FORM 25

NOTICE OF APPLICATION FOR LEAVE TO APPEAL
(*Pursuant to Rule 25 of the Rules of the Supreme Court of Canada*)

TAKE NOTICE that the Applicant hereby applies for leave to appeal to the Supreme Court of Canada, pursuant to *section 40 of the Supreme Court Act, R.S.C. 1985, c. S-26*, from the judgment of the British Columbia Court of Appeal in action number [redacted], made [redacted] for the reversal of the judgements pronounced on this date including an order finding the Applicant in contempt of court, and its associated fine with award of special costs to the Respondents.

AND FURTHER TAKE NOTICE that this Application for leave is made on the following grounds:

1. The appellate judge erred in applying the legal test as measured against the factual account.

2. The oral reasons of justice [redacted] paragraph 36, denies the existence of a relevant evidentiary record the court was privy to which was expected to impact the hearing.

3. Pursuant to *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79 (para 62, 66),* this court has found that previous contempt rulings may be reconsidered with respect to evidentiary components not previously tried.

4. Purging contempt in the object of justice requires a trial of the matters directly considered in S-229680 (file number [redacted] in the British Columbia Court of Appeal).

5. The British Columbia Court of Appeal occasioned an onerous use of its discretionary power in the face of weak opposing criteria (*Laiken v. Carey; Sabourin v. Laiken, 2011 ONSC 5892, para 23, Chong v. Donnelly, 2019 ONCA 799, para 9).*

AND FURTHER TAKE NOTICE that this Application for Leave raises the following issues of public importance:

1. This order being appealed in this Application has been used as grounds to dismiss the Applicant's Application to extend time to appeal BC Supreme Court matter S-229680 [redacted] a matter brought under the *Class Proceedings Act, R.S.B.C. 1996,c.50.* Whereas these matters properly inform each other, should a contempt order be used to obstruct justice?

2. Is the Canadian Judiciary willing to bankrupt, penalize, and/or incarcerate a Citizen before adducing the entirety of a lawfully provisioned evidentiary record?

3. Should Citizens accept victimhood when Government and/or state-sponsored agencies act antagonistic to or fall short of their mandates? Can the work of regulators be stifled, and can the public act on the words of the Prime Minister?

4. Does the Government of Canada insulate its agencies and sponsored private sector entities from prosecution?

5. In accord with official admissions by CAF leadership in the *Gosselin Reports* and other publications confirming InfoOps and PsyOps on targeting Canadian Citizens, has the CAF expanded such operations to include contracting social media influencers and CIMIC participants?

6. A justice of the British Columbia Court of Appeal published a false account concerning a Party online and denied the existence of an evidentiary record under seal. Can the public trust this court as a viable institution?

7. Halifax Regional Police published a false account of events concerning the Parties in an official report, compared with a true discreet audio recording of the same 79-minute meeting which validated the Applicant's evidentiary record against the Respondents. Can the public trust this police agency to serve and protect citizens in all circumstances?

8. Are the principles of Common Law applicable in complex Civil matters which involve related criminal elements? Are they likewise applicable in quasi-criminal civil contempt matters? In the event they are not, would miscarriage in justice in the absence of these principles be justified?

Dated at Halifax, Nova Scotia this 2nd day of June, 2023.

[redacted]

Signature of Nathan K. Dempsey (Self-Represented

[redacted]

ORIGINAL TO:

Registrar
Supreme Court of Canada
310 Wellington Street
Ottawa, ON

APPLICANT'S MEMORANDUM OF ARGUMENT

PART I – STATEMENT OF FACTS

(A concise overview of your position with respect to the issues of public importance and a concise statement of facts.)

1. Case file S-229680 considers an account of widespread mischief and harassment linked to the Respondents on file, initiating in November 2021 prior to the filing of S-220956 and continuing to present. These events were first sworn in an Affidavit made May 20th, 2022 and remain to be tried in any capacity. Paragraphs 22 through 30 in the body of the Applicant's accompanying Affidavit made May 30th, 2023 summarize these events in brief, whereas the entirety of the same Affidavit contains a voluminous and complete account of all matters relevant in the Application, including those which meet test criteria for consideration under section 241(3.1) of the Income Tax Act.

2. The Respondents to this Application include [redacted] the Attorney General of Canada. [redacted] is a CAGE company (Corporate and Government Entity), and whereas [redacted] is sponsored under the Canadian Federal Government's [redacted] program. Lead counsel for [redacted] serves as counsel and advisor to the Canadian Armed Forces ("CAF"). S-229680 includes a class of Respondents which await certification under the *Class Proceedings Act, R.S.B.C. 1996,c.50*, best described by the United Nations Office on Drugs and Crime as a "Hub" of online actors. The same are substantially related to the Respondents in the Style of Cause.

