



ONTARIO SUPERIOR COURT OF JUSTICE
FORT FRANCES SMALL CLAIMS COURT

ORDER OF THE COURT

Claim No. SC-24-027-00

BETWEEN

DOUGLAS W. JUDSON

Plaintiff(s)

and

GREG DUCHARME

Defendants(s)

BEFORE: Deputy Judge Kevin G. Cleghorn

HELD BY: ☐ In person ☐ Videoconference ☐ Teleconference ☒ In writing

EVENT TYPE: Hearing - Assessment (Reserved Decision)

APPEARING:

Plaintiff(s): Present ☐

Representative: Douglas Judson / Peter Howie Present ☐

Defendant(s): Present ☐

Representative: N/A Present ☐

This is an uncontested assessment of damages. The Defendant has failed to file a Defence after being served with the Plaintiff's Claim on July 8, 2024, as appears from the Affidavit of Service of Chelsea Bragg affirmed July 8, 2024, filed. The Defendant is thereby deemed to admit liability and the facts set out in the Plaintiff's Claim pursuant to Rule 11.03(5) of the Rules of the Small Claims Court.

I hereby find as follows (following review of the Affidavit of Douglas William Judson affirmed August 20, 2024, filed):

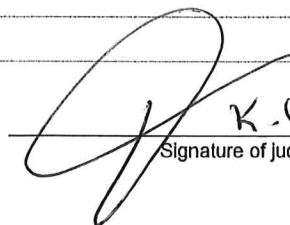
- 1) the Defendant made a number of defamatory posts that were published between May 20 to 21, 2024 that are/were hateful, damaging, harmful and/or highly inflammatory as against the Plaintiff, a professional in a small community;
- 2) the Defendant's posts expressed or implied that the Plaintiff promotes/advocates/engages in sexual activity with children and/or animals;
- 3) the posts, by their nature, are defamatory per se and highly injurious to the Plaintiff;
- 4) the Plaintiff is under no legal obligation to prove actual loss or injury. See *Rutman v. Rabinowitz*, 2018 ONCA 80 at paras. 62-63; and
- 5) the range of damages involving allegations or statements of sexual impropriety of this nature range from \$30,000.00 to \$75,000.00 See *Zell v. Zell*, 2016 BCSC 1730 at para. 90 and 101; and
- 6) that the statements, while horrific and deserving of condemnation, are not as direct, explicit and/or harmful as appears in the case of *Bordelent Pride et al v. S. Luke Cawston*, file SC-24-004-00 (Fort Frances Small Claims Court).

On that basis, the Defendant, Greg DuCharme, shall pay to the Plaintiff, Douglas W. Judson, the sum

Signature of Judge / Signature du Juge

of \$30,000.00, pre-judgment interest on that amount from July 8, 2024 (as claimed) to September 9, 2024 in accordance with the Courts of Justice Act, post-judgment interest on that amount from September 10, 2024 until the full amount of this judgment has been paid in full, and with fixed in the amount of \$2,198.50, inclusive of disbursements, all of which amounts are payable forthwith. Judgment accordingly.

September 9, 2024


K.G. Cleghorn, D.J.
Signature of Judge / Signature du juge