No_____

In The Supreme Court of Canada

ON APPEAL FROM THE FEDERAL COURT OF APPEAL

BETWEEN

DALE RICHARDSON

Applicant,

AND

v.

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION, GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES,

LISA CIMMER, AND KIMBERLEY A. RICHARDSON.

Respondents.

Application for Leave to Appeal

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FORM 25

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

Article 2, 13 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Section 83.01(b), 219, 269.1, 380(1) of the Criminal Code of Canada,

Section 40(1), 44 of the Supreme Court Act,

TAKE NOTICE that Dale Richardson applies for leave to appeal to the Supreme Court of Canada, under Section 40(1), 44, 55 Supreme Court Act, Article 2, 12, 13 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment from the judgment of the Federal Court of Appeal A-183-22 made on October 18, 2022 for a judgment made on an appeal of a matter that contained indisputable evidence of treason and bioterrorism against Canada, the United States, crimes against humanity, torture, and numerous other crimes committed in and outside of the courts based on an engineering report that was determined without any expert testimony to the contrary by any party outside of the Applicant;

AND FURTHER TAKE NOTICE that this application is made on the following grounds:

The Federal Court of Appeal contains rogue agents acting against the will of the people of Canada by assisting actors in the United States to commit treason against the United States and effecting the same actions in Canada.

The Federal Court of Appeal judges lacked jurisdiction from being named as perpetrators and violated the Canadian Victims Bill of Rights.

The Federal Court of Appeal judges had an extreme conflict of interest being colleagues of parties named as perpetrators.

The Federal Court of Appeal judges lacked jurisdiction from participating in criminal activity while sitting as a judge contrary to the Judges Act.

The Federal Court of Appeal judges lacked jurisdiction from engaging in unauthorized practice of mechanical engineering and/or mechanical engineering technology while sitting as a judge contrary to the Judges Act.

The Federal Court of Appeal ignored evidence of parties in Canada assisting actors in the United States to commit treason against the United States.

The Federal Court of Appeal used power to shield the Respondents treasonous activity, child trafficking for the purposes of financial and sexual exploitation, human trafficking, fraud, bioterrorism, involvement in Crimes against Humanity and other crimes without limitation.

The Federal Court of Appeal ignored the Applicant's complaint of torture involving numerous parties in Canada and the United States.

The Federal Court of Appeal exercised an expert opinion over that of the Applicant who is a Mechanical Engineering Technologist with a Bachelor of Technology and the Judges engaged in the profession of engineering technology in making their decision.

The Federal Court of Appeal engaged in terrorist activity contrary to section 83.01(b) of the Criminal Code of Canada.

The Federal Court of Appeal engaged in the trafficking of a person under the age of 18 years for the purposes of exploitation contrary to section 279.011(1)(4) of the Criminal Code of Canada.

The Federal Court of Appeal ignored the Applicant's evidence to demonstrate the systematic attack directed towards the Applicant and his family. This has stripped them of fundamental rights afforded to persons under the law.

The Federal Court of Appeal reinforced the systemic racism demonstrated by the jurisdiction by ignoring evidence presented by a Black person to rule in favour of a Caucasian woman not present who has a demonstrable history of abusive violent behaviour.

The Federal Court of Appeal sanctioned the torture of Indigenous and Black persons.

The Federal Court of Appeal ignored treason, child trafficking for the purposes of sexual and financial exploitation and bioterrorism involving the following parties without limitation, Justice R.W. Elson, Virgil Thomson, Brad Appel, Bryce Bohun, Cary Ransome, Chad Gartner, Chantalle Thompson, Kathy Irwin, Mark Clements, OWZW Lawyers LLP, the RCMP, Matrix Law Group LLP, Clifford A. Holm, Patricia J. Meiklejohn, Kimberley A. Richardson, Justice B.R. Hildebrandt, Kristine Wilk, the Court of Queen's Bench for Saskatchewan, the Registrar of Information Services Corporation, the Registrars of the Court of Appeal for Saskatchewan, Justice J. Kalmakoff, Prothonotary Mirelle Tabib, Justice W. Pentney, Justice V. Rochester, Chief Judge Phillip A. Brimmer of the District Court of Colorado, rogue agents of Immigration and Customs Enforcement , Department of Homeland Security, U.S. Customs and Border Protection, and the Supreme Court of the United States.

The Federal Court of Appeal ignored the serious nature of allegations of treason.

The Federal Court of Appeal ignored the forcible transfer of a citizen of the Metis Nation of Saskatchewan off of her ancestral homeland, in an effort to further torture her father the Applicant.

The Federal Court of Appeal ignored the criminal actions taken by Justice R.W. Elson and others that resulted in the daughter of the Applicant fleeing to the United States at the Sweetgrass Montana port of entry to cross in her ancestral homeland and file for asylum after being tortured by the RCMP, SHA and others.

The Federal Court of Appeal shielded persons engaged in mortgage fraud from scrutiny and participated in the said fraud.

The Federal Court of Appeal upheld precedent from the Court of Appeal for Saskatchewan that infant children should not be afforded the privilege of section 7, 12 charter rights as granted by the Charter of Rights and Freedoms.

The Federal Court of Appeal has participated in religious persecution and all the crimes listed in the documents when punishing the Applicant for complaining of torture and the threat of being murdered and presenting evidence of the same.

The Federal Court of Appeal has prevented the Applicant from accessing justice and due process of law.

The Federal Court of Appeal has taken advantage of a self-represented litigant and deceived the Applicant on multiple occasions to defraud and punish him with unlawful sanctions to torture him.

The Federal Court of Appeal has taken advantage of a self-represented litigant and deceived the Applicant on multiple occasions to defraud and punish him with unlawful sanctions to torture him.

SIGNED BY

Nov. 22, 2022

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NOTICE TO THE RESPONDENT: A respondent may serve and file a memorandum in response to this application for leave to appeal within 30 days of the date a file number is assigned in this matter. You will receive a copy of the letter to the applicant confirming the file number as soon as it is assigned. If no response is filed within that time, the Registrar will submit this application for leave to appeal to the Court for consideration.

Federal Court  Cour fédérale

Date: 20210209

Docket: T-1404-20

Ottawa, Ontario, February 09, 2021

PRESENT: The Chief Justice

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRQIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

ORDER

IT IS ORDERED pursuant to Rule 383 that Prothonotary Mireille Tabib is assigned as Case Management Judge in this matter.

"Paul S. Crampton"
Chief Justice

Federal Court  Cour fédérale

Date: 20210615

Docket: T-1404-20

Citation: 2021 FC 609

Ottawa, Ontario, June 15, 2021

PRESENT: Mr. Justice Pentney

Docket: T-1404-20

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION, GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK

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Defendants

ORDER AND REASONS

I. Introduction

[1] As you know, I have had the benefit of reviewing the written material filed by all of the parties, and so some of this is based on my notes from that. I am also familiar with the law on interlocutory injunctions. I have also taken into account the oral submissions made on Thursday, June 10, 2021. Although some of the Plaintiff's submissions were difficult to hear because of the quality of the phone connection, I was able to hear his main points and answers to my questions, and I had the benefit of the parties' written representations, which all parties relied upon.

[2] The following written Order and Reasons are based on the verbal Order given at the conclusion of the hearing on June 10, 2021. These reasons have been edited for style and grammar.

II. Background

[3] Dale Richardson, the Plaintiff in this matter, filed a Statement of Claim on November 18, 2020, naming 57 parties as Defendants, and seeking a variety of relief.

[4] On March 29, 2021, the Plaintiff filed a Notice of Motion seeking an interlocutory injunction against a subset of these Defendants, namely: the Royal Canadian Mounted Police, Saskatchewan Health Authority, Matrix Law Group, Cary Ransome, Chad Gartner, Mark Clements, Ian McArthur, Kathy Irwin, Brad Appel, Chantelle Thompson, Jennifer Schmidt; Virgil A. Thomson, OWZW Lawyers LLP, Bryce Bohun, Jason Panchyshyn, Clifford Holm, Patricia J. Meiklejohn, and Kimberley Richardson.

[5] The Plaintiff's Motion was further to the procedure set out in the Order of Prothonotary Mireille Tabib dated March 24, 2021, following a case management conference held on March 23, 2021.

[6] The Plaintiff has brought the interlocutory motion against these Defendants because he asserts that they are "using their authority, position and numbers to unlawfully interfere with justice, to *torture and terrori[ze]*" the Plaintiff and his daughters (Plaintiff's Written Representations at para 1 [emphasis in original]).

[7] This is the motion that is before the Court.

III. The Plaintiff's allegations and claims

[8] In seeking interlocutory relief, the Plaintiff seeks various forms of relief, which he sets out in paragraph 63 of his Written Representations. The allegations in respect of the relief sought are set out in a detailed Motion Record of 5,028 pages. These claims for relief provide a helpful way of categorizing his claims, which can be summarized in the following way.

[9] The Plaintiff makes allegations of harassment, torture, and interference against a number of the Defendants and seeks to restrain such behaviour. Arguments and narrative relating to this are found throughout the Plaintiff's Written Representations.

[10] The Plaintiff also makes claims against a number of individuals regarding his membership and accounts at the Innovation Credit Union. Some of the details for these are found at paragraphs 6, 8, 11, and 37-42 of the Plaintiff's Written Representations.

[11] Next, the Plaintiff's materials contain a series of claims relating to actions and orders made in the context of his family dispute with his spouse, Kimberley Richardson, including:

- surface parcel No. 153874659 located at 1292 95th St., North Battleford, SK, which he seeks to have returned to him;
- access to his daughter and information regarding her whereabouts; and
- return of his work materials, reference materials, and other possessions.

[12] He also seeks to reverse an order in relation to the matrimonial home that was the subject of the family dispute between him and Ms. Richardson. Some of the details relating to the claims arising from the Plaintiff's matrimonial dispute are found at paragraphs 13-16, 24, 26, 28, 29, 35, and 44 of the Plaintiff's Written Representations.

[13] Finally, the Plaintiff makes allegations against the Saskatchewan Health Authority and the Royal Canadian Mounted Police (RCMP) in relation to steps taken under provincial health legislation. He says that they had no basis to justify the mental health warrant that was used to apprehend him. In respect of the RCMP, the Plaintiff also asserts that he was barred entry to the RCMP detachment at Battleford, Saskatchewan, and that the RCMP refused to continue receiving further information and evidence from him. He seeks the contact information of an individual constable with the RCMP, which he says he needs for the purposes of conducting investigations. Some of the details for these claims are found at paragraphs 10, 12, 34, 46, and 48-51 of the Plaintiff's Written Representations.

[14] In addition to the various forms of interlocutory relief sought, the Plaintiff seeks an order for legal and incidental costs in the range of $6,000,000. These are set out in paragraph 63 of the Plaintiff's Written Representations.

IV. Issue

[15] The only issue is whether the Plaintiff has met the test to obtain an interlocutory injunction. This involves consideration of whether the Federal Court has jurisdiction to grant him the relief he seeks, and also whether he has met the three-part test for an interlocutory injunction.

V. Analysis

[16] The analysis is organized into three parts:

A. The question of jurisdiction;

B. The law on interlocutory injunctions; and

C. The application of the facts to the three-part test.

A. *The question of jurisdiction*

[17] The jurisdiction of this Court to grant injunctive relief is set out in the *Federal Courts Act*, RSC 1985, c F-7 [*Act*]. There are two references to injunctions in the *Act*. First, paragraph 18(1)(a) provides that the Court has exclusive original jurisdiction to "issue an injunction… against any federal board, commission or other tribunal".

[18] This obviously does not apply here, because the Plaintiff does not seek an injunction against any federal board, commission, or other tribunal.

[19] The second possible source of jurisdiction is set out in section 44 of the *Act*, and the relevant portion of that states: "In addition to any other relief that the… Federal Court may grant or award… an injunction… in all cases in which it appears to the court to be just or convenient to do so. The order may be made unconditionally or on any terms and conditions that the court considers just."

[20] Section 44 does not serve to grant this Court some overarching or stand-alone jurisdiction, akin to that which is said to exist for provincial superior courts of inherent jurisdiction; there must still be some federal "hook" before section 44 can apply.

[21] Several Defendants argue that this Court does not have jurisdiction to deal with the Plaintiff's claims because they involve matters falling within provincial jurisdiction, including family law, matrimonial property, and the administration of the provincial health legislation.

[22] The RCMP also argues that this Court should not restrain its officers from carrying out their lawful duties, but this is better dealt with in the discussion below.

[23] The Plaintiff argues that the UN *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1987, 1465 UNTS 85 [UN *Torture Convention*] is the applicable law and the source of the Court's jurisdiction to adjudicate in this matter. He says that under the UN *Torture Convention*, jurisdiction is not relegated to a specific court and therefore the Federal Court has the jurisdiction.

[24] I find that this Court does not have jurisdiction to consider the Plaintiff's claims. To the extent that his claims relate to the conduct of counsel in representing Ms. Richardson in the family law dispute, this is not a "federal" matter; The regulation of professions is dealt with by provincial law, and the Supreme Court of Canada has affirmed that family law disputes are within provincial jurisdiction: *Strickland v Canada (Attorney General)*, 2015 SCC 37.

[25] To the extent that his claims relate to the administration of provincial health legislation, or its enforcement, this is also a matter that falls within provincial jurisdiction.

[26] To the extent his claims relate to allegations of torture, the claims cannot stand for several reasons, however, at this stage it is sufficient to note that the administration of criminal justice is a matter that falls within provincial jurisdiction under the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, s 91, reprinted in RSC 1985, Appendix II, No 5, and it is not for this Court to issue orders interfering with that. There is no other basis on which to base jurisdiction in this Court to restrain the actions of provincial Superior Courts or Courts of Appeal, the RCMP, provincial health authorities, or lawyers and others employed by provincially-regulated entities.

[27] For all of these reasons, I conclude that this Court does not have jurisdiction to deal with the claims advanced by the Plaintiff.

[28] Although this is sufficient to deal with this matter, I will continue and address the issue of whether the Plaintiff has satisfied the test for an interlocutory injunction.

B. *The law on interlocutory injunctions*

[29] The familiar three-part test for the grant of an interlocutory injunction was recently summarized by the Supreme Court of Canada in *R v Canadian Broadcasting Corp*, 2018 SCC 5 at paragraph 12 [*CBC*]:

> … At the first stage, the application judge is to undertake a preliminary investigation of the merits to decide whether the applicant demonstrates a "serious question to be tried", in the sense

> that the application is neither frivolous nor vexatious. The applicant must then, at the second stage, convince the court that it will suffer irreparable harm if an injunction is refused. Finally, the third stage of the test requires an assessment of the balance of convenience, in order to identify the party which would suffer greater harm from the granting or refusal of the interlocutory injunction, pending a decision on the merits.
>
> [Footnotes omitted.]

[30] The three elements of the test are cumulative, but strength in one factor may overcome weakness on another (see the discussion in *Monsanto v Canada (Health)*, 2020 FC 1053 at para 50). At the end of the day, it is important to remember that an interlocutory injunction is equitable relief, and a degree of flexibility must be preserved in order to ensure that the remedy can be effective when it is needed to prevent a risk of imminent harm pending a ruling on the merits of the dispute. This was reaffirmed in *Google Inc v Equustek Solutions Inc*, 2017 SCC 34 at paragraph 1, where the Supreme Court of Canada noted that "[u]ltimately, the question is whether granting the injunction would be just and equitable in all the circumstances of the case."

(1) Serious Issue

[31] In most interlocutory injunction cases, the "serious issue to be tried" threshold is not a high bar – it is often summarized as merely requiring the judge to make a preliminary assessment of the case to ensure that the claim is neither "vexatious nor frivolous" (*RJR – MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311 at 337 [*RJR – MacDonald*]). This is particularly the case where the interlocutory injunction seeks to stop something from happening. There are exceptions, such as where the injunction will likely put an end to the litigation, but that does not apply here.

[32] The focus in most cases is on the strength of the underlying case. An interlocutory injunction is, by its nature, intended to preserve the status quo pending a determination of the underlying dispute, and this branch of the test seeks to ensure that otherwise lawful activity is not stopped where the main lawsuit is destined to fail because it is totally lacking in merit.

[33] Several Defendants argue that this case should be dismissed because the Plaintiff's case is frivolous or vexatious; they point to several considerations:

- The lack of details in the allegations;
- That many of his claims are against individuals who have been involved in his family law dispute with his wife, including the custody order and the sale of the family home – which were done pursuant to orders made by the Court of Queen's Bench in Saskatchewan;
- That some of the relief he seeks (for example, to be reinstated as a member in the Innovation Credit Union) is not available because that organization was not named as a defendant on the motion; and
- That he makes serious, unwarranted, insulting, or disparaging allegations and remarks directed at many of the individual Defendants – namely his claims of torture, harassment, and interference. There are no facts pleaded to support such claims. In the past this Court has found that defendants or respondents should not be forced to answer scandalous, frivolous, or vexatious allegations such as these, and that claimants should not lightly make bald claims alleging serious criminal offences (*Badawy v 1038482 Alberta Ltd*, 2018 FC 807; *Brauer v Canada*, 2020 FC 828).

[34] The Plaintiff submits that there is a serious issue on account of torture and corruption, as well as that the Defendants have not brought forward evidence to show that the orders or actions were lawful, or to rebut his extensive evidence that he has been tortured.

[35] I find that:

- the Plaintiff has not established a serious issue to be tried, even applying the low threshold;
- his primary claims relate to alleged torture, but while he makes repeated claims about that, he does not provide details to support it. Furthermore, to the extent that he does provide any specifics, they relate to public officials carrying out lawful duties or orders, or they relate to individuals acting in conjunction with legal disputes that remain before the courts; and
- none of this meets the definition of torture as set out in the law.

[36] Furthermore, I agree with the comment of Justice Kalmakoff at the Saskatchewan Court of Appeal, that the acts the Plaintiff terms as torture "are all things that arose from were inherent in, or were incidental to measures that are authorized by law" (Richardson v Richardson (8 March 2021) Regina, CACV3745 at para 31 cited in Richardson v Richardson, 2021 SKCA 58 at para 14).

[37] The fact that the Plaintiff does not agree with these measures does not make them torture, and there are legal processes available to him to pursue his rights in relation to these matters.

(2) Irreparable Harm

[38] The term irreparable harm refers to the nature of the harm rather than its scope or reach. It is generally described as a harm that cannot adequately be compensated in damages, or cured (*RJR – MacDonald* at 341). It has often been stated that this harm cannot be based on mere speculation, it must be established through clear and compelling evidence: see *Glooscap Heritage Society v Canada (National Revenue)*, 2012 FCA 255 at para 31 [*Glooscap*]; *Gateway City Church v Canada (National Revenue)*, 2013 FCA 126 at paras 15-16; *Newbould v Canada (Attorney General)*, 2017 FCA 106 at paras 28-29. In addition, the evidence must demonstrate a high likelihood that the harm will occur, not that it is merely possible. This will obviously depend on the circumstances of each case (see the discussion in *Letnes v Canada (Attorney General)*, 2020 FC 636 at paras 49-58).

[39] However, equitable relief must retain its necessary flexibility, and it must be admitted that some forms of harm do not readily admit of proof, especially in interlocutory proceedings where speed is of the essence and the ability to prepare a complete evidentiary record is necessarily somewhat limited. What is required, at the end of the day, is a "sound evidentiary foundation" for the assessment of the harm; mere assertions or speculation on the part of the applicant will never be sufficient (see e.g. *Vancouver Aquarium Marine Science Centre v Charbonneau*, 2017 BCCA 395 at para 60; *Ahousaht First Nation v Canada (Fisheries, Oceans and Coast Guard)*, 2019 FC 1116 at paras 87-88).

[40] The law requires that the Plaintiff prove harm to his own interests – not those of a third party.

[41] In *RJR – MacDonald*, the Supreme Court of Canada ruled that in regard to irreparable harm, "the only issue to be decided is whether a refusal to grant relief could so adversely affect the applicants' own interests that the harm could not be remedied" (at 341). This has recently been affirmed by the Federal Court of Appeal in two recent decisions: *Air Passengers Rights v Canada (Transportation Agency)*, 2020 FCA 92 at para 30 (leave to appeal to SCC refused, 39266 (23 December 2020)); and *Arctic Cat, Inc v Bombardier Recreational Products Inc*, 2020 FCA 116 at para 32.

[42] Additionally, to succeed, the Plaintiff must establish an unavoidable harm, defined as "irreparable harm that will be caused by the failure to get a stay, not harm caused by its own conduct in running a clearly-known risk that it actually knew about, could have avoided, but deliberately chose to accept" (*Spencer v Canada (Attorney General)*, 2021 FC 361 at para 95, citing *Glooscap* at para 39).

[43] The Defendants argue that the Plaintiff has failed to establish irreparable harm, let alone meet the high evidentiary threshold imposed by the case law:

- the fact that he has been subject to lawful orders by a competent court in the family law proceeding cannot constitute irreparable harm;
- the fact that provincial health authorities, and the RCMP, took steps to enforce valid provincial law, also cannot constitute irreparable harm;

- the fact that the RCMP has not investigated every claim or allegation he has made, cannot constitute irreparable harm; and
- the Plaintiff is now in the United States, and so the RCMP and Saskatchewan Health Authority will not be dealing with him until he returns to Canada.

[44] The Plaintiff contends that there is ongoing harm to him and that no human being should be "forced to live like this." He has not been able to see his daughter for more than a year and she is entitled to her parent. He says he does not trust the health and police authorities in protecting her or providing medical care to her.

[45] I find that the Plaintiff has failed to demonstrate that he will suffer irreparable harm, as that term is understood in Canadian law, between the date of his application and the determination of his underlying claim.

[46] First, the Plaintiff has gone to the United States and it is not certain when he will return; this gives rise to two points:

i. the Defendants will not be dealing with him during this interim period, other than in relation to any ongoing court proceedings relating to his action, or the family law matter; and

ii. a party cannot obtain an interlocutory injunction to forestall any harm that is caused by their own voluntary actions.

[47] Second, the law requires proof that irreparable harm will occur, not that it has occurred – and the Plaintiff's allegations of torture and abuse are all backward looking.

[48] Third, the law requires proof at a high level of specificity, as described earlier. The Plaintiff has failed to provide such proof here.

(3) Balance of Convenience

[49] The third stage of the test "requires an assessment of the balance of convenience, in order to identify the party which would suffer greater harm from the granting or refusal of the interlocutory injunction, pending a decision on the merits" (*CBC* at para 12). The expression often used is "balance of inconvenience". The factors that must be considered in assessing this element of the test are numerous and will vary with the circumstances of each case.

[50] The Defendants submit that taking into account the Court's lack of jurisdiction, the nature of the relief sought by the Plaintiff, the harm alleged, and the public interest, the balance of convenience favours dismissing the motion.

[51] The Plaintiff submits that the balance of convenience favours his interests. He says that he is looking for a court to protect his personal, individual interests as a person and as a father, and that he wants the torture to stop.

[52] I find that in view of my conclusions on the first two grounds, and the jurisdiction question, the balance of convenience strongly favours the Defendants.

VI. Costs

[53] As noted earlier, the Plaintiff seeks costs from various parties in the range of $6,000,000.

[54] The Defendants each seek their costs on this motion. They submit that if they are successful in this, and given the nature of the claims advanced by the Plaintiff despite his repeated lack of success in other courts, including this Court, the Saskatchewan Court of Queen's Bench and the Saskatchewan Court of Appeal, they should be awarded costs. They seek a lump sum amount set in accordance with the Court's discretion. The Defendants Kimberley Richardson and Matrix Law Group seek solicitor-client costs to reflect their efforts in responding to the voluminous materials filed by the Plaintiff.

[55] The Plaintiff argues that he seeks these costs to persuade these Defendants, and public authorities, to obey the rule of law and to stop the torture, abuse, and mistreatment that he and his daughter have been subjected to.

[56] I find that there is no basis to depart from the usual rule that costs follow the cause.

[57] While I have considered the arguments of Ms. Richardson and Matrix Law Group, I am not persuaded that this is a case in which solicitor-client costs are appropriate.

[58] In exercise of the Court's discretion, and taking into account (i) the nature of the claims advanced by the Plaintiff, the length of his written record, and the fact that he recently filed

supplementary materials; (ii) the result in the matter, namely that the Defendants were entirely successful on all grounds; and (iii) the fact that the Plaintiff has litigated somewhat similar matters previously, as reflected in the decision of the Saskatchewan Court of Appeal, I award costs in the lump sum amount of $1,000, payable forthwith, to each of the Defendant groups represented by counsel at the hearing.

VII. Conclusion

[59] For these reasons, I am dismissing this motion for an interlocutory injunction.

[60] On costs, the Plaintiff will pay a lump-sum, all-inclusive amount of $1,000, payable forthwith, to each of the following Defendants, or groups of Defendants:

- the Attorney General of Canada ($1,000);
- the Saskatchewan Health Authority ($1,000);
- OWZW Lawyers LLP, Cary Ransome, Chad Gartner, Mark Clements, Ian McArthur, Kathy Irwin, Brad Appel, Chantelle Thompson, Jennifer Schmidt, Virgil A. Thomson, Bryce Bohun and Jason Panchyshyn, ($1,000); and
- Matrix Law Group, Clifford Holm, Patricia J. Meiklejohn and Kimberly Richardson ($1,000).