3. The **preface** in the same Affidavit describes the history of events with the Parties and defines the relevant action numbers and their distinction. Proper understanding of this matter will require review of the same Affidavit, and likewise, review of the Applicant's Affidavits in S-229680, sent via courier to the SCC Registry in the same box in cerlox-bound hardcopy, and DVD-ROM.

4. S-229680 further considers an account of widespread obstruction of justice in civil proceedings involving the Parties from inception. The Applicant's supporting Affidavits packaged with this Application contain supporting visual exhibits, chambers transcripts, communications, corrective letters to the court, and shareholder records information.

5. These accounts, coupled with systemic denial of recourse to law enforcement and customary avenues occasioned the filing of S-229680, a matter brought under the *Class Proceedings Act, R.S.B.C. 1996,c.50*, which has in turn been prevented from a fair trial in accord with governing rules of procedure. Packaged alongside this Application for Leave to Appeal, and on the advice of the SCC Registry are two other Applications seeking Leave to Appeal related matters. These matters rightly inform one another.

6. In terms of acronyms, BCCA = the British Columbia Court of Appeal, the BCSC = the Supreme Court of British Columbia, and the CPA = the *Class Proceedings Act, R.S.B.C. 1996,c.50.*

[redacted] *Application & Timetable*

7. S-229680 was dismissed prior to a trial of common issues by chambers judge [redacted] in violation of nine (9) procedural rules which governed the matter as brought under the CPA, and further coupled with a refusal of the BCSC to enforce its own rules; a silence that endured ten (10) weeks and five (5) unanswered corrective letters under BCSC Practice Direction 27.

8. In April 2023, on the heels of the same dismissal, counsel for [redacted] filed an application to find the Applicant in "further contempt of court", citing the January 27th, 2023 disclosure of a written argument to recipients in the Style of Cause (henceforth referred to as "*the document*"), and to regulators as part of formal complaint submissions. The timing, provisions, and circumstances around this order reasonably characterize [redacted] Application as an abuse of the Appellate court's power to punish and award costs. Justice [redacted] awarded this Application to [redacted] resulting in approximately $30,000 CAD in combined fines and special costs.

9. In making this order, justice [redacted] denied the existence of the Applicant's evidentiary record in paragraph 36 of his May 15th, 2023 oral reasons, which, in view of customary jurisprudence, would have occasioned a different ruling were it recognized. Justice [redacted] was privy to the same notarized Affidavits containing this evidence. Notwithstanding an alarming account of false testimony by an Appellate court justice, the remainder of the [redacted] reasons which the same order is predicated on is problematic in its own right.

File Numbers, Disclosures, and Intent: The Crown Recipients

10. The document was originally filed in [redacted] on December 22nd, 2022 on the direction of [redacted] Its purpose was to provide written submissions for the Registrar's hearing on [redacted] to settle the [redacted] order of justice [redacted] as considered in an accompanying Application for Leave to Appeal filed alongside this one. The Government of Canada, specifically, "the Crown" in the Style of Cause, is party to action number [redacted] By way of the same, the recipients, Prime Minister Justin Trudeau and a small handful of his colleagues in Parliament, are parties to the matter in a client capacity, in the same way that respondent [redacted] is a lawful recipient of the same materials alongside his representative counsel. In a letter dated November 1st, 2022, counsel for the Attorney General of Canada, Ms. Loretta Chun, requested that the Crown be made privy to materials involving the parties (First Affidavit [redacted], page 99).

11. The Applicant wrote to the Prime Minister on January 27th, 2023, a day after the hearing before [redacted] which was held to settle the

[redacted]order of justice [redacted](the initial contempt hearing). The Applicant's purpose in writing was to raise awareness concerning the core matters in S-229680. The letter was prompted as a result of the hearing one day prior, and encouraged by the PM's admission of corruption in Canadian institutions, and subsequent invitation on national television, in December 2022:

"...It's a good thing that we have a system that catches those mistakes, that calls them out that, you know, shares them with Canadians, that that we explain and Canadians get to decide whether it was an honest mistake or whether someone was trying to fill their pockets. I mean, we have a system that has the kind of accountability, transparency, that works and that is clear to reassure Canadians that if someone is taking advantage of the system — either deliberately or by accident — they'll get caught and called out on it. And that's an example of the institutions working."
- Transcript: CTVnews.ca

12. Paragraph 28 of the [redacted] oral reasons claims the Crown recipients are not rightful parties to the same matter. Justice [redacted] further argues that ignorance is no defense to an order of contempt, referencing paragraph 38 of *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79* without further commentary. The Applicant recognizes both assertions are problematic.

