Court of King's Bench of Alberta

Citation: Mayhew v WCB, 2026 ABKB 254

Date: 20260401
Docket: 2301 09177
Registry: Calgary

Between:

Sherry Mayhew

Plaintiff/Respondent

- and -

Workers Compensation Board et al

Defendant/Applicant

Reasons for Judgment
of the
Honourable Justice N.E. Devlin

Overview

[1] In November 2018, Ms. Mayhew injured her wrist lifting a heavy dog, while working at a veterinary clinic. Care and compensation for her resulting recovery and financial losses fell under the auspices of Alberta's worker's compensation scheme, as governed by the *Workers' Compensation Act*, RSA 2000, c W-15 ("the *Act*"). Seven and a half years later, Ms. Mayhew claims to be totally disabled, and is embroiled in an attempt to sue the Workers Compensation Board ("the WCB") for $30,218,122.54.

[2] Her Amended Amended Statement of Claim ("the SOC") alleges negligence, abuse of public office, misfeasance in public office, battery, "unauthorized medical interference", defamation, intimidation and harassment, fraud, conversion, "unlawful withholding of benefits", conspiracy, "conspiracy to commit fraud on medical records", negligent misrepresentation, intentional infliction of mental suffering, intrusion upon seclusion, and "privacy violations".

[3] Despite being given 18-months to deliver a viable and proper pleading, her SOC still contains virtually no *facts* specifically describing the alleged wrongful acts.

[4] The WCB brought an application to strike the original Amended Statement of Claim under *Rule* 3.68 for failure to disclose a cause of action. The matter came before me in Civil Chambers on October 2, 2024, and I have informally case managed it since then, with Ms. Mayhew appearing six times before me on the matter, and three other times, in Chambers before other Justices, on related motions. The parties finally argued the application on its merits, on the basis of Ms. Mayhew's final attempt at a proper pleading, filed October 23, 2025.

[5] For the reasons that follow, the SOC is struck.

Key Facts

[6] Ms. Mayhew's injury was a WCB covered accident, meaning that she was entitled to compensation and treatment covered by WCB, and precluded from privately suing either her employer or the WCB in respect of it.

[7] In a manner that remains unclear, Ms. Mayhew's treatment and claim went off the rails. She honestly believes that the WCB has negligently and/or maliciously denied and withheld appropriate treatment, failed to pay her owed compensation, prevented her pursuit of internal administrative remedies, told medical professionals in both Alberta and British Columbia not to treat her, threatened those medical professionals, threatened her with collateral consequences like loss of her driver's license, altered treatment plans, made false and defamatory statements about her mental state to doctors, lawyers, the courts and the police, caused her to be denied police services, deleted key evidence, were in some way complicit with multiple break-ins to her home and vehicle, were similarly involved in repeated tampering with her email accounts and online passwords and with her internet services, installed malware on her devices, interfered with her residential tenancy, interfered with her solicitor-client relationships, falsely and fraudulently denied and withheld payments, conspired to falsify her medical imaging and records, withheld diagnoses, and generally "engaged in conduct so outrageous, flagrant, and calculated as to cause severe emotional and psychological distress".

[8] Ms. Mayhew says, and honestly believes, that she now suffers many physical disabilities that have, effectively rendered her unable to work. She presents as an intelligent and articulate person, but is absolutely convinced that the WCB has ruined her life, and interfered with her attempts to pursue recourse intentionally and maliciously.

[9] The court gave Ms. Mayhew many lengthy adjournments to allow her to seek assistance in preparing a viable Statement of Claim. A great deal of time was consumed by her repeated assertions that she had retained a lawyer who later withdrew after interference by the WCB. In reality, it appears that the lawyer concerned had never accepted the retainer and declined to act.

[10] Despite filing hundreds of pages of affidavits while the motion to strike has been pending, Ms. Mayhew did not plead the material facts necessary to make a viable claim.

