



No. 062241  
Kamloops Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

REID ALLEN HAMER-JACKSON

PLAINTIFF

AND:

KETURAH NEUSTAETER, also known as KATIE NEUSTAETER

DEFENDANT

**RESPONSE TO CIVIL CLAIM**

*FORM 2 (RULE 3-3(1))*

FILED BY: Keturah Neustaeter, aka Katie Neustaeter (the “defendant” or “Neustaeter”)

**Part 1: RESPONSE TO NOTICE OF CIVIL CLAIM FACTS**

**Division 1 – Defendant’s Response to Facts**

1. The facts alleged in paragraphs 2-5 of Part 1 of the notice of civil claim are admitted.
2. The facts alleged in paragraphs 6-27 of Part 1 of the notice of civil claim are denied.
3. The facts alleged in paragraph 1 of Part 1 of the notice of civil claim are outside the knowledge of the defendants.

**Division 2 - Defendants' Version of Facts**

1. The defendant denies each and every allegation set out in the notice of civil claim, except as specifically admitted in this response to civil claim.

## **The Parties**

### *The Plaintiff*

2. In response to paragraphs 1 and 2 of the notice of civil claim, the defendant admits that the plaintiff Reid Allen Hamer-Jackson (the “plaintiff” or “Hamer-Jackson”) is the Mayor of the City of Kamloops, having been elected on October 15, 2022.

### *Councillor Neustaeter*

3. In response to paragraphs 3 and 4 of the notice of civil claim, the defendant admits she is one of eight City Councillors elected to the City of Kamloops City Council (“City Council”), having been elected on October 15, 2022.
4. The defendant further admits, in response to paragraph 5 of the notice of civil claim, that Kevin Krueger (Krueger) is her father, and that Krueger is a former member of the Legislative Assembly of the Province of British Columbia.

## **Background**

5. In response to the whole of the notice of civil claim, and in specific response to paragraph 10 of the notice of civil claim, the defendant says that the plaintiff was aware that Krueger was the defendant’s father, at the latest, by October 18 of 2022.
6. Immediately following the October, 2022 municipal election, the defendant reached out to the plaintiff to congratulate the plaintiff on his victory in the municipal election and expressed a desire to meet and work together. These overtures were not returned by the plaintiff.
7. On or about October 18, 2022, the plaintiff encountered the defendant and the defendant’s mother at a public event. At this time, the defendant learned that the plaintiff had placed a call to Krueger congratulating Krueger on the defendant’s election to City Council and requested a meeting.
8. On or around October 24, 2022, the plaintiff met with the defendant. At this meeting, the plaintiff made unsolicited personal comments about Krueger to the plaintiff. In response, the defendant indicated she was not comfortable discussing her family member’s health or providing personal information about her family, and requested that the plaintiff

refrain from involving Krueger in the future and instead work with her directly, a request which the plaintiff acknowledged and advised he would respect.

***Boundary Violations Relating to City Council***

9. Beginning in October of 2022 and continuing through to March of 2023, the plaintiff repeatedly made statements relating to family members of City Councillors, inappropriately sought information about city staff, and shared information about and with family members of City Councillors, including the defendant, with City Council and staff.
10. The plaintiff's boundary violations and disruptive behavior relating to City Council and staff include, but is not limited to:
  - (a) the plaintiff initially refused to place one City Councillor on the deputy mayor rotation and refused committee appointments on the basis that the Councillor's spouse had published something critical of the plaintiff on social media, and only relented when media inquired as to why this councillor was not on the deputy mayor rotation and City Council protested;
  - (b) the plaintiff repeatedly and inaccurately suggested that another City Councillor was in a conflict of interest due to the Councillor's spouse being a city employee;
  - (c) the plaintiff repeatedly brought up another City Councillor's son, who was a city employee, despite repeated requests to refrain from doing so, suggested impropriety in relation to the son's employment, and sought to interfere with his employment;
  - (d) the plaintiff disclosed a death in the family of a member of City staff on live radio;
  - (e) the plaintiff implied that another City Councillor was in a conflict of interest relating to his spouse and referred to closed and confidential discussions relating to this issue in public;
  - (f) such other particulars as will be provided by counsel for the defendant.
11. On or about January 20, 2023, the plaintiff advised he wished to meet with the defendant. When the defendant requested the nature and topic of the meeting, the plaintiff refused to provide the requested information. Given ongoing tension between the plaintiff and City Councillors, including the defendant, the defendant declined to meet without first knowing the topic to be discussed.

12. With respect to the defendant, despite agreeing in October of 2022 to refrain from contacting Krueger, on or about January 23, 2023, during the course of a zoom meeting involving all City Councillors and the City Administrative Officer, the plaintiff made remarks toward the defendant which implied that she would not like the topic of the meeting he had proposed. When challenged, the defendant made comments suggesting he had important personal information relating to the defendant, and advised the defendant and City Council that he had “set up a meeting with your dad and I know a lot of stuff about your family.”
13. In response, on January 23, 2023, the defendant wrote to all Councillors and the City’s Chief Administrative Officer noting that she had previously requested the plaintiff not involve Krueger in City Council matters, expressing her regret that the plaintiff had introduced Krueger as a topic during a City Council meeting, and apologizing that this personal matter had intersected with Council business. In this email she further expressed a desire for her family not to be brought into matters relating to City business.
14. The defendant subsequently learned from Krueger that the plaintiff had spoken with Krueger about staffing issues the plaintiff perceived at City Hall, had requested that Krueger obtain the defendant’s assistant in having a staff member dismissed, and had discussed another Councillor’s family member with Krueger. In addition, Krueger advised the defendant that the plaintiff had shared information with him, information which the defendant believes originated from closed City Council sessions.
15. On or about January 31, 2023, the defendant requested to speak with the plaintiff privately about her concerns relating to his ongoing communications with Krueger and expressed a desire to have a third-party witness present for the conversation, which the plaintiff refused.
16. On or about February 11, 2023, at the conclusion of a strategic planning meeting involving City Council, the defendant raised the issue of the plaintiff’s ongoing communications with Krueger concerning City business. At this time, the plaintiff walked away from the defendant and refused to speak with her about her concerns. After initially leaving the meeting, the plaintiff returned and sought to share private information about Krueger with Council in the meeting, and made remarks about the

