

Statement of Claim

Sinclair and Kinsman Robinson

Mr. Sinclair is the owner /operator of the web site www.morrisseau.com in which he has to date (December 22nd, 2008) identified over 1000+ painting(s) of the late artist Norval Morrisseau as "fakes" on this web site. He has labelled these paintings as "fakes", "Inferior Counterfeits" and listed a whole series of adjectives to describe these paintings as per Exhibit # 1. In this Exhibit Mr. Sinclair clearly defines what he means when he labels a painting as "CounterFeit", "Inferior" and "Authentic". By doing so Mr. Sinclair is and has made clearly defamatory and inflammatory statements on his web site.

He has in effect slandered the title to these paintings including two (2) which are/were owned by me. The Kinsman Robinson Gallery is also a party to these misrepresentations which they know are false by providing Mr. Sinclair with a platform to which he further disseminate these false statements to Kinsman Robinson's clients and to the public at large. Mr. Sinclair is prominently featured on the Kinsman Robinson web site through Kinsman Robinson's blog called www.genuinemorrisseau.blogspot.com. On that blog Mr. Sinclair has been videotaped by along time employee (since 1989) of Kinsman Robinson John Macgregor Newman (Associate Director) labeled "Questionable Works" and "Apprenticeship Vs Fraud Revisited as per Exhibit # 2 and Exhibit # 3. Moreover, the Kinsman Robinson Gallery provided a direct link from their web site to Mr. Sinclair web site www.morrisseau.com where Mr. Sinclair's wild claims of posting over 1,000 fake images of the artist Norval Morrisseau can be seen. It is done In Exhibit # 3 at the end of the article were the link is titled "More". Once the user clicks on the icon the reader is taken directly to www.morrisseau.com. Furthermore, on Mr. Sinclair's web site www.morrisseau.com as per Exhibit # 4 Mr. Sinclair clearly highlights and shows the video's of his conservation's which were done at the Kinsman Robinson gallery.

Mr. Sinclair as per Exhibit # 5 and Exhibit # 6 has identified these paintings as "fakes" etc. The one painting fake number # 256 as per Exhibit # 5 was in fact in my possession but was donated to the Thunder Bay Art Gallery by my family. Enclosed please find a copy of that submission as per Exhibit # 7. This painting was vetted by the Thunder Bay Art Gallery, it's staff and then further vetted and approved by the Government of Canada as per the Cultural Property Review Board. Despite this, this painting has been identified and labeled a "fake" on Mr. Sinclair's web site www.morrisseau.com. This is relevant because the source of that painting is the same as "fake" number # 324 called " Jesuit Priest Bringing Word" as per Exhibit # 6. Mr. Sinclair calls it a fake without even knowing who owned the painting. I gave the image of this painting to Mr. Ugo Matulic who posted this image on his blog called www.norvalmorrisseau.blogspot.com. as per Exhibit # 8. Mr. Sinclair copied that image from that web site and put it on his web site www.morrisseau.com. and called it a "fake". Mr. Sinclair even calls it a "fake" from Ugo on his (Mr. Sinclair's web site) and even refers to Mr. Matulic's blog and refers to the paintings as a "fake" not knowing that I own it. As per Exhibit # 9 I enclose a copy of the sales receipt and a picture of the painting (both front and back) at my home.

The importance of that fact that this painting was purchased at Randy Potter Auctions which is the same source that Don Robinson of Kinsman Robinson bought from as per Exhibit # 10 which includes a statement from the auction house owner Mr. Randy Potter.

I personally met with Mr. Sinclair on February 12th, 2004 as per Exhibit # 11. As it turns out Mr. Sinclair didn't pay his storage fees and it's contents were impounded by Centron Self Storage who just happened to consign it to Randy Potter Auctions. I was sitting close to Mr. Sinclair as I bid on several Norval Morrisseau paintings. Mr. Sinclair commented to me on the quality of the Norval Morrisseau paintings' at Potter Auctions and even mentioned to me that he hoped one day he could own one. That night I personally bought (3) three painting by Norval Morrisseau as per Exhibit # 12 which are a true copy of the sales receipts from Potter Auctions. Moreover, included please find a copy of the receipts which Mr. Sinclair's companion Mr. Holder Lynn purchased the same night also as per Exhibit # 13. Nobody wanted to purchase Mr. Sinclair's paintings which were impounded by Centron and Mr. Sinclair's friend bought back Mr. Sinclair's own art on the same night (Feb 12th, 2004).

Kinsman Robinson is and was fully aware that the paintings on www.morrisseau.com were either purchased from Potter Auctions or from the web sites of the galleries on their competitors which are named by Mr. Sinclair on the web site. Please refer now to Exhibit # 14 which is from a now defunct log named www.honouringnorvalmorrisseau.blogspot.com where the same interview from Mr. Sinclair was highlighted on that blog. The owner of that blog which I will not name agreed to voluntarily shut down that blog in mid October 2008. The writer who went by the handle Raven admits such and was posted by Kinsman Robinson on Kinsman Robinson's own blog as per Exhibit # 15.

