

SUPREME COURT OF NOVA SCOTIA

Citation: *Dempsey v. Pagefreezer Software Inc., and Riedijk*, 2025 NSSC 47

Date: 20250205

Docket: *Hfx* No. 529459

Registry: Halifax

Between:

Nathan K. Dempsey

Applicant

v.

Pagefreezer Software Inc., and Michael Riedijk

Respondents

DECISION

Judge:

The Honourable Justice John A. Keith

Heard:

October 21, 2024, in Halifax, Nova Scotia

Final Written Submissions:

January 23, 2025

Counsel:

Self-represented, for the Applicant
Noah Entwisle, for the Respondents

By the Court:**Introduction**

[1] This decision addresses a motion for a permanent sealing order brought by Pagefreezer Software Inc. and its CEO, Michael Riedijk, against Nathan K. Dempsey. It arises in the context of complex and prolonged legal proceedings involving multiple jurisdictions and numerous judicial decisions.

[2] For reasons given below, in my view, a sealing order should be granted. The unique circumstances which arise in this case (and the unique interests which are engaged) compel a finding in which the important, constitutional protections afforded the open court principle should reasonably and fairly yield. I hasten to add that this is the same conclusion reached by multiple courts in both British Columbia and Nova Scotia and which involve substantially the same information as currently populates the Court file in this matter.

Background

[3] Pagefreezer Software Inc. (“**Pagefreezer**”) is a technology company located in Vancouver, British Columbia. It provides monitoring and archiving of online content including websites, social media, text messages, and team chat. It is a private corporation, incorporated pursuant to British Columbia’s *Business Corporations Act*, S.B.C. 2002, c 57. Michael Riedijk is Pagefreezer’s CEO and founder of Pagefreezer.

[4] Nathan K. Dempsey, was a former employee and a former shareholder of Pagefreezer.

[5] Mr. Dempsey and Pagefreezer have been locked in acrimonious and complex litigation for several years. The related proceedings have spanned the country and generated multiple judicial decisions in British Columbia and Nova Scotia. The process may be reasonably described as difficult and labyrinthine.

[6] At Schedule A to this decision, I have attempted to piece together a chronology which seeks to summarize the spider-web of legal proceedings that began in British Columbia and have since moved to Nova Scotia.

[7] Ultimately, however, the actual legal issues can be distilled into a series of relatively simple, uncontroverted facts:

1. The dispute has its roots in a business relationship between Pagefreezer and Mr. Dempsey. That relationship soured. Mr. Dempsey initially brought an action in the British Columbia Supreme Court alleging oppression. That action ended when the parties entered into a settlement agreement and initially attempted to part ways through negotiations and a mutually acceptable contract.
2. Mr. Dempsey subsequently developed serious concerns regarding Pagefreezer and he commenced a second action in the British Columbia Supreme Court seeking to set aside the settlement agreement. The allegations which Mr. Dempsey now began to level against Pagefreezer and Mr. Riedijk went far beyond a conventional commercial controversy and involved ongoing accusations of personal scandal, criminality, fraud, perjury, harassment and a host of other, similarly very serious claims.
3. As indicated, Mr. Dempsey initially brought his claims against Pagefreezer and Mr. Riedijk in the British Columbia Supreme Court. Those proceedings proved complicated. They involved several separate proceedings, spawned numerous interlocutory motions within those separate proceedings, and several appeals to the British Columbia Court of Appeal. In the context of those proceedings, Mr. Dempsey also filed an unsuccessful leave to appeal before the Supreme Court of Canada. His subsequent motion to the Supreme Court of Canada for reconsideration also failed.
4. For the purposes of the motion before me, there are three matters rising out the British Columbia legal proceedings that are of particular relevance:
 - (a) Both the British Columbia Supreme Court and the British Columbia Court of Appeal issued a number of permanent sealing Orders to protect and preserve information filed by Mr. Dempsey in those proceedings and that was deemed confidential. The information filed by Mr. Dempsey in this proceeding contains much of the same information that was covered by these sealing orders;

