

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160915

Docket: A-552-15

Citation: 2016 FCA 231

**CORAM: PELLETIER J.A.
WEBB J.A.
NEAR J.A.**

BETWEEN:

**WALLY DOVE
JASON DOVE
GLENN BURSEY AND
MICHAEL BURSEY**

Appellants

and

HER MAJESTY THE QUEEN

Respondent

Heard at Toronto, Ontario, on September 14, 2016.

Judgment delivered at Toronto, Ontario, on September 15, 2016.

REASONS FOR JUDGMENT BY:

THE COURT

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[1] Mr. Wally Dove appeals from the judgment of Campbell J. of the Federal Court dismissing five claims which were consolidated by order of the Federal Court dated November 4, 2015. Mr. Dove also appeals from Justice Campbell's dismissal of a motion for reconsideration. In the Federal Court consolidation order, file no. T-1287-15 was made the lead file. When this

appeal was filed, all concerned appear to have assumed that the Federal Court's consolidation order continued in force in this Court. That is not the case as the Federal Court and the Federal Court of Appeal are separate and distinct courts. As a result, the only appeal before us is Mr. Dove's appeal from the judgment rendered in file no. T-1287-15. Since the appeal will be dismissed, this oversight has no practical effect since all five claims will continue to be dismissed.

[2] Mr. Justice Campbell, and Prothonotary Aalto before him, dismissed the claim in issue before them on the basis that "none of these statements of claim raise any cause of action and are bereft of any chance of success" (Prothonotary Aalto) or that the statements of claim "have no reasonable prospect of success" (Justice Campbell). There is no error in these conclusions.

[3] The legal propositions which Mr. Dove puts forward are incoherent and devoid of any legal meaning. They are the legal equivalent of Noam Chomsky's famous phrase: "Colorless green ideas sleep furiously." Each word in the sentence can be given a discrete meaning but the sentence constructed from those words is devoid of intelligible content. So it is with Mr. Dove's claim. Mr. Dove has assembled words, phrases, and concepts which have some meaning in the context in which they are originally found but have none whatsoever in the use which he has made of them.

[4] Mr. Phillips, on behalf of her Majesty, asked this Court to declare that Mr. Dove and his fellow litigants are OPCA (Organized Pseudo Commercial Argument) litigants as that term is defined and used in the case of *Meads v. Meads*, 2012 ABQB 571, [2012] A.J. No. 980 (QL). It

is true that Mr. Dove's claim shares some of the characteristics attributed to OPCA litigants, but the OPCA phenomenon is not a threat to the orderly administration of justice in this Court at this time. Other courts may be having a different experience; it is for them to decide how to deal with their particular circumstances.

[5] Mr. Dove and his co-litigants should know that, while they are entitled to be heard, they are not entitled to blame their lack of success on the bad faith and corruption of the judges who hear and decide their cases and on collusion between the lawyers who represent the Crown and the judges and prothonotaries who have heard their cases. Such allegations have consequences and if Mr. Dove continues in his present vein, he will have to deal with those consequences: see *Abi-Mansour v. Canada (Department of Aboriginal Affairs)*, 2014 FCA 272, [2014] F.C.J. No. 1145, at paragraphs 9-15.

[6] This appeal will be dismissed with costs fixed at \$3,000.

"J.D. Denis Pelletier"

J.A.

"Wyman W. Webb"

J.A.

"D.G.Near"

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-552-15

STYLE OF CAUSE: WALLY DOVE, JASON DOVE,
GLENN BURSEY AND MICHAEL
BURSEY V HER MAJESTY THE
QUEEN

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 14, 2016

REASONS FOR JUDGMENT BY: THE COURT

DATED: SEPTEMBER 15, 2016

APPEARANCES:

Wally Dove FOR THE APPELLANTS
(SELF-REPRESENTED)

Stewart Phillips FOR THE RESPONDENT

SOLICITORS OF RECORD:

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(SELF-REPRESENTED)

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