

FEDERAL COURT

BETWEEN:

KEVIN A. McLEAN

Applicant

– and –

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

Respondents

**MEMORANDUM OF FACT AND LAW OF THE APPLICANT FOR NOM #3 (RETURNABLE
IN OTTAWA ON JULY 22, 2026 AT 9:30 A.M.)*****PART I — CONCISE STATEMENT OF FACT******A. COMMENCEMENT, UNOPPOSED NATURE, AND THE RESPONDENTS' ABSOLUTE
DEFAULT***

1. The applicant (the “**Applicant**”) rigorously repeats and unequivocally relies upon the comprehensive material facts pleaded within the initial application commenced in form 301 (the “**Form 301 Application**”), the formal requisition for materials (the “**Rule 317 Request**”), the corresponding sworn affidavits, and all other substantive documents presently filed within the official court docket. The specific definitions, terminological parameters, and evidentiary foundations articulated within those antecedent documents are strictly adopted herein. They are intended to possess identical jurisprudential meaning and operational force throughout the entirety of this formal submission, ensuring absolute continuity of the procedural record. On May 15, 2026, the Form 301 Application was formally submitted and unequivocally accepted for filing by the registry of the Federal Court (the “**Registry**”). This foundational procedural step was executed in strict adherence to the prescribed parameters of the *Federal Courts Rules*, SOR/98-106 (the “**Federal Courts Rules**”), concurrently accompanied by the requisite tariff payment. Said financial remittance was unequivocally processed, deposited, and retained by the tribunal, thereby crystallizing the commencement of the proceeding and irrevocably invoking the superintending jurisdiction of the Federal Court (Affidavit #1 of Kevin A. McLean, sworn July 11, 2026, at para 4).
2. Subsequently, on May 20, 2026, both the Rule 317 Request—demanding the mandatory, unredacted transmission of the certified tribunal record (the “**Certified Tribunal Record**”)—and the finalized certificate of service (the “**Certificate of Service**”) were unequivocally accepted for filing and entered into the docket by the Registry. The

formal administrative acceptance and ingestion of these instruments established the unassailable procedural baseline from which all subsequent statutory limitation periods must be calculated and legally enforced (Affidavit #1, at paras 6-7). On June 3, 2026, the respondents (the “**Respondents**”), acting through designated legal counsel representing the Attorney General of Canada, attempted to file a notice of appearance (the “**Notice of Appearance**”). However, as definitively confirmed by the subsequent June 24 **Decision/Other Disposition** issued by Associate Judge Crinson, this administrative attempt was effectuated multiple days beyond the strict statutory limitation period mandated by the *Federal Courts Rules*. The filing was legally defective, entirely bereft of the requisite motion for an extension of time, and fundamentally unauthorized, thereby irrevocably placing the Respondents in an absolute and continuing state of statutory default. This default strictly operates to disentitle the Respondents from further participatory rights absent the granting of formal judicial leave (Affidavit #1, at paras 26-28).

3. Operating strictly, lawfully, and proportionally within the procedural rights afforded to a litigant advancing a proceeding against defaulting, unopposed entities, the application record (the “**Application Record**”) and the comprehensive memorandum of fact and law (the “**Memorandum of Fact and Law**”) were submitted for filing on that identical day, June 3, 2026. This action was executed with the express intent to ensure the most expeditious and least expensive determination of the proceeding, perfectly consistent with the overarching, mandatory administrative mandate enshrined within *Rule 3*.

B. THE FILING OF NOM #1, ADMINISTRATIVE FRICTION, AND NOM #2

6. The institutional respondent, specifically the Royal Canadian Mounted Police (the “**RCMP**”), entirely and persistently failed to transmit the Certified Tribunal Record. Furthermore, the RCMP neglected to register any formal, statutorily compliant objection within the mandatory twenty-day period subsequent to being properly served with the Rule 317 Request (which was effectuated on May 19, 2026, and explicitly admitted by opposing counsel). Consequently, upon the absolute expiration of this immutable procedural deadline, on June 10, 2026, the first notice of motion (the “**NOM #1**”) was submitted for filing, seeking mandatory prerogative and injunctive relief to compel the immediate transmission of the requisite evidentiary record from the defaulting tribunal.

7. On June 12, 2026, the requisition for hearing (the “**Requisition for Hearing**”) was formally executed, the applicable tariff was paid, and the instrument was submitted to the Toronto local office of the Federal Court (the “**Toronto Local Office**”) to securely anchor the adjudicative trajectory (Affidavit #1, at para 15).
8. On June 16, 2026, an electronic communication was transmitted by Registry Officer Mr. Mercieca. It is submitted that this correspondence contained substantively incorrect legal analyses, impermissibly conflated ministerial registry functions with substantive adjudicative determinations, and attempted to impose non-statutory conditions precedent upon the Applicant. Corresponding corrective communications were systematically dispatched throughout the duration of that week by the Applicant to meticulously correct these fundamental misapprehensions of the *Federal Courts Rules*, to demarcate the strict boundaries of registry authority, and to restore procedural orthodoxy to the docket (Affidavit #1, at paras 9-10, 16). The proposed and formally requested return date for NOM #1, designated as June 17, 2026, elapsed without any judicial determination, case management intervention, or formalized response from the Court. In direct response to this administrative stagnation and systemic paralysis, on June 19, 2026, a second Requisition for Hearing concerning the substantive Form 301 Application was meticulously prepared, submitted, and paid for at the Toronto Local Office, further evidencing the Applicant’s diligent, unwavering pursuit of judicial resolution and procedural momentum (Affidavit #1, at para 17). On June 22 and 23, 2026, physical iterations of the second notice of motion (the “**NOM #2**”) were formally submitted to the Registry, with the explicit statutory designation that said motion was to be heard on June 30, 2026. This filing thereby established a clear, unambiguous, and unassailable procedural trajectory mandated for written adjudication.

C. THE BINDING JUNE 24 DECISION/OTHER DISPOSITION OF ASSOCIATE JUDGE CRINSON

11. On June 24, 2026, a binding judicial direction was comprehensively authored, natively generated within the secure judicial intranet, and issued by Associate Judge Crinson (the “**June 24 Decision/Other Disposition**”). Profound agreement is maintained with the overwhelming entirety of this judicial **Decision/Other Disposition**, save for the discrete, isolated procedural requirement mandating the inclusion of an affidavit of service within the Application Record. This specific requirement is respectfully and rigorously contested owing strictly to the unopposed, absolute default nature of the proceeding, wherein formal service of subsequent steps is no longer statutorily mandated pursuant to *Rule 145* (Affidavit #1, at paras 19-21).

12. Crucially, the June 24 **Decision/Other Disposition** explicitly and unequivocally confirmed that NOM #1 would be determined in writing. This formalized determination by a judicial officer of coordinate jurisdiction definitively established the adjudicative pathway, officially placing the matter squarely before the Court for substantive resolution and effectively shielding the proceeding from any subsequent lateral, unauthorized administrative interference. Between the dates of June 24 and June 26, 2026, finalized, hard-copy iterations of the motion record for NOM #2, alongside the updated Application Record, were submitted to the Registry. To proactively circumvent localized, systemic logistical failures concerning paper-copy processing observed routinely within the Toronto Local Office, and alongside an impugned, continuing failure by said office to transmit the submitted documents to the principal office in Ottawa (the “**Ottawa Principal Office**”), these critical documents were concurrently transmitted via facsimile directly to the Ottawa Principal Office on Monday, June 29, 2026. The June 30, 2026, return date for NOM #2 subsequently elapsed. It must be noted with absolute clarity and legal precision that, as correctly affirmed by the binding enactments codified within the *Federal Courts Act*, RSC 1985, c F-7 (the “**Federal Courts Act**”) and the *Federal Courts Rules*, the Respondents were strictly and legally disentitled from being served with these materials due to their continuing, uncured, and absolute statutory default.

D. THE JUSTICE WHYTE NOWAK JULY 2 PURPORTED DIRECTION (FALSE DOCUMENT) AND THE RESULTING INSTITUTIONAL IMPASSE

15. On July 2, 2026, an instrument purportedly constituting a judicial direction was issued by Justice Whyte Nowak (the “**Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**”). It is forcefully submitted that this unilateral act systematically breached a multitude of established legal principles, was borderline contemptuous of the established authority and dignity of the Court, and operated strictly as a direct, *ultra vires* collateral attack upon the binding **Decision/Other Disposition** of a coordinate judicial officer. Most egregiously, this subsequent directive was executed entirely *in vacuo*, utterly devoid of any referential acknowledgment of the antecedent June 24 **Decision/Other Disposition**, thereby violently fracturing the continuity and integrity of the procedural record (Affidavit #1, at paras 33-36).

16. A formal, rigorous response to the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was immediately executed and filed by the Applicant, followed instantaneously by the facsimile transmission of

the present, third notice of motion (the “**NOM #3**”). This motion was rendered returnable on July 22, 2026, and was purposefully directed exclusively to the Ottawa Principal Office to entirely evade further localized jurisdictional interference and registry obstructionism at the Toronto Local Office.

17. In comprehensive consideration of the ongoing, systemic logistical failures pertaining to physical documentation, the apparent and alarming absence of mandatory transmission from the Toronto Local Office to the Ottawa Principal Office, the profound operational deficiencies observed within the Toronto Registry, and the overriding constitutional necessity to immediately invoke the *Primus Inter Pares* doctrine alongside the inherent supervisory duties of the Chief Justice, this Memorandum of Fact and Law and the corresponding motion record for NOM #3 have been transmitted directly via facsimile to the Ottawa Principal Office. As of the precise date of this formal submission, the Respondents have NOT filed a singular, structurally defective document (the aforementioned Notice of Appearance). The RCMP has neither formally objected to the compulsory production of the material meticulously delineated within the Rule 317 Request, nor has it transmitted said requisite material to the Registry or the Applicant, thereby sustaining and exacerbating its posture of profound statutory non-compliance.
18. A multiplicity of general issues of law, possessing central importance to the legal system comprehensively, alongside profound *Rule of Law* considerations, necessitate consistent, uniform, and immediate judicial determination by the apex administrative authority of this Court. While these issues partially concern the discrete service aspect articulated within the June 24 **Decision/Other Disposition**, they overwhelmingly, critically, and fundamentally relate to the absolute jurisdictional nullities, forensic fabrications, and synthetic document manipulation embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**.

