

SUPERIOR COURT
(Civil Chamber)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° : 500-17-120328-227

DATE : March 19, 2026

PRESIDING : THE HONOURABLE SYLVAIN LUSSIER, J.S.C.

EKENS AZUBUIKE

Plaintiff

vs.

COPART CANADA INC.

-and-

GREGORY R. DEPASQUALE

-and-

STEPHEN MACALUSO

-and-

JEFFREY LIAW

-and-

STEPHEN T. POWERS

-and-

DAVID SCAFF

Defendants

**JUDGMENT ON APPLICATION TO DISMISS
AND TO DECLARE PLAINTIFF A QUARRELSOME LITIGANT**

CONTEXT

[1] Plaintiff Ekens Azubuike is suing Defendants for « General civil wrong doing damages claim of \$3.5 million dollars for libel, slander and defamation and assassination of character, resulting to an emotional tremor, stress and distress, loss of income, reputation, personality, political reputation, false allegations, civil negligence, reckless act», seeking namely¹:

- \$3 500 000 as general compensatory damages;
- An order against Defendants to “*retract their statement which they falsely granted to some new agencies both in Canada and internationally mainly La Press Canada and other international news agencies* » (sic);
- A permanent injunction ordering Defendants to refrain from defaming and slandering Plaintiff.

[2] Defendants move to dismiss on the grounds that the action is prescribed and that it is abusive and ill-founded. They also seek a declaration that Plaintiff is a quarrelsome (vexatious) pleader, and the ensuing restraining measures, pursuant to Article 55 C.C.P., and Section 68 of the *Regulation of the Superior Court of Québec in civil matters*, which read²:

55. If an abuse of procedure results from a party’s quarrelsomeness, the court may, in addition to other measures, prohibit the party from instituting a judicial application or presenting a pleading in an ongoing proceeding except with the authorization of and subject to the conditions determined by the chief justice or the chief judge.

68. Necessity to obtain prior authorization. If a person acts in a quarrelsome manner, by exercising litigious rights in an excessive or unreasonable manner, the court may, on initiative or on request, in addition to the measures provided for in the Code of Civil Procedure (chapter C-25.01), prohibit that person from instituting a judicial application or from producing or presenting a pleading in a previously instituted proceeding without prior authorization from the Chief Justice or a judge designated by the Chief Justice, and on the conditions the latter determines.

[3] Copart Canada Inc.³ is a company that operates in the field of online auctions of salvaged vehicles, most of which have been written off as losses by insurance companies.

[4] The other Defendants are directors or employees of Copart Canada or affiliated corporations.

¹ Originating Application at page 3.

² CQLR c C-25.01, r 0.2.1.

³ « Copart Canada ».

[5] This lawsuit stems from the filing of Mareva proceedings by Defendant Copart Canada against 9359-7201 Quebec inc.⁴, Plaintiff's corporation, Mr. Azubuiké, and related companies⁵.

[6] In brief, Quebec Inc. purchased several vehicles from Copart Canada in December 2019 and January 2020. Counterfeit bank drafts were provided in payment to Copart Canada by Quebec Inc.

[7] On January 20, 2020, Mr. Poulin, regional director of Copart Canada, was advised that the bank drafts used to purchase the vehicles were counterfeit. On January 22, 2020, he was advised that certain of the vehicles had been delivered to premises that he visited and where he identified at least 2 vehicles and informed the police accordingly. Police officers went to the location and seized 4 vehicles. There was an admission that the shipper of these vehicles was Ekens Foundation International, an entity controlled by Mr. Azubuiké.

[8] Mr. Azubuiké presented himself to police authorities on January 24, 2020. He provided 4 invoices indicating sales of vehicles from Quebec Inc. to Ekens Foundation International. Some days later, he emailed 4 additional invoices which again described sales of vehicles to Ekens Foundation International by Quebec Inc.

[9] A number of vehicles were sold by Quebec Inc. to Ekens Foundation International. The vast majority of the vehicles were sold to Ekens Foundation International on the same day Quebec Inc. had purchased them from Copart.

[10] A number of vehicles were determined to already have been en route to Nigeria aboard a ship. The exporter of these vehicles was Ekens Foundation International and the consignee in Nigeria was Ekens & Hellas International Ltd. These entities are all controlled by Mr. Azubuiké, the transporter being Maersk A/S.

[11] Copart Canada instituted proceedings for the issuance of a Mareva injunction on February 17, 2020.

[12] The purpose of the Mareva Application was to order Maersk to immediately take all necessary measures to preserve the vehicles and return them to the Port of Montreal in order to hand them over to the police, border authorities or to the Insurance Bureau of Canada so that Copart Canada could eventually recover them.

[13] On February 20, 2020, Justice France Dulude issued an international Mareva injunction, and ordered the preservation of the stolen vehicles by Maersk, then in possession.