The proper role and form of a Statement of Claim

[11] A Statement of Claim starts a lawsuit. Its essential purpose is to tell the defendant specifically what they are alleged to have done wrong, why this entitles the plaintiff to relief, and to permit the defendant to respond: ***Whiten v Pilot Insurance Co***, 2002 SCC 18 at para 87; ***Todd v Bayer Inc***, 2025 ABKB 314 at para 14; ***TSA Corporation et al v Reynolds Mirth Richards & Farmer LLP et al***, 2025 NWTSC 16 at para 21 [***TSA Corporation***].

[12] A Statement of Claim is supposed to do this by succinctly stating the material *facts* which make out a cause of action in law: ***Rubens v Sansome***, 2017 NLCA 32 at para 22; ***Mercantile Office Systems Private Limited v Worldwide Warranty Life Services Inc***, 2021 BCCA 362 at para 23.

[13] Commencement documents are not meant to make bare assertions that the defendant "did bad things" in an abstract and general way. It has to factually specify what actions, or omissions, the defendant committed that amount to a legal wrong. While the judge must, on a motion to strike, assume that the facts alleged in the claim are true, they must be facts, and not bare allegations: ***Gay v Alberta (Workers' Compensation Board)***, 2023 ABCA 351 at para 23 [***Gay***]. Bare allegations will *not* be presumed to be true: ***Kuprowsky v Fleming***, 2025 ABKB 231 at para 21.

[14] As our Court of Appeal stated in ***Tottrup v Lund***, 2000 ABCA 121 at para 11:

> …it is not the allegation of a duty at law that is critical, but the facts alleged supporting such a duty. For example, a statement of claim alleging only that "A" breached a duty owed to "B" thereby causing damage does not, in my view, disclose a cause of action. Pleadings are allegations of fact and, in my view, where negligence is alleged, that allegation must be supported by facts capable of sustaining a determination that a duty was owed, that an act or omission occurred breaching that duty, and that damages resulted. On a motion to strike it is the allegations of fact that must be examined to determine whether a cause of action exists. [emphasis added]

[15] The more serious the allegations, the more specific the facts outlining the wrongdoing have to be. Claims of intentional torts, such as fraud, conspiracy, defamation, and misfeasance in public office require a high level of detail to be proper: see *Rule* 13.7. One cannot simply put harsh words on paper and file it as a claim: ***GH v Alcock***, 2013 ABCA 24 at para 58; ***Merchant Law Group v Canada Revenue Agency***, 2010 FCA 184 at para 34.

Rule 3.86

[16] Division V of the *Rules of Court* provides methods to address deficient commencement documents. Under *r* 3.68, the Court may strike out all or part of a claim where warranted. It specifically provides that:

> **Court options to deal with significant deficiencies**
>
> 3.68(1) If the circumstances warrant and a condition under subrule (2) applies, the Court may order one or more of the following:
>
> (a) that all or any part of a claim or defence be struck out;
>
> ...
>
> (2) The conditions for the order are one or more of the following:
>
> (a) the Court has no jurisdiction;
>
> (b) a commencement document or pleading discloses no reasonable claim or defence to a claim;

(c) a commencement document or pleading is frivolous, irrelevant or improper;

(d) a commencement document or pleading constitutes an abuse of process;

(e) an irregularity in a commencement document or pleading is so prejudicial to the claim that it is sufficient to defeat the claim.

[emphasis added]

[17] Importantly, subrule (3) provides that evidence cannot be used to bolster, "patch up", or explain a claim that is deficient on its face as written. Therefore, while I have read and considered Ms. Mayhew's affidavits to determine whether it is fair that she answer this motion, and to consider giving her further time to obtain the assistance of counsel or to address the alleged deficiencies of her claim, I cannot consider them as a salve for the problems asserted against the SOC itself.

[18] That said, even if that were permissible, the affidavits would not help much. They do not clearly delineate the alleged wrongful actions of the defendants but mostly provide non-descript documents said to inferentially advance the claims of obstruction and conspiracy in a manner that is less than self-evident.

