

IN THE COURT OF APPEAL OF MANITOBA

Docket: AI24-30-10070
BETWEEN:

WINNIPEG REGIONAL HEALTH)
AUTHORITY)

(Plaintiff/Defendant by Counterclaim))
Respondent)

- and -)

SHANNON HANCOCK, formerly known as)
SHANNON LOECHNER)

(Defendant/Plaintiff by Counterclaim))
Applicant)

- and -)

Docket: AI24-30-10112)
BETWEEN:)

WINNIPEG REGIONAL HEALTH)
AUTHORITY)

(Plaintiff) Respondent)

- and -)

SHANNON HANCOCK, formerly known as)
SHANNON LOECHNER)

(Defendant) Appellant)

- and -)

S. Hancock
on their own behalf

L. K. Troup
for the Respondent

Chambers motion heard:
May 8, 2025

Decision pronounced:
May 27, 2025

Docket: AI24-30-10155)
BETWEEN:)
))
WINNIPEG REGIONAL HEALTH)
AUTHORITY)
))
(Plaintiff/Defendant by Counterclaim))
Respondent)
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- and -)
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SHANNON HANCOCK, formerly known as)
SHANNON LOECHNER)
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))
(Defendant/Plaintiff by Counterclaim))
Appellant)

LEMAISTRE JA

Introduction

[1] On February 12, 2025, a judge of this Court declared the applicant/appellant (Ms. Hancock) to be a vexatious litigant (the vexatious litigant order) (see *College of Registered Nurses of Manitoba v Hancock*, 2025 MBCA 14 [the *vexatious litigant decision*]). Prior to that order being made, Ms. Hancock had filed a motion for leave to appeal and two notices of appeal. As a result of the vexatious litigant order, she now requires leave to proceed with all three appeals. The terms of the vexatious litigant order are attached as an appendix to these reasons.

[2] For the reasons that follow, Ms. Hancock’s motion for leave to proceed is dismissed with costs.

Recusal

[3] At the hearing of the motion, Ms. Hancock requested that I recuse myself on the basis that, in 2021, I was a member of the panel of this Court that dismissed one of her prior appeals and her subsequent motion for a rehearing. In that prior appeal, Ms. Hancock had appealed a finding of professional misconduct made by the discipline committee of the College of Registered Nurses of Manitoba, as well as the penalty imposed and the order of costs (see *Hancock v College of Registered Nurses of Manitoba*, 2021 MBCA 20).

[4] On her request for recusal, she asserted that I made reversible errors in my reasons for dismissing the appeal and that she has been prejudiced by that decision. I note that she did not seek leave to appeal that decision to the Supreme Court of Canada.

[5] I dismissed the request for recusal and provided brief oral reasons for doing so. I concluded that, according to the law, the presumption of judicial impartiality is not discharged by the simple fact that a judge has previously rendered a judgment that is unfavourable to a party or that a party disagrees with (see *Bartel-Zobarich v Manitoba Association of Health Care Professionals (MAHCP-Bargaining Unit)*, 2023 MBCA 41 at paras 11-12). Ms. Hancock did not proffer any evidence that demonstrates actual bias or a reasonable apprehension of bias that precludes me from hearing this motion.

Adjournment

[6] Following my dismissal of Ms. Hancock’s request for recusal, she asked for an adjournment of the hearing. I denied this request but offered Ms. Hancock a recess, which she did not accept.

More Time

[7] Despite providing Ms. Hancock with clear direction as to the amount of time that she had for her oral submissions and extending that time at her request, at the conclusion of the hearing, she requested more time to make her oral submissions.

[8] I denied this request. Notwithstanding my efforts to refocus Ms. Hancock, her submissions related to matters irrelevant to the motion for leave to proceed. Giving her more time to revisit past events—in particular, the proceedings leading to the vexatious litigant order—would not have assisted her on the motion for leave to proceed.

