

Registrar – Superior Court of Justice
Elgin County Courthouse
4 Wellington Street
St. Thomas ON N5R 2P2

Date: November 26th, 2019

Re: Certificate of Service

Greetings Registrar [Kim],

This letter is a 'Certificate of Service' regarding 'CITATION' emailed Nov 7, 2019 4:26:54pm;

i, serve this 'Certificate of Service' with notarized copies on the Registrar by registered mail;

i, DID/DO NOT ACCEPT THIS OFFER TO CONTRACT;

i, DID/DO NOT CONSENT TO THESE PROCEEDINGS;

i, returned said offer to contract [CITATION] back to Lynda C. Templeton the creator [author];

This corrects record removing said 'CITATION' having any jurisdiction over i [REDACTED] Court];

i, require Registrar restore my property[CV 19-00000081] immediately and stop wrong & harm;

i, require Registrar protect my property a duty to insure filings not trespassed upon ever again;

i, thank you for your attention to correct 'trespass' by Lynda and others without right at this time;

Kind regards,

A red ink fingerprint is visible, showing the ridges and valleys of a finger. It is positioned above a black rectangular redaction mark.A solid black rectangular redaction mark is located at the bottom left of the page, below the fingerprint.

in
[REDACTED] Court'
at
Superior Court of Justice
Elgin County Courthouse
4 Wellington Street
St. Thomas ON N5R 2P2

i: man :

[REDACTED]

Prosecutor

Rod Phillips: a man;
Doug Downey: a man;
Dean Eastman: a man;
Deon Cousins: a woman;
Jeff Quann: a man;

Wrongdoer(s)

Notice: Certificate of Service

The *Manary Court* presents notice:

- Firstly: i, received 'CITATION' communication from Lynda [a woman] C. Templeton dated: 20191107;
Secondly: i, return 'CITATION' to Lynda November 25th, 2019 [see notarized docs/register mail receipt];
Thirdly: Lynda did not respond [17 days passed] as required to November 8th 2019 communication;
Fourthly: No written response [required] received verified facts Nov 8th 2019 claims [Notices] not be true;
Fifthly: i, return and serve on the Registrar at St. Thomas Superior Court of Justice said evidence;
Sixthly i, require Registrar restore my property [CV-19-00000081] immediately;
Seventhly i, say here, and will verify in open court, that all herein be true



i:

[REDACTED]

Date: November 26th, 2019

From:

Fax:

Phone:

FAX

To: Lynda C. Templeton (a woman who acts as a 'Justice' for a service corporation)

Fax: 1.519.660.2288

Phone: 1.519.660.3027

Pages: 5 (including this cover page)

RE: Lynda C. Templeton offer to contract [Citation Court file: CV81/19]
Malfeasance [trespass on the case, [REDACTED] Court']
'Certificate of Service'

Greetings Lynda,

i, attach communications that require immediate attention and Lynda correct;

i, require Lynda action posthaste as wrong and harm continues until trespass corrected;

This communication was faxed, emailed and registered mail to Lynda Nov 25th 2019;


These communications act as my 'Certificate of Service' to Lynda honorably;

Govern yourself accordingly Lynda [and all servants] are put on NOTICE;

Godspeed.

Kind Regards,
[REDACTED]

STATEMENT OF CONFIDENTIALITY: The information contained in this facsimile message is intended only for the use of the man or woman named above. If the reader of this message IS NOT the intended recipient, you are hereby notified that any dissemination distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us. Thank you.






Lynda C. Templeton (a woman who acts as 'The Hon. Lynda C. Templeton')
Superior Court of Justice
Southwest Region- Middlesex County
Courthouse, Unit K 12th Flr.,
80 Dundas St. London Ontario
N6A 6B2
P: 519-660-3027
F: 519-660-2288

Re: Tacit Procuration
Immediate restoration of property [Court File: CV 19-00000081]

Date: November 25th, 2019

Greetings Lynda,

i, deliver the final communication correcting unlawful and unacceptable actions to 'Trespass on the case';
i, acting as 'counselor at law' have provided clear and honorable evidence to a perceived 'contracting';
i, bear witness to this trespass [corruption] against my fellow man 
Lynda will correct this trespass honorably and swiftly as is required for the people whom Lynda serves;
i, believe Lynda is very well educated on what 'Tacit Procuration' is and now a FACT on said trespass;
i, on behalf of  [all the people whom Lynda is to serve] require immediately;