The deficiencies alleged in this case

[19] The WCB argues that the SOC should be struck on a number of grounds. First and foremost, they characterize the SOC as a collection of bare allegations unsupported by any underlying facts. They further argue that the SOC advances claims which are statute barred by the *Act*, causes of action which do not exist, claims for events which, on their face, have little or nothing to do with the WCB, and generally lacks any facts that could make out the few causes of action which Ms. Mayhew could pursue.

Analysis

[20] On a motion to strike, the pleadings are read generously to allow for the development and assertion of novel claims: ***R v Imperial Tobacco Canada Ltd***, 2011 SCC 42 at para 21. It must be plain and obvious that it does not disclose a valid claim before it will be struck: ***Alberta v Elder Advocates of Alberta Society***, 2011 SCC 24 at para 20. With these principles in mind, I turn to the alleged defects.

[21] This case bears a strong resemblance to ***Gay***. There, an injured and aggrieved worker brought a claim featuring similar causes of action to those found in this case. The Court of Appeal upheld striking out the claim for the same reasons advanced by the WCB here. On the first appearance on this motion in 2024, ***Gay*** was brought to Ms. Mayhew's attention as a guide to the problems with her claim and the likely solutions. Unfortunately, the SOC continues to resemble that in ***Gay***, being a maelstrom of bald allegations that the WCB acted negligently and malevolently to harm her.

No jurisdiction over WCB decisions and administration

[22] The first problem with the SOC is that it seeks to sue the WCB in negligence, and other causes of action, for the decisions it made on Ms. Mayhew's claim, its administration of that claim, and the amounts it paid out. With the exception of malfeasance in public office, none of these causes of action are permitted as a matter of law, because the *Act* provides a complete, closed system of administration, adjudication, and appeal, subject to narrow rights of review by the Court. I adopt the comprehensive outline of the limits to private law claims in this context that is found in ***Gay*** at paras 5-9:

> The *Workers' Compensation Act* establishes a mandatory, no-fault regime of compensation for workplace injuries. The entire system is under the supervision of the Board, and is governed by the statute, the regulations, and the Board's internal policies and procedures. The statute provides:
>
> > 17(1) Subject to section 13.1, the Board has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this Act or the regulations and the action or decision of the Board on such matters and questions is final and conclusive, and is not open to question or review in any court.
> >
> > (2) No proceedings by or before the Board shall be restrained by injunction, prohibition or other process or proceedings in any court or are removable by certiorari or otherwise into any court, nor shall any action be maintained or brought against the Board, any employee or officer of the Board or any member of the board of directors in respect of any act or decision done or made in the honest belief that it was within the jurisdiction of the Board.
>
> Under s. 6(a) the Board of Directors is to determine the Board's compensation policy, and approve its programs and operating policies.
>
> Section 21(1) of the *Act* confirms that there is no right to claim statutory compensation for workplace injuries from the courts:
>
> > 21(1) No action lies for the recovery of compensation under this Act and all claims for compensation shall be determined by the Board.
>
> In the first instance, the entitlement to compensation for a workplace injury, and the quantum of compensation, are decided by one of the Board's adjudicators. Section 9.4 provides for a system of internal review of those decisions by the Dispute Resolution and Decision Review Body.
>
> Section 13.2(1) provides for a further appeal from the Dispute Resolution and Decision Review Body to the Appeals Commission. Under s. 13.1(1) "the Appeals Commission has exclusive jurisdiction to examine, inquire into, hear and determine all matters and questions arising under this Act and the regulations in respect of (a) appeals from decisions of a review body under section 9.4 . . .".
>
> A further level of appeal to the Court of King's Bench on a question of law or jurisdiction is provided for in s. 13.4(1). Apart from that right to appeal:

> 13.1(9) No proceedings by or before the Appeals Commission shall be restrained by injunction, prohibition or other process or proceedings in any court or are removable by certiorari or otherwise into any court, nor shall any action be maintained or brought against the Appeals Commission or any member of the Appeals Commission in respect of any act done or decision made in the honest belief that it was within the jurisdiction of the Appeals Commission.

Under s. 13.4(14) a further appeal lies to the Court of Appeal, and an unsuccessful litigant could thereafter apply for leave to appeal to the Supreme Court of Canada.

