CITATION: RBC v. Gill, 2025 ONSC 3095
COURT FILE NO.: CV-24-3247
DATE: 2025-05-26

SUPERIOR COURT OF JUSTICE – ONTARIO
491 Steeles Avenue East, Milton ON L9T 1Y7

RE:	Royal Bank of Canada, Plaintiff
	AND:
	Manjot Kaur Gill and Natinder Gill, Defendants
BEFORE:	Justice Kurz
COUNSEL:	Scott R. Venton, for the plaintiff
HEARD:	May 20, 2025, in writing

ENDORSEMENT

Introduction

[1] This collection action was brought in Halton (Milton) by a major Canadian bank, represented by a Toronto law firm, against individual defendants residing in Belleville. Nothing in the statement of claim discloses any connection between this action and Halton.

[2] On March 13, 2025, I issued an endorsement requiring submissions as to why this action should proceed in Halton and not be transferred to the Superior Court in Belleville. In doing so, I pointed to the endorsement of Firestone R.S.J. in *The Toronto-Dominion Bank v. The Other End Inc. et al.*, 2025 ONSC 85 ("*The Other End")*, which I discuss in greater detail below, regarding forum shopping.

[3] In doing so, I was aware of the distance between the two jurisdictions. According to Google Maps, the distance between the Milton and Belleville courthouses is, depending

on route, between 227 and 243 kilometers or between 2:12 and 2:26 hours of driving by highway.[1]

[4] I have now received and reviewed a written submission from counsel for the Plaintiff. His argument is that the venue was chosen simply because it is convenient to himself and his client. That position is summarized at para. 2 of the Plaintiff's submission:

> No other statute or rule [other than r. 13.1 of the *Rules of Civil Procedure*, RRO 1990, Reg. 194 (the "*Rules*"), which refers to a motion by a party to transfer a proceeding] require the Plaintiff to commence this proceeding in a prescribed jurisdiction. The Plaintiff therefore was entitled to commence this proceeding in any county named in the originating process. The Plaintiff accordingly selected Halton, Ontario.

[5] The Plaintiff then explained why Halton is convenient to the Plaintiff: its counsel practices in Toronto and its instructing agent is located in Hamilton.

[6] The Plaintiff adds that the governing loan agreement gives it the right to choose the venue for its lawsuit. The relevant provision reads as follows:

> This Guarantee and Postponement of Claim shall be governed by and construed in accordance with the laws of the Province of Ontario ("Jurisdiction). The undersigned irrevocably submits to the courts of the Jurisdiction arising out of or relating to this Guarantee and Postponement of Claim, and irrevocably agrees that all such actions and proceedings may be heard or determined in such courts, and irrevocably waives, to the fullest extent possible, the defence of an inconvenient forum. The undersigned agrees that a judgment or order in any such action or proceeding may be enforced in other jurisdictions in any manner provided by law. Provided,

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[1] https://www.google.ca/maps/dir/291+Steeles+Ave+E,+Milton,+ON+L9T+1Y2/Quinte+Courthouse,+15+Bridge+St+W,+Belleville,+ON+K8P+0C7/@43.8489783,-79.9638926,8z/data=!3m1!4b1!4m14!4m13!1m5!1m1!1s0x882b6fb9978ef1e5:0x99f32ba484007821!2m2!1d-79.8925653!2d43.5228632!1m5!1m1!1s0x89d6255bac77af8b:0x827097234da5ff32!2m2!1d-77.3864837!2d44.1628463!3e0?entry=ttu&g_ep=EgoyMDI1MDUxNS4wIKXMDSoASAFQAw%3D%D

however, that the Bank may serve legal process in any manner permitted by law or may bring an action or proceeding against the undersigned or the property or assets of the undersigned in the courts of any other jurisdiction.

[7] I have considered the arguments raised by the Plaintiff and for the reasons cited below, I am not persuaded that this action should properly be heard in Halton. The Plaintiff shall apply to the Regional Senior Justice of Central East for leave to transfer this action to that region.