- (b) Ultimately, Mr. Dempsey was unsuccessful in British Columbia. All of his actions were ultimately dismissed or discontinued. Related findings against Mr. Dempsey were harsh. The decisions in British Columbia included findings of contempt against Mr. Dempsey and he was eventually declared to be a vexatious litigant; and
- (c) A further consequence of the British Columbia legal proceedings was costs. Mr. Dempsey became subject to the following, significant costs awards:
 - i. On November 3, 2022, Marchand, J.A. of the British Columbia Court of Appeal dismissed Mr. Dempsey’s appeal of a sealing order because Mr. Dempsey failed to post the required security previously ordered by Wilcock, J.A.. Marchand, J.A. further permanently sealed an affidavit filed by Mr. Dempsey; any materials filed in response to Mr. Dempsey’s affidavit; and all materials filed after August 22, 2022. Finally, Marchand, J.A. found him in contempt of court because he intentionally emailed sealed materials to numerous third parties, including news outlets, Pagefreezer competitors and government agencies. He ordered Mr. Dempsey to pay a fine of \$5,000 and special costs. The Registrar of the British Columbia Court of Appeal subsequently awarded ordinary costs against Mr. Dempsey in the amount of \$4,545.44 and special costs in the amount of \$36,726.09 (a total of \$41,271.53 in costs and referred to below as the “**Contempt Costs Award**”); and
 - ii. On November 16, 2023, the Registrar of the British Columbia Supreme Court assessed special costs against Mr. Dempsey in the amount of \$295,581.11 (the “**Special Costs Award**”).

Further background regarding these two costs awards is contained in Schedule A. I pause here to emphasize that Mr. Dempsey vociferously objects to and continues to challenge these costs awards and, more generally, the process and findings surrounding the British Columbia judicial proceedings. He is adamant in his view that these

findings are inaccurate and unjust. Nevertheless, the legal reality before me is that Mr. Dempsey exhausted or otherwise abandoned any appeal of these decisions. I am bound to consider them as final and binding judgments of the British Columbia courts. Put slightly differently, Mr. Dempsey's personal liability for these costs awards is no longer in issue for Mr. Dempsey. The issue in Nova Scotia has shifted to enforcement.

5. Mr. Dempsey eventually moved from the Pacific coast of British Columbia to the Atlantic coast of Nova Scotia. Pagefreezer and Mr. Riedijk followed him in an effort to enforce the Contempt Costs Award and the Special Costs Award. They started the following two separate enforcement proceedings under Nova Scotia's *Enforcement of Canadian Judgment and Decrees Act*, S.N .S. 2001, c. 30, as amended:
 - (a) Hfx No 523054: On April 17, 2023, and at Pagefreezer and Mr. Riedijk's request, the Prothonotary of the Nova Scotia Supreme Court registered the Contempt Cost Award as a judgment of the Nova Scotia Supreme Court. Subsequently, on April 27, 2023, the Nova Scotia Supreme Court issued an Execution Order in respect of this judgment and the Contempt Costs Award; and
 - (b) Hfx No. 529459: On December 14, 2023, and at Pagefreezer and Mr. Riedijk's request, the Prothonotary of the Nova Scotia Supreme Court registered the Special Costs Award as a judgment of the Nova Scotia Supreme Court. On January 22, 2024, the Nova Scotia Supreme Court issued an Execution Order in respect of this judgment and the Special Costs Award.
6. Pagefreezer and Mr. Riedijk began attempting to enforce their judgments against Mr. Dempsey in Nova Scotia. In response, Mr. Dempsey filed separate motions to stay enforcement of both the Execution Order in Hfx No. 523054 and the Execution Order in Hfx. No. 529459. Mr. Dempsey's attempts to stay enforcement failed. On July 21, 2023, Rosinski, J. dismissed Mr. Dempsey's motion to stay the enforcement of the Execution Order issued in Hfx No. 523054 (2023 NSSC 240). On March 12, 2024, Smith, J. dismissed Mr. Dempsey's motion to stay enforcement of the Execution Order

issued in Hfx No. 529459. Mr. Dempsey appealed both of those decisions to the Nova Scotia Court of Appeal. Those appeals also failed. I am bound to accept that the Orders which allow Pagefreezer and Mr. Riedijk to enforce those costs awards against Mr. Dempsey are final and binding in Nova Scotia;