Background

[9] Ms. Hancock has a lengthy history of litigation in this Court. That history was recently set out in two decisions of this Court (see the *vexatious litigant decision*; *Winnipeg Regional Health Authority v Hancock*, 2024 MBCA 107 [the *chambers decision*]). I will not repeat what has already been reviewed in those two decisions except to provide a brief background of the history that is relevant to this decision.

[10] In September 2016, the respondent, the Winnipeg Regional Health Authority (the WRHA), filed a statement of claim against Ms. Hancock for

breaching the terms of their settlement agreement signed in 2014. Ms. Hancock filed a statement of defence and counterclaim against the WRHA.

[11] In 2023, the WRHA sought summary judgment on the claim and counterclaim.

The Motion for Leave to Appeal

[12] Prior to the hearing of the motion for summary judgment, Ms. Hancock brought a motion to strike affidavit evidence filed by the WRHA and to disqualify the law firm of Thompson Dorfman Sweatman LLP (TDS) from representing the WRHA, among other things. The WRHA brought its own motion to strike Ms. Hancock's affidavit. The motion judge dismissed the motions by way of an endorsement issued on May 6, 2024 (the motions decision).

[13] On May 7, 2024, Ms. Hancock filed a motion for leave to appeal the motions decision (the motion for leave to appeal).

The First Notice of Appeal

[14] On August 27, 2024, the motion judge granted the WRHA's motion for summary judgment and dismissed Ms. Hancock's counterclaim (see *Winnipeg Regional Health Authority v Hancock*, 2024 MBKB 126 [the *summary judgment decision*]).

[15] On August 28, 2024, Ms. Hancock filed a notice of appeal regarding the *summary judgment decision* (the first notice of appeal).

The Second Notice of Appeal

[16] On October 22, 2024, the parties appeared before the Chief Justice of Manitoba for a meeting under rule 37.1 of the MB, *Court of Appeal Rules (Civil)*, Man Reg 555/88R [the *CA Rules*] for directions regarding the conduct of the appeal of the *summary judgment decision* and the motion for leave to appeal.

[17] The Chief Justice determined that Ms. Hancock's allegation of ineffective assistance of counsel was not properly before this Court (see the *chambers decision* at paras 21-26). She also determined that Ms. Hancock's notice of constitutional question did not meet the requirements of section 7(4) of *The Constitutional Questions Act*, CCSM c C180 (see the *chambers decision* at paras 27-33) and declined Ms. Hancock's request for the appointment of independent legal counsel to assist her with her constitutional arguments (see *ibid* at paras 34-35). Finally, the Chief Justice dismissed Ms. Hancock's motion to disqualify TDS (see *ibid* at paras 36-46).

[18] On December 30, 2024, Ms. Hancock filed a notice of appeal of the *chambers decision* (the second notice of appeal).

The Motion for Leave to Proceed

[19] On April 23, 2025, Ms. Hancock filed a motion for leave to proceed with the motion for leave to appeal and the two appeals already filed (the motion for leave to proceed).

The Test for Leave to Proceed

[20] Section 31.2(3) of *The Court of Appeal Act*, CCSM c C240 [the *CA Act*] provides that leave to proceed may be granted where the proceeding is not an abuse of process and there are reasonable grounds for the proceeding. Section 31.2(3) states:

Leave to proceed or rescission

31.2(3) For purposes of an application under subsection (1), where a judge sitting in chambers or the court is satisfied that a proceeding to be instituted or continued is not an abuse of process and that there are reasonable grounds for the proceeding, the judge or the court may, by order,

- (a) grant leave to proceed; or
- (b) rescind the order made under subsection 31.1(1).

Autorisation ou annulation

31.2(3) S'il est saisi de la requête visée au paragraphe (1) et s'il est convaincu qu'une instance qui doit être introduite ou continuée ne constitue pas un abus de procédure et qu'elle est fondée sur des motifs raisonnables, le juge siégeant en cabinet ou le tribunal peut, selon le cas, par ordonnance :

- a) accorder l'autorisation de procéder à l'introduction ou à la continuation de l'instance;
- b) annuler l'ordonnance rendue en vertu du paragraphe 31.1(1).