PART II — STATEMENT OF THE POINTS IN ISSUE

20. The specific, multifaceted points in issue mandated for rigorous, uncompromising adjudication are strictly delineated as follows, expanding upon the profound jurisdictional and constitutional stakes inherent in each query:
- a. Whether the Federal Court of Canada, notwithstanding its explicit mention within the Judicature Sections of the *Constitution Act, 1867*, possesses an inherent or plenary jurisdiction analogous to a provincial superior court, or whether its authority is strictly circumscribed by the parameters of its enabling federal statutes, thereby completely barring the exercise of unenumerated, *sua sponte* powers to arbitrarily vary settled docket trajectories (Negative; the Court strictly lacks plenary inherent jurisdiction);

- b. Whether the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** constitutes an *ultra vires* act executed entirely without statutory, inherent, or invoked jurisdiction, thereby rendering it an absolute nullity and *void ab initio* (and emphatically not merely voidable as a curable procedural irregularity), specifically characterizing it as an impermissible, unconstitutional collateral attack upon the valid, binding, correct, and unchallenged procedural directives previously articulated within the June 24 **Decision/Other Disposition** by a jurist of coordinate jurisdiction (Affirmative);
- c. Whether an order or **Decision/Other Disposition** rendered by an associate judge is susceptible to appellate challenge, variance, or *sua sponte* countermand before a judge of the Federal Court absent the formal initiation of a motion within the strictly prescribed ten-day limitation period articulated under *Rule 51*, thereby rendering any subsequent, unprompted adjudicative interference an absolute nullity that destroys institutional finality (Negative);
- d. Whether the defaulting Respondents possessed actual (*de facto*) and legal (*de jure*) notice of the June 24 **Decision/Other Disposition**, notwithstanding their absolute statutory disentitlement to formal notice of subsequent steps, given the explicit inclusion of the Respondents' counsel of record within the electronic transmission executed natively by the associate judge (Affirmative);
- e. Whether the expiration of the mandated ten-day appellate limitation period, coupled concurrently with the total absence of any formal appellate motion initiated by the aggrieved Respondents, unequivocally extinguished any latent statutory jurisdiction to review, alter, or vacate the June 24 **Decision/Other Disposition**, rendering the Court entirely *functus officio* regarding the parameters set therein (Affirmative; appellate jurisdiction was irrevocably extinguished at the close of business on Monday, July 6, 2026);
- f. Whether the out-of-band communications traversing the registry constituted a clandestine, undocketed "phantom" *Rule 51* internal appeal, effectively usurping the formal motion requirements and culminating in an *ex parte* adjudication by a jurist who lacked the requisite jurisdictional competence or explicit statutory authority to act *sua sponte* in countermanding a finalized, binding procedural directive (Affirmative);
- g. Whether the *sua sponte* adjudicative actions of the presiding jurist properly characterize a *Factum a iudice, quod ad officium iure non pertinet, ratum non est* (an act of a judge which does not pertain to his office is of no force), and consequently, whether the jurist acted entirely *coram non iudice* (without jurisdiction) by promulgating sweeping directives extraneous to lawful appellate mechanisms subsequent to the matter's formal transmission to the principal office (Affirmative; such acts cannot be ratified as they are void at their inception);
- h. Whether strict, uncompromising compliance with the mandatory motion prerequisites established under *Rule 399* of the *Federal Courts Rules* constitutes an absolute jurisdictional necessity to set aside or vary an existing order or **Decision/Other Disposition**, thereby rendering the *sua sponte*, motion-less **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** entirely *ultra vires*, procedurally impossible, and a legal nullity (Affirmative);
- i. Whether the *Primus Inter Pares* (First Among Equals) doctrine imposes an imperative constitutional obligation upon the Chief Justice of the Federal Court to actively intercede, assert ultimate supervisory jurisdiction, and rectify systemic administrative anomalies, thereby eradicating the severe procedural irregularities and decisively restoring the *status quo ante nunc pro tunc* (Affirmative);
- j. Whether the absolute statutory default of the Respondents operates to definitively disentitle them *in limine* from any requisite notice, formal service of documents—explicitly including this NOM #3—and the right to participate in the hearing of the Form 301 Application, thereby neutralizing any *ex post facto* registry demands for service affidavits (Affirmative);
- k. Whether the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functioned as an unconstitutional impediment, effectively depriving the Applicant of the fundamental right of access to the courts, stalling the adjudicative momentum, and abrogating the constitutional guarantee of an effective remedy, in flagrant and egregious contravention of the *Rule of Law* (Affirmative);
- l. Whether the extraction of incontrovertible forensic metadata from the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, revealing severe post-production manipulation utilizing commercial software identified as "**PDF-XChange Editor**", elevating the instrument from a mere procedural anomaly to a synthetic fabrication *void ab initio*, thereby engaging the equitable maxim *Fraus omnia corrumpit* (Affirmative);

- m. Whether the T-4313-25 metadata artifact embedded within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functions as a cryptographic breadcrumb requiring immediate judicial unsealing, as the identification of the litigants and counsel of record associated with said 2025 proceeding will definitively unmask the identity of the external actor responsible for authoring the synthetic fabrication (Affirmative; engaging the maxim *Ex ungue leonem*);
- n. Whether the unadulterated visual incorporation of the executive branch “C A N A D A” typography, governed exclusively by the Treasury Board’s Federal Identity Program (the “**FEDERAL IDENTITY PROGRAM**”), onto a purported judicial instrument irreparably destroys its provenance, vitiates the separation of powers, and annuls its legal validity as an independent order of the Federal Court (Affirmative);
- o. Whether the superimposition of the National Coat of Arms of Canada (the Executive/Appellate crest) rather than the constitutionally mandated 2008 Federal Court Coat of Arms exposes the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** as a blatant, incompetent external forgery executed by an actor ignorant of precise heraldic demarcations, and specifically whether this reveals the mindset of an actor attempting to synthesize a “phantom” appellate document (Affirmative; engaging the doctrine of *res ipsa loquitur*);
- p. Whether the incorporation of the *Official Languages Act* boilerplate translation requirement—a footer strictly designated for substantive *Reasons for Judgment*—onto a purported *Rule 72* administrative rejection conclusively proves the document was hastily and recklessly cloned from an antecedent substantive judgment template, exposing its synthetic origins (Affirmative);
- q. Whether the utilization of unverified, ostensibly phantom registry officers (absent from official employment rosters), engaging in asymmetric, out-of-band email protocols with opposing counsel, manifests a profound institutional bias and structural irregularity that necessitates immediate appellate eradication (Affirmative);
- r. Whether the precise nomenclature attributed to the phantom registry officer traversing the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** aligns incontrovertibly with public records detailing severe *Criminal Code* infractions, thereby necessitating the admission of *Similar Fact Evidence* and invoking the maxim *Ex turpi causa non oritur actio* to definitively vitiate the authority of the impugned instrument (Affirmative);
- s. Whether the unauthorized commercial superimposition of the National Coat of Arms upon a fabricated document constitutes a direct, actionable contravention of section 9(1)(e) and 9(1)(n.1) of the *Trademarks Act*, RSC 1985, c T-13, and the *Copyright Act*, RSC 1985, c C-42, further solidifying the instrument as an absolute nullity *void ab initio* (Affirmative);
- t. Whether the exhaustion of administrative remedies by the Applicant, met strictly with institutional evasion and silence by the Courts Administration Service regarding the aforementioned metadata and heraldic fabrications, necessitates the immediate and permanent transfer of this proceeding from the compromised Toronto Local Office to the Ottawa Principal Office *ex debito justitiae* (Affirmative);
- u. Whether an adverse inference must be drawn against the Crown based upon correspondence from Mr. Jake Norris (transmitted via Ms. Alaina Lam) forcefully demanding the Applicant communicate exclusively with RCMP Regional Commander Matt Peggs, demonstrating an operational attempt to funnel and control the Applicant’s inquiries (Affirmative); and
- v. Whether the strict distinction between “service” (a statutory mechanism of jurisdictional vestment, strictly not required due to default under FCR Rule 145) and “institutional notice” (an act of ethical transparency and whistleblowing directed to implicated individuals and Chief Justices) wholly vitiates the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**’s insistence on sworn service affidavits (Affirmative).

PART III — CONCISE STATEMENT OF SUBMISSIONS

A. THE STATUTORY COMPETENCE OF ASSOCIATE JUDGES AND THE ABSOLUTE PROHIBITION OF COLLATERAL ATTACK (ALBEIT ON ITS FACE INTERNAL FROM A JUDGE BUT BLACK WIDOW WOVEN FROM THE EXECUTIVE BRANCH)

