

ion No. P1690302948

Provincial Court of Alberta (Civil)

Dr. Cory Toth Professional Corporation

DISPN- DI-LHH CTCLM-LHH Plaintiff



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

Dispute Note on behalf of the following parties: Michele J. Reeves

1. I dispute the Plaintiff's Civil Claim for the following reasons: See attached Schedule "A".

2. I Counterclaim or Claim a set-off for \$ 2,500.00, for the following reasons: Extra costs incurred to try to effect a repair as a result of the release of the report and loss of privilege.

I will be calling 2 witnesses.

I abandon that part of my Counterclaim that exceeds the financial jurisdiction of this Court. I understand and agree that I cannot recover in this Court or in any other Court the part of my Counterclaim that is abandoned

3. My address for service is:

Table with 6 columns: City, Province, Postal Code, Res. Phone, Bus. Phone. Row 1: 200, 10525 Jasper Avenue, Edmonton, Alberta, T5J 1Z4, 780-424-3334, 780-424-4252

Dated June 9, 2016 at Edmonton, Alberta.

Handwritten signature of Michele J. Reeves

Signature of Defendant / Agent / Solicitor

Michele J. Reeves Print Name

## 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 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.
4. 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.