Court File No.: T-962-22

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

Applicant

and

JOHN C. TURMEL

Respondent

BOOK OF AUTHORITIES OF THE APPLICANT, THE ATTORNEY GENERAL OF CANADA

August 11, 2022

ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West, Suite 400
Toronto, Ontario M5H 1T1

Per: Jon Bricker
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Counsel for the Applicant

TO: John C. Turmel
50 Brant Avenue
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N3T 3G7

Respondent

AND TO: The Administrator
Federal Court of Canada
180 Queen Street West, Suite 200
Toronto, Ontario
M5V 3L6

I N D E X

TAB	AUTHORITY
1.	*Fudge v Canada* and several other proceedings (Judgment of Horne, Proth., dated July 4, 2022)
2.	*Fudge v Canada* and several other proceedings (Order of Horne, Proth., dated July 27, 2022)
3.	*Hughes v Canada* (Order of Barnes J., dated October 6, 2021)
4.	*Lawyers' Professional Indemnity Company v Coote*, CFN T-312 (Order of Hughes J., dated June 13, 2013)

TAB 1

Federal Court | Cour fédérale

Date: 20220704

Dockets: T-693-22
T-694-22
T-695-22
T-705-22
T-710-22
T-827-22
T-828-22
T-929-22

Toronto, Ontario, July 4, 2022

PRESENT: Case Management Judge Trent Horne

Docket: T-693-22

BETWEEN:

JOSHUA FUDGE

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-694-22

AND BETWEEN:

ALIM MANJI

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-695-22

AND BETWEEN:

RENE BEAULIEU

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-705-22

AND BETWEEN:

ANGELA COLELLA KROEPLIN

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-710-22

AND BETWEEN:

ROSA TAMM

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-827-22

AND BETWEEN:

ROGER W GERVAIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-828-22

AND BETWEEN:

SHELLEY R GERVAIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-929-22

AND BETWEEN:

KATHERINE WRIGHT

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

JUDGMENT

UPON a direction issued June 1, 2022;

AND UPON considering:

[1] By order dated May 18, 2022, the actions in Court file nos. T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22 were stayed pending the final determination of the proceedings in T-277-22 and any appeals therefrom.

[2] By judgment and reasons dated May 18, 2022, the statement of claim in Court File no. T-277-22 was struck in its entirety, without leave to amend. The decision was not appealed, and is final.

[3] On June 1, 2022, I issued the following direction to the parties in T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22:

> An order was issued in these proceedings on May 18, 2022 (the "Order"). Among other things, the Order stayed these proceedings pending the final determination in T-277-22 (the claim filed by John Turmel) and any appeals therefrom.
>
> The proceedings in T-277-22 were struck, without leave to amend, by my judgment and reasons dated May 18, 2022. No appeal has been taken from this decision. The deadline to appeal was May 30, 2022 (Rule 51). The judgment in T-277-22 is therefore final.
>
> The Order stated that, in the event that any party in T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22 takes the position that their action is differently situated than T-277-22 such that the final determination in T-277-22 (and any appeals therefrom) should not apply to their action, that party shall, within 30 days of the final determination in T-277-22 and any appeals therefrom, requisition a case

> management conference to establish a schedule for a motion to determine whether their action should move forward.
>
> Any party that wishes to requisition a case management conference to establish a schedule for a motion to determine whether their action should continue must do so by June 29, 2022. If no request for a case management conference is made by that date, the action will be dismissed on the same grounds as the proceeding in T-277-22, and the parties will be invited to make submissions as to costs.

[4] The deadline to requisition a case management conference has passed. None of the plaintiffs in T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22 have indicated an intention to proceed with their claims. No notices of discontinuance have been filed.

[5] I have reviewed the statements of claim in Court file nos. T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22. Each of them is essentially the same as the one filed by John Turmel in Court file no. T-277-22. For the reasons as set out in my judgment and reasons dated May 18, 2022 in T-277-22, each of the statements of claim in Court file nos. T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22 will be struck, without leave to amend.

THIS COURT'S JUDGMENT is that:

1. The statements of claim in each of Court file nos. T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, and T-929-22 are struck, without leave to amend.

2. The defendant shall serve and file submissions as to costs within 10 days of the date of this order, not to exceed 5 pages. Any responding submissions from the plaintiffs as to costs shall be served and filed within 20 days of the date of this order, not to exceed 5 pages.

