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July 6, 2012

Re: Judicial Corruption

Dear Mr. Prime Minister,

I write to apprise you of a serious matter that requires your attention. The information contained herein details a level of corruption and contempt for the *Rule of Law* within our courts that can no longer be ignored. The egregious conduct blatantly and arrogantly displayed by those who are sworn members of the judiciary warrant, at the very least, a Parliamentary inquiry.

My name is Kari Simpson. I am an ordinary citizen. I, like all Canadians, am cloaked in the armour of our Constitution and bound by the *Rule of Law*. My status is one of equality. I am neither master nor slave, but (ostensibly) a free citizen in a democratic society. I am a lover of truth and fierce defender and protector of those *Rights and Freedoms* assigned to all; and I embrace dutifully my civic responsibility to guard against tyranny and any other acts that weaken, defile or threaten the foundations upon which our liberties and freedoms rest.

When, as it does in this case, the level of judicial arrogance and corruption clearly displays a contemptuous disregard for the *Rule of Law*, and the rights of an ordinary citizen are consequently violated, there ***must*** be parliamentary redress. Those who have made a mockery of the law and brought the administration of justice into disrepute must be held to account. Justice must not only be done, it must be *seen* to be done.

Following this correspondence is a brief outline of the events that give rise to these 15 constitutionally imperative questions. I look forward to your responses.

1. Justice Mary Marvyn Koenigsberg, a justice of the BC Supreme Court, admits to financially supporting her spouse while he was engaged in "non-remunerative" activities which included promoting religious hatred, cultivating contempt for Jews, and vilifying, defaming and libeling prominent Jewish businessmen — among other related endeavours. According to court records, Justice Koenigsberg's spouse, a man known in the court record as Lubomyr Prytulak (and several other aliases), was being sued for defamation in two seperate lawsuits in the United States, as well as being investigated by the Canadian Human Rights Commission for his activities in 2002 - 2004.

My question: Should Justice Koenigsberg have been permitted to preside over a defamation suit at the same time she and her spouse were personally embroiled in legal proceedings that involve a nearly identical fact pattern: the promotion of religious hatred, contempt, libel and slander?

2. The Canadian Judicial Council's ("CJC") *Ethical Principles For Judges* states, among numerous other related directives, that:

> Judges should disqualify themselves in any case in which they believe that a reasonable, fair-minded and informed person would have a reasoned suspicion of conflict between a judge's personal interest (or that of a judge's immediate family or close friends or associates) and a judge's duty.

My question: Shouldn't Justice Koenigsberg have disqualified herself from presiding over a case where she could be viewed as being biased and having a real, potential or perceived conflict of interest?

3. The troubling situation involving Justice Koenigsberg is made worse by the fact that she and her spouse engaged in the ***fraudulent conveyance*** of a personal asset in an attempt to protect their joint interests in a property worth close to a million dollars from the legal claim of an American plaintiff who was awarded a judgement against her spouse. Section 99 (1) of the *Constitution Act* states:

> *Subject to subsection two of this section, the Judges of the Superior Courts shall hold office* ***during good behaviour****, but shall be removable by the Governor General on Address of the*

Senate and House of Commons [emphasis added].

My question: Can Justice Koenigsberg be considered to be a judge of "good behaviour", as required by section 99 (1) of the *Constitution Act*, when she engages in wilfully obstructing justice by the fraudulent conveyance of personal assets to thwart a legal claim, while presiding over a case from which she clearly should have disqualified herself?

Note: A comparative timeline between Koenigsberg's personal legal problems and the case she presided over at the same time is included with this brief.

4. *Question*: Should a judge who has knowingly breached section 99 (1) of the *Constitution Act* be permitted to continue to act in ***any*** judicial capacity?

5. The Chief Justice of the *Supreme Court of British Columbia*, the late Donald Brenner, was responsible for the assignment of judges to specific cases, and also is required by law to be a member of the *Canadian Judicial Council* —the supposed guardian of the public's confidence that judges act lawfully.