Analysis

The *Rules of Civil Procedure*

[8] The Plaintiff relies on r. 13.1.02(2), which deals with situations where a statute or rule does not specify where a proceeding must be commenced. It states:

> (2) If subrule (1) does not apply, the court may, **on any party's motion**, [emphasis added] make an order to transfer the proceeding to a county other than the one where it was commenced, if the court is satisfied,
>
> (a) that it is likely that a fair hearing cannot be held in the county where the proceeding was commenced; or
>
> (b) that a transfer is desirable in the interest of justice, having regard to,
>
> (i) where a substantial part of the events or omissions that gave rise to the claim occurred,
>
> (ii) where a substantial part of the damages were sustained,
>
> (iii) where the subject-matter of the proceeding is or was located,
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> (iv) any local community's interest in the subject-matter of the proceeding,
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> (v) the convenience of the parties, the witnesses and the court,

(vi) whether there are counterclaims, crossclaims, or third or subsequent party claims,

(vii) any advantages or disadvantages of a particular place with respect to securing the just, most expeditious and least expensive determination of the proceeding on its merits,

(viii) whether judges and court facilities are available at the other county, and

(ix) any other relevant matter.

[9] The Plaintiff relies on the words "on any party's motion" to argue that the court does not have the jurisdiction, on its own motion, to transfer an action to a more appropriate venue. It further cites para. 48-51 of the *Consolidated Civil Provincial Practice Direction* (the "*Practice Direction*"),[2] which deals with motions by parties to transfer proceedings under r. 13.1.02(2).

[10] It must be remembered that r. 13.1.02(2) must be read within the context of the interpretive provisions of the *Rules*, as set out in r. 1.04(1) and (1.1), which states as follows:

Interpretation

General Principle

1.04 (1) These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of every civil proceeding on its merits.

Proportionality

(1.1) In applying these rules, the court shall make orders and give directions that are proportionate to the importance and complexity of the issues, and to the amount involved, in the proceeding.

[2] https://www.ontariocourts.ca/scj/practice/consolidated-civil-pd/#Toc136336817

[11] As the *Consolidated Civil Provincial Practice Direction*, like all practice directions of this court, is established under the authority of r. 1.07 of the *Rules,* it too must be read in light of the interpretive provisions of the *Rules.*

[12] Considering the interpretation required by both r. 1.04 (1) and (1.1), the drafters of both the *Rules* and the *Practice Direction* must be assumed to have intended to uphold the fundamental principles of procedural justice. Allowing plaintiffs to bring actions in the manner that is not procedurally just, fair or expeditious to defendants cannot be said to further those principles.

[13] If the court were to apply the reasoning articulated by the Plaintiff, its convenience, that of its counsel, or its simple desire to shop for the venue most favourable to its interests would trump any other consideration. The court would be required to ignore the absence of any logical connection between the cause of action and the proposed venue or the interests of the defendant. Without reference to any principle of procedural fairness, a defendant could be required to participate in proceedings commenced hours from their home jurisdiction, in a venue with no connection to the cause of action upon which they are being sued.

[14] To take it a step further, the Plaintiff is effectively telling the court that a party commencing a legal proceeding should not be required to justify the procedural fairness or proportionality of its unilateral decision to choose a venue with no rational connection to the underlying cause of action.

[15] That state of affairs does not strike me as being incongruent with the intentions articulated in r. 1.04(1) and (1.1).

The Toronto-Dominion Bank v. The Other End Inc. et al.

[16] Firestone R.S.J. was considering similar principles, albeit without making specific reference to rr. 1.04(1) and (1.1), when he wrote the following in *The Toronto-Dominion Bank v. The Other End Inc. et al.*, 2025 ONSC 85 (“*The Other End”)*, at para. 26:

> More broadly, while plaintiffs are generally entitled at first instance to choose where they commence proceedings, their decisions must be informed and reasonable. They do not have 'carte blanche' to choose a particular venue without first considering whether the proposed Judicial Region and location has a rational connection to the matters at issue in the proceeding. In making this determination, consideration should be given to the relevant factors enumerated under Rule 13.1.02(2). Forum shopping is never appropriate.

[17] At para. 29, Firestone R.S.J. pointed out that the relatively recent innovation of Zoom platforms as a method of hearing various proceedings "are not intended as a means for circumventing the requirement to choose a venue rationally connected to the matters at issue or to otherwise engage in forum shopping."

[18] Firestone R.S.J. could not have been more clear when he wrote at para. 30:

> **30** The practice of forum shopping must stop. It is not fair to other litigants or the court system as a whole.

[19] Based on those findings and principles, Firestone R.S.J. transferred the action before him from London, which had no connection to the cause of action, to Toronto, where he sits as Regional Senior Justice.

