Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS; JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

MOTION RECORD

Paul Slansky, LSUC #25998I
Barrister and Solicitor
1062 College Street,
Lower Level
Toronto, Ontario M6H 1A9
Tel: (416) 536-1220;
Fax (416) 536-8842
Counsel for the Plaintiff

INDEX

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS: JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

INDEX

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS; JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

NOTICE OF MOTION
Motion for Default Judgment against Eric Iane Stewart Deane
(Rule 19.05(1))

2

TAKE NOTICE THAT the Moving Party (Plaintiff) will apply to a judge of the Court at the Courthouse, 75 Mulcaster Street, Barrie, Ontario, on Monday, June 15, 2015 at 9:30 a.m. or so soon thereafter as the matter can be heard for an Order for *ex parte* orders and judgement of default against Eric Iain Stewart Deane ("Deane"), a defendant in this action who was served with the Statement of Claim and defaulted by failing to serve and file a Statement of Defence and has been noted in default and for full indemnity costs and interest.

AND TAKE NOTICE THAT the Moving party (Plaintiff) also applies for an order nunc pro tunc permitting the filing of a factum in support of the default judgment not to exceed 50 pages.

PROPOSED METHOD OF HEARING: The motion is to be heard orally, *ex parte*.

THE MOTION IS FOR JUDGMENT AND ORDERS AGAINST DEANE:

(a) Judgment for unliquidated damages in the amount of $19,000,000 from Deane (General, Aggravated, Punitive/Exemplary), including the set off of costs ordered against the Plaintiff in other related proceedings made to the benefit of Deane;

(b) Injunctive orders against Deane:

(1) a permanent injunction that the Defendant Deane, and any other person allowed to participate in this motion, may not directly or indirectly distribute or publish any personal information of the Plaintiff, except to the extent ordered by the court and with such protective orders that can be made to provide such protection;

3

(2) an interim injunctive order that to seal, redact or otherwise protect (non-publication) the private and confidential information filed with the court on this motion to ensure the safety and security of the plaintiff and others; and

(3) The Plaintiff resides in Simcoe County. For reasons of safety and security, which are discussed below, he wishes that his residence information not be disclosed or published.

(c) Such further remedy as the Court feels is just and appropriate

THE GROUNDS FOR THIS MOTION ARE:

(A) HISTORY/BACKGROUND:

1. The Plaintiff had been an officer of Nelson Barbados Group Ltd ("NBGL"). NBGL commenced action in the Superior Court by Statement of Claim against Ontario and Barbados Defendants. Some of the Defendants brought a motion to contest jurisdiction, which was granted and the action was stayed by Justice Shaughnessy of the Superior Court of Justice ("SCJ") in 2008. The merits of the action were never adjudicated. The only issue remaining issue was costs.

2. When the issue of costs was being considered, the Plaintiff was deprived of counsel and compelled to act as unrepresented litigant.

3. Costs submissions were to proceed on November 2, 2009 and the Plaintiff understood that costs were going to be assessed that day against NBGL which stood

4

ready to pay them. The Plaintiff indicated, on behalf of NBGL, that he would not be attending but leave the issue in the hands of the Court.

4. Prior to November 2, 2009 the Plaintiff was not aware that costs were being sought against him personally. There was never advanced a theory to justify this position and it was never adjudicated *inter partes*. There was no legitimate or lawful basis to seek costs against the Plaintiff Best. This was pursued for an improper and collateral purpose(s), to wit, an excuse to seek discovery of the Plaintiff, a means to intimidate the Plaintiff and/or a means to deter the commencement or continuation of litigation by other parties based on the same general circumstances in other jurisdictions. This ulterior or collateral purpose was repeatedly admitted to the SCJ and the OCA in the course of costs and contempt proceedings in respect of costs.

5. The lawyers, law firms and clients used an affidavit of Van Allen, described as a private investigator to demonstrate that the Plaintiff could not be served with process, and/or that the Plaintiff's actions and motivations were improper and/or suspect. This was known by the Van Allen defendants and the lawyers, law firms and clients to be false and/or misleading. This was successfully used to allow for purported service by mail, which was largely ineffective due to the improper actions of the defendants, including (but not limited to) an intentional campaign to endanger the Plaintiff, forcing him to leave the country with his family for his and their safety, and placing false information and evidence before the court. All of this resulted in the Plaintiff not getting timely notice of court motions or orders, resulting in contempt orders and costs orders against him.

5

6. In fact, Van Allen was a serving police officer for the OPP at the time of his investigation of the Plaintiff and the swearing of his affidavit. He was not legally allowed to act as a private investigator and his actions in doing so were illegal and void. The Defendants colluded and conspired to cover this up and that his actions were in violation of the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies. Van Allen's investigations of the Plaintiff and creation and swearing of his affidavit took place through his contract with Van Allen and/or his company and Faskens. Van Allen and the Lawyers and Law Firms, in particular but not exclusively the Faskens defendants, prepared the affidavits and redacted invoices to conceal the unlawful use of police services, resources and searches by Van Allen under the instructions and misinformation provided by other defendants. This information was used to secure substituted service orders, in the investigation of the Plaintiff for contempt and to secure an improper conviction for contempt. The information contained in an affidavit of Van Allen was later relied upon by Justice Shaughnessy in finding the Plaintiff guilty of contempt.

7. During the costs process against NBGL, the Defendant lawyers, law firms and clients brought a motion for the production of documents and examination of the Plaintiff, the President and director of NBGL, and for substituted service on the Plaintiff by mail in relation to costs against NBGL. The materials were not served on NBGL or the Plaintiff before it was returnable on November 2. Using the Van Allen affidavit, the clients, lawyers and law firms were able to convince Justice Shaughnessy on this *ex parte*

6

application to validate service by mail and courier. In Van Allen's affidavit, Justice Shaugnessy was falsely led to believe that the Plaintiff was evading service, and/or that his motivations and actions were improper. Although no endorsement was made, the Court indicated a willingness to grant the order subject to the determination of the terms by the parties in attendance on November 2, 2009. The order was not created and signed until November 12, 2009, even though it required the Plaintiff to produce certain documents on November 10, 2009: two days before the order came into existence.

8. There was no legitimate or lawful basis to seek the discovery of the Plaintiff in respect of costs. This was pursued for an improper and collateral purpose(s), to wit, as a means to intimidate the Plaintiff and/or a means to deter the commencement or continuation of litigation by persons and entities other than the Plaintiff, based on the same general circumstances, in other jurisdictions. This ulterior or collateral purpose was repeatedly admitted to the SCJ and the OCA in the course of costs and contempt proceedings in respect of costs.

9. A draft order which allegedly required document production on November 10 and examination in Toronto (Victory Verbatim) on November 17, 2009, was purportedly sent by courier on November 6, 2009 to the Plaintiff at the address indicated in the order for substituted service. In fact, the material was never sent by mail, courier or otherwise and as the Plaintiff later advised the Court and the parties, he did not receive the materials or any order, but first learned of the order when he called the trial coordinator to find out was ordered in respect of costs, on November 16, 2009.

7

10. On November 17, 2009, the Plaintiff called Victory Verbatim Reporting and spoke to the lawyers, primarily Ranking and Silver. The Plaintiff had asked that the conversation take place on the record (recorded by the Special Examiner's office). The lawyers refused. The Plaintiff indicated that he did not have the materials purportedly sent on November 6, 2009 and, in particular, he did not have the November 2 order. He did not have a copy of it. He indicated that he just found out about the order and the examination the day before. He indicated that he could not attend that day or the next. The Plaintiff asked to be examined by telephone. He agreed to answer questions. The lawyers refused to conduct the examination by telephone. They threatened contempt proceedings.

11. During the November 17, 2009 call to Victory Verbatim the Plaintiff refused to tell the lawyers where he was at the time. He indicated that he would not say where he was because he was concerned about his safety and the safety of his family. In fact, the Plaintiff had fled Canada with his family due to the illegal actions of the defendants, and was in the Western Pacific at the time. The Plaintiff alleged that persons, including Mr. Silver or members of his firm, had released confidential information including Identity Information about him (date of birth, drivers license information, addresses and employment records) that was put on the internet that had led to identity theft, death threats and intimidation of him. The Plaintiff is a former police officer and an undercover operator against, inter alia, organized crime and violent criminals. The Plaintiff asked questions about what Mr. Silver or his firm had done to allow this confidential information to be released onto the internet. Mr. Silver's response was a

8

denial of responsibility and statements to the effect that he did not care and would not help the Plaintiff even if he could.

12. The dissemination and publishing of confidential information received by Van Allen and through proceedings on the earlier action did in fact take place. This caused the Plaintiff actual physical harm. He was assaulted. It caused actual damage to property and economic loss, in that, *inter alia*, he and his family were forced to flee Canada, the family car was shot up, gang members subsequently tracked him down in New Zealand and forced the Plaintiff and his family to flee that country. The Plaintiff suffered significant, visible and provable injury and long lasting mental suffering.

13. The lawyers, law firms and clients knew about this dissemination and publishing of confidential information and, in fact, were actively involved in the dissemination and publication. They did so knowing and intending that would likely endanger the life of the Plaintiff and the life and/or safety of his family. They conspired with Van Allen and the police to injure him in this manner. Even after the Plaintiff begged them to stop distributing to the public his and his family members' private information including Identity Information, the lawyers, law firms and clients distributed and published even more of this confidential information, which they continue to do to this day. The lawyers, law firms, clients and police later conspired to cover up this unlawful activity and the unlawful nature of Van Allen's "private" investigation services while he was a police officer. They did so flagrantly and outrageously. They did so knowing that this was unlawful and criminal. They did so intentionally for the improper and collateral purposes of encouraging the Plaintiff to leave Canada or as a means to pressure him and others in respect of litigation and potential litigation in other jurisdictions. As officers of the

9

Court, the lawyers and law firms were acting in an official state capacity. Van Allen, as a serving police officer and the police were state agents.

14. The Toronto Police Association ('TPA') owed a fiduciary duty to the Plaintiff and the other defendants knew of this fiduciary duty and the dishonest breach of trust which is explicitly described in Van Allen's affidavit. They assisted in the breach of the fiduciary duty by employing Van Allen to conduct this investigation and by distributing, publishing and disseminating the confidential information. Ranking and the other defendants knew or were willfully blind to the fact of the breach of fiduciary duty by TPA and Van Allen.

15. It was known by the defendants that the distribution, dissemination or publishing of private and confidential information, including Identity Information as defined in the Criminal Code, described above would likely cause physical harm and/or significant mental suffering and trauma to the Plaintiff. The Plaintiff repeatedly requested that steps be taken by defendants to remedy this situation. The defendants had a legal duty to remedy the situation. The defendants to this day have failed to take any remedial action.

16. This investigation and its distribution, dissemination and publishing were also negligent contrary to standard of care owed to the Plaintiff by the lawyers, the law firms in respect of the investigation and Van Allen, the Van Allen defendants, the police and TPA and other defendants in respect of the improper dissemination and publishing of the confidential information.

17. After the November 17, 2009 telephone call, that day, Messrs. Silver and Ranking, on behalf of the clients and/or instructing agents, created a record by making a

10

"Statement for the Record" at Victory Verbatim, in the presence of some other members of the law firms. In this Statement for the Record, they indicated, *inter alia*, that the Plaintiff had admitted to having received a copy of the Court Order dated November 2, 2009. Mr. Ranking stated that the Plaintiff had admitted that he had received the order prior to November 16, 2009 and that was why he had called the trial coordinator and that the Plaintiff had refused to answer questions. These statements by Messrs. Ranking and Silver were knowingly and deliberately grossly stating the opposite of the truth. These lies were uttered to enable the lawyers, law firms, and clients to conspire to pursue and pursue contempt proceedings against the Plaintiff, which they later did, using these lies to perpetrate a fraud on the court. They persisted in this position even when this was initially disputed by other counsel, Ms. Rubin, who was present for some of the conversation.

18. On November 18, 2009, a package containing, *inter alia*, a letter, the order dated November 2, 2009, a Notice of Examination requiring examination on November 25, 2009 and the Statement for the Record, was sent by mail to the Plaintiff.

19. In a December 1, 2009 letter to Mr. Ranking, copied to all lawyers, and in a letter on the same date to the Court, including the letter to Mr. Ranking, the Plaintiff indicated that he received the material referred in the previous paragraph on November 24, 2009. The letters indicated that he was outside of Canada at the time and alleged that that the "Statement for the Record" was false and that Messrs. Ranking and Silver knew that it was false. It was alleged that, *inter alia*, that:

11

1. the Plaintiff denied having admitted on November 17, 2009 to having received the November 6 materials, including the draft order;
2. he had not received these materials;
3. the Plaintiff denied having admitted on November 17, 2009 to knowledge of the order prior to being told by the trial coordinator on November 16, 2009;
4. he did not know of the order prior to being told by the trial coordinator on November 16, 2009;
5. he had safety concerns as a result of the actions of the Defendant lawyers, law firms and clients and some of their counsel, including Mr. Silver and his firm.

20. The Plaintiff was not able to and did not attend in Toronto for examination on November 25, 2009.

21. A motion returnable December 2, 2009, seeking the same relief as the November 2 order (except for examination before Justice Shaughnessy) and a contempt order was purportedly served on the by mail Plaintiff, on short service.

22. In court on December 2, 2009, Messrs. Ranking and Silver disputed the truth of the December 1, 2009 letters of the Plaintiff. They called it defamation. They asserted the truth of their Statement for the Record. They falsely insisted that the Plaintiff had knowledge of the order prior to November 16, 2009. They also falsely asserted that the Plaintiff only disputed receipt of the signed order. They falsely asserted that there was no dispute that the Plaintiff had received the draft order prior to November 16, 2009. They

12

relied on the purported service by courier on or after November 6, 2009, the November 16 letter (taken out of context, ignoring the fact that knowledge prior to November 16 was specifically denied) and the supposed admissions of the Plaintiff during the November 17, 2009 conversation (as falsely reflected in the Statement for the Record).

23. The Court accepted the facts as submitted by counsel on December 2, 2009, because they were proffered as facts under the express and implied assurances that the facts were true and reliable in accordance with the ethical obligations of the lawyers, as Officers of the Court, to tell the truth and to not mislead the Court. The Court rejected the contrary assertions by the Plaintiff in the December 1, 2009 letters because they were not under oath and did not come from an Officer of the Court. The lawyers, in lying and/or misleading the Court abused their office as Officers of the Court and abused process. Other lawyers, in remaining silent in the face of knowledge that statements were false and/or misleading also abused their office as Officers of the Court and abused process.

24. An order was issued on December 2, 2009 requiring the production of documents on January 8, 2010 and examination before Justice on January 15th, 2010. Failure to comply would result in a contempt hearing that day if the Plaintiff did not appear.

25. The December 2, 2009 order was sent to the Plaintiff by mail. The Plaintiff had no knowledge of any requirement to provide documents or attend to be examined in January 2010. He had no knowledge of any application to find him in contempt on

13

January 15, 2010. The Plaintiff did not receive the December 2, 2009 order until June 2010.

26. There was no personal service of any order prior to any obligation arising and no evidence of knowledge of such an obligation until, in respect of November 17 and 25, 2009, the day prior to the obligation arising and otherwise, no knowledge of any obligation until after the deadline. The Supreme Court of Canada, in *Bhatnager,* [1990] S.C.J. No. 62 has made it clear that service that is not personal service may, in some circumstances be adequate for the conduct of civil litigation, but is legally inadequate to found civil contempt. Personal service or knowledge is a precondition for a finding of civil contempt.

27. The lawyers misled Shaughnessy, J. with respect to the facts and law regarding the adequacy of service, knowledge and notice. Contrary to the law they falsely urged the Court to act upon substituted service. They falsely asserted prior knowledge of the November 2, 2009 order in the "Statement for the Record". They relied upon misleading and/or false evidence and/or opinions in the Van Allen affidavit suggesting that the Plaintiff was attempting to evade service. They unreasonably asserted that notice the day before (when the person claimed to be outside of the country) was adequate (in respect of November 17 and November 25, 2009). The contempt order made on January 15, 2010 was a product of the misleading of the Court by the lawyers, law firms and clients and the Van Allen defendants, with the police and the TPA.

28. The Plaintiff did not attend on January 15, 2010.

14

29. On January 15, 2010 (as reflected in Reasons on January 25, 2010), the Court found the Plaintiff in contempt of court (civilly) for failure to comply with the November 2, 2009 order (production and examination), the Notice of Examination for November 25, 2009 and the December 2, 2009 order (production and examination). Based on:

1. the orders for substituted service;
2. the November 16, 2009 letter (taken out of context; without mentioning denial of prior knowledge);
3. the November call (taken out of context: without mentioning denial of knowledge prior to November 16, 2009);
4. the Statement for the Record;
5. The affidavit of Van Allen; and
6. the submissions of Messrs. Silver and Ranking that the Statement for the Record was true and the December 1, 2009 letters of the Plaintiff were false,

the Court found that the Plaintiff had "notice". Based on the denials by the lawyers as Officers of the Court and the lack of sworn evidence, there was no consideration of safety issues. The Court found that the Plaintiff had not complied with the orders in that he did not produce the documents and did not attend for examination. Based on the lie in the Statement for the Record, the Court was misled into implicitly finding that the alleged offer to be examined on November 17 did not happen or was not compliance with the November 2, 2009 order. The Court ordered that the Plaintiff be jailed for 3 months, imposed a fine in the amount of $7,500 and ordered costs in the favour of four sets of the clients (represented by Faskens, Cassels, Miller and Stikeman Elliot LLP) in the aggregate sum of approximately $80,000.

15

30. In fact, had the true facts been known to the Court, there were no reasonable grounds to allege contempt, let alone constitute proof beyond a reasonable doubt. The prosecution initiated against the Plaintiff by the lawyers, law firms and clients should have been concluded favourably for the Plaintiff. Even if it is not, the Plaintiff asserts that where this did not occur as a result of fraud by the lawyers, law firms and clients, precluding an appeal on the merits for administrative reasons, malicious prosecution and false imprisonment should still be available. There was no honest belief in guilt and there was a further improper purpose of seeking to pressure discovery and otherwise pressure the termination of litigation in other jurisdictions involving other persons and entities, not the Plaintiff or NBGL.

31. The actions, and inactions in the face of duties to act, of the lawyers, law firms, clients and other defendants resulted in the contempt order and resulting warrant of committal. The execution of the warrant resulted in the wrongful imprisonment of the Plaintiff in May 2013 after he returned to Canada to challenge the contempt finding, until bail pending appeal was granted in June 2013. The Plaintiff was again wrongfully imprisoned in April 2014 when his appeal was dismissed for procedural reasons (inability to pay costs) triggered by continuation of the intentional abuse of process and lying to the Court of Appeal on and before February 27, 2014.

32. In June 2010, costs of the NBGL action were settled in full. Thereafter, the only outstanding issue or costs order was the contempt and costs order of January 15, 2010. The production and examination of the Plaintiff in furtherance of costs on the action served no useful or legitimate purpose after this point in time. In fact, the lawyers, law

16

firms and defendants had earlier access to the NBGL legal files that satisfied any legitimate purpose they might have had to examine the Plaintiff. The issues were moot. Justice Feldman later found abuse of process, based on this fact, to be an arguable ground of appeal. This and other viable grounds of appeal were never argued due to the order flowing from the February 27, 2014 decision of the Court of Appeal to dismiss the appeal as a result of the Plaintiff's inability to pay costs.

33. Before and after the June 2010 settlement, to which the Plaintiff was not a party, private and confidential information, including Identity Information as defined in the Criminal Code, about the Plaintiff was received by the defendants, including through the discovery process related to the NBGL action. Prior to use and filing in Court and contrary to the implied undertaking rule, some of this confidential information was published on the internet. This was done by and/or knowingly assisted by the clients, lawyers and law firms. The settlement included the public filing of an affidavit by Zagar which contained much of this private and confidential information regarding the Plaintiff. The Plaintiff did not consent to this public filing. In light of the earlier stay of the action and the settlement of the costs, this filing served no legitimate purpose. The predominant purpose of the conspiring defendants in filing was to harm the Plaintiff. It was known by the defendants that the dissemination or publishing of private and confidential information described herein would likely cause physical harm or death and/or significant mental suffering and trauma to the Plaintiff, as well as other harms including but not limited to economic and career harm. The Plaintiff has repeatedly requested that steps be taken by defendants to remedy this situation. The defendants had a legal duty to remedy the situation. The defendants to this day have failed to take any remedial action.

17

34. In 2012, an application was brought by the Plaintiff to set aside or vary the January 15, 2010 contempt order on a number of grounds, including the fact that the Plaintiff did not have timely knowledge of the November 2, 2009 order or the Notice of Examination and that he did not receive the December 2 materials or order or know of the January 15, 2010 hearing until June 2010. The evidence demonstrates that delay between January 15, 2010 and the application in August, 2012 was not the fault of the Plaintiff. Initially, a stay of the warrant was sought and granted to allow the Plaintiff to return to Canada to challenge the contempt order.

35. The Plaintiff in his affidavits asserted that Messrs. Ranking and Silver were material witnesses and had conflicts of interest. He asserted that they should not be acting on the application. They did not recuse themselves and the Superior Court of Justice ("SCJ") never dealt with this issue.

36. Messrs. Ranking and Silver and their firms and other defendants opposed the application in the Superior Court of Justice. Pendrith assisted them during the appeal process and provided evidence that was misleading.

37. Ultimately, the Plaintiff was forced to be self-represented because he could not find a lawyer who would represent him. The Plaintiff repeatedly sought time to retain new counsel. He approached over 70 different lawyers. However, civil lawyers claimed that their lack of criminal law knowledge rendered them unsuitable and the criminal lawyers claimed the converse. The reality was that nobody wanted to get involved in a case in which it was alleged and proved that Messrs. Silver and Ranking and their firms had obstructed justice by lying to the Court, and where the Plaintiff possessed credible

18

and strong evidence including his voice recordings of the November 17, 2009 phone conversation with the lawyers. The Plaintiff was able to have some funds to hire a lawyer by borrowing from friends. The Faskens and Cassels defendants opposed the Plaintiff's requests for more time to find counsel.

38. Unbeknownst to Messrs Ranking and Silver, the Plaintiff had audio-recorded the November 17, 2009 phone conversation with them. The evidence on the application included an authenticated transcript of this audio recording and the recording itself. This recording demonstrates that the "Statement for the Record" relied upon the defendants and used by Justice Shaughnessy was false insofar as it indicated that the Plaintiff 'admitted' during the November 17, 2009 conversation to having the November order and had knowledge of the order before November 16, 2009. The recording supports the truth of the Plaintiff 's December 1, 2009 letters. This meant that:

1. the Statement for the Record filed before Justice Shaughnessy contained lies that:

(a) the Plaintiff had admitted to having received the November order;

(b) the Plaintiff had admitted to knowledge of the order before November 16, 2009;

(c) the Plaintiff had refused to answer questions over the phone;

2. the submissions of Messrs. Silver and Ranking to the Court on December 2, 2009, that the Statement for the Record was true and the December 1 letters were false, were false submissions. In other words, they lied to the Court in asserting the truth of the Statement for the Record;

19

3. The assertion on December 2, 2009, that the Plaintiff had only contested receipt of the signed order, but had admitted to receipt of the draft order, was a lie.

39. In addition, the affidavit evidence filed by Plaintiff was presented regarding the failure to receive the materials at all or in time, the safety concerns of the Plaintiff for himself and his family and his willingness to answer the questions addressed in the order dated November 2, 2009.

40. The Plaintiff answered questions regarding these affidavits and in relation to the November 2, 2009 and December 2, 2009 orders on January 11 and 23, 2013. During this examination, the Plaintiff made it clear that he was willing to answer all questions addressed by the November 2, 2009 order. He asked that any other questions that remained be asked. He indicated a willingness to make himself available for this purpose. The Faskens and Cassels defendants refused to indicate what other questions, if any, remained unanswered.

41. On January 25, 2013, the Plaintiff provided a memory stick, with some 100,000 documents on it, to the Faskens and Cassels defendants.

