions Limited, and there is a wide latitude on cross-examination so, he's free to ask questions whether you think they are relevant or helpful or not. So, if it is your position that none of this has anything to do with

your lawsuit, you are free to make that argument later on, but he does have, as I say, wide latitude. I want to give him the opportunity ask the questions that he thinks are important, okay? So go ahead, Mr. Sinclair.

MR. GOLDI RETAKES THE WITNESS STAND

CROSS-EXAMINATION CONTINUED BY MR. SINCLAIR:

Q. We were talking about Goldi Productions websites, and the employees of Goldi Productions and the production and content of Morriseau work on Goldi Productions websites. Is it true Mr. Goldi, that on the Canada site dot com and perhaps on other websites owned by Goldi Productions, that there were multiple webpages entitled "All About Fake Morriseau's."

A. What year would that have been? 2010?

Q. Well, first of all, anything we are discussing should be before you filed this Claim. So, what I'm saying is, in previous years, before you filed this Claim, I don't care which years, were there multiple articles up on the Canada site dot com, owned by Goldi Productions, correct? Is that owned by Goldi Productions?

A. Yup.

Q. There were multiple pages entitled "All About Fake Morriseau's."

A. Yes, probably.

Q. Who was the writer of those articles?

A. I write everything on all our websites.

Q. So, if it said on one of these articles, "Typical is this work purported to be a Morriseau, the auctioneer announced it as a Morriseau and sold it at a remote

rural country auction."

A. Look, I am not...

Q. Is it possible you wrote that?

A. I haven't got a clue what page you are on,
5 what is associated with or what picture you are on. I don't
pick stuff out of the air Mr. Sinclair.

THE COURT: You may show it to him Mr. Sinclair.

THE WITNESS: I haven't got a clue.

THE COURT: Could you tell us if this is in one of
10 the document brief.

MR. SINCLAIR: It is in the one I tried to file.

THE COURT: These are not in the documents, well
then...

MR. SINCLAIR: But I have the right to ask him
15 correct?

THE COURT: Yes, you can ask him, but if he can't
identify it, doesn't know what you are talking
about, that poses a problem.

MR. SINCLAIR: Q. But you will admit that you
20 wrote multiple articles entitled "All About Fake Morriseau's?"
Even if you can't remember, recall the exact titles of your
articles, you admit you wrote these articles and they were about
fake Morriseau's?

A. Yes, I have pages up on fake Morriseau's.
25 That one looks like it was done many years ago. I haven't see
in since, so I don't know what it is.

Q. Let me ask you a question. Let me ask you a
question that is a question that you asked the public.

Why would anyone with a genuine work of a major
30 Canadian artist at any time, try to sell his
masterpiece at a remote location where they
money ain't and neither is the knowledge? Ask
yourself, in the same week that genuine

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Morriseau's are fishing 8 to 12 grand in fine art auctions in downtown Toronto, why would a consigner want to part his Morriseau in a remote country auction?

Can you answer that?

A. A very good educational question. You figure out the answer Mr. Sinclair.

Q. I'm asking.

THE COURT: Are you asking if he wrote that?

MR. SINCLAIR: Q. No, he did write it. I am contending that he wrote it, and I'm saying here is the question you asked the public, now I am asking you the same question. Is that not where your paintings came from first? Did they not come from a remote country auction?

A. Which remote country auction....

Q. The purported Morriseau...

A. Are you asking me questions on this painting on that website, or are you asking me about...

Q. All six sorry or nine or whatever. But the six paintings you had up there, Soma in particular, which there are articles as you already said, and you asked the public this question. Why would someone end up selling a famous Canadian artist that could easily be sold at Waddington's, Sotheby's, what are they doing selling it at a remote country auction? You asked that question. What were you trying to tell the public?

A. Do you know where that picture was photographed?

Q. I'm not asking that about the picture, I am asking you a specific question.

A. I am answering your question. That photo...

Q. I'm not asking about the photo.

A. I took the photo.

Q. Okay you took the photo.

A. I took the photo at Rockway Auctions, which is in the middle of the Boondocks down beyond Stoney, beyond Grimsby is somewhere a little country auction. That's where it is.

Q. So you contend it's a fake?

A. No, where is that Mr. Sinclair? Why don't you read.

Q. All about fake Morriseau's?

A. It says, why don't, the question is positive to the viewer. It doesn't in any way say what I think. When you ask a question Mr. Sinclair, it's asking a question.

Q. Okay. Here is another statement by your Mr. Goldi. You say, "We have seen fake Morriseau's turn up at auctions in Vancouver, Calgary, Toronto, Ottawa, and Montreal, as well as on e-Bay." Is that true or not?

A. I haven't got a clue if I wrote that or not.

Q. Well, who in your company wrote it?

A. I haven't got a clue what page you are on or where, or what you are talking about here. Are you trying to say that Randy Potter's is a remote country auction? Is that where you are going to? You mean we are 200 of Canada's top art dealers went to buy Morriseau painting...

Q. 200 of Canada's top art dealers?

A. 200.

Q. Name me three.

A. Donald Robinson, Jim White, Joe Otavnik. There were tons of them.

Q. Those...

A. Randy Potter I am quoting in your court case...

Q. How many galleries does Mr. White have?

A. I haven't got a clue.

Q. How many galleries does Mr. Otavnik have?

A. I haven't got a clue.

Q. How many galleries does Mr. (inaudible) have?

5 A. Mr. Sinclair, you've got to stop being combative. If you are interested in my answer, Randy Potter said, "200 of Canada's top art dealers came to his auction." He said that in a court case, where you heard him testify to that.

Q. Well, I'll have to...

10 A. Is your memory that bad?

Q. (inaudible) for you, so we will ask him that question when he's on the stand.

A. It's in court transcripts that I have read Mr. Sinclair, and you were in the court the day he said it.

15 Q. Well, it is hearsay until Mr. Potter shows up.

A. No it's not.

Q. Where is the auction house located that you...

A. Which auction house?

20 Q. Where is the auction house located that you bought these paintings?

A. One of them is in Pickering, and one of them is in Port Hope.

Q. And they are both owned by...

A. I haven't got a clue.

25 Q. Who owned the auction house?

A. I haven't got a clue.

Q. Who is your witness that you are supposed to have here today?

A. I'm not supposed to have...

30 Q. Who is Mr. Potter?

A. I'm not supposed to have a witness here today.

Q. Who is Mr. Potter?

A. Mr. Potter is an auctioneer. Whether he owned the building, the property, is not known to me. Auctioneers are often just hired hands who come into a building, do the auction and leave.

5 Q. What was the auction house in Port Hope called?

A. In Port Hope?

Q. Yes.

A. It may have been called Randy Potter. I'm not
10 sure. The other one was called Khan Country Auctions, and I don't know if Randy owned it or didn't. Soma was purchased at Kahn Country Auctions as I understand it to be. His wife...

Q. Are you trying to tell the Court here, that you don't know that Randy Potter owned Khan Auctions...

A. You are right, you are right. I haven't
15 checked into his background. I don't need to know whether he owned the building, whether he owned the parking lot, whether he had a lease, whether his wife owned it and he had it in his uncle's name. I haven't got a clue.

20 Q. So you put up Morriseau paintings, your corporation put up Morriseau paintings that your corporation didn't own, correct?

A. Didn't own?

Q. That they didn't own. They had no interest
25 and no ownership, but they actually put images of Morriseau paintings on the website, correct?

A. Can you ask me a straight question please? Just ask me a straight question. I'll give you a straight answer.

30 Q. Your company did not own this Morriseau painting, correct?

A. That's not my painting.

Q. Can you identify who owns it?

A. No.

Q. Do you question its validity as a Morriseau?

A. I said, you read the question.

5 Q. I read the whole article...

A. Okay.

Q. ...multiple times.

A. Okay, good, then you know what it is. It asks
the reader to be an intelligent human being and decide for
10 himself. When you buy a work of art, can you believe it's real
or it's not real. It's up to you to decide.

Q. Yeah.

A. I do that all the time. I am an old teacher
who puts two things in front of people and asks them to make a
15 choice. I don't shove stuff down peoples throats.

Q. So would you say that Randy Potter Auctions
for some reason, you don't remember Kahn Auctions in Pickering
but...

A. I do remember Kahn Auctions in Pickering.

20 Q. Oh you do, okay.

A. I said so.

Q. Okay.

A. That's where I got Soma.

Q. And you remember Randy Potter Auctions,
25 correct?

A. Yes, in Port Hope.

Q. In Port Hope. In fact, you actually have a
film here, of Randy Potter Auctions when he was on CBC TV, when
the CBC did an article about Morriseau fakes.

30 A. Okay, what's the point?

Q. Right, you saw the film here with regards to
that. It shows Randy Potter Auctions from the inside out,

right?

