

Federal Court



Cour fédérale

Date: 20190611

Docket: T-1200-18

Citation: 2019 FC 800

BETWEEN:

MINISTER DAVID WILLIAMS

Plaintiff

and

**JULIE PAYETTE, CHRYSTIA FREELAND,
JOHN D. ROOKE, JODY WILSON-
RAYBOULD, YASIR NAQVI, PAUL
BONIFERRO, CORNELIA MEWS, J. GARY
MCMAHON, LOWELL HUNKING, SUSAN
STOTHART, NATALIE BEAUSOLEIL,
STEVEN SCHARGER, BRIAN BENCZE,
WESLEY BEATTY, E. SIMPSON, VINCE
HAWKS, MIKE GORDON, RICK MACKAY,
DAWN CONNOR, SHAWN RETZLER,
CHARLES CONSTABLE, DAVID CASS,
TARYN MCCORMICK, DAVID LEWIS,
NORMAN SABOURIN, DAN MAYER, AND
MARTHA MILCZYNSKI**

Defendants

REASONS FOR ORDER

HENEGHAN J.

I. **INTRODUCTION**

[1] By Statement of Claim issued on June 22, 2018, Minister David Williams (the “Plaintiff”) commenced an action against the following individuals, purportedly in their “private capacities”:

1. Julie Payette;
2. Chrystia Freeland;
3. John D. Rooke;
4. Jody Wilson-Raybould;
5. Yasir Naqvi;
6. Paul Boniferno;
7. Cornella Mews;
8. J. Gary McMahon;
9. Lowell Hunking;
10. Susan Stothart;
11. Natalie Beausoleil;
12. Steven Scharger;
13. Brian Bencze;
14. Wesley Beatty;
15. E. Simpson;
16. Vince Hawks;
17. Mike Gordon;
18. Rick MacKay;
19. Dawn Connor;
20. Shawn Retzler;
21. Charles Constable;

22. David Cass;
23. Taryn McCormick;
24. David Lewis;
25. Norman Sabourin;
26. Dan Mayer; and,
27. Martha Milczynski.

[2] The Plaintiff's Statement of Claim consists of 124 paragraphs, under the following headings:

- A. The Claim
- B. Introduction
- C. The Class
- D. The Claimant
- E. Causes of Action, with sub-headings Negligence and Civil Liability, Breach of Fiduciary Duty, Abuse of Government Authority, Breach of Privacy and Intentional Infliction of Mental Distress, Breach of Canadian Charter of Rights and Freedoms, Breach of the Canadian Human Rights act, Breach of the Ontario Human Rights act, Breach of the Canadian Rights commission – Policy on Preventing Discrimination Based on Creed – Duty to accommodate (PPDBC – CA), Breach of International Covenant on Civil and Political Rights, Breach of International Covenant on Economic, Social and Cultural Rights, and Breach of intentional, negligence, and strict liability or absolute liability torts.
- F. Damages, including all pecuniary damages stemming from the Defendant's action, inaction; non-pecuniary damages for emotional and psychological harm among other things; exemplary and punitive damages in relation to alleged abuse of power by the Defendants; Charter damages; and the sum of \$100,000,000.00 Canadian dollars.

- G. Statutes; the claimant pleads and relies upon the following statutes and regulations: (a) the Canadian Charter of Rights and Freedoms; (b) the Canadian Human Rights Act; (c) the Ontario Human Rights code; (d) Ontario Human Rights Commission – Policy on Preventing Discrimination Based on Creed – the Duty to Accommodate; (e) International Covenant on Civil and Political Rights; (f) International Covenant on Economic, Social and Cultural Rights; (g) Intentional, negligence, and strict liability or absolute liability torts.

[3] According to his Statement of Claim, the Plaintiff is a Minister and he moved to Parry Sound, Ontario on April 1, 2017 as “part of his ministerial calling”. He claims that he established a “church sanctuary” at 15 Forest Street, Parry Sound and the summer of 2015, “private property notices” were posted on the building.

