SUPREME COURT OF NOVA SCOTIA

Citation: *DLF Law Practice Incorporated v. McDonald*, 2025 NSSC 71

Date: 20250220
Docket: *Pic.* No. 525281
Registry: Pictou

Between:

DLF Law Practice Incorporated, a body corporate, and Donn Fraser

Plaintiffs

v.

Mary Jane McDonald, Eric Atkinson, SPI et Pomquet Inc., a body corporate, Jennifer Hamilton Upham, Kate Harris, Joel Sellers, Julie MacPhee, Mary Jane Saunders, Dennis James, Gerald Green and 3241964 Nova Scotia Limited (previously known as CARM Legal Services Inc.), a body corporate, and the legal partnership known as the firm Patterson Law

Defendants

and

Docket: *Pic* No. 521514
Registry: Pictou

Between:

Donn Fraser and DLF Law Practice Incorporated, a body corporate

Plaintiffs

v.

Julie MacPhee

Defendant

DECISION ON MOTION TO STRIKE PLEADING

Judge:	The Honourable Justice Scott C. Norton
Heard:	February 14, 2025
Decision:	February 20, 2025
Counsel:	Donn Fraser, self-represented DLF Law Practice Incorporated, on its own behalf by its Officer Donn Fraser Michael Scott, representative of the Defendant Patterson Law Dennis James, KC, on his own behalf Mary Jane MacDonald, on her own behalf Gavin Giles, KC, for the remaining Defendants

By the Court:

Overview

[1] The defendants, Atkinson, SPI et Pomquet Inc., Upham, Harris, Sellers, MacPhee, Saunders, Green, and 3241964 Nova Scotia Limited (the "Moving Defendants") move for an Order striking certain of the plaintiffs' pleadings. The defendants, James, and Patterson Law, supported the motion but did not participate in the motion. The defendant, MacDonald, did not participate in the motion.

[2] I am the case management judge for these proceedings.

[3] I heard the oral submissions of the parties virtually, with the agreement of the parties.

[4] The Plaintiffs filed Action Pic No. 525281 following dissolution of a law firm (colloquially referred to as Mac, Mac & Mac ("MMM")) in which the plaintiff, Donn Fraser, was a partner (through his professional corporation DLF Law Practice Incorporated ("DLF")). Several of the defendants, who were partners with DLF in MMM, subsequently joined the firm called Patterson Law. In summary, the plaintiffs say that the dissolution was unlawfully orchestrated by the former MMM partners causing substantial loss and damages to the plaintiffs. The plaintiffs claim against Patterson Law and certain of its partners for the tort of conspiracy, and accessory liability for assisting in fiduciary breach by the former MMM partners who subsequently became partners in Patterson Law.

[5] 525281 was filed on July 12, 2023. In para. 22 of the Statement of Claim, the plaintiffs state:

> The Plaintiffs anticipate seeking to have actions in PtH. No. 510894 and Pic No. 524099 consolidated with this proceeding and regardless, incorporates herein by reference and advances herein all facts, statements, allegations and claims set out at Schedule "A" [the Third Further Amended Statement of Claim in 510894] and Schedule "B" [the Statement of Claim in 524099] hereto as facts, statements, allegations and claims advanced in this action (with a date correction noted at paragraph 38C of Schedule "A".

[6] Action PtH No. 510894 alleges against the defendants Atkinson, SPI, Sellers, MacPhee, Green, and 3241964, that they breached duties owed to the plaintiffs in connection with the management and operation of MMM; that they conspired and

acted in bad faith with respect to the dissolution of MMM; and made defamatory remarks about the plaintiffs.

[7] Action Pic No. 524099 alleges against the defendants, Atkinson, Sellers, MacPhee, Saunders, and McDonald, acts of deceit, dishonesty and breach of duties related to malicious criminal and regulatory proceedings brought against Fraser; the tort of abuse of process; conspiracy; and defamation.