It should be noted here that the defendant in the legal matters central to this correspondence and the following brief, Rafe Mair, is a lawyer; that he was at the time an influential member of the media and was very well known to Justice Brenner. A scandalous and disturbing fact (that is now known) in this *Tale of Two Cases* is that Justice Brenner was responsible for the assignment of Koenigsberg to preside over a lawsuit involving Rafe Mair; a case known as *Simpson v. Mair & WIC Radio Ltd*. The crafty Chief Justice Brenner also assigned himself to preside over, and seized himself thereof, another BC civil lawsuit that named, as a defendant, Justice Koenigsberg—and identified her as a fraudulent conveyor. This serious matter arose from events that flowed from Justice Koenigsberg's spouse's aforementioned campaigns of hate and defamation.

My question: Did Justice Koenigsberg have a duty to inform the Chief Justice, and/or the parties in *Simpson v. Mair et al,* of her personal legal problems and that there would be an obvious perceived bias and/or outright bias if she presided over the case without their consent?

6. I wrote to Chief Justice Brenner in 2009, a short time before he resigned, (on June 11, 2009, the day after I made an application to appear in front of him) and asked him if the assertions that Justice Koenigsberg's spouse made in a posting on the vile and hate-filled website called *Vanguard News Network* were true (a copy of this letter follows the brief). Justice Brenner never confirmed or denied the troubling assertion. Justice Koenigsberg's spouse made this statement about one of his lawsuits:

What is Steven Rambam aiming for in his defamation suit against me… He has no hope of seeing one dollar of the $1.55 million that he's asking for….

…And if the California Court of Appeal should change its mind and accept jurisdiction, he would still have to bring his judgement to Canada, and get Canadian courts to enforce it, which might not be easy.

As you can appreciate, Mr. Prime Minister, Prytulak's assertions beg these ***questions***:

(a) Does Mr. Prytulak know something the rest of us don't? Do the spouses of Supreme Court Justices get preferential treatment or protection in our B.C. Courts?

(b) Does this same protection apply to a lawyer and influential media personality who is chummy with a judge or two - like the Defendant in *Simpson v. Mair*, hate-monger Rafe Mair?

(c) Is it lawful for this implied protection to manifest itself with the convenient assignment of a like-minded, sympathetic judge who is decidedly unfit to preside?

(d) Is it appropriate for the Chief Justice to preside over a matter involving one of his own judges? Or should a judge from another province have been brought in to preside over the matter?

7. Let's pretend that in 2004 Justice Koenigsberg had failed to inform Chief Justice Brenner about her personal legal problems, and that he was truly ignorant to the facts. Court records prove that the Chief Justice would nevertheless have had full knowledge of Koenigsberg's antics when the court documents naming Justice Koenigsberg and her spouse were filed in the *BC Supreme Court* on December 5th, 2005.

My questions*:*

(a) As Chief Justice of the *BC Supreme Court*, Justice Brenner was responsible for the administration of the courts, including case-flow management. Further, he was at the time a member of the *Canadian Judicial Council*, a statutory body that is duty-bound to uphold the integrity of the judiciary. Did the Chief Justice have a duty to inform me or my legal counsel that my trial had been fatally compromised by the assignment of Koenigsberg J. to preside?

(b) Chief Justice Brenner ought to have known Koenigsberg should have been disqualified from sitting on my case prior to my appeal of the Koenigsberg decision being heard by the *BC Court of Appeal,* and certainly before they handed down their decision. Did Chief Justice Brenner have a duty to protect the integrity of the administration of justice, the integrity of the higher courts, and the interests of tax-payers by making known the fact that there would be a perceived bias in the *Simpson v. WIC* matter if the information about Koenigsberg became known?

(c) In the discharge of his duities both as Chief Justice and a member of the *CJC*, did the Chief Justice have a legal obligation to make known the unlawful conduct of Koenigsberg J. to the *CJC,* as the "*Ethical Principles for Judges*" demands? And if so, what is the *CJC* required to do to ensure that the public's interests were being served?

