

COURT OF APPEAL FOR ONTARIO

CITATION: Vacaru v. Legge, 2025 ONCA 856

DATE: 20251208

DOCKET: COA-25-CV-0175

Paciocco, George and Monahan JJ.A.

BETWEEN

Felicia Vacaru

Appellant

and

John Legge, Legge and Legge, Tanya Pagliaroli, Tap Law

Respondents

Felicia Vacaru, acting in person

Antonios T. Antoniou and Mariam Hanna, for the respondents

Heard: in writing

Determination pursuant to r. 2.1.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, with respect to the appeal from the order of Justice Chris de Sa of the Superior Court of Justice, dated January 10, 2025.

REASONS FOR DECISION

[1] The appellant was involved in a lengthy and contentious divorce proceeding. The forensic accounting firm retained by the appellant to provide expert evidence in that matter commenced a separate action against her for fees owed. The

accounting firm named the appellant and her lawyer as defendants. The appellant crossclaimed against her lawyer. Judgment was granted in favour of the accounting firm and the appellant's crossclaim against her lawyer was dismissed: *Marmar Penner Inc. v. Purcaru*, 2021 ONSC 3785.

[2] The appellant appealed the judgment and dismissal of the crossclaim, which was dismissed by this court: *Marmar Penner Inc. v. Vacaru*, 2022 ONCA 280.

[3] The appellant then commenced a new, separate action against her former lawyer, who was the subject of the crossclaim for solicitor negligence, as well as the lawyers who represented her on the crossclaim. According to the appellant, the lawyers all conspired to commit perjury, committed perjury, and introduced falsified documents into evidence. The appellant moved to add LawPro as a party on the basis that it knew or ought to have known what the respondents were doing.

[4] The respondents brought a cross-motion for an order to strike pursuant to rr. 21.01(1)(b), 21.01(3)(d), and 25.11 of the *Rules of Civil Procedure*. The motion judge struck the appellant's statement of claim without leave to amend and dismissed the action on the basis that it disclosed no reasonable cause of action, and was frivolous, vexatious, and/or an abuse of process: *Vacaru v. Legge*, 2025 ONSC 218.

[5] The appellant appeals the motion judge's order dismissing her action. The respondents filed a Form 2.1A asking this court to dismiss the appeal, which has

been referred to this panel for consideration. Notice was provided to the appellant, who has filed responding submissions.

[6] Rule 2.1 provides a “streamlined procedure for disposing of proceedings and motions that on their face are frivolous, vexatious or otherwise an abuse of process”: *Simpson v. The Charter Professional Accountants of Ontario*, 2016 ONCA 806, 5 C.P.C. (8th) 280, at para. 43. Although the application of r. 2.1 is “limited to the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to support the resort to the attenuated process”, this rule serves an important role in screening out meritless claims that drain the limited resources of the justice system: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, 343 O.A.C. 87, at para. 8, leave to appeal refused, [2015] S.C.C.A. No. 488; *Kokic v. Johnson*, 2025 ONCA 4, at para. 6.

[7] In our view, this is a meritless appeal. The appellant’s claim discloses no reasonable cause of action, rests on scandalous allegations, and is merely an attempt to relitigate professional negligence issues that have already been decided.

[8] The new allegations against the law firm that represented the lawyer on the crossclaim relate to meetings the appellant had with her lawyer in February and March 2008. The appellant made these same allegations in the lower court, and

again on appeal, where this court expressly rejected the admission of these communications as fresh evidence because the appellant offered no explanation for her failure to adduce it at trial: *Marmar Penner Inc. v. Vacaru*, 2022 ONCA 280, at para. 24. The addition of a new defendant, on its own, does not give the appellant license to relitigate the same issues and disputed evidence.

[9] The appeal is dismissed pursuant to r. 2.1.01.

“David M. Paciocco J.A.”

“J. George J.A.”

“P.J. Monahan J.A.”