

Allegation of 'Kickbacks' floated in Local Libel Defence

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GUELPH — A Wellington County council watchdog sued for libel by two county officials vows he'll share with the court alleged evidence of attempted municipal bribery and kickbacks in his defence.

Bill Manderson, a 74-year-old retired engineer, said he can demonstrate in court what he'll raise in the publicly unproven statement of defence, which he's filed at the Ontario Superior Court of Justice and published on his weblog www.smelly-welly.com. His statement of defence asserts that he will produce evidence of attempted bribery related to "land division opportunities for kickbacks" and rely upon a statement of former Guelph-Eramosa mayor Clint Martin in doing so.

The allegation, which isn't further detailed in the statement of defence, marks the latest prominent twist in what has become a high profile lawsuit between the civic watchdog and Puslinch Mayor and Wellington County Coun. Brad Whitcombe and the county's chief administrative officer Scott Wilson.

Whitcombe and Wilson launched the libel action in January 2009 over letters authored by Manderson and postings on his blog dating back to March 2007. The alleged defamatory statements included assertions that the plaintiffs had engaged in criminal acts and cover-ups and lacked decency — among many other things.

None of the statements in the statement of defence have been proven in court and no date is set for a trial in the case.

The statement of defence indicates Manderson intends to defend his allegedly defamatory statements as what "he believes is true" and as matters in the public interest.

When reached on his cellphone, Wilson said he had no response to the allegations raised in Manderson's statement of defence.

Whitcombe declined to offer comment when approached about the matter.

Steven Tanner, one of the plaintiffs' counsel, said he didn't have direction from his clients to comment.

Manderson said he'll file an affidavit of Martin's in the case.

Martin acknowledged he provided a sworn statement to Manderson and was aware of the litigation.

Manderson's April 1 filing of the statement of defence comes days after a court order obliged him to remove some passages from his blog pending the resolution of the case.

In an earlier development, late last year, the Ontario Superior Court of Justice rejected a dismissal motion brought in the case by the Canadian Civil Liberties Association.

That motion questioned the appropriateness of the county funding the legal bills of the plaintiffs even though they are suing Manderson personally as private citizens.

A parallel court case is ongoing in the Ontario Court of Justice, where the same Wellington County officials are seeking a peace bond against Manderson.

The cases have attracted national media attention and wide scrutiny within Canadian legal circles.