

Response from Resolute Forest Products

3 May 2021

From: Seth Kursman, Resolute Forest Products

Business & Human Rights Resource Centre invited Resolute Forest Products to respond to the inclusion of a lawsuit the company previously filed in an analysis of cases that bear the hallmarks of strategic lawsuits against public participation.

- “SLAPPed but not silenced: Defending human rights in the face of legal risks,” Business & Human Rights Resource Centre, June 2021

Resolute Forest sent the following statement:

“Resolute has two ongoing cases against Greenpeace. One case is in the U.S., the other in Canada. Both seek to hold Greenpeace and their cohorts accountable for their misinformation and the damage they have caused to the company and the communities where our employees work and live. In fact, Greenpeace themselves have publicly taken credit for inflicting no less than C\$100M in damages on Resolute’s business for which Resolute is seeking redress.

It has long been held that SLAPP cases do not encompass those based on intentional falsehoods, such as those asserted by Greenpeace at issue in the U.S. and Canadian litigations. Indeed, in its defense to the U.S. action, Greenpeace has conceded that their claims about Resolute’s harvesting and its putative impact on the environment do not “hew to strict literalism or scientific precision,” but rather constitute “rhetorical hyperbole.”

Accordingly, Judge Tigar of the United States District Court for the Northern District of California denied in part defendants’ motions to strike Resolute’s complaint pursuant to the SLAPP statute and has recognized the merit of some of our claims against Greenpeace and their allies. Although the judge did not allow all of Resolute’s claims to proceed, the proceedings are moving forward on our defamation and unfair competition claims against Greenpeace. Greenpeace entities, including Greenpeace International, and Greenpeace Inc., as well as individuals remain named parties in the case. Likewise, in the Canadian action, the Appeals Court rejected any assertion that the case was an improper SLAPP suit. Both cases are currently in discovery.

In conjunction with our legal action, we maintain our efforts to publicly hold Greenpeace and their allies accountable for the economic harm they have caused not only to our company, but to the thousands of people who live and work in the boreal forest. As the case proceeds, we will also continue to inform the public about legal developments while confronting misleading claims.

The long-running dispute with certain activists has been about standing up for our communities to defend our sustainable practices against misrepresentation. After all, our livelihood depends on long-term preservation of healthy and productive forests, so we hold very dear to the principles of long-term sustainability of our environment. All too often those who would criticize our practices live in big cities thousands of miles away with little to no knowledge of real life on the ground.

Resolute continues to take a firm stand against activist misinformation, working collaboratively with union officials, mayors and other community leaders, First Nations and other business partners, customers and government officials. We will continue to

inform the public, confront misleading claims, and insist on honesty, transparency and accountability.”