[14] The order was renewed on February 27 and May 1st, 2020.

⁴ « Quebec Inc. »

⁵ CSM No : 500-17-111628-205.

[15] The vehicles were eventually shipped back to Montreal and turned over to the police authorities.

[16] On June 24, 2020, a search warrant was executed at the residence of Mr. Azubuike located at 9002-A, Beauport Street, in Lasalle, Quebec. Further invoices indicating sales of vehicles to Ekens Foundation International by Quebec Inc. were seized.

[17] Mr. Azubuike was arrested and charged with seven counts related to the theft of the vehicles.

[18] The Mareva Application, the arrest and their follow-ups were the subject of media coverage, specifically an article in the newspaper La Presse published on June 25, 2020, entitled "A forger would have stolen 55 vehicles at once".

[19] On April 9, 2021, the Honourable Lori Renée Weitzman, then sitting in the Court of Québec, ordered the stolen vehicles to be returned to Copart Canada inc., pursuant to Sec. 490 (10) of the *Criminal Code*, notwithstanding the opposition of Mr. Azubuike, who claimed to be the owner of the vehicles⁶. Judge Weitzman noted that Mr. Azubuike was at that time accused of possession of stolen property, namely the vehicles in question⁷.

[20] Mr. Azubuike unsuccessfully appealed this judgment both before the Superior Court and the Court of Appeal,⁸ all the way up to the Supreme Court of Canada⁹.

[21] In February 2022, Copart Canada desisted from the Mareva proceedings, under objection from Mr. Azubuike. Desistment was granted in two steps by Justices Pierre Nollet and David Collier. Mr. Azubuike appealed. His appeal eventually lapsed.

[22] Mr. Azubuike's trial before a jury proceeded on one count of fraud exceeding \$5,000.00. He was found guilty by the jury in May 2024. Justice James L. Brunton sentenced him to a conditional sentence of imprisonment of 2 years less a day¹⁰. He appealed his sentence but has failed to this date to complete the record for his appeal¹¹.

[23] The portrait of Mr. Azubuike drawn by Justice Brunton in his sentencing judgment is worth quoting:

[35] Mr. Azubuike is a Nigerian national who was born in 1972. He possesses no criminal record. He arrived in Ireland with his pregnant common law wife in 2006. Shortly after the birth of his son on March 12, 2006, the accused returned to Nigeria.

⁶ CQM No : 500-01-207497-204.

⁷ At paragr. 19.

⁸ *Azubuike c. R.*, 2021 QCCA 1027, *Azubuike c. R.*, 2022 QCCA 372

⁹ *Ekens Azubuike v. Copart Canada Inc.*, et al., 2023 CanLII 3750 (SCC), leave denied.

¹⁰ *Azubuike c. R.*, 2024 QCCS 1976.

¹¹ *Azubuike c. R.*, 2025 QCCA 953, at paragr. 3.

[36] He has never seen his son since his departure from Ireland. This is one cause of a diagnosed depression which he suffers from. He testified that recently, upon his son turning 18, there has been a rapprochement between the two. His common law wife obtained a divorce before the Irish courts in June 2017 (exhibits SD-29, SD-30, SD-31).

[37] Shortly after his return to Nigeria, he left and eventually arrived in Canada in 2007 using a false Germain passport. He claimed refugee status based on the fact that he had been found guilty of treason in Nigeria and sentenced to death. He provided the judgement. He feared persecution at the hands of Nigerian authorities due to his membership and activities in the Movement for the Actualization of the Sovereign State of Biafra (MASSOB).

[38] On March 26, 2009, the Refugee Protection Division of the Immigration and Refugee Board of Canada granted his claim for refugee protection. On December 16, 2010, Interpol informed Canadian officials that the purported Nigerian court decision was forged and was not authentic. On June 3, 2014, Mr. Azubuike's refugee status was vacated.

[39] His motion seeking judicial review of that order was dismissed by the Federal Court on April 29, 2015. He then applied for a pre-removal risk assessment (PRRA). He received a negative PRRA decision on February 24, 2015. The Federal Court denied leave for judicial review on June 3, 2015. He was deported to Nigeria on October 6, 2015.

[40] Less than two months later, on November 29, 2015, and using a travel document that he previously claimed to have lost, Mr. Azubuike returned to Canada. He subsequently made a second PRRA application which, amongst other things, addressed his claim that he had been detained and tortured by Nigerian authorities when he was returned to Nigeria. The second PRRA application was denied on May 1, 2018. Leave to seek judicial review of this decision was denied by the Federal Court on August 30, 2018.

[41] On December 27, 2018, the accused presented an application seeking permanent residence under humanitarian and compassionate grounds. No decision has been rendered to this day. As a result, Mr. Azubuike has no status in Canada and has a removal order against him. He has been provided work permits. The latest permits him to work up to September 23, 2024 (exhibit SD-43).

