



Monday » January  
5 » 2009

## B.C. judge's partner hit with libel penalty of \$250,000

### Lawyer asks court to overturn transfer of assets into the name of the Supreme Court judge

**Matthew Ramsey**

The Province

*Sunday, July 09, 2006*

A man who lives with a B.C. Supreme Court judge is alleged to have transferred assets into her name while facing defamation proceedings in the U.S.

Justice Mary Marvyn Koenigsberg lives in a west-side Vancouver house with Lubomyr Prytulak, a self-described "educational consultant" whose writings were the subject of a Canadian Human Rights Commission investigation into a hate-speech complaint.

In a writ of summons filed in B.C. Supreme Court but not yet formally served on the couple, attorney Gary Kurtz of Los Angeles alleges Prytulak's conveyance of his interest in the \$903,000 home to Koenigsberg in 2004 should be declared void

so Prytulak can pay the U.S. defamation judgment, now more than \$250,000 US.

A court action on the allegation, in which Koenigsberg is named as a co-defendant, is pending.

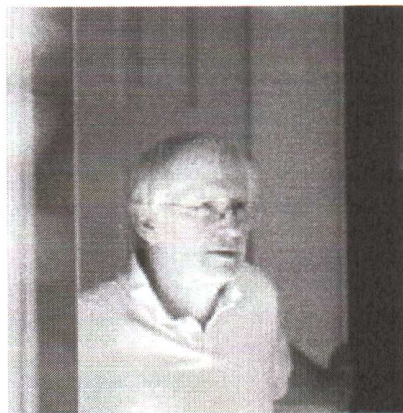
Kurtz has filed a certificate of pending litigation against the property, essentially freezing it until the issue is resolved.

In the meantime, Kurtz is expected to be in a Vancouver courtroom Monday to argue that the Los Angeles Superior Court judgment against Prytulak stands in B.C. because of reciprocal enforcement legislation between the province and the State of California.

Kurtz successfully sued Prytulak in 2004 after Prytulak, the writer behind the ukar.org website, sent a series of defamatory letters to California judges, lawyers and legal organizations.

Reached at his Los Angeles office, Kurtz told The Province Koenigsberg's relationship with Prytulak and her position with the court could be of concern to British Columbians.

Kurtz said he anticipated that the people of B.C. could be distressed to see the connection between a B.C. Supreme Court justice and a person who has created, maintained and updated a website that resulted in a hate-speech complaint.



CREDIT: Les Bazso, The Province

Lubomyr Prytulak answers a Province reporter's knock on the door of the home he shares with B.C. Supreme Court Judge Mary Marvyn Koenigsberg yesterday. He declined comment on proceedings against him set to unfold in a Vancouver court this week.

Steve Rambam, a U.S.-based investigator who has unearthed Nazi war criminals, has also squared off against Prytulak in a separate defamation case. Represented by Kurtz, Rambam won the case but the ruling was thrown out on appeal due to jurisdictional concerns. Prytulak began sending his letters defaming Kurtz during the Rambam case.

Rambam says he is "extremely concerned" about what may happen in the court tomorrow, though he has faith in the Canadian judicial system.

Prytulak's website (which is no longer online) was investigated by the Canadian Human Rights Commission in 2003 on the basis of a Canadian Jewish Congress complaint. Prytulak launched the site in 1994 in response to a CBS 60 Minutes report that outlined anti-Semitism in the Ukraine, his birthplace. A CJC investigation in 2005 requested that Prytulak respond to concerns that the site engaged in Holocaust denial, promoted anti-Semitism and was likely to expose Jews to hate. The CJC and Prytulak settled before the file made it to the tribunal stage. CJC Pacific Region chair Mark Weintraub declined to comment this week on the latest allegations.

In April of this year on an online discussion forum called the "Committee for Open Debate on the Holocaust," a segment of an e-mail Prytulak wrote to Paul Fromm was posted explaining the removal of ukar.org from the Internet. Fromm is a far-right politician and former schoolteacher who founded the Canadian Association for Free Expression, an organization active in the defence of Holocaust deniers.

In the e-mail, Prytulak insisted the website removal was the result of a "non-aggression pact" reached between himself and the Jewish Congress.

"I decided that 10 years on the front lines, without pay, had brought me to the limit of my contribution to writing on Ukrainian issues," he wrote. "As the objected-to materials constitute only a small proportion of UKAR . . . I am free to leave most of it up, but decided to remove the entire site so as to leave me unencumbered and undistracted to pursue other interests, mainly education and scientific method."

Prytulak answered the door of his home yesterday, but declined to comment.

"I won't be answering any questions," he said.

Rambam said he would like to purchase Prytulak's website and use it to post information about Ukrainian war criminals.

Prytulak's brief biography states he received a BA in experimental psychology from the University of Toronto in 1966, a PhD from Stanford in 1969 and worked as an assistant and associate professor in the department of psychology at the University of Western Ontario from 1969 until his retirement in 1980.

Koenigsberg was called to the bar in Ontario in 1976 and in B.C. in 1981. She represented the attorney-general of Canada in the high-profile native-rights Delgamuukw case in 1991 before she was appointed to the B.C. Supreme Court in 1992. In recent years, Koenigsberg dismissed a defamation lawsuit brought against broadcaster Rafe Mair but her ruling was overturned by the B.C. Court of Appeal. Koenigsberg came under fire in 2001 over her decision to release an alleged terrorist on bail.

Speaking in 2005 about Koenigsberg's ruling that the legal-services tax was unconstitutional as it pertained to low-income people, Attorney-General Wally Oppal, a B.C. Court of Appeal justice at the time, said he had the "highest respect" for the judge, referring to her as a "stellar jurist, well-experienced in the law."

Oppal declined comment yesterday, saying it would be inappropriate as the case is now before the courts.

mramsey@png.canwest.com

© The Vancouver Province 2006

CLOSE WINDOW

Copyright © 2009 CanWest Interactive, a division of CanWest MediaWorks Publications, Inc.. All rights reserved.  
CanWest Interactive, a division of CanWest MediaWorks Publications, Inc.. All rights reserved.