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City settles lawsuit with Occupy protesters

Chislett, T. (2013, Dec 03). City settles lawsuit with occupy protesters. Daily Gleaner. Retrieved from <http://search.proquest.com/docview/1462943145?accountid=33009>

Abstract (summary)

Julian Renaud, one of the plaintiffs in the lawsuit, said after more than a year and a half of waiting, the case was set to go to a three-day trial starting Dec. 3 in the Court of Queen's Bench. The lawsuit against the city, Mayor Brad Woodside and city engineering and public works director Murray Jamer was filed on April 24, 2012.

Full Text

A settlement between three Occupy Fredericton protesters and the City of Fredericton for dismantling their encampment in Phoenix Square almost two years ago has been reached.

Julian Renaud, one of the plaintiffs in the lawsuit, said after more than a year and a half of waiting, the case was set to go to a three-day trial starting Dec. 3 in the Court of Queen's Bench.

The two parties were in settlement talks in November and reached an out-of-court settlement. On Monday, Renaud was in Fredericton to sign off on the paperwork and pick up the settlement cheques.

"They waited about 15 months approximately. It's ridiculous," he said. "We could have settled this in a week after and it would have been a lot cheaper for them if we did."

The lawsuit against the city, Mayor Brad Woodside and city engineering and public works director Murray Jamer was filed on April 24, 2012.

The Occupy Fredericton sit-in began Oct. 15, 2011. On Dec. 31, 2011, Woodside served the protesters with a written notice giving them three days to remove the shelter. The notice said they were in violation of Section 5, Bylaw T-4, "A By-law Respecting Streets and Sidewalks."

City of Fredericton officials arrived Jan. 3 at 5 a.m. to remove the shelter.

In the lawsuit, Renaud, Dana Hartt and Alex Davenport said Woodside and Jamer used bylaw provisions that didn't exist to tear down their shelter; stole, damaged and destroyed property; and put protesters at risk by tearing down the shelter with people inside.

They also said the shelter was torn down before the three-day deadline passed.

None of the allegations were proven in court. The trio was seeking a public declaration the city's action was unlawful, compensation for their belongings and compensation totalling \$15,000 for violating their rights.

Settlement talks broke down in summer 2012, sending the matter to the courts.

Renaud said the settlement includes both a financial deal and requires that the city issue a public statement, although the details are confidential until Jan. 6, as per the terms of the agreement.

"This is a great victory for the rule of law," he said. "This took a year and a half of fighting, we've had our names dragged through the mud, some people won't talk to us anymore because they think that we're political liabilities. Suing the mayor is a controversial thing to do, and people who don't have the stomach for that don't want to have anything to do with us anymore. It's caused a lot of hardship for us, but at the same time, now that we've finally gotten justice, it's a very good feeling.

"We feel we've done our civic duty. I think as a citizen in a democracy, if you're confronted with an injustice, and you have the ability to do something about it and make a difference, I think you have a responsibility to do it."

Renaud said the goal of the lawsuit was to send a message that no one is above the law.

"We live in a society based on the rule of law - at least in theory it's supposed to be that way," he said.

"If we want to live in that society, you need to be held accountable when you do something wrong. They (Woodside, Jamer and the city) were wrong not only for what they did, but for the way they acted after, jerking us around so much and defaming us in the media."

Renaud said he hopes city employees will be more conscious of following the law.

"They'll see what happened here and know they might just be held accountable and they might have to pay the consequences if they step outside their authority," he said. "You can't play fast and loose with people's constitutional rights."

In a statement to The Daily Gleaner, Wayne Knorr, the city's manager of internal communications, confirmed the settlement with Renaud, Hartt and Davenport.

He said the terms of the agreement are confidential until Jan. 6 and at that time, details will be released and the city will comment further.

Renaud, who said he has plans to apply to law school as a result of the lawsuit, said he's looking forward to seeing the public reaction when the details are released on Jan. 6, saying he thinks many of the negative feelings about the lawsuit have changed.

"I've had a lot of people who have said thank you and congratulations for doing this because someone needed to," he said.

"We can't let politicians abuse our rights, lie to us and get away with it. Regular people need to step up and hold them accountable. Politicians aren't just going to hold themselves accountable. It doesn't work that way."

Although the settlement has been reached, Renaud said he is concerned the city used taxpayer funds to pay the three defendants.

In the lawsuit, Renaud said the trio specified any financial award should come from Woodside and Jamer, not the City of Fredericton, but the settlement cheques he received Monday were issued by the city - a move he said violates Bylaw A3 section 3.04.

"That makes it clear the city will not pay the legal costs of any employees who have been grossly negligent, fraudulent or dishonest," he said.

"They most certainly have been. They accused us of violating bylaw provisions that don't exist. What could be more dishonest than that?"

He said the money should be coming from the pockets of Woodside and Jamer.

"I'm miffed taxpayer money, part of which is mine, is being used to pay out a settlement they shouldn't have had to pay out because they lied to create the lawsuit in the first place. Of course, the money is going to me and the two other plaintiffs," he said.

"If the money comes from the City of Fredericton, they're not learning their lesson. This cost them nothing and they can afford to pay it."

Renaud said he will also be filing a complaint with the Law Society of New Brunswick against Michelle Brzak, the city solicitor, who drafted the letters delivered to the Occupy Fredericton protesters saying they were in violation of Section 5, Bylaw T-4.

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Indexing (details)

Subject	Settlements & damages; Cities; Litigation
Title	City settles lawsuit with Occupy protesters
Author	Chislett, Tara
Publication title	Daily Gleaner
First page	A.1
Publication year	2013
Publication date	Dec 3, 2013
Year	2013
Section	A
Publisher	Infomart, a division of Postmedia Network Inc.
Place of publication	Fredericton, N.B.
Country of publication	Canada
Publication subject	GENERAL INTEREST PERIODICALS--UNITED STATES
ISSN	08216983
Source type	Newspapers

Language of publication English
Document type News
ProQuest document ID 1462943145
Document URL <http://search.proquest.com/docview/1462943145?accountid=33009>
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Last updated 2013-12-03
Database Canadian Newsstand Atlantic

Bibliography

Citation style: APA6

Chislett, T. (2013, Dec 03). City settles lawsuit with occupy protesters. Daily Gleaner. Retrieved from <http://search.proquest.com/docview/1462943145?accountid=33009>

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