8. Mr. Justice Binnie, in writing the *Supreme Court of Canada's* ("SCC") decision in my case, *WIC v Simpson,* and concurred with by the majority, stated:

> ***It is therefore appropriate to modify the "honest belief" element of the fair comment defence so that <u>the test, as modified,</u> consists of the following elements...***
>
> (emphasis mine)

My questions:

(a) Does a plaintiff have the right to know the legal test she has to meet so that she may competently structure her case accordingly?

(b) If so, how does this right manifest itself when the court "*modifies*" the law, as the *Supreme Court of Canada* did in WIC v. Simpson, and the legal test changes?

9. I am advised that when a legal test is modified, the court sends the case back to the trial judge to be considered under the "new" legal test or orders a new trial. (We can pretend, for the purpose of this query, that the judge was qualified in my case.) Ironically, we are provided with an excellent example of this right involving another defamation suit that was then before the *BC Court of Appeal:*

In ***Creative Salmon Company Ltd. v. Staniford,* 2009 BCCA 61**, The Honourable Mr. Justice Tysoe, in writing the reasons, concurred in by The Honourable Madam Justice Levine and The Honourable Mr. Justice Frankel, states, **<u>in reference to my case</u>**—*WIC v. Simpson*—the following:

Introduction

[1] The defendant, Don Staniford, appeals from the order dated January 15, 2007, awarding the plaintiff, Creative Salmon Company Ltd. ("Creative Salmon"), $10,000 general damages and $5,000 aggravated damages for defamatory comments made by Mr. Staniford about Creative Salmon in two press releases issued in June 2005.

[2] In her reasons for judgment, indexed as 2007 BCSC 62, the trial judge found that the press releases defamed Creative Salmon and the defence of fair comment was not available to Mr. Staniford.

Since the release of the reasons for judgment, the Supreme Court of Canada has modified the test for the defence of fair comment in its decision in the case of *WIC Radio Ltd. v. Simpson*, 2008 SCC 40, 293 D.L.R. (4th) 513 (*sub. nom. Simpson v. Mair*, 2006 BCCA 287, 55 B.C.L.R. (4th) 30).

[3] For the reasons that follow, I would allow the appeal and order a new trial.

(emphases mine)

My questions:

(a) Should the *SCC* have sent my case back to the trial judge to be considered in the light of the new modified legal test, or alternatively have ordered a new trial?

(b) Why do the justices of the ***BC Court of Appeal*** appear to more honourably and lawfully protect the rights of Canadians to a fair and just hearing than the Justices of the *Supreme Court of Canada?*

(c) Why does Mr. Staniford have the right to a new trial as a result of the modified test in my case, if I do not?

(d) Are there different rules for different people? I thought "everyone" was equal.

(e) If so, who—or what statute—authorized the *Supreme Court of Canada* to ignore this right in adjudicating *WIC Radio Ltd. & Mair v. Kari Simpson*?

Quis custodiet ipsos custodes?
Who will watch the watchers themselves?

10. Chief Justice Beverly McLachlin is Chairperson of the *CJC*, and also (as shown above) provably culpable for unlawfully denying Kari Simpson her right to a fair and unbiased hearing.
My question: How can the public trust this matter to be properly investigated by the *CJC* when those implicated are also those responsible for the *CJC*, thus "in charge" of the investigation of their own behaviour?

11. Following are a <u>few</u> examples of the **lies and deceptions** the *Supreme Court of Canada* manufactured and/or repeated and published:

> *"Simpson was a leading public figure in the debate and that she had a public reputation as a leader of those opposed to any positive portrayal of a gay lifestyle*."
> **Untrue.**
>
> *"Mair's commentary provided for the factual basis of the controversy that was indicated in the editorial and widely known to his listeners."*
> **Untrue.**
>
> *"Simpson had earlier opposed three books placed in Surrey schools which portrayed family units with same-sex parents."*
> **Untrue.**

My question: Three courts agreed that Rafe Mair defamed me. Is it acceptable that the *SCC* compound and bolster the harm done to my reputation by relying on his defamatory statements, embellishing them, and finally publishing such outrages under the fraudenlent guise of a proper, fact-based adjudicated decision? Where is it written that the *Supreme Court of Canada* has any right to violate a Canadian's right to a fair hearing and then perpetuate the hate, vilification and lies of the defendent?

