

Court file no. CV-12-455650

ONTARIO
SUPERIOR COURT OF JUSTICE

between:

KEVIN HEARN

Plaintiff

and

JOSEPH BERTRAM MCLEOD and MASLAK-MCLEOD GALLERY INC.

Defendants

AFFIDAVIT OF TIMOTHY TAIT

I, Timothy Tait, of the City of Thunder Bay, in the Province of Ontario, MAKE OATH
AND SAY (or AFFIRM):

1. I live in the City of Thunder Bay, Ontario. I have lived there since approximately 1996. I am 44 years old.
2. I am a First Nations Canadian, and an artist. I paint in what is known as the "woodland style", which is the style that was created by the famous First Nations painter Norval Morrisseau, who was also known as "Copper Thunderbird" and "the Picasso of the North". I have been painting and drawing since I was 9 years old.

3. I have sold many of my paintings over the years, and am currently represented by the Ahnisenabae Art Gallery in Thunder Bay.
4. Because I paint in the woodland style, many of my paintings could, to an untrained eye, appear to be very similar to the work of Norval Morrisseau. Normally, however, this is not an issue as I sign my paintings with my own signature.
5. Although my art has given me a great deal of positive energy in my life, I have also had a long and negative relationship with drugs and alcohol. This destructive relationship has often led me into bad situations, and has had a significant harmful effect on my ability to work as an artist. I struggle with this issue every day.
6. In or about 2000, I met Gary Lamont ("Lamont"), who lives in Thunder Bay. He is a well-known drug dealer. He told me that he was connected to Norval Morrisseau and to the people who could obtain paintings from Norval Morrisseau.
7. In or about 2006 or 2007, Lamont approached me and told me that he really liked my paintings, and that he would like me to trade him some of them for cash and marihuana. He also told me that through his knowledge and connections he would help me become a famous artist. I had very little money at the time, and was feeling quite desperate, and so I agreed to the deal.
8. In negotiating the above arrangement with Lamont, he specified that he preferred my paintings without my signature on them. He was very specific about what he wanted in various paintings I did for him. For example, at different times he told

me that he wanted a cross, or a mushroom, or three people in a canoe with one wearing a red "hoodie" like jacket. He also told me to make the lines in my paintings a bit rough and shaky. He sometimes specified the colours I should use. All of this seemed odd to me, and he did not explain his instructions, but I just figured that if he wanted it that way it was fine. I believed at the time that he was providing me with advice designed to make my art more marketable.

9. Over the following 2-3 months, I produced over 40 paintings, all in my version of the woodland style, and traded them to Lamont for marihuana and money. Images of 27 of the paintings I painted and delivered to him are attached hereto as Exhibit A. It is my understanding and belief that these images have been obtained from various websites selling my paintings as works by Norval Morrisseau. I do not have images of the other paintings I did for him. Each painting I did was original, and not a copy of any other work. Lamont supplied me with the canvas I used, and with Stevenson's brand acrylic paint in jars. He occasionally would come by the house I lived in on York Street in Thunder Bay to pick up paintings. He paid me approximately \$800 cash in total, plus he gave me marijuana most of the times I went to see him. He did not pay me for many of the works delivered, and he told me that he owed me for them.
10. Although the works shown in Exhibit A hereto were painted by me, the syllabic "copper thunderbird" signatures on them were not done by me. When I delivered the paintings to Lamont there was no signature (syllabic or otherwise) on the front of any of them, and the backs of the paintings were unpainted.

11. When I had completed the paintings, Lamont took back all of the jars of paint I had not used.
12. A few months after I delivered the last of the paintings I traded to Lamont, I was walking along Court Street in Thunder Bay, right across from the Safeway. There was a law firm there and I went in to see whether they would be interested in buying some of my art. On the wall in the reception area, I saw a flyer that had a photograph on it of one of the paintings I had done for Lamont. I noticed that the syllabic symbols for "Copper Thunderbird" had been painted on its face as a signature. Copper Thunderbird is Norval Morrisseau's Cree name. I was very upset. That was the first moment I realized that I had been used by Lamont in an art forgery scheme.
13. Shortly after the incident at the law firm, I spoke with Lamont and told him that I was upset that he had used my work to create fake Norval Morrisseau paintings. I told him that I knew what he was up to. He said that he had burned all of my paintings, which I do not believe is true. That was the last time I spoke with him. I am still angry about this.
14. Besides some of the paintings I did for Lamont now having Norval Morrisseau's signature in syllabics, some of them appear to have areas of new colours that must have been painted over the original colours by someone other than me.
15. Over the last few years, I have heard many people I know talk about the problem of fake Norval Morrisseau paintings, and I have come to realize that this is a huge issue. It upsets me to see that people like Lamont have been using, and profiting

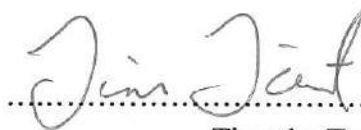
from, taking advantage of First Nations artists like Norval Morrisseau and me. I am executing this affidavit in order to set the historical record straight.