A. Could be, could be.

Q. Where is it located? Is it located in the country?

5 A. Which one are you talking about?

Q. Is it what you identify as a country auction?

A. No, Port Hope is not in the country. It is a big town.

10 Q. Is that what you - you know, when you look at a first tier auction house, and you look at Randy Potter Auctions, would you say that there's a difference in the quality of the two place?

A. What's a first tier and what's a - you make up these things. What's a first tier?

15 Q. You know what I am getting at. I am getting at your own statements.

A. I don't know what a first tier, a second tier or a third tier is.

20 Q. Is it possible that you said, Things tend to hone in on places where the smart sink, hoping to catch a live one. If you ever do get a valuable genuine work of art, at a remote auction, consider yourself lucky. They have no time to research fine art even if they wanted to.

25 Is that true?

A. Could be.

30 Q. Is that true? Is that your belief as an expert about fakes buying from auctions, that country auction houses, they don't actually check the paintings? Is it your believe that they don't actually check the paintings, and that it is buyer beware?

A. As a matter of fact, I testified in this court

room, that when I asked Randy Potter if he knew the painting was genuine or fake, he loudly said, "I haven't got a clue."

Q. Right.

A. "Ask Don Robinson over there" and I went over
5 and asked Don Robinson and he said, "Trust me John, they are real. I'm the guy who wrote the book" and he was the under bidder on Soma that was in this court room, he was also the under bidder on - he authenticated...

Q. And are you here to admit that a year later
10 Don Robinson went to the newspapers, went to the public and he and Morriseau said that those were fakes coming out of Randy Potter Auctions?

A. Morriseau...

Q. Are you going to admit that? One year later
15 after he made that mistake himself?

A. Morriseau had nothing to do with it Mr.
Sinclair.

Q. Answer the question.

A. Aren't you aware that he was put...

Q. Answer the question about Don Robinson.
20

A. What do you want to know about Don Robinson?

Q. Okay, you are standing up there in that stand
saying he authenticated those paintings...

A. That's correct.

Q. ...for you?
25

A. That's right.

Q. Don will be here...

A. That's right.

Q. ...to give the facts.
30

A. He was the under bidder Mr. Sinclair.

Q. In other words, you were the over bidder.

A. Yes.

Cross-examination of John Goldi

Q. Goldi Corporation was.

A. That's right.

Q. Right?

A. Yeah.

5 Q. So a year later, Don Robinson comes out to the
Globe and Mail...

A. No, the National Post Mr. Sinclair. Get it
right. For once, get something right.

10 Q. That is why I am asking you. So he comes out
to the National Post, and he says Randy Potter Auctions is
selling fakes, correct?

A. We know all about that. That's what this hoax
is about.

15 Q. Well, it is what we are here for exactly. So,
for you to stand there 15 years later and go "Don Robinson said
that these things are real, so they are." And a year later, and
for all these last 14 years since then, he has been saying they
are fakes, correct?

20 A. He has never said my painting's a fake. In
fact, he had invited Joan and me down to his gallery to see his
paintings, and we went down there. He showed me how to roll
that painting and put it in my truck in a way that it wouldn't
damage the painting.

Q. What year was that? The year 2000?

25 A. That was January 26, 2000, and he went on to
buy many more Morriseau's of the same kind at the same place, to
the tune of \$54,000. He bid on 90 altogether, he bought 31, and
he started selling them as Morriseau's out of his gallery. In
fact Mr. Sinclair, I have just found Wanker number one. The
30 person who owns it contacted me, and told me they are the ones
who bought the very first painting that Robinson sold as a
genuine Morriseau painting from Randy Potter. The painting is

listed on his invoice with Robinson Galleries.

Q. Is it true, that people that don't have a real master work, don't want to sell in backwater auctions where few people will know about it. They want maximum publicity to provoke the most interest and bring in the big bucks from people who are looking for new works of art?

A. Mr. Sinclair...

Q. Is that true? Is that a true statement by you?

A. It's a true statement that everybody attends auctions, I've attended hundreds and hundreds of auctions. Every single consigner who has something to sell, goes to the place where the most money is, and those are downtown Toronto auctions usually, downtown Montreal or downtown Ottawa, Calgary or Vancouver, and I've been at auctions in many of those places. You don't sell a Marc Shagal (ph.) at the Rockway Auction in Stoney Creek, you to go Hethel, or (inaudible). It's standard, number 101 Mr. Sinclair.

Q. Do you know that Randy Potter admits that there is 5000 or 2000 paintings purported Morriseau paintings that he auctioned off out of this country auction house?

A. The numbers vary but it's in...

Q. Don't you think that would have an effect on the market? It's a small country, Canada right?

A. I don't know what affect it has on the market. I don't know what you are talking about.

Q. The de-evaluation of the artwork by flooding the market with 1000 paintings from one little country auction house.

A. That's what Donald Robinson says.

Q. That's why I'm asking you. Don't you think that might have an effect?

5 A. Actually, the paintings had a benefit on Kinsmen Robinson Galleries, but on nobody else. All the other art gallery people including Don Robinson were there buying it. They saw a great historical opportunity. Morriseau's selling for 1 to \$2000. Donald Robinson then turns around with his \$1200 painting and put it in his gallery for \$8500. I have the painting, I have the invoice. I can see that he went from \$1200 at Randy Potter to \$8500...

10 Q. \$8500.

A. ...and sold it to a woman on March the 11th.

Q. So you are saying he was the winning bidder of a painting for \$1200?

A. That's right.

Q. Now you bought paintings at the same place...

15 A. That's right.

Q. ...and you are basically telling me, I believe that you are telling me, that when you went to Randy Potter Auctions or Kahn Auctions owned by Randy Potter, who will testify to that I believe, when you went there to buy those paintings, you saw Don Robinson there, right?

20 A. Yes I did.

Q. And you knew he was Morriseau's principle art dealer, right?

A. No, I did not know that.

25 Q. Somebody told you or what?

A. I have testified to that already Mr. Sinclair, you have a short memory.

Q. Somebody told you that he was there? You already said that you had talked to the guy there.

30 A. That's right.

Q. Okay...

A. The sequence of events is this. We have been

going to Randy Potter Auctions for quite a long time, a year or two because as a curator...

Q. At the Kahn Auction location?

A. At both locations. As a curator of the
5 Canadian Anglo Boer War Museum, I'm on the lookout for art and artifacts, and we, we used to go to three or four auctions a week. I am well familiar with Randy Potter.

Q. Okay, and you...

A. So it was there that he first walked in one
10 day and he had 20 Morriseau's on the wall, and I said, "Holy shit Randy! Are these real?" And Randy said, "I haven't got a clue John."

Q. Right.

A. "Ask the man over there. That's Donald
15 Robinson. He thinks they are real and he..."

Q. Do you trust that? When you saw that, when you saw Don Robinson there bidding on paintings...

A. That's right.

Q. ...was that all the verification you needed,
20 at the time?

A. That's a pretty good start.

Q. That was the verification right?

A. It's a good start.

Q. You took it as the truth? Did you really
25 believe that?

A. I took it as - well, I also examined the painting. I said, "Do they look like Morriseau might have done them?"

Q. How many Morriseau's have you actually
30 examined before you went to Randy Potter to buy those?

A. It's hard to say. It's spotty. Some of my friends in Yellowknife in the '70's had Morriseau's. My

Morriseau experience before then was just like a lot of other people that are interested in Indian culture and Indian art. We never bought one.

Q. Was the price right?

A. No, because they went high compared to what we were going to pay. Joan wanted to bail out, as did many people.

Q. In other words, \$2000 was high?

A. Yup.

Q. At that time?

A. Yes.

Q. And you knew that you could walk down the road and potentially put that on auction at Sotheby's, or Waddington's?

A. No, no.

Q. You didn't know that? You didn't think, "I can take this home..."

A. Some guys did it. Mostly it was auctioneers who went. Mostly it was a gallery owners who put it in their gallery and like Don Robinson, increased the price by 600 percent and put it in their gallery window.

Q. Yes, but wouldn't you think it was reasonable that the man is paying for a bricks and mortar gallery...

A. No, it's not reasonable, that's why I and hundreds of other people go to auctions where he buys his material. I never buy at art galleries. Why would I pay \$600 to make him rich, 600 percent?

Q. So in the year 2000, you buy these paintings, the subject painting for example...

A. Yes.

Q. ...you buy that painting, you buy it for a couple of grand, right? You know its worth, what do you think it's worth?

A. I haven't got a clue.

Q. Well, you say \$25,000 here.

A. It's worth more than \$25,000.

Q. Okay so...

5 A. Donald Robinson would say it is worth 50 to \$60,000.

Q. Now, why would Goldi Productions not put this painting up for sale between 2000 and 2011?

A. It's a matter of when do you need the money.
10 When do you need to recycle? When does an item become something that you want to recycle into something else?

