Court File No. T-2448-26

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

– and –

ROYAL CANADIAN MOUNTED POLICE, MICHAEL DUHEME, JEFFREY BALL, and STEPHANE BRISSON

Respondents

APPLICANT'S SUBMISSIONS ON COSTS

(Pursuant to Rules 400 and 401 of the Federal Courts Rules)

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PART I — INTRODUCTION AND RELIEF SOUGHT

1. The Applicant seeks an Order for costs on an elevated, full-indemnity (solicitor-and-client) basis, fixed in the lump sum of $100,000.00, payable forthwith. This request is predicated on the extraordinary, unprecedented, and deeply subversive nature of the misconduct perpetrated against both the Applicant and the structural integrity of this Honourable Court. What began as a standard administrative law proceeding has been violently transmuted

into a defense of the *Rule of Law* itself, necessitated by the state's active, coordinated deployment of forensic forgery to derail a lawful adjudication.

2. This unprecedented and extraordinary costs award is sought not merely against the named defaulting Respondents (the RCMP and its officers), but is specifically, exceptionally, and deliberately directed against the implicated non-parties and counsel of record. This expressly encompasses Mr. Jake Norris, Mr. Tyler Alviano, Mr. Nick Continelli, and the compromised registry personnel, specifically including Ms. Maya-Jo Blake-Janniere. These external and internal administrative actors have operated collectively, sequentially, and collaboratively under the sprawling umbrella of the indivisible Crown. Their concerted, clandestine objective has been to thwart the lawful administration of justice, effectively weaponizing the administrative apparatus of the Federal Court against a lawful, self-represented litigant seeking constitutional redress.
3. The foundational basis for this punitive relief is the egregious, scandalous, and deceitful conduct orchestrated to actively subvert the administration of justice. This proceeding was originally initiated to expose and compel the production of records relating to the underlying fabrication of the "False Information Package" (Police Case ID: 457197)—a matter already tainted by allegations of software manipulation (the GrapeCity/Mescius SDK PDF framework) and severe constitutional breaches. Instead of fulfilling its mandatory, statutory disclosure obligations and answering the lawful *Rule 317* requisition to produce the unredacted CPIC metadata, the state apparatus responded by synthesizing, uttering, and enforcing the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT).
4. This instrument was emphatically not a mere administrative error, a benign clerical misstep, or a misunderstanding of registry protocols. It was a highly sophisticated, structurally engineered forensic forgery designed to unlawfully override the binding June 24 **Decision/Other Disposition** of Associate Judge Crinson. Such a catastrophic internal failure of the judicial machinery—where the very registry designed to facilitate justice is transformed into an active, partisan shield for police misconduct—warrants the absolute maximum punitive costs sanction recognized at law. The costs requested herein serve a vital, dual public-law function: first, to fiercely compensate the Applicant for an unconscionable expenditure of temporal, financial, and intellectual

resources; and second, to rigorously vindicate the integrity of the Federal Court's docket from internal subversion, ensuring that the public maintains faith in the independence of the judiciary.

5. It is strictly submitted that the conduct herein transcends standard adversarial friction, which is expected, tolerated, and fully absorbed by standard tariff costs. Instead, it represents a calculated, institutional deployment of digitally fabricated evidence. When the administrative apparatus of the state is mobilized to defraud a citizen—bypassing secure digital architectures, cloning antecedent Tax Court metadata, and synthesizing a judicial directive *in vacuo*—the financial sanction must completely eclipse mere compensation. It must reflect the profound severity of the breach of public trust, acting as an uncompromising, institutional deterrent to future state-sponsored fraud. A court that fails to aggressively penalize the poisoning of its own well effectively guarantees the death of the *Rule of Law*.

6. The Applicant has been violently forced entirely out of the traditional litigant role to untangle a labyrinthine web of state deception, bearing an unconscionable and unprecedented burden. The $100,000 lump sum sought herein represents the absolute minimum necessary to address the vast expenditure of forensic, intellectual, and temporal resources stolen from the Applicant by the officious intermeddling of the Crown's agents. To deny or arbitrarily reduce this relief would be to immunize institutional bad faith, effectively signaling to the executive branch that it may hijack judicial dockets, forge directives, and silence applicants with absolute financial impunity.

