Case File No.- CV-21-86803

ONTARIO

SUPERIOR COURT OF JUSTICE

BETWEEN

Sean von Dehn

(Plaintiff/Moving Party)

And

The City of Ottawa,

Sana Abou-Arraj, Christine Amaro and Celia North

(Defendants/Respondents)

REPLY FACTUM

Dated: October 5th, 2021.

Sean von Dehn
King Sean, House von Dehn,
Hand of Stephen,
Kingdom of God,
3-396 Kent Street,
Ottawa, Ontario,
K2P2B2
Plaintiff, Moving Party

To: The City of Ottawa,
Legal Services Branch,
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Jeremy Wright, (LSO No.: 29351D)
Legal Counsel for the Defendants/Respondents

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Defendants, Respondents

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PART I: OVERVIEW **TAB 1.**

1. The Applicant makes the following submissions in reply to the Respondent's Factum.

PART II: FACTS

A. No Endorsement to dismiss the Action was made pursuant to Rule 2.1.01 by Justice Gomery on July 19th, 2021.

2. An Endorsement to dismiss an Action pursuant to Rule 2.1.01 is a determination made by the Court on its own initiative and is not a response to a private pleading.[1] The Endorsement made by Justice Gomery clearly indicates that she is responding to an email letter request sent to the Court by the Respondents. There is a distinct difference between 2.1.01 and 2.1.01(6), which requires that a request be filed with the Registrar for ***summary procedure,*** and ***pursuant to the summary process***.

B. Failure to serve Motion materials is not fraud or perjury - lying is.

3. The Respondents incorrectly assert that I am suggesting their failure to provide Me with Notice of their Motion to dismiss in compliance with Rule 2.1.01(6) is what I am characterizing to be fraud and perjury.[2] The fraud and perjury is that defense counsel provided impartial and misleading testimony to a Justice after they had been advised by the Court that their request to dismiss was not being considered by the Court until an official request is filed with the Registrar. This was a specific directive Given by the Court. Defense counsel fails to mention that the Court responded to her private email letter request ***on June 24th!*** Defense counsel was specifically instructed to ***file motion materials with the Registrar*** if they Wish to move the Court to dismiss pursuant to Rule 2.1.01(6).[3] The Court asserts in their reply to Me that as of June 25th, ***no motion materials had been filed with the Court***. Defense counsel continues to insist that their private correspondence with the Court is entirely provided for by Rule 2.1.01(6). No Court process may be commenced without an official filing of a request with the Court Registrar, and no correspondence between the Courts and any party can take place without the prior consent of all parties[4]. I may be a self Presented litigant but even I know this is True, so I am presuming that legal counsel for the City of Ottawa

[1] Rules of Civil Procedure, 2.1.01(1-7),
[2] Respondent Factum at Part I, Overview, Page 1, Para. 2.
[3] Response from the Court to Respondents email letter request, Exhibit C
[4] Rules of Civil Procedure, 1.09

should certainly know what constitutes an official filing with the Court, and that their email request does not qualify. If it is not on the Court of Record, it took place outside of the Court process, in violation of the Rules (1.09 in particular), and was not sanctioned by the Court.[5] That is the fraud and perjury being perpetrated by defense counsel because I feel it is a little naive for Me to presume the Respondents don't know what 'file a request with the Registrar' means, so they are deliberately attempting to mislead the Court by suggesting their request was made in compliance with the Rules of the Court.

C. A private email to the Court is not a valid filing under Rule 2.1.01(6)

4. In the Respondent's Motion Factum, they assert that the Order was 'validly made under Rule 2.1.01,[6] and that the Letter request was sent 'pursuant to Rule 2.1.01(6)'. This is why it is important to distinguish between Rule 2.1.01 and Rule 2.1.01(6), as the process is distinctly different for summary procedure. The Respondent is correct in regards to Rule 2.1.01 which does not require any motion materials to be filed because the determination is made by the Court <u>*on its own initiative,*</u> meaning that it is not a response to a requisition for an Order. But a Letter *was* sent by defense counsel (in violation of Rule 1.09), so the determination is not 'validly made under Rule 2.1.01'; if it were, there would be no need for defense counsel to include their private email requisition to the Court. The determination was made under Rule 2.1.01(6), *not* 2.1.01, which is clearly stated by Justice Gomery in her Endorsement. This is the misleading, fraudulent story that defense counsel continues to tell. The Court already responded to Me on June 24th, and stated that "According to the rules of civil proceedings, the defendants can ***file a motion***. You can reply to this motion by filing your response materials. Please note that as of today, there ***is no motion materials filed***."[7]
This clearly shows that defense counsel did not file a request with the Registrar under Rule 2.1.01(6) as provided for by the Rules of Civil Procedure, and that defense counsel is incorrect to suggest that Rule 2.1.01(6) does not require Motion materials to be filed. That is only True if the Court dismisses the Action on its own initiative and without any external influence from either party to the Action (Rule 2.1.01).