In summary, the *Workers' Compensation Act* provides a comprehensive regime for determination of entitlement to compensation for workplace injuries:

(a) The Board has exclusive jurisdiction to set compensation policies, and the procedures to be used to make a claim.

(b) There is no ability to make a direct claim for compensation for workplace injuries to the courts. Subject to the rights of appeal in the statute, the Board's adjudicators determine entitlement to and quantum of compensation.

(c) The appeal rights to the Dispute Resolution and Decision Review Body, the Appeals Commission, the Court of King's Bench, and the Court of Appeal are the exclusive procedures for challenging any compensation decision made.

(d) To the extent that any other cause of action could be maintained against the Board or the Appeals Commission "in respect of any act done or decision made" it would be barred if the act or decision was done or made in the honest belief that it was within their jurisdiction.

The viability of the appellant's statement of claim must be assessed against this statutory background.

[23] Any paragraphs which plead that the WCB did not handle Ms. Mayhew's claim properly, or otherwise do their job, simply do not survive the bar on suing the WCB for dissatisfactory claims outcomes, contained in the *Act*. This unquestionably dooms paragraphs 5-14, 15-18, 23, 41-49, 50-53, 66-67, 69-70, 72-73, 75-80, and 84: ***Gay*** at paras 28-34.

[24] Much of the SOC, in substance, is a complaint that Ms. Mayhew's WCB compensation was mishandled throughout. That is not actionable in tort, irrespective of whether it relates to medical or monetary decisions and outcomes.

Bare allegations without facts

[25] Virtually the entire SOC is devoid of facts that could establish claims. For instance, in Part II, concerning "medical interference", the SOC alleges that "…WCB agents, without medical qualifications or authority, altered or interfered with treatment plans" made by her licensed physicians. No facts, such as dates, times, doctors, treatments, the means of interference, etc. are mentioned.

[26] Similarly, in Part III, concerning alleged defamation, the SOC contains bare statements such as those contained in para 19:

> 19) The plaintiff states that the Defendants, through their agents, made false and defamatory statements to law enforcement, physicians, legal counsel, and the courts, portraying her as schizophrenic and drug addicted.

[27] No publication or communication is ever specifically identified. While paragraph 39 comes close to identifying a specific instance involving a lawyer, it lacks the specificity required of such an allegation.

[28] Part IV, alleging intimidation and harassment, to the extent those are torts recoignized under Alberta known in law, is similarly comprised of bald assertions that could not found a fair or functional claim, such as:

> 27) The Plaintiff's email accounts Associated with WCB and court correspondence were interfered with, resulting in the deletion and in accessibility of key legal evidence.
>
> …
>
> 33) Internal WCB notes indicate knowledge of the Plaintiff's minor child's medical needs and intentional withholding of funds to impact the child's treatment plan, constituting child endangerment.
>
> …
>
> 36) The Plaintiff's healthcare, appeals, and basic rights to security were systematically impeded through a pattern of threats, surveillance, and interference connected to her WCB claim.

[29] Part V, alleging interference with Ms. Mayhew's medical and legal professionals reads much the same. For instance:

> 37) The plaintiff states that WCB agents intimidated her treating surgeon in British Columbia by threatening professional repercussions, including right license revocation, if surgery was performed without WCB consent.

[30] The above passage lacks a time, a place, a named surgeon, the alleged maker of the threat, the nature of the threat (which doesn't make sense on the face of the pleading), the surgeon's response to Ms. Mayhew, or any other detail necessary to allow for an informed defence, much less the conduct of litigation on the point.

[31] Parts VI and VII, alleging fraud and financial misconduct, also suffer this defect. For instance, it begins by stating that:

> 42) WCB created an injured false over payment entries in the Plaintiff's file without end dates, unlawfully deducting funds from her benefit payments.
>
> 43) These entries were designed to cause financial hardship and were made without proper notice or supporting documentation.