[21] A vexatious litigant bears the onus of establishing that leave should be granted on a balance of probabilities (see *Bernard v Canada (Professional Institute of the Public Service)*, 2020 FCA 211 at para 7 [*Bernard*]).

[22] As stated in *Martinez v Canada (Communications Security Establishment)*, 2019 FCA 282, “[a]buse of process is a flexible doctrine, based on the idea that a court has an inherent discretion to terminate litigation at the preliminary stage in order to prevent abusive proceedings that bring the

administration of justice into disrepute” (at para 10, citing with approval *Timm v Canada*, 2014 FCA 8 at para 30; see also *Green v University of Winnipeg*, 2020 MBCA 49 at para 10).

[23] Conduct that may constitute an abuse of process includes re-litigating issues and pursuing a personal vendetta rather than seeking genuinely needed remedies (see *Bernard* at paras 8-9).

[24] In order to meet the requirement of reasonable grounds for the proceeding, a vexatious litigant must establish that the case has some chance of success based on the facts and the law and considering the applicable standard of review (*ibid* at paras 14-17).

[25] Even if both requirements are met, the Court retains a residual discretion to refuse leave to proceed.

Positions of the Parties

[26] In the motion for leave to appeal and notices of appeal, Ms. Hancock sets out a number of grounds of appeal. In the motion for leave to appeal, the issues raised in the grounds of appeal include:

- ineffective assistance of counsel
- jurisdiction
- conflict and bias of counsel for the WRHA

[27] In the first notice of appeal, the issues raised in Ms. Hancock’s grounds of appeal include:

- ineffective assistance of counsel
- jurisdiction
- conflict and bias of counsel for the WRHA
- validity of the settlement agreement
- procedural fairness
- systemic and judicial bias
- delay

[28] Ms. Hancock’s second notice of appeal is sixteen pages in length and is replete with argument. The issues raised by the grounds of appeal include:

- jurisdiction
- procedural fairness
- conflict and bias of counsel for the WRHA
- systemic and judicial bias

[29] The motion for leave to proceed sets out the following grounds:

- Ms. Hancock has paid money to file the proceedings she wishes to continue.
- “These appeals/motions have already been the subject of hearings and decisions by three other appellate court justices”.

- Registry has accepted the evidence she has submitted in support of these proceedings.
- She has paid all outstanding orders for costs as required by the vexatious litigant order.
- She relies on the *CA Act* and the *CA Rules*.
- Her rights under the *Canadian Charter of Rights and Freedoms*, s 7, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK), 1982, c 11 [the Charter]* are being prejudiced.
- She refers to procedural fairness, bias and collusion by parties.
- She also refers to unnecessary motions and court appearances arising from the vexatious litigant proceedings that have resulted in a miscarriage of justice.

[30] In support of the motion for leave to proceed, Ms. Hancock seeks to rely on “[e]vidence and documents” previously filed in the proceedings leading to the motions decision, the *summary judgment decision* and the *chambers decision*.

[31] The position of the WRHA is that Ms. Hancock’s grounds for her appeals are not properly particularized. It asserts that the grounds are bald allegations and that Ms. Hancock seeks to re-argue matters already decided. The WRHA also points out that the grounds in Ms. Hancock’s motion for leave to appeal and the first notice of appeal are different from the issues she argues in the factum she filed on her appeal of the *summary judgment decision*

and that the factum raises issues that were never pled or properly before the Court.

[32] Finally, the WRHA argues that Ms. Hancock's conduct on the motion for leave to proceed is unchanged from the behaviour that led to the vexatious litigant order.