[42] A former counsel for Mr. Azubuike in his immigration saga, Me Steward Istvanffy, testified. It was his opinion that, due to the objective gravity of the crime for which his former client was found guilty, any sentence involving a period of incarceration over 6 months would normally lead to deportation. He tempered his opinion in the case of Mr. Azubuike considering his request for humanitarian consideration due to his serious health issues.

[24] The present proceedings were instituted on March 16, 2022. Plaintiff purported to serve the proceedings on all Defendants at 6900 Place Marien, in Montreal. Defendant Copart Canada Inc.'s head office is situated at 160, Elgin Street, Suite 2600, in Ottawa Ontario. Copart Canada does not carry on business in Quebec. All other defendants are

domiciled in Ontario or Texas. This appears from the Application filed by Copart Canada to be relieved of default to answer the proceedings within the delays prescribed.

[25] Even if a subsidiary of Copart Canada inc., Copart Montreal inc., has a place of business at Place Marien, none of the Defendants were made aware of the existence of the proceedings until much later, as appears from a lengthy explanation in their “*Demande de bene esse en prolongation du délai pour produire une réponse à l’assignation et pour être relevé du défaut de produire une réponse*”, dated November 23, 2023.

[26] The Application to file an answer was granted by Justice Guylène Beaugé on February 17, 2025. In her conclusions, she “DECLARED that the service of Plaintiff’s Originating Application is irregular, null and void.”

[27] She relieved Plaintiff of the obligation to serve again the Originating Application on Defendants.

[28] The Originating Application discloses the following allegations made against Defendants, according to them¹²:

- Les Défendeurs auraient fait de fausses déclarations à la police qui auraient mené à la saisie de véhicules (les « **Véhicules** ») acquis par une société qu’il contrôle ainsi qu’à de fausses accusations;
- Les Défendeurs auraient, de concert avec l’Agence des services frontaliers du Canada, fabriqué de la preuve compromettante à l’encontre du Demandeur afin d’obtenir une ordonnance de type Mareva (la « Mareva ») ayant pour objet ces mêmes Véhicules qu’il aurait, selon lui, légitimement acquis, incluant en « clonant sa voix »;
- Les Défendeurs auraient collaboré avec la police « to conceal the truth » et auraient fait un « false report to deceive police against [him] »;
- Les Défendeurs « in deliberate action granted an interview to an international news organization mainly La Press Canada, where they lied, deformed and slander against [him] », de sorte que cette entrevue aurait été diffusée et partagée mondialement et que des articles portant atteinte à sa réputation auraient été publiés à travers le monde entier et en ligne, incluant par le journal La Presse, détruisant ainsi sa carrière politique et sa réputation à l’international;
- Les Défendeurs « extract[ed] [his] photos on Facebook with the prime minister of Canada Justin Trudeau, the former leader of Liberal Party, Hon.

¹² Plan of Argument, paragr. 3.

Stephane Dion, the former Minister of Immigration Ahmed Hussen alongside [his] photo with [handcuffs] »;

- Les Défendeurs « said and wrote deformation articles against [him] in magazines, books, newspapers, social media, Facebook, internet, websites, leaflets, on picket signs »;
- Les Défendeurs « have not demonstrated that they acted Due diligence [...] [and] that their business has done everything reasonably possible to comply with regulations »;
- Les Défendeurs « did not help to prove that they applied all reasonable precautions to avoid committing an offense »;
- Les Défendeurs « acted in lack of due diligence », auraient été négligents et auraient fait preuve de « recklessness » en ne prévenant pas la commission d'actes frauduleux à l'encontre de la Défenderesse Copart Canada inc. (« Copart »), incluant en ne mettant pas en place une procédure interne suffisamment robuste visant à prévenir de tels actes et en n'offrant pas une formation adéquate aux employés de cette dernière;
- Les Défendeurs autres que Copart, soit des individus qui sont ou ont été des administrateurs et/ou employés de Copart ou de sociétés liées à Copart, auraient violé leur « fiduciary duty », « duty of care » ou leurs obligations et devoirs à titre d'administrateurs et/ou de dirigeants.

[29] Defendants summarize these claims in their Plan of argument in the following manner¹³:

- Le fait d'avoir tenu des propos diffamatoires à l'encontre du Demandeur;
- Le fait d'avoir fait de fausses déclarations à la police;
- Le fait d'avoir fabriqué de la preuve pour obtenir la Mareva;
- Le fait d'avoir été négligents et ainsi permis que des actes frauduleux soient commis à l'encontre de Copart;
- Le fait, pour les Défendeurs autres que Copart, d'avoir violé leurs obligations et devoirs en participant personnellement aux actions énumérées ci-dessus, dont ceux qui leur incomberaient à titre d'administrateurs et/ou de dirigeants.

