

Judge awards Hinder more than \$174k in costs following 'frivolous' lawsuit

By Brock Weir

A judge has awarded Magna's Steve Hinder a further \$174,400 in costs stemming from the lawsuit brought against him by former Council candidate Anthony Pullano - a lawsuit the justice has dubbed 'frivolous' and a 'waste of the court's time.'

Justice McCarthy made his decision in a ruling dated April 15.

The cost decision follows a lengthy court case stemming from a lawsuit launched by former Council candidate Anthony Pullano against Magna's Steve Hinder, claiming Mr. Hinder assaulted him at a political event in 2014, resulting in myriad subsequent health challenges.

The matter was put before a jury last fall and while the six-member jury found that Mr. Hinder had 'punched' Mr. Pullano at the event in question, it did not result in any 'physical, emotional or psychological injury.'

As such, Mr. Pullano was awarded no damages as a result of the lawsuit; instead, he was ordered to pay Mr. Hinder damages of \$50,000 relating to the latter's countersuit of defamation against Mr. Pullano, which cited a number of tweets posted in the years leading up to the trial identifying Mr. Hinder as a 'bully' and a 'thug.'

In this latest decision, Justice McCarthy rejected Mr. Pullano's costs claim of \$140,357.92 and instead ordered him to pay costs of \$174,509.63 (\$120,000, plus HST and disbursements) to the defendants - Mr. Hinder, Magna and The Stronach Group.

Justice McCarthy said in his decision that awarding costs to Mr. Pullano would 'usurp' the role of the jury and nullify its decision.

'The plaintiff was entirely unsuccessful at trial,' said Justice McCarthy. 'The finding by the jury that he had been punched by Hinder, in all circumstances, cannot be viewed as constituting any measurable level of success. The jury dismissed the notion that Pullano sustained any physical, emotional or psychological injury. The jury rejected the suggestion that the punch had caused the infection of his [cardiac] implantation site. There was no basis for an award of general damages. I have found that an award of nominal charges is unwarranted.'

'The jury found no conduct on the part of Hinder deserving of aggravated or punitive damages. Conversely, the jury found multiple instances of defamation of Hinder by Pullano; implicit in its verdict is that it accepted Hinder's evidence that he had suffered emotional upset and embarrassment as a result of Pullano's defamatory comments being disseminated via social media to the broader community.'

Justice McCarthy went on to note that due to the way in which

Mr. Pullano portrayed the matter on social media, coupled with the involvement of Mr. Hinder, Magna and the Stronach Group within the communities of Aurora and Newmarket, the case was given a higher profile than it perhaps deserved.

This was highly publicized, hotly contested and emotionally infused litigation which, as became quickly obvious to any neutral observer, involved accusations, recriminations, allegations and hostility beyond what anybody could reasonably have expected from a brief encounter between acquaintances at a seemingly boring and convivial acclamation meeting for a political candidate.

Finally, it cannot have been lost on Pullano, a businessman, former politician and a person of some sophistication that, in bringing a claim against corporate giants like Stronach and Magna, seeking punitive and aggravated damages, making serious personal allegations against prominent members of the community, publicizing the details of the action on social media, and in making statements which he ought to have known might attract a counter claim for defamation, he was almost inviting a contentious, lengthy and expensive trial. The costs of his unsuccessful action and of Hinder's successful counterclaim for defamation, to which Pullano's initiative gave birth, must lay largely at Pullano's feet.

Near the end of Justice McCarthy's decision, he delivered strong words on the issue of how the case played out on social media platforms, particularly Twitter.

Pullano called into question the personal integrity of Hinder and attempted to sully his name in the community, said Justice McCarthy. By dragging corporate actors Stronach and Magna into the mix, through allegations of conspiracy and cover-up, it is obvious that Pullano was bent on pursuing his own murky and obscure private agenda. Social media attacks on individuals have become all too commonplace in recent years. They are evidently an inexpensive method by which motivated individuals are able to launch distant but personal attacks upon others with aplomb and apparent disregard for consequences.

Pullano's method of communicating his grievances towards Hinder, Stronach and Magna was ill-chosen; worse, the content of his messages, which clearly attracted the disdain of the jury were on the whole cynical, petty, callous and abusive. In my view, Pullano's online campaign against the defendants serves as an unfortunate example of how communication via social media often deteriorates into irresponsible comment and uncivilized dialogue between individual citizens on matters of public and private interest.

Mr. Hinder declined to comment on the matter.

Responding to a request for comment from The Auroran, Mr. Pullano's lawyer, William Reid, said options were being considered.

"Mr. Pullano is very disappointed with the decision," said Mr. Reid. "He is reviewing Justice McCarthy's reasons and considering all options carefully. Mr. Pullano has until May 15 to decide on an appeal."