1. Restoration of property Court file: CV 19-00000081 to the St. Thomas Superior Court of Justice
2. Confirmation a competent [wo]man acting as Justice assigned posthaste to the ' Court';
3. All Staff at the St. Thomas Superior Court of Justice [Public Courthouse] stop all obstruction;
4. Court staff is to contact me to set a 'Public Process Hearing' as Noticed/required in filing;

Lynda, this is very serious ... under enormous horrific actions against we the people executing a RIGHT to access our public courthouse, people under your control including Lynda have committed malfeasance;

i, trust this is crystal clear with said final notarized communication correcting 'Trespass on the case';

Kind Regards,



Cc: Cathy [a woman] McCrory who acts as RCMP Staff Sergeant 'Serious and Organized Crime Div'
Cc: Geoffrey [a man] B. Morawetz who honorably acts as 'Chief Justice'

The use of notary below bears witness my claim as sworn and in writing be true.

i: man [REDACTED] family id attached] claim and sworn on this day:

1. Thursday, November 7, 2019 4:26:54 PM i received offer to contract;
2. Contract was authored [created] by Lynda [a woman] C. Templeton who i don't know;
3. i, responded in writing [faxed/mailed] to Lynda attention November 8th 2019;
4. i, DID/DO NOT ACCEPT THIS OFFER TO CONTRACT:
5. i, DID/DO NOT CONSENT TO THESE PROCEEDINGS TO CONTRACT:
6. i, return to Lynda [by fax, email, registered mail] her offer to contract November 25th 2019;
7. i, say here, and will verify in open court, that all herein be true;



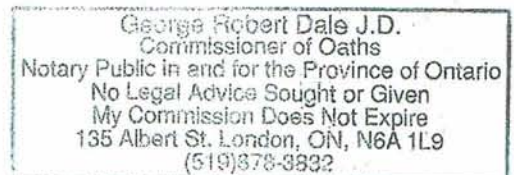
On this 25 day of November, 2019, before me, the undersigned, a Notary Public in and for Ontario, said man appeared the above-signed, known to me to be the man whose thumbprint and signature with photo identification was produced for this instrument, and has acknowledged to me that he has executed the same.

Signed: [Signature]

Print Name: George R Dale

Address: 135 Albert St. London, ON

Date: Nov 25, 2019

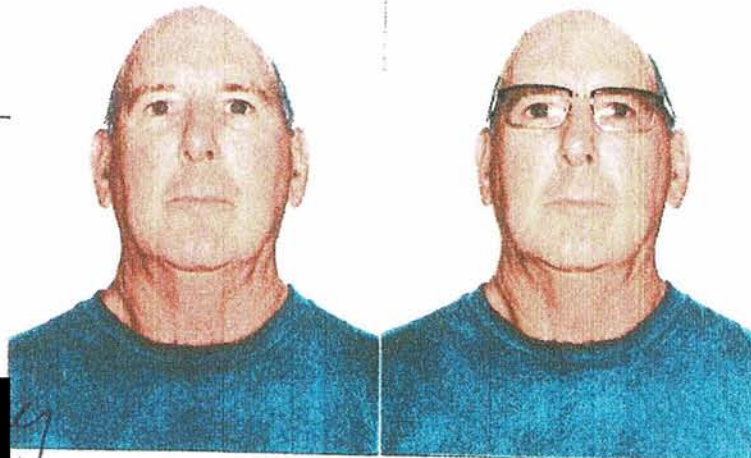


The use of notary below is for identification only, and such use does not grant any "jurisdiction".

i: FURTHER SAITH

Claim and sworn, without prejudice, and with all rights reserved,

i [man]:



Signature:



On this 25 day of November, 2019, before me, the undersigned, a Notary Public

in and for Ontario, said man appeared the above-signed, known to me to be the man whose thumbprint and signature with photo identification on this instrument, and has acknowledged to me that he has executed the same.

