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Kennel owners prevail in case

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A Brockville-area woman has been ordered to pay \$14,000 to a Shawville, Que. dog kennel after a small claims court judge ruled she defamed the business over the Internet in 2004 and 2005 with allegations it was a "puppy mill."

Lorie Gordon, a past client of the Paws 'R' Us Kennel, was ordered to pay the business \$10,000 in damages for lost business and \$4,000 for legal costs in a decision handed down by Judge M. Galligan in Ottawa on July 22.

In a copy of the decision obtained by The Recorder and Times, Galligan says evidence from the Pet Industry Joint Advisory Council of Canada, veterinarians for the kennel, satisfied customers and the mayor of Clarendon Township was clear the facility is a reputable operation.

Galligan said the evidence outweighed contrary evidence from Gordon and other witnesses, including a Montreal Humane Society officer, who failed to act on his belief the facility was a puppy mill.

The judge acknowledged evidence of "occasional health problems" with dogs purchased from the kennel - Gordon cited ill health in two dogs she obtained from Paws 'R' Us - but noted it is consistent with a "facility accommodating hundreds of animals."

Unusual levels of barking and occasional foul odors must also be expected, said Galligan.

The judge said Gordon's Internet postings on various discussion boards suggesting the owners, James, Charlene and Nicole Lombard, are of bad character is defamatory, along with allegations of their greed and insensitivity to customers.

Moreover, the use of the Internet worsens the defamation according to case law, said Galligan.

He said Gordon's action was "particularly malicious" because her purpose was to close a business she knew was the source of support for a family of 11 people.

Paws 'R' Us lawyer Luc Barrick said it's important for people to know about the court decision because of the attention drawn from people in Ontario and Quebec to the ongoing legal drama.

Barrick said the decision addresses two issues: the definition of a puppy mill and the use of the Internet to defame innocent parties.

"We want to make sure the public is informed about this," said Barrick.

He said his clients won't recover the business lost because of the defamation, but are relieved by the court decision.

He said they are ready to respond to an appeal and feels any chance of losing is remote, based on Galligan's reasoning for the decision.

However, an appeal will be launched, according to Gordon, who contacted The Recorder and Times on Monday.

Gordon questioned the judge's decision to dismiss the opinion of a humane society officer and other witnesses who testified on her behalf.

Gordon's lawyer, Terrence Green, acknowledged his client is considering an appeal over errors in the judge's reasoning.

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