defendant's mother. Due to objections from the defendant and City Councillors, the plaintiff did not proceed to share private information about Krueger with Council.

17. Later on February 11, 2023, and despite City Councillors previously declining to hear private information about Krueger, the plaintiff forwarded the information from Krueger to a member of City Council from a private email address. The City Councillor did not respond.
18. On or about February 13, 2023, the plaintiff forwarded the personal information concerning Krueger to all members of City Council from his mayoral email address.
19. In response, also on or about February 13, 2023 one City Councillor emailed the plaintiff and City Council indicating she would not review the personal information as she respected Krueger's right to privacy.
20. Also on February 13, 2023, the plaintiff again wrote to City Councillors requesting they review the personal information concerning Krueger he had emailed.
21. In response, on or about February 13, 2023, the defendant wrote the following, by way of email, to the plaintiff and City Council:

Reid,

As you were unwilling to hear my concerns on Saturday and left the room, perhaps this thread would be an appropriate time to share in writing instead:

Mr. Mayor,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.

This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

This is the fourth time I have clearly communicated that you are not to use my family in an attempt to influence me or city business.

The fact that you continue to try and do so against my will, behind my back, and without my knowledge proves nefarious intent.

As does the sharing of private correspondence.

I will not tolerate this behaviour.

Katie

22. In response, on or about February 13, 2023, the plaintiff wrote an email to the defendant and City Councillors in which he stated, *inter alia*:

...

Not sure why you are telling mistruth about me approaching you 4 times when it was actually once I actually was trying to keep this on the down load and have a meeting with yourself, councillor karpuk and myself as you're father called me after the message that he left on my phone. The conversation was quite lengthy and there was another person in my vehicle that could hear the conversation. I was shocked of the behaviour of what I had heard of your mother and yours behaviour of a man that sounded perfectly fine to myself, but I am not a doctor. I spoke with counsel member karpuk about this and he had also spoken to Mr Krueger on the campaign run for about a hour and a half I believe he said with school trustee candidate. Councillor karpuk felt Mr Krueger was of sound mind also. When trying to set up a meeting on the down load on zoom you appeared to believe I was threatening yourself in some way. You then said you would meet with myself if I submitted a agenda again I did not want this family issue to expose any one.

...

23. Also on February 13, 2023, another City Councillor wrote an email to the plaintiff, copying City Council, indicating he would not review the personal information about Krueger, that he respected the defendant's wishes not to be in contact with her father, and requesting that the plaintiff do so as well.
24. On or about March 1, 2023, the defendant wrote an email to the plaintiff, copying City Councillors, in which she stated, *inter alia*:

Thanks for the opportunity to serve as Deputy Mayor this month. It was a privilege to engage with the public on your behalf and a tremendous learning opportunity.

That said, Your Worship, I'm disappointed that it wasn't more peaceful and that I was never afforded the opportunity to speak with you in any meaningful or supportive capacity about anything during the entire month. I certainly did not feel supported by you, nor has it been a collaborative or respectful environment to function in. I would like to note that I never received an acknowledgement that:

1. families are off limits in politics.
2. you made widespread accusations to staff about me that were unfounded and untrue.
3. withholding pertinent information from Council from senior levels of government will not happen in the future.

25. In response, on or about March 2, 2023, the plaintiff wrote an email to the defendant and City Council in which he stated, *inter alia*:

As for your family problems and issues you have with your father are not my issues to deal with. I didn't even know you but met you through the campaign trail and had no idea you were the daughter of Kevin Krueger. After a forum at TCC grand hall where there were about 200 people, Kevin Krueger walked up to the stage and introduced himself to me I did recognize him as he was a well respected citizen of the community and respected politician. He wanted to let me know that he supported me and my goals and wanted to help me. I will be writing a dialogue of what took place from then until now. So please don't confuse these issues we have a job to do for our citizens and communities so please don't drag your family issues weather they are mental health issues or not.

26. Later on March 2, 2023, the defendant wrote back to the plaintiff the following email, again copying City Council:

My Mayor,

In your documentation please be sure to include the number of times I have requested that you keep our families out of your politicking, beginning on Oct 24th and up to today.

Please also note the number of times you have unnecessarily commented on and shared your personal and unqualified opinion

about the specific health of a family member of mine, along with hurtful and uninformed dialogue about my family history, with this group (or members of this group) without my (or their) consent or participation, beginning on Oct 24th and up to today.

This is to say nothing of what you have shared outside of this closed loop with members of our wider community, or other violations of privacy related to this subject.

This is unacceptable.

Please also note again that the same is true about the family members of others you work with.