Signed:

Print Name:

George R. Dale

Address:

135 Albert St London, ON

Date:

Nov 25, 2019

George Robert Dale J.D.
Commissioner of Oaths
Notary Public in and for the Province of Ontario
No Legal Advice Sought or Given
My Commission Does Not Expire
135 Albert St. London, ON, N6A 1L9
(519)878-3832

I, DID/DO NOT ACCEPT THIS OFFER TO CONTRACT:
I, DID/DO NOT CONSENT TO THESE PROCEEDINGS TO CONTRACT:



CITATION: i: man: [REDACTED] v. Phillips, 2019 ONSC 6469
COURT FILE NO.: CV81/19
DATE: 20191107

Brent
i: Brent of the Monary family
ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

i: man: [REDACTED])	
)	
)	self-represented
)	
)	
Prosecutor)	
)	
- and -)	
)	
Rod Phillips: a man; Doug Downey: a man;)	Eric Wagner for the "Wrongdoers"
Dean Eastman: a man; Deon Cousins: a)	
woman; Jeff Quann: a man)	
)	
Wrongdoer(s))	
)	
)	CONSIDERED: November 7, 2019

RULING

Templeton J.

- [1] This is a Ruling pursuant to Rule 2.1.01 (1) of the *Rules of Civil Procedure* which states that "the court may, on its own initiative, stay or dismiss a proceeding if the proceeding appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court".
- [2] The Ruling is sought by the Defendants¹ in this action by way of a letter² to the Registrar of this Court dated October 28, 2019.
- [3] In the letter, counsel at the Crown Law Office (Civil) with the Ministry of the Attorney General seeks a dismissal of the action on the basis that the Statement of Claim appears on its face to be frivolous and vexatious.
- [4] This manner of request is provided for in Rule 2.1.01 (6) which permits any party to the proceeding to file with the registrar a written request for an order under subrule (1).

¹ They were named by "i: man: [REDACTED]" in the style of cause as "Wrongdoers".
² A copy of the letter was sent to [REDACTED] at the address indicated on the Statement of Claim.

- [5] The response by letter of "i: man: [REDACTED] was received on November 6, 2019 and is reviewed below. For ease of reference and with no disrespect intended, he is referred to hereinafter as [REDACTED]
- [6] For the reasons that follow, the request for a dismissal of this action from counsel at the Crown Law Office (Civil) with the Ministry of the Attorney General is granted.

The Legal Principles

- [7] Rule 1.06 (1) of the *Rules of Civil Procedure* requires that the forms prescribed by these rules *shall* be used where applicable and with such variations as the circumstances require. In view of the wording, this Rule is mandatory. There has been no request for a variation and no evidence that the circumstances in this case require variation(s).
- [8] All necessary forms required throughout the course of litigation in Ontario are readily available to the public electronically and may also be obtained on request at a Superior Court of Justice or any law firm. There is no request or evidence before me in support of any variation from the forms prescribed by the Rules.
- [9] Rule 14.06 (1) states that,
- Every originating process shall contain a title of the proceeding setting out the names of all the parties and the capacity in which they are made parties, if other than their personal capacity.
- [10] Further Rule 14.06 (2) requires that,
- In an action, the title of the proceeding shall name the party commencing the action as the plaintiff and the opposite party as the defendant.
- [11] The within proceeding is an action.
- [12] Rule 2.01 (1) provides that,
- A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity, and the court,
- (a) may grant all necessary amendments or other relief, on such terms as are just, to secure the just determination of the real matters in dispute; or
- (b) only where and as necessary in the interest of justice, may set aside the proceeding or a step, document or order in the proceeding in whole or in part.
- [13] In *Khan v. Krylov & Company LLP*, 2017 ONCA 625, the Ontario Court of Appeal observed the following:

The law concerning rule 2.1 is new and evolving. It was largely summarized in *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, 343 O.A.C. 87, leave to appeal refused, [2015] S.C.C.A. No. 488, at paras. 7-9. This court accepted the approach taken by Myers J. in a series of cases including *Gao v. Ontario (Workplace Safety and Insurance Board)*, 2014 ONSC 6497, 37 C.L.R. (4th) 7 ("*Gao (No. 2)*") and *Raji v. Border Ladner Gervais LLP*, 2015 ONSC 801. The court noted in *Scaduto* that "the use

of the rule should be limited to the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to support the resort to the attenuated process" (at para. 8).