42. On March 14, 2013 the Plaintiff produced a document (119 pages long plus attachments) called "Answers to Undertakings, Under Advisements, Refusals" ("March 14 Answers") stemming from the January 11 and 23, 2013 examinations. In addition to answering questions in relation to the affidavits, the examinations addressed the issues for examination covered in the November 2, 2009 order. That order required examination regarding:

20

a. Unanswered Questions in relation to the examination of an affiant, John Knox, on November 4, 2008;

b. unanswered questions from examination of the Plaintiff on March 20, 2009;

c. unanswered questions directed to be answered on April 8, 2009;

d. Questions relating to the Plaintiff's involvement with the Plaintiff corporation NBGL; his relationship to the matters pleaded in the lawsuit and his non-privileged association with his former counsel, William McKenzie and his law firm; and

e. questions in relation to shares in KEL, to which the lawsuit was related.

43. Many of these kinds questions were asked and answered on January 11, and 23, 2013. In relation to the January 11, 2013 examination, in the March 14 Answers, the Plaintiff answered questions that covered items (d) (Under Advisement questions number 4-6, 7-9, 17-19, 27-31, 34-35, 38-39, 44-45, 48-49, 51-52, 62) and (e) (Under Advisement questions numbers 13-15) above. In relation to the January 23, 2013 examination there were questions that were answered in the March 14 Answers in relation to items (d) (Undertaking question 12), (b) (Under Advisement questions 1-16) and (a) (Knox Questions 1-18). Accordingly, in January and March 2013, many, if not all, of the questions ordered to be answered on November 2, 2009 were asked and answered to the best of the Plaintiff's ability.

44. After receipt of the factum of the Faskens and Cassels defendants, in which it was asserted that questions had not been answered, the Plaintiff sent a letter dated April

21

22, 2013, asking that the Faskens and Cassels defendants identify what questions remained unanswered. In a letter dated April 26, 2013, Mr. Ranking refused to identify what further questions remained unanswered.

45. Notwithstanding the Plaintiff's offer to be further examined, between January 25 and April 30, 2013, the Faskens and Cassels defendants never moved to ask further questions on the issues identified in the November 2, 2009 and December 2, 2009 orders or regarding these documents or any other issues addressed by the November 2 and December 2 orders.

46. Notwithstanding evidence of good faith and *bona fide* efforts to find counsel, Ranking and Silver falsely asserted urgency and opposed the Plaintiff's requests for additional time to obtain counsel. In light of the subsequent discovery of a lawyer (Slansky) to conduct the appeal, in May 2013, additional time would have made a difference. As a direct result of actions by Faskens and Cassels defendants the Plaintiff was forced to proceed without the assistance of counsel. No pressing reasons or urgency were expressed to justify this decision.

47. At the outset of the hearing on April 30, 2013, the Plaintiff sought an adjournment to obtain counsel. This was opposed and refused. The Plaintiff was unrepresented at the hearing.

48. Near the outset of the hearing the Plaintiff presented information that he had discovered the day before in the form of an affidavit. In the affidavit, he indicated that he had been told by a Durham Regional Police officer, defendant Rushbrook, that the police and Court police had been asked to conduct an investigation of the Plaintiff prior to

22

January 15, 2010 in anticipation of the conviction of the Plaintiff on that day. That investigation had happened approximately one month prior to January 15, 2010. The Faskens and Cassels defendants falsely denied any knowledge of this investigation. The hearing proceeded without any opportunity to gather further information regarding this investigation which was, *prima facie* an abuse of process.

49. The Plaintiff asked to present evidence in relation to his safety and security to explain why it would have been very difficult for him to come to Toronto or Whitby in 2009 or 2010. The Faskens and Cassels defendants falsely denied the legitimacy of this evidence and misled the Court into refusing to allow this issue to be explored or to allow the Plaintiff to present this evidence. Evidence of security concerns arising in November 2009 were addressed in the Plaintiff's affidavits and in his submissions to the Court. The Court failed to address this because the Court was mistakenly led to believe that such matters had already been addressed by the Court. In fact, the only safety and security concerns dealt with by the Court were those of the Plaintiff's former counsel, McKenzie in the February 8, 2008 judgment of the Court. The Faskens and Cassels defendants misled Justice Shaughnessy into mistakenly believing that this issue had already been brought to his attention and had been dismissed it.

50. Faskens and Cassels defendants having misled the Court regarding the November 17, 2009 conversation, on April 30, 2013 and previously, caused the Court to decline to listen to the recording.

51. The Plaintiff asked that the Court deal with the fact that Messrs. Ranking and Silver were material witnesses and asked that the Court order that the Plaintiff be allowed

23

to examine them. Messrs. Ranking and Silver refused to be examined, and this did not take place.

52. The Plaintiff asked that the audio recordings of the January 11 and 23, 2013 examinations be produced and played to the Court because it would demonstrate the abusive conduct of Messrs Ranking and Silver during the examination. Based on the denials of misconduct by Messrs. Ranking and Silver, this did not take place.

53. The Plaintiff alleged other misconduct by counsel and asked the Court to stay the contempt order as an abuse of process, citing the recent decision in *R. v. Salmon*, 2013 ONCA 203. Based on the misrepresentations of Messrs Ranking and Silver, this was not considered or was considered without regard to any of the evidence filed by the Plaintiff. Based on these misrepresentations, Justice Shaughnessy ruled that any allegations of misconduct by counsel was a matter for the Court of Appeal on a fresh evidence application.

54. During the hearing on April 30, 2013, the Plaintiff was offered the opportunity to continue the stay and answer questions as a part of a draft order that also required him to accept a costs order that was disputed by the Plaintiff. The Plaintiff repeated more than once that he was not prepared to agree to such a draft order but that he was willing to cooperate with the Court and answer questions. The Faskens and Cassels defendants did not seek to take the Plaintiff up on this offer by questioning him before Justice Shaughessy on April 30 or May 3, 2013.

55. On April 30, 2013, the Faskens and Cassels defendants agreed that, subject to further exploration in examinations that they refused to conduct, they were prepared to

24

accept that a memory stick provided on January 25, 2013 containing approximately 100,000 documents fulfilled the November 2, 2009 and December 2, 2009 orders to produce documents. Yet, they still pursued contempt on this basis.

56. The Court accepted the Faskens and Cassels defendants false submission that no new evidence had been presented on the application. The Court agreed and said that there was no new evidence since January 15, 2010. This was false. Since January 15, 2010 there was the following new evidence:

a) There was evidence of the settlement of costs on the action, rendering the November 2 and December 2, 2009 orders moot;
b) new and conclusive proof that the Plaintiff stated on November 17, 2009 that he did NOT receive the November 2 order prior to November 17, 2009 and that he did not know of the order until the day before contrary to the Victory Verbatim 'Statement for the Record' created by Ranking and Silver and relied upon by the Court on December 2, 2009 and January 15, 2010;
c) that the Plaintiff was in the Western Pacific on November 16 when he received knowledge of the Nov. 17 examination and materials (but not the materials themselves);
d) there was evidence (recording and affidavit under oath) pursuant to 16.07 of the Rules of Civil Procedure that established that the documents did not come to his attention or only came to his attention at a later time;

25

e) There was proof of a legitimate offer to comply with the order by telephone on November 17, 2009 which had been falsely disputed in the Statement for the Record;

f) there was evidence that the documents ordered had been provided by memory stick on January 25, 2013 and that, subject to further answers to questions that may cast doubt upon the completeness of the documentation, the Faskens and Cassels defendants accepted on April 30, 2013 that this constituted compliance with the November 2 and December 2, 2009 orders;

g) there was evidence that the lawyers, law firms and defendants had received full access to and copies of tens of thousands pages of privileged documents from the NBGL law firm's files in 2010, which constituted substantial or complete compliance with the November 2 and December 2, 2009 orders;

h) there was evidence of the answers of questions addressed in the November 2, 2009 and December 2, 2009 orders in the examination of the Plaintiff in January 2013 and the March 20103 written Answers. There were offers to be examined further;

i) there was sworn evidence regarding the safety and security concerns of the Plaintiff.

Based on the misrepresentations by the Faskens and Cassels defendants, Justice Shaughnessy ruled that any allegations of misconduct by counsel was a matter for the Court of Appeal on a fresh evidence application.

26

57. In dismissing the application to set aside the finding of contempt, on the issue of knowledge, based on the misrepresentations by the Faskens and Cassels defendants, Justice Shaughnessy ruled that any allegations of misconduct by counsel was a matter for the Court of Appeal on a fresh evidence application. Accordingly, the Court was left to rely on:

a) the misleading affidavit of Van Allen

b) the false purported compliance with orders for substituted service;

c) the November 16, 2009 letter (taken out of context by the Faskens and Cassels defendants, without mentioning denial of prior knowledge);

d) the November call (taken out of context the Faskens and Cassels defendants, without mentioning denial of knowledge prior to November 16, 2009);

e) the false Statement for the Record;

f) the false submissions of Messrs. Silver and Ranking that the Statement for the Record was true and the December 1, 2009 letters of the Plaintiff were false; and

g) the false assertion by Mr. Ranking that the Plaintiff was only disputing receipt of the signed order, but that there was no dispute about receipt of the draft order.

Accordingly, the dismissal of the motion to set aside the finding of contempt was a direct result of the recent actions of the Faskens and Cassels defendants and the earlier actions of all defendants.

27

58. Based on the misrepresentations by the defendants, the Court failed to conduct a trial of any disputed factual issues on *viva voce* evidence.

59. The Plaintiff, as a self-represented litigant did not raise and the Faskens and Cassels defendants did not raise the fact that the purpose of the orders upon which the contempt order was made was now moot. Faskens and Cassels defendants had an obligation to alert the Court to this fact. Accordingly, the Court did not deal with this issue.

60. The Faskens and Cassels defendants continued to assert non-compliance with the orders notwithstanding their knowledge that there had been compliance. As a result of them misleading the Court, aside from the offer to now examine on condition that the Plaintiff accept a contested costs order ($80,000), no opportunity to purge was offered to the Plaintiff.

61. The Court was misled into refusing to decide whether the PWCECF was a legal entity. The Faskens and Cassels defendants made the misleading submission to the Court that since PWCECF was the entity that NBGL had sued, the Plaintiff could not complain that it did not exist. This ignored the fact that NBGL had originally sued another non-entity, PricewaterhouseCoopers (Barbados), based upon earlier affidavit evidence by Atkinson, but Mr. Ranking and Hatch had advised NBGL and the Court that this was the incorrect name and had asserted that the correct name was PWCECF. As a result of this misleading submission, none of the evidence proving the non-existence of PWCECF was considered.

28

62. Notwithstanding the later suggestion by Faskens and Cassels defendants, the contempt order on January 15, 2010 did not include the failure to pay costs as a part of the contempt. This was appropriate since to do otherwise would to be to turn our correctional system into a debtor's prison. The May 3, 2013 order did not purport to be a new contempt order. Rather, the May 3 order dismissed the Plaintiff's application to set aside the contempt order and removed the stay of the warrant of committal thereby allowing the January 15, 2010 order to take effect. However, the May 3, 2013 order was tied to the costs of the January 15, 2010 contempt order by requiring payment of costs as a condition precedent to purging contempt.

63. The May 3, 2013 warrant of committal specifies that there is to be "no remission" on the period of incarceration. The January 2010 order did not specify that remission did not apply to the order of imprisonment. There is no mention of remission in the May 3, 2013 order, endorsement or reasons. No mention of remission was made during the hearing on April 30 and May 3, 2013. There was no opportunity for the Plaintiff to address this issue, which he discovered only after arriving at jail on May 3, 2013. Since the May 3, 2013 decision did not result in a new contempt order, there was no jurisdiction to vary the January 15, 2010 order. This “no remission” term was inserted maliciously in the warrant by the Faskens and Cassels defendants and adopted by the Judge who relied on Senior Counsel to be candid and forthright in their dealings with the Court, which they were not.

64. The manner of the investigation and prosecution of the Plaintiff in respect of and/or for purposes of obtaining substituted service orders, contempt proceedings and to

29

harm the Plaintiff caused harm to the Plaintiff. The Plaintiff was significantly harmed physically, emotionally, mentally, economically and with respect to his reputation.

65. This harm was caused by the manner of the investigation and prosecution including harm from the abusive and otherwise tortious manner of his prosecution described in this Statement of Claim, including, *inter alia*, improper motivations, misrepresentations and lies to the Courts, improper use of police resources, improper violations respecting private information and improper sheltering from liability (re non-entity Respondent, PWCECF) and cover up in respect of these actions.

66. This harm results from, *inter alia*, the need for him to bring an application to set aside the contempt order, the appeal therefrom, the damage to his him in respect to his safety, physical and mental health and reputation, arrest, prosecution and incarceration in May 2013 and again in April 2014. This harm has been cumulative and continues to this day.

(B) ACTIONS OF DEANE

67. Deane is liable for most of the torts set out in the Statement of Claim. He was one of the parties who sought that the Plaintiff be found in contempt. He was one of the parties who distributed the personal information of the Plaintiff. He was aware of the use and misuse of Van Allen's status as a police officer to improperly secure orders against the Plaintiff including the contempt order. The only liability to which he was not a party was the abuse in respect of PricewaterhouseCoopers East Caribbean Firm. While he knew of the non-existence of this alleged entity and said nothing regarding the fraud

30

being perpetrated against the Court, he was not directly responsible for these torts but merely acquiesced in the fraud.

68. The defaulting defendant, Deane, is deemed by Rule 19.02 (1) (a) to have admitted all of the facts in the statement of claim. **Section A** of these grounds are quoted from the Statement of Claim.

(C) DAMAGES AND OTHER REMEDIES

69. The damage flowing these torts flow from, *inter alia*, the improper jailing of the Plaintiff; his loss of future income; his loss time due to and during contempt litigation; his harm and suffering (physical and mental suffering due to violations of privacy and harm to safety' mental suffering due damage to reputation) and economic loss due to legal fees and costs orders. These damages are aggravated by the outrageous conduct of the defendants collectively, including Deane. These costs must be made exemplary to deter others from such actions in future.

70. Deane is jointly and severally liable for these damages.

71. In other proceedings, the defendants, including Deane, have filed materials with the court containing private and confidential information and immediately distributed the materials to the public and posted them on the internet, contrary to the published policies, laws and rules of the Superior Court of Ontario and other authorities. This has caused and continues to damage to the Plaintiff.

31

72. Such further grounds as counsel may advise and this Honourable Court permit.

THE RELIEF REQUESTED IS:

(a) A date for the hearing of this motion, *ex parte*, be fixed by the Court;

(b) If necessary, an order abridging time be made;

(c) An order be made allowing for the filing of a 50 page factum;

(d) An order that the evidence filed on this motion:

(i) Can be filed in an electronic format;

(ii) Be sealed, redacted or otherwise protected (non-publication) pending the final determination of the action;

(e) Judgment for unliquidated damages in the amount of $19,000,000 from Deane (General, Aggravated, Punitive/Exemplary), including the set off of costs ordered against the Plaintiff in other related proceedings made to the benefit of Deane;

(f) Injunctive orders against Deane:

(1) an permanent injunction that the Defendant Deane, and any other person allowed to participate in this motion, may not directly or indirectly distribute or publish any personal information of the Plaintiff, except to the extent ordered by

32

the court and with such protective orders that can be made to provide such protection;

(2) The Plaintiff resides in Simcoe County. For reasons of safety and security, which are discussed below, he wishes that his residence information not be disclosed or published.

(f) Such further remedy as the Court feels is just and appropriate

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this Motion:

1. Affidavit of Donald Best, sworn December 15, 2014;

2. copies of all supporting evidence in electronic format (native, pdf, MP3 etc) on a USB memory stick or DVD computer disk. This evidence includes recordings of telephone conversations, and also letters, affidavits, transcripts, business records, communications, reports, computer records, internet records, website traffic logs and related materials; some of which has been filed in other proceedings and some of which has not been previously filed. The documents are too voluminous to be filed in paper format, and it would facilitate submissions and argument if the Plaintiff is permitted to for ease of presentation and access by the court;

3. Supplementary affidavit of Donald Best, yet to be sworn.

4. Further evidence to be obtained through examinations and/or production;

5. Such further material as counsel may advise and this Honourable Court may permit.

DATED AT TORONTO, this 22nd day of December, 2014.

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

33

Tel: (416) 536-1220; Fax (416) 536-8842
LSUC # 25998I

Counsel for the Moving Party (Plaintiff)

TO: The Registrar
Superior Court of Justice
Barrie, Ontario

Donald Best (Plaintiff) v. Gerald Ranking et.al. (Defendants)

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

NOTICE OF MOTION

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #259981

Counsel for the Plaintiff

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS: JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

AFFIDAVIT OF DONALD BEST

I, Donald Best, of the County of Simcoe, Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. Introduction of Plaintiff and Background

2. I am the Plaintiff in this case. I am 60 years of age. I am Canadian born, in Ontario where I have always been resident. Although I was forced starting in late 2009 to spend over two years outside of Canada as a direct result of the actions of Eric Iain Stewart Deane ('Iain Deane') and his co-conspirators, I have never applied for or been granted residency or citizenship in any other country. My status between late 2009 and late 2012 while travelling in other countries was that of a visitor.

3. I am a former deep undercover police officer, Sergeant (Detective) with the Toronto Police and investigator of organized crime with about three decades of service in the police and private undercover law enforcement. This is relevant as the defendant Iain Deane and his co-conspirators were well aware of my background and that I was a member of an 'at risk' profession who would therefore have real and understandable concerns for safety. As detailed herein, Iain Deane and his co-conspirators tailored their actions against me to do the maximum harm and long-term damage having regard for my profession and my legitimate concerns for safety.

4. I was a director and shareholder of Nelson Barbados Group Limited ("NBGL"). NBGL commenced a lawsuit in Ontario against Deane and others, who were represented by the lawyers and law firm defendants in the present action. Ultimately, Justice Shaughnessy stayed this proceeding on jurisdictional grounds. The present case does not seek to relitigate those issues, which were not appealed. Rather, the lawsuit seeks to sue some of those defendants and their lawyers, law firms, investigators and police regarding the abusive and tortious manner in which they conducted the civil contempt proceedings, and, in particular, the opposition to my application to set aside the contempt that commenced in late 2012 and continued into 2014.

5. Iain Deane and his co-conspirators waged and continue to wage a long-term campaign of harassment, intimidation, violence and other criminal acts against myself, other plaintiffs, witnesses, lawyers and our family members who oppose Iain Deane and his co-conspirators in various past and current legal actions ('The Campaign'). The Campaign is designed to deter myself and other persons from seeking justice through the courts, or being a witness or lawyer in opposition to Iain Deane and his co-conspirators in high-stakes litigation involving assets worth hundreds of millions of US dollars.

6. These harmful actions by Iain Deane and his co-conspirators included recklessly and illegally distributing to members of the public and publishing on the internet, my Identity Information as defined by the Criminal Code. Iain Deane and his co-conspirators also published on the internet, exhortations to criminals I had arrested and investigated in the past to hunt my family and me down. The defendants published my driver's licence number, date of birth, address history since I was 17 years old and my parents' address; all illegally obtained/distributed and from government, police, and Toronto Police Association records in about October of 2009.

7. The defendants published the names of two of my children on the same website where they urged criminals to hunt me down. They published my photo. Defendants and their supporters posted on the internet that I should be shot, and threatened to come to the house of one of my witnesses in Florida to slit their throat as they slept. Much more remains published on the internet to this day, although some writings have since been moderated. The ongoing publishing of identity information and exhortations to criminals continues to put me and others at risk of crimes including but not limited to physical attacks, fraud and identity theft. I have been forced to live with this since 2009, as a direct result of the defendants' acts. The acts and the harm still continue to this day.

8. Subsequent to the defendants publishing my Identity Information in October of 2009, Iain Deane and his co-conspirators recklessly, maliciously and illegally distributed to the public, tens of thousands of digitized pages of privileged and confidential legal files containing all manner of Identity Information and other private information for me and others, including; full names, addresses, computer accounts and passwords, passport numbers and full passport copies, photos, dates of birth, personal medical reports, detailed bank account information, signature copies, and many legally privileged case files belonging to other clients of my company's previous lawyer when these clients had nothing to do with me whatsoever. This action was maliciously calculated to harm my witnesses, my former lawyer, me and members of our respective families and other persons; most of whom had nothing at all to do with the defendants or associated litigation.

9. In October and November 2009, after Iain Deane and his co-conspirators published my Identity Information on the internet and called for criminals to hunt me down, my family and I began to receive frightening anonymous phone calls. One of Iain Deane's co-conspirators or supporters physically approached, intimidated and overtly threatened one of my children. On November 5, 2009 I was ambushed and physically beaten on the street. Later, our family automobile was shot up while parked at night near the family home.

10. As will be detailed later, this was all in the context of other terrible things happening during the Campaign, including that one of my witnesses on the Caribbean island nation of Barbados was abducted at gunpoint in a home invasion, and beaten until he sustained serious head injuries. The circumstances of the event are such that the occurrence may have been a prelude to murder that was fortunately interrupted by the arrival of other family members. The police told my witness, and I verily believe, that one of the persons involved in the planning of this home invasion is associated

with at least two of the Barbados defendants in my current case: Kingsland Estates Limited and Richard Ivan Cox, co-conspirators of Mr. Deane.

11. On November 11, 2009 I was forced to leave Canada on an unplanned and emergency basis to protect my family and myself. We journeyed to New Zealand where I intended to leave my family with extended family for safety, so I could return to Canada and deal with the crisis. I now know that Iain Deane and his co-conspirators used a court order to learn my whereabouts; after which thugs again targeted me in New Zealand soon after our arrival. My family and I again were forced to leave, and sought safety in other countries while I attempted to deal with the situation.

12. As further detailed herein, while this was going on in late 2009 and January 2010, Iain Deane and his co-conspirators fabricated and placed provably false evidence before the Ontario Superior Court designed to precipitate a finding of civil contempt against me. I was not made aware of these proceedings prior to their commencement. Once I became aware of them, I attempted to deal with the situation from abroad. Further materials were purportedly sent to me which I never received until after the finding of contempt. On January 15, 2010 upon this false evidence I was convicted *in absentia* of Contempt of Court in a civil case costs hearing and sentenced to three months in jail. As remarked upon by His Honour Justice Shaughnessy, this was essentially a private prosecution with the lawyer defendants acting as the prosecutors at the behest of their clients.

13. The defendants rushed the Contempt of Court procedure through the court in a few weeks over the Christmas season, notwithstanding that the lawyers and their clients knew that I was half way around the world to protect my family, was unrepresented by counsel, not served of many crucial legal documents, not notified of the hearing and that their Campaign was the reason that I had left Canada and was seeking

safety for my family. The defendants also knew that they had fabricated false evidence against me and placed this before the court.

14. While evidence to this effect was later presented to the Court on an application to set aside the finding of contempt, Justice Shaughnessy refused to consider this evidence and said that the mater should be brought to the attention of the Court of Appeal by way of fresh evidence application. Later, the Court of Appeal deferred to this refusal to consider the evidence on motions but never considered this evidence or decided the appeal on the merits. The appeal was dismissed because of my inability to pay costs.

15. The defendants knew that one of the pieces of false evidence was that they had falsely told the court in writing and orally that I had informed them during a November 17, 2009 phone call that I had received a copy of a certain court order. In fact, I said exactly the opposite to them many times, but the defendant lawyers lied to the Court about this and about other 'evidence' used to convict me. The defendant lawyers did not know that I secretly made a voice recording of the November 17, 2009 phone call that proves they deliberately lied to the court many times.

16. When I returned to Canada to clear my name and appeal my conviction, defendants successfully used legal manoeuvres and obfuscation and my lack of legal representation to convince Justice Shaughnessy to not consider strong evidence, including irrefutable voice recordings, that showed they had fabricated evidence and lied to the court to obtain my conviction and incarceration. Similarly, defendants refused to be cross-examined. They admittedly continued to oppose my efforts to set aside the contempt through manipulation and fraud, for admitted purposes which were clearly an abuse of process.