27. In further response, also on March 2, 2023, another member of City Council wrote to the plaintiff and City Council noting that the plaintiff had shared information about his son with city staff and continued to insert himself into the Councillor's son's employment.
28. On or about March 5, 2023, in the context of an email thread between City Councillors and the plaintiff relating to an inquiry from a member of the public regarding a bus exchange, the plaintiff wrote an email to City Councillors in which he stated, *inter alia*, the following:

... Or the Katie Kevin mom story. I will be responding in due course. As always there are many different sides to stories. I do have one question for Katie as I'm doing a little investigating myself. Could you please send me all the emails, texts dialogue's and meeting places that I was involved in trying to reach your family members that would be great for when I respond to your (THIS NOT FOR DISCUSSION PRESENTATION). I believe you wrote radio commentary this is not a radio commercial. If you could send to all that would be great as I will do the same. I tried my hardest to keep this out of the wider scope to protect your family's issues but you wanted to be the broadcaster.

29. In response to the above email, on or about March 5, 2023, the defendant wrote the following email to the plaintiff and City Council:

Mayor Reid Hamer-Jackson,

Never harass, meet with, attempt to meet with, or otherwise involve a member of my family in your dealings again.



This includes disclosing confidential information, slandering staff, and violating personal boundaries in the attempt to justify doing so.

Keep colleagues' children, parents, spouses, and other loved ones out of your politicking.

There is no excuse for these repeated behaviours.

Katie

***General Boundary Violations and Disruptive Behavior***

30. In addition to the above issues relating to members of City Council, prior to March 17, 2023, City Councillors including the defendant experienced the following behavioral issues with the plaintiff relating to his actions as mayor:

- (a) Publicly announcing a confidential program relating to Interior Health;
- (b) Communicating confidential information from closed City Council meetings with individuals who were not City Councillors or staff;
- (c) Attending operational City staff meetings at which his attendance is not required and detracting from the work of City staff;
- (d) Publicly criticizing City Councillors in local media;
- (e) Misstating the positions of City Councillors in statements to the public;
- (f) Announcing sweeping changes to committee make-up without consulting City Councillors;
- (g) Attempting to place political allies in City staff positions;
- (h) Refusing to support the hiring of City staff who were not his political allies;
- (i) Behaving in a disruptive manner in City meetings, including abruptly leaving meetings while they were ongoing;
- (j) Failing to attend public events despite commitments to do so;
- (k) Refusing to support initiatives that have the support of City Council;
- (l) Disruptive behavior relating to City staff and City business;
- (m) Belittling City Councillors in communications with members of the public;
- (n) Refusing to attend a team-building session he voted for, and then publicly criticizing counsel for the expenses associated with the team-building exercise;

- (o) Repeatedly sending emails to City staff between the hours of 12am and 5am, despite being requested not to do so unless it was urgent;
- (p) Engaging in public disputes with social agencies and their Executive directors (Ask Wellness and CMHA) and with important partners, including BC Housing and School District 73;
- (q) Disrespectful conduct toward Councillors and City staff, including yelling, belittling and name-calling;
- (r) Withholding information provided by senior levels of government from City Council, and refusing to communicate with City Councillors;
- (s) Other such conduct to be particularized by the defendant.

### **Allegedly Defamatory Statements**

#### ***February 11, 2023 Statement***

- 31. In response to paragraph 16 of the notice of civil claim, the defendant says this paragraph fails to set out the allegedly defamatory words spoken by the defendant, and therefore lacks the material facts necessary to give rise to a claim in defamation.
- 32. In the alternative, the defendant denies that the words set out in paragraph 16 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff.
- 33. In the further alternative, the words set out a paragraph 16 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff repeatedly attempted to involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to February 11, 2023, disclosed confidential information to the public relating to family members of City Councillors and staff;
  - (c) The plaintiff had, prior to February 11, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the clearly stated boundaries relating to contact with Councillor's family members that the defendant had repeatedly requested he respect;

- (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, suggested that this conduct was deliberate and intended to influence the defendant politically.
34. The defendant says that to the extent, if any, the February 11 Statement or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
35. In the further alternative, in the event the February 11 Statement is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the February 11 Statement and the recipients of the February 11 Statement had a corresponding interest or duty in receiving them, and as such the February 11 Statement was published on occasions or in circumstances of qualified privilege, in particular;
- (a) The defendant had an interest in communicating with City Councillors and City staff her concerns about the plaintiff's conduct as mayor; and
  - (b) City Councillors and City staff had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's conduct.
36. In the further alternative, if the February 11 Statement is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the February 11 Statement consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors and City staff who work with the mayor on a daily basis.

*February 13, 2023 Email*

37. In response to paragraphs 17-18 of the notice of civil claim, the defendant admits she authored an email to the plaintiff and City Council (the "February 13 Email") including the words set out at paragraph 17 of the notice of civil claim.
38. The defendant denies that the words set out in paragraph 17 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire February 13 Email and the entire email thread.
39. In the further alternative, the words set out a paragraph 17 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff repeatedly attempted to involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to February 13, 2023, disclosed confidential information to the public relating to family members of multiple City Councillors and staff;
  - (c) The plaintiff had, prior to February 13, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the reasonable boundaries relating to contact with family members that the defendant had repeatedly requested he respect;
  - (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, and the plaintiff's secrecy surrounding these communications, suggested that this conduct was deliberate and intended to influence the defendant politically.
40. The defendant says that to the extent, if any, the February 13 Email or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.
41. In the further alternative, in the event the February 13 Email is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the February 13 Email and the recipients of the February 13 Email had a corresponding

interest or duty in receiving them, and as such the February 13 Email was published on occasions or in circumstances of qualified privilege, in particular;

- (a) The plaintiff had sought to share personal information concerning Krueger in a strategic planning meeting;
- (b) The plaintiff had shared personal information from Krueger with City Council;
- (c) All City Councillors had indicated they did not intend to review the personal information from Krueger, including one councillor expressly indicating so in writing;
- (d) The defendant had an interest in communicating with City Councillors her concerns about the plaintiff's conduct as mayor, including his repeated communications relating to Krueger despite requests not to involve Krueger in City business; and
- (e) City Councillors had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's ongoing conduct.

