

**NOVA SCOTIA COURT OF APPEAL**  
**Citation:** *Laudahn v. Peters*, 2025 NSCA 58

**Date:** 20250725  
**Docket:** CA 544350  
**Registry:** Halifax

**Between:**

Martina Laudahn

Appellant

v.

Michael Peters and Irmgard Peters  
and Chedabucto Homes Limited

Respondents

**Judge:** Van den Eynden, J.A.  
**Motion Heard:** June 26, 2025, in Halifax, Nova Scotia in Chambers  
**Written Decision:** July 25, 2025  
**Held:** Motion to extend time dismissed  
**Counsel:** Martina Laudahn, self-represented appellant  
Matthew J.D. Moir, Tansyn W. Hood and Micaela A.  
Sheppard, for the respondents

## Decision:

### Overview

[1] The appellant Martina Laudahn seeks an extension of time to file a Notice of Appeal. I heard her extension motion on June 26, 2025, and reserved decision.

[2] To succeed on her motion the appellant must establish that it is in the interests of justice to extend time.

[3] For the following reasons I have determined it is not in the interests of justice to grant an extension. The motion is dismissed with costs payable by the appellant to the respondents in the amount of \$500 inclusive of disbursements.

### Guiding principles

[4] The decision whether to grant an extension of time is discretionary. The *Civil Procedure Rules* provide:

90.37 Motion to a judge of the Court of Appeal

[...]

(12) A judge of the Court of Appeal hearing a motion, in addition to any other powers, may order any of the following:

[...]

(h) that any time prescribed by this Rule 90 be extended or abridged before or after the expiration thereof.

[5] There is no rigid formula or rules that govern the exercise of my discretion. Ultimately, as noted, I must determine whether it is in the interests of justice to grant an extension. There are well established factors that assist in this assessment. As this Court explained in the often cited case of *Farrell v. Casavant*, 2010 NSCA 71:

[17] Given the myriad of circumstances that can surround the failure by a prospective appellant to meet the prescribed time limits to perfect an appeal, it is appropriate that the so called three-part test<sup>1</sup> has since clearly morphed into being more properly considered as guidelines or factors which a Chambers judge should consider in determining the **ultimate question as to whether or not**

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<sup>1</sup> *Jollymore Estate v. Jollymore*, 2001 NSCA 116 at para. 22; *Bellefontaine v. Schneiderman*, 2006 NSCA 96, at paras. 3-4.

**justice requires that an extension of time be granted.** (See *Mitchell v. Massey Estate* (1997), 163 N.S.R. (2d) 278; *Robert Hatch Retail Inc. v. Canadian Auto Workers Union Local 4624*, 1999 NSCA 107.) **From these, and other cases, common factors considered to be relevant are the length of delay, the reason for the delay, the presence or absence of prejudice, the apparent strength or merit in the proposed appeal and the good faith intention of the applicant to exercise his right of appeal within the prescribed time period. The relative weight to be given to these or other factors may vary. As Hallett J.A. stressed, the test is a flexible one, uninhibited by rigid guidelines.**

[emphasis added]

[6] I considered these common factors in assessing whether to grant the appellant's motion.

### **Analysis**

[7] As will become apparent in my analysis, the absence of any discernible ground of appeal weighs heavily. It is also clear from the proceedings in the court below and the materials filed with this motion, that the appellant refuses to recognize the legitimate authority of courts nor does she feel bound by court orders. Rather, she espouses, at great length, an alternate legal framework that is nonsensical and mistaken. These are not the only problems underlying this motion but, as I will explain, standing alone or together these concerns warrant dismissal of the motion.

[8] Before further discussion of the factors to be considered, I will summarize the decisions and orders the appellant wishes to challenge.

#### *Decisions and orders of the court below*

[9] The orders the appellant wishes to appeal arise from two related matters that Justice Patrick J. Murray of the Supreme Court of Nova Scotia presided over.

[10] The first proceeding, No. 495007, was commenced by the appellant in 2019. The appellant retained the respondents to build a home for her. As the project progressed, a dispute arose between the parties respecting the scope of the project, associated rising costs and payments owing to the respondents.