[8] By Order dated July 10, 2024, the proceedings in 525281, 510894 and 524099 were consolidated and continued under 525281 with the Notice of Action and Statement of Claim in 525281 (with Schedules "A" and "B") to be treated as the governing initiating document, incorporating all such plaintiff pleadings from all such now consolidated proceedings.

[9] The Order required a defence to be filed in the consolidated proceeding within fifteen days. An Amended and Consolidated Notice of Defence was filed by the Moving Defendants on September 24, 2024.

[10] Action Pic No. 521514 is a claim in defamation by the plaintiffs against Julie MacPhee. The claim relates to certain internal MMM communications that Ms. MacPhee authored about Mr. Fraser. The Further Amended Statement of Claim was filed on August 24, 2023. An Amended Notice of Defence was filed on September 25, 2023.

[11] As has been chronicled in a number of decisions by the courts in relation to these proceedings, the parties have been engaged in confrontational and acrimonious litigation. This motion was no different.

Legal Principles

[12] The *Civil Procedure Rules* regulate pleadings and their content. A statement of claim must provide notice to the defendant of all claims to be raised by the plaintiff: *Rules* 4.02(4) and 38.02(1). A statement of claim must be concise and do no more than all the defendant to know the case they must meet and not be surprised when the plaintiff seeks to prove a material fact: *Rule* 38.02(2). Material facts must be pleaded, but the evidence to prove a material fact must not be pleaded: *Rule* 38.02(3).

[13] An exception to the conciseness required in pleading arises where the allegation is of a form of behaviour that was calculated to "hurt" a plaintiff, a claim

alleging unconscionable conduct, such as fraud, fraudulent misrepresentation, misappropriation, or malice. In such a pleading, the party making the allegation must provide full particulars of a claim: *Rule* 38.03(3).

[14] Justice Brothers provided a helpful summary of the principles of pleading in *H&N Enterprises Inc. v. Novacation Inc*., 2021 NSSC 191, at paras. 19, 24 and 46:

> [19] Distilled from the case law, the following principles are of assistance:
>
> 1. A pleading must sufficiently inform the defendant of the case she has to meet.
> 2. A pleading must contain a reasonable cause of action – that is setting forth the material facts for the constituent elements of the claim.
> 3. Pleadings must be concise but provide enough information for the opposing party to understand the claim that must be met.
> 4. Material facts are to be pleaded but not evidence in proof of those facts– the distinction between the two has been noted as difficult to ascertain at times: "it is often difficult to separate material facts from evidence" *Fairbanks v. Nova Scotia (Attorney General),* 2000 NSSC 103.
> 5. The Court must consider whether the opposing party is prejudiced by the pleading as it stands.
> 6. Pleadings should not contain opinion, argument, or irrelevant facts.
> 7. The drafter of a pleading will be given some latitude.
>
> [24] Indeed, the above noted case law condemns a pleading that is rambling, redundant and prolix. This pleading is, in sections, so. However, the case law in Nova Scotia does not suggest that a lack of conciseness should in all cases result in the party starting from scratch and restating its entire pleading. When one reviews the above noted principles, this pleading is rambling at times and argumentative at times. But does it do what a pleading should? Does it state the material facts, and does it put the defendants on notice of the claims it must respond to? Simply put, I conclude that it does.
>
> [46] Perfection in pleading is not necessary. What is required is for a party to understand the material facts and causes of action claimed. While it may take some time to shift through this pleading, it does provide the basics required of a pleading. The Statement of Claim may not be perfect; it does not have to be. The Rule does not require brevity, succinctness or perfect clarity in drafting.

Analysis

[15] The motion before me is not for summary judgment on pleadings. It is to strike certain of the plaintiffs' pleadings on the bases that they are not concise, contain

opinion or evidence, fail to provide particulars required, are repetitive of other actions filed and are therefore an abuse of process, or are scandalous and are therefore an abuse of process under *Rules* 88.01 and 88.02.

[16] It is relevant that the Moving Defendants filed a defence to the impugned pleadings and did so without requiring the plaintiffs to provide particulars, as they could have under *Rule* 38.08.