"Trent Horne"
Case Management Judge

TAB 2

Federal Court Cour fédérale

Date: 20220727

Dockets: T-693-22
T-694-22
T-695-22
T-705-22
T-710-22
T-827-22
T-828-22
T-929-22

Toronto, Ontario, July 27, 2022

PRESENT: Case Management Judge Trent Horne

Docket: T-693-22

BETWEEN:

JOSHUA FUDGE

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-694-22

AND BETWEEN:

ALIM MANJI

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-695-22

AND BETWEEN:

RENE BEAULIEU

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-705-22

AND BETWEEN:

ANGELA COLELLA KROEPLIN

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-710-22

AND BETWEEN:

ROSA TAMM

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-827-22

AND BETWEEN:

ROGER W GERVAIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-828-22

AND BETWEEN:

SHELLEY R GERVAIS

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

Docket: T-929-22

AND BETWEEN:

KATHERINE WRIGHT

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

ORDER

I. Overview

[1] These actions were dismissed by my judgment dated July 2, 2022 ("Judgment").

[2] The Judgment did not fix costs. The defendant was directed to serve and file submissions as to costs within 10 days of the date of the Judgment. Any responding submissions from the plaintiffs as to costs were directed to be served and filed within 20 days of the date of the Judgment.

[3] The defendant's costs submissions were received on July 14, 2022.

[4] Alim Manji (T-694-22) filed costs submissions dated July 13, 2022; nothing was filed in response to the defendant's submissions.

[5] The other plaintiffs did not file any costs submissions.

[6] For the reasons that follow, the defendant will be awarded costs of each proceeding in the amount of $500.00, payable forthwith.

II. Background

[7] The genesis of these proceedings are statements of claim filed by John Turmel.

[8] Mr Turmel commenced a first action related to the federal Government's COVID-19 mitigation measures, which was assigned Court file no T-130-21. A number of substantially

identical claims were filed by other plaintiffs, which were stayed by order of prothonotary Aylen (as she then was) dated April 8, 2021.

[9] The statement of claim in T-130-21 was struck, with costs, by order of prothontoary Aylen dated July 12, 2021. That order was upheld on appeal by justice Zinn (*Turmel v. Canada*, 2021 FC 1095). Mr Turmel further appealed justice Zinn's decision; that appeal is pending.

[10] While the appeal of justice Zinn's decision was underway, Mr Turmel commenced a second action, which was assigned Court file no T-277-22. The material difference between Mr Turmel's first claim and second claim is that the latter specifically challenges a January 15, 2022 decision of the Minister of Transport to make an interim order in the form of an *Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No. 52* ("Interim Order No. 52"). The second claim sought a declaration that certain sections of this decision violate the plaintiff's section 6 *Charter* rights, and that these violations are not demonstrably justified under section 1 of the *Charter*.

[11] As with the first action in T-130-21, Mr Turmel made a copy of his statement of claim in T-277-22 available on the internet so that others could substitute their name as the plaintiff, and then commence an identical action seeking the same relief. Such actions have been referred to as "kit claims".

[12] The statements of claim in each of these actions are almost identical, and are based on the materials made available on the internet by Mr Turmel.

[13] By order dated May 18, 2022, I stayed these proceedings. The order noted that none of the plaintiffs took issue with the Court's observation that their claims are essentially the same as

the statement of claim in T-277-22, and that none of the plaintiffs have submitted that they are differently situated than Mr Turmel. I also concluded that staying the "kit claims" would be consistent with the manner in which the Court managed the multiple proceedings that were based on or copied from the statement of claim in T-130-21.

[14] Mr Turmel's action in T-277-22 was dismissed by my judgment dated May 18, 2022. This judgment was not appealed, and is final.

[15] Despite having the opportunity to do so, none of the plaintiffs made submissions that their proceeding was differently situated than T-277-22. These actions were dismissed by the Judgment. The only remaining matter to be determined is costs.

III. Analysis

[16] The Court has full discretionary power over the amount and allocation of costs (*Federal Courts Rules*, SOR/98-106, subrule 400(1)).