42. In the further alternative, if the February 13 Email is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the February 13 Email consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;

- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
- (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
- (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors who work with the mayor on a daily basis; and
- (d) The plaintiff had forwarded personal information concerning Krueger to City Councillors, despite other Councillors and the defendant requesting that he refrain from involving her family members in City business.

43. In further response to paragraph 18 of the notice of civil claim, the defendant specifically denies that the February 13 Email was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.

*March 5, 2023 Email*

44. In response to paragraph 19 of the notice of civil claim, the plaintiff admits to sending an email on or about March 5, 2023 to the plaintiff and City Council (the "March 5 Email") which included the words set out at paragraph 19 of the notice of civil claim.
45. The defendant denies that the words set out in paragraph 19 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire March 5 Email and the entire email thread.
46. In the further alternative, the words set out a paragraph 19 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
- (a) The plaintiff repeatedly attempted involve Krueger in City business and invoked Krueger and the plaintiff's family members in communications with City Councillors, despite repeated requests not to do so;
  - (b) The plaintiff had, prior to March 5, 2023, disclosed confidential information to the public relating to family members of City Councillors and staff;
  - (c) The plaintiff had, prior to March 5, 2023, made derogatory statements about City Councillors and staff;
  - (d) The plaintiff had disrespected the boundaries relating to contact with family members that the defendant had repeatedly requested he respect;
  - (e) It was the defendant's opinion that such ongoing conduct, despite repeated requests to refrain, suggested that this conduct was deliberate and intended to influence the defendant politically.
47. The defendant says that to the extent, if any, the March 5 Email or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.

48. In the further alternative, in the event the March 5 Email is defamatory of the plaintiff, which is denied, then the defendant had an interest or duty in publishing the March 5 Email and the recipients of the March 5 Email had a corresponding interest or duty in receiving them, and as such the March 5 Email was published on occasions or in circumstances of qualified privilege, in particular;
- (a) The plaintiff had, in the context of an email thread involving unrelated concerns raised by a resident of the City of Kamloops, brought up the defendant's family members unprompted;
  - (b) The defendant had an interest in communicating with City Councillors her concerns about the plaintiff's conduct as mayor, including his repeated communications relating to her family members; and
  - (c) City Councillors had a corresponding reciprocal interest in hearing the defendant's concerns respecting the plaintiff's conduct.
49. In the further alternative, if the March 5 Email is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the March 5 Email consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;
- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family member;
  - (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
  - (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to City Councillors who work with the mayor on a daily basis; and
  - (d) The plaintiff had forwarded personal information concerning Krueger to City Councillors, despite other Councillors and the defendant requesting that he refrain from involving her family members in City business..

50. In further response to paragraph 19 of the notice of civil claim, the defendant specifically denies that the March 5 Email was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.

***March 17, 2023 Council Statement***

51. On or about March 16, 2023, the plaintiff made a number of statements to media relating to his decision to add residents to standing committees, including one resident who worked on his election campaign, two residents who donated money to his election campaign, unsuccessful candidates in the October election, and some of whom were his friends. In addition, the plaintiff's changes to the committee makeup included removing City Councillors from the position of chair.
52. In his media statements, the plaintiff falsely represented, *inter alia*, that City Councillors were being removed from their committee chair positions due to overwork, lack of focus, and potential conflicts of interest. The plaintiff further represented to the media that he did not provide prior notice by City Councillors or permit deliberation as he did not want City Councillors to vote on the proposed changes in a City Council meeting.
53. In response to the media statements by the plaintiff, the defendant prepared a document outlining the ongoing concerns and challenges that all City Councillors, including the defendant, had with the plaintiff's conduct over the preceding months, including his decision to unilaterally change the composition and leadership of committee assignments, his statements to the media on March 16, 2023, and his disruptive behavior toward City Councillors and City staff.
54. Prior to publishing the statement, the defendant confirmed with City Councillors that it reflected the unanimous concerns of City Councillors relating to the plaintiff's conduct.
55. In response to paragraphs 20 and 21 of the notice of civil claim, the defendant admits that on or about March 17, 2023, she delivered to the public a statement on behalf of all City Councillors, (the "March 17 Statement") as follows:

While we, all 8 Kamloops City Councillors, would prefer to be performing the job that we have been elected to do by our citizens, we instead find ourselves again combatting the chaotic and



unpredictable behaviour of our Mayor that leads to confusion and misinformation.

This team, mostly strangers only months ago, remains united in our commitment to honest and transparent accountability to the citizens of Kamloops.

Which is why we're here today to collectively address the sudden changes made to our Committee structure and appointments.

Counter to public comments made by Mayor Reid Hamer-Jackson yesterday, no Councillor you see before you has ever expressed a desire to be "relieved" of our workload, no Councillor has ever expressed that they were "kind of overwhelmed", no Chair has shown any "lack of commitment" or has any conflict, no committee has only "2 or 3 meetings for a whole year" scheduled, nor are we making changes to the job description to "relieve the Deputy Mayor of some duties".

These are examples of blatant untruths.

Although we had heard the Mayor was considering adding members of the public to Standing Committees, and had repeatedly requested input about process or at least an overview if this was to happen, no Councillors were consulted before these unilateral changes were made. Additionally, no meetings with the Mayor have taken place where concerns about performance as Chair were discussed.