ORDER in T-1404-20

THIS COURT ORDERS that:

1. The motion for an interlocutory injunction is dismissed.

2. The Plaintiff shall pay lump sum costs in the amount of $1,000 to each of the Defendants or groups of Defendants, as follows:

    a. The Attorney General of Canada ($1,000);

    b. the Saskatchewan Health Authority ($1,000);

    c. OWZW Lawyers LLP, Cary Ransome, Chad Gartner, Mark Clements, Ian McArthur, Kathy Irwin, Brad Appel, Chantelle Thompson, Jennifer Schmidt, Virgil A. Thomson, Bryce Bohun and Jason Panchyshyn, ($1,000); and

    d. Matrix Law Group, Clifford Holm, Patricia J. Meiklejohn and Kimberly Richardson ($1,000).

"William F. Pentney"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-1404-20
STYLE OF CAUSE:	DALE RICHARDSON v SEVENTH-DAY ADVENTIST CHURCH ET AL.
PLACE OF HEARING:	HEARD BY VIDEOCONFERENCE
DATE OF HEARING:	JUNE 10, 2021
ORDER AND REASONS:	PENTNEY J.
DATED:	JUNE 15, 2021

APPEARANCES:

Dale Richardson	FOR THE PLAINTIFF (ON HIS OWN BEHALF)
Virgil Thomson	FOR THE DEFENDANTS VIRGIL A. THOMSON, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME,AND OWZW LAWYERS LLP
Cheryl Giesbrecht	FOR THE DEFENDANTS THE ATTORNEY GENERAL OF CANADA
Chantelle Eisner	FOR THE DEFENDANTS SASKATCHEWAN HEALTH AUTHORITY
Annie M. Alport	FOR THE DEFENDANTS MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA MEIKLEJOHN, AND KIMBERLEY RICHARDSON

SOLICITORS OF RECORD:

OWZW Lawyers LLP Barristers and Solicitors Regina, Saskatchewan	FOR THE DEFENDANTS VIRGIL A. THOMSON, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME,AND OWZW LAWYERS LLP
Attorney General of Canada Saskatoon, Saskatchewan	FOR THE DEFENDANTS THE ATTORNEY GENERAL OF CANADA
McDougall Gauley LLP Barristers and Solicitors Saskatoon, Saskatchewan	FOR THE DEFENDANTS SASKATCHEWAN HEALTH AUTHORITY
Miller Thomson LLP Barristers and Solicitors Calgary, Alberta	FOR THE DEFENDANTS MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA MEIKLEJOHN, AND KIMBERLEY RICHARDSON

Federal Court  Cour fédérale

Date: 20210831

Docket: T-1404-20

Ottawa, Ontario, August 31, 2021

PRESENT: Case Management Judge Mireille Tabib

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

ORDER

UPON a case management conference held by videoconference on August 31, 2021;

Mr. Richardson, the self-represented Plaintiff in this matter, travelled to the United States earlier this year in order to claim refugee status on the grounds that he is being tortured in Canada. He is currently detained by the immigration authorities in the United States pending the determination of his claim. Mr. Richardson and his family have made commendable efforts to ensure that he could participate in the case management conference from the detention centre where he is being held. Despite those efforts, the hearing was extremely difficult, as the audio quality was poor and further hampered by numerous and loud background noises and conversations. The Court and other participants had a great deal of difficulty understanding Mr. Richardson's oral submissions, and Mr. Richardson faced similar difficulties from his side. The Court is nevertheless satisfied that Mr. Richardson had a fair opportunity to make submissions to the Court as to the scheduling issues that were discussed.

Mr. Richardson repeated his argument, made in a letter to the Court in early July 2021, to the effect that the scheduling of the Defendants' preliminary motions ought to continue being suspended pending his appeal of Mr. Justice Pentney's Order of June 15, 2021, dismissing Mr. Richardson's motion for various injunctive relief. As of August 31, 2021, however, no notice of appeal had yet validly been filed. In any event, and as noted in the Court's Order of March 24, 2021, the Court was of the view that there would be no prejudice in suspending proceedings in respect of the Defendants' preliminary motions to allow Mr. Richardson an opportunity to present his motion for injunctive relief, but only so long as the motion proceeded without delay. The Plaintiff's motion has now been heard and found to be without merit. While the Plaintiff may have

a right to appeal that determination, it is, unless and until reversed on appeal, valid and effective. The Court is not prepared to continue to delay the progress of this matter pending a future and uncertain appeal.

All Defendants have expressed the intent to bring motions to strike the Statement of Claim. In addition, several of the Defendants have sought and obtained the authorization of the Attorney General of Canada to bring a motion pursuant to s. 40 of the *Federal Courts Act* to have Mr. Richardson declared a vexatious litigant, as a result of which he would be barred from instituting or pursuing proceedings before this Court without leave. The Defendants agreed that only one such motion ought to be presented, with all Defendants wishing to support the motion filing responding motion records in support. It was agreed that the motion would be brought by Defendant Saskatchewan Health Authority.

While the Defendants would have preferred that their motions to strike be brought, heard and determined concurrently with the s. 40 motion for a vexatious litigant declaration, the Court was concerned that defending all these motions would prove overwhelming to Mr Richardson. With Mr. Richardson concurring, the Court determined that the s. 40 motion would be briefed, determined and heard first, and that the motions to strike would only proceed in the event the s. 40 motion was dismissed.

The schedule set out in this order is intended to afford a reasonable period of time for Mr. Richardson to prepare, serve and file a responding motion record to the s. 40 motion, taking into account the fact that he is currently detained. This schedule may be extended, either with the consent of the Defendants or, barring consent, on a formal motion.

THIS COURT ORDERS that:

1. Defendant Saskatchewan Health Authority shall, no later than September 15, 2021, serve and file a full motion record on a motion pursuant to s. 40 of the *Federal Courts Act*.

2. Any Defendant who intends to support the s. 40 motion shall serve and file a responding motion record in support by no later than September 22, 2021. The right of the Plaintiff to argue that those Defendants who have not been authorized to make such a motion in accordance with s. 40(2) do not have standing to support the motion is expressly reserved.

3. The Plaintiff shall serve and file his responding motion record by no later than October 22, 2021.

4. A case management conference by videoconference will be held beginning at 2 pm Eastern on October 25, 2021 in order to fix a date, time, and place or mode of hearing for the s. 40 motion.

5. All other proceedings in this action remain suspended until further order or direction of the Court.

"Mireille Tabib"
Case Management Judge

Federal Court  Cour fédérale

Date: 20211020

Docket: T-1404-20

Citation: 2021 FC 1105

Ottawa, Ontario, October 20, 2021

PRESENT: The Honourable Madam Justice Rochester

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION, GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD

APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER and KIMBERLEY RICHARDSON

Defendants

ORDER AND REASONS

[1] On September 29, 2021, the Plaintiff, Mr. Dale Richardson, filed a Notice of Motion returnable at General Sittings on October 13, 2021. The Plaintiff, who is self-represented, seeks the following relief:

A. An Order to extent the time for appeal for an interlocutory Order issued by Prothonotary Mireille Tabib on August 31, 2021;

B. An Order granting the appeal of the Order of Prothonotary Mireille Tabib dated August 31, 2021; and

C. Any other Order the Court thinks is just.

[2] The subject of this appeal is a scheduling order. It sets out the deadlines for the various steps to be taken prior to fixing a date for the hearing of the Defendants' motion for a declaration pursuant to s. 40 of the *Federal Courts Act* (Vexatious Proceedings).

[3] For the reasons that follow, this appeal is dismissed. The Plaintiff has failed to demonstrate that Prothonotary Tabib, the case management judge for the present matter, erred in her order dated August 31, 2021.

I. Background

[4] The following details are taken from the pleadings in this file, including the Motion Record filed in respect of the Plaintiff's Motion and the affidavit of the Plaintiff sworn September 24, 2021, and from the Index of Recorded Entries.

[5] On November 18, 2020, the Plaintiff filed a statement of claim [Statement of Claim] against fifty-seven (57) defendants [Defendants], including various departments of the United States' Government, several churches, the Royal Canadian Mounted Police, the Saskatchewan Health Authority, the Provincial Court of Saskatchewan, the Court of Queen's Bench for Saskatchewan, the Saskatchewan Court of Appeal, and several members of the judiciary.

[6] In the Statement of Claim, the Plaintiff seeks a declaration that the Grand Lodge of Saskatchewan, referred to as the Masons, "are responsible for the actions of all its agents, specifically those working as agents or servants of the Crown in" a number of listed entities including public health authorities, a provincial legislature, the RCMP, the Saskatchewan provincial Courts, the Federal Court and Federal Court of Appeal, the Canada Revenue Agency and the Department of Justice Canada. The Plaintiff also seeks a declaration that said Mason agents are working as agents or servants of the United States in its various listed governmental entities, "rogue agents of the Christian churches" "rogue agents of the banks", and others.

[7] The Plaintiff further seeks a numbers of declarations that the various listed entities and individuals, which he defines as "Canadian Masonic Terrorists", have, among other things, (i) "participated, concealed or otherwise instructed others in Canadian terrorist activity", (ii) "engaged in the crime of apartheid"; (iii) "have engaged in genocide"; and (iv) "sanctioned torture committing crimes against humanity". The Plaintiff seeks similar declarations with respect to entities he defines as "U.S. Masonic Conspirators" and "Transnational Masonic Terrorists".

[8] The Plaintiff seeks numerous declarations that he was coerced, sanctioned, punished, tortured, and affected by systemic oppression. Numerous allegations are also made in relation to alleged crimes by "the Deep State and the Deep Church". Among the relief claimed by the Plaintiff is a declaration "that the Defendants are liable to the Plaintiff for the damages caused by its breach of constitutional, statutory, treaties, and common law duties, and that the Attorney General shall be responsible for forfeiting the Deep State and Deep Churchs' property and thereby compensating the Plaintiff…" and pecuniary damages in the amount of $1,000,000.

[9] As noted above, this matter is case managed by Prothonotary Tabib. In the time since the Statement of Claim was filed, there have been numerous motions and informal requests filed by the Parties, including a motion for injunctive relief by the Plaintiff. The motion for injunctive relief was initially scheduled for April 29, 2021, however the Plaintiff called the Registry on the day prior to the hearing to advise that he had entered the United States in order to seek asylum and was being held at a detention centre. Consequently, the motion was adjourned. Following the adjournment, certain Defendants wrote to the Court concerning the rescheduling of the

motion for injunctive relief and requested, among other things, that a case management conference be convened in order to set a schedule for motions to strike the action and the motion have the Plaintiff declared a vexatious litigant.

[10] The motion for injunctive relief by the Plaintiff was heard on June 10, 2021 by videoconference. The Plaintiff was present and participated. The motion was denied on June 15, 2021. A Notice of Appeal of the motion for injunctive relief was filed in the Court of Appeal on August 30, 2021.

[11] Prothonotary Tabib held a case management conference on August 31, 2021 by videoconference in order to schedule the next steps in the proceedings. The Plaintiff participated in the case management conference. As appears from the minutes of hearing, during the case management conference certain Defendants enquired about having the motion to strike and the motion to declare the Plaintiff a vexatious litigant heard together. The Court raised a concern that if all the motions were brought together, it may be overwhelming for the Plaintiff as a self-represented litigant. The Plaintiff informed the Court that he expected to be leaving the facility in which he was detained in the next one to six months. The Plaintiff further informed the Court that he went to the United States to seek protection against torture. The balance of the case management conference was devoted to scheduling the deadlines for the various steps to be taken prior to fixing a date for the hearing of the motion for a declaration pursuant to s. 40 of the *Federal Courts Act* (Vexatious Proceedings).

[12] Prothonotary Tabib issued the Order following the case management conference.

[13] According to the Plaintiff's Motion Record, the Plaintiff was deported by the United States Department of Homeland Security to Canada by plane on September 1, 2021. His computers and cell phone were returned to him from the United States on September 18, 2021.

A. *The Order of Prothonotary Tabib*

[14] The Order of Prothonotary Tabib dated August 31, 2021 [Order] is a scheduling order. It sets out the dates by which (i) the Defendants Saskatchewan Health Authority shall serve and file a full motion record on the motion pursuant to s. 40 of the *Federal Courts Act* [s. 40 Motion] (Sept. 15, 2021); (ii) any Defendants wishing to support the s. 40 Motion shall serve and file their responding motion records (Sept. 22, 2021); and (iii) the Plaintiff shall serve and file his responding motion record (Oct. 22, 2021). The Order fixes a case management conference on October 25, 2021 to fix a date, time, place and mode of the hearing for the s. 40 Motion and suspends all other proceedings in the action until further order or direction of the Court.

[15] In addition, the Order notes that the Plaintiff and his family made commendable efforts to ensure that he could participate in the case management conference from the detention center where he was being held. The Order further notes that while the Defendants would have preferred that their motions to strike be brought, heard and determined concurrently with the s. 40 Motion, the Court was concerned that defending all the motions concurrently would prove overwhelming for the Plaintiff. Consequently, Prothonotary Tabib determined, with the Plaintiff concurring, that the s. 40 Motion would be briefed, determined and heard first, and the motions to strike would only proceed in the event that the s. 40 Motion was dismissed.

B. *Motion for Extension of Time and Appeal*

[16] On September 29, 2021, the Plaintiff filed the present motion for an extension of time to file an appeal pursuant to Rule 8 and an appeal of the Order pursuant to Rule 51 of the *Federal Courts Rules* [*Rules*]. The 1170-page Motion Record contains a Notice of Motion, an affidavit from the Plaintiff along with exhibits thereto, an affidavit of Mr. Jorge Felino Pereirra, written representations, and a list of authorities. In his written representations, the Plaintiff grouped his arguments under the following headings:

> A. There Was a Conspiracy to Defraud the Plaintiff
>
> B. The Parties on July 23, 2020, are Conspirators to Treason
>
> C. The Rogue Agents of Innovation Credit Union Have Strong Motive
>
> D. The Court of Queen's Bench for Saskatchewan or any Other Associated Party Has Failed to Comply with the UN Torture Convention
>
> E. The Conspirators in the United States Courts and Other Agencies Have Demonstrated Actions That are Consistent With Treason Against the United States
>
> F. The Trans-National Invariable Pursuit of the Object

[17] The Plaintiff's conclusion in the written representations is as follows:

> Without this *Motion to Extend* and appeal granted, it will allow the extreme prejudice demonstrated by the defendants and Prothonotary Mirelle Tabib, and the conspirators on Canada and the United States to effectively use the courts to commit crimes and silence the Appellant, to violate the constitution, commit treason, and torture the Appellant.

[18] The Defendants did not file a responding motion record.

[19] During the hearing of the motion, the Plaintiff made numerous submissions. The thrust of the Plaintiff's oral argument, as it related to the Order, is that by scheduling the deadlines for various steps to be taken prior to the hearing of the s. 40 Motion, Prothonotary Tabib is causing "extreme prejudice", "sanctioning crimes against humanity", "sanctioning criminal activity", and permitting "tyranny and totalitarianism to exist in Canada". In short, the Plaintiff submits that Prothonotary Tabib should not be permitting the s. 40 Motion to proceed, and consequently, should not have issued the Order.

[20] In response, counsel for two of the Defendants made submissions. The Defendants submitted that the Plaintiff has not demonstrated a basis upon which to overturn the Order.

II. Issues

[21] The issues are:

A. whether the Plaintiff should be granted an extension of time to serve and file his appeal of the Order; and

B. whether Prothonotary Tabib erred in law or committed a palpable and overriding error in (i) scheduling timelines for the service and filing of records in the s. 40 Motion and a further case management conference, and (ii) suspending all other proceedings in the action until further notice or direction of the Court?

III. Analysis

A. *Extension of Time*

[22] Pursuant to Rule 51(2) of the *Rules*, the Notice of Motion ought to have been filed within ten (10) days after the day upon which the Order was rendered. Rule 51 provides as follows:

APPEAL	APPEL
51 (1) An order of a prothonotary may be appealed by a motion to a judge of the Federal Court.	51 (1) L'ordonnance du protonotaire peut être portée en appel par voie de requête présentée à un juge de la Cour fédérale.
Service of appeal	Signification de l'appel
(2) Notice of the motion shall be served and filed within 10 days after the day on which the order under appeal was made and at least four days before the day fixed for the hearing of the motion.	(2) L'avis de la requête est signifié et déposé dans les 10 jours suivant la date de l'ordonnance frappée d'appel et au moins quatre jours avant la date prévue pour l'audition de la requête.

[23] Recognizing that the Plaintiff is self-represented, spent approximately four (4) months in detention in the United States, and had his computers returned to him on September 18, 2021, I am prepared to accept, pursuant to Rule 55 of the *Rules*, that special circumstances existed and the Court may consider the motion to appeal on its merits.

[24] Furthermore, I am guided by the Federal Court of Appeal in *Alberta v Canada*, 2018 FCA 83:

> [44] In *Canada (Attorney General) v Hennelly* (1999), 1999 CanLII 8190 (FCA), 244 NR 399 (FCA) (Hennelly), this Court listed four questions relevant to the exercise of discretion to allow extension of time under Rule 8:
>
> > (1) Did the moving party have a continuing intention to pursue the proceeding?
> >
> > (2) Is there some merit to the proceeding?
> >
> > (3) Has the defendant been prejudiced from the delay?
> >
> > (4) Does the moving party have a reasonable explanation for the delay?

> [45] These questions are helpful to determine whether the granting of an extension is in the interest of justice, because the overriding consideration or the real test is ultimately that justice be done between the parties (*Grewal v Minister of Employment and Immigration*, [1985] 2 FCR 263 at 277-279 (FCA)). Thus, Hennelly does not provide an extensive list of questions or factors that may be relevant in any given case, nor is the failure to give a positive response to one of the four questions referred to above necessarily determinative (*Canada (Attorney General) v Larkman*, 2012 FCA 204, at para. 62). [Emphasis added]

[25] In the present matter, the Plaintiff evidenced a continuing intension to pursue the proceeding and provided a reasonable explanation for the delay. The Defendants have not provided evidence of prejudice on their part by reason of the delay. Three of the four questions above have therefore been answered in the positive. As to the question of the merits of the appeal, this is addressed in Section III.C of this Order and Reasons below.

B. *Standard of Review for the Merits of the Appeal*

[26] The Federal Court of Appeal instructs that "discretionary orders of prothonotaries should only be interfered with when such decisions are incorrect in law or are based on a palpable and overriding error in regard to the facts" (*Hospira Healthcare Corporation v Kennedy Institute of Rheumatology*, 2016 FCA 215, at para 64 [*Hospira*]).

[27] The Federal Court of Appeal, in *Canada v South Yukon Forest Corporation*, 2012 FCA 165, further instructs that to establish a palpable and overriding error one must demonstrate an error that goes to the very outcome of the case:

> [46] Palpable and overriding error is a highly deferential standard of review: H.L. v. Canada (Attorney General), 2005 SCC 25, [2005] 1 S.C.R. 401; Peart v. Peel Regional Police Services (2006) 2006 CanLII 37566 (ON CA), 217 O.A.C. 269 (C.A.) at

> paragraphs 158-59; Waxman, supra. "Palpable" means an error that is obvious. "Overriding" means an error that goes to the very core of the outcome of the case. When arguing palpable and overriding error, it is not enough to pull at leaves and branches and leave the tree standing. The entire tree must fall.

[28] Moreover, as stated by my colleague Justice Little, on a Rule 51 appeal "a case management judge is assumed to be very familiar with the particular circumstances and issues in a proceeding" and their "decisions are afforded deference, especially on factually-suffused questions" (*Hughes v. Canada (Human Rights Commission)*, 2020 FC 986 at para 67).

C. *Has the Plaintiff Established an Error with the Order?*

[29] I find there was no palpable and overriding error in the Order and, consequently, no basis upon which for this Court to intervene. Prothonotary Tabib, as the case management judge, managed the proceedings and exercised her discretion in accordance with Rule 385(1)(a) of the *Rules:*

385 (1) Unless the Court directs otherwise, a case management judge or a prothonotary assigned under paragraph 383(c) shall deal with all matters that arise prior to the trial or hearing of a specially managed proceeding and may	385 (1) Sauf directives contraires de la Cour, le juge responsable de la gestion de l'instance ou le protonotaire visé à l'alinéa 383c) tranche toutes les questions qui sont soulevées avant l'instruction de l'instance à gestion spéciale et peut :
(a) give any directions or make any orders that are necessary for the just, most expeditious and least expensive determination of the proceeding on its merits;	a) donner toute directive ou rendre toute ordonnance nécessaires pour permettre d'apporter une solution au litige qui soit juste et la plus expéditive et économique possible;

[30] The Plaintiff was present and participated in the case management conference that lead to the schedule contained in the Order. The Order certainly fell well within the discretion of Prothonotary Tabib, and she is owed considerable deference for orders of this nature.

[31] The Plaintiff's objections to the Order are rooted in the fact that steps have been scheduled that will ultimately lead to the hearing of the s. 40 Motion. As mentioned by the Court during the hearing of this appeal, the Plaintiff is free to oppose the s. 40 Motion and will have the opportunity to voice his opposition thereto in his responding motion record and at the hearing of the s. 40 Motion.

IV. Conclusion

[32] Prothonotary Tabib did not make an error on a question of law or make a palpable and overriding error on a question of fact or mixed fact and law. For these reasons, the Plaintiff's appeal under Rule 51 from the Order dated August 31, 2021, is dismissed.

[33] The Defendants have not requested costs, and none shall be awarded.

ORDER in T-1404-20

THIS COURT ORDERS that:

1. The Plaintiff's appeal under Rule 51 of the *Federal Courts Rules* from the Prothonotary Tabib's Order dated August 31, 2021, is dismissed;
2. No costs are awarded.

"Vanessa Rochester"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET:	T-1404-20
STYLE OF CAUSE:	DALE RICHARDSON v SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION, GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER and KIMBERLEY RICHARDSON
PLACE OF HEARING:	MONTRÉAL, QUÉBEC – BY VIDEOCONFERENCE
DATE OF HEARING:	OCTOBER 13, 2021
ORDER AND REASONS:	ROCHESTER J.

DATED: OCTOBER 20, 2021

APPEARANCES:

Dale Richardson	SELF REPRESENTED
Me Bruce Comba	FOR THE DEFENDANT DEREK ALLCHURCH
Me Justin Stevenson	FOR THE DEFENDANT JILL COOK, GLEN METIVIER, HONOURABLE JUDGE PELLETIER etc.
Me Virgil Thomson	FOR THE DEFENDANT AGC (REPRESENTING RCMP AND CNST ROY)
Me Chantelle Eisner and Amanda Kimpinksi	FOR THE DEFENDANT SASKATCHEWAN HEALTH AUTHORITY AND CORA SWERID
Me Marie K. Stack and Laura Sayer	FOR THE DEFENDANT JUSTICE R.W. ELSTON
Me Annie M. Alport	FOR THE DEFENDANT SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM ETC.
Me Healther J. Laing	FOR THE DEFENDANTS JUSTICE CROOKS AND JUSTICE CALDWELL

SOLICITORS OF RECORD:

Dale Richardson North Battleford SK	SELF REPRESENTED
Emery Jamieson LLP Edmonton, Alberta	FOR THE DEFENDANT DEREK ALLCHURCH
Attorney General of Canada Regina, SK	FOR THE DEFENDANT JILL COOK, GLEN METIVIER, HONOURABLE JUDGE PELLETIER etc.
Olive Waller Zinkhan Waller LLP Regina SK	FOR THE DEFENDANT AGC (REPRESENTING RCMP AND CNST ROY)
McDougall Gauley LLP Saskatoon SK	FOR THE DEFENDANT SASKATCHEWAN HEALTH AUTHORITY AND CORA SWERID
McKercher LLp Saskatoon SK	FOR THE DEFENDANT JUSTICE R.W. ELSTON
Miller Thomson LLp Calgary, Alberta	FOR THE DEFENDANT SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM ETC.
McDougall Gauley LLP Saskatoon SK	FOR THE DEFENDANTS JUSTICE CROOKS AND JUSTICE CALDWELL

Federal Court  Cour fédérale

Date: 20211026

Docket: T-1404-20

Ottawa, Ontario, October 26, 2021

PRESENT: Case Management Judge Mireille Tabib

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

ORDER

UPON a case management conference held by videoconference on October 25, 2021;

AND UPON the motion of Dr. Alabi for leave to intervene in the Saskatchewan Health Authority's motion pursuant to s. 40 of the *Federal Courts Act*;

CONSIDERING that Dr. Alabi is a named Defendant to this action and that as such, the Court is satisfied that he has the required interest to intervene, even though he has yet to be served with the Statement of Claim;

CONSIDERING that the proposed intervention is limited to the filing of an affidavit, served and filed alongside Dr. Alabi's motion to intervene;

CONSIDERING that the Court is satisfied that the intervention will not prejudice the Plaintiff, if the Plaintiff's right to cross-examine Dr. Alabi on his proposed affidavit is preserved;

CONDIDERING that the Plaintiff has advised that he wishes to cross-examine on affidavit all witnesses who have submitted affidavits for the purpose of the s. 40 motion, but that all parties have waived the right to cross-examine the Plaintiff;

AND CONSIDERING that the Plaintiff and counsel for all parties who have submitted affidavits are available for cross-examinations the week of January 17 to 21, 2022, that Ms. Heinrichs is only available on January 19 and 21, that Mr. McArthur is only available January 18 to 21 and that the precise dates of availability of M. Meickljohn and Dr. Alabi during that week remain to be ascertained;

THIS COURT ORDERS that:

1. Dr. Alabi is granted leave to intervene for the purpose of filing, in support of the Saskatchewan Health Authority's motion pursuant to s. 40 of the *Federal Courts Act*, his affidavit dated September 20, 2021.