[11] The appellant commenced an action asserting, among other things, faulty workmanship and deficiencies and sought damages. The heads of damages claimed included breach of trust, loss of reputation, defective workmanship, heating

deficiencies, repair and remediation costs, and incidental costs due to negligence. In defending the claim, the respondents denied the allegations against them and counterclaimed. Damages sought on the counterclaim were \$129,549.48 for an outstanding contractor fee, plus \$30,118.82 for out-of-pocket expenses. The appellant filed a defence to the counterclaim.

[12] The related proceeding, No. 517851, also referred to as the fraudulent conveyance action, was commenced by the respondents. In this proceeding the respondents sought to have certain conveyances made between the appellant and her daughter Carina Laudahn, declared void, and ordered to be transferred back to the appellant. The respondents maintained the appellant conveyed lots, including the house lot, to her daughter for “nil” consideration, with the intent to defeat the appellant’s existing and future creditors, which included the respondents. Carina Laudahn did not defend this proceeding, but the appellant did.

[13] The litigation was not advancing. The respondents asserted this was due to the appellant’s abuse of the court’s process. The respondents pursued a dismissal of the appellant’s action and judgement on their counterclaim in the proceeding No. 495007. They also sought default judgement against Carina Laudahn in the related proceeding No. 517851 and summary judgement against the appellant. The respondents also sought costs in both proceedings.

[14] The judge rendered two decisions. The first is reported at 2024 NSSC 428 (the “Merits Decision”). The Merits Decision addressed the respondents’ requested relief as noted above and was dispositive of both matters. The respondents were the wholly successful parties on all motions, except for a reduction in pre-judgment interest.

[15] In the main action, No. 495007:

- The appellant’s statement of claim and defence to counterclaim was struck;
- The appellant’s claim against the respondents was dismissed;
- The respondents’ damages in the counterclaim were assessed at \$183,258.29; and
- The appellant’s conduct in the proceeding was declared an abuse of process.

[16] In the related fraudulent conveyance action, No. 517851:

- Default judgment was entered against the appellant's daughter, Carina Laudahn;
- The appellant's pleadings were struck and summary judgment on the pleadings was entered against the appellant;
- The appellant's conveyances of lots were declared void and ordered transferred back to the appellant; and
- The appellant's conduct in the proceeding was declared an abuse of process.

[17] The judge's Merits Decision was released on September 4, 2024. The resulting orders were not finalized and issued until some months later.

[18] Two orders were issued on April 30, 2025, corresponding to each action. The order under action No. 517851 declared the conveyances from the appellant to her daughter void and transferred the interests back to the appellant. The order under action No. 495007 dismissed the appellant's claims and granted damages to the respondents in the amount of \$183,258.20.

[19] On May 20, 2025, an amended order was filed to correct a clerical error in the April 30, 2025 order issued under action No. 517851. The first order referenced lot numbers 17,18 and 19 when it should have referenced lots 18, 19 and 20. The amended order does not reset the clock for the commencement of the appeal period. It remains as of April 30, 2025. That is because it was not a significant change;<sup>2</sup> rather clerical in nature.

[20] Pursuant to *Rule* 90.13(3) there is a 25-day deadline to file an appeal (calculated within the meaning of *Rule* 94). The appellant's right to file an appeal expired on June 5, 2025. She did not file her motion to extend time and the draft Notice of Appeal until June 12, 2025.

[21] The second decision, released on May 8, 2024 and reported at 2025 NSSC 170, addressed costs in both actions (the "Costs Decision"). The judge awarded lump sum costs in the amount of \$91,113.75 payable forthwith by the appellant to the respondents. The related order was issued on May 9, 2025.

[22] *Rule* 90.13(3) imposes a 10-day deadline (calculated within the meaning of *Rule* 94), to file an appeal of this costs order. The appellant's right to file an appeal expired on May 23, 2025. As noted, she did not file until June 12, 2025.

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<sup>2</sup> See *Murray v. MacKay*, 2006 NSCA 43 at para. 15.

