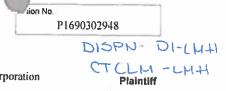


## Provincial Court of Alberta (Civil)

Dr. Cory Toth Professional Corporation



and

Ms. Michele J. Reeves and Western Medical Assessments Corp.

Defendant

## Dispute Note on behalf of the following parties:

		M	lichele J. Reeves			
1. I dispute See attac	the Plaintiff's Civil Claim hed Schedule "A".	for the following rea	asons:			
2. I Counterd Extra cost	claim or Claim a set-off fo s incurred to try to effec	or \$ <u>2.500.00</u> t a repair as a result	of the release of	, for the follow the report and	ing reasons: loss of privilege,	ic:
I will be calling I abandon to I understand	2 witnesses.  that part of my Counterclaim the did and agree that   cannot reco	at exceeds the financial ver in this Court or in any	jurisdiction of this Co y other Court the pert	urt. of my Counterclain	n that is abandoned	
3. My addres	s for service is:	City	Province	Seeded On de	D D	
200, 1052,	5 Jasper Avenue	Edmonton	Alberta	Postal Code T5J 1Z4	Res. Phone 780-424-3334	Bus. Phone 780-424-4252
	June 9, 2016 Edmonton	, Alberta.		1	gnature of Defendan Michele J.	at / Agent / Solicitor Recves

## SCHEDULE "A"

- 1. Michele J. Reeves had no contract with Dr. Cory Toth Professional Corporation, accordingly, there is no privity between the Plaintiff and Michele J. Reeves.
- 2. The professional report provided to Michele J. Reeves by Western Medical Assessment was disclosed to opposing counsel in accordance with the directions imposed for a Judicial Dispute Resolution. Three days after the disclosure of the said expert report to the opposing counsel, it came to light via national media, that the Plaintiff was required to withdraw research having been found to have to have used "manipulated" data and figures in authored reports. It was reported that he was required to retract nine University of Calgary studies and two reports from medical literature. He resigned after "university investigators confirmed fudged and faked data in nine of his team's studies". (National Post September 08, 2014)
- 3. The investigation into the Plaintiff's practice began in May 2013. In March 2014, the investigation Committee concluded its investigation and "the result was a finding of breach of research integrity" (National Post September 08, 2014); Michele J. Reeves retained the services of Western Medical Assessments on or about August 8, 2014.
- At no time, was Michele J. Reeves ever advised that the Plaintiff was under investigation for fraudulent practices let alone guilty of a breach of research integrity.
- 5. As a result of disclosing the report to defence counsel, Michele J. Reeves could not assert privilege.
- 6. Michele J. Reeves was required to hire, on a rush basis, through Western Medical Assessments, another expert at a cost of \$2,500.00 which costs should be reimbursed or dealt with by set-off.
- 7. Furthermore, the Plaintiff was aware that he had been under investigation; he was aware that he had numerous papers withdrawn; he was aware that his credibility was completely at issue, having been found only months before to have breached research integrity; he knew or ought to have known his credibility would have been attacked successfully in cross-examination; and he knew or ought to have known he was not fit to be used as an expert and his report was useless, potentially harmful even.