2. Dr. Alabi may, no later that October 29, 2021, waive the right to intervene by notifying the Court and all parties, in writing, that he no longer wishes to intervene, upon which his affidavit dated September 20, 2021 will be struck and will not form part of the record on the s. 40 motion. If Dr. Alabi does not waive his right to intervene, he shall indicate the precise dates, during the week of January 17, 2022, on which he will make himself available to be cross-examined on his affidavit.

3. Counsel for Ms. Meicklejohn will advise the Court and all parties, in writing and no later than October 29, 2021, of the precise dates during the week of January 17, 2022, on which she will make herself available to be cross-examined on her affidavit.

4. The Plaintiff will advise the Court and all parties, in writing and no later than November 5, 2021, of the precise dates during the week of January 17, 2022 on which he will cross-examine each witness, bearing in mind the availability they have provided.

5. No-cross-examination will last longer than two and a half hour.

6. All parties will advise the Court, no later than November 5, 2021, of the dates from February 21, 2022 to April 29, 2022, inclusive, on which they are not available to participate in a one-day hearing of the s. 40 motion, by Zoom. If any party fails to provide their dates of non-availability within the time provided, the hearing will be scheduled without taking their availability into account.

7. All other proceedings in this action remain suspended until further order or direction of the Court.

"Mireille Tabib"
Case Management Judge

Federal Court  Cour fédérale

Date: 20211130

Docket: T-1404-20

Citation: 2021 FC 1317

Ottawa, Ontario, November 30, 2021

PRESENT: The Honourable Madam Justice Rochester

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

ORDER AND REASONS

[1] **UPON** a motion by the Plaintiff, Mr. Dale Richardson, who is self-represented, made returnable at General Sittings in Ottawa on November 17, 2021, for the following relief:

> (a) An order to set aside the orders of Prothonotary Tabib dated October 26, 2021;
>
> (b) An order to set a special sitting date to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security on the merits of the matter and any other action that constitutes complicity to same;
>
> (c) An order to set a special sitting date to hear constitutional questions arising from T-1404-20;
>
> (d) An order to permit constitutional questions to be filed regardless of any rule contravention due to the imperative public nature of treason and the extreme prejudice the Plaintiff has been subjected to;
>
> (e) An order to stop the Case Management until the determination of a thorough, impartial investigation based on the merits alone.

[2] **AND UPON** considering the Plaintiff's Motion Record filed on October 29, 2021, including the written representations contained therein**;**

[3] **AND UPON** noting that the Defendants have informed the Court that they will not be submitting representations in reply;

[4] **AND UPON** considering the oral submissions of the Plaintiff at the hearing;

[5] This motion is, among other things, an appeal of an order from the case management judge for this action, Prothonotary Tabib, dated October 26, 2021 [Order] following a case management conference held on October 25, 2021. In the Order, Prothonotary Tabib set out the deadlines for the various steps to be taken prior to fixing a date for the hearing of the Defendants' motion for a declaration pursuant to section 40 (Vexatious proceedings) of the *Federal Courts Act*, RSC 1985, c F-7 [s. 40 Motion]. The Order also granted a motion by one of the Defendants for leave to intervene in the s. 40 Motion on the basis that this individual is already a named defendant in the action. Finally, Prothonotary Tabib ordered that "[a]ll other proceedings in this action remain suspended until further order or direction of the Court." In essence, the subject of this appeal is a scheduling order by the case management judge, Prothonotary Tabib.

[6] This is the second time the Plaintiff has appealed an order by the case management judge setting out the various steps leading up to the scheduling of a hearing for the s. 40 Motion. In *Richardson v Seventh-Day Adventist Church*, 2021 FC 1105 [*Richardson*], the Plaintiff appealed Prothonotary Tabib's scheduling order dated August 31, 2021. In *Richardson*, I set out the background of the action in detail and provided a summary of the various steps that had been taken to date. To quote a brief portion, in this action the Plaintiff seeks:

> [6] …a declaration that the Grand Lodge of Saskatchewan, referred to as the Masons, "are responsible for the actions of all its agents, specifically those working as agents or servants of the Crown in" a number of listed entities including public health authorities, a provincial legislature, the RCMP, the Saskatchewan provincial Courts, the Federal Court and Federal Court of Appeal, the Canada Revenue Agency and the Department of Justice Canada. The Plaintiff also seeks a declaration that said Mason agents are working as agents or servants of the United States in its various

> listed governmental entities, “rogue agents of the Christian churches” “rogue agents of the banks”, and others.
>
> [7] The Plaintiff further seeks a numbers of declarations that the various listed entities and individuals, which he defines as “Canadian Masonic Terrorists”, have, among other things, (i) “participated, concealed or otherwise instructed others in Canadian terrorist activity”, (ii) “engaged in the crime of apartheid”; (iii) “have engaged in genocide”; and (iv) “sanctioned torture committing crimes against humanity”. The Plaintiff seeks similar declarations with respect to entities he defines as “U.S. Masonic Conspirators” and “Transnational Masonic Terrorists”.
>
> [8] The Plaintiff seeks numerous declarations that he was coerced, sanctioned, punished, tortured, and affected by systemic oppression. Numerous allegations are also made in relation to alleged crimes by “the Deep State and the Deep Church”. Among the relief claimed by the Plaintiff is a declaration “that the Defendants are liable to the Plaintiff for the damages caused by its breach of constitutional, statutory, treaties, and common law duties, and that the Attorney General shall be responsible for forfeiting the Deep State and Deep Churchs’ property and thereby compensating the Plaintiff…” and pecuniary damages in the amount of $1,000,000.

[7] In the time since the Statement of Claim was filed, there have been numerous motions and informal requests filed by the Parties, including a motion for injunctive relief by the Plaintiff, and several appeals. For a period of several months earlier this year, the Plaintiff was detained in the United States for, as he described to the Court, having fled Canada in April 2021 to the United States to claim asylum, protection from torture, and for the purpose of disclosing evidence of alleged persecution, torture, terrorism, mortgage fraud, treason and other crimes to the United States. The Plaintiff attended a number of case management conferences and the hearing of the motion for an interlocutory injunction by way of telephone from detention in the United States. On September 1, 2021, the Plaintiff was deported by the United States Department of Homeland Security to Canada. The Order that is the subject of this appeal was rendered

following a case management conference held on October 25, 2021, after the Plaintiff had returned to Canada.

[8] The Plaintiff has filed a substantial volume of material in his Motion Record. In the present motion, the 1648-page Motion Record contains a Notice of Motion, an affidavit from the Plaintiff along with exhibits thereto, written representations, and a list of authorities. In his written representations, the Plaintiff grouped his arguments under the following headings:

> I. The Court is being used to Commit Crimes;
>
> A. There Was a Conspiracy to Defraud and Torture the Plaintiff by State and Private Actors;
>
> B. The Parties on July 23, 2020, are Conspirators to Treason;
>
> C. The Court of Queen's Bench for Saskatchewan or any Other Associated Party Has Failed to Comply with the UN Torture Convention;
>
> D. The Conspirators in the United States Courts and Other Agencies Have Demonstrated Actions That are Consistent With Treason Against the United States;
>
> E. The Trans-National Invariable Pursuit of the Object;

[9] The Plaintiff's conclusion in the written representations is as follows:

> Without this *Motion* for appeal granted, it will allow the extreme prejudice demonstrated by state actors in Canada and the United States to effectively use the courts to commit crimes and silence the Plaintiff, to violate the constitution, commit treason, and torture the Plaintiff, an innocent child and punish an unrelated party to any Federal Court of Canada proceeding Robert A. Cannon. No person shall use the courts to commit crimes, and the parties are all involved in the allegations of torture of the Plaintiff.

[10] The Defendants did not file a responding motion record.

[11] At the outset of the hearing, the Plaintiff alleged that I was biased and requested that another judge hear his motion. In response to the Plaintiff's request to adjourn the hearing and assign it to a different judge, I informed the Plaintiff that I would hear the motion and that it will not be rescheduled. My sole dealings with the Plaintiff, prior to the present motion, have been to hear a previous motion of his that led to the decision in *Richardson* referred to above. In *Richardson*, I granted the Plaintiff's request for an extension of time to serve and file his appeal of the case management judge's order, but ultimately dismissed the appeal.

[12] Properly construed, the Plaintiff's allegation of bias is one of strong disagreement with my order and reasons in *Richardson*. As to the reasons in *Richardson,* and the reasons herein, the manner in which the Plaintiff may express his disagreement is by way of appeal to the Federal Court of Appeal. As to the Plaintiff's allegation of bias and his request for a different judge, I have been assigned the hear and determine this matter, and I am obliged to carry it out unless there is a legal reason to recuse myself. I find that the test for bias, being whether a reasonable, fully-informed person, thinking the matter through, would conclude that it is more likely than not that I, whether consciously or unconsciously, would not decide the present appeal fairly, has not been made out (*Committee for Justice and Liberty et al. v National Energy Board et al*., [1978] 1 SCR 369 at page 394 [*Committee for Justice and Liberty*]). The fact that I have dismissed a previous appeal by the Plaintiff would not lead a reasonable, fully informed person to conclude that I would not proceed with an open mind or that I would be biased against the Plaintiff.

[13] As to the appeal of Prothonotary Tabib's Order, the standard of review is the following. The Federal Court of Appeal instructs that "discretionary orders of prothonotaries should only be

interfered with when such decisions are incorrect in law or are based on a palpable and overriding error in regard to the facts" (*Hospira Healthcare Corporation v Kennedy Institute of Rheumatology*, 2016 FCA 215 at para 64 [*Hospira*]). This a highly deferential standard of review. A case management judge is assumed to be very familiar with the particular circumstances and issues in a proceeding and their decisions are afforded deference, especially on questions of fact (*Hughes v Canada (Human Rights Commission)*, 2020 FC 986 at para 67).

[14] Given the Plaintiff is self-represented, on numerous occasions during the hearing I reminded the Plaintiff that his burden was to show that Prothonotary Tabib's Order was incorrect in law or was based on a palpable and overriding error in regard to the facts. The thrust of the Plaintiff's argument is that Prothonotary Tabib is aware of "torture", "treason", "conspiracy" and "crimes" but has nevertheless permitted the scheduling of the steps leading up to the hearing of the s. 40 Motion to proceed. It is the Plaintiff's submission, among other things, that Prothonotary Tabib is complicit in the torture of the Plaintiff and is permitting the Federal Court to be used to commit crimes, including treason. The Plaintiff submits that Prothonotary Tabib ought to not permit the s. 40 Motion to proceed and be heard, as to do so, would cause the Plaintiff "extreme prejudice".

[15] The allegations of torture and other crimes relate to events that are alleged in the statement of claim in these proceedings, which include allegations relating to a Non-Disclosure Agreement [NDA] with Innovation Credit Union, a divorce and custody dispute, warrants issued by the Royal Canadian Mountain Police [RCMP], the Plaintiff's arrest by the RCMP and detention at the Battleford Mental Health Centre, and proceedings related thereto in

Saskatchewan. Many of the events that are alleged in the statement of claim are also addressed in detail in the Motion Record. At the hearing, the Plaintiff focused on the events surrounding the NDA, his dealings with the RCMP, the warrants issued by the RCMP, his arrest by the RCMP, his admission to the Battleford Mental Health Centre, and his subsequent complaint of torture lodged with the RCMP detachment at Battleford, Saskatchewan.

[16] I informed the Plaintiff multiple times during the hearing that, in pleading the above, he was seeking to litigate the merits of the allegations against the Defendants in the underlying action rather than focusing on the test that an appellant is required to meet in order to succeed on an appeal under Rule 51 of the *Federal Courts Rules*, SOR 98-106 [Rule 51]. The Plaintiff expressed frustration because he considers that the merits of his allegations of torture ought to be heard in short order. The Plaintiff relies on Article 13 of *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1987, 1465 UNTS 85 [*UN Torture Convention*] for the proposition that his claims of torture ought to be heard during the appeal of the Order or at the very least prior to the s. 40 Motion. Article 13 of the *UN Torture Convention* provides:

> Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

[17] The Plaintiff submits that events that are alleged to have been perpetrated by the Defendants in this action constitute, among other things, torture, and as such this Court has the

obligation to intervene at this stage. The Plaintiff submits the same is true with respect to the actions of Prothonotary Tabib in her role as the case management judge.

[18] As to the past events that are alleged to have taken place, these allegations against the Defendants relate to the merits of the underlying action and it is not appropriate for me to make a determination on them in the context of an appeal from Prothonotary Tabib's Order. In other words, they are outside the scope of this motion under Rule 51, which is an appeal of what is effectively a scheduling order by the case management judge.

[19] I now turn to the Plaintiff's submissions that the actions of Prothonotary Tabib, in rendering the Order, constitute torture. Article 1 of the *UN Torture Convention* defines torture for the purpose of the *Convention*. This definition has been incorporated, almost verbatim, into the *Criminal Code*, RSC 1985, c C-46 at subsection 269.1(2), in the context of the offence of torture by an official as defined in 269.1(2):

torture means any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person	***torture*** Acte, commis par action ou omission, par lequel une douleur ou des souffrances aiguës, physiques ou mentales, sont intentionnellement infligées à une personne :
(a) for a purpose including	**a)** soit afin notamment :
(i) obtaining from the person or from a third person information or a statement,	**(i)** d'obtenir d'elle ou d'une tierce personne des renseignements ou une déclaration,
(ii) punishing the person for an act that the person or a third person has committed or is suspected of having committed, and	**(ii)** de la punir d'un acte qu'elle ou une tierce personne a commis ou est soupçonnée d'avoir commis,
(iii) intimidating or coercing the person or a third person, or	**(iii)** de l'intimider ou de faire pression sur elle ou d'intimider une tierce personne ou de

	faire pression sur celle-ci;
(b) for any reason based on discrimination of any kind,	**b)** soit pour tout autre motif fondé sur quelque forme de discrimination que ce soit.
but does not include any act or omission arising only from, inherent in or incidental to lawful sanctions. (*torture*)	La torture ne s'entend toutefois pas d'actes qui résultent uniquement de sanctions légitimes, qui sont inhérents à celles-ci ou occasionnés par elles. (*torture*)

[20] I note that the definition requires that there be an intent to inflict pain and suffering on a person. Moreover, even where such pain and suffering has been inflicted, it is not, by definition, torture where the pain and suffering arose from, was inherent in, or incidental to, lawful sanctions.

[21] There is no evidence that Prothonotary Tabib intended to inflict pain and suffering on the Plaintiff or that she acted in any way unlawfully in scheduling the various procedural steps that will ultimately lead to the hearing of the s. 40 Motion. Indeed, scheduling procedural steps leading up to a hearing of a motion filed by a party to the proceedings falls squarely within her duties as the case management judge. Prothonotary Tabib's actions in rendering the Order do not constitute "torture" as defined above. Rather, Prothonotary Tabib, as the case management judge, managed the proceedings and exercised her discretion in accordance with Rule 385(1)(a) of the *Federal Courts Rules.*

[22] It is clear that the Plaintiff wishes to prevent the s. 40 Motion from proceeding. Nevertheless, I remind the Plaintiff that he is free to oppose the s. 40 Motion and will have the opportunity to voice his opposition thereto in his responding motion record and at the hearing of the s. 40 Motion.

[23] The Plaintiff has also submitted that Prothonotary Tabib, among other things, is "extremely prejudiced" against him, has "abused her position", is an "active participant in the worst crimes", has allowed "the Federal Court of Canada to be used in the commission of treason against Canada and the United States, and other offences extraditable to the United States and punishable by death pursuant to United States law."

[24] It is clear that the Plaintiff disagrees with the Order rendered by the Prothonotary Tabib, however it does not follow that she acted with bias or in a criminal manner because she rendered an Order that does not favour the Plaintiff. As noted above, the test for bias is whether a reasonable, fully-informed person, thinking the matter through, would conclude that it is more likely than not that an adjudicator, whether consciously or unconsciously, would not decide the matter fairly (*Committee for Justice and Liberty* at page 394). Moreover, there is a strong presumption of judicial integrity and impartiality, and the onus is on the party seeking to displace this presumption to present cogent evidence to support such a serious allegation (*Cojocaru v British Columbia Women's Hospital and Health Centre*, 2013 SCC 30 at para 18; *Hociung v Canada (Public Safety and Emergency Preparedness),* 2019 FCA 214 at para 52). I find the allegations of bias and criminal conduct on the part of Prothonotary Tabib to be baseless and devoid of any merit whatsoever.

[25] As quoted in the first paragraph of this Order and Reasons, the relief sought by the Plaintiff in this motion includes an order setting aside the Order of Prothonotary Tabib along with "(b) An order to set a special sitting date to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security on the merits of the matter and any other

action that constitutes complicity to same; (c) An order to set a special sitting date to hear constitutional questions arising from T-1404-20; (d) An order to permit constitutional questions to be filed regardless of any rule contravention due to the imperative public nature of treasons and the extreme prejudice the Plaintiff has been subjected to; (e) An order to stop the Case Management until the determination of a thorough, impartial investigation based on the merits alone." Prothonotary Tabib's Order provides that, apart from the steps scheduled in the context of the s. 40 Motion, all other proceedings in this action are to remain suspended until further order or direction of the Court. The Plaintiff has failed to demonstrate that the Order is incorrect in law or based on a palpable and overriding error in regard to the facts. As such, the Order stands and along with it the suspension of all other proceedings, which includes the above four additional proceedings requested by the Plaintiff.

ORDER in T-1404-20

THIS COURT ORDERS that:

1. The Plaintiff's appeal under Rule 51 of the *Federal Courts Rules* from Prothonotary Tabib's Order dated October 26, 2021, is dismissed;
2. The Plaintiff's request for orders setting special sitting dates to (a) "to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security" and (b) constitutional questions arising from this action, are denied;
3. The Plaintiff's request for an order to permit constitutional questions to be filed is denied;
4. The Plaintiff's request to cease case management is denied; and
5. No costs are awarded.

"Vanessa Rochester"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-1404-20
STYLE OF CAUSE:	DALE RICHARDSON v SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON
PLACE OF HEARING:	MONTRÉAL, QUEBEC BY VIDÉOCONFERENCE
DATE OF HEARING:	NOVEMBER 17, 2021
ORDER AND REASONS:	ROCHESTER J.

DATED: NOVEMBER 30, 2021

APPEARANCES:

Dale Richardson	SELF REPRESENTED
Me Justin Stevenson	FOR THE DEFENDANT MINISTRY OF JUSTICE AND ATTORNEY GENERAL OF CANADA
Me Chantelle Eisner	FOR THE DEFENDANT SASKATCHEWAN HEALTH AUTHORITY AND CORA SWERID
Me Marie K. Stack	FOR THE DEFENDANT JUSTICE R.W. ELSTON
Me Cheryl Giesbrecht	FOR THE DEFENDANT THE CIVILIAN REVIEW AND COMPLAINTS COMMISSION ET AL. DEPARTMENT OF JUSTICE
Me Healther J. Laing	FOR THE DEFENDANTS JUSTICE CROOKS AND JUSTICE CALDWELL

SOLICITORS OF RECORD:

Dale Richardson North Battleford SK	SELF REPRESENTED
Attorney General of Canada Saskatchewan SK	FOR THE DEFENDANT MINISTRY OF JUSTICE AND ATTORNEY GENERAL OF CANADA
McDougall Gauley LLP Saskatoon SK	FOR THE DEFENDANT SASKATCHEWAN HEALTH AUTHORITY AND CORA SWERID
McKercher LLp Saskatoon SK	FOR THE DEFENDANT JUSTICE R.W. ELSTON
Department of Justice Prairie Region	FOR THE DEFENDANT THE CIVILIAN REVIEW AND COMPLAINTS COMMISSION ET AL. DEPARTMENT OF JUSTICE
McDougall Gauley LLP Saskatoon SK	FOR THE DEFENDANTS JUSTICE CROOKS AND JUSTICE CALDWELL

Federal Court  Cour fédérale

Date: 20211215

Docket: T-1404-20

Ottawa, Ontario, December 15, 2021

PRESENT:

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH DAY ADVENTIST CHURCH CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

ORDER

PURSUANT to the Order of Madam Prothonotary Tabib dated October 26, 2021;

IT IS ORDERED that the hearing of the section 40 of the *Federal Courts Act* take place *peremptorily* before this Court by Zoom videoconference, on Tuesday, the 1st day of March, 2022, at 9:30 (Eastern) in the forenoon for a duration of one (1) day.

This Order is made at the specific direction of the Chief Justice.

"Klara Trudeau"
Judicial Administrator

Federal Court  Cour fédérale

Date: 20220303

Docket: T-1404-20

Ottawa, Ontario, March 3, 2022

PRESENT:

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH DAY ADVENTIST CHURCH CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

ORDER

PURSUANT to the Order of Madam Prothonotary Tabib dated October 26, 2021;

AND PURSUANT to the Direction of Mr. Justice Brown dated February 28, 2022;

IT IS ORDERED that the hearing of the section 40 of the *Federal Courts Act*, is scheduled to take place *peremptorily* before this Court by Zoom videoconference, on Monday, the 30th day of May, 2022, at 9:30 (Eastern) in the forenoon for a duration of one (1) day.

This Order is made at the specific direction of the Chief Justice.

"Klara Trudeau"
Judicial Administrator

Federal Court  Cour fédérale

Date: 20220608

Docket: T-1404-20

Citation: 2022 FC 848

Ottawa, Ontario, June 8, 2022

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

JUDGMENT AND REASONS

I. Nature of the matter

[1] This is a motion brought on behalf of the Defendants, the Saskatchewan Health Authority and Cora Swerid, hereinafter referred to collectively as "SHA", having obtained consent of the Attorney General of Canada [AGC], for an Order pursuant to section 40 of the *Federal Courts Act*, RSC 1985, c F-7 [*Act*] [section 40 Motion]. The Plaintiff, Dale Richardson, is a self-represented litigant asserting claims on behalf of himself, his company, DSR Karis Consulting Inc., and his daughter, Kaysha Dery. The AGC is a party by virtue of it having given its consent to the bringing of this motion as required by subsection 40(2) of the *Act*.

[2] The following groups of Defendants made written and oral submissions on this motion requesting the same relief as SHA:

1) Counsel Chantelle E. Eisner for Saskatchewan Health Authority and Cora Swerid;

2) Counsel Lindsay Oliver for the Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson;

3) Counsel Annie M. Alport for the Seventh-day Adventist Church, the Battlefords Seventh-day Adventist Church, the Manitoba-Saskatchewan Conference, Matrix Law Group, James Kwon, Mazel Holm, Gary Lund, Dawn Lund, Ciprian Bolah, Jeannie Johnson, Michael Collins, Clifford Holm, Patricia Meiklejohn and Kimberley Richardson;

4) Counsel Justin Stevenson for Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier, Emi Holm, and Char Blais;

5) Heather Liang, QC for the Honourable Justice Caldwell and the Honourable Justice Crooks;

6) Counsels Marie Stack and Laura Sayer for the Honourable Justice R.W. Elson;

7) Counsel Jessica Karam for the Attorney General of Canada and the Royal Canadian Mounted Police.

[3] I note the Royal Canadian Mounted Police [RCMP] is not named as a Defendant in T-1404-21, however, it is named in another matter brought in the Federal Court by the same Plaintiff Dale Richardson, T-1367-20. I note this because of the Reasons of the Federal Court of Appeal in *Canada (Attorney General) v Fabrikant,* 2019 FCA 198 [per Stratas JA] at paras 44-47 [*Fabrikant*].

[4] The motion as proposed to be amended by SHA seeks:

> A. An Order that the Plaintiff, Dale Richardson ~~(DSR Karis Consulting Inc. and Robert Cannon),~~ is a vexatious litigant within the meaning of section 40(1) of the *Federal Courts Act*, and cannot institute any further actions in the Federal Court without leave of the Court;
>
> B. An Order prohibiting all litigation proxies from representing or otherwise conducting litigation on behalf of the Plaintiff, Dale Richardson, or on behalf of his corporation, DRS Karis Consulting Inc., without leave of the Court;
>
> C. An Order for costs against the Plaintiff to SHA and Swerid; and,
>
> D. Such further relief as counsel may advise and this Honourable Court may find just and expedient.