7. The ongoing enforcement proceedings have evolved into more serious findings (and ongoing allegations) of contempt because, to date, Mr. Dempsey has refused to comply with Court orders which compel him to submit to a discovery in aid of execution. Thus, on July 7, 2024, Norton, J. found Mr. Dempsey in contempt and provided him the opportunity to purge his contempt (and attend a discovery in aid of execution) before rendering a penalty for the contempt (2025 NSSC 205). Mr. Dempsey did not avail himself of the opportunity to purge the contempt. On August 15, 2024, Norton, J. sentenced Mr. Dempsey to a custodial term of 30 days but again allowed him to immediately purge the contempt (and end his time in jail) by submitting to discovery in aid of execution (2024 NSSC 233). Mr. Dempsey opted to complete his custodial sentence of 30 days rather than be discovered in aid of execution. Mr. Dempsey stands firm in the conviction that the cost awards against him are unjust and ultimately the by-product of serious fraud and criminality that the Courts have yet to recognize. Mr. Dempsey insists that a judge resurrect his complaints around Pagefreezer's and Mr. Reidijk's wrongdoing and effectively reverse all of the decisions which have found otherwise;
8. In his ongoing effort to expose the alleged criminality and injustice, Mr. Dempsey continues to file large volumes of information in the Nova Scotia Supreme Court bearing upon the issues which have been adjudicated upon in British Columbia and which, Mr. Dempsey candidly acknowledges, were deemed confidential and sealed in the British Columbia proceedings. Indeed, Mr. Dempsey also acknowledges that he filed significant portions of this same information as part of his attempts to stay enforcement of the Execution Orders issued in Nova Scotia. On August 7, 2024, Bryson, J.A. issued his decision deeming this information confidential and sealing the Court of Appeal's file (2024 NSCA 76).

Analysis

[8] As indicated, Pagefreezer and Mr. Riedijk seek an Order permanently sealing this file. Mr. Dempsey opposes the sealing order stating that it threatens the open court principle; breaches s. 52(1) of the Charter; and is an unacceptable form of censorship.

[9] At its core, Mr. Dempsey's arguments invoke the constitutional importance of the open Court principle and the related concern that sealing the Court file is part of a broader attempt to conceal from public view:

1. Scandalous, shadowy criminal conspiracies attributed to Pagefreezer and Mr. Riedijk (among others) who colluded to defraud Mr. Dempsey and trick him into signing the Settlement Agreement; and
2. The related injustices of the judicial decisions rendered against him.

[10] Mr. Dempsey insists that his allegations of scandal and criminality serve to diminish whatever concerns the Court may have about the finality of the existing order and the importance of judicial comity in terms of giving the decisions of other Canadian courts full faith and credit. The affidavits and written submissions filed in support of his opposition to this sealing order are replete with statements that confirm his perspective and his determination to uncover an underlying scandal and expose the individuals responsible. The following examples illustrate the point:

1. Mr. Dempsey's written submissions dated October 16, 2024: Mr. Dempsey states at p. 1 that these enforcement proceedings are "...mated to a scandal which was denied customary review, and likewise, denied police investigation concerning its related criminal components. By means of the same, the subject matter in this file maintains centrality."
2. Mr. Dempsey's affidavit filed October 16, 2024: Mr. Dempsey attests at para 2 that: "The file contents detail the existence of a scandal that was denied judicial review in appellate venues, and one that is accompanied by related criminal interference."
3. Mr. Dempsey's written submissions dated January 24, 2025: Mr. Dempsey argues that the information in his affidavits exposes "...a scandal which was denied customary recourse and correction" At page 9 of the same submissions, Mr. Dempsey argues that the failure to afford him justice extends to the Supreme Court of Canada. He states that Pagefreezer's and Mr. Riedijk's attempt to seal the file "can

... reasonably be attributed to their interest in concealing a serious scandal involving the fees of British Columbia legal counsel retainer fees, which was denied appellate review, and denied docket entry at the SCC despite satisfying the docket entry test.”