21. Pursuant to *Rule 2* of the Federal Courts Rules, the definition of “Court” is explicitly and unequivocally expanded to encompass an associate judge operating within their statutorily conferred jurisdiction. Under *Rule 50(1)* of the Federal Courts Rules, the associate judge possessed the unassailable statutory competence to actively case manage the proceeding and to unilaterally direct the written determination of NOM #1. It is submitted that this explicit legislative delegation, meticulously codified within the Federal Courts Rules, operates to render the directives of associate judges functionally indistinguishable from those of a fully appointed judge of the Federal Court, insofar as the finality, binding nature, and enforcement of case management decisions are concerned. The institutional authority of the Court speaks with one voice, and a lateral fracture of that voice breeds systemic instability.
22. It constitutes a bedrock foundational axiom of Canadian civil procedure that a jurist is strictly and absolutely prohibited from sitting in appeal of, varying, reviewing, or countermanding an order or **Decision/Other Disposition** rendered by another jurist within the identical proceeding, absent explicit, formally invoked statutory appellate authorization. This unyielding prohibition against collateral attack operates as an indispensable pillar supporting the *Rule of Law*, as definitively established by the Supreme Court of Canada in *R. v. Litchfield*, [1993] 4 S.C.R. 333. The profound policy rationale underpinning this prohibition transcends mere procedural neatness; it is the absolute preservation of institutional certainty, the conservation of scarce judicial resources, and the fundamental imperative that the orderly and functional administration of justice must never be subverted by parallel, unauthorized, or conflicting adjudications. Permitting jurists to horizontally overrule one another destroys the hierarchical integrity of the appellate process and subjects litigants to arbitrary vacillations in procedural governance.
23. The seminal jurisprudence of *Litchfield* has been affirmed extensively across Canadian appellate courts and applies with equal, unmitigated vigor in civil, administrative, and constitutional contexts. The interdependent legal doctrines of issue estoppel and *res judicata* are unequivocally cemented within the jurisprudential framework to avert the chaotic multiplicity of proceedings and to strictly shield litigants from the harassment of perpetual relitigation on settled points. The ancient, venerable maxim *Nemo debet bis vexari pro una et eadem causa* (no man shall be twice vexed for one and the same cause) is resolutely engaged. Furthermore, the proposition that a binding **Decision/Other Disposition** remains functionally equivalent to a formalized order concerning its finality

and its absolute demand for obedience is axiomatic. As articulated in *McLean v. Bradley*, 1878 CanLII 22 (SCC) (2 S.C.R. 535) and reinforced in *Wilson v. The Queen*, 1983 CanLII 35 (SCC) ([1983] 2 S.C.R. 594), an order or direction promulgated by a judicial officer acting within their lawful jurisdiction must be rigorously obeyed unless systematically set aside in a proceeding explicitly designed and statutorily authorized for that specific objective. Inasmuch as the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** functionally countermanded the procedural trajectory meticulously solidified by the June 24 **Decision/Other Disposition**—and achieved this total reversal without the requisite invocation of a formal motion or a recognized appellate mechanism—it constitutes an egregious, actionable violation of internal *res judicata*. This *sua sponte* usurpation of appellate authority thereby renders the subsequent directive a complete nullity and *void ab initio*.

B. PROCEDURAL NULLITY: FAILURE TO ADHERE TO RULE 399 FOR VARIANCE

25. Pursuant to the strict procedural architecture of *Rule 399* of the Federal Courts Rules, the mechanism to set aside, vacate, or vary an existing order or **Decision/Other Disposition** is strictly, exhaustively, and exclusively confined to the formal initiation of a motion. Specifically, *Rule 399(1)* dictates that the Court may, **on motion**, set aside or vary an order made *ex parte* or in the absence of a party, provided the party against whom the order is made successfully discloses a *prima facie* case articulating precisely why the order should not have been made. Furthermore, *Rule 399(2)* permits a motion to set aside or vary an order by reason of a matter arising subsequent to the making of the order, or where the order was obtained by fraud. The inclusion of the phrase “on motion” operates as a strict, unyielding condition precedent to the exercise of the Court’s variance jurisdiction.
26. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** explicitly and unapologetically attempted to vary, countermand, and entirely reject the precise procedural framework and adjudicative pathway definitively established by the June 24 **Decision/Other Disposition**. However, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was authored and issued completely absent the initiation of any formal motion by the Respondents, and incontrovertibly without the existence of a formalized motion filed under the auspices of *Rule 399*. It emerged from a procedural vacuum, untethered to any adversarial request.
27. As strict compliance with the mandatory procedural prerequisites of *Rule 399* was entirely evaded, the presiding jurist fundamentally lacked the foundational jurisdictional predicate required to lawfully vary the June 24

Decision/Other Disposition. Consequently, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** operates strictly as an *ultra vires* act. The authority to vary an order is not a plenary, unchecked, or sovereign power of the court; rather, it is rigorously constrained by the procedural safeguards meticulously encoded within the Federal Courts Rules. To permit the variation of a procedural trajectory absent a formal motion is to violently divest the opposing party of the fundamental constitutional right to be heard, triggering a catastrophic violation of the *Audi alteram partem* (listen to the other side) principle. It strips the litigation of its adversarial character and transforms the judge into an inquisitor.

C. THE STATUTORY HIERARCHY AND THE USURPATION OF APPELLATE JURISDICTION

29. While the traditional collateral attack doctrine articulated in *Litchfield* relies fundamentally upon the principle of coordinate jurisdiction (protecting the decisions of a jurist from review by a jurist of equal rank), the statutory architecture of the Federal Court establishes a distinct, defined institutional hierarchy. Pursuant to *Rule 51(1)* of the Federal Courts Rules, a judge of the Federal Court is designated as the explicit statutory appellate authority for determinations rendered by an associate judge. This hierarchical structuring confirms that a formal appeal is the sole, exclusive, and exhaustive mechanism for challenging an associate judge's directive.
30. Had the defaulting Respondents initiated a formal motion under *Rule 51* of the Federal Courts Rules, the presiding jurist would ostensibly possess the requisite statutory jurisdiction to review the directive. The fatal jurisdictional defect within the present circumstances crystallizes unequivocally in the *sua sponte* intervention. A court acting in an appellate capacity is inherently reactive; its jurisdiction is activated solely through the formalized pleadings and formal invocation of an aggrieved party. An appellate court cannot manufacture its own jurisdiction absent a litigant's plea. To do so is to abandon the role of a neutral arbiter.
31. The Respondents were afforded a strict, immutable ten-day statutory limitation period to initiate such an appeal. Calculating from the issuance of the **Decision/Other Disposition** on June 24, 2026, the limitation period demonstrably expired, effectively and permanently obliterating any residual opportunity for appellate review. Consequently, the *sua sponte* collateral attack executed by the presiding jurist operated entirely devoid of inherent, statutory, or invoked jurisdiction. The jurist was effectively *functus officio* regarding the capacity to review the June 24 **Decision/Other Disposition** upon the expiration of the appellate window. The passage of time definitively

extinguished the procedural avenue for review. An inescapable and profound negative inference must be drawn regarding the deliberate omission, within the text of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, of any reference whatsoever to the prior, valid, and active **Decision/Other Disposition** of the associate judge (Affidavit #1, at paras 34-35). This conspicuous and alarming omission impugns the integrity of the judicial process and strongly suggests a willful, calculated circumvention of established procedural constraints.ⁱ

<i>THE CLANDESTINE APPELLATE MECHANISM: THE PHANTOM RULE 51 APPEAL AND ASYMMETRIC ADJUDICATION</i>

33. A rigorous evaluation of the anomalous, out-of-band email loop traversing the registry explicitly engaging unrostered (as per recent public directory populations) Registry Officer “Maya-Jo Blake-Janniere” and the Respondents’ counsel—raises a chilling, deeply subversive legal hypothesis. It is posited that this asymmetric communication precipitated a clandestine, un-docketed “phantom” internal appeal of Associate Judge Crinson’s June 24 **Decision/Other Disposition**.
34. This phantom appellate maneuver was seemingly orchestrated entirely *in vacuo*, effectively bypassing the mandatory notice, filing, and adversarial transparency requirements enshrined within *Rule 51*. An internal appeal under *Rule 51* requires strict adherence to timelines and adversarial participation; a jurist cannot lawfully adjudicate a “phantom appeal” sparked by unilateral, off-the-record registry complaints. The resulting **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, issued under the guise of an administrative *Rule 72* rejection, functionally operated as a covert appellate reversal.
35. The psychological architecture of this fabrication is further betrayed by the external actor’s catastrophic heraldic selection. By deliberately superimposing the *National Coat of Arms* (the executive/appellate crest) rather than the standard Trial Division sea-caribou crest, the external actor revealed their mindset: they believed they were constructing a document to execute an “appellate” override. In doing so, they fundamentally misunderstood the mechanics of *Rule 51*, which dictates that an appeal of an associate judge’s order lies to a “judge of the Federal Court” (Trial Division), remaining squarely within the Trial Division’s heraldic jurisdiction, not the Federal Court

of Appeal. This psychological slip-up exposes the instrument as a synthetic fabrication engineered by an external entity completely ignorant of jurisdictional boundaries.

D. RULE 72 JURISPRUDENTIAL ANALYSIS AND APPLICATION

36. To ascertain the precise jurisdictional boundaries traversed herein, a rigorous, categorical analysis of *Rule 72* of the Federal Courts Rules is strictly necessitated. *Rule 72* serves as a critical procedural mechanism, empowering the Administrator to seek direction from a judicial officer when a document submitted for filing ostensibly deviates from the prescribed rules. The overarching rationale of *Rule 72* is firmly anchored to the mandate of *Rule 3*, ensuring the just, most expeditious, and least expensive determination of every proceeding on its merits.

Categorization of Rule 72 Jurisprudence

37. A synthesis of advanced jurisprudence reveals that *Rule 72* interventions are systematically categorized into three distinct operational domains. ⁱⁱ

Application to the Present Factual Matrix

38. The rigorous application of the aforementioned jurisprudential principles to the current proceeding definitively establishes the absolute primacy of the June 24 **Decision/Other Disposition**. Associate Judge Crinson, executing his lawful authority pursuant to *Rule 72*, evaluated the comprehensive docket and rendered a binding judicial determination regarding the trajectory of the filings. Specifically, he directed the conditional progression of the file (mandating future compliance with *Rule 306* regarding evidentiary affidavits) while definitively ordering the motion to be heard in writing based upon the established, uncured default of the Respondents.

39. Because the June 24 **Decision/Other Disposition** constituted a formalized judicial determination under *Rule 72*, it was subject exclusively to formal appellate review under the highly deferential standard delineated in *Sui v. Canada*. The subsequent **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** did not operate as a lawful appellate review; rather, it functioned as an unauthorized, *sua sponte* administrative rejection that completely and inexplicably ignored the antecedent judicial directions already governing the exact same filings. It improperly substituted a *de novo* rejection for what required an appellate motion.

