

Court of King's Bench of Alberta

Citation: Leger v ServIt Bailiff Services Inc, 2026 ABKB 217

Date: 20260323
Docket: 2501 18431
Registry: Calgary

Between:

Linda Leger

Plaintiff

- and -

ServIt Bailiff Services Inc and Blane

Defendants

**Endorsement
of the
Honourable Associate Chief Justice
D.B. Nixon**

[1] By way of letter dated December 6, 2025, the Plaintiff, Ms. Leger, asks the Court to review and dismiss the Defendants' Statement of Defence filed on December 4, 2025 under Civil Practice Note 7 ("CPN7") and to also "start criminal proceeding[s] against these defendants".

[2] Amongst other things, Ms. Leger alleges that the Statement of Defence is "vexatious and an abuse of process" because it is "materially deficient and blatantly contrary to the evidence of fact". In support of her request, she submits a copy of her Statement of Claim and a forty-one page "Timeline of Events" dated December 8, 2025 which appears to provide background on the events leading to this present Action and Ms. Leger's other related, but separate, lawsuits before

this Court. Ms. Leger has also sent my Judicial Assistant several inappropriate emails and attachments which were not helpful to her requests.

[3] CPN7 sets out summary procedures, using r 3.68 of the *Alberta Rules of Court*, Alta Reg 124/2010, for an assessment of a “claim, defence, action, application, or proceeding that appears on its face to be frivolous, vexatious, or otherwise an abuse of process”. While CPN7 allows for the process to be used for reviewing Statements of Defence, it is more commonly used for reviewing commencement documents. This is because if there are defects in a Statement of Defence, other Court processes may be more appropriate, such as making a Request for Particulars (r 3.61), filing a Reply to a Statement of Defence (r 3.33), bringing an application to strike out all or parts of a pleading (r 3.68), or amending a pleading (r 3.62).

[4] In any event, the use of CPN7 is appropriate where two conditions are met: (a) the frivolous, vexatious, or abusive nature of the pleading is evident on its face; *and* (b) there is reason to prefer the CPN7 process to ordinary Court procedures: *Wilyman v Cole*, 2024 ABCA 41 at para 20 [emphasis in original].

[5] With these conditions in mind, I reviewed Ms. Leger’s submissions as well as the Statement of Defence. Based on my review of the facts and analysis of the law, I find the Statement of Defence is not, on its face, frivolous, vexatious, or an abuse of process. I make this determination because the Statement of Defence is framed in a manner that is consistent with what I would expect from Defence counsel in litigation of this nature.

[6] Given the comments from Ms. Leger, I infer that she resents that the Defendants have challenged her allegations. Although Ms. Leger asserts that her “Timeline of Events with evidence available ... will clearly and easily” prove her allegations against the Defendants to “have this matter settled” and her “claims be paid”, she needs to prove her points in a court of law. I infer from her comments that she fails to understand that the Defendants have the right and entitlement to challenge the allegations advanced in the Statement of Claim and her claim for monetary damages in the amount of twenty million dollars. In that regard, the Defendants have the right to present evidence in support of their defence. That evidence may contradict the narrative of events alleged by Ms. Leger in her commencement documents and proposed evidence.

[7] For clarification, evidence can comprise of oral testimony given in a court of competent jurisdiction or written affidavit. Ms. Leger may wish to use her various versions of a “Timeline of Events” and “Prologue” to assist her in the preparation of an affidavit of records, in compliance with rr 5.6-5.8 of the *Alberta Rules of Court*. However, as currently presented, the Court does not consider these documents to be evidence for the purposes of her litigation.

[8] Nonetheless, I understand that the parties have been communicating and most recently consented to the adjournment of a hearing concerning an application by the Defendants to strike the Statement of Claim pursuant to r 3.68, or in the alternative, an order dismissing the Statement of Claim pursuant to rr 7.2 or 7.3. I am hopeful that the parties will use ordinary Court procedures to bring applications, raise arguments, respond to them, and present their relevant factual background and evidence in support of their respective positions.

[9] In conclusion, CPN7 does not apply to the Statement of Defence.

[10] This Endorsement does not prevent either party from rescheduling the adjourned hearing, and/or applying under the *Alberta Rules of Court* for other remedies with respect to the Action, including under rr 3.68, 7.2, 7.3 or otherwise.

Dated at Calgary, Alberta this 23rd day of March 2026.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

Linda Leger – Written Submission
Plaintiff

Justin Williams – No Appearance
Sharek Logan & van Leenen LLP
for the Defendants