17. The defendants also concealed from me and from the Superior Court, the Appeal Court and the Supreme Court of Canada that their 'expert witness' (defendant Van

Allen) was in fact a serving OPP Detective Sergeant, illegally working for the defendants 'on the side' in violation of various laws including, *inter alia*, the *Police Services Act*, the *Private Security and Investigative Services Act* and the *Criminal Code*. The Court of Appeal refused to admit this evidence on a motion in respect of the appeal, regarding costs and removal of counsel. However, the appeal itself and a final determination of whether this was admissible fresh evidence on that appeal was never considered.

18. The defendants also lied to, and committed a fraud upon, the Superior Court, the Appeal Court and the Supreme Court of Canada in the matter of 'PricewaterhouseCoopers East Caribbean Firm' ('PWCECF'), when they told these courts in writing and orally, under oath and as officers of the court, that PWCECF was a genuine registered business entity in Barbados. In fact, 'PWCECF' does not exist now and never has. The defendants fraudulently fabricated this non-entity for the purpose of avoiding liability in the Nelson Barbados Group Ltd v Cox lawsuit, and to commit a fraud upon the court in those proceedings and in the civil contempt proceedings against me. I was convicted of Contempt of Court and thrown into jail upon the request, in part, of lawyers, Mssrs. Ranking and Kwydzynski, purportedly representing a non-entity. These lawyers and other defendants knew this and participated in this fraud on the Court.

19. The defendants demanded that I be incarcerated in respect of a purported refusal to provide documents and to attend to be examined in respect of costs against me personally on the Nelson Barbados Group Limited action. There was no basis nor court order that allowed me to be held personally liable for costs in respect of NBGL. In any case, prior to my application to set aside the contempt, all of the civil costs on that action were settled in full. The costs in respect of the civil contempt proceedings were not included in this settlement. However, those costs orders were not costs in respect of which the documents and examination were sought. This would have been impossible. The costs flowed from contempt proceedings to obtain

such documents and examinations. Accordingly, once the costs of the action were settled in full in 2010, there was no longer any need to obtain these documents or conduct this examination. The opposition to my application to set aside the civil contempt served no legitimate purpose since it was in furtherance of costs on the action that had been settled in full in 2010. The real reason to obtain these documents and to conduct this examination was to obtain information and/or a tactical advantage in respect of litigation in other jurisdictions. One of the lawyer defendants, Mr. Ranking, twice volunteered this during examinations on the record before special examiners and admitted it in open Court before Justice Feldman of the Court of Appeal. This was reflected in Justice Feldman's reasons on a motion, in which she found that the ground of appeal, that the opposition to the motion to set aside the contempt finding was an abuse of process, had merit. The appeal on this issue was never heard because the appeal was dismissed due to my inability to pay the costs orders.

20. In 2013 when I was unrepresented by counsel, I was incarcerated at the behest of defendants and spent my full sentence in solitary confinement, notwithstanding that the defendants knew they had fabricated evidence and lied to the court in writing and orally and abused process to convict me. The fact that I was to be imprisoned in torturous solitary confinement for the full term of my imprisonment was known to defendants prior to them demanding I be incarcerated after my return to Canada; yet they still demanded of the court that I be incarcerated.

21. Iain Deane and the other defendants committed these acts for improper purposes, including inter alia, to obtain evidence for use in other litigations outside of Canada, to extort a settlement from me and from others in other litigations happening in other jurisdictions, and to deter others from seeking justice through the courts in matters concerning the Kingsland Estate.

22. As described more fully later, Iain Deane and the Barbados defendants defaulted in this current civil case because, *inter alia*, they know that all of the above is true, and that they have no viable defence. Strategically they also they desire to deny the court the evidence, exhibits and knowledge they possess as they know this evidence will further incriminate them and other defendants, including the Canadian defendants who have not defaulted.

2. PURPOSE OF AFFIDAVIT

23. I swear this affidavit in support of a motion for an order:

a. granting default judgement against the defendant ERIC IAIN STEWART DEANE;

b. abridging the time for service of this motion;

c. permitting the filing of a factum in support of the default judgment not to exceed 50 pages.

d. Further, a permanent injunction that the Defendant Deane, and any other person allowed to participate in this motion, may not directly or indirectly distribute or publish any personal information of the Plaintiff, except to the extent ordered by the court and with such protective orders that can be made to provide such protection;

e. an interim injunctive order that to seal, redact or otherwise protect (non-publication) the private and confidential information filed with the court on this motion to ensure the safety and security of the plaintiff and others;

f. Such further remedy as the Court feels is just and appropriate;

and for no improper purpose.

3. CURRENT MOTION

24. On July 18, 2014, my lawyer Paul Slansky filed on my behalf a Statement of Claim in the current case 'Best v Ranking' Court File No. 14-0815 before the Superior Court of Justice, Central East Region, Barrie, Ontario; naming Eric Iain Stewart Deane as a defendant, along with others. A copy of the notarized affidavit of Oliver David Moon September 22, 2014, is attached hereto as Exhibit "A" of this affidavit includes a copy of the Statement of Claim.

25. On September 3, 2014, process server Oliver David Moon personally served the defendant Iain Deane with the Statement of Claim and Jury Notice at Iain Deane's home at [redacted] England. This is clear from paragraph 7 of the September 22, 2014 notarized affidavit of Oliver David Moon (Exhibit "A", *supra*).

26. After being personally served, not only did Iain Deane fail to serve and file a Statement of Defence as required by the Rules of Civil Procedure, Iain Deane never contacted my lawyer Paul Slansky or the Court by any means.

27. On November 7, 2014, my lawyer Paul Slansky filed a Requisition for Default against the defendant Iain Deane, on the grounds that he failed to file a defence to my Claim within the period required by the Rules of Practice. A copy of the Requisition for Default against Iain Deane filed November 7, 2014 is attached hereto as Exhibit "B".

28. Iain Deane's default is deliberate and strategic, and is done, *inter alia*, in order to benefit other defendants.

29. For reasons listed below, I verily believe that defendant Iain Deane's default and failure to file a defence to my Statement of Claim is deliberate and strategic, and that his decision to default came after extensive consideration, almost certainly in consultation with his lawyers and other defendants, as to the possible benefits, consequences and risks of this strategy to default.

30. For reasons listed below, I verily believe that Iain Deane would certainly know that under Ontario's Rules of Civil Procedure, by failing to respond to a Statement of Claim, he has admitted that the facts in the Statement of Claim are true, and he has given up the ability to be notified of, or participate in further court procedures. Iain Deane would know that the Court could now issue a Default Judgement.

31. For the following reasons, I verily believe that Iain Deane's default is deliberate and strategic, and is done, *inter alia*, in order to benefit other defendants:

    a. Iain Deane is a sophisticated and experienced litigator, who, according to his own sworn affidavit and other statements, has legal training and worked for seven years as an articled legal clerk in a Barbados law office.

    b. In addition to his knowledge and experience gained through his legal training, qualifications and previous duties and employment as a law clerk, Iain Dean is well familiar with civil litigation court procedures and international court procedures as a result of his personal experience. Since 1982, Iain Deane has been executor of the Colin Deane Estate of Barbados, and since that time has been both plaintiff and defendant in extensive and well-funded litigations having to do with the Estate and associated entities where the total involved assets are valued in the hundreds of millions of US dollars. In fact, the total value of the subject assets at one time approached one billion US dollars.

c. For over three decades, Iain Deane instructed lawyers in Barbados, the United Kingdom and Canada to do with ongoing estate and 'Kingsland' litigations in each of those countries, and in the Caribbean Court of Justice. He also testified, was cross-examined and swore to various affidavits. I cannot imagine a more experienced, knowledgeable and well-funded litigant who is not a lawyer himself.

d. Iain Deane was and still is personally impacted by the outcomes of the various ongoing litigations and therefore would naturally maintain a keen interest in any litigation involving himself. From 2007 through 2010, Iain Deane was a defendant in the Nelson Barbados Group Ltd. v Cox civil case ('Nelson Barbados case') in Ontario Superior Court, where Nelson Barbados was the plaintiff. He is intimately familiar with litigation in Canadian courts involving Nelson Barbados, his co-conspirators and myself, Donald Best.

e. Iain Deane is experienced in misusing legal systems to avoid accountability. As recently as 2013, Iain Deane was the subject of decisions by the Caribbean Court of Justice and Barbados Court of Appeal concerning his failure to make any accounting to the beneficiaries of the multi-million dollar estate of Colin Deane during his 30+ years as executor and trustee. For over three decades Iain Deane has refused to account for, gather and distribute assets to beneficiaries as required of a trustee and executor. He has treated the assets of the Estate as his personal property, and through well-financed manoeuvres in and out of the courts and other strategies as assisted by his co-conspirators, avoided his legal duties. This was possible in Barbados where it is generally acknowledged by members of the Bar that even relatively minor civil matters such as non-fatal traffic accidents and condominium disputes routinely take up to 15-20 years or more to be heard and decided.

f. To my current knowledge, Iain Deane remains in default of the 2013 Caribbean Court of Justice and Barbados Appeal Court rulings that he must properly account.

g. Iain Deane holds UK, Barbados and Canadian citizenships and by his own evidence lived and worked in Canada a total of 18 years; from 1972 to 1982 and again from 2001 to 2006. This further indicates his knowledge of Canadian laws and legal procedures. During at least some of this time he had access to and sent communications in his own name through the Miller Thomson LLP computer network, as will be detailed later. I do not know if Iain Deane's association with Miller Thomson LLP was only as a client, or if he ever worked as a Miller Thomson LLP employee, law clerk or contractor.

h. The harmful actions by Iain Deane and his co-conspirators against me as detailed later in my affidavit are part of a long-running campaign of harassment, intimidation, violence and other criminal acts against myself, other plaintiffs, witnesses, lawyers and our family members who oppose and opposed Iain Deane and his co-conspirators in various past and current legal actions ('The Campaign'). The Campaign is designed to deter myself and other persons from seeking justice through the courts, or being a witness or lawyer in opposition to Iain Deane and his co-conspirators in high-stakes litigation involving assets worth hundreds of millions of US dollars. As detailed later in my affidavit, the internet portion of the Campaign started at least as early as 2003.

i. Iain Deane is aware that he and his co-conspirators face strong evidence implicating them in the overall Campaign and other acts of wrongdoing. Some of this evidence has been previously delivered to Iain Deane, his lawyers and co-conspirators during the Nelson Barbados case, and in other legal matters in Canada, Barbados and Florida.

j. Iain Deane is aware that filing a Statement of Defence or otherwise answering my Statement of Claim would expose him to cross-examination and the production of evidence for the court that would further implicate him and his co-conspirators in the Campaign of harassment, intimidation, violence and other criminal acts. He knows that he and his co-defendants cannot possibly refute the evidence against them, and that he, along with other defendants from Barbados as well as the lawyer defendants have been prolific in using the internet including the Barbados Underground Blog, in furtherance of their Campaign.

k. Iain Deane knows that he and his co-conspirators maliciously distributed to the public and published on the internet, privileged and private information and made threats against me and others who support me. Iain Deane knows that the evidence against him and his co-conspirators includes irrefutable voice recordings, business records, internet records, court transcripts and legal records showing the commission of various criminal acts in support of the overall Campaign. This knowledge is strong motivation for Iain Deane and other defendants to default, because they know that they have no viable defence, and they do not want to add evidence to the already strong case against them.

l. As a result of statements made by defendant Richard Ivan Cox during the Nelson Barbados civil case, I verily believe that Cox, Iain Deane and the other Barbados defendants are confident that a judgement from a Canadian court will never be able to be enforced in Barbados. This further indicates that a joint strategy is behind the defaults by Iain Deane and other Barbados defendants. Further, this is consistent with what some of Iain Deane's anonymous supporters on Barbados Underground Blog have said: that a

Barbados Court would be unlikely to enforce a judgement issued by a Canadian Court.

m. Iain Deane's default in my case greatly benefits all the other defendants from Canada and Barbados because it is likely that Iain Deane has real evidence, exhibits, communications and knowledge of the misconduct and actions of the defendants who were his co-conspirators. Because of Iain Deane's default, such evidence and knowledge will now be unavailable to me as plaintiff, to the court and to some other defendants who have chosen not to default. I verily believe that this limiting of damaging evidence is part of the motivation for the deliberate default strategy by Iain Deane and his Barbados co-conspirators / co-defendants.

n. On December 3, 2014, all the Barbados-based defendants named in my Statement of Claim were also noted in default after failing to file a Statement of Defence. These 'Barbados defendants' and co-conspirators with Iain Deane are: KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'). (EXHIBIT C: DEFAULT FOR BARBADOS DEFENDANTS).

o. The joint default of all Barbados defendants and Iain Deane shows a unity of purpose and a considered strategy amongst these parties.

p. As is evident in the September 22, 2014 affidavit of professional process server Oliver David Moon, Iain Deane attempted to evade service of my Statement of Claim and Jury Notice. Further, Iain Deane's spouse assisted by lying to Mr. Moon about Iain Deane's whereabouts.

32. For all of the above reasons, I verily believe that Iain Deane's default in my civil case is deliberate, strategic and coordinated with other defendants, because it also greatly benefits all defendants as described.

33. To counter the deliberate sabotage of evidence by Iain Deane and the other defaulting defendants, I believe it will be important for the court to listen to the digital voice recordings and consider the other powerful evidence including court transcripts, business and internet records that prove that Iain Deane and the other defendants and their lawyers acted jointly to mislead the courts, to imprison me upon false and fabricated evidence for illegal and improper purposes, and improperly attempted to use the Ontario courts for the purpose of obtaining evidence for use in other litigation in other jurisdictions.

34. Further, I believe it is important for the court to listen to the digital voice recordings and consider the strong evidence proving that Iain Deane and the other defendants are part of a long-running Campaign of harassment, intimidation, violence and other criminal acts against myself, other plaintiffs, witnesses, lawyers and our family members who oppose and opposed Iain Deane and his co-conspirators in current and past legal actions.

4. General Description of the Campaign and Harm

35. The harmful actions by Deane and his co-conspirators against me as detailed herein and in other affidavits previously submitted to the courts are part of a long-running Campaign of harassment, intimidation, violence and other criminal acts against myself, other plaintiffs, witnesses, lawyers and our family members who oppose and opposed the defaulted defendants and their co-conspirators in current and past legal actions ('The Campaign').

36. Although the Campaign was initially directed against others, and started many years before I became involved with the Nelson Barbados litigation, I became a target in 2007 when I was the Director of NBGL, an Ontario corporation, that became a plaintiff against Iain Deane and his co-conspirators.

37. The Campaign consists of criminal acts using various means of delivery including, but not limited to, the internet, physical mischief, intimidation, violence and abuse of court procedures. The evidence shows that some of the acts against me and others occurred in Canada, while others happened in Barbados, the United Kingdom, Florida and in Asia.

38. Iain Deane and his co-conspirators conducted the Campaign in a public manner, and publicized the Campaign and individual acts in furtherance of the Campaign to ensure maximum impact upon victims and potential victims. The publication of Campaign misconduct or 'successes' against one victim was intended to deter other persons from seeking justice through the courts, or being a witness or lawyer in opposition to Iain Deane and his co-conspirators. This is evident in anonymous postings on Barbados Underground website and other internet venues wherein defendants and their supporters publicly encourage acts of harassment, stalking and violence (including murder), as intimidation, punishment and deterrence against myself, my lawyers, my witnesses and our family members.

39. The Campaign is a true conspiracy in law and fact, as each of the acts of harassment, threats, violence, criminal and other misconduct by individual defendants was and is in furtherance of the overall joint goals of the Campaign and the participants. There is strong evidence showing cooperation, communication, coordination and joint actions amongst defendants in the implementation of various acts during the Campaign.

40. For instance, as one illustration of the coordination and joint actions of Iain Deane and all the Barbados and lawyer defendants, plus some police defendants, in relation to the anonymous publication of harassing and threatening communications on Barbados Underground website ('BU'), evidence shows that:

    a. Since 2008 Iain Deane and other defendants were and still are in 2014 heavily involved with anonymously publishing harassing and threatening communications against me and others on Barbados Underground website ('BU').

    b. The lawyer defendants and their clients knew of my background as an undercover investigator of organized crime with almost three decades of service in the police and in private undercover law enforcement. They knew that I was a member of an 'at risk' profession where it is usual for persons to use unlisted phone numbers and mailbox addresses to protect themselves, their home and their family members.

    c. According to defendant Iain Deane, Miller Thomson LLP lawyer Andrew Roman provided Iain Deane, his client, with court documents relating to me and others. On January 28, 2009, Roman suggested in writing to Iain Deane that Deane should publish the documents on the anonymous website BU. At the time, both Roman and Deane were well aware that BU was an Internet website with a long history of publishing harassment and threats against persons opposing Iain Deane in litigation. Further, it was previously stated on BU on December 8, 2008 that Nelson Barbados court documents published on BU were published with the permission of person(s) in authority amongst the Campaign co-conspirators.

    d. In other words, defendant Miller Thomson lawyer Andrew Roman, and other controlling minds directed that some of the Campaign acts were to be done through Barbados Underground and on the Internet in furtherance of the

Campaign. This and other evidence detailed herein causes me to believe that the Campaign, at least in part, was planned, managed and coordinated by the defendant lawyers and law offices in collaboration with their clients and others.

e. In October of 2009 defendants Miller Thomson LLP, Gerald Ranking, Sebastien Kwidzinski, Jim Van Allen, Behavioural Science Solutions Group Inc. and Tamara Jean Williamson recklessly and illegally distributed to the public my Identity Information as defined in the *Criminal Code*; including my driver's licence number, date of birth, full name, address history since I was 17 years old, my parents' address and my medical records as held by the Ontario Ministry of Transport. This and other information about my family and me was published anonymously on October 30, 2009 on Barbados Underground website, along with calls for rogue police officers and criminals I had previously investigated to hunt me down. As well, the article exhorted readers, any disaffected family members and anyone who had information about me to send the information to Cassels Brock and lawyer Lorne Silver, and provided Mr. Silver's email address and other contact information.

f. Immediately after the publication of the October 30, 2009 BU article I received harassing and frightening phone calls in the middle of the night. One of my children was approached by a person who showed my child the BU article about me, and asked if I was the child's father. My child was frightened and intimidated and answered that I was no relation to them. The co-conspirator or supporter of Iain Deane threatened that my child had "better not be" related to me.

g. On the morning of November 5, 2009 I was ambushed and physically assaulted in an obviously targeted warning directed specifically at me. I detailed this in my sworn affidavit of April 18, 2012, as filed in the Ontario

Superior Court. I believe this and the other attacks on my child, my family and me were all part of the same Campaign as was the publication of my identity information and threats against me in the October 30, 2009 BU article.

h. I knew from the content of the October 30, 2009 BU article that rogue police personnel had illegally accessed and distributed confidential police information about me, and that at least some of that information had been published on the internet, along with exhortations for criminals to hunt me down. I knew there were one or more police insiders illegally providing confidential information about me, and perhaps about my family members. However, I did not obtain sufficient information to come to any conclusions about who did what until 2014.

i. What I discovered in 2014, and did not know until that time was that one of these insiders was the defendant James (Jim) Arthur Van Allen, who was in 2009 and 2010 a serving Ontario Provincial Police Detective Sergeant actually in charge of the OPP's Criminal Profiling and Threats Assessment Unit. Faskens, Ranking and Kwidzinski illegally hired Van Allen 'on the side' to work against me as an unlicensed private investigator. Van Allen's and the lawyers' actions in this regard were in violation of various laws including, inter alia, the Police Services Act, the Private Security and Investigative Services Act and the Criminal Code. Initially, I was told in 2013 by the Ontario Provincial Police Professional Standards Unit that Van Allen was retired from the OPP at the time he acted as a private investigator and swore his October 21, 2009 affidavit that was used to convict me. This was later discovered by me to be a lie by the Ontario Provincial Police. The history of the discoveries regarding Van Allen is set out in the February 11, 2014 sworn affidavit of Toronto lawyer Che Claire, which was a part of the February 14,

2014 Motion Record as filed with the Appeal Court of Ontario. This Che Claire affidavit includes two invoices from Jim Van Allen to Gerald Ranking.

j. The Che Claire affidavit and February 14, 2014 Appeal Court Motion Record provide extensive details on the role played by Van Allen and some other police defendants in the Campaign, and with other documents explains how Iain Deane, his lawyer Andrew Roman and other defendants, used Van Allen's criminal activities and fabricated and false evidence to improperly convict and imprison me for Contempt of Court.

k. During a November 17, 2009 phone call with defendants Silver, Ranking, Kwidzinski and other lawyers, Lorne Silver lied to me when he stated that he didn't know who had hired the private investigator who distributed my Identity Information. During the phone call I accused Mr. Silver of having a part in the criminal acts against my family and me. My accusation was later borne out to be true.

l. During the November 17, 2009 phone call in desperation and fear I explained that my Identity Information and my confidential police employment records had been obtained by a private investigator and published on the internet, along with death threats, and that I and my family were now at risk of identity theft. Mr. Silver's reply was to state that he didn't care and wouldn't help me even if he could. Mr. Silver said this to intimidate me and also my family members. The defendant lawyers present with Mr. Silver overheard this and eventually lied to and deceived the court about what was said during the conversation.

m. When I wrote to the lawyers and the court on December 1, 2009 and complained about what was said to me in the telephone call, and that the lawyers lied to the court about the call, the defendants Ranking, Silver, Kwidzinski, Roman, Zemel and Schabas lied to the court directly and / or by

their silence. At the time they lied to the court, they did not know that I had secretly recorded my telephone call with the lawyers, which irrefutably proves the lawyers deliberately lied to and deceived Justice Shaughnessy.

n. Defendant CASSELS BROCK & BLACKWELL LLP ('Cassels') as part of the Campaign, set aside a portion of its Toronto-based computer network servers to recklessly distribute to the public, unredacted documents having to do with litigation involving Kingsland. Cassels then anonymously posted the URL (Internet address) on Barbados Underground website on an internet post containing overt threats and harassment of witnesses. Cassels invited the general public to download the documents as part of the Campaign.
o. Also as part of the Campaign, co-conspirator 'PricewaterhouseCoopers LLP' of 3109 W. Dr. M. L. King Jr. Blvd, Tampa, Florida USA set aside a portion of its computer network servers to recklessly distribute to the public, unredacted documents having to do with litigation involving Kingsland. 'PricewaterhouseCoopers LLP' then anonymously posted the URL (Internet address) on Barbados Underground website on an internet post containing overt threats and harassment of witnesses, and invited the general public to download the documents as part of the Campaign.

41. **Request for Directions in Filing of Evidence and Supplementary Affidavit**

42. In support of the motion for default judgement, I will be filing in due course a major Supplementary Affidavit, which of necessity will be voluminous and supported with many exhibits. For reasons of convenience and efficiency for the Court and all parties, and also to ensure the safety and security of myself, my family and others, I am respectfully asking the Court for directions in filing my supplementary affidavit, exhibits and other documents in this case.

43.Complexity and Volume of Evidence

44. It is respectfully submitted that the documents are too voluminous to be filed in paper format, and it would facilitate submissions and argument if the Plaintiff is permitted to file copies of all supporting evidence in electronic format (native, pdf, MP3 etc) on a USB memory stick or DVD computer disk for ease of presentation and access by the court.

45. I now list a few examples of the necessity for this use of electronic formats during my civil case:

    a. During the Nelson Barbados Group Ltd. v Cox civil action wherein I was convicted of Contempt of Court, the defendants filed with the court tens of thousands of documents amounting to about one hundred thousand pages, more or less. The majority of these were filed with the court in electronic format on DVDs, with only a few selected documents being reproduced on paper. These documents are vital exhibits in my current case and motion, and in their current electronic form are searchable for ease of reference. If delivered in paper format, searching the documents for specific evidence and issues will effectively be impossible.

    b. During my current case and in support of the current motion, I will be filing as exhibits many hundreds of web pages that were captured in electronic form to begin with. Similarly if delivered to the court in electronic form these exhibits will be instantly searchable electronically and greatly enhance the efficiency of the court process.

    c. During my current case and in support of the current motion, I will also be filing exhibits containing over one hundred and fifty thousand logged website visits, including communications from the defendants and others, having to do with this case. For instance, part of this evidence shows that some defendants communicated with witnesses in their own names, and then later sent anonymous

threatening and harassing communications from the same law office or with the same computer but from a different location.

d. All this evidence has been originally collected in electronic form and so will be searchable electronically and greatly enhance the efficiency of the court process.