The Practice of Forum Shopping is Endemic in Halton

[20] The practice of forum shopping is particularly endemic in the Halton Region. At present, this court in Halton struggles under the weight of hundreds of written "basket" motions (at one recent point the court had approx. 400 outstanding motions in writing, which required months to process). It should not have to bear the burden of proceedings which have no connection to it.

[21] The same point has recently been made by two of my Halton colleagues. In *Calloway REIT v MYJKL Investments Ltd.*, 2025 ONSC 2372, at para. 11, Chozik J. cited Firestone L.A.J.'s decision in *The Other End* and continued, writing:

> Multiple problems result with this kind of forum shopping. It is rampant in Halton Region, where hundreds upon hundreds of in-writing and other motions in civil proceedings are brought that have no connection to this judicial region. Halton Region has one of the fastest growing populations in Ontario. The influx of proceedings unrelated to this region results in delays for those litigants who either have no choice of judicial region (such as litigants in family law proceedings) or whose civil disputes are tied to Halton Region. This practice of bringing motions, and the underlying actions or applications, in judicial regions unrelated to those actions must stop. It is unfair to the litigants who have properly brought their matters in the appropriate judicial region, and it creates improper strain on limited judicial resources.

[22] Citing the principles set out in rr. 1.04(1) and (1.1) (without specifically naming the specific subrules) and the court's inherent jurisdiction to control its process, Chozik J. directed that the matter, which concerned property in Pickering, Ontario (Central East Region) be sent to that region.

[23] In *Business Development Bank of Canada v. Ang*, 2025 ONSC 1752, Mills J. was faced with a summary judgment motion in an action which should have been commenced in Toronto. She found that the action before her had no logical connection to Halton. Looking to the location of counsel, the parties and the cause of action itself, Mills J. found at para., 5 that:

> there is nothing to suggest that Halton Region is an appropriate venue to bring this action. Toronto is clearly the most convenient venue for the proper adjudication of the issues raised in this proceeding and the parties involved.

[24] Citing the words of Firestone R.S.J. at para. 26 of *The Other End*, Mills J. wrote at para. 7:

> **7** The hope or expectation that an earlier hearing date may be obtained for a summary judgment motion or a trial, is nothing more than forum shopping. This practice must stop. It is unfair to the litigants who have properly brought their matters in the appropriate Judicial Region, and it creates improper strain on limited judicial resources.

[25] Mills J. directed the plaintiff before her to seek leave of the Regional Senior Justice of the Toronto Region to transfer the action before her. She adjourned the plaintiff's motion for summary judgment *sine die*.

[26] What Mills J. described is occurring in this case as well. When asked to justify the decision to bring this proceeding in Halton rather than Belleville, counsel simply referred to the *Practice Direction* as giving his client licence to chose a venue as it pleased. By its reasoning, it could have chosen Thunder Bay, without recourse to the rights or ability to defend of the Defendants.

[27] The Plaintiff makes no effort to justify bringing this action in Milton on the basis of any connection to Halton. Thus, I can only conclude that the general rationale offered by Mills J. for so many actions being brought in Halton which should have been brought elsewhere applies here as well.

[28] I add, however, that Milton and its courthouse is far closer to Toronto where Mills J. called for the action before her to be transferred, than it is to Belleville. Thus the concern raised by Mills J. is compounded here.

The Scope of This Court's Inherent Jurisdiction to Control its Process

[29] Firestone R.S.J. made his decision in *The Other End* under r. 13.1.02(2), which allows a party to move for a transfer of venue of a proceeding. No such motion was brought by the Defendant in this case, who was sued in a venue more than two hours from her home venue and has yet to be served. But, contrary to the Plaintiff's submissions, the absence of such a motion does not mean that this court must passively acquiesce to venue shopping. The ills of that practice affect this court as well as the other litigants in a legal proceeding brought in the wrong venue.

[30] In addition, it is the duty of the court to look after the interests of all litigants, including those who do not defend an action. The point is made, for example in r. 19.06, which requires a plaintiff to prove its unliquidated damages before a judge, even in the

face of a noting of default and the r. 19.02(a) deemed admission of the truth of the allegations in the statement of claim.