[32] Although this section of the SOC later identifies certain specific transactions Ms. Mayhew is complaining about, those are specifically caught by the bar against suits for financial

compensation against the WCB. Disputes about lost or misdirected benefit payments must be dealt with through the internal WCB administrative appeals process.

[33] In Part VIII, the SOC alleges “conspiracy to commit fraud on medical records”. There is no such cause of action. The majority of the allegations in this section are, in pith and substance, allegations of negligent management of Ms. Mayhew’s medical treatment, and the file recording it. These are all statute-barred. For example:

> 59) On or about July 12, 2021, WCB obtained MRI results diagnosing the Plaintiff with Multiple Sclerosis (MS), but failed to disclose this diagnosis to the Plaintiff or her treating physicians, permitting disease progression and associated harm.

[34] Paragraph 60 is a clear assertion of negligence, and outside the court’s jurisdiction.

> 60) The Plaintiff later discovered internal WCB notes showing that multiple MRI scans had been conducted and reviewed without her knowledge or consent, with contradictory imaging results recorded under her file.

[35] Paragraph 60 makes no sense (query how one can have an MRI without knowing about it), does not go to any element of any viable claim, and lacks anything approaching the factual specificity necessary to be a meaningful claim, since no further facts follow the broad general assertion. It also does not support any known cause of action.

[36] Paragraphs 61 and 62 make a serious allegation of impropriety against AHS, a non-party. This does not advance the claims against the WCB and is a frivolous and scandalous pleading. This claim also does not support a tort claim and alleges wrongdoing by a third party.

> 61) On or about April 2024, during an emergency visit to Canmore Hospital, AHS records noted CT imaging that the Plaintiff did not receive, suggesting falsified entries designed to misrepresent her condition and undermine her WCB claim.
>
> 62) The Plaintiff's subsequent request to AHS and NetCare in July 2025 for her complete medical file and audit logs were ignored, in breach of FOIP, further obstructing her legal recourse.

[37] Part XI alleges intentional infliction of mental suffering. These claims are also broad, vague, bald assertions of wrongdoing. For instance:

> 81) The Plaintiff states that the Defendants engaged in conduct so outrageous, flagrant, and calculated as to cause her severe emotional and psychological distress.
>
> 82) WCB agents mocked and taunted he Plaintiff about her financial hardship and denied approved benefits while knowing of her worsening health and pain conditions.
>
> 83) The Plaintiff endured years of threats, defamation, and denial of care, including suppression of her legal counsel, loss of housing, and the targeting of her child's medical access.

[38] There is a complete lack of specific conduct pled. Like ***Gay***, the SOC is effectively a *crie du cœur* that everything is wrong with what happened with the WCB, and it is their fault.

[39] Only paragraphs 26, 28, 39, 31, 45-48, 59, 61, and 76 contain anything approximating specific factual statements that could (together with other facts not pleaded) be capable of support a cause of action. However, those paragraphs are fatally flawed, even on the generous reading required on a motion to strike. Paragraph 26 makes the following allegations.

> 26) WCB agents threatened to withhold benefits and made statements amounting to criminal harassment. On or about July 17, 2023, a caseworker told the Plaintiff she cannot hide anywhere in the world and that WCB will find her.

[40] Standing alone, the above statement could conceivably form part of a claim for misfeasance in public office or harassment, but no other contextual facts are offered. Like the rest of the claim, it hangs like a cloud on non-specific wrongdoing, with an innuendo of malice.

[41] Paragraphs 28, 29 and 31 describe break-ins and vandalism. They provide as follows:

> 28) Between December 2020 and No ember 2023, the Plaintiff's residence and vehicle were repeatedly broken into, with theft of WCB documents, court materials, and medical devices. These events coincided with ongoing WCB communications and court hearings.
>
> 29) On or about September 4, 2025, during a scheduled court hearing, the Plaintiff lost access to her Wi-Fi enabled security cameras while opposition counsel failed to appear. A break-in occurred at her residence during this outage.
>
> ...
>
> 31) On or about July 18, 2025, the Plaintiff's vehicle was vandalized, causing destruction of its electrical system. Calgary Police declined to attend the scene.

