

OUTSTANDING ISSUES CONCERNING SNC INC.

(Arising out of case no. 500-05-005-120-835  
but not part of legal claim for damages.)

1. Criminal Code
2. Combines Investigation Act
3. Quebec Consumer Protection Act
4. Other

1. Criminal Code (Federal Statutes)

Wilful attempts to obstruct, pervert or defeat the course of justice. Among other things this has involved the following:

- 1.1 Following telephone call by Rosemary Collins of CBC Radio on or shortly before March 25<sup>th</sup> 1983 to SNC Vice President of Personnel Robert Robitaille concerning Robert Chisholm's situation:
  - (a) Verbal offer of CDN \$8,000 made by SNC lawyer Raymond Favreau to Chisholm's lawyer I.S. Mass on Wednesday March 30" 1983.
  - (b) Subsequent failure by SNC to confirm the offer within 10 days of service of Chisholm's declaration dated March 31" 1983.
  - (c) Failure by SNC to submit a defence within the further 10-day legal delay leading to SNC being put in default on or before May 12<sup>th</sup> 1983.

See also Court Record ("Plumitif Civil"). To summarise: delaying tactics calculated to waste time.

- 1.2 Chisholm's Declaration of March 31<sup>st</sup> 1983 states that SNC advertised in British newspaper, "The Daily Telegraph" of May 15<sup>th</sup> 1981 for engineers, and made a written job offer dated July 27' 1981.

Para. 1 of SNC's "defence" dated May 27<sup>th</sup> 1983 states that SNC "deny all the allegations in the declaration as ill-founded in fact and in law", then they admit in para.3 that they employed Mr. Chisholm.

Thus SNC's "defence" is self-contradictory which is mental incompetence by SNC or their lawyers, or both. This "defence" is believed to be the work of Marc de Wever who was then working for SNC's law firm. Chisholm has heard "justifications" for such behaviour based on the notion that this is "normal" in legal practice. Such "justifications" are not competent by any normal standards and in particular when judged against the standards of competence expected of Professional Engineers in the exercise of their profession. Professional Engineers must follow the natural laws of the universe, not man-made "laws" or "procedures" which might

be bent for corrupt purposes, in particular to protect corrupt members of the Quebec legal profession at the expense of Anglophone immigrant professional engineers.

- 1.3 On or shortly before Monday October 22<sup>nd</sup> 1984 SNC's lawyers rejected the Report from Chisholm's psychologist, Mr. Howard Schwarz. The Superior Court hearing of Chisholm's case had been set for Wednesday October 24<sup>th</sup> 1984, which date had been agreed early in 1984.

Thus SNC rejected the report at a point when they knew perfectly well that Mr. Schwarz could not be given the required 5 working days' notice to appear in Superior Court as a witness for Mr. Chisholm on October 24<sup>th</sup>.

See also Court Record ("Plumitif Civil"). This precipitated a postponement of the hearing.

- 1.3 In July 1986 Ralph A. Cohen (who became Chisholm's lawyer following Mr. I.S. Mass' resignation to become a Judge of Quebec Superior Court), wrote to SNC's lawyers and the Court stating that he was ready to proceed with a hearing.

By November 1986, there having been no progress at all since July 1986, Chisholm - accompanied by lawyer Ralph A. Cohen's partner Anna Zampini - inspected the Court House file and discovered the reason for the delay i.e. that SNC's lawyers had failed to reply to Ralph A. Cohen's letter of July 1986. This four-month delay was totally unnecessary and constituted part of an emerging pattern of continued delay tactics calculated to waste Chisholm's time and increase his legal costs - in order to obstruct, pervert or defeat the course of justice.

See also Court Record ("Plumitif Civil")

- 1.5 In a letter dated February 5<sup>th</sup> 1987 to Jean-Paul Gourdeau, then Chairman and C.E.O. of SNC from Mr. AT Fisher, Mr. Fisher asked on Chisholm's behalf about the possibility of an out of court settlement. Mr. Fisher was Service Officer of 306 Wing Royal Canadian Air Force Association, of which Mr.- Chisholm was a member at that time.