43. The injection of the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, functioning to circumvent the Federal Courts Rules and misuse the Court's process, constitutes an actionable abuse of process. As defined by the Supreme Court of Canada in *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 (at para 37), the Court possesses the inherent power to prevent its procedure from being utilized in a manner that brings the administration of justice into disrepute. The doctrine of abuse of process is a broad and flexible mechanism; its purpose is to enable the court to prevent the misuse of its own process.
44. In *Halagan v. Reifel*, 1997 CarswellBC 4040, the Court explicitly addressed the impermissibility of advancing inconsistent legal facts. Madam Justice Satanove held: "The court expects a party to take a position which is consistent with its evidence and to maintain that position in its dealings with the court. In other words, saying something to one judge and saying the opposite to another will not be countenanced." Applying *Halagan*, the factual matrix herein reveals a devastating contradiction. On June 3, 2026, Mr. Jake Norris, counsel for the Respondents, transmitted formal correspondence explicitly admitting that "service upon the AGC [was] effected May 19, 2026." However, the subsequent **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** rejected the Applicant's motion based on a diametrically opposed premise: the lack of a sworn affidavit of service. Permitting the Respondents to benefit from a purported judicial direction that relies on a fact they have already formally admitted to be false constitutes an overt deception upon the Court and a profound abuse of process.
45. As affirmed in *Laiken v. Carey*, 2011 ONSC 5892, counsel owes an absolute, non-negotiable duty of honesty to the Court (the "Fisherman's Rule"). The failure of opposing counsel to immediately alert the Court that the July 2 Purported Direction was predicated on a false premise (having already admitted service) engages severe professional misconduct. However counsel owed a duty to opposing litigants because of the exception to the rule: "There are a few well established exceptions to the general rule that a lawyer owes no duty to opposing or third parties, including: Where a lawyer is implicated in **intentional torts, including fraud, slander of title, false imprisonment, malicious prosecution, abuse of process and civil conspiracy**, those intentional torts are not

defeated by the rule that a lawyer owes no duty of care to the opposing party in litigation” (see: *Laiken v. Carey*, 2011 ONSC 5892 (CanLII), at para 55 as per Madam Justice L.B. Roberts)).

F. THE VITIATION OF DOCUMENTARY INTEGRITY: FORENSIC METADATA AND THE UNAUTHORIZED SUPERIMPOSITION OF THE COAT OF ARMS

50. The evaluation of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** must profoundly transcend a mere analysis of jurisdictional overreach and rigorously scrutinize the actual provenance, structural integrity, and synthetic genesis of the instrument itself. Forensic metadata extracted directly from the electronic iterations of the divergent directives reveals catastrophic structural anomalies within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** that utterly destroy any presumption of authenticity.

The Distinction Between Organic Generation and Post-Production Manipulation

51. It is a matter of strict administrative orthodoxy that official instruments of the Federal Court of Canada are generated natively within secure, monitored word-processing environments (specifically, Microsoft Word for Microsoft 365) and exported organically to the Portable Document Format (PDF). This organic generation method seamlessly embeds the official, integrated vector assets of the Court, explicitly presenting the standard, bilingual text integrated with the recognized administrative insignia, alongside organically embedded metadata, explicitly including the correct population of the author field (e.g., Registry Officer “Lopez, Diane”). The June 24 **Decision/Other Disposition**, authored by Associate Judge Crinson, and the May 20 Direction, authored by Associate Judge Cotter, flawlessly exhibit this native structural integrity, bearing the correct administrative headers and organically embedded metadata. Conversely, advanced forensic analysis of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** unequivocally dictates that it was not generated organically. As confirmed by the extracted advanced properties, the document was created or heavily manipulated utilizing third-party, post-production manipulation software, explicitly identified within the metadata as “**PDF-XChange Editor 10.7.1.399**” and “PDF-XChange Core API SDK” (the “**Manipulation Software**”). Most damningly, the metadata profile of the July 2 document is utterly lacking a legitimate author designation, presenting a blank field where a native CAS document would rigidly auto-populate the credentialed registry officer’s identity.

52. The commercial Manipulation Software identified within the metadata operates fundamentally distinctly from native word-processing applications. Unlike native generation environments, which organically compile textual and structural data into a finalized vector format, the Manipulation Software is expressly engineered to execute post-production alterations upon previously compiled documents. It facilitates the retroactive superimposition of graphical layers, the extraction or deletion of embedded text, and the artificial injection of watermarks long after the originating file has been locked. The utilization of such post-production software upon a purported judicial instrument conclusively demonstrates that the document was synthetically assembled or retroactively altered, completely bypassing the secure, monitored, and automated macro-templates natively embedded within the Courts Administration Service (the “CAS”) intranet.

The Internal Metadata Discrepancy: A Cloned Instrument

53. The synthetic nature of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is rendered absolute by an examination of its internal title metadata. Embedded within the core properties of the document is the specific title: **T-4313-25 direction.docx**. This internal file identifier bears absolutely no jurisdictional, temporal, or factual nexus to the current proceeding, which operates strictly under Court File No. T-2448-26. The presence of an entirely disparate file number from the preceding calendar year (2025) within the foundational metadata constitutes *prima facie* and incontrovertible evidence that the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** was not authored as an original, authentic instrument for this specific proceeding. It was demonstrably cloned, repurposed, and synthetically assembled from an unrelated, antecedent document utilizing commercial PDF editing software, severely impugning its chain of custody. It is forcefully advanced that this metadata artifact functions as a cryptographic breadcrumb (*Ex ungue leonem*). The judicial unveiling of the litigants and counsel of record associated with the antecedent **T-4313-25** proceeding will inevitably unmask the identity of the external actor responsible for this synthetic fabrication.

G. THE NON-DELEGABLE JUDICIAL DUTY OF VERIFICATION AND APPROVAL

59. The promulgation of a judicial directive inherently demands the rigorous, non-delegable oversight of the presiding jurist. A jurist is bound by an absolute, non-delegable duty to meticulously review, verify, and authenticate the structural and substantive integrity of any instrument issued under their sovereign authority prior to its formal transmission to the registry. The abdication of this fundamental duty violates the venerable maxim *Delegatus non potest delegare* (a delegate cannot delegate).

H. THE ANTECEDENT MAY 20 DIRECTION OF ASSOCIATE JUDGE COTTER: FORENSIC AUTHENTICITY AND PROCEDURAL RECTIFICATION

61. To comprehensively unmask the procedural nullity and forensic fabrication embodied within the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, it is strictly necessitated to evaluate the antecedent judicial direction issued by Associate Judge John C. Cotter on May 20, 2026 (the “**May 20 Direction**”).

The Lawful Exercise of Rule 72 and the Immediate Perfection of Service

62. On May 20, 2026, Associate Judge Cotter, acting entirely *intra vires*, evaluated the initial submission of the Applicant’s Rule 317 Request. Utilizing the strict parameters of *Rule 72(2)(a)*, the Associate Judge directed the rejection of the filing predicated strictly upon an administrative absence of verified proof of service. This was a proper exercise of gatekeeping. This procedural deficiency was not fatal; it was immediately, permanently, and conclusively rectified by the Applicant on that identical date. To rapidly cure the defect, the Applicant systematically invoked *Rule 146(1)(b)* of the *Federal Courts Rules*, submitting incontrovertible proof of service in the form of unedited electronic transmission logs and automated acknowledgment receipts generated directly by the Department of Justice intake server (TOR.Leadadmissions@justice.gc.ca). Subsequent to this rigorous curative step, the finalized, compliant documentation package was successfully accepted and ingested by the Federal Court E-Filing portal, yielding the unique confirmation sequence 2026-05-20-4847823110108. Beyond establishing the procedural baseline, the May 20 Direction provides the ultimate forensic comparative metric. A meticulous extraction of the metadata embedded within Associate Judge Cotter’s May 20 Direction reveals the absolute hallmark of judicial authenticity: the instrument was natively generated utilizing “Microsoft Word for Microsoft 365” and seamlessly exported utilizing standard Acrobat protocols (PDF Version 1.7). Furthermore, the author metadata correctly identified Registry Officer “Lopez, Diane,” establishing an unassailable, organic chain of

custody. The organic generation of the May 20 Direction (Associate Judge Cotter) and the June 24 **Decision/Other Disposition** (Associate Judge Crinson) flawlessly illustrates the standard operating procedures of the Federal Court. The stark, undeniable contrast between these native documents and the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** (which utilized commercial Manipulation Software, omitted the author field, and harbored a cloned T-4313-25 identifier) catastrophically exposes the latter as a synthetic manipulation entirely divorced from the Court’s secure architecture.

I. COMPREHENSIVE FORENSIC AND INSTITUTIONAL ANALYSIS: FEDERAL IDENTITY PROGRAM VERSUS JUDICIAL HERALDRY

70. The evaluation of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** must transcend a mere analysis of metadata software manipulation and rigorously scrutinize the actual institutional heraldry superimposed upon the instrument itself.

The Federal Identity Program and Executive Typography

71. The visual identity of the executive branch of the Canadian government is strictly governed by the Federal Identity Program (the “**FEDERAL IDENTITY PROGRAM**”), administered by the Treasury Board Secretariat. Established to maintain a coherent corporate identity across all departments and agencies that report to Parliament, the **FEDERAL IDENTITY PROGRAM** framework mandates the precise deployment of the “Canada” wordmark. The “Canada” wordmark serves as the dominant, universally recognized symbol of the federal executive. While the wordmark is traditionally deployed horizontally, specific co-branding initiatives and distinct departmental templates permit a vertical alignment of the “C A N A D A” text string, typically descending along the margins of the document.

The Independent Heraldic Identity of the Federal Court

72. As a superior court of record authorized by the *Constitution Act, 1867*, and established under the *Federal Courts Act*, the Federal Court of Canada operates with absolute independence from the executive branch and its **FEDERAL IDENTITY PROGRAM** mandates. To visually enshrine this independence, the Court does *not* utilize the **FEDERAL IDENTITY PROGRAM** “Canada” wordmark on its judicial instruments. Instead, the Federal

Court possesses its own highly specific heraldic Coat of Arms, granted by the Canadian Heraldic Authority on December 10, 2007 (the “**Heraldic Crest**”). The blazon of the Heraldic Crest features winged sea-caribou, a balance issuing from a coronet of maple leaves and fleurs-de-lis, and the motto *Equity, Droit, Admiralty*.

Visual Discrepancy Analysis of the Impugned Document

73. A rigorous visual inspection of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** reveals a jarring and fundamentally contradictory amalgamation of judicial heraldry and executive branch **FEDERAL IDENTITY PROGRAM** artifacts. The most damning visual anomaly is the vertical “C A N A D A” watermark seamlessly descending along the center of the header. The independent judiciary is constitutionally separate from the Crown’s executive ministries. A legitimate Federal Court judge or Registry Officer operating within the secure judicial intranet would not, and technically could not, generate a document utilizing an executive branch **FEDERAL IDENTITY PROGRAM** template.