In fact, no member of this Council has been invited by the Mayor to participate in any meaningful, consultative, team building, or respectful conversation in many months.

While we, as Councillors, have been subjected to repeated disrespect, violations of personal and professional boundaries, belittling, and constantly disruptive behaviour by the Mayor, we have been willing to absorb the impact in service to our community and in an attempt to have City business compromised as little as possible.

But we must draw the line when this erratic behaviour directly obstructs our ability, as your democratically elected representatives, to do our job.

We want to make it clear that our concerns are not a reflection of our views of the individuals that the Mayor has hand-picked to serve on Committees. In addition to disrespecting Council, our great unease is primarily with a lack of an equitable application process, indifference for due diligence and best practise, a

disregard for the impact to sensitive community partner requests, an absence of reassurance around confidentiality, and the neglect of unbiased vetting.

This is all in direct opposition to the concept of transparent, accountable, and open governance and gives unfair access to select members of the public that are not available to all.

Therefore, this Council cannot remain silent.

Council will be holding a special meeting on Tuesday March 21st, 2023 to discuss a resolution to this unfortunate disruption of our work on your behalf, and hopes to remedy yesterday's troubling changes to the Committee structure. The nature of that meeting, ie whether it will proceed in Open or Closed format, will depend on legal counsel's advisement for the best interest of the City of Kamloops.

Your elected Councillors stand as diverse individuals united in our purpose to unwaveringly serve you despite the extraordinary challenge that we continue to face.

We remain committed to you, Kamloops.

Thank you.

56. The defendant denies that the words set out in paragraph 21 of the notice of civil claim, in their plain and ordinary meaning or by innuendo or inference have or are capable of having the defamatory meanings pleaded by the plaintiff, and pleads and relies on the entire March 17 Statement.
57. In the further alternative, the words set out a paragraph 21 of the notice of civil claim meant and were understood to mean, in their natural and ordinary meaning or by inference, that:
  - (a) The plaintiff falsely represented the reasons for his changes to committee structure and appointments;
  - (b) The plaintiff failed to consult with City Councillors relating to the changes to committee structures and appointments;
  - (c) The plaintiff had exhibited disrespect, a failure to adhere to personal and professional boundaries, belittling and disruptive behavior toward the defendant and members of City Council;

- (d) The plaintiff's unilateral actions in respect of committee structure and appointments interfered with the ability of City Councillors to work on behalf of their constituents;
- (e) The plaintiff's actions demonstrated disrespect for City Council; and
- (f) The plaintiff's changes to committee structure and appointments caused City Council unease relating to whether the application process was equitable, whether there was sufficient due diligence, whether the changes were sensitive to community partner requests, how the changes would impact confidentiality, and how committee members were vetted.

58. The defendant says that to the extent, if any, the March 17 Statement or any portion thereof is defamatory of the plaintiff, such meanings are true or substantially true and justified in substance and fact.

59. In the further alternative, if the March 17 Statement is defamatory of the plaintiff, which is denied, then the defamatory meanings associated with the March 17 Statement consists of expressions of opinion, they represent fair comment on a matter of public interest, recognizable as such by the ordinary reasonable person, as the words were comments containing an opinion that a person could honestly hold concerning a matter of public interest, and are based upon true or privileged facts, including the following facts;

- (a) The defendant and other City Councillors had expressed concerns with the plaintiff about his conduct, including repeated communications relating to the defendant's family members;
- (b) The defendant and other City Councillors had expressed concerns relating to the plaintiff's conduct relating to the disclosure of confidential information, disparaging comments about City staff and City Councillors, and ongoing communications and actions relating to family members of City Councillors, including the plaintiff;
- (c) As mayor of the City of Kamloops, the actions of the plaintiff were of public interest to all members of the public;
- (d) The plaintiff's unilateral changes to committee structures and appointments negatively impacted the ability of City Council to serve its constituents;
- (e) The plaintiff's conduct toward City Councillors was disruptive and City Councillors had unanimous concerns about the plaintiff's disruptive behavior, including his unilateral changes to committee structures and appointments.

60. In further response to paragraphs 21-24 of the notice of civil claim, the defendant specifically denies that the March 17 Statement was intended to attack the plaintiff's personal integrity and to diminish his reputation in the eyes of recipients, or was otherwise actuated by malice.
61. In response to paragraph 26-27 of the notice of civil, the defendant says that these paragraphs contain evidence in the guise of facts and inappropriate editorializing and commentary by the plaintiff, are unnecessary, scandalous, frivolous and vexatious, and ought to be struck.

### **Subsequent Communications**

62. On or about March 31, 2023, the plaintiff sent the defendant the following email, in which, *inter alia*, he stated the following:

“Councillor Neustaeter, On March 6, you sent me a text message, copied to all members of council, ordering me not to “harass” or have any contact with any family members of yours. You went on to accuse me of disclosing confidential information, slandering staff and “violating personal boundaries”. I immediately asked you to provide your basis for making and spreading these very serious but completely false allegations. You did not respond. Instead, on March 17, you repeated the allegations that I had “violated professional and personal boundaries” to the press and to the entire City of Kamloops-including my wife and family. I am now demanding that you provide me with whatever factual basis you have, or believe you have, for making these very damaging statements. Do so, in writing, by April 7, 2023. If Mr Krueger has been declared mentally incompetent and you, or anyone else, has been designated as his personal representative, send me a copy of the Court Order. Since you have chosen to take your allegation that I have violated your personal boundaries into the public, I will respond publicly if this matter is not resolved. I have tried to keep your family issues out of the public.”

