

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20170922**

**Docket: A-457-16**

**Citation: 2017 FCA 197**

**CORAM: NADON J.A.  
STRATAS J.A.  
WEBB J.A.**

**BETWEEN:**

**KATHERINE LIN**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard at Toronto, Ontario, on September 20, 2017.

Judgment delivered at Toronto, Ontario, on September 22, 2017.

**REASONS FOR JUDGMENT BY:**

**NADON J.A.**

**CONCURRED IN BY:**

**STRATAS J.A.  
WEBB J.A.**

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20170921**

**Docket: A-457-16**

**Citation: 2017 FCA 197**

**CORAM: NADON J.A.  
STRATAS J.A.  
WEBB J.A.**

**BETWEEN:**

**KATHERINE LIN**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

**REASONS FOR JUDGMENT**

**NADON J.A.**

[1] This is an appeal of two orders made by Mr. Justice Campbell of the Federal Court (the Judge) on November 28, 2016 pursuant to which he dismissed two appeals taken by the appellant against orders of Prothonotary Aalto dated November 7, 2016.

[2] In the first of his orders, the Prothonotary struck in its entirety the appellant's statement of claim in which she sought \$20,000 in damages against the respondent, the Attorney General of Canada. In the Prothonotary's view, the statement of claim was unintelligible and it did not contain any material facts to support a cause of action against the respondent. More particularly, the Prothonotary was of the view that the statement of claim was scandalous, frivolous and vexatious. Hence, he struck the statement of claim in its entirety and granted the respondent costs in the amount of \$500.

[3] In his second order, the Prothonotary dismissed a motion brought by the appellant wherein she sought judgment by default against the respondent for his failure to file and serve a statement of defence to her action. Because he had already granted the respondent's motion to strike the statement of claim, the Prothonotary concluded that the appellant's motion was moot and he dismissed it with costs in the sum of \$200.

[4] The appellant appealed both of the Prothonotary's orders to a judge of the Federal Court pursuant to Rule 51(1) of the *Federal Courts Rules*, SOR/98-106. On November 28, 2016 the Judge dismissed both appeals because he was of the view that the Prothonotary had made no palpable and overriding error in rendering his decisions.

[5] The appellant now appeals the Judge's orders to this Court. After a careful review of the appellant's written and oral submissions, we have come to the conclusion, regretfully for the appellant, that there is no basis whatsoever which could justify intervention on our part. Although during the course of her oral submissions, the appellant spoke to us at length regarding

the events which led to the commencement of her action against the respondent, she did not, however, persuade us that, in striking her statement of claim and concluding that her motion for default judgment was moot, the Prothonotary had made an error in respect of which the Judge ought to have intervened.

[6] Consequently, the appeal will be dismissed with costs.

"M. Nadon"

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J.A.

"I agree  
David Stratas J.A."

"I agree  
Wyman W. Webb J.A."

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-457-16

**(APPEAL FROM ORDERS OF THE HONOURABLE MR. JUSTICE CAMPBELL  
DATED NOVEMBER 28, 2016, FEDERAL COURT FILE NO. T-1634-16)**

**STYLE OF CAUSE:** KATHERINE LIN v. ATTORNEY  
GENERAL OF CANADA

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 20, 2017

**REASONS FOR JUDGMENT BY:** NADON J.A.

**CONCURRED IN BY:** STRATAS J.A.  
WEBB J.A.

**DATED:** SEPTEMBER 22, 2017

**APPEARANCES:**

Katherine Lin FOR THE APPELLANT  
(SELF-REPRESENTED)

Stewart Phillips FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Nathalie G. Drouin FOR THE RESPONDENT  
Deputy Attorney General of Canada