[4] In paragraphs B.1 to through and including paragraph B.38, the Plaintiff describes a series of events beginning on or about October 5, 2017 and ending on or about January 16, 2018 whereby “a man named St. Amant” together with an alleged colleague named Shawn Retzler, tried to arrest the Plaintiff.

[5] The Plaintiff alleges that on or about October 12, 2017, the said Shawn Retzler trespassed upon property and “against” the Plaintiff, before the said Shawn Retzler arrested the Plaintiff.

[6] The Plaintiff refers to the involvement and participation of one Dawn Connor, without directly describing her office or role, other than a “supervisor” of Shawn Retzler. He refers to the taking of his property, as well as property of the Church and unlawful actions of the Ontario Provincial Police and the Royal Canadian Mounted Police.

[7] At paragraphs 37 and 38 of his Statement of Claim, the Plaintiff alleges the following:

37. Jan. 16, 2018 at 12:06 p.m. a police officer/actor in an unmarked transport stopping [*sic*] outside of the Claimant's sanctuary to take pictures of the sanctuary. This was premeditated as the man arrived with his driver's side window already down and he had an actual camera with which to take actual pictures. The police officer/actor continued to take pictures until the Claimant started to film him and then the intruder departed.

38. All the above was further compounded and exacerbated by the collusion of all parties involved and their complete lack of accountability and complacency and refusal and failure to comply with ICCPR, ICESCR, Charter, CHRA, OHRA, PPDBC-DA, Canadian Federal, provincial human rights, and sections 176, 180, 336, 337, 423, and 794 of the criminal code and to do those specific acts which those bodies are obliged under law to do, and which is in the nature of public duty.

[8] By Orders issued on June 11, 2019, the Motions to Strike were granted, with Reasons to follow. These are the Reasons.

II. THE MOTIONS

[9] Five motions in writing were filed, pursuant to the *Federal Courts Rules*, SOR/98-106 (the "Rules"), all seeking to strike the Plaintiff's Statement of Claim.

[10] The first motion, dated July 13, 2018, recorded as Document 17 in the Index of Recorded Entries (the "Index"), was filed on behalf of Ontario Justices of the Peace Cornelia Mews and Gary McMahon (the "Ontario Judicial Defendants"). This motion was also filed on behalf of Yasir Naqvi, Paul Bonifero, Commissioner Vince Hawks, Lowell Hunking, Susan Stothart, Natalie Beausoleil, Steven Scharger, Brian Bencze, Wesley Beatty, Mike Gordon, Rick MacKay, Dawn Connor, Shawn Retzler and David Lewis (the "Ontario Defendants").

[11] These Defendants argue that the Federal Court has no jurisdiction to adjudicate the claim of the Plaintiff since there is no connection with the Crown in Right of Canada. They further submit that the Court can make a determination on a question of law, specifically the question of judicial immunity relative to the Ontario Judicial Defendants, pursuant to Rule 221(1)(a).

[12] Again, by reference to Rule 221(1)(a), these Defendants argue that it is “plain and obvious” that the Statement of Claim discloses no reasonable cause of action.

[13] These Defendants, collectively, submit that the Plaintiff’s Statement of Claim is vexatious and an abuse of process, relying upon Rules 221(1)(c) and (f), respectively. They also argue that the claim is suggestive of “organized pseudo-legal commercial argument” (“OPCA”) litigation which is presumptively vexatious and abusive.

[14] The motion dated August 2, 2018, recorded as Document 23 in the Index, was filed on behalf of Associate Chief Justice John D. Rooke, Prothonotary Martha Milczynski (the “Federal Judicial Defendants”) and Mr. Dan Mayer (“Mayer”).

[15] These Defendants plead that the Statement of Claim should be struck, pursuant to Rule 221(1)(a) since the Plaintiff fails to plead any material facts to show that any of them had any actionable inactions with the Plaintiff or owed him any duty.