Sworn (or Affirmed) before me at the City of
Thunder Bay, in the Province of Ontario on
this 7th day of November, 2014.



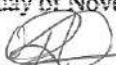
.....
A Commissioner for Taking Affidavits

ROSANNA ORIECUA, a Commissioner, etc.,
District of Thunder Bay, for Alwood Labine Amone
McCartney LLP, Barristers and Solicitors.
Expires September 17, 2016.



.....
Timothy Tait

This is Exhibit "A" referred to in the
 Affidavit of Timothy Tait
 sworn before me at Thunder Bay
 this 7th day of November, 2014



.....
 A Commissioner for taking Affidavits for
 The Province of Ontario

ROSANNA ORRECCHIA, a Commissioner, etc.,
 District of Thunder Bay, for Atwood Labine Arnone
 McCrney LLP, Barristers and Solicitors.
 Expires September 17, 2015.

Image 1



Image 2

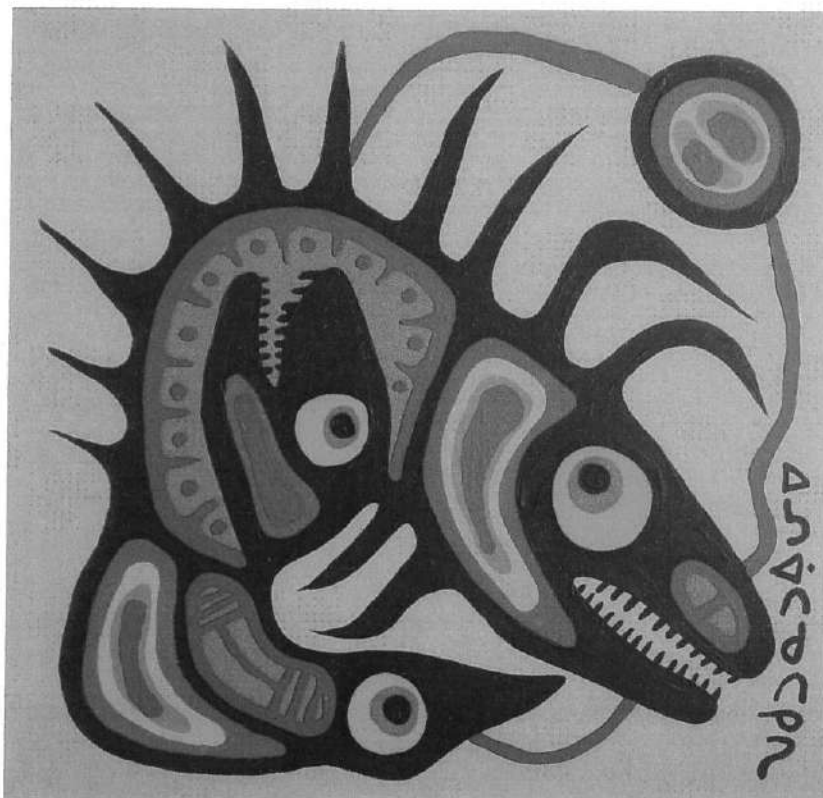


Image 3