46. Security, Safety and Confidentiality

47. As described below and in other sections of my affidavit, there are serious and well-founded concerns that the evidence to be filed in this case not be misused or otherwise threaten the safety and security of myself or others. Many of the exhibits I will use to support my affidavits and my case contain Identity Information as defined in the Criminal Code and other confidential and private information.
48. It is respectfully requested that the Court declare a protocol and issue an order to seal, redact or otherwise protect the private and confidential information filed with the court to ensure the safety and security of the plaintiff and others.

49. This is unfortunately necessary as in previous litigation involving Nelson Barbados Group Ltd., a company of which I was director, the defendants distributed to the general public tens of thousands of pages of privileged, confidential and private documents, and/or information gained from the documents, and publicly posted the documents and/or information from the documents on the internet, often prior to the documents being filed with the court.

50. Tens of thousands of pages of these documents and information came from the legal files of Nelson Barbados previous lawyer, while other documents or information were illegally obtained from government, police and police association records.

51. These documents contain extensive Identity Information as defined in the Criminal Code for my witnesses, my lawyer, myself, our family members and for other legal

clients not even remotely associated with me or the litigation in question. As one example of the outrageous abuse; the defendant lawyers and their defendant clients even obtained, distributed to the general public and posted on the internet, medical records and end of life instructions to hospital staff for an elderly and dying family member who had nothing at all to do with me or this case.

52. As a result of the defendants' actions, the safety and security of many persons was destroyed. The information is still in the hands of the general public, and much of it continues to be published on the internet to this very day, where the information is still regularly used to attempt identity theft and other crimes against my family members, myself and others.

Sworn before me at the City of Barrie)
In the County of Simcoe)
)
This 15th day of December, 2014)

[redacted]
Donald Best

[redacted]

A Commissioner, etc.

Ann Cecelia Rankin, a Commissioner,
etc., Province of Ontario,
for the Government of Ontario,
Ministry of the Attorney General.

THIS IS **EXHIBIT "A"**
REFERRED TO
IN THE AFFIDAVIT OF
Donald Best

SWORN BEFORE ME, THIS
15th DAY
OF December, 2014

[redacted]

A Commissioner etc.

EXHIBIT A

AFFIDAVIT OF SERVICE

I, Oliver David Moon, professional process server, make oath and say as follows:

On Saturday, August 23, 2014 at about 7:45pm, I attended at the home address of Defendant Eric Iain Stewart Deane at [redacted], England. The door was answered by a male person who verbally identified himself as Mr. Jeremy Deane.

Jeremy Deane informed me that Eric Iain Stewart Deane was currently out of the United Kingdom, visiting Canada, and would not be returning home until October 20, 2014. Jeremy Deane told me that he was unaware of a contact address or telephone number for the Defendant Deane.

On Wednesday, September 3, 2014 I again attended at the Deane residence at 7:15am, and knocked on the door for several minutes. As previously, Mr. Jeremy Deane answered the front door.

I informed Mr. Deane that I was aware that he was the married partner of Eric Iain Stewart Deane, and that he had misled me on my previous visit as to the defendant Deane's travels and his (Jeremy Deane's) purported inability to contact the defendant.

Jeremy Deane told me that the defendant Eric Iain Stewart Deane was in bed but was not willing to come down at such an early time. Jeremy Deane then closed the door. I carried on knocking but did not receive any further response.

Less than an hour later on September 3, 2014 at about 8:05am, I re-attended at the Deane residence and this time the door was opened by Eric Iain Stewart Deane, who confirmed his identity to me. I then personally served Eric Eain Stewart Deane with the Statement of Claim and Jury Notice, copies of which are attached hereto as Exhibits A and B respectively.

Further, I attach hereto as Exhibit C a true copy of the Title to the Deane residence at [redacted] England, as obtained online from the Land Registry, showing that the Registered owner of the property is the defendant Eric Iain Stewart Deane. I make this affidavit for no improper purpose.

Sworn before me at)
10 Rosetts Road Horley)
Surrey RH6 7QR)
This 2nd Day of September, 2014)

[redacted]

Oliver David Moon

[redacted]

Noel D Chapman
Notary Public
England and Wales

[redacted]

This is Exhibit 'A'

to the Affidavit of Oliver David Moon

sworn September 22nd, 2014

[redacted]

Notary

[redacted]

Noel D Chapman
Notary Public
England and Wales

EXHIBIT A

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS; JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

(Court seal)

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date July 18, 2014 Issued [redacted]

Local registrar

75 Mulcaster Street,
Barrie ON L4M 3P2

TO: Gerald Lancaster Rex Ranking
Barrister and Solicitor
Fasken Martineau DuMoulin LLP
333 Bay St.
Suite 2400
Toronto, ON
M5H2T6
Tel: (416) 865-4419
Fax: (416) 364-7813

AND TO: Sebastien Jean Kwidzinski
Barrister and Solicitor
Fasken Martineau DuMoulin LLP
333 Bay St.
Suite 2400
Toronto, ON
M5H2T6
Tel: (416) 868-3431
Fax: (416) 364-7813

AND TO: Lorne Stephen Silver
Barrister and Solicitor
Cassels Brock & Blackwell LLP
Suite 2100, Scotia Plaza
40 King St. West
Toronto, ON
MSH3C2
Tel: (416) 869-5490
Fax: (416) 640-3018

AND TO: Colin David Pendrith
Barrister and Solicitor
Cassels Brock & Blackwell LLP
Suite 2100, Scotia Plaza
40 King St. West
Toronto, ON
MSH3C2
Tel: (416) 860-6765
Fax: (647) 259-7987

AND TO: Paul Barker Schabas
Barrister and Solicitor
Blake, Cassels & Graydon LLP
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9
Tel: (416) 863-4274
Fax: (416) 863-2653

AND TO: Andrew John Roman
Barrister and Solicitor
Andrew John Roman Professional Corporation
900-333 Bay Street
Toronto, ON M5H 2T4
Tel: (416) 848-0203 x2234
Fax: (416) 850-5316

AND TO: Ma'anit Tzipora Zemel
MTZ Law Professional Corporation
39 Clovelly Ave
Toronto, Ontario
M6C 1Y2
Tel: (416) 937-9321

AND TO: Fasken Martineau DuMoulin LLP
333 Bay Street, Suite 2400
Bay Adelaide Centre, Box 20
Toronto, ON M5H 2T6
Tel: (416) 366-8381
Fax: (416) 364-7813

AND TO: Cassels Brock & Blackwell LLP
Suite 2100, Scotia Plaza
40 King Street West
Toronto, ON
M5H 3C2
Tel: (416) 869-5300
Fax: (416) 360-8877

AND TO: Blake, Cassels & Graydon LLP
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9
Canada
Tel: (416) 863-2400
Fax: (416) 863-2653

AND TO: Miller Thomson LLP
Scotia Plaza
40 King Street West, Suite 5800
Toronto, ON
M5H 3S1
Tel: (416) 595-8500
Fax: (416) 595-8695

AND TO: Kingsland Estates Limited
c/o Richard Ivan Cox
No. 29 Atlantic Shores,
Enterprise,
Christ Church,
Barbados, West Indies

AND TO: Richard Ivan Cox
No. 29 Atlantic Shores,
Enterprise,
Christ Church,
Barbados, West Indies

AND TO: Eric Iain Stewart Deane
[redacted]
England

AND TO: Marcus Andrew Hatch
'West Shore Lodge'
Greenidge Drive
Paynes Bay, St. James,
Barbados, West Indies

AND TO: Philip St. Eval Atkinson
'Random'
Waterford, St. Michael
Barbados, West Indies

AND TO: PricewaterhouseCoopers East Caribbean
(Formerly 'PricewaterhouseCoopers', prior to June 23, 2011)
The Financial Services Centre
Bishop's Court Hill
St. Michael
BB 14004
Barbados, West Indies
Tel: (246) 626-6700
Faxes: (246) 436-1275 and (246) 429-3747

AND TO: Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Building
777 Memorial Avenue
Orillia, ON L3V 7V3
Tel: (705) 329-6111

AND TO: Peel Regional Police Service a.k.a. Peel Regional Police
General Headquarters
7750 Hurontario Street,
Brampton, ON, L6V 3W6
Tel: (905) 453-3311

AND TO: Durham Regional Police Service
General Headquarters
605 Rossland Rd. E,
Whitby, ON, L1N 0B8
Tel: (905) 579-1520

AND TO: Marty Kearns
Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Building
777 Memorial Avenue
Orillia, ON L3V 7V3
Tel: (705) 329-6111

AND TO: Jeffery R. Vibert
Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Building
777 Memorial Avenue
Orillia, ON L3V 7V3
Tel: (705) 329-6111

AND TO: George Dmytruk
Central East Division
Durham Regional Police Service
77 Centre St. N.
Oshawa, ON L1G 4B7
Tel: (905) 579-1520

AND TO: Laurie Rushbrook
Durham Regional Police Service
General Headquarters
605 Rossland Rd. E,
Whitby, ON, L1N 0B8
Tel: (905) 579-1520

AND TO: James (Jim) Arthur Van Allen
6450 199 Street
Suite 15
Langley, British Columbia
V2Y 2X1

AND TO: Behavioural Science Solutions Group Inc.
26 Jordon Crescent
Orillia, Ontario
L3V 8A9
Tel: (604) 626-9572
Fax: (604) 371-1649

AND TO: Tamara Jean Williamson
Probation and Parole Services,
Cottage C,
700 Memorial Avenue,
2nd floor,
Orillia, Ontario L3V 6H1
Tel: (705) 329-6010

AND TO: Investigative Solutions Network Inc.
1099 Kingston Road, Suite 237
Pickering, Ontario L1V 1B5
Tel: (905) 421-0046
Fax: (905) 421-0048

AND TO: Toronto Police Association
200-2075 Kennedy Rd
Toronto, ON M1T 3V3
Tel: (416) 491-4301
Fax: (416) 494-4948

AND TO: John Doe #1, John Doe #2, John Doe #3, John Doe #4, John Doe #5, and Jane Doe #1, Jane Doe #2, Jane Doe #3, Jane Doe #4, Jane Doe #5

CLAIM

(I) CLAIM: REMEDIES

1. The Plaintiff claims damages in the amount of **$20,000,000** and other relief as follows:

(A)	For General Compensatory damages in the amount of	$6,300,000
(B)	For aggravated damages in the amount of	$3,150,000
(C)	For punitive/Exemplary Damages in the amount of	$9,500,000

(D) IN RESPECT OF COSTS orders and fees:

(1) Special damages (in the alternative in respect of a category of general damages) in respect of costs orders made against the Plaintiff and fees paid to counsel for the Plaintiff in respect of contempt proceedings ($650,000);

(2) Damages reflecting unjust enrichment of defendants in legal fees purportedly or actually paid to lawyers $1,000,000

(3) For a mandatory Order that ANY OR ALL OF the Defendants or any of them are prohibited from taking any actions to collect any cost Orders presently outstanding against the Plaintiff until the final resolution of this action including any appeals.

(4) For a mandatory Order that, in the event that any other Court has or will require the Plaintiff to pay costs, they shall be set off against the damages and costs to be awarded in this action after trial.

(5) For an Order that any and all costs Orders to be paid by the Plaintiff to any of the Defendants shall be stayed until the disposition of this action and that such costs shall be deducted from the award of damages and costs that the Plaintiff seeks to recover in this action.

(E) For such INTERLOCUTORY AND/OR FINAL injunctions and other orders as are appropriate to protect the safety and security of the Plaintiff including but not limited to:

(1) an injunction that the Defendants may not directly or indirectly question or present evidence regarding the personal information of the Plaintiff, except to the extent ordered by the court or required by law in these proceedings and with such protective orders that can be made to provide such protection; and

(2) The Plaintiff resides in Simcoe County. For reasons of safety and security, which are discussed below, he wishes that his residence information not be disclosed.

(F) The Plaintiff seeks a tracing and accounting of the funds that were paid to:

(1) the Fasken Martineau DuMoulin LLP law firm ('Faskens') and-Gerald Lancaster Rex Ranking ('Ranking') allegedly for the account of the fictional entity/business called PricewaterhouseCoopers East Caribbean Firm or any individuals instructing counsel;

(2) Lorne Stephen Silver ('Silver'), Cassels Brock & Blackwell LLP ('Cassels') regarding Kingsland Estates Limited ('KEL') or any of its principals.

(G) For injunctive relief that will require the Defendants to take all necessary actions to de-identify or otherwise effect the removal of all defamatory, private, threatening, and untrue information, Identity Information and documentation relating to the Plaintiff from the internet. And where reasonable, to retrieve from clients and members of the public such information that was illegally/improperly distributed, and to account to the court for each distribution and retrieval or attempted retrieval.

(H) Full indemnity costs.

(II) THE LIABILITY OF THE DEFENDANTS

A. TERMINOLOGY AND NATURE OF LIABILITY:

2. The following defendants and groups of defendants are jointly and severally liable:

(A) "The Lawyers" refers to one or more of Gerald Lancaster Rex Ranking ('Ranking'), Sebastien Jean Kwidzinski ('Kwidzinski'), Lorne Stephen Silver ('Silver'), Colin David Pendrith ('Pendrith'), Paul Barker Schabas ('Schabas'), Andrew John Roman ('Roman'), Ma'anit Tzipora Zemel ('Zemel'), who are all licensed by the Law Society of Upper Canada to practice law in Ontario.

(B) "The Law Firms" are one or more of the partnerships that the Lawyers worked for, as partners or employees and who are responsible and liable for everything that the Lawyers did or did not do as described in this document. They are Fasken Martineau DuMoulin LLP ('Faskens'), Cassels Brock & Blackwell LLP ('Cassels'), Blake, Cassels & Graydon LLP ('Blakes'), Miller Thomson LLP ('Miller'). These law firms knew, were willfully blind, reckless and/or negligent in permitting and encouraging the Lawyers to commit the tortious conduct described herein.

(C) "The clients" refers to the clients of the lawyers and law firms, including Kingsland Estates Limited ('KEL'), Eric Iain Stewart Deane ('Deane'), Richard Ivan Cox ('Cox'), Marcus Andrew Hatch ('Hatch'), Philip St. Eval Atkinson ('Atkinson') and, in the manner and extent described below, PricewaterhouseCoopers East Caribbean ("PWCEC") and Jane Doe #1 and John Doe #1. Ranking, Kwidzinski and Faskens claimed to represent PricewaterhouseCoopers East Caribbean Firm ("PWCECF"). This entity does not and never has existed. Yet the pleadings and documents filed clearly and

repeatedly declared that the full legal name of their client was PWCECF, not PWCEC or any other entity using "PricewaterhouseCoopers" as a part of its name. This PWCECF defendant was added to the original lawsuit brought by Nelson Barbados Group Ltd based on the false representation by Gerald Ranking that this was the proper name of the their client, the relevant auditor. These lawyers and firm fraudulently claimed to represent this non-entity and in the face of accusations to that effect, refused to provide proof to contradict clear evidence that PWCECF did not and does not exist. Instead, they repeatedly bluffed, misled and lied to the Superior Court, the Court of Appeal for Ontario and the Supreme Court of Canada, insisting that PWCECF did and does exist. They went so far as to twice present documents in the course of examinations showing a name change of a partnership to PWCEC as of June 2011, long after the fraud had begun, while falsely asserting that they were presenting partnership documents of their client, PWCECF, even though the documents clearly referred to PWCEC. PWCEC is included as a defendant on the basis that Messrs. Ranking and Kwidzinski and Faskens insisted that this was their client and because this is, as of 2011, a legal entity. However, it is unclear whether PWCEC was ever their client.

(D) "The police" refers to Regional Police Forces, Durham Regional Police Service ("DRPS") and Peel Regional Police Service ("PRPS") and the following specific persons employed by them: George Dmytruk (DRPS); Laurie Rushbrook (DRPS); and the Provincial Police, the Ontario Provincial Police ("O.P.P.") and the following specific persons: Marty Kearns (OPP); Jeffery R. Vibert (OPP); James (Jim) Arthur Van Allen ('Van Allen') (pre-retirement). Police officers John Doe #2 and John Doe #3 and Jane Doe #2 and Jane Doe #3, as yet unknown were also involved.

(E) The "Van Allen Defendants" refers to Van Allen (pre and post-retirement), Tamara Jean Williamson ('Williamson'), Behavioural Science Solutions Group Inc. ('BSSG') and Investigative Solutions Network Inc.('ISN').

(F) The "Toronto Police Association" ("TPA") refers to the incorporated Toronto Police Association and any individuals dealing with the Plaintiff's case who provided information to Van Allen or others in respect of the Plaintiff, the identities not yet known (Jane Doe #4 and John Doe #4).

(G) The term "defendants" refers to all of the defendants in the style of cause, including those whose identities and/or culpable involvement are not yet known, (John Doe #5 and Jane Doe #5).

3. The defendants knew, were willfully blind, reckless and/or negligent in perpetrating the tortious conduct against the Plaintiff described herein. The natural persons had such knowledge and intent. Corporate persons had such knowledge and intent through their directing minds. Based, *inter alia*, on the bad faith and lack of factual and/or legal authority, the Plaintiff seeks the piecing of the corporate veil in respect of these corporations.

4. The defendants knew (in fact or constructively), intended, (in fact or constructively), were reckless and/or foresaw, as would any reasonable person, that their actions would significantly cause real harm, damage and/or endanger the Plaintiff, physically, emotionally, economically and in respect of his reputation.

5. The defendants acted flagrantly, outrageously, in bad faith, maliciously, fraudulently, contrary to their fiduciary duty and/or dishonestly.

6. The defendants targeted the Plaintiff knowing that their actions would directly and indirectly cause him substantial harm in breach of their well-known and generally recognized legal, fiduciary and/or ethical duties and the legal, fiduciary and/or ethical duties of others. They negligently failed to act in accordance with their legal and ethical duties and thereby failed to act in accordance with the applicable common law and statutory rules and standards of care. They acted in such a way as to create an unreasonable risk of substantial harm.

7. The defendants acted in their private capacity and in their official capacities as prosecutors, investigators, peace officers, probation and parole officers and/or labour officials pursuant to statute and common law authority and as officers of the Court.

8. The defendants conspired to do so collectively in pursuit of an agreement, between one or more of them and others, with the predominant purpose of harming the Plaintiff and/or knowing that their acts were aimed at the Plaintiff and knowing or constructively knowing that their acts would injure the Plaintiff, using lawful and unlawful means, which caused compensable damage to the Plaintiff.

B. CAUSES OF ACTION

9. The defendants are liable on the following bases are all jointly severally liable on the following general causes of action:

(1) IN RESPECT OF CIVIL CONTEMPT PROCEEDINGS AGAINST THE PLAINTIFF:

(a) Abuse of Process (Common law and/or s.7 of the Canadian Charter of Rights and Freedoms (the"Charter'))

(b) Negligent Investigation (Common law and ss.7 and 9 of the Charter)

(c) False Imprisonment (Common law and ss.7 and 9 of the Charter)

(d) Intentional and/or Negligent Infliction of Harm and/or Mental Suffering

(e) Misfeasance and/or Malfeasance of Public Office and/or Abuse of Authority

(f) Malicious Prosecution

(g) Conspiracy to Injure the Plaintiff

(2) IN RESPECT OF INFRINGEMENT OF PRIVACY OF THE PLAINTIFF (in the course of an action by Nelson Barbados Group Ltd ("NBGL"), which continued during civil contempt proceedings against the Plaintiff):

(a) Breach of Common Law Privacy Rights (intrusion on secrecy)

(b) Breach of ss. 7 and/or 8 of *the Charter*

(c) Misfeasance and/or Malfeasance and/or Nonfeasance of Public Office/Abuse of Authority

(d) Abuse of Process (common law and/or s.7 of the charter)

(e) Intentional or Reckless Endangerment (by the infliction of harm and/or mental suffering) and/or Negligent Endangerment

(f) Negligent Investigation (common law and ss.7 and 9 of the charter)

(g) Negligent Regulation/Performance of Statutory Duty (common law and/or s. 7 of the charter)

(h) Breach of Fiduciary Duty/Negligence in Respect of Fiduciary duty

(i) Conspiracy to Injure and/or Conspiracy to do Unlawful Act and/or Causing Loss by Unlawful Means

(3) IN RESPECT OF EVIDENCE GATHERING BY JAMES VAN ALLEN AND THE POLICE

(a) Misfeasance and/or Malfeasance and/or Nonfeasance of Public Office/Abuse of Authority

(b) Abuse of Process (common law and/or s.7 of the charter)

(c) Negligent Regulation/Performance of Statutory Duty (common law and/or ss. 7 and/or 8 of the charter)

(d) Negligent Investigation (common law and ss.7 and 8 of the charter)

(e) Invasion of Privacy (Intrusion on Secrecy)

(f) Conspiracy to Injure and/or Conspiracy to do Unlawful Act and/or Causing Loss by Unlawful Means

(4) IN RESPECT OF FRAUD ON THE COURT IN CIVIL CONTEMPT PROCEEDINGS RE PRICEWATERHOUSECOOPERS EAST CARIBBEAN FIRM ("PWCECF")

(a) Abuse of Process (common law and/or s. 7 of the charter)

(b) Breach of Fiduciary Duty to the Court

(c) Misfeasance and/or Malfeasance of Public Office/ Abuse of Authority

(d) Conspiracy to Injure and/or Conspiracy to do Unlawful Act and/or Causing Loss by Unlawful Means

C. GROUPINGS OF DEFENDANTS REGARDING LIABILITY

10. The following defendants are primarily jointly and severally liable in respect of the following causes of action, without limiting the generality of the foregoing:

(1) FASKENS DEFENDANTS:

11. Ranking, and Kwidzinski are lawyers in Toronto. Their law firm is Faskens. Their purported client, PWCECF, does not exist. However, PWCEC was later purportedly created and/or identified as the client and individuals instructed counsel at Faskens. Hatch and Atkinson are accountants who work in Barbados and other locations. The partnership PWCEC may have been a client of the Faskens Defendants. These defendants, along with others named as John Doe Defendants (John Doe #1 and Jane Doe #1), concocted a non-existent entity to carry out the activities set out in this claim: 'PricewaterhouseCoopers East Caribbean Firm' (PWCECF) is a fictitious name used by them and other more persons who are known to some or all of the other Defendants. They are all jointly and severally liable for all damages and costs and other relief in respect of all causes of action.

(2) CASSELS DEFENDANTS

12. Silver and Pendrith are lawyers in Toronto. Their law firm is Cassels. Their client is KEL and Cox. They are jointly and severally liable for all damages and costs and other relief in respect of all causes of action.

(3) BLAKES DEFENDANTS

13. Schabas is a lawyer in Toronto. His law firm is Blakes. They are jointly and severally liable for all damages and costs and other relief primarily in respect of causes of action as described in paragraph 9, groupings (1), (2) and (3).

(4) MILLER DEFENDANTS

14. Roman and Zemel are lawyers in Toronto. Their law firm is or was Miller. Their client is Eric Iain Stewart Deane. They are jointly and severally liable for all damages and costs and other relief primarily in respect of causes of action as described in paragraph 9, groupings (1), (2) and (3).

(5) REGIONAL POLICE DEFENDANTS

15. The DRPS and PRPS are Police Services constituted according to the *Police Services Act*, R.S.O. 1990, c. P-15. George Dmytruk and Laurie Rushbrook were police officers employed by or on behalf of the DRPS. John Doe #2 and Jane Doe #2 were police officers employed by or on behalf of the DRPS and/or the PRPS. These persons spoke on behalf of their police service and conducted illegal and unnecessary investigations of the Plaintiff and also provided the fruits of these investigations to the lawyers, law firms and clients, primarily, but not exclusively the Faskens and Cassels Defendants, through Van Allen and the Van Allen Defendants. They also conspired with these defendants to injure the Plaintiff and/or to cover up for their own and the Van Allen defendants' unlawful activities. They are jointly and severally liable for all damages and costs and other relief primarily in respect of causes of action as described in paragraph 9, groupings (1), (2) and (3).