D. An Order made outside of the Court process is not a Valid Order

5. Defense counsel correctly points out that I have not filed for an appeal of the determination. They also incorrectly suggest that the Judge's determination is a final

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[5] Rules of Civil Procedure, 1.09
[6] Respondent's Motion Factum, Part I, Overview, Page 1 at Para. 3
[7] Reply to Me from the Court in response to Respondent's Letter Request, Exhibit C

Order and that a Court of appeal is the appropriate venue to overturn the decision. The Courts had already indicated to Me that defense counsel's request for a determination under Rule 2.1.01(6) was not being considered by the Court. I did not know that defense counsel was not also cc'd the reply I received from the Court.[8] The Respondents were three days into default for failing to respond within the twenty days provided for by the Rules before they contacted Me to let Me know they were still waiting for a reply from the Court, had not prepared any defense materials of any kind, and as King of Me for more time. Defense counsel refused to propose any reasonable timeline and failed to produce a Statement of Intent to Defend before I left for the Courthouse later that afternoon (July 13th, 2021). I had the Respondents noted in default later that day and Mike (Registrar) confirmed that no materials of any kind had been filed with the Court by defense counsel as of the afternoon of July 13th, and I was able to Note the Respondents in Default. Mike Will remember Me because he was very kind and told Me that My paperwork and filings are the best he has seen by a Self Presented litigant in over twenty-five years as a Registrar.
I did not believe for one second that defense counsel would continue to privately petition a Court justice after this, but that is clearly what happened. There is no requisition for an Order under 2.1.01(6) on the Court of Record made by defense counsel, and 'the Court' did not direct justice Gomery to make this Endorsement. This was a negotiation made behind closed doors, outside of the Court process, and the justice was only provided with information that supports defense counsel's position (that's the real fraud and perjury because the judge did not have all the facts regarding the Matter). If this determination had been sanctioned by the Court, the justice would have had all the information and would not conveniently omit the fact that the defendants were noted in default, or that they were still begging the Court to respond to their private email on the day they were to be Noted in Default. The defendants also managed to magically overturn being Noted in default without any notice to Me and entered a Statement of Intent to Defend, which suggests a serious violation of the Rules and compromises My right to a fair and impartial hearing. How can I possibly hope to have a fair and impartial hearing if the City of Ottawa can pull all kinds of strings at the Courthouse to get what they want without Me having any Idea what is taking place with My Case file? The Court *tried* to protect Me by responding to defense counsel's letter request only to Me, and letting Me know the request to dismiss was not under consideration until motion materials are officially filed with the Registrar by defense counsel.The defendants *refused* to accept the direction Given them by the Court and privately petitioned justice Gomery - there is no other explanation. If there is no requisition filed with the Registrar, then the determination was made outside of the Court process and the Justice did not

[8] Respondent's follow up email to the Court in violation of Rule 1.09, Exhibit D

