
Court of Appeal for Saskatchewan
Docket: CACV4438

Citation: *Yashcheshen v Saskatchewan Government Insurance, 2026 SKCA 8*
Date: 2026-01-15

Between:

Saskatchewan Government Insurance

Applicant/Respondent

And

Alicia Yashcheshen

Respondent/Applicant

Before: Kalmakoff, McCreary and Kilback JJ.A.

Disposition: SGI’s application granted; Ms. Yascheshen’s application dismissed

Written reasons by: The Honourable Justice Meghan R. McCreary
In concurrence: The Honourable Justice Jeffery D. Kalmakoff
The Honourable Justice Keith D. Kilback

On application from: 2025 SKKB 69, Yorkton

Counsel: Reginald A. Watson, K.C. and Sean Watson for Saskatchewan Government Insurance
Alicia Yashcheshen appearing on her own behalf

McCreary J.A.

I. OVERVIEW

[1] The central issue in this matter is whether either Alicia Yashcheshen or Saskatchewan Government Insurance [SGI] should be declared a vexatious litigant pursuant to Rule 46.2(1) of *The Court of Appeal Rules* [Rules]. Arising from that issue is the question of whether this Court has the jurisdiction to entertain an application under Rule 46.2(1) of the *Rules* in the absence of a live appeal.

[2] SGI and Ms. Yashcheshen have each applied under Rule 46.2(1) for an order that the other be declared a vexatious litigant in the Court of Appeal for Saskatchewan.

[3] In 2020, Ms. Yashcheshen was declared a vexatious litigant in the (then) Court of Queen’s Bench and was required to obtain leave from that court before commencing any action: *Saskatchewan v Yashcheshen*, 2020 SKQB 160. Ms. Yashcheshen appealed that decision to this Court, which affirmed the judge’s determination that Ms. Yashcheshen was a vexatious litigant in the Court of Queen’s Bench but found the order was overly broad because it required Ms. Yashcheshen to seek leave not only to bring new claims and originating applications but also to bring interlocutory applications in existing proceedings (*Yashcheshen v Teva Canada Ltd.*, 2022 SKCA 49). As a remedy, this Court removed the reference to “other applications” from the original order, which had the effect of requiring Ms. Yashcheshen to seek leave to commence any new claim or originating application in the Court of King’s Bench but did not require her to seek leave to bring interlocutory applications in respect of litigation that she had already commenced.

[4] Thereafter, Ms. Yashcheshen proceeded to file five applications for leave to commence actions against SGI in five different judicial centres of the Court of King’s Bench throughout 2023 and 2024. The actions arose from motor vehicle accidents that occurred in 2000 and 2005.

[5] Chief Justice Popescul determined that it was necessary to order case management of the five applications for leave, and he granted a detailed procedural order in respect of the leave applications (see *Yashcheshen v Saskatchewan Government Insurance*, 2024 SKKB 69

[*Procedural Order*] at para 28). Ms. Yashcheshen sought to appeal the *Procedural Order*, which gives rise to the current proceedings before this Court.

[6] Ms. Yashcheshen did not file her appeal from the *Procedural Order* within the timelines required by the *Rules*, so it was necessary for her to bring an application to extend the time to appeal, which she did on October 15, 2024, in CACV4438, *Alicia Yashcheshen v Saskatchewan Government Insurance*. Along with her application to extend the time to appeal, she filed a draft Notice of Appeal that raised 15 grounds of appeal.

[7] On October 30, 2024, Jackson J.A. denied Ms. Yashcheshen's application to extend the time to appeal, finding that Ms. Yashcheshen needed leave to appeal from the *Procedural Order* because the order was interlocutory. She further found that even if the *Procedural Order* had been a final order, there was no arguable case that this Court would intervene, meaning that an extension of time was not appropriate.

[8] On October 18, 2024, SGI filed the subject application under Rule 46.2(1) to designate Ms. Yashcheshen as a vexatious litigant in this Court. In response, on October 30, 2024, Ms. Yashcheshen filed an application for SGI to be designated a vexatious litigant.