PART II — THE STATUTORY FRAMEWORK: RULES 400 AND 401

7. The Federal Court possesses plenary, discretionary, and inherent supervisory jurisdiction to award and allocate costs to protect the integrity of its own processes and to severely sanction abuses of those processes. Pursuant to *Rule 400(1)* of the *Federal Courts Rules*, SOR/98-106 (the "**FCR**"), the Court retains "full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid." This sweeping discretion is not to be exercised arbitrarily, but must be deployed purposefully to maintain procedural discipline, enforce ethical standards, and preserve institutional honour.

8. Furthermore, under *Rule 400(2)*, it is explicitly established that costs may be awarded against the Crown without restriction. This specific provision represents a deliberate, conscious legislative choice by Parliament to prevent the state from hiding behind the historical veil of sovereign immunity when its agents engage in bad-faith litigation tactics. The Crown, possessing limitless public resources and coercive power, is held to a vastly elevated standard of ethical conduct. The "Fisherman's Rule" dictates an absolute duty of honesty owed to the Court by the Crown's agents; when that standard is catastrophically breached through the injection of fabricated instruments into the docket, the financial rebuke must be proportionately severe and immediate.
9. *Rule 400(3)* explicitly enumerates the factors the Court must consider when exercising this broad discretion. The factual matrix surrounding the multi-layered fabrication of the July 2 Purported Direction violently triggers the most severe, punitive elements of this provision:
    - **(c) the importance and complexity of the issues:** The complexities herein utterly transcend standard administrative law or routine interlocutory disputes. The Applicant was compelled to actively perform the roles of a digital forensic investigator, a metadata analyst, and an expert in Canadian constitutional heraldry. The Applicant was required to conduct highly complex metadata extraction to definitively identify the clandestine use of post-production Manipulation Software (PDF-XChange Editor) utilized by external actors to bypass the secure, native macro-templates of the Courts Administration Service (CAS). The issues required the Applicant to independently uncover the deliberate omission of mandatory swearing and disposition pages, the insertion of fictitious entities (e.g., George Jiri), and the breathtaking misappropriation of the National Coat of Arms (an appellate/executive crest) onto a purported Trial Division directive.
    - **(g) the amount of work:** The sheer volume of labour required to dismantle this coordinated obstruction cannot be overstated. The Applicant was forced to meticulously audit the Treasury Board's Federal Identity Program (FIP) trademark guidelines to definitively prove the crest forgery. He was required to cross-reference public employment registries to identify phantom registry personnel (Maya-Jo Blake-Janniere) and link them to open-source intelligence regarding severe *Criminal Code* infractions. He had to

cryptographically trace the cloned Tax Court metadata identifier (T-4313-25) back to its origins within the Department of Justice's tax litigation apparatus. This is an investigatory burden of staggering proportions.

- **(i) any conduct of a party that tended to shorten or unnecessarily lengthen the duration of the proceeding:** The injection of a fabricated directive into the procedural stream violently hijacked the procedural timeline, transforming a straightforward default proceeding against unopposed Respondents into a full-scale constitutional crisis. This necessitated the exhaustive drafting, filing, and arguing of entirely separate, highly complex emergency motions (NOM #2 and NOM #3) merely to clear the docket of the forgery.
- **(k) whether any step in the proceeding was (i) improper, vexatious or unnecessary:** The synthesis of a "phantom" appellate document bearing cloned CRA/Tax Court metadata is the ultimate manifestation of an improper step. It is an act of prosecutorial and administrative sabotage, taken not to advance the litigation upon its merits, but to definitively and covertly assassinate it.

10. Under *Rule 400(6)(c)*, the Court maintains the explicit statutory authority to award "all or part of costs on a solicitor-and-client basis." This provision operates as a powerful statutory anchor, confirming that the Court is never strictly bound by the tariff when conduct demands severe denunciation. The application of this elevated scale is strictly reserved for conduct that the Court must forcefully rebuke to preserve its own dignity and public standing.