The Misappropriation of Appellate Heraldry: The National Coat of Arms Anomaly

74. A profound, catastrophic heraldic fatal error has been unveiled upon closer forensic magnification of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The crest superimposed upon the impugned instrument is definitively *not* the 2008 Federal Court Coat of Arms (characterized by the winged sea-caribou and the motto *Equity, Droit, Admiralty*). Rather, it is a low-resolution, synthetically grafted iteration of the *National Coat of Arms of Canada* (featuring the lion, unicorn, flags, and the motto *A Mari Usque Ad Mare*).
75. The National Coat of Arms is strictly utilized by the executive branch and specifically designated appellate tribunals. To fully contextualize the gravity of this heraldic misappropriation, the constitutional rationale permitting the utilization of the National Coat of Arms by provincial appellate bodies, such as the Court of Appeal for Ontario or the Federal Court of Appeal, must be rigorously delineated.
76. Pursuant to the constitutional architecture of Canada, the Sovereign operates as the indivisible “fount of justice.” Under section 96 of the *Constitution Act, 1867*, provincial superior courts function within a unique hybrid paradigm; whilst administered by provincial legislatures, the presiding jurists are appointed and remunerated by the federal executive. As these appellate tribunals possess the inherent jurisdiction to adjudicate and enforce both provincial

statutes and federal enactments—most notably the *Criminal Code*, RSC 1985, c C-46, and the *Canadian Charter of Rights and Freedoms*—the National Coat of Arms is rightfully displayed to project unified, national sovereign authority. Conversely, the Federal Court of Canada (Trial Division) (as it was known) operated strictly as a statutory court formulated under section 101 of the *Constitution Act, 1867*. To visually segregate its specialized, national trial-level mandate from the appellate courts and the executive branch, it was specifically granted the 2008 Federal Court Coat of Arms. The Federal Court of Canada Trial Division emphatically does *not* utilize the National Coat of Arms for any operational or ceremonial purpose, relying instead upon its distinct sea-caribou heraldry or standardized text-based bilingual headers for routine orders.

77. The synthesis of the National Coat of Arms upon a purported Federal Court procedural direction unequivocally exposes the external actor’s profound ignorance of Canadian constitutional and heraldic demarcations. The document is undeniably false on its face, rendering it void *ab initio*. The equitable maxim *res ipsa loquitur* (the thing speaks for itself) is forcefully engaged; the heraldic error independently proves the forgery.

<i>The “Halfway House” Forgery and the GrapeCity Modus Operandi</i>

78. This glaring misidentification conclusively exposes the external actor’s *modus operandi*. It is submitted that the architectural forgery executed upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** betrays a specific, recognizable psychological hesitancy—a tactical decision to commit a “halfway house” forgery. The external actor, intimately aware that misappropriating the exact, operational, bilingual text header of the Federal Court (e.g., the standard “FEDERAL COURT / COUR FÉDÉRALE” text absent ceremonial graphics) might trigger immediate internal scrutiny, opted instead to superimpose what they incorrectly assumed was the appropriate grand heraldry (the National Coat of Arms). This action demonstrates a calculated attempt to construct a “90 percent fraud,” ostensibly mitigating the offensiveness of an outright duplication while relying on the intimidation factor of the grand heraldry to command obedience. This tactical hesitation mirrors, with chilling precision, the *Similar Fact Evidence* previously adduced regarding the False Information Package. In that antecedent malfeasance, the external actors utilized the GrapeCity Software to synthesize a fictitious Ontario Court of Justice (OCJ) logo bearing the “Justice of the Peace” insignia, rather than perfectly cloning the true provincial coat of arms. The *modus operandi* is identical: the synthesis of an incongruous, approximate emblem to execute

severe jurisdictional overreach without committing a perfect replication of the genuine instrument. By selecting the National Coat of Arms (the appellate/executive crest) instead of the Trial Court’s true logo or text header, the forger committed a fatal error of heraldic misappropriation. An analytical reconciliation of the disparate forensic anomalies obliterates any hypothesis of mere administrative inadvertence. Even if one were to perilously assume that the harboring of the **T-4313-25** metadata was merely the result of a clerical error—such as the careless recycling of a precedent document from the previous calendar year—this rationalization completely fails to account for the concurrent presence of the fabricated heraldry.

The Incompetent Misappropriation of Judicative Boilerplate: The Official Languages Act Anomaly

79. A terminal structural contradiction is embedded within the final footer of the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The document concludes with a highly specific, standardized disclaimer: *“Pursuant to section 20 of the Official Languages Act all decisions, orders and judgments, including any reasons given therefor, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.”* This boilerplate translation disclaimer is strictly, institutionally reserved for formal *Reasons for Judgment* or substantive adjudicative *Orders* that dispose of merits on the docket. It is emphatically *not* appended to routine administrative registry rejections issued under *Rule 72*. The presence of this *Reasons for Judgment* footer upon a purported *Rule 72* administrative rejection constitutes a catastrophic structural incongruity. It provides *prima facie* evidence that the external actor hastily cloned an antecedent substantive judgment template (corroborating the **T-4313-25** direction.docx metadata artifact) and recklessly failed to sanitize the document of its adjudicative footer during the post-production synthesis via the Manipulation Software.

J. DIGITAL PROVENANCE: THE COURTS ADMINISTRATION SERVICE METADATA ARCHITECTURE AND THE 2006 TEMPLATE ANOMALY

98. To further establish the synthetic nature of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**, one must rigorously interrogate the cryptographic and chronological fingerprints of the Courts Administration Service (the “CAS”) intranet. Following its inception in 2003, the CAS engaged in a multi-year

technological modernization initiative to standardize registry workflows. By 2006, the CAS had developed and deployed a suite of standardized Microsoft Word macro-enabled templates across its secure intranet. A well-documented technical idiosyncrasy of the Microsoft Word ecosystem—specifically when utilizing the native “Save As PDF” functionality—involves the handling of the CreationDate metadata field. When a new document is instantiated from a legacy template, the resulting PDF file frequently inherits the original creation date of the underlying template, rather than recording the date the specific document was authored. This specific software behavior provides an invaluable, unintended cryptographic signature for authentic CAS documents. An examination of the metadata for the undisputed, authentic direction issued by Associate Judge Cotter on May 20, 2026, reveals that the document was “Created” in 2006, despite being modified and exported in 2026. Similarly, the authentic **Decision/Other Disposition** issued by Associate Judge Crinson on June 24, 2026, exhibits the identical 2006 chronological anomaly. The appearance of the year “2006” in the creation metadata of documents issued in 2026 is definitive proof of their origin within the CAS IT environment. It signifies that the registry officers utilized the official, locked CAS templates authored during the 2006 modernization rollout. Conversely, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** completely lacks this 2006 template inheritance. Its metadata confirms it was created on July 2, 2026, utilizing the external Manipulation Software, proving mathematically that it was generated from scratch or from a non-CAS template, completely bypassing the secure registry workflow. This constitutes objective, verifiable evidence that the document did not organically originate from the Federal Court Registry.

K. THE TAX COURT HERALDRY NEXUS: SYNTHESIZING THE METADATA AND THE COAT OF ARMS FORGERY

107. The synthetic provenance of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is conclusively proven through the synthesis of its embedded metadata identifier (**T-4313-25**) and its catastrophic heraldic anomaly (the *National Coat of Arms*). It is respectfully submitted that this convergence unravels the precise *modus operandi* of the external fabrication.
108. An examination of the foundational particulars of the antecedent proceeding bearing Court File No. **T-4313-25** reveals that the respondents within said 2025 proceeding were the Attorney General of Canada and the Canada

Revenue Agency (the “CRA”). As formally recognized within the institutional branding of the Tax Court of Canada, the Tax Court explicitly utilizes the *National Coat of Arms* (the identical crest superimposed upon the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**) as its official institutional insignia, visually distinguishing its specialized revenue mandate from the Trial Division of the Federal Court.

109. The advanced syllogism is inescapable. The external actor, intimately embedded within or possessing unfettered access to the Department of Justice / Attorney General of Canada tax litigation apparatus, cloned a document template from the antecedent **T-4313-25** CRA proceeding. Because matters involving the CRA routinely interface with the Tax Court of Canada, or utilize DOJ tax-litigation templates formally bearing the *National Coat of Arms*, the cloned document inherently carried this executive/appellate crest. In their haste to synthesize a procedural rejection against the Applicant within the present T-2448-26 proceeding, the external actor superimposed the text of the *Federal Court* but catastrophically failed to sanitize the document of the Tax Court/Executive heraldry. They simultaneously neglected to update the underlying Word document title property before exporting it via the external Manipulation Software. This critical convergence perfectly marries the internal **T-4313-25** direction.docx metadata identifier with the external *National Coat of Arms* visual anomaly, establishing the fraudulent genesis of the document beyond a reasonable doubt and rendering it an absolute nullity *ab initio*.

L. PROCEDURAL IMPOSSIBILITY: PERFECTED SERVICE AND THE VIOLATION OF JUDICIAL COMITY

111. Beyond the metadata fabrications, the substantive legal text of the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** presents an equally profound set of procedural contradictions that vitiate its legitimacy. The primary justification advanced in the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** for rejecting the Applicant’s motion is an alleged failure to prove service, demanding a sworn affidavit. However, under *Rule 146(1)(b)* of the Federal Courts Rules, proof of service may be definitively established by “a written admission of service by the person served or the person’s solicitor.” Moreover, as the merits need not be addressed because the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** is fraud on its face (with some irony) to the False Information Package under the Criminal Code from September 2024.

112. On June 24, 2026, Associate Judge Crinson issued a formal **Decision/Other Disposition** managing this exact docket, explicitly ruling that further service was not required and granting a 30-day extension for any outstanding affidavits. Just eight days later, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** completely ignored Associate Judge Crinson’s binding directives, arriving at diametrically opposed conclusions. In the absence of a *Rule 51* appeal by the Respondents, Justice Whyte Nowak lacked the jurisdictional authority to spontaneously override the valid case management directives of an Associate Judge. This horizontal fracture violates judicial comity. The Applicant complied under protest on a technical point of law.