[16] These Defendants further argue that the claim is frivolous and vexatious, within the scope of Rules 221(1)(c) and (f). They allege that the Plaintiff pleaded no facts to support a cause of

action against them and say that suing them on the basis of an arrest in which they played no part is improper.

[17] These Defendants also rely upon the submissions made by the Ontario Judicial Defendants and the Ontario Defendants respecting the OPCA nature of the Plaintiff's Statement of Claim.

[18] Finally, Associate Chief Justice Rooke and Prothonotary Milczynski plead the doctrine of judicial immunity. Prothonotary Milczynski relies upon subsection 12(6) of the *Federal Courts Act*, R.S.C., 1985, c. F-7, in this regard.

[19] Both Associate Chief Justice Rooke and Prothonotary Milczynski argue that the doctrine of judicial immunity protects them from suit relative to performance of their judicial duties which, in any event, has not been pleaded.

[20] These Defendants further submit that in any event, they owed no duty to the Plaintiff and consequently, cannot be liable for any breach of a duty.

[21] The motion filed on behalf of the Federal Judicial Defendants and Mayer is supported by the affidavit of Ms. Julie Peacock, a law clerk in the law firm Borden Ladner Gervais, Counsel for these Defendants. She deposed to information given to her by Counsel for the Alberta Court of Queen's Bench, that the Defendant Associate Chief Justice Rooke has had "no contact with the Plaintiff".

[22] Ms. Peacock also deposed to the fact that Prothonotary Milczynski had received certain emails from the Plaintiff in January and February 2018, prior to the commencement of this action. Copies of those emails were attached as exhibits to the affidavit of Ms. Peacock.

[23] Ms. Peacock also deposed to information received from Mr. Mayer as to email correspondence and telephone communications with the Plaintiff, as well as receipt of emails from a person who self-identified as “Bondservant Edward Jay-Robin”. This individual was copied on email correspondence from the Plaintiff. Copies of the referenced emails were attached as exhibits to Ms. Peacock’s affidavit.

[24] Ms. Peacock deposed that on or about February 2018, Mr. Mayer was the acting Director General, Security Services, for the Courts Administration Service in Ottawa, Ontario.

[25] Ms. Peacock further deposed that as of the date that her affidavit was sworn, that is August 2, 2018, Mr. Mayer was the Senior Director of Operations, Security Services, for the Courts Administration Service in Ottawa, Ontario.

[26] The third motion, dated August 8, 2018, Document 26 in the Index, was filed on behalf of Mr. David Cass and Ms. Taryn McCormick.

[27] These Defendants argue that the Statement of Claim discloses no reasonable cause of action; is scandalous, frivolous or vexatious; and is an abuse of process, and should be struck pursuant to Rules 221(1)(a),(c) and(f), respectively.

[28] The fourth motion, dated August 10, 2018, Document 32 in the Index, was filed on behalf of Governor General Julie Payette, Minister of Foreign Affairs Chrystia Freeland and Minister of Justice and Attorney General of Canada Jody Wilson-Raybould, as she then was (the “Federal Defendants”).

[29] The Federal Defendants also plead that the Statement of Claim is an abuse of process, within the meaning of Rule 221(1)(a). They submit that there are no allegations set out against them in the Statement of Claim, that they are named only in the style of cause and nowhere in the body of the pleading.

[30] The Federal Defendants also argue that the Statement of Claim is frivolous and vexatious, within the meaning of Rule 221(1)(c), and replete with scandalous allegations that are unsupported.

[31] The motion filed on behalf of the Federal Defendants is supported by the affidavit of Ms. Wendy Dennis.

[32] Ms. Dennis is a paralegal employed by the Department of Justice, Canada, Ontario Regional Office and in that capacity works with Mr. Jon Bricker, Counsel for the Federal Defendants.

[33] Ms. Dennis deposed to information provided to her by Mr. Bricker including receipt of certain email correspondence from Mr. Jeremy Glick, Counsel for the Provincial Defendants.