13. The Applicant gleaned insight regarding allowable Crown recipients from a Government of Canada website: *https://www.ourcommons.ca/procedure/our-procedure/parliamentaryFramework/c_g_parliamentaryframework-e.html*

14. Likewise, the Applicant found no further estoppel in considering these recipients as lawful. Paragraph 28 of the [redacted] reasons cite *Law Society of British Columbia v. Canada (Attorney General), 2001 BCSC 1593 (para 67)*, and *Gauthier v. Canada (Speaker of the House of Commons), 2006 FC 570 (para 11)* in opposition, though neither citation properly informs the Respondents' position against the Applicant. The former makes no relevant mention, and whereas the latter reference validates the Applicant's designation regarding the Crown recipients as follows;

"The "Crown" is not defined, perhaps because its meaning has been so well established that it is beyond doubt. In the third edition of their treatise, Liability of the Crown, Professors Hogg and Monahan note at Section 1.4(a) that the expression the "Crown" is in fact shorthand for the executive branch of government, not the legislative branch. Executive functions are exercised by the Prime Minister and the other Ministers."

15. Justice [redacted] citation of paragraph 38 in *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79* further appears to be a misrepresentation. This paragraph outlines the legal test for civil contempt as requiring *proof beyond reasonable doubt of intent to violate the order*. This paragraph includes six other references germane to the same pronouncement (*Prescott-Russell, at para. 27; College of Optometrists, at para. 71; Sheppard, at p. 8;*

TG Industries, at paras. 17 and 32; Bhatnager, at pp. 224-25; Sharpe, at ¶ 6.190).

16. Paragraph 39 in Laiken further maintains that intent to disobey the order must be proven:

    "*The appellant submits, however, that in situations in which the alleged contemnor cannot "purge" the contempt, is a lawyer or is a third party to the order, the intent to interfere with the administration of justice must be proved. I understand this to mean that "the intention to disobey, in the sense of desiring or knowingly choosing to disobey the order" must be established: TG Industries, at para. 17. This is sometimes also referred to as "contumacious" intent.*" (ie - stubborn resistance to the order).

17. With respect to the legal test as it relates to the Crown recipients, and pursuant to the foregoing as it pertains to intent, the Applicant was under a reasonable assumption that the Crown recipients were lawful recipients.

Context, Purpose & Intent: The Regulatory Recipients

18. The document is further furnished in Exhibit C of the Applicant's Fourth Affidavit in S-229680 on February 6th, 2023. This Affidavit primarily concerns widespread violation of rules governing the Style of Proceedings in matters brought under the CPA, and exhibits the Applicant's initial corrective letters filed under BCSC Practice Direction 27 in consideration of the same. The document cited by [redacted] counsel was exhibited in this Affidavit to provide historical context, whereas it is essentially a summarization of events germane to the Parties during that time period. The document, in its own right, contains no biographical or proprietary commercial information.

19. Shortly after this Affidavit was made on February 6th, 2023, it was provided to four regulators in support of existing complaint files with each, and in accord with their standard procedures (First Affidavit [redacted] paragraphs 86-97). It is not reasonable for a Respondent to inform the contents of a Plaintiff's Affidavit records, and regulators require supporting materials and context to execute their function. In an absence of legal regulators, litigants would have no defense of judicial activism and/or corruption. A study by Yale Law School found that over one million bribes are paid in the US judicial system per year, with a proportional amount paid here in Canada.

20. Paragraphs 29 and 30 of the [redacted] reasons seek to validate an attempt of the Respondents to place an unlawful and unreasonable estoppel of the Applicant's recourse to regulators. A requirement to seek leave of the court to approach regulators would be folly in matters where the court itself is the problem. The same would deprive the regulator of its purpose. Likewise, the basis of justice [redacted] counter argument does not substantiate the Respondents' position.

21. The Applicant relied on sections 21(1) BC Human Rights code whereas,

    "*Any person or group of persons that alleges that a person has contravened this Code may file a complaint with the tribunal in a form satisfactory to the tribunal.*"

    Section 4 of the same Code, further maintains, "*If there is a conflict between this Code and any other enactment, this Code prevails*."