get paid to make the Endorsement - at least, not by the Court. However, I Imagine she was compensated for the six page Endorsement by someone (city of Ottawa, maybe?). The point is, the *Courts* were fully aware of what defense counsel was up to - failing to respond to defense counsel's private letter request while responding to Me to let Me know that there is no Motion under consideration until the Respondents file Motion materials was a *friendly warning* from the Courts to defense counsel, advising them to Play by the Rules. I know this determination did not come from the Court because I know that the Statement of Claim does not qualify for dismissal under Rule 2.1.01 in any case, and the Courts know this, too. So, because I knew this determination was not issued or sanctioned by the Court, rather than file an appeal, I decided I would file an ex-parte Motion with the Court to let the Court know what happened and advise the Court that I believe the Order should be Vacated. The Court can't remedy a problem they don't know about, but the Court very much can Vacate an Order if it contains fraud and perjury, or if the Order was made outside of the Court process (it isn't even legally binding if it is not sanctioned by the Court - Sally Gomery cannot make judgments and orders in her private capacity, only if she is Acting as an officer of the Court), or if it is clear that One of the parties to a proceeding has demonstrated gross contempt for the Rules of the Court that compromised the other party's right to a fair and impartial hearing. If the Courts had felt that the proper procedure was to file for an appeal, they would have advised Me that the Judge's determination is final. However, the Court *knows* this determination was not sanctioned by the Court, so why should the Court be liable for actions Sally Gomery is taking in her private capacity? The whole point to a requisition to dismiss under Rule 2.1.01 is to save the Court unnecessary time and resources if it is clear that a Statement of Claim cannot possibly succeed. The same is True for a Motion to Vacate if the Order is invalid - why waste unnecessary time and resources by Way of the appeal process if it is clear that the Matter Will be returned to the original Court anyway? If the Order is not Vacated and I choose not to appeal, then the case file remains as evidence of the city of Ottawa's ability to privately petition Court judges off the Court of Record, and the Court becomes liable, rather than a rogue justice and defense counsel. I am also an international journalist and am publishing every single Word of this Claim and all Actions I have taken since in the Good News Journal at www.vondehnvisuals.com. As I explained to the Respondent, the public understands that People make mistakes, People can bend the Rules and even break them when push comes to shove. But I don't believe the Courts themselves are corrupt and support or endorse this kind of contempt for the Rule of Law and the Rules of the Court. If they did, I don't believe they would have considered My Motion materials[9] for five weeks before responding to Me and instructing Me to serve the Notice of Motion on

[9] (Email) Motion to Vacate, Exhibit E

the Defendants, and to prepare and file a clean Order with My Motion Record if defense counsel does not oppose. I don't even believe that the Courts anticipated defense counsel would oppose the Motion to Vacate because the Courts know exactly what happened here - Vacating the Order 'forgives' all parties involved. If the Order is not Vacated, We have a serious criminal investigation to consider and I believe it Will be prudent to subpoena the email correspondences between Justice Gomery and the city of Ottawa, or at the very least subpoena the direction Given to Sally by the Court to make a Ruling in regards to this Claim. I am Willing to bet We discover that the Judge was acting rogue and was bribed by the city because they don't Wish for the Truth of this claim to come out, and do not Wish to be held liable for their Willful trespasses upon My [inherent/God Given] rights. If this determination was sanctioned by the Court, it would not be coming thirty one days after the Claim was filed when the defendants should already be Noted in Default for a second time. Obviously, I can't know that to be True - but logic, reason and intuition strongly suggest it is a sensible conclusion.

E. The Statement of Claim was Issued on June 18th

6. The Statement of Claim was filed with the Court and served upon the Respondents on June 18th,[10] not June 21st as claimed by the Respondents in their 'facts' regarding this case file.[11] The relevance here is that the determination by Justice Gomery was made on July 19th, ***thirty-one days*** after the Respondents were served with the Statement of Claim - they were already in default. If the Courts had been considering the private, email letter request to dismiss under Rule 2.1.01(6) as suggested by the Respondents, they would have made a determination within the timelines provided for by the Rules. Effectively, Justice Gomery's decision comes a day late and the Respondent's would have already been Noted in default for a second time before the determination came in if Steven Pardou (Registrar) had not refused to accept a perfectly Good affidavit of service previously endorsed and commissioned by him and Mike (another Registrar, last name unknown). The Respondent has consistently attempted to convey misleading information about the date this Claim was both filed with the Court, and served upon them.

F. Legal grounds to Vacate

7. Legal grounds to Vacate an Order include a Judge or Justice Acting outside of their official capacity and or outside of the Court process, fraud and perjury (misleading

[10] Statement of Claim, Respondent's Factum, final page, shows both the date received by the city and the date of filing is June 18th, 2021.
[11] Respondent's Factum, Part II, Facts, Page 2, at Para 5

or impartial testimony presented to a Judge with intent to unfairly influence justice) on the Court of Record, and gross contempt for the Rules of the Court demonstrated by one or more parties to a proceeding that compromises a party's right to a fair and impartial hearing.
I am not citing case law to support these arguments as I believe these grounds are reasonably self-evident in the interest of Justice and fairness within the Court process. I would have been quite happy to appeal if that was the appropriate process determined by the Court. I figured the best Way to know was to be as King of the Court My Self. I specifically requested that if the Motion to Vacate *can* be heard, to instruct Me to serve the Notice of the Motion upon the Defendants. That was the only reason I initially filed an ex-parte Motion as I did not Wish to waste the Court or Defendant's time until I was sure there were sufficient grounds for the Motion to be heard. The Courts determined that there is, instructed Me to serve the Notice of Motion upon the Defendants, and if the Motion is unopposed, to file a Motion Record with a clean draft Order.[12] If there were not sufficient grounds to Vacate the Order, I would not be wasting Your Valuable time. I believe defense counsel is underestimating how serious their breach of the Rules are.