M. THE SUBSTANTIVE MOTIVE: SYSTEMIC VULNERABILITIES AND RULE 317 PRODUCTION

118. To understand the potential motives behind the injection of a highly irregular document into the court file, one must examine the underlying substantive dispute. The Applicant alleges that a “False Information Package” was generated through the unauthorized manipulation of a CPIC “WANT record” utilizing software vulnerabilities in the GrapeCity/Mescius SDK PDF framework. The Applicant’s *Rule 317* request seeks the production of raw forensic mainframe ledger records and cryptographic audit trails residing within the CPIC database. If the *Rule 317* request is enforced, the RCMP will be legally compelled to produce the unredacted CPIC metadata, potentially exposing the unauthorized manipulation of a criminal information package (a fraud upon the court). In this context, the sudden appearance of the highly irregular **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**—which abruptly rejects the Applicant’s procedural motions based on fabricated heraldry, falsified metadata, and false premises regarding service—can be viewed as a desperate attempt to derail the proceeding before the *Rule 318* production deadline can be enforced. The stakes involve systemic institutional accountability.

O. CONSTITUTIONAL RIGHT TO ACCESS TO JUSTICE AND THE RULE OF LAW

123. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** transcends mere procedural error; it functions as a formidable, unconstitutional barrier to the courts. Universal access to the courts is a foundational component of the *Rule of Law*, containing both indispensable procedural and substantive elements (*Uhrik v. Terrigno*, 2024 ABCA 383, at para 10). The Supreme Court of Canada established definitively in *Trial*

Lawyers Association of British Columbia v. British Columbia (Attorney General), 2014 SCC 59 (at paras 32 and 40), bolstered subsequently by *Ontario (Attorney General) v. \$25,610 in Canadian Currency*, 2017 ONCA 251 (at para 1), that measures actively preventing citizens from bringing legitimate issues to the courts strike directly at the core of section 96 of the *Constitution Act, 1867*. The emphasis is strictly placed on “measures that prevent.”ⁱⁱⁱ

Q. PERFECTED SERVICE, RULE 134(D), AND THE EXTINGUISHMENT OF PROCEDURAL DEFECTS

130. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**’s conclusion that the Form 301 Application was “not properly **filed**” due to an allegedly unsworn affidavit of service is legally and factually bankrupt. She has conflated the distinctions between “filed” versus “issued”, “filed” versus “served” and “filed” versus “proof of service”. As documented within the fresh evidence adduced, counsel for the Attorney General of Canada, Mr. Jake Norris, transmitted formal correspondence on June 3, 2026, explicitly acknowledging receipt of the Form 301 Application and confirming that “service upon the AGC was effected May 19, 2026” (Affidavit #1, at paras 26, 43-44). Furthermore, a formalized *Rule 7* Consent to Extension of Time, executed and signed by said counsel, was concurrently provided to the Applicant. Pursuant to the strict text of *Rule 134(d)* of the Federal Courts Rules, an acceptance of service signed and dated by a party’s solicitor constitutes absolute, irrebuttable proof of service. The written acknowledgment by the Respondents’ solicitor operates to definitively perfect service, thereby irrevocably curing any latent defect in the antecedent affidavit.

S. ABSOLUTE DEFAULT AND THE NULLITY OF NOTICE REQUIREMENTS

137. The Respondents are in absolute, uncured default. Pursuant to the explicit wording of *Rules 145* and *308*, they are completely disentitled to notice of any further step in the proceeding. The **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**’s insistence on the filing of supporting affidavits strictly to effectuate service upon defaulting parties paradoxically demands a legal impossibility and directly contravenes both the binding June 24 **Decision/Other Disposition** and the relevant enactments. Pursuant to *Rule 74(2)* of the Federal Courts Rules, the Court may only order a document removed under *Rule 74(1)* if “all interested parties have been given an opportunity to make submissions.” However, because the Respondents are in a state of absolute, uncured default, they have legally forfeited their participatory rights. As explicitly defined under *Rule 2* and applied via *Rules 145* and *308*, defaulting respondents are disentitled to notice of steps, service of documents, or the right

to be heard prior to judgment being granted against them. Consequently, the Respondents are legally precluded from challenging the expungement, and the Court is strictly unburdened from affording them an “opportunity to make submissions” under *Rule 74(2)*. The Court possesses the *absolute jurisdiction to immediately and permanently expunge* the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** upon the Applicant’s unopposed submissions.

T. THE PHANTOM ROSTER ANOMALY, ASYMMETRIC TRANSMISSION PROTOCOLS, AND INSTITUTIONAL BIAS

140. A rigorous audit of the officially published employment rosters and credentialing directories corresponding to the Courts Administration Service (the “CAS”) for the Toronto Local Office reveals a conspicuous, unprecedented anomaly. The specific identities attributed to the administrative personnel effectuating these irregular interventions—specifically, “Maya-Jo Blake-Janniere” and “Tristan Mercieca”—are demonstrably absent from the contemporary, official public registries. The deployment of unverified, ostensibly phantom administrative actors to unilaterally intercept, delay, and adjudicate substantive filings introduces a catastrophic fracture in the chain of custody. It is forcefully submitted that the utilization of undocumented personnel to execute coercive administrative functions vitiates the presumption of institutional regularity, engaging the equitable maxim *Nemo potest esse simul actor et iudex* (no one can be at once suitor and judge), as the registry ostensibly operated as an active shield for the defaulting Respondents. Furthermore, the administrative interventions executed by the aforementioned Mr. Mercieca operated in direct contravention of the mandatory referral mechanism enshrined within *Rule 72*. By unilaterally imposing non-statutory conditions precedent without immediate escalation to a judicial officer, the registry officer assumed an adversarial, gatekeeping posture that functionally shielded the defaulting Respondents. Given that the counsel for the Respondents operates under the auspices of the Attorney General of Canada, this spontaneous administrative rescue by federal registry personnel crystallizes a profound reasonable apprehension of institutional bias, effectively treating the registry as an extension of the Respondent’s defensive apparatus. The forensic disparity between the authentic and the impugned directives is further exposed by an analysis of their respective transmission protocols. The legally binding, organically authored directives of Associate Judge Cotter and Associate Judge Crinson were transmitted via the secure, automated, and generic

routing infrastructure of the Court (specifically, the CAS-SATJ DECISIONS server gateway), completely omitting any personalized registry officer email nomenclature. The jurisprudential voice of these authentic directions clearly reflects the intellectual *animus* of the erudite Associate Judges. In stark, inexplicable contrast, the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** involved anomalous, direct communication referencing “Maya-Jo Blake-Janniere,” which precipitated an immediate, asymmetric, and highly personalized response from the Respondents’ counsel, Mr. Norris. This uncharacteristic celerity and direct engagement by opposing counsel with a specific, registry officer—where absolute silence was maintained regarding the authentic, secure judicial transmissions authored by the Associate Judges—irrefutably suggests the existence of an out-of-band communication loop entirely divorced from the secure, automated architecture of the Federal Court. This asymmetric access to the docket demands immediate supervisory eradication.

U. THE CRIMINALITY NEXUS AND THE ADMISSIBILITY OF SIMILAR FACT EVIDENCE CONCERNING PHANTOM REGISTRY PERSONNEL

144. It is respectfully submitted that the catastrophic breakdown of institutional integrity observed herein transcends the boundaries of mere administrative bias or phantom credentialing. The precise nomenclature affixed to the impugned instrument—specifically identifying “Maya-Jo Blake-Janniere” as the purported registry author—necessitates profound judicial scrutiny in light of verifiable, open-source intelligence revealing severe *Criminal Code* infractions. A rigorous examination of the public record, explicitly corroborated by regional media publications (Durham Radio News, May 28, 2021), incontrovertibly links an individual bearing the identical, highly unique hyphenated appellation of “Maya-Jo Blake-Janniere” to severe, multi-jurisdictional criminal syndicates. The documented infractions encompass the trafficking of controlled substances (cocaine), the possession of property obtained by crime, and egregious firearms-related offences. The corresponding evidentiary exhibits validating these assertions have been formally adduced within the updated motion record (see: Tab 18).

145. The emergence of this criminal nexus fundamentally obliterates any residual presumption of administrative regularity regarding the **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)**. The utilization of a purported registry officer’s identity—an identity inextricably tied to profound criminal malfeasance

involving the proceeds of crime—directly mirrors the underlying *Similar Fact Evidence* previously pleaded concerning the synthesis of the False Information Package.

V. THE STATUTORY AND TRADEMARK PROTECTION OF HERALDIC EMBLEMS: THE PROHIBITION OF UNAUTHORIZED MISAPPROPRIATION

149. It is rigorously advanced that the unauthorized incorporation of the National Coat of Arms onto the impugned **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** transcends mere visual or procedural irregularity and constitutes a direct, actionable contravention of the *Trademarks Act*, RSC 1985, c T-13 (the “*Trademarks Act*”). Pursuant to the strictures administered by the Treasury Board of Canada Secretariat (the “**TBS**”), the National Coat of Arms is strictly reserved for the Government of Canada, its official representatives, the Canadian monarch, and explicitly authorized institutions such as the courts. This visual insignia is the ultimate representation of sovereign authority, and its commercial or unauthorized appropriation is explicitly prohibited to prevent the dilution of institutional trust .Furthermore, it is a foundational constitutional and heraldic axiom that the royal arms are inherently personal to the sovereign; consequently, they cannot be used without the King’s explicit consent. The National Coat of Arms of Canada, precisely as originally designed in 1921 and subsequently revised in 1957 and 1994, is rigorously protected under both the *Trademarks Act* and the *Copyright Act*, RSC 1985, c C-42 (the “**Copyright Act**”), and absolutely cannot be used, reproduced, or appropriated without formal authorization.

