

Federal Court



Cour fédérale

Date: 20251107

Docket: T-882-25

Citation: 2025 FC 1798

Ottawa, Ontario, November 7, 2025

PRESENT: Mr. Justice Gascon

BETWEEN:

NAJEB RAFIC MANAH

Plaintiff

and

**THE CHIEF OF THE EDMONTON POLICE
SERVICE**

Defendant

ORDER AND REASONS

I. Overview

[1] Insanity, says a quote widely attributed to the world-famous physicist and Nobel prize winner Albert Einstein, is doing the same thing over and over again and expecting different results. In judicial circles, the courts, out of respect for litigants appearing before them, will be very hesitant to qualify this type of behaviour as insane. However, repeating the same arguments and recourse over and over again, before the same court in the same matter, and expecting a

different treatment can certainly have the attributes of frivolous and vexatious litigation amounting to an abuse of the court's process.

[2] Regrettably, this is what the Court is faced with in this matter.

[3] For the third time, the Plaintiff, Najeb Rafic Manah, has brought a reconsideration motion pursuant to sections 392 and 397 of the *Federal Courts Rules*, SOR/98-106 [Rules], challenging judicial signatures on the orders of this Court. Mr. Manah has already received two comprehensive orders explaining the process by which the Court keeps original copies of signed orders and the limitations of reconsideration motions. Having been directed to show cause as to why this third motion should not be removed from the Court record, Mr. Manah has filed submissions that, once again, essentially re-argue the same issues.

[4] Enough is enough. This type of recurring behaviour must be stopped for good and, with this Order and Reasons, the bell tolls for Mr. Manah and his proceeding before the Court

II. Factual and procedural background

[5] On April 28, 2025, the Court issued an order striking Mr. Manah's Statement of Claim [April 28 Order]. After carefully reviewing the allegations set out in his Statement of Claim, the Court determined that it had no jurisdiction to adjudicate the claim against the only named Defendant, the Chief of the Edmonton Police Service, given that the Defendant is a statutory entity created under provincial legislation. In the April 28 Order, Mr. Manah's Statement of

Claim was therefore struck, without leave to amend. No appeal was filed by Mr. Manah to challenge the April 28 Order.

[6] Since his claim was struck, the Court has had to issue numerous orders and directions in response to procedural motions and requests for reconsideration brought by Mr. Manah. All of these procedures raised the same issues and sought the same remedies: (i) a declaration that the Court orders were issued without a valid judicial signature or secure authentication, in violation of Rule 392(2), and are therefore null, void, and of no legal force or effect due to signature and authentication defects; (ii) a declaration that the digital certificates are not recognized under federal signature regulations, and fail the authentication requirements of sections 31.1–31.5 of the *Canada Evidence Act*, RSC 1985, c C-5; (iii) a declaration that the Court orders failed to address his sworn affidavit evidence, which — says Mr. Manah — stands unrebutted and constitutes prima facie truth under settled case law; and (iv) a declaration that the Court overlooked matters central to procedural fairness, raising concerns under Rule 397(1)(b) and paragraph 2(e) of the *Canadian Bill of Rights*, SC 1960, c 44.

[7] In detailed reasons, the Court has repeatedly found that Mr. Manah’s motions and requests were devoid of any merit under the applicable provisions of the Rules and pursuant to established jurisprudence.

[8] On May 30, 2025, the Court dismissed Mr. Manah’s first motion for reconsideration of the April 28 Order [May 30 Order]. In that decision, I specifically addressed Mr. Manah’s concern about the judicial signature on the April 28 Order, noting that his receipt of “a copy with

a typed signature does not mean that the judge did not sign it” and that “[t]he signed copy is in the Court’s record.”

[9] On July 10, 2025, being in receipt of Mr. Manah’s second motion for reconsideration and his request for an oral hearing, I issued a Direction stating that the matter shall be decided “on the basis of the written record, as provided by Rule 369” and that the “Registry shall remove this matter from the General Sittings list in Edmonton on July 14, 2025.”

