

# Mayor named in lawsuit seeking \$3-million in damages

News Jul 05, 2013 by [Kelly Kenny](#) Bracebridge Examiner

BALA - Swift River Energy is taking action.

The company, which is in the process of constructing a hydroelectric plant at Bala Falls, has filed a restraining order and a claim against the Township of Muskoka Lakes, Mayor Alice Murphy, Coun. Brad Burgess, and the Minister of Natural Resources, as well as four unnamed parties.

Murphy said she plans to fight the allegations in court.

“There’s no merit to it,” said Murphy in a phone call July 5. “But beyond that I don’t really have a comment because it’s subject to legal proceedings.”

The suit stems from an incident on June 20 when Murphy and Burgess attended the work site where a Swift River crew was completing exploratory drilling.

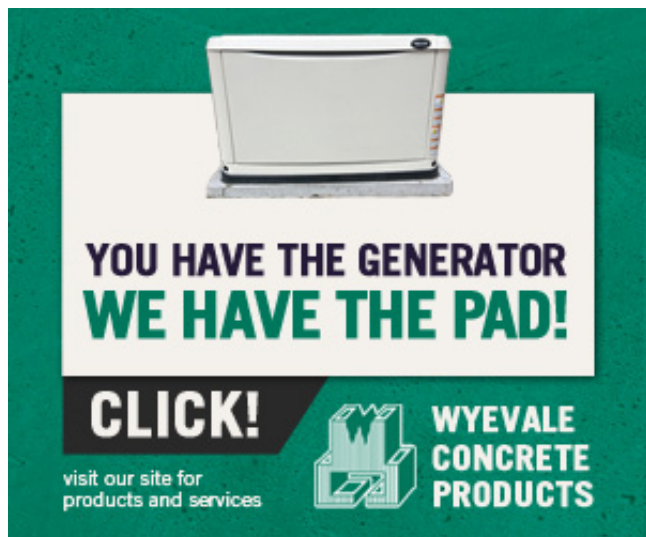
Murphy, claiming the workers didn’t have the proper permits to complete the work, caused the work to be postponed by standing within an unsafe distance of machinery.

District of Muskoka officials said that permits were not needed for the work.

Following the incident, Karen McGhee of Swift River Energy confirmed a call had been made by the company to local police who attended the site, but did not remove the disruptive parties, as noted in the notice of motion filed June 26. McGhee said the work was subsequently called off by the company to be rescheduled for a later date due to safety concerns.

The morning of July 3, McGhee indicated she is “not at liberty to discuss any of the details of any ongoing litigation matters with respect to this project.”

In a statement of claim filed June 25 and notice of motion, Swift River Energy calls for an injunction blocking unauthorized persons from entering the Bala Falls work site, damages, including punitive damages, in the amount of \$3-million, and acknowledgment of defamatory statements made to the media to be disseminated in all media where those statements were made, named as CTV, Moose FM, and Muskoka News Watch, a local blog.



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Also noted in the notice of motion, Murphy, acting in her role as mayor, directed fire chief Richard Hayes to file a complaint with the Ministry of Labour alleging the company's employees were working in an unsafe environment.

Murphy's claims have yet to be proven factual.

Murphy and Burgess are noted in the document as being vocal opponents of the Bala Falls hydro project.

When Murphy won a landslide vote in 2010 she was known for her protest against to the hydro project. In her very first council meeting Murphy declared a conflict of interest when the topic of the hydroelectric project came up.

According to the statement of claim, Murphy and other defendants visiting the work site on June 20 raised their voices at Swift River Energy employees and threatened to damage the equipment.

The statement also indicates "Ms. Murphy, without any protective gear, placed herself and SREL (Swift River Energy Limited) agents in serious danger by stepping in close proximity to heavy equipment that was running, thereby forcing SREL agents to stop that equipment."

The notice of motion claims that despite Murphy's comments to the media stating the company didn't have the proper permits to complete the work, she was told on June 19 by the District there were no

permits required.

A call made to the District following the June 20 work stoppage, confirmed the energy corporation does not need permits for the work, as long as it was on Crown land.

The notice of motion indicates Murphy claimed in the media the work was being completed on a district road allowance and the crew had removed a portion of the guard rail, which the motion states is false and misleading.