As a result, SNC's lawyers agreed to a meeting but with Chisholm's lawyer only, which meeting then occurred on April 9<sup>th</sup> 1987. Present were Anna Zampini of Ralph A. Cohen and Associates representing Chisholm, and Brigitte Charon of Dunton Rainville representing SNC.

It is reported that Brigitte Charon made many un-substantiated and derogatory remarks about Chisholm, and lied by saying that Chisholm had already been given "about 6 months" indemnity when she knew this was untrue. .

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- 1.6 In November 1987 there was a hearing in Superior Court to fix a new trial date. Present were Anna Zampini representing Chisholm, and Brigitte Charon representing SNC.

Brigitte Charon attempted to stop the case being heard by telling a lie ie. that Chisholm's case was "identical to Dr. Michael Stanley Short's" when she knew there was at least one important difference ie. that Chisholm was dismissed before even being able to obtain Unemployment Insurance benefits.

As a result, on this occasion no trial date was set but Chisholm's case was not thrown out. Mr. Chisholm and another witness - Mr. A.J. Fisher (see para. 1.5 above) were also present.

See also Court Record ("Plumitif Civil").

- 1.7 In December 1987 William I. Miller QC took over Chisholm's case against SNC. He obtained permission to amend the proceedings and then served a revised and more detailed Declaration dated December 12<sup>th</sup> 1988.

This Declaration, unlike the original one dated March 31<sup>st</sup> 1983 served by Mr. I.S. Mass, details all the conditions of employment in SNC's offer of employment dated July 27<sup>th</sup> 1981 to Mr. Chisholm.

- 1.7.1 SNC's lawyers deliberately wasted time by appealing against service on them of the new Declaration, which appeal was dismissed by Mr. Justice Marcerola on February 1<sup>st</sup> 1989.

See also Court Record ("Plumitif Civil").

- 1.7.2 SNC's lawyers caused another delay - to June 26<sup>th</sup> 1989 by contriving to get permission to examine Chisholm in court prior to writing their amended defence. They wasted additional time by another move involving a frivolous request for additional documents ie. Certificates of Chisholm's qualifications and proof of previous employment as an engineer when the case had already been going on since 1983 - ie. for six years.

The examination, set for June 26<sup>th</sup> 1989, never took place - because SNC's Lawyers suddenly lost all interest a few days beforehand.

See also Court Record ("Plumitif Civil").

- 1.7.3 In their revised Defence dated July 19<sup>th</sup> 1989 SNC again claim that they "deny all the allegations as ill founded in fact and in law" (ie. deny that they advertised, offered Chisholm a job, offered a salary of CDN \$3,000 per month for a 37.5 hour working week, etc.). This was a repetition of the mental incompetence described in para. 1.2 above.

So between December 12th 1988 and July 19th 1989 another 7 months were deliberately wasted by SNC's lawyers, terminating in another act of gross mental incompetence.

See also Court Record ("Plumitif Civil").

- 1.8 On or before November 24th 1989 a new trial date was agreed, namely April 11th 1990, giving SNC a notice period of 4 ½ months to get properly prepared.

A week beforehand they suddenly asked for a postponement on the "grounds" that one of their witnesses, a Mr. E. Schulz, could not attend "because he was in Europe", but the postponement was granted.

This request for a postponement was frivolous and unnecessary.

(A new trial date was immediately set for June 6<sup>th</sup> 1990 but shortly before that, Chisholm's lawyers were obliged to ask for a postponement for a variety of legitimate reasons).

- 1.9 In late 1990, SNC's lawyers wasted more time by submitting irrelevant documents accompanying a letter to Chisholm's lawyers concerning SNC's readiness to proceed with a hearing.

These documents were submitted long after due time for filing documentary evidence in the case and had nothing to do with the case, and consisted of extract of SNC's Annual Reports for 1982 and 1983, replete with hearsay and self-serving declarations and opinions, as shown by Chisholm's affidavit dated February 19th, 1991. A copy of this affidavit is enclosed. This episode raises further questions about the professional competence of SNC and their lawyers.

- 1.10 Yet another new trial date - the final one, as it turned out - was arranged for May 23<sup>rd</sup> 1991 (entailing a further 11 month delay measured from June 6<sup>th</sup> 1990) but this happened for reasons not connected with the conduct of SNC or their lawyers).