[5] The grounds for the Motion as proposed to be amended are:

> A. In the past year, the Plaintiff, his company DSR Karis Consulting Inc. and Robert Cannon, and others (the Plaintiff's "agents" and/or litigation proxies) have commenced numerous duplicative and meritless proceedings against justice system participants and other persons or entities they disagree with. Each

> of these actions have brought with them multiple, needless filings and lengthy, incomprehensible affidavits and submissions on behalf of the Plaintiff and/or his agents. The claims alleged in this action are simply a continuation of these frivolous claims.
>
> B. It is necessary to limit the Plaintiff's unfettered access to this Court.
>
> C. An order under section 40(1) will reasonably prevent the Plaintiff from issuing limitless vexatious claims which consume administrative, judicial, and defendant resources.

[6] In respect of this proposed amendment, SHA relied on *Canada (Attorney General) v Fabrikant*, 2019 FCA 198. There, Justice Stratas JA discusses the use of "litigation proxies" and the need for these to be restrained by vexatious litigant orders:

> [45] In cases such as this, a vexatious litigant order should try to do the following:
>
> - Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
> - Rule on the issue whether the vexatious litigant's pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.
> - Prevent the Registry from spending time on unnecessary communications and worthless filings.
> - Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such cases, ensure that interested persons have the opportunity to make submissions.
> - Empower the Registry to take quick and administratively simple steps to protect

> itself, the Court and other litigants from vexatious behavior.
>
> - Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.
>
> - Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.
>
> [46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, *e.g., Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.

[7] The Motion to Amend was filed on Friday May 27, 2022. After that the Plaintiff filed an email response, which in my view was not responsive, with some 1,400 pages of attachments on Sunday, May 29, 2022. The hearing was scheduled to start at 10:30 AM Ottawa time (8:30 AM Saskatchewan time) on Monday the 30th. There was no opposition to the Motion to Amend given the Plaintiff decided not to appear at the hearing, a decision I find was made as part of the Plaintiff's vexatious litigant strategy. It was supported by all Defendants who appeared at the hearing. I am therefore granting the amendment given it is entirely in accord with the Reasons for Judgment of Stratas JA in *Fabrikant*.

[8] I am also granting the motion to declare the Plaintiff and his proxies vexatious litigants and will provide related relief as per *Fabrikant,* and as found in the Chief Justice's Order and

Reasons in *Birkich v Surveyor General,* 2021 FC 1278 [*Birkich*], and in these Reasons and Judgment.

II. Background

[9] As discussed below the Plaintiff has instituted some 40 or more proceedings including original proceedings, appeals and other filings in this Court and others over the last two years or so. There were six such pleadings identified when this vexatious litigant motion was instituted in September 2021; the balance were instituted between then and now. His pleadings are lengthy, prolix, rambling, sometimes incoherent, insulting, scandalous and repetitive among other things.

[10] Generally speaking, they entail claims against provincial and federal government entities in Canada, claims against judges of the provincial and Superior Courts in Canada, as well as claims against various Departments of the Government of the United States of America including agencies responsible for asylum claims. It seems his claims are motivated or triggered by a number of factors including: (1) the fact his wife successfully applied for and obtained Court order divorce and family law relief including custody of an infant child, and the dismissal of his subsequent application for *habeas corpus*; (2) the Plaintiff's alleges expertise in COVID-19 related matters and his unhappiness with his treatment in that regard by the SHA and others; (3) disputes with various private sector entities; (4) disputes with a credit union with respect to whose treatment of him the Plaintiff is unhappy; and (5) issues with his treatment by healthcare professionals. This is not exhaustive: his pleadings also contain references to copyright breach respecting a work he allegedly authored, references and accusations relating to alleged child predators, allegations against various and sundry Defendants and others of treason, wrongful

detention, torture, inhumane treatment, racism, misogyny, corruption, and many references to terrorism including Masonic Terrorism. He references claims for asylum in the US, and may have made claims in the International Criminal Court, and the Supreme Court of the United States. Notably, he was also made the subject of an involuntary mental health detention and 30 day assessment by provincial Court Order.

[11] The Defendants include judges who have ruled against him both of provincial and Superior Courts, registry staff of various Courts, lawyers who have acted or who are associated with those opposing his allegations, and healthcare workers who have attempted to assist him with what appear to be his challenges. His *modus operandi* seems to be to add to the list of Defendants those who have most recently found against him or with whom he is unhappy, and to do so in successive rounds of litigation.

[12] At the present time the pleadings consist of the Plaintiff's Statement of Claim and two Statements of Defence.

[13] The following summary is taken from Justice Rochester's Order dated October 20, 2021 in which she dismissed the Plaintiff's Motion appealing a scheduling Order of Case Management Judge Tabib dated August 31, 2021:

> [5] On November 18, 2020, the Plaintiff filed a statement of claim [Statement of Claim] against fifty-seven (57) defendants [Defendants], including various departments of the United States' Government, several churches, the Royal Canadian Mounted Police, the Saskatchewan Health Authority, the Provincial Court of Saskatchewan, the Court of Queen's Bench for Saskatchewan, the Saskatchewan Court of Appeal, and several members of the judiciary.

[6] In the Statement of Claim, the Plaintiff seeks a declaration that the Grand Lodge of Saskatchewan, referred to as the Masons, "are responsible for the actions of all its agents, specifically those working as agents or servants of the Crown in" a number of listed entities including public health authorities, a provincial legislature, the RCMP, the Saskatchewan provincial Courts, the Federal Court and Federal Court of Appeal, the Canada Revenue Agency and the Department of Justice Canada. The Plaintiff also seeks a declaration that said Mason agents are working as agents or servants of the United States in its various listed governmental entities, "rogue agents of the Christian churches" "rogue agents of the banks", and others.

[7] The Plaintiff further seeks a numbers of declarations that the various listed entities and individuals, which he defines as "Canadian Masonic Terrorists", have, among other things, (i) "participated, concealed or otherwise instructed others in Canadian terrorist activity", (ii) "engaged in the crime of apartheid"; (iii) "have engaged in genocide"; and (iv) "sanctioned torture committing crimes against humanity". The Plaintiff seeks similar declarations with respect to entities he defines as "U.S. Masonic Conspirators" and "Transnational Masonic Terrorists".

[8] The Plaintiff seeks numerous declarations that he was coerced, sanctioned, punished, tortured, and affected by systemic oppression. Numerous allegations are also made in relation to alleged crimes by "the Deep State and the Deep Church". Among the relief claimed by the Plaintiff is a declaration "that the Defendants are liable to the Plaintiff for the damages caused by its breach of constitutional, statutory, treaties, and common law duties, and that the Attorney General shall be responsible for forfeiting the Deep State and Deep Churchs' property and thereby compensating the Plaintiff…" and pecuniary damages in the amount of $1,000,000.

[9] As noted above, this matter is case managed by Prothonotary Tabib. In the time since the Statement of Claim was filed, there have been numerous motions and informal requests filed by the Parties, including a motion for injunctive relief by the Plaintiff. The motion for injunctive relief was initially scheduled for April 29, 2021, however the Plaintiff called the Registry on the day prior to the hearing to advise that he had entered the United States in order to seek asylum and was being held at a detention centre. Consequently, the motion was adjourned. Following the adjournment, certain Defendants wrote to the Court concerning the rescheduling of the motion for injunctive relief and requested, among other things, that a case management conference be

> convened in order to set a schedule for motions to strike the action and the motion have the Plaintiff declared a vexatious litigant.
>
> [10] The motion for injunctive relief by the Plaintiff was heard on June 10, 2021 by videoconference. The Plaintiff was present and participated. The motion was denied on June 15, 2021. A Notice of Appeal of the motion for injunctive relief was filed in the Court of Appeal on August 30, 2021.
>
> [11] Prothonotary Tabib held a case management conference on August 31, 2021 by videoconference in order to schedule the next steps in the proceedings. The Plaintiff participated in the case management conference. As appears from the minutes of hearing, during the case management conference certain Defendants enquired about having the motion to strike and the motion to declare the Plaintiff a vexatious litigant heard together. The Court raised a concern that if all the motions were brought together, it may be overwhelming for the Plaintiff as a self-represented litigant. The Plaintiff informed the Court that he expected to be leaving the facility in which he was detained in the next one to six months. The Plaintiff further informed the Court that he went to the United States to seek protection against torture. The balance of the case management conference was devoted to scheduling the deadlines for the various steps to be taken prior to fixing a date for the hearing of the motion for a declaration pursuant to s. 40 of the *Federal Courts Act* (Vexatious Proceedings).
>
> [12] Prothonotary Tabib issued the Order following the case management conference.
>
> [13] According to the Plaintiff's Motion Record, the Plaintiff was deported by the United States Department of Homeland Security to Canada by plane on September 1, 2021. His computers and cell phone were returned to him from the United States on September 18, 2021.

[14] On September 29, 2021, the Plaintiff appealed the Order of Case Management Judge Tabib dated August 31, 2021, seeking the following relief:

> A. An Order to extent the time for appeal for an interlocutory Order issued by Prothonotary Mireille Tabib on August 31, 2021;
>
> B. An Order granting the appeal of the Order of Prothonotary Mireille Tabib dated August 31, 2021; and

> C. Any other Order the Court thinks is just.

[15] On October 20, 2021, Justice Rochester dismissed this appeal and Ordered:

> 1. The Plaintiff's appeal under Rule 51 of the *Federal Courts Rules* from the Prothonotary Tabib's Order dated August 31, 2021, is dismissed;
>
> 2. No costs are awarded.

[16] On October 26, 2021, following a case management conference held on October 25, 2021, Case Management Judge Tabib issued a second scheduling Order: 1) setting out the deadlines for next steps to be taken prior to fixing a date for the hearing of the Defendants' section 40 Motion; 2) granting a motion by one of the Defendants for leave to intervene in the section 40 Motion on the basis this individual is already a named defendant in the Action; and 3) ordering all other proceedings in this Action remain suspended until further order or direction of the Court.

[17] On October 29, 2021, the Plaintiff appealed the Order of Case Management Judge Tabib dated October 26, 2021, seeking the following relief:

> A. An order to set aside the orders of Prothonotary Tabib dated October 26, 2021;
>
> B. An order to set a special sitting date to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security on the merits of the matter and any other action that constitutes complicity to same;
>
> C. An order to set a special sitting date to hear constitutional questions arising from T-1404-20;
>
> D. An order to permit constitutional questions to be filed regardless of any rule contravention due to the imperative public

> nature of treason and the extreme prejudice the Plaintiff has been subjected to;
>
> E. An order to stop the Case Management until the determination of a thorough, impartial investigation based on the merits alone.

[18] On November 30, 2021, Justice Rochester dismissed this appeal and Ordered:

> 1. The Plaintiff's appeal under Rule 51 of the *Federal Courts Rules* from Prothonotary Tabib's Order dated October 26, 2021, is dismissed;
>
> 2. The Plaintiff's request for orders setting special sitting dates to (a) "to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security" and (b) constitutional questions arising from this action, are denied;
>
> 3. The Plaintiff's request for an order to permit constitutional questions to be filed is denied;
>
> 4. The Plaintiff's request to cease case management is denied; and
>
> 5. No costs are awarded.

[19] The Plaintiff filed Notices of Appeal for Justice Rochester's Orders dated October 20, 2021 and November 30, 2021 in the Federal Court of Appeal.

[20] On December 15, 2021, by specific direction of the Chief Justice, the Court's Judicial Administrator by Order set the hearing of this section 40 Motion to take place "*peremptorily* before this Court by Zoom videoconference, on Tuesday, the 1st day of March, 2022, at 9:30 (Eastern) in the forenoon for a duration of one (1) day" [emphasis in original].

[21] On January 18, 2022, the Plaintiff appealed the Order of the Judicial Administrator made at the direction of Chief Justice dated December 15, 2021, to the Federal Court of Appeal.

[22] Since then, the Plaintiff has brought numerous further proceedings before the courts in Saskatchewan, Alberta, and the Supreme Court of Canada. Very recently, for example, the Court was obliged to adjourn the hearing intended for March 1, 2022, to May 30, 2022, and did so on a peremptory basis. Notwithstanding it had then been re-set down on a peremptory basis, on April 1, 2022 the Plaintiff moved to adjourn the re-scheduled hearing, which motion in my capacity as Hearing Judge I dismissed by Order dated April 27, 2022 because the evidence did not support his request. This Order was not appealed by the Plaintiff.

A. *The Plaintiff did not appear at the hearing on May 30, 2022*

[23] As noted, the hearing of this matter was rescheduled by the Judicial Administrator to proceed peremptorily on May 30, 2022. The Plaintiff knew of this because, as indicated, he unsuccessfully moved to have it adjourned. On Monday, May 30, 2022, all counsel were present – but the Plaintiff did not attend. He provided no explanation for his non-attendance. The Court and all other parties waited the traditional 10 or 15 minutes to see if he was simply late or delayed. The Court then proceeded to deal in his absence with the motion to declare the Plaintiff and his litigation proxies vexatious litigants. The hearing lasted two and a half hours. The Plaintiff was not present at the beginning, nor at the end or at any time during the submissions by the Defendants.

[24] In the absence of any attempt to contact the Court then or since, and without any effort to explain his non-attendance, and given his unsuccessful attempt to adjourn the hearing and the fact he did not appeal its dismissal, I conclude his non-attendance was deliberate, an affront to this Court, and another part of the Plaintiff's vexatious litigation strategy.

III. Issues

[25] The issues are:

a) Should the Plaintiff and his litigation proxies be declared vexatious litigants?

b) Should the Court's Judgment restrain the only the Plaintiff or the Plaintiff and his litigation proxies be they counsel or lay personnel?

IV. The Law

[26] Section 40(1) of the *Act* provides:

Vexatious proceedings	**Poursuites vexatoires**
40 (1) If the Federal Court of Appeal or the Federal Court is satisfied, on application, that a person has persistently instituted vexatious proceedings or has conducted a proceeding in a vexatious manner, it may order that no further proceedings be instituted by the person in that court or that a proceeding previously instituted by the person in that court not be continued, except by leave of that court.	**40 (1)** La Cour d'appel fédérale ou la Cour fédérale, selon le cas, peut, si elle est convaincue par suite d'une requête qu'une personne a de façon persistante introduit des instances vexatoires devant elle ou y a agi de façon vexatoire au cours d'une instance, lui interdire d'engager d'autres instances devant elle ou de continuer devant elle une instance déjà engagée, sauf avec son autorisation.

[27] In *Canada v Olumide*, 2017 FCA 42 [*Olumide*] Justice Statas JA provides guidance on the interpretation of "vexatious" within the scope of relief sought pursuant to section 40 of the *Act*:

> [31] Vexatiousness is a concept that draws its meaning mainly from the purposes of section 40. Where regulation of the litigant's continued access to the courts under section 40 is supported by the purposes of section 40, relief should be granted. Put another way, where continued unrestricted access of a litigant to the courts undermines the purposes of section 40, relief should be granted. In my view, all of this Court's cases on section 40 are consistent with this principle.
>
> [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.

[28] Justice Stratas JA in *Olumide* further provided helpful guidance on the rationale underlying section 40:

> [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.

[29] Justice Stratas JA goes further re the remedial scope of an order issued pursuant to section 40 of the *Act*:

> [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.

[30] I note as well Justice Russell confirmed in *Badawy v 1038482 Alberta Ltd. (IntelliView Technologies Inc.)*, 2019 FC 504 [*Badawy*] that "prime indicators of vexatious conduct include" the following, all of which I find exist in this case in relation to the Plaintiff:

> i) A propensity to re-litigate matters that have already been determined;

ii) The initiation of frivolous actions or motions;

iii) The making of unsubstantiated allegations of impropriety against the opposite party, legal counsel and/or the Court;

iv) A refusal to abide by rules and orders of the Court;

v) The use of scandalous language in pleadings or before the Court; and,

vi) The failure or refusal to pay costs in earlier proceedings and the failure to pursue litigation on a timely basis.

[31] In terms of dealing with litigation proxies, Justice Stratas JA stated the following in *Fabrikant*:

> [44] Different types of vexatious litigant orders can be made. Care must be taken to craft the order carefully to preserve the vexatious litigant's legitimate right to access the Court while protecting as much as possible the Court and litigants before it: see the purposes discussed in *Olumide* at paras. 17-34.
>
> [45] In cases such as this, a vexatious litigant order should try to do the following:
>
> - Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
> - Rule on the issue whether the vexatious litigant's pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.
> - Prevent the Registry from spending time on unnecessary communications and worthless filings.
> - Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such

cases, ensure that interested persons have the opportunity to make submissions.

- Empower the Registry to take quick and administratively simple steps to protect itself, the Court and other litigants from vexatious behavior.

- Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.

- Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.

[46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, *e.g., Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.

[47] As this is an application, a judgment rather than an order will be made. The legal text of the judgment is necessarily complicated. But for the respondent's benefit, the judgment will accomplish all of the purposes in paragraph 45 of these reasons. The bottom line is that the respondent's access to the Court and his communications with the Registry will be limited to the matters and proceedings described in paragraph 4(2) of the judgment.

[48] Useful techniques for addressing the challenges posed by vexatious litigants must be shared. In this regard, the Court wants to acknowledge the assistance it has received from the ground-breaking work in this area by other courts, particularly the Alberta Court of Queen's Bench: see, *e.g., Unrau v. National Dental Examining Board*, 2019 ABQB 283 (*per* Rooke A.C.J.).

V. Analysis

A. *Is Mr. Richardson a vexatious litigant?*

[32] SHA and counsel for six other groups of Defendants, submit the motion to have the Plaintiff and his litigation proxies declared vexatious litigants should be granted.

[33] I agree. In my view, the actions of the Plaintiff and his proxies and agents are "vexatious" as evidenced by the number of meritless proceedings commenced by them in the Saskatchewan and Albert Courts and in the Federal Court. In addition to this matter, the following are but some of the court actions initiated by the Plaintiff, by his company DSR Karis Consulting Inc., or his litigation proxies on his behalf:

i. FC T-1367-20 (pending)

ii. FC T-1115-20 (struck)

iii. QBG 921 of 2020 (SKQB)

iv. FC T-1403-20 (deemed abandoned by the Court on December 8, 2020)

v. FC T-1229-20 (struck without leave to amend)

vi. SCC File No. 39759 (leave to appeal dismissed with costs)

vii. CACV3708, *Cannon v Saskatchewan (Court of Queen's Bench)*, 2021 SKCA 77 (appeal dismissed with costs)

viii. FC T-1404-20, *Richardson v Seventh-day Adventist Church*, 2021 FC 609 (Justice Pentney Ordered on June 15, 2021 the Plaintiff's motion for an interlocutory injunction dismissed with costs)

[34] Furthermore, it is noted that vexatious litigant proceedings involving Mr. Richardson have been ongoing in Alberta and decisions have been reported as follows:

a) 2022 ABQB 235

b) 2022 ABQB 247

c) 2022 ABQB 274

d) 2022 ABQB 317

[35] There were more than two dozen additional proceedings including appeals, filings and submissions initiated by this Plaintiff between the time the original matters complained of in this section 40 Motion were identified in September, 2021 and the present time. They were referred to in the material and in oral submissions.

[36] These claims essentially raise the same issues and allegations, but generally with new defendants added to the list as each new claim is brought. Each of these actions has been brought within the last year and in my respectful view, none have been a proper use of the resources of the Court. These proceedings have all contained multiple, needless filings complete with incomprehensible and intemperate affidavits and submissions. The sheer number and nature of the parties continuously named by the Plaintiff and his litigation agents and proxies in the pleadings is further evidence of the need for restrictions on his ability to commence legal proceedings, all of which consume and in my view inexcusably waste valuable time of the Court, of counsel and of the parties.

[37] The Defendants submit, and I agree that without intervention of the Court, the Plaintiff and/or his proxies and agents will continue to bring frivolous court actions, wasting the resources

of this Court and the time and money of all involved. The Plaintiff's Claim is simply an addition to a long line of frivolous court actions.

[38] Counsel for SHA made submissions and the supporting submissions by counsel for six other groups of Defendants mirror the submissions by SHA, and are accepted by the Court.

[39] In particular, submissions by the Matrix Defendants highlighted examples for why each court actions listed above, initiated by the Plaintiff, by his company DSR Karis Consulting Inc., or on their behalf, constitute vexatious conduct.

[40] The Defendants, the Honourable Justice Caldwell JA of the Saskatchewan Court of Appeal and the Honourable Justice Crooks of the Saskatchewan Court of Queen's Bench, submit they are "in full agreement with the written representations made by the SHA and Swerid and the other defendants who have filed responding motion records." They note they are entitled to the protection of judicial immunity, and I agree, this is just another aspect of the Plaintiff's flawed vexations litigant strategy which is the issue before this Court.

[41] The ambit of judicial immunity was canvassed by the Federal Court of Appeal in *Taylor v Canada (Attorney General)*, [2003] 3 FC 298. Justice Sexton JA emphasizes the need for judicial immunity to allow judges to administer the law without constant fear of consequences:

> [25] Litigants turn to courts and judges to resolve difficult problems where all other means of resolving the dispute have failed. Consequently, as the United States Supreme Court held in *Bradley v. Fisher*,[24] courts are often asked to decide cases "involving not merely great pecuniary interests, but the liberty and character of the parties, and consequently exciting the deepest

feelings."[25] As that Court also noted, such litigation inevitably produces at least one losing party, who is likely to be disappointed with the result.

[26] Consider what might happen if judges could be regularly sued for decisions that stirred such disappointment. One potential consequence is that a certain end to disputes, one of the primary advantages of resolving disputes by resort to the courts, would never occur. If one action against a judge was dismissed by another judge, the second judge might well be added as a party to the action, and so on, and so on. This consequence was highlighted in *Bradley v. Fisher*, where Field J. commented that an appellate judge who decided that a judge of an inferior jurisdiction was protected by judicial immunity "would be subjected to a similar burden, as he in his turn might also be held amenable by the losing party."[26]

[27] Similarly, if judges could be sued by disappointed litigants for damages for allegedly erroneous decisions, every judge would be required to preserve "a complete record of all the evidence produced before him in every litigated case, and of the authorities cited and arguments presented, in order that he might be able to show to the judge before whom he might be summoned by the losing party . . . that he had decided as he did with judicial integrity."[27] If a suit was eventually begun against a judge, much of that judge's time and energy would then be devoted to defending the suit, rather than to his or her judicial work. Already scarce judicial resources would be lost, and court cases would take even longer to be heard and to be resolved.

[28] Finally, the most serious consequence of permitting judges to be sued for their decisions is that judicial independence would be severely compromised. If judges recognized that they could be brought to account for their decisions, their decisions might not be based on a dispassionate appreciation of the facts and law related to the dispute. Rather, they might be tempered by thoughts of which party would be more likely to bring an action if they were disappointed by the result, or by thoughts of whether a ground-breaking but just approach to a difficult legal problem might be later impugned in an action for damages against that judge, all of which would be raised by the mere threat of litigation. In Lord Denning's words, a judge would "turn the pages of his books with trembling fingers, asking himself: `If I do this, shall I be liable in damages?'"[28]

[29] Accordingly, the basis for judicial immunity is rooted in the need to protect the public, not in a need to protect judges. In other

> words, as Lord Denning explained in *Sirros v. Moore*, judicial immunity does not exist because a "judge has any privilege to make mistakes or to do wrong."[29] Rather, he held that judges should be free from actions for damages to permit judges to perform their duty "with complete independence and free from fear."[30] Similarly, in *Scott v. Stansfield*,[31] it was explained that judicial immunity is not meant to protect malicious or corrupt judges, but to protect the public:
>
> > It is essential in all courts that the judges who are appointed to administer the law should be permitted to administer it under the protection of the law independently and freely, without favour and without fear. This provision of the law is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences.[32]

[42] Respectfully, I agree with Justice Caldwell and Justice Crooks' submissions that without intervention of the Court, the Plaintiff and his litigation proxies and agents, will continue to bring frivolous and vexatious court actions against them, thus vexatiously interfering with their judicial duties and independence.

[43] The Defendant, the Honourable Justice Elson of the Saskatchewan Court of Queen's Bench, also made submissions regarding the Plaintiff and his proxies and agents' vexatious conduct, as well as submissions on judicial immunity. Justice Elson submits the well-established principle of judicial immunity "ensures that judges are at liberty to exercise their functions with independence and without fear of consequences: 'free in thought and independent in judgment'", citing to *Baryluk (Wyrd Sisters) v Campbell*, 2008 CanLII 55134 (ONSC) at para 25. I respectfully agree with Justice Elson's submissions that in addition to the present matter, the Plaintiff, or an agent or proxy of the Plaintiff, has brought or continued other legal proceedings

against Justice Elson and that "without the intervention of this Court, the Plaintiff and his agents will continue to bring frivolous legal proceedings and waste court resources."

