

A-177-24

ID#1

Court File No.

A-177-24

FEDERAL COURT OF APPEAL

BETWEEN:

KRISTIN ERNEST HUTTON

FEDERAL COURT OF APPEAL		D É P O S É
COUR D'APPEL FÉDÉRALE		
F I L E D	MAY 17 2024	
BRITTNEY CHANNER		
TORONTO, ON		1
Appellant		

and

RIA SAYAT, LYNN DUHAIME also known as STEPHANIE DUHAIME the former Canadian Charge d'affaires for the Republic of Iraq, THE ATTORNEY GENERAL OF CANADA (on behalf of THE DEPARTMENT OF NATIONAL DEFENCE, CANADIAN SECURITY INTELLIGENCE SERVICE and COMMUNICATION SECURITY ESTABLISHMENT), HIS MAJESTY THE KING

Respondents

NOTICE OF APPEAL

TO THE RESPONDENTS:

**A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU** by the Appellant. The relief claimed by the appellant appears on the following page.

**THIS APPEAL** will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at 180 Queen Street West, Toronto, Ontario where Federal Court of Appeal ordinarily sits.

**IF YOU WISH TO OPPOSE THIS APPEAL**, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the Federal Courts Rules and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, **WITHIN 10 DAYS** of being served with this notice of appeal.

**IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION** of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

**IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**



**THE APPELLANT APPEALS** to the Federal Court of Appeal from the Order and Reasons of the Honourable Madam Justice Ayleson dated April 19, 2024 in Federal Court File No. T-268-17.

**THE APPELLANT ASKS THAT:**

- (a) The Order and Reasons of the Honourable Madam Justice Ayleson dated April 19, 2024, be set aside by this Honourable Appellant Court;
- (b) This Honourable Appellant Court give the Order and Reasons that the Federal Court should have given;
- (c) Further, and in the alternative, this Honourable Appellant Court give the Order and Reasons that the Federal Court should have given, which is, the Appellant consents to being declared a Vexatious Litigant requiring "leave" of the Federal Court to commence or continue any further Actions or Applications pursuant to Section 40 of the Federal Courts Act, R.S.C. 1985, that pertains to the Security Apparatus, save and except, the Appellant's existing claims before Federal Court bearing Federal Court File Nos. T-268-17, T-1143-19, T-868-21, T-674-24 and any Application arising from a "well-founded" Final Report issued by the Office of the Information Commissioner of Canada ("OIC") involving any of the Respondents pursuant to the Access to Information Act, R.S.C. 1985;
- (d) An Order for costs payable forthwith by the Respondents;
- (e) Such further and other relief as may be requested by the Appellant be granted by this Honourable Appellant Court;

**THE GROUNDS OF APPEAL are as follows:**

- A. THE FOUR PROCEEDINGS "QUASHED/DISCONTINUED" BY THE DESIGNATED JUDGE**
  - (i) Federal Court File No. T-268-17 – The Appellant's claim for damages against the Respondents, Ria Sayat and Ambassador Duhaime concerning their unlawful

conduct, including political interference in the democratic process, invasion of privacy, misfeasance of public office and "sexual assault," as the agents, servants or known associates of the Security Apparatus (CSIS).

Quashed as being "doomed to fail" by the Designated Judge;

- (ii) Federal Court File No. T-1143-19 – The Appellant's Judicial Review pursuant to Section 18.1 of the Federal Courts Act concerning the "reasonableness" of a written Decision from the Office of the Communication Security Establishment Commissioner ("OCSEC") dated June 25, 2019, that held, "the CSE's activities were lawful."

Quashed as being "doomed to fail" by the Designated Judge;

- (iii) Federal Court File No. T-868-21 – The Appellant's Application that questions the Constitutionality of Section 18.2 of the CSIS Act, R.S.C. 1985 and the "operational components" of the CSIS Code of Conduct that lawfully permits employees of CSIS or their "official designates" (including corporations or any Third Party) to lie and tender fabricated documents (such as advertising for fictitious "dental services" for purported Dr. Cynthia Sayat in the paid Yellow Pages or a Passport) to protect the identity of an undercover employee of CSIS to the exclusion of all the laws of Canada;

Quashed as being "doomed to fail" by the Designated Judge;

- (iv) Federal Court File No. T-674-24 – The Appellant's Application involving CSIS for the production of improperly withheld documents in CSIS Personal Information Bank PPU 035 (Complaints against employees of CSIS) under the Access to Information Act, R.S.C. 1985 that arose out of a twelve-page "well-founded" Final Report from the Office of the Information Commissioner of Canada ("OIC") dated March 22, 2024, (OIC File No. 5821-00738) that made the following findings and conclusions:

- The purpose of PIB Bank CSIS PPU 035 is to determine the validity of complaints and to record any corrective measures taken including recommendations for disciplinary or misconduct proceedings;

- The Complaint is well-founded;
- CSIS is the investigative body;
- The information was obtained during a lawful investigation that is within the authority of the investigative body;
- The information concerns an investigation related to one of the following: (i) the detection, prevention, or suppression of a crime; (ii) the enforcement of any law of Canada or a Province (including Municipal law); or (iii) activities suspected of constituting threats to the Security of Canada, as defined in the Canadian Security Intelligence Service Act;
- The OIC determined that the information at issue relates to individuals under investigation for espionage, terrorism, foreign interference or subversion;
- The OIC determined that the information at issue pertains to investigations conducted under the CSIS mandate and relate to espionage, terrorism, political interference or subversion;
- The OIC's investigation determined that the information contained within the records at issue is about individuals other than the complainant;
- The information at issue consists of names of serving CSIS officials, and protection of their identities is mandated by the CSIS Act

"Discontinued" by the Designated Judge with costs payable.

The Final Report issued by the Office of the Information Commissioner of Canada confirms that at least (2) two of the (19) nineteen identified names provided by the Appellant to the Office of the Privacy Commissioner (Ria Sayat, Gary W. Gibbs, Charlotte Freeman-Shaw, Ambassador Duhaime et al.) for its statutory investigation into CSIS for breaches of the Appellant's rights under Sections 4, 7 and 8 of the Privacy Act, R.S.C. 1985, are bona fide employees within CSIS i.e. the "names and identities" that spawned the subsequent

internal investigation at CSIS for, "individuals under investigation for espionage, terrorism, foreign interference or subversion," as denoted in the OIC Final Report originated solely from the Appellant.

## B. BACKGROUND

- (v) The Appellant was first employed as an articling-student at Stieber Berlach Gibbs LLP in Toronto in 2001 and thereafter as an associate lawyer until May 2005 when the Appellant left Stieber Berlach Gibbs LLP with the senior partner, Gary W. Gibbs for his new law-firm, Gibbs & Associates;
- (vi) Gary W. Gibbs was at all material times an undisclosed employee of the Security Apparatus and his law firm, Gibbs & Associates, in part, operated as a "front" for the Intelligence Service alongside a select handful of "re-occurring" clients that were repeatedly referred to Gibbs & Associates via the insurance manager's, Encon Group Inc. (now Victor Insurance) that is situated across the street from the main headquarters for the Canadian Security Intelligence Service ("CSIS") and Communication Security Establishment ("CSE") on Ogilvie Road in Ottawa;
- (vii) Gibbs & Associates at the time of its inception in May 2005 was a very small boutique law firm with only two lawyers, Gary W. Gibbs and the Appellant and later grew with the addition of Gary's common-law wife, Michelle Gibbs and two other lawyers Gary W. Gibbs had purportedly known for a longtime, Jennifer Roberts-Logan and another undisclosed friend from the Security Apparatus, Peter Mitchell;
- (viii) Gary W. Gibbs would later "reach out" to the Appellant for potential future employment in the Security Apparatus in the Summer of 2015 after the Appellant had undergone a lengthy and unsolicited "security screen" by Ria Sayat ("cover-name", born allegedly in Dartmouth, Nova Scotia on February 27, 1982 and attended Dartmouth Secondary School) and 34-year-old alleged Canadian Ambassador Lynn Duhamie, the former Canadian charge d'affairs for the Republic of Iraq during the War on Terror (born and raised in Sudbury, Ontario and attended Sudbury Catholic Second School) coupled with the pervasive monitoring of the Appellant's home and work telecommunications;