Q. Do you have evidence at all anywhere, of an attempt of selling this before you put this Claim in?

A. Yes I do. I put it on Kijiji. I also talked
15 to...

Q. I'm saying before - this Claim is August 2011. I'm not talking about 2013 or 2014, where you throw it out there.

A. We had a - I discussed it with David Silcox.
20 He wasn't interested. He said, "We've received too many threats."

Q. So you are saying over that 15 year period, you never tried to sell these paintings once through a legitimate auction house or directly through your website on the
25 internet.

A. Why would I want to do that?

Q. Because apparently that is how you pay for your films

A. When it comes time to do that, right.

30 Q. Okay, well, was it shocking to you in 2001, when you believed so much that Morriveau's principle art dealer had bought paintings from the same location as yours, that

looked like yours - did you shock you in 2011 when the National Post article came out with Don Robinson commenting directly against what you believed?

A. You mean, did I smell a scam coming?

Q. No, I mean, were you shocked? Okay, did you smell a scam coming? Did it bother you?

A. A lot of people saw a scam coming.

Q. Were you angry at Don about that?

A. No, because I'm not - paintings that are owned, I wasn't interested in selling so I wasn't interested in what was happening to what Don Robinson was doing is trying to destroy the secondary market of his friends and colleagues.

Q. Okay, okay. So what legitimate, on paper, with some numbers, you know anything to show that you put Soma up for auction anywhere in the world?

A. Well, we put it up on Kijiji, and asked for....

Q. And what did you do then...

A. I can't remember when it was.

Q. How about this year?

A. No, no.

Q. Last year?

A. Probably was last year.

Q. So that has nothing to do with this lawsuit that you are now throwing it up on Kijiji. Were there prices on it on Kijiji?

A. I think we asked for offers.

Q. Right. There were no prices, right?

A. So that anybody could put in offers.

Q. So does that have something to do (inaudible), do you think?

A. What.

Q. Well, that I interfered with the sale that you had?

A. Yes, you certainly - first of all, you are back to...

5 Q. Did I interfere with the sale of Soma to somebody?

A. Mr. Sinclair, we are back to dealing with the painting over and over and over. We are talking about...

Q. Did I...

10 A. Yes, you did. You interfered with Goldi Productions...

Q. The sale?

A. ...by devaluing this painting in the minds of people who saw it when I put it up for sale.

15 Q. But you think I am a nobody right?

A. Pardon?

Q. But you think I am a nobody right? You are an expert who can tell what a Morriseau even as you did in the year 2000, but I, I have no standing to be able to have an opinion about Morriseau in your view? And, you have a standing to do so, because you went to college for history, correct?

20 A. I went to experts in the field Mr. Sinclair. You just stand there...

Q. What expert?

25 A. Don Robinson.

Q. Right.

A. He told me my painting was genuine.

Q. And you are telling me, really, 13 years ago, Don Robinson said, "These are all fakes." And you are holding on to these paintings?

30 A. No, he said it was real.

Q. Why didn't you try and sell it then? Why

didn't you...

A. You know what? I just bought it, why would I want to sell it.

5 Q. Because aren't those bought to facilitate your future films?

A. Future is the word.

Q. Why did you do within those 15 years to educate people, what film did you put out with those six paintings in it?

10 A. I told you they are on our websites.

Q. What film did you put out with these Morriseau paintings in it?

A. I'm not sure we put it on any film.

15 Q. I mean you have already claimed here, that the websites are yours and that Goldi Productions is the film company.

A. I'm not sure what you are saying.

Q. Well, it is confusing because you really...

20 A. We bought them in 2000 and after Mr. Sinclair, and after that, some years after that we started putting them on our educational websites. You then defamed them in 2008, '9, and anyone who looks at our paintings, knows that they are on Ritchie Sinclair's malicious and defamatory website, that the names Goldi are beside words like "fishy, fraudulent, imitation, misleading, mock, Goldi Productions Limited." You did that over
25 and over 24/7 on six of our paintings year after year after year. That's liable and defamation of Goldi Productions. Forget the painting, it's defaming our company name.

30 Q. You see this picture here? It says on one side, "Fish spear Morriseau 1" on the other one it says "A fake Morriseau!" Does Goldi Productions allow those paintings?

A. No.

Q. And, you told me that was a fake Morriseau, and what gave you the right to post that...

A. You...

Q. What standing do you have to do such a thing?

A. Does anyone have - don't be so, never mind, I have to really control myself.

Q. Why are they no longer on your website, those pages? Why are they not there?

A. I'm not sure. Remember, in 2010, I had some (inaudible) websites up on Canadian stuff, challenging people to say "Do you believe this is real? Do you believe that is real?" So on and so forth. For instance, I also had a website on fake Kriegoff. Do you believe this is a real Kriegoff or is it a fake Kriegoff? I also had a picture on...

Q. But this isn't a question. These are statements...

A. If I said it...

Q. ...it doesn't say it is your opinion, it says "a fake Morriseau!" written by Goldi Productions.

A. I haven't seen it. I haven't seen it. I asked people, "Do you believe this or that?" You already read your earlier question. I am entitled to ask people questions, "Do you think it's real?" I've got a huge fakes website on Bugles and I've gotten letters...

Q. And now you are telling the world, that your six Randy Potter Auction paintings were authentic, going over and over all the different ways that they are authentic, and comparing them with actual authentic known Morriseau's and saying that those Morriseau's were fake and yours were real.

What were you contending there?

A. Mr. Sinclair. You are distorting the truth.

Q. You never disclosed that your paintings were

yours, right? You never disclosed that Goldi Productions owned them, you just said, "Here's some real ones" and yet, you owned them.

A. Let's get something straight. Everything that is on our website, that is Goldi Productions Limited at the bottom. That means we own the paintings there. So let's get rid of that once and for all. The Soma and all of those other Morriseau's...

Q. There's no identification...

A. (inaudible)

Q. (inaudible)

A. ...Soma, our six Morriseau's are on their own dedicated page. That is a supplementary page of other purported Morriseau's that were out there. I don't claim...

Q. By "purported" do you mean fake?

A. I said, "People claimed" their Morriseau's.

Q. So you identify fake Morriseau paintings. You went on the internet and you said that they were fake?

A. No, I asked people to make a choice. Do you believe? Can't you understand the difference between a question and a statement?

Q. You should have just shown two pictures and just left it and said, "One of them is real, and one of them is not." You didn't do that.

A. Yes, I did.

Q. You wrote what I just read to you.

A. I don't know what you read Mr. Sinclair.

Q. So Randy Potter Auctions, you think that's a legitimate - is he in business now?

A. In what business?

Q. The auction business.

A. I'm not sure. He may do spot auctions from

time to time.

Q. I see. Is Sotheby's still in business you think?

A. Sotheby's? Oh yes.

Q. The real auction houses are there. Right, they still exist.

A. Sotheby's does not do auctions any more Mr. Sinclair. If you knew what you were talking about. Sotheby's has quit the auction business, so you once again, you are making up just BS because you think it will help your case.

Q. Okay.

A. Sotheby's sold it as an auction house two or three years ago. They found it unprofitable, and as David Silcox told me before, they started off by not accepting Morriseau's anymore because Donald Robinson was threatening them all the time, and they found it impossible to go on in doing it.

Q. Did you begin to wonder if your paintings were fake in 2001 after the newspaper articles started coming out?

A. No.

Q. Did you wonder if they were fake in 2004?

A. Why would I wonder Mr. Sinclair?

Q. More TV and newspaper articles came out.

A. Why would I, first of all, the letter, the article that came out, was an incompetent piece of journalism.

Q. There were many newspaper articles though weren't there?

A. One is more incompetent than the next.

Q. Maybe we should make those Exhibits?

A. They are already Exhibits. You made them Exhibits last time. The scam started in 2001 with the article that Donald Robinson fed to Murray White at the National Post.

Q. So you think Don Robinson is a scammer right?

Why do you think he was doing that? Why do you think Don Robinson was doing the big scam then?

A. Everybody says he was doing it to destroy the secondary market of all Morriseau's of his business competitors so that his direct from the artist Norval Morriseau paintings would keep getting a high price and destroy the secondary market. It was a fight between the direct from Norval Morriseau paintings against the vast majority of paintings out there that are in the secondary market.

Q. Okay. So, I already asked you about the 2000 paintings, and if that might saturate the Canadian market thereby devaluing it. I asked you last time that question, of you trashing Morriseau, Norval Morriseau like you have in so many ways as the world's worst guy, the world's worst deadbeat Dad, the scum of the earth, would that not devalue the market? You didn't feel that it would devalue the market. Now I am going to ask you, you putting up purported Morriseau paintings, whether authentic or not, and other ones, the ones that you actually owned and were saying were fake or asking the question, do you think that might devalue the Morriseau market or not?

A. Mr. Sinclair...

Q. Do you think that might devalue the market?

A. ...your preambles are so wildly distorted and false, and erroneous...

Q. Answer the question please.

A. I don't agree with any of your premises, in fact last week, last court date, you told me that I defiled and defamed Norval like nobody's business.