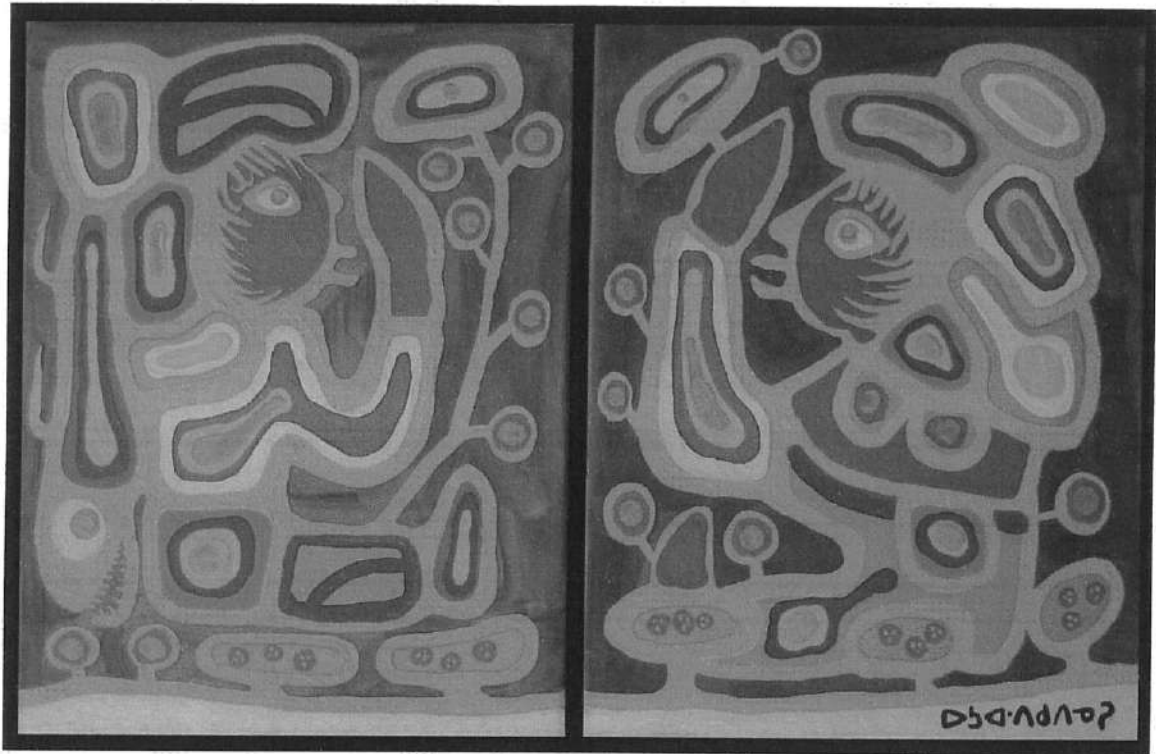


Image 4



Image 5

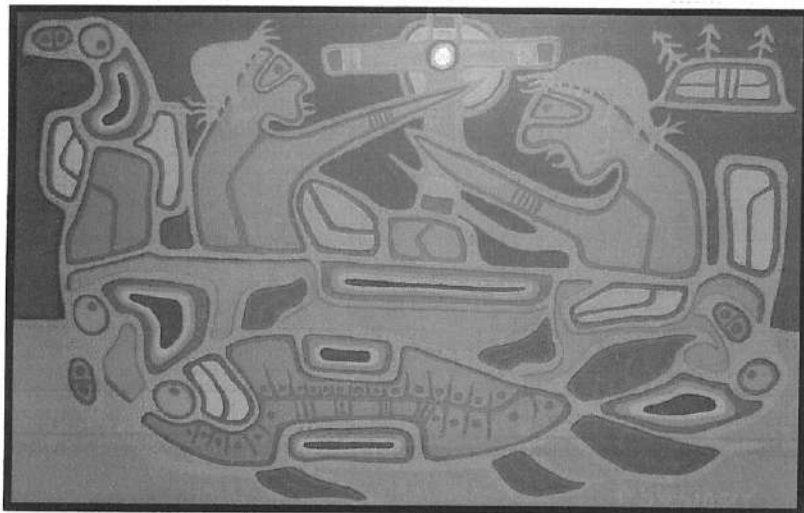


Image 6

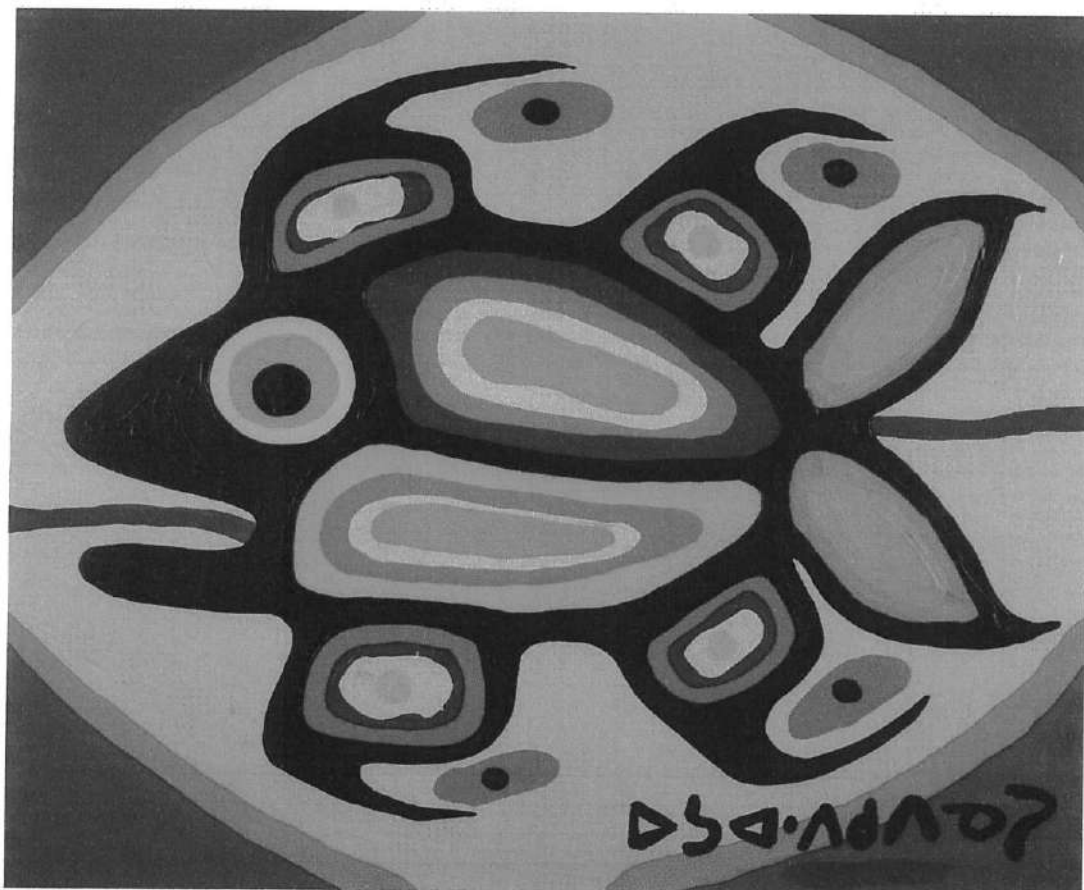


Image 7



Image 8



Image 9



Image 10

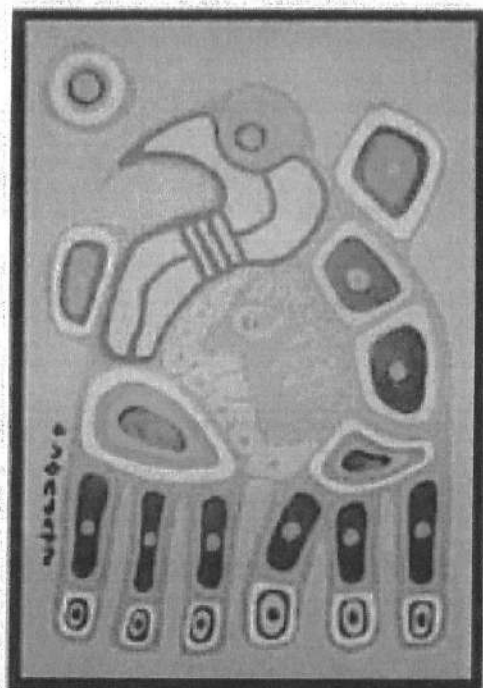


Image 11



Image 12



Image 13

