

## Gallo maintains position as final defence witness

**By Brock Weir**

As the Buck trial enters its fifth week, evidence has been collected, lawyers for both sides have made their final pitches.

The final full week of the trial featured evidence from many of the defendants in the trial, including some final evidence from former mayor Phyllis Morris, followed by former councillors Stephen Granger and Al Wilson, before concluding with incumbent Councillor John Gallo.

Prior to Councillor Gallo taking the witness stand on Thursday, the court was told Aurora's former Manager of Corporate Communications, Jason Ballantyne, was unable to testify for medical reasons on behalf of the defence. Once that was done, cross-examination of Ms. Morris continued by Kevin MacDonald, lawyer for Councillor Buck.

In the cross-examination, Ms. Morris, as was the case with former councillor Evelina MacEachern and Councillor Wendy Gaertner, said she was not prepared to apologise for or retract a statement published by six members of the previous Council which Councillor Buck alleges defamed her.

It was a chorus continued by Mr. Wilson and Mr. Granger, before Councillor Gallo followed suit in his testimony.

In questions led by David Boghosian, lawyer for the defence, Councillor Gallo characterised his relationship with Councillor Buck as 'professional and amicable', stressing travelling to municipal conferences together and having a few laughs around the Council table at their own expense and the expense of others.

That being said, Councillor Gallo said by the late spring of 2009 he had begun to have some 'serious concerns' Councillor Buck's blog postings were adversely affecting Town Staff.

'They were serious issues and had to be addressed in some way,' he said, noting that the best course of action, in his view, was to hire an expert to provide an opinion. 'I was in complete agreement to go out and seek advice to be able to confirm to me what I believe to be true and the statements made were egregious [and] hurtful to staff. We agreed to go out and hire what I was told was one of the best municipal lawyers around.'

That lawyer was John Mascarin, a lawyer retained by the Town to look into Councillor Buck's blog postings. Councillor Gallo testified that Mr. Mascarin's opinion was tendered and they were left with 'few options' to rectify the situation and the first one was an 'informal complaint process.'

'I wanted to de-escalate this as quickly as I could and asking for an apology and asking for a retraction was, in my view, an appropriate action.'

During one of the meetings, as the court previously heard, then councillor Bob McRoberts, wanted to take a 'gentler approach to this' to see if the situation could be resolved, something Councillor Gallo said he was open to.

'I learned through this trial that [the communication] took place and it appeared to me the door had been opened in terms of Ms. Buck potentially taking a look at what she said, reflecting on it, and perhaps apologising,' said Councillor Gallo. 'Unfortunately, I was never made aware of that. The significance of that, in retrospect, I have no idea. Perhaps if I had known that, perhaps I would have taken different steps.'

Nevertheless, steps continued on to a formal complaint process, a letter was sent to Councillor Buck, which she eventually disclosed on her blog and in a letter to The Auroran. This letter, said Councillor Gallo, presented a 'twisted view' of the events that took place and he felt Council needed to 'present the public an opposing view' of their side of things. The result was the advertisement in

question.

?I thought that was a balanced approach,? he said. ?Ms. Buck had written the paper, she put the letter in her blog, and I believe the same thing should have been done [as well on our website].?

Under cross examination from Mr. MacDonald, things started out much the same way as they had in previous cross-examinations related to Councillor Buck's integrity. When asked whether Councillor Buck had a good record for public service, and whether she had a reputation for honesty and integrity, Councillor Gallo said he wasn't sure of the latter but said she is a ?very good politician.?

Questioned whether he ?must have realised? the published statement could have harmed Councillor Buck's reputation, he replied that the Councillor only has herself to blame.

?I believe when Ms. Buck put her finger to the keyboard and wrote those things about those staff, she opened the door to having someone, anyone, take her to account,? he said. ?That wound was opened. It was her initial writing that caused the whole issue to be opened. Because of that, it was imperative for me to do something about it.

?You have to be responsible for what you write. I am. I respect her right to free speech and I respect her right to say whatever she wants to say. Free speech is not endless and she crossed the line. Quite frankly, I find it ironic that Ms. Buck feels strongly that she can write those things about whomever she feels to whomever she wants in whatever manner she wants and I am not able to protect staff and write those things. Quite frankly, not only is it ironic, it is hypocritical.?