Q. I have never seen anything like it.

A. So, I went home. You gave me a particular sentence about dead beat Dad. I went home and I looked it up, and I looked at my website. There is only that one sentence in

there called "Norval was the world's worst dead beat Dad."

Q. You already testified that...

A. (inaudible) nothing before it. What you are saying is just false.

Q. I'm asking you...

THE COURT: One at a time.

MR. SINCLAIR: Q. When you write about fakes, fake Morriseau's on your website, do you think that would devalue the market?

A. The market is devalued by your thousand malicious...

Q. This is before, you even, before you even had anything to do with me. This is before...

A. What is your question?

Q. Do you think, you putting up these pages, all about fake Morriseau's, six different articles, all with pictures from different places, do you think that might have an effect on the re-sale market of Morriseau's?

A. Mr. Sinclair, you put up your defamatory pages...

Q. Do you think...

A. Can I finish?

Q. I am going to keep asking the question.

A. You put up your malicious and defamatory pages in 2008.

Q. Right.

A. And 2009 and 2010, 2011, 2012, 2013, 2014, and 2015. I put up my blog in January 2013.

Q. I'm talking about this...

A. 2013.

Q. I'm talking about this.

A. That's not on my blog.

Q. That's Goldi Productions Corporation...

A. Where is a defamatory statement about Norval there? You're dealing...

Q. That is not the question Sir.

5

THE COURT: The question was whether you think that by asking the question "Is this a real or fake Morriseau" that could have an impact on the secondary market."

THE WITNESS: A. No. Asking questions about providence is always a good idea.

Q. But this isn't about providence.

A. Yes it is.

Q. This is all about fake Morriseau's.

A. That's right.

15

Q. Multiple pages.

A. So all about fakes.

Q. So these are statements, not questions.

A. It doesn't say that.

Q. A statement like, "All about fake Morriseau's." Does that not include with it the idea that there are fake Morriseau's?

20

A. It could be that there are. It doesn't say that.

Q. Especially when you ask if they are fake.

25

A. Asking questions about things, is not...

Q. But you are saying that it didn't affect the market, right? Asking questions about things doesn't affect their market?

A. It's malicious...

30

Q. So, 2000 paintings...

A. ...and defamatory websites where people say vile, fraudulent, fishy, Goldi Productions, sham, mock,

misleading, Goldi Productions, Goldi Productions, forgeries, imitations...

MR. SINCLAIR: Your Honour. He shouldn't be reading his materials up there. They shouldn't be sitting in front of him and he shouldn't have access...

THE COURT: No, you shouldn't have any paper in front of your Mr. Goldi. Could you please put any papers that you have there, back on the desk?

MR. GOLDI: It's an Exhibit, already entered in the Court documents. It's vicious liable like that causes the devaluation of paintings, not someone saying, "Do you like this one? Is it ugly or is it nice? Is it good or is it bad? Should you buy it? Shouldn't you buy it?" Asking educational questions to educate the viewer is not defamatory Mr. Sinclair.

Q. You stated that on that night in January 26, 2000, when you met Don Robinson, you and your wife, that you asked Don Robinson if your paintings were genuine Morriseau's.

A. That's right.

Q. Why would you ask that?

A. Because a smart person always asks experts, something you'd never do.

Q. Why...

A. I asked Mr. Sinclair...

Q. Why would that even come to mind?

A. I don't know.

Q. Is that not inherently contain the idea that you had some doubt that they were?

A. Can I answer the question? I answered this last week. Its auction going 101 that everybody goes to

1 auctions, and thinks they are going to find a treasure, and they
think it is going to be fake or real, and that everybody in
conversations on the floor says, "Do you think that's real? Do
you think that's genuine?" because everybody is always thinking,
5 "Have I found the next Lauren Harris and I can get it for 10
bucks?" That's what all these people ask...

Q. So in other words...

A. Can I finish please? When we saw plenty of
Morriseau's hanging on the wall, the smart thing to do is to
10 ask. This is unprecedented. We better find out something. So
I asked Randy Potter. I am always asking people Mr. Sinclair.
I don't tell, I ask, and I asked Don Robinson and Don Robinson,
big blustery Don Robinson joked, "They are real alright. Trust
me. I'm the guy that wrote the book on Morriseau's." At that
15 time, he was the world expert on Morriseau's with some 15 years'
experience as a Morriseau expert.

Q. Well, I am suggesting that it gave you rise to
concern, and that is why you asked that question in the first
place.

20 A. What gave me rise to concern when Don Robinson
said they are real?

Q. You say you frequent these free markets all
the time?

A. They are not free markets. I have the same
25 attitude whether I go to Sotheby's, Waddington's, Joyner's,
Ritchie's...

Q. You mean, you actually go to the whoever it
is, the authority and you say, "Is this a genuine..."

A. Yes I do. Yes I do because I have found
30 fakes.

Q. Because you have found fakes right?

A. Yes at Waddington's.

Q. You found fakes at Waddington's?

A. I found fakes at Joyner's. I found fakes at Heffel's. You are right, I have.

5 Q. Right. You found fake Morriseau's or are you just talking about fakes in general, of different kinds of things?

A. I am taking about fake sculptures, fake paintings I have found, fake memorabilia. I have found them all at all the leading auction houses. They don't know what they
10 are selling. It comes in the door. They put a price tag on it and it goes out the door. They only care to make a percent. They are not Jesus Christ, they are basically auction houses with conveyor belts of paintings and sculptures coming in and out.

15 Q. Right. Okay, you and your wife attended the Godfrey case. You've suggested that it's not in the materials here. The Judge has said that it can't be put in here unless you know, unless, and I am going to ask the question. Would you agree to allow the Godfrey Judgement and Reasons to be a part of
20 this case? You know what is inside...

A. We are not dealing with Jesuit Priests as a painting and it has no bearing on my painting.

Q. Well, the reason I ask that, is do you recall at the Judgment and Reasons, Justice Godfrey, what he suggested
25 Mr. Otavnik do with regards to his purported Morriseau painting?

A. He suggested that he take it to a forensic expert.

Q. That he get it authenticated if he wanted to verify its value...

30 A. That's right. I heard him say that with my own voice.

Q. Right. Thereby, he was saying look, was he

not saying that okay, Mr. Sinclair has an opinion. And, if you have some concern about selling it, go get it authenticated.

A. He dismissed your opinion. He dismissed Donald Robinson's opinion.

Q. Well then, (inaudible)

A. (inaudible) I'm going to answer.

THE COURT: We can't have two people talking at once.

MR. SINCLAIR: He's hear saying what the Judge said. Here we have a done Judgment about exactly the same issue, and that, is there a reason that he would not want this case to be a part of the materials.

MR. GOLDI: Let me...

THE COURT: I understand your question and I haven't read the decision of Justice Godfrey. It was that he suggested that a certain painting be authenticated by an expert. Is that correct?

MR. SINCLAIR: He suggested that if Mr. Otavnik had some issues...

THE COURT: Yes.

MR. SINCLAIR: ...with the resell of his painting, you know, that they accept that I had my opinion and that he go and have it authenticated himself if he wanted to sell it somewhere else.

THE COURT: So whether or not...

MR. SINCLAIR: So what I am suggesting here is that in all these years, up to and after suing me, he did not pursue with authentication in any way.

THE COURT: Except with respect to Soma I understand, and that is why we have...

MR. SINCLAIR: He didn't even do that. Mr.

Matchula (ph.) did it and he did it in 2013, long after he was fired. I don't know you can come walking in here with stuff that you got from God knows where.

THE COURT: All right, so we will go back to the question. I just wanted to clarify.

MR. GOLDI: Your Honour, may I just clarify something, because I am not a hearsay witness. I heard Mr. Sinclair, and I saw and heard Judge Godfrey.

THE COURT: Yes.

MR. GOLDI: I was there. Mr. Sinclair is lying about what went on. I know that is a bad word but I was there. That is what I saw. Let me tell you...

MR. SINCLAIR: Well, I am trying to put the case in...

THE COURT: We don't need to go over it, a former trial about another case. Let's deal with this one.

MR. GOLDI: But what he is - I don't want to leave his statements about the Godfrey trial sitting there without being rebuttled.

MR. SINCLAIR: Q. You won't allow that in Mr. Goldi. Why won't you allow that to be a part of this? Because you know every word of it apparently. The Judge is the only one that hasn't been privy to it.

A. Judge Godfrey found that the painting was not devalued in any way, shape or form. He dismissed Donald Robinson's report calling it a fake. He dismissed your...

Q. (inaudible) putting it in your own words...

A. He told Otavnik, "Look your painting is as

genuine as it came in the door, and I urge you to get a forensic person to do an analysis" which Mr. Otavnik did and it was verified as a...

Q. (inaudible) telling things that are not true.
5 I consider that a lie, and I have the case right here. I would like it to be...

THE COURT: The proper procedure...

MR. SINCLAIR: Yes.