[17] Regarding the pleadings overall, I believe the following observation of Justice Brothers, at para. 37 in *H&N* applies:

> … These claims could have been pled in a more succinct manner. However, I am not going to police counsel's verbiage. I do not consider that to be my role. While it takes some time and effort to get through these pleadings, once the task is complete, the reader is aware of the causes of action being advanced and the defendants should know the claims they are being asked to meet. The length of a pleading, on its own, is not a reason to strike. It may mean the pleading is not an example of best practice, that it lacks brevity, or that it is not easily analyzed, but it does not rise to the level of a pleading that must be struck.

[18] That said, there are specific pleadings that I find do not comply with the legal requirements for pleadings and I will address these below.

[19] The Notice of Motion contains a Schedule that specifically lists the impugned pleadings. To the extent that I have not commented specifically on a disputed pleading, I have found it to be compliant with the legal requirements. In various instances, the complaint was that the impugned pleading did not contain particulars of an allegation in contravention of *Rule* 38.03(3). Particulars do not have to be repeated in every paragraph that alleges that those particular material facts constitute a cause of action. Here, the particulars could be found in the preceding or ensuing paragraphs or sometimes incorporated by reference to one of the prior pleadings now consolidated. While not being an example of best practice, the particulars are provided, the reader is aware of the causes of action being advanced, and the defendants should know the claims they are being asked to meet.

Scandalous Pleadings

[20] Schedule A to this decision contains my findings about certain impugned pleadings in the Statements of Claim in 525281 and 521514. I will provide my analytical path to making these determinations.

[21] When is a pleading legally "scandalous"? I refer to and adopt the analysis of the Ontario Court of Appeal in *Abbasbayli v. Fiera Foods Company*, 2021 ONCA 95, at para. 49:

> … A scandalous pleading includes those parts of a pleading that are irrelevant, argumentative or inserted for colour, and unfounded and inflammatory attacks on the integrity of a party: see *George v. Harris*, [2000] O.J. No. 1762 (S.C.), at para. 20. The focus in considering a challenge to a pleading under this rule is on the relevance of the pleading to a cause of action or defence. As this court recently noted in *Huachangda Canada Holdings Inc. v. Solcz Group Inc*., 2019 ONCA 649, 147 O.R. (3d) 644, at para. 15, "[a] fact that is relevant to a cause of action cannot be scandalous, frivolous or vexatious. On the other hand, a pleading that raises irrelevant or superfluous allegations that cannot affect the outcome of an action is scandalous, frivolous or vexatious, and should be struck out".

Conspiracy

[22] Many objections were raised by the Moving Defendants to allegations of conspiracy. The Moving Defendants assert that none of the alleged conspiracies has been properly particularized.

[23] The proper manner of pleading an alleged conspiracy was addressed by Justice Bodurtha in *Layes v. Bowes*, 2019 NSSC 298, at paras. 34 and 35:

> [34] In *CMT et al v Gov't of PEI et al*., 2016 PESC 4, the court discussed the need to plead in greater detail when pleading conspiracy, fraud or bad faith at paras 47-52:
>
> > 47 The government also seeks to strike out the plaintiffs' claims of conspiracy, stating those claims do not disclose a reasonable cause of action given the insufficiency of material facts set out in the statement of claim. That claim is framed as follows:
> >
> > > 1. The Plaintiffs claim:
> > >
> > > (b) alternatively, against all of the Defendants, damages for conspiring to intentionally interfere in economic relations in the sum of $25,000,000.00;
> >
> > 48 Once again, this issue was addressed in *Ayangma*, which case was relied upon by counsel for the plaintiffs and the defendants. The court noted, at paras. 94-96:
> >
> > > 94 As to conspiracy, in *H.V.K. v. Children's Aid Society of Haldimand-Norfolk*[2003] O.J. No. 1572 (S.C.J.), Himel, J. relied on *Normart Management Ltd. v. West Hill Redevelopment Co.*