[12] Email letter from the Court in response to ex-parte Notice of Motion to Vacate, Exhibit F

Part III - Issues and Unopposed Points and Authorities **Tab 2.**

G. Unopposed Points and Authorities

8. My original Motion to the Court was an ex-parte email letter[13]. I did not include a Motion Factum. I stated all of My arguments in plain English and supported My points with the Rules of the Court that allow for a Motion to be Vacated, and case law examples provided by Canada's Department of Justice by Way of public facing (website) documents to Show why this case does not quality for dismissal under Rule 2.1.01 in any case (even if defense counsel had not demonstrated such contempt for the Rules of the Court).
After being instructed to serve the Notice of Motion on the Respondent's, Defense counsel was repeatedly as King of Me if My Motion materials were complete. I advised Defense counsel that My Motion materials cannot be completed until I know which points they Will be opposing.[14] I also advised defense counsel that I Will be expecting them to respond to <u>all points</u> made in My email letter to the Court. It is only natural for Me to presume that any points and authorities the Respondent's have failed to address, are unopposed. I would like this Honourable Court to be Mindful that the following points and authorities regarding this Motion are effectively unopposed by the Respondents:

A. Defense counsel petitioned the Court in violation of Rule 1.09 at least twice that We know of.[15]
B. Defense counsel privately petitioned the judge with partial, misleading information favourable to the determination they sought, and in violation of the Rules.[16]
C. The justice has committed several instances of fraud and perjury in her own Endorsement.[17]
D. Fraud and perjury are not admissible on a Court of Record under any circumstance and void any document on the Court of Record.
E. The Endorsement was made in violation of the Rules of Civil Procedure and outside of the Court process.
F. Any Order made by a magistrate of the Court outside of her official, judicial capacity, is no more legally binding than an Endorsement made by My mum.

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[13] Email letter (Motion) to the Court, Exhibit E
[14] Email correspondence regarding Notice of Motion, Exhibit G
[15] Exhibits A and C
[16] Endorsement of Sally Gomery
[17] Endorsement of Sally Gomery

G. The plaintiff holds a position of Office as Governor General to Her Majesty in his private, Sovereign capacity (state of being).
H. The plaintiff is a non commercial, Spiritual Man.
I. The plaintiff holds a position of office as King in God's Kingdom, and as Governor General to Her Majesty in any Common Law jurisdiction.
J. The Statement of Claim does not qualify for dismissal under Rule 2.1.01 in any case because it is clear that legitimate rights were violated and *intentional* harm was done to the Plaintiff by the Defendants (mens rae, guilty Mind).
K. The Statement of Claim is most certainly a justiciable Action.
L. To dismiss this lawsuit under Rule 2.1.01 is to abdicate the duties and responsibilities associated with a judicial position of office in Ontario's Superior Court.

I am as King of this Honourable Court to be Mindful that these are only a few of the points and authorities stated in My Motion letter to the Court[18]as I do not Wish to be too repetitive. However, it is important to note that none of the above points have been opposed by the Respondent and We are presumed to be in agreement on all unopposed points Presented to the Court in My Motion materials.

H. Issues

9. The City of Ottawa is a gargantuan institution with significant social, political and economic influence. If an organization such as the City of Ottawa can privately petition the Court without being required to file any official documents or pay any administrative fees for the Actions they are seeking, it Creates a distinctly unfair advantage. It may not even be necessary for the City to bribe a judge or justice if they can just send a request to the Court without notice to the opposing party/ies - they can simply 'wait' for a judge or justice to respond favourably to their request. Who knows what kind of perks might be offered to judges or justices who choose to cater to the City's Wishes. I certainly would not know how to privately email the Court, and it is My belief that no other self Presented litigant would know how, either - nor do I believe that if they did, such a petition would be warmly received.
I spent over ten years studying the law so that I could defend My rights in Court and not be taken advantage of for My ignorance. I am still war King very hard to figure out all the Rules of Civil procedure and navigate the Court processes, but I am making a very serious effort to comply with all of the Rules of the Court, and to conform with the proper

[18] Exhibit E

forms and format for filings. If the city of Ottawa is not held to the same standard, it makes a ‘David and Goliath’ situation seem even that much more insurmountable. Fortunately, I have Faith in God much like David did, and I Trust that the Courts are not pleased with the contempt Defense counsel for the city of Ottawa has demonstrated for the Rules of Civil Procedure, the Rule of Law, and their obligation to afford for the inherent rights of Canada’s People. I Trust that Justice Will prevail in the end.