150. Section 9(1)(e) of the *Trademarks Act* expressly dictates that no person shall adopt in connection with a business, as a trademark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for, the arms, crest, or flag adopted and used at any time by Canada. Concurrently, officially granted heraldic emblems—such as the 2008 Federal Court Coat of Arms—are rigidly shielded under paragraph 9(1)(n.1) of the *Trademarks Act* and are governed exclusively by the Canadian Heraldic Authority. It is a matter of strict federal enforcement that marks and designs bearing similarity to these official symbols are pursued aggressively as actionable manifestations of copyright or trademark infringement. Beyond trademark prohibitions, the unyielding strictures of Crown copyright are inextricably engaged. Under Crown copyright protocols, formal permission is invariably required when an official work is being revised, adapted, synthesized, or translated, irrespective of whether the purpose of the reproduction is purportedly for personal or public non-commercial distribution. The

synthetic superimposition of the National Coat of Arms utilizing commercial, third-party post-production software (specifically, **PDF-XChange Editor**) by an external actor effectively misappropriates the sovereign identity of the state to effectuate an unauthorized *sua sponte* interference. Such an act usurps the visual authority of the Crown to lend a veneer of coercive legitimacy to a fabricated document, simultaneously violating the Crown’s copyright through the unauthorized digital adaptation of the crest. The gravity of protecting state emblems from unauthorized reproduction is further emphasized by Canada’s adherence to international obligations, specifically Article 6ter of the *Paris Convention for the Protection of Industrial Property*, which mandates the strict prohibition of the unauthorized use of state armorial bearings.

W. FRAUD, BRIBERY, EXTORTION, AND SPECIAL CAUSES OF NULLITY

164. Fraud, dishonesty, bad faith, extortion, and bribery form a special category of causes of nullity, which transcends all others. As classically articulated by Lord Denning in *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 at p. 712: “Fraud unravels everything. The Court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever...” It is trite law that “fraud on the court” by any person, respondent, or litigant, constitutes a strict “nullity” because fraud, bribery, dishonesty, and extortion are special causes of common law nullities that transcend all others. When proven, they set aside and unravel all previous steps and actions up to the time of the fraud (*Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801). Furthermore, in *Enbridge Gas Distribution Inc. v. Marinaccio*, 2012 ONCA 701 (the “**Bribery Test**”), the Court of Appeal for Ontario articulated the standard for civil bribery and secret commissions.

Y. THE CROWN IS INDIVISIBLE AND THE PSAC/USJE UNION NEXUS

169. Following the jurisprudential standard articulated in *Benedict v. Ontario*, it is a foundational constitutional axiom that “The Crown is indivisible.” Malfeasance perpetrated by distinct agents, ministries, or administrative bodies operating under the Crown’s umbrella cannot be artificially compartmentalized to shield the broader institutional apparatus from accountability. A direct, incontrovertible nexus to the underlying corruption has been identified operating systematically within the administrative framework. The compromised actors are explicitly bound as employees operating under the auspices of the Public Service Alliance of Canada (PSAC) and the Union

of Safety and Justice Employees (USJE). This explicitly encompasses: Ms. Maya-Jo Blake-Janniere (implicated directly within the Federal Court Registry infrastructure regarding the synthesis of the False Document); Mr. Jeff Ball and Mr. Stephane Brisson; and All other implicated officials involved in the *Privacy Act* and *Access to Information Act* (ATIA) obstructivism, explicitly including Ms. Melissa Simpson, Mr. Curtis Mathew (ATIA #2), and Ms. Tina Beaudoin (ATIA #1) (see; NOM #2 Motion Record with her deceit that a document was from the Office of Primary Interest when it was from Maggie von zur-Muehlen, a newly employed administrative type individual (out of a successful career in the restaurant industry). The concerted, coordinated obstruction executed by these interconnected unionized employees operating under the indivisible Crown demonstrates a systemic, institutionalized effort to frustrate the Applicant's fundamental rights, engaging severe liability that demands immediate appellate-level scrutiny and comprehensive remedies.

Z. THE DISTINCTION BETWEEN ADJUDICATIVE AND ADMINISTRATIVE PRIVILEGE

174. To preemptively neutralize any attempt by the Registry or the presiding jurists to shield their actions behind the veil of judicial immunity, a rigorous legal distinction must be drawn between “Adjudicative Privilege” and “Administrative Privilege.” In Canadian law, **Adjudicative Privilege** (also defined as “Deliberative Privilege”) strictly protects the internal deliberations and communications of adjudicative bodies regarding the substantive merits of a case. This absolute privilege prevents the disclosure of personal notes and draft memos to ensure the sanctity of the decision-making process. Conversely, **Administrative Privilege** (dovetailing with “Administrative Immunity”) protects the administrative functions of the judiciary, such as the assignment of cases or the operation of the registry. Crucially, as established by the Supreme Court of Canada in *MacKeigan*, this administrative privilege is **not absolute** and can be overridden if there is a compelling, valid reason to review the administration of justice. In *MacKeigan*, the Supreme Court recognized this fundamental dichotomy, with dissenting justices noting: “The privilege as to the administration of the courts, however, is not of the same fundamental importance and is qualified in nature. It is an adjunct to the adjudicative privilege.”

BB. THE COMPROMISED LOCAL INFRASTRUCTURE AND THE IMPERATIVE FOR JURISDICTIONAL TRANSFER

181. Given the profound, unrefuted irregularities originating exclusively from the Toronto Local Office—specifically, the deployment of phantom registry officers entirely absent from the official roster, the existence of an asymmetric, out-of-band communication loop with the Respondents, and the ingestion of a synthetically fabricated judicial direction—it is forcefully asserted that the localized administrative infrastructure is irreparably compromised. The institutional evasion characterizing the response to the Applicant’s Formal Demands and *Rule 26* Requisition solidifies this conclusion. A localized registry that fails to investigate the systemic manipulation of its own docket cannot reasonably be entrusted with the continued administration of the proceeding. Consequently, the Applicant asserts *ex debito justitiae* (as a matter of right) that the Toronto Local Office is structurally divested of the capacity to guarantee a fair, impartial, and unadulterated administrative process. The proceeding must be immediately, formally, and permanently transferred to the Ottawa Principal Office. It is for this precise reason that the Applicant’s request for a Supervisory Review regarding the fabricated **Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT)** has been transmitted directly and exclusively to the Acting Chief Justice at the Ottawa Principal Office, thereby completely bypassing the compromised localized friction and ensuring that the *Rule of Law* is protected at the highest institutional level.

PART IV — CONCISE STATEMENT OF THE ORDER SOUGHT

185. The Applicant respectfully requests the Orders and Declarations in the NOM #3 of July 15, 2026^{iv}, including any relief in a draft order.

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



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PART V — LIST OF AUTHORITIES

1. *Trademarks Act*, RSC 1985, c T-13
2. *Copyright Act*, RSC 1985, c C-42
3. *R. v. Litchfield*, [1993] 4 S.C.R. 333
4. *McLean v. Bradley*, 1878 CanLII 22 (SCC) (2 S.C.R. 535)
5. *Prefontaine v. Gosman*, 2000 ABQB 870 (citing *R. v. Germain*, 1984, (Alta.))
6. *Valente v. The Queen*, [1985] 2 S.C.R. 673
7. *Beauregard v. Canada*, [1986] 2 S.C.R. 56
8. *Ruffo v. Conseil de la magistrature*, [1995] 4 S.C.R. 267
9. *Taylor v. Clemson* (1844), 11 Cl. & Fin. 610, 8 E.R. 1233 (H.L.)
10. *Trial Lawyers Association of British Columbia v. British Columbia (Attorney General)*, 2014 SCC 59
11. *Ontario (Attorney General) v. \$25,610 in Canadian Currency*, 2017 ONCA 251
12. *Uhrik v. Terrigno*, 2024 ABCA 383
13. *Timm v. Canada*, 2019 FC 238
14. *Larouche v. Court of Queen’s Bench of Alberta*, 2015 ABQB 25
15. *The Queen v. Beauregard*, 1986 CanLII 24 (SCC)
16. *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65
17. *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8
18. *Hospira Healthcare Corp. v. Kennedy Institute of Rheumatology*, 2016 FCA 215
19. *Ismailzada v. Ontario (Attorney General)*, 2026 CanLII 30027 (FC)
20. *Okogun v. Canada (Citizenship and Immigration)*, 2026 FC 723 (CanLII)
21. *Sabok Sir v. Canada*, 2021 FC 82 (CanLII)
22. *Sui v. Canada (Attorney General)*, 2025 CanLII 3564 (FC)
23. *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702
24. *Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801
25. *Enbridge Gas Distribution Inc. v. Marinaccio*, 2012 ONCA 701
26. *Benedict v. Ontario*, 2000 CanLII 22616 (ON CA)
27. *Grossman v. Toronto General Hospital*, 1983 CanLII 1898 (ON SC)
28. *MacKeigan v. Hickman*, [1989] 2 S.C.R. 796

ⁱ It is an established equitable principle that *Suppressio veri, expressio falsi* (the suppression of truth is equivalent to the expression of falsehood); the active suppression of the existence of the June 24 Decision/Other Disposition within the text of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) vitiates its legitimacy entirely, rendering it an instrument of obfuscation rather than a genuine exercise of adjudication.

ⁱⁱ i. Rejection of Filings (Enforcement of Procedural Integrity): The Court possesses the absolute authority to reject documents that are fundamentally non-compliant or prejudicial. As demonstrated in *Ismailzada v. Ontario (Attorney General)*, 2026 CanLII 30027 (FC), and *Okogun v. Canada (Citizenship and Immigration)*, 2026 FC 723 (CanLII), the Court will strictly reject irregular materials to prevent the record from being compromised by documents lacking legal standing or proper service (see also: *Aydin v. Canada*, 2025 FC 359; *Lunn v. Canada*, 2023 CanLII 2720). This mechanism protects the docket from frivolous or abusive pleadings.

ii. Judicial Direction and Conditional Acceptance (Pragmatism in Litigation): Reflecting a profound jurisprudential preference for substantive justice over rigid formalism, the Court frequently utilizes Rule 72 to facilitate conditional acceptance. As evidenced in *Sabok Sir v. Canada*, 2021 FC 82 (CanLII), and *E.S. v. Canada (Attorney General)*, 2017 FC 1127 (CanLII), the judiciary acts as a steward, guiding litigants toward compliance rather than erecting absolute barriers. Rule 72 is similarly invoked to address procedural ambiguities, as seen in *George v. Heiltsuk First Nation*, 2022 FC 1786 (CanLII), and *Laquerre v. Canada*, 2024 FCA 31 (CanLII).

iii. Procedural Context, Standards of Review, and Inherent Authority: A critical distinction exists between ministerial acts and judicial determinations. When the Registry refers a matter to an Associate Judge under Rule 72, the resulting determination carries the full, unmitigated weight of a judicial decision. Accordingly, appellate review of such decisions is subjected to a highly deferential standard, typically “palpable and overriding error,” as affirmed in *Sui v. Canada (Attorney General)*, 2025 CanLII 3564 (FC). Furthermore, jurisprudence establishes that Rule 72

provides directions regarding the internal mechanics of filing, which are structurally distinct from formal orders that adjudicate the substantive merits of the parties (see: *Shamattawa First Nation v. Thomas*, 2021 FC 1142 (CanLII); *Fabrikant v. Canada*, 2018 FCA 171 (CanLII)).