[17] With the exception of Alim Manji, none of the plaintiffs filed submissions on costs. There is no material before me to indicate what, if any, consideration any of the plaintiffs gave to the merits of their claim before filing it, considered whether the claim advanced a credible cause of action, or complied with the rules of pleading.

[18] I have difficulty understanding how completing a "kit claim", replacing only the name of the plaintiff and otherwise adopting the pleading of someone else, advances a legitimate legal interest, particularly when the relief sought in T-277-22 challenged the constitutionality of Interim Order No. 52 generally, not just as it applied to Mr Turmel. Absent any separate or

unique claim to advance, the plaintiffs knew, or ought to have known, that their duplicative actions would be stayed (just like the proceedings were stayed in T-130-21), and have the same outcome as the proceedings in T-277-22. None of the plaintiffs have demonstrated a distinct or practical result that could flow from filing or prosecuting their own action, separate and apart from what could have been ordered in Mr Turmel's action.

[19] In the absence of any submissions from the plaintiffs, I can only conclude that these actions were improper, vexatious and unnecessary. There is no indication that any of the plaintiffs had an intention or interest to independently prosecute the actions they commenced. In the absence of evidence or submissions from the plaintiffs, it appears that the plaintiffs' objectives in filing these claims was to clog the registry with redundant actions, and vex the defendant with needless filings. Even if I am incorrect in this respect, I have no difficulty concluding that these actions were filed for a collateral purpose, and not to advance a reasonable cause of action.

[20] Litigation is a serious business which consumes public resources. The plaintiffs' conduct has abused these resources.

[21] The submissions by Alim Manji refer to other matters where numerous plaintiffs filed "kit claims", and no costs were awarded when they were ultimately dismissed. Mr Manji submits that the Crown did not have to file documentation to deal with these stayed actions, and has been awarded costs from the lead plaintiff (Mr Turmel). Mr Manji expresses a hope that no costs will be awarded.

[22] I do not view the costs awards in earlier proceedings involving multiple “kit claim” plaintiffs as binding on me. There is no default position that copycat claims are immune from adverse cost consequences. Each case is considered on its own facts. If costs were never awarded in “kit claim” actions, it would only serve to encourage behaviour that should be discouraged.

[23] While the defendant has not filed a defence in these actions, it cannot be disputed that the defendant has devoted resources to deal with these proceedings. These proceedings added nothing to the substance of the issues, rather only served to create work for the defendant and the Court.

[24] The defendant requests $250.00 in costs for each action. In part, the defendant submits that an award of costs in these circumstances would serve as a deterrent to the continued filing and promotion of these claims.

[25] Deterrence is a factor that can be considered in the assessment of costs (*Hutton v. Sayat*, 2020 FC 1183 at paras 64 and 66).

[26] The Court is not restricted to Tariff B in an assessment of costs, and may award a lump sum (subrule 400(4)).

[27] I agree with the defendant’s submissions, but do not agree that the amount requested would be sufficient to recognize the improper, vexatious and unnecessary nature of these actions (subrule 400(3)(k)(i)), the need for deterrence, and the absence of a demonstrated good faith basis to file each of these statements of claim. A lump sum award of costs of $500.00 in each action is appropriate in the circumstances.

THIS COURT ORDERS that:

1. The plaintiffs in Court file nos T-693-22, T-694-22, T-695-22, T-705-22, T-710-22, T-827-22, T-828-22, T-929-22 shall each pay costs to the defendant, fixed at $500.00, payable forthwith.

"Trent Horne"
Case Management Judge

TAB 3

Federal Court Cour fédérale

Date: 20211006

Docket: T-1315-18

Ottawa, Ontario, October 6, 2021

PRESENT: The Honourable Mr. Justice Barnes

BETWEEN:

CHRIS HUGHES

Applicant

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

TRANSPORT CANADA

Respondent

ORDER

UPON hearing this motion by videoconference from Vancouver, British Columbia on Thursday, September 9, 2021;

AND HAVING read the materials filed and hearing counsel for the Respondent, Transport Canada, and hearing Christopher Hughes on his own behalf;

AND UPON allowing the motion for the following reasons given orally at the conclusion of the hearing;

[1] This is a motion brought by the Attorney General of Canada [the Minister] on behalf of Transport Canada seeking an Order under s 40 of the *Federal Courts Act*, RSC 1985, c F-7. The Minister asks for a declaration that the Applicant, Christopher James Hughes, is a vexatious litigant and an Order barring him from taking further steps in this proceeding or from initiating any other proceedings in this Court involving the same subject matter, that is to say, involving his ongoing concerns related to the enforcement of the Canadian Human Rights Tribunal [Tribunal] decision and award involving Mr. Hughes and Transport Canada.