Part IV - Law - The Rules of Civil Procedure **Tab 3.**

10. **Communications out of Court**

1.09 When a proceeding is pending before the court, no party to the proceeding and no party's lawyer shall communicate about the proceeding with a judge or associate judge out of court, ***directly or indirectly***, unless,

(a) ***all the parties consent, in advance, to the out-of-court communication***; or

(b) ***the court directs otherwise***. O. Reg. 132/04, s. 2; O. Reg. 438/08, s. 66; O. Reg. 711/20, s. 2; O. Reg. 383/21, s. 15.

To the very best of My knowledge, the Court has not directed otherwise and privately pleading to the Court without My prior consent is a clear violation of Rule 1.09. I was not aware of the second email letter to the Court by defense counsel on July 9th until the Respondent was as King of Me to not be noted in default.

11. **Non Compliance with the Rules**

Effect of Non-Compliance

2.01 (1) A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity, and the court,

(a) ***may grant all necessary amendments or other relief***, ***on such terms as are just, to secure the just determination of the real matters in dispute***; or

(b) only where and as necessary in the interest of justice, ***may set aside the proceeding or a step, document or order in the proceeding in whole or in part***. R.R.O. 1990, Reg. 194, r. 2.01 (1).

It is clear that private email letters to the Court without the prior consent of all parties is a serious violation of the Rules and compromises the opposing party's opportunity for a

fair and impartial hearing. This is especially True with an organization with as much social, political and economic influence as the city of Ottawa. The city of Ottawa does not seem to think there is anything 'irregular' about violating Rule 1.09, they are quite happy to Swear an Affidavit to the private letter as a fact and suggest it is 'provided for by the Rules'.

I believe there is a reason why Rule 1.09 precedes Rule 2.1.01 - it is providing a Foundation not only for the Rules of the Court, but also for a code of ethics in the interest of preserving fairness and equality within Canada's Courts. The Court is absolutely empowered by Rule 2.01(a,b) to Vacate *any Order* in whole or in part in the interest of preserving Justice and the real Matters at Hand. Fraud and perjury on a Court of Record are absolutely an abomination on the scales of Justice and Rule 2.01(a,b) allow the Court to take whatever Action is necessary to preserve the reputation of Canada's Courts in the Interest of Justice. Case law establishes *precedent* for other Matters - allowing bigotted, prejudice, private, partisan pleadings, determinations, and endorsements to remain on the Court of Record, stands to do irreparable harm to the Rule of Law and the reputation of Canada's Courts as a whole. Such stains upon the scales of Justice should be wiped clean as quickly as possible, and preferably, made to disappear from the Court of Record altogether as if such a thing never happened. This is why the Courts have the Power to Vacate an Order or take any other Action necessary in the interest of preserving Justice, the reputation of Canada's Courts, and the Honour of the Crown as a symbol of Justice in Right of Her Majesty.

12. **Order to Stay, Dismiss Proceeding**

2.1.01 (1) The court may, ***on its own initiative***, stay or dismiss a proceeding if the proceeding appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court. O. Reg. 43/14, s. 1.

2.1.01(1) is *not* a pleading to the Court (of any kind, with or without consent). The Respondent continually tries to suggest that the Judge is dismissing as provided for by Rule 2.1.01(1), when the email letter request immediately subjects the Respondent to Rule 2.1.01(6) and the summary procedure. The summary procedure begins with *filing a request with the Registrar.*

Request for Order

(6) Any party to the proceeding may ***file with the registrar*** a written request for an order under subrule (1). O. Reg. 43/14, s. 1.

13. Honestly, I have no Idea why the Respondent would even include these Rules in their opposition arguments unless they genuinely believe that both Me *and the Court* are too stupid to know what it means to 'file with the Registrar' (please excuse the bluntness of My Words but I find it both unprofessional and offensive). I'm going to include the legal definition of 'file' exclusively for the benefit of the Respondents.