- (ix) After the Appellant said he would no longer co-operate and participate with Gary W. Gibbs' forced coercion to become proactive in the leadership campaign of Patrick Brown for the P.C. Party of Ontario and declined his unsolicited oral offer of future employment in the Security Apparatus the Appellant was thereafter wrongfully terminated without severance and publicly slandered by Gary W. Gibbs as "delusional and a liar" to destroy and undermine the Appellant's credibility and to insulate Gary W. Gibbs (and others) from any potential investigation for breaches of the Security of Information Act, R.S.C. 1985 for openly and knowingly divulging "special operations information" and confirming the identity of several undisclosed employees of the Security Apparatus;
- (x) This entire ordeal and misadventure commenced when the Appellant's father, **Robert Hutton** made one phone call to his mutual undisclosed friend in the Security Apparatus, Gary W. Gibbs and placed the Appellant for "legal articles" with Gary W. Gibbs under the "incorrect presumption" that the Appellant after graduating law school at the University of Ottawa would openly and gladly follow his path and subsequently accept employment when offered in the Security Apparatus;
- (xi) Prior to being approached by Gary W. Gibbs and verbally offered the invitation to join the Security Apparatus in 2015 the Security Apparatus first undertook a "security screen" of Appellant by their agents, Ria Sayat ("cover-name") and alleged Canadian Ambassador, Lynn Duhaime;
- (xii) Ria Sayat was introduced to the Appellant in late 2011 by the Security Apparatus through the "electronic manipulation" of the "results" of his "dating" Application, Plenty of Fish, that created a pre-determined "dating match" between the Appellant and Ria Sayat to the forced exclusion of any other "dating matches" on Plenty of Fish;
- (xiii) Several months after the Appellant ended the "relationship" with Ria Sayat in early 2014 (but still remained friends until the PAN-AM Games in Toronto) the Appellant was introduced to Ambassador Lynn Duhaime at Cold Tea Bar in the Summer of

2014 by a mutual acquaintance, Bob Scott Ryan who resided in condominium at Front Street and John Street directly opposite an undisclosed CSIS Office Building at the time in downtown Toronto and told the Appellant in private that his mother works at the CSIS Headquarters in Ottawa;

- (xiv) Ambassador Duhaime would routinely question the Appellant about “what security clearances” he held to work at the Department of Justice and also meet former Prime Minister Paul Martin. While quizzing the Appellant one evening at his residence she made the mistake of mentioning facts concerning the Appellant “chaperoning” John Reynolds, M.P. at a Reform Party Convention in Ottawa when the Appellant had not mentioned those facts to either herself or anyone in his social circle in Toronto and had completely forgotten about the name John Reynolds when mentioned;
- (xv) John Reynolds later became the campaign chair for Patrick Brown for his leadership campaign for the Federal Progressive Conservative Party of Canada;
- (xvi) When subsequently asked by the Appellant if she had undertaken a “security screen” of him for “politics” Ambassador Duhaime replied in a text, “you’re radar is good” and posted a photograph on her Facebook of her sitting at the exact same table at the Magnolia Bakery in New York City enjoying the same “cupcake” that the Appellant had shared with Ria Sayat on their prior trip to Magnolia Bakery in NYC;

**C. THE ERRORS OF FACT AND LAW, ERRORS IN LAW AND JUDICIAL NOTICE NOT ACCEPTED BY THE DESIGNATED JUDGE**

- (xvii) The Designated Judge failed to take Judicial Notice of the known fact which is reported consistently in the world news that the Security Apparatus do in fact modify “dating applications” to schedule pre-ordained meetings between their “female intelligence officers” and unsuspecting “male users” to carry out an undisclosed “encounter” and/or Security Screen;

- (xviii) The Designated Judge provided illogical and flawed written reasons that reflected a misapprehension or misunderstanding of the Canadian Security Intelligence Services Act, R.S.C. 1985 and the Security of Information Act, R.S.C. 1985 that universally prohibits the public disclosure of the identity of a “covert employee” of CSIS (Ria Sayat or Ambassador Duhaime) or any information that may lead to the identity of a covert identity or any specific “technical or operational information”;
- (xix) The Designated Judge made palpable and overriding errors of fact and law by not appreciating in the written reasons the fact that all “covert employees” of both the Canadian Security Intelligence Service and the Communication Security Establishment are automatically bestowed as, “persons permanently bound to secrecy” by virtue of being a named Schedule Department in the Security of Information Act, R.S.C. 1985 and that the repository for the “identity of all person’s permanently bound to secrecy,” (NSIRA, Office of the Intelligence Commissioner, Intelligence Assessment Secretariat of the P.C.O., CSE, CSIS, Criminal Intelligence Unit at the RCMP et al.) is kept solely in the possession of CSIS in Databank No. CSIS PPU (065) – Security of Information Act Records;
- (xx) The Designated Judge made palpable and overriding errors of fact and law and errors in law by ignoring or not properly considering in the written reasons the filed written evidence of the Appellant concerning the refusal of licensed lawyer’s Gary W. Gibbs, Robert Hutton, Peter Mitchell and others to provide their “written consents” for a “request for disclosure” from the Access to Information Department at CSIS for any “personal information” they possess of those individuals in Databank No. CSIS PPU (065) – Security of Information Act Records;
- (xxi) The Designated Judge made palpable and overriding errors of fact and errors of fact and law and incorrectly applied the law by disregarding or misapprehending in the written reasons the sworn filed transcript evidence of “Catherine” on behalf of CSIS in Federal Court File No. T-268-17 that confirmed “undercover” intelligence agents at CSIS are provided with fictitious employment, family and social

backgrounds with supporting fabricated documents in order to carry out their undisclosed operations and duties i.e. the “badges” of the Security Apparatus;