4. Mr. Dempsey’s affidavit filed January 24, 2025: Mr. Dempsey attests at para. 6 that “the files demonstrate miscarriage of justice, and an obvious scandal concerning the Respondents’ retainer fees in British Columbia”. With respect to these fees, Mr. Dempsey maintains that the lawyers’ billable charges which formed the basis of the costs awards against him are tainted by a “clear and palpable scandal” which “may be related to criminal offences” (Mr. Dempsey’s written submissions dated January 24, 2025 at p. 10). As such, any solicitor and client privilege must be stripped away and this information must now be re-considered as part of an unsealed Court file;
5. In addition to these judicial missteps, Mr. Dempsey also seeks to rely upon what he describes as “bombshell” evidence revealing a multifaceted criminal collusion directed against him and allegedly involving Pagefreezer, Mr. Riedijk, an estranged nephew, and a North Carolina woman who he describes as his nephew’s biological mother and as a “known egg donor at the Halifax IWK fertility clinic in 1995”. He describes this woman as a “prolific figure” within a known “online criminal group” (Mr. Dempsey’s written submissions filed January 24, 2025, at p. 11). Pagefreezer and Mr. Riedijk deny any connection to or knowledge of this North Carolina woman or the alleged conspiracy; and
6. Mr. Dempsey further alleges that he became the target of “ongoing break-ins, cyber attacks, electronic attacks through my smartphone, surveillance, on-heels stalking, and disruptions to [his] business relationships” and that he was “forced to relocate from British Columbia to Nova Scotia on short notice in February 2022 as a result of acute death threats” (Mr. Dempsey’s written submissions filed January 24, 2025, at p. 11).

[11] Mr. Dempsey relies upon this evidence in support of alleged scandalous misconduct and criminality unravels whatever privilege or confidentiality the impugned individuals could demand. It becomes acutely important, he argues, that these misdeeds be exposed to the light – not buried inside a sealed Court file.

[12] I must weigh these issues within the analytical framework established in *Sherman Estate v. Donovan*, 2021 SCC 25, (“*Sherman Estate*”) which, all parties agree, is the starting point when considering whether to seal a Court file.

[13] I also acknowledge that the open court principle is impressed with constitutional importance. Mr. Dempsey forcefully invokes the critical importance of transparency in judicial proceedings. I acknowledge the cases cited by Mr. Dempsey in which the Supreme Court of Canada unequivocally defends this principle. (*Ruby v. Canada (Solicitor General)*, [2002] 4 S.C.R. 3, at paragraph 53; *Canadian Broadcasting Corp. v. Named Person*, 2024 SCC 21, at paragraph 1 *Vancouver Sun (Re)*, 2004 SCC 43, at paragraphs 24 through 26)

[14] However, *Sherman Estate* equally admits of the possibility that these principles may yield in exceptional cases. In *Dempsey v. Pagefreezer Software Inc.*, 2024 NSCA 76, Bryson, J.A. confirms that:

...the courts have discretion to limit the open courts presumption where it is established that:

- (1) court openness poses a serious risk to an important public interest;
- (2) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and,
- (3) as a matter of proportionality, the benefits of the order outweigh its negative effects

[15] With respect to the first element of the test, I find that the principles of judicial comity represent an "important public interest" in this case; and that Mr. Dempsey's continued use of information which has been sealed in other jurisdictions represents a serious risk to that interest.

[16] To find otherwise in the circumstances of this case would render the orders of another jurisdiction virtually meaningless. Mr. Dempsey is aware of the multiple decisions sealing the Court file in British Columbia, as well as , the decision of Bryson, J.A. in our Court of Appeal. To effectively ignore these decisions is highly problematic – particularly where Mr. Dempsey candidly acknowledges that significant amounts of the information he filed in this proceeding is a copy of information that would have been captured by these decisions. I acknowledge and appreciate Mr. Dempsey's candour in acknowledging that this file contains information which was subject to other sealing orders. At the same time, I cannot disregard those decisions. If this Court presumes to effectively ignore or reverse the

sealing decisions of other courts, the impact and effect of a sealing order is rendered so fragile and weak as to lack any real legal significance.

[17] I am fortified in this view by the fact that appellate courts in British Columbia and Nova Scotia have all reviewed the information and reached the same conclusion. Between Nova Scotia and British Columbia, there are at least eight different decisions which all confirm the need to seal the court file. Put slightly differently, this is very clearly not a case where a single judge could be fairly or reasonably criticized for lightly dismissing Mr. Dempsey's concerns. Multiple judges over various levels of court considered this information and reached the same conclusion.