File:

1) v. to ***deposit with the clerk of the court*** a written complaint or petition which is the opening step in a lawsuit and subsequent documents, including an answer, demurrer, motions, petitions, and orders. **All of these are placed in a case file** which has a specific number assigned to it which must be stated on every document. The term is used: "When are you going to file the complaint," or "The answer will be filed tomorrow."
2) n. the master folder of a lawsuit kept by the clerk of the court, ***including all legal pleadings*** (pages) ***filed by both sides***. Each case file has an assigned number, and ***each document in the file must have a stamp showing the date it was received and the name of the clerk who received it.*** Any document which is filed ***must be served on the opposing attorney***, usually by mail, except that the first paper filed (complaint, petition, motion) must be served on all defendants personally (hand

delivered by a process server). 3) n. the record an attorney keeps on a case, ***containing all papers deposited with the clerk***, as well as all correspondence and notes on the case.

Part of Me is hoping that the Respondents are thing King I'm completely incompetent and Will have no Idea what constitutes an official filing and were trying to take advantage of the fact that I'm a self Presented litigant - but surely they can't believe that the Court Will not know what constitutes an official filing?

Does the city of Ottawa receive so much privilege from the Court that they do not even know what it means to file with the Registrar anymore? I may sound facetious but I am deadly serious and do not find this funny. Either they are willfully committing fraud and perjury by suggesting that their private email petitions to the Court are an official filing with the Registrar 'as provided for by the Rules', or they have enjoyed the privilege of privately petitioning the Court in violation of Rule 1.09 so frequently that they have forgotten what it means to 'file a request with the Registrar'. I really have no Idea, but I do not understand how the Respondents citing this Rule in their own Motion Factum believe this to be beneficial to their position. They most certainly did *not* file a request as *required* by Rule 2.1.01(6), or a Record of the filing Will be on the Court of Record. I know for a fact that there is not and although I do not have a copy of the Court of Record at the time I am authoring this Reply Factum, I have made a request for a copy. I do not Wish to waste any more time than necessary before filing these materials, so if I am unable to provide a copy of the Court of Record as an Exhibit for this Factum, I am going to rest on the email I received from the Court in response to defense counsel's invalid request in violation of Rule 1.09 sent to Me by Ashley Moniz Andrade.[19] Either Ashley was deliberately trying to deceive and mislead Me on behalf of the Courts, or no request was ever filed by defense counsel with the Registrar, and no consideration was being Given to the letter request made by defense counsel dated June 22nd. If I am

[19] Exhibit C

to determine who I should Trust and My options are the Court or the Respondent, I am going to Trust the Word and direction provided by the Court. I don't believe the Courts would willfully deceive Me but My experiences with the Respondent's have Given Me no reservations about whether or not they might.

Part V - Conclusion **Tab 4.**

14. The facts regarding this Matter, are that as far as the Court of Record is concerned, and as far as Ashley Moniz Andrade is concerned, the Court had already determined that the Statement of Claim filed with the Registrar and served upon the city of Ottawa on June 18th, 2021, is not frivolous and vexatious 'on its face' and does not qualify for dismissal under 2.1.01(1). The Court explicitly communicated to the Plaintiff that the Respondents can file a Motion with the Court if they Wish to proceed as provided for by the Rules, and Rule 2.1.01(6) specifically. No Motion materials had been filed with the Court as of June 25th, the Court did not suggest that I am not able to have the Respondents Noted in Default if they fail to respond within the timelines provided for by the Rules, or that any additional time should be provided to them for the time they waited for a reply. The Court *did not even respond* to defense counsel's request *at all* - because it was not an official filing and it was arrogant for defense counsel to presume that petitioning the Court without My prior consent would be tolerated by the Court. They didn't tell defense counsel because defense counsel is a lawyer and should know better. I am Self Presented (not represented, there is only One of Me) and may get the wrong Idea about how the Court process works if the Courts allowed Me to believe that what defense counsel had done was acceptable Court conduct. At the very least, it is deceitful and dis-Honourable. Canada's Courts are not supposed to be about 'cloak and dagger' tactics and as King of the Courts to make decisions for a party *outside of the Court process* and without the other party's knowledge or consent.

The real issue here is that the Courts already know all of this is True because *all they have* is the Court of Record and knowledge of the emails they sent Me privately regarding the conduct of the Respondents. I didn't even know they didn't respond to the Respondent's letter request until I was about to Note them in default, and I had already

given them the weekend as 'Grace' - not a Word from defense counsel until Monday, July 13th. The Courts clearly knew that if they didn't respond to defense counsel's email letter request, and ignored her second pleading to the Court made on the day she was to be Noted in Default, she would be compelled to be as King of Me for more time and was still waiting for a reply. Defense counsel had not even started to prepare defense materials because she was still waiting for a reply - not only presuming that the reply would be favourable, but also presuming that she didn't have to bother preparing any defense materials because she presumed that her request to not be Noted in Default would also be granted. The Respondent did not file a single document with the Court and did not even begin preparing a defense for her clients while she was waiting for the reply - a reply that ultimately the Respondent *never* received. Not only did she demonstrate contempt for the Rules of the Court, she also placed her clients at risk by allowing her arrogance and presumptions to have her Noted in Default.