[2] I will begin by recognizing that Mr. Hughes has had some limited success in this Court but, for the most part, the many matters that he has initiated here over the past few years have almost all failed on the merits or have been abandoned late in the day. But that track record has not been a deterrent.

[3] There are two threshold issues that I will discuss briefly. Mr. Hughes argues that relief under s 40 cannot be obtained on a motion but only on an application. That is not correct according to the holding in *Bernard v Canada (Attorney General)*, 2019 FCA 144, [2019] FCJ No 555. He also contends that the s 40 Order should not issue in the face of the Crown's non-compliance with the Tribunal decision. The problem with that argument is that there is no evidentiary basis for me to find that the Crown is in default in its obligations to him. He says it

is, and the Crown disagrees. I am in no position to resolve that disagreement on the record before me. It is for the Tribunal to decide how these issues ought to be resolved.

[4] The legal principles applying to a s 40 proceeding were discussed at length by Justice David Stratas in *Canada v Olumide*, 2017 FCA 42, [2018] 2 FCR 328. I am going to quote at length from that decision because it informs the Court of the purposes of the provision and the length of its remedial reach. I begin at paragraph 17 and will read through to paragraph 24:

> [17] Section 40 reflects the fact that the Federal Courts are community property that exists to serve everyone, not a private resource that can [sic] commandeered in damaging ways to advance the interests of one.
>
> [18] As community property, courts allow unrestricted access by default: anyone with standing can start a proceeding. But those who misuse unrestricted access in a damaging way must be restrained. In this way, courts are no different from other community properties like public parks, libraries, community halls and museums.
>
> [19] The Federal Courts have finite resources that cannot be squandered. Every moment devoted to a vexatious litigant is a moment unavailable to a deserving litigant. The unrestricted access to courts by those whose access should be restricted affects the access of others who need and deserve it. Inaction on the former damages the latter.
>
> [20] This isn't just a zero-sum game where a single vexatious litigant injures a single innocent litigant. A single vexatious litigant gobbles up scarce judicial and registry resources, injuring tens or more innocent litigants. The injury shows itself in many ways: to name a few, a reduced ability on the part of the registry to assist well-intentioned but needy self-represented litigants, a reduced ability of the court to manage proceedings needing management, and delays for all litigants in getting hearings, directions, orders, judgments and reasons.
>
> [21] On occasion, innocent parties, some of whom have few resources, find themselves on the receiving end of unmeritorious proceedings brought by a vexatious litigant. They may be hurt most of all. True, the proceedings most likely will be struck on a

> motion, but probably only after the vexatious litigant brings multiple motions within the motion and even other motions too. In the meantime, the innocent party might be dragged before other courts in new proceedings, with even more motions, and motions within motions, and maybe even more.
>
> [22] Section 40 is aimed at litigants who bring one or more proceedings that, whether intended or not, further improper purposes, such as inflicting damage or wreaking retribution upon the parties or the Court. Section 40 is also aimed at ungovernable litigants: those who flout procedural rules, ignore orders and directions of the Court, and relitigate previously-decided proceedings and motions.
>
> [23] Section 40 exists alongside other express, implied or necessarily incidental powers the Federal Courts have to regulate litigants and their proceedings. These are found in the *Federal Courts Act* and the *Federal Courts Rules*, SOR/86-106. Other powers emanate from the Federal Courts' plenary jurisdiction to regulate their proceedings: *Canada (Human Rights Commission) v. Canadian Liberty Net*, [1998] 1 S.C.R. 626; 157 D.L.R. (4th) 385. All of these powers are specific to particular proceedings before the Courts.
>
> [24] This sheds light on the role of section 40. Where a litigant's misbehaviour is specific to a particular proceeding and isolated in its harm and unlikely to be repeated, the usual powers to regulate litigants and their proceedings will suffice. But where a litigant's misbehaviour is likely to recur in multiple proceedings or actually recurs in later proceedings and where the purposes of section 40 are implicated by the nature or quality of the litigant's conduct, section 40 remedies become live.