63. On March 31, 2023, the defendant responded to the plaintiff via email, copying City Council, and stated, *inter alia*, the following:

While there are a number of inaccuracies (including alluding to my father being mentally incompetent when I have certainly never said any such thing) I think it most important to note that the public statement I read was not from me personally, but from all

Councillors. That statement was not mine, but Council's. I am not the only person you have crossed boundaries with.

I am very concerned that you are again threatening me and trying to take advantage of my family relationships in order to control or defame me and slander my father.

I wanted all of Council to be aware of this concerning and escalating step you have taken, further validating my original concern when you persistently pursued contact with my dad against my wishes with no valid reason.

As a response to your threat I would like to request a special Closed Meeting to discuss this on Monday April 3rd before the majority of Council leaves the city for the remainder of the week.

64. On April 1, 2023, other City Councillors responded to the above-noted email supporting the suggestion for a meeting relating to the March 17 Statement, and suggesting that a closed meeting to discuss the concerns of City Council would be appropriate. In these April 1, 2023 emails, another City Councillor noted that the plaintiff had falsely implied she was an alcoholic during the course of a recent public media interview.
65. In response, on April 1, 2023, the plaintiff emailed the defendant and City Council indicated he would not support a closed meeting and stating, *inter alia*, "due to your own personal beliefs you have already wasted enough of the resources the citizens of Kamloops, staff and others due to your personal family issues that you have involved myself and others in. ... The city of Kamloops should not have to pay for your personal issues whether family or other."
66. In accordance with the City Charter, two City Councillors called for a special closed meeting to take place on April 6, 2023.
67. On or about April 3, 2023, the defendant emailed the plaintiff and City Council and stated, *inter alia*, the following:

I will not attempt to address the many distortions of truth and events that you have made in this thread, but I would recommend that if you'd like to avoid an unnecessary use of all of our time and City resources in the future you simply refrain from threatening

your colleagues and involving our families (as previously and repeatedly requested). This, I'm sure, would be appreciated by all.

Again, the statement made that you referred to in your disturbing text was by all Councillors, not any one individual. You have requested greater clarity and we are offering an opportunity for dialogue as we continue to seek a path forward that is best for Kamloops, despite the considerable divide we seem to have when it comes to our expectations about appropriate workplace behavior and common decency.

Safe travels and see you Thursday.

68. Despite the defendant and City Council seeking a meeting with the plaintiff on April 6, 2023 to discuss the March 17 Statement and to receive legal advice in relation to the issues identified in the March 17 Statement, the plaintiff elected not to attend or participate in a dialogue relating to the concerns of City Council identified in the March 17 Statement.

### **Division 3 - Additional Facts**

1. Subsequent to the publication of the March 17 Statement but prior to the commencement of these proceedings, the plaintiff and his counsel made numerous public statements concerning the actions of the defendant and City Councillors.
2. On April 5, 2023, counsel for the mayor published an opinion piece at the URL: <https://cfjctoday.com/2023/04/05/sound-off-kamloops-councillors-should-back-up-hamer-jackson-allegations-or-resign/> in which he stated, *inter alia*, the following:

Fast forward to March 16, 2023. The mayor sent a list of proposed standing committee appointees to members of council in an email expressly intended for the recipients only and not to be distributed without consent. Within minutes, the list was leaked to the local media. Members of council were outraged that the mayor would decide on who to appoint to standing committees without prior consultation with them and were miffed that three of them were being replaced as committee chairpersons. Instead of communicating their views to the mayor, they staged a media event the next day.

On March 17, 2023, Councillor Neustaeter read aloud a prepared statement on behalf of all eight councillors. Not content with just complaining about the committee appointments, council accused the mayor of lying about his reasons for reshaping the standing committees, and of belittling and treating all of them with disrespect. Of course, anyone who has actually witnessed the conduct of these city councillors during council meetings — the snickering, sneering and condescension that they direct at the mayor — would recognize the sheer hypocrisy of such statements. But the most troublesome allegation went far beyond the ambit of petty bickering. Councillor Neustaeter stated that Mayor Hamer-Jackson had “violated the personal and professional boundaries” of one or more members of council, an accusation endorsed by the other seven. All eight councillors have refused to justify this most scandalous allegation, either to the mayor personally or to the public. Their reasons for withholding the basis for this statement are as disingenuous and cowardly as is the statement itself.

An allegation that one’s “personal boundaries” have been violated can mean many different things. It can suggest a wide range of misconduct, from cyber-bullying to verbal intimidation, from workplace harassment all the way to physical assault and, yes, even to sexual harassment and/or assault. The use of such language in the context of city council business, and the refusal to support an allegation as heavily laced with innuendo as this, is irresponsible to an extreme degree. It is also defamatory, and obviously damaging to the mayor and to his family.

I would call on all eight Kamloops city councillors to state publicly what “personal boundaries” of theirs have been violated by Mayor Hamer-Jackson, and to provide factual details of their victimization. Those who are unwilling to do so, or to be honest, forthright, transparent and accountable in relation to their scandalous statement, should resign from city council immediately. The citizens of Kamloops deserve better.

3. On April 12, 2023, counsel for the mayor published an opinion piece on the [URL://https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/](https://armchairmayor.ca/2023/04/12/letter-transparency-accountability-by-city-council-would-be-a-good-thing/) which stated, *inter alia*, the following:

On March 31, 2023, the Mayor requested that Councillor Neustaeter clarify her allegation that he had violated her personal boundaries, an allegation that she had made in writing on March 6 and repeated before the media on March 17. He asked for a written reply by April 7. She refused.