The Courts knew that the Respondent would have to contact Me as King for more time because they were still waiting for a reply to their email request. I had to tell defense counsel that the Courts *did* respond, and told Me that if she Wishes to dismiss under Rule 2.1.01, she must file Motion materials with the Court like anybody else. I advised her that contacting the Courts outside of the Rules and without My prior consent is not acceptable Court conduct and a breach of Rule 1.09. I suggested that the Courts did not respond to her because they knew that she would eventually have to hear this from Me if she doesn't Wish to be Noted in Default.

So defense counsel Promises Me they Will have a Statement of Defense prepared for Me and somehow Magically overturns being Noted in Default without My knowledge and (allegedly) filed a Notice of Intent to Defend with the Court. I can tell You that I did receive an email of that Notice, but I say allegedly because *now* when I look at this Case file in the online portal, I can see that the Respondent filed a change of lawyer of Record with the Court. I can also see the filing of the Respondent's Factum and Motion

Record in the online portal.   What's interesting for Me is that I'm not really familiar with Court processes yet; I'm still feeling My Way around and getting My feet wet. But I find it interesting that those are the *only* files I see in the online portal from the Respondents. I don't even see a Statement of Intent to Defend filed with the Court, though that is the reason Steven Pardou told Me the Default Notice had been overturned. So if no defense materials were *ever filed* (according to the Court of Record), then who is pulling strings for the city of Ottawa over at the Courthouse? I'm trying to tell whomever is hearing this Motion that I believe the Courts are just as interested in knowing the answer to these questions as I am because the 'Court' can't be corrupt, remove filings from the system, or have determinations made that were never requested by the Court - only People can do those kinds of things.

My belief is that the instruction I was provided by the Court to Serve the Notice of My Motion upon the Defendants and if unopposed, to file My Notice of Motion, My Motion Record, and a clean draft Order with the Court, was a very diplomatic Way for the Courts to Give the Respondents; a.) an opportunity to stand down and be for-Given, or b.) oppose the Motion and attempt to explain their Actions and contempt for the Rules of the Court to a Justice - they chose option B.

They changed the lawyer of Record because previous defense counsel knows what she's done could cost her her license to practice. So now the big guns have taken over, and senior legal counsel for the city of Ottawa is accepting no accountability or responsibility for previous defense counsel's contempt for the Rules of the Court, and has absolutely committed fraud and perjury on the Court of Record now, simply by swearing affidavits onto this Court of Record stating that the Claim was Issued and Served upon them on the 21st of June, and that all their filings were made in compliance with the Rules of Civil Procedure - these things are simply not True and plain as day obvious 'on their face'. Their very own copy in the very same affidavit shows that the Statement of Claim was served on the Respondents on the 18th of June.

Furthermore, defense counsel routinely changes the Style of the Title of the original filing, and I also happen to know that all Court filings must conform with the Style and Title of the original filing document. If defense counsel doesn't know these things, then they are utterly incompetent, and I say that with sincerity without any intent to insult. My belief is that they do, believe *I am* incompetent, and are demonstrating very openly how little respect and Honour they have for My Wishes considering the entire subject Matter of this Statement of Claim regarding the Honour of My name as Given Me by God. If the Respondents actually read the Motion materials Presented to the Court, then to choose to file further documents in all capital letters *knowing* that I find it offensive is discourteous, unprofessional, and most certainly deplorable general conduct for a senior lawyer allegedly representing the city of Ottawa on this public Court of Record. It's simply unclassy.

The unlawful endorsement made by Justice Gomery is an insult to the Justice system and should be a disgrace to her Honour. If the Order is not Vacated, Sally Gomery is liable to Me to the tune of $2,510,800.00 for abdicating her duties to these Courts and making determinations and endorsements in her private capacity off the Court of Record with Wilful intent to further trespass upon the inherent rights she had a legal obligation to remedy. The civil Courts Will be liable for breach of federal and international law.