22. Justice [redacted] differentiates between enactments and court orders in paragraph 30 of his oral reasons. However, section 2(1) of the *Interpretation Act R.S.C., 1985, c. I-21* maintains a distinction in terms is immaterial:

    ***Enactment**: means an Act or **regulation** or any portion of an Act or regulation;*

    ***Regulation:** includes an **order**, regulation, rule, rule of court, form, tariff of costs or fees, letters patent, commission, warrant, proclamation, by-law, resolution or other instrument issued, made or established;*

    (a) in the execution of a power conferred by or under the authority of an Act

    The Applicant understands this to mean that an *enactment* is an *order*, and whereas, an order is made or established in the execution of the power granted to a justice of the Appellate court by means of the BC Court of Appeal Act. Likewise, section 21(1) overrules a protection order requiring a Party to seek leave to file a complaint.

23. Pursuant to the foregoing with respect to the legal test and regarding intent, in submitting supporting materials in accord with a complaint process to legal regulatory bodies, the Applicant was under a reasonable assumption that the Regulatory recipients were lawful recipients.

24. Finally, the Applicant is a self-represented litigant ("SRL") and has been unable to obtain counsel since November 2021 through to present, including ProBono, as is exampled in supporting Affidavits (First Affidavit S-229680 pages 60-64, Third Affidavit S-229680, page 98). Negligence on the part of counsel is in [redacted] documented in the Applicant's supporting Affidavits and is central to the background of matters concerning the Parties (First Affidavit S-229680, pages 77-78). This court, in *Pintea v. Johns, 2017 SCC 23, [2017] 1 S.C.R. 470,* based on the *Principles of Self-Represented Litigants and Accused Persons, 2006,* has rejected the premise that lawyers and SRL's enter the judicial arena on an equal footing.

Recourse to Law Enforcement, Safe Avenues, & False Publications

25. Diligent but unsuccessful efforts were made in seeking relief of ongoing harassment and mischief connected to the Respondents through recourse to law enforcement, as is cited in paragraph (1). Prior to the Applicant's relocation from British Columbia to Nova Scotia as a result of these events in February 2022, the Applicant sought recourse to the RCMP

in Surrey, BC prior to the filing of S-220956. The RCMP listened but refused to open a file or investigate. The Department of Justice ignored the Applicant's citations of these events. Halifax Regional Police ("HRP") did likewise, initially suggesting the events would cease "when the lawsuit against [redacted] was dropped". All the while, on-heels and online harassment continued on a day-to-day basis as is chronicled in the Applicant's Affidavits.

26. HRP, eventually having met with the Applicant on December 8th, 2022, validated the Appellant's evidentiary record in a 1 hour 19 minute meeting the Applicant covertly recorded pursuant to section 183.1, Canadian Criminal Code. The official report of the same meeting, obtained by the Applicant via Freedom of Information Request ("FOIPOP"), gave a false account in denying the existence of the same evidentiary record, and declared the Applicant mentally-ill. HRP could not be reached for further comment, and later refused to accept service of an Application to join the same agency to S-229680 as a Respondent, the same being served pursuant to the BCSC rules and the *BC Court Jurisdiction and Proceedings Transfer Act*. The same is true in the May 15th, 2023 oral reasons of justice [redacted] paragraph 36, whereas the Appellate court denied the existence of the Applicant's evidentiary record with respect to judicial and police misconduct. The same is relevant in matters concerning civil contempt, per the jurisprudence furnished in **Part III**.

27. There was at no material time a safe avenue of escape from ongoing and systemic harassment and mischief substantially connected to the Respondents. By way of the seal and protection order over the entirety of the file, there is no reasonable expectation of intervention from the public. The reason for this is simply because the public is not informed these events are happening. The same is true regarding the weaponization of special costs in proceedings that have been demonstrated to be biased in favor of the Respondents.

Necessitating Circumstances

28. Events germane to the foregoing considerations are copiously treated in the Applicant's Application for Leave to Appeal the [redacted] and whereas remaining considerations in this Application overlap the same basis. This matter concerns a categorical deprivation of recourse to customary channels in the face of ongoing criminal activities against the Applicant and obstruction of justice in proceedings.

29. Paragraph 37 of the [redacted] oral reasons rejected the Applicant's reliance on *R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24 and R. v. Hibbert, [1995] 2 S.C.R. 973* which this court has recognized requires a defense of due-diligence to the accused under these circumstances. The Applicant maintains an unfair distinction is made between civil and common law, whereas the foregoing jurisprudence involve criminal matters. The Applicant maintains that Civil contempt is quasi-criminal in nature and whereas the same principles are applicable in view of criminal actions against the Applicant. Likewise, the

[redacted] oral reasons preclude reference to civil contempt matter *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79,* paragraphs 62 and 66, where this court held that rulings must be reconsidered in view of materials that were not considered by the court at the initial hearing. Justice [redacted] denies the existence of a corresponding and relevant evidentiary record in the preceding paragraph (36) of his oral reasons.