THE COURT: ...you think he is saying something
10 different now than what happened at the Godfrey trial, is to put the transcript to him and ask him if certain things were said and be able to prove it through the transcript.

MR. SINCLAIR: I see.

MR. GOLDI: Except Your Honour, he has not
15 submitted those documents into the court record. He can't quote from them from his desk. It is illegitimate. He could have filed those with the Court but he did not.

THE COURT: All right, so you will have to help me
20 in any event as to how another case is relevant to this case. I want to judge this one on the evidence...

MR. SINCLAIR: What I am trying to use the Godfrey
25 case, which is here, is to show that simply by authenticating with somebody else besides me, somebody that actually is in it for the money, that he could have taken his painting, you could have taken your painting to Mr. Singla years ago, correct? Or to somebody else, anybody to
30 authenticate it, right? (inaudible)

THE WITNESS: A. We have been over this ground

Mr. Sinclair. Our paintings have been forensically authenticated, when doesn't really matter does it?

Q. So what are you doing here? Because clearly, you haven't tried to sell your painting.

5 A. Sham. Lousy fraudulent Goldi Productions. Low sham, low life Goldi Productions. You liabled and defamed our company in name. You keep pointing out the picture to me. The pictures are genuine. They are better proof of authenticity then...

10 Q. Why did you choose not to authenticate your painting for, why did - your company still never authenticated your paintings but I am asking you, given that you know that Justice Godfrey made that decision, that he simply said, "Get your painting authenticated" then all is well. There are two
15 opinions. Ritchie's opinion and somebody else.

A. First of all, Judge Godfrey did not devalue or deface or discredit Mr. Otavnik's painting in any way, shape or form. You and Donald Robinson did. He completely ignored the two of you and your testimony and Donald Robinson's 114 page
20 report and told Joe Otavnik, "Your painting is as good as it came in the door."

Q. Is it your memory that Mr. Otavnik's claim against me was dismissed by the Court?

25 A. That's your personal opinion that it was dismissed.

Q. No, it's a fact. There are facts in Court.

A. Yes.

Q. Was it dismissed or not?

A. Not the one about the painting.

30 Q. Otavnik's painting, this case with Judge Godfrey...

A. There were two trials Mr. Sinclair, do you not

remember?

Q. I remember ever single document.

A. Well you keep saying "the trial regarding Joe Otavnik's painting" is one thing. And then you, did a subsequent hearing, and he dismissed it and he said for both of you to pay for your own costs. I don't really care that you and Mr. Otavnik fight in Court, what was my only concern, was that the painting was seen as genuine. Judge Godfrey saw the painting as genuine, and subsequently a forensic expert...

Q. Shall I read this Your Honour and then bring it over?

A. I think we should quit this because I am not going to stand for having documents added that were barred by Judge Birchall on December 20, 2013.

THE COURT: I think you have made the points about the authentication issue etcetera. I don't think we need to go into that, what happened at another trial. I am not sure it is helpful in this case. You've asked questions that go to...

MR. SINCLAIR: I think he has made a lot of statements that are untrue about Godfrey's case. I have it right here and it should be in the Court's hands. It does have more to do with this case than any other case because...

THE COURT: Well...

MR. SINCLAIR: ...it is the same exact...

THE COURT: ...if it is that important was it made part of your documents, and was it exchanged...

MR. SINCLAIR: I had no materials except those to work with.

THE COURT: If you wanted to use that as evidence, why didn't you give it to Goldi Productions in

advance of the trial?

MR. SINCLAIR: Why didn't I give it to him ahead of this?

THE COURT: Yes.

MR. SINCLAIR: You know that answer all ready Your Honour. You know what I have been through here. First of all, you want to know why, because I respected this Court and because a Judge from this Court specifically took their claims off. They called it withdraw, but anyhow...

THE COURT: Yes.

MR. SINCLAIR: Withdrawn and he made very very strong endorsement saying not one piece of material of any kind after this day that you folks after the fact, they broke the rules, and did this, he just let it go and I am the one that pays for it. You know, really, the Judge is not honoured and you folks let this happen. And since then, I have gone through hell here. And I still going through it, and you have a lawsuit...

THE COURT: We are going to break for lunch.

MR. SINCLAIR: ...by a Small Claims Court Senior Judge in Toronto, the Court down the road from me where I should be standing right now, and this man was telling lies about that and you won't even let this get filed. This is a lawsuit and at the end this will come in. I will get a chance to file this. Won't I?

THE COURT: Not if you haven't given it to them before hand and again, the Judgment is something you can make an argument about.

MR. SINCLAIR: He knows it.

THE COURT: All right, well, we don't need to argue then about what is contained in the Judgement.

MR. SINCLAIR: Q. Okay, anyhow the point is, you
5 are right about the point Your Honour. The point was you had an opportunity and you had knowledge that authentication would have made a big difference.

A. Mr. Sinclair...

Q. In yet you, in any form, was not doing any
10 such thing. Why did you never authenticate your paintings?

A. Why don't you retain anything I say? I say to you, as I have said in a very short form. I believe the painting was genuine when I bought it in 2000. Donald Robinson confirmed that it's genuine. I believed that it was authentic
15 by comparing it with all the other Morriseau's that were out there. I don't need someone to tell me it's authentic, other than I already did. I told you also, that subsequently, someone else was interested because of the historical nature of both of these paintings tied to Donald Robinson the forensic expert.
20 Look at it, and if I had two forensic experts look at it. I did not pay these forensic experts. I didn't ask them to look at my painting. I didn't tell them to find the genuine, they came back as utterly genuine by both Davies in Calgary and Dr. Singla in Toronto. Why did it make me happy? Why should it make me
25 happy?

Q. So you seem to think that my opinion carries an awful lot of weight. So much weight...

A. Pardon?

Q. It seems to me, that you feel that my opinion
30 carries so much weight that it has absolutely destroyed your ability to sell, though you never even tested whether you could sell it.

5 A. Mr. Sinclair, your opinion, I could care less about. I am not interested in your opinion. I'm interested and worried and sick about your liable and defamation on your website of Goldi Productions as sham, lousy, low life, Goldi Productions.

10 Q. Do you have any evidence that says in some way, do you have any letters in your materials, because I could find none, of somebody saying, "That really bothered me. I would have bought that painting, but I couldn't buy it with that written there."

15 A. It's liable and defamation according to the academic terms involved, in fair comment and responsible communication. You published without following a single one of Judge Beverley McLaughlin's rules and elements of responsible communication. You flouted them all. The fair comment rules, you totally flouted you didn't give a damn.

Q. Did I not say it was my opinion?

A. You narcissistic and (inaudible) web pages...

20 THE COURT: All right. I think this is a good time for us to break for lunch. So, let's do that. I think I have identified the Affidavit of Service that you wanted a copy of Mr. Sinclair, so I will ask the Clerk to show it to you and if I'm mistaken and this isn't the correct one, perhaps
25 you and the Clerk could work to identify the one you are looking for. I think that is it.

MR. SINCLAIR: Thank you.

THE COURT: So I will see you after lunch at 1:30. Thank you.

30

R E C E S S

U P O N R E S U M I N G:

MR. GOLDI RETAKES THE WITNESS STAND

5 CROSS-EXAMINATION (CONTINUED) BY MR. SINCLAIR:

(RECORDING ABRUPTLY BEGINS)

Q. My only history here is standing up for
Morriseau's artwork, so I am asking you, I'm not in the business
correct? You know that. Right? You actually write in your
10 Statement of Claim that you know, I don't even own a Morriseau.

A. You are a long time business associate of
Donald Robinson...

Q. What do you mean?

A. ...how much he pay...

15 Q. What do you mean by business associate?

A. How much he pays you is not known to me, Mr.
Sinclair.

Q. It's not known to you? But, how is it that I
am a business associate of this man then.

20 A. Everything you say and do is to aid and abet
the value of Morriseau's that Kinsmen-Robinson Gallery says
because you attack hundreds of Morriseau's and a thousand of
them belonging to his business competitors.

Q. Let me ask you this question then. Don
25 Robinson, as well as Jack Pollack (ph.) produce books about
Norval Morriseau, right?

A. Yes.

Q. That is in the materials here.

A. Maybe you could show me your name in those
30 books. Can you show me your name in those books?

Q. I can show you my name in the newest one.
Have you read that one? Have you read that one about me?

A. Can you...

Q. That is the most accredited book on the market.

5 A. I don't read fiction, Mr. Sinclair. Where does Donald Robinson mention you in his two books?

Q. Now, in the first book...

A. I guess I should be asking questions.

Q. ...there are two books that they produced, right?

10 A. Travels and Return to (inaudible)

Q. In the first book, what is the difference between the first book and the second book, primary, besides the cover? They are the same book essentially, aren't they? They are the same book essentially, aren't they?

15 A. No, they are not. The written part is 99 percent the same.

Q. Right.

A. The pictorial stuff has changed from one book to the other because you picked as five of his paintings that he published, in 1997, you call them fakes, fraudulent, forgeries.