[18] Beyond judicial comity, I have reviewed the information in question and I agree with those same conclusions. The materials filed by Mr. Dempsey contained a very significant amount of highly sensitive information from a personal and commercial perspective. On this, I am compelled to add that Mr. Dempsey's concerns around scandal, at their core, represent an attack on those decisions which gave rise to the costs decisions being enforced in Nova Scotia – particularly the complaints around fraudulent billing on the part of legal counsel. Again, these decisions are final and binding. Based on the record before me, there is no legal mechanism or basis under which Mr. Dempsey can continue to challenge these costs awards. The issue in Nova Scotia is enforcement – not liability.

[19] As to the second stage of the *Sherman Estate* test, there are no reasonable alternatives that might effectively diminish any residual concerns around an open court file. In these circumstances. It is neither reasonable nor practical to engage in the sort of parsing and specific redactions being proposed by Mr. Dempsey. Respectfully, the factual and legal issues being advanced by Mr. Dempsey are simply too intertwined to reasonably allow for a more surgical approach. Any attempt to try and sift through the information would be futile as the facts are interconnected – particularly when viewed in the context of the wide-ranging arguments Mr. Dempsey seeks to make.

[20] As to the third stage of the *Sherman Estate* test, the proposed sealing is proportionate in the circumstances. As indicated, the nature of these proceedings in Nova Scotia is enforcement. There is no longer any existing avenue to challenge the legality of the costs awards. The information in question is no longer central to the judicial process which might affect Mr. Dempsey's personal liability. Again, all of those issues involving the validity of the costs awards or their enforcement in Nova Scotia are now beyond my judicial reach or purview. Again, the principle of judicial

comity again looms large. Given the history of these proceedings, the numerous times these sealing issues have been reviewed and determined in this case, and the current enforcement stage, the proposed sealing order is proportionate and reasonable.

[21] This is not to say that Mr. Dempsey is now hamstrung in the arguments that he may make as he moves forward in his determined refusal to accept any form of enforcement of the Execution Orders. However, in all the circumstances, Mr. Dempsey cannot expect to use the Nova Scotia court file as an alternate means to avoid existing sealing decisions or the issue of judicial comity or otherwise use the court file as a repository into which he may expect to publicly display sensitive, confidential information.

Conclusion

[22] The motion for a permanent sealing order is granted. Based on the test in *Sherman Estate*, there is a serious risk to an important public interest (judicial comity) absent a sealing order; there are no reasonably alternative measures to prevent this risk; and the order is proportionate.

[23] Based on submissions of the parties, Pagefreezer and Mr. Riedijk are entitled to costs in the total amount of \$500, all in, and payable by Mr. Dempsey forthwith.

Keith, J.

Schedule A

August, 2021 - Mr. Dempsey brought an initial proceeding against Pagefreezer in the British Columbia Supreme Court alleging oppression, among other things. (the “**First British Columbia Proceeding**”)

September, 2021 – The First British Columbia Proceeding was resolved under the terms of a settlement agreement between Mr. Dempsey and Pagefreezer (the “**Settlement Agreement**”).

February, 2022 – Mr. Dempsey filed a petition to set aside the Settlement Agreement reached between himself and Pagefreezer. (the “**Second British Columbia Proceeding**”)

June, 2022 – In an effort to protect commercially sensitive and privileged information, Tucker, J. of the British Columbia Supreme Court issued an interim sealing order over the file related to the Second British Columbia Proceeding (Mr. Dempsey’s petition to set aside the settlement agreement). Tucker, J. also issued a protection order prohibiting Mr. Dempsey from disclosing any part of the sealed file to non-parties. Mr. Dempsey appealed the decision of Tucker, J. (the “**First British Columbia Appeal (Pagefreezer’s Interim Sealing Order)**” bearing Court File No. CA 48392);

August 12, 2022 – McNaughton, J. dismissed Mr. Dempsey’s attempts to add Canada Revenue Agency as a party to the Second British Columbia Proceeding seeking to set aside the Settlement Agreement. Mr. Dempsey appealed this decision (the “**Second British Columbia Appeal (Dempsey’ Motion to Add CRA)**” bearing Court File No. CA 48500);

August 22, 2022 – In connection with the First BRITISH COLUMBIA Appeal (Interim Sealing Order), Wilcock, J.A. issued an order which, among other things:

1. Permanently sealed portions of the record in this appeal;
2. Prohibited Mr. Dempsey from disclosing items under seal to non-parties; and
3. Required Mr. Dempsey to post security for costs in this appeal

September 13, 2022 – Dewitt-Van Oosten, J.A. of the British Columbia Court of Appeal ordered Mr. Dempsey to post security for costs in the amount of \$8,500 for the Second British Columbia Appeal (Motion to Add CRA) Mr. Dempsey failed to post the requisite security and this Second British Columbia Appeal was abandoned.