[42] While close to being factual, these paragraphs do not allege anything directly against the WCB, but operate by innuendo, and are thus scandalous, as discussed below.

[43] Paragraphs 45 to 48 are the most specific facts pled in the entire SOC, but they all relate to claims payment issues, which are within the exclusive jurisdiction of the WCB: ***Gay*** at para 9.

> 45) On or about March 31, 2023, WC deposited $2,615.98 into the Plaintiff's bank account under reference EX14 and later recorded it as an overpayment for medical devices that had never been provided.
>
> 46) The Plaintiff's file notes dated March 2025 show Permanent Clinical Impairment (PCI) payments under file numbers 700 959 (2020) and 704 3495 (2022) as payable but never disbursed.
>
> 47) A cheque noted as #5803459, dated April 24, 2025, for $41,046, was recorded in WCB's file as "picked up," but the Plaintiff as never provided this payment, and requests for production of supporting documentation were ignored.
>
> 48) In or about January 2025, WCB withheld the Plaintiff's monthly Employment Loss Payment without notice or cause, while also accessing her banking information without court order.

[44] Paragraph 59 is a proper statement of facts describing actions establishing medical negligence. Again, that claim is statute barred. It is also pled as a general example of a “conspiracy to commit fraud on medical records” – a non-existing cause of action – rather than

as part of a coherent narrative of a known, and actionable, form of wrongdoing. The paragraph provides as follows:

> 59) On or about July 12, 2021, WCB obtained MRI results diagnosing the Plaintiff with Multiple Sclerosis (MS), but failed to disclose this diagnosis to the Plaintiff or her treating physicians, permitting disease progression and associated harm.

[45] Though modestly factual, paragraph 76 contains unsubstantiated/undescribed characterizations, and a baldly asserted conclusion. It also appears to imply medical negligence, which is not actionable in this case.

> 76) On or about July 15, 2022, WCB provided IME reports to non-practising or unauthorized medical personnel in Alberta, while the Plaintiff resided in British Columbia, resulting in compromised continuity of care.

[46] While an order to provide particulars is a potential remedy to be considered in cases such as this, Ms. Mayhew was given twenty-four months to do just that: ***PricewaterhouseCoopers Inc v Perpetual Energy Inc***, 2021 ABCA 16 at para 80. In summary, I would strike the entire SOC for failing to *factually* establish any known cause of action.

Problems specific to the malfeasance in public office allegations

[47] The essence of Ms. Mayhew's claim, outside negligence and simple non-payment of obligations, is that the WCB and its agents are guilty of misfeasance in public office. If properly pleaded, this claim represents an exemption to the statutory bar on suits against the WCB: ***Gay*** at para 40, ***Wolfert v Shuchuk***, 2003 ABCA 109 at para 3

[48] The tort of misfeasance in public office is centred on deliberate unlawful acts, knowingly perpetrated by a public official outside of their legitimate powers, done either with the purpose of harming the claimant, or with the knowledge that they would: ***Odhavji Estate v Woodhouse***, 2003 SCC 69 at paras 22-25. Using the word "misfeasance" is not enough for a claim of this nature to survive an application to strike. As the Court of Appeal stated in ***Gay*** at para 42:

> …the lengthy assertions provided do not overcome the problem that merely pleading a known cause of action will not save a pleading. The "particulars" that follow are themselves devoid of any specifics about what the Board and its employees are alleged to have done that would engage the requirements of the claim. Bald allegations of misfeasance are not sufficient.

[49] Much of the SOC reads similarly to the pleadings found wanting in ***Gay***, such as paragraphs 64-68:

> 64) The Plaintiff states that the Defendants, acting in their capacity as a public body under statute, abused their official powers for improper purposes and in bad faith.
>
> 65) WCB agents maliciously exercise their statutory discretion to suppress the Plaintiff's appeal rights, fabricate evidence, and obstruct legitimate investigations by police and other agencies.
>
> 66) Between 2021 and 2024, WCB case workers denied injuries that had been previously accepted in appeal decisions and failed to produce corresponding medical reports.