[44] In addition, the Defendants Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier of the Provincial Court of Saskatchewan, Emi Holm, and Char Blais further submit the Plaintiff's conduct demonstrates many of the hallmarks of vexatious behaviour described in *Badawy* and *Olumide* including the Plaintiff's demonstrated propensity to re-litigate matters. These Defendants submit:

> 19. All the actions and motions brought in the Federal and Saskatchewan Courts by the Plaintiff, DSR Karis Consulting Inc. and Robert Cannon that the Justice Defendants are aware of have been meritless and replete with scandalous language alleging torture, terrorism, extortion, fraud, and a "Deep State" and/or Free Mason conspiracy.
>
> 20. The Plaintiff also has a propensity to bring unsubstantiated allegations of impropriety against legal counsel, the judiciary, and other justice system participants. The Plaintiff has consistently targeted those within the justice system for suit when he has not obtained the results he desires. The following judges have been added to lawsuits when they have rendered decisions that have aggrieved the Plaintiff: Caldwell J.A., Elson J., Pelletier J., Crooks J., and Barnes J. Two examples of their alleged wrongdoing include:
>
> a. at paragraph 1(y) of the Claim, the Plaintiff alleges that Elson J. tortured the Plaintiff and his infant daughter and facilitated a terrorist attack.
>
> b. Robert Cannon's Factum at the Saskatchewan Court of Appeal simply states that "Justice Crooks is a terrorist" in its introduction (see: Exhibit "B" of the Affidavit of Pamela Heinrichs).
>
> 21. The Plaintiff has also included a number of lawyers and Local Registrars in his lawsuits including: Kathleen Christopherson, Jill Cook, Glen Metivier, Matrix Law Group, Clifford Holm, Patricia Meiklejohn, OZWZ Lawyers LLP, and Virgil Thomson.

> 22. The Justice Defendants respectfully submit that this Honourable Court should view the inclusion of all these individuals as attempts by the Plaintiff to harass, intimidate, and annoy justice system participants, which strongly warrants a finding that he is a vexatious litigant.

[45] Respectfully, I agree with the Defendants' submissions that the inclusion of these individuals (legal counsel, the judiciary, and other justice system participants) are attempts by the Plaintiff to "harass, intimidate, and annoy justice system participants" which strongly warrants a finding the Plaintiff is a vexatious litigant.

[46] The Plaintiff in response to the section 40 Motion submits, "it is impossible for the Defendant to be a vexatious litigant". However, the majority of his submissions argue matters that have already been decided by this Court and others, further evidencing his attempts to re-litigate matters before the Saskatchewan Courts, the Federal Court, and the Courts of the United States.

[47] Moreover, the Plaintiff has a propensity to bring unsubstantiated allegations of impropriety against parties and their counsel while using scandalous language as evidenced by his Statement of Claim (listing some examples amongst many) asking this Court for:

> • b) a Declaration that the belief of the SDA Church are in direct opposition to the beliefs of the Masons, specifically as follows without limitation:
>
> i. the God of the SDA Church is in eternal conflict with the god of the Masons, Lucificer also known as Satan or the Devil; …
>
> • e) a Declaration that the Canadian Masonic Terrorists have engaged in the crime of apartheid at the acquiescence of the Crown in violation of the United Nations *International Convention on the*

> *Suppression and Punishment of the Crime of Apartheid, 1973* (hereinafter the "Apartheid Convention") as a part of the foregoing Canadian terrorist activity; …
>
> • p) a Declaration that the Transnational Masonic Terrorists have coerced and punished the Plaintiff, its agents and affiliates torturing them in violation of the Torture Convention, for the following:
>
> i. speaking out against violations of the Apartheid Convention in Saskatchewan and Canada with respect to the systemic racism which oppresses Black Canadians, Indigenous, Metis, and biraeials thereof, and
>
> ii. seeking to alleviate the systemic racism on behalf of DSR Karis Consulting Inc. through its business relationships with Battlefords Agency Tribal Chiefs Inc., Northwest College, and Saskatchewan Polytechnic to educate and employ Indigenous and Métis in the field of engineering. …
>
> • y) a Declaration that the Honourable R.W. Elson of the Court of Queen's Bench for Saskatchewan tortured the Plaintiff; his infant daughter and facilitated a terrorist attack on July 23rd, 2020, …
>
> • ac) a Declaration that the torture of the Plaintiff by masonic elements in the Court of Queen's Bench for Saskatchewan, which is part of the Deep State, was a result of his race, religion, his Indigenous daughter and the mismanagement of the COVID emergency; …

[48] Respectfully, I agree with the Defendants' submission that without intervention of the Court, the Plaintiff and his agents and proxies, including but not limited to DSR Karis Consulting Inc. and Robert Cannon, will continue to bring frivolous court action; and they will continue to waste resources of the Court and the time and money of all parties involved. This is intolerable. The Plaintiff's Claim is simply an addition to a long line of frivolous court actions, which strongly warrants a finding that he is a vexatious litigant.

[49] Therefore, I am persuaded by the record in this case the Plaintiff satisfies all of the conditions set out by Justice Russell in *Badawy*.

B. *Should the Court's Judgment restrain only the Plaintiff or the Plaintiff and his litigation proxies be they counsel or lay personnel?*

[50] This matter is specifically addressed by Justice Statas JA of the Federal Court of Appeal in *Fabrikant* at paras 44 to 48:

> [44] Different types of vexatious litigant orders can be made. Care must be taken to craft the order carefully to preserve the vexatious litigant's legitimate right to access the Court while protecting as much as possible the Court and litigants before it: see the purposes discussed in *Olumide* at paras. 17-34.
>
> [45] In cases such as this, a vexatious litigant order should try to do the following:
>
> - Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
> - Rule on the issue whether the vexatious litigant's pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.
> - Prevent the Registry from spending time on unnecessary communications and worthless filings.
> - Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such cases, ensure that interested persons have the opportunity to make submissions.
> - Empower the Registry to take quick and administratively simple steps to protect

> itself, the Court and other litigants from vexatious behavior.
>
> - Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.
>
> - Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.
>
> [46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, *e.g., Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.
>
> [47] As this is an application, a judgment rather than an order will be made. The legal text of the judgment is necessarily complicated. But for the respondent's benefit, the judgment will accomplish all of the purposes in paragraph 45 of these reasons. The bottom line is that the respondent's access to the Court and his communications with the Registry will be limited to the matters and proceedings described in paragraph 4(2) of the judgment.
>
> [48] Useful techniques for addressing the challenges posed by vexatious litigants must be shared. In this regard, the Court wants to acknowledge the assistance it has received from the ground-breaking work in this area by other courts, particularly the Alberta Court of Queen's Bench: see, *e.g., Unrau v. National Dental Examining Board*, 2019 ABQB 283 (*per* Rooke A.C.J.).

[51] On the record before me, I am persuaded that without judicial intervention the Plaintiff will continued to act vexatiously through the instrumentalities of lay personnel and perhaps even counsel alike.

[52] There is no point in making a vexatious litigant order without at the same time forbidding the vexatious litigant from circumventing the order by use of alter egos, proxies, agents, attorneys, representatives or others who replicate or repeat the same vexatious activity as this Plaintiff has, with its attendant harms to all others concerned. Such representatives cannot be placed higher than this Plaintiff given the Court's finding he is a vexatious litigant.

[53] In this connection I note I am barring counsel (that is lawyers, barristers and solicitors) from initiating actions for or on behalf of this vexatious Plaintiff, unless they first apply for and obtain leave of this Court in the same manner as the Plaintiff or any other proxy of his. This is deliberate. I see no reason why counsel should be allowed to act vexatiously anymore than this Plaintiff himself. Of course in a proper case, leave might be granted for counsel to proceed provided that counsel is not advancing matters which if advanced by the Plaintiff directly could be considered vexatious.

[54] Finally, as outlined by Justice Stratas JA in *Fabrikant*, I will also deal with other proceedings initiated by this Plaintiff, Dale Richardson, currently before the Federal Court. Once again I see no point in imposing the restraints of a vexatious litigant order on a plaintiff in this Court – as I am doing here – only to allow the same individual to proceed with impunity in other proceedings commenced in this Court. That could compel other Defendants to repeat what counsel in the case at bar, with the consent of the AGC, have succeeded in obtaining today, with the concomitant waste and expenditure of considerable time and money of all concerned.

[55] Therefore I am ordering, as per Justice Stratas JA in *Fabrikant* and Chief Justice in *Birkich* would, that such other cases are discontinued effective immediately. While two others (T-1115-20 and T-1229-20) have already been struck, Court File T-1367-20 is one other such case.

VI. Conclusion

[56] I find Dale Richardson's conduct satisfies the definition of "vexatiousness" that cannot be appropriately controlled through less onerous measures. In my view, Dale Richardson is a vexatious litigant. Related relief indicated above will also be granted in terms of his litigation proxies and the discontinuance of other proceedings.

VII. Costs

[57] With the exception of Justices Caldwell, Crooks and Elson, the Defendants who took part in this proceeding proposed that in the event the vexatious litigant application is successful, costs in the sum of $5,000 be awarded to each group of Defendants.

[58] The Defendants Justices Caldwell, Crooks and Elson are of the position that costs should follow the cause in the ordinary course, and leave the issue of costs to the discretion of the court.

[59] The Defendants propose that given the egregious nature of the claims being advanced by Mr. Richardson and his conduct in attempting to delay these proceedings, a costs award is both

appropriate and reasonable. The Defendants advise the Court that, to date, Mr. Richardson has not paid any costs that have been awarded against him.

[60] In my respectful view, costs should be higher than the mid-point of Tariff three, particularly given the voluminous material filed and the egregious, intemperate, distasteful and in some if not all cases, hurtful allegations hurled by this Plaintiff. In my view a reasonable all inclusive lump sum cost award is $4,000.00 payable forthwith by the Plaintiff per Rule 401(2) to counsel for each group of Defendants who filed written submissions and who appeared on this Section 40 Motion, namely:

1) Counsel Chantelle E. Eisner for Saskatchewan Health Authority and Cora Swerid;

2) Counsel Lindsay Oliver for the Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson;

3) Counsel Annie M. Alport for the Seventh-day Adventist Church, the Battlefords Seventh-day Adventist Church, the Manitoba-Saskatchewan Conference, Matrix Law Group, James Kwon, Mazel Holm, Gary Lund, Dawn Lund, Ciprian Bolah, Jeannie Johnson, Michael Collins, Clifford Holm, Patricia Meiklejohn and Kimberley Richardson;

4) Counsel Justin Stevenson for Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier, Emi Holm, and Char Blais;

5) Heather Liang, QC for the Honourable Justice Caldwell and the Honourable Justice Crooks;

6) Counsels Marie Stack and Laura Sayer for the Honourable Justice R.W. Elson;

7) Counsel Jessica Karam for the Attorney General of Canada and the Royal Canadian Mounted Police.

JUDGMENT in T-1404-20

THIS COURT'S JUDGMENT is that:

1 The Plaintiff Dale Richardson and those acting as his proxies and agents and those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon are declared vexatious litigants pursuant to section 40 of the *Federal Courts Act,* RSC 1985, c F-7;

2 No further proceedings shall be instituted in this Court by the Plaintiff Dale Richardson or those acting as his proxies and agents and or by those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon, except by leave of this Court.

3 No proceeding previously instituted by the Plaintiff or those acting as his proxies and agents and or those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon in this Court may be continued by any or all of them, except by leave of this Court.

4 For greater certainty, the Plaintiff and those acting as his proxies and agents and or those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon are prohibited from filing any document or procedure, either in their own names or through those representing their interests, except by leave of this Court.

5 The Plaintiff shall forthwith pay to the following their all inclusive lump sum costs of $4,000.00:

1) Counsel Chantelle E. Eisner for Saskatchewan Health Authority and Cora Swerid;

2) Counsel Lindsay Oliver for the Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson;

3) Counsel Annie M. Alport for the Seventh-day Adventist Church, the Battlefords Seventh-day Adventist Church, the Manitoba-Saskatchewan Conference, Matrix Law Group, James Kwon, Mazel Holm, Gary Lund, Dawn Lund, Ciprian Bolah, Jeannie Johnson, Michael Collins, Clifford Holm, Patricia Meiklejohn and Kimberley Richardson;

4) Counsel Justin Stevenson for Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier, Emi Holm, and Char Blais;

5) Heather Liang, QC for the Honourable Justice Caldwell and the Honourable Justice Crooks;

6) Counsels Marie Stack and Laura Sayer for the Honourable Justice R.W. Elson;

7) Counsel Jessica Karam for the Attorney General of Canada and the Royal Canadian Mounted Police.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-1404-20
STYLE OF CAUSE:	DALE RICHARDSON v SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON
PLACE OF HEARING:	HELD BY WAY OF VIDEOCONFERENCE
DATE OF HEARING:	MAY 30, 2022

JUDGMENT AND REASONS: BROWN J.

DATED: JUNE 8, 2022

APPEARANCES:

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Attorney General of Canada Saskatoon, Saskatchewan	FOR THE DEFENDANTS (ATTORNEY GENERAL OF CANADA AND ROYAL CANADIAN MOUNTED POLICE)

Federal Court  Cour fédérale

Date: 20220610

Docket: T-1404-20

Citation: 2022 FC 848

Ottawa, Ontario, June 10, 2022

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

DALE RICHARDSON

Plaintiff

and

SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON

Defendants

AMENDED JUDGMENT AND REASONS

I. Nature of the matter

[1] This is a motion brought on behalf of the Defendants, the Saskatchewan Health Authority and Cora Swerid, hereinafter referred to collectively as "SHA", having obtained consent of the Attorney General of Canada [AGC], for an Order pursuant to section 40 of the *Federal Courts Act*, RSC 1985, c F-7 [*Act*] [section 40 Motion]. The Plaintiff, Dale Richardson, is a self-represented litigant asserting claims on behalf of himself, his company, DSR Karis Consulting Inc., and his daughter, Kaysha Dery. The AGC is a party by virtue of it having given its consent to the bringing of this motion as required by subsection 40(2) of the *Act*.

[2] The following groups of Defendants made written and oral submissions on this motion requesting the same relief as SHA:

1) Counsel Chantelle E. Eisner for Saskatchewan Health Authority and Cora Swerid;

2) Counsel Lindsay Oliver for the Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson;

3) Counsel Annie M. Alport for the Seventh-day Adventist Church, the Battlefords Seventh-day Adventist Church, the Manitoba-Saskatchewan Conference, Matrix Law Group, James Kwon, Mazel Holm, Gary Lund, Dawn Lund, Ciprian Bolah, Jeannie Johnson, Michael Collins, Clifford Holm, Patricia Meiklejohn and Kimberley Richardson;

4) Counsel Justin Stevenson for Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier, Emi Holm, and Char Blais;

5) Heather Liang, QC for the Honourable Justice Caldwell and the Honourable Justice Crooks;

6) Counsels Marie Stack and Laura Sayer for the Honourable Justice R.W. Elson;

7) Counsel Jessica Karam for the Attorney General of Canada and the Royal Canadian Mounted Police.

[3] I note the Royal Canadian Mounted Police [RCMP] is not named as a Defendant in T-1404-21, however, it is named in another matter brought in the Federal Court by the same Plaintiff Dale Richardson, T-1367-20. I note this because of the Reasons of the Federal Court of Appeal in *Canada (Attorney General) v Fabrikant,* 2019 FCA 198 [per Stratas JA] at paras 44-47 [*Fabrikant*].

[4] The motion as proposed to be amended by SHA seeks:

> A. An Order that the Plaintiff, Dale Richardson ~~(DSR Karis Consulting Inc. and Robert Cannon),~~ is a vexatious litigant within the meaning of section 40(1) of the *Federal Courts Act*, and cannot institute any further actions in the Federal Court without leave of the Court;
>
> B. An Order prohibiting all litigation proxies from representing or otherwise conducting litigation on behalf of the Plaintiff, Dale Richardson, or on behalf of his corporation, DRS Karis Consulting Inc., without leave of the Court;
>
> C. An Order for costs against the Plaintiff to SHA and Swerid; and,
>
> D. Such further relief as counsel may advise and this Honourable Court may find just and expedient.

[5] The grounds for the Motion as proposed to be amended are:

> A. In the past year, the Plaintiff, his company DSR Karis Consulting Inc. and Robert Cannon, and others (the Plaintiff's "agents" and/or litigation proxies) have commenced numerous duplicative and meritless proceedings against justice system participants and other persons or entities they disagree with. Each

> of these actions have brought with them multiple, needless filings and lengthy, incomprehensible affidavits and submissions on behalf of the Plaintiff and/or his agents. The claims alleged in this action are simply a continuation of these frivolous claims.
>
> B. It is necessary to limit the Plaintiff's unfettered access to this Court.
>
> C. An order under section 40(1) will reasonably prevent the Plaintiff from issuing limitless vexatious claims which consume administrative, judicial, and defendant resources.

[6] In respect of this proposed amendment, SHA relied on *Canada (Attorney General) v Fabrikant*, 2019 FCA 198. There, Justice Stratas JA discusses the use of "litigation proxies" and the need for these to be restrained by vexatious litigant orders:

> [45] In cases such as this, a vexatious litigant order should try to do the following:
>
> - Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
> - Rule on the issue whether the vexatious litigant's pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.
> - Prevent the Registry from spending time on unnecessary communications and worthless filings.
> - Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such cases, ensure that interested persons have the opportunity to make submissions.
> - Empower the Registry to take quick and administratively simple steps to protect

> itself, the Court and other litigants from vexatious behavior.
>
> - Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.
>
> - Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.
>
> [46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, *e.g., Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.

[7] The Motion to Amend was filed on Friday May 27, 2022. After that the Plaintiff filed an email response, which in my view was not responsive, with some 1,400 pages of attachments on Sunday, May 29, 2022. The hearing was scheduled to start at 10:30 AM Ottawa time (8:30 AM Saskatchewan time) on Monday the 30th. There was no opposition to the Motion to Amend given the Plaintiff decided not to appear at the hearing, a decision I find was made as part of the Plaintiff's vexatious litigant strategy. It was supported by all Defendants who appeared at the hearing. I am therefore granting the amendment given it is entirely in accord with the Reasons for Judgment of Stratas JA in *Fabrikant*.

[8] I am also granting the motion to declare the Plaintiff and his proxies vexatious litigants and will provide related relief as per *Fabrikant,* and as found in the Chief Justice's Order and

Reasons in *Birkich v Surveyor General,* 2021 FC 1278 [*Birkich*], and in these Reasons and Judgment.

II. Background

[9] As discussed below the Plaintiff has instituted some 40 or more proceedings including original proceedings, appeals and other filings in this Court and others over the last two years or so. There were six such pleadings identified when this vexatious litigant motion was instituted in September 2021; the balance were instituted between then and now. His pleadings are lengthy, prolix, rambling, sometimes incoherent, insulting, scandalous and repetitive among other things.

[10] Generally speaking, they entail claims against provincial and federal government entities in Canada, claims against judges of the provincial and Superior Courts in Canada, as well as claims against various Departments of the Government of the United States of America including agencies responsible for asylum claims. It seems his claims are motivated or triggered by a number of factors including: (1) the fact his wife successfully applied for and obtained Court order divorce and family law relief including custody of an infant child, and the dismissal of his subsequent application for *habeas corpus*; (2) the Plaintiff's alleges expertise in COVID-19 related matters and his unhappiness with his treatment in that regard by the SHA and others; (3) disputes with various private sector entities; (4) disputes with a credit union with respect to whose treatment of him the Plaintiff is unhappy; and (5) issues with his treatment by healthcare professionals. This is not exhaustive: his pleadings also contain references to copyright breach respecting a work he allegedly authored, references and accusations relating to alleged child predators, allegations against various and sundry Defendants and others of treason, wrongful

detention, torture, inhumane treatment, racism, misogyny, corruption, and many references to terrorism including Masonic Terrorism. He references claims for asylum in the US, and may have made claims in the International Criminal Court, and the Supreme Court of the United States. Notably, he was also made the subject of an involuntary mental health detention and 30 day assessment by provincial Court Order.

[11] The Defendants include judges who have ruled against him both of provincial and Superior Courts, registry staff of various Courts, lawyers who have acted or who are associated with those opposing his allegations, and healthcare workers who have attempted to assist him with what appear to be his challenges. His *modus operandi* seems to be to add to the list of Defendants those who have most recently found against him or with whom he is unhappy, and to do so in successive rounds of litigation.

[12] At the present time the pleadings consist of the Plaintiff's Statement of Claim and two Statements of Defence.

[13] The following summary is taken from Justice Rochester's Order dated October 20, 2021 in which she dismissed the Plaintiff's Motion appealing a scheduling Order of Case Management Judge Tabib dated August 31, 2021:

> [5] On November 18, 2020, the Plaintiff filed a statement of claim [Statement of Claim] against fifty-seven (57) defendants [Defendants], including various departments of the United States' Government, several churches, the Royal Canadian Mounted Police, the Saskatchewan Health Authority, the Provincial Court of Saskatchewan, the Court of Queen's Bench for Saskatchewan, the Saskatchewan Court of Appeal, and several members of the judiciary.

[6] In the Statement of Claim, the Plaintiff seeks a declaration that the Grand Lodge of Saskatchewan, referred to as the Masons, "are responsible for the actions of all its agents, specifically those working as agents or servants of the Crown in" a number of listed entities including public health authorities, a provincial legislature, the RCMP, the Saskatchewan provincial Courts, the Federal Court and Federal Court of Appeal, the Canada Revenue Agency and the Department of Justice Canada. The Plaintiff also seeks a declaration that said Mason agents are working as agents or servants of the United States in its various listed governmental entities, "rogue agents of the Christian churches" "rogue agents of the banks", and others.

[7] The Plaintiff further seeks a numbers of declarations that the various listed entities and individuals, which he defines as "Canadian Masonic Terrorists", have, among other things, (i) "participated, concealed or otherwise instructed others in Canadian terrorist activity", (ii) "engaged in the crime of apartheid"; (iii) "have engaged in genocide"; and (iv) "sanctioned torture committing crimes against humanity". The Plaintiff seeks similar declarations with respect to entities he defines as "U.S. Masonic Conspirators" and "Transnational Masonic Terrorists".

[8] The Plaintiff seeks numerous declarations that he was coerced, sanctioned, punished, tortured, and affected by systemic oppression. Numerous allegations are also made in relation to alleged crimes by "the Deep State and the Deep Church". Among the relief claimed by the Plaintiff is a declaration "that the Defendants are liable to the Plaintiff for the damages caused by its breach of constitutional, statutory, treaties, and common law duties, and that the Attorney General shall be responsible for forfeiting the Deep State and Deep Churchs' property and thereby compensating the Plaintiff…" and pecuniary damages in the amount of $1,000,000.

[9] As noted above, this matter is case managed by Prothonotary Tabib. In the time since the Statement of Claim was filed, there have been numerous motions and informal requests filed by the Parties, including a motion for injunctive relief by the Plaintiff. The motion for injunctive relief was initially scheduled for April 29, 2021, however the Plaintiff called the Registry on the day prior to the hearing to advise that he had entered the United States in order to seek asylum and was being held at a detention centre. Consequently, the motion was adjourned. Following the adjournment, certain Defendants wrote to the Court concerning the rescheduling of the motion for injunctive relief and requested, among other things, that a case management conference be

> convened in order to set a schedule for motions to strike the action and the motion have the Plaintiff declared a vexatious litigant.
>
> [10] The motion for injunctive relief by the Plaintiff was heard on June 10, 2021 by videoconference. The Plaintiff was present and participated. The motion was denied on June 15, 2021. A Notice of Appeal of the motion for injunctive relief was filed in the Court of Appeal on August 30, 2021.
>
> [11] Prothonotary Tabib held a case management conference on August 31, 2021 by videoconference in order to schedule the next steps in the proceedings. The Plaintiff participated in the case management conference. As appears from the minutes of hearing, during the case management conference certain Defendants enquired about having the motion to strike and the motion to declare the Plaintiff a vexatious litigant heard together. The Court raised a concern that if all the motions were brought together, it may be overwhelming for the Plaintiff as a self-represented litigant. The Plaintiff informed the Court that he expected to be leaving the facility in which he was detained in the next one to six months. The Plaintiff further informed the Court that he went to the United States to seek protection against torture. The balance of the case management conference was devoted to scheduling the deadlines for the various steps to be taken prior to fixing a date for the hearing of the motion for a declaration pursuant to s. 40 of the *Federal Courts Act* (Vexatious Proceedings).
>
> [12] Prothonotary Tabib issued the Order following the case management conference.
>
> [13] According to the Plaintiff's Motion Record, the Plaintiff was deported by the United States Department of Homeland Security to Canada by plane on September 1, 2021. His computers and cell phone were returned to him from the United States on September 18, 2021.

[14] On September 29, 2021, the Plaintiff appealed the Order of Case Management Judge Tabib dated August 31, 2021, seeking the following relief:

> A. An Order to extent the time for appeal for an interlocutory Order issued by Prothonotary Mireille Tabib on August 31, 2021;
>
> B. An Order granting the appeal of the Order of Prothonotary Mireille Tabib dated August 31, 2021; and

> C. Any other Order the Court thinks is just.

[15] On October 20, 2021, Justice Rochester dismissed this appeal and Ordered:

> 1. The Plaintiff's appeal under Rule 51 of the *Federal Courts Rules* from the Prothonotary Tabib's Order dated August 31, 2021, is dismissed;
>
> 2. No costs are awarded.

[16] On October 26, 2021, following a case management conference held on October 25, 2021, Case Management Judge Tabib issued a second scheduling Order: 1) setting out the deadlines for next steps to be taken prior to fixing a date for the hearing of the Defendants' section 40 Motion; 2) granting a motion by one of the Defendants for leave to intervene in the section 40 Motion on the basis this individual is already a named defendant in the Action; and 3) ordering all other proceedings in this Action remain suspended until further order or direction of the Court.