Justice Myers provided an important caution, at para. 18 of *Gao* (No. 2):

It should be borne in mind however, that even a vexatious litigant can have a legitimate complaint. It is not uncommon for there to be a real issue at the heart of a vexatious litigant's case.... Care should be taken to allow generously for drafting deficiencies and recognizing that there may be a core complaint which is quite properly recognized as legitimate even if the proceeding itself is frivolously brought or carried out and ought to be dismissed.

[14] In *Gao v. Ontario (Workplace Safety and Insurance Board)*, 2014 ONSC 6497, Justice Myers wrote the following:

In the context of rule 2.1 there is no need for persistence of any one or more factors. It is expected that most cases under rule 2.1 will not require much depth of analysis. Many of the cases that are of the type that I have been referring to herein will be obvious on their face. The court receives a number of unintelligible proceedings and repeat attempts to bring the same matters on again and again. Many of these proceedings bear some of the unmistakable hallmarks of querulous litigant behaviors such as:

Form

- Curious formatting.
- Many, many pages.
- Odd or irrelevant attachments—e.g., copies of letters from others and legal decisions, UN Charter on Human Rights etc., all usually, extensively annotated.
- Multiple methods of emphasis including:
 - highlighting (various colours)
 - underlining
 - capitalization.
- Repeated use of “”, ???, !!!.
- Numerous foot and marginal notes.

Content

- Rambling discourse characterized by repetition and a pedantic failure to clarify.
- Rhetorical questions.
- Repeated misuse of legal, medical and other technical terms.
- Referring to self in the third person.
- Inappropriately ingratiating statements.
- Ultimatums.
- Threats of violence to self or others.
- Threats of violence directed at individuals or organizations.

These signs may assist in determining whether an action is a *bona fide* civil dispute or the product of vexatiousness. I would also include among these signs or factors, many of the hallmarks of OPCA litigants described by Rooke, A.C.J., in *Meads v. Meads*, 2012 ABQB 571 (CanLII).

The Statement of Claim ³

(i) The Style of Cause

³ Schedule “A”

- [15] At the top of the document entitled Statement of Claim, are the words, "in [REDACTED] Court' at Superior Court of Justice Elgin County Courthouse, 4 Wellington Street, St. Thomas, ON N5R 2P2".
- [16] The first party identified in the style of cause is "i: man: [REDACTED]". It is unknown whether this is his legally registered name. This is significant in the context of liability for actions taken in an assessment of costs, for example, or counter-suit.
- [17] [REDACTED] has also identified himself as a "Prosecutor" in this proceeding. The second parties (normally referred to as the Defendants) are identified in the style of cause as "Wrongdoer(s)" and are listed as follows:
- Rod Phillips: a man;
 - Doug Downey: a man;
 - Dean Eastman: a man;
 - Deon Cousins: a woman;
 - Jeff Quann: a man

(ii) The Notice

- [18] The Notice section of the Statement of Claim starts out with the words "TO THE WRONGDOER(S)". In civil law, such a characterization of a party prior to any determination of liability is highly prejudicial.
- [19] The Notice goes on to read:

A PROSECUTION HAS COMMENCED AGAINST WRONGDOER(S) by the Prosecutor. The Claim is set out in the following pages filed at the "Elgin County Courthouse' a PUBLIC courthouse.

A court of record moving under the common law ...trial by jury has commenced...

IF WRONGDOER(S) DO(ES) WISH TO DEFEND AGAINST SAID CLAIM, the wrongdoer(s) must file a common law claim to defend, serve it on the prosecutor and file it, with proof of service into the [REDACTED] Court' Court File No. above at the "Elgin County Courthouse'....

IF WRONGDOER(S) FAIL TO DEFEND THIS CLAIM, JUDGEMENT WILL BE ORDERED AGAINST THE WRONGDOER(S) IN THEIR ABSENCE AND WITHOUT FURTHER NOTICE.