[9] I would allow SGI's application under Rule 46.2(1) and order that Ms. Yashcheshen is a vexatious litigant in the Court of Appeal for Saskatchewan. Ms. Yashcheshen has persistently commenced and prosecuted proceedings in this Court that are frivolous, vexatious and abusive. For this reason, Ms. Yashcheshen's right to bring matters before the Court must be constrained; given the vexatious nature of many of her appeals, limits must be placed on her litigation conduct to protect the resources of other litigants, and of this Court, from her misuse of the litigation process.

[10] I would dismiss Ms. Yashcheshen's application to have SGI declared a vexatious litigant under Rule 46.2(1). There is no basis to support such an order, and the fact that she brought such an application is an example of her vexatious litigation conduct.

II. BACKGROUND

A. Ms. Yashcheshen's litigation in the Court of Appeal for Saskatchewan

[11] SGI takes issue with Ms. Yashcheshen's general litigation conduct in this Court and relies on the Court's records to establish its case. It is therefore necessary to provide a brief overview of the various proceedings that Ms. Yashcheshen has commenced in this Court up to the date of SGI's application under Rule 46.2(1).

[12] Between 2018 and the date of the hearing of this matter in January of 2025, Ms. Yashcheshen has been the appellant or proposed appellant in 17 matters before this Court. While not every appeal has lacked merit, even the briefest review of these proceedings shows that Ms. Yashcheshen has engaged in a repeated pattern of initiating appeals that are devoid of merit. In addition, the conduct of her litigation includes a demonstrated tendency of failing to appear at hearings of appeals and applications that she has initiated, often deliberately, as well as revealing a general disregard for the consequences of her actions on the parties adverse to her interests or the institution of the Court.

[13] As I noted, the matter giving rise to the applications currently before the Court is CACV4438, *Alicia Yashcheshen v Saskatchewan Government Insurance* (filing date October 15, 2024) in which Ms. Yashcheshen attempted to appeal from the *Procedural Order*, and her application to extend the time for such an appeal was dismissed.

[14] Prior to this, Ms. Yashcheshen filed notices of appeal from two interlocutory orders made in two separate matters in the Court of King's Bench involving herself and SGI: CACV4274 (filed November 8, 2023) and CACV4300, *Alicia Yashcheshen v Saskatchewan Government Insurance* (filed December 29, 2023). Ms. Yashcheshen did not initially apply for leave to appeal in respect of either proposed appeal. SGI brought an application to have both notices of appeal struck because of Ms. Yashcheshen's failure to seek leave, alleging that the proposed appeals constituted an abuse of process and, in the case of CACV4300, that the appeal was moot. Ms. Yashcheshen then applied for leave to appeal in each appeal *nunc pro tunc*. All the applications were heard together. In the result, this Court dismissed Ms. Yashcheshen's applications for leave to appeal, and the appeals were quashed (*Yashcheshen v Saskatchewan Government Insurance*, 2024 SKCA 47).

[15] In August of 2022, Caldwell J.A. consolidated four appeals brought by Ms. Yashcheshen: CACV4021, CACV3839, CACV3841 and CACV3976. He found them to be related matters because they concerned Ms. Yashcheshen's designation as a vexatious litigant in the Court of Queen's Bench. In CACV4021, *Alicia Yashcheshen v Amanda Quayle, Robert Carson and Teva Canada Ltd.*, Ms. Yashcheshen appealed from a decision of the Court of Queen's Bench in which she had applied, without notice, for leave to commence an action (as she was required to do as a vexatious litigant). Leave was denied for several reasons, one of which was that the draft statement of claim failed to disclose a reasonable claim and was an abuse of process. After the appeal was perfected and the respondents had filed their factums, Ms. Yashcheshen abandoned the appeal a few weeks prior to the hearing. In CACV3976, *Alicia Yashcheshen v Government of Saskatchewan and eHealth* (filed February 7, 2022); CACV3841, *Alicia Yashcheshen v The Attorney General of Saskatchewan* (filed May 21, 2021); and CACV3839, *Alicia Yashcheshen v Law Society of Saskatchewan, Ministry of Advanced Education, and Attorney General for Saskatchewan* (filed May 21, 2021), Ms. Yashcheshen also appealed from decisions of the Court of Queen's Bench in which she sought leave to initiate a new proceeding but was denied leave because her statements of claim disclosed no reasonable cause of action and/or were found to be an abuse of process. Ms. Yashcheshen abandoned all three of those appeals in March of 2023.

