

Oddly enough the Plaintiff and Laliberte are now at one as to the subject of others being involved. Laliberte's point about shared responsibility was never put forward, through no fault of his own. The Plaintiff believed others were to blame but did not mention the subject to the Court. This must have been a conscious decision made when drafting the Plaintiff's Affidavit. Was it ethical to proceed with an application for summary judgment under these circumstances?

### Apology

Laliberte states that in the resulting furor he "didn't really understand the issue". This I take to be evidence of his state of mind and motivation. That is, he may have been naive or even foolish, but not malicious. Indeed, coming from an entirely different approach, the Chief Justice found no evidence of malice.

Knowing nothing about the matter, Laliberte thought he was asking a legitimate and important question, since it was given to him with special instructions and in such a singular way. It was asked, not stated, in the context of an open live television program which was for the very purpose of inviting questions, not all of which could be expected to be fair and reasonable.

In any event, Laliberte now accepts his responsibility.

"As I was a loyal liberal supporter and an official volunteer following directions, I trusted other people and went along with what was requested of me. I am responsible for that. When I understood, I sincerely regretted what I had done"

He apologized completely to the Plaintiff, face to face, at the mediation hearing in March of 2007.

"I apologized to him for the anguish that I have caused him, I acknowledged to him that it was me that made that call and tried to explain how I got involved the whole fiasco. I told him didn't know anything about him before or during the elections and that I had no issues against him." [sic]

A Judge might find that this was a genuine apology. It is not apparent that it was ever brought to the attention of the Chief Justice, who, at three places in his decision, cites precedents referring to the importance of an apology, at least on the issue of damages. Froese states that the apology was "irrelevant to the issue of liability or damages".

Nor is there is any mention of this apology in the Affidavit of the Plaintiff, although the apology predated the Affidavit by years. The apology was given 13 March 2007. The Affidavit is dated 28 January 2011 and was the only evidence before the Court.