[31] It is trite to say that this court, as a superior court of justice, possesses the inherent jurisdiction to control its process. In *R. v. Cunningham*, 2010 SCC 10, a criminal case concerning the discretion of the court to refuse to allow counsel to remove themselves from the record, Rothstein J., writing for the Supreme Court of Canada, stated at para. 18:

> **18** Superior courts possess inherent jurisdiction to ensure they can function as courts of law and fulfil their mandate to administer justice (see I. H. Jacob, "The Inherent Jurisdiction of the Court" (1970), 23 *Curr. Legal Probs.* 23, at pp. 27-28). Inherent jurisdiction includes the authority to control the process of the court, prevent abuses of process, and ensure the machinery of the court functions in an orderly and effective manner

[32] In *R. v. Rose*, [1998] 3 S.C.R. 262, (S.C.J.), a case dealing with the constitutionality of the *Criminal Code*'s rules regarding the order of jury final addresses, L'Heureux-Dubé J., concurring with the majority of the Supreme Court, wrote the following at para. 130 regarding the court's inherent jurisdiction to ensure the fairness of the trial process:

> However, the inherent jurisdiction of superior court judges to remedy procedural unfairness during the trial has always existed at common law. In R. v. Osborn, [1969] 1 O.R. 152, the Ontario Court of Appeal correctly observed that courts have from the earliest times invoked an inherent jurisdiction to prevent the abuse of trial process resulting from oppressive or vexatious proceedings. In Selvey v. Director of Public Prosecutions, [1968] 2 All E.R. 497, at p. 520, Lord Guest referred to the overriding duty of the trial judge to ensure that a trial is fair. He wrote that this duty: "springs from the inherent power of the judge to control the trial before him and to see that justice is done in fairness to the accused".

[33] L'Heureux-Dubé J. added the following comments regarding the scope of that inherent jurisdiction at para. 131, citing the article of I. H. Jacob entitled "The Inherent Jurisdiction of the Court" (1970), 23 Curr. Legal Probs. 23, as follows:

> a trial judge always possesses an inherent jurisdiction to ensure that the trial is conducted fairly. Inherent jurisdiction cannot be circumvented by narrow or confining statutory language. Jacob aptly described this fundamentally important residual power in this way, at pp. 27-28:
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> > For the essential character of a superior court of law necessarily involves that it should be invested with a power to maintain its authority and to prevent its process being obstructed and abused. Such a power is intrinsic in a superior court; it is its very life-blood, its very essence, its immanent attribute. Without such a power, the court would have form but would lack substance. The jurisdiction which is inherent in a superior court of law is that which enables it to fulfil itself as a court of law. The juridical basis of this jurisdiction is therefore the authority of the judiciary to uphold, to protect and to fulfil the judicial function of administering justice according to law in a regular, orderly and effective manner.

[34] In *R. v. Felderhoff* (2003), 68 O.R.(3d) 481 (Ont. C.A.), Rosenberg J.A., writing for the Ontario Court of Appeal stated at para. 40, regarding the role of the trial judge:

> It would undermine the administration of justice if a trial judge had no power to intervene at an appropriate time and, like this trial judge, after hearing submissions, make directions necessary to ensure that the trial proceeds in an orderly manner. I do not see this power as a limited one resting solely on the court's power to intervene to prevent an abuse of its process. Rather, the power is founded on the court's inherent jurisdiction to control its own process.

[35] In *Abrams v. Abrams*, 2010 ONSC 2703, a case dealing with this court's inherent jurisdiction to issue case management directions in an estates matter, D.M. Brown, as he then was, wrote at para. 32:

> [32] Whichever view one takes of how to articulate the source of a court's inherent powers, the commentators unite in recognizing that courts, at least superior courts of record, enjoy inherent powers to regulate and control their own process and proceedings other than those which are conferred on them by legislation, including delegated legislation such as

rules of practice.[3] Indeed, less than two years ago, former Chief Justice Lesage, and now Justice Code of this court, in their Report of the Review of Large and Complex Criminal Cases Procedures wrote:

> [A]t common law "the trial judge" has significant case management powers, both when hearing motions at the pre-trial stage and when hearing evidence at trial. All trial courts, whether statutory courts or superior courts, have the implied power to control their own process and ensure a fair trial. It is from this broad power that the common law developed an expansive list of remedial tools designed to ensure the fairness and effectiveness of trial processes.[4]

[36] At para. 33, D.M. Brown J. cited an article by Justice Casey Hill,[5] which "exhaustively reviewed the origins and scope of a judge's inherent powers to manage a criminal trial". D.M. Brown J. found that Justice Hill's comments apply with equal force to civil proceedings. Among the excerpts of the Justice Hill article cited by D.M. Brown J. were the following:

> Originally cast in terms of inherent authority to control the processes of the court and prevention of abuse of the process, it is today recognized that a trial judge has a duty to manage the trial process balancing fairness to the parties as well as efficient and orderly discharge of court process. Judicial management of litigation recognizes that "there is more at stake than just the interests of the accused". Management involves control, direction and administration in the conduct of a trial. This power, settled within a broad discretion, relates to the entirety of the trial proceeding extending beyond the scope of pre-trial case management rules designed for "effective and efficient case management".
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> …

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[3] Citing the article by I. H. Jacob cited above and M.S. Dockray, "The Inherent Jurisdiction to Regulate Civil Proceedings" (1997), 113 Law Q. Rev. 120 at 126.
[4] (Toronto: Queen s Printer for Ontario, 2008) at 70.

[5] "The Duty to Manage a Criminal Trial" (Paper presented to the National Justice Institute, April 2009)

> With the court's compass steadily pointed toward trial fairness, a trial judge's obligation to the administration of justice includes prevention of unnecessary delay or abuse of the court's process as well as attention to conservation of cost and resources.
>
> …
>
> In disposing of matters promptly, efficiently and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases so as to reduce or eliminate dilatory practices, avoidable delays and unnecessary costs.

[37] D.M. Brown J. continued at para. 34 regarding the breadth of the court's inherent powers:

> [34] These inherent powers are broad. It is difficult to set the limits upon the powers of the court in the exercise of its inherent jurisdiction to control and regulate its process because those limits cannot impair the need of the court to fulfill its judicial functions in the administration of justice.[6] That said, the exercise of inherent powers must not undermine principles of procedural natural justice or fairness. As the Court of Appeal recently pointed out, while a trial court has the inherent jurisdiction to control its own process, that jurisdiction does not extend to dismissing cases without hearing the available evidence and submissions.[7]

[38] In seeking to limit this court's inherent jurisdiction to transfer on its own motion proceedings brought in the wrong venue, the Plaintiff relies on *Citroen v. Ontario*, 2012 ONSC 975, a case dealing with the proper venue for the trial of an action. In that case, a plaintiff commenced an action in Hamilton against the Province of Ontario regarding a single vehicle motor vehicle accident which occurred in Peterborough County. The

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[6] Citing Jacob, at 33

[7] *Park v. Lee* (2009), 98 O.R. (3d) 520, [2009] O.J. No. 3746 (C.A.), at p. 521 O.R.

Plaintiff claimed that the Province was negligent and liable for improper road maintenance.

[39] While there was no objection to bringing the action in Hamilton, the Province relied on s. 33(9) of the *Public Transportation and Highway Improvement Act ,* R.S.O. 1990, c. P. 50 *(the "PTHIA")*, to oppose the Plaintiff's motion to hold the trial of the action in Hamilton. The *PTHIA* stated that the trial of an action arising from a failure to maintain and repair what was then the Queens Highway "shall take place in the county in which the default occurred unless otherwise ordered upon an application by any party."

[40] Turnbull J. ordered otherwise under *PTHIA* s. 33(9). He directed that the trial take place in Hamilton, finding that the Plaintiffs would experience significant personal hardship if the trial took place in Peterborough. Turnbull J. was also satisfied that a trial in Hamilton was "the most expeditious and least expensive determination of the proceeding on its merits".

[41] Turnbull J. expressly made his decision under the *PTHIA,* rather than r. 13.1(2). He did so because, under a strict reading of 13.1.01(1) and (2), when a plaintiff commences an action in a place contrary to a specific statute or rule (in that case *PTHIA*), only the defendant can move to transfer it.

[42] Nonetheless, the Plaintiff relies on this comment at para. 37 of *Citroen:*

> **37** In this case, I do not think the court should act on its own initiative under Rule 13.1.02(1). First, counsel did not urge the court to act on its own initiative. In my view, the parties are best able to determine where they want the action to be tried and unless there is a compelling and overwhelming reason, such as a lack of judicial resources or difficulties in scheduling the trial, the court should not often intervene on its own initiative in such matters. I am reinforced in that view by the provisions of Rule 13.1.02(4) and (5) which permit the Regional Senior Justice to move on his or her own initiative to change the place of trial in certain cases.