Importance of the Appeal of S-229680 and the Public Interest

30. The public has a compelling interest in knowing it can trust our judicial system to grant access to justice, and most especially, grant access to justice for all citizens, regardless of disparity in power, money, and influence between parties. An absence of this allows for a privilege-based caste system where civil rights can be trampled.

31. In an event matters germane to S-229680 are unable to be appealed, the common issues and wrongdoing outlined in the same matter will remain untried, and the Respondents will be awarded over $70,000 CAD in special costs between the two contempt hearings. This amount is expected to exceed $200,000 CAD in costs concerning the dismissal of S-229680 in the BC Supreme Court. For further context, S-229680, a matter brought under *Class Proceedings Act, R.S.B.C. 1996,c.50*, was dismissed by a chambers judge in violation of nine (9) rules governing the Style of Proceedings. As a result of relentless and ongoing harassment linked to the Respondents, my total income in 2022 was less than $4,000 CAD. This is a tremendous departure from a previously successful career in business, and can be verified by means of my tax records. The Applicant's supporting Affidavits chronicle these details.

32. By way of the foregoing, as a minimum consideration to the proportion of justice and precedent, the public is expected to demand that lawfully provisioned audit data first be reviewed before the matter is closed beyond any further recourse. Likewise, the public expects existing evidentiary records to be recognized and considered. The publication of false reports by HRP and the BC Court of Appeal denying the existence of the Applicant's notarized evidentiary record is a matter of outrage, a terrible miscarriage of justice, and a blight on our democracy.

33. On [redacted] leveraged the order being appealed in this Application to dismiss the Applicant's Application to extend time to appeal in S-229680. In doing so, the court imposed a reverse onus on proceedings whereas each matter rightly informs the other. An Application for leave to appeal the same order is filed alongside this Application.

PART II – STATEMENT OF THE QUESTIONS IN ISSUE

(A concise statement of the questions in issue, including any constitutional issue.)

34. Is the court willing to bankrupt, penalize, and/or incarcerate a Citizen before adducing the entirety of a lawfully provisioned evidentiary record?

35. Is jurisprudence germane to Common Law applicable in complex Civil matters which involve related criminal elements? Likewise, if they aren't, is judicial miscarriage resulting in crippling loss in the absence of these principles justified when it could be otherwise prevented?

36. Should Citizens be punished for seeking help when customary recourse fails, and should Citizens accept victimhood when Government and/or state-sponsored agencies act antagonistic to or fall short of their mandates? Can the work of regulators be stifled, and can the words of the Prime Minister be trusted?

37. The order being appealed in this Application has been used as grounds to dismiss the Applicant's Application to extend time to appeal BC Supreme Court matter S-229680 [redacted], a matter brought under the *Class Proceedings Act, R.S.B.C. 1996,c.50.* Whereas these matters properly inform each other, should a contempt order be used to obstruct justice?

38. Is the Honourable Marshall Rothstein correct in suggesting the Canadian judicial system has been unfairly used to advance social agenda, whereas the application of law in the same regard is antagonistic to section 2(e) of the Bill of Rights?

39. Does the Government of Canada insulate its agencies and sponsored private sector entities from prosecution?

40. Pursuant to the *Gosselin Reports* published in the Ottawa Citizen and referenced in other media outlets, has the CAF expanded its operations targeting Canadian Citizens through social media, CIMIC programs, InfoOps, and PsyOps?

41. A justice of the British Columbia Court of Appeal published a false account concerning a Party on the internet and denied the existence of case contents under seal. Can the public trust this court as a viable institution?

42. Halifax Regional Police published a false account of events concerning the Applicant in an official report compared with a true discreet audio recording of the same meeting. Can the public trust this Police agency to uphold the objective principles of law?

PART III – STATEMENT OF ARGUMENT
(A concise statement of argument.)

Exceptionally High Threshold

43. The power to adjudicate contempt in a civil court is discretionary, and is expected to be exercised with "*great restraint"* (*Laiken v. Carey; Sabourin v. Laiken, 2011 ONSC 5892, para 23, Chong v. Donnelly, 2019 ONCA 799, para 9).* Great restraint in this case is commonly understood to mean that the discretionary power of the court to punish in any capacity is used as a "last resort" (*Laiken*, paragraph 36). This further suggests that prior to pronouncing contempt, the court will make diligent efforts to explore all aspects of a lawfully-provisioned evidentiary record.

44. In adding further weight to the foregoing statement, and as is contemplated in the Application for Leave to Appeal the [redacted] the Appellant has a demonstrated history in complying with and conducting himself in accord with existing sealing orders, including calling for the same when appropriate. In accord with *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79 (para 37)* and longstanding jurisprudence for discretionary exercise of its power to punish under extreme circumstances, the court is reasonably expected to carefully explore an existing evidentiary record, make provisions for additional discovery if required, and explore the entirety of facts relevant to the Application.