[17] On October 29, 2021, the Plaintiff appealed the Order of Case Management Judge Tabib dated October 26, 2021, seeking the following relief:

> A. An order to set aside the orders of Prothonotary Tabib dated October 26, 2021;
>
> B. An order to set a special sitting date to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security on the merits of the matter and any other action that constitutes complicity to same;
>
> C. An order to set a special sitting date to hear constitutional questions arising from T-1404-20;
>
> D. An order to permit constitutional questions to be filed regardless of any rule contravention due to the imperative public

> nature of treason and the extreme prejudice the Plaintiff has been subjected to;
>
> E. An order to stop the Case Management until the determination of a thorough, impartial investigation based on the merits alone.

[18] On November 30, 2021, Justice Rochester dismissed this appeal and Ordered:

> 1. The Plaintiff's appeal under Rule 51 of the *Federal Courts Rules* from Prothonotary Tabib's Order dated October 26, 2021, is dismissed;
>
> 2. The Plaintiff's request for orders setting special sitting dates to (a) "to determine the torture of the Plaintiff by the rogue agents of the Department of Homeland Security" and (b) constitutional questions arising from this action, are denied;
>
> 3. The Plaintiff's request for an order to permit constitutional questions to be filed is denied;
>
> 4. The Plaintiff's request to cease case management is denied; and
>
> 5. No costs are awarded.

[19] The Plaintiff filed Notices of Appeal for Justice Rochester's Orders dated October 20, 2021 and November 30, 2021 in the Federal Court of Appeal.

[20] On December 15, 2021, by specific direction of the Chief Justice, the Court's Judicial Administrator by Order set the hearing of this section 40 Motion to take place "*peremptorily* before this Court by Zoom videoconference, on Tuesday, the 1st day of March, 2022, at 9:30 (Eastern) in the forenoon for a duration of one (1) day" [emphasis in original].

[21] On January 18, 2022, the Plaintiff appealed the Order of the Judicial Administrator made at the direction of Chief Justice dated December 15, 2021, to the Federal Court of Appeal.

[22] Since then, the Plaintiff has brought numerous further proceedings before the courts in Saskatchewan, Alberta, and the Supreme Court of Canada. Very recently, for example, the Court was obliged to adjourn the hearing intended for March 1, 2022, to May 30, 2022, and did so on a peremptory basis. Notwithstanding it had then been re-set down on a peremptory basis, on April 1, 2022 the Plaintiff moved to adjourn the re-scheduled hearing, which motion in my capacity as Hearing Judge I dismissed by Order dated April 27, 2022 because the evidence did not support his request. This Order was not appealed by the Plaintiff.

A. *The Plaintiff did not appear at the hearing on May 30, 2022*

[23] As noted, the hearing of this matter was rescheduled by the Judicial Administrator to proceed peremptorily on May 30, 2022. The Plaintiff knew of this because, as indicated, he unsuccessfully moved to have it adjourned. On Monday, May 30, 2022, all counsel were present – but the Plaintiff did not attend. He provided no explanation for his non-attendance. The Court and all other parties waited the traditional 10 or 15 minutes to see if he was simply late or delayed. The Court then proceeded to deal in his absence with the motion to declare the Plaintiff and his litigation proxies vexatious litigants. The hearing lasted two and a half hours. The Plaintiff was not present at the beginning, nor at the end or at any time during the submissions by the Defendants.

[24] In the absence of any attempt to contact the Court then or since, and without any effort to explain his non-attendance, and given his unsuccessful attempt to adjourn the hearing and the fact he did not appeal its dismissal, I conclude his non-attendance was deliberate, an affront to this Court, and another part of the Plaintiff's vexatious litigation strategy.

III. Issues

[25] The issues are:

a) Should the Plaintiff and his litigation proxies be declared vexatious litigants?

b) Should the Court's Judgment restrain the only the Plaintiff or the Plaintiff and his litigation proxies be they counsel or lay personnel?

IV. The Law

[26] Section 40(1) of the *Act* provides:

Vexatious proceedings	**Poursuites vexatoires**
40 (1) If the Federal Court of Appeal or the Federal Court is satisfied, on application, that a person has persistently instituted vexatious proceedings or has conducted a proceeding in a vexatious manner, it may order that no further proceedings be instituted by the person in that court or that a proceeding previously instituted by the person in that court not be continued, except by leave of that court.	**40 (1)** La Cour d'appel fédérale ou la Cour fédérale, selon le cas, peut, si elle est convaincue par suite d'une requête qu'une personne a de façon persistante introduit des instances vexatoires devant elle ou y a agi de façon vexatoire au cours d'une instance, lui interdire d'engager d'autres instances devant elle ou de continuer devant elle une instance déjà engagée, sauf avec son autorisation.

[27] In *Canada v Olumide*, 2017 FCA 42 [*Olumide*] Justice Statas JA provides guidance on the interpretation of "vexatious" within the scope of relief sought pursuant to section 40 of the *Act*:

> [31] Vexatiousness is a concept that draws its meaning mainly from the purposes of section 40. Where regulation of the litigant's continued access to the courts under section 40 is supported by the purposes of section 40, relief should be granted. Put another way, where continued unrestricted access of a litigant to the courts undermines the purposes of section 40, relief should be granted. In my view, all of this Court's cases on section 40 are consistent with this principle.
>
> [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.

[28] Justice Stratas JA in *Olumide* further provided helpful guidance on the rationale underlying section 40:

> [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.

[29] Justice Stratas JA goes further re the remedial scope of an order issued pursuant to section 40 of the *Act*:

> [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.

[30] I note as well Justice Russell confirmed in *Badawy v 1038482 Alberta Ltd. (IntelliView Technologies Inc.)*, 2019 FC 504 [*Badawy*] that "prime indicators of vexatious conduct include" the following, all of which I find exist in this case in relation to the Plaintiff:

> i) A propensity to re-litigate matters that have already been determined;

ii) The initiation of frivolous actions or motions;

iii) The making of unsubstantiated allegations of impropriety against the opposite party, legal counsel and/or the Court;

iv) A refusal to abide by rules and orders of the Court;

v) The use of scandalous language in pleadings or before the Court; and,

vi) The failure or refusal to pay costs in earlier proceedings and the failure to pursue litigation on a timely basis.

[31] In terms of dealing with litigation proxies, Justice Stratas JA stated the following in *Fabrikant*:

> [44] Different types of vexatious litigant orders can be made. Care must be taken to craft the order carefully to preserve the vexatious litigant's legitimate right to access the Court while protecting as much as possible the Court and litigants before it: see the purposes discussed in *Olumide* at paras. 17-34.
>
> [45] In cases such as this, a vexatious litigant order should try to do the following:
>
> - Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
> - Rule on the issue whether the vexatious litigant's pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.
> - Prevent the Registry from spending time on unnecessary communications and worthless filings.
> - Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such

cases, ensure that interested persons have the opportunity to make submissions.

- Empower the Registry to take quick and administratively simple steps to protect itself, the Court and other litigants from vexatious behavior.

- Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.

- Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.

[46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, *e.g., Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.

[47] As this is an application, a judgment rather than an order will be made. The legal text of the judgment is necessarily complicated. But for the respondent's benefit, the judgment will accomplish all of the purposes in paragraph 45 of these reasons. The bottom line is that the respondent's access to the Court and his communications with the Registry will be limited to the matters and proceedings described in paragraph 4(2) of the judgment.

[48] Useful techniques for addressing the challenges posed by vexatious litigants must be shared. In this regard, the Court wants to acknowledge the assistance it has received from the ground-breaking work in this area by other courts, particularly the Alberta Court of Queen's Bench: see, *e.g., Unrau v. National Dental Examining Board*, 2019 ABQB 283 (*per* Rooke A.C.J.).

V. Analysis

A. *Is Mr. Richardson a vexatious litigant?*

[32] SHA and counsel for six other groups of Defendants, submit the motion to have the Plaintiff and his litigation proxies declared vexatious litigants should be granted.

[33] I agree. In my view, the actions of the Plaintiff and his proxies and agents are "vexatious" as evidenced by the number of meritless proceedings commenced by them in the Saskatchewan and Albert Courts and in the Federal Court. In addition to this matter, the following are but some of the court actions initiated by the Plaintiff, by his company DSR Karis Consulting Inc., or his litigation proxies on his behalf:

i. FC T-1367-20 (pending)

ii. FC T-1115-20 (struck)

iii. QBG 921 of 2020 (SKQB)

iv. FC T-1403-20 (deemed abandoned by the Court on December 8, 2020)

v. FC T-1229-20 (struck without leave to amend)

vi. SCC File No. 39759 (leave to appeal dismissed with costs)

vii. CACV3708, *Cannon v Saskatchewan (Court of Queen's Bench)*, 2021 SKCA 77 (appeal dismissed with costs)

viii. FC T-1404-20, *Richardson v Seventh-day Adventist Church*, 2021 FC 609 (Justice Pentney Ordered on June 15, 2021 the Plaintiff's motion for an interlocutory injunction dismissed with costs)

[34] Furthermore, it is noted that vexatious litigant proceedings involving Mr. Richardson have been ongoing in Alberta and decisions have been reported as follows:

a) 2022 ABQB 235

b) 2022 ABQB 247

c) 2022 ABQB 274

d) 2022 ABQB 317

[35] There were more than two dozen additional proceedings including appeals, filings and submissions initiated by this Plaintiff between the time the original matters complained of in this section 40 Motion were identified in September, 2021 and the present time. They were referred to in the material and in oral submissions.

[36] These claims essentially raise the same issues and allegations, but generally with new defendants added to the list as each new claim is brought. Each of these actions has been brought within the last year and in my respectful view, none have been a proper use of the resources of the Court. These proceedings have all contained multiple, needless filings complete with incomprehensible and intemperate affidavits and submissions. The sheer number and nature of the parties continuously named by the Plaintiff and his litigation agents and proxies in the pleadings is further evidence of the need for restrictions on his ability to commence legal proceedings, all of which consume and in my view inexcusably waste valuable time of the Court, of counsel and of the parties.

[37] The Defendants submit, and I agree that without intervention of the Court, the Plaintiff and/or his proxies and agents will continue to bring frivolous court actions, wasting the resources

of this Court and the time and money of all involved. The Plaintiff's Claim is simply an addition to a long line of frivolous court actions.

[38] Counsel for SHA made submissions and the supporting submissions by counsel for six other groups of Defendants mirror the submissions by SHA, and are accepted by the Court.

[39] In particular, submissions by the Matrix Defendants highlighted examples for why each court actions listed above, initiated by the Plaintiff, by his company DSR Karis Consulting Inc., or on their behalf, constitute vexatious conduct.

[40] The Defendants, the Honourable Justice Caldwell JA of the Saskatchewan Court of Appeal and the Honourable Justice Crooks of the Saskatchewan Court of Queen's Bench, submit they are "in full agreement with the written representations made by the SHA and Swerid and the other defendants who have filed responding motion records." They note they are entitled to the protection of judicial immunity, and I agree, this is just another aspect of the Plaintiff's flawed vexations litigant strategy which is the issue before this Court.

[41] The ambit of judicial immunity was canvassed by the Federal Court of Appeal in *Taylor v Canada (Attorney General)*, [2003] 3 FC 298. Justice Sexton JA emphasizes the need for judicial immunity to allow judges to administer the law without constant fear of consequences:

> [25] Litigants turn to courts and judges to resolve difficult problems where all other means of resolving the dispute have failed. Consequently, as the United States Supreme Court held in *Bradley v. Fisher*,[24] courts are often asked to decide cases "involving not merely great pecuniary interests, but the liberty and character of the parties, and consequently exciting the deepest

feelings."[25] As that Court also noted, such litigation inevitably produces at least one losing party, who is likely to be disappointed with the result.

[26] Consider what might happen if judges could be regularly sued for decisions that stirred such disappointment. One potential consequence is that a certain end to disputes, one of the primary advantages of resolving disputes by resort to the courts, would never occur. If one action against a judge was dismissed by another judge, the second judge might well be added as a party to the action, and so on, and so on. This consequence was highlighted in *Bradley v. Fisher*, where Field J. commented that an appellate judge who decided that a judge of an inferior jurisdiction was protected by judicial immunity "would be subjected to a similar burden, as he in his turn might also be held amenable by the losing party."[26]

[27] Similarly, if judges could be sued by disappointed litigants for damages for allegedly erroneous decisions, every judge would be required to preserve "a complete record of all the evidence produced before him in every litigated case, and of the authorities cited and arguments presented, in order that he might be able to show to the judge before whom he might be summoned by the losing party . . . that he had decided as he did with judicial integrity."[27] If a suit was eventually begun against a judge, much of that judge's time and energy would then be devoted to defending the suit, rather than to his or her judicial work. Already scarce judicial resources would be lost, and court cases would take even longer to be heard and to be resolved.

[28] Finally, the most serious consequence of permitting judges to be sued for their decisions is that judicial independence would be severely compromised. If judges recognized that they could be brought to account for their decisions, their decisions might not be based on a dispassionate appreciation of the facts and law related to the dispute. Rather, they might be tempered by thoughts of which party would be more likely to bring an action if they were disappointed by the result, or by thoughts of whether a ground-breaking but just approach to a difficult legal problem might be later impugned in an action for damages against that judge, all of which would be raised by the mere threat of litigation. In Lord Denning's words, a judge would "turn the pages of his books with trembling fingers, asking himself: `If I do this, shall I be liable in damages?'"[28]

[29] Accordingly, the basis for judicial immunity is rooted in the need to protect the public, not in a need to protect judges. In other

> words, as Lord Denning explained in *Sirros v. Moore*, judicial immunity does not exist because a "judge has any privilege to make mistakes or to do wrong."[29] Rather, he held that judges should be free from actions for damages to permit judges to perform their duty "with complete independence and free from fear."[30] Similarly, in *Scott v. Stansfield*,[31] it was explained that judicial immunity is not meant to protect malicious or corrupt judges, but to protect the public:
>
> > It is essential in all courts that the judges who are appointed to administer the law should be permitted to administer it under the protection of the law independently and freely, without favour and without fear. This provision of the law is not for the protection or benefit of a malicious or corrupt judge, but for the benefit of the public, whose interest it is that the judges should be at liberty to exercise their functions with independence and without fear of consequences.[32]

[42] Respectfully, I agree with Justice Caldwell and Justice Crooks' submissions that without intervention of the Court, the Plaintiff and his litigation proxies and agents, will continue to bring frivolous and vexatious court actions against them, thus vexatiously interfering with their judicial duties and independence.

[43] The Defendant, the Honourable Justice Elson of the Saskatchewan Court of Queen's Bench, also made submissions regarding the Plaintiff and his proxies and agents' vexatious conduct, as well as submissions on judicial immunity. Justice Elson submits the well-established principle of judicial immunity "ensures that judges are at liberty to exercise their functions with independence and without fear of consequences: 'free in thought and independent in judgment'", citing to *Baryluk (Wyrd Sisters) v Campbell*, 2008 CanLII 55134 (ONSC) at para 25. I respectfully agree with Justice Elson's submissions that in addition to the present matter, the Plaintiff, or an agent or proxy of the Plaintiff, has brought or continued other legal proceedings

against Justice Elson and that "without the intervention of this Court, the Plaintiff and his agents will continue to bring frivolous legal proceedings and waste court resources."

[44] In addition, the Defendants Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier of the Provincial Court of Saskatchewan, Emi Holm, and Char Blais further submit the Plaintiff's conduct demonstrates many of the hallmarks of vexatious behaviour described in *Badawy* and *Olumide* including the Plaintiff's demonstrated propensity to re-litigate matters. These Defendants submit:

> 19. All the actions and motions brought in the Federal and Saskatchewan Courts by the Plaintiff, DSR Karis Consulting Inc. and Robert Cannon that the Justice Defendants are aware of have been meritless and replete with scandalous language alleging torture, terrorism, extortion, fraud, and a "Deep State" and/or Free Mason conspiracy.
>
> 20. The Plaintiff also has a propensity to bring unsubstantiated allegations of impropriety against legal counsel, the judiciary, and other justice system participants. The Plaintiff has consistently targeted those within the justice system for suit when he has not obtained the results he desires. The following judges have been added to lawsuits when they have rendered decisions that have aggrieved the Plaintiff: Caldwell J.A., Elson J., Pelletier J., Crooks J., and Barnes J. Two examples of their alleged wrongdoing include:
>
> a. at paragraph 1(y) of the Claim, the Plaintiff alleges that Elson J. tortured the Plaintiff and his infant daughter and facilitated a terrorist attack.
>
> b. Robert Cannon's Factum at the Saskatchewan Court of Appeal simply states that "Justice Crooks is a terrorist" in its introduction (see: Exhibit "B" of the Affidavit of Pamela Heinrichs).
>
> 21. The Plaintiff has also included a number of lawyers and Local Registrars in his lawsuits including: Kathleen Christopherson, Jill Cook, Glen Metivier, Matrix Law Group, Clifford Holm, Patricia Meiklejohn, OZWZ Lawyers LLP, and Virgil Thomson.

> 22. The Justice Defendants respectfully submit that this Honourable Court should view the inclusion of all these individuals as attempts by the Plaintiff to harass, intimidate, and annoy justice system participants, which strongly warrants a finding that he is a vexatious litigant.

[45] Respectfully, I agree with the Defendants' submissions that the inclusion of these individuals (legal counsel, the judiciary, and other justice system participants) are attempts by the Plaintiff to "harass, intimidate, and annoy justice system participants" which strongly warrants a finding the Plaintiff is a vexatious litigant.

[46] The Plaintiff in response to the section 40 Motion submits, "it is impossible for the Defendant to be a vexatious litigant". However, the majority of his submissions argue matters that have already been decided by this Court and others, further evidencing his attempts to re-litigate matters before the Saskatchewan Courts, the Federal Court, and the Courts of the United States.

[47] Moreover, the Plaintiff has a propensity to bring unsubstantiated allegations of impropriety against parties and their counsel while using scandalous language as evidenced by his Statement of Claim (listing some examples amongst many) asking this Court for:

> • b) a Declaration that the belief of the SDA Church are in direct opposition to the beliefs of the Masons, specifically as follows without limitation:
>
> i. the God of the SDA Church is in eternal conflict with the god of the Masons, Lucificer also known as Satan or the Devil; …
>
> • e) a Declaration that the Canadian Masonic Terrorists have engaged in the crime of apartheid at the acquiescence of the Crown in violation of the United Nations *International Convention on the*

> *Suppression and Punishment of the Crime of Apartheid, 1973* (hereinafter the "Apartheid Convention") as a part of the foregoing Canadian terrorist activity; …
>
> • p) a Declaration that the Transnational Masonic Terrorists have coerced and punished the Plaintiff, its agents and affiliates torturing them in violation of the Torture Convention, for the following:
>
> i. speaking out against violations of the Apartheid Convention in Saskatchewan and Canada with respect to the systemic racism which oppresses Black Canadians, Indigenous, Metis, and biraeials thereof, and
>
> ii. seeking to alleviate the systemic racism on behalf of DSR Karis Consulting Inc. through its business relationships with Battlefords Agency Tribal Chiefs Inc., Northwest College, and Saskatchewan Polytechnic to educate and employ Indigenous and Métis in the field of engineering. …
>
> • y) a Declaration that the Honourable R.W. Elson of the Court of Queen's Bench for Saskatchewan tortured the Plaintiff; his infant daughter and facilitated a terrorist attack on July 23rd, 2020, …
>
> • ac) a Declaration that the torture of the Plaintiff by masonic elements in the Court of Queen's Bench for Saskatchewan, which is part of the Deep State, was a result of his race, religion, his Indigenous daughter and the mismanagement of the COVID emergency; …

[48] Respectfully, I agree with the Defendants' submission that without intervention of the Court, the Plaintiff and his agents and proxies, including but not limited to DSR Karis Consulting Inc. and Robert Cannon, will continue to bring frivolous court action; and they will continue to waste resources of the Court and the time and money of all parties involved. This is intolerable. The Plaintiff's Claim is simply an addition to a long line of frivolous court actions, which strongly warrants a finding that he is a vexatious litigant.

[49] Therefore, I am persuaded by the record in this case the Plaintiff satisfies all of the conditions set out by Justice Russell in *Badawy*.

B. *Should the Court's Judgment restrain only the Plaintiff or the Plaintiff and his litigation proxies be they counsel or lay personnel?*

[50] This matter is specifically addressed by Justice Statas JA of the Federal Court of Appeal in *Fabrikant* at paras 44 to 48:

> [44] Different types of vexatious litigant orders can be made. Care must be taken to craft the order carefully to preserve the vexatious litigant's legitimate right to access the Court while protecting as much as possible the Court and litigants before it: see the purposes discussed in *Olumide* at paras. 17-34.
>
> [45] In cases such as this, a vexatious litigant order should try to do the following:
>
> - Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
> - Rule on the issue whether the vexatious litigant's pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.
> - Prevent the Registry from spending time on unnecessary communications and worthless filings.
> - Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such cases, ensure that interested persons have the opportunity to make submissions.
> - Empower the Registry to take quick and administratively simple steps to protect

> itself, the Court and other litigants from vexatious behavior.
>
> - Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.
>
> - Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.
>
> [46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, *e.g., Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.
>
> [47] As this is an application, a judgment rather than an order will be made. The legal text of the judgment is necessarily complicated. But for the respondent's benefit, the judgment will accomplish all of the purposes in paragraph 45 of these reasons. The bottom line is that the respondent's access to the Court and his communications with the Registry will be limited to the matters and proceedings described in paragraph 4(2) of the judgment.
>
> [48] Useful techniques for addressing the challenges posed by vexatious litigants must be shared. In this regard, the Court wants to acknowledge the assistance it has received from the ground-breaking work in this area by other courts, particularly the Alberta Court of Queen's Bench: see, *e.g., Unrau v. National Dental Examining Board*, 2019 ABQB 283 (*per* Rooke A.C.J.).

[51] On the record before me, I am persuaded that without judicial intervention the Plaintiff will continued to act vexatiously through the instrumentalities of lay personnel and perhaps even counsel alike.

[52] There is no point in making a vexatious litigant order without at the same time forbidding the vexatious litigant from circumventing the order by use of alter egos, proxies, agents, attorneys, representatives or others who replicate or repeat the same vexatious activity as this Plaintiff has, with its attendant harms to all others concerned. Such representatives cannot be placed higher than this Plaintiff given the Court's finding he is a vexatious litigant.

[53] In this connection I note I am barring counsel (that is lawyers, barristers and solicitors) from initiating actions for or on behalf of this vexatious Plaintiff, unless they first apply for and obtain leave of this Court in the same manner as the Plaintiff or any other proxy of his. This is deliberate. I see no reason why counsel should be allowed to act vexatiously anymore than this Plaintiff himself. Of course in a proper case, leave might be granted for counsel to proceed provided that counsel is not advancing matters which if advanced by the Plaintiff directly could be considered vexatious.

[54] Finally, as outlined by Justice Stratas JA in *Fabrikant*, I will also deal with other proceedings initiated by this Plaintiff, Dale Richardson, currently before the Federal Court. Once again I see no point in imposing the restraints of a vexatious litigant order on a plaintiff in this Court – as I am doing here – only to allow the same individual to proceed with impunity in other proceedings commenced in this Court. That could compel other Defendants to repeat what counsel in the case at bar, with the consent of the AGC, have succeeded in obtaining today, with the concomitant waste and expenditure of considerable time and money of all concerned.

[55] Therefore I am ordering, as per Justice Stratas JA in *Fabrikant* and Chief Justice in *Birkich* would, that such other cases are discontinued effective immediately. While two others (T-1115-20 and T-1229-20) have already been struck, Court File T-1367-20 is one other such case.

VI. Conclusion

[56] I find Dale Richardson's conduct satisfies the definition of "vexatiousness" that cannot be appropriately controlled through less onerous measures. In my view, Dale Richardson is a vexatious litigant. Related relief indicated above will also be granted in terms of his litigation proxies and the discontinuance of other proceedings.

VII. Costs

[57] With the exception of Justices Caldwell, Crooks and Elson, the Defendants who took part in this proceeding proposed that in the event the vexatious litigant application is successful, costs in the sum of $5,000 be awarded to each group of Defendants.

[58] The Defendants Justices Caldwell, Crooks and Elson are of the position that costs should follow the cause in the ordinary course, and leave the issue of costs to the discretion of the court.

[59] The Defendants propose that given the egregious nature of the claims being advanced by Mr. Richardson and his conduct in attempting to delay these proceedings, a costs award is both

appropriate and reasonable. The Defendants advise the Court that, to date, Mr. Richardson has not paid any costs that have been awarded against him.