¹³ At paragr. 5.

[30] Defendants submit that these causes of action are prescribed (statute-barred) and abusive. Consequently, they ask for the dismissal of Plaintiff's action against them.

QUESTIONS AT ISSUE

[31] Is Plaintiff's claim prescribed?

[32] Is Plaintiff's claim abusive?

[33] Should Plaintiff be declared a quarrelsome litigant?

ANALYSIS

A. Introduction

[34] As will appear from the following reasons, the Court is convinced that the action is prescribed and should therefore be dismissed, but also that the proceedings are abusive and should also be struck for that reason, and that Mr. Azubuiké should be found to be quarrelsome, and subject to the Chief Justice's authorization to file any further proceedings.

[35] In *Golzarian c. Association des policières et policiers provinciaux du Québec*¹⁴, the Court of Appeal ruled that even though it is generally sufficient to rule only on the receivability of the action, pursuant to Article 168 C.C.P., there are instances when a judgment can be rendered on the abusive character of the action as well:

[20] De plus, il ne peut exister de compartimentation étanche entre les moyens d'irrecevabilité visés par l'art. 168 C.p.c. (qui entraînent le rejet total ou partiel d'une demande) et les moyens de rejet (total ou partiel) visés par les art. 51 et s. C.p.c., au vu de la définition que le second alinéa de l'art. 51 donne à l'abus. Bien sûr, ces dispositions ne poursuivent pas les mêmes finalités et n'opèrent pas de la même façon, mais elles ne sont pas incompatibles et, pour ces raisons, peuvent même être complémentaires. Certes, la plupart des demandes déclarées irrecevables en vertu de l'art. 168 C.p.c. ne sont pas abusives (et le paragraphe suivant reviendra sur ce point), mais quelques-unes le sont et peuvent être concurremment déclarées telles.

[36] In this particular instance, given the history of Mr. Abuzuiké's proceedings, it appears that a declaration of abuse is warranted, in order to protect the integrity of the justice system.

B. Prescription

[37] Pursuant to Article 2929 C.C.Q., "an action for defamation is prescribed by one year from the day on which the defamed person learned of the defamation."

¹⁴ 2021 QCCA 1370.

[38] Pursuant to Article 2925 C.C.Q., “an action to enforce a personal right or movable real right is prescribed by three years, if the prescriptive period is not otherwise determined.” The claim for false declarations made to the police fall within this category, as being an action to enforce a personal right.

[39] As to those causes of action based on the fact that the Defendants fabricated evidence to obtain the Mareva injunction, that they were negligent in allowing fraudulent acts to be committed against Copart, and that they breached their duties, including those incumbent on them as directors and officers where applicable, they are also prescribed after 3 years.

[40] Mr. Azubuike was arrested on June 20, 2020; the article in La Presse was published on June 25, 2020; and the Mareva proceedings were served on its defendants after the issuance of Justice Dulude’s order.

[41] Pursuant to Article 2880 C.C.Q., “the day on which the right of action arises determines the beginning of the period of extinctive prescription”.

[42] The latest starting point for prescription would have been June 25, 2020. Taking into account that delays were suspended from March 15, 2020, to September 1st, 2020, due to COVID¹⁵, the latest day for filing the lawsuit would have been September 1st, 2023, with service within 60 days, as per Article 2892 C.C.Q.:

2892. The filing of a judicial application before the expiry of the prescriptive period constitutes a civil interruption, provided the demand is served on the person to be prevented from prescribing not later than 60 days following the expiry of the prescriptive period.

[43] Justice Beaugé found on February 17, 2025, that the service on Defendants of the Originating Application was “irregular, null and void,” and relieved Plaintiff of his obligation to effect another service. Accordingly, it has to be considered that the proceedings were legally served on that date, more than three years after the right of action arose.

[44] Justice Beaugé’s judgment was not appealed and must now be considered *res judicata*¹⁶.

[45] Accordingly, Plaintiff’s action is prescribed and must be dismissed on that ground.

[46] As noted above, the Court believes it is necessary to opine on the question of abuse.

¹⁵ « Les délais de prescription extinctive et de déchéance en matière civile sont suspendus jusqu’à l’expiration de la période de la déclaration d’état d’urgence sanitaire prévue par le décret n° 177-2020 du 13 mars 2020. », *Arrêté numéro 2020-4251*, (2020) 152 G.O. II, 1105A. *Arrêté numéro 2020-4303*, (2020) 152 G.O. II, 3607B. *Compagnie d’assurance d’hypothèque Sagen Company Canada (Société hypothécaire Scotia) c. Méthé*, 2023 QCCS 4216, paragr. 26.

¹⁶ *Lalande c. Compagnie d’arrimage de Québec Itée*, 2022 QCCA 1231, paragr. 15.

