

Occupy protesters want Woodside to apologize; Dispute | Mayor says city residents don't support expensive legal action

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Abstract (summary)

Julian Renaud said the small- claims court action against Mayor Brad Woodside, city engineering and public works director Murray Jamer and the City of Fredericton filed by himself, Dana Hartt and Alex Davenport will go to court after settlement negotiations broke down earlier in the week.

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One of the three people suing the city for dismantling the Occupy Fredericton shelter in January says the mayor's refusal to apologize for tearing down the camp is similar to his refusal to declare Pride Week in the late 1990s.

Julian Renaud said the small- claims court action against Mayor Brad Woodside, city engineering and public works director Murray Jamer and the City of Fredericton filed by himself, Dana Hartt and Alex Davenport will go to court after settlement negotiations broke down earlier in the week.

The trio - who claims the city misrepresented bylaws, infringed on their rights to protest and free speech and failed to return property confiscated during the demolition of the shelter - is seeking a public declaration that the city's action was unlawful, compensation for their belongings and compensation totaling \$15,000 for violating their charter rights.

But Renaud said after five meetings with the city, no settlement has been reached. Although he couldn't speak to the details of what the city was offering due to confidentiality agreements, Renaud said he thinks the mayor's refusal to say he acted unlawfully is like when he refused to declare Pride Week.

In 1995, Woodside made headlines nationally by refusing to declare Pride Week in the city. In 1998, he was forced by the New Brunswick Human Rights Commission to read the declaration, although he mumbled it in such a low voice the council chamber couldn't hear him. He apologized the following week and has read the declaration ever since.

"In this situation, like that situation, the mayor infringed on the rights of his own constituents and someone called him on it in both instances," Renaud said.

"All he had to do to settle this lawsuit was sit down with us and say, 'alright guys, look, I didn't handle it right. I'm sorry. You guys didn't actually break the law. We acted without lawful authority and here's your stuff back.' "

The groups listed a non-rigid water jug, a manila envelope full of lapel pins, an orange arctic sleeping bag, 11 red gift boxes, a smoke detector, three travel mugs, tarps and books and their large canvas banner reading "Occupy Fredericton. We are the 99% and so are you" among the personal property items they lost when the city tore down the Occupy encampment at 5 a.m. Jan. 3.

While Renaud wouldn't talk about the details of the settlement offer, Woodside told The Daily Gleaner the city has offered to compensate the men for their property.

"The decision was that we would compensate them for their lost articles that they claim to have lost. But in terms of punitive damages or the \$5,000 each they were looking for, I just can't support that," he said.

Woodside said the situation has been dragged out too long and he thinks the public would agree it's time to move on.

"I think the bottom line is the public has had enough. I've had enough," Woodside said.

"But if they've got nothing better to do than waste everybody's time in a court, to have somebody say who was right or who was wrong or to collect \$15,000 that they claim they're entitled to for punitive damages, I can't see the public getting too much behind that in terms of support. I think they're making the wrong move. Time will tell."

Renaud said even though the three men haven't found a lawyer willing to represent them, he has talked to several people in the legal profession about the case. Based on those conversations he feels confident they'll win the lawsuit when it goes to court.

"This is an elected official who abused his power," he said. "He violated our rights and he won't deal with that. What choice do we have but to sue? The city brought this lawsuit on, not us. They left us with no choice.

"It's going to cost a lot of money to take this to court rather than admitting they were wrong."

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