

## GP DEFENDANTS RESPONSE TO RESOLUTE'S STATEMENT

With these lawsuits Resolute Forest Products is attempting to silence legitimate public concerns, all the while ignoring scientific recommendations for the health of the forest.

The company first sued Greenpeace Canada and two of its staff in 2013 for CAD\$ 7 million for defamation and economic interference in an attempt to silence our longstanding campaign to protect the boreal forest,<sup>[1]</sup> In 2014, Resolute also filed a lawsuit against the Rainforest Alliance,<sup>[7]</sup> its own independent auditor, when it was about to publish an audit that found some of the company's operations noncompliant with Forest Stewardship Council (FSC) standards.<sup>[8]</sup> One legal expert noted that, rather than participate in a formal dispute resolution process set up within FSC, Resolute's "strategy appears to be ... to suppress these facts."<sup>[9]</sup>

In 2015, Resolute registered no less than 6 lobbyists to weaken or oppose Ontario's proposed anti-SLAPP legislation.

As the litigation against Greenpeace Canada proceeded, Resolute tried to broaden the scope of inquiries into the 45 year history of the organization and its international campaigns. But in 2016 a panel of judges with the Ontario Superior Court granted our motion to strike out those parts of the company's pleadings, ruling that Resolute had attempted to "greatly expand the scope of the litigation and transform the trial into an inquiry into Greenpeace," and pointing to allegations that were "so devoid of particularity as to be scandalous and vexatious."<sup>[10]</sup>

Then in 2016 Resolute decided to pursue similar tactics outside Canada, filing a defamation and racketeering lawsuit against Greenpeace International, Greenpeace Inc., Greenpeace Fund, Stand.earth and five staff in the United States for CAD\$300 million.<sup>[11]</sup> In that attempt, Resolute went so far as to include allegations under the Racketeer Influenced and Corrupt Organizations Act (better known as RICO).

The use of RICO is particularly egregious because the act was originally conceived to prosecute the mafia and, in allowing plaintiffs to recover triple damages, provides a uniquely powerful means to intimidate advocacy groups.<sup>[12]</sup> Civil RICO has a long history of abuse: as far back as 1985, United States Supreme Court Justice Thurgood Marshall warned that "many a prudent defendant, facing ruinous exposure, will settle even a case with no merit. It is thus not surprising that civil RICO has been used for extortive purposes, giving rise to the very evils that it was designed to combat."<sup>[13]</sup>

Clearly the use of RICO to tackle public interest advocacy in particular is a dangerous phenomenon.

Nonetheless, the case in the United States was almost entirely thrown out in January 2019 and in 2020 the company was even forced to reimburse defendants almost \$1 million USD to cover attorneys' fees and costs.

The Canadian case remains pending before the courts.

Today, the unfortunate reality is that Resolute's ongoing degradation and industrial disturbance of vast areas of forests across Canada is making the global climate and extinction crises worse, while the company's lobbying efforts are delaying key progress on nature protection in Canada.

And we will continue to say so in court, backed by independent science - regardless of how Resolute misrepresents individual arguments about individual slogans.

Again we urge Resolute to reflect on the significant shared global challenges we are facing and to move from a stance of conflict to collaboration.