[34] Ms. Dennis attached copies of the referenced emails to her affidavit as exhibits. Some of the emails contained letters that were sent to various recipients, including the Registrar of the Federal Court at Toronto.

[35] The fifth motion, dated August 15, 2018, Document 37 in the Index, was filed on behalf of Edie Simpson. She argues that the Statement of Claim fails to disclose a reasonable cause of action and should be struck pursuant to Rule 221(1)(a).

[36] This Defendant also submits that the Statement of Claim is frivolous and vexatious, and an abuse of process within the meaning of Rules 221(1)(c) and (f), respectively. As well, she pleads that the Statement of Claim appears to be in the nature of OPCA litigation. Finally, this Defendant argues that she is immune from liability pursuant to section 448 of the *Municipal Act, 2001*, S.O. 2001, c. 25, that is an Ontario statute.

[37] The Plaintiff responded to the several motions to strike his Statement of Claim.

[38] First, the Plaintiff submitted a Notice of Motion seeking an Order striking out the motions, representations, Defences and the like, filed by the moving parties. He relies on Rules 221(1)(b), (c), (d), (e) and (f) of the Rules and argues that the documents filed by the Defendants offend these rules.

[39] The Plaintiff raises other arguments, including the submission that the Defendants have “poisoned” the judiciary by their reference to his action as OPCA litigation, and the submission

that granting the Defendants' motion would cause gross harm, including a breach of his human rights.

[40] In correspondence dated October 23, 2018, the Plaintiff contends that his action is against the Defendants in their "private" capacity, not as public or "government" employees. He refers to disregard, by the Defendants and staff of the Federal Court Registry, as failing to accommodate his religious beliefs.

III. DISCUSSION AND DISPOSITION

[41] The moving parties rely upon Rules 221(1)(a),(c) and (f) in support of their motions, as well as upon the principle of judicial immunity for the Ontario and Federal Judicial Defendants, and the statutory grant of immunity for Ms. Simpson pursuant to the *Municipal Act, supra*. Many of the Defendants also argue that the Statement of Claim is offensive as being in the nature of OPCA litigation which has been soundly criticized and dismissed in the decision in *Meads v. Meads*, [2013] 3 W.W.R. 419.

[42] Rules 221(1)(a), (c) and (f) provide as follows:

Striking Out Pleadings

Motion to strike

221 (1) On motion, the Court may, at any time, order that a pleading, or anything contained therein, be struck out, with or without leave to

Radiation d'actes de procédure

Requête en radiation

221 (1) À tout moment, la Cour peut, sur requête, ordonner la radiation de tout ou partie d'un acte de procédure, avec ou sans

amend, on the ground that it	autorisation de le modifier, au motif, selon le cas:
(a) discloses no reasonable cause of action or defence, as the case may be,	a) qu'il ne révèle aucune cause d'action ou de défense valable;
[...]	[...]
(c) is scandalous, frivolous or vexatious,	c) qu'il est scandaleux, frivole ou vexatoire;
[...]	[...]
(f) is otherwise an abuse of the process of the Court,	f) qu'il constitue autrement un abus de procédure.
and may order the action be dismissed or judgment entered accordingly.	Elle peut aussi ordonner que l'action soit rejetée ou qu'un jugement soit enregistré en conséquence.

[43] In a motion to strike on the grounds that the Statement of Claim discloses no reasonable cause of action, pursuant to Rule 221(1)(a) of the Rules, no evidence can be submitted; see Rule 221(2). The Court is to accept that the allegations that are capable of being proven, are true; see *Hunt v. Carey Canada Inc.*, [1990] 2 S.C.R. 959. That principle does not apply to allegations based on speculation and assumptions; see *Operation Dismantle Inc. v. The Queen* (1985), 18 D.L.R. (4th) 481 (S.C.C.) at pages 486 - 487 and 490–491.

[44] Having regard to the contents of the Statement of Claim and the submissions of the Defendants, I am satisfied that the Statement of Claim should be struck as failing to disclose a reasonable cause of action.