(6) PROVINCIAL POLICE DEFENDANTS

16. The OPP is a Police Force constituted according to the *Police Services Act*, R.S.O. 1990, c. P-15. Marty Kearns, Jeffery R. Vibert, James (Jim) Arthur Van Allen, John Doe #3 and Jane Doe #3 were police officers employed by or on behalf of the OPP, spoke on behalf of their respective police services and conducted illegal and unnecessary investigations of the Plaintiff

over and above and/or in violation of their normal duties and responsibilities and also provided the fruits of these investigations to the lawyers, law firms and clients, primarily, but not exclusively the Faskens and Cassels Defendants, through Van Allen and the Van Allen Defendants. They also conspired with these defendants to injure the Plaintiff and/or to cover up for their own and the Van Allen defendants' unlawful activities. They are jointly and severally liable for all damages and costs and other relief primarily in respect of causes of action as described in paragraph 9, groupings (1), (2) and (3). Marty Kearns, Jeffery R. Vibert, James (Jim) Arthur Van Allen, John Doe #3 and Jane Doe #3 are personally responsible for their actions pleaded herein.

(7) VAN ALLEN DEFENDANTS

17. James Van Allen was an OPP police officer. He was at the same time purportedly and unlawfully acting as a private investigator for the defendants. His investigation used police resources directly or indirectly, with the knowing or negligent cooperation of the police (DRPS, PRPS and OPP) and the TPA. Van Allen and/or the police conducted an unlawful secret investigation of the Plaintiff premised on his conviction for civil contempt before this conviction had occurred. This investigation was then reflected in a misleading affidavit filed by the Faskens defendants on behalf of the non-existent PWCECF. The Van Allen defendants also recklessly and illegally distributed to the public, the Plaintiff's Identity Information and other private information. Van Allen did so in a personal capacity and as an officer and director of his company. Behavioural Science Solutions Group Inc., Van Allen's and Williamson's company (as Directors and/or Shareholders) and Van Allen's then girlfriend or common law spouse, Tamara Jean Williamson are also liable for Van Allen's action carried out in his personal and/or corporate capacities. Investigative Solutions Network Inc. acted with knowledge of Van Allen's

status as a serving police officer and assisted him in respect of his tortious conduct. They are jointly and severally liable for all damages and costs and other relief primarily in respect of causes of action as described in paragraph 9, groupings (1), (2) and (3).

(8) TORONTO POLICE ASSOCIATION DEFENDANTS

18. The Defendant Police Association is an incorporated entity which represents active and retired police officers and others which are its members. The TPA and Jane Doe #4 and John Doe #4 provided confidential information regarding the Plaintiff, a former police officer, whose identity and location, if revealed would place his life and safety in danger as a former undercover officer. It indeed had this effect. They are jointly and severally liable for all damages and costs and other relief primarily in respect of causes of action as described in paragraph 9, groupings (1), (2) and (3).

(9) OTHER DEFENDANTS

19. The reference to the Defendants as "defendants" or 'they' herein refers to all persons or groups of the Defendants who are known among themselves but not to the Plaintiff and conspirators, known or unknown. They include John Doe #5 and Jane Doe #5. Particulars will be provided following full discovery.

III. PARTICULARS OF THE CLAIM

A. CHRONOLOGY AND LIABILITY

20. The Plaintiff had been an officer of Nelson Barbados Group Ltd ("NBGL"). NBGL commenced action in the Superior Court by Statement of Claim against Ontario and Barbados Defendants. Some of the Defendants brought a motion to contest jurisdiction, which was granted and the action was stayed by Justice Shaughnessy of the Superior Court of Justice ("SCJ") in 2008. The merits of the action were never adjudicated. The only issue remaining issue was costs.

21. When the issue of costs was being considered, the Plaintiff was deprived of counsel and compelled to act as unrepresented litigant.

22. Costs submissions were to proceed on November 2, 2009 and the Plaintiff understood that costs were going to be assessed that day against NBGL which stood ready to pay them. The Plaintiff indicated, on behalf of NBGL, that he would not be attending but leave the issue in the hands of the Court.

23. Prior to November 2, 2009 the Plaintiff was not aware that costs were being sought against him personally. There was never advanced a theory to justify this position and it was never adjudicated *inter partes*. There was no legitimate or lawful basis to seek costs against the Plaintiff Best. This was pursued for an improper and collateral purpose(s), to wit, an excuse to seek discovery of the Plaintiff, a means to intimidate the Plaintiff and/or a means to deter the commencement or continuation of litigation by other parties based on the same general circumstances in other jurisdictions. This ulterior or collateral purpose was repeatedly admitted to the SCJ and the OCA in the course of costs and contempt proceedings in respect of costs.

24. The lawyers, law firms and clients used an affidavit of Van Allen, described as a private investigator to demonstrate that the Plaintiff could not be served with process, and/or that the Plaintiff's actions and motivations were improper and/or suspect. This was known by the Van Allen defendants and the lawyers, law firms and clients to be false and/or misleading. This was successfully used to allow for purported service by mail, which was largely ineffective due to the improper actions of the defendants, including (but not limited to) an intentional campaign to endanger the Plaintiff, forcing him to leave the country with his family for his and their safety, and placing false information and evidence before the court. All of this resulted in the Plaintiff not getting timely notice of court motions or orders, resulting in contempt orders and costs orders against him.

25. In fact, Van Allen was a serving police officer for the OPP at the time of his investigation of the Plaintiff and the swearing of his affidavit. He was not legally allowed to act as a private investigator and his actions in doing so were illegal and void. The Defendants colluded and conspired to cover this up and that his actions were in violation of the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies. Van Allen's investigations of the Plaintiff and creation and swearing of his affidavit took place through his contract with Van Allen and/or his company and Faskens. Van Allen and the Lawyers and Law Firms, in particular but not exclusively the Faskens defendants, prepared the affidavits and redacted invoices to conceal the unlawful use of police services, resources and searches by Van Allen under the instructions and misinformation provided by other defendants. This information was used to secure substituted service orders, in the investigation of the Plaintiff for contempt and to secure an improper

conviction for contempt. The information contained in an affidavit of Van Allen was later relied upon by Justice Shaughnessy in finding the Plaintiff guilty of contempt.

26. During the costs process against NBGL, the Defendant lawyers, law firms and clients brought a motion for the production of documents and examination of the Plaintiff, the President and director of NBGL, and for substituted service on the Plaintiff by mail in relation to costs against NBGL. The materials were not served on NBGL or the Plaintiff before it was returnable on November 2. Using the Van Allen affidavit, the clients, lawyers and law firms were able to convince Justice Shaughnessy on this *ex parte* application to validate service by mail and courier. In Van Allen's affidavit, Justice Shaugnessy was falsely led to believe that the Plaintiff was evading service, and/or that his motivations and actions were improper. Although no endorsement was made, the Court indicated a willingness to grant the order subject to the determination of the terms by the parties in attendance on November 2, 2009. The order was not created and signed until November 12, 2009, even though it required the Plaintiff to produce certain documents on November 10, 2009: two days before the order came into existence.

27. There was no legitimate or lawful basis to seek the discovery of the Plaintiff in respect of costs. This was pursued for an improper and collateral purpose(s), to wit, as a means to intimidate the Plaintiff and/or a means to deter the commencement or continuation of litigation by persons and entities other than the Plaintiff, based on the same general circumstances, in other jurisdictions. This ulterior or collateral purpose was repeatedly admitted to the SCJ and the OCA in the course of costs and contempt proceedings in respect of costs.

28. A draft order which allegedly required document production on November 10 and examination in Toronto (Victory Verbatim) on November 17, 2009, was purportedly sent by

courier on November 6, 2009 to the Plaintiff at the address indicated in the order for substituted service. In fact, the material was never sent by mail, courier or otherwise and as the Plaintiff later advised the Court and the parties, he did not receive the materials or any order, but first learned of the order when he called the trial coordinator to find out was ordered in respect of costs, on November 16, 2009.

29. On November 17, 2009, the Plaintiff called Victory Verbatim Reporting and spoke to the lawyers, primarily Ranking and Silver. The Plaintiff had asked that the conversation take place on the record (recorded by the Special Examiner's office). The lawyers refused. The Plaintiff indicated that he did not have the materials purportedly sent on November 6, 2009 and, in particular, he did not have the November 2 order. He did not have a copy of it. He indicated that he just found out about the order and the examination the day before. He indicated that he could not attend that day or the next. The Plaintiff asked to be examined by telephone. He agreed to answer questions. The lawyers refused to conduct the examination by telephone. They threatened contempt proceedings.

30. During the November 17, 2009 call to Victory Verbatim the Plaintiff refused to tell the lawyers where he was at the time. He indicated that he would not say where he was because he was concerned about his safety and the safety of his family. In fact, the Plaintiff had fled Canada with his family due to the illegal actions of the defendants, and was in the Western Pacific at the time. The Plaintiff alleged that persons, including Mr. Silver or members of his firm, had released confidential information including Identity Information about him (date of birth, drivers license information, addresses and employment records) that was put on the internet that had led to identity theft, death threats and intimidation of him. The Plaintiff is a former police officer and an undercover operator against, inter alia, organized crime and violent criminals. The

Plaintiff asked questions about what Mr. Silver or his firm had done to allow this confidential information to be released onto the internet. Mr. Silver's response was a denial of responsibility and statements to the effect that he did not care and would not help the Plaintiff even if he could.

31. The dissemination and publishing of confidential information received by Van Allen and through proceedings on the earlier action did in fact take place. This caused the Plaintiff actual physical harm. He was assaulted. It caused actual damage to property and economic loss, in that, *inter alia*, he and his family were forced to flee Canada, the family car was shot up, gang members subsequently tracked him down in New Zealand and forced the Plaintiff and his family to flee that country. The Plaintiff suffered significant, visible and provable injury and long lasting mental suffering.

32. The lawyers, law firms and clients knew about this dissemination and publishing of confidential information and, in fact, were actively involved in the dissemination and publication. They did so knowing and intending that would likely endanger the life of the Plaintiff and the life and/or safety of his family. They conspired with Van Allen and the police to injure him in this manner. Even after the Plaintiff begged them to stop distributing to the public his and his family members' private information including Identity Information, the lawyers, law firms and clients distributed and published even more of this confidential information, which they continue to do to this day. The lawyers, law firms, clients and police later conspired to cover up this unlawful activity and the unlawful nature of Van Allen's "private" investigation services while he was a police officer. They did so flagrantly and outrageously. They did so knowing that this was unlawful and criminal. They did so intentionally for the improper and collateral purposes of encouraging the Plaintiff to leave Canada or as a means to pressure him and others in respect of litigation and potential litigation in

other jurisdictions. As officers of the Court, the lawyers and law firms were acting in an official state capacity. Van Allen, as a serving police officer and the police were state agents.

33. The Toronto Police Association ('TPA') owed a fiduciary duty to the Plaintiff and the other defendants knew of this fiduciary duty and the dishonest breach of trust which is explicitly described in Van Allen's affidavit. They assisted in the breach of the fiduciary duty by employing Van Allen to conduct this investigation and by distributing, publishing and disseminating the confidential information. Ranking and the other defendants knew or were willfully blind to the fact of the breach of fiduciary duty by TPA and Van Allen.

34. It was known by the defendants that the distribution, dissemination or publishing of private and confidential information, including Identity Information as defined in the Criminal Code, described above would likely cause physical harm and/or significant mental suffering and trauma to the Plaintiff. The Plaintiff repeatedly requested that steps be taken by defendants to remedy this situation. The defendants had a legal duty to remedy the situation. The defendants to this day have failed to take any remedial action.

35. This investigation and its distribution, dissemination and publishing were also negligent contrary to standard of care owed to the Plaintiff by the lawyers, the law firms in respect of the investigation and Van Allen, the Van Allen defendants, the police and TPA and other defendants in respect of the improper dissemination and publishing of the confidential information.

36. After the November 17, 2009 telephone call, that day, Messrs. Silver and Ranking, on behalf of the clients and/or instructing agents, created a record by making a "Statement for the Record" at Victory Verbatim, in the presence of some other members of the law firms. In this Statement for the Record, they indicated, *inter alia*, that the Plaintiff had admitted to having

received a copy of the Court Order dated November 2, 2009. Mr. Ranking stated that the Plaintiff had admitted that he had received the order prior to November 16, 2009 and that was why he had called the trial coordinator and that the Plaintiff had refused to answer questions. These statements by Messrs. Ranking and Silver were knowingly and deliberately grossly stating the opposite of the truth. These lies were uttered to enable the lawyers, law firms, and clients to conspire to pursue and pursue contempt proceedings against the Plaintiff, which they later did, using these lies to perpetrate a fraud on the court. They persisted in this position even when this was initially disputed by other counsel, Ms. Rubin, who was present for some of the conversation.

37. On November 18, 2009, a package containing, *inter alia*, a letter, the order dated November 2, 2009, a Notice of Examination requiring examination on November 25, 2009 and the Statement for the Record, was sent by mail to the Plaintiff.

38. In a December 1, 2009 letter to Mr. Ranking, copied to all lawyers, and in a letter on the same date to the Court, including the letter to Mr. Ranking, the Plaintiff indicated that he received the material referred in the previous paragraph on November 24, 2009. The letters indicated that he was outside of Canada at the time and alleged that that the "Statement for the Record" was false and that Messrs. Ranking and Silver knew that it was false. It was alleged that, *inter alia*, that:

1. the Plaintiff denied having admitted on November 17, 2009 to having received the November 6 materials, including the draft order;
2. he had not received these materials;

3. the Plaintiff denied having admitted on November 17, 2009 to knowledge of the order prior to being told by the trial coordinator on November 16, 2009;
4. he did not know of the order prior to being told by the trial coordinator on November 16, 2009;
5. he had safety concerns as a result of the actions of the Defendant lawyers, law firms and clients and some of their counsel, including Mr. Silver and his firm.

39. The Plaintiff was not able to and did not attend in Toronto for examination on November 25, 2009.

40. A motion returnable December 2, 2009, seeking the same relief as the November 2 order (except for examination before Justice Shaughnessy) and a contempt order was purportedly served on the by mail Plaintiff, on short service.

41. In court on December 2, 2009, Messrs. Ranking and Silver disputed the truth of the December 1, 2009 letters of the Plaintiff. They called it defamation. They asserted the truth of their Statement for the Record. They falsely insisted that the Plaintiff had knowledge of the order prior to November 16, 2009. They also falsely asserted that the Plaintiff only disputed receipt of the signed order. They falsely asserted that there was no dispute that the Plaintiff had received the draft order prior to November 16, 2009. They relied on the purported service by courier on or after November 6, 2009, the November 16 letter (taken out of context, ignoring the fact that knowledge prior to November 16 was specifically denied) and the supposed admissions of the Plaintiff during the November 17, 2009 conversation (as falsely reflected in the Statement for the Record).

42. The Court accepted the facts as submitted by counsel on December 2, 2009, because they were proffered as facts under the express and implied assurances that the facts were true and reliable in accordance with the ethical obligations of the lawyers, as Officers of the Court, to tell the truth and to not mislead the Court. The Court rejected the contrary assertions by the Plaintiff in the December 1, 2009 letters because they were not under oath and did not come from an Officer of the Court. The lawyers, in lying and/or misleading the Court abused their office as Officers of the Court and abused process. Other lawyers, in remaining silent in the face of knowledge that statements were false and/or misleading also abused their office as Officers of the Court and abused process.

43. An order was issued on December 2, 2009 requiring the production of documents on January 8, 2010 and examination before Justice on January 15th, 2010. Failure to comply would result in a contempt hearing that day if the Plaintiff did not appear.

44. The December 2, 2009 order was sent to the Plaintiff by mail. The Plaintiff had no knowledge of any requirement to provide documents or attend to be examined in January 2010. He had no knowledge of any application to find him in contempt on January 15, 2010. The Plaintiff did not receive the December 2, 2009 order until June 2010.

45. There was no personal service of any order prior to any obligation arising and no evidence of knowledge of such an obligation until, in respect of November 17 and 25, 2009, the day prior to the obligation arising and otherwise, no knowledge of any obligation until after the deadline. The Supreme Court of Canada, in *Bhatnager,* [1990] S.C.J. No. 62 has made it clear that service that is not personal service may, in some circumstances be adequate for the conduct

of civil litigation, but is legally inadequate to found civil contempt. Personal service or knowledge is a precondition for a finding of civil contempt.

46. The lawyers misled Shaughnessy, J. with respect to the facts and law regarding the adequacy of service, knowledge and notice. Contrary to the law they falsely urged the Court to act upon substituted service. They falsely asserted prior knowledge of the November 2, 2009 order in the "Statement for the Record". They relied upon misleading and/or false evidence and/or opinions in the Van Allen affidavit suggesting that the Plaintiff was attempting to evade service. They unreasonably asserted that notice the day before (when the person claimed to be outside of the country) was adequate (in respect of November 17 and November 25, 2009). The contempt order made on January 15, 2010 was a product of the misleading of the Court by the lawyers, law firms and clients and the Van Allen defendants, with the police and the TPA.

47. The Plaintiff did not attend on January 15, 2010.

48. On January 15, 2010 (as reflected in Reasons on January 25, 2010), the Court found the Plaintiff in contempt of court (civilly) for failure to comply with the November 2, 2009 order (production and examination), the Notice of Examination for November 25, 2009 and the December 2, 2009 order (production and examination). Based on:

1. the orders for substituted service;
2. the November 16, 2009 letter (taken out of context; without mentioning denial of prior knowledge);
3. the November call (taken out of context: without mentioning denial of knowledge prior to November 16, 2009);
4. the Statement for the Record;

5. The affidavit of Van Allen; and
6. the submissions of Messrs. Silver and Ranking that the Statement for the Record was true and the December 1, 2009 letters of the Plaintiff were false,

the Court found that the Plaintiff had "notice". Based on the denials by the lawyers as Officers of the Court and the lack of sworn evidence, there was no consideration of safety issues. The Court found that the Plaintiff had not complied with the orders in that he did not produce the documents and did not attend for examination. Based on the lie in the Statement for the Record, the Court was misled into implicitly finding that the alleged offer to be examined on November 17 did not happen or was not compliance with the November 2, 2009 order. The Court ordered that the Plaintiff be jailed for 3 months, imposed a fine in the amount of $7,500 and ordered costs in the favour of four sets of the clients (represented by Faskens, Cassels, Miller and Stikeman Elliot LLP) in the aggregate sum of approximately $80,000.

49. In fact, had the true facts been known to the Court, there were no reasonable grounds to allege contempt, let alone constitute proof beyond a reasonable doubt. The prosecution initiated against the Plaintiff by the lawyers, law firms and clients should have been (and hopefully will be) concluded favourably for the Plaintiff. Even if it is not, the Plaintiff asserts that where this did not occur as a result of fraud by the lawyers, law firms and clients, precluding an appeal on the merits for administrative reasons, malicious prosecution and false imprisonment should still be available. There was no honest belief in guilt and there was a further improper purpose of seeking to pressure discovery and otherwise pressure the termination of litigation in other jurisdictions involving other persons and entities, not the Plaintiff or NBGL.

50. The actions, and inactions in the face of duties to act, of the lawyers, law firms, clients and other defendants resulted in the contempt order and resulting warrant of committal. The execution of the warrant resulted in the wrongful imprisonment of the Plaintiff in May 2013 after he returned to Canada to challenge the contempt finding, until bail pending appeal was granted in June 2013. The Plaintiff was again wrongfully imprisoned in April 2014 when his appeal was dismissed for procedural reasons (inability to pay costs) triggered by continuation of the intentional abuse of process and lying to the Court of Appeal on and before February 27, 2014.

51. In June 2010, costs of the NBGL action were settled in full. Thereafter, the only outstanding issue or costs order was the contempt and costs order of January 15, 2010. The production and examination of the Plaintiff in furtherance of costs on the action served no useful or legitimate purpose after this point in time. In fact, the lawyers, law firms and defendants had earlier access to the NBGL legal files that satisfied any legitimate purpose they might have had to examine the Plaintiff. The issues were moot. Justice Feldman later found abuse of process, based on this fact, to be an arguable ground of appeal. This and other viable grounds of appeal were never argued due to the order flowing from the February 27, 2014 decision of the Court of Appeal to dismiss the appeal as a result of the Plaintiff's inability to pay costs.

52. Before and after the June 2010 settlement, to which the Plaintiff was not a party, private and confidential information, including Identity Information as defined in the Criminal Code, about the Plaintiff was received by the defendants, including through the discovery process related to the NBGL action. Prior to use and filing in Court and contrary to the implied undertaking rule, some of this confidential information was published on the internet. This was done by and/or knowingly assisted by the clients, lawyers and law firms. The settlement included the public filing of an affidavit by Zagar which contained much of this private and

confidential information regarding the Plaintiff. The Plaintiff did not consent to this public filing. In light of the earlier stay of the action and the settlement of the costs, this filing served no legitimate purpose. The predominant purpose of the conspiring defendants in filing was to harm the Plaintiff. It was known by the defendants that the dissemination or publishing of private and confidential information described herein would likely cause physical harm or death and/or significant mental suffering and trauma to the Plaintiff, as well as other harms including but not limited to economic and career harm. The Plaintiff has repeatedly requested that steps be taken by defendants to remedy this situation. The defendants had a legal duty to remedy the situation. The defendants to this day have failed to take any remedial action.

53. In 2012, an application was brought by the Plaintiff to set aside or vary the January 15, 2010 contempt order on a number of grounds, including the fact that the Plaintiff did not have timely knowledge of the November 2, 2009 order or the Notice of Examination and that he did not receive the December 2 materials or order or know of the January 15, 2010 hearing until June 2010. The evidence demonstrates that delay between January 15, 2010 and the application in August, 2012 was not the fault of the Plaintiff. Initially, a stay of the warrant was sought and granted to allow the Plaintiff to return to Canada to challenge the contempt order.

54. The Plaintiff in his affidavits asserted that Messrs. Ranking and Silver were material witnesses and had conflicts of interest. He asserted that they should not be acting on the application. They did not recuse themselves and the Superior Court of Justice ("SCJ") never dealt with this issue.

55. Messrs. Ranking and Silver and their firms and other defendants opposed the application in the Superior Court of Justice. Pendrith assisted them during the appeal process and provided evidence that was misleading.

56. Ultimately, the Plaintiff was forced to be self-represented because he could not find a lawyer who would represent him. The Plaintiff repeatedly sought time to retain new counsel. He approached over 70 different lawyers. However, civil lawyers claimed that their lack of criminal law knowledge rendered them unsuitable and the criminal lawyers claimed the converse. The reality was that nobody wanted to get involved in a case in which it was alleged and proved that Messrs. Silver and Ranking and their firms had obstructed justice by lying to the Court, and where the Plaintiff possessed credible and strong evidence including his voice recordings of the November 17, 2009 phone conversation with the lawyers. The Plaintiff was able to have some funds to hire a lawyer by borrowing from friends. The Faskens and Cassels defendants opposed the Plaintiff's requests for more time to find counsel.

57. Unbeknownst to Messrs Ranking and Silver, the Plaintiff had audio-recorded the November 17, 2009 phone conversation with them. The evidence on the application included an authenticated transcript of this audio recording and the recording itself. This recording demonstrates that the "Statement for the Record" relied upon the defendants and used by Justice Shaughnessy was false insofar as it indicated that the Plaintiff 'admitted' during the November 17, 2009 conversation to having the November order and had knowledge of the order before November 16, 2009. The recording supports the truth of the Plaintiff 's December 1, 2009 letters. This meant that:

1. the Statement for the Record filed before Justice Shaughnessy contained lies that:

(a) the Plaintiff had admitted to having received the November order;

(b) the Plaintiff had admitted to knowledge of the order before November 16, 2009;

(c) the Plaintiff had refused to answer questions over the phone;

2. the submissions of Messrs. Silver and Ranking to the Court on December 2, 2009, that the Statement for the Record was true and the December 1 letters were false, were false submissions. In other words, they lied to the Court in asserting the truth of the Statement for the Record;

3. The assertion on December 2, 2009, that the Plaintiff had only contested receipt of the signed order, but had admitted to receipt of the draft order, was a lie.

