

Court of King's Bench of Alberta

**Citation: McDermott v Royal Canadian Mounted Police Canadian Firearms Program,
2025 ABKB 230**

Date: 20250414
Docket: 2406 00879
Registry: Lethbridge

Between:

Lane Michael McDermott

Plaintiff

- and -

Royal Canadian Mounted Police Canadian Firearms Program

Defendant

**Apparent Vexatious Application or Proceeding Notice
of the
Associate Chief Justice
D.B. Nixon**

[1] On December 9, 2024, the Plaintiff filed a Statement of Claim. On April 2, 2025, it was brought to my attention as I am the Administrative Justice of the Court of King's Bench of Alberta (the "**Court**") who responds to potentially abusive litigation in Southern Alberta. Accordingly, I reviewed the Statement of Claim under Civil Practice Note 7 ("**CPN7**").

[2] CPN7 sets out summary procedures to be followed, using r 3.68 of the *Alberta Rules of Court*, Alta Reg 124/2010 for a "claim, defence, action, application, or proceeding that appears on its face to be frivolous, vexatious, or otherwise an abuse of process".

[3] The Statement of Claim appears on its face to be frivolous, vexatious, or an abuse of process. Specifically, it appears to make bald allegations without making any particular claims or providing any factual foundation and seeks relief which is excessive, disproportionate or impossible. In addition, the Court may not have jurisdiction over the subject matter because there are other processes which need to first be exhausted.

[4] Given this context, I provide the following two comments.

- a. The Plaintiff may wish to reconsider whether the Court is the appropriate forum for this matter given that there are administrative processes that should first be exhausted. If there are concerns with a Royal Canadian Mounted Police (RCMP) officer's conduct, a complaint can be submitted to a RCMP detachment or to the Civilian Review and Complaints Commission for the RCMP. It is unclear if the Plaintiff has attempted to resolve his concerns through these processes.
- b. If the Plaintiff still wishes to continue with the Statement of Claim, he must file a Written Submission setting out why the Statement of Claim is not frivolous, vexatious, or an abuse of process. In doing so, the Plaintiff may wish to identify, in detail, responses to the following questions.
 - i. What is the underlying claim that is or could be recognized in law, giving the Court and the Defendant a basis to provide a meaningful response? Is the Plaintiff claiming that there has been a breach of a duty owed or a violation of his rights? Is the Plaintiff planning to file any evidence in support of his claims?
 - ii. The Plaintiff refers to the revocation of a possession/acquisition firearm license and destruction of firearm, assumingly under the authority of the *Firearms Act*, S.C. 1995, c 39. It is unclear if the Plaintiff is attempting to refer a decision of the Chief Firearms Officer or the Registrar to the Court. If so, references regarding eligibility are appropriately directed to the Alberta Court of Justice, and any orders issued by such court can be appealed to this Court.
 - iii. The Plaintiff also refers to an authorization permit for the purposes of trapping according to Métis ancestry. It is unclear if the Plaintiff is attempting to challenge a decision made with respect to his eligibility for a harvesting card, namely an approved Otipemisiwak Métis Government Harvester, a Wildlife Identification Number (WIN), or a different authorization. The Plaintiff may wish to clarify this for the Court.
 - iv. Why is the monetary relief sought not excessive, disproportionate or impossible?

[5] Given the context, I direct the following as the next steps.

- a. The Clerk will file and serve this Apparent Vexatious Application or Proceeding Notice ("**AVAP Notice**") on the Plaintiff and the Defendant.
- b. If the Plaintiff wishes to respond to this AVAP Notice, he must prepare a Written Submission of no more than 10 pages. He must file and serve the Written Submission

within 14 days after receiving this AVAP Notice. The Written Submission must be delivered to the address of Associate Chief Justice D.B. Nixon, located at the Calgary Court Centre, 601 – 5th Street, S.W., Calgary, Alberta T2P 5P7, and must be marked “To the Attention of Associate Chief Justice D.B. Nixon”. It must also be served on the Defendant.

- c. If the Plaintiff does not file and serve a Written Submission by the deadline, the Court will make a final decision on whether the Statement of Claim should be struck out in whole or in part under r 3.68 of the *Alberta Rules of Court*.
- d. If the Plaintiff does file and serve a Written Submission, the Defendant has seven days to provide a Written Reply of up to 10 pages. The Written Reply must be addressed “To the Attention of Associate Chief Justice D.B. Nixon” and should be sent to the address set out in paragraph “b” above. It must also be served on the Plaintiff.
- e. Once the Court receives the Plaintiff’s Written Submission (if any) and the Defendant’s Written Reply (if any), the Court will make a final decision on whether the Statement of Claim should be struck out in whole or in part under r 3.68 of the *Alberta Rules of Court*.

[6] The *Alberta Rules of Court* can be accessed for free on <https://www.canlii.org/>.

[7] I encourage the Plaintiff to seek legal advice and assistance. If he cannot afford to hire a lawyer, he may wish to contact Lethbridge Legal Guidance at (403) 380-6338. For information or assistance filing documents, he may wish to contact Court and Justice Services at 1-855-738-4747.

[8] The Court, or the Defendant, if they wish, may prepare and serve an Interim Order staying this Action until the CPN7 process is complete. The Plaintiff’s approval of that Order is not required, pursuant to r 9.4(2)(c) of the *Alberta Rules of Court*.

Dated at Calgary, Alberta this 14th day of April 2025.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

No Appearances