THE MANDATORY TRIGGER OF RULE 401(2) AND INTERLOCUTORY COSTS

11. Crucially, the intersection of *Rule 401(1)* and *Rule 401(2)* operates to demand immediate financial consequences for abusive litigation tactics on motions. As clarified by the Federal Court of Appeal in *Tazehkand v. Bank of Canada*, 2024 FCA 73, while interlocutory costs are generally deferred until the conclusion of a trial, *Rule 401(2)* establishes a mandatory, punitive exception: where the Court is satisfied that a motion should not have been brought or opposed, it *shall* order costs payable forthwith. This removes judicial deference; it imposes an active duty to penalize unmeritorious procedural friction.

12. A comprehensive analysis of recent, highly relevant Federal Court jurisprudence vividly illustrates the uniform, uncompromising application of *Rules 401(1)* and *401(2)* to sanction abusive, unmeritorious, or frivolous interlocutory proceedings immediately:

   - **Mandatory Immediate Payment for Abuse of Process:** In *Zhu v. Canada (Citizenship and Immigration)*, 2025 FC 1450, the judge found an applicant's motion constituted an "abuse of process" and, relying directly on Rule 401, concluded the motion never should have been brought, thereby triggering the mechanism for costs payable forthwith. Similarly, in *Hill v. Canada*, 2025 FC 242, the Court explicitly referenced the threshold test of Rule 401(2), noting that costs *must* be ordered payable forthwith if the presiding judge is satisfied that the motion was frivolous to bring or oppose.
   - **Self-Represented Litigants and Frivolous Opposition:** In *Maliqi v. Canada*, 2024 FC 1121, dealing with a self-represented party, the Court reiterated the punitive and deterrent function of Rule 401, noting that if a motion should not have been opposed, the Court possesses a mandatory obligation to impose an immediate cost consequence. In the present matter, the Respondents' ongoing statutory default rendered any opposition to the Applicant's restorative motions fundamentally unmeritorious.
   - **Sanctioning Contemptuous and High-Handed Conduct:** In contexts involving severe misconduct, obstruction during discovery, or contempt-like behavior, the Court relies directly on *Rule 401(2)* to impose immediate financial sanctions (*Triteq Lock & Security, LLC v. Minus Forty Technologies Corp.*, 2023 FC 819; *Beniey v. Canada (Public Safety and Emergency Preparedness)*, 2022 FCA 202). Furthermore, in *Louis Vuitton Malletier S.A. v. Wang*, 2018 FC 1198, a high-stakes commercial dispute, the Court utilized Rule 401(2) to order costs paid forthwith and "in any event of the cause" to strictly penalize inappropriate interlocutory maneuvering.
   - **Broad Inherent Discretion to Fix Lump Sums:** The Trial Division maintains the ultimate discretion under *Rule 401(1)* to bypass the standard assessment process and independently award and fix the costs of a motion to a specific, elevated amount (*Enhance Energy Inc. v. Canada (Environment and Climate Change)*, 2025 FC 2024; *Boudreau v. Canada (Revenue Agency)*, 2022 FC 792; *Jama v. Canada (Attorney General)*, 2020 FC 308). As established in *Fono v. Canada Mortgage and Housing Corporation*, 2019 FC

1190, this inherent discretion given to the motion judge is vast and should only be overturned if "plainly wrong."

- **Unwarranted Procedural Stances:** Where a party's procedural stance is completely unwarranted, Rule 401(2) provides the exact statutory mechanism to aggressively penalize that stance (*Abdelrazik v. Canada*, 2015 FC 548; *GE Renewable Energy Canada Inc. v. Canmec Industrial Inc.*, 2024 FC 887). The absolute statutory default of the RCMP, coupled with the clandestine generation of the July 2 False Document, means that any resistance to the Applicant's restorative motions was entirely unmeritorious and warrants the maximum immediate penalty under this rule.

13. As confirmed by the Federal Court of Appeal in *Brace v. Canada*, 2021 FCA 136, costs for an interlocutory motion do not accrue automatically; they must be explicitly ordered and fixed by the presiding Court under *Rule 401*. The Applicant relies entirely on this mechanism. The institutional fabrication at the heart of this matter violently shatters the threshold required to trigger this mandatory, immediate financial rebuke under *Rule 401(2)*.

