

**SUPREME COURT OF PRINCE EDWARD ISLAND
(GENERAL SECTION)**

BETWEEN:

GYORGY KISS

Plaintiff

and

HEALTH PEI and KEVIN J ARSENAULT

Defendants

Re: STATEMENT OF DEFENCE (*KEVIN J ARSENAULT*)

1. The Defendant Kevin J Arsenault admits the allegations in paragraphs 3, and 35.
2. The Defendant Kevin J Arsenault denies the allegations in paragraphs 1, 9, 10, 11, 12, 16, 15a, 16b, 17, 18, 19, 23, 26, 27, 28, 28a, 28b, 28c, 29, 30, 30a, 31, 32, and 33 of the Claim.
3. The Defendant also denies the claim in paragraph 4a. The Defendant Kevin J Arsenault is an individual ordinarily resident in Bloomfield, Prince Edward Island, not Ft. Augustus.
4. The Defendant Kevin J Arsenault has no knowledge of, or is in no way implicated, by the claims and allegations in paragraphs 4, 5, 6, 7, 8, 13, 14,15,20 (sub paragraphs a. through f.), 21, 22, 24, and paragraph 25.
5. The Defendant has no knowledge of communications between the Plaintiff and police claimed in paragraphs 16a, but denies the claims that the Defendant was uncooperative with the police, and that the police officer requested that the Defendant remove the post.

6. The Defendant denies that the statutes pleaded in paragraph 34 of the Statement of Claim entitle the Plaintiff to any relief whatsoever from the Defendant, Kevin J Arsenault.
7. As to the entirety of the Statement of Claim, the Defendant Kevin J Arsenault denies being the cause of any losses to the Plaintiff, and further denies that the Plaintiff is entitled to the relief as claimed in paragraph 2 (sub paragraphs e. through j. inclusive) or any relief whatsoever from the Defendant Kevin J Arsenault, and unless expressly admitted herein, denies each and every allegation in the amended Statement of Claim as if set forth and plead, and for which the Plaintiff will be put to the strict proof.
8. The Defendant Kevin J Arsenault states that the FB post in question was made public voluntarily, for no remuneration from anyone, with only ethical and noble intentions, entirely as a public service. The information referenced only an anonymous person at a time when hundreds were expected by the CPHO to be hospitalized within days. The Defendant made information about the underlying medical condition for the sole purpose of mitigating excessive fear among the public regarding the potential harmful impacts from the virus. In that regard, the Defendant vehemently denies the direct claim (implicit throughout the entire Statement of Claim) that there is no legitimate reason to know about that immune-compromising condition, and consequently, no reason for the Defendant to publicize information about the underlying immune-compromising health condition of the anonymous patient, which was done by adding no additional identifying information whatsoever to what had already made public by Health PEI and/or the CPHO.
9. The Defendant Kevin J Arsenault states that at all material times preceding, during and following the posting of the FB information at the centre of this civil litigation, the Defendant acted professionally, and in full accordance with all laws, both provincially and federally, with the highest ethical standards, as well as in full compliance with FB's policy that does not allow the public disclosure of private health information, compliance with which the Plaintiff confirmed with FB in an attempt to have FB remove the post.
10. Regarding the matter of the Privacy Officer's investigation and report, the Defendant Kevin J Arsenault states that said investigation, report and any claims made in the report are irrelevant to current legal proceedings in that those claims are opinions and do not have the status of legitimate evidence.
11. As to the entirety of the Statement of Claim alleging intentional disclosure of personal information that had no 'public interest' is expressly denied in that the personal identity

12. of the Plaintiff was unknown to the defendant Kevin J Arsenault until the matter was made public by the Plaintiff, and information on underlying health conditions was a matter of public interest.
13. The Defendant therefore requests that the Plaintiff's claim be denied with costs. A Motion for security of costs from the Plaintiff will be sought from the court by Defendant Kevin J Arsenault.

Dated this 3rd day of May, 2023

Kevin J Arsenault

Kevin J Arsenault
PO Box 44, Bloomfield
PEI, C0B 1E0
Tel: (416) 712-4554
Email:
kja321@gmail.com

TO: Jeff Rosekat
Spark Law Professional Corporation
67 Yonge Street, 2nd Floor
Toronto, ON M5E 1J8

And To: Steven A. Forbes
Cox and Palmer
97 Queen Street, Suite 600
Charlottetown, PE C1A 4A9
Tel: (902) 628-1033