(1998), 155 D.L.R. (4th) 627 (C.A.) in stating that **the pleading must set out certain material facts in making a claim for the tort of conspiracy**. At paragraph 21 he stated:

> (1) all of the parties to the conspiracy must be identified and their relationship to each other described;
>
> (2) **agreements between the various defendants must be pleaded with all facts material to such agreements** including the parties to each agreement, the date of the agreement and the object and purpose of each agreement;
>
> (3) the overt acts of each of the alleged conspirators in pursuance or furtherance of the conspiracy must be pleaded with clarity and precision, including the times and dates and such overt acts;
>
> (4) the pleading must allege the injury and the damage occasioned to the plaintiff and special damage in the sense of a monetary loss which the plaintiff has sustained must be pleaded and particularized.

49 Allegations in the nature of conspiracy, fraud, or bad faith require a higher degree of disclosure and precision than other types of allegations or claims made in the statement of claim. The parties must be made aware, in the statement of claim, of the details of the alleged agreement they purportedly entered into, their relationship to their alleged co-conspirators, the precise actions they purportedly took in furtherance of the conspiracy, and the specific damages purportedly arising from the alleged conspiracy. (See *Pindoff Record Sales Ltd. v. CBS Music Products Inc*., [1989] O.J. No. 1302, 1989 CarswellOnt 490 (Ont. H.C.), at paras. 10-14).

50 Paragraphs 275, 277 and 278 in the statement of claim allege conspiracy. However, there are no material facts pleaded with respect to the alleged conspiratorial acts of each of the defendants, nor are there any details of the intended conspiracy. The relationship between the alleged co-conspirators is not described. The damages allegedly occasioned to the plaintiffs were not particularized in any manner, but instead were simply expressed as a monetary amount in the sum of $25 million.

51 Counsel for the plaintiffs argue that, in accordance with *Hunt v. T & N plc*, [1990] 2 S.C.R. 959 (S.C.C.), 1990 CanLii 90, (1990), 74 D.L.R. (4th) 321 (S.C.C.), and *Operation Dismantle Inc. v. R*., [1985] 1 S.C.R. 441 (S.C.C.), the court ought to generously construe the statement of claim and overlook deficiencies or inadequacies which are merely the result of drafting deficiencies. Further they submit claims should not be struck out merely because they are long, and involve complex issues of fact and law, or novel legal propositions.

> 52 There is nothing in the defendants' submissions which suggest they are seeking to strike claims because they are complex or novel. The "plain and obvious" test established in *Hunt* did not nullify the effect of the Rules of Court or rules of pleading. It is clear from both *Hunt* and *Operation Dismantle*, that some degree of accommodation is fair and proper when a common sense reading of the statement of claim discloses a proper cause of action despite drafting deficiencies. However, that does not give a plaintiff license to violate multiple rules of drafting or ignore fundamental principles of fairness and disclosure when the plaintiff's claims require another party to ascertain, with some precision, the case it must meet. The defendants are not required to scour through a lengthy statement of claim to ascertain which details sprinkled throughout the document might constitute actions the plaintiffs view as conspiratorial.
>
> [emphasis in decision]

> [35] I agree with the court in *CMT et al*. that pleadings need to be more detailed when pleading the tort of conspiracy, bad faith or fraud. However, it does not mean that the general rules and principles around pleadings are ignored. The added details should only contain material facts specific to pleading these torts. There is no need to plead more. What is required will depend on the material facts needed to establish the particular tort.

[24] In 525281 the plaintiffs allege conspiracy in paras. 19, 34 and the tort of conspiracy is addressed in paras. 42-46. In Schedule “A” to 525281 (incorporating the former 510894), the Plaintiffs allege conspiracy in paras. 38C, 38G3a-c, 38H and 38I. In Schedule “B” to 525281 (incorporating the former 524099), the Plaintiffs allege conspiracy in paras. 32 and 47.