“ Faced with a potential lawsuit, I had a choice to make about continuing the blog. As I have no financial interest in the authentication issue either way, it is wise for me to exit given the new levels of nastiness this matter has reached. It appears that public statements made by Ritchie Sinclair at morrisseau.com and on the KRG blog have caused this matter to boil over. I wish you all well and thank you for your complementary emails. Hopefully this matter will be resolved soon because it is killing the native art movement.”

Kinsman Robinson even enters the comments from Mr. Sinclair on their blog as per Exhibit # 16. It is posted by stardreamer who is Mr. Sinclair. Mr. Sinclair starts off by thanking Kinsman Robinson for posting his interview and states

“ My eyes are now wide open and I see an over whelming ever-growing body of evidence that tells me that I absolutely must do what I can to stop this. What I see dangerous, dark pieces of art, that I for one would not hang above my bed and expect a good nights sleep.

What Mr. Sinclair is doing is posting images of Norval Morrisseau paintings which he admits he gathered (see below) from the Internet and is now calling them “fakes”.

Thus, Kinsman Robinson knew of the problems in the marketplace created by Mr. Sinclair and still encouraged and facilitated Mr. Sinclair's wild claims of "fake" Norval Morrisseau's in the marketplace. Moreover, Kinsman Robinson proactively redirected people to Mr. Sinclair's web site. The link is from the Kinsman Robinson site to Mr. Sinclair's web site This was and is an action which could only have been initiated and implemented by Kinsman Robinson – it is their web site. Moreover, the link has to be established on Kinsman Robinson's network and through the various software programs on their computer systems. Moreover, the title, labeling, content and innuendo contained in these articles invite the reader to migrate to Mr. Sinclair's site. What else could reasonably be expected when a reader reads the banner "Questionable Works" and "Fraud Vs Apprenticeship". It is clear that they are designed and intended to redirect the reader to Mr. Sinclair's web site and it's obvious misrepresentations. Mr. Sinclair claims over 1,000 paintings as "fakes" and what does he offer as evidence. Nothing. Kinsman Robinson are aware of the obvious market implications of Mr. Sinclair's misrepresentations and have given him a platform to spread these falsehoods.

Mr. Sinclair is also the owner/operator of another web site called www.stardreamers.com where he has over the years posted paintings from Norval Morrisseau on this site. At that point in time he was merely posting images with the following disclaimer as per Exhibit # 17.

" The images posted in this archive are not for sale. They are simply pictures that I collected from various internet art sources years ago and posted here for inspiration and enjoyment. With the exception of paintings that I witnessed painted or Exhibited by Morrisseau I have no way of discerning whether the images shown here are all authentic Morrisseau originals. Nevertheless, Enjoy!"

At the time of this filing the web site www.stardreamers.com is no longer in operation. Since Mr. Sinclair admits that he has no way of discerning what is and what is not a original work by Mr. Morrisseau how can he claim that the painting which is the subject of this lawsuit is a "fake"? Moreover, Kinsman Robinson would have been aware of this and yet still redirect their clients' and the public to Mr. Sinclair's web site.

Mr. Sinclair and Kinsman Robinson are also the only two (2) parties who to this day suggest that Norval rarely if titled his paintings and if he ever signed the back of his paintings, it was never in black acrylic as per Exhibit's 18, 19 and 20. They have done this to try and reinforce this false perception. Please refer to Exhibit # 18 from the Kinsman Robinson blog of August 28th, 2008 called Fighting Smears: Auction canvases

"After investigation, we found out that none of these paintings had heavy black, faded writing on the back. In twenty-years of dealing in Morrisseau's art, I observed that Norval had rarely written anything on the back of any canvas, but when he did, it was always in pencil or ballpoint pen-never in black paint."

And from the Kinsman Robinson blog as per Exhibit # 19 called Authenticity Guaranteed
"And generally speaking , he didn't title his paintings on the front-Rarely on the
back side either"

As per Exhibit # 20 which is per Mr. Sinclair's blog where he makes the same claim,
where he claims that

"I never once him sign the back of canvasses in black paint".

Mr. Sinclair further states in his blog

"Further more, I find it absurd that Norval would paint on the back of these
paintings."

As per Exhibit # 21 I enclose a statement from a gallery owner who has pictures of Mr.
Morrisseau with Mr. Gade Vadas along with pictures of painting which are dated, some
are titled and all are signed on the black in acrylic. I have even included local newspaper
clipping which confirm the above with show Mr. Debassiage , Mr. Morrissesau and Mr.
Vadas would claimed to be Norval's adopted son called Weekan all in the same picture.

In conclusion, I seek damages of \$10,000 which is the approx. fair market value of the
painting as determined in part per Exhibit # 7. The (FMV) of four similar Morrisseau's
from the same source, time period and style, format, content etc were appraised at
approx. \$33,500/4 or \$8375.00 in 2004. Given that this valuation was done before the
artist's death a current valuation of \$10,000 per price today was not unreasonable.
Moreover, given the condition and the subject matter (i.e. religious motif) a valuation of
\$10,000 is quite reasonable. By slandering the title of the painting by publicly calling it a
"fake" it has no value. Mr. Sinclair and the Kinsman Robinson gallery have slandered it's
title and must either prove it a "fake" or admit it's an authentic.