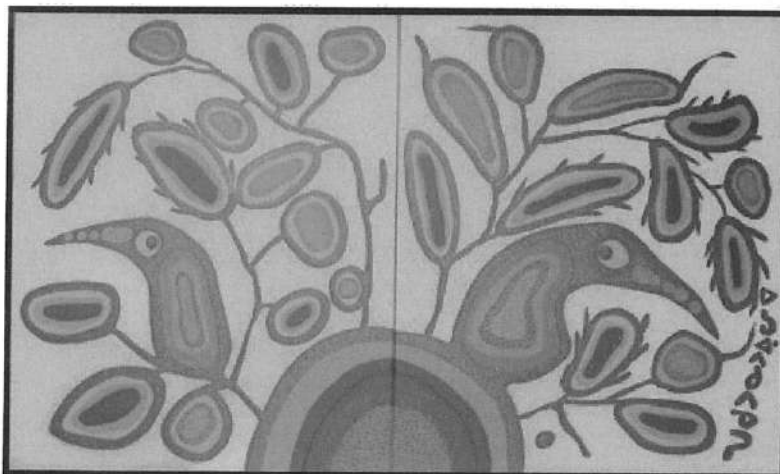


Image 14

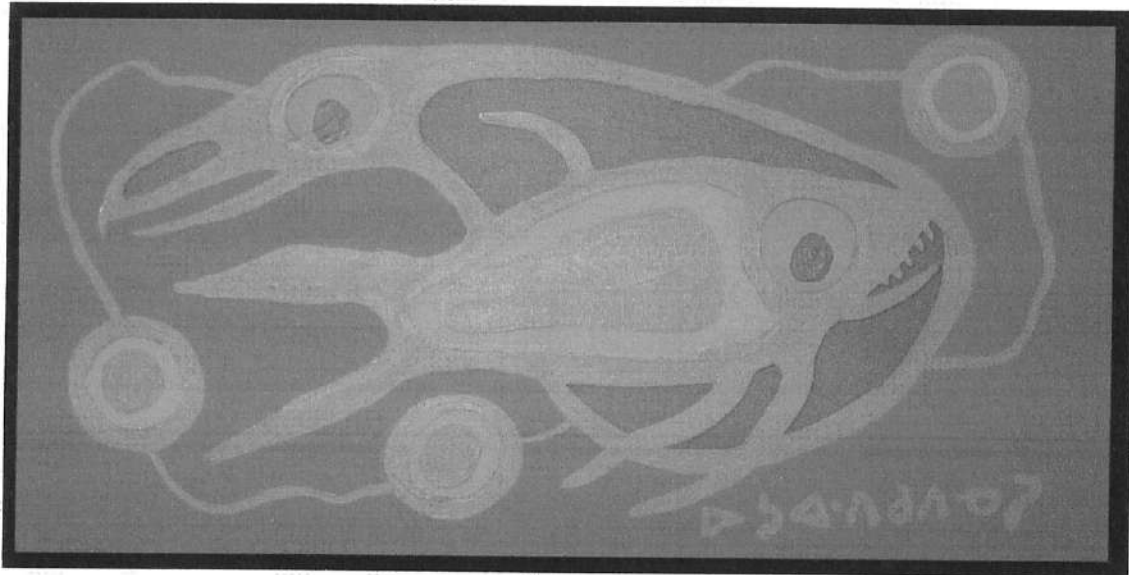


Image 15

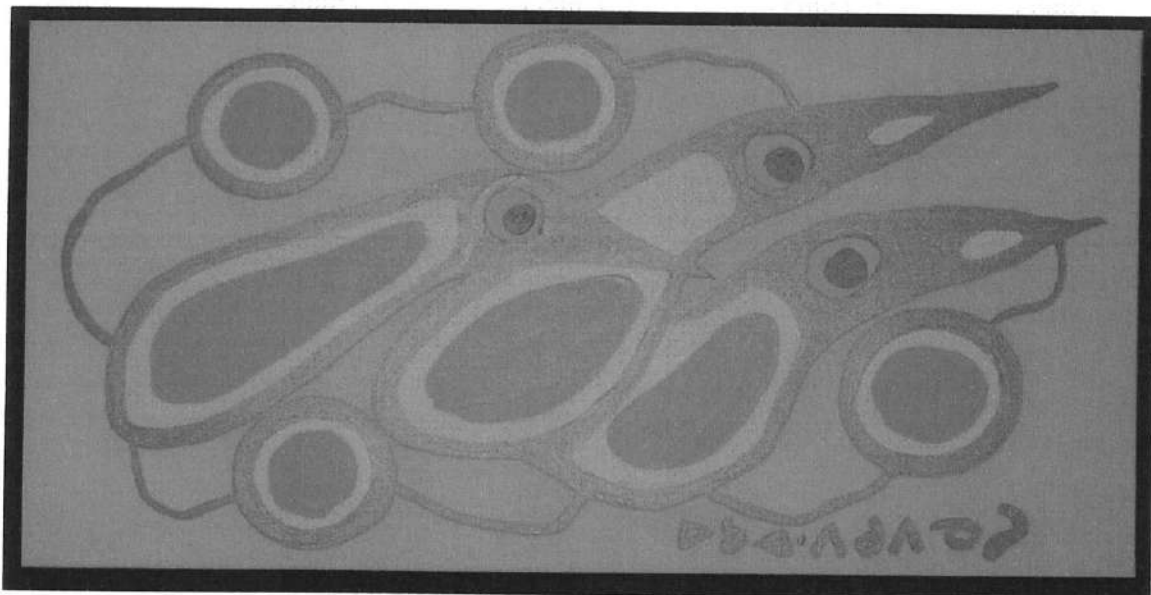


Image 16

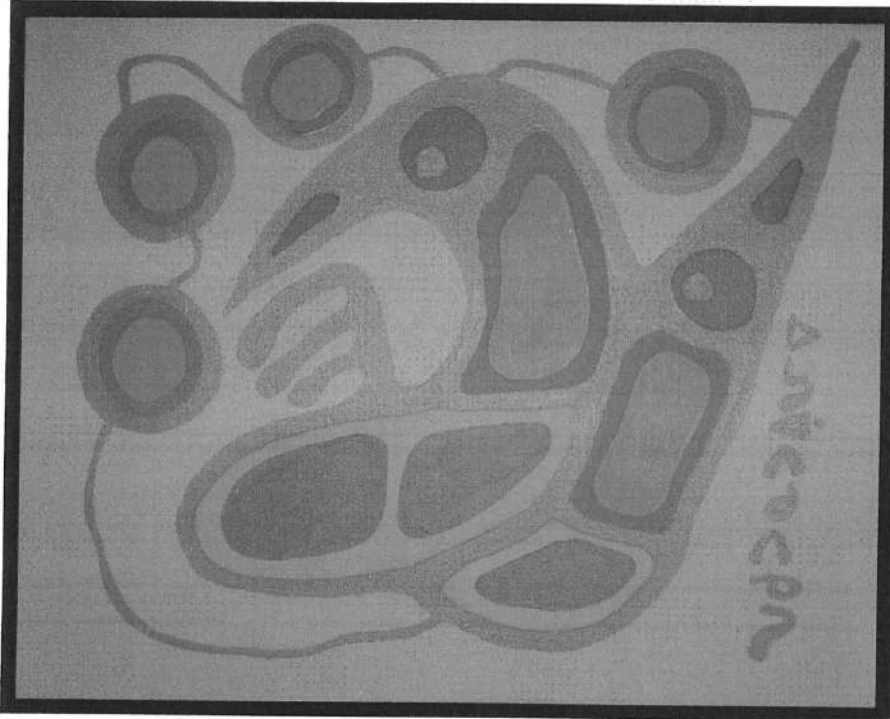


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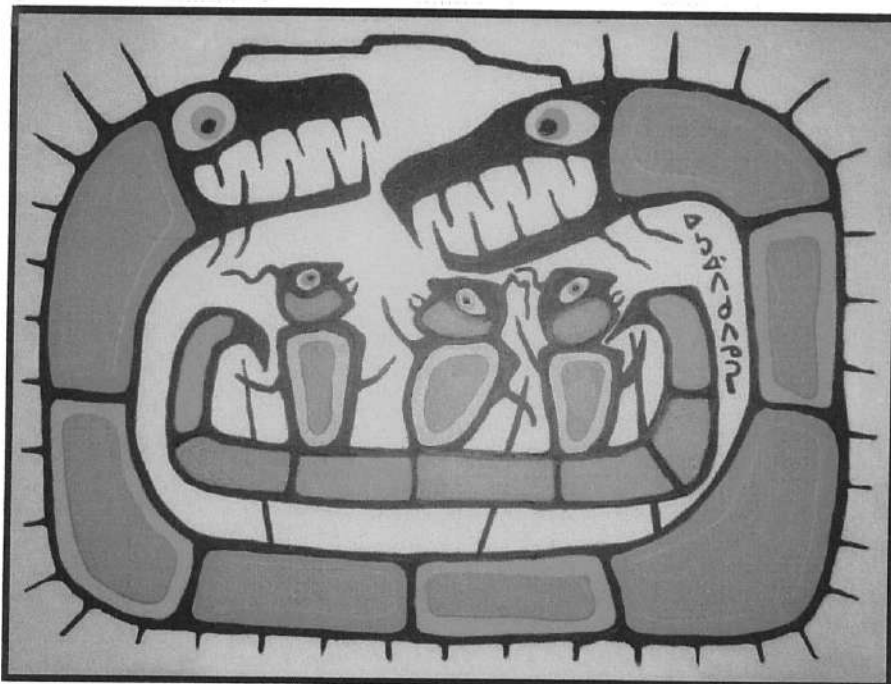