[60] In my respectful view, costs should be higher than the mid-point of Tariff three, particularly given the voluminous material filed and the egregious, intemperate, distasteful and in some if not all cases, hurtful allegations hurled by this Plaintiff. In my view a reasonable all inclusive lump sum cost award is $4,000.00 payable forthwith by the Plaintiff per Rule 401(2) to counsel for each group of Defendants who filed written submissions and who appeared on this Section 40 Motion, namely:

1) Counsel Chantelle E. Eisner for Saskatchewan Health Authority and Cora Swerid;

2) Counsel Lindsay Oliver for the Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson;

3) Counsel Annie M. Alport for the Seventh-day Adventist Church, the Battlefords Seventh-day Adventist Church, the Manitoba-Saskatchewan Conference, Matrix Law Group, James Kwon, Mazel Holm, Gary Lund, Dawn Lund, Ciprian Bolah, Jeannie Johnson, Michael Collins, Clifford Holm, Patricia Meiklejohn and Kimberley Richardson;

4) Counsel Justin Stevenson for Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier, Emi Holm, and Char Blais;

5) Heather Liang, QC for the Honourable Justice Caldwell and the Honourable Justice Crooks;

6) Counsels Marie Stack and Laura Sayer for the Honourable Justice R.W. Elson;

7) Counsel Jessica Karam for the Attorney General of Canada and the Royal Canadian Mounted Police.

JUDGMENT in T-1404-20

THIS COURT'S JUDGMENT is that:

1. The Motion by the Defendants Saskatchewan Health Authority and Cora Swerid to amend their Notice of Motion is granted.

2. The Plaintiff Dale Richardson and those acting as his proxies and agents and those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon are declared vexatious litigants pursuant to section 40 of the *Federal Courts Act,* RSC 1985, c F-7;

3. No further proceedings shall be instituted in this Court by the Plaintiff Dale Richardson or those acting as his proxies and agents and or by those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon, except by leave of this Court.

4. No proceeding previously instituted by the Plaintiff or those acting as his proxies and agents and or those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon in this Court may be continued by any or all of them, except by leave of this Court.

5. For greater certainty, the Plaintiff and those acting as his proxies and agents and or those representing his interests including but not limited to DSR Karis Consulting Inc. and Robert Cannon are prohibited from filing any document or procedure, either in their own names or through those representing their interests, except by leave of this Court.

6. The Plaintiff shall forthwith pay to the following their all inclusive lump sum costs of $4,000.00:

   1) Counsel Chantelle E. Eisner for Saskatchewan Health Authority and Cora Swerid;

   2) Counsel Lindsay Oliver for the Chantelle Thompson, Jennifer Schmidt, Mark Clements, Chad Gartner, Brad Appel, Ian McArthur, Bryce Bohun, Kathy Irwin, Jason Panchyshyn, Cary Ransome, OWZW Lawyers LLP and Virgil A. Thomson;

   3) Counsel Annie M. Alport for the Seventh-day Adventist Church, the Battlefords Seventh-day Adventist Church, the Manitoba-Saskatchewan Conference, Matrix Law Group, James Kwon, Mazel Holm, Gary Lund, Dawn Lund, Ciprian Bolah, Jeannie Johnson, Michael Collins, Clifford Holm, Patricia Meiklejohn and Kimberley Richardson;

   4) Counsel Justin Stevenson for Jill Cook, Glen Metivier, the Honourable Justice M. Pelletier, Emi Holm, and Char Blais;

   5) Heather Liang, QC for the Honourable Justice Caldwell and the Honourable Justice Crooks;

   6) Counsels Marie Stack and Laura Sayer for the Honourable Justice R.W. Elson;

   7) Counsel Jessica Karam for the Attorney General of Canada and the Royal Canadian Mounted Police.

7. A copy of these Amended Judgment and Reasons shall be placed in Federal Court file T-1367-20 *Dale Richardson v Attorney General of Canada*.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	T-1404-20
STYLE OF CAUSE:	DALE RICHARDSON v SEVENTH-DAY ADVENTIST CHURCH, CIVILIAN REVIEW AND COMPLAINTS COMMISSION ("CRCC"), GRAND LODGE OF SASKATCHEWAN, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. CUSTOMS BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, CORECIVIC, DEREK ALLCHURCH, ROYAL CANADIAN MOUNTED POLICE, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, RIKKI MORRISSON, CORA SWERID, DR. ELEKWEM, DR. SUNDAY, COURT OF QUEEN'S BENCH FOR SASKATCHEWAN, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE M. PELLETIER, RAYMOND HEBERT, LINDA HEBERT, EMI HOLM, CHAR BLAIR, COMMUNITY FUTURES, LISA CIMMER AND KIMBERLEY RICHARDSON
PLACE OF HEARING:	HELD BY WAY OF VIDEOCONFERENCE
DATE OF HEARING:	MAY 30, 2022
JUDGMENT AND REASONS:	BROWN J.

DATED: JUNE 8, 2022

AMENDED: JUNE 10, 2022

APPEARANCES:

Chantelle Eisner	FOR THE DEFENDANTS (SASKATCHEWAN HEALTH AUTHORITY AND CORA SWERID)
Lindsay Oliver	FOR THE DEFENDANTS (CHANTELLE THOMPSON, JENNIFER SCHMIDT MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY ROANSOME, OWZW LAWYERS LLP AND VIRGIL A. THOMSON)
Annie M. Alport	FOR THE DEFENDANTS (SEVENTH-DAY ADVENTIST CHURCH, THE BATTELFORDS SEVENTH-DAY ADVENTIST CHURCH, THE MANITOBA-SASKATCHEWAN CONFERENCE, MATRIX LAW GROUP, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MICHAEL COLLINS, CLIFFORD HOLM, PATRICIA MEKLEJOHN AND KIMBERLY RICHARDSON)
Justin Stevenson	FOR THE DEFENDANTS (JILL COOK, GLEN METIVIER, THE HONOURABLE JUDGE M. PELLETIER, EMI HOLM AND CHAR BLAIS)
Heather J. Laing	FOR THE DEFENDANTS (THE HONOURABLE JUSTICE CALDWELL AND THE HONOURABLE JUSTICE CROOKS)
Marie K. Stack Laura Sayer	FOR THE DEFENDANT (JUSTICE R. W. ESLTON)
Jessica Karam	FOR THE DEFENDANTS (ATTORNEY GENERAL OF CANADA AND ROYAL CANADIAN MOUNTED POLICE)

SOLICITORS OF RECORD:

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Attorney General of Canada Saskatoon, Saskatchewan	FOR THE DEFENDANTS (ATTORNEY GENERAL OF CANADA AND ROYAL CANADIAN MOUNTED POLICE)

Federal Court of Appeal | Cour d'appel fédérale

Date: 20221018

Docket: A-183-22

Ottawa, Ontario, October 18, 2022

Coram: **STRATAS J.A.**
LASKIN J.A.
RIVOALEN J.A.

BETWEEN:

DALE J. RICHARDSON

Appellant

and

THE ATTORNEY GENERAL OF CANADA, SEVENTH-DAY ADVENTIST CHRUCH, COURT OF APPEAL FOR SASKATCHEWAN, J.A. CALDWELL, DEREK ALLCHURCH, CONSTABLE BURTON ROY, BATTLEFORDS SEVENTH-DAY ADVENTIST CHURCH, JAMES KWON, MAZEL HOLM, GARY LUND, DAWN LUND, CIPRIAN BOLAH, JEANNIE JOHNSON, MANITOBA-SASKATCHEWAN CONFERENCE, MICHAEL COLLINS, MATRIX LAW GROUP, CLIFFORD HOLM, PATRICIA J. MEIKLEJOHN, CHANTELLE THOMPSON, JENNIFER SCHMIDT, MARK CLEMENTS, CHAD GARTNER, BRAD APPEL, IAN MCARTHUR, BRYCE BOHUN, KATHY IRWIN, JASON PANCHYSHYN, CARY RANSOME, SASKATCHEWAN HEALTH AUTHORITY, DR. ALABI, CORA SWERID, JILL COOK, GLEN METIVER, JUSTICE R.W. ELSON, JUSTICE CROOKS, OWZW LAWYERS LLP, VIRGIL A. THOMSON, PROVINCIAL COURT OF SASKATCHEWAN, HONOURABLE JUDGE PELLETIER, EMI HOLM, CHAR BLAIR, and KIMBERLEY RICHARDSON

Respondents

ORDER

WHEREAS by direction dated September 23, 2022, this Court advised the appellant that the notice of appeal presented to the Court appears not to state any arguable grounds for overturning the order of the Federal Court in file T-1404-20;

AND WHEREAS by direction dated September 23, 2022, this Court advised the appellant that the Court appears not to have jurisdiction over most, if not all, of the respondents to the appeal;

AND WHEREAS the Court, in its direction dated September 23, 2022, asked the appellant to provide written submissions by October 6, 2022 concerning whether the appeals should be summarily dismissed for the foregoing reasons;

AND WHEREAS the appellant filed the written submissions;

AND WHEREAS the written submissions did not address the Court's concerns expressed in its direction dated September 23, 2022;

AND WHEREAS, upon reading the notice of appeal, this Court is satisfied that the concerns it expressed in its direction dated September 23, 2022 are established and this appeal cannot succeed;

AND WHEREAS this Court has the jurisdiction to make this order: see, *e.g.*, *Dugré v. Canada (Attorney General)*, 2021 FCA 8 and cases cited therein;

AND WHEREAS the nature of the written submissions and the notice of appeal calls for the Court's response under Rule 55; accordingly, in these special circumstances, the Court is of

the view that appellant should not be allowed to invoke the power of this Court under the *Federal Courts Rules* to reconsider, amend and vary this Order;

THIS COURT ORDERS that the appeal is dismissed. This Order shall not be subject to reconsideration, amendment or variation and any request for same by any person shall not be filed.

"David Stratas"
J.A.

"JBL"
"MR"

APPLICANT'S MEMORANDUM OF ARGUMENT

PART I – STATEMENT OF FACTS

1. A freedom of information request submitted by the Applicant to the Ministry of Health of Saskatchewan demonstrated that there was no risk assessment or engineering report for the representation of the Aerosol Generating Medical Procedures ("AGMP") guidance issued by the Saskatchewan Health Authority ("SHA"), or was there any such risk assessment done or any justification of any kind provided the SHA. Justice Zuk ignored this evidence which formed a part of the defence of Dale J. Richardson ("Dale") and ignored the engineering report and passed judgment without having the expert explain its relation to the facts and killed innocent people by his wilful exclusion of the information critical to the health and safety of the public without any expert evidence to the contrary.

2. The SHA guidance is based on a table issued by the Center for Disease Control ("CDC") in 2001, and it is used by the Public Health Agency of Canada and Canada several other jurisdictions in Canada.

3. The representation of the AGMP guidance issued by the SHA was the basis of the litigation by DSR Karis, which is obligated by law to operate within the framework of the law.

4. Rule 10-46(1),(2) and 10-47 of the Queen's Bench Rules are used for the sale of homes being foreclosed.

5. On May 27, 2020 the Applicant in the course of his duties as CEO of DSR Karis signed a Non-Disclosure Agreement that created a contractual relationship with his employer, DSR Karis and Innovation Credit Union.

6. On May 27, 2020 Kimberley A. Richardson attended the family home with Raymond Hebert and Linda Hebert and removed the vehicle that was in the possession of the Applicant after learning that Karis K.N. Richardson was left in the care of her sister Kaysha F.N. Dery.

7. On June 9, 2020 the Applicant acting as the Chief Executive Officer of DSR Karis Consulting Inc. (hereinafter known as "DSR Karis") passed information to the business

response team in Saskatchewan relating to the criminally negligent representation of the Aerosol Generating Medical Procedures guidance issued by the SHA. No reasonable response was given to address the hazards involved with its representation.

8. On June 10, 2020 the Communications Department of the SHA refused to address the hazards identified by DSR Karis when communicating with the Chief Executive Officer of DSR Karis by email. The SHA provided no information relating to any engineering report or risk assessment. The SHA did admit that it was potentially placing its employees at risk using a criminally negligent arbitrary settling time without having any justification for the 2 hour settling time.

9. On June 25 2020 a number of parties in the federal a Saskatchewan government were notified about criminally negligent implementation of engineering controls used for the SARS-Cov-2 pandemic response by DSR Karis by an email sent by its Chief Executive Officer on its behalf. The information provided demonstrated that the hazard was also present in the state of Washington.

10. On June 26, 2020 a number of parties in North Battleford were warned about the hazards arising from the criminally negligent representation of the AGMP provided by the SHA.

11. On June 26, 2020 several financial institutions and regulatory agencies in the province of Saskatchewan and federally were notified of the risk of financial losses to the shareholders arising from the hazards directly tied to the criminally negligent representation of the AGMP provided by the SHA. The fiduciary duty to the shareholders and the public was mentioned.

12. A rogue agent of the Ombudsman for Banking Services and Investments (“OBSI”) created, retained and transmitted a forged document based on a document sent to OBSI by DSR Karis on June 26, 2020. The forged document made it appear like the email was transmitted by the Applicant from his personal email address. This forgery has been reported to 5 divisions of the Royal Canadian Mounted Police.

13. On June 29, 2020 the Applicant was served with a divorce petition from Kimberley A. Richardson with Patricia J. Meiklejohn as her counsel. The document contained contradictions, perjury and intent to defraud and was filed to the Court of Queen’s Bench for Saskatchewan when it was in violation of the law.

14. On June 29, 2020 the Applicant gained knowledge of a letter addressed to the Chief Executive Officer of DSR Karis from the Association of Professional Engineers and Geoscientists of Saskatchewan after receiving *documentation that contained evidence of*

the criminally negligent representation of the AGMP guidance issued by the SHA resulting from poor engineering practice. The letter from APEGS did not address the severe threat to the pubic interest, but rather attempted to threaten DSR Karis based on Facebook posts and YouTube videos. DSR Karis responded by way of letter directing APEGS of its legislated responsibility to the public interest with respect to engineering. No response was ever given by APEGS.

15. On July 3, and July 7, 2020 the Applicant attended the Battlefords RCMP detachment and made complaints on both days. The complaints on July 3, 2020 were torture pursuant to 269.1 of the Criminal Code of Canada (2020-898119) and two counts of criminal negligence. One count of torture and on count of criminal negligence was initiated by the Applicant (2020-898911), and the other complaint (2020-898907) was on behalf of DSR Karis Consulting Inc. (“DSR Karis”). The SHA were the focus of the criminal negligence complaints and their agents were tied to the torture. The complaint on July 7, 2020 was a complaint of torture with Karis K.N. Richardson as the victim (2020-922562).

16. On July 7, 2020, the Applicant had a meeting with Chad Gartner of Innovation Credit Union (“ICU”) in which the information discussed was the property of his employer DSR Karis. Chad Gartner was informed of his fiduciary duty to inform the members of ICU of the risk of financial losses arising from the occupational health and safety hazard arising from poor engineering practice tied to the representation of the AGMP guidance issued by the SHA.

17. On July 7, 2020 the Applicant attended the Battlefords Mental Health Centre (“BMHC”) to ask for his missing medical records from his access to records. The Applicant asked a manager to have the engineering department get back to him on the hazards arising from the criminally negligent representation of the AGMP provided by the SHA. A doctor who signed a certificate to admit him to the BMHC was present for the conversation. Cora Swerid was informed of the criminal negligence and the torture investigations that involved the SHA. No response was given by the SHA to address the hazards arising from the criminally negligent representation of the AGMP.

18. On July 8, 2020 an email chain was sent by carbon copy to the Applicant that outlined a breach of contract between the rogue agents of Innovation Credit Union and his employer DSR Karis Consulting Inc.. The email outlined a conspiracy to restrict the liberty of the Applicant, his employer and by proxy Karis K.N. Richardson.

19. The RCMP did not allow the Applicant to bring any further evidence as he indicated that he would, and was barred entry from the detachment.

20. On July 22, 2020 Patricia J. Meiklejohn sent two emails to the Applicant of draft orders, one purportedly to correct a typographical error. The first email stated that Justice R.W. Elson requested the interim order through the agents of the court who contacted her. The interim orders were dated for July 22, 2022.

21. From a sworn affidavit submitted to the Federal Court of Canada by the RCMP through Cheryl Giesbrecht exercising the capacity of the Attorney General of Canada in T-1404-20 testified that on July 22, 2020 Justice R.W. Elson directed them to prevent the Applicant from entering the Court of Queen's Bench for Saskatchewan. The unknown member of the RCMP responded with "we have a mental health warrant".

22. On July 22, 2020 members of the PACT team showed up at the residence of the Applicant with two members of the Battlefords RCMP. The persons in attendance were as follows, Tonya Browarny, Ken Startup, Cst. Rivest and Cst. Reid. No direction was ever given to the Applicant to submit to any medical examination as required by the Mental Health Services Act. The RCMP were served for QBG-156 of 2020 after repeated attempts to gain access to the detachment by the Applicant to serve them were frustrated. Medical records from the BMHC state that the Applicant was brought to the BMHC at the time of this incident.

23. On July 22, 2020 Tonya Browarny knowing that she did not comply with the Mental Health Services Act spoke with J. Engleke and proceeded with obtaining a mental health warrant based on fraudulent information from the Provincial Court of Saskatchewan. Tonya Browarny's notes confirm that she did not comply with the Mental Health Services Act and did not meet the criteria to lawfully obtain a warrant.

24. The agents of the SHA stated that the Applicant's religious beliefs are delusions. No agent of the SHA knew what the specific religious beliefs of the Applicant were. Only members of the Battlefords Seventh-Day Adventist church would possess any knowledge of his specific beliefs. Agents of the SHA attends the Battlefords Seventh-Day Adventist church.

25. On July 23, 2020 at about 9:50 am, the Applicant and his daughter Kaysha were unlawfully arrested attempting to enter the Court of Queen's Bench for Saskatchewan in Battleford SK, before any of the two hearings the Applicant was scheduled to appear on

DIV-70 of 2020 and QBG-156. Both were first appearances presided over by Justice R.W. Elson. The RCMP substantiated this time in an affidavit in T-1404-20.

26. On July 23, 2020 Justice R.W. Elson, with the full knowledge that he directed the RCMP to prevent the Applicant from entering the Court, made interim orders pursuant to no law and grossly exceeded his jurisdiction as a judge sitting in chambers on a first appearance. Justice R.W. Elson made no mention of having directed the Applicant's obstruction that prevented the Applicant from appearing for the matter, as can be observed in the wording of Justice R.W. Elson's fiat shown below:

> [1] Counsel for the petitioner has provided the court with her client's informal estimate of the equity in the family home, roughly between $8,000 and $12,000. With this information, I am satisfied that the interim draft order should issue. This order includes authorization for the petitioner to list and sell the house, followed by an accounting for the proceeds. The only thing that should be included in the interim order is for the issue of the parenting to be revisited in one month's time. This should occur on August 27, 2020.

27. The second matter obstructed was the matter of QBG 156/20 DSR Karis Consulting Inc. v Court of Queen's Bench for Saskatchewan et al dated July 23, 2020. Present in the court was Cliff Holm appearing for the Seventh-Day Adventist Church, Lynn Sanya - SHA, Virgil Thomson – rogue agents of Innovation Credit Union, Micheal Griffin – APEGS. Justice R.W. Elson made no mention directing the RCMP to obstruct the Applicant from representing DSR Karis Consulting Inc. and the interests of the public. *The documentation before the Court contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and the risk to the general public.*

28. On July 23, 2020, Robert A. Cannon was contact traced at the court, and had to provide his name to sheriff who participated in the obstruction of the Applicant.

29. When the Applicant was brought to the BMHC he questioned the doctor's and physicians why he was prevented from entering the Court by the defendants in QBG-156 when he was to represent DSR Karis as the plaintiff. The Applicant demanded to see the mental health warrant. When persisting to ask these questions, the doctors directed the RCMP and attending health personnel to strip him, strap him to a bed, and forcefully medicate him. The Applicant was never examined. No expert report of the examination was ever provided to the Applicant. The sworn affidavit of the RCMP submitted to the Federal Court of Canada confirms that the Applicant was not examined.

30. While the Applicant was being tortured, Robert A. Cannon filed a habeas corpus several times. One instance the habeas corpus was filed and then it was unfiled. The other documents submitted with the habeas corpus were not unfiled. After the third filing of the habeas corpus the Applicant was released from the BMHC.

31. In QBG 921 of 2020 Justice N.D. Crooks on September 10, 2020 purported to state that there was no deprivation of liberty for any of the persons named in the Habeas Corpus proceeding, which includes without limitation, the Applicant, Kaysha F.N. Dery, and Karis K.N. Richardson. Crooks stated that the deprivation was “theoretical” and that Karis was the subject of a family law dispute. Justice N.D. Crooks denied Karis K.N. Richardson the right of Habeas Corpus contrary to section 10(c) of the Charter of Rights and Freedoms. The Habeas Corpus was filed by Robert A. Cannon to stop the agents of the Saskatchewan Health Authority from torturing the Applicant who was strapped to a bed and administered mind altering drugs that are designed to profoundly disrupt the senses. The torture upheld the trafficking of Karis K.N. Richardson. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

32. On October 28, 2020 the Applicant appeared before Justice J.A. Caldwell of the Court of Appeal for Saskatchewan (“Court of Appeal for Saskatchewan”) for a motion to extend for the unlawful orders issued by Justice R.W. Elson. No one appeared for Kimberley A. Richardson, and audio, video and document evidence was presented. Justice J.A. Caldwell ruled in the favour of the party that was not present. The Court of Appeal for Saskatchewan sent back all of the evidence filed to the court. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

33. When presented with evidence that the testimony of Kimberley A. Richardson was perjured on November 26, 2020, Justice J. Zuk made excuses for the perjury and took the perjured testimony over the overwhelming evidence of the Applicant. Justice J. Zuk ignored evidence that the Applicant was subjected to escalating family violence by his estranged wife Kimberley A. Richardson. Justice J. Zuk ruled in favour of the party that presented perjured evidence and who has demonstrated a pattern of violence towards the Applicant and the child of the marriage Karis K.N. Richardson. *The documentation supplied by the Applicant contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

34. Patricia J. Meiklejohn presented to Justice J. Zuk in the chambers hearing the statement of claim of the Applicant in the Federal Court of Canada and complained that the Applicant was bringing a matter before a federal court. *The application in the Federal Court of Canada contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and the risk to the public.*

35. Cheryl Giesbrecht, agent of the Attorney General of Canada submitted motions to the Federal Court of Canada that contained fraudulent shareholder information in regards to DSR Karis, and conspired with the defendant's counsel in T-1404-20. The Federal Court of Canada ruled in favour of fraud. The shareholder information of DSR Karis is available on the public record in Alberta.

36. Virgil Thomson submitted forged Federal Court documents to the Applicant.

37. Rogue agents of the Court of Queen's Bench for Saskatchewan demonstrated extreme bias in denying the Applicant the ability to speak and bring evidence to defend himself in Court. This includes without limitation, evidence of the unlawful abduction (arrest), Justice R.W. Elson ordering obstruction of justice, an officer of the court preventing the Applicant from entering the court, questionable actions of agents of the SHA by forcefully medicating the Applicant to prevent him from representing DSR Karis Consulting Inc. in matters against them that provided evidence of the distribution of a biological weapon by way of the guidelines issued by the SHA during the SARS-Cov-2 pandemic response, and the evidence of the criminal complaints against Justice J. Zuk by DSR Karis and the Applicant before he made any decision on the matters on May 5, 2022 and July 22, 2022.

38. On February 19, 2021 Patricia J. Meiklejohn appeared before Justice B.R. Hildebrandt for an application without notice to transfer the title of the property of the Applicant pursuant to the Land Titles Act. Fraudulent documents were submitted to the court signed by Clifford A. Holm. Justice B.R. Hildebrandt approved the fraudulent transfer of title using the Land Titles Act instead of the Family Property Act.

39. On February 19, 2021 the Applicant appeared for two prerogative writs in chambers before Justice J. Kalmakoff. Justice J. Kalmakoff informed the Applicant that prerogative writs can only be granted before a panel of judges according to the court of appeal act. Justice J. Kalmakoff heard the motion for two prerogative writs when it was impossible for the Applicant to succeed, and Justice J. Kalmakoff did not determine if torture occurred. Justice J. Kalmakoff exercised jurisdiction he did not posess. The *motions contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

40. On March 1, 2021 an appeal CACV3708 was heard at the Court of Appeal for Saskatchewan of a constitutional Writ of Habeas Corpus. Among those present as counsel for the defendants were, Clifford A. Holm, Cheryl Giesbrecht, Chantalle Eisner, and Michael Griffin representing APEGS. Michael Griffin admitted it was the intention of defending counsel to punish Robert A. Cannon for actions taken by the Applicant and DSR Karis in the Federal Court of Canada. Michael Griffin committed fraud on the record by stating without any evidence that Robert A. Cannon was counsel for the Applicant and DSR Karis. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

41. Every statement of claim or motion in the Federal Court of Canada for DSR Karis is signed by its Chief Executive Officer.

42. The Applicant is self represented in the Federal Court of Canada and every statement of claim or motion bears his signature.