JURISDICTION OF [REDACTED] Court': LAND [COMMON LAW OF THE PEOPLE]

THIS IS NOT A LEGAL [JURISDICTION] COURT FILING OR PROCEEDING.

THE RULES OF CIVIL PROCEDURE DO NOT APPLY UNDER COMMON LAW.

THERE IS NO APPEAL PROCESS.

The common law of the people is invoked by i: [REDACTED]

(iii) The Claim and Particulars

- [20] It appears that [REDACTED] seeks a judgment on the basis of the legal concepts of trespass, malfeasance, theft, extortion and "barratry". It is impossible to ascertain from the pleading what [REDACTED] means with respect to the term "barratry". It may well be that this is a simple spelling error and [REDACTED] is referring to "battery", but that is unknown.
- [21] Brent seeks in excess of \$10 million dollars in damages and a further \$10 million in punitive damages.
- [22] On the basis of the section in the Statement of Claim that has been entitled "Overview [Brief]", it appears that [REDACTED] his wife and family have operated a family farm for thirty years. They grow vegetables and tobacco. Between November 3, 2014 and October 25, 2018 they sold tobacco in Ontario and in the United States.
- [23] [REDACTED] then alleges "My property [tobacco shipment/entire year of harvest] going to RR Global was trespassed [theft] beginning October 25th 2018 when the wrongdoer Dean Eastman placed a call to Quebec police without right to administrate my property [stopped shipment/seized it] without right....This began a domino effect with a 2nd load to RR Global November 2nd, 2018 also trespassed without right by wrongdoer's administrating my property...Our property was never returned valued at \$387,522.00 October & November 2018 and to this date I, and my family have no idea where it went or our income restored... Since the theft of our property the wrongdoers have continued to harass and make demands under the service corporation ONTARIO "Raw Leaf Tobacco program"...Due to breach of trust and theft of our property without cause or right we did not renew registering or any working relationships when license expired Dec. 31st 2018"
- [24] Under a section entitled "Facts" [REDACTED] has stated,
- "There is no obligation [contract] a [wo]man will present for debt be due or true;"
 - "There is no wrong or harm I, or my property [tobacco] caused to my fellow man;"
 - "There is no verified 'bill of particulars' showing damage or loss incurred;"
 - "No agents or officers of the service corporation ONTARIO can administrate a [wo]man property without a right;"
 - "The facts [documents/all actions] are known to wrongdoers at this time and will be presented correctly at the time and place a jury of my peers is seated;"
 - "i, make said claims and move my court under full liability what i claim to be true;"
 - "I, rely upon:
 - (a) We the people are not property of another man or woman or corporation;

- (b) There is no man or woman who can administrate my property without right;
- (c) Contract makes the law;
- (d) Jury of my peers will decide of said wrong and harm as claimed here be true.”

- [25] It appears from the general gist of the complaint that tobacco that was being delivered by ██████ to a customer, was seized by the Ministry of Finance on at least one or occasions and that he therefore seeks both general and punitive damages on the basis of the alleged wrongful seizure.
- [26] Other than an allegation that Dean Eastman placed a call to the police in Quebec, there are no particulars with respect to how and in what capacity each of the named persons were involved in the actions complained of by ██████
- [27] According to its website⁴, the Ministry of Finance regulates the Raw Leaf Tobacco industry in Ontario, whether or not the raw leaf tobacco is grown in Ontario. Under the Raw Leaf Tobacco Program, the Ministry issues registration certificates and carries out inspections and investigations as required. The *Tobacco Tax Act* requires all entities involved in the raw leaf tobacco industry to hold a registration certificate issued by the Ministry of Finance, and to deal only with other entities that hold the appropriate registration certificate issued under the *Tobacco Tax Act*. The Ministry of Finance maintains a listing of raw leaf registrants.

Analysis and Conclusion

- [28] In addition to the Statement of Claim, ██████ served and filed a number of other documents dated September 17, 2019 that reference the Court File Number noted above.
- [29] I shall deal with each of these documents in turn. In order to appreciate in detail the nature and content of the documents served and filed, I have also attached and marked them as Schedules to this Ruling.