[45] According to the decision in *Bérubé v. Canada* (2009), 348 F.T.R. 246 at paragraph 24, in order to disclose a reasonable cause of action, a claim must meet the following three criteria:

- i. allege facts that are capable of giving rise to a cause of action;
- ii. disclose the nature of the action which is to be founded on those facts; and
- iii. indicate the relief sought, which must be of a type that the action could produce and that the Court has jurisdiction to grant.

[46] The Defendants argue that the Plaintiff has failed to set out material facts in his Statement of Claim that are “reasonably capable” of showing a cause of action.

[47] I agree.

[48] The Plaintiff’s Statement of Claim is rambling and disjointed, describing some kind of alleged misbehaviour by police officers, either members of the Ontario Provincial Police (the “OPP”) or of the Royal Canadian Mounted Police (the “RCMP”), apparently in connection with his status as a Minister presiding over a church sanctuary in Parry Sound.

[49] The Plaintiff alleges that he was harassed and discriminated against for being a Christian minister. Paragraphs 3, 14 and 53 of his Statement of Claim illustrate these allegations:

3. On Oct. 12, 2017 at approximately 10:20am, Shawn Retzler did trespass on property and did trespass against minister David Williams by threat, force, violence, intimidation, terrorism, and unlawful arrest unlawfully obstructed the minister known as David Williams who was in the performance of his duties and prevented minister David Williams by from performing his divine service

and obstructed the minister from performing the functions of his calling. All actions taken against minister David Williams and church property by Shawn Retzler took place on well signed private property and Shawn Retzler acting without warrant or permission on known the [sic] private property.

14. The Claimant was wronged by way of lack of accommodation of his firmly held beliefs, faith, divine calling and the Defendants knowingly and deliberate [sic] obstructed, intimidated, nuisance, trespasses [sic], threats, violence, kidnapping, false arrest without cause, imprisonment, assault, fear of bodily harm, extortion, terrorism, fraud, theft, common nuisance, trauma, endangerment of my health and safety [...]

53. Expression of Christian faith and being a minister resulted in enormous prejudice, shared collectively by the Defendants and their colleagues, and it moreover sent the message that the Christian faith, Christian ministers were to be discriminated against as terrorists. This effectively perpetuated the view that Christians and Christian ministers are less worthy than others of legal and other protections, and that they are unworthy of the same protections afforded the average woman or man.

[50] The Plaintiff alleges that the Defendants' actions infringed his rights under section 15 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11 and constitute discriminatory practice under the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6, the *Human Rights Code*, R.S.O. 1990, c. H. 19, and the Ontario Human Rights Commission Policy on Preventing Discrimination Based on Creed.

[51] There are no facts pleaded to support a cause of action against any of the Defendants. The allegations are either unsupported or are speculative. The following paragraphs are an example of the claims made by the Plaintiff:

35. Although the Claimant offered forgiveness three times to all involved, the Claimant was informed that the only acceptable conclusion would be for the Claimant to violate his faith and make

a coerced and know [*sic*] by all to be completely false statement of guilt and pay large fines. Minister David Williams was being “railroaded” extorted by the collusionary actions and inactions of the Defendants and the men and women of civil enforcement, Crown Attorney actors, and justices of the peace without consideration of any of the facts to make and swear false statements, perpetration of a fraud upon the court, and become complicate [*sic*] in fraud.

36. It was evident upon the facts that there was no case and could not be a case against minister David Williams base [*sic*] on 176, 180, 336, 337, 423, and 794 of the criminal code.

[52] There are no specific allegations made against the Ontario Judicial Defendants or the Federal Judicial Defendants in their judicial capacity, nor in respect of any actions taken by them in a personal capacity.

[53] According to the decision in *Tsai v. Klug*, [2005] O.T.C. 480, aff’d 207 O.A.C. 225, leave to appeal to SCC refused 31427 (17 August 2006), absolute immunity lies in favour of persons holding judicial office for acts done in their judicial capacity. Paragraph 6 of that decision provides as follows:

[...] While immunity does not extend to purely personal acts, judges are however immune for any acts done in the course of or in connection with their legal duties. [...]

