

Collection could be a problem for sabotaged clarinetist

By AdvocateDaily.com Staff



A clarinetist sabotaged by his ex-girlfriend could struggle to collect on the \$350,000 judgment granted to him by an Ontario court, Toronto civil litigator [Sarah O'Connor](#) tells [AdvocateDaily.com](#).

The man won the default [judgment](#) against his former partner after discovering she had sent him a fake rejection letter from a prestigious California music school in order to keep him in Canada with her when he had, in fact, been accepted.

Although the woman was personally served, she did not participate in the proceeding and failed to submit a defence.

"She didn't participate at all, so I think that's going to make it very difficult for him to collect on the damages," says O'Connor, principal of [O'Connor Richardson Professional Corporation](#).

"Both parties also appear to be quite young, so she may not have assets or property that are valuable enough," she says.

Still, O'Connor says the plaintiff has other options, as long as he's not in a rush.

"The judgment is good for seven years, and he can renew it after that, so he will effectively have her entire life to collect on the funds, whether it's by garnishing her wages or bank account, or by putting liens on her property," she explains.

According to the decision, the man was studying at McGill University in Montreal when he decided to apply for a scholarship at the music college, which would cover tuition, room and board, and living expenses.

The clarinet teacher at the school accepts only two students per year, but the man was successful following a live audition in Los Angeles in February 2014.

A few weeks later, he received an email rejecting his application.

But according to the decision, it was not until a further two years had passed that he discovered the email was in fact authored by his then-girlfriend, who had hacked into his account to decline the school's offer and delete his acceptance letter.

She then created her own email address to complete the circle, by impersonating the school to send him a rejection.

The scheme was revealed when he reapplied to work with the same teacher, who was surprised to see him considering an offer he had previously turned down.

The judge awarded the man \$300,000 in general damages to cover the loss of the scholarship, additional educational costs, and foregone income. In addition, he granted the plaintiff \$25,000 in punitive damages, plus a further \$25,000 in aggravated damages to punish the girlfriend's "despicable conduct."

"Punitive and aggravated damages are generally very hard to get. It's not meant as a reward for the plaintiff, but to punish someone for their actions," O'Connor says. "This is a shocking story."

She says the case should serve as a reminder that claims are not extinguished merely by the passage of time. The man, in this case, was able to sue more than two years from the original incident because the limitation period only begins when a person discovers a potential claim, O'Connor explains.

"The other thing for defendants to note is that if you're served with a claim, you shouldn't ignore it," she adds. "People ignore claims all the time, but this shows the danger. She was personally served and knew about the case, but appears to have chosen not to defend."

"She's going to have a hard time bringing a motion to set this default judgment aside," O'Connor says.