[10] On July 14, 2025, I dismissed Mr. Manah’s second motion for reconsideration, repeating that the signed copy of court orders (in this case, the May 30 Order) are “in the Court’s record and can be available from the Registry upon request” [July 14 Order]. I also detailed the procedural limitations inherent to a motion for reconsideration as compared to an appeal. I further expressed concerns about Mr. Manah’s use of the Court’s limited resources to entertain a motion that is “abusive and vexatious” and “meritless and problematic.” In addition, I observed that there is simply no legal or factual basis to claim that the May 30 Order is not legally effective pursuant to Rule 392(2), citing *Seymour v Canada*, 2021 FCA 180 at paragraph 13 [*Seymour*].

[11] On July 17, 2025, after receiving another correspondence from Mr. Manah, I issued a second Direction that, among other things, set out a process enabling Mr. Manah to view the electronically signed orders he has challenged if he wished to [July 17 Direction]. I also directed that any further motion by Mr. Manah purporting to relitigate issues of judicial signatures would be “summarily dismissed” and “removed from the Court record.” I finally underlined that, in the

July 17 Direction and in previous orders, the Court never said that Mr. Manah could obtain a “certified copy of the original signed version,” as claimed by Mr. Manah.

[12] It is worth citing the following extract from the July 17 Direction:

1) pursuant to the Court’s practice and policy, the Registry never releases copies of orders or judgments bearing the judge’s original signature, let alone certified copies, and the request made by the Plaintiff in his emails is hereby denied; 2) if the Plaintiff wishes to see the electronically signed version of the May 30, 2025 Order, he can go to the Edmonton Registry office and a Registry Officer will be able to show him such electronically signed version of the May 30, 2025 Order, but no copy will be given to the Plaintiff and the Plaintiff will not be allowed to take any picture of such signed version; 3) if the Plaintiff indeed wants to see the electronically signed version of the May 30, 2025 Order, he shall make arrangements in advance with the Edmonton Registry office for a one-time appointment, so that a Registry Officer can prepare accordingly; 4) if the Plaintiff decides to file yet another motion seeking a declaration that any Court Order or Judgment bearing a typed signature was issued without a valid judicial signature or secure authentication, allegedly in violation of sub-section 392(2) of the *Federal Courts Rules*, SOR/98-106, such motion will be summarily dismissed by the Court and removed from the Court record; 5) the Plaintiff should take note that the Court and its Registry have limited resources and, should the Plaintiff continue to send inappropriate, abusive and meritless emails and requests to the Registry, the Court will not hesitate to intervene and take appropriate measures.

[Emphasis in original.]

[13] Unfortunately, this was to no avail. A few days later, on July 23, 2025, Mr. Manah nevertheless filed a third motion for reconsideration pursuant to Rules 392 and 397, this time seeking reconsideration of the July 14 Order. He again sought an order, among other things, (i) setting aside, staying, or reconsidering the July 14 Order, and (ii) declaring that the July 14 Order

was issued without a valid judicial signature or secure authentication, in violation of Rule 392(1)(2) [sic] and sections 31.1–31.5 of the *Canada Evidence Act*.

[14] On July 29, 2025, I issued an order requiring Mr. Manah to make submissions showing cause why his third motion for reconsideration should not be removed from the Court’s file pursuant to Rule 74(1)(b) and/or (c) [Show Cause Order].

[15] Further to the court-directed show cause process, Mr. Manah served submissions on August 1, 2025. He argued yet again that: (i) his third motion for reconsideration is directed at obtaining signed and certified copies of the April 28, May 30, and July 14 Orders; (ii) the *Canada Evidence Act* requires such signed orders to serve as evidence on appeal; (iii) the Court’s October 22, 2010 Notice to Parties and Members of the Legal Profession [2010 Court Notice] permits access to certified copies of orders, where necessary and upon request to the Registry; (iv) in interactions with the Court Registry, he was told that he may only see the impugned orders; and (v) his various motions since April 28, 2025 have been “lawful” and based on “unrebutted” affidavit evidence.

[16] I pause to observe that Mr. Manah has not appealed any of the orders issued by the Court in this matter, and that the statutory delays to do so have now expired.

III. Analysis

[17] Pursuant to Rules 74(1)(b) and (c), the Court may, at any time, order that a document be removed from the judicial record on the ground that it is “scandalous, frivolous, vexatious or clearly unfounded” or that it is “otherwise an abuse of the process of the Court.”

