

CITATION: Ko v. Li, 2026 ONSC 538
COURT FILE NO.: CV-25-00736891-00ES
DATE: 20260127

ONTARIO SUPERIOR COURT OF JUSTICE

RE: Hanna Ko, Applicant

-and-

Hai Chun Li and Zhou Hang Li, in their capacity as the
Estate Trustees for the Estate of Xiang Guo Li and Mingjie
Cheng, Respondents

BEFORE: FL Myers J

COUNSEL: *Christopher Webb*, for His Majesty the King
(christopher.webb@ontario.ca)

William C. McDowell and Derek Knoke for Jisuh Lee
(wmcowell@litigate.com and dknoke@litigate.com)

Dean Embry, amicus curiae
(dembry@edlaw.ca)

HEARD: January 27, 2026

CASE CONFERENCE ENDORSEMENT

- [1] By letter dated October 6, 2025, the court ordered lawyer Jisuh Lee to show cause why she should not be held in contempt of court for admitting to deliberately making untruthful and misleading oral and written statements to the court in the course of a prior contempt of court proceeding.
- [2] At a case conference dated December 2, 2025, the court appointed Mr. Embry *amicus curiae* due to procedural uncertainty associated principally with Ms. Lee's failure to retain counsel.
- [3] Today, Messrs. McDowell and Knoke appear as counsel for Ms. Lee. They were retained in late December. They advise that they have spoken with counsel for His Majesty. They propose, on consent, **that the matter be**

adjourned to a case conference before me by Zoom on March 23, 2026 at 8:30 a.m. for scheduling. So ordered.

- [4] All agree further, that with counsel appointed for Ms. Lee, there is no longer a need for *amicus curiae* to advise the court on procedural matters. Mr. Embry is therefore discharged from his role as *amicus curiae* with the thanks of the court.
- [5] Counsel also agree that the title of proceeding should reflect the criminal nature of the proceeding.
- [6] Accordingly, the title of this proceeding is hereby amended to *His Majesty the King, Applicant v. Jisuh Lee, Respondent*. The proceeding will remain as a motion or sub-bundle in the civil file however. There is no indictment to open a “CR” criminal file with the court.
- [7] To try to reduce confusion, I remind all that the proceeding was commenced by my letter dated October 6, 2025. This was in accordance with the direction in *R v Cohn*, 1984 CanLII 43 (ON CA). In that case Goodman JA explained the charging process as follows:

Historically, at least since *R. v. Almon* (1765), Wilm. 243, 97 E.R. 94, three procedures were available to prosecute the offence of criminal contempt -- the summary process; criminal information, and indictment: *R. v. Froese and British Columbia Television Broadcasting System Ltd. (No. 3)* (1980), 1980 CanLII 428 (BC CA), 54 C.C.C. (2d) 315 at p. 321, 18 C.R. (3d) 75 sub nom. *R. v. Bengert, Robertson et al.*, 23 B.C.L.R. 181. Criminal contempt has been considered historically an indictable offence: *McKeown v. The Queen*, 1971 CanLII 194 (SCC), [1971] S.C.R. 446 at p. 463, 2 C.C.C. (2d) 1 at p. 13, 16 D.L.R. (3d) 390 at p. 402, per Laskin J. (as he then was).

In practice the process of trying criminal contempt on indictment was not often used "and now seems to have fallen into desuetude as it has not been utilized since *R. v. Tibbits and Windust* in 1902": *Barrie and Lowe, The Law of Contempt* (1973), at p. 254. In 9 Hals., op. cit., p. 53, para. 87, it is stated: "Criminal contempt is an offence triable summarily, without a jury. The alternative process of trying criminal contempts on indictment was rarely employed and has now fallen into disuse." Counsel did not cite to this Court

any Canadian case where procedure by way of indictment had been used and I have been unable to find any such case. In England, in those cases where procedure by indictment was sometimes formerly used, it appears to have been limited to cases of contempt committed outside the court.

In *R. v. Parke*, [1903] 2 K.B. 432 at p. 442, Wills J. said:

It is said with respect to them, as has been said with respect to the present case, that there is a remedy by criminal information or indictment. The latter remedy is unsatisfactory on account of the necessary delay, though it has been made use of: *Rex v. Fisher*, 2 Camp. 563 ...

R. v. Fisher et al. (1811), 2 Camp. 563, 170 E.R. 1253, dealt with contempt not in the face of the court.

Procedure by way of criminal information has been abolished in Canada by s. 506 of the Code.

With respect to contempt committed in the face of the court, case-law indicates that there are three methods for the initiation of summary proceedings:

- (1) orally citing for contempt and dealing with the matter at once or after allowing the alleged contemnor a short period of time to obtain counsel;
- (2) orally directing the alleged contemnor to appear in court at a specified time to show cause why he should not be cited for contempt (as was done in the present case), or
- (3) sending a letter to the alleged contemnor directing him to appear in court to answer the charge as was the case in *McKeown v. The Queen*, supra: see *R. v. Heer* (1982), 1982 CanLII 786 (BC SC), 68 C.C.C. (2d) 333 at p. 341, 38 B.C.L.R. 176.

- [8] There was no emergency. So the first procedure was not available. As the triggering event for the proceeding was a letter from Ms. Lee to me, I had no opportunity to direct Ms. Lee orally to appear at a set time and place. So the second option did not fit either. Accordingly, as set out in

the third option in *Cohn*, my letter dated October 6, directed Ms. Lee to appear to answer the particularized counts.

- [9] There will be no information laid nor indictment preferred by the Crown. I would not tangle with desuetude. Rather, the matter will continue in the civil branch of the court but with its own revised title of proceeding. The Civil Trial Office is requested and directed to open a sub-file in the court file and a sub-bundle on Case Center for this matter in the new title of proceeding.

FL Myers J

Released: January 27, 2026