Discussion and Decision

[33] There is no dispute that Ms. Hancock has met the requirement in the vexatious litigant order that she pay all outstanding costs awards in this Court before leave to proceed may be sought (see the *vexatious litigant decision* at para 70; see also appendix at para 3).

[34] However, in my view, the grounds for Ms. Hancock's motion for leave to proceed have no merit.

[35] It is not arguable that the Court improperly assumed jurisdiction over the litigation as the settlement agreement was entered into while the parties were engaged in arbitration. There is no evidence of procedural unfairness, bias, conflicts of interest or ineffective assistance of counsel. Nor is it arguable that the settlement agreement was invalid.

[36] Moreover, I agree with the WRHA that Ms. Hancock's conduct on the motion for leave to proceed is unchanged from the behaviour that led to the vexatious litigant order. As can be seen from the issues raised in the motion for leave to appeal, the notices of appeal and the grounds for the motion for leave to proceed set out above, she persists in raising issues that have been decided by this Court or that have been determined to be improperly

before this Court, such as conflict or bias of counsel for the WRHA, ineffective assistance of counsel and *Charter* issues.

[37] Ms. Hancock also continues to raise issues irrelevant to the matters before the Court. For instance, the focus of her argument at the hearing of the motion for leave to proceed was the vexatious litigant order and the proceedings that led to that order being made.

[38] Ms. Hancock’s conduct continues to exhibit the hallmarks of vexatious behaviour, including by “exhausting all rights of review, appealing any time there is an adverse judgment, and bringing multiple proceedings in an attempt to re-determine settled issues” (*Talwar v Grand River Hospital*, 2025 ONCA 35 at para 3). As noted in *Coady v Canada (Attorney General)*, 2020 FCA 154, “[l]itigants who inundate the courts with meritless proceedings or motions, or who repeatedly seek to reassert claims and arguments that have already been determined, even through no ill-will, have to be restrained in their access to the courts” (at para 23).

Disposition

[39] In the result, the motion for leave to proceed with the motion for leave to appeal and the appeals of the *summary judgment decision* and the *chambers decision* is dismissed with costs. The appeals of the *summary*

judgment decision and the *chambers decision* are stayed pursuant to section 31.3 of the *CA Act*.

[40] Therefore, according to the vexatious litigant order, the appeal of the vexatious litigant order is the only proceeding in this Court that may proceed.

_____ JA

APPENDIX

College of Registered Nurses of Manitoba v Hancock, 2025 MBCA 14 at para 70:

1. Ms. Hancock is declared a vexatious litigant in this Court.
2. Ms. Hancock is prohibited from continuing her appeals on File Nos. AI24-30-10070, AI24-30-10112, AI24-30-10141, AI24-30-10155, as well as from initiating any further appeals or filing any applications or motions in this Court in connection with those files without leave of a judge of this Court.
 - (a) The one and only exception to condition 2 is that Ms. Hancock may file an appeal of this decision to the Court if it is done in compliance with r 46 of the *CA Rules*.
3. Ms. Hancock is required to pay all outstanding costs awards in this Court before leave of a judge of this Court may be sought.
 - (a) The one and only exception to condition 3 is that Ms. Hancock may file an appeal of this decision to the Court if it is done in compliance with r 46 of the *CA Rules*.
4. The registry staff is authorized to reject any documents submitted by Ms. Hancock that they determine are non-compliant with the *CA Act*, the *CA Rules* or an order or direction of this Court.

5. Ms. Hancock may contact the registry only by email (courtofappeal@gov.mb.ca) no more than once a week in order to ask questions of the registry concerning the status of an intended or existing proceeding; if the email does not relate to the foregoing, the registry staff is authorized to stop email communication.
6. Ms. Hancock will not directly contact any judge of the Manitoba Court of Appeal and will not directly contact any judicial assistant of the Manitoba Court of Appeal by email, phone or other form of communication.
7. The registry shall report to the Court any violations of this order so that this Court may determine whether any further order should be made, direction provided or action taken.