[5] Justice Stratas then went on to discuss the kinds of things that may amount to vexatiousness within the meaning of s 40 beginning at paragraph 32 running through to paragraph 34:

> [32] In defining "vexatious," it is best not to be precise. Vexatiousness comes in all shapes and sizes. Sometimes it is the number of meritless proceedings and motions or the reassertion of proceedings and motions that have already been determined. Sometimes it is the litigant's purpose, often revealed by the parties sued, the nature of the allegations against them and the language used. Sometimes it is the manner in which proceedings and

> motions are prosecuted, such as multiple, needless filings, prolix, incomprehensible or intemperate affidavits and submissions, and the harassment or victimization of opposing parties.
>
> [33] Many vexatious litigants pursue unacceptable purposes and litigate to cause harm. But some are different: some have good intentions and mean no harm. Nevertheless, they too can be declared vexatious if they litigate in a way that implicates section 40's purposes: see, *e.g.*, *Olympia Interiors* (F.C. and F.C.A.), above.
>
> [34] Some cases identify certain "hallmarks" of vexatious litigants or certain badges of vexatiousness: see, for example, *Olumide v. Canada*, 2016 FC 1106 at paras. 9-10, where the Federal Court granted relief under section 40 against the respondent; and see paragraph 32 above. As long as the purposes of section 40 are kept front of mind and the hallmarks or badges are taken only as non-binding *indicia* of vexatiousness, they can be quite useful.

[6] Finally, Justice Stratas discussed the remedial scope of an order issued under Section 40 in paragraphs 27 through 29:

> [27] But in characterizing section 40, care must be taken not to exaggerate it. A declaration that a litigant is vexatious does not bar the litigant's access to the courts. Rather, it only regulates the litigant's access to the courts: the litigant need only get leave before starting or continuing a proceeding.
>
> [28] In 2000, our Court put this well:
>
> > An order under subsection 40(1) does not put an end to a legal claim or the right to pursue a legal claim. Subsection 40(1) applies only to litigants who have used unrestricted access to the courts in a manner that is vexatious (as that term is understood in law), and the only legal effect of any order under subsection 40(1) is to ensure that the claims of such litigants are pursued in an orderly fashion, under a greater degree of Court supervision than applies to other litigants.
>
> (*Canada (Attorney General) v. Mishra*, [2000] F.C.A. no 1734, 101 A.C.W.S. (3d) 72.)

> [29] Seen in this way, section 40 is not so drastic. A litigant can still access the courts by bringing a proceeding but only if the Court grants leave. Faced with a request for leave, the Court must act judicially and promptly, considering the legal standards, the evidence filed in support of the granting of leave, and the purposes of section 40. The Court could well grant leave to a vexatious litigant who has a *bona fide* reason to assert a claim that is not frivolous and vexatious within the meaning of the case law on pleadings.

[7] I am not going to recite at length the entire history of Mr. Hughes' dealings with the Court and with the Respondent Crown. The record before me is voluminous and it has been well documented in previous decisions of this Court and in the Court file itself. The Minister has also clearly laid out that history in its Memorandum filed before me. I am satisfied that Mr. Hughes' conduct before this Court has now reached the point of vexatiousness and that he cannot be appropriately controlled through less onerous measures. Case management has clearly not worked to restrain his impulsive behaviour, nor have the admonishments directed to him by several members of this Court. A recent example of that was the decision on July 9th of this year where Justice Brown was critical of Mr. Hughes' allegations against the Case Management Judge where he described the allegations as serious and unsubstantiated. Notwithstanding those efforts to control Mr. Hughes, he has continued to bring forward many frivolous and duplicative matters that have routinely been dismissed. Sometimes he withdraws or abandons matters but not before putting the Respondent Crown to considerable effort and expense. In short, his conduct before the Court has been shown to be mostly meritless, multitudinous, needless, repetitive, poorly presented, intemperate and non-compliant with the Court's Rules.

[8] The Respondent justifiably complains about Mr. Hughes' frequent scandalous and threatening communications with government agencies and officials, including legal counsel.

That has continued until today where he mentioned the complaint that he is contemplating to the Royal Canadian Mounted Police, about supposed criminal conduct on the part of the Respondent or its officials.