[16] However, after abandoning the three appeals, she applied to this Court for a "rehearing" in September of 2023, asking that her notices of abandonment be vacated and that her appeals be "reheard". The application for a rehearing came before Leurer J.A. (as he then was). Ms. Yashcheshen did not attend that hearing and her application was dismissed as abandoned. In his fiat, dated September 13, 2023, Leurer J.A. commented on both the deliberateness of Ms. Yashcheshen's failure to appear at the hearing of the proceedings that she had initiated and the fact that there was no basis for her application:

[15] I am satisfied that Ms. Yashcheshen was aware of the time and date her application would be heard. It was her responsibility to appear. She did not do so. It was her application to prosecute. She did not do so. I am also satisfied that Ms. Yashcheshen was aware, and even more clearly should have been aware, that a failure on her part to appear at the hearing of her application could well result in it being dismissed. These facts render it appropriate that her application be dismissed as abandoned.

[16] As an aside, I am also mindful that Rule 47(1), on which Ms. Yashcheshen grounded her notice of motion, has no application in circumstances such as these. That Rule authorizes the "court as constituted on the hearing and determination of [an] appeal" to order a *rehearing* of an appeal before judgment is issued. However, in this case, there

has been no *hearing* at all. Instead, these three appeals were abandoned *before* they were heard.

(Emphasis in original)

[17] Thereafter, on July 12, 2024, Ms. Yashcheshen applied, again, to set aside her Notice of Abandonment for each of CACV3839, CACV3841 and CACV3976 and to restore her appeals.

The application was heard by Bardai J.A. who stated as follows:

[6] In order for Ms. Yashcheshen to succeed today, she must demonstrate that: (a) she has a reasonable excuse for not attending in the first instance; (b) her appeal is not an abuse of the Court's process, which prevents parties from bringing back the same issues over and over again, and; (c) the Court has the jurisdiction to grant the relief sought and should exercise that jurisdiction in favour of setting aside her own notices of abandonment.

[18] Justice Bardai dismissed Ms. Yashcheshen's applications on each file noting that she did not have an adequate excuse for failing to appear in September of 2023 and that she was not entitled to continue to return to the Court seeking essentially the same relief.

[19] In CACV3702, *Alicia Yashcheshen v Law School Admission Council Inc. and American Bar Association* (filed September 15, 2020), Ms. Yashcheshen appealed from a decision of the Court of Queen's Bench in which her claim was struck on the basis that the court lacked jurisdiction to adjudicate the claim. On appeal, Ms. Yashcheshen sought to file fresh evidence, and that application was dismissed. However, her appeal was allowed and the matter was remitted to the Court of Queen's Bench to determine the remaining issues under Rule 7-9(2) (see *Yashcheshen v Law School Admission Council Inc.*, 2021 SKCA 149). Following the remittal, her claim was again struck out by the Court of Queen's Bench.

[20] In CACV3824, *Alicia Yashcheshen v Attorney General of Canada-Health Canada, Janssen Inc., Janssen-Ortho Inc., and Johnson & Johnson Inc.* (filed August 4, 2020), Ms. Yashcheshen appealed from an order striking her statement of claim as frivolous. She also filed two separate applications to adduce fresh evidence. The hearing of the appeal was set for March 4, 2022, but Ms. Yashcheshen did not attend the hearing and her appeal was dismissed as abandoned. Thereafter, she applied for a rehearing, and that application was granted. When the matter was ultimately heard, the Court dismissed the fresh evidence applications and dismissed the appeal (see *Yashcheshen v Janssen Inc.*, 2022 SKCA 140).

[21] In CACV3676, *Alicia Yashcheshen v The Attorney General of Canada and The Attorney General of Saskatchewan* (filed July 30, 2020), Ms. Yashcheshen appealed from an order of the Court of Queen’s Bench striking her claim as scandalous, frivolous, vexatious and an abuse of process. After a show cause hearing, this Court dismissed the appeal as abandoned in February of 2022.