October 13, 2022 – Majawa, J. dismissed the Second British Columbia Proceeding (i.e. Mr. Dempsey’s petition to set aside the Settlement Agreement). Majawa, J. also issued a companion order extending the interim sealing order issued in June, 2022 and making it permanent. Mr. Dempsey appealed this decision (the “**Third British Columbia Appeal (Dempsey’s Petition to Set Aside Settlement Agreement)**” bearing Court File No. CA 48624). Dewitt-Van Oosten subsequently ordered that Mr. Dempsey post security for costs in respect of this this appeal. Mr. Dempsey failed to post the requisite security and this appeal was deemed abandoned on March 9, 2023 (see below)

November 3, 2022 – Marchand, J.A. of the British Columbia Court of Appeal dismissed the First British Columbia Appeal (Pagefreezer’s Interim Sealing Order) because Mr. Dempsey failed to post the required security previously ordered by Wilcock, J.A.. He also permanently sealed certain an affidavit filed by Mr. Dempsey in respect of this appeal; any materials filed in response to Mr. Dempsey’s affidavit; and all materials filed after August 22, 2022 (the date of Wilcock, J.A.’s Order). Marchand, J.A. also found Mr. Dempsey in contempt of court because he intentionally emailed sealed materials to numerous third parties, including news outlets, Pagefreezer competitors and government agencies. He ordered Mr. Dempsey to pay a fine of \$5,000 and special costs. The Registrar of the British Columbia Court of Appeal subsequently awarded ordinary costs against Mr. Dempsey in the amount of \$4,545.44 and special costs in the amount of \$36,726.09 (a total of \$41,271.53 in costs and referred to below as the “**Contempt Cost Award**”) (2023 BCCA 58).

November 30, 2022 – Mr. Dempsey filed a new action under the British Columbia *Class Proceedings Act* alleging unlawful conduct, including deliberate breaches of the *Canadian Charter of Rights and Freedoms*. The Defendants included the Respondents in this proceeding (Pagefreezer and Mr. Rieijk), Canada Revenue Agency, and various Youtube influencers. Mr. Dempsey alleged, among other things, that they were part of a vast conspiracy to harass, stalk and defraud him. I note that Mr. Dempsey had already commenced and then discontinued a third proceeding in the British Columbia Supreme Court. (the “**Third British Columbia Proceeding**”). As such, this new proceeding became the fourth proceeding Mr. Dempsey filed in the British Columbia Court in a little more than a year (the “**Fourth British Columbia Proceeding**”)

February 23, 2023 – Pagefreezer, Mr. Riedijk, and CRA moved to strike the Fourth British Columbia Proceeding and requested a declaration that Mr. Dempsey be declared a vexatious litigant. On this date (February 23, 2023), Majawa, J. allowed the motion. The Fourth British Columbia Proceeding was struck and Mr. Dempsey was declared a vexatious litigant.

March 9, 2023 – The Third British Columbia Appeal (Dempsey’s Petition to Set Aside Settlement Agreement) was deemed abandoned for failure to pay security for costs.

March 29, 2023 – Mr. Dempsey filed a complaint with the British Columbia Human Rights Tribunal alleging that Majawa, J.’s decision dated February 23, 2023 represented a denial of his right to a fair trial. Mr. Dempsey attempted to appeal this decision but did not file his Notice of Appeal on time. A subsequent request to extend the time for appeal was denied on May 16, 2023 (see below).

April 17, 2023 – The Prothonotary of the Nova Scotia Supreme Court opened court file no. Hfx. 523054 and registered the Contempt Costs Award as a judgment of this Court pursuant to the *Enforcement of Canadian Judgment and Decrees Act*, S.N .S. 2001, c. 30 as amended (the “**First NS Proceeding (Enforcement of Contempt Costs)**”).