[18] Rule 74(2) provides the Court may only make an Order pursuant to Rule 74(1) if all interested parties have been given an opportunity to make submissions. In this case, I am satisfied that all interested parties have been granted this opportunity, and both Mr. Manah and the Defendant have indeed made submissions to the Court in response to the Show Cause Order.

[19] Further to my careful review of these submissions, I find that Mr. Manah’s third motion for reconsideration and his motion materials are frivolous, vexatious, and clearly unfounded. Moreover, they constitute an egregious abuse of the Court’s process as they repeat grounds and recycle arguments that have already been rejected twice by the Court — in the May 30 and July 14 Orders — further to similar motions filed by Mr. Manah.

[20] As this Court noted in *Gaskin v Rogers*, 2023 FC 1588 [*Gaskin 1588*], the focus of a Rule 74 review is on the propriety of the document itself, which in this case is Mr. Manah’s third motion for reconsideration (*Gaskin 1588* at para 12).

A. *Rule 397*

[21] Regarding Rule 397 and the limits of motions for reconsideration, Mr. Manah has not raised any arguments that have not already been dealt with and rejected by the Court. What I said

in the May 30 and July 14 Orders continues to directly apply to the new motion brought by Mr. Manah.

[22] Rule 397 authorizes the Court to reconsider one of its orders in limited circumstances. However, it does not allow the Court to entertain a motion which is in the nature of an appeal from its own decision. As stated by the Federal Court of Appeal in *Sharma v Canada (Revenue Agency)*, 2020 FCA 203 at paragraph 3, citing *Bell Helicopters Textron Limitée v Eurocopter*, 2013 FCA 261 at paragraph 15, a motion for reconsideration “is clearly not meant to be an appeal in disguise, allowing a litigant to re-argue an issue a second time, in the hope that the Court will change its mind.”

[23] The proper way to challenge the merits of a decision is to file an appeal, when such appeal is available. Similarly, an argument that goes to the substantive validity of a decision rather than correcting a slip or oversight by the Court cannot be asserted in a motion for reconsideration under Rule 397 (*Yeager v Day*, 2013 FCA 258 at para 14).

[24] Here, Mr. Manah again claims that the May 30 and July 14 Orders allegedly failed to consider his sworn affidavit and supporting exhibits and that this would allegedly constitute a reviewable error or a breach of the duty of procedural fairness. This clearly does not fall within the ambit of Rule 397, far from it. These are substantive grounds of appeal. They are not clerical errors, accidental omissions, or grounds that can be raised on a motion pursuant to Rule 397(1)(b).

[25] The purpose of Rule 397(1) is not to reverse a decision that has already been issued (*Taker v Canada (Attorney General)*, 2012 FCA 83 at para 4), but to enable the Court to address inadvertent mistakes or omissions in a judgment, and to ensure that the judgment reflects the intention of the issuing judge and deals with all of the issues that should have been adjudicated (*Pharmascience Inc v Canada (Minister of Health)*, 2003 FCA 333 at paras 12–15).

[26] Mr. Manah’s third motion for reconsideration is anything but that.

B. *Rule 392*

[27] Turning to Rule 392, all the arguments raised by Mr. Manah regarding the Court’s signed orders have also been thoroughly addressed or are without any merit. Mr. Manah’s questions and objections were responded to, comprehensively, but Mr. Manah does not appear to listen to responses that are not to his liking.

[28] Mr. Manah continues to complain about an alleged failure by the Court to cite any rule, statute, or Court policy that authorizes to deny a litigant a certified, signed copy of a Court order affecting that party’s rights. The problem is that contrary to Mr. Manah’s belief, litigants do not have any right to a certified, signed copy of Court orders to start with.

[29] In support of his ill-founded belief, Mr. Manah incorrectly relies on the Court’s rulings and notices. In his third motion, he notably invokes the 2010 Court Notice which states that “[c]ertified copies of orders, if required by a party, may be obtained by making a request to the Registry.” However, this 2010 Court Notice is no longer in place and has been replaced by

updated Amended Consolidated General Practice Guidelines dated June 20, 2025 [Guidelines]. These Guidelines expressly state at the end that the 2010 Court Notice is no longer in place and, along with numerous other Court practice directions and guidelines, has been superseded by the Guidelines. The extract cited by Mr. Manah does not appear in the Guidelines.

