

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: AQIB RAHMAN, Plaintiff

AND:

MARKUS KOEHNEN OF THE SUPERIOR COURT OF JUSTICE TORONTO,
Defendant

BEFORE: The Hon. Mr. Justice R.E. Charney

COUNSEL: Aqib Rahman, Self-Represented

Byron Taylor-Conboy, Counsel for the Defendant

HEARD: In Writing

ENDORSEMENT

[1] On November 14, 2025, I directed the Registrar to give notice to the Plaintiff that the Court was considering dismissing the Plaintiff's action pursuant to Rule 2.1.01 of the Rules of Civil Procedure as frivolous, vexatious and an abuse of process: *Rahman v. Koehnen*, 2025 ONSC 6375.

[2] On November 18, 2025, the Notice - Form 2.1A was sent to the Plaintiff as per that direction.

[3] On November 18, 2025, the Plaintiff forwarded his response under Rule 2.1 to the Registrar. The response states:

If Justice Charney attempts to dismiss this claim even though the statement of claim clearly identifies the absence of judicial immunity, a lawsuit will be filed against Justice Charney as a contributor to Justice Koehnen's fraudulent conduct.

Also I will proceed to press criminal charges against Justice Koehnen & Justice Charney for obstruction of justice & falsifying information.

[4] The Statement of Claim seeks \$100,080 damages against a Superior Court Judge in relation to the exercise of his judicial function in a proceeding in which the Plaintiff was a party.

[5] Rule 2.1.01 allows for the determination of whether the action is frivolous or vexatious at the very outset of the action. The process is in writing without an evidentiary record. It is

aimed at clear cases. The process is not for “close calls”. The action is to be dismissed pursuant to Rule 2.1.01 only if the frivolous, vexatious, or abusive nature of the proceeding is apparent on the face of the pleading: *Scaduto v. LSUC*, 2015 ONCA 733, at para. 8.

- [6] Although proceedings which are clearly frivolous or vexatious on their face should not be permitted to proceed, care must be taken to ensure that a claim which includes a legitimate complaint is not summarily dismissed. As noted in *Gao v. Ontario WSIB and Ontario Ombudsman*, 2014 ONSC 6497, at para. 18:

While rule 2.1 should be applied robustly to bring an early end to vexatious proceedings, the matters should not [be] considered lightly or dismissively. Care should be taken to allow generously for drafting deficiencies and recognizing that there may be a core complaint which is quite properly recognized as legitimate even if the proceeding itself is frivolously brought or carried out and ought to be dismissed.

- [7] The Court’s “task in deciding a motion brought pursuant to R. 2.1.01 is to look beyond drafting deficiencies to determine the nature of the Plaintiff’s complaint and whether that complaint is frivolous, vexatious or an abuse of process”: *Mohammad v. McMaster University*, 2021 ONSC 3494.
- [8] Having carefully reviewed the Statement of Claim, I am satisfied that it discloses no reasonable cause of action against the Defendant or anyone else.
- [9] Persons exercising judicial functions, whether in court proceedings or otherwise in the course of their judicial function, are exempt from all civil liability for anything done or said by them in their judicial capacity. This immunity is such that even if a judge’s acts or words complained of are alleged to have been spoken in bad faith, maliciously, corruptly, or without reasonable or probable cause, they are not actionable: *Morier and Boily v. Rivard*, 1985 CanLII 26 (SCC), [1985] 2 SCR 716; *McPherson v. Campbell*, 2019 NSCA 23, at para. 24; *Salasel v. Cuthbertson*, 2015 ONCA 115, at para. 35; *McIntosh v. Shore*, 2024 ONSC 1767.
- [10] The Plaintiff is entitled to appeal, or seek leave to appeal, from a decision that he believes to be wrongly decided. But the doctrine of judicial immunity bars claims for compensation in these circumstances: *Joshi v. Her Majesty the Queen in Right of Ontario*, 2019 ONSC 2444, at para. 19; *Chevalier v. Williams*, 2022 ONSC 4188, at para. 6.

Conclusion

- [11] The Statement of Claim does not disclose a cause of action and the action is dismissed.

Justice R.E. Charney

Date: November 24, 2025