43. On March 26, 2021 the Applicant as the Chief Executive Officer of acting as agent of DSR Karis, appeared before Justice J. A. Schwann in the Court of Appeal for Saskatchewan for a motion for stay of execution relating to appeal CACV3798 in which mortgage fraud was committed. Justice J. A. Schwann ruled in favour of the party who committed fraud and was not present. *The motion contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

44. On April 1 2021 the Applicant appeared before a three judge panel at the Court of Appeal for Saskatchewan to review orders of Justice J. Kalmakoff and provided over 6000 pages of evidence. Court of Queen's Bench for Saskatchewan and Kimberley A. Richardson were absent. The panel ruled in favour of the absent defendants. *The documentation before the Court contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

45. On April 26, 2021 the Applicant fled to the United States to file for protection under the Convention against Torture after being served an affidavit sworn in by an unknown member of the Royal Canadian Mounted Police that admitted the RCMP were instructed by the Court of Queen's Bench for Saskatchewan to prevent the Applicant from entering into the Court on July 23, 2020. The Applicant was fearful of being tortured or killed if returned to Saskatchewan and subsequently fled to the United States for safety. *The motion scheduled to be heard contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

46. On April 26, 2021 upon arrival to the Sweetgrass Montana point of entry, the Applicant was tortured in the presence of 5 witnesses, one of whom is an eight year old child. The CBP officers attempted to coerce the Applicant to return to Canada after he asked for protection under the Convention against Torture, and remove the 6 volumes of evidence of over 3300 pages. When the Applicant refused to remove evidence while fearful of his life, the U.S. Customs and Border Protection officers intimidated and coerced him to dispose of the evidence of him being the director of a Delaware corporation DSR Karis North Consulting Inc. ("Karis North"). The Applicant refused to remove evidence. *The documentation presented at the border contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

47. Officer Brian Scott and Officer Brian Biesemeyer were the CBP officers directly responsible for the torture of the Applicant. The statement used in the immigration proceedings by the Department of Homeland Security was a product of torture.

48. The Applicant was subjected to torture and severe obstruction of justice in Canada and the United States while being held in custody of ICE, a defendant in T-1404-20.

49. On June 10, 2021 a motion was heard before Justice W. Pentney. Fraud was used to schedule the motion. The Applicant informed Justice W. Pentney that he was denied the motion materials by ICE a defendant in the underlying action, that he was being obstructed by the same and was being tortured by them. Justice W. Pentney proceeded with the motion with full knowledge of these conditions. Justice W. Pentney deceived the Applicant and committed fraud during the hearing. *The documentation provided by the Applicant contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

50. On June 15, 2021 Justice W. Pentney dismissed the motion of the Applicant when he was seeking relief from torture. Justice W. Pentney stated "*Furthermore, I agree with the comment of Justice Kalmakoff at the acts the Plaintiff terms as torture "are all things that arose from were inherent in, or were incidental to measures that are authorized by law*". Justice W. Pentney upheld child trafficking and terrorism. Justice W. Pentney and Justice J. Kalmakoff are Prime Minister Justin Trudeau appointees.

51. On June 23, 2021 the Applicant served a motion titled On Petition for Writ of Certiorari in the Supreme Court of the United States to U.S. Magistrate Judge Gordon P. Gallagher and the District Court of Colorado. Rogue agents of the District Court of Colorado committed fraud. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA.*

52. On June 29, 2021 Michael Duggan fraudulently rejected materials sent with the Writ of Certiorari and other letters. A motion critical to the safety of the Applicant was fraudulently rejected by Michael Duggan on July 2nd after the petition was filed on June 29, 2021. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and the torture used to suppress its reporting.*

53. On July 13, 2021 The Applicant appeared before Immigration Judge Caley for a review of the credible fear determination by the Asylum officer. The Asylum officer was made aware that the Applicant was tortured by the agents of DHS in order to make the statement. The Asylum officer refused to consider that the Applicant was being tortured in custody. When the Applicant raised the subject of being tortured in ICE custody before the Immigration judge, the judges stated that he did not have jurisdiction and could only speak about what happened in Canada. The Immigration judge refused to accept evidence from the Applicant and deprived of due process. No representative from DHS was at the hearing. Over 3500 pages of evidence was presented to DHS. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

54. On July 19, 2021 Officer Blevins attempted to intimidate and coerce the Applicant to consent to destroy his passport.

55. On July 20, 2021 Circuit Judges Holmes, Matheson, and Eid of the United States Court of Appeals for the 10th Circuit fraudulently denied the Applicant's Writ of Mandamus. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

56. Officer Blevins also brought a Canadian passport form for the Applicant to fill out on July 19, 2021 to get a travel document. The Applicant's passport valid for 10 years was in the possession of ICE.

57. On July 26, 2021 Officer Blevins threatened the Applicant with federal prison for the purposes of unlawfully destroying his passport. When the Applicant refused to violate the law, Officer Blevins left and returned with the notice of non-compliance.

58. On July 27, 2021 The Applicant sent a letter requesting that the consulate investigate the treatment of the Applicant and Officer Blevins intimidation and coercion. *The letter contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

59. On July 27, 2021 Prothonotary Mirelle Tabib of the Federal Court of Canada sent orders to the email of Applicant to direct him to have a response for the Case Management of T-1367-20 when the Federal Court of Canada was aware that the Applicant was being obstructed and tortured by ICE a Defendant in T-1404-20 with no access to email.

60. On July 28, 2021 before 6 am Officer in Charge Christopher Jones spoke with the Applicant and refused to investigate the torture of the Applicant while in ICE custody.

61. On August 2, 2021 U.S. Magistrate Judge Kristin L. Mix of the District Court of Colorado issued fraudulent orders in a matter filed by the Applicant. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

62. On August 5, 2021 United States Judge Lewis T. Babcock of the District Court of Colorado dismissed the motion for relief on the basis of fraud. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

63. On August 6, 2021, Michael Duggan fraudulently tampered with an appendix sent to the Supreme Court of the United States in which he re arranged the motion fraudulently calling it a petition to shut evidence out of court. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

64. August 13, 2021 Judge Lewis T. Babcock used fraud to dismiss the motion. Judge Lewis T. Babcock ignored the numerous references to the convention against torture, allegations and evidence of treason. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

65. On August 16, 2021 Judge Lewis T. Babcock fraudulently dismissed 18 U.S.C. § 3771 case No. 1:21-cv-02183-GPG without contemplating the public importance of reporting treason. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

66. On August 16, 2021 Judge Christine M. Arguello fraudulently dismissed case number 1:21-cv-02208-GPG. The verbiage of her order was almost identical to the order made by Judge Lewis T. Babcock. *The documentation contained evidence of the criminally*

negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.

67. On August 25, 2021 a Deputy Clerk known as A. K. From the United States District Court for the District of Columbia used fraud to reject the complaint of the Applicant. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

68. On September 21, 2021 Chief Judge Phillip A. Brimmer of the District Court of Colorado fraudulently dismissed an action that presented compelling evidence and supporting case law for treason, torture and Crimes against Humanity. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

69. On September 28, 2021 J. Babcock was exposed in a Wall Street Journal Investigation for breaking the law by hearing cases where he had a financial interest and did not recuse himself.

70. On October 15, 2021 Acting Registrar of the Supreme Court of Canada, David Power sent a letter to the Applicant. He attempted to dissuade the Applicant from appealing the unlawful orders from the Court of Appeal for Saskatchewan. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*.

71. On October 13, 2021 the Applicant appeared before Justice V. Rochester in the FCC to appeal orders of P. Tabib obtained by fraud. Justice V. Rochester ruled in favour of the parties who committed fraud. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

72. On October 25, 2021 P. Tabib presided over a case management hearing in the FCC. The judge intimidated and coerced Applicant during the hearing to give up his right of defense. Chantalle Eisner attacked the petitioner verbally during the hearing when the Applicant mentioned intent to punish innocent parties by the SHA.

73. On October 28, 2021 the Supreme Court of Canada denied Texas citizen Robert A. Cannon’s leave to appeal a habeas corpus denied by fraud. He was punished with costs for an application that presented evidence of the following crimes without limitation, fraud, torture, child trafficking for the purposes of sexual and financial exploitation, criminal negligence, treason in Canada and the United States. *The documentation contained*

evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.

74. On November 16, 2021, Pastor David Baker of the Living Hope SDA Church ("LHSDAC") contracted Robert A. Cannon for the first time and requested an apology in writing to present to the LHSDAC Church Board. The Board was considering disciplinary action against Robert A. Cannon for the Manitoba-Saskatchewan Conference of the Seventh-Day Adventist Church being named as defendants in an Application for Habeas Corpus filed by Robert A. Cannon, *which contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

75. On December 12, 2021, Pastor David Baker invited Robert A. Cannon to speak with the church board who wanted to punish him for filing the Application for Writ of Habeas Corpus. The Board made MOTION 21-139: to recommend to the church at a special business meeting on January 22, 2022 at 6:30pm in person at LHSDAC, for **Robert A. Cannon to be placed under disciplinary action by censorship until October 31, 2022.** The motion was carried.

76. On December 30, 2021 the Applicant attempted to enter the United States at the request of United States citizen Robert A. Cannon. The Applicant presented a letter Robert A. Cannon and proof of his United States citizenship and *documentation that contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.* The Applicant and his family were assaulted, intimidated and coerced into returning to Canada after United States citizen Robert A. Cannon warned of the risk of torture and death of the first witness to treason against the United States. The Applicant was tortured and threatened with return to Saskatchewan where he was tortured upon arrival to Coutts AB. The fraudulent warrant issued by rogue members of the Battlefords RCMP was the reason given for the unlawful torture of the Applicant.

77. On January 4, 2022, the director of the Ministry of Justice for Saskatchewan, P. Mitch McAdam sent a letter to DSR Karis about constitutional questions for CACV3798. The letter fraudulently stated that the Applicant raised constitutional questions in the habeas corpus filed by Robert A. Cannon. *The constitutional questions were tied to documentation that contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

78. David Baker and the Board did not provide any information explaining the Reasons for Discipline for the scheduled censorship meeting until January 18 of 2022, five days before the hearing.

79. On January 21 of 2022, Clint Wahl emailed procedures for the disciplinary hearing that restricted the ability of Robert A. Cannon or his witnesses to provide any reasonable defense. Robert A. Cannon stated that the hearing was prejudicial in his open letter to the church on January 22 of 2022. Robert A. Cannon and his witnesses declined to attend the prejudicial hearing. *The evidence for Robert A. Cannon's defense contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

80. On January 22 of 2022 **the church membership voted to approve** motion 21-139 at the special business meeting held January 22, 2022 done in Robert A. Cannon's absence.

81. On January 31, 2022 the registrars of the ("Court of Appeal for Saskatchewan") created a fraudulent document from information provided to them by DSR Karis. *This prevented the filing of CACV3798 which contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

82. On February 15, 2022 the Federal Court of Canada created a fraudulent court record that claimed the Applicant acknowledged service that he did not receive. The direction deprived him of the motion record already filed to the Federal Court of Canada which was his defense for a vexatious litigant hearing brought by the SHA against him set for March 1 2022. *The documentation contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.* Emily Price provided the Applicant the msg file purportedly sent with an acknowledgment. It is possible the msg file was forged. The Federal Court of Canada was forced to change the date.

83. On March 15, 2022 Patricia J. Meiklejohn served documents to the Applicant for the purposes of using court rules to remove the right of defense in DIV 70 of 2020, and to dismiss CACV3745 an appeal of the Applicant of Justice J. Zuk's orders appealed December 13, 2020. *Documentation for both matters contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

84. On April 14, Justice J. Zuk admitted in his orders that the court was recording the Applicant, but the Court of Queen's Bench for Saskatchewan have denied any chambers recordings exists.

85. On April 26 2022 Justice J. Zuk attempted to coerce the Applicant into participating in the Court hearing against the advice of the family doctor of the Applicant without lawful cause. Justice J. Zuk determined that evidence that demonstrated the Applicant obtained custody of his eldest daughter after being a permanent ward of Winnipeg Child and Family Services was part of an "adjournment" application that was never made and assessed costs against the Applicant.

86. On May 5, 2022 Justice J. Zuk created fraudulent orders and stated that the applications and its over 5600 pages of evidence was tied to a recusal application made by an unnamed nephew of the Applicant on May 5, 2022. Justice J. Zuk made a decision based on fraud to state that none of the materials submitted by the Applicant would be on the court record "Accordingly, the documents shall not form part of the court record nor shall they form any part of any decision arising from the matters before me today". *Documentation for the matters contained evidence of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

87. On July 20, 2022 Justice J. Zuk received a fax from DSR Karis alerting Justice J. Zuk that he was reported for crime. Justice J. Zuk received certified corporate records from the director of DSR Karis of its complaint and supporting materials. Jennifer Fabian committed fraud and stated in writing that the Applicant sent the materials to Justice J. Zuk for his personal complaint and stated that they would be sealed in an envelope on the court record. *Documentation contained evidence of complaints made to law enforcement of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

88. On July 22, 2022 Justice J. Zuk issued orders relating to the matters that he was reported for crimes to five divisions of the RCMP and to the Federal Bureau of Investigation. Justice J. Zuk contradicted his previous orders and included all of the evidence and used fraud to issue orders for financial gain. *Documentation before Justice J. Zuk contained evidence of complaints made to law enforcement of the criminally negligent representation of the AGMP guidance issued by the SHA and crimes used to suppress its reporting.*

89. On July 25 2022 unknown agents of the Court of Queen's Bench for Saskatchewan fraudulently applied court rules to prevent evidence or criminal activity from being placed before the court. It is possible one of the agents reported used their position to shield themselves from being exposed for crime.

90. On August 24, 2022 an Unknown Registrar of the Court of Appeal for Saskatchewan attempted to place the motion for Mandamus in chambers where it was impossible for Dale to get relief after doing so for two motions for prerogative relief place before Justice J. Kalmakoff and then a subsequent time after that. This is an observed pattern of deliberate intent to prejudice.

91. Substantial fraud has occurred in all court levels by rogue agents operating within the courts including without limitation, Federal Court of Canada and the Federal Court of Appeal and evidence of the fraud is included in the attached documentation.

PART II – STATEMENT OF THE QUESTIONS IN ISSUE

92. Do judges have the lawful capacity to engage in the profession of engineering/engineering technology while acting as a judge pursuant to the Judges Act?

93. Do judges have the lawful capacity to engage in medicine while acting as a judges pursuant to the Judges Act?

94. Do judges have the lawful capacity to engage in the legal profession as a lawyer while acting as judges pursuant to the Judges Act?

95. Do judges have the lawful capacity to adjudicate a matter against a man who has reported them for crimes that would result in a life sentence if convicted?

96. Do judges have the lawful capacity to adjudicate a matter in which a man who has presented evidence of the judges crimes before the court?

97. Do judges have the lawful capacity to break the law while sitting before the court and break the law in issuing orders?

98. Is evidence of treason ever a frivololus and vexatious matter?

99. Does the RCMP have the authority to disregard section 12 of the Charter, and the UN Torture Convention, and aide parties committing treason in Canada and the United States?

100. Can a person have a fair hearing before a Court who has tortured and persecuted him?

101. Does the judiciary have the right to traffick children under the age of 18 years, commit acts of terrorism 83.01(b), fraud 380(1), and other crimes without limitation in the civil court?

102. Does the judiciary have the right to suppress evidence of sexual assault against an Indigenous woman as part of a “family matter” when the woman has no familial relation to the party in the action and if the action with the evidence of the sexual assault was placed before another court by another man?

103. Does the judiciary have an obligation to take action when evidence of terrorist activity is laid before the court?

104. Does the Mental Health Services Act promote torture in the jurisdiction of Saskatchewan? Does it promulgate arbitrary arrest, detention, torture and Crimes against Humanity?

105. Is the torture convention theoretical in Canada?

PART III – STATEMENT OF ARGUMENT

106. Torture is “blatantly contrary to section 12” [1] and is unacceptable in any circumstance. The violation of section 12 also engages the CAT and brings in violations of international law. The punishment of an infant child with unlawful sanctions is torture by a Canadian state actor and is unacceptable and would “outrage our society’s sense of decency” and any reasonable Canadian would find it “abhorrent or intolerable.” [2] The CAT which is an international instrument binding on Canada instructs the judiciary to prevent acts of torture, and it does not make any distinction between the civil and the criminal branches. Torture is of such an offensive nature that it is the obligation of any member of the judiciary to prevent any act of torture and should err on the side of caution to investigate any such acts to ensure that they are arrested and prevented. The CAT has universal jurisdiction in Canada.

107. Forced population transfer is completely unacceptable and it is an element of Crimes against Humanity. Considering that the victims of the forced population transfer are black and Indigenous, it follows a consistent pattern of horrendous actions by Canadian state actors against Indigenous persons and to a less visible extent persons who identify as black. The forced population transfer could not take place without the cooperation of a number of Canadian state actors and private actors.

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1 (Kazemi Estate v. Islamic Republic of Iran, 2014 SCC 62 at paragraph 52; Suresh v. Canada (Minister of Citizenship and Immigration), 2002 SCC 1 at paragraph 51)

2 R. v. Smith, [1987] 1 S.C.R. 1045 at 1072; R. v. Morrisey, 2000 SCC 39 at paragraph 26)

108. There is clearly an ideological, and political purpose, and under closer inspection there is an observable religious motivation. The employer of the Applicant is DSR Karis Consulting Inc. (“DSR Karis”) is an essential service as its business is in heating, ventilation, and air conditioning (HVAC). During his duties, the Applicant uncovered engineering guidelines that do not follow proper engineering practice. When confronted about the guidelines, the SHA did nothing. The SHA disregarded professional advice without providing any information to the contrary. This is unacceptable when human life is at risk. SHA misrepresentation of SARS-Cov-2 pandemic mitigation[3] guidelines is gross negligence. The mismanagement of the SARS-Cov-2 emergency by the SHA is a political position of the Applicant that differs from the Government of Saskatchewan.

109. PJM used Rule 10-46(1),(2) and 10-47 of the Queen’s Bench Rules (SK) applicable to homes in foreclosure, in Kim’s petition for divorce. These rules were used to justify selling the Applicant’s home on a first appearance when there was no foreclosure on the property. This delineates deliberate intent to defraud.

110. Five affidavits of the April 26, 2021 the torture at the Sweetgrass MT point of entry, testify to this systematic attack.

111. The *Applicant* would like to direct attention to the date of the first complaint of torture which is July 3, 2020*,* over one year since the initial complaint of torture was made.

112. In T-1404-20 in the FCC, CG for the AGC, provided an affidavit from the RCMP. The affidavit was a gross forgery. It contained evidence of tampering, and a supposed warrant for resisting arrest that was issued the day before the alleged incident took place. This suggests deliberate intent, strengthened by the CQBSK contacting the RCMP to prevent the Applicant from entering the court on July 23, 2020. The SHA, RCMP and the CQBSK were respondents in a matter imitated by DSR Karis. The Applicant was to represent DSR Karis in the action as its Chief Executive Officer.

113. As a United States Judge Lewis T. Babcock had an obligation to examine forthwith the documents that purported federal treason. He used his position to obstruct justice and committed an overt act of treason. Additionally, he deprived the Applicant of rights pursuant to 18 U.S.C. § 242 and his overt acts are party to 18 U.S.C. § 241. He declared the Motion for relief pursuant to 18 U.S.C. § 3771 moot. He purported the motion “*does not include any claims, factual allegations or request for relief.*” With that statement United States Judge Lewis T. Babcock committed perjury. The motion for relief is evidence of a gross pattern of rights suppression directed towards a black alien

3 (DSR Karis Consulting Inc., 2020)

attempting to assert constitutional rights.. The denial of a torture complaint under the CAT does allow for the prosecution of 18 U.S.C. § 241. *Treaty with foreign power was supreme law of land; Congress could provide punishment for its infraction on deprivation of or injury to right secured by it, as in case of ordinary law. In re Grand Jury (1886, DC Or) 11 Sawy 522, 26 F 749*. Judge Lewis T. Babcock was exposed for corruption in a newspaper article, and admitted his corrupt actions.

114. The actions of M. Duggan delineates a determined effort to deprive the Applicant of rights who is an Alien and Black. After documents were properly filed on June 23, and docketed on June 29, 2021, M. Duggan separated the motion from the petition to prevent the Applicant from gaining his freedom and further subjecting him to torture and hindered the presentation of evidence of treason to United States judges. M. Duggan is a part of a conspiracy preventing the enforcement of a United States Statute, and it is reasonable that there is also a criminal civil rights violation pursuant to 18 U.S.C. § 241. 18 USCS § 241 *does not require that any overt act be shown. United States v Morado (1972, CA5 Tex) 454 F.2d 167, cert den (1972) 406 US 917, 32 L Ed 2d 116, 92 S Ct 1767*.

115. Officer C. Jones covered for the crimes of Officer Blevins and the CBP officers and suggested that policy is the cause of the actions of Officer Blevins. Every person the Applicant attempted to report the crimes to, are responsible for the latest acts of torture and conspirators after the fact to crimes forming part of the Invariable Pursuit of the Object outlined in the Declaration of Independence.

116. On August 2, 2021 U.S. Magistrate Judge Kristin L. Mix proved she is a conspirator to preventing enforcement of United States statutes, when she acted like she could not read statutes listed in the Jurisdiction paragraph. The CAT was designed to protect persons in custody of public officials from abuses prevalent in detention settings. This Judge knew what she was doing. *Conspiracy to altogether prevent enforcement of statute of United States is conspiracy to commit treason by levying war against the United States. Bryant v. United States, 257 F. 378, 1919 U.S. App LEXIS 2212(5th Cir. 1919)* The combined actions of Magistrate Judge Mix and Gallagher and the Clerk's office outlines conspiracy to prevent enforcement of a United States statute. The detention and subsequent forced deportation of Jaime Naranjo-Hererra shows force used in preventing the enforcement of statutes.

117. Furthermore, force is not required if the conspiracy is detected early. *The **Government contends that, but for the timely interruption of the conspiracy by the apprehension of its leaders actual resistance would have come about**. The greater*

part of the evidence relied upon by the government to establish the conspiracy related to facts which occurred before the passage of the selective Draft Act. United States. Bryant v. United States, 257 F. 378, 1919 U.S. App LEXIS 2212(5th Cir. 1919) There is overwhelming evidence of conspiracy, collusion, treason, judicial interference, complicity to torture, terrorism, crimes against humanity and other crimes.

118. An indisputably clear pattern of punishment is observed in the judicial system in Canada and the United States involving the Applicant and his daughters. Severe judicial interference has occurred in the SCOTUS by following rogue agents without limitation, Clara Houghtelling, M. Duggan and Redmond K. Barnes. The foregoing treasonous conspiracy includes terrorism, torture, child trafficking for the purposes of financial and sexual exploitation and shielding the rogue agents of ICU located in Saskatchewan, Canada. They have co-opted a financial institution to fund the Invariable Pursuit of the Object. The conspiracy includes judges in the CQBSK, CASK participating in and shielding mortgage fraud. The CASK openly declared that the Constitution of Canada has no validity there, and are rebelling against Canada. The CASK declared that children are not persons and should not be afforded the Privilege of Writ of Habeas Corpus.

119. U.S. MJ Gallagher incorrectly and deliberately applied the motion for relief as a civil matter in an order June 15, 2021. U.S. MJ Gallagher displayed actions consistent with a traitor to the United States. U.S. MJ Gallagher established a traitorous pattern of behavior in ordering Jaime Naranjo-Hererra to cure deficiency for his motion for relief under 18 U.S.C. § 3771,and construing it as a civil matter under 28 U.S.C. § 1915. This indicative of preventing the enforcement of 18 U.S.C. § 3771 and investigation of corrupt officials.

120. Compelling evidence in 20-1815 in the SCOTUS reveals actions of actors purposefully working in concert. Redmond K. Barnes, case analyst at the SCOTUS tampered with evidence from the SCOTUS by the Applicant and sent them to Jaime Naranjo-Hererra.

121. The judiciary must take any and all measures to prevent acts of torture. Until an impartial investigation takes place, no action can lawfully be taken to place the Applicant or any third person connected to him that will place them at any risk to be tortured. **It must also stop treason and despotism.** ***Treason and torture must be heard by the Court.***

> **2** 1. Each State Party shall take effective legislative, administrative, ***judicial or other measures to prevent acts of torture in any territory under its jurisdiction***.

122. The continued persecution, torture, crimes against humanity levied against the Applicant has placed his life in jeopardy, and the courts in Canada has permitted it to continue and the SHA tortured the Applicant because of his research regarding the mixing factor.

123. A Writ of Certiorari is a necessity to determine this matter, and the ensuing appeal and it would be necessary given the circumstances to order a Writ of Certiorari before the determination the leave as this matter involves torture, treason and other heinous crimes.

PART IV – SUBMISSIONS IN SUPPORT OF ORDER SOUGHT CONCERNING COSTS

124. The Applicant has had all parties involved in the litigation take actions to destroy his economic security with the objective of preventing him from seeking remedy or obtaining legal counsel to defend himself. The Applicant's life and that of his family are threatened by the Respondents. Given the egregious treasonous conduct of the parties named in this action costs are warranted and should be ordered in this action.

125. The CAT provides the means by which the judiciary can take action to prevent acts of torture and the order for costs are to prevent acts of torture, and to allow for the article 13 rights of the Applicant and his infant daughter Karis K.N. Richardson.

PART V – ORDERS SOUGHT

1. Grant the appeal;
2. Order of a Writ of Certiorari; and
3. Costs associated with incidental costs arising from torture to be determined by the Court;
4. Any other orders the Court deems just

NOVEMBER 22, 2022

DALE RICHARDSON

APPENDIX A