(a) The Statement of Claim

- [30] ██████ attempt to control the process is evident on the face of the Statement of Claim.
- [31] It is important to recognize that the objective of a Statement of Claim is to set out for the opposing parties and the Court and others:
- (a) the legal identity of the parties involved;
 - (b) a summary of the facts supporting the aggrieved party's complaint;
 - (c) details of and in support of the pleaded facts;
 - (d) the legal basis for the action;

⁴ www.fin.gov.on.ca

- (e) the nature and extent of the damages alleged to have been suffered by the aggrieved person; and
- (f) the remedy sought by the aggrieved person.

- [32] The significance of these requirements cannot be overstated for it is only as a result of compliance with these principles of drafting pleadings that other parties are able to know and understand the person in opposition and the case he/she has to meet.
- [33] With respect to the Statement of Claim served and filed by [REDACTED] I make the following observations.
- [34] Firstly, in view of the fact that I preside in this Region and have frequently presided in St. Thomas, it is reasonable for me to take judicial notice of the fact that there is no court in St. Thomas at that address that is identified as [REDACTED] Court".
- [35] Secondly, notwithstanding access to the forms prescribed under the Rules, [REDACTED] has changed the names of the roles ascribed to the parties to suit his own purpose. In the ordinary course, for example, the concept of "prosecutor" is reserved for counsel who are retained to pursue criminal or legislative infractions. The first party in a civil action is referred to in Canada as a Plaintiff. In this way, the distinction in the roles allows the public to readily determine the nature of the legal action.
- [36] I also find that the reference to the gender of the parties in the style of cause is entirely irrelevant and in my view, by making the gender of each person an apparent issue, borders on an affront to the administration of justice.
- [37] The Notice in the Statement of Claim is both misleading and wrong in law. As I have indicated, (a) there is no such court as a [REDACTED] Court'; (b) the *Rules of Civil Procedure* apply to all civil proceedings in Ontario; (c) the appeal process cannot be unilaterally prohibited or waived in these circumstances; and (d) judgment will not necessarily be granted in the absence of a defence.
- [38] In summary, I find that the statements in this Notice undermine the administration of justice by leading the recipient to believe that he/she does not have access to an identified legal process under the law such as the right of appeal and/or the protection of an orderly and fair administration of justice founded on the Rules of Civil Procedure.
- [39] I also note that the statement that a "trial by jury has commenced" is patently false. Time for a response by the Defendants has not yet expired let alone a trial commenced.
- [40] In my view, the allegations contained in the Statement of Claim are devoid of any explanation of the legal framework in which Brent worked in the Raw Leaf Tobacco industry or whether he was in compliance with the regulations set out by the Ministry.
- [41] The details provided are convoluted and confusing.

- [42] Further, although there is a reference to the law of contract, there are no details allowing identification of the alleged contract (or its terms and provision) entered into with the Defendants/Wrongdoer(s).
- [43] As in *Van Sluytman v. Muskoka (District Municipality)*, 2018 ONCA 32, I find that [REDACTED] pleadings, "fail to contain any coherent narrative or a concise statement of the material facts in support of the wrongs sought to be alleged. Instead, they contain rambling discourse, impermissible attachments or corollary documents, grandiose complaints, and repeated bald assertions."
- [44] Throughout the Statement of Claim and corollary documents served and filed by [REDACTED] he has either intentionally or otherwise repeatedly misused legal and other technical terms. I use the word "intentionally" in this case because it is clear that [REDACTED] is aware of the *Rules of Civil Procedure*, for example, but believes that they ought not to apply to him.
- [45] In his notice contained in the Statement of Claim, [REDACTED] has misled the parties he has purported to sue by declaring that they have no right of appeal. The fact that he even mentions the concept of an "appeal" belies, in my view, his knowledge of at least the opportunity and/or right to appeal in Ontario.

(b) Notice: Liability ⁵

- [46] The purpose of this document is entirely unclear. It does not make sense. Above the title are the words (Do Not Trespass on the case). I have no idea what this means. A review of this Notice appears to be little more than a rambling demand for a public hearing and ends with a threat that "Liability [Trespass on the case] occurs if any [wo]man ignore RIGHTS of the people".
- [47] The document is purportedly "signed" by [REDACTED] by way of a partial fingerprint in red ink.