[30] Furthermore, contrary to Mr. Manah’s claim, the Court never said — whether in the May 30 and July 14 Orders, or in the July 17 Direction —, that signed orders of the Court could be obtained from the Registry. The Court only said that the orders could be “available” from the Registry. A document that is available includes one that a party can see and look at. In addition, the “view-only” restriction flowing from the July 17 Direction expressly echoes the statement made by the Federal Court of Appeal in *Seymour*. For Mr. Manah’s benefit, it is worth citing paragraph 13 of that decision in its entirety:

As for the argument that the Motions Judge’s Order is not valid because the signature of the Judge is not handwritten, it is also without any merit. Rule 392 of the Rules only requires that an order be signed by the judicial officer issuing it. The Rules do not define what constitutes a “signature”, and it is the practice of the Federal Court to issue parties a copy of the order with an electronic signature. That said, the original signed copy of an order is always available for in-person viewing at the Registry upon request. Moreover, as noted by the respondent, requiring that signatures be only handwritten would not be consistent with Rule 3, according to which the Rules should be interpreted and applied to secure the most expeditious and least expensive determination of proceedings.

[Emphasis added.]

[31] This is precisely what the July 17 Direction invited Mr. Manah to do. But that clearly did not satisfy him.

C. *Rule 74*

[32] In *Gaskin v Canada*, 2023 FC 1542 [*Gaskin 1542*], Justice Roger Lafrenière noted that “[i]n recent years, the Federal Court of Appeal held that the combined effect of Rule 74 (as it then was), Rule 4 (the gap rule), and Rule 55, alongside its plenary powers, granted the Court jurisdiction to summarily dismiss a proceeding that is abusive of the Court’s process” (*Gaskin 1542* at para 18, citing *Coote v Canada (Human Rights Commission)*, 2021 FCA 150 at paras 16–18 and *Dugré v Canada (Attorney General)*, 2021 FCA 8 at paras 19–21, application for leave to the Supreme Court dismissed, no. 39614 (September 29, 2021)).

[33] Not only is Mr. Manah’s motion without any merit, but it is also abusive and vexatious as it simply repeats arguments that the Court has rejected twice, just a few months ago. The Court’s resources are not infinite, and a party cannot simply refile and replead similar motions in the hopes of a different outcome: “[t]he Federal Courts have finite resources that cannot be squandered” (*Canada v Olumide*, 2017 FCA 42 at para 19).

[34] As stated by Justice Benoit Duchesne in *Wu v Canada (Judicial Council)*, 2025 FC 866 [*Wu*], documents that are scandalous, frivolous or vexatious pursuant to the Rules and the relevant jurisprudence include those in which “the applicant presents no rational argument based upon the evidence or law in support of his sought relief, or where the pleading is so clearly futile that it has not the slightest chance of success” (*Wu* at para 33). Turning to documents that are otherwise an abuse of process pursuant to Rule 74(1)(c), they encompass documents that misuse the Court’s procedure and that can lead to no possible good (*Gaskin 1542* at para 31). More specifically, a document would be considered an abuse of process where its content represents

the re-litigation of issues already decided, as “such re-litigation undermines the doctrine of finality and respect for the administration of justice” (*Wu* at para 36, citing *Mancuso v Canada (National Health and Welfare)*, 2015 FCA 227 at paras 39–45, application for leave to the Supreme Court dismissed, no. 36889 (June 23, 2016) and *Ewert v Canada (Attorney General)*, 2025 FC 676 at paras 26–33).

[35] Mr. Manah’s third reconsideration motion, taken in the full context of his actions to date, is precisely of the type warned about in *Wu*, *Gaskin 1588*, and *Gaskin 1542*. It relitigates decided issues through a process already determined to be unsuitable for Mr. Manah’s goals. It is a collateral attack on the earlier orders, and it goes against the clear precedent from the Federal Court of Appeal in *Seymour*. The Court has made numerous efforts to respond to Mr. Manah’s queries

[36] In his submissions in response to the Court’s Show Cause Order, Mr. Manah takes exceptions with the language used by the Court, where I indicated that his motion materials appear on their face to be “scandalous, frivolous, vexatious, and clearly unfounded.” He claims that “he has never insulted, threatened, or disrespected the Court or any judge.”