- (xxii) The Designated Judge made palpable and overriding errors of fact and law and errors in law by disregarding or misapprehending in the Order and Reasons the Appellant’s sworn filed evidence at the Motion that illuminated the “badges” of Ria Sayat, Lynn Duhaime, Gary W. Gibbs (licenced lawyer), Michelle Gibbs (licenced lawyer), Robert Hutton (licenced lawyer), Charlotte Freeman-Shaw (licenced lawyer), Shannon Fitzpatrick, Chris Ritchie, Rhys Jenkins, Peter Mitchell (licenced lawyer) and Bob Scott Ryan as being undisclosed employees or associates of the Security Apparatus, which included the following,
- (a) The digital photograph the Appellant has sworn under oath that is of the Respondent, Ambassador Lynn Duhaime at Lighthouse Labs in Toronto;
  - (b) The sworn evidence of the Appellant concerning the same photograph of Ambassador Duhaime that was digitally manipulated to “obscure and distort” her face from recognition by his former friends and self admitted employees of the Security Apparatus, Chris Ritchie and Rhys Jenkins;
  - (c) The sworn evidence from the Appellant of the fact that no other digital photographs on the entirety of the Appellant’s iPhone were modified or distorted except for that of Ambassador Duhaime at Lighthouse Labs in Toronto;
  - (d) The Appellant’s sworn evidence concerning his former long-time friend from London, Ontario and self-admitted employee of CSIS, Chris Ritchie who admitted his secret knowledge that the Appellant had obtained the “undercover photograph” of Ambassador Duhaime at Lighthouse Labs and told him to remove it from his iPhone;
  - (e) The Appellant’s sworn evidence concerning Gary W. Gibbs who admitted his secret knowledge that the Appellant had obtained the “undercover

photograph” of Ambassador Duhaime at Lighthouse Labs and told him to remove it from his iPhone;

- (f) The digital photograph the Appellant has sworn under oath that is of the Respondent, Ria Sayat on vacation in the Caribbean with his former long-time childhood acquaintance, Chris Ritchie from London, Ontario who told the Appellant in private that he was employed with the Respondent, CSIS;
- (g) The two published medical papers allegedly authored by Ria Sayat and others dated May 1, 2005, and April 15, 2006, from Elsevier Medical Publishing that do not match her purported school history, overtly conflict with the position taken by Ria Sayat in her Response to the Appellant’s Request to Admit in Federal Court File No. T-268-17 and are nowhere to be found in her Sworn Affidavit of Documents in Federal Court File No. T-268-17;
- (h) Q. #51 of the Appellant’s Request to Admit for Ria Sayat in Federal Court File No. T-268-17 – “Ria Sayat allegedly authored several “Cancer Research” papers with Sujata Persad;
- (i) Answer to Q. #51 by the Respondent, Ria Sayat in her Response to the Request to Admit in Federal Court File No. T-268-17 – “Denied as drafted. Ms. Sayat authored one article with Sujata Persad. Tab 1(B) of Ms. Sayat’s Affidavit of Documents.”
- (j) Tab 1(B) of Ria Sayat’s Affidavit of Documents in Federal Court File No. T-268-17 holds the following: **June 6, 2008** – Article – OglcNac-Glyosylation of B-Catenin Regulates its Nuclear Localization and Transcriptional Activity (Sayat et al., 2008).
- (k) The fact that Ria Sayat has reportedly published not (1) one but at least (5) five fictitious “Cancer Research” papers with Sujata Persad (and others) for the years 2015 to 2019;