(c) Claim: Trespass ⁶

- [48] The purpose of this document is equally unclear and confusing. [REDACTED] refers to a "court of record" and "[REDACTED] Court" as if they are one and the same and then states as follows "“i; [REDACTED] family”...moving under the common law with a trial by jury [not jury trial] is invoked.”
- [49] It is entirely unclear what [REDACTED] meant in this statement.
- [50] This document is also purportedly signed by [REDACTED] by way of a smudged fingerprint in red ink.

(d) Notice: Characteristics of party ⁷

⁵ Schedule "B"

⁶ Schedule "C"

⁷ Schedule "D"

- [51] In my view, this document amounts to little more than a blatant attempt to insert personal control over the parties and the Court.

(e) Notice: court, Court, COURT⁸

- [52] This document appears to be a notice or warning to the Court that [REDACTED] will not be pursuing this litigation in accordance with the *Rules of Civil Procedure*; that he has only used forms for the ease of the Court clerks; and, that given that he is not a member of the Law Society (nor does he apparently wish to be), he sees no benefit in complying with the Rules .

(f) Notice: Jurisdiction⁹

- [53] It is difficult to discern the purpose of this document. The contents appear to amount to a list of definitions and declarations by [REDACTED]

- [54] Again, unfortunately, [REDACTED] appears to either not understand the civil litigation process in the administration of justice in Ontario or, if he does, refuses or declines to adhere to its traditions and practice. It appears, for example, that he seeks to establish his own alternate court of legal process. He writes in the notice that he pays "money into public courthouses to hold court and access justice"; that [REDACTED] Court' is a "court of record"; and, that in a "court of record", the tribunal is independent of the magistrate.

- [55] This document also appears to be a further notice or warning to the Court as well as others that the presiding judge has or will have no jurisdiction over his claims when he writes, "No [wo]man, nor person within or outside of this Courthouse, has the capacity to interfere; amend; alter; modify; interpret; deny my claim, prior to a verdict tendered from a jury".

- [56] This bald assertion is incorrect both in fact and in law.

- [57] This document is purported to be signed by [REDACTED] by way of a faint, indiscernible and partial fingerprint in red ink.

(g) Notice: Venue¹⁰

- [58] Given the title and contents of this document, it is assumed that Mr. [REDACTED] seeks to notify the opposing parties that he wishes to have this matter heard in St. Thomas. Once again, he refers, however, to a concept of the [REDACTED] Court' as being located at the Courthouse in St. Thomas.

- [59] There is no such Court.

(h) Notice: Verifications¹¹

⁸ Schedule "E"

⁹ Schedule "F"

¹⁰ Schedule "G"

[60] The purpose of this document is unknown and not readily discernible other than perhaps as an attempt by [REDACTED] to control how documentary evidence is filed, marked and received by the [REDACTED] Court'.

(i) Notice: 'right to pursue a claim' ¹²

[61] This notice is nothing more than an instruction or demand to the Superior Court that the administrative office in the Superior Court of Justice at St. Thomas not allow anyone to interfere with Mr. [REDACTED] court and his perceived right to prosecute his case in a public building.

(j) Notice: trespass on the case ¹³

[62] The purpose of this document, in my view, is nothing more than a misguided or blatant attempt to control the process in St. Thomas including the jurisdiction of a Justice of the Peace, Her Worship Cheri Emrich who presides there.

(k) Notice: 'Proof of Service' ¹⁴

[63] This document purports to be an alternative to an Affidavit of Service and is signed by way of fingerprint in red ink but unsworn.

(l) Statement of Truth ¹⁵

[64] There are five documents entitled "Statement of Truth" which appear to be sworn Affidavits of a person identified as Lizette Mouthon Franco, who has deposed that she served Dean Eastman, Rod Phillips, Doug Downey, Deon Cousins and Jeff Quann, by mail.

[65] I further find that the documents filed by [REDACTED] including the Statement of Claim contain primarily a rambling enunciation of demands both in substance and form that fail to identify the issues and/or the facts necessary to defend against the complaint(s) Mr. [REDACTED] seeks to advance.

