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Lerners LLP

130 Adelaide Street West, Suite 2400
Toronto, Ontario M5H 3P5
Telephone: 416.867.3076
Facsimile: 416.867.9192
www.lerners.ca

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✓ Postmedia and The National Post
365 Bloor Street East
3rd Floor
Toronto, ON M4W 3L4

Attention: Anne Marie Owens, Editor

Christie Blatchford
c/o The National Post
365 Bloor Street East
3rd Floor
Toronto, ON M4W 3L4

Dear Mesdames:

Re: Tarrah McPherson

I have been retained by Tarrah McPherson. I write with respect to an article written by Christie Blatchford that appeared in the National Post on March 17, 2017, which was inaccurate and defamatory of Ms. McPherson. Enclosed is a Notice under the *Libel and Slander Act* in Ontario as well as the *Defamation Act* in Nova Scotia. Also enclosed is the article that is the subject of my client's Notice.

Failing a satisfactory response to this libel notice, Ms. McPherson may commence legal proceedings against the National Post and Ms. Blatchford without further notice.

Yours truly,



Brian N. Radnoff
BNR/ra
Encls.

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**NOTICE UNDER THE *LIBEL AND SLANDER ACT*, R.S.O. 1990, c.L.12 and
THE *DEFAMATION ACT*, RSNS 1989, c.122**

TO: POSTMEDIA AND THE NATIONAL POST AND CHRISTIE BLATCHFORD

FROM: TARRAH McPHERSON

March 17, 2017 Article Entitled: "Again, a man's life left in ruins, while his sexual-assault accuser goes about hers."

1. The overall tone of the article is inaccurate and defamatory. The reasonable meaning of the article as a whole, including the title, is that Ms. McPherson has made inaccurate and dishonest complaints against Mr. Kydd and that Ms. McPherson has ruined Mr. Kydd's life while her life is unaffected. This is inaccurate and Ms. McPherson has been severely and negatively affected as a result of what happened with Mr. Kydd and the surrounding publicity.

2. Paragraph two of the article asserts that Mr. Kydd had a consensual sexual relationship with Ms. McPherson which "retrospectively morphed" into misconduct complaints against Mr. Kydd. The relationship between Mr. Kydd and Ms. McPherson was not consensual. This paragraph also inaccurately suggests that Ms. McPherson wanted to attack or injure Mr. Kydd and dishonestly or inaccurately claimed, in order to accomplish this objective, that their relationship was not consensual.

3. The third paragraph of the article claims that "Postmedia has managed to confirm many significant details about Kydd's case", suggesting that the information in the article is accurate. The information in the article about the relationship between Mr. Kydd and Ms. McPherson is inaccurate as is much of the information about Ms. McPherson. The author of the article made no attempt or insufficient attempts to verify the information in the article with Ms. McPherson.

4. The fourth paragraph of the article inaccurately asserts that Ms. McPherson is 40.

5. The fifth paragraph of the article asserts that the sexual encounters occurred when Mr. Kydd was separated from his wife and living on his own. Mr. Kydd was not living on his own for all or part of the time.

6. The sixth paragraph of the article suggests or implies that Ms. McPherson was involved in the posting of a picture of Mr. Kydd's penis on Twitter when she did not ask for it to be posted and demanded that it be removed when she learned that it had been posted.

7. The reasonable meaning of the seventh paragraph of the article is that Ms. McPherson is being dishonest when she has said that the picture of Mr. Kydd's penis was not solicited by her. This is inaccurate. The seventh paragraph also suggests that Ms. McPherson's interactions with Mr. Kydd were consensual when they were not.

8. The eighth paragraph of the article inaccurately asserts that Ms. McPherson asked Mr. Kydd for the penis picture "on numerous occasions" and admitted this to the RCMP. This is inaccurate. Ms. McPherson did not ask for the picture nor admit to the RCMP that she did so.

9. The reasonable meaning of the ninth paragraph of the article is that Ms. McPherson has withheld text messages from the police that included sexually explicit remarks she made to Mr.

Kydd. Ms. McPherson did not withhold such text messages from the police and they do not exist.

10. The tenth paragraph of the article asserts that Ms. McPherson did not make her phone available to the police and the reasonable meaning of this paragraph is that Ms. McPherson attempted to avoid providing incriminating texts to the police and was dishonest about why she could not produce this information. Ms. McPherson did make her telephone available and was honest with the police with respect to what text messages she could and could not provide and why she was not able to provide all of her communications with Mr. Kydd.

11. The eleventh paragraph of the article suggests that Ms. McPherson's complaints were unfounded because the police declined to lay charges. The police declining to lay charges against Mr. Kydd does not mean that Ms. McPherson's complaints are unfounded.

12. The thirteenth paragraph of the article falsely asserts that Ms. McPherson was "accommodated" by the University because of a complaint she made to the Human Rights Commission. In fact, the University insisted that Ms. McPherson complete her degree in a manner that was contrary to medical advice that she obtained.

13. The fourteenth paragraph of the article inaccurately asserts that Ms. McPherson first complained about the matter to the University president.

14. The fifteenth paragraph of the article inaccurately asserts that Ms. McPherson was "assigned a dean" and that she had a previous "track record of not completing courses or failing to take exams." Ms. McPherson was not assigned a dean and her "track record" as a student was excellent. She completed all of her work and exams despite requiring accommodations due to pre-existing medical conditions. Ms. McPherson was awarded a scholarship and received a senate award. She was not a poor student.