[9] The Court obviously has little to no control over Mr. Hughes' extra-judicial conduct, but this evidence does inform his motives and his conduct before this Court. The same is true for Mr. Hughes' conduct before the Federal Court of Appeal. It is for that Court to manage Mr. Hughes as it sees fit but that procedural history can be considered in the context of matters before this Court and the burden that Mr. Hughes presents going forward. I say, by way of example, Justice Stratas was recently critical of Mr. Hughes' conduct in that Court and yet the behaviour persists. I have no doubt that if Mr. Hughes is not restrained, he will only continue to waste the scarce resources of the Court and of the Department of Justice, which, as it must be remembered, is funded by the taxpayers of Canada.

[10] The s 40 Order will issue and the Court declares Mr. Hughes to be a vexatious litigant.

[11] I am going to issue an Order in the form requested by the Minister. I will read that into the record now so that there is no misunderstanding about what limitations are being imposed on Mr. Hughes.

THIS COURT ORDERS that:

1. The Applicant, Chris Hughes, is declared to be a vexatious litigant.

2. No further proceedings of any kind in Court File T-1315-18 or otherwise pertaining to or in any way connected to the subject matter in proceedings against Transport Canada may be instituted by Mr. Hughes acting for himself or having his interests represented by someone else before the Federal Court without having previously obtained the authorization of this Court.

3. No further proceedings of any kind in Court File T-1315-18 or otherwise pertaining to or in any way connected to the subject matter in proceedings against Transport Canada may be accepted by the Registry of the Federal Court for filing by Mr. Hughes acting for himself or having his interests represented by someone else without having previously obtained the authorization of this Court.

4. All proceedings already instituted or filed by Mr. Hughes in Court File T-1315-18 shall be stayed and presented before the Court for authorization as if they were new proceedings.

5. Mr. Hughes is not to have any further communication with the Court except in accordance with this Order, and in that event, only by way of a written submission directed to the Case Management prothonotary or judge and as the case may be. Any such communication must be copied to the Minister’s counsel.

6. Costs of this motion in the amount of $1,000 inclusive of tax and disbursements shall be paid by the Applicant to the Attorney General of Canada payable forthwith.

"R.L. Barnes"
Judge

TAB 4

Federal Court  Cour fédérale

Date: 20130613

Docket: T-312-13

Toronto, Ontario, June 13, 2013

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

LAWYERS' PROFESSIONAL INDEMNITY COMPANY

Applicant

and

ANTHONY COOTE

Respondent

ORDER

UPON Motion, dated the 4th day of February, 2013, on behalf of the Applicant, for:

(a) A declaration that the Plaintiff has persistently and without reasonable grounds instituted vexatious proceedings and conducted proceedings in the Federal Court in a vexatious manner within the meaning of section 40 of the *Federal Courts Act.*

(b) An order pursuant to s. 40 of the *Federal Courts Act* prohibiting the Plaintiff from directly or indirectly, instituting or continuing any proceedings, in the Federal Court and Federal Court of Appeal, except with leave of a judge of the Federal Court of Canada,

with such request for leave to be made pursuant to s. 40 of the *Federal Courts Act,* by application on at least ten days' notice of the Attorney General of Canada.

(c) An order that the notice referred to in paragraph (b) above must only be given by registered mail addressed and sent as follows:

Attorney General of Canada
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario K1A OH8

(d) An order that any notice delivered under paragraphs (b), or (c) above shall include:

(i) The notice of application requesting leave and all documentary evidence intended to be relied upon in the request for leave; and

(ii) A copy of any order resulting from this motion.

(e) An order that no hearing date for a leave application referred to in paragraph (b) of this Application be scheduled by the court office until after an affidavit of service which verifies service of the notice, and which attaches the registered mail receipts confirming service, is filed in the court office.

(f) Costs of this motion.

(g) Such further and other Relief as to this Honourable Court may seem just.

FOR THE REASONS PROVIDED, this Court orders that:

1. Order to go in the terms requested in paragraphs a) to e) inclusive above wherein the word “Plaintiff” shall be read as Respondent; and

2. The Applicant is entitled to costs, including disbursements and taxes, fixed in the sum of $7,435.40.

“Roger T. Hughes”
Judge