[23] It is important to review some critical findings of the judge. Before doing so, I observe that the judge displayed tremendous patience with this self-represented litigant. The appellant described herself in various peculiar ways including:

[The appellant] is neither a legal person (real-party-in-interest) nor a natural person; nor an infant/minor, nor a government employee, nor a public trustee in this instance, nor acting as security in any kind, but instead, [the appellant] is a natural living being of majority status conducting the style condition of The Principal and Beneficial Equitable Title Holder of the Martina Laudahn estate and all its derivatives thereof, sua potestas esse.<sup>3</sup>

[24] As noted, the appellant refused to recognize the legitimate authority of courts, nor did she abide by court orders. The judge made considerable efforts to explain the required procedures to her. He encouraged her to follow them and tried to dissuade her from continuing to conduct herself in an improper manner. He made clear to her that if she continued her obstructive path there could be negative consequences, including dismissal of her claim, judgements against her and costs. In spite of the judge’s careful and wise cautions the appellant did not veer off her misguided course of conduct. This is all laid out in both decisions.

[25] In the Merits Decision, the judge made the following findings:

[108] In the present motion there has been a pattern of behaviour displayed by the Plaintiff for a lengthy period in the litigation. There is no sign of it letting up and no expectation that it will change. [...]

[109] A series of affidavits were filed by the Plaintiff on August 28, 2023, in violation of the Court’s Order. One was entitled, “Non Statutory Abatement Notice” purporting to stay both proceedings, threatening personal liability against participants in this proceeding (including myself as Case Management Judge), arguing separate legal personalities, and making mention of “taking this up with King Charles III”.

[110] I have transcribed and carefully reviewed Ms. Laudahn’s submissions given at the motion hearing. There is nothing in them that would constitute a valid legal defence, or a basis for contest. [...]

[...]

[113] The Plaintiff’s conduct throughout this litigation, her failure to follow Court Orders and her failure to file proper documentation, has tainted the case so as to be manifestly unfair to other parties in the litigation. (*Barthe*<sup>4</sup> at para 39)

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<sup>3</sup> Merits Decision at para. 115.

<sup>4</sup> *National Bank Financial Ltd. v. Barthe Estate*, 2025 NSCA 47.

[...]

[120] Viewed in the context of the entire circumstances, I find that Ms. Laudahn’s conduct/actions has brought the administration of justice into disrepute by impairing the adjudicative freedoms of this Court.

[...]

[151] ... the Court finds that the Plaintiff’s conduct in the litigation has been extraordinary, egregious and highly abusive.

[152] Having considered the entire circumstances, it constitutes abuse for which a severe penalty is warranted. [...]

[153] To expect Chedabucto Defendants (and the Court) to continue to respond to such extraordinary behaviour would be extremely unfair and bring the administration of justice into disrepute. The Plaintiff’s conduct has tainted the proceedings to such a degree as to be manifestly unfair to the parties who have filed this motion seeking relief.

[...]

[233] Martina Laudahn has been steadfast in her determination to distract the Court and the litigants from conducting this litigation in the normal course. [...]

[234] Moreover, the Plaintiff has continued to ignore Court Orders and carry on a campaign of vexatious litigation with impunity.

[235] Not only have the Orders of the Court not been complied with, but there has been an absolute refusal to recognize the authority of the Court. On the contrary, the Plaintiff has supplanted her own court, attempting to relegate the Nova Scotia Supreme Court to inferior status, to her own “Court of Record.”

[236] It has not only been the litigants that have been the subject of foisted liability, but the Plaintiff has also turned her attention to the Court, as well as counsel, Mr. Moir, in her pronouncements on liability, and for failing to recognize and accede to the many demands foisted upon these individuals.

[237] Ms. Laudahn has taken positions that are inconsistent and contradictory. She has maintained “there is no dispute”, but “seeks this Court to Judicially Notice the Default”, for which she sought an “Executive Order and Default Judgment” from this Court.

[238] The Plaintiff refuses to participate in this proceeding, an action which she commenced in 2019. There are multiple documents containing similar comment that have not been specifically referenced due to proportionality.

[26] In the Costs Decision the judge referred to *Meads v. Meads*, 2012 ABQB 571.<sup>5</sup> In *Meads* a new category of a vexatious litigant was introduced—the

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<sup>5</sup> *Meads* was referenced by this Court in *Tupper v. Nova Scotia (Attorney General)*, 2015 NSCA 92 at para. 53, a case which dealt with a vexatious litigant.

Organized Pseudolegal Commercial Argument litigant (“OPCA litigant”). The court explained:

[1] This Court has developed a new awareness and understanding of a category of vexatious litigant. As we shall see, while there is often a lack of homogeneity, and some individuals or groups have no name or special identity, they (by their own admission or by descriptions given by others) often fall into the following descriptions: Detaxers; Freemen or Freemen-on-the-Land; Sovereign Men or Sovereign Citizens; Church of the Ecumenical Redemption International (CERI); Moorish Law; and other labels - there is no closed list. In the absence of a better moniker, I have collectively labelled them as Organized Pseudolegal Commercial Argument litigants [“OPCA litigants”], to functionally define them collectively for what they literally are. These persons employ a collection of techniques and arguments promoted and sold by ‘gurus’ (as hereafter defined) to disrupt court operations and to attempt to frustrate the legal rights of governments, corporations, and individuals.

[...]

[4] OPCA litigants do not express any stereotypic beliefs other than a general rejection of court and state authority; nor do they fall into any common social or professional association. Arguments and claims of this nature emerge in all kinds of legal proceedings and all levels of Courts and tribunals. This group is unified by:

1. a characteristic set of strategies (somewhat different by group) that they employ,
2. specific but irrelevant formalities and language which they appear to believe are (or portray as) significant, and
3. the commercial sources from which their ideas and materials originate.

This category of litigant shares one other critical characteristic: they will only honour state, regulatory, contract, family, fiduciary, equitable, and criminal obligations if they feel like it. And typically, they don’t.

[27] In the proceedings below the respondents asserted the appellant was an OPCA litigant. The judge observed the tactics the appellant employed displayed characteristics of OPCA filings and that courts have an obligation to shield those targeted by such vexatious conduct:

[63] In *Meads v. Meads*, 2012 ABQB 571, it was held that elevated costs is an appropriate response to OPCA concepts, arguments or strategies.

[64] Whether the Plaintiff fits neatly into the category of an OPCA litigant, she has clearly advanced claims that are devoid of merit, and challenged virtually

every ruling, with responses that bear the characteristics of OPCA filings, by “wielding tools that they anticipate will disrupt.” (*Meads* at para.598)

[65] And disrupt they did. In *Meads* it was further stated “there can be no confidence that a litigant who say they stand outside the Court’s authority will acknowledge or discharge her or his costs liability”. (*Meads* at para.602)

[66] As further noted in *Meads*, “the Courts have an obligation to help shield those who are targeted” with vexatious litigation. (*Meads* at para. 599)

[28] The judge determined that an elevated costs award was warranted. He explained:

[68] Having weighed and considered the entire circumstances, the governing cost principles, Rule 77, and the submissions of the parties, I find it appropriate to award lump sum costs in the amount of **\$91,113.75** payable forthwith by Martina Laudahn to the Defendants, Chedabucto and Mr. and Mrs. Peters.

[...]

[71] I have concluded that based on the conduct that must be denounced, that elevated costs are warranted in this case. It is clearly the case that Tariff C would not adequately compensate the successful party.

### *Consideration of the common factors*

[29] Having reviewed the judge’s decisions, I turn to the relevant factors in assessing whether to grant the appellant an extension.

[30] Did the appellant demonstrate a good faith intention to exercise her right of appeal within the prescribed time period? As noted, the appellant’s right to file an appeal respecting the Merits Decision and the resulting orders expired on June 5, 2025. Her right to file an appeal respecting the Costs Decision and resulting order expired on May 23, 2025. As established, she did not file her motion to extend time and the draft Notice of Appeal until June 12, 2025.

[31] The appellant has not provided any evidence to substantiate she had an intention to appeal until after the deadlines expired. Further, instead of pursuing an appeal during the required timeline, the appellant sent numerous and bizarre written communications to the judge including a demand that he personally pay her in excess of four million dollars.<sup>6</sup>

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<sup>6</sup> See exhibits G to Q appended to the affidavit filed by the respondents in response to the appellant’s motion to extend time.

[32] The appellant has not persuaded me that she formed a good faith intention to exercise her right of appeal within the prescribed time period.

[33] I also considered the length of delay and whether the appellant offered any reasonable excuse for her delay in pursuing an appeal. Although the periods of delay vary, in either case, the appellant has not substantiated any reasonable excuse for her delay. I accept these submissions from the respondents:

The Appellant claims they were ill and unable to attend to legal matters because they were bedridden; however, this claim is inconsistent with court records. Between March 4 and May 24, 2025, the Appellant sent eleven separate documents to the [court below].

This conduct undermines any assertion that the Appellant was medically or physically incapable of managing legal affairs, such as submitting their appeal. The Appellant cannot selectively claim incapacity while simultaneously engaging in active litigation.

There are no compelling or exceptional circumstances that justify an extension. The Appellant had ample opportunity to act, and in fact submitted multiple documents to the [court below] during the appeal period, yet failed to submit a Notice of Appeal on time.

[34] Turning to the strength or merit in the proposed appeal, in short, I see no merit to the appeal. The appellant has not identified any legal or factual error made by the judge; rather, she continues to wrongly assert the presiding judge had no authority to adjudicate the disputes in the manner he did nor the authority to order the relief he granted the respondents.

[35] The following extract from the draft Notice of Appeal illustrates:

The woman Martina *sui juris* living in Nova Scotia and reserving all rights *nunc pro tunc*, respectfully presents this complaint to the Nova Scotia Court of Appeal—a Court of Record which is proceeding to the course of the Common Law as defined in Black’s Law Dictionary, 4<sup>th</sup> ed, This appeal is brought to the Court of Law on the grounds that the presiding justice Patrick J. Murray acted *ultra vires*. In other words, this appeal does not concern errors made during the proceeding of which there may be several. Rather, it is grounded in the fact that the justice commenced a non-consensual legal proceeding, notwithstanding that his role was strictly limited to carry out a “Judicial Review” of a formally and duly conducted private arbitration process. [...]

There is no evidence of consent that would satisfy the essential legal requirements—whether by agreement or contract—authorizing the court to provide services in the form of facilitating a legal proceeding; on the contrary,

there has been clear and unequivocal objection. Despite Martina's repeated requests for the court to produce evidence substantiating its asserted authority, the court failed to do so on each occasion.

As does this extract from the appellant's written submissions in support of her motion:

All of Patrick J. Murray's Orders are "void", blank piece of papers, merely personal opinions but not enforceable under the law -- void because of lack of jurisdiction and failure to acquire Subject Matter Jurisdiction over land held in allodial freehold (Land Patent).

As evidence, facts and reason irrefutably show, there is absolutely no jurisdiction of authority for Patrick J. Murray to render and Decisions or Orders with respect to, the appellant Martina and/or her daughter, Carina, who furthermore has no relation whatsoever with the man Patrick J. Murray or his court.

[underling in original]

[36] Allowing this appellant to continue with an obvious meritless appeal is prejudicial to the respondents' interests and would permit an ongoing abuse of process.

### **Conclusion**

[37] For the foregoing reasons, the appellant failed to establish that her motion to extend time serves the interests of justice.

[38] Granting this appellant a platform to continue to improperly challenge the legitimate authority of courts does not serve the interests of justice. Said differently, in the circumstances of this case, the granting of an extension would bring the administration of justice into disrepute.

[39] The motion to extend time to file a Notice of Appeal is dismissed.

[40] The respondents sought costs of \$500 which the appellant is required to pay forthwith. I would have been inclined to grant more given the appellant identified no ground of appeal and continues on her chosen and misguided path of advancing clearly wrong claims which are characteristic of an OPCA litigant discussed in *Meads*.

Van den Eynden, J.A.

