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3 pages

Original kept in our file

December 2, 2011

CBC  
P.O. Box 500, Station A  
Toronto, ON M5W 1E6

**Attention: Linda Guerriero**

Dear Madam:

**Re: S/Sgt. Robert Blundell**

I act for S/Sgt. Blundell.

I write in response to:

- your e-mail to him dated November 3, 2011;
- your e-mail to me dated November 29, 2011, responding to my e-mail dated November 28, 2011;
- our discussions on the telephone on November 28, 2011.

Your November 3, 2011 e-mail reported that you were producing a documentary on a case involving "serious allegations" of "sexual assault".

In your telephone call to me you identified the allegations as those contained in a 39 page Statement of Claim filed in Calgary on September 25, 2003, and advised that S/Sgt. Blundell was the focus of your programme.

You have since said that your documentary, which I understand will be televised as a Fifth Estate programme on December 9, 2011, will address the allegations made in the Statement of Claim, from

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\* An association of independent law corporations and lawyers

\* A personal law corporation

all four former plaintiffs. You have, in your e-mail dated November 29, 2011, refused to advise which of these individuals have provided interviews to you or your staff, or the results of your research.

Given all of these circumstances, and particularly your refusal to provide any details of the allegations you actually intend to broadcast from the 39 page claim or your own "research", I am instructed as follows:

1. Neither S/Sgt. Blundell nor anyone acting on his behalf, will appear on your program.
2. The Claim references allegations relating to incidents which reportedly occurred between 1994 and 1999, i.e. between 12 and 17 years ago. At the time of the early incidents, S/Sgt. Blundell held the rank of Constable; at the time of the latter incidents, he held the rank of Corporal. All of the plaintiffs were unmarried, mature women who were generally S/Sgt. Blundell's peers in the workplace and in their social lives.
3. The allegations were the subject of lengthy *Criminal Code* and internal Code of Conduct investigations undertaken by the Calgary Police Service and the RCMP. No criminal charges were ever laid with respect to any of the allegations.
4. In 2001, two separate, and formal RCMP Code of Conduct hearings, were instituted respecting the allegations made by three of the former plaintiffs. At the conclusion of the first hearing, which dealt with allegations which arose in 1994 and 1996, then Sgt. Blundell was reprimanded and received a one day loss of time off. This was the penalty sought by the Commanding Officer of the RCMP in British Columbia, Deputy Commissioner Beverley Busson. The penalty reflected the nature of the two incidents, the totality of the circumstances and then Sgt. Blundell's previously unblemished record. The second hearing involved allegations which arose in 1997. The RCMP Code of Conduct panel dismissed those allegations, noting that they did not accept the evidence of the complainant.
5. The civil action was commenced against many senior police officers in 2003. S/Sgt. Blundell was named as the 16<sup>th</sup> defendant in the civil action. Conduct of the litigation was assumed by the Department of Justice, who settled the matter without any consultation with S/Sgt. Blundell. The allegations contained in the Statement of Claim were never litigated. No evidence was given under oath, and none of the complainants were subjected to a testing of their evidence under cross-examination. No judicial decisions were rendered in this action. S/Sgt. Blundell denies the allegations contained in the Statement of Claim.
6. S/Sgt. Blundell has been a diligent and conscientious officer for 30 years, and supervisor to many men and women who have worked with and for him.

The nature of the allegations, and S/Sgt. Blundell's position, mean that a very high burden is placed upon you, your colleagues and those who participate in the program to be meticulously truthful and accurate, as any inaccuracies would inevitably cause serious tortious damage to S/Sgt. Blundell's reputation. False allegations of criminal conduct are actionable per se, that is without the need to prove damages.

I am taking the liberty of copying this correspondence to your in-house counsel, Daniel Henry, so that he can properly advise you of the prudent course of conduct.

Yours truly,

**WILSON | BUCK | BUTCHER**



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cc: Daniel Henry