ⁱⁱⁱ Access to justice sits at an “untouchable constitutional level” (*Larouche v. Court of Queen’s Bench of Alberta*, 2015 ABQB 25, at para 25). The right to an effective remedy is essential; without it, the Rule of Law is supplanted by a rule of individuals arbitrarily and capriciously deciding who shall have access to justice. Furthermore, there exists a strict, unyielding prohibition against the interference with the mere pursuit of a legal remedy (*Timm v. Canada*, 2019 FC 238).

Courts act as the ultimate defenders of the Constitution and must remain completely separate in authority, independence, and function from all other participants, particularly the executive branch (*The Queen v. Beauregard*, 1986 CanLII 24 (SCC)). The Applicant maintains an indefeasible, constitutionally protected right to a hearing of the substantive Form 301 Application, and the underlying right to a determination—not necessarily a guarantee of success, but an absolute guarantee of a determination on the merits. Consistent with *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 and *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8, general questions of law of central importance to the legal system require consistency, transparency, and a final, determinate answer from the judiciary.

^{iv} a. A Declaration that none of the Respondents served and filed a motion to challenge the Decision/Other Disposition of Associate Judge Crinson of June 24, 2026, pursuant to Rule 51 of the Federal Courts Rules, should they have wished to have done so;

b. A Declaration that the Respondents had notice of the Associate Judge Crinson June 24, 2026, Decision/Other Disposition;

c. A Declaration that the acts of Justice Whyte Nowak constitute *Factum A* *Judice*, *Quod Ad Officium Jure Non Pertinet*, *Ratum Non Est*, and that her conduct and the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) are *coram non judice*, an impermissible collateral attack upon the June 24 Decision/Other Disposition, and void *ab initio*.

d. A formal declaration that the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) was issued *ultra vires*, absent the mandatory motion required under Rule 399 of the Federal Courts Rules, rendering the purported variance of the June 24 Decision/Other Disposition a procedural nullity.

e. A formal declaration that the forensic metadata extracted from the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), demonstrating post-production manipulation via the Manipulation Software, the unauthorized superimposition of the National Coat of Arms (appellate/executive crest) rather than the authentic 2008 Federal Court Coat of Arms, the visual integration of executive branch “C A N A D A” typography governed by the Federal Identity Program, and the harboring of a disparate file identifier (T-4313-25 direction.docx), definitively establishes that the instrument is a synthetic fabrication devoid of authentic judicial provenance, triggering the maxim *Fraus omnia corrumpit*.

f. An Order directing the Courts Administration Service (the “CAS”) to immediately produce the native, unadulterated electronic PDF file of the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), alongside the comprehensive Electronic Filing System transmission logs and audit trails corresponding to said upload date, for immediate forensic authentication.

f.1. An Order directing the Registry to immediately unseal, verify, and formally disclose the counsel of record and the specific litigants associated with the antecedent proceeding bearing Court File No. T-4313-25, recognizing that said metadata artifact embedded within the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) functions as a cryptographic breadcrumb requiring immediate judicial unmasking.

f.2. An Order directing the Courts Administration Service (the “CAS”) to produce formal, verified employment credentialing and institutional roster records corresponding to the individuals identified as “Maya-Jo Blake-Janniere” and “Tristan Mercieca,” to definitively ascertain their jurisdictional standing and structural authorization to execute administrative duties within the Toronto Local Office.

f.3. An Order directing the Courts Administration Service (the “CAS”) to execute a comprehensive security and identity verification audit concerning the individual operating under the nomenclature “Maya-Jo Blake-Janniere,” specifically investigating any nexus to the Criminal Code infractions detailed within the public record, and a corresponding Declaration striking the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) from the docket should such a nexus be authenticated.

f.4. A Declaration that the unauthorized commercial superimposition of the National Coat of Arms upon the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT) constitutes an actionable contravention of section 9(1)(e) and 9(1)(n.1) of the Trademarks Act, RSC 1985, c T-13, and Article 6ter of the Paris Convention, rendering the instrument an absolute nullity void *ab initio*.

g. A Declaration pursuant to Rule 255 regarding the admission of service by the Respondents as evidenced in the June 3 correspondence authored by Mr. Jake Norris, definitively extinguishing any procedural necessity for further sworn affidavits of service.

h. A Declaration that the Applicant was deprived of access to justice and access to the courts by the Justice Whyte Nowak purported direction.

i. An Order restoring the Applicant’s right to a hearing of the Form 301 Application and confirming his underlying right to a determination on the merits, consistent with the binding law of Canada as per *Vavilov* and *Yatar*.

j. An Order and Declaration that there was, and is, no legal requirement for the Applicant to obey any of the directives contained within the Justice Whyte Nowak July 2 Purported Direction (FALSE DOCUMENT), on account of a strict lack of jurisdiction to engage in providing the verbiage contained therein.

k. An Order granting the substantive relief sought within NOM #1 and NOM #2 in substantially the same form as requested therein.

l. An Order abridging all time limits under the Federal Courts Rules and validating all of the Applicant’s filings and procedural steps *nunc pro tunc* pursuant to Rule 55.

m. A Declaration that the Respondents are in absolute, uncured default and are explicitly disentitled to notice of any step, rendering any requirement for service affidavits a legal nullity.

n. A Declaration that Associate Judge Crinson operated entirely *intra vires* under Rule 50(1) and Rule 72, making the June 24 Decision/Other Disposition binding in *limine*, but for the one source of contention and objection raised by the Applicant relating to any requirement to file “affidavits” for an Application Record, which is necessarily tied to “service”, with Respondents who were not entitled, as found by Associate Judge Crinson.

o. An Order placing this motion and NOM #2 before the Acting Chief Justice for immediate determination under the *Primus Inter Pares* doctrine.

p. An Order confirming that while the Applicant was and is available to speak to the matter orally on the scheduled return date, the Chief Justice of the Federal Court heard the motion in writing in the interests of justice and in accordance with the General Principles under the Federal Courts

Rules.

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- q. An Order directing the Registry to return the \$50.00 tariff fees paid by the Applicant for each Requisition for Hearing submitted to the Toronto Local Office on June 12 and June 19, 2026, and confirming the formal acceptance of the Requisition for Hearing submitted to the Ottawa Principal Office in late June 2026.
- r. An Order that the Applicant is entitled to have his Form 301 Application heard in writing, encompassing the provision of a final comprehensive Memorandum of Fact and Law spanning the entirety of issues in the proceeding up to a length of 40 pages (double-spaced, 30 lines per page). Furthermore, that the Form 301 Application was heard on July 25, 2026, with the Applicant required to submit all final documents by July 23, 2026, via email to the Chief Judicial Administrator in Ottawa and via the Federal Court Portal.
- s. An Order explicitly restraining the Federal Court Registry from forwarding, mailing, or otherwise providing notice of any procedural steps, filings, or directions to the Respondents, in strict accordance with their disentitlement under Rules 145 and 308.
- t. An Order directing the Federal Court Registry to immediately provide written notice to the Applicant via email the moment the Respondent RCMP transmits the Certified Tribunal Record to the Court, should it attempt to cure its ongoing default.
- u. An Order declaring that should the RCMP fail to transmit the Certified Tribunal Record within a timeframe established by the Court, the substantive Form 301 Application shall proceed exclusively upon the comprehensive evidentiary record adduced by the Applicant, without prejudice to the Applicant.
- v. An Order permanently enjoining the Toronto Local Office Registry from processing or characterizing this proceeding as an “Application for Leave,” confirming its strict status as an unopposed Application for Judicial Review.
- w. An Order exempting the Applicant from any requirements to produce or file physical paper copies of the Application Record or any further materials for the duration of the proceeding, permitting the use of the Federal Court Portal and electronic transmission as the exclusive and sufficient mode of filing.
- x. A Permanent Order restraining Justice Whyte Nowak from further administration or adjudication in this proceeding.
- y. The relief in NOM #1 is granted with costs to the Applicant payable forthwith.
- z. The relief in NOM #2 is granted with costs to the Applicant payable forthwith.
- aa. The hearing of this Form 301 Application shall be heard in writing on July 24, 2026, and the Applicant shall file a comprehensive Application Record along with a comprehensive Memorandum of Fact and Law incorporating the Certified Tribunal Record by no later than July 23, 2026, at 2:00 p.m.
- To the extent that the Respondent RCMP fails to transmit the Certified Tribunal Record by July 17, 2026, to the Registry and the Applicant, the Applicant will be at liberty to bring an ex parte without notice motion for Anton Piller Order relief from the RCMP CPIC and any other relief of similar nature.
- The Applicant will also be at liberty to seek all of his costs including investigative costs regarding the same.
- The Applicant will be at liberty to seek relief in the nature of contempt as well under Rules 467 and 468 et al under the Federal Courts Rules.
- bb. Any further relief that is just and equitable.
- cc. Any further relief that is within the Equitable Jurisdiction of the Federal Court of Canada.
- dd. Any further relief that gives effect to the above that is consistent with the Rule of Law, the General Principle of the Federal Courts Rules, compliance with Rule 318 of the Federal Courts Rules, access to justice, Charter values, the RCMP Act, the Privacy Act, the ATIA, duties of good faith, fiduciary duties, equitable obligations et al.
- ee. Costs on a full-indemnity scale, payable forthwith.