67) Internal WCB communications and performance records indicate that certain caseworkers received bonuses or promotions correlated to denial of care, suppression of entitlements, and claim cost reductions.

68) The WCB 's systemic misuse of authority caused the Plaintiff severe economic loss, deterioration in health, and loss of trust in public administration

[50] As fervently as Ms. Mayhew believes the above statements to be true, they do not provide any factual basis on which the Defendant could understand, answer, or defend the case. These pleadings are markedly similar to those in ***Gay***, and while marginally more specific, are no more functionally fit to purpose. They remain far too generic and conclusory to proceed.

[51] I am mindful that, when alleging a malicious conspiracy by a government bureaucracy against them, a member of the public will not often be able to plead chapter and verse of that wrongdoing, because many of the necessary supporting facts would be within the government's knowledge and control: ***Castrillo v Workplace Safety and Insurance Board***, 2017 ONCA 121 at para 41.

[52] That said, more is required than found here. For instance, Ms. Mayhew attempted to explain that the reason she did not pursue all of the obvious administrative appeals and complaints through the WCB's internal processes was that she had been maliciously, and unlawfully, blocked from doing so. This overarching claim similarly occurs in the SOC. What is missing, however, are the essential facts detailing when she attempted to file a specific appeal, over what, the response she received, the further steps she took to determine she was truly stymied, *all* of the WCB's specific actions in relation to her attempted appeal(s), and the facts capable of supporting the contention that the problems she was having were the result of intentionally malicious and knowingly wrongful acts.

[53] As Stratas JA stated in ***St. John's Port Authority v Adventure Tours Inc***, 2011 FCA 198 at para 63:

> …it is all too easy for a plaintiff who is aggrieved by governmental conduct to assert, perhaps without any evidence at all, that "the government" acted, "knowing" it did not have the authority to do so, "intending" to harm the plaintiff. Such a bald and idle assertion is insufficient to trigger the defendant's obligation to file a defence, let alone its later obligation to disclose its documents and produce a witness for examination in discoveries. The price of admission to documentary and oral discoveries is the service and filing of an adequately particularized pleading that asserts all of the essential elements of a viable cause of action.

[54] The claim of misfeasance is too vague, too conclusory, too lacking in specific, and too resemblant of a generalized conspiracy theory to proceed as a viable claim. It is improper, unanswerable, non-litigable, and must be struck.

Scandalous pleadings

[55] The SOC contains statements that Ms. Mayhew has suffered burglaries, car vandalism, computer hacking, and other criminal events, linked temporally or otherwise to her WCB dispute. A sample of these are contained in paras 27-31:

27) The Plaintiff’s email accounts associated with WCB and Court correspondence were interfered with, resulting in the deletion or inaccessibility of key legal evidence.

28) Between December 2020 and No ember 2023, the Plaintiff's residence and vehicle were repeatedly broken into, with theft of WCB documents, court materials, and medical devices. These events coincided with ongoing WCB communications and court hearings.

29) On or about September 4, 2025, d · ng a scheduled court hearing, the Plaintiff lost access to her Wi-Fi enabled security cameras while opposition counsel failed to appear. A break-in occurred at her residence during this outage.

30) Law enforcement refused to investigate these incidents, citing false mental health claims originating from WCB communications.

31) On or about July 18, 2025, the Plaintiff's vehicle was vandalized, causing destruction of its electrical system. Calgary Police declined to attend the scene.

[56] None of these claims expressly state that the WCB or its agents committed these alleged crimes, but levy the innuendo that they did. A pleading is scandalous where it alleges criminal, immoral, or disreputable conduct, without pleading material facts capable of supporting the allegation, and serves to impute misconduct rather than advance a legally cognizable claim: see ***Owners: Condominium Plan No 87r53163 v Zeng Et Al***, 2024 SKKB 146 at para 42; ***Chisum Log Homes & Lumber Ltd v Investment Saskatchewan Inc***, 2007 SKQB 368 at para 133; ***Overtveld v Overtveld***, 2021 ONCA 930 at paras 12, 15; ***CJD v RIJ***, 2003 ABQB 702 at para 6; ***British Columbia (Director of Civil Forfeiture) v Lam***, 2023 BCSC 159 at para 28; ***Strauts v Harrigan***, 1992 CanLII 595 (BC SC) at 9-10; ***Onischuk v Alberta***, 2013 ABQB 89 at para 28.