Instead, a special closed meeting of council was hastily arranged for April 6. During the brief open meeting that was required to approve the closed session, his questions were met with a warning against revealing confidential closed meeting information.

...

In reality, this closed meeting was a sham. It was not convened for the legitimate purpose of receiving legal advice. Rather, it was a clumsy attempt by council and staff to lower a cloak of “confidentiality” over communications that had been ongoing for several weeks among councillors and others, recorded in text messages, e-mails, non-closed meetings and voice mails, pertaining to accusations they had made, but were unable to justify.

Unfortunately, our eight councillors appear to lack the courage and integrity to back up their personal attacks on the mayor with facts or to even respond honestly and truthfully when asked about these matters by the mayor, by the media and by the citizens of Kamloops.

Let me suggest that any move on their part toward transparency and accountability would be good for them and for the community.

4. The notice of civil claim in this matter was filed on June 12, 2023. On June 15, 2023, in an interview with RadioNL 610 AM published online at the URL: <https://www.radionl.com/2023/06/15/kamloops-mayor-suing-councillor-for-defamation-and-libel/>, the plaintiff is quoted as stating the following, *inter alia*:

“I’ve had people call me a pervert, you know one guy saying, ‘oh my wife is coming down here, can you make sure you keep your hands off her’ and stuff like that,” Hamer-Jackson told RadioNL, saying he wants to focus on city business.

“When you make a statement in the public and you say that somebody is violating personal boundaries and professional boundaries and harassing and all that stuff. I’ve given multiple times for a person to come clean and it hasn’t happened. I ran my campaign on accountability and I think that we need to be accountable, all of us.”

As for being able to work with Neustaeter and the rest of council in the wake of the court filing, Hamer-Jackson says he believes the legal action “may actually help” with the process of getting city business done.



"I've been sitting beside Councillor Neustaeter for every council meeting since those accusations [made public by council at a joint news conference on March 17] were made in public," noted Hamer-Jackson. "I've worked with people for over 30-years in the car business. I can say I didn't like them all. I liked lots of them, but I didn't like them all, but I worked with them as long as they stuck to the truth and didn't get into any trouble. So, we'll just carry on."

5. Also on June 15, 2023, in an interview with iNFOnews.ca published online at the URL: <https://infotel.ca/newsitem/kamloops-mayor-launches-defamation-suit-against-councillor/it98894>

Hamer-Jackson told iNFOnews.ca he's heard people in public speculate he's engaging in sexual harassment at city hall, claiming he's been called a "pervert" since the March joint statement accused him of breaching professional and personal boundaries.

"This stuff is hard on my family too," he said.

6. On June 16, 2023, in an interview with Kamloops This Week published online at <https://www.kamloopsthisweek.com/local-news/mayors-lawyer-explains-why-defamation-suit-levied-on-lone-councillor-7157171>, counsel for the plaintiff was quoted as follows:

Hamer-Jackson's lawyer, David McMillan, told KTW that while the statement was made on behalf of all eight councillors, only Neustaeter is being sued because, legally, she is the only one for which a defamation case can be made against, as she read out the statement.

"The law makes a fine distinction that way. You actually have to make a defamatory statement, either in writing or orally to be liable for it," McMillan said.

McMillan said Hamer-Jackson opted to file a lawsuit because he felt he had no other alternative and had been on the receiving end of inflammatory comments in both closed and open council meetings. He also said Neustaeter's comments went beyond politics and had a personal impact.

"You can only put up with so much for so long," McMillan said. "We let it carry on for two months."

He said there were other comments made to Hamer-Jackson that McMillan thought could be the subject of the lawsuit, but they were made in closed council meetings and protected by qualified privilege.

“And as long as a discussion is a discussion over a policy issue, you have to take it,” McMillan said. “Politicians have to grow a thick skin, but when it goes to this extent where it hits at the personal integrity of a person and how he lives his life and interacts with other people on a personal level, that takes it out of the realm of politics.

Lawsuit is about reputation, not money

Asked what his expectations are for this lawsuit, McMillan said he was not sure how it would turn out and that it would depend almost entirely on what kind of response is mounted by Neustaeter. He said he was not confident it would be resolved quietly and amicably given Neustaeter’s previous responses to Hamer-Jackson.

“But you never know. Once someone is obliged to get good legal advice, which I hope will happen, there are easy avenues to solving cases like this,” McMillan said, adding most lawsuits never reach trial.

He said those avenues include issuing an apology and retraction, which would stop the damages of Neustaeter’s statement from occurring.

McMillan said that when a “young, attractive-looking” councillor claims personal boundaries were violated, people can infer sexual misconduct.

“When you make an inflammatory statement like that and hang it out there, people are going to draw inferences. And the way the law works, judges are just going to try to assess what a reasonable person would think,” McMillan said.

McMillan said the claims and the resulting public speculation impacted Hamer-Jackson, his wife and their three adult children.

“I’ve never seen him take a hit like this,” McMillan said of Hamer-Jackson, who he has known for 30 years. “Some of the people who have yelled at him in public places have already drawn their own conclusions.”

McMillan explained no dollar amount in damages had been specified and such a lawsuit is more about restoring reputation. He said damages in cases like these can reach seven figures, but also

be negligible, citing a similar case from Newfoundland between a councillor and mayor in which damages awarded were \$40,000.

“We’ve got a mayor going into the latter three and a half years of his term and how can he do that if all the people in front of him might think he’s a sexual predator or a bully?” McMillan said.