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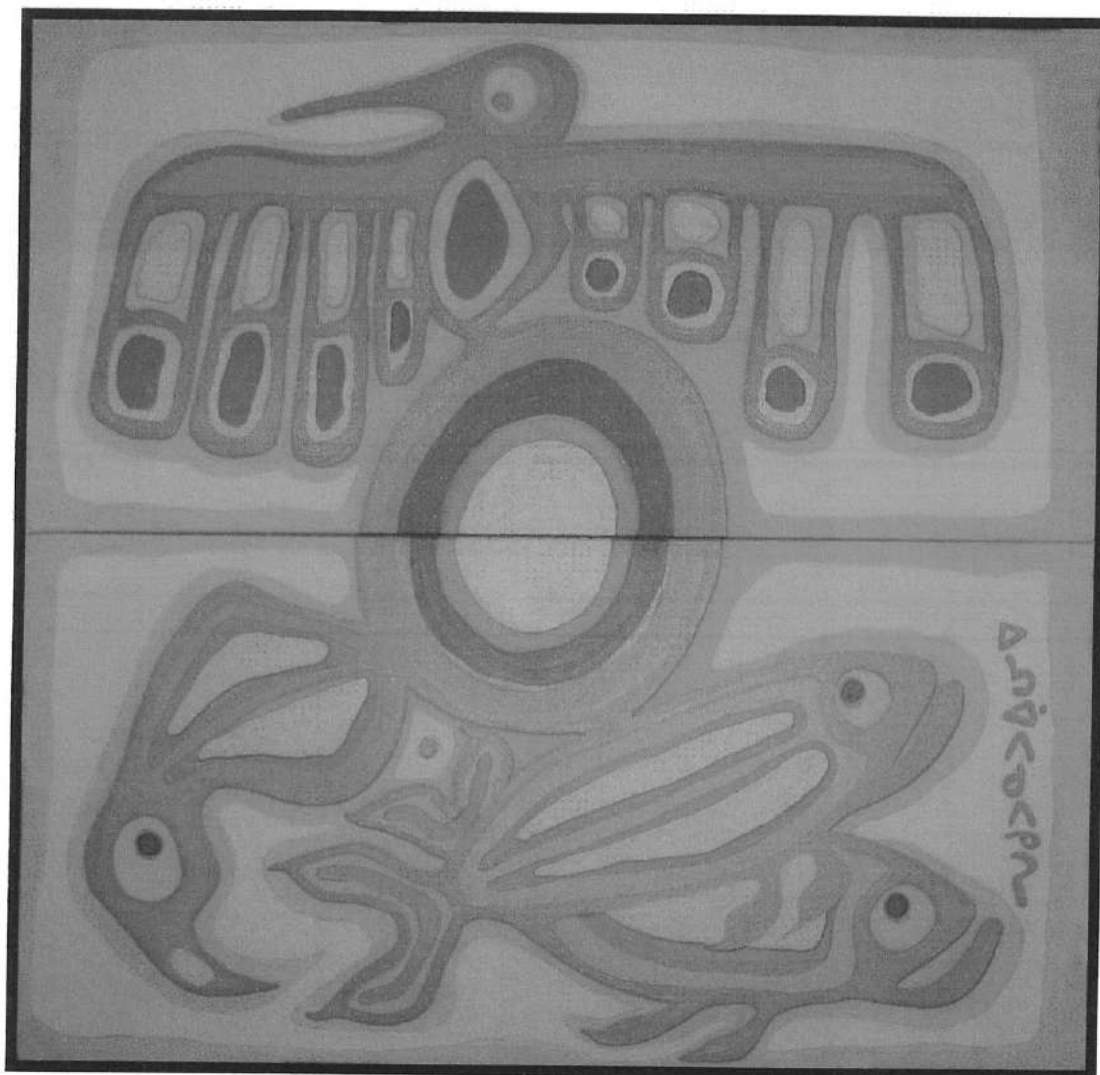


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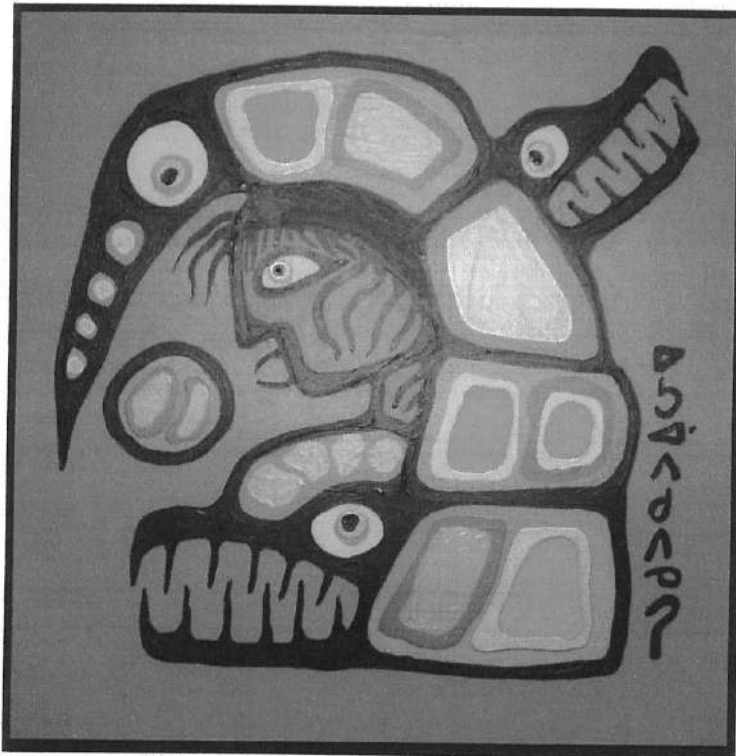


