

No-show defendants 'acting like cowards,' says Vancouver businessman accused of having links to al-Qaida, mafia

Vancouver entrepreneur Altaf Nazerali arrived at B.C. Supreme Court in Vancouver Monday fully prepared to take on his accusers who claimed he was linked to al-Qaida, the mafia, Colombian drug cartels and arms dealers.

His scheduled day of reckoning arrived almost four years after the sensational characterizations appeared on [DeepCapture.com](#), a U.S. blog that purports to expose financial fraud, corruption and conspiracies around the world.

But the people behind the articles, including Patrick Byrne, the controversial CEO of U.S.-based international online retailer Overstock.com, and primary author Mark Mitchell, did not take the stand.

A third defendant, Judson Bagley, an Overstock employee who was arrested in a 2013 prescription fraud case and pleaded guilty to a lesser charge, was also a no show.

Instead, their lawyer Roger McConchie told B.C. Supreme Court Justice Kenneth Affleck that no witnesses nor evidence would be called to defend the suit brought by Nazerali, effectively shutting down the trial until final submissions are heard.

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The dramatic twist, which took all of two minutes, was contrary to the online bravado displayed by the defendants in defence of their claims about Nazerali.

“They said they will go a few rounds in court to prove their point ... but they are acting like cowards now and won’t take the stand,” said Nazerali outside court.

Nazerali said he filed the [lawsuit against Overstock](#), Byrne, Mitchell and Bagley to protect his reputation against stories containing “terrible and utterly false” allegations about him.

Last Wednesday, after Nazerali’s lawyer Daniel Burnett finished presenting evidence, Stephen Schachter, a lawyer for Overstock, introduced a motion to dismiss the case against his client, arguing the plaintiff had not presented evidence to support a claim against the company.

Justice Affleck dismissed the motion, meaning [Overstock.com](#), Inc. would remain as a co-defendant.

According to statements filed with [U.S. regulators](#), Overstock had revenues of about US\$1.5 billion last year.

Byrne, the CEO of Overstock and founder of Deep Capture, has been an outspoken and sometimes controversial figure. The Overstock website says Byrne “is often in the news regarding his efforts to curtail injustice.”

A 2006 [New York Times column](#) described Byrne as a “menace,” saying “he bullies and taunts and goads the small handful of reporters who dare to write about Overstock, making it clear that there will be a price to be paid for tackling the company or its chief executive.”

The defamation trial is now adjourned until September for final submissions, after which time, the judge will render a decision.