If the Order is Vacated, all is forgiven - like it never happened. That goes for defense counsel, too… At least on My end. I'm going to leave what should be done with the Respondents in the capable Hands of these Honourable Courts, though I am going to be as King for a new lawyer of Record to be appointed to the city of Ottawa (a second time) to replace Jeremy Wright, and preferably some One who knows how to Play by the Rules. I Will throw defense counsel a bone and say that I am thankful that My request to replace the lawyer of Record was immediately Honoured, though I'm disappointed with the direction Jeremy took in his predecessor's stead.

Part VI - Order Requested **Tab 5.**

I am hereby as King that these Honourable Courts grant My Wish to Vacate Sally Gomery's endorsement from Case File CV-21-86803, and to suspend or recuse Sally Gomery from any further adjudication regarding this Case file.

I am also as King for these Honourable Courts to Note the Defendants in Default at least until appropriate counsel can be provided for the City of Ottawa's named defendants, as I also feel that they have not been represented fairly by the City of Ottawa's defense counsel and deserve the right to a fair and impartial hearing every bit as much as I do.

Once again, thank King You (or Queen You) humbly and kindly for Your time and consideration. I Trust that You Will Act in the best interest of Justice and the reputation of the Crown and Canada's Courts.

A clean draft Order shall be prepared for Your convenience and filed with this Court along with this Reply Factum and Motion Record.

Blessings,

This Reply Factum in response to the Respondent's Motion Factum is hereby Presented to this Honourable Court on ______________________.

Registrar's Signature and/or Court Seal:

____

Sean von Dehn,
King Sean, House von Dehn,
Hand of Stephen,
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Counsel for the Defendants/Respondents

Schedule A Tab A.

Applicable Court Rules and Regulations

The Rules of Civil Procedure:

1.09 - Communications out of Court

1.09 When a proceeding is pending before the court, no party to the proceeding and no party's lawyer shall communicate about the proceeding with a judge or associate judge out of court, directly or indirectly, unless,

(a) all the parties consent, in advance, to the out-of-court communication; or

(b) the court directs otherwise. O. Reg. 132/04, s. 2; O. Reg. 438/08, s. 66; O. Reg. 711/20, s. 2; O. Reg. 383/21, s. 15.

Effect of Non Compliance

2.01 (1) A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity, and the court,

(a) may grant all necessary amendments or other relief, on such terms as are just, ***to secure the just determination of the real matters in dispute***; or

(b) only where and ***as necessary in the interest of justice***, may set aside the proceeding or a step, document ***or order*** in the proceeding ***in whole*** or in part. R.R.O. 1990, Reg. 194, r. 2.01 (1).

(2) The court shall not set aside an originating process on the ground that the proceeding should have been commenced by an originating process other than the one employed. R.R.O. 1990, Reg. 194, r. 2.01 (2).

Order to Stay, Dismiss Proceeding

2.1.01 (1) The court may, ***on its own initiative***, stay or dismiss a proceeding if the proceeding appears on its face to be frivolous or vexatious or otherwise an abuse of the process of the court. O. Reg. 43/14, s. 1.

Request for Order

(6) Any party to the proceeding ***may file with the registrar*** a written request for an order ***under subrule (1)***. O. Reg. 43/14, s. 1.

(2) The court may make a determination under ***subrule (1)*** in a summary manner, ***subject to the procedures set out in this rule***. O. Reg. 43/14, s. 1.

(3) ***Unless the court orders otherwise***, an order under subrule (1) ***shall be made*** on the basis of written submissions, if any, ***in accordance with the following procedures***:

1. ***The court shall direct the registrar to give notice (Form 2.1A) to the plaintiff or applicant***, as the case may be, that the court is considering making the order.
2. ***The plaintiff or applicant may***, within 15 days after ***receiving the notice***, ***file with the court*** a written submission, no more than 10 pages in length, responding to the notice.
3. If the plaintiff or applicant does not file a written submission that complies with paragraph 2, the court may make the order without any further notice to the plaintiff or applicant or to any other party.

4. If the plaintiff or applicant files a written submission that complies with paragraph 2, the court may direct the registrar to give a copy of the submission to any other party.

5. A party who receives a copy of the plaintiff's or applicant's submission may, within 10 days after receiving the copy, file with the court a written submission, no more than 10 pages in length, responding to the plaintiff's or applicant's submission, and shall give a copy of the responding submission to the plaintiff or applicant and, on the request of any other party, to that party. O. Reg. 43/14, s. 1.

(4) A document required under subrule (3) to be given to a party shall be mailed in the manner described in subclause 16.01 (4) (b) (i), and is deemed to have been received on the fifth day after it is mailed. O. Reg. 43/14, s. 1.