

QB File No. \_\_\_\_\_

**THE QUEEN'S BENCH**  
Winnipeg Centre

BETWEEN:

**MARTIN GREEN,**

plaintiff,

- and -

**HEATHER BUSH and GEORGE BUSH**

defendants.

---

**STATEMENT OF CLAIM**

---

**MARTIN GREEN**  
147 West Gate  
Winnipeg, Manitoba  
R3C 2E2

Tel: 774-4932  
email [marty@onforeignsoil.com](mailto:marty@onforeignsoil.com)

QB File No. \_\_\_\_\_

**THE QUEEN'S BENCH**  
Winnipeg Centre

BETWEEN:

**MARTIN GREEN,**

plaintiff,

- and -

**HEATHER BUSH and GEORGE BUSH**

defendants.

**STATEMENT OF CLAIM**

TO THE DEFENDANTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a Manitoba Lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Queen's Bench Rules*, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it in this court office, **WITHIN 20 DAYS** after this statement of claim is served on you, if you are served in Manitoba.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is 40 days. If you are served outside Canada and the United States of America, the period is 60 days.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

March\_\_\_\_\_, 2013

Issued by: \_\_\_\_\_

TO: HEATHER BUSH

GEORGE BUSH

## CLAIM

1. The Plaintiff claims:

- a. General Damages
- b. Special damages
- c. Aggravated, exemplary and punitive damages;
- d. Pre and post judgement interest
- e. Costs
- f. Such further and other relief as this Honourable Court may deem just.

2. The Plaintiff, Martin Green (“Green”), resides in the City of Winnipeg. He was a student in the Faculty of Education at the University of Winnipeg from around September 12 2011 until January 11<sup>th</sup> 2012.

3. The Defendant Heather BUSH (“Mrs. Bush”) resides in the City of Winnipeg and is a teacher in the St. James School Division.

4. The Defendant George BUSH (“Mr. Bush”) resides in the City of Winnipeg is the husband of Heather BUSH.

5. On January 2, 2013, the Plaintiff filed a Statement of Claim (file no. CI 13-01-81365) with the Manitoba Court of Queen’s Bench against the defendant George BUSH, a former instructor of the Plaintiff at the University of Winnipeg.

6. On January 11<sup>th</sup> 2013 at around 5:30 pm, the Plaintiff attended to the Bush residence at 159 Whitegates Crescent in the City of Winnipeg, Manitoba in order to effect personal service on the defendant George BUSH.

7. Upon his arrival, the plaintiff telephoned to a number he believed to be that of the defendants’ home. Upon determining that Mr. Bush was at home the plaintiff then proceeded to ring the defendant’s doorbell. Mrs. Bush answered the door and asked the plaintiff to identify himself.

8. Upon identifying himself and asking to see Mr. Bush, Mrs. Bush answered that her husband did not wish to see the plaintiff.

9. The plaintiff extended the documents towards Mrs. Bush by way of indicating the purpose of the visit, and told her he had some papers for her husband.

10. Mrs. Bush abruptly and without warning shut the door on the plaintiff, and the plaintiff then left and drove home.

11. Mrs. Bush then phoned the University of Winnipeg Security Office and reported that the plaintiff had just attempted to force his way into her home.

12. The University then wrote out a Barring Notice against the defendant, informing him that he would be charged with trespassing if he entered University property. No reason was stated for the barring notice.

13. Over the next two weeks, the Plaintiff exchanged correspondence with the University in an attempt to determine the source and nature of the complaints against him. Having failed to obtain the desired information, on Friday the 25<sup>th</sup> of January 2013 the Plaintiff notified the University that he intended to defy the trespassing order.

14. On Tuesday the 28<sup>th</sup> of January, the Plaintiff was observed just outside the Ellice Avenue entrance to the University and detained by Campus Security. Police were called and the Plaintiff was charged with trespassing.

15. While he was in custody, the plaintiff asked Martin Grainger, the chief of security for the University, the reason for the trespassing order and was informed by Grainger that Professor Bush's wife had reported that the plaintiff had attempted to force his way into her home.

16. The plaintiff therefore claims that in so doing the defendant Heather BUSH did maliciously, with intent to harm the plaintiff, and with knowledge of the falsity of the complaint lodge a false complaint on January 11<sup>th</sup> 2013 with the University of Winnipeg Security Office, the full particulars and the exact words of which shall not be known to the Plaintiff pending examination for discovery.

17. On the same evening, the defendant George BUSH telephoned his colleague Don Metz, also a former instructor of the Plaintiff at the University of Winnipeg, and told him that the Plaintiff had tried to force his way into the Bush residence.

18. The plaintiff therefore claims that in so doing the defendant George BUSH did maliciously, with intent to harm the plaintiff, and with knowledge of the falsity of his accusations, defame the Plaintiff to Don Metz, the full particulars and the exact words of which shall not be known to the Plaintiff pending examination for discovery.

19. The plaintiff claims the aforesaid statements made by the Defendants, in their plain and ordinary meaning meant or were understood to mean that the Plaintiff had displayed behavior that was angry, vindictive, irrational and violent; and that those statements were in fact so understood by those who heard the words of the defendants on the evening of the 11<sup>th</sup> of January, as well as those who subsequently became aware of the said statements either directly, indirectly, or by implication through the publication of the trespassing order.

17. The plaintiff claims that as a result of aforesaid,

- a) he became despised and loathed by members of the University community who inevitably became aware of the accusations and the trespassing order;
- b) he was unjustly deprived of the full enjoyment of the University facilities which were otherwise available to members of the public;
- c) he was deprived of the fellowship of former classmates with whom he would otherwise have been able to meet and socialize;
- d) he has been arrested, confined against his will and physically abused as a consequence of asserting his legitimate rights to the use of the University's public amenities;
- e) he became the object of police harrassment at his home, to the great distress of his wife and family; and as a result thereof, became alienated from the affections of close family members.

36. To the extent that his damages have been compounded by the failure of the

defendants to retract or mitigate their defamatory allegations, the plaintiff claims aggravated damages.

37. Further, or in the alternative, the Plaintiff states that in all the circumstances aforesaid the actions of the part of the defendants constitute a wanton and outrageous disregard of the plaintiff's rights and consequently the Plaintiff should be awarded exemplary and punitive damages.