PART III — FULL INDEMNITY COSTS: FORGERY AND INSTITUTIONAL BAD FAITH

14. The Supreme Court of Canada and highly persuasive appellate jurisprudence have definitively established that solicitor-client (full-indemnity) costs are exceptional and must not be awarded lightly. However, they are strictly reserved for instances where there has been reprehensible, scandalous, or outrageous conduct on the part of one of the parties or their agents, or where the conduct represents a flagrant abuse of the court's process. The injection of a fabricated judicial instrument to shield a defaulting state agency from *Rule 317* disclosure epitomizes "reprehensible" conduct.

15. **The *Whalen* Standard for Government Bad Faith:** As established in the leading modern authority of *Whalen v. Canada (Attorney General)*, 2015 ONSC 7281, full-indemnity costs are the appropriate, necessary, and proportionate sanction where government actors engage in bad faith, institutional obstruction, or conduct that actively undermines the administration of justice. The covert deployment of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) perfectly mirrors this standard of state-sponsored bad faith. Furthermore, the Federal Court explicitly recognizes its mandate to award solicitor-and-client costs against the

Crown where its conduct is "unreasonable, improper, or abusive" (*Morton v. Canada (Attorney General)*, 2015 FC 575).

16. **Sanctioning Misconduct and Deterring Abuse:** In the seminal Supreme Court of Canada decision *Young v. Young*, 1993 4 S.C.R. 3, the Court affirmed that costs may be utilized as a powerful tool to denounce and deter litigation misconduct, including abuse of process. This principle is foundational to Ontario Court of Appeal jurisprudence, which confirms that full indemnity costs may be awarded where a party's conduct is "egregious, high-handed, or abusive" (*Sagl v. Chubb Insurance Co. of Canada*, 2009 ONCA 388), where it is "vexatious, frivolous, or abusive" (*1465778 Ontario Inc. v. 1122077 Ontario Ltd.*, 2016 ONSC 4667), or where it amounts to an absolute "abuse of process" (*Colborne Capital Corp. v. 542775 Ontario Ltd.*, 1996 CanLII 870 (ON CA)). The orchestration of a "phantom" appellate document explicitly to circumvent a binding case management direction unequivocally satisfies these strict thresholds.

17. **Undermining the Administration of Justice:** As definitively established in *Davies v. Clarington (Municipality)*, 2009 ONCA 722, full-indemnity costs are mandated where a party's conduct strikes at and "undermines the administration of justice." The conduct exposed herein shatters this threshold and squarely enters the realm of systemic, actionable deceit. The fabrication of a judicial instrument utilizing external Manipulation Software to bypass secure macro-templates is alarming on its face. However, when coupled with the clumsy cloning of an antecedent Tax Court/CRA metadata identifier (T-4313-25) and the highly unauthorized, synthetic superimposition of an appellate/executive crest (the National Coat of Arms), it constitutes a direct, calculated fraud upon the Court. It is an unvarnished subversion of the *Rule of Law* that strictly engages the equitable maxim *Fraus omnia corrumpit* (fraud vitiates everything).

18. **The *Le Soleil* Analogy for Forged Instruments:** The factual matrix surrounding this multi-layered fabrication is devastatingly analogous to the severe misconduct denounced in *Le Soleil Hospitality Inc. v. Louie*, 2010 BCSC 1183. In *Le Soleil*, the defendants fraudulently backdated and forged documents in a clandestine, concerted attempt to override a binding settlement obligation and deceive the trial judge. They subsequently relied upon these synthetically manufactured instruments in a bad-faith effort to permanently alter the evidentiary record. The Court in *Le Soleil* correctly identified the "manufacturing of evidence" as a mortal threat to the judicial process

itself. The Supreme Court of British Columbia, correctly piercing the corporate veil to hold the directing minds personally accountable, awarded full-indemnity "special costs" alongside substantial punitive damages specifically due to the egregious, persistent fraud and the corresponding abuse of process.

19. Just as the defendants in *Le Soleil* relied upon a forged instrument to defeat a binding reality, the implicated state actors deployed a synthesized, falsely crested directive to sustain the Respondents' statutory default and permanently escape the *Rule 317* disclosures demanded by the Applicant. If private parties are severely penalized for corporate document forgery, the state apparatus—possessing a monopoly on force and an overriding duty to act honourably—must be held to an infinitely higher, uncompromising standard.