58. In addition, the affidavit evidence filed by Plaintiff was presented regarding the failure to receive the materials at all or in time, the safety concerns of the Plaintiff for himself and his family and his willingness to answer the questions addressed in the order dated November 2, 2009.

59. The Plaintiff answered questions regarding these affidavits and in relation to the November 2, 2009 and December 2, 2009 orders on January 11 and 23, 2013. During this examination, the Plaintiff made it clear that he was willing to answer all questions addressed by the November 2, 2009 order. He asked that any other questions that remained be asked. He indicated a willingness to make himself available for this purpose. The Faskens and Cassels defendants refused to indicate what other questions, if any, remained unanswered.

60. On January 25, 2013, the Plaintiff provided a memory stick, with some 100,000 documents on it, to the Faskens and Cassels defendants.

61. On March 14, 2013 the Plaintiff produced a document (119 pages long plus attachments) called "Answers to Undertakings, Under Advisements, Refusals" ("March 14 Answers") stemming from the January 11 and 23, 2013 examinations. In addition to answering questions in relation to the affidavits, the examinations addressed the issues for examination covered in the November 2, 2009 order. That order required examination regarding:

a. Unanswered Questions in relation to the examination of an affiant, John Knox, on November 4, 2008;

b. unanswered questions from examination of the Plaintiff on March 20, 2009;

c. unanswered questions directed to be answered on April 8, 2009;

d. Questions relating to the Plaintiff's involvement with the Plaintiff corporation NBGL; his relationship to the matters pleaded in the lawsuit and his non-privileged association with his former counsel, William McKenzie and his law firm; and

e. questions in relation to shares in KEL, to which the lawsuit was related.

62. Many of these kinds questions were asked and answered on January 11, and 23, 2013. In relation to the January 11, 2013 examination, in the March 14 Answers, the Plaintiff answered questions that covered items (d) (Under Advisement questions number 4-6, 7-9, 17-19, 27-31, 34-35, 38-39, 44-45, 48-49, 51-52, 62) and (e) (Under Advisement questions numbers 13-15) above. In relation to the January 23, 2013 examination there were questions that were answered in the March 14 Answers in relation to items (d) (Undertaking question 12), (b) (Under Advisement questions 1-16) and (a) (Knox Questions 1-18). Accordingly, in January and March

2013, many, if not all, of the questions ordered to be answered on November 2, 2009 were asked and answered to the best of the Plaintiff's ability.

63. After receipt of the factum of the Faskens and Cassels defendants, in which it was asserted that questions had not been answered, the Plaintiff sent a letter dated April 22, 2013, asking that the Faskens and Cassels defendants identify what questions remained unanswered. In a letter dated April 26, 2013, Mr. Ranking refused to identify what further questions remained unanswered.

64. Notwithstanding the Plaintiff's offer to be further examined, between January 25 and April 30, 2013, the Faskens and Cassels defendants never moved to ask further questions on the issues identified in the November 2, 2009 and December 2, 2009 orders or regarding these documents or any other issues addressed by the November 2 and December 2 orders.

65. Notwithstanding evidence of good faith and *bona fide* efforts to find counsel, Ranking and Silver falsely asserted urgency and opposed the Plaintiff's requests for additional time to obtain counsel. In light of the subsequent discovery of a lawyer (Slansky) to conduct the appeal, in May 2013, additional time would have made a difference. As a direct result of actions by Faskens and Cassels defendants the Plaintiff was forced to proceed without the assistance of counsel. No pressing reasons or urgency were expressed to justify this decision.

66. At the outset of the hearing on April 30, 2013, the Plaintiff sought an adjournment to obtain counsel. This was opposed and refused. The Plaintiff was unrepresented at the hearing.

67. Near the outset of the hearing the Plaintiff presented information that he had discovered the day before in the form of an affidavit. In the affidavit, he indicated that he had been told by a Durham Regional Police officer, defendant Rushbrook, that the police and Court police had been

asked to conduct an investigation of the Plaintiff prior to January 15, 2010 in anticipation of the conviction of the Plaintiff on that day. That investigation had happened approximately one month prior to January 15, 2010. The Faskens and Cassels defendants falsely denied any knowledge of this investigation. The hearing proceeded without any opportunity to gather further information regarding this investigation which was, *prima facie* an abuse of process.

68. The Plaintiff asked to present evidence in relation to his safety and security to explain why it would have been very difficult for him to come to Toronto or Whitby in 2009 or 2010. The Faskens and Cassels defendants falsely denied the legitimacy of this evidence and misled the Court into refusing to allow this issue to be explored or to allow the Plaintiff to present this evidence. Evidence of security concerns arising in November 2009 were addressed in the Plaintiff's affidavits and in his submissions to the Court. The Court failed to address this because the Court was mistakenly led to believe that such matters had already been addressed by the Court. In fact, the only safety and security concerns dealt with by the Court were those of the Plaintiff's former counsel, McKenzie in the February 8, 2008 judgment of the Court. The Faskens and Cassels defendants misled Justice Shaughnessy into mistakenly believing that this issue had already been brought to his attention and had been dismissed it.

69. Faskens and Cassels defendants having misled the Court regarding the November 17, 2009 conversation, on April 30, 2013 and previously, caused the Court to decline to listen to the recording.

70. The Plaintiff asked that the Court deal with the fact that Messrs. Ranking and Silver were material witnesses and asked that the Court order that the Plaintiff be allowed to examine them. Messrs. Ranking and Silver refused to be examined, and this did not take place.

71. The Plaintiff asked that the audio recordings of the January 11 and 23, 2013 examinations be produced and played to the Court because it would demonstrate the abusive conduct of Messrs Ranking and Silver during the examination. Based on the denials of misconduct by Messrs. Ranking and Silver, this did not take place.

72. The Plaintiff alleged other misconduct by counsel and asked the Court to stay the contempt order as an abuse of process, citing the recent decision in *R. v. Salmon*, 2013 ONCA 203. Based on the misrepresentations of Messrs Ranking and Silver, this was not considered or was considered without regard to any of the evidence filed by the Plaintiff. Based on these misrepresentations, Justice Shaughnessy ruled that any allegations of misconduct by counsel was a matter for the Court of Appeal on a fresh evidence application.

73. During the hearing on April 30, 2013, the Plaintiff was offered the opportunity to continue the stay and answer questions as a part of a draft order that also required him to accept a costs order that was disputed by the Plaintiff. The Plaintiff repeated more than once that he was not prepared to agree to such a draft order but that he was willing to cooperate with the Court and answer questions. The Faskens and Cassels defendants did not seek to take the Plaintiff up on this offer by questioning him before Justice Shaughessy on April 30 or May 3, 2013.

74. On April 30, 2013, the Faskens and Cassels defendants agreed that, subject to further exploration in examinations that they refused to conduct, they were prepared to accept that a memory stick provided on January 25, 2013 containing approximately 100,000 documents fulfilled the November 2, 2009 and December 2, 2009 orders to produce documents. Yet, they still pursued contempt on this basis.

75. The Court accepted the Faskens and Cassels defendants false submission that no new evidence had been presented on the application. The Court agreed and said that there was no new evidence since January 15, 2010. This was false. Since January 15, 2010 there was the following new evidence:

a) There was evidence of the settlement of costs on the action, rendering the November 2 and December 2, 2009 orders moot;

b) new and conclusive proof that the Plaintiff stated on November 17, 2009 that he did NOT receive the November 2 order prior to November 17, 2009 and that he did not know of the order until the day before contrary to the Victory Verbatim 'Statement for the Record' created by Ranking and Silver and relied upon by the Court on December 2, 2009 and January 15, 2010;

c) that the Plaintiff was in the Western Pacific on November 16 when he received knowledge of the Nov. 17 examination and materials (but not the materials themselves);

d) there was evidence (recording and affidavit under oath) pursuant to 16.07 of the Rules of Civil Procedure that established that the documents did not come to his attention or only came to his attention at a later time;

e) There was proof of a legitimate offer to comply with the order by telephone on November 17, 2009 which had been falsely disputed in the Statement for the Record;

f) there was evidence that the documents ordered had been provided by memory stick on January 25, 2013 and that, subject to further answers to questions that may cast doubt upon the completeness of the documentation, the Faskens and

Cassels defendants accepted on April 30, 2013 that this constituted compliance with the November 2 and December 2, 2009 orders;

g) there was evidence that the lawyers, law firms and defendants had received full access to and copies of tens of thousands pages of privileged documents from the NBGL law firm's files in 2010, which constituted substantial or complete compliance with the November 2 and December 2, 2009 orders;

h) there was evidence of the answers of questions addressed in the November 2, 2009 and December 2, 2009 orders in the examination of the Plaintiff in January 2013 and the March 20103 written Answers. There were offers to be examined further;

i) there was sworn evidence regarding the safety and security concerns of the Plaintiff.

Based on the misrepresentations by the Faskens and Cassels defendants, Justice Shaughnessy ruled that any allegations of misconduct by counsel was a matter for the Court of Appeal on a fresh evidence application.

76. In dismissing the application to set aside the finding of contempt, on the issue of knowledge, based on the misrepresentations by the Faskens and Cassels defendants, Justice Shaughnessy ruled that any allegations of misconduct by counsel was a matter for the Court of Appeal on a fresh evidence application. Accordingly, the Court was left to rely on:

a) the misleading affidavit of Van Allen

b) the false purported compliance with orders for substituted service;

c) the November 16, 2009 letter (taken out of context by the Faskens and Cassels defendants, without mentioning denial of prior knowledge);

d) the November call (taken out of context the Faskens and Cassels defendants, without mentioning denial of knowledge prior to November 16, 2009);

e) the false Statement for the Record;

f) the false submissions of Messrs. Silver and Ranking that the Statement for the Record was true and the December 1, 2009 letters of the Plaintiff were false; and

g) the false assertion by Mr. Ranking that the Plaintiff was only disputing receipt of the signed order, but that there was no dispute about receipt of the draft order.

Accordingly, the dismissal of the motion to set aside the finding of contempt was a direct result of the recent actions of the Faskens and Cassels defendants and the earlier actions of all defendants.

77. Based on the misrepresentations by the defendants, the Court failed to conduct a trial of any disputed factual issues on *viva voce* evidence.

78. The Plaintiff, as a self-represented litigant did not raise and the Faskens and Cassels defendants did not raise the fact that the purpose of the orders upon which the contempt order was made was now moot. Faskens and Cassels defendants had an obligation to alert the Court to this fact. Accordingly, the Court did not deal with this issue.

79. The Faskens and Cassels defendants continued to assert non-compliance with the orders notwithstanding their knowledge that there had been compliance. As a result of them misleading the Court, aside from the offer to now examine on condition that the Plaintiff accept a contested costs order ($80,000), no opportunity to purge was offered to the Plaintiff.

80. The Court was misled into refusing to decide whether the PWCECF was a legal entity. The Faskens and Cassels defendants made the misleading submission to the Court that since

PWCECF was the entity that NBGL had sued, the Plaintiff could not complain that it did not exist. This ignored the fact that NBGL had originally sued another non-entity, PricewaterhouseCoopers (Barbados), based upon earlier affidavit evidence by Atkinson, but Mr. Ranking and Hatch had advised NBGL and the Court that this was the incorrect name and had asserted that the correct name was PWCECF. As a result of this misleading submission, none of the evidence proving the non-existence of PWCECF was considered.

81. Notwithstanding the later suggestion by Faskens and Cassels defendants, the contempt order on January 15, 2010 did not include the failure to pay costs as a part of the contempt. This was appropriate since to do otherwise would to be to turn our correctional system into a debtor's prison. The May 3, 2013 order did not purport to be a new contempt order. Rather, the May 3 order dismissed the Plaintiff's application to set aside the contempt order and removed the stay of the warrant of committal thereby allowing the January 15, 2010 order to take effect. However, the May 3, 2013 order was tied to the costs of the January 15, 2010 contempt order by requiring payment of costs as a condition precedent to purging contempt.

82. The May 3, 2013 warrant of committal specifies that there is to be "no remission" on the period of incarceration. The January 2010 order did not specify that remission did not apply to the order of imprisonment. There is no mention of remission in the May 3, 2013 order, endorsement or reasons. No mention of remission was made during the hearing on April 30 and May 3, 2013. There was no opportunity for the Plaintiff to address this issue, which he discovered only after arriving at jail on May 3, 2013. Since the May 3, 2013 decision did not result in a new contempt order, there was no jurisdiction to vary the January 15, 2010 order. This "no remission" term was inserted maliciously in the warrant by the Faskens and Cassels

defendants and adopted by the Judge who relied on Senior Counsel to be candid and forthright in their dealings with the Court, which they were not.

83. The manner of the investigation and prosecution of the Plaintiff in respect of and/or for purposes of obtaining substituted service orders, contempt proceedings and to harm the Plaintiff caused harm to the Plaintiff. The Plaintiff was significantly harmed physically, emotionally, mentally, economically and with respect to his reputation.

84. This harm was caused by the manner of the investigation and prosecution including harm from the abusive and otherwise tortious manner of his prosecution described in this Statement of Claim, including, *inter alia*, improper motivations, misrepresentations and lies to the Courts, improper use of police resources, improper violations respecting private information and improper sheltering from liability (re non-entity Respondent, PWCECF) and cover up in respect of these actions.

85. This harm results from, *inter alia*, the need for him to bring an application to set aside the contempt order, the appeal therefrom, the damage to his him in respect to his safety, physical and mental health and reputation, arrest, prosecution and incarceration in May 2013 and again in April 2014. This harm has been cumulative and continues to this day.

B. FURTHER PARTICULARS REGARDING EACH CAUSE OF ACTION

(1) CONTEMPT:

(a) Abuse of process (common law and s. 7 of the *Charter*):

86. There are several instances of abuse of process in respect of the contempt proceedings initiated against the Plaintiff:

(i) seeking costs against the Plaintiff re NBGL suit as ruse to get discovery and to pressure discontinuance re other jurisdictions;

(ii) seeking discovery against the Plaintiff as means to obtain advantage in litigation in other jurisdictions;

(iii) seeking contempt against the Plaintiff: ulterior motive re pressure to discontinue and punish for exposing professional misconduct;

(iv) contempt by defendants (implied undertaking rule/failure to correct);

(v) lies and misleading court re receipt of documents;

87. The defendants initiated and/or assisted in costs proceedings, discovery proceedings in respect of costs and contempt proceedings against the Plaintiff. This was done for an improper and collateral purpose, to wit, *inter alia*, to gain an advantage in or prevent the continuation of litigation in other jurisdictions by other persons and entities, not the Plaintiff or NBGL. This was a common law abuse of process. The defendants commenced the proceedings to this end by proceeding *ex parte*, unlawfully gathering facts regarding the Plaintiff, dissemination and

publishing of private facts, including by violating the implied undertaking rule, presenting misleading facts regarding the Plaintiff and outright lying to secure a finding of contempt in the face of real issues of timely notice.

88. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. In proceeding for improper purposes and the use of misleading, unlawfully obtained and knowingly false evidence the lawyers and law firms breached their Barrister's Oath and the actions of the defendants violated principles of fundamental justice (contrary to s. 7 of the Charter). These actions damaged the Plaintiff by finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(b) Negligent investigation

89. The investigation by the defendants directly and through agents, including the Van Allen defendants, the police and the TPA caused false and misleading facts to be presented in the motions for substituted service, examination motions and contempt application, which led to the prosecution and incarceration of the Plaintiff which caused him significant harm.

90. The investigation by the defendants directly and through agents, including the Van Allen defendants, the police and the TPA allowed the improper access to information by a serving

police officer and the other defendants that otherwise could not have been lawfully obtained and otherwise led to the discovery and dissemination and publishing of such information which caused the Plaintiff significant harm.

91. The lawyers and the law firms, acting on behalf of their clients, had recognized legal and ethical duties to the public and the Court to ensure that their actions and the actions of their agents did not cause foreseeable harm to the Plaintiff. The harm described above was reasonably foreseeable. The harm was directly a result of the breach of their duties in choosing their agents and in the instructions given or that should have been given. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

92. The actions of the lawyers, law firms and clients described in this Statement of Claim violation constitute a breach of the standard of care in respect of the ethical duties of lawyers, as set out in Rules of Professional Conduct.

93. The actions of the lawyers, law firms and clients described in this Statement of Claim violation was a breach of the standard of care in respect of the legal duties in respect of retaining and instruction private investigators and the use of the fruits of such investigations.

94. In respect of retaining a private investigator, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies, all of which preclude a serving police officer acting as or being hired as a private investigator.

95. In respect of instruction private investigators and the use to be made of the fruits of the investigation, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

96. The Van Allen defendants, the police and the TPA and the other defendants had a duty to investigate lawfully. It was reasonably foreseeable that the use of Van Allen's status as a police officer would enable him to access information that would otherwise be unavailable to him. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

97. The Van Allen defendants, the police and the TPA and the other defendants had a duty to investigate lawfully. It was reasonably foreseeable that the filing, dissemination or publication of private information of the Plaintiff would cause significant harm to the Plaintiff. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

98. The actions of the Van Allen defendants, the police and the TPA and the other defendants described in this Statement of Claim constitute a breach of the standard of care in respect of who can act as a private investigators and the use of the fruits of such investigations.

99. The Van Allen defendants, the police, the TPA and the other defendants were complicit in Van Allen illegally acting as a private investigator. The private investigation by Van Allen, as a serving police officer, was unlawful contrary to the legislative scheme (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting or being hired as a private investigator. This largely informs the standard of care.

100. The Van Allen defendants, the police and the TPA knew or were negligent in failing to ensure that the fruits of the investigation of the Plaintiff not be publicly disclosed. To allow such disclosure would violate the standard of care, which is largely informed by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

(c) False imprisonment

101. The Plaintiff was imprisoned for 63 days as a result of the finding of contempt, the dismissal of the motion to set aside the contempt and the administrative dismissal of the appeal

as a result of the inability to pay costs. He was jailed in solitary confinement because he is a former police officer.

102. The Plaintiff was falsely arrested and detained by the police for a half day while on bail pending appeal.

103. The Plaintiff did not agree to be arrested, detained or incarcerated.

104. The defendants caused the Plaintiff to be arrested, detained or incarcerated by commencing contempt proceedings against him and/or by pursuing contempt proceedings in an abusive or misleading manner and by assisting in the investigation leading to the contempt order and warrant of committal and also by mistakenly arresting him due to their failures to use proper administrative procedures respecting arrest warrants and bail records.

105. There were not reasonable and probable grounds to believe that the Plaintiff was in contempt or that he had violated his bail.

106. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. In proceeding for improper purposes and the use of misleading, unlawfully obtained and knowingly false evidence the lawyers and law firms breached their Barrister's Oath and the actions of the defendants violated principles of fundamental justice (contrary to s. 7 of the Charter). Since there were no reasonable and probable grounds to believe that the Plaintiff was in contempt or

that he had violated his bail, his arrest, detention and incarceration were arbitrary (contrary to s. 9 of the Charter). These actions damaged the Plaintiff by finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(d) Intentional and/or Negligent Infliction of Harm and/or Mental Suffering

107. For the reasons otherwise described in this Statement of Claim, the actions of the defendants in respect of the conduct of contempt proceedings were flagrant and outrageous. They were calculated to harm the Plaintiff (intentional or willfully blind) or reckless regarding harm. These actions caused actual, visible and provable injury (physical and mental harm and suffering).

108. In the alternative in respect of any defendant who did not intend harm as set out in the previous paragraph, such defendants were negligent in causing compensable actual, visible and provable injury (physical and mental harm and suffering).

109. The actions and/or inactions of the defendants, directly and through agents, including but not limited to the Van Allen defendants, the police and the TPA caused false and misleading facts to be presented in the motions for substituted service, examination motions and contempt application, which led to the prosecution and incarceration of the Plaintiff which caused him significant harm.

110. The actions and/or inactions of the defendants, directly and through agents, including but not limited to the Van Allen defendants, the police and the TPA allowed the improper access to information as a serving police officer that he otherwise could not have lawfully obtained and

otherwise led to the discovery and dissemination and publishing of such information which caused him significant harm.

111. The lawyers and the law firms, acting on behalf of their clients, had recognized legal and ethical duties to the public and the Court to ensure that their actions and the actions of their agents did not cause foreseeable harm to the Plaintiff. The harm described above was reasonably foreseeable. The harm was directly a result of the breach of their duties in choosing its agents and in the instructions given or that should have been given. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

112. The actions of the lawyers, law firms and clients described in this Statement of Claim constitute a breach of the standard of care in respect of the ethical duties of lawyers, as set out in Rules of Professional Conduct.

113. The actions of the lawyers, law firms and clients described in this Statement of Claim violation was a breach of the standard of care in respect of the legal duties in respect of retaining and instruction private investigators and the use of the fruits of such investigations.

114. In respect of retaining a private investigator, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies, all of which preclude a serving police officer acting as or being hired as a private investigator.

115. In respect of instruction private investigators and the use to be made of the fruits of the investigation, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

116. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the use of Van Allen's status as a police officer would enable him to access information that would otherwise be unavailable to him. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

117. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the filing, dissemination or publication of private information of the Plaintiff would cause significant harm to the Plaintiff. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

118. The actions of the Van Allen defendants, the police and the TPA and the other defendants described in this Statement of Claim constitute a breach of the standard of care in respect of who can act as a private investigators and the use of the fruits of such investigations.

119. The Van Allen defendants, the police, the TPA and the other defendants were complicit in Van Allen illegally acting as a private investigator. The private investigation by Van Allen, as a serving police officer, was unlawful contrary to the legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting as or being hired as a private investigator. This largely informs the standard of care.

120. The Van Allen defendants, the police and the TPA and the other defendants knew or were negligent in failing to ensure that the fruits of the investigation of the Plaintiff not be publicly disclosed. To allow such disclosure would violate the standard of care, which is largely informed by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

(e) Misfeasance of public office/Abuse of Authority

121. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were

acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions.

122. For the reasons otherwise described in this Statement of Claim, the actions of the defendants in respect of the contempt proceedings were performed in bad faith and were deliberately unlawful or outside the scope of their authority in the exercise of the public functions of (a) a prosecutor or Officer of the Court; (b) a peace officer; (c) a labour official of the TPA; and (d) a probation and parole officer. They were aware that their conduct was unlawful and that it would likely injure the Plaintiff. These actions caused actual, visible and provable injury (physical and mental harm and suffering).

(f) Malicious Prosecution

123. The defendant lawyers, law firms and clients initiated criminal or quasi criminal proceedings against the Plaintiff, to wit, an application to have him found in civil contempt.

124. The Proceedings are not complete. The Plaintiff is awaiting a response from the Supreme Court of Canada on an application for leave to appeal the dismissal of his appeal, found to be arguable, due to the inability to pay costs orders in the Court of Appeal. If leave is granted and the appeal succeeds, the civil contempt finding should be set aside.

125. In the alternative, it will be argued that where a conviction was obtained by fraud or fresh evidence exists, and where an appeal was unavailable due to lack of financial resources, the lack of a favourable result should not be a bar to sue for malicious prosecution.

126. There were not reasonable and probable grounds to believe that the Plaintiff was in contempt or that he had violated his bail.

127. For the reasons otherwise described in this Statement of Claim, the prosecution of the Plaintiff by the lawyers, law firms and clients, assisted by the other defendants, was performed maliciously and/or exercised for an improper purpose. The defendants did not have an honest belief that the Plaintiff was guilty. This was done for an improper and collateral purpose, to wit, *inter alia*, to gain an advantage in or prevent the continuation of litigation in other jurisdictions.

