

CITATION: Abada v. University of Ottawa, 2025 ONSC 4596
COURT FILE NO.: CV-15-65784
DATE: 2025/08/07

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:)
)
Ahmed Abada) Self-represented
)
Plaintiff)
)
– and –)
)
)
University of Ottawa, Azzedine Boukerche,)
and Abdelghani Benmaddi) Jamie Macdonald, for the Defendants
)
Defendants)
)
)
) **HEARD:** January 6 to 23, 2025
)

2025 ONSC 4596 (CanLII)

DECISION REGARDING COSTS

R. SMITH J.

Overview

[1] The Plaintiff claimed that his academic supervisor for his Ph.D., Dr. Boukerche, breached his responsibility as a professor and concocted a scheme with Mr. Benmaddi to frustrate his academic progress and to obtain free manual labour at his residence. In addition, the Plaintiff asked his friend, Mr. Benmaddi to support his allegations that Professor Boukerche had acted in an abusive manner to both of them in order to obtain the sum of \$150,000. If Mr. Benmaddi refused to support him in his claim against Professor Boukerche and the University then the Plaintiff threatened to sue Mr. Benmaddi, which he did. The Plaintiff was completely unsuccessful at trial in all of his allegations against Professor Boukerche, Mr. Benmaddi, and the University.

Positions of Parties

[2] The Defendants seek costs on a substantial indemnity basis of \$210,000 because the Plaintiff was entirely unsuccessful at trial on all issues, the claim was an abuse of process, the Plaintiff made unfounded scandalous allegations against Dr. Boukerche, the Plaintiff sued his former friend Mr. Benmaddi for an improper purpose, the Plaintiff lengthened the proceeding unnecessarily, and the Defendants made several offers to settle for \$10,000, for \$20,000, and in August 2024 for \$40,000, none of which were accepted by the Plaintiff. In the alternative, the Defendants seek costs on a partial indemnity basis of \$158,049.55.

[3] The Plaintiff submits that costs should not be awarded on a substantial indemnity basis but rather on a partial indemnity basis. He further submits that the costs claimed are excessive and should be reduced to \$70,000. The Plaintiff denies that his claim was an abuse of process, submits that he had no malicious intent when suing Dr. Boukerche, did not sue Mr. Benmaddi for an improper purpose, and did not lengthen the proceedings unnecessarily.

Factors

[4] The factors to be considered when fixing costs are set out in Rule 57 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, and include in addition to success, the amount claimed and recovered, the complexity and importance of the matter, unreasonable conduct of any party which unduly lengthened the proceeding, scale of costs and any offer to settle, the principle of indemnity, hourly rate claimed, the time spent, and the amount that a losing party would reasonably expect to pay.

Success

[5] In this case, the Defendants were completely successful as the court found that all of the Plaintiff's allegations against Professor Boukerche and Mr. Benmaddi were unfounded, and the Plaintiff was unsuccessful on all of his claims against the University.

Amount Claimed and Recovered

[6] The Plaintiff claimed approximately \$1,700,000 and did not recover anything.

Complexity and Importance

[7] The issues were complex and were important to the parties.

Unreasonable Conduct of Any Party

[8] I find that the Plaintiff's addition of his former friend as a Defendant in this lawsuit - because he refused to support his allegations and provide false evidence to the court - constituted unreasonable, improper conduct, which also needlessly lengthened the proceedings.

Scale of Costs and Offers to Settle

[9] The Defendants seek costs on a substantial indemnity basis for several reasons outlined above. I find that the Plaintiff's conduct of attempting to have Mr. Benmaddi give false evidence to the court and threatening to join him as a Defendant if he failed to do so is conduct which should be punished by an increase in the partial indemnity costs scale. The further reason for this increase is that the addition of Mr. Benmaddi caused additional expense and additional waste of the court's time.

[10] While the Plaintiff was completely unsuccessful in all of his allegations against the Defendants, I do not find that his conduct rose to the level to justify a substantial indemnity costs throughout the proceeding. However, I will increase the claim for partial indemnity costs to account for the Plaintiff's unreasonable and improper conduct of joining Mr. Benmaddi as a Defendant.

Hourly Rates, Time Spent and Indemnity

[11] I find that the hourly rates claimed and the time spent was reasonable given the ten-year length of the legal proceeding, and the experience of counsel. I also find it was reasonable to have the assistance of the articling student rather than a fully qualified lawyer in the circumstances.

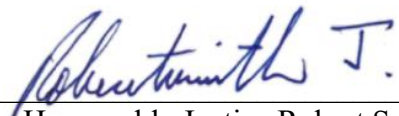
Amount the Unsuccessful Party Would Reasonably Expect to Pay

[12] The Plaintiff has not argued that he would not reasonably expect to pay the amount claimed for costs. I find that the amount claimed by the Defendants for both the partial indemnity and

substantial indemnity claim is reasonable given that they were facing a claim for \$1,700,000 with very serious, professional allegations against Professor Boukerche and that the proceeding lasted for approximately ten years.

Disposition

[13] Having considered all of the above factors, the Plaintiff is ordered to pay costs to the Defendants fixed in the amount of \$155,000 plus HST and disbursements (inclusive of HST) in the amount of \$4,621.04.



The Honourable Justice Robert Smith

Date: August 7, 2025

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BETWEEN:

Ahmed Abada

Plaintiff

– and –

University of Ottawa, Azzedine Boukerche, and
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Defendants

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Released: August 7, 2025