[54] These Defendants are only named in the style of cause. That is not a “cause of action”. In the absence of any proper plea in respect of the Ontario and Federal Judicial Defendants, the Statement of Claim cannot stand.

[55] The Plaintiff names Julie Payette as the first Defendant in the Statement of Claim, in her “private” capacity.

[56] Ms. Payette is the Governor General of Canada, a position created under the terms of the *Constitution Act, 1867* (UK), 30 & 31 Vict. C. 3, reprinted in R.S.C. 1985, Appendix II, No 5.

No allegations are advanced against Ms. Payette.

[57] Ms. Freeland is the Minister of Foreign Affairs for the Government of Canada. Ms. Wilson-Raybould is the former Minister of Justice and Attorney General of Canada.

[58] No specific allegations were raised against either of these Defendants. There is no reasonable cause of action apparent from the Statement of Claim.

[59] The Plaintiff makes vague references to Mr. Mayer, an employee of the Courts Administration Service. There is no clearly articulated plea in respect of Mr. Mayer.

[60] Accordingly, there is no reasonable cause of action set out in the Statement of Claim against the Federal Defendants or against Mr. Mayer.

[61] According to the written submissions filed on behalf of the Ontario Defendants, these individuals include members of the Ontario Provincial Police, Crown Attorneys, and Regional Directors of Crown Operations.

[62] There are no specific or defined claims advanced against these persons. There is no reasonable cause of action disclosed against the Ontario Defendants.

[63] Mr. Cass and Mr. McCormick are not named in the body of the Statement of Claim. They are named only in the style of cause. That does not constitute a “cause of action”.

[64] Ms. Simpson claims the protection of the *Municipal Act, 2011, supra*. This Court has no jurisdiction in respect of that statute. There is no reasonable cause of action made out against this Defendant.

[65] I will briefly address the Defendants’ submissions that the Plaintiff’s Statement of Claim should be struck pursuant to Rule 221(1)(c) as being scandalous, frivolous and vexatious. In considering a motion to strike on these grounds, the Court is required to consider the merits of the claim; see the decision in *Blackshear v. Canada*, 2013 FC 590 at paragraph 12.

[66] There are no proper pleadings set out in the Statement of Claim. There is nothing upon which the merits can be assessed.

[67] In my opinion, the Statement of Claim should be struck on the basis of Rule 222(1)(c), as well.

[68] Since the Statement of Claim fails to disclose a reasonable cause of action and is otherwise defective pursuant to Rule 221(1)(c), I am satisfied it represents an abuse of process per Rule 221(1)(f).

[69] The Defendants characterize the Plaintiff's Statement of Claim as "OPCA" litigation, that is a claim in the nature of "Organized Pseudolegal Commercial Argument".

[70] According to the decision in *Meads, supra* at paragraph 4, an OPCA litigant is one who expresses:

a general rejection of court and state authority Arguments and claims of this nature emerge in all kinds of legal proceedings and all levels of Courts and tribunals. This group is unified by:

1. a characteristic set of strategies (somewhat different by group) that they employ,
2. specific but irrelevant formalities and language which they appear to believe are (or portray as) significant, and
3. the commercial sources from which their ideas and materials originate.

This category of litigant shares one other critical characteristic: they will only honour state, regulatory, contract, family, fiduciary, equitable, and criminal obligations if they feel like it. And typically, they don't.

[71] The Applicant appears to make a general assertion that the named Defendants violated his rights, pursuant to the statutes that he names in his Statement of Claim. There is no such thing as a right of action for breach of legislation, as discussed by the Supreme Court of Canada in *Canada v. Saskatchewan Wheat Pool*, [1983] 1 S.C.R. 205 at p. 225 as follows:

For all of the above reasons I would be adverse to the recognition in Canada of a nominate tort of statutory breach. Breach of statute, where it has an effect upon civil liability, should be considered in the context of the general law of negligence. Negligence and its common law duty of care have become pervasive enough to serve the purpose invoked for the existence of the action for statutory breach.