Q. And what did you see in the book that was produced after? Where were they?

A. Those were removed.

Q. They were gone, weren't they?

25 A. What does that prove? Is that your friend Donald Robinson...

Q. Does that prove that we are in business together?

30 A. Well, at that time, you were not in business together.

Q. What evidence have you that I've had business with him at all, beyond being a witness in these cases standing

up for my mentor, Norval Morriseau?

A. Do I really have to...

Q. Yes you do. Did I have shows there? You say that I am a business associate with this guy and I'm saying I've had no business association. I want you to tell the Court where you have some evidence that I have ever done anything of any financial matter with any of these art dealers.

A. A business associate can take many, many forms.

Q. This has nothing to do with money.

A. Money is always there, but there are other reasons for doing business with associates.

Q. Is it possible that I am here because I have a long-standing relationship from 1979 with...

A. No, you did not have a long-standing relationship. The Morriseau family said you were a part time boyfriend of Norval Morriseau's...

Q. They won't admit it that they were estranged since the last time that you were on the stand.

A. (inaudible) in an Affidavit saying that, Mr. Sinclair.

Q. You have to admit...

THE COURT: You will have to let him finish. We have two people talking at once again, and it doesn't work.

MR. SINCLAIR: Q. Sorry, Your Honour.

A. You were an enforcer, and you know that is the word that I use to describe you in my blog. You were an enforcer, a policer. You were the guy who puts people's paintings and names, vilifies them, attacks them, like you vilified Goldi Productions with all kinds of vile names, put it on their website so that people around the world can see that

their paintings are fakes, and that Goldi is associating with fakes and frauds and forgeries.

Q. Okay, I'm done.

THE COURT: Okay, thank you. So, Mr. Goldi, did you want to clarify anything that arose in cross-examination?

MR. GOLDI: Yes, but it is going to take a bit of time. I think maybe I would like a break.

THE COURT: Okay, if we have a break now, that will bring us back to about quarter to three, and I take it 15 minutes won't suffice? If we end by three today?

MR. GOLDI: Oh no, 15 minutes will not suffice, I'll tell you that.

THE COURT: Did you want to end today then and come back tomorrow, sorry Thursday.

MR. GOLDI: Shall we quit for today?

MS. GOLDI: Fine with me.

MR. GOLDI: That would be fine.

THE COURT: Mr. Sinclair?

MR. GOLDI: Mr. Sinclair wants to go home so, that gives him the opportunity, and I think we are worn out from this banging.

MR. SINCLAIR: What should I do, just reiterate? We do have 20 minutes. This is stuff we said over and over.

THE COURT: Well, he wants to clarify some things. I think it will probably be helpful to consider the evidence that's been presented through cross-examination and decide whether you really need to clarify anything that you didn't have an opportunity to deal with on cross and we will

Cross-examination of John Goldi

resume in the morning.

MR. GOLDI: I want to be fresh so I can go on and on.

THE COURT: In the meantime, you can pile up your documents. Thank you. Thank you Mr. Goldi.

...MATTER COMPLETED FOR THE DAY

77.
Certification

FORM 2
CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))

Evidence Act

I, Jill Martin, certify that this document is a true and accurate transcript of the recording of Goldi Productions Ltd. et al v. Ritchie Sinclair in the Superior Court of Justice, held at 7765 Hurontario Street, Brampton, Ontario taken from Recording No. 3121-H13-20150707-094113-10-SCC.dcr which has been certified by Sylwia Zdanowski in Form 1.

Date

Jill Martin

Authorized Court Transcriptionist (ACT)

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Ontario Regulation 158/03 - Evidence Act

*This certification does not apply to the (Rulings, Reasons for Judgment, Reasons for Sentence, or Charge to the Jury) which was/were judicially edited.

SUPERIOR COURT OF JUSTICE

B E T W E E N:

GOLDI PRODUCTIONS LTD ET AL

Plaintiff

-and-

RITCHIE SINCLAIR

Defendant

E V I D E N C E O F J O H N G O L D I a n d
E V I D E N C E O F J O A N G O L D I

BEFORE THE HONOURABLE JUSTICE TWOHIG
on July 9, 2015, at BRAMPTON, Ontario

APPEARANCES:

Self-represented

Counsel for the Plaintiff

Self-represented

Counsel for the Defendant

SUPERIOR COURT OF JUSTICE

T A B L E O F C O N T E N T S

W I T N E S S E S

	Examination	Cross	Re-
<u>WITNESSES</u>	<u>in Chief</u>	<u>Examination</u>	<u>Examination</u>
John Goldi		9	1
Joan Goldi	18		

E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>ENTERED ON PAGE</u>
Exhibit number 15 - Volume 1, tab 4, back ground and experience, Goldi Productions	25
Exhibit number 16 - Book 3, tab 5 - CV of John Goldi	26
Exhibit number 17 - Volume 1, tab 3, "Website search and results", A-I for identification	31
Exhibit number 18 - Morriseau painting, Shamen envelope, Soma 76	35
Exhibit number 19 - Tab 1, Painting, Sacred Fish	36
Exhibit number 20 - Book 1, tab 15, Kinsman-Robinson Gallery, dated August 18 th , 1999	45
Exhibit number 21 - Letter dated May 19 th , 2001 from Kinsmen-Robinson Galleries to clients	47

EXHIBIT NUMBER

ENTERED ON PAGE

Exhibit number 22 - Evaluation by Kinsmen-
Robinson Gallery, October 30, 2001

52

Exhibit number 23 - Affidavit of James White

55

Legend

[sic] - Indicates preceding word has been reproduced verbatim and is not a transcription error, but is a spoken error.

(ph) - Indicates preceding word has been spelled Phonetically as pronounced and is not a typographical error, or is due to the deficiencies in the annotations made by the in-Court reporter, or due to the quality of the audio recording or in-Court equipment deficiencies and do not represent typographical errors.

Transcript Ordered: February 29, 2016

Transcript Completed: May 17, 2016

Date Ordering Party Notified: May 17, 2016

1.
Re-Examination of John Goldi

THURSDAY, JULY 9, 2015

MR. GOLDI RE-TAKES THE WITNESS STAND

PREVIOUSLY AFFIRMED

RE-EXAMINATION CONTINUED BY MR. GOLDI:

MR. GOLDI: Do we have an Exhibit number for Mr. Sinclair's CV from George Brown College?

THE COURT: Pardon, that was not put into evidence.

MR. GOLDI: It wasn't put in as evidence?

THE COURT: No.

MR. GOLDI: Okay, we will leave it then. That's good. With respect, I would like to remind you that I'm assuming you don't know, so that's why I am talking. You may very well know, but I am going to assume that you don't know, that in 2009, Justice Beverley McLaughlin...

THE COURT: This may be a matter for argument. You are talking about what Chief Justice McLaughlin said, and her particular cause of action for a case.

MR. GOLDI: No, that is not what I am now talking about. I'm talking about that she set up a set of standards that completely revolutionized journalism in Canada, with fair comment and with rules for responsible communication.

THE COURT: That's what I mean. That is a matter for legal argument at the end.

MR. GOLDI: Oh, I see.

THE COURT: You don't need to give me evidence about what Chief Justice McLaughlin said.

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Re-Examination of John Goldi

5 MR. GOLDI: Okay, fine if that's the way, fine.
The other thing too, Mr. Sinclair also said
something about John and Joan Goldi withdraw as if
that was some kind of a thing that we didn't have
evidence or facts, so that we felt we better
withdraw from the case. In fact, I want to re-
collect and re-calibrate and re-characterize that
as being totally not the case. We withdrew,
because a Judge said, "It looks like the
10 defamation is against Goldi Productions, so you
might want to consider withdrawing Joan and John,"
which we did because, whatever...

15 MR. SINCLAIR: Your Honour, what he is actually
doing is characterizing the settlement
discussions, which I have a different view of.

THE COURT: It honestly doesn't matter to me...

MR. SINCLAIR: Doesn't matter?

20 THE COURT: ...if John and Joan Goldi withdrew as
individual Plaintiff's, I am just dealing with the
corporation.

MR. GOLDI: Fine good. As a matter of fact, Mr.
Sinclair then went up on his website and published
that the Claim of John and Joan Goldi were struck
in a settlement conference, and...

25 MR. SINCLAIR: Object.

MR. GOLDI: How can you object...

THE COURT: Well, nothing that we discussed in the
settlement conference should be brought forward.

30 MR. GOLDI: I am not discussing what went on in
the settlement conference Your Honour.

THE COURT: Well, you are saying that something on
the website wasn't true. That is really not

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Re-Examination of John Goldi

related to the issues in this trial.

MR. GOLDI: That is not the proper
characterization. He published information from
the settlement conference. We therefore, told him
to take it down. He refused. We then entered a
Motion, and Judge McRae in this courtroom I
believe, told him to "Get it down now. I want it
down now." He was very angry.