- (l) The Appellant's sworn evidence that has not been contradicted or provided with any explanation by the Respondents concerning the "different names" used by Ria Sayat on multiple documents that do not match the name listed on her Canadian Passport that was provided to the Appellant to book their flight to New York City;
- (m) The fact that it is highly unlikely and not reasonably probable that a purported first or second year "nursing student" from York University (Ria Sayat) would be provided with daily bedside access to the former Mayor of Toronto, the largest city and economic engine of Canada while undergoing cancer therapy at the University Health Network in Toronto;
- (n) The continuous reporting by Ria Sayat to the Appellant of Robert Ford's daily cancer prognosis and overall health reflected the known "operation" of CSIS concerning "the continuity of Government";
- (o) The blatant creation by the Security Apparatus of Ria Sayat's fictitious cousin, "Cynthia Sayat" at Cabbagetown Dental Clinic on Parliament Street in Toronto;
- (p) The sworn evidence of the Appellant (that was never refuted in the filed evidence in Federal Court File No. T-268-17) that the two female receptions who had worked at the Cabbagetown Dental Clinic in Toronto for (10) ten years had never seen a "Dr. Cynthia Sayat" and had no reasonable explanation why the name "Dr. Cynthia Sayat" was prominently displayed and advertised on the exterior windows of the Cabbagetown Dental Clinic;
- (q) The Appellant's sworn evidence that Dr. Cynthia Sayat's name was continuously being falsely advertised as employed at the Cabbagetown Dental Clinic in the paid Toronto Yellow Pages (that would require at a minimum a person completing a written application for a "fictitious advertisement" and paying a related monetary fee);

- (r) Openly and publicly advertising the services of the non-existent Dr. Cynthia Sayat on street signage and in the paid Yellow Pages infringes Ontario Regulation 853/93 of the Ontario Dentistry Act, 1991;
- (s) The photograph of Ambassador Duhaime from her Facebook sitting at the very same table at the Magnolia Bakery in New York City as shared the previous year by Ria Sayat and the Appellant;
- (t) The sworn fact that the Respondent, Ria Sayat is now, "not entitled to practise Nursing" as published online by the College of Nurses, Ontario ("CNO") for reasons that have never been answered by the Respondent;
- (u) The sworn fact that the Cabbagetown Dental Clinic on Parliament Street in Toronto removed all fictitious window signage advertising the bogus dental services for "Dr. Cynthia Sayat" approximately the same time as Ria Sayat was penalized by the CNO;
- (v) The entirety of the Appellant's sworn filed evidence at the Motion concerning the orchestrated involvement of the Security Apparatus (Gary W. Gibbs, Ria Sayat, Robert Hutton, Brian Colburn and Ambassador Duhaime) forcefully directing the Appellant towards the leadership campaign of the former leader of the Progressive Conservative Party of Ontario, Patrick Brown i.e. "political interference in the democratic process" by our Intelligence Apparatus;
- (w) The sworn filed evidence of the Appellant regarding Peter Mitchell (who the Appellant had known for 10 years) who disclosed his employment in the Security Apparatus to the Appellant at his house in the Summer of 2015, the "Security Apparatus" (i.e. CSIS) thought the Appellant would openly accept unsolicited employment with them when offered by Gary W. Gibbs, that he personally knows Ria Sayat from the Security Apparatus, there are approximately 100,000 Chinese Intelligence Agents or Sympathizers of the Chinese Communist Party in Canada and the "Security Apparatus"

apparently “needs help” because of the magnitude of the Chinese Intelligence Agents and Sympathizers in Canada;

- (xxiii) The Designated Judge provided incomplete and illogical written reasons by failing to identify anywhere in the Order and Reasons or at a minimum providing a reasonable and educated explanation in the Order and Reasons for the Appellant’s sworn evidence concerning the “badges” of the Security Apparatus, such as with the false advertising for the non-existent dental services of Dr. Cynthia Sayat at the Cabbagetown Dental Clinic in the paid Toronto Yellow Pages or the publication of the two “fictitious medical papers” allegedly authored by the Respondent, Ria Sayat in 2005 and 2006 that are noticeably absent from her sworn Affidavit of Documents and do not coincide with her Response to the Appellant’s Request to Admit in Federal Court File No. T-268-17) or the unrefuted photographic evidence of Ambassador Duhaime in disguise at Lighthouse Labs;
- (xxiv) The Designated Judge made palpable and overriding errors of fact by disregarding or misapprehending the Appellant’s filed evidence relevant to the factual issue in the Order and Reasons, “that no credible and probative evidence has ever been tendered by Mr. Hutton to suggest that his claims are based on anything other than mental health condition,” (paragraph 77).
- (xxv) The Designated Judge made palpable and overriding errors of fact by misapprehending or completely ignoring in the Order and Reasons the Appellant’s sworn filed evidence at the Motion that was not cross-examined by the Respondents concerning the disclosure made by the Department of National Defence pursuant to the Appellant’s Access to Information Request that identified, **Rhys Jenkins, Chris Ritchie, Robert Hutton, Shannon Fitzpatrick and Peter Mitchell** as either former or current members of the Department of National Defence – Canadian Forces (PERMIS Search);
- (xxvi) The Designated Judge made palpable and overriding errors of fact by misapprehending or completely ignoring in the Order and Reasons the Appellant’s sworn filed evidence at the Motion that was not cross-examined by the