[22] In CACV3663, *Alicia Yashcheshen v Teva Canada Ltd. and Government of Saskatchewan* (filed June 24, 2020), Ms. Yashcheshen appealed from an order striking her claim in the Court of Queen’s Bench and from her designation as a vexatious litigant. As I explained above, the appeal was partially allowed (*Yashcheshen v Teva Canada Ltd.*, 2022 SKCA 49) because the Court found that the vexatious litigant order was overbroad and also because Ms. Yashcheshen had filed an amended statement of claim in response to Teva Canada Ltd.’s application to strike her original claim, in which the Court found that the amended claim should have been considered by the judge but was not.

[23] In CACV3580, *Alicia Yashcheshen v Ministry of Health, Ministry of Social Services and Attorney General for Saskatchewan* (filed January 30, 2020), Ms. Yashcheshen appealed from an order dismissing her claims against the Ministry of Health and the Ministry of Social Services for failure to pay for the cannabis products she asserted were necessary to address her medical conditions. This Court allowed her appeal regarding the decision of the Ministry of Social Services on the basis that she had been denied procedural fairness with respect to her right to an appeal hearing before the Social Services Appeal Board [SSAB]. That matter was remitted to the SSAB for hearing, but the remainder of the appeal was dismissed (see *Yashcheshen v Saskatchewan (Ministry of Health)*, 2022 SKCA 68).

[24] In CACV3388, *Alicia Yashcheshen v Dr. Francis Bowen and College of Physicians and Surgeons of Saskatchewan* (filed March 7, 2019), Ms. Yashcheshen appealed from a decision striking her claim against the College of Physicians and Surgeons of Saskatchewan [College] and Dr. Francis Bowen on the basis that the claim was an abuse of process of the court vis-à-vis the College and disclosed no reasonable cause of action against Dr. Bowen, as well as being an abuse of process. Ms. Yashcheshen abandoned that appeal on March 26, 2019.

[25] In CACR3162, *The Queen v Alicia Yashcheshen* (filed July 30, 2018), Ms. Yashcheshen applied for leave to appeal from a decision of the Court of Queen's Bench that had dismissed her summary conviction appeal in relation to a charge of breaching a recognizance under s. 810 of the *Criminal Code*. In an oral judgment dated December 11, 2018, this Court denied leave to appeal because the proposed appeal did not raise a question of law.

[26] In CACV3275 and CACV3264, *Alicia Yashcheshen v The Attorney General of Canada, Jenna Streck, Cameron Nash, Trevor Pieterse and Donald Dyker* (filed July 6, 2018), Ms. Yashcheshen appealed against decisions rendered by the Court of Queen's Bench in two separate but related actions. In the first action in respect of the Attorney General of Canada, a case management judge ordered that Ms. Yashcheshen serve and file an amended statement of claim by a certain date, failing which her underlying claim would be dismissed. She attempted to file her amended statement of claim after the deadline, and it was not accepted for filing because it was not compliant with the Court's rules, being filed out of time. As a result, her claim was dismissed. In the second action, a Chambers judge granted an application striking Ms. Yashcheshen's claim against the Attorney General, three individual RCMP officers and one other person on the basis that it was technically deficient. Ms. Yashcheshen also filed an application to adduce fresh evidence on appeal. This Court dismissed the application to adduce fresh evidence but allowed the appeals, finding that on the first matter the judge failed to conduct the required analysis, which amounted to an error in principle, and on the second matter the hearing was procedurally unfair (*Yashcheshen v Canada (Attorney General)*, 2021 SKCA 116).

