

**CITATION:** Avidar v. Schroeder, 2025 ONSC 4003  
**COURT FILE NO.:** CV-25-00744629-0000  
**DATE:** 20250623

**SUPERIOR COURT OF JUSTICE – ONTARIO**

**RE:** DR. DON SHACHAR AVIDAR  
Plaintiff

**AND:**

WOLF SCHROEDER  
Defendant

**BEFORE:** Parghi J.

**COUNSEL:** *Dr. Don Shachar Avidar*, self-represented Plaintiff

*Riley C. Brooks*, for the Defendant

**HEARD:** June 23, 2025 (in writing)

**ENDORSEMENT**

[1] The Defendant, Wolf Schroeder, has asked the Registrar, by request dated June 13, 2025, to dismiss this action under rule 2.1.01(1) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194. Rule 2.1 permits the court, “on its own initiative,” to “stay or dismiss a proceeding if the proceeding appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court.” The Registrar has notified the court of this request and it has been provided to me for consideration.

[2] I decline to dismiss this action.

[3] Rule 2.1 is intended to allow a judge to exercise their gatekeeping function to make a summary determination as to whether, on its face, a proceeding should be dismissed as frivolous or vexatious or otherwise an abuse of process. The rule is to apply only “where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to support the resort to” the rule 2.1 process (*Scaduto v. Law Society of Upper Canada*, 2015 ONCA 733, 343 OAC 87, at para. 8). The rule is “an extremely blunt instrument” and “reserved for the clearest of cases” (*Khan v. Krylov & Company LLP*, 2017 ONCA 625, 138 OR (3d) 581, at para.

12). It is not intended to be used “for close calls” (*Scaduto*, at para. 9, citing *Raji v. Ladner*, 2015 ONSC 801, at paras. 8-9).

[4] In considering whether to dismiss an action under rule 2.1, the pleading is to be read generously to allow for drafting deficiencies and to identify the core complaint pleaded (*Gao v. Ontario (Workplace Safety and Insurance Board)*, 2014 ONSC 6497, 37 CLR (4th) 7, at para. 18). The court is then to assess if there is a basis for applying the process contemplated under rule 2.1, or whether another rule is available for the same subject matter (*Raji*, at paras. 8-9). The rule is not meant to be “an easily accessible alternative to a pleadings motion, a motion for summary judgment or a trial” (*Khan*, at para. 12).

[5] Applying these principles here, I am of the view that this matter is not appropriately dismissed under rule 2.1.

[6] Read liberally, as the pleading must be in this motion, the core complaint in the Statement of Claim is that the Defendant made a “malicious and defamatory” regulatory complaint to the Plaintiff’s licensing body, the Royal College of Dental Surgeons of Ontario. The allegation is not clearly frivolous, vexatious, or an abuse of process. It is a claim that the Plaintiff should not be prevented from seeking to advance at this early stage. Nothing in the pleading suggests that the proceeding is abusive in nature or otherwise supports the application of the blunt and summary dismissal process under rule 2.1.

[7] Nor does this case bear any of the hallmarks of vexatious litigation. There is no suggestion before me that the Plaintiff is trying to relitigate an issue on which the court has already ruled, or is otherwise a vexatious litigant or otherwise engaged in an abuse of process. There is no basis for concluding that the Plaintiff will engage in improper conduct or misuse the litigation process. There is no reason to think that he is bringing this proceeding simply to harass or oppress others.

[8] To the extent that the Defendant believes the claims are improper or unsupported by the law, his appropriate response would be to seek relief in the typical fashion, for instance through a pleadings motion or summary judgment motion. The jurisprudence is clear that rule 2.1 is not meant to be a shortcut to seeking such relief (*Khan*, at para. 12).

[9] I therefore decline to dismiss the action as frivolous, vexatious, or otherwise an abuse of process. This case does not warrant the use of the exceptional powers granted to me under rule 2.1.

**Date: June 23, 2025**

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Parghi J.