45. The weak criteria the Respondents' Application is based on, and its timing, two months following the actual disclosures, underscore a history of bad faith in leveraging the judicial system as a punitive weapon. Whereas the court failed to exercise discretion in awarding this order, public trust in the same institution is called into question. S-229680 considers this question across a wide scope of events. [redacted] sought special costs *ten times* customary legal fees at the first contempt hearing on the basis that his typical lawyer was on vacation. A comparable amount was awarded. Justice [redacted] cites in paragraph 51 of his reasons that he proposes to continue this "long-standing practice" as it pertains to special costs.

Conduct of the Appellate Court

46. In accord with procedural violations throughout proceedings in 2022, a pattern of judicial obstruction continued in 2023 to present in the form of widespread violation of rules governing the Style of Proceedings in S-229680, censorship of public records, extrajudicial authorizations, including the sealing of the entirety of S-229680 prior to counsel for [redacted] accepting service of the pleadings, and the refusal of the BCSC to acknowledge no less than five (5) corrective letters filed under Practice Direction 27 over ten (10) weeks, requesting that the court follow its own rules to ensure proceedings in S-229680 are not prejudicially compromised.

47. Conversely, the Applicant, having missed the deadline to appeal S-229680 by four (4) days, as a result of awaiting word from the BCSC to enforce nine (9) accounts of settled procedural law pursuant to BCSC Rule 9-5(3), was blocked by BCCA chambers judge [redacted] who leveraged the contempt rulings of justices [redacted] as an estoppel to a fair trial in S-229680. No consideration was made of the merits of the

file in its own right, nor circumstances causing the filing delay, nor the fact that a trial of the common issues in S-229680 is required to properly address matters of civil contempt in its specific context. These considerations are antagonistic to section 2(e) of the Bill of Rights.

Mistakes in the [redacted] Reasons

48. The May 15th, 2023 oral reasons of justice [redacted] contain a series of errors as first contemplated in the factual account. The first concerns the recipients of the document claimed by the Respondents occasioning a breach. The legal test maintains the party allegedly in breach must have intentionally done the act that the order prohibits or intentionally failed to do the act that the order compels: *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79, at paras. 32-35; Greenberg v. Nowack, 2016 ONCA 949, 135 O.R. (3d) 525, at paras. 25-26.*

49. By way of the factual account in the foregoing paragraphs 8 through 15, the Crown recipients meet test criteria to be furnished with the same document whereas they are parties to [redacted] in the Style of Cause.

50. By way of the factual account in the foregoing paragraphs 16 through 21 with specific treatment on the *Interpretation Act R.S.C., 1985, c. I-21* on paragraph 20, the Regulator recipients meet test criteria to be furnished with the same document in accord with their statutory function and procedure.

51. With respect to further consideration of the power of the court being discretionary and its traditionally high threshold, the Applicant reiterates the factual account in paragraph 22 concerning legal support. It is further noteworthy to discern that the document contains no biographical or proprietary information which might occasion harm to the Respondents, and whereas, chronology which is traditionally open to the public via the open court principle was instead sealed beyond traditional jurisprudence governing the same. Paragraph 36 in Laiken;

> "*As this Court has affirmed, "contempt of court cannot be reduced to a mere means of enforcing judgments": Vidéotron Ltée v. Industries Microlec Produits Électroniques Inc., [1992] 2 S.C.R. 1065, at p. 1078, citing Daigle v. St-Gabriel-de-Brandon (Paroisse), [1991] R.D.J. 249 (Que. C.A.). Rather, it should be used "cautiously and with great restraint": TG Industries, at para. 32. It is an enforcement power of last rather than first resort: Hefkey, at para. 3; St. Elizabeth Home Society v. Hamilton (City), 2008 ONCA 182, 89 O.R. (3d) 81, at paras. 41-43; Centre commercial Les Rivières ltée, at para. 64.*"

Justice [redacted] Denied the Existence of an Evidentiary Record he was Privy to

52. Diligent but unsuccessful efforts were made in seeking relief of ongoing harassment and mischief connected to the Respondents through recourse to law enforcement. Prior to the Applicant's relocation from British Columbia to Nova Scotia as a result of these

events in February 2022, the Applicant sought recourse to the RCMP in Surrey, BC prior to the filing of S-220956. The RCMP listened but refused to open a file or investigate. The Department of Justice ignored the Applicant's citations of these events. Halifax Regional Police ("HRP") did likewise, initially suggesting the events would cease "when the lawsuit against [redacted] was dropped". All the while, on-heels and online harassment continued on a day-to-day basis as is chronicled in the Applicant's Affidavits.