Respondents concerning the disclosure made by the Privy Council Office (“PCO”) pursuant to the Appellant’s Access to Information Request (A-2021-00402) that disproved the purported employment of the Respondent, Ambassador Duhaime at the Privy Council Office from July 2015 to July 2017 as she had sworn in Federal Court File No. T-268-17 i.e. a further “badge” of the Security Apparatus (fictitious employment history);

- (xxvii) The Designated Judge made palpable and overriding errors of fact and law by not accepting the Appellant’s sworn evidence concerning the ATIP Department at the Department of National Defence or the Privy Council Office as truthful or providing it with sufficient or any weight in the Order and Reasons in the face of no rebuttal or contradictory sworn evidence filed at the Motion by either the Respondent, Ambassador Duhaime or the Attorney General of Canada;
- (xxviii) The Designated Judge made palpable and overriding errors of fact and incorrectly applied the law for “considering” a Decision of the Law Society of Ontario Tribunal in the written Reasons that is highly prejudicial and patently unfair to the Appellant;
- (xxix) The Designated Judge provided a lack of procedure fairness and natural justice to the Appellant by referring to and considering materials that were not filed at the hearing of the Motion (the Appellant’s timetabling letters for the AGC’s Motion re: paragraph 59) but conversely did not accept or acknowledge the Appellant’s filed Written Submissions or sworn Affidavit for the following scheduled Rule 74 Motion before the Designated Judge that criticized the findings of the Tribunal and the diagnosis of Dr. Andrew Morgan, for erroneously concluding in the Order and Reasons that, “Nowhere in the extensive materials filed by Mr. Hutton in response to this Motion does Mr. Hutton address the findings by the Tribunal and/or the actual diagnosis made by the forensic psychiatrist” (paragraph 61);
- (xxx) The Designated Judge made palpable and overriding errors in fact and law by disregarding or misapprehending the Appellant’s sworn filed written evidence for erroneously concluding in the Order and Reasons that, “Nowhere in the extensive materials filed by Mr. Hutton in response to this Motion does Mr. Hutton address

the findings by the Tribunal and/or the actual diagnosis made by the forensic psychiatrist" (paragraph 61) which includes, but is not limited to:

- (a) The filed psychiatric report from Dr. Lawrence Reznik dated November 18, 2015, that the that Appellant was forced to obtain by Gary W. Gibbs (who the Appellant had known intimately for 15 years) as his "retaliation" for stating in public that Gary W. Gibbs was an employee of the Security Apparatus and Gibbs and Associates was a front for the Security Apparatus (receiving its purported "legal files" from Encon Group Inc. located across the street from the Headquarters for the CSE and CSIS in Ottawa) or risk being immediately terminated;
- (b) The filed psychiatric report from Dr. Lawrence Reznik dated November 18, 2015, that held, "There is no evidence that Mr. Hutton is suffering from a psychiatric disorder (such as Delusional Disorder, Bipolar Disorder or Schizophrenia) that can account for the behaviours and practise issues you allege to have occurred in your letters ... no workplace accommodations need to be implemented in order for Mr. Hutton to return to work," and was later presented to Gary W. Gibbs who thereafter immediately terminated the Appellant because his pre-planned ruse of a "forced medical examination" to make the Appellant quit his employment beforehand did not work out as anticipated;
- (c) The fact that after (8) eight years in litigation in the Federal Court and before the Law Society of Ontario that the Respondent, CSIS has still refused to file a sworn Affidavit in the name of a public employee from the Human Resources Department or Director that denies any knowledge or employment in any capacity of the Respondents, Ria Sayat or Ambassador Duhaime;
- (d) The fact that the LSO and Dr. Andrew Morgan conspicuously never directly approached or spoke to the Defendant, Ria Sayat or Ambassador Duhaime or made any inquiries with anyone at the Federal Government to determine

the validity of the Appellant's claims in the Federal Court or obtained a sworn statement of facts from the Defendants in Federal Court File No. T-268-17 that would be subject to cross-examination by the Appellant i.e. the purported "diagnosis" of Dr. Andrew Morgan was nothing more than Dr. Andrew Morgan's personal examination and legal assessment of the pleadings in the Federal Court and other select documents provided by Discipline Counsel for the LSO;

(e) Dr. Andrew Morgan's two alleged "medical reports" concerning his "diagnosis" that clearly noted his "paper-review" and "personal assessment" of the pleadings and select filings in the Federal Court were not before the Designated Judge at the Motion and reflected an evaluation on an incomplete record;