[25] I agree with the Moving Defendants that these paragraphs fail to provide sufficient particulars of the four criteria endorsed by this court in *Layes, supra*. Although the pleading attempts to do so at para 38G of Schedule A to 525281, it falls short of providing the necessary particulars. The pleading does not clearly delineate the alleged conspirators, does not set out the date, object, and purpose of the alleged conspiratorial agreements, nor the parties thereto, they do not provide any clarity on the alleged overt acts of each of the alleged conspirators, including times and dates of such acts, and they have not particularized their alleged losses from the alleged conspiracy.

[26] Accordingly, these paragraphs of the pleadings are struck. However, having regard to the fact that such particulars could have been requested by the Moving Defendants, and having regard to the objects of the *Rules*, the plaintiff is granted leave to amend the Statement of Claim in 525281 to provide the particulars required

by *Layes* for the alleged cause of action in conspiracy. Because the plaintiffs must do the work to amend the pleading to provide these particulars, for the benefit of clarity for the defendants and the Court, I direct that they do so by including a new section in 525281 composed of each and every allegation of conspiracy, with particulars of the material facts required by *Layes*, and without incorporating by reference any alleged facts from the prior pleadings.

Defamation

[27] The plaintiffs have alleged defamation in 525281 and against the defendant, MacPhee, only in Pic No. 521514, alleging that MacPhee made defamatory statements within the context of an alleged "Complaint" made by her to some of the other defendants in 525281.

[28] The alleged defamatory statements are not stipulated in either 525281 or 521514. What is alleged is that MacPhee and the other Moving Defendants know what the defamatory statements are (see, for example: para 38F8 of Schedule A, and para. 35 of Schedule B to 525281). The allegations by the plaintiffs with respect to defamation seem to express concerns with statements made within the former MMM firm, statements to policing authorities, and statements made to the Nova Scotia Barristers' Society ("NSBS").

[29] The law is clear that defamation is a unique form of tort and that it must be pleaded specifically. Justice Boudreau in *Sapra v. Cato*, 2020 NSSC 30, expressed this concept at paras. 16-18:

> [16] Having said that, this is an action in defamation. It is clear that such an action has specific and particular requirements. A pleading in respect of a defamation claim needs to be carefully and specifically particularized.
>
> > The purpose of the statement of claim and the particulars that form a part of it is to define the issues of the claim, inform the court what the case is all about, and alert the defendant to the case against him or her, thereby precluding any surprise. Therefore, the plaintiff must at a minimum, plead a *prima facie* case and set out with some particularity all those material facts necessary to support a cause of action for defamation. This includes the defamatory words, their publication, the fact that they were spoken "of and concerning the plaintiff", and any additional material facts necessary to support an action, including damages, where appropriate. The time, place, content, publisher and recipient of the publication should be included in the pleading…There must be clarity in the pleadings; they must be sufficiently particularized to enable the defendant to plead to

> them. The "claim must be pled with a heightened level of precision and particularity". (*Brown on Defamation,* Vol 6, 19.3(1))

[17] Professor Brown's text makes it clear that a claim in defamation requires that the exact words complained of must be pled:

> The general rule is that the defamatory words about which the plaintiff complains must be set out fully and precisely in the statement of claim. The particular words that are claimed to be defamatory must be included in the claim. The impugned words must be pleaded. They should be set forth verbatim, or at least with sufficient particularity to enable the defendant to plead to the allegation…
>
> Ordinarily it is not sufficient to give the tenor, substance or purport of the libel or slander, or an approximation of the words, or words to a certain "effect", or any other words of a similar import. Merely to refer to "demeaning and slanderous remarks" or to plead that the plaintiff was defamed is not sufficient…
>
> The exact words had to be set out with reasonable certainty, clarity, particularity and precision…(*Brown*, supra, Vol 6, 19.3(2)(a))

[18] I also note the comments of the Court in *Robertson v. McCormick*, 2012 NSSC 4, at paras. 17-18:

> 17 The rules of pleading have been said to be particularly strict when applied to defamation claims. The allegedly defamatory words constitute material facts and generally should be set out verbatim: Roger D. McConchie and David A. Potts, *Canadian Libel and Slander Actions* (Toronto: Irwin Law, 2004) at 535….
>
> 18. In *C. (D.) v. Children's Aid Society of Cape Breton Victoria*, 2008 NSSC 196, Coughlan, J. struck a claim in defamation under the former Rule 14.25 commenting that "a plaintiff must set out fully and precisely the defamatory words the defendant is alleged to have published and specify how, when, where and to whom they were published. In this proceeding, the statement of claim does not specify any defamatory statements, whether the statements were written or oral, or anything about to whom, when or where any defamatory statement was made." (para. 15) There is, however, authority to the effect that where the plaintiff does not know the exact words of an alleged slander, there is some flexibility…"

[30] In their response brief, the plaintiffs tacitly acknowledge that their pleadings in defamation are deficient and agree to amend to more specifically identify published statements the defendants were responsible for that constitute defamation.

[31] The allegations of defamation in 521514 and 525281 fail to disclose the particularity required by law. I grant the plaintiffs leave to amend the allegations to provide the required particulars.

Multiple Claims

[32] The Moving Defendants argue that the plaintiffs are attempting to bring the same or decidedly similar claims in more than one Court at more than one time and that such amounts to an abuse of process. They cite *National Bank Financial Ltd. v. Barthe Estate*, 2015 NSCA 47, wherein Justice Saunders observed, at para. 208:

> [208] Another often-quoted statement regarding abuse of process is the British Columbia Supreme Court decision in *Babavic v. Babowech*, [1993] B.C.J. No. 1802 (S.C.) where Baker J. stated at ¶17-18:
>
> > ... The principle of abuse of process is somewhat amorphous. The discretion afforded courts to dismiss actions on the ground of abuse of process extends to any circumstance in which the court process is used for an improper purpose. ...
> >
> > The categories of abuse of process are open. Abuse of process may be found where proceedings involve a deception on the court or constitute a mere sham; where the process of the court is not being fairly or honestly used, or is employed for some ulterior or improper purpose; proceedings which are without foundation or serve no useful purpose and multiple or successive proceedings which cause or are likely to cause vexation or oppression...

[33] I am not satisfied at this stage of the proceedings that there is a duplication of proceedings. The basis for the defamation claims in 521514 is an internal law firm communication. The basis for the defamation claims in 525281 are statements made in a videoconference and statements made to police and the NSBS. It may be at some future date that a decision is made that there is overlap among existing proceedings. The proceedings have not yet reached the stage of disclosure and discovery. I am not currently prepared to strike pleadings as an abuse of process for being duplicative.

Allegations Against Non-Parties

[34] The use of a pleading to allege causes of action against a non-party has been held to be scandalous with the relevant sections of the pleading being struck. The rationale is that this sort of pleading amounts to a collateral attack, leaving the non-party no ability to answer the claim: *CMT, supra*, at para. 37.

Summary and Conclusion

[35] Schedule "A" to this Decision lists specific pleadings that I have ordered struck for the reasons expressed and the authorities cited above.

[36] I have granted leave to the plaintiffs to amend the Statements of Claim in 525281 and 521514 to provide further and better particulars of the claims in defamation.

[37] I have struck the allegations of conspiracy presently contained in 525281 as lacking sufficient particulars but have granted leave to the plaintiffs to amend the Statement of Claim to provide in a separate section, complete and adequate particulars of each and every allegation of conspiracy with material facts for each required element of the cause of action and without incorporating any facts by reference to prior pleadings.

[38] The plaintiffs' amended pleadings shall be delivered to the defendants within four (4) weeks of this decision. Any amended defence pleadings are to be filed within three (3) weeks of receiving the plaintiffs' amended pleadings.

[39] If the parties are unable to agree on costs, I direct them to provide me with their written submissions within four (4) weeks of receipt of this Decision.

[40] I direct that the plaintiffs prepare an Order for review and consent as to form by the Moving Defendants. If the plaintiffs and Moving Defendants are unable to agree on the form of Order, they shall provide me with their written submissions no later than four (4) weeks from the date of this Decision and I will determine the form of Order.