(g) Conspiracy to injure

128. As detailed otherwise described in this Statement of Claim, two or more of the defendants made an agreement the predominant purpose of which was to injure the Plaintiff through lawful and/or unlawful means. As detailed otherwise described in this Statement of Claim, the defendants acted in furtherance of this agreement. These actions caused actual, visible and provable harm to the Plaintiff: injury (physical and mental harm and suffering), incarceration, damage to reputation, loss of future income and loss of time and money required to litigate these issues and the costs orders made against him.

(2) PRIVACY

(a) Invasion of privacy /intrusion on secrecy

129. The defendants invaded the Plaintiff's privacy and intruded on his secrecy by accessing, disseminating and publishing his private and confidential information. They did so by:

(i) discovering private information and then distributing it, including by publishing it and/or by other means, without its filing in Court contrary to the implied undertaking rule;

(ii) filing such material in an affidavit sworn by Zagar after the settlement of the case for the improper purpose of damaging the plaintiff and for no legitimate purpose;

(iii) accessing private information in the possession of Government for limited regulatory purposes and including the information to prepare affidavits and filing the information;

(iv) disseminating the information referred to in (i)-(iii) and other private information on the internet and by other means.

130. These acts were done directly and/or indirectly by the defendants. They were done intentionally, maliciously and/or recklessly. The accessing, filing and dissemination/publishing of this private information intruded upon the informational seclusion of the plaintiff and/or his private affairs and/or concerns.

131. These invasions would be highly offensive to a reasonable person because, *inter alia*, the accessing and publishing served no useful and/or proper purpose; it was known by the defendants that as a former undercover police officer and undercover private investigator, the

Plaintiff had many enemies who would want to kill or harm him or otherwise seek revenge, some of whom were involved in organized crime; the dissemination and publishing took place in such a way as to encourage harm to the Plaintiff; to the extent any of the information was relevant, the details, including addresses, driver's license information, etc. need not have been included or could easily have been edited or redacted. There was and is a great risk of identity theft from the release of the information. The release of the information in fact resulted in criminal activity being directed at the Plaintiff, directly and through his family, to wit, criminal harassment, assault; death threats; identity theft and other criminal activities. This was the intent. It caused the Plaintiff to flee Canada. Similar criminal acts were inflicted by some of the defendants during the litigation of the NBGL case leading up to these events. The timing was such as cause the Plaintiff to flee around the time of the attempts to attack the Plaintiff in Court (through direct costs applications; discovery; and contempt). The timing was intentional to facilitate this attack on the Plaintiff using the legal system for ulterior motives. Further, the Plaintiff raised concerns about this issue several times and was mocked and dismissed and was told by Mr. Silver on November 17, 2009 (recorded) that he would not help the Plaintiff if he could. The defendants had and have a duty to correct the situation and have failed to do so to this day. In fact, the defendants continue to distribute and publish the Plaintiff's private information, including his Identity Information as defined in the Criminal Code.

132. The following legislation reinforces the fact that this would be seen to be highly offensive to a reasonable person: *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of

Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

(b) ss. 7 and/or 8 of the Charter (re Gov. actors/agents)

133. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. In accessing, disseminating and publishing the Plaintiff's private and confidential information as described in the previous section (**III. B. 2. (a)**), the defendants invaded the Plaintiff's reasonable expectation of privacy in his personal electronic (or other) information (see *R. v. Spencer*, [2014] S.C.J. No. 43). In particular, the SCC has just made it clear that personal information given to the police for one purpose cannot be used in for a different purpose or in a different case (*R. v. Quesnelle*, [2014] S.C.J. No. 46).

134. The use of such information for a purpose different than it was originally obtained constitutes a new seizure or a conversion of a lawful seizure into an unreasonable one seizure and publishing of this information (see *Colarusso* (SCC); *Dyment* (SCC) and *Quesnelle* (SCC)). Accordingly, the misuse and dissemination constituted a search and seizure.

135. The search and seizure was not lawful according to the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and*

Protection of Privacy Act, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

136. As detailed in this Statement of Claim, the seizure by conversion for another purpose and its dissemination significantly damaged the Plaintiff, physically, emotionally, mentally, economically and with respect to the plaintiff's reputation. It also contributed to the Plaintiff being found in contempt. There are no public policy reasons to deny remedies including damages.

(c) Misfeasance of Public Office/Abuse of Authority/

137. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions.

138. For the reasons otherwise described in this Statement of Claim, the actions of the defendants invading the privacy of the Plaintiff were performed in bad faith and were deliberately unlawful or outside the scope of their authority in the exercise of the public functions of (a) a prosecutor or Officer of the Court; (b) a peace officer; (c) a labour official of the TPA; and (d) a probation and parole officer. They were aware that their conduct was unlawful and that it would likely injure the Plaintiff. These actions caused actual, visible and provable injury (physical and mental harm and suffering).

(d) Abuse of process (common law and s. 7 of the Charter)

139. The defendants initiated and/or assisted in costs proceedings, discovery proceedings in respect of costs and contempt proceedings against the Plaintiff. This was done for an improper and collateral purpose, to wit, *inter alia*, to gain an advantage in or prevent the continuation of litigation in other jurisdictions. This was a common law abuse of process. The defendants abused process by unlawfully gathering facts regarding the Plaintiff and by dissemination and publishing of private facts, including by violating the implied undertaking rule.

140. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. By unlawfully accessing and disseminating private information, the defendants violated principles of fundamental justice (contrary to s. 7 of the Charter). These actions damaged the Plaintiff by finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(e) Intentional or Reckless Endangerment (Infliction of Harm/Mental suffering)/Negligent Endangerment

141. For the reasons otherwise described in this Statement of Claim, the actions of the defendants in accessing, filing and disseminating the private information were flagrant and outrageous. They were calculated to harm the Plaintiff (intentional or willfully blind) or reckless regarding harm. These actions caused actual, visible and provable injury (physical and mental harm and suffering). In addition to intending and causing harm (physical and mental suffering), defendants intended or were reckless in seeking to endanger the Plaintiff's life by releasing his private information.

142. In the alternative in respect of any defendant who did not intend to harm or endanger as set out in the previous paragraph, such defendants were negligent in causing compensable actual, visible and provable injury (physical and mental harm and suffering).

143. The actions and/or inactions of the defendants, directly and through agents, including the Van Allen defendants, the police and the TPA allowed improper access to information that otherwise could not have lawfully obtained and led to the discovery and dissemination and publishing of confidential information which caused the Plaintiff significant harm.

144. The lawyers and the law firms, acting on behalf of their clients, had recognized legal and ethical duties to the public and the Court to ensure that their actions and the actions of their agents did not cause foreseeable harm to the Plaintiff. The harm described above was reasonably foreseeable. The harm was directly a result of the breach of their duties in choosing its agents and in the instructions given or that should have been given. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of

that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

145. The actions of the lawyers, law firms and clients described in this Statement of Claim violation was a breach of the standard of care in respect of the legal duties in respect of retaining and instruction private investigators and the use of the fruits of such investigations.

146. In respect of retaining a private investigator, the standard of care is informed largely by the the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies, which preclude a serving police officer acting as or being hired as a private investigator.

147. In respect of instruction private investigators and the use to be made of the fruits of the investigation, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

148. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the use of Van Allen's status as a police officer would enable him to access information that would otherwise be unavailable to him and other defendants. The legislative scheme created a private duty of care. The legislative scheme contemplated that the

harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

149. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the filing, dissemination or publication of private information of the Plaintiff would cause significant harm to the Plaintiff. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

150. The actions of the Van Allen defendants, the police and the TPA described in this Statement of Claim constitute a breach of the standard of care in respect of who can act as a private investigators and the use of the fruits of such investigations.

151. The Van Allen defendants, the police, the TPA and the other defendants were complicit in Van Allen illegally acting as a private investigator. The private investigation by Van Allen, as a serving police officer, was unlawful contrary to the legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting as or being hired as a private investigator. This largely informs the standard of care.

152. The Van Allen defendants, the police and the TPA knew or were negligent in failing to ensure that the fruits of the investigation of the Plaintiff would not be publicly disclosed. To allow such disclosure would violate the standard of care, which is largely informed by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-

15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

(f) Negligent Investigation re Privacy

153. The investigation by the defendants directly and through agents, including the Van Allen defendants, the police and the TPA allowed the improper access to information by a serving police officer that otherwise could not have lawfully obtained and otherwise led to the discovery and dissemination and publishing of such information which caused the Plaintiff significant harm.

154. The lawyers and the law firms, acting on behalf of their clients, had recognized legal and ethical duties to the public and the Court to ensure that their actions and the actions of their agents did not cause foreseeable harm to the Plaintiff. The harm described above was reasonably foreseeable. The harm was directly a result of the breach of their duties in choosing its agents and in the instructions given or that should have been given. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

155. The actions of the lawyers, law firms and clients and other defendants described in this Statement of Claim violation was a breach of the standard of care in respect of the legal duties in respect of retaining and instruction private investigators and the use of the fruits of such investigations.

156. In respect of retaining a private investigator, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies which preclude a serving police officer acting as or being hired as a private investigator.

157. In respect of instruction private investigators and the use to be made of the fruits of the investigation, the standard of care is informed largely by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

158. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the use of Van Allen's status as a police officer would enable him to access information that would otherwise be unavailable to him or the other defendants. The legislative scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

159. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the filing, dissemination or publication of private information of the Plaintiff would cause significant harm to the Plaintiff. The legislative scheme created a

private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

160. The actions of the Van Allen defendants, the police and the TPA and other defendants as described in this Statement of Claim constitute a breach of the standard of care in respect of who can act as a private investigators and the use of the fruits of such investigations.

161. The Van Allen defendants, the police, the TPA and the other defendants were complicit in Van Allen illegally acting as a private investigator. The private investigation by Van Allen, as a serving police officer, was unlawful contrary to the legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which as a serving police officer acting or being hired as a private investigator. This largely informs the standard of care.

162. The Van Allen defendants, the police and the TPA and the other defendants knew or were negligent in failing to ensure that the fruits of the investigation of the Plaintiff not be publicly disclosed. To allow such disclosure would violate the standard of care, which is largely informed by the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56.

(g) Negligence re Regulation and/or Negligent performance of Statutory duty and/or s. 7 of the Charter

163. The actions and/or inactions of the defendants, directly and through agents, including the Van Allen defendants, the police and the TPA allowed the improper access to information as a serving police officer that he otherwise could not have lawfully obtained and otherwise led to the discovery and dissemination and publishing of such information which caused him significant harm.

164. The lawyers and the law firms, acting on behalf of their clients, had recognized legal and ethical duties to the public and the Court to ensure that their actions and the actions of their agents did not cause foreseeable harm to the Plaintiff. The harm described above was reasonably foreseeable. The harm was directly a result of the breach of their duties in choosing its agents and in the instructions given or that should have been given.

165. The legislative scheme in respect of whether a serving police officer can act as a private investigator is set out in the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies which preclude a serving police officer acting as or being hired as a private investigator. This scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

166. The legislative scheme in respect of privacy is set out in the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *The Personal Information Protection and Electronic Documents Act*, S.C., C-5 ("PIPEDA"); *The Police Services Act*, R.S.O. 1990, c. P-15.; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31; *The Highway Traffic Act*, R.S.O. 1990, cH-8, as amended; Ministry of Transportation policies and Standard Contracts; *The Personal Health Information Protection Act*, S.O. 2004, C-3, Schedule A; *The Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. M-56. This scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons whose private information was improperly accessed and disseminated. This is especially so when the facts of the case involve such accessing and dissemination in the context of the Plaintiff being targeted in investigations (see *Hill* (SCC) and *Taylor* (OCA)).

167. The actions of the lawyers, law firms and clients and other defendants described in this Statement of Claim violation was a breach of the standard of care in respect of the legal duties in respect of retaining and instruction private investigators and the use of the fruits of such investigations.

168. In respect of retaining a private investigator, the standard of care is informed largely by the legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting as or being hired as a private investigator.

169. In respect of invasion of privacy, the standard of care is informed largely by the legislative scheme referred to above (*Criminal Code*; PIPEDA; etc.) which seeks to preclude access to and dissemination of private information.

170. The Van Allen defendants, the police and the TPA and other defendants had a duty to investigate lawfully. It was reasonably foreseeable that the use of Van Allen's status as a police officer would enable him to access information that would otherwise be unavailable to him and other defendants. The legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting as or being hired as a private investigator created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

171. The Van Allen defendants, the police and the TPA and other defendants had a duty to investigate lawfully. It was reasonably foreseeable that the filing, dissemination or publication of private information of the Plaintiff would cause significant harm to the Plaintiff. The legislative scheme referred to above (*Criminal Code*; PIPEDA; etc.) which seeks to preclude access to and dissemination of private information created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

172. The actions of the Van Allen defendants, the police and the TPA and other defendants described in this Statement of Claim constitute a breach of the standard of care in respect of who can act as a private investigators and the violation of privacy rights.

173. The Van Allen defendants, the police, the TPA and the other defendants were complicit in Van Allen illegally acting as a private investigator. The private investigation by Van Allen, as a serving police officer, was unlawful contrary to the legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting or being hired as a private investigator.

174. The Van Allen defendants, the police and the TPA and the other defendants knew or were negligent in failing to protect the Plaintiff's statutory privacy rights ensure that the fruits of the investigation of the Plaintiff not be publicly disclosed. To allow such disclosure would violate the standard of care, which is largely informed by the legislative scheme referred to above (*Criminal Code*; PIPEDA; etc.) which seeks to preclude access to and dissemination of private information.

175. The OPP was also negligent in failing to create a regulatory and/or record keeping and/or compliance scheme to ensure that secondary employment by OPP police officers, like Van Allen, was being conducted in accordance with the law.

176. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the

prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. By unlawfully accessing and disseminating private information, the defendants violated principles of fundamental justice (contrary to s. 7 of the Charter). These actions damaged the Plaintiff by finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(h) Breach of fiduciary duty/Negligence in Respect of Fiduciary duty

177. The TPA had a fiduciary duty towards the Plaintiff as a member or former member of that Association. Like any labour organization, the TPA has a fiduciary duty to protect the private information of its members. By voluntarily releasing that information to Van Allen, the TPA breached that fiduciary duty. This was done dishonestly or fraudulently. The TPA and its administrators knew that they could not release such information except through court order or warrant or with the permission of the Plaintiff; none of which they possessed.

178. The lawyers, law firms and clients who saw and used information from TPA in Van Allen's affidavit, although not parties to the fiduciary relationship, were aware of the fiduciary duty, the dishonest or fraudulent breach of that duty and by retaining and instructing Van Allen and using and filing that information, assisted in the breach.

179. The Van Allen defendants also knew of the fiduciary duty and knew of and were parties to the dishonest or fraudulent breach of that duty.

180. The police knew or willfully blind to the existence of the fiduciary duty, the dishonest or fraudulent breach of that duty and, by assisting Van Allen, assisted in the breach.

(i) Conspiracy to Injure/Conspiracy to do Unlawful Act/ Causing Loss by unlawful means

181. As detailed otherwise in this Statement of Claim, two or more of the defendants made an agreement the predominant purpose of which was to injure the Plaintiff through lawful and/or unlawful means. As detailed otherwise described in this Statement of Claim, the defendants acted in furtherance of this agreement. These actions caused actual, visible and provable harm to the Plaintiff: injury (physical and mental harm and suffering) and endangerment though the release of private information.

182. As detailed otherwise in this Statement of Claim, two or more of the defendants made an agreement to act unlawfully knowing that their acts were aimed at the Plaintiff and knowing or constructively knowing that their acts would injure the Plaintiff. The unlawful means was the violation of the Plaintiff's common law, Charter and Statutory privacy rights, as described above. As detailed otherwise described in this Statement of Claim, the defendants acted in furtherance of this agreement. These actions caused actual, visible and provable harm to the Plaintiff: injury (physical and mental harm and suffering) and endangerment though the release of private information.

183. One or more of the defendants also caused loss to the Plaintiff by unlawful means through a third party, to wit, the violation of the Plaintiff's common law, Charter and Statutory privacy rights, as described above. The lawyers, law firms and clients caused loss to the Plaintiff through the unlawful acts of Van Allen and the police. The Van Allen defendants, other than Van Allen himself, and the police caused loss to the Plaintiff through the unlawful acts of Van

Allen. All of the Van Allen defendants caused loss to the Plaintiff through the unlawful acts of the police. The TPA caused loss to the Plaintiff through the unlawful acts of Van Allen and visa versa.

(3) PRIVATE INVESTIGATION

(a) Misfeasance and/or Nonfeasance of Public Office/Abuse of Authority

184. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions.

185. For the reasons otherwise described in this Statement of Claim, the actions of the defendants in retaining, instructing and assisting Van Allen in acting as a private investigator when he was a serving police officer were performed in bad faith and were deliberately unlawful or outside the scope of their authority in the exercise of the public functions of (a) a prosecutor or Officer of the Court; (b) a peace officer; (c) a labour official of the TPA; and (d) a probation and parole officer. They were aware that their conduct was unlawful and that it would likely injure the Plaintiff. These actions caused actual, visible and provable injury (physical and mental harm and suffering).

(b) Abuse of Process (mislead Court) common law and/or ss. 7 and 8 of the Charter

186. The defendants initiated and/or assisted in costs proceedings, discovery proceedings in respect of costs and contempt proceedings against the Plaintiff. This was done for an improper and collateral purpose, to wit, *inter alia*, to gain an advantage in or prevent the initiation or continuation of litigation in other jurisdictions. This was a common law abuse of process. The defendants abused process by unlawfully gathering facts regarding the Plaintiff and by dissemination and publishing of private facts and misleading the Court regarding the background of Van Allen. Van Allen was presented as an experienced and neutral private investigator. Had the Court known that he was acting unlawfully as a private investigator while also serving as a police officer and thereby obtaining information he should not have been able to access this would likely have affected the Court's acceptance of this evidence.

187. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. By unlawfully accessing and private information and presenting that information before the Court, the defendants violated principles of fundamental justice (contrary to s. 7 of the Charter). By unlawfully acting as a private investigator, when Van Allen was a serving police officer, the gathering of information was an unlawful (see *Colarusso* (SCC)) seizure and therefore unreasonable contrary to section 8 of the *Charter*. These actions damaged the Plaintiff by

finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(c) Negligent Regulation/Negligent Performance of Statutory duty and/or ss. 7 and/or 8 of the Charter

188. The actions and/or inactions of the defendants, directly and through agents, including the Van Allen defendants, the police and the TPA allowed the improper access to information as a serving police officer that he otherwise could not have lawfully obtained.

189. The lawyers and the law firms, acting on behalf of their clients, had recognized legal and ethical duties to the public and the Court to ensure that their actions and the actions of their agents did not cause foreseeable harm to the Plaintiff. The harm described above was reasonably foreseeable. The harm was directly a result of the breach of their duties in choosing their agents.

190. The legislative scheme in respect of whether a serving police officer can act as a private investigator is set out in the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies which preclude a serving police officer acting as or being hired as a private investigator. This scheme created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

191. The actions of the lawyers, law firms and clients described in this Statement of Claim violation was a breach of the standard of care in respect of the legal duties in respect of retaining private investigators.

192. In respect of retaining a private investigator, the standard of care is informed largely by the legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting as or being hired as a private investigator.

193. The Van Allen defendants, the police and the TPA had a duty to investigate lawfully. It was reasonably foreseeable that the use of Van Allen's status as a police officer would enable him to access information that would otherwise be unavailable to him. The legislative scheme referred to above (the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting as or being hired as a private investigator created a private duty of care. The legislative scheme contemplated that the harm from the violation of that scheme would be the proximate cause of damage to persons who were targets of such investigations (see *Hill* (SCC) and *Taylor* (OCA)).

194. The actions of the Van Allen defendants, the police and the TPA described in this Statement of Claim constitute a breach of the standard of care in respect of who can act as a private investigators.

195. The Van Allen defendants, the police, the TPA and the other defendants were complicit in Van Allen illegally acting as a private investigator. The private investigation by Van Allen, as a serving police officer, was unlawful contrary to the legislative scheme referred to above (the

Criminal Code, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, etc.) which preclude a serving police officer acting or being hired as a private investigator.

196. The OPP was also negligent in failing to create a regulatory and/or record keeping and/or compliance scheme to ensure that secondary employment by OPP police officers, like Van Allen, was being conducted in accordance with the law.

197. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. By unlawfully using a serving police officer as a private investigator, the independence of the police services is fundamental compromised and increased access to private information is made available contrary to the public function of the police. These violations of the police process violated principles of fundamental justice (contrary to s. 7 of the Charter). The unlawful gathering of private information by a public official is unlawful and a violation of s. 8 of the Charter. These actions damaged the Plaintiff by finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(d) Negligent Investigation and/or s. 7 of the Charter

198. The Plaintiff suspected that something was not right in respect of the gathering of information through Van Allen and the police in this case. The plaintiff made inquiries of the police. In April 2013, he learned that there had been secret police investigation by at least the DRPS in contemplation of him being convicted at his hearing on January 15, 2010. He also initially learned in late 2013 (and later confirmed in 2014) that Van Allen was a serving police officer when he swore his affidavit as a private investigator in October, 2009.

199. When the secret investigation came to light, Detective Rushbrook revealed that she could not or would not reveal who conducted it and at whose behest, except that an unnamed Durham Police Court Officer was one of the persons involved. It was brought to the attention of the SCJ and the Faskens and Cassels defendants in Court and on the record on April 30, 2013. Messrs. Ranking and Silver denied knowledge of it.

200. As prosecutors, this was a serious allegation, based on reliable information from the DRPS itself that warranted investigation. The failure of the Faskens and Cassels defendants to request time to investigate this situation was negligent. As prosecutors and Officers of the Court in a criminal or quasi-criminal case of a self-represented person, it was foreseeable that this secret investigation could impact on the issues being litigated on April 30, 2013. They owed a duty to stop and cause an inquiry or investigation to be conducted. The failure to do so breached the standard of care expected of prosecutors.

201. The secret investigation itself, that was premised on the Plaintiff being convicted, before he had been found guilty, was itself a negligent investigation. If the court itself was involved

(not Justice Shaughnessy who denied knowledge of it, but court administration), this suggested a possible institutional bias. If initiated by the lawyers, law firms and/or clients, this suggested that the police were involved in the civil contempt proceeding, which would be extraordinary and suggested bias or corruption by the police. If initiated by Van Allen defendants, this suggested further abuse of power by a serving police officer as a private investigator on behalf of private interests. One way or the other, this secret investigation was illegal and corrupt. The fact that a police and Court police investigation is premised on a person being found guilty before he is found guilty is offensive. The fact that it is being done in secret suggests that there is something to hide. Such an investigation is inherently negligent. As is clear from *Hill* (SCC) and *Taylor* (OCA), the duty of care in relation to criminal investigations inherently create a duty of care because of the targeting of the suspect. The DRPS owed a duty to the Plaintiff having targeted him. The conduct of a secret investigation with a presumption of conviction creates an unreasonable risk of substantial harm and does not meet the standard of care. This is similar to *R. v. Beaudry*, [2007] S.C.J. No. 5.

202. In late 2012 the Plaintiff still believed that Van Allen was at the time of his October, 2009 affidavit, a civilian, a retired OPP police officer operating as private investigator, who had improperly accessed confidential police information about the Plaintiff through Van Allen's friends still serving with the police. The Plaintiff therefore requested that the professional standards units of the OPP and the DRPS investigate the 'secret police investigation' to determine *inter alia* which serving police personnel had in 2009 supplied 'retired' Van Allen with confidential police information.

203. During their investigations in January through April, 2013, the OPP and Kearns and Vibert and the DRPS and Dmytruk and Rushbrook discovered that at the time Van Allen swore

his October 2009 affidavit and investigated the Plaintiff, Van Allen was in fact a serving police officer, a Detective Sergeant with the OPP, and remained so until he retired in about October of 2010. The OPP and Kearns and Vibert and the DRPS and Dmytruk and Rushbrook also knew that as a serving police officer acting as a private investigator, Van Allen had broken various laws including the *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act; Private Security and Investigative Services Act*, and other laws and regulations.