(xxxi) The Designated Judge made palpable and overriding errors in fact and law by disregarding or misapprehending the application and operation of Section 18.2 of the Canadian Security Intelligence Services Act, R.S.C. 1985 in the Order and Reasons the permits employees of the Respondent, CSIS or their official designates (including corporations) the right to lawfully "lie" and "tender fictitious documents" to protect a "covert identity" of their employees, such as Ria Sayat ("cover-name") and Ambassador Duhaime;

(xxxii) The Designated Judge made a palpable and overriding error of fact and law by failing to take Judicial Notice of the fact that "diplomatic credentials" like "Ambassador Duhaime" are commonly used by a country for their "agents" to carry out security operations under a "fictitious name and fabricated background" in the Order and Reasons;

(xxxiii) The Designated Judge infringed the Appellant's rights to natural justice and procedural fairness by receiving and considering (12) twelve days after the Hearing of the Motion on March 28, 2024, the written argumentative submissions from the Respondent's lawyer, James Stuckey dated April 9, 2024 concerning the

Appellant's Application in Federal Court File No. T-674-24 and the contents of the Application;

- (xxxiv) The Designated Judge made palpable and overriding errors of fact in the Order and Reasons by espousing, "With respect to T-624-24, I did not receive any submissions from the parties as to the restrictions granted in relation to that proceeding..." (paragraph 87) when in fact prejudicial written argumentative representations were received from the Respondent's lawyer, James Stuckey for the AGC on April 9, 2024 in Federal Court File No. T-268-17;
- (xxxv) The Designated Judge made a palpable and overriding "processing error" of fact and an error in law for discontinuing the Appellant's Notice of Application in Federal Court File No. T-674-24 when the Designated Judge openly admitted in the Orders and Reasons at paragraph 87, "Given that I do not have any insight to the merits of the proceeding, I will order that T-674-24, be discontinued, rather than quashed."
- (xxxvi) The Designated Judge incorrectly applied the law and made palpable and overriding errors of fact and law in the Order and Reasons for concluding, "I see no basis to find the consent provided in this matter does not meet the requirements of subsection 40(2) of the Act," when the Appellant had clearly raised in the filed written materials the issue of "delegated authority" and the Department of Justice Act, R.S.C. 1985 not being considered previously by either the Federal Court or Federal Court of Appeal;
- (xxxvii) The Designated Judge made a palpable and overriding error in fact and law and error in law for Quashing the Appellant's Notice of Application in Federal Court File No. T-868-21, that questioned the Constitutionality of Section 18.2 of the CSIS Act, under the incorrect factual assumption and inference, "that Mr. Hutton's standing to challenge the constitutionality of Section 18.2 of the CSIS Act is predicated on the provision's potential impact on his rights in T-268-17," when in fact it also included the potential impact of the Appellant's rights in his ongoing Complaint and Hearing before the Tribunal at the Law Society of Ontario that was purportedly commenced as a collateral attack on the litigation in the Federal Court by the

lawyers for Ria Sayat, Goldblatt Partners LLP and also his ancillary litigation involving the potential identities of employees of CSIS in Federal Court File Nos. T-674-24 and T-1143-19;

- (xxxviii) The Designated Judge's Order that precludes and prohibits the Appellant from, "assisting or representing others in any matter of this Court" (paragraph 1) is vague, overbreadth, unfair, has the opportunity to create never-ending litigation about compliance and represents palpable and overriding errors of fact and law by misapprehending or ignoring the sworn filed evidence from the Appellant;
- (xxxix) The Designated Judge's Order and Reasons that discontinued and closed, "all other matters of any sort instituted by the Plaintiff in this Court and currently before this Court (including Court File No. T-674-24)" (paragraph 4) is vague, overbreadth, unfair, and represents palpable and overriding errors of fact and law and errors in law by misapprehending or ignoring the sworn filed evidence from the Appellant;
- (xl) The Designated Judge's Order and Reasons are unusual and severe by cutting-off and unnecessarily curtailing the Appellant from access to the Federal Court for proceedings completely unrelated to the Security Apparatus or any of the Respondents;
- (xli) The Designated Judge's Order and Reasons that require the Appellant to seek "leave" for "well-founded" Final Reports from the Office of the Information Commissioner ("OIC") are unusual, severe and represents an error in law for the incorrect interpretation of the operation of the Access to Information Act, R.S.C. 1985 that contains a strict (35) thirty-five-day limitation period that cannot be extended in which to seek relief from the Federal Court for the unlawful actions of the Respondents i.e. the Appellant's right to enforce further disclosure under the ATIA from the Security Apparatus in the Federal Court as Ordered or Recommended by the Information Commissioner of Canada ("IC") in a Final Report would be "lost" and "prohibited" by the lengthy delay imposed by the requirement to first "seek" leave of this Honourable Court;