[43] That statement, which is effectively *obiter*, does not, in any event foreclose the use of this court's inherent jurisdiction to order the relief I am considering. Turnbull J. simply

states that in the case before him (where another route to the same remedy was available) he would not act on his inherent jurisdiction. He further opined that there should be compelling and overwhelming reasons, such as lack of judicial resources or difficulties in scheduling a trial, before he invokes that inherent jurisdiction.

[44] Even if that limitation on the court's inherent jurisdiction to change the venue of a legal proceeding generally applies, they need to be reconsidered in light of current circumstances. For the reasons set out above, I find that the type of compelling reasons contemplated but not present before Turnbull J. in *Citroen*, now exist. I say this because:

a. As set out above, the practice of venue shopping, as identified by Firestone R.S.J. in *The Other End,* has become endemic, particularly in Halton, in the thirteen plus years since *Citroen* was decided. That point has already noted by two of my colleagues, Chozik J. and Mills J. I understand that it was also adopted by my colleague Conlan J. in a recent unreported decision.

b. The practice of venue shopping has had a significantly adverse effect on the Halton Superior Court's ability to deal with its other matters because of a backlog of cases caused in part by venue shopping. That is specifically one of the concerns cited by Turnbull J. Those concerns can have other adverse effects such as delays in the trial of criminal proceedings and family proceedings which may involve children.

[45] Further, I note that in *Citroen,* the issue was not the place where an action was commenced, but rather where it would be tried. Nonetheless, the court was acutely concerned with procedural fairness to the parties, particularly ones who would be required to litigate far from their home. That is the case here as well.

[46] In *BFT Mortgage Services Inc. v. Getz*, 2025 ONSC 2908, a case dealing with venue shopping in mortgage actions, I dealt with arguments similar to those advanced here. The plaintiff and its lawyer, both located in Hamilton, had claimed that the *Central West Practice Direction* had offered them free rein to commence a mortgage action in

Milton regarding the mortgage on a home in Owen Sound. I concluded as follows at para. 31:

> [31] This court has the inherent discretion, subject to an explicit rule, to determine that a proceeding has been brought in the wrong location and make orders accordingly. It is important that that jurisdiction be exercised to ensure fairness to all parties and to avoid an abuse of process. Because the [Central West] Practice Direction must be read in the light of rr. 1.04(1) and (1.1), counsel for plaintiffs in mortgage actions are not granted *carte blanche* to bring actions in venues which have no relation to the parties or the cause of action. That is unfair to the other party and as set out above, it places undue burdens in some judicial locations.

[47] Proceeding in the wrong venue may be most convenient to counsel for the plaintiff or their client here. But it discourages participation by the defendant, even if they have a full or partial defence to the action. The process thus becomes the substance by inviting default judgment against a party cowed by the prospect of defending an action in a venue hours away from their home and with no logical connection to the plaintiff's claim. That is particularly the case when a large financial institution, which can afford lawyers anywhere in this province, sues in a manner which requires the retainer of counsel hours away from the defendant's home.

[48] Thus, the process of suing in the wrong venue may prevent a litigant from raising a meritorious defence. For example, there may be a defect in service of the statement of claim. The defendant in a collection action may be able to argue a limitation defence or that the plaintiff's calculations are wrong and that there is no default. Or they may be able to argue that, despite the default, the fees charged by the plaintiff violate s. 8 of the *Interest Act*, R.S.C.1985, c. I-15, in the manner described in *Krayzel Corp. v. Equitable Trust Co.*, 2016 SCC 18, [2016] 1 S.C.R. 273 and *P.A.R.C.E.L. Inc. v. Acquaviva*, 2015 ONCA 331, 126 O.R. (3d) 108.

[49] Interpreted as I have suggested above, the *Rules* and the *Practice Direction* cannot be read as intending to arbitrarily discourage participation in litigation by what is

often the weaker party, merely to suit the convenience of the stronger one. That is what the Plaintiff effectively concedes has occurred here.

[50] It also cannot be intended to allow litigants to overwhelm courts with proceedings that have no connection to their venue.

[51] As the cases cited above and this endorsement demonstrates, litigants must be on notice that this type of litigation conduct will no longer be accepted.

Order

[52] For the reasons cited above, I direct the Plaintiff to seek leave of the Regional Senior Justice of the Central East Region to transfer the action to that region. In doing so, it shall cite this decision.

[53] In light of the concerns I have cited, the Plaintiff shall not charge the Defendant any fees or costs for any part of this motion.

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Kurz J.

May 26, 2025