15. The sixteenth and seventeenth paragraphs of the article inaccurately suggest that Ms. McPherson was unreasonable or difficult in her attempts to satisfactorily resolve her complaints.

16. The nineteenth paragraph of the article inaccurately suggests that Ms. McPherson has appeared at multiple "Silence the Violence" panels, presenting herself "as a victim of sexual misconduct and cruel and misogynist university policies." In fact, Ms. McPherson appeared at only one such panel and discussed how the University process fails to appropriately accommodate students. She did not discuss her complaint or any specifics regarding her interactions with Mr. Kydd.

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Christie Blatchford: Again, a man's life left in ruins, while his sexual-assault accuser goes about hers



CHRISTIE BLATCHFORD | March 17, 2017 9:39 PM ET
More from Christie Blatchford

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Mike Kydd was suspended in January 2015 by Mount Saint Vincent University in Halifax.

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Mike Kydd is the poor man's Steven Galloway — not a famous author; not a professor-cum-department head, but rather a lowly, untenured instructor; not particularly powerful.

Yet Kydd and Galloway both have been brought to ruin by adult female contemporaries and former students with whom the men had a consensual sexual relationship that then retrospectively morphed into various misconduct complaints against them.

While the investigation report commissioned by the University of British Columbia in the Galloway case hasn't been made fully public — making it difficult to know with certainty precisely what the findings were — Postmedia has managed to confirm many significant details about Kydd's case.

Now 42, Kydd was suspended in January 2015 by Mount Saint Vincent University in Halifax after the woman, Tarrah McPherson, now 40, filed a formal complaint against him with the school.

She was a distance student in a marketing course he taught. They had two sexual encounters at a time when Kydd was separated from his wife and living on his own.

Kydd resigned Jan. 8, more than a week before he was formally fired and, shortly after, a picture of his penis, which he'd sent McPherson, was posted on Twitter by Glen Canning, father of the late teenager Rehtaeh Parsons, who was cyber-bullied after an explicit picture of her was circulated at her school. Some months later, she killed herself.

McPherson has always maintained the picture was thrust upon her by Kydd, unsolicited. Yet she also told a local CTV interviewer on Jan. 9 that year that the relationship with Kydd was consensual.

And in fact, as Postmedia has confirmed, she asked Kydd for the penis picture on numerous occasions, and admitted that to the RCMP when, in the early summer of 2015, she filed a complaint of sexual assault against him.

The pages of text messages she gave the police didn't include that request of hers, or any of the sexually explicit remarks she'd made to Kydd.

And McPherson never made her phone available to police, despite repeated requests, and her reasons were all over the map — the Kydd texts, she said, were lost, or she had a new phone, or some of the texts were missing.

After investigating the complaint, police declined to lay any charges against Kydd. McPherson promptly filed a complaint against the lead investigator.

Kydd always and quickly admitted he had breached the school's code of conduct by having an intimate relationship with a student and that he'd made a huge error in judgment, and publicly apologized to all and sundry.

Meantime, at the Nova Scotia Human Rights Commission, McPherson's complaint — initially, only against the "Mount," as the university is known, but later amended to add Kydd — was working its way through the process. It was accepted and investigated, but though McPherson told the investigator she felt unsupported and even dismissed by university officials, in fact she was accommodated and taken seriously.

She met first with the university president, Dr. Ramona Lumpkin, who ordered the internal investigation that saw Kydd first suspended, then fired; McPherson had fees for another course waived, and the university paid for counselling until the end of August 2015.

McPherson was also assigned a dean to assist her in trying to complete her degree, but her previous, pre-Kydd track record of not completing courses or failing to take exams continued.

Asked by the commission investigator what she wanted, McPherson replied with a long list of demands, including general damages for \$20,000, reimbursement for legal fees, another year of counselling, refunds for textbook fees, lost wages, a public apology for Mount Saint Vincent's alleged failure to help her — and, as a gesture of good faith, free parking on campus for a year.

When the university made an offer of settlement, McPherson upped the ante and asked for an all-inclusive sum of \$50,000 and two years' grace to complete her degree.



Steven Galloway was fired as creative writing chair at UBC in June under a veil of secrecy.

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In October last year, the investigator recommended the complaint be dismissed; the recommendation has yet to be approved by the commission.

McPherson is still occasionally appearing at "Silence the Violence" panels — a group co-founded by one of Toronto's best-known sexual assault victims and advocates, Mandi Gray — and presenting herself as a victim of sexual misconduct and cruel and misogynist university policies.

She was one of the so-called "improbable five" featured in a Metro News article last fall — among the others were Gray, who settled her human rights complaint with York University late last year, and Glynis Kirchner, a UBC alumna who has filed a third-party complaint in British Columbia on behalf of all women at UBC who were ever sexually assaulted or harassed.

McPherson was in Toronto, at Ryerson University, for a Silence is Violence event last August.

As for Kydd, he works now as a casual labourer, and can see his children only once a week — that because he can't afford to give them a proper breakfast more often than that.

He has retained the bright young Toronto lawyer, Donna Wilson, who last year won a major "revenge porn" case. Wilson has filed a notice of action to sue McPherson, Twitter, Bell Media (CTV used the penis picture) and the university. His only hope of keeping the suit alive is through donations at www.gofundme.com/michaelgalactionfund

• Email: cblatchford@postmedia.com | Twitter: [Follow @blatchford](#) 10.8K followers



Topics: Full Comment, Mike Kydd, Sexual Assault, Steven Galloway

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