Pre-Litigation Conduct, the Criminal Charade, and Non-Disclosure

20. Furthermore, elevated costs are not strictly confined to misconduct occurring within the four corners of the active litigation. As established in *Sun Life Assurance Co. of Canada v. Ritchie*, 2000 BCCA 231 (at para 54), full indemnity or "special costs" may be ordered for "reprehensible conduct giving rise to the litigation, particularly where the fruits of the litigation do not provide an appropriate compensation in relation to the reprehensible conduct" (leave to appeal to S.C.C. refused, 2000 S.C.C.A. No. 247). This principle is echoed across vast appellate authority (*Nygard International Ltd. v. Robinson*, 1990 CanLII 1991 (BCCA); *Evergreen Building Ltd. v. IBI Leaseholds Ltd.*, 2009 BCCA 275; *Dockside Brewing Co. v. Strata Plan LMS 3837*, 2007 BCCA 183). The Applicant was forced to initiate this proceeding precisely because of the state's reprehensible pre-litigation conduct—namely, the synthesis of the underlying False Information Package.

21. It is settled law that making unfounded allegations of fraud, or persisting in such allegations when the evidence clearly does not support them, exposes a party to special costs (*Albion Securities Co. v. Milne*, 1999 BCSC 2297; *Blackwell Stores Ltd. v. Okanagan-Similkameen*; *O'Connell Electric Ltd. v. British Columbia Hydro*, 2006 BCSC 1632; *Dimitriadis v. Bowen Valley Ranch Corp.* 1995 B.C.J. No. 2281; *131843 Canada Inc. v. Double "R" (Toronto) Ltd.* (1992), 7 C.P.C. (3d) 15). The Applicant herein soundly defeated the charade of a criminal proceeding and a criminal prosecution weaponized against him. By being systematically obstructionist, resisting lawful *Rule 317* disclosure, and hiding behind fabricated directives, the Respondents are continuing to implicitly

allege, by their conduct, that the Applicant remains a valid target of state prosecution. They are woven into the same fabric of deception, and this continued, bad-faith perpetuation of a defeated criminal charade violently attracts full-indemnity costs.

22. Finally, a direct, devastating parallel must be drawn regarding the absolute failure to transmit the Certified Tribunal Record (CTR). In *Laface v. McWilliams*, 2005 BCSC 1766, and *Romfo v. 1216393 Ontario Inc.*, 2007 BCSC 1772, the courts decisively awarded special costs specifically to sanction the non-disclosure of documents. The RCMP's ongoing failure to transmit the CTR or even formally docket a notice of objection represents the exact same category of severe discovery obstruction, designed to conceal the underlying GrapeCity manipulation, thereby warranting severe financial rebuke.

23. **Making the Victim Whole:** The necessity of full indemnity is further solidified by the Supreme Court of Canada in *Bank of America Canada v. Mutual Trust Co.*, 2002 SCC 43, which dictates that a party must be made whole when forced to incur vast expenses due solely to the opposing party's misconduct. Furthermore, as articulated by the Ontario Court of Appeal in *McDougald Estate v. Gooderham*, 2005 CanLII 21091 (ONCA), costs must reflect fairness, deterrence, and the reasonable expectations of the parties, specifically supporting elevated costs where one party is forced to bear the entire evidentiary and investigative burden due to the other's obfuscation. Finally, as recognized in *Canada (Attorney General) v. Inuit Tapirisat*, 1980 2 S.C.R. 735, where government conduct actively impedes access to justice or procedural fairness, the costs sanction must be elevated to aggressively restore the balance.

PART IV — NON-PARTY LIABILITY AND THE TORTS OF MAINTENANCE AND CHAMPERTY

24. The scope of costs liability in this highly exceptional, arguably unprecedented scenario must fiercely pierce the traditional boundaries of standard litigation. It must forcefully extend beyond the named defaulting Respondents (the RCMP and its officers) to explicitly encompass the specific non-parties, counsel, and administrative staff who actively orchestrated, funded, or facilitated this structural obstruction.