C. Abusive Claim

[47] First, a word about the individual Defendants. Notwithstanding grand standing statements about the faulty conduct of Defendants generally, no specific wrongdoing of any of the individuals is identified and spelled out.

[48] Copart Canada is the party that instituted the proceedings against Quebec inc. It would be the proper party responsible for its tortious conduct towards Mr. Azubuiké. In order to trigger the responsibility of directors, shareholders and employees, specific allegations spelling their wrongful behavior must be articulated.

[49] The Court of Appeal affirmed this principle in *Lanoue c Brasserie Labatt Ltée*¹⁷, frequently quoted¹⁸, adopting Professor Paul Martel's views¹⁹:

La responsabilité personnelle d'un individu qui est actionnaire majoritaire et administrateur d'une compagnie peut être retenue dans les circonstances suivantes:

- Il s'est porté caution d'une obligation contractuelle de la compagnie;
- Il a lui-même commis une faute entraînant sa responsabilité extracontractuelle, par exemple en faisant de fausses représentations ou en remettant des documents falsifiés;
- Il a activement participé à une faute extracontractuelle de la compagnie (ce qui se présume s'il est administrateur unique);
- Il a utilisé la compagnie qu'il contrôle comme écran, comme paravent pour tenter de camoufler le fait qu'il a commis une fraude ou un abus de droit ou qu'il a contrevenu à une règle intéressant l'ordre public; en d'autres termes, l'acte apparemment légitime de la compagnie revêt, parce que c'est lui qui la contrôle et bénéficie de cet acte, un caractère frauduleux, abusif ou contraire à l'ordre public.

[50] As the Court of Appeal wrote in the case of *Shamir c. Procureur général du Canada (Ministère de la Défense)*²⁰:

[17] Il faut être prudent dans l'application de l'article 1457 C.c.Q. dans ce contexte. La société agit toujours par l'entremise de son dirigeant, et il ne faut pas que le dirigeant soit personnellement responsable de toute faute contractuelle de la société parce qu'il a posé le geste fautif pour cette dernière. La responsabilité personnelle du dirigeant doit demeurer l'exception plutôt que la règle et doit se limiter aux cas clairs.

¹⁷ 1999 CanLII 13784 (QC CA), J.E. 99-857 (C.A.).

¹⁸ *Bégin c. Maçons patrimoniaux inc.*, 2025 QCCA 611; *Pasargad Development Corporation c. 151951 Canada inc.*, 2023 QCCA 860; *Méhot c. Banque fédérale de développement*, 2006 QCCA 648; *10844241 Canada inc. c. École d'Ébénisterie d'Art de Montréal*, 2024 QCCS 385.

¹⁹ Paul MARTEL, «Le «voile corporatif» - l'attitude des tribunaux face à l'article 317 du Code civil du Québec», (1998) 58 R. du B. 95.

²⁰ 2022 QCCA 557.

[51] These requirements not having been met, the action is ill-founded on its face against the individual Defendants.

[52] A similar suit was summarily dismissed by Justice Michel Yergeau, in *Azubuiké v. La Presse et al.*²¹. Mr. Azubuiké had instituted proceedings against La Presse and a number of individuals as well as the Liberal Party of Canada, following the publication of the above-noted article on June 25, 2020. Justice Yergeau found that the Originating Application did not disclose any cause of action against the individuals that were named in the suit, nor against the Liberal Party.

[53] As to the remaining defendants in that lawsuit, Plaintiff was presumed to have discontinued the application for failure to inscribe against them within the delays prescribed by the *Code of Civil Procedure*. He was refused relief to inscribe outside the delays, a judgment confirmed by the Court of Appeal²².

[54] In view of the amounts claimed²³, and the lack of substantive allegations, the Court has no hesitation to find the action against the individual Defendants abusive, within the meaning of article 51 *C.C.P.*:

51. The courts may, at any time, on an application and even on their own initiative, declare that a judicial application or a pleading is abusive.

Regardless of intent, the abuse of procedure may consist in a judicial application or pleading that is clearly unfounded, frivolous or intended to delay or in conduct that is vexatious or quarrelsome. It may also consist in a use of procedure that is excessive or unreasonable or that causes prejudice to another person, or attempts to defeat the ends of justice, particularly if it operates to restrict another person's freedom of expression in public debate.

(Emphasis added)

[55] The action against the individual defendants is dismissed.

[56] With respect to the action against Copart Canada, it discloses no reasonable chance of success.

[57] The allegations made against Mr. Azubuiké in the Mareva proceedings and the proof thereof were never contradicted and led to the issuance of the Mareva injunction and the return of the vehicles to Copart Canada. This return was ordered by the Court of Quebec based on the same allegations as the Mareva. This judgment was unsuccessfully challenged before the Superior Court, the Court of Appeal, and the Supreme Court of Canada.

