

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL DISTRICT OF EDMONTON

This is the 2<sup>nd</sup> page of the  
Donald Broder  
Sworn before me this 21<sup>st</sup>  
of Sept AD 2010  
Lisa Marie Paul  
Commissioner for Oaths in and for the Province of Alberta

BETWEEN:

EARL BRODER, GEORGE BRODER, RICHARD BRODER  
MARGARET MACPHEE, DORIS BILBOE and LUELLA ADAM

THIS IS  
EXHIBIT

1  
Referred to in  
The Affidavit of

Craig Broder  
Sworn before me

LISA MARIE PAUL  
Commissioner for Oaths  
In and for the Province  
of Alberta expires June 15, 2010

- and -

DON BRODER AND CRAIG BRODER

Defendants.

16  
April  
John K. Sinclair  
Commissioner for Oaths in &  
for the Province of Alberta  
Appointment Expires  
January 12, 2010

STATEMENT OF DEFENCE

The Defendants admit paragraphs 1 and 2 of the Statement of Claim and agree with the proposal for trial contained in paragraph 7 of the Statement of Claim, however the Defendants deny each and every other allegation contained in the Statement of Claim as if *traversed seriatum* and puts the Plaintiffs to the strict proof thereof.

2. The Defendant Don Broder admits that he has had possession of the world record mule deer trophy (hereinafter "the Trophy") since 1968. The Trophy was given to the Defendant Don Broder by his father Mr. Ed Broder prior to his death in 1968 and the Defendant Don Broder has since that time possessed and held the Trophy as his own. At no time did the Defendant Don Broder ever agree that the Trophy would be held by him as a custodian for the benefit and on behalf of the Plaintiffs. At all material times the Defendant Don Broder maintained the Trophy was and continued to be his sole property and possession.

3. The Defendants deny paragraph 4 of the Statement of Claim. The Defendant Don Broder has always maintained that he was the sole owner of the Trophy and the

Plaintiffs have had knowledge of this since 1968. The Defendants deny that the Plaintiffs have any interest in the Trophy as claimed or at all and put them to the strict proof thereof.

4. The Defendants further deny that the Defendant Craig Broder has asserted any rights of ownership of the Trophy and put the Plaintiffs to the strict proof thereof.

5. The Defendants further deny that the Defendants have received any funds from the display of the Trophy as alleged or at all.

6. In the alternative, the Plaintiffs and the Defendant Don Broder, subsequent to the passing of Mr. Ed Broder in 1968 agreed to distribute his personal effects and property among them in the settlement of his estate. It was agreed that the Defendant Don Broder would receive full right, title and interest in the Trophy without any further claim to such property by the Plaintiffs. The Plaintiffs, in turn, agreed to accept and divide among them a Model T automobile, saddle and various other personal possessions of Mr. Ed Broder, deceased. The Plaintiffs are estopped from making any further claim to the Trophy.

7. The Defendants plead the provisions of the Limitations of Actions Act being Chapter L-15, R.S.A. 1980, and amendments thereto. Any claim to the Trophy by the Plaintiffs is statute barred.

8. The Defendants claim that the claim against them by the Plaintiffs is frivolous, vexatious and otherwise an abuse of process and claim costs on a solicitor and his own client, full indemnity basis.

WHEREFORE THE DEFENDANTS PRAY that the claim against them be dismissed with costs on his own client, full indemnity basis.

DATED at the City of Edmonton, in the Province of Alberta, this \_\_\_ day of July, 1997 AND FILED by Bryan & Company, Barristers & Solicitors, 2600 Manulife Place,

10180 - 101 Street, Edmonton, Alberta, T5J 3Y2, Solicitors for the Defendants, whose address for service is in care of the said solicitors.

NOTICE

NO. 9703 12949

1997

TO: The Plaintiffs

THIS STATEMENT OF DEFENCE is filed by

BRYAN & COMPANY  
Barristers & Solicitors  
2600 Manulife Place  
10180 - 101 Street  
Edmonton, Alberta  
T5J 3Y2

Solicitors for the Defendants  
Don Broder and Craig Broder

whose residence is:

Edmonton, Alberta

and whose address for service is in care of the said solicitors at which address service of subsequent proceedings in this action may be served as effectively as if served personally upon the said Defendants

BRYAN & COMPANY  
Solicitors for the Defendants



IN THE COURT OF QUEEN'S BENCH  
OF ALBERTA  
JUDICIAL DISTRICT OF EDMONTON

BETWEEN:

EARL BRODER, GEORGE BRODER, RICHARD  
BRODER, MARGARET MACPHEE, DORIS  
BILBOE and LUELLE ADAM

PLAINTIFFS

- AND -

DON BRODER and CRAIG BRODER

DEFENDANTS

STATEMENT OF DEFENCE  
OF THE DEFENDANTS

BRYAN & COMPANY  
BARRISTERS & SOLICITORS  
2600 MANULIFE PLACE  
10180 - 101 STREET  
EDMONTON, ALBERTA  
T5J 3Y2

LAWYER: JOSEPH J. KUEBER  
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