

COURT OF APPEAL FOR ONTARIO

CITATION: Lenczner Slaght LLP v. GlycoBioSciences Inc., 2025 ONCA 841

DATE: 20251205

DOCKET: COA-25-CV-0238

van Rensburg, Miller and Sossin JJ.A.

BETWEEN

Lenczner Slaght LLP

Applicant (Respondent)

and

GlycoBioSciences Inc. and Kevin Drizen

Respondents (Appellants)

Kevin Drizen, acting in person and for GlycoBioSciences Inc.

Meghan Bridges and Dan Malone, for the respondent

Heard: November 27, 2025

On appeal from the order of Justice Renu J. Mandhane of the Superior Court of Justice, dated February 5, 2025, with reasons reported at 2025 ONSC 829.

REASONS FOR DECISION

[1] The appellant corporation has an extensive history of commercial litigation in the Ontario courts. There is reason to believe that at least some of its litigation in years past may have been a reasonable effort to vindicate its legal rights. It

retained litigation counsel and obtained what may have been advantageous settlements.

[2] Matters changed significantly around 2017, however, when the appellant Mr. Drizen – the son of the founder of GlycoBioSciences Inc. (“Glyco”), and a shareholder, officer, and the company’s sole employee – began directing the legal affairs of Glyco, including representing Glyco in court. His conduct of litigation over those years has increasingly drawn negative comment from the bench and adverse costs awards some of which were made on a substantial indemnity basis and many of which remain unpaid. This is not to say that Mr. Drizen conducts himself in an uncivil manner in court – in our experience he did not – but the issue is rather that he repeatedly brings proceedings that are misconceived and have no prospect of success. This conduct puts opposing parties to significant expense and uses up court resources that would be better deployed elsewhere.

[3] The respondent law firm successfully applied to have both Mr. Drizen and Glyco declared vexatious litigants under s. 140 of the *Courts of Justice Act*, R.S.O 1990, c. C.43. A vexatious litigant order requires that the appellants now obtain leave from a justice of the Superior Court before initiating or continuing any proceedings. The respondent brought the application after Glyco had brought an application seeking a remedy against the respondent as well as its client.

[4] As explained below, we do not see any error in the reasons of the application judge. It is not disputed that she applied the correct legal test.

[5] Mr. Drizen acknowledges that Glyco has frequently resorted to litigation, but insists the litigation is not frivolous but is a matter of vindicating Glyco's legitimate legal rights against commercial entities that have infringed them. Glyco resists the characterization that it is operating as a "patent troll" or otherwise pursuing a business model of bringing nuisance actions to secure small settlements. But regardless of what Glyco's legitimate interests may be, and however successful or legitimate its commercial history may have been, it is incontrovertible that Glyco – at the direction of Mr. Drizen – has, since at least 2017, serially engaged in litigation in a vexatious manner.

[6] The track record of Glyco and Mr. Drizen in this regard has been chronicled in part by the application judge and need not be repeated here. It is sufficient to note and reiterate the application judge's conclusion that "nearly all of the factors identified in *Lang Michener* and *Dobson* are present in the litigation that has been conducted since 2017."¹ These factors include a practice of bringing proceedings against parties outside of the court's jurisdiction, not paying awards of costs amounting to hundreds of thousands of dollars, bringing actions seeking millions

¹ The decisions referenced being *Lang Michener et al. v. Fabian et al.* (1987), 59 O.R. (2d) 353 (Ont. H.C.) and *Dobson v. Green*, 2012 ONSC 4432.

of dollars in damages that are settled at a nuisance payment quantum, and accusing judicial officers and court officials of bias and misconduct.

[7] In making the order against both Glyco and Mr. Drizen, the application judge found that:

[T]here is no practical distinction between the two: Glyco is effectively Mr. Drizen's litigation arm, with Mr. Drizen calling the shots. Moreover, Mr. Drizen has effectively shielded himself from personal accountability for his litigation conduct by suing under the guise of the corporation.

Mr. Drizen, by his own account, is the only officer and employee of Glyco. Mr. Drizen runs the day-to-day operations, and directs the litigation. The application judge's characterization is apt. Section 140 is applicable both to persons who have instituted proceedings and those who conduct those proceedings. The order against Mr. Drizen was within the scope of s. 140 and entirely justified in the circumstances.

[8] We dismiss the appeal. The respondent is awarded costs of the appeal in the amount of \$5,000, all inclusive, as agreed between the parties.

"K. van Rensburg J.A."
"B.W. Miller J.A."
"L. Sossin J.A."