²¹ CSM No: 500-17-117181-217; judgment of March 21, 2022.

²² *Azubuiké c. La Presse inc.*, 2023 QCCA 1559.

²³ *A c. Directrice de la protection de la jeunesse du CIUSSS A*, 2022 QCCA 1198.

[58] Mr. Azubuike was found guilty of fraud related to the theft of the vehicles by a jury and sentenced by Justice Brunton. The judgment on sentence reviews the evidence against Mr. Azubuike in great detail and leaves no reasonable doubt as to his involvement as mastermind of the fraud:

[23] This evidence, combined with the use of forged stationary belonging to a former counsel of Mr. Azubuike (exhibit P-2b), permits the inference that he is the alter ego of a sham company, Quebec Inc., on the eve of the series of fraudulent bids.

[24] A second telephone number links the accused to Quebec Inc. The number provided by that company which is contained in COPART's file is 514-[...] (exhibit P-5). A representative of Fongo Mobile testified. Fongo is an IP-based application which can be installed on a telephone or tablet. The user receives a valid Canadian telephone number. To activate the number, the user must provide a valid email address.

[25] On July 1, 2019, Fongo provided telephone number 1-514-[...] to a user who provided email [...]@live.ca (exhibit P-18). This is the same email contained in Rogers' subscriber information for Mr. Azubuike (exhibit P-27). The user provided the name and address of Mike Michelle, [...], Lasalle, Quebec. Mr. Neamtu testified that no check or confirmation is made of the name and address given by the user.

[26] Post-purchase evidence concerning Quebec Inc. linked Mr. Azubuike and his company, Ekens Foundation International, to his fraudulent obtention of the COPART vehicles.

[27] Mr. Azubuike and his company became known to Lt.Det. Gagnon on January 22, 2020. On January 20, 2020, Mr. Poulin was advised that the bank drafts used to purchase vehicles listed in exhibit P-7 were counterfeit. On January 22, 2020, he was advised that certain of the vehicles had been delivered to St.Laurent. He proceeded to St.Laurent, identified at least 2 vehicles and informed the police. Lt.Det. Gagnon and her colleague, officer Johanne Grenier, proceeded to the St.Laurent location and seized 4 vehicles. The vehicles were found on p. 2 of P-7 and at lines 41, 42, 52 and 53 of exhibit P-24, the concordance annex prepared by Lt.Det. Gagnon. There was an admission that the shipper of these vehicles was Ekens Foundation International.

[58] Be that as it may, based upon his lack of a criminal record, his respect of bail conditions over many years, his health concerns and the fact that he is not a danger to society, the Court is of the view that a conditional period of imprisonment should be imposed.

[59] It does not agree that a six-month conditional period of imprisonment, or less, should be imposed. While it notes the potential impact on Mr. Azubuike's immigration status should a longer term of imprisonment be imposed, the Court believes that the seriousness of the criminal conduct merits a more severe sentence. It also notes that Mr. Azubuike's physical and mental health concerns did not prevent him from orchestrating a premeditated and prolonged fraudulent scheme which included the uttering of forged documents. Pursuant to s.725(1)(c) Cr.C. read with s.725(2)(b) Cr.C.,

the Court will include in the indictment a reference to the uttering of the Lipes letter and the counterfeit bank drafts.

[60] It is for that reason that the Court will impose a conditional sentence of imprisonment of 2 years less a day, accompanied by a 2-year probation order.

[59] Mr. Azubuike unsuccessfully sought to vary this sentence²⁴. He appealed his conviction but has failed to this day to complete the record to advance his appeal.

[60] The Court must act with caution in dismissing a lawsuit for abuse: *Lacour c. Construction D.M. Turcotte TRO inc.*²⁵. It must not, however, allow the use of judicial resources for an endeavour which is doomed from the start.

[61] The situation resembles that to which Justice Silvana Conte was confronted in *Talbot c. Autorité des marchés financiers*²⁶:

[39] Le demandeur tente de remettre en cause le jugement final du juge Charest en utilisant les mêmes arguments et en se fondant sur les mêmes faits. À l'audience, le procureur de monsieur Talbot confirme son intention d'utiliser la même preuve que celle administrée dans le cadre du dossier pénal.

[40] Le Tribunal considère que de permettre au demandeur de refaire ce même débat entraînerait un gaspillage inutile des ressources judiciaires qui déconsidérerait la saine administration de la justice.

[41] Le juge Charest a conclu après trente-trois (33) jours d'audition et vingt-quatre (24) témoins que cette preuve ne révèle pas d'abus de procédures de la part de l'AMF et que les droits constitutionnels de Talbot n'ont pas été violés. Il est inconcevable qu'un juge de la Cour supérieure puisse conclure différemment sur la simple lecture de la transcription des notes sténographiques.