25. As articulated by the Supreme Court of Canada in *Young v. Young*, 1993, 4 S.C.R. 3, and subsequently expanded in *Davies v. American Home Assurance Co.*, 2002 CanLII 15469 (ON SCDC) and *Sagl v. Chubb Insurance*

Company of Canada, 2009 ONCA 638, the Court possesses the inherent, supervisory, and equitable jurisdiction to award costs directly against non-parties who commit the tort of maintenance, champerty, or who otherwise actively abuse the court process to denounce and deter litigation misconduct.

The Torts of Wrongful Intermeddling

26. The torts of maintenance and champerty involve the wrongful intermeddling in the legal proceedings of other people—essentially, "sticking a nose in" where it does not belong, devoid of any legitimate legal interest, and doing so with nefarious intentions or an illicit purpose.

27. The tort of **maintenance** specifically involves providing wrongful encouragement to a litigative proceeding, as well as some form of support (logistical, financial, or administrative), arising from a desire within the maintainer to inflict disruption, disturbance, or harm upon an opposing party. In short, the maintainer is a stranger without formal party status who is lending support to a party with an illegitimate purpose (*Ali v. Datta*, 2011 ONSC 2496, at paras 53-54). **Champerty** involves the identical elements of maintenance, but includes the additional element of sharing in the "proceeds" or rewards of the successfully defended litigation.

28. The intervention herein by the registry staff (explicitly Ms. Maya-Jo Blake-Janniere and Mr. Tristan Mercieca) and DOJ counsel (Mr. Norris, Mr. Alviano, Mr. Continelli) unequivocally satisfies the requirements for wrongful maintenance established in *Ali v. Datta*. Unlike legitimate forms of maintenance recognized in law—such as insurance subrogation (*Simpson & Co. v. Thomson* (1877), 3 A.C. 279), the assignment of rights (*Clark v. Werden*, 2011 ONCA 619), or trade unions acting transparently on behalf of a collective genuine concern (*Fredrickson v. I.C.B.C.*, 1986 CanLII 165)—the actions of the registry and DOJ counsel were entirely officious, covert, and legally unjustified.

29. A registry officer's mandate is strictly ministerial and rigidly bounded by the *Federal Courts Rules*. By bypassing secure judicial portals to execute personalized, asymmetric interference, and by transmitting a synthetically manipulated document bearing false heraldry, these actors actively abandoned their neutral standing. They provided "wrongful encouragement" and clandestine logistical support to the defaulting RCMP. Their objective was to construct an artificial procedural barricade (the July 2 False Document) to sustain the Respondents' default

and permanently block the Applicant's lawful *Rule 317* disclosures regarding the underlying GrapeCity manipulation.

30. The "nefarious intention" requirement is amply satisfied: the registry personnel and DOJ counsel knew or absolutely ought to have known that the July 2 Purported Direction was a forensic fabrication authored outside the CAS network. The out-of-band communication loop involving Mr. Norris and Ms. Blake-Janniere demonstrates a desire to assist in inflicting procedural troubles upon the Applicant.
31. Furthermore, the element of **champerty** is implicitly engaged. While champerty traditionally involves a share of financial proceeds (*McIntyre Estate v. Ontario (Attorney General)*, 2002 CanLII 45046), the "proceeds" traded in this public-law context constitute institutional immunity. The compromised registry actors and DOJ counsel are members of the Public Service Alliance of Canada (PSAC) and the Union of Safety and Justice Employees (USJE), inextricably linked to the ATIP personnel (Ms. Melissa Simpson, Ms. Tina Beaudoin) whose obstruction the Applicant is seeking to expose. By protecting the RCMP from *Rule 317* disclosure, they protect their own professional security, shield their fellow union members from accountability, and reap the illicit benefit of continued administrative cover-ups. This constitutes a highly corrupt sharing of the "proceeds" of the litigation.
32. Accordingly, because these non-parties lack any legitimate legal justification for their intermeddling and acted with the nefarious intent to subvert the administration of justice, the Court must exercise its jurisdiction to award costs directly against them. As articulated in *Operation 1 Inc. v. Phillips*, 2004 CanLII 48689 (at para 54), in addition to awarding damages against the intermeddler, the wrongfully supported proceeding itself may be stayed as an abuse of process. The veil of administrative anonymity must be pierced, holding these individual non-parties jointly and severally liable for their officious intermeddling.