[27] Finally, in CACV3219 *Alicia Yashcheshen v The University of Saskatchewan* (filed March 14, 2018), Ms. Yashcheshen had sought admission to the College of Law at the University of Saskatchewan. She asked that her application be considered without a Law School Admission Test [LSAT] score to accommodate disabilities that, in her view, prevented her from having a fair opportunity to write the LSAT. The College advised Ms. Yashcheshen that its admissions policy required all applicants to provide an LSAT score. She did not submit a score and, as a result, the College did not consider her application. Ms. Yashcheshen then applied to the Court of Queen's Bench advancing an argument that the College's admissions policy violated the equality rights guaranteed by s. 15 of the *Canadian Charter of Rights and Freedoms*. A judge of that court denied Ms. Yashcheshen's application and concluded that the *Charter* did not apply to the College's

admissions policy because the University was not governmental in nature and because the admissions policy did not further a government program or policy. Ms. Yashcheshen appealed to this Court and filed an application to adduce fresh evidence. This Court dismissed her application to adduce fresh evidence and dismissed her appeal, finding that the Chambers judge correctly found that the *Charter* did not apply to the LSAT aspect of the admissions policy and that Ms. Yashcheshen's other arguments were without merit (see *Yashcheshen v The University of Saskatchewan*, 2019 SKCA 67).

[28] In summary, of the 17 notices of appeal or applications for leave to appeal that Ms. Yashcheshen has filed with this Court, six matters have been dismissed on the merits, six have been dismissed as abandoned, three matters have been allowed, and two matters have been allowed in part. Of those 17 matters, Ms. Yashcheshen has had success or partial success in respect of five matters. I note, however, that when Ms. Yashcheshen has been successful, that success has not related to the substantive merits of the underlying claims.

B. SGI's litigation in the Court of Appeal for Saskatchewan

[29] In relation to her application to have SGI declared a vexatious litigant, Ms. Yashcheshen relies on the following examples of litigation in which SGI was an appellant and was not successful: *Saskatchewan Government Insurance v Schira*, 2020 SKCA 88; *Saskatchewan Government Insurance v Wilson*, 2012 SKCA 106; *Saskatchewan Government Insurance v Speir*, 2009 SKCA 73; *Saskatchewan Government Insurance v Gorguis*, 2013 SKCA 32; and *Saskatchewan Government Insurance v Sebastian*, 2009 SKCA 44. She says these appeals were manifestly without merit and that, therefore, SGI's conduct in bringing them was an abuse of process.

III. ANALYSIS

A. The Court of Appeal has jurisdiction to entertain an application under Rule 46.2(1) regardless of whether there is a live appeal

[30] At the time when SGI brought its application under Rule 46.2(1) to declare Ms. Yashcheshen to be a vexatious litigant, there was only one active proceeding in this Court

between the two parties, that being Ms. Yashcheshen's application to extend the time to appeal from the *Procedural Order*. By the time that SGI's vexatious litigant application, itself, came on for hearing, Ms. Yashcheshen's application for an extension of time had been dismissed by Jackson J.A. Given that there was no live appeal when the Court heard the vexatious litigant applications, a question arose as to whether the Court has jurisdiction to consider an application pursuant to Rule 46.2(1) when there is no application or appeal involving the alleged vexatious litigant before the Court.

[31] As I will explain, this Court has jurisdiction to hear and determine an application under Rule 46.2(1) regardless of whether such an application is brought within an appeal proceeding (either one that is active or concluded).

[32] Rule 46.2 states:

(1) If, on application of any person or at the request of the registrar made in accordance with Rule 46.3, the court or a judge is satisfied that a person has habitually, persistently, and without reasonable cause commenced frivolous or vexatious proceedings in the court, the court or a judge may make an order prohibiting the commencement of proceedings without leave of the court or a judge.

(2) Before an order is made under Subrule (1), the person against whom such an order may be made shall be given an opportunity to be heard in accordance with Part 15.

[33] Rule 46.3, mentioned in Rule 46.2, provides that the Registrar will serve a notice in a prescribed form that is analogous to a notice of application on both the alleged vexatious litigant and all other parties.

[34] Upon a plain reading of Rule 46.2, it does not contemplate that a vexatious litigant application requires an existing appeal or other application. In fact, the Rule allows for the Registrar to independently refer a matter to the judiciary for their consideration upon a review of the proposed vexatious litigant's activity.