Conclusion

[66] As I indicated above, the availability of a dismissal to the requesting party, is dependent on the abusive nature of the proceeding being apparent on the face of the pleadings themselves. In this Ruling, I have referred only to the wording in the documents themselves.

[67] In my view, this is one of the "clearest of cases" referred to above. The documents filed by [REDACTED] indicate,

¹¹ Schedule "H"

¹² Schedule "I"

¹³ Schedule "J"

¹⁴ Schedule "K"

¹⁵ Schedule "L"

(a) an attempt by him to establish an alternative litigation process (the [REDACTED] Court") within a "public building", namely, the Superior Court of Justice in St. Thomas; and,

(b) a further attempt to oust the *Rules* and control the process according to his personal preferences.

[68] All Canadians have a right to *participation* in the justice system in compliance with the Rules and the law. But the system itself has also been designed to apply *equally* to *all* Canadians and can therefore only be controlled, changed or amended in accordance with the process established by law and not by personal preference.

[69] In summary, the action commenced by [REDACTED] as it is currently constituted is dismissed as necessary in the interest of justice. The approach adopted by [REDACTED] in this proceeding toward both the administration of justice and the named defendants who were (a) referred to by their gender and as "Wrongdoers"; and (b) misled by assertive statements that were wrong in law, leans toward the abusive in character. It appears that he is attempting to establish his own legal or court system by way of access to a public building in which is housed the Superior Court of Justice.

[70] My opinion is bolstered by the contents of a faxed letter dated November 5, 2019 from [REDACTED] in response to the request for dismissal by letter received from counsel for the Ministry. For the sake of completeness, I have attached both letters as Schedule "M".

[71] In his response, [REDACTED] has written as follows:

I just received a communication attached November 4th, 2019 from a man Erik [Wagner];

I, require the immediate removal of said letter from [REDACTED] Court File: CV 19-00000081 as this man has no standing or jurisdiction to trespass on my case as per my honourable Notices establishing said court:

Notices I court filing [statement of claim] are crystal clear to jurisdiction and wrongdoer[s] served;

Notice: Liability page 1

"7. No [wo]man at said courthouse can administrate my property [filing] without right"

This man [Gary] is 'trespassing on the case' requiring attention;

I, thank you for your time and attention to correct said 'trespass' at this time.

[72] That said, it appears that [REDACTED] may have a complaint that may be worthy of review and consideration by a court of competent jurisdiction. If I have been able to discern the basic nature of [REDACTED] complaint correctly, it appears that goods owned by [REDACTED] were seized by the Ministry of Finance while in transit for a failure by [REDACTED] to comply with rules and regulations of the Raw Leaf Tobacco Program.

[73] If this is [REDACTED] complaint and he seeks to challenge the actions of the Ministry, he should not be deprived of the opportunity to do so.

[74] For all of these reasons, the following is my order:

Order

[75] The action commenced in the Superior Court of Justice in St. Thomas, Ontario that has been identified as CV 81/19 or CV 19-00000081 and in which the first party is identified as "i: man: [REDACTED] and as a "Prosecutor" and the second parties are identified as "Rod Phillips: a man; Doug Downey: a man; Dean Eastman: a man; Deon Cousins: a woman and Jeff Quann: a man" and further identified as "Wrongdoer(s)", is dismissed.

[76] Subject to the order below, the dismissal of this action is without prejudice to the right of [REDACTED] family to commence a proceeding that complies with the *Courts of Justice Act* R.R.O. 1990, Regulation 194, *Rules Of Civil Procedure*.

[77] No proceeding, however, may be commenced by or pleading(s) issued by the Superior Court of Ontario for, a person known as [REDACTED] or "Mr. [REDACTED] [REDACTED] against any person named herein including but not limited to the Ministry of Finance and the Ministry of the Attorney General unless and until the pleadings submitted comply in full with the *Courts of Justice Act* R.R.O. 1990, Regulation 194 *Rules Of Civil Procedure*.

[78] In all of the circumstances, there will be no costs.

Justice L. Templeton
Justice L. C. Templeton

Released: November 7, 2019