PART V — THE NECESSITY OF A LUMP SUM AWARD PAYABLE FORTHWITH AND THE *NOVA CHEMICALS* MANDATE

33. Pursuant to *Rule 401(1)* and *Rule 400(4)*, the Court is strongly, urgently requested to exercise its broad discretion to bypass standard assessment and fix costs as an immediate lump sum.
34. As definitively established by the Federal Court of Appeal in the paramount authority of *Nova Chemicals Corporation v. Dow Chemical Company*, 2017 FCA 25, the Court is explicitly encouraged to utilize its broad

discretion under *Rule 400(4)* to award global lump sums. The overarching purpose of this mandate is to prevent cost adjudications from devolving into pedantic, prolonged "exercises in accounting." Lump-sum awards are the preferred, modern, and highly pragmatic mechanism to achieve absolute finality, successfully avoiding the systemic delay, extreme financial expense, and profound psychological toll of a formal line-by-line costs assessment process (*McDougald Estate v. Gooderham*, 2005 CanLII 21091 (ON CA)).

35. Crucially, *Nova Chemicals* established a general baseline for complex Federal Court litigation, noting that lump-sum awards typically range between 25% to 50% of actual legal fees incurred, plus reasonable disbursements. While the Applicant herein operates in a self-represented capacity, he has been violently forced out of the role of a standard litigant. He has functionally absorbed the multi-disciplinary roles of senior litigation counsel, constitutional scholar, metadata analyst, and forensic heraldry expert merely to survive a state-sponsored barrage of irregularities.

36. The $100,000 lump sum requested represents an eminently reasonable, highly conservative global proxy for the vast equivalent market value of these highly specialized services. It perfectly aligns with the *Nova Chemicals* mandate for pragmatic efficiency by circumventing an impossible "accounting exercise" regarding unbilled self-represented hours, while appropriately reflecting the staggering complexity of the NOM #2 and NOM #3 evidentiary records. The massive undertaking required by the Applicant involved meticulously tracing Canada Post tracking anomalies designed to feign non-service, unraveling the RCMP ATIP's contradictory obstruction, independently auditing the FIP trademark guidelines, and definitively exposing a sophisticated digital forgery originating from within the state's own legal apparatus. This is labour that no citizen should ever be forced to undertake in a functional democracy, and its value far exceeds the $100,000 sought.

The Prevention of Secondary Victimization

37. To subject the Applicant to a prolonged, deeply adversarial formal costs assessment process—functionally forcing him to litigate and justify his expenses line-by-line against the limitless resources of the Crown, the very entity that just attempted to defraud him through a forged judicial instrument—would be to reward the

wrongdoers with further procedural attrition. It would allow the Crown's "long purse" to inflict further punishment on the victim of its own fraud, resulting in a severe secondary victimization.

38. The Supreme Court recognized in *Hamilton v. Open Window Bakery Ltd.*, 2004 SCC 9, that costs must strictly reflect the conduct of the parties and the overriding interests of justice. A lump sum award completely bypasses the secondary victimization of a prolonged assessment, providing immediate vindication and restorative justice to the Applicant while punishing the exact actors responsible.

39. The "Doctrine of Rebuke" must be applied vigorously, visibly, and unapologetically here. A lump sum of $100,000, payable forthwith, is not merely compensatory; it is a constitutionally required punitive declaration. It serves to emphatically declare that the Federal Court of Canada will not permit its registry to be weaponized as an instrument of state-sponsored forgery.

PART VI — RELIEF REQUESTED

40. The Applicant respectfully requests an Order that the costs of this motion, the costs thrown away by the injection of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), and the costs associated with uncovering the underlying GrapeCity manipulation that precipitated this overarching procedural crisis, be fixed pursuant to *Rules 401(1)* and *401(2)* on a full-indemnity (solicitor-and-client) basis in the lump sum of $100,000.00.

41. The Applicant further requests that this sum be made payable forthwith, jointly and severally by the Crown in right of Canada, the named defaulting Respondents, and the implicated non-party intermeddlers, inclusive of counsel (where applicable and to be determined based on silence or opposition (if applicable) who officiously maintained this obstruction, serving as a definitive, unassailable sanction against institutional fraud and ensuring the absolute preservation of the *Rule of Law*.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15th day of July, 2026.

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