[72] In order to obtain a remedy for any alleged statutory breach, the Plaintiff must establish a breach of the common law duty of care. The Plaintiff has not shown that any of the Defendants owe him a Duty of Care.

[73] I accept the Defendants' arguments that the Plaintiff is attempting to pursue OPCA litigation. By its nature, such a course of action is a vexatious pleading.

[74] The Plaintiff responded to the motions to strike by filing a Motion Record, seeking to strike out all "documentation" filed by the Defendants. He challenged the arguments that characterized his Statement of Claim as OPCA litigation by arguing that such description applies only to "commercial" litigation and that he was not raising such a case.

[75] The Plaintiff otherwise challenged the "right" of the Defendants to bring their motions and submitted that he was bringing his action against them as "private" persons, not in respect of any public offices they may hold.

[76] In my opinion, none of the Plaintiff's arguments and submissions respond to the defects in the Statement of Claim, as identified by the moving parties. On the contrary, the submissions support the criticism that the Statement of Claim discloses no reasonable cause of action and is otherwise non-compliant with the usual rules of pleading.

[77] Further, the submissions of the Plaintiff tend to confirm that he is indeed an OPCA litigant, seeking to avoid the application of general rules of practice and procedure.

[78] Leave to amend pleadings will be granted where there is a curable defect in the pleadings; see the decision in *Simon v. Canada* (2011), 410 N.R. 374 (F.C.A.). In my opinion, there is no such curable defect here.

[79] I conclude that the Statement of Claim fails to disclose a reasonable cause of action, is frivolous and scandalous, and fundamentally vexatious. Moreover, I am satisfied that no amendment could be made to the Statement of Claim to cure the radical defects.

[80] Accordingly, the Statement of Claim will be struck, without leave to amend. As for costs of the motion, I see no reason to deviate from the general rule that costs should follow the event.

[81] In the result, the Defendants' motions are granted and the Statement of Claim will be struck without leave to amend.

[82] A Direction will issue in respect of costs.

“E. Heneghan”

Judge

Toronto, Ontario
June 11, 2019

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-1200-18
STYLE OF CAUSE: MINISTER DAVID WILLIAMS v. JULIE PAYETTE,
CHRYSTIA FREELAND, JOHN D. ROOKE, JODY
WILSON-RAYBOULD, YASIR NAQVI, PAUL
BONIFERRO, CORNELIA MEWS, J. GARY
MCMAHON, LOWELL HUNKING, SUSAN
STOTHART, NATALIE BEAUSOLEIL, STEVEN
SCHARGER, BRIAN BENCZE, WESLEY BEATTY, E.
SIMPSON, VINCE HAWKS, MIKE GORDON, RICK
MACKAY, DAWN CONNOR, SHAWN RETZLER,
CHARLES CONSTABLE, DAVID CASS, TARYN
MCCORMICK, DAVID LEWIS, NORMAN SABOURIN,
DAN MAYER, AND MARTHA MILCZYNSKI

**MOTION IN WRITING CONSIDERED AT TORONTO, ONTARIO PURSUANT TO
RULE 369 OF THE *FEDERAL COURTS RULES***

REASONS FOR ORDER: HENEGHAN J.

DATED: JUNE 11, 2019

WRITTEN REPRESENTATIONS BY:

Minister David Williams

FOR THE PLAINTIFF
(ON HIS OWN BEHALF)

Michael M. Miller

FOR THE DEFENDANT, EDIE SIMPSON
(E. SIMPSON)

Nadia Effendi
Christine Muir

FOR THE DEFENDANTS, JOHN D. ROOKE,
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Jeremy Glick

FOR THE DEFENDANTS,
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JUDICIAL AND ONTARIO