

Statement of Claim

Between: Heather Bruce

-and- Michele MacKay

Harold MacKay

Downeast Beer Factory Limited

My Claim

On April 10, 2016, I was asked by Michele MacKay if she could order some glass wear from Canadian Beverage, using my American Express credit card, and she personally promised that it would be completely repaid by her before the bill came due, which was expected in less than 30 days. It was agreed that the amount was not to exceed \$5,000.

At the same time, Michele MacKay had also ordered some t-shirts and I agreed to allow her to personally charge up to \$5,000 to my Scotiabank Visa, in favour of ZenanCustom Cresting, again with the promise that I would be repaid by her by the time the bill became due, as she did not have a credit card. At the time, she charged \$5,942.42, which was nearly \$1,000 more than I had agreed.

After Michele MacKay was provided my credit card account numbers for those two specific purchase, it was used by her and/or Harold MacKay and/or or Downeast Beer Factory Limited on 27 other occasions to purchase other items without my approval or authorization.

Harold MacKay was aware, or should have been aware, of this set of circumstances, as he had not issued payment through any source of company funds for the goods that he knew, or should have known, were received and consumed with the restaurant, for which the company received revenue.

My credit card account numbers were never provided by me to any other person other than Michele MacKay, and they were entrusted to Michele MacKay, personally, for two very specific purchases, with the promise by her of repayment.

I trusted Michele MacKay to do the right thing, which she promised she would do.

At no time, was I ever an officer, director, shareholder or employee of the Downeast Beer Factory Limited.

During this period of time, Michele MacKay was not an Officer or Director of Downeast Beer Factory Limited, and my understanding at the time I provided her with my personal information, that I was only allowing her personally to use my credit card for two very specific purchases, for which she was providing a benefit to the Downeast Beer Factory Limited.

My understanding was that she was personally incurring the cost, and then she would submit it on her expense claim to Downeast Beer Factory Limited, for reimbursement, which she would then pass along to me.

Mr. Harold MacKay is aware of this situation, and as the sole Director and President of the Downeast Beer Factory Limited, he is the individual who has used Downeast Beer Factory Limited funds to repay some of the principal owing on behalf of Michele MacKay, as well as interest and minimum payments on my credit card accounts as they have become due, in an attempt to appease me.

While making minimal payments to repay me, or to keep the "wolves from the door", at the same time he was making payments to other individuals and companies, including to himself and to Michele MacKay for monies that they expended for the purchase of other items used by the company, or on themselves.

At the time, I provided my credit card information to Michele, I was unaware of the poor financial health of the Downeast Beer Factory Limited, which I know she would have been aware of.

In total, because of the fact that Michele MacKay used my credit card Numbers for purposes for which I did not authorize, I have incurred charges to my credit card account for a total amount of \$30,287.92, which were the result of her activities.

Only \$11,280.26 of the amount charged had been repaid to February 3rd 2017. At that time, I sent a DEMAND LETTER to Harold MacKay and Michele MacKay.

In February, I also sent an e-mail to the vendors who had charged my credit cards without my permission of authorization. In my e-mail messages, I requested that the charges be reversed, and only one vendor did so.

As a result of Michele MacKay's unauthorized activities, I had extinguished my credit facilities, and, as a single mother of three children, I was left to borrowing money from my teenaged daughter in order to even meet my minimum payments, and/or to pay for unexpected expenses, such as a recent vehicle repair.

After sending my demand letter to Harold MacKay, he arrived to the front door of my house and shoved an envelope into my hand, which had one current-dated cheque (for \$1,000) and six \$3,000 post-dated cheques within it. He mumbled

something and walked away without any conversation, or agreement. There was not an agreement made, or any meeting of the minds.

Although, I have patiently been depositing those cheques over the past 5 months, we have never reached any sort of formal verbal or written agreement for repayment.

On July 30th 2017, I asked a friend to go to the TD Bank to get the July cheque certified, because I was in New Brunswick at a family gathering.

He was advised by the TD Bank that a STOP PAYMENT order had been placed against that cheque.

In advance of attempting to certify that cheque, there was no communication between myself and Harold MacKay.

When I arrived home on July 31st 2017, I discovered an envelope in my door, with a letter, that told me that he had unilaterally placed a STOP PAYMENT order on my cheque, and he provided a replacement post-dated cheque for \$3,000, dated for September 30th 2017. He was proposing that the July 30th payment be postponed for two months.

At no time, did I agree that this arrangement was suitable, and in fact, on August 1st 2017, I sent a registered letter to him to tell him that I have not accepted his new offer.

I seek Judgment against Michele MacKay, who used my credit cards without my permission or authorization.

I seek Judgement against Downeast Beer Factory, the beneficiary of Michele MacKay's improper activities.

I seek Judgement against Harold MacKay, as he was the individual who was the President and Director of Downeast Beer Factory, and who knew or should have known about the illegal activities. I further state that it was he who wrote the cheques which were later dishonoured because he placed a STOP PAYMENT order on them.

Harold MacKay and Michele MacKay received many personal benefits from the operation of the Downeast Beer Factory, while keeping the appearance that all was well within the business, while abusing my credit facilities.

Bishop's Cellar Limited, 3280084 Nova Scotia Limited o/a Breton Brewing Company, The Granite Brewery Limited, Muwin Estate Wines Ltd., Nine Locks Brewing Company Limited, The John Allen Brewing Company limited o/a The Propeller Brewing Company, Wrought Iron Brewing Company Limited o/a Good Robot Brewing Company and the Nova Scotia Liquor Commission were the companies that were all contacted in February, and who refused to help set things straight.

These companies all profited from the misdeeds of Michele MacKay and Harold MacKay, and did nothing to prevent the abuse of my credit card accounts, although they are obligated under their merchant agreements to assure themselves that they are authorized to charge the credit card presented for payment.

When advised of the misdeeds, and/or to provide the information regarding the authorization that they received to charge my credit cards, they refused to help provide the requested information, or to reverse the charges made to my credit card. These companies advised me that it was an issue between myself and Downeast Beer Factory, and accepted no responsibility, whatsoever.

Within the past week, I have also spoken to the Halifax Regional Police regarding this unfortunate situation.