Image 20



Image 21



Image 22

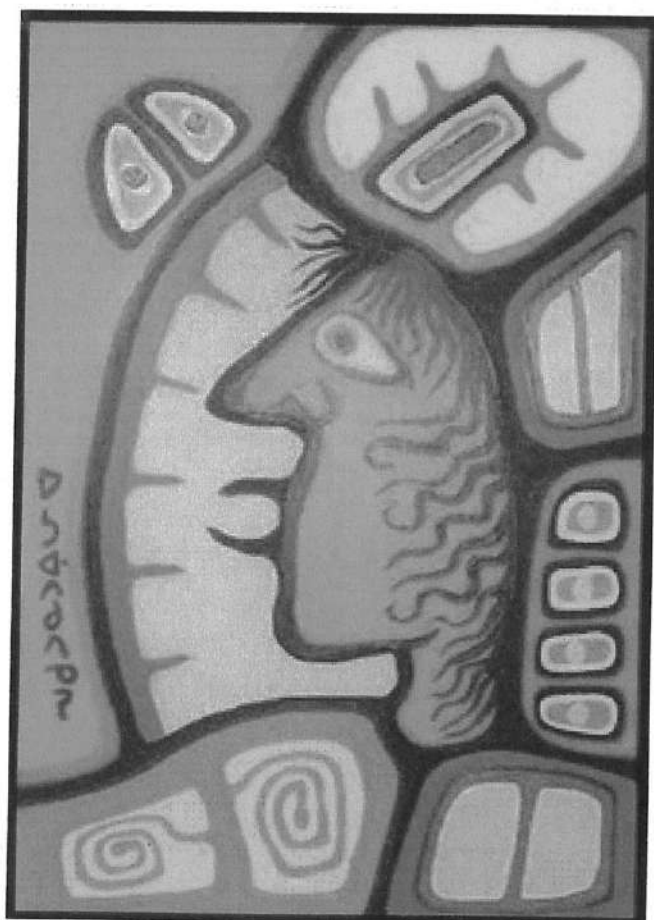


Image 23



Image 24



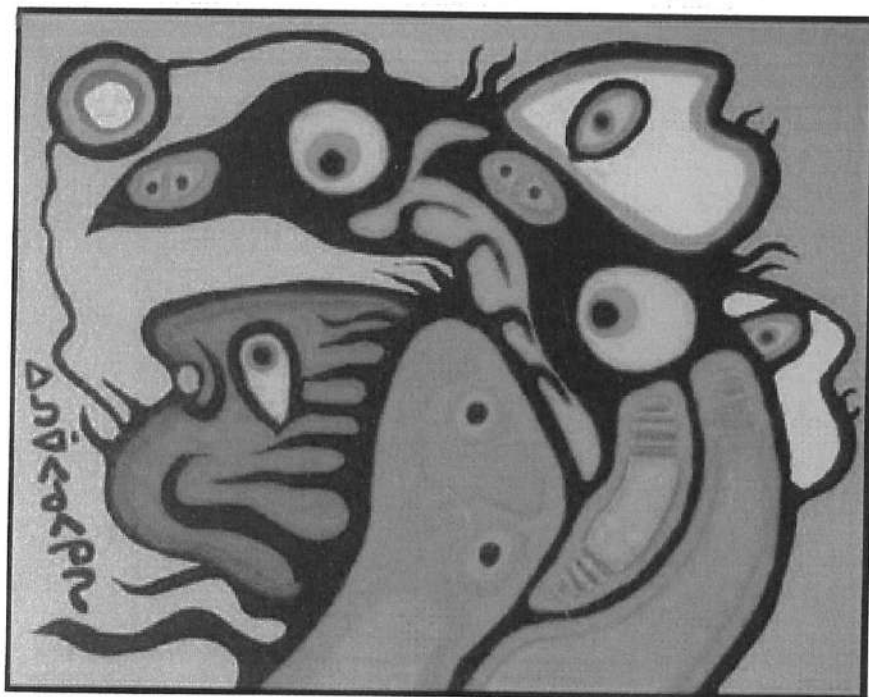
Image 25



Image 26



Image 27



KEVIN HEARN and JOSEPH MCLEOD et al
(plaintiff) (defendants)

(Court file no.) CV-12-455650

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO
AFFIDAVIT OF TIMOTHY TAIT**

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