This resulted in an out of court settlement, before Judge Perry Meyer, of an additional CDN \$10,000 to be paid to Mr. Chisholm.

SNC waited until after expire of the 30 day legal time delay before submitting a cheque. This cheque was for CDN \$7,000 only because SNC claimed that they were obliged to deduct 30% for Income Tax i.e. CDN \$3,000 out of the CDN \$10,000 settlement.

As a result bailiffs were sent to seize an entire floor of office furniture and equipment at SNC's headquarters at 2 Place Felix-Martin in Montreal.

SNC's lawyers then contested the seizure and this was supposed to be decided in Court on Monday July 29th 1991, but there has been a postponement to Monday August 5th 1991.



At the time of writing this report (July 31" 1991) the CDN \$10,000 is still un-paid. This amounts to a further attempt to obstruct, pervert or defeat the course of justice.

## 2. Combines Investigation Act (Federal Statutes)

False or misleading advertising concerning being "good" employers:

- 2.1 Various self-serving and false statements eg. that the Company is "considerate" and that "this even applies to the way layoffs are handled" as detailed in "The 100 Best Companies to Work For in Canada" published by Collins of Toronto in March 1986, based on hearsay evidence attributed to groups of employees who were selected by SNC and not by any scientific method such as random sampling conducted by impartial outsiders.
- 2.2 Two advertisements in the "Careers" section of the Gazette dated March 22<sup>nd</sup> 1986 and April 12<sup>th</sup> 1986 in which SNC is portrayed as one of the "100 Best...", etc. based on the falsehoods described in 2.1 above. Photocopies of both advertisements are enclosed.
- 2.3 False representation of SNC as one of six "Great Companies to Work For and How They Got That Way" as detailed in "Canadian Business", September 1984 issue.
- 2.4 False representation of SNC as good employers on the basis of this same article, being hearsay evidence, by SNC Chairman Camille Dagenais in SNC's Annual Report for 1984, in the "Chairman's Message".

## 3. Quebec Consumer Protection Act (Quebec Statutes)

- 3.1 Various false or misleading representations to consumers as detailed under para. 2 above under "Combines Investigation Act".

Contrary to Sections 219, 228 and 238 of Quebec Consumer Protection Act.

- 3.2 As an advertiser, SNC have relied on data or analyses falsely presented as scientific, in order to fabricate an impression of being good employers.

Contrary to Section 239(b) of Quebec Consumer Protection Act.

## 4. Other

- 4.1 False representation by SNC lawyers Dunton Rainville Toupon & Perrault as having a tradition of "... quality, devotion and competence" contained in announcement of the appointment of Me. Guy Lauzon in "La Presse" of 12' June 1990, Page D-6. Photocopy enclosed.

Contrary to various sections of Quebec Consumer Protection Act.

The reader is to note that the practice of Law is supposed to be about the practice of Law - not time wasting and mental incompetence already referred to in Section 1 above .

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- 4.2 Other but indirect attempts by SNC to falsely portray themselves as good employers ie. having control of the Association of Consulting Engineers by means of SNC executives being Presidents of this Association at various times, and purporting to be associated with the Code of Consulting Engineering Practice especially in respect of dealings with employees.

Photocopies of the Code of Consulting Engineering Practice and a list of Past Presidents of the Association are enclosed.

Photocopies enclosed

1. Affidavit dated February 19<sup>th</sup>, 1991
2. ""The Gazette" of March 22<sup>nd</sup> 1986 - ad in "Careers" section.
3. "The Gazette" of April 12<sup>th</sup> 1986 - ad in "Careers" section.
4. "La Presse" of June 12<sup>th</sup> 1990 - announcement concerning Dunton Rainville Toupin Perrault / Me. Guy Lauzon.
5. Association of Consulting Engineers of Canada
  - 4.1 Code of Consulting Engineering Practice
  - 4.2 List of Past Presidents (as at 1981)
    - includes Dr. Arthur Surveyer, J. Georges Chenevert, Camille A. Dagenais, Jean-Paul Gourdeau