[42] De plus, il ne s'agit pas d'une situation où la remise en cause pourra servir l'intégrité du système judiciaire puisqu'il n'a pas été démontré que la première instance est entachée de fraude ou de malhonnêteté ou que l'équité exige que le résultat initial n'ait pas force obligatoire dans le nouveau contexte.

[62] The difference with our case is that the guilty verdict is being appealed. However, the obvious lack of serious in the conduct of this appeal leads to the conclusion that it is at best tactical, in order to delay the inevitable deportation back to Nigeria. As Justice Stephen Hamilton wrote²⁷:

²⁴ *Azubuike v. R.*, 2025 QCCA 953; *Azubuike c. R.*, 2025 QCCS 4210; *9105-3975 Québec inc. c. Andritz Hydro Canada inc.*, 2018 QCCA 1968.

²⁵ 2019 QCCA 1023.

²⁶ 2018 QCCS 3234.

²⁷ *Azubuike v. R.*, 2025 QCCA 953.

[3] He has undertaken steps to appeal his conviction (appeal file 500-10-008225-243) and his sentence (in the present appeal file). On November 15, 2024, the motion to dismiss his appeal from conviction was granted in part and his appeal was limited to two grounds: an unreasonable verdict (paragraph 6 of the notice of appeal) and the trial court's jurisdiction (paragraph 16 of the notice of appeal). On the same date, the Court dismissed his motion to stay the sentence pending appeal and deferred his motion seeking leave to appeal from his sentence to the panel of the Court that will hear his appeal against his conviction. Those appeals do not appear to be moving forward.

(Emphasis added)

[63] The plumeur indicates that nothing has changed since.

[64] Leave to appeal Justice Conte's judgment was denied, both by the Court of Appeal²⁸ and the Supreme Court of Canada²⁹.

[65] The action against Copart Canada clearly has no reasonable chance of success and is accordingly abusive. Consequently, it is dismissed.

D. Should Plaintiff be declared a quarrelsome litigant?

[66] In *Brousseau c. Montréal (Ville de)*,³⁰ the Court of Appeal identified the criteria characterizing a litigant as "quarrelsome" (*plaideur quérulent*)³¹:

[82] Ces facteurs indicatifs se résument pour l'essentiel à ceci :

1° Le plaideur quérulent fait montre d'opiniâtreté et de narcissisme;

2° Il se manifeste généralement en demande plutôt qu'en défense;

3° Il multiplie les recours vexatoires, y compris contre les auxiliaires de la justice. Il n'est pas rare que ses procédures et ses plaintes soient dirigées contre les avocats, le personnel judiciaire ou même les juges, avec allégations de partialité et plaintes déontologiques;

4° Il réitère les mêmes questions par des recours successifs et ampliatifs : la recherche du même résultat malgré les échecs répétés de demandes antérieures est fréquente;

5° Les arguments de droit mis de l'avant se signalent à la fois par leur inventivité et leur incongruité. Ils ont une forme juridique certes, mais à la limite du rationnel;

²⁸ *Talbot c. Autorité des marchés financiers*, 2019 QCCA 290.

²⁹ *Karl Talbot c. Autorité des marchés financiers, et al.*, 2019 CanLII 64832 (CSC).

³⁰ 2012 QCCA 1547, at paragr. 82.

³¹ Yves-Marie Morissette, « Abus de droit, quérulence et parties non représentées », (2003) 49 *R.D. McGill* 23, p. 30-31. These criteria are reiterated by Justice Clément Gascon in *Pogan c. Barreau du Québec (FARPBQ)*, 2010 QCCS 1458 .

6° Les échecs répétés des recours exercés entraînent à plus ou moins longue échéance son incapacité à payer les dépens et les frais de justice afférents;

7° La plupart des décisions adverses, sinon toutes, sont portées en appel ou font l'objet de demandes de révision ou de rétractation;

8° Il se représente seul;

9° Ses procédures sont souvent truffées d'insultes, d'attaques et d'injures.

[83] Pour sa part, le Tribunal ajouterait à cette énumération deux autres traits assez courants en la matière :

a) La recherche de condamnations monétaires démesurées par rapport au préjudice réel allégué et l'ajout de conclusions atypiques n'ayant aucune commune mesure avec l'enjeu véritable du débat;

b) L'incapacité et le refus de respecter l'autorité des tribunaux dont le plaideur quérulent revendique pourtant l'utilisation et l'accessibilité.

[67] All these criteria do not have to be met³². Which ones are?

