

# SAVE JAZZ.FM91

## JAZZ.FM91 MUST PROVIDE EMAIL ADDRESSES TO MEMBER

**TORONTO, December 14, 2018** – The Ontario Superior Court of Justice has directed Toronto jazz station JAZZ.FM91 to provide email addresses of its donor members to a member who wants to communicate with other members about the station's affairs.

An application to obtain the email addresses and phone numbers was made to the court by Brian Hemming, a donor member of JAZZ.FM91 and a founder of Save JAZZ.FM91. Justice Dunphy of the Superior Court of Justice asked counsel for JAZZ.FM91 why the station had responded to Mr. Hemming's request for email addresses with a "stone wall" instead of responding reasonably. His Honour observed the station itself uses email addresses to communicate with its members and indicated he did not understand the difficulty with Mr. Hemming's request. In granting Mr. Hemming's request for costs, His Honour stated that "tossing roadblocks in the way of democracy" was not a very reasonable approach.

Justice Dunphy ruled that the email addresses of members must be provided to Mr. Hemming, noting in his written endorsement that the Board's "narrow view of its obligations to provide addresses [instead of email addresses] was clearly adopted to frustrate [Mr. Hemming] and not as suggested out of concern to maintain privacy."

The Save JAZZ.FM91 group was formed in the wake of troubles at the station, including those arising from the Board of Director's handling of allegations of inappropriate behaviour and mismanagement made in March this year.

Save JAZZ.FM91 believes the Board has demonstrated poor judgement and bad governance and has lacked transparency in dealing with multiple issues facing the station, including declining revenue, loss of listeners and the dismissal of several on-air hosts.

"The Board has lost the confidence of donors and listeners and lacks the credibility to make much-needed changes at the station," Hemming said. "The recent fundraising campaign fell well short of its target and was further evidence that the station is endangered unless significant changes are made."

Save JAZZ.FM91 intends to seek support from donor members to requisition a Special Meeting of Members. The purpose of the meeting would be to vote out the incumbent board and then vote in a new board of directors proposed by Save JAZZ.FM91.

Mr. Hemming was represented on this case by McCarthy Tétrault LLP.

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For further information:

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