MR. SINCLAIR: Your Honour, he is putting the
Judge's words into his own.

MR. GOLDI: It is in the Motion. It is in the
endorsements.

THE COURT: So how does that help me with your
evidence...

MR. GOLDI: Well, I am just talking about firstly,
the malice that he has against us with regards to
John and Joan Goldi withdrawn. He brought the
John and Joan Goldi withdrawl. I didn't.

THE COURT: Well, that doesn't mean that we need
to address everything whether relevant or not, but
I hear you on that so, is there anything else
raised in cross that you wanted to clarify?

MR. GOLDI: The other thing totally and as usual,
and this has been the standard that I have seen
his display over and over and that is my opinion,
is that he twists stuff of mine, our experiences,
our letters, our documents, out of all proportion
of the reality that they reflect, and the case in
point, is the Michael Osbourne letter, which he
took a small piece out of, and twisted it into
that we were unbalanced, that we did not know what
we were doing, and that, whatever. The fact, I

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Re-Examination of John Goldi

would very much like to point out exactly that there was no unbalanced thing at all in the letter and that Michael Osbourne was totally wrong.

THE COURT: Is the Michael Osbourne letter in evidence? I don't recall it.

MR. GOLDI: Was it put into Evidence?

CLERK/REGISTRAR: I'll check. Number 6.

THE COURT: That was the letter regarding the Ipperwash documentary.

MR. GOLDI: That's correct.

MS. GOLDI: From a policeman and every police man in Ontario objected to the program without...

THE COURT: Sorry, this is not your opportunity for evidence.

MR. GOLDI: What happened, and again, I am going to make this my last attempt to show that I am not malicious, I am not derelict. I do not have a hate on, as Mr. Sinclair said. "You must hate me and you must hate Don Robinson." This is false. It is defamatory, and it is unsubstantiated, and I am going to use this example to show how we operate. Michael Osbourne called not me, but my company to buy a video of Coldwater, and while he was talking to one of my employees, he then discovered that Ipperwash was done by the Goldi's. What was Ipperwash?

MR. SINCLAIR: Your Honour, he is assuming the things about what happened with this person. The letter itself stands for itself. It is very clear.

MR. GOLDI: No, it is not clear. You mischaracterized it, and this is my opportunity to

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Re-Examination of John Goldi

set the record straight.

THE COURT: But didn't you have the opportunity to do that when we put the article in?

MR. GOLDI: No, we didn't.

THE COURT: All right, well, what question were you asked about this, that you gave evidence about?

MR. GOLDI: First of all, that we were unbalanced. He had me read a small part that spewed his way, what happened in fact was...

THE COURT: All right, what was that small part and tell me what you would like to clarify about it? Let's go to the evidence first of all.

MS. GOLDI: Haven't you got a copy of it?

MR. SINCLAIR: Volume one.

THE COURT: All right, I will show it to you.

MS. GOLDI: And what is written in the table of contents about it is part of it.

THE COURT: Book 6, that seems to be wrong.

MR. SINCLAIR: No Your Honour. Tab 6.

MR. GOLDI: My apologies.

THE COURT: So, I do have the letter, so what part of it is in issue?

MR. GOLDI: I put it in, if you look at the table of contents, under description. "A letter showing the ripple effect and damaging economic consequences of negative website information on a business" and we are obviously putting this in as an example of what Mr. Sinclair's malicious website posting about Goldi Productions has done to our business and the value of our property and our reputation of company. This letter was put in

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Re-Examination of John Goldi

5 for that, and there is the letter. The way this came about he, called us for a Coldwater film. We have a top rated Canadian Coldwater film that has saved countless lives all over Canada, and then he found out that we were the Ipperwash people. That we had done the documentary on Ipperwash.

10 Ipperwash you may recall, was where the police at midnight, attacked a group of Indian women, children, babies and men, and shot them up and killed one Indian. The press and here is another side light, the press at the time, universally denounced the Indians as shooting at the cops and deserving what they got. Joan and I were hired by the CBC because the CBC said, "We can't get our people in there, will you go in there and get the truth?" We produced a huge document which we took to the SIU and the CBC. The SIU agreed to re-open its investigation of the shooting at Ipperwash on December the 8th, 1995 at 10 in the morning, which I talked to Richard Harding the Chief Investigator for the SIU, and we escorted the SIU into Ipperwash. As a result of that for the first time, they found a police officer guilty of an unlawful killing of a citizen.

25 MR. SINCLAIR: Your Honour, it is certainly not as a result of Mr. Goldi's appearance.

MR. GOLDI: It certainly is.

MR. SINCLAIR: It is all new evidence.

THE COURT: I am not sure how this helps.

30 MR. GOLDI: Fine, so...

MR. SINCLAIR: It certainly is not as a result.

MR. GOLDI: So CBC finally in the end, first of

5 all, as a result of our intercession and only
because of our intercession, the SUI cancelled its
publicity for the next day saying that they would
no longer carry on the investigation. They
reopened the investigation on December 8th and they
came into camp. We escorted them into Camp
Ipperwash and I did the filming of it. We did the
documentary. The CBC, we paid \$10,000 for E&O
10 insurance to cover CBC against liable and
defamation. We also did due diligence on our
part. We had our lawyer go over everything we
did, everything we said. We had the CBC lawyer go
over everything...

15 MR. SINCLAIR: Your Honour, how is this referring
to the letter? This is a speech.

MR. GOLDI: Let me finish. This like, - and then,
we also wrote a letter to Gwen Boniface (ph.) the
OPP, the Chief OPP Officer for Ontario, and asked
her to...

20 MR. SINCLAIR: I object Your Honour. There is so
much more information about this issue. It is
irrelevant to what we are talking about. It
wasn't brought up in Chief...

25 MR. GOLDI: He brought up the letter saying it is
unbalanced and I...

MR. SINCLAIR: Then speak about the letter Sir.

THE COURT: So talk about the letter. We don't
need to go into the history of Ipperwash, I don't
think.

30 MR. GOLDI: Fine.

THE COURT: But tell me what it is that you are
concerned about in this letter, just in a few

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Re-Examination of John Goldi

words. Can you give me one or two sentences...

MR. GOLDI: We consulted with the OPP, Miss Gwen Boniface...

THE COURT: Yes.

MR. GOLDI: ...now that is good journalism. We had our lawyers vet it. That is good journalism. Everything that we said in our investigation, was subsequently found to be accurate by the Ipperwash inquiry, by the Judge who found cops guilty and found the Indians innocent of all charges.

THE COURT: So you are saying that you don't agree with what this person by the name of Mike wrote in the e-mail to you?

MR. GOLDI: It's preposterous.

THE COURT: All right.

MR. GOLDI: It's totally preposterous and it's false, and Mr. Sinclair is wrong to use this as an example of my unbalance journalism which is malicious intent, was, and why he had me read only that small part, and I object to this, however rude this may sound. I object to this mischaracterization of stuff that we have done professionally, and I got probably the world's best award for investigative journalism on the Ipperwash film from the biggest film and television festival in Houston, Texas aired on CBC as the premier program on The Passionate Eye.

THE COURT: So you disagree with the hearsay evidence in this Exhibit and I know of your comment on that.

MR. GOLDI: And I disagree intensely with Mr. Sinclair's attitude to this and similar

distortions of the documents that we have...

THE COURT: You can disagree with the evidence, but we are not going to get into disagreements with attitude.

MR. SINCLAIR: This is his evidence, that's why Your Honour.

THE COURT: Is that it for the cross-examination that you wanted to clarify?

MR. GOLDI: I think I'll just call it quits.

THE COURT: All right, so that leaves just a bit of cross-examination by Mr. Sinclair if he wishes on the statement that you had tried to sell your paintings on Heritage Antiques website.

CROSS EXAMINATION BY MR. SINCLAIR:

Q. Do you know who's the Registrant or the owner of the website that you mentioned and what the full name is of that website?

A. Mr. Sinclair, you are ridiculous. It's Heritage Art and Antiques.com, it's also one of the many websites Goldi Productions has. Do you want me to read all of our websites after you...

THE COURT: No, we just wanted to deal with the Heritage Antiques website, the advertising of items for sale there.

MR. SINCLAIR: Q. On what day do you recall? Do you recall the date that you, you testify that you had Soma up on this website?

A. Certainly.

Q. And on what date did Soma appear on this website...

A. I don't...

THE COURT: Let him finish the question please.

MR. SINCLAIR: Q. On what date did Soma appear on your website?

A. Mr. Sinclair, I am the publisher of hundreds of pages. Those pages are bigger than most people's websites. There are thousands of pictures and thousands of postings. Do you think I remember what date or what year a piece went up? It is preposterous.

THE COURT: Well, are you able Mr. Goldi to give some kind of a time frame?

THE WITNESS: Not in the slightest. There's no way.

THE COURT: Do you know whether they were advertised prior to 2012, sorry 2011?