[35] The fact that the Registrar has this power recognizes that vexatious litigation conduct comes in many forms. For example, one type of vexatious litigant might sue the same person repeatedly. Another type might bring many lawsuits against many different people. The Registrar's power to refer to the Court the matter of a potential vexatious litigant is particularly important in connection with the second type of vexatious litigant where a defendant who is only named once in litigation is less apt to be incented to make the application.

[36] The purpose for the Registrar’s authority under Rule 46.2 was recognized by Richards C.J.S. in *Richardson v Richardson*, 2022 SKCA 142 [*Richardson*]. Chief Justice Richards provided context for why the Rule was amended to allow the Registrar to initiate a request to the court or a judge under Rule 46.2 on their own initiative:

[12] The recent amendment was considered necessary because it had become apparent that, as things stood, Rule 46.2 did not offer an adequately broad response to the problems posed by vexatious litigants. The Rule assumed that there would always be a person with enough resources and fortitude, and enough at stake, to make an application to bring a vexatious litigant to heel. However, it proved to often be the case that no such person existed. Sometimes, it can be surmised, the individual or individuals on the receiving end of the vexatious litigation did not have the resources to prosecute an application under the Rule. Alternatively, sometimes such individuals might have been unwilling to take a step that would attract the ire of the vexatious litigant. Further, in situations where a vexatious litigant did not repeatedly engage the same respondent but instead brought an ongoing series of proceedings against different individuals, no one person had a sufficiently large interest – enough skin in the game – for it to make sense for them to prosecute a proceeding under Rule 46.2(1). As a result, there were situations where no vexatious litigant proceedings were commenced notwithstanding that the actions of an individual called out for something to be done to rein in their abusive behaviour.

[37] The fact that the Registrar can effectively bring an application under Rule 46.2(1) on their own initiative, and that Rule 46.2(2) requires that the person against whom such an order may be made must be given an opportunity to respond to such an application, suggests that there need not be an active appeal involving the impugned litigant in order for the Court to have jurisdiction to consider such application. Indeed, the Rule demonstrates the Court’s inherent jurisdiction to pursue such application and control its own processes in the context of the Registrar referring a litigant to the Court for its review. In *Richardson*, the Court found that to be a textbook example of when to exercise the authority under Rule 46.2(1) (at para 14).

[38] Further, Richards C.J.S. expressly acknowledged in *Richardson* that “the Court has an inherent authority to make orders as are necessary ‘to protect the proper administration of justice and to prevent an abuse of process’” (at para 28). He cited *Barth v Saskatchewan (Social Services)*, 2021 SKCA 41 at para 10 [*Barth*] for the proposition that the Court has the inherent jurisdiction to declare litigants to be vexatious, as follows:

[10] There is no case law from this Court interpreting Rule 46.2. However, prior to its adoption, this Court confirmed that it had the inherent jurisdiction to declare litigants vexatious, or to prohibit the commencement of proceedings without leave, to protect the proper administration of justice and to prevent an abuse of its process: *Hollick v St. Mary’s Credit Union*, [1991] SJ No 566 (QL) (Sask CA), and *Hrabinsky v Mabel Allan* (13 September 1983) Regina (Sask CA). As such, we conclude that Rule 46.2(1) recognises an

aspect of the Court's inherent jurisdiction. An instructive explanation of the inherent jurisdiction of appellate courts in this context is found in *Bojkovic v Rentz Bros. Inc.*, 2010 MBCA 17 at paras 59-66, 251 Man R (2d) 244.

[39] In addition, in *Patel v Saskatchewan Health Authority*, 2023 SKCA 93 [*Patel*], the Court addressed the issue of its jurisdiction and the principle that an application to have a litigant declared vexatious can be detached, without the necessity of a live appeal, finding that such an application can be free-standing: *Patel* at paras 17 and 21. The Court held that *The Court of Appeal Act, 2000*, SS 2000, c C-42.1, expressly contemplates and provides for the judges of the Court of Appeal to make a broad range of rules and that Rule 46.2 is within the Court's authority to proscribe: *Patel* at para 21.