[57] The sampled paragraphs of the SOC do exactly that. They *imply* that the WCB must be involved in some sort of large-scale criminal conspiracy to thwart Ms. Mayhew’s efforts at gaining just compensation. They assert/support no clear cause of action, lack material facts, but allege criminality by insinuation. These claims are improper and should be struck.

Claim of interference with legal representation

[58] The hearing of the WCB’s application to strike was delayed as long as it was largely to give Ms. Mayhew an opportunity to obtain legal assistance to fix her Statement of Claim. In the course of the multiple adjournments comprising this time period, Ms. Mayhew raised serious allegations that the WCB had interfered in her solicitor-client relationships. She filed motions and affidavits in this regard. The court takes such claims very seriously and accommodated her efforts to retain counsel.

[59] The record, which includes a Certificate from the WCB pursuant to s 149 of the *Act*, clearly establish that former WCB Counsel, Ms. Stornton, acted properly, communicated with Ms. Mayhew’s putative counsel (Mr. Johal) in a professional and appropriate manner, and granted him indulgences of time to determine if he would come on record, or otherwise assist Ms. Mayhew.

[60] The record equally reflects, in part through materials filed by Ms. Mayhew, that Mr. Johal made it clear to her that he was unable to represent her. Nothing in the materials support

the allegation that this was due to improper conduct by WCB counsel. As this Court made clear in ***Big Bear Hills Inc*** v ***Bennett Jones Alberta Limited Liability Partnership***, 2010 ABQB 764 at para 74, such claims, even at the motion to strike stage, should be closely scrutinized: see also ***Wilson v Canada (Revenue)***, 2006 FC 1535 at para 31.

[61] The litigation that Ms. Mayhew has engaged in collaterally to the motion to strike has established that her claims about interference with legal representation are doomed to fail, scandalous and vexatious, and should be struck.

Conclusion

[62] The WCB's application to strike was filed in relation to Ms. Mayhew's Amended Statement of Claim in July 2024. The Court granted repeated adjournments over six appearances spanning 18 months, to allow her to address the pleading's fundamental deficiencies. The resulting SOC is little better than its predecessors. It simply amplified and added to the existing vague, conclusory, assertions, coupled to statute-barred claims of negligence and non-payment.

[63] A Statement of Claim must be fair and functional: ***TSA Corporation*** at paras 21-27. The SOC in this case is neither. My lengthy experience with this matter suggests that any further opportunity to amend are unlikely to remedy the deficiencies. In the simplest terms, this SOC does not commence a piece of litigation that could be prosecuted even through next steps, much less to trial.

[64] The following passage of the Federal Court of Appeal in ***Vojic v Minister of National Revenue***, 1987 CanLII 9545 (FCA) aptly describe the problem in this case:

> The appellant seems unable to grasp that the bare assertion of his conclusions as to the nature of those actions are not the material facts which he must plead if the respondent is to be required to answer his complaints in a lawsuit. It follows that the statement of claim does not disclose a reasonable cause of action and that it was properly struck out.

[65] The same result must follow here. The SOC is struck in its entirety, without further leave to amend.

[66] Under the sad circumstances of this case, the parties will bear their own costs. I would caution Ms. Mayhew that such an indulgence should not be expected in the future if further unviable litigation is pursued.

Heard on the 5th day of December, 2024, 19th day of September, 2025, 6th Day of November, 2026, 26th day of January, 2026 and the 24th day of March 2026

Dated at the City of Calgary, Alberta This 1st day of April, 2026

N.E. Devlin
J.C.K.B.A.

Appearances:

Megan Schaub

Counsel for the Applicant WCB

Sherry Mayhew

Self-Represented litigant, assisted by Mackenzie Friends