53. HRP, eventually having met with the Applicant on December 8th 2022, validated the Appellant's evidentiary record in its entirety, and agreed to launch an investigation. In view of the events chronicled in S-229580, the Applicant discreetly recorded the same 79-minute meeting, pursuant to section 183.1 of the Canadian Criminal Code. HRP was unable to be reached following the same meeting, whereas a report of the December 8th 2022 meeting was obtained by FOIPOP request. This report denied the existence of the Applicant's evidentiary record concerning harassment and judicial miscarriage. It further declared the Applicant mentally-ill. HRP could not be reached for further comment.

54. HRP subsequently refused to accept service of an Application to join S-229680, the same being served in accord with BCSC rules and the *BC Court Jurisdiction and Proceedings Transfer Act* (Applicant's Fifth Affidavit S-229680, pages 55-61). A true and complete audio transcript of the December 8th 2022 meeting compared with the FOIPOP HRP Police report, is furnished in the Applicant's Third Affidavit of S-229680, Exhibit B. Justice [redacted] was privy to these records whereas the Applicant made reference to the same before him in chambers. Paragraph 36 of the [redacted] reasons denies the existence of the same, and denies the Applicant's records showing widespread judicial misconduct, which is suffused through the Affidavits in S-229680. Amid these records, the Applicant submits the SCC should rely on the same as a precedent in contemplating bias and obstruction in proceedings in the lower courts.

Jurisprudence

55. While this specific Application might rightly be adjudicated in a reconsideration of the legal test against the factual account, it is relevant to cite the thinking of this court it relates to the the high legal test coupled with circumstances the Appellant is beset by, as is reflected in the Affidavits in S-229680.

    a) *"At the heart of this defense is the perceived injustice of punishing violations of the law in circumstances in which the person had no other viable or reasonable choice available; the act was wrong but it is excused because it was realistically unavoidable."*
    R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24, Paragraph 29

    b) *"Without requiring a full mens rea, the Court decided that, generally speaking, absent very clear and explicit language to the contrary, at least a defense of due diligence should be available to the accused. This form of penal responsibility had to be grounded on an element of voluntariness, the choice left to the*

accused being at least that of acting with due diligence, to avoid convicting innocents (p. 1313).”
R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24, Paragraph 35

c) *“Moral involuntariness is also related to the notion that the defense of duress is an excuse. Dickson J. maintained in Perka that an excuse acknowledges the wrongfulness of the accused’s conduct. Nevertheless, the law refuses to attach penal consequences to it because an “excuse” has been made out. In using the expression “moral involuntariness”, we mean that the accused had no “real” choice but to commit the offense. This recognizes that there was indeed an alternative to breaking the law, although in the case of duress that choice may be even more unpalatable – to be killed or physically harmed.”*
R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24, Paragraph 39

d) *“Excuses absolve the accused of personal accountability by focussing, not on the wrongful act, but on the circumstances of the act and the accused’s personal capacity to avoid it.”*
Fletcher, supra, at p. 798

e) *“Notably, at common law, there is no requirement that the threats be made by a person who is present at the scene of the crime. It has been said that the threat must be “immediate” or “imminent” and that persons threatened must resort to the protection of the law if they can do so. While the defense is not available to those who have “an obvious safe avenue of escape”, I agree with Martin J.A. that the operative test is “whether the accused failed to avail himself or herself of some opportunity to escape or render the threat ineffective.”*
R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24, Paragraph 66

f) *“The appellant and respondent voiced conflicting views about the existence of any immediacy requirement in the English law of duress. English courts seem to have opted for a flexible test that requires that there be a close temporal connection between threat and harm. The threat need not operate instantly, but must be a present one in the sense that it creates an immediate pressure to act (see R. v. Hudson, [1971] 2 Q.B. 202 (C.A.), at pp. 206-7).”*
R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24, Paragraph 72

g) A defense of necessity by way of excuse *“..rests on a realistic assessment of human weakness, recognizing that a liberal and humane criminal law cannot hold people to the strict obedience of laws in emergency situations where normal human instincts, whether of self-preservation or of altruism, overwhelmingly impel disobedience. The objectivity of the criminal law is preserved; such acts are still wrongful, but in the circumstances they are excusable. Praise is indeed not bestowed, but pardon is, when one does a wrongful act under pressure which, in the words of Aristotle in the Nicomachean Ethics [Book III, 1110a (trans. D. Ross,*