[40] There is no doubt that this Court has the inherent jurisdiction to protect the proper administration of justice and to prevent an abuse of its process. Given the reason for Rule 46.2, the broad and to some extent unpredictable forms of vexatious conduct that it is designed to address, and the different ways the Rule contemplates that a vexatious litigant inquiry may be initiated, including by the Registrar, I am satisfied the Court has the inherent jurisdiction to hear that application from a review of the record as a stand-alone application.

[41] It follows that an application, such as that brought by SGI here, can be made before an appeal is initiated, for instance when the only extant matter before the Court is an application to extend the time to appeal. Finally, there can be no doubt that, having brought the application to have Ms. Yashcheshen declared to be a vexatious litigant at a time it was a party to an application in this Court, that party (here, SGI) must be permitted to continue to prosecute that application even after the initial application is dismissed, and this Court has jurisdiction to hear it.

B. Ms. Yashcheshen is a vexatious litigant and must be prohibited from commencing new proceedings without leave from a judge of this Court

[42] In each of *Barth*, *Patel* and *Richardson*, this Court has had the occasion to comment on Rule 46.2(1) and on what informs whether a litigant is vexatious. In *Richardson*, Richards C.J.S. summarized this Court's approach to determining whether a litigant should be declared vexatious and the nature of the remedial order, if any, that is appropriate (see paras 8-15 and 28-29). He provided the following succinct summary, citing *Barth* as follows (*Richardson* at para 15):

[15] *Barth v Saskatchewan (Social Services)*, 2021 SKCA 41, [2021] 12 WWR 460 [Barth], is the leading decision on Rule 46.2(1) as it read before the recent amendment adding the Registrar into the equation. In *Barth*, at paragraph 15, the Court indicated that, when considering an application brought under the Rule, it is appropriate to take account of the following non-exhaustive list of factors:

- (a) whether the appellant has brought more than one appeal seeking to determine the same issue;
- (b) whether one or more of the appeals discloses no right of appeal (Rule 46.1(1)(b));
- (c) whether one or more of the appeals is manifestly without merit (Rule 46.1(1)(c));
- (d) whether the appellant's conduct in appealing against a tribunal's decisions can be considered an abuse of the process of the Court (Rule 46.1(1)(d));
- (e) whether it appears one or more of the appeals was brought for an improper purpose, including the harassment and oppression of a respondent through multiple proceedings brought for purposes other than the legitimate assertion of a statutory right of appeal or a cause of action;
- (f) whether the grounds raised in one appeal tend to be rolled forward into subsequent appeals, where they are repeated or supplemented;
- (g) whether the appellant has made accusations against or alleges malfeasance on the part of lawyers who acted for or against the appellant in other proceedings; and
- (h) whether the appellant has failed to pay costs orders awarded in favour of parties opposite.

[43] After reviewing the litigation Ms. Yashcheshen has pursued in this Court, I am persuaded that she is a vexatious litigant. While she has had some success in a few matters, that success does not relate to the substantive merits of her underlying claims. When the details of Ms. Yashcheshen's general litigation conduct are carefully considered, they demonstrate that she has engaged in an ongoing pattern of vexatious litigation conduct. Indeed, in many of the proceedings she has filed with this Court, she has demonstrated the following pattern of conduct:

- (a) seeking leave to appeal procedural orders where there was no merit to the substantive issue;
- (b) abandoning appeals or applications late in the appeal process;
- (c) failing to appear for scheduled matters and then seeking to revive these matters after they are dismissed;

- (d) filing improper affidavit evidence without regard for relevance or the rules of evidence;
- (e) continually filing applications to adduce fresh evidence on appeal when such applications are manifestly without merit;
- (f) filing multiplicity of material in affidavits and repeating scandalous affidavits with disregard for the *Rules* (for example, after having an affidavit struck out, filing a similar affidavit);
- (g) arguing legal points that are manifestly without merit (for example, taking issue with typographical errors in other parties' material and refusing to consent to simple amendments which would streamline the appeal process);
- (h) failing to comply with the *Rules* in respect of taking out issued orders to advance an appeal and applying for leave when leave is required; and
- (i) advancing oral arguments unrestrained by the evidence before the court.