Norton, J.

SCHEDULE "A"

Pic No. 525281

- Paras. 15 and 16, 17 and 18 do not comply with Rule 38.03. They contain allegations of opinion, not material statement of fact and are not contextually relevant to the relief sought contrary to Rule 38.02(2). The paragraphs are struck.

- Para. 21, most of the paragraph is not relevant. I strike the following words:

> With far-reaching misconduct of the MMM Defendants, and MJ McDonald, as. outlined ln Schedule "B" hereto, which included Initiation and_ abuse of improper criminal law proceedings,. ~~circumstances were created whereby the Plaintiff Fraser could not risk prejudice of civil proceedings dealing with certain of the same or related subject matters progressing to make more information and evidence available or focused upon by certain of the Defendants, which might have better enabled such Defendants, (and the Defendants Julie MacPhee and Joel Sellers in particular) to tailor evidence or ought-right lie in the course of giving evidence for inappropriate criminal proceedings, until those criminal law proceedings were dealt with.~~ Those inappropriate criminal proceedings ultimately terminated in the Plaintiff Fraser's favour. ~~However, the disposal of such inappropriate criminal proceedings took time. Over the course of such time passing, the Plaintiffs were concerned with potential limitation period arguments arising at different junctures. Accordingly, the Plaintiffs filed civil proceedings or amendments as necessary at various points In 2021, 2022 and 2023 In order to ensure the Plaintiffs filed claims or amendments addressing certain aspects of misconduct or Issues, or groupings thereof, which might otherwise have been subject to limitation period arguments with the passage of time. That approach out of perceived potential necessity is reflected in part in Schedule "A" and Schedule "B", with the filings or amendments Which gave rise to that content. The Plaintiffs' intentions have been and remains to have the majority of the claims against the Defendants herein heard and dealt with in one proceeding, at the appropriate juncture and after baseless criminal law proceedings have been disposed of, which has now occurred.~~

- Para. 31, the words "and/or with admitted mental health and/or personality defects or problems" are struck as irrelevant, scandalous and an abuse of process.

<u>Schedule "A"</u>

- Para. 16, the words "and actually afraid…admissions" are struck as scandalous.

- Para. 17, the first sentence, the words after the first comma are struck as scandalous. The second sentence, after words “accountable to)” are struck on the same basis.
- Para. 20, the sentence, “Without limiting …business.” are struck on the same basis.
- Para. 22, the words after the first comma are struck on the same basis.
- Para. 23, the words after the first sentence are struck on the same basis.
- Para. 25, the first sentence, the words from “expressed to…Defendant Sellers” are struck on the same basis.
- Para 38A, the words following “was proceeding to act” are struck as not compliant with Rule 38.03(3).

Schedule “B”

- Para. 3, second sentence are struck as scandalous.
- Para. 5, the second sentence is irrelevant and scandalous and are struck.
- Para. 13, the second sentence commencing, “The Crown” is struck on the basis that the Crown is not a party, and the allegation is thereby scandalous.
- Para. 14 is struck on the same basis.
- Para. 15, the words “and the Crown …Defendants)” are struck on the same basis.
- Para. 19, the first sentence is struck on the same basis.
- Para. 22 is struck on the basis it is scandalous.
- Para. 23, the words within the brackets are scandalous and are struck.
- Para. 27, the first sentence, the words “and in anger…law)” and the last sentence are struck as scandalous.

- Para. 32, the words after the first comma and ending “begin with,) are struck as scandalous.

Pic No. 521514

- Para. 4, the words following “(‘the Law Firm’)” are struck as scandalous.
- Para. 5, is struck as irrelevant and scandalous repetition of claims in 525281.
- Para. 10A, is struck on the basis that it is scandalous irrelevant opinion.
- Para. 14, after the first sentence is struck as a repetition of claims in 525281.
- Para. 16 is struck as scandalous opinion.
- Para. 19A through L are struck as irrelevant, opinion, allegations against non-parties and scandalous.