April 27, 2023 – Horsman, J.A. of the British Columbia Court of Appeal issued permanent sealing orders in respect of certain unredacted materials filed in connection with the Second British Columbia Appeal and Third British Columbia Appeal. (2023 BCCA 179)

April 27, 2023 - The Nova Scotia Supreme Court issued an Execution Order obtained in the First NS Proceeding (Contempt Costs Award) bearing Hfx No 523054.

May 15, 2023 – Voith, J.A. issued his decision in response to contempt proceedings brought by Pagefreezer in First British Columbia Appeal (Pagefreezer’s Interim Sealing Order). In particular, Pagefreezer and Mr. Riedijk alleged that Mr. Dempsey breached the sealing orders of both Wilcock, J.A. issued August 22, 2022, and Marchand, J.A. issued November 3, 2022 by disclosing sealed materials to non-parties identified as various politicians, the Law Society of British Columbia, the Canadian Bar Association, the Canadian Judicial Council, and the British Columbia Human Rights Tribunal. Voith, J.A. found Mr. Dempsey in contempt and fined him \$10,000. He also ordered special costs in the amount of \$15,570. Mr. Dempsey appealed to the Supreme Court of Canada but failed to file his motion for leave to appeal on time. Mr. Dempsey’s request for an extension of time to appeal was denied by the Supreme Court of Canada on December 21, 2023 (see below)

May 16, 2023 – Stromberg-Stein, J.A. of the British Columbia Court of Appeal dismissed Mr. Dempsey’s application for an extension of time to appeal the decision of Majawa, J. in the Fourth British Columbia Proceeding where, among other things, Mr. Dempsey was declared a vexatious litigant. Mr. Dempsey sought leave to appeal

to the Supreme Court of Canada. His leave motion was denied on December 21, 2023 (see below).

June 9, 2023 – Mr. Dempsey filed a motion in the Nova Scotia Supreme Court to stay the Execution Order for the Contempt Costs Award and seeking to suspend enforcement in Nova Scotia. Mr. Dempsey’s motion to stay execution was dismissed by Rosinski, J. on July 12, 2023 (see below)

June 9, 2023 - Mr. Dempsey also filed various motions with the Supreme Court of Canada seeking leave to appeal the decisions of Voith, JA issued May 15, 2023 and Stromburg-Stein, J.A. issued May 16, 2023 (see above).

July 21, 2023 – Rosinski, J. dismissed Mr. Dempsey’s request to stay the Execution Order issued April 27, 2023 under the First NS Proceeding (Enforcement of Contempt Costs). See 2023 NSSC 240. Mr. Dempsey appealed (the “**First NS Appeal (Dempsey’s Motion to Stay Enforcement of Contempt Costs Award)**”) The Appeal was dismissed on December 4, 2023 (see below).

November 16, 2023 – The Registrar of the British Columbia Supreme Court assessed special costs against Mr. Dempsey in the amount of \$295,581.11 (the “**Special Costs Award**”)

December 4, 2023 – The Nova Scotia Court of Appeal dismissed the First NS Appeal (Dempsey’s Motion to Stay Enforcement of Contempt Costs Award). At that time, it also granted a sealing order with respect to that appeal.

December 14, 2023 – The Prothonotary of the Nova Scotia Supreme Court opened Court file Hfx. No. 529459 and registered the Special Costs Award (\$295,581.11) as a judgment of this Court under the *Enforcement of Canadian Judgment and Decrees Act*, S.N.S. 2001, c. 30 as amended. (the “**Second NS Proceeding (Pagefreezer’s Enforcement of Special Costs Award)**”).

December 21, 2023 – The Supreme Court of Canada denied:

1. Mr. Dempsey’s motion to extend the time to seek leave to appeal the decision of Voith, J.A. issued May 15, 2023; and
2. Mr. Dempsey’s motion for leave to appeal the decision of Stromburg-Stein, J.A. issued May 16, 2023.

January 10, 2024 – Mr. Dempsey files a motion requesting that the Supreme Court of Canada reconsider its December 21, 2023 decisions. (see above) By decision dated July 5, 2024, the Registrar of the Supreme Court of Canada confirms that the request for reconsideration is not accepted for filing.