[44] In addition, Ms. Yashcheshen's decision to respond to SGI's application to declare her a vexatious litigant with her own application to have SGI declared a vexatious litigant is highly revealing. As I discuss below, there is no merit whatsoever to the application and it can only have been brought for an improper motive. It is a classic example of vexatious litigation.

[45] Overall, Ms. Yashcheshen's conduct in advancing her litigation in this Court demonstrates an obstructive, laborious, non-compliant approach to pursuing litigation, which often is entirely without merit and which consumes an inordinate quantity of judicial resources. This patterned conduct, which has been frequently repeated, demonstrates that Ms. Yashcheshen is a vexatious litigant in this Court.

C. SGI is not a vexatious litigant

[46] Following SGI's filing of its application pursuant to Rule 46.2(1), Ms. Yashcheshen applied under the same Rule for an order declaring SGI to be a vexatious litigant.

[47] By virtue of the nature of its general insurance business, as well as its role as the insurer under *The Automobile Accident Insurance Act*, RSS 1978, c A-35, SGI participates in a significant amount of litigation with diverse parties, most of which involves insurance claims, and much of which sees SGI in the role of defendant or respondent, and not as the party initiating the proceedings.

[48] SGI applied to strike out the entirety of Ms. Yashcheshen's December 20, 2024, affidavit, filed in support of her application to declare SGI a vexatious litigant. It also applied to strike out some or all her affidavits of October 8, 2024; October 18, 2024; and October 22, 2024. I agree with SGI that the impugned portions of the affidavits at issue contain either opinion and/or argument or are scandalous, vague, unsourced hearsay or irrelevant. SGI's applications to strike all or some of these affidavits are therefore allowed, with costs to SGI in the usual manner.

[49] The result of the striking of most of the content of these affidavits is that there is no evidentiary support for Ms. Yashcheshen's application under Rule 46.2(1).

[50] With respect to Ms. Yashcheshen's litigation with SGI in this Court in CACV4438, CACV4274 and CACV4300, all three of these proceedings were initiated by Ms. Yashcheshen and all three were dismissed or quashed. Given that Ms. Yashcheshen's proceedings were quashed, there is no basis for her to claim that SGI's successful opposition to her proceedings was inherently vexatious. Further, the fact that other reported decisions exist involving SGI and various litigants where SGI was not successful is not evidence, in these circumstances, that SGI is a vexatious litigant. Ms. Yashcheshen has identified nothing in those decisions that even remotely hints at a pattern of vexatious litigation conduct on the part of SGI.

[51] In summary, Ms. Yashcheshen's application is wholly without merit and must be dismissed.

IV. CONCLUSION

[52] I would allow SGI's application under Rule 46.2(1) and deny Ms. Yashcheshen's application under that Rule. SGI is entitled to the costs of both applications, in the usual manner.

[53] Having concluded that Ms. Yashcheshen is a vexatious litigant within the meaning of Rule 46.2(1), I must address what order is appropriate. A suitable remedial order must preserve Ms. Yashcheshen's right to advance her legitimate interests by way of legal proceedings. However, the order must also be concerned with preventing Ms. Yashcheshen from commencing obviously meritless proceedings and burdening the Court and other parties with such proceedings as well as preventing Ms. Yashcheshen from obliging the Court and other litigants to deal with lengthy and unnecessary filings that do not accord with the *Rules*.

[54] I would therefore order as follows:

- (a) No further proceedings shall be commenced in this Court by Alicia Yashcheshen except by leave of a judge of the Court. For greater certainty, Alicia Yashcheshen is prohibited from commencing any appeal, interlocutory procedure, review of a decision made in Chambers, or application for prerogative relief, either in her own name or through those representing her interests, except by leave of a judge of this Court and in accordance with the terms of this Order.
- (b) In any circumstance where the terms of this Order prescribe an approach or action different than what is provided for by the *Rules*, this Order prevails.
- (c) The Registrar shall prepare a formal order giving effect to this decision without the necessity of obtaining approval as to its form and content from any of the parties to this litigation. The Registrar is authorized to send the formal order, along with a copy of this decision, to Alicia Yashcheshen at the email address she has identified as her address for service in this proceeding. Once that is done, Alicia Yashcheshen will be deemed to have knowledge of this Order.