1975, at p. 49)] "overstrains human nature and which no one could withstand".
R. v. Hibbert, [1995] 2 S.C.R. 973, Paragraph 52

h) *“This Court has previously indicated that when assessing the reasonableness of an accused's conduct for the purposes of determining whether he or she should be excused from criminal responsibility, it is appropriate to employ an objective standard that takes into account the particular circumstances of the accused, including his or her ability to perceive the existence of alternative courses of action.”*
R. v. Hibbert, [1995] 2 S.C.R. 973, Paragraph 59

i) *“Contempt proceedings are subject to the standard principles that allow parties to reopen findings in exceptional circumstances to permit consideration of fresh evidence or new facts that were not before the court at the first hearing.”*
Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79, paragraph 62

Purging Contempt

56. Purging contempt in the object and proportion of justice does not result from paying exorbitant fees in the absence of fair trials and onerous rulings. The Applicant submits the [redacted] order of justice [redacted] requires a reconsideration of the legal test in view of the factual account and whereas the Applicant expects the same may be sufficient to reconsider and purge.

57. Further consideration is germane to the appeal of the accompanying [redacted] ruling, considering extraneous necessitating circumstances which occasioned the disclosure of a redacted affidavit to attract intervention in the absence of safe avenue. This is a complex civil matter with related criminal components substantially connected to the Respondents, and whereas, civil contempt is quasi-criminal in nature. As is contemplated in S-229680, reliable safe avenue and access to justice is in fact the question of import before the court. To that end, a material distinction between common law and civil law as it relates to an excuse of necessity, in an event the same would yield miscarriage in justice and/or prevent consideration of the entirety of a lawfully adduced evidentiary record, would be antagonistic to the object and proportion of justice. Reconsideration of an original order, as this court recognized in *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79,* is entirely relevant to the matter.

58. A trial of the common issues in S-229680 is required to inform all matters germane to this Application. Refusal to grant leave will inexorably lead to the destruction of the Applicant’s life savings and enable the events outlined in the accompanying Affidavit to remain unaddressed. There is no reasonable basis for the same in view of the foregoing account, and relevant jurisprudence. Further relevant privileged information is lawfully adduced by means of ITA 241(3.1). Recommendations are reflected in **Part V**.

PART IV – SUBMISSIONS IN SUPPORT OF ORDER SOUGHT CONCERNING COSTS
(Submissions, if any, not exceeding one page in support of the order sought concerning costs.)

59. The Applicant is a self-represented litigant. The matter of retaining counsel is a materially relevant component in these matters as is outlined in supporting Affidavits. Whereas the workload required in treating this matter consumes considerable time, it is difficult to place an arbitrary value on costs, besides the costs of materials, services, and other supportive requirements yielding receipts.

60. As is detailed in the two other Applications accompanying this one, the British Columbia Court of Appeal published oral reasons germane to these hearings mischaracterizing the Applicant which are harmful to the Applicant. The oral reasons of justice [redacted] includes false statements directly contrary to factual affidavit accounts and denies the existence of judicial and police misconduct as is furnished in these same Affidavits.

PART V – ORDER OR ORDERS SOUGHT
(The order or orders sought, including the order or orders sought with respect to costs.)

61. Overturn the May 15th, 2023 order of justice [redacted] finding the Applicant in contempt of court. On the alternative, adjourn such an order until a trial of common issues germane to necessitating factors in paragraph (1) is completed. The latter contemplates an Appeal of S-229680.

[redacted]

Signature of Nathan K. Dempsey (Applicant)

Part VI - TABLE OF AUTHORITIES

Legislative enactments, case law, articles, texts and treaties	**Paragraph/section #**
62. *Sherman Estate v. Donovan, 2021 SCC 25*	*7, 63*
63. *United States v. Meng, 2021 BCSC 1253*	*33*
64. *R. v. Ruzic, [2001] 1 S.C.R. 687, 2001 SCC 24*	*29, 30, 35, 39, 40, 66, 72, 73*
65. *R. v. Hibbert, [1995] 2 S.C.R. 973*	*52, 59*
66. *Carey v. Laiken, 2015 SCC 17, [2015] 2 S.C.R. 79*	*37, 38, 39, 62, 66*
67. Greenberg v. Nowack, 2016 ONCA 949, 135 O.R. (3d) 525	25, 26
68. Chong v. Donnelly, 2019 ONCA 799	*9*
69. Law Society of British Columbia v. Canada (Attorney General), 2001 BCSC 1593	*67*
70. Gauthier v. Canada (Speaker of the House of Commons), 2006 FC 570	*11*
71. Pintea v. Johns, 2017 SCC 23, [2017] 1 S.C.R. 470	*4*