204. The OPP, Kearns, Vibert, the DRPS, Dmytruk and Rushbrook had copies of Van Allen's October 2009 affidavit, his invoices to Ranking and Faskens, and other court documents and information regarding the Plaintiff's January 15, 2010 conviction *in abstentia* for Contempt of Court. They knew that the Plaintiff was facing 3 months in jail, and was in hearings before Justice Shaughnessy in January through May, 2013. They knew that Van Allen's affidavit was illegal and deceptive, and that the court had used the Van Allen evidence to convict the Plaintiff. They knew that neither the court nor the Plaintiff was aware that Van Allen had been a serving police officer at the time he investigated the Plaintiff and swore the affidavit. They knew that the court had been deceived.

205. The OPP, Kearns, Vibert, the DRPS, Dmytruk and Rushbrook knew that as a serving police officer Van Allen had illegally performed an investigation of the Plaintiff, for the corrupt purpose of benefiting one side's private interests in a civil case costs hearing. They knew that Van Allen had done this for money and employment.

206. They knew or should have known that the truth about Van Allen was vital evidence to the Court in considering a just outcome in the Plaintiff's contempt of court hearing. They knew, or should have known that had the Court been aware of the truth about Van Allen, his deceptive

affidavit and improper secret police investigation of the Plaintiff, that the Court might not have convicted the Plaintiff in 2010, and might set him free in 2013. The police deliberately withheld this important evidence from both the Plaintiff and the Court.

207. The Plaintiff was lied to by the OPP and specifically, Kearns and Vibert and the DRPS, specifically Dmytruk and Rushbrook. The police falsely told the Plaintiff that Van Allen had retired in 2008, instead of the truth that he retired in October 2010. Instead of investigating Van Allen, who committed criminal and quasi-criminal offences while a serving Detective Sergeant with the Ontario Provincial Police, the police covered it up. This was a negligent investigation. This is similar to *R. v. Beaudry*, [2007] S.C.J. No. 5.

208. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding.

209. By failing to investigate the secret investigation, the police acted negligently. This is similar to *R. v. Beaudry*, [2007] S.C.J. No. 5. These actions damaged the Plaintiff by contributing to finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

210. By failing to investigate the Van Allen issue when it was brought to their attention by the Plaintiff, the police acted negligently. This is similar to *R. v. Beaudry*, [2007] S.C.J. No. 5. These actions damaged the Plaintiff by contributing to finding him in contempt, ruining his

professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(e) Invasion of privacy (intrusion on secrecy)

211. The defendants invaded the Plaintiff's privacy and intruded on his secrecy by accessing, disseminating, filing and publishing his private and confidential information. They did so by unlawfully utilizing a serving police officer, who had greater access to information, as a private investigator.

212. These acts were done directly and/or indirectly by the defendants. They were done intentionally and/or recklessly. The use of a serving police officer to access otherwise inaccessible private information intruded upon the informational seclusion of the plaintiff and/or his private affairs and/or concerns.

213. These invasions would be highly offensive to a reasonable person because, *inter alia*, the accessing and publishing served no useful purpose; it was known by the defendants that as a former undercover police officer and undercover private investigator, the Plaintiff had many enemies who would want to kill or harm him or otherwise seek revenge, some of whom were involved in organized crime; the dissemination and publishing took place in such a way as to encourage harm to the Plaintiff; to the extent any of the information was relevant, the details, including addresses, driver's license information, etc. need not have been included or could easily have been edited or redacted. There was and is a great risk of identity theft from the release of the information, and that risk continues to this day. The release of the information in fact resulted in criminal activity being directed at the Plaintiff, directly and through his family, to

wit, criminal harassment, assault; death threats and other criminal activities. This was the intent. It caused the Plaintiff to flee Canada. Similar criminal acts were inflicted by some of the defendants during the litigation of the NBGL case leading up to these events. The timing was such as cause the Plaintiff to flee around the time of the attempts to attack the Plaintiff in Court (through direct costs applications; discovery; and contempt). The timing was intentional to facilitate this attack on the Plaintiff using the legal system for ulterior motives. Further, the Plaintiff raised concerns about this issue several times and was mocked and dismissed and was told by Mr. Silver on November 17, 2009 (recorded) that he would not help the Plaintiff if he could. The defendants had and have a duty to correct the situation and have failed to do so to this day.

214. The following legislation which precludes a serving police officer from acting as a private investigator reinforces the fact that this would be seen to be highly offensive to a reasonable person: *Criminal Code*, R.S.C, 1985, c. C-46, as amended; *Police Services Act*, R.S.O. 1990, c. P-15.; *Private Security and Investigative Services Act*, S.O. 2005 c.34; *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990 c. F-31 and OPP policies which preclude a serving police officer acting as or being hired as a private investigator.

(f) Conspiracy to do unlawful act (cover up re Van Allen)

215. As detailed otherwise in this Statement of Claim, two or more of the defendants made an agreement to act unlawfully knowing that their acts were aimed at the Plaintiff and knowing or constructively knowing that their acts would injure the Plaintiff. The unlawful means was the

violation of the Plaintiff's common law, *Charter* and Statutory privacy rights, as described above. As detailed otherwise described in this Statement of Claim, the defendants acted in furtherance of this agreement. These actions caused actual, visible and provable harm to the Plaintiff: injury (physical and mental harm and suffering) and endangerment though the release of private information.

216. Further, as detailed in respect of Negligent Investigation, when this was brought to the attention of the OPP and the DRPS, the police failed to investigate the criminal or quasi-criminal acts of Van Allen and lied to the Plaintiff. The Plaintiff was lied to by the OPP and specifically, Kearns and Vibert and the DRPS, specifically Dmytruk and Rushbrook about Van Allen.

(4) FRAUD ON COURT RE PWCECF

(a) Abuse of Process (Common law and s. 7 of the Charter)

217. The continued active representation of a client that does not exist and the false assertion to the Court that the client does exist is the perpetration of a fraud on the Court. This is contempt of court. Contempt of court is a form of abuse of process. The improper and collateral purpose was to hide the true identity of the auditor and to prevent costs being ordered against his real client. By representing a non-entity, a costs order against that "entity" could never be effective. It also raises a real concern about where funds payable to the 'client' were going. It also allowed for the Faskens defendants to act with the need for constraints of acting in accordance with instruction. The Plaintiff was harmed by the unrestrained conduct of the Faskens defendants, in

particular Ranking, who could and did act abusively in respect of contempt proceedings (see Causes of Actions, **III., B., 1.**)

218. PWCECF was put forward by the Faskens defendants as the auditor of KEL in respect of the NBGL case. KEL had to know the true identity of the auditor. Their lawyers and law firms must have known as well. light of the close and interactive manner in which the Cassels defendants worked on the NBGL case and the contempt proceedings, it is reasonable to infer knowledge by the Cassels defendants.

219. As prosecutors, the lawyers, the law firms and the clients were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors. The TPA, police and Van Allen defendants were government actors fulfilling public functions. They were parties to the prosecution. The liberty and security of the person interests of the Plaintiff were at stake from the possibility of a finding of contempt, a criminal or quasi-criminal proceeding. In proceeding on behalf of a client that did not exist and thereby perpetrating a fraud on the Court, the violated principles of fundamental justice (contrary to s. 7 of the Charter). These actions damaged the Plaintiff by finding him in contempt, ruining his professional reputation and life and imprisoning him. There are no public policy reasons to deny remedies including damages.

(b) Breach of fiduciary Duty to the Court

220. Ranking, Silver, Kwydzinski, Pendrith and their law firms, Cassels and Faskens owed a fiduciary duty to the SCJ, as Officers of the Court, to not lie to the Court. This duty was breached by asserting that PWCECF existed. This was dishonest and fraudulent. This breach

damaged the Plaintiff by freeing Ranking and Kydzinski and Faskens from the constraints of adverse costs consequence and the need for instructions from clients. This facilitated his abusive conduct of the contempt proceedings.

221. The Cassels defendants had their own fiduciary duty to report on the fraud by Ranking, Kwydzinski and Faskens. In the alternative, the Cassels defendants were aware of the fiduciary duty, its breach and the dishonesty and/or fraud. By acquiescing in this lie they assisted it and are liable.

(c) Misfeasance of Public Office/Abuse of Authority

222. As prosecutors, the Faskens and Cassels defendants were exercising a public function pursuant to statutory and common law authority and the lawyers and law firms were acting as officers of the Court. They were state actors.

223. The actions of the the Faskens and Cassels defendants lying to the Court about PWCECF was in bad faith and was deliberately unlawful or outside the scope of their authority in the exercise of the public functions of a prosecutor and/or an Officer of the Court. They were aware that their conduct was unlawful and that it would likely injure the Plaintiff. These actions caused actual, visible and provable injury (physical and mental harm and suffering) as a result of the contempt proceedings.

224. Two or more of the Faskens and/or Cassels defendants made an agreement to act unlawfully knowing that their acts were aimed at the Plaintiff and knowing or constructively knowing that their acts would injure the Plaintiff. The unlawful means was the lie to the Court about PWCECF existing. As detailed otherwise described in this Statement of Claim, these defendants acted in furtherance of this agreement. These actions caused actual, visible and provable harm to the Plaintiff: injury (physical and mental harm and suffering) and endangerment though the contempt proceedings.

IV. SERVICE OUTSIDE OF ONTARIO PER 17.02 (G)(H)(O);

225. Kingsland Estates Limited is a company operating in Barbados. As one of the main prosecutors in respect of contempt, KEL is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

226. Richard Ivan Cox resides in Barbados. As one of the directing mind of the main prosecutors in respect of contempt, Cox is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

227. Eric Iain Stewart Deane resides in the United Kingdom. As one of the directing minds of one of prosecutors in respect of contempt, Deane is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

228. Marcus Andrew Hatch resides in Barbados. Since PWCECF was supposed to be one the main prosecutors in respect of contempt, but it does not exist, Hatch, one of the auditors is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

229. Philip St. Eval Atkinson resides in Barbados. Since PWCECF was supposed to be one the main prosecutors in respect of contempt, but it does not exist, Atkinson, one of the auditors is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

230. PricewaterhouseCoopers East Caribbean (formerly 'PricewaterhouseCoopers') is a partnership operating in Barbados. Since PWCECF was supposed to be one the main prosecutors in respect of contempt, but it does not exist, PWCEC, asserted to be the client by counsel for "PWCECF", is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

231. James Arthur Van Allen resides in British Columbia. Van Allen resided and worked in Ontario at the time and is one of the central defendants in the case. He is a necessary or proper party. Therefore, pursuant to Rule 17.02(o) leave is not required for service on this person.

232. The torts are all torts committed in Ontario. Therefore, pursuant to Rule 17.02(g) leave is not required for service on these persons.

233. The damage was for tort was sustained in Ontario. Therefore, pursuant to Rule 17.02(h) leave is not required for service on these persons.

234. Such further grounds and/or claims as may become apparent from discovery or otherwise.

July 18, 2014

[redacted]

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220;
Fax (416) 536-8842
LSUC #25998I

Counsel for the Plaintiff

Donald Best (Plaintiff) v. Gerald Ranking et.al. (Defendants)

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

STATEMENT OF CLAIM

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #259981

Counsel for the Plaintiff

This is Exhibit 'B'

to the Affidavit of Oliver David Moon

sworn September 22nd, 2014

[redacted]

Notary

[redacted]

Noel D Chapman
Notary Public
England and Wales

EXHIBIT B

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS; JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

JURY NOTICE
(Form 47A)

THE Plaintiff REQUIRES that this action be tried by a jury

JULY 23, 2014

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9
Tel: (416) 536-1220; Fax (416) 536-8842
LSUC #25998I

Counsel for the Plaintiff

TO: Gerald Lancaster Rex Ranking
Barrister and Solicitor
Fasken Martineau DuMoulin LLP
333 Bay St.
Suite 2400
Toronto, ON
M5H2T6
Tel: (416) 865-4419
Fax: (416) 364-7813

AND TO: Sebastien Jean Kwidzinski
Barrister and Solicitor
Fasken Martineau DuMoulin LLP
333 Bay St.
Suite 2400
Toronto, ON
M5H2T6
Tel: (416) 868-3431
Fax: (416) 364-7813

AND TO: Lorne Stephen Silver
Barrister and Solicitor
Cassels Brock & Blackwell LLP
Suite 2100, Scotia Plaza
40 King St. West
Toronto, ON
MSH3C2
Tel: (416) 869-5490
Fax: (416) 640-3018

AND TO: Colin David Pendrith
Barrister and Solicitor
Cassels Brock & Blackwell LLP
Suite 2100, Scotia Plaza
40 King St. West
Toronto, ON
MSH3C2
Tel: (416) 860-6765
Fax: (647) 259-7987

AND TO: Paul Barker Schabas
Barrister and Solicitor
Blake, Cassels & Graydon LLP
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9
Tel: (416) 863-4274
Fax: (416) 863-2653

AND TO: Andrew John Roman
Barrister and Solicitor
Andrew John Roman Professional Corporation
900-333 Bay Street
Toronto, ON M5H 2T4
Tel: (416) 848-0203 x2234
Fax: (416) 850-5316

AND TO: Ma'anit Tzipora Zemel
MTZ Law Professional Corporation
39 Clovelly Ave
Toronto, Ontario
M6C 1Y2
Tel: (416) 937-9321

AND TO: Fasken Martineau DuMoulin LLP
333 Bay Street, Suite 2400
Bay Adelaide Centre, Box 20
Toronto, ON M5H 2T6
Tel: (416) 366-8381
Fax: (416) 364-7813

AND TO: Cassels Brock & Blackwell LLP
Suite 2100, Scotia Plaza
40 King Street West
Toronto, ON
M5H 3C2
Tel: (416) 869-5300
Fax: (416) 360-8877

AND TO: Blake, Cassels & Graydon LLP
199 Bay Street
Suite 4000, Commerce Court West
Toronto ON M5L 1A9
Canada
Tel: (416) 863-2400
Fax: (416) 863-2653

AND TO: Miller Thomson LLP
Scotia Plaza
40 King Street West, Suite 5800
Toronto, ON
M5H 3S1
Tel: (416) 595-8500
Fax: (416) 595-8695

AND TO: Kingsland Estates Limited
c/o Richard Ivan Cox
No. 29 Atlantic Shores,
Enterprise,
Christ Church,
Barbados, West Indies

AND TO: Richard Ivan Cox
No. 29 Atlantic Shores,
Enterprise,
Christ Church,
Barbados, West Indies

AND TO: Eric Iain Stewart Deane
[redacted]
England

AND TO: Marcus Andrew Hatch
'West Shore Lodge'
Greenidge Drive
Paynes Bay, St. James,
Barbados, West Indies

AND TO: Philip St. Eval Atkinson
'Random'
Waterford, St. Michael
Barbados, West Indies

AND TO: PricewaterhouseCoopers East Caribbean
(Formerly 'PricewaterhouseCoopers', prior to June 23, 2011)
The Financial Services Centre
Bishop's Court Hill
St. Michael
BB 14004
Barbados, West Indies
Tel: (246) 626-6700
Faxes: (246) 436-1275 and (246) 429-3747

AND TO: Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Building
777 Memorial Avenue
Orillia, ON L3V 7V3
Tel: (705) 329-6111

AND TO: Peel Regional Police Service a.k.a. Peel Regional Police
General Headquarters
7750 Hurontario Street,
Brampton. ON, L6V 3W6
Tel: (905) 453-3311

AND TO: Durham Regional Police Service
General Headquarters
605 Rossland Rd. E.
Whitby. ON. L1N 0B8
Tel: (905) 579-1520

AND TO: Marty Kearns
Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Building
777 Memorial Avenue
Orillia, ON L3V 7V3
Tel: (705) 329-6111

AND TO: Jeffery R. Vibert
Ontario Provincial Police
General Headquarters
Lincoln M. Alexander Building
777 Memorial Avenue
Orillia, ON L3V 7V3
Tel: (705) 329-6111

AND TO: George Dmytruk
Central East Division
Durham Regional Police Service
77 Centre St. N.
Oshawa, ON L1G 4B7
Tel: (905) 579-1520

AND TO: Laurie Rushbrook
Durham Regional Police Service
General Headquarters
605 Rossland Rd. E.
Whitby. ON. L1N 0B8
Tel: (905) 579-1520

AND TO: James (Jim) Arthur Van Allen
6450 199 Street
Suite 15
Langley. British Columbia
V2Y 2X1

AND TO: Behavioural Science Solutions Group Inc.
26 Jordon Crescent
Orillia, Ontario
L3V 8A9
Tel: (604) 626-9572
Fax: (604) 371-1649

AND TO: Tamara Jean Williamson
Probation and Parole Services,
Cottage C,
700 Memorial Avenue,
2nd floor,
Orillia, Ontario L3V 6H1
Tel: (705) 329-6010

AND TO: Investigative Solutions Network Inc.
1099 Kingston Road, Suite 237
Pickering, Ontario L1V 1B5
Tel: (905) 421-0046
Fax: (905) 421-0048

AND TO: Toronto Police Association
200-2075 Kennedy Rd
Toronto, ON M1T 3V3
Tel: (416) 491-4301
Fax: (416) 494-4948

AND TO: John Doe #1, John Doe #2, John Doe #3, John Doe #4, John Doe #5, and Jane Doe #1, Jane Doe #2, Jane Doe #3, Jane Doe #4, Jane Doe #5

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

JURY NOTICE

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #25998I

Counsel for the Plaintiff

This is Exhibit 'C'

to the Affidavit of Oliver David Moon

sworn September 22nd, 2014

[redacted]

Notary

[redacted]

Noel D Chapman
Notary Public
England and Wales

Title number [redacted]

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 21 AUG 2014 at 05:18:08. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

[redacted]

1 (02.12.1975) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being [redacted].

2 The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 30 May 1978 referred to in the Charges Register.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (10.01.2007) PROPRIETOR: ERIC IAIN STEWART DEANE of [redacted]

2 (10.01.2007) The price stated to have been paid on 13 December 2006 was £215,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 A Transfer of the land in this title dated 30 May 1978 made between (1) Unit Construction Southern Limited and (2) Richard Antony James Dexter and Chandralakha Ramjeet contains restrictive covenants.

NOTE: Original filed.

End of register

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

AFFIDAVIT OF SERVICE
(UPON FRIC IAIN STEWART DEANE)

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #259981

Counsel for the Plaintiff

THIS IS **EXHIBIT "B"**
REFERRED TO
IN THE AFFIDAVIT OF
Donald Best

SWORN BEFORE ME, THIS
15th DAY
OF December, 2014

[redacted]

A Commissioner etc.

EXHIBIT B

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI; LORNE STEPHEN SILVER; COLIN DAVID PENDRITH; PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL; FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP; BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP; KINGSLAND ESTATES LIMITED; RICHARD IVAN COX; ERIC IAIN STEWART DEANE; MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON; PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'); ONTARIO PROVINCIAL POLICE; PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE; DURHAM REGIONAL POLICE SERVICE; MARTY KEARNS; JEFFERY R. VIBERT; GEORGE DMYTRUK; LAURIE RUSHBROOK; JAMES (JIM) ARTHUR VAN ALLEN; BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.; TAMARA JEAN WILLIAMSON; INVESTIGATIVE SOLUTIONS NETWORK INC.; TORONTO POLICE ASSOCIATION; JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5 JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5

Defendants

REQUISITION FOR DEFAULT

TO THE LOCAL REGISTRAR AT BARRIE, ONTARIO

I REQUIRE you to note the Defendant Eric Iain Stewart Deane in default in this action on the grounds that he has failed to file a defence to the Claim within the period required by the Rules of Practice.

Dated November 5, 2014

[redacted]

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario M6H 1A9

Tel: (416) 536-1220;
Fax (416) 536-8842
LSUC #25998I
Counsel for the Plaintiff

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

REQUISITION FOR DEFAULT

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #259981

Counsel for the Plaintiff

[redacted]

NOV 07 2014

THIS IS **EXHIBIT "C"**
REFERRED TO
IN THE AFFIDAVIT OF
Donald Best

SWORN BEFORE ME, THIS
15th DAY
OF December, 2014

[redacted]

A Commissioner etc.

EXHIBIT C

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE
(CENTRAL EAST REGION: BARRIE)

DONALD BEST

Plaintiff

- and-

**GERALD LANCASTER REX RANKING; SEBASTIEN JEAN KWIDZINSKI;
LORNE STEPHEN SILVER; COLIN DAVID PENDRITH;
PAUL BARKER SCHABAS; ANDREW JOHN ROMAN; MA'ANIT TZIPORA ZEMEL;
FASKEN MARTINEAU DUMOULIN LLP; CASSELS BROCK & BLACKWELL LLP;
BLAKE, CASSELS & GRAYDON LLP; MILLER THOMSON LLP;
KINGSLAND ESTATES LIMITED; RICHARD IVAN COX;
ERIC IAIN STEWART DEANE;
MARCUS ANDREW HATCH; PHILIP ST. EVAL ATKINSON;
PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS');
ONTARIO PROVINCIAL POLICE;
PEEL REGIONAL POLICE SERVICE a.k.a. PEEL REGIONAL POLICE;
DURHAM REGIONAL POLICE SERVICE;
MARTY KEARNS; JEFFERY R. VIBERT;
GEORGE DMYTRUK; LAURIE RUSHBROOK;
JAMES (JIM) ARTHUR VAN ALLEN;
BEHAVIOURAL SCIENCE SOLUTIONS GROUP INC.;
TAMARA JEAN WILLIAMSON;
INVESTIGATIVE SOLUTIONS NETWORK INC.;
TORONTO POLICE ASSOCIATION;
JANE DOE #1; JANE DOE #2; JANE DOE #3; JANE DOE #4; JANE DOE #5
JOHN DOE #1; JOHN DOE #2; JOHN DOE #3; JOHN DOE #4; JOHN DOE #5**

Defendants

REQUISITION FOR DEFAULT

TO THE LOCAL REGISTRAR AT BARRIE, ONTARIO:

I REQUIRE YOU TO NOTE THE DEFENDANTS PRICEWATERHOUSECOOPERS EAST CARIBBEAN (FORMERLY 'PRICEWATERHOUSECOOPERS'), MARCUS ANDREW HATCH, PHILIP ST. EVAL ATKINSON, KINGSLAND ESTATES LIMITED and RICHARD IVAN COX in default in this action on the grounds that they have failed to file a defence to the Claim within the period required by the Rules of Practice.

Dated: December 3, 2014

Paul Slansky
Barrister and Solicitor
1062 College Street, lower level
Toronto, Ontario M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #259981
Counsel for the Plaintiff

Donald Best (Plaintiff) v. Gerald Ranking et.al. (Defendants) Court File No. 14-0815

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

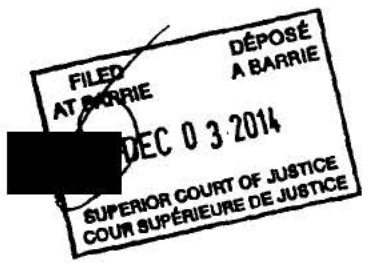
PROCEEDING COMMENCED IN BARRIE

REQUISITION FOR DEFAULT

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #25998I

Counsel for the Plaintiff



Donald Best (Plaintiff) v. Gerald Ranking et.al. (Defendants)

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

AFFIDAVIT OF DONALD BEST

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #259981

Counsel for the Plaintiff

Donald Best (Plaintiff) v. Gerald Ranking et.al. (Defendants)

Court File No. 14-0815

SUPERIOR COURT OF JUSTICE

(CENTRAL EAST REGION)

PROCEEDING COMMENCED IN BARRIE

MOTION RECORD

Paul Slansky
Barrister and Solicitor
1062 College Street, Lower Level
Toronto, Ontario
M6H 1A9

Tel: (416) 536-1220
Fax (416) 536-8842
LSUC #25998I

Counsel for the Plaintiff

[redacted]