He said damages are always assessed as per the date of the trial, which may not occur until after this council term is up, at which point, any impact on Hamer-Jackson’s career as a mayor could be a factor in the case.

#### Alternative attempts to avoid litigation failed

Hamer-Jackson’s lawsuit claims Neustaeter made defamatory statements about him verbally in front of councillors and staff on Feb. 11, via email that included councillors on Feb. 13 and March 5 and then verbally again via the March 17 statement. The notice of claim states Neustater accused Hamer-Jackson of having interactions with her father, former Kamloops MLA Kevin Krueger, with nefarious intent for political gain and influence over her, to which Hamer-Jackson said he had only been responding to Krueger’s offers of support and advice, and admissions of family troubles with Neustater.

McMillan said Hamer-Jackson attempted to resolve the issue quietly by disregarding the Feb. 11 statement and asking Neustaeter on multiple occasions afterwards to explain the claims against him, setting a deadline to do so after she did not respond to a March 23 request. McMillan claimed Neustaeter then responded by scheduling a closed council meeting on April 6 that he believes was an attempt to hide the conversation under a confidential, privileged setting.

“That’s not how you deal with public comments,” McMillan said.

McMillan told KTW Hamer-Jackson, on his advice, let the issue percolate from there to see if it went away and when it did not, decided “enough is enough” and this legal route was taken.

...

McMillan said what will follow in the legal process is pleadings and a document discovery stage, adding he feels any document pertaining to Krueger’s mental or physical health will be relevant.

7. Also on June 16, 2023, in an interview with CBC News published online at the URL: <https://www.cbc.ca/news/canada/british-columbia/defamation-suit-reid-hamer-jackson-katie-neustaeter-1.6879336>, the plaintiff is quoted as stating the following, *inter alia*:

Hamer-Jackson told CBC News on Thursday that he has long been a respectable Kamloops citizen and that he is facing unfair scrutiny due to the emails and public statements detailed in the claim.

"I'm tired of being called a pervert and different names," he said. "I think that people need to be held accountable."

8. The defendant pleads and relies on the fact of and the content of the media statements set out at paragraphs 2-7 of Division 3 with respect to defamatory meaning, fair comment, assessment of damages, and public interest pursuant to the *Protection of Public Participation Act*, SBC 2019 c. 3

#### **Part 2: RESPONSE TO RELIEF SOUGHT**

1. The defendant consents to the granting of the relief sought in paragraphs NIL of Part 2 of the notice of civil claim.
2. The defendant opposes the granting of the relief sought in paragraphs 1-3 of Part 2 of the notice of civil claim.
3. The defendant takes no position on the granting of the relief sought in paragraphs NIL of Part 2 of the notice of civil claim.

#### **Part 3: LEGAL BASIS**

1. The defendant relies on the common law of defamation, mitigation, damages and injunctive relief, and the *Protection of Public Participation Act*, SBC 2019 c. 3.

#### **Denial of Defamatory Meaning**

2. The defendant denies the allegedly defamatory words carry the meanings alleged by the plaintiff in the notice of civil claim.

### **The Defence of Justification**

3. The defence of justification protects statements that are true or substantially true. In the alternative, the defendant pleads and relies on justification as indicated in Part 2 of the response to civil claim.

### **Lesser Defamatory Meaning**

4. The common law of defamation permits a defendant to advance an alternate or lesser defamatory meaning of the words published, and to justify such alternative or lesser defamatory meaning as true or substantially true. In the further alternative, the defendant pleads lesser defamatory meaning, and justification thereof, as indicated in Part 2 of the response to civil claim.

### **Qualified Privilege**

5. The defence of qualified privilege protects information communicated on an occasion of privilege to those that have a reciprocal interest in receiving the information. In the further alternative, the defendant pleads and relies on the defence of qualified privilege as indicated in Part 2 of the response to civil claim.

### **Fair Comment**

6. The statutory and common law defence of fair comment protects comments that a person could honestly hold on matters of public interest and based upon true facts. In the further alternative, the defendant pleads and relies on the defence of fair comment as indicated in Part 2 of the response to civil claim,

### **Plaintiffs' Reputation**

7. The common law further permits defendants to plead and prove facts related to the plaintiffs' actual reputation and conduct in mitigation of damages. The plaintiffs' reputation here includes interactions between the plaintiff and City Councillors and City staff, including the email communications set out above, as well as the public reporting, social media discussions, and public discussions relating the plaintiff's actions, reporting and discussions concerning the plaintiff's conduct, including his treatment of City

Councillors and City staff, the plaintiff's statements to the media, and the plaintiff's interactions with residents and organizations in the City of Kamloops.

WHEREFORE the defendant Keturah Neustaeter, aka Katie Neustaeter says that this action should be dismissed as against her with special costs or, in the alternative, costs.

(1) The defendant's address for service is:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Fax No: 604 669 9385  
Email: [dreid@harpergrey.com](mailto:dreid@harpergrey.com)  
  
Attn: Daniel J. Reid/tok/

Dated: 24 July 2023



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HARPER GREY LLP  
(Per Daniel J. Reid)  
Lawyer for the defendant, Keturah  
Neustaeter, aka Katie Neustaeter

Name and address of lawyer:

**HARPER GREY LLP**  
Barristers & Solicitors  
3200 - 650 West Georgia Street  
Vancouver, BC V6B 4P7  
Telephone: 604 687 0411  
Fax: 604 669 9385  
Attn: Daniel J. Reid/tok/

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
  - (a) prepare a list of documents in Form 22 that lists
    - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
    - (ii) all other documents to which the party intends to refer at trial, and

- (b) serve the list on all parties of record.