January 22, 2024 – The Nova Scotia Supreme Court issued an Execution Order for the Second Costs Award under Hfx No. 529459 (the Second NS Proceeding (Pagefreezer’s Enforcement of Special Costs Award)). Mr. Dempsey moved to stay enforcement of this Execution Order. Mr. Dempsey’s motion to stay enforcement was dismissed by Smith, J. on March 21, 2024 (see below).

March 21, 2024 – Smith, J. dismissed Mr. Dempsey’s motion to stay execution of the issued Execution Order in respect of the Second NS Proceeding (Enforcement of Special Costs Award). Mr. Dempsey appealed. (the “**Second NS Appeal (Dempsey’s Motion to Stay Enforcement of Special Costs Costs Award)**”).

May 14, 2024 – Pagefreezer and Mr. Riedijk moved before the Nova Scotia Court of Appeal asking the Mr. Dempsey to post security for costs in respect of the Second NS Appeal (Dempsey’s Motion to Stay Enforcement of the Special Costs Award). Bourgeois, J.A. allowed that motion. Mr. Dempsey was required to post security totalling \$9,000 on or before May 24, 2024. Mr. Dempsey failed to post the required security and the appeal was summarily dismissed.

July 5, 2024 - The Registrar of the Supreme Court of Canada confirms that Mr. Dempsey’s motion for reconsideration is not accepted for filing.

July 7, 2024 – Pagefreezer brought a motion in the Second NS Proceeding (Pagefreezer’s Enforcement of Special Costs Award) bearing Hfx No. 529459 for an Order permanently sealing the file. The hearing was delayed as a result of an intervening motion by Pagefreezer for contempt (see below).

July 11, 2024 – Norton, J. found Mr. Dempsey in contempt for failing to respond to discovery subpoenas issued by the Nova Scotia Supreme Court in aid of Pagefreezer’s efforts to enforce the Execution Orders issued in Nova Scotia for the Special Costs Award (\$295,581.11). At that time, Norton, J. determined that the hearing to determine the appropriate penalty for Mr. Dempsey’s contempt would proceed on August 9, 2024. In the interim, Norton, J. provided Mr. Dempsey with the opportunity to purge the contempt by submitting to a discovery in aid of execution on July 26, 2024, prior to the penalty hearing on August 9, 2024 (2024

NSSC 205). Mr. Dempsey refused to purge the contempt and the penalty hearing proceeding (see below).

August 7, 2024 – Although the Second NS Appeal (Dempsey’s Motion to Stay Enforcement of the Special Costs Award (\$295,581.11) was dismissed, Pagefreezer and Mr. Riedijk moved before the NS Court of Appeal to seal the Appeal Court’s file. Mr. Dempsey opposed the sealing order. On this date, Bryson, J.A. issued his decision sealing the subject affidavits filed by Mr. Dempsey. (2024 NSCA 76)

August 9, 2024 – Hearing for the penalty resulting from Norton, J.’s contempt finding on July 11, 2024. As indicated, Mr. Dempsey did not purge the contempt by attending at the discovery in aid of execution. Mr. Dempsey also did not appear at the penalty hearing previously scheduled

August 15, 2024 – Norton, J. imposed a custodial sentence of 30 days subject to it being purged if Mr. Dempsey attended a discovery in aid of execution before the completion of his custodial term (2024 NSSC 233). Mr. Dempsey decided to serve the custodial sentence rather than purge the contempt.

October 7, 2024 – Pagefreezer amends its Notice of Motion to seal the file associated with the Second NS Proceeding (Pagefreezer’s Enforcement of the Special Costs Award).

October 21, 2024 – Hearing of Pagefreezer’s motion to permanently seal the file in the Second NS Proceeding (Pagefreezer’s Enforcement of Special Costs Award). The parties subsequently sought and consented to re-opening the motion for the purpose of filing additional affidavit evidence in the file. The additional affidavit evidence was filed on January 23 and 24, 2025 (see below).

January 23 – 24, 2025 – Mr. Dempsey and Pagefreezer filed additional affidavit evidence in connection with Pagefreezer’s motion to seal the file associated with the Second NS Proceeding (Pagefreezer’s Enforcement of the Special Costs Award). Mr. Dempsey stated that the evidence is also relevant to a further contempt motion brought by Pagefreezer as part of its ongoing enforcement efforts.