

In the Court of Appeal of Alberta

Citation: Questor Technology Inc v Stagg, 2026 ABCA 102

Date: 20260331
Docket: 2401-0190AC;
2401-0249AC
Registry: Calgary

Between:

Docket: 2401-0190AC

Questor Technology Inc.

Respondent

- and -

**Richard Stagg also known as Ritchie Stagg,
Jeffrey Nelson also known as Jeff Nelson,
Justin Bouchard and Emission Rx Ltd.**

Appellants

And Between:

Docket: 2401-0249AC

Questor Technology Inc.

Appellant

- and -

**Richard Stagg also known as Ritchie Stagg,
Jeffrey Nelson also known as Jeff Nelson,
Justin Bouchard and Emission Rx Ltd.**

Respondents

The Court:

**The Honourable Justice Jo'Anne Strekaf
The Honourable Justice Jane Fagnan
The Honourable Justice Karan Shaner**

Memorandum of Judgment Regarding Costs

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The Court:

[1] This decision addresses the cost consequences of two related appeals that were dismissed by this Court on August 1, 2025. The appeals were from an order declaring Richard Stagg, Jeffrey Nelson and Justin Bouchard (the Individual Defendants) in civil contempt for providing intentionally false evidence and withholding evidence during pre-trial proceedings in a lawsuit with their former employer, Questor Technology Inc: *Questor Technology Inc v Stagg*, 2024 ABKB 377 (the contempt decision). The Individual Defendants appealed the finding of contempt (Appeal 0190) and Questor appealed the chambers justice’s decision not to find Emission Rx Ltd, the corporate defendant established by the Individual Defendants (collectively, the defendants), in contempt (Appeal 0249). The decision dismissing both appeals can be found at *Questor Technology Inc v Stagg*, 2025 ABCA 271.

[2] Following a subsequent hearing, the chambers justice ordered the Individual Defendants, jointly and severally, to pay to Questor a penalty of \$150,000 and Questor’s reasonable solicitor and client costs. No costs were awarded to or against Emission: *Questor Technology Inc v Stagg*, 2026 ABKB 47 (the penalty decision).

[3] The defendants submit no costs should be awarded on the appeals, given that neither appellant was successful and because competing costs awards for the successful respondents would be functionally offset. In the alternative, they argue that the respondent in each appeal is presumptively entitled to a costs award based on the scale from the penalty decision, in reliance on Rule 14.88(3). That rule provides that, unless otherwise ordered, “the scale of costs in an appeal shall be the same as the scale that applies to the order or judgment appealed from”. The defendants suggest that Emission be awarded its reasonable solicitor and client costs of Appeal 0249 and Questor its reasonable solicitor and client costs of Appeal 0190, subject to taxation.

[4] Questor’s position is that it should be entitled to its solicitor and client costs with respect to both appeals.

[5] In our view, it would be inappropriate to set off the costs from the two appeals. While Questor was a party to both appeals, Emission was not a party to Appeal 0190, in which the Individual Defendants were the unsuccessful appellants, and the Individual Defendants were not parties to Appeal 0249, in which Emission was the successful respondent.

[6] Having regard to the circumstances that gave rise to the contempt finding, as well as Rule 14.88, we award Questor its reasonable solicitor and client costs associated with Appeal 0190 and its successful application for an extension of time to file its appeal in Appeal 0249 (reported at *Questor Technology Inc v Stagg*, 2024 ABCA 353), payable by the Individual Defendants jointly

and severally. We recognize the absence of misconduct by the Individual Defendants in relation to the contempt hearing below and the appeals from the contempt decision, but are of the view that this should not deprive Questor from recovering the reasonable costs it incurred to overcome the behaviour that gave rise to the contempt finding. “It is generally fit to make the contemnor pay the costs of contempt proceedings, both as a form of sanction, and because the innocent party should not have to bear the costs of enforcing court orders”: *Demb v Valhalla Group Ltd*, 2017 ABCA 340 at para 9.

[7] With respect to Appeal 0249, we have considered that Questor failed to establish that Emission should be found in contempt at the contempt hearing below and was unsuccessful in having that varied on Appeal 0249. Requiring Emission, which was not found in contempt, to pay Questor’s solicitor and client costs of Questor’s unsuccessful appeal is not reasonable. We also find that Emission’s submission that it should be entitled to reasonable solicitor and client costs of Appeal 0249 pursuant to Rule 14.88 is not well-founded, given that Emission was not awarded any costs in relation to the proceedings below. In view of all the circumstances, Emission is awarded its taxable costs of Appeal 0249 under column 5.

[8] In summary, Questor is awarded its reasonable solicitor and client costs of Appeal 0190 payable by the Individual Defendants, jointly and severally, subject to taxation if not otherwise agreed. Emission is awarded its taxable costs of Appeal 0249 under column 5, including a fee for one second counsel, payable by Questor.

Written submissions filed February 9, 2026.

Memorandum filed at Calgary, Alberta
this 31st day of March, 2026

Strekaf J.A.

Fagnan J.A.

Shaner J.A.

Appearances:

M.P. Theroux, KC

K.J. Meyer

S.E. Rankin

D. Brunson

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F. Tosto

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M. Schneider

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