- (xlii) The Designated Judge made palpable and overriding errors in fact and law by disregarding or misapprehending the Appellant's sworn filed evidence at the Motion that the Appellant consents to an Order being found a vexatious litigant, save an except for the Appellant's current matters before the Federal Court and any "Well-Founded" Final Report from the OIC, for the incorrect reasons espoused, "there is no evidence before the Court to suggest that Mr. Hutton intends to curb his litigation conduct in response to the concerns raised by the parties" (paragraph 81);
- (xliii) The Designated Judge made palpable and overriding errors in fact by "reasoning" the Appellant's Application in Federal Court File No. T-674-24 which purportedly illuminates an on-going internal investigation at CSIS involving its employees, appears, "to be grounded on delusions," (paragraph 81) when it relates solely to "an access to information" request for further and better disclosure from CSIS under the Access to Information Act, R.S.C. 1985 concerning complaints or investigations against its employees (CSIS PPU 035);
- (xliv) The Designated Judge made errors in law and palpable and overriding errors of fact concerning the Appellant's filed written evidence for Ordering that the Appellant is prohibited from seeking leave to commence any new proceeding or resurrect any proceeding until all outstanding costs awards arising from this Court have been paid;
- (xlv) The Designated Judge incorrectly applied the law for fixing the Respondent, the Attorney General of Canada's costs of the Motion in the all-inclusive sum of \$2,305.50 and payable forthwith;
- (xlvi) The Designated Judge made errors in law and palpable and overriding errors of fact for awarding the Respondent, the Attorney General of Canada its costs of the Motion while ignoring or not sufficiently considering the overarching mitigating fact that the Appellant raised in its written materials "Constitutional and Public Interest Issues" that have never been publicly explored or answered by either the LSO or the Federal Court concerning the overt involvement of the Security

Apparatus within the Judiciary, i.e. the overt fact that numerous licenced lawyers in the Province of Ontario are also concurrently employed as undisclosed members of the Security Apparatus and utilize the Judiciary for "matters and operations" not permitted by the Constitution (Separation of Powers), the Governing Laws of the Canadian Bar Association and the Law Society of Ontario's Rules of Professional Conduct;

- (xlvii) The Designated Judge made errors in law and palpable and overriding errors of fact for considering and accepting the Bill of Costs and Cost Submissions from the Respondent, Ria Sayat that were never served upon and received by the Appellant's solicitor pursuant to the Order dated April 19, 2024;
- (xlviii) The Order and Reasons from the Designated Judge is Final in that it determines in whole or in part the substantive rights in controversy between the Appellant and Respondents;
- (xlix) Sections 3, 27, 40, 52 and 53 of the Federal Courts Act, R.S.C. 1985;
- (l) Part 6 and Rules 3, 47, 53, 55 and 392 of the Federal Courts Rules, R.S.C. 1985;
- (li) The Canadian Security Intelligence Services Act, R.S.C. 1985;
- (lii) The Security of Information Act, R.S.C. 1985;

*Kristin Hutton*

**MAY 17, 2024**

**KRISTIN ERNEST HUTTON**

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The Appellant

**Court File No.:**

**FEDERAL COURT OF APPEAL**

**BETWEEN:**

**KRISTIN ERNEST HUTTON**

**Appellant**

**- and -**

**RIA SAYAT, LYNN DUHAIME also known  
as STEPHANIE DUHAIME the former Canadian Charge  
d'affaires for the Republic of Iraq, THE ATTORNEY  
GENERAL OF CANADA (on behalf of THE DEPARTMENT  
OF NATIONAL DEFENCE, CANADIAN SECURITY  
INTELLIGENCE SERVICE and COMMUNICATION  
SECURITY ESTABLISHMENT), HIS MAJESTY THE KING**

**Respondents**

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**NOTICE OF APPEAL**

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**KRISTIN ERNEST HUTTON**

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Toronto, Ontario M5R 1B1  
Tel: (416) 294-9026  
Email: KrisHutton@hotmail.com

The Appellant

I HEREBY CERTIFY that the above document is a true copy of  
the original issued out of / filed in the Court on the \_\_\_\_\_

day of MAY 17 2024 A.D. 20\_\_\_\_

Dated this MAY 17 2024 day of MAY 17 2024 20\_\_\_\_

\_\_\_\_\_