- Plaintiff is self-represented: In the present proceedings; in the suit against La Presse; in the criminal proceedings referred to above before the honorable Weitzman and Brunton; before the Federal Court³³, where he was declared a “vexatious litigant,” per subsection 40(1) of the *Federal Courts Act*, by Madam justice Go.
- The quarrelsome litigant shows stubbornness: The numerous appeals and institution of proceedings demonstrate Mr. Azubuike’s stubbornness.
- The quarrelsome litigant shows narcissism: in the present proceedings, Mr. Azubuike enumerates the diplomas he pretends to hold and the recognitions he pretends to have received, without ever mentioning the University or Institution where they were obtained. He describes his reputation as having been affected “worldwide”:

« **These false statements** and false allegations of yours lead to the said publication on civil wrongdoing to damage my reputation worldwide destroyed my political carrier worldwide;

[...]

³² *A.D. c. Curateur public du Québec*, 2025 QCCA 1660.

³³ *Canada (Attorney General) v. Azubuike*, 2024 FC 1233.

Wares you the respondents made a civil wrong to damage my reputation worldwide and wrong civil claim against me;

[...]

Wares you the respondents ruin and damages my life worldwide by telling lies and untrue statements about me, damage that I, would never recover;

[...]

Wares you the respondents made a false statement that is injurious and unprivileged against me worldwide »³⁴.

- The search for monetary condemnations is disproportionate compared to the actual alleged harm: He is seeking \$3 500 000 in the present case and was seeking \$2 000 000 against La Presse. Before the Federal Court, Justice Go noted that the Attorney General informed her that “Mr. Azubuike filed an action in damages for \$25,000,000 against his Majesty the King based on “wild allegations of corruption and plotting against him, including that the government of Canada would be ‘planning to kill [him];””
- He reiterates the same arguments before different courts.
- He appeals the judgments rendered up to the Supreme Court of Canada.
- His legal theories are far-fetched even if they have the appearance of rationality. As an example, in this case, he alleges that the Defendants were negligent and thus allowed the fraud of which Copart Canada was a victim to be committed. The Honourable Lori Renée Weitzman notes: “According to Mr. Azubuike, there is collusion between the SPVM and Copart which led the SPVM to favour Copart over his legitimate interest in the vehicles”.
- He shows disrespect for the judicial process, which he nonetheless abuses. Justice Go of the Federal Court recounts:

[22] The AGC submits that in his procedures and communications, Mr. Azubuike has attacked the integrity of the Court, the judges, the associate judges (formerly prothonotaries), and Registry clerks. He has also made, against CBSA and immigration authorities, gratuitous and unfounded allegations of corruption, lying, fabricating documents and plotting against him. The AGC further submits that Mr. Azubuike shows similar intemperate behaviour towards counsel for the AGC.

- She had previously noted:

[4] Mr. Azubuike’s interactions with this Court started in 2011, when the Minister of Public Safety first initiated the proceeding to vacate Mr. Azubuike’s protected

³⁴ See also *Azubuike c. Bureau de la sécurité privée*, 2023 QCTAQ 1295, par. 26 et 31-33.

status. As of the date of this hearing, Mr. Azubuike has filed 15 applications and one action at the Federal Court and two appeals at the Federal Court of Appeal. Mr. Azubuike has also attempted to represent people facing removal from Canada at the Court, despite lacking the qualification to do so, and despite several warnings from the Court.

[68] While Defendants enumerate other examples of Mr. Azubuike's vexatious conduct, the examples enumerated above are sufficient to warrant a finding of vexatious or quarrelsome conduct, within the meaning of Article 55 *C.P.C.*

[69] Considering the findings of the Federal Court regarding attacks on Court officers, it is appropriate, not only to prohibit the filing of new proceedings in Superior Court without leave of the Chief Justice, but it appears equally appropriate to subject any disciplinary complaints to the authorization of the syndic of the Quebec Bar.

CONCLUSIONS

FOR THESE REASONS, THE COURT:

[70] **GRANTS** Defendants' Application to dismiss the action, as being prescribed and abusive;

[71] **DISMISSES** Plaintiff's action against the Defendants;

[72] **DECLARES** that the present proceedings are abusive;

[73] **DECLARES** Plaintiff a quarrelsome litigant;

[74] **PROHIBITS** Ekens Azubuike from filing an Originating Application in Superior Court without prior authorization from the Chief Justice of the Court, or a judge designated by the Chief Justice;

[75] **PROHIBITS** Ekens Azubuike from filing any form of disciplinary complaint against any member of the Barreau du Québec, unless authorized to do so by the syndic of the Barreau du Québec, in accordance with the relevant provisions of the *Professional Code*, CQLR, chapter C-26;

[76] **DECLARES** that any officer of any registry of this Court shall refuse to file any proceedings or complaints of Mr. Azubuike unless such proceedings or complaints have been authorized in accordance with this judgment;

[77] **THE WHOLE** with costs against Plaintiff.

SYLVAIN LUSSIER, J.C.S.

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Hearing date : October 16, 2025