THE WITNESS: They have been up there for years.

THE COURT: But that's not the question. Can you say with any degree of certainty, whether Soma was advertised for sale on that website?

MR. GOLDI: Absolutely easily before 2012.

Q. Would it be reasonable to say it was actually November 10, 2012 was the first time that any of those Morriseau's purported Morriseau pictures appeared on that website?

A. You're talking about...

Q. November 10th, 2012?

A. That's when Donald Robinson threatened to sue me?

Q. No, no. That was actually a few days before the trial in this action.

A. And that was the day you wanted to throw me out of Court? Is that the one that you are talking about?

Q. Is it a fact that first appearance of Soma or

any purported Morriseau's on Heritage Art and Antiques in any form was November 10th, 2012?

MS. GOLDI: It's been up there for years.

THE COURT: This is Mr. Goldi's evidence.

5 THE WITNESS: A. How many times do I have to tell you, years. You are talking three years, I am saying it is a lot longer than that.

Q. Well, you are saying it's a lot longer than that? Now, if I had evidence to prove that...

10 A. Mr. Sinclair, I would like...

Q. ...(inaudible)

A. ...you do and say, "I object, I object, I object, I object." You have been doing this to me all day long, and you are taking up valuable Court time...

15 MR. SINCLAIR: Your Honour, it is actually...

THE COURT: Can you please listen to the question and try your best to answer the question. Could you repeat it please Mr. Sinclair?

20 MR. SINCLAIR: Q. Yes. Have you ever heard of an organization and government website of the United States of America called Archive.org?

A. I don't remember.

Q. They have something called a way back machine?

A. I don't know anything about it.

25 Q. What it does is, you never heard that it shows the history of a website through its development.

A. I know you are an art terrorist and internet terrorist Mr. Sinclair. You know all this stuff. I take it for granted.

30 Q. Do you know, these terms that you use...

A. I've published them Mr. Sinclair.

Q. Why would you call me a terrorist?

12.
Cross-Examination of John Goldi

A. Because you terrorize...

THE COURT: We are not going to go down that line of examination.

THE WITNESS: A. You attack me on my, and remove
5 stuff, and post it on Google...

Q. I suggest to you Sir...

THE COURT: One at a time please. I understand the question about Heritage Antique website which we now know is Heritage Art and Antiques.com.

10 MR. SINCLAIR: Right.

THE COURT: You were asking about the date when Soma was first advertised for sale on that website and Mr. Goldi's evidence...

MR. SINCLAIR: First appeared.

15 THE COURT: ...and Mr. Goldi said that he didn't know the date, but it was years before 2012.

MR. SINCLAIR: Right.

THE COURT: All right. Is there anything else?

MR. SINCLAIR: Q. Well, I am going to suggest to
20 you, that it is a fact that the first appearance of any purported Morriseau on that website was November 10, 2012, and it was just before trial, and I am going to suggest to you that you put them up there after you filed your lawsuit for injurious falsehood.

25 A. Mr. Sinclair, you can say whatever you like, that doesn't make it true.

Q. Do you believe that is correct or incorrect?

A. I said I don't know Mr. Sinclair. All I know is you are not...

30 Q. If you don't know...

THE COURT: Well, just answer the question. If you don't know, that's your answer, you don't

know.

MR. GOLDI: A. I told him it's many years since it has been up there, and I don't know. Don't I communicate that I do thousands of these things, and you...

5 Q. How much were you asking, did you have a price on any of these images?

A. Mr. Sinclair.

Q. Did you have a price?

A. No, there are no prices on anything at
10 Heritage Art and Antiques.

Q. (inaudible) your materials Mr. Goldi? Is there any identifiers or any identification what so ever of this website Heritage Art and Antiques.com? Is there any document? I could not locate one. Could you locate one?

15 A. On what?

Q. About this website and about this...

A. It's on the internet. It's been up for years.

Q. I'm saying within the Court materials, so you can look at images of these purported Morriseau paintings on
20 there.

A. How many Morriseau images do you have that are taken from our website? How many more Morriseau images do you want?

Q. Does it mention anywhere in your Claim of your
25 attempt to procure a sale from Heritage...

A. Mr. Sinclair, I just told you that I put it up on the website...

THE COURT: Please.

MR. SINCLAIR: Q. In your Claim or in your
30 materials?

A. Ask the question again please. My patience is really running out with you Sir.

THE COURT: Well, I think it will help if you try to listen calmly to the question and answer as best you can. Are you able to repeat that Mr. Sinclair?

5 MR. SINCLAIR: Q. It's getting hot in here Your Honour. I'm about ready to break.

THE COURT: Would you like to have it read back from the record? We can ask the clerk to read it back, but this is the difficulty of two people talking at once. I appreciate that you're frustrated and I appreciate that Mr. Sinclair is trying to ask the question, but it is important that we let anybody asking a question to finish the question, before you try to answer it. Madam Clerk, can you read back the question?

15 MR. SINCLAIR: I remember I think.

THE COURT: You think you remember? Do you want to try again?

MR. SINCLAIR: Q. Okay. Is there any indication
20 either in your Plaintiff's claim or any of the 29 volumes and materials that these paintings, including the subject paintings were up for sale on Heritage Art and Antique.com?

A. No, I said that this morning.

Q. Okay.

25 A. First thing out of the gate.

Q. Right, okay.

A. That's why I brought it up. I didn't need to bring it up.

Q. Okay, we are now in 2015, so when you say
30 "years ago" possibly years ago, could be November 2012, just before trial?

A. You invent whatever you like. It is your life

story.

THE COURT: No, he is putting a suggestion to you, so you can either say you don't know, you agree or you disagree.

MR. GOLDI: I've answered this question Your Honour, at least twice before.

THE COURT: Well, I don't think you've answered it...

MR. GOLDI: I don't know what the date was, but it has been up for years.

MR. SINCLAIR: Q. Okay, is there any indication with any special damages if somebody having contacted you to purchase Soma from Heritage Art and Antique.com?

A. I don't know what you are saying. Nobody has ever written me saying that, except for example, I have given you an example of what happens about malicious people putting up stuff when Michael Osbourne responded exactly like you are asking me. He responded because of malicious stuff that he took to be malicious on our website.

Q. So is that a no Sir?

A. To what?

Q. The question I asked you.

A. No one has ever, I don't know what you are talking about.

Q. You cannot recall being contacted with regard to the sale of these paintings, or can you recall if there is anything in the materials that you have available that says that somebody was trying to buy one of these paintings off of Heritage Art, to buy Soma. Let's be real specific. Was there somebody that contacted you and gave you a letter which you put in the materials somewhere that shows that somebody was trying to buy one of these paintings that you put up 2012?

A. No.

Q. Okay, that's all.

THE COURT: Okay. Thank you. So that takes us to Ms. Goldi. Since you are both, I'll wait for you to finish your discussion. Do you need a few minutes to organize your documents before you give evidence?

MS. GOLDI: I think they are ready, I am just instructing him that if I go along with them, he will have to give them to you and to Mr. Sinclair.

THE COURT: Okay. While you are coming up, I want to go over something that I think we discussed before but it was probably a number of months ago now, and that is that you are both giving evidence on behalf of Goldi Productions, so, as a second witness I don't want you to repeat anything that has already been dealt with. It's not a chance to bootstrap Mr. Goldi's evidence by giving the same evidence again, and what you testify to should be something that he wasn't able to testify to because it is only within your knowledge. So with that there should be no repetition, is the bottom line.

MS. GOLDI: Excuse me, on the first day of our trial, which was March 7, 2014, he was cut off when he was putting in the Exhibits. He was cut off because it was the end of the day, and it says that in the letter that I wrote to the Court about various problems with our scheduling and everything, and it says that he did not finished, but he wasn't allowed to go on with it when we started, it went right into cross-examination. I

am actually putting in the Exhibits.

THE COURT: Well, that's fine, but as long as it is not repetitive of what he has already done. You can understand that otherwise we are going to be here for years, because we can't get consecutive trial dates and it has already been many months, and I am trying to help you. This is your case. I am listening to the evidence and I am making rulings where I need to, and I am trying to assist you, but it is ultimately your case, and I am just trying to help you get through it in an organized and proficient way. So subject to any objections that Mr. Sinclair may have as we go along...

MS. GOLDI: That is what is taking the time. Actually the first thing I would like to address is all this stuff about, whether, can you hear me? Sorry, I forgot to talk into this.

MR. SINCLAIR: She needs to be sworn in.

THE COURT: Well she would be sworn in for the evidence. It sounds to me like it's a preliminary and rather than have her go back to the table, is this a preliminary matter that you want to address before you start?

MS. GOLDI: No, this is part of it.

THE COURT: This is your evidence.

MS. GOLDI: Sorry, I had forgotten about it.

THE COURT: Then you need to be sworn.

JOAN GOLDI: AFFIRMED

EXAMINATION IN-CHIEF BY MR. GOLDI: