COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Pereira v. British Columbia Labour Relations Board,* 2025 BCCA 391

Date: 20251112
Docket: CA50643

Between:

Corinne Pereira

Appellant
(Petitioner)

And

British Columbia Labour Relations Board, Unite Here Local 40, Horizon North Camp & Catering Inc., Managing Partner of Horizon North Camp & Catering Partnership, Attorney General of British Columbia

Respondents
(Respondents)

Before: The Honourable Justice Gomery
(In Chambers)

On appeal from: Orders of the Supreme Court of British Columbia, dated April 30, 2025, May 2, 2025 and July 17, 2025 (*Pereira v. British Columbia Labour Relations Board*, 2025 BCSC 1100, 2025 BCSC 1162, and 2025 BCSC 1346).

The Appellant, appearing in person:	C. Pereira
Counsel for the Respondent, Horizon North Camp & Catering Inc.:	D.A. Crawford, K.C. K. Croft
Counsel for the Respondent, British Columbia Labour Relation Board:	J.M. O'Rourke
Counsel for the Attorney General of British Columbia:	P.D. Ameerali, K.C. D.K. Wong
Counsel for Owen Bird Law Corporation and Daniel Burnett:	N. Shirazian
Place and Date of Hearing:	Vancouver, British Columbia November 6, 2025
Place and Date of Judgment:	Vancouver, British Columbia November 12, 2025

Summary:

This is an application for orders that certain individuals disclose documents and information in advance of the hearing of the appeal. Held: Application dismissed. Pre-appeal discovery is only available where the information sought could be the subject of a plausible fresh evidence application, and even so remains exceptional. The information that the applicant seeks to uncover through discovery could not found a reasonably plausible fresh evidence application.

Introduction

[1] In this appeal from orders made by Justice Morley in the Supreme Court, Ms. Pereira applies for orders that various people disclose documents and information in advance of the hearing of the appeal. In her memorandum of argument, she sets out the orders sought as follows:

> 1. An order for disclosure of the retainer or engagement documents for Owen Bird Law Corporation's representation of Margaret Klonarakis, together with any related correspondence identifying who retained and funded them.
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> 2. An order for disclosure of all communications between Supreme Court scheduling staff and Justices Power and Morley concerning the assignment and reassignment of my petition (file S22320) and civil claim (file S22228).
>
> 3. An order for disclosure from the RCMP Kitimat Detachment of all records, notes, and communications related to the false wellness check conducted on July 7, 2025.
>
> 4. An order for disclosure of the emails exchanged between counsel for the respondents and counsel for the Attorney General regarding the scheduling of my application that had been tentatively set for July 17, 2025.
>
> 5. An order requiring Jonathan Penner to disclose the nature of his professional and personal relationship with Justice Morley.

Background and judicial history

[2] In all of the proceedings described in these reasons, Ms. Pereira has represented herself.

[3] The appeal arises out of a judicial review proceeding brought by Ms. Pereira in February 2025 seeking to quash decisions of the British Columbia Labour Relations Board ("LRB"). Ms. Pereira's former employer, which I will describe as "Horizon North", and her former union, UNITE HERE, Local 40, were respondents.

As contemplated by s.16 of the *Judicial Review Procedure Act,* R.S.B.C. 1996, c. 241, the Attorney General took part in the proceeding in opposition to Ms. Pereira.

[4] This was the second judicial review proceeding brought by Ms. Pereira in respect of the same decisions of the LRB. The first was dismissed: *Pereira v. British Columbia Labour Relations Board,* 2022 BCSC 1205, aff'd 2023 BCCA 165, leave to appeal ref'd, 2023 CanLII 122403 (S.C.C.).

[5] Horizon North applied to strike the 2025 judicial review proceeding on the ground that it was foreclosed by the doctrine of *res judicata.* On April 30, 2025, Morley J. allowed the application, struck the petition for judicial review, and dismissed the proceeding. His reasons are indexed at 2025 BCSC 1100.

[6] Horizon North and the union applied for a declaration that Ms. Pereira be enjoined from commencing further proceedings without leave of the court. On May 2, 2025, Morley J. allowed the application and made what is commonly termed a vexatious litigant order. His reasons are indexed at 2025 BCSC 1162.

[7] Before Morley J.'s orders were entered, Ms. Pereira applied for reconsideration on the basis that he was disqualified from hearing the applications on the ground of a reasonable apprehension of bias. Justice Morley reconsidered the matter and rejected Ms. Pereira's application on the ground that no reasonable apprehension of bias arises. He rendered this decision on June 9, 2025 and his reasons are unreported and indexed at 2025 BCSC 1346.

[8] Ms. Pereira appeals all three orders made by Morley J. Her appeal is set for hearing on January 8 and 9, 2026.

Ms. Pereira's argument on appeal

[9] In her factum, Ms. Pereira describes the issue of judicial bias as her central focus on the appeal. She asks that the appeal be allowed on the ground that the judge should have recused himself. She submits that, "if the Court agrees that

Justice Morley should not have remained on the case, there is no need to address the merits of the decisions he made".

[10] Alternatively, Ms. Pereira submits that Morley J.'s ruling should be set aside "on the basis that he applied the wrong legal framework and improperly adjudicated the petition without a proper hearing". She contends that the doctrine of *res judicata* does not apply to bar her second petition in this case, because the decisions of the LRB she seeks to set aside were fraudulent. Specifically, she alleges that the associate chair responsible for the decisions, Ms. Glougie, "knowingly altered evidence, fabricated facts, and misrepresented critical elements of my Section 12 complaints in order to justify dismissing them".

Legal framework

[11] Ms. Pereira invokes s.30(a), (b), (c) and (i) of the *Court of Appeal Act,* S.B.C. 2021, c. 6 as the basis for her application. These provisions provide as follows:

> 30 In an appeal or other matter before the court, a justice may do one or more of the following:
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> (a) make orders incidental to the appeal or matter not involving a decision of the appeal on the merits;
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> (b) make orders or give directions for the purposes of managing the conduct of the appeal or other matter;
>
> (c) make interim orders to prevent prejudice to any person;
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> …
>
> (i) in making any order, impose terms and conditions and give directions that the justice considers just.

[12] In substance, what Ms. Pereira seeks is pre-appeal discovery. This is unusual because appeals take place, for the most part, on the same record as was before the judge in the court below. An appellant who wishes to put additional material before the Court must apply to adduce fresh evidence: *Court of Appeal Rule* 59. The test on a fresh evidence application is restrictive: *Palmer v. The Queen,* [1980] 1 S.C.R. 759, 4 W.C.B. 171; *Barendregt v. Grebliunas,* 2022 SCC 22. Among other considerations, it requires the court to address whether the evidence could have

been adduced by due diligence in the court below, bears upon a potentially decisive issue, and could reasonably be expected to have affected the result: *Palmer* at 775.

[13] In principle, an application for pre-appeal discovery could only succeed on the basis that the applicant hoped by it to obtain evidence that would then be subject of a plausible fresh evidence application. Such applications were brought and succeeded in this Court, albeit under the legislation that preceded the current *Court of Appeal Act,* in *Coulter v. Ball,* 2004 BCCA 309 at paras. 9–10 and *Koch v. Koch,* 2012 BCCA 280 at paras. 21–27. In *Coulter,* Finch C.J. referred to "exceptional cases where fresh evidence essentially falsifies the trial judge's factual assessment" and was satisfied that there was a potential that this was such a case: paras. 18–19. In *Koch,* the application was brought by the respondent and MacKenzie J.A. relied on *Coulter* in making the order. In both cases, the possibility that fresh evidence could be obtained through discovery was plausible and grounded in the evidence.

[14] The basis for the order in both cases was s. 30 of the former *Court of Appeal Act,* R.S.B.C 1996, c.77, which was substantially equivalent to s. 18(2) of the current *Act*. Both versions permit the court to have appropriate regard to the practice and procedure in the Supreme Court. Section 18(2) provides:

> (2) If a matter of practice or procedure is not addressed in this Act or the rules, the practice and procedure of the court is to be regulated by analogy
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> (a) to this Act and the rules, or
>
> (b) if there is no appropriate analogy to this Act or the rules, to the *Supreme Court Act* and the Rules of Court governing civil or family practice or procedure in the Supreme Court.

[15] While obtaining discovery of any kind in connection with a petition for judicial review is unusual, the *Supreme Court Civil Rules* would permit the court to order the production of documents in the possession of a party or a third party prior to the hearing: R. 16-1(18), 7-1(17) and (18). Obtaining other forms of discovery is also at least theoretically possible: R. 7-3 and 7-5.

[16] Other courts of appeal have doubted that pre-appeal discovery should be ordered, even in aid of an anticipated fresh evidence application, in any but

exceptional circumstances: *Atchison v. Manufacturers Life Insurance Co.,* 2003 ABCA 196 at paras. 28–36; *Conceicao Farms Inc. v. Zeneca Corp.* (2006), 83 O.R. (3d) 792 (C.A.) at paras. 15–19, 272 D.L.R. (4th) 545; *Mediatube Corp. v. Bell Canada,* 2018 FCA 127 at para. 60; *Rusnak v. Law Society of Alberta,* 2020 ABCA 185 at para. 8. In *Atchison,* Côté J.A. makes the point that considerations of cost, delay, and the need that litigation come to an end weigh particularly heavily in the appellate context. This is cogent, because the parties have already obtained a judicial decision preceded by full factual inquiry, and the essential question is whether the decision is tainted by error.

[17] I conclude that:

a) the combination of ss. 18(2) and 30(a) of the *Court Appeal Act* afford me a discretionary power to order pre-appeal discovery of documents;

b) there must be a realistic and factually grounded expectation that discovery will lead to the production of documents that may be the subject of a fresh evidence application;

c) the applicant must further show that the proposed fresh evidence application is reasonably plausible, that is, has a reasonable prospect of success;

d) even where these requirements are met, pre-hearing discovery remains exceptional; and

e) if an order for other forms of pre-appeal discovery could ever be appropriate in the context of an application of judicial review, the burden to show exceptional circumstances would be even higher.

Analysis

1. The order sought for disclosure of the retainer or engagement documents for Owen Bird Law Corporation's representation of Margaret Klonarakis, together with any related correspondence identifying who retained and funded them

[18] In 2020, Ms. Pereira and Ms. Klonarakis were co-workers, both employed by Horizon North, and both members of the union. They had a falling out. Ms. Pereira sued Ms. Klonarakis for civil conspiracy and separately for defamation. Owen Bird represented Ms. Klonarakis in the defamation action. Both actions were dismissed: *Pereira v. Dexterra Group Inc.,* 2022 BCSC 1481, aff'd 2023 BCCA 210; *Pereira v. Klonarakis,* 2023 BCSC 1760, aff'd 2024 BCCA 75. Both proceedings were concluded prior to the commencement of the proceeding in the Supreme Court giving rise to this appeal. Ms. Klonarakis was not a party in the proceeding in the court below. She is not a party to this appeal.

[19] Ms. Pereira connects Ms. Klonarakis to this appeal by reference to a failed prosecution of Ms. Pereira and a subsequent action she brought for malicious prosecution. She describes Ms. Klonarakis as a witness in the prosecution. Counsel for the Attorney General notes that her action was dismissed by Power J. on an application for summary judgment: *Pereira v. British Columbia,* 2024 BCSC 436 (unreported). The dismissal was upheld on appeal: 2025 BCCA 216, leave to appeal ref'd, 2025 CanLII 83047 (S.C.C).

[20] Ms. Pereira advances a detailed argument that supposes a sustained course of conduct pursued by the Attorney General through multiple lawsuits since 2022. In brief, she says that the Attorney General has been attempting to conceal her Ministry's improper interference in private proceedings and she hopes to demonstrate as much and accordingly strengthen her argument on appeal. She says that all of the lawsuits are connected.

[21] In the context of this theory, Ms. Pereira suspects that Ms. Klonarakis' representation by Owen Bird beginning in 2022 was funded by the Attorney General or another public body. She seeks disclosure of materials evidencing the retainer to

verify or negate her suspicion. Owen Bird opposes. It submits that the material sought is irrelevant to the appeal, and privileged.

[22] I do not think I should address Ms. Pereira's theory in any detail because she will be advancing it to the Division assigned to hear the appeal, and it will be for the Division to evaluate it and its implications for the appeal. For present purposes, it suffices to say that I view the theory of a sustained course of conduct pursued by the Attorney General in many lawsuits over three years as too speculative to justify the exceptional orders sought on this application.

[23] Accordingly, I dismiss this part of the application. There is no sufficient connection between Ms. Klonarakis' retainer of Owen Bird for a defamation action concluded in the trial court in 2023 and in this Court in 2024, and a judicial review application commenced in 2025 in which Ms. Klonarakis was not involved. The documents sought by Ms. Pereira, whatever they might show, could not found a reasonably plausible fresh evidence application on appeal.

2. The order sought for disclosure of all communications between Supreme Court scheduling staff and Justices Power and Morley concerning the assignment and reassignment of my petition (file S22320) and civil claim (file S22228)

[24] In his reasons addressing the recusal application, Morley J. identifies and addresses the following points said by Ms. Pereira to give rise to a reasonable apprehension of bias in this case: he was appointed to the bench in August 2023 following 24 years working in the Legal Services Branch of the Ministry of the Attorney General; during some of that time, though only occasionally since the early 2010s, the judge worked with Peter Ameerali, K.C., who was counsel for the Attorney General in this matter; the judge and Mr. Ameerali were also social acquaintances and had had lunch together once since the judge's appointment; the judge's common law spouse, Ms. Mortensen, had worked in the Legal Services Branch as a legislative drafter since 2015, though never in the litigation group.

[25] The judge reviews the history of his involvement with the applications he heard. He says that he initially considered it preferable that the applications be heard by another judge but later changed his mind. He states:

> [14] When this matter was being scheduled, I initially indicated, based on my work with Mr. Ameerali, and the fact that I had been appointed less than two years ago, that it might be preferable to have the matter heard by a different judge. That would have been a "recusal" in the strict sense of the word since it would be a voluntary request to have the matter heard by another judge before any party had any reliance interest in my proceeding with the case. It therefore could be done on the basis of "erring on the side of caution: …
>
> …
>
> [16] When I was made aware that my recusal might result in an adjournment as a result of lack of judicial availability, I came to the conclusion that none of the facts involving my social or work relationship with Mr. Ameerali created a reasonable apprehension of bias, but that it would be appropriate to disclose to all the parties my past role at the Attorney General, the work I had done with Mr. Ameerali and my limited social contact with him since I was appointed. I did not consider it appropriate to refer to Ms. Mortensen's work or my relationship to her.

[26] The judge recounts that Ms. Pereira later learned of Ms. Mortensen's employment in the Legal Services Branch, asked him to recuse himself and, when he declined, brought a formal application.

[27] On this application, Ms. Pereira doubts that the judge made full disclosure of all the relevant facts and circumstances. She submits that the judge's account of events is inconsistent with an email she received from Supreme Court Scheduling. She maintains that disclosure of the communications between the judge, another judge, and the scheduling staff must be disclosed "as the content and context of those discussions go directly to the accuracy of Justice Morley's reasons and to the integrity of the judicial process itself." She argues:

> These records are essential to determining whether Justice Morley's written reasons were truthful and whether the decision-making process respected judicial independence and transparency.
>
> …
>
> …I am asking for access to the documentary record necessary to verify that what Justice Morley said was accurate. If the record supports him, it sill confirm transparency; if it does not, it will reveal a misrepresentation that is

> material to this appeal. Either way, disclosure serves the interests of truth and judicial integrity.

[28] I dismiss this part of the application for the following reasons.

[29] The material sought by Ms. Pereira is of doubtful relevance. The primary issue on appeal is the presence or absence of a reasonable apprehension of bias. The test does not turn on Morley J.'s state of mind or belief. It views the matter from the perspective of an informed person who views the matter realistically and practically and has thought the matter through: *Wewaykum Indian Band v. Canada,* 2003 SCC 45 at para. 60. The test exists to ensure "the *appearance* of a fair adjudicative process": *Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General),* 2015 SCC 25 at para. 21.

[30] When the appeal is heard, the issue for this Court will be whether the judge erred in concluding that his prior career, social, and professional connections with counsel for the Attorney General and his spouse's employment do not give rise to a reasonable apprehension of bias. The process of how the judge came to that conclusion—his initial decision to recuse himself, his change of mind, and that he addressed the question in stages—matters not if he came to the correct conclusion.

[31] The judge's truthfulness is not in issue. Ms. Pereira does not need the documents sought to advance her argument on appeal. What Ms. Pereira submits is an inconsistency between the judge's reasons and a communication from scheduling is available to Ms. Pereira, counsel, and the Court. It is open to her to argue that the proposed inconsistency informs the judgment of an informed observer, as contemplated by the test.

[32] The order sought would trench upon the principle of deliberative secrecy, which exists to secure judicial independence: *Commission scolaire de Laval v. Syndicat de l'enseignement de la region de Laval,* 2016 SCC 8 at para. 57. Judges cannot be required to explain or account for their reasons for judgment.

[33] As explained by McLachlin J. (as she then was) in *MacKeigan v. Hickman,* [1989] 2 S.C.R. 796 at 830–831, 8 W.C.B. (2d) 435, judicial independence means that judges are entitled to refuse to answer to the executive or legislative branches as to how and why the judge arrived at a particular conclusion. Nor are they required to answer to other members of the judicial branch. In this respect, judicial independence is personal, not institutional; it extends even to other judges and courts, with certain qualifications. Judges are obliged to give reasons, and they explain themselves through their reasons. They are answerable for their reasons, and they cannot be required by anyone—even the Court of Appeal—to provide further explanation.

[34] In the particular context of an application for disqualification after judgment has been given, a judge may provide a statement of the circumstances: *Wewaykum Indian Band v. Canada,* 2003 SCC 45 at para. 4; *Locabail (UK) Ltd. v. Bayfield Properties,* [2000] 1 All E.R. 65 (C.A.) at para. 19, [2000] W.L.R. 870. Justice Morley provides such a statement in his reasons for judgment dismissing the disqualification application. In *Locabail,* the court stated:

> There can, however, be no question of cross-examining or seeking disclosure from the judge.

[35] *Brar v. College of Veterinarians of British Columbia,* 2011 BCSC 215 illustrates the proposition. It involved a document disclosure application brought in the context of an application for judicial review of the refusal by a member of the British Columbia Human Rights Tribunal to recuse herself on the ground of a reasonable apprehension of bias. Justice Myers refused the application, stating, at para. 35, that “an adjudicator has the ability to address issues raised by the parties in a recusal application without having to produce documents surrounding the issue for a judicial review of the recusal decision”.

[36] The principle of deliberative secrecy extends to administrative aspects of the decision-making process that directly affect adjudication, such as the assignment of a particular judge or adjudicator: *Cherubini Metal Works Ltd. v. Nova Scotia*

(Attorney General), 2007 NSCA 37 at para. 15; *Chestacow v. British Columbia (WCAT),* 2023 BCCA 389 at para. 33.

[37] In sum, I am not persuaded by Ms. Pereira's argument that this is an exceptional case in which the information she seeks would found a reasonably plausible application to adduce fresh evidence. Because the information is of doubtful relevance, it is unlikely to affect the result. Ms. Pereira does not need the information to advance her argument on appeal. Finally, an inquiry into the discussions among judges and schedulers concerning judicial assignments and whether a particular judge should sit trenches upon deliberative secrecy and the independence of the judiciary, and should not be permitted.

3. The order sought for disclosure from the RCMP Kitimat Detachment of all records, notes, and communications related to the false wellness check conducted on July 7, 2025

[38] Ms. Pereira says that she was the subject of a wellness check by the Kitimat RCMP on July 7, 2025. This was after proceedings concluded in the Court below and while this appeal was pending. She characterizes the wellness check as "an act of intimidation" following on the heels of an email she sent to the Attorney General's counsel advising him that "the AG's conduct will be properly scrutinized". She says:

> The timing is unmistakable: the wellness check occurred immediately after I warned that her conduct would be scrutinized and an application was scheduled. The misuse of law-enforcement and procedural mechanisms in that context is not coincidence—it is evidence of a deliberate attempt to obstruct justice and conceal executive interference.

[39] I dismiss this part of the application because Ms. Pereira's hypothesis that the wellness check was instituted by counsel for the Attorney General as an act of intimidation is speculative and unrealistic. Horizon North tenders affidavit evidence that its counsel requested the wellness check on July 7, 2025 in response to emails from Ms. Pereira on July 3. Counsel had inquired of Ms. Pereira as to her availability on July 17 or 21 for an application in this matter. Ms. Pereira replied, in successive emails, "Too many people and not enough blood to fill all the hands" and "I might be

dead". Counsel says that she requested the wellness check without consulting, informing, or involving the office of the Attorney General.

[40] Ms. Pereira dismisses the affidavit evidence I have described as improper hearsay, because the affidavit is made by a legal assistant on information and belief from counsel who requested the wellness check. In this Court, hearsay evidence of this kind is accepted on interlocutory applications by analogy to the practice in the Supreme Court as provided by s. 18(2)(b) of the *Court of Appeal Act* and Supreme Court Civil Rule 22-2(13). That an assertion is tendered on information and belief may affect the weight it is given.

[41] In this case, I see no reason to doubt counsel's account of the events and discussions preceding the wellness check. Ms. Pereira says that it makes no sense that the wellness check would be delayed until July 7 if it were based on her email correspondence of July 3. The gap includes a weekend. I view it as plausible that counsel who received Ms. Pereira's emails might take time to consult within her firm and decide what to do. In my view, in light of Ms. Pereira's dramatic statements on July 3, counsel for Horizon North cannot be faulted for requesting a wellness check on July 7.

4. The order sought for disclosure of the emails exchanged between counsel for the respondents and counsel for the Attorney General regarding the scheduling of my application that had been tentatively set for July 17, 2025

[42] Ms. Pereira's request for scheduling emails relates in part to her unsupported theory of an abusive wellness check. She refers as well to an email that was apparently copied to her by inadvertence disclosing communications among counsel for the respondents concerning the scheduling of an intended application she had only described to counsel for the Attorney General.

[43] I dismiss this part of the application because the evidence on this application does not give rise to a realistic likelihood that the disclosure of the scheduling communications among respondents' counsel would reveal anything that could plausibly be the subject of a fresh evidence application. It is not unusual or untoward

that counsel for the respondents would be in communication to discuss scheduling and the appeal. They share a common interest in opposing it. The law permits them to communicate privately. It is not improper for one respondent to advise others of the appellant's communication of her intentions.

5. The order sought requiring Jonathan Penner to disclose the nature of his professional and personal relationship with Justice Morley

[44] In this case, Ms. Pereira seeks not documents but to compel Mr. Penner to give evidence in some unspecified manner. As noted, such an order would require a showing of highly exceptional circumstances.

[45] Mr. Penner is a lawyer employed by the Legal Services Branch who represented the Attorney General in the Supreme Court of British Columbia in two proceedings brought by Ms. Pereira: in connection with a constitutional question raised in her action against Horizon North (there described as Dexterra Group Inc.) and Ms. Klonarakis (*Pereira v. Dexterra Group Inc.,* 2022 BCSC 1481); and in a judicial review proceeding concerning decisions of the Workers Compensation Board (*Pereira v. Workers' Compensation Board,* 2022 BCSC 1654, aff'd 2023 BCSC 195). He did not appear as counsel in any subsequent proceeding brought by Ms. Pereira in which the Attorney General has taken a position, including this proceeding before Morley J.

[46] Ms. Pereira notes that Mr. Ameerali's out of office message directs inquiries to Mr. Penner. She complains that, in emails on August 7, 2025, she asked Mr. Penner to recount his relationship with Justice Morley, and Mr. Penner declined to answer.

[47] Ms. Pereira says that she seeks to address "the perception of a closed network operating within government—one that has repeatedly acted to protect its own interests in proceedings involving me". She submits:

> This disclosure is not speculative. It seeks only factual clarification: whether Mr. Penner and Justice Morley worked together, whether they are or were professionally acquainted, and during what period. The existence of such a

> relationship would be material to the appearance of bias and executive influence that forms a central issue on this appeal.

[48] I dismiss this part of the application because, contrary to Ms. Pereira's submission, the application is founded on speculation. So far as the proceedings before Morley J. and this Court are concerned, there is nothing to distinguish Mr. Penner from other members of the litigation group in the Legal Services Branch. Ms. Pereira's inquiry to Mr. Penner stems from her curiosity, her theory of a sustained course of conduct on the part of the Ministry of Attorney General linking this case to those dismissed in past years, and her hypothesis of a "closed network" operating to obstruct her quest for justice. Mr. Penner was not obliged to indulge her curiosity, and Ms. Pereira's theory and hypothesis lack sufficient foundation in the evidence to justify the extraordinary order sought.

Disposition

[49] For these reasons, I dismiss the entire application.

"The Honourable Justice Gomery"