[37] It may be true that Mr. Manah has not insulted or threatened members of the Court or the Registry, but his conduct falls precisely within the confines of what the courts have repeatedly considered scandalous, frivolous, vexatious, clearly unfounded, or abusive. His repeated behaviour demonstrates a profound disrespect for the Court’s orders and processes. Abuse, vexatiousness, or frivolity can come in different shapes and forms, and the fact that Mr. Manah has not been impolite or violent does not mean that his conduct is any more acceptable. As aptly

stated by the Defendant, a plaintiff does not have to be rude or discourteous to abuse the Court's process. An abuse of process can include situations where, as here, a litigant has repeatedly misused the Court's process and turned a blind eye to the Court's orders. Contrary to Mr. Manah's own unsubstantiated belief and conviction, he has not brought any "lawful" motions on the basis of "unrebutted" evidence.

[38] With respect, I am unfortunately forced to conclude that the qualifiers "frivolous," "vexatious," and "abusive" are exactly the proper words to use to describe Mr. Manah's behaviour in this matter.

IV. Conclusion

[39] For the above reasons, I find that Mr. Manah has not shown cause that his third reconsideration motion should not be removed from the Court record pursuant to Rule 74(1). His motion materials are on their face "scandalous, frivolous, vexatious [and] clearly unfounded" pursuant to Rule 74(1)(b) and constitute "an abuse of the Court's process" pursuant to Rule 74(1)(c).

[40] The Court can act on its own initiative to refuse to entertain a motion and stop harmful litigation conduct in its tracks (*ViiV Healthcare Company v Gilead Sciences Canada, Inc*, 2021 FCA 122 at paras 22–24). This is the situation here, and the Court has every reason to refuse to consider Mr. Manah's meritless motion. Moreover, since Mr. Manah's Statement of Claim has been struck, it is now time to bring this litigation to a full and complete end.

[41] Of course, Mr. Manah has every right to bring an appeal against the Court's order. Nothing in what the Court has ruled in this matter impedes or has ever impeded Mr. Manah's ability to bring an appeal. It is up to him to make such a decision on the basis of applicable timelines and other factors. But his journey before this Court in this matter is now over.

[42] Regarding costs, I am satisfied that, in the circumstances and considering the meritless and abusive motion filed by Mr. Manah, which simply continues to repeat grounds that were alleged in the motions leading to the May 30 and July 14 Orders and were summarily dismissed by the Court, the Defendant is entitled to costs in the fixed amount of \$1,000.

ORDER IN T-882-25

THIS COURT ORDERS that:

1. The Plaintiff's third motion for reconsideration filed on July 23, 2025 shall be removed forthwith from the Court record in file no. T-882-25 pursuant to subsections 74(1)(b) and (c) of the *Federal Courts Rules*.
2. The Registry shall close file no. T-882-25.
3. The Registry shall not receive, accept, or file any further documents from the parties in file no. T-882-25.
4. The Registry shall not respond to any further request or communication from the Plaintiff regarding file no. T-882-25, whether such request or communication is made by email or any other form of written communication, by telephone or any other form of verbal communication, or in person.
5. Costs in the all-inclusive amount of \$1,000 are awarded to the Defendant, payable forthwith by the Plaintiff.

"Denis Gascon"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: T-882-25

STYLE OF CAUSE: NAJEEB RAFIC MANAH v THE CHIEF OF THE
EDMONTON POLICE

**MOTION IN WRITING
PURSUANT TO RULES 74
AND 369 OF THE *FEDERAL
COURTS RULES*
CONSIDERED AT:** OTTAWA, ONTARIO

ORDER AND REASONS: GASCON J.

DATED: NOVEMBER 7, 2025

WRITTEN REPRESENTATIONS BY:

Najeeb Rafic Manah

FOR THE PLAINTIFF
(ON HIS OWN BEHALF)

Brent Thompson

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Legal Services Branch
Edmonton Police Service
Edmonton, Alberta

FOR THE RESPONDENT