12. ***Question***: How can the people of Canada have any confidence in the courts and in the *Rule of Law* while Chief Justice McLachlin, who is demonstrated to be provably a liar and corrupter of the law, sits on the bench of the highest court in the land, and responsible for the defilement of the administration of justice in Canada, as plainly demonstrated in *WIC v. Simpson*?

13. I have another lawsuit pending against Rafe Mair for defamation (he continued to publish his lies on his website, only ceasing when I sued him again), and also one against Eric Rice, the lawyer whom the *Court of Appeal* reprimanded for neglecting to follow the rules of the court in properly drafting my pleadings.

My question: If you were me, would you have any confidence that the courts will uphold the *Rule of Law*, and administer it fairly and justly?

14. Judges of “good behaviour” in Canada are immune from prosection and/or lawsuits for wrong-minded judgement. This immunity flows from the acceptance that judges are human, and thus imperfect; from the need for them to be able to adjuticate without fear of reprisal; and the assumption that judges come to the court with clean hands—among other criteria. But the case I have placed before you strips away the wrappings of judicial immunity that cover and protect judges from civil and criminal prosecution. The trial judge, Justice Koenigsberg, was a judge of “bad behaviour”, with unclean hands and an agenda of judicial defilement, who fraudulantly presided over a case she was demonstrably unqualified to adjudicate; a judge who engaged in conduct designed to obstruct justice and violate the *Charter* rights of those seeking justice.

My question: Mr. Prime Minister; whether the Attorney General pursues this matter in the courts or I pursue it independently, can there be any confidence that the matter would be heard fairly, lawfully, and decided upon justly?

Sublato fundamento, cadit opus **–**
The foundation being removed, the structure falls.

15. Judicial independence cannot be preserved for those who pervert the *Rule of Law* and/or with deliberate intent seek to deconstruct the structure upon which this nation stands. The case before you exposes judges and lawyers dismantling the juridical foundation of our civil, free and democratic society. ***The case detailed herein plainly portrays a broken court.***

I have consulted with many lawyers and other informed and reasonable-minded Canadians; the consensus is that some activist judges (and thus our courts) have breached their democratic and lawful appointment, and in doing so have compromised the public’s trust in the courts’ judicial independence. It is inarguable; the facts of this case alone demonstrate that the privileged role given such judges to maintain the integrity of the administration of justice cannot be justified. Contrary to the hollow words so often promulgated by Chief Justice McLachlin and others about the need for judicial independence, it is plain why some fear scrutiny, as it is sure to discover and expose their capricious and flagrant disregard for the *Rule of Law* and the rights of ordinary Canadians like me. This observation, regrettably, is not merely a perception, but is supported by the glaring facts of this case alone—actions that demand remedy.

My question: Will you call a Parliamentary inquiry into this matter—an obvious case of systemic judicial corruption of the *Rule of Law*—and set into motion a process that will establish a forum of accountability that will ultimately allow Canadians to regain confidence in the conduct of their judges, and result in the better administration of justice by rebuilding and strengthening the unstable foundations of our Courts and better the administration of the Law in Canada?

Impunitas semper ad deteriora invitat **–**
Impunity always leads to greater crimes.

In Closing –

It is important to note that there appears to be a widespread "circle the wagons" mindset within the legal community regarding this case. At ***no*** time—prior to the trial, during it, or during the appeal processes— was I ever advised by any officer of the court that my trial had been fatally compromised by a judge who was obviously unfit to preside. I am very thankful to the principled stranger who cared enough about the integrity of the courts to seek me out in 2009 and inform me of crucial events I would otherwise not have discovered.

Mr. Prime Minister, I have now spent close to $1,000,000.00 (one million dollars) on this lawsuit—a lawsuit that was rigged from the onset. I mortgaged my home, and I borrowed money to pay my legal bills. I had a right to fair and impartial jurists. I had (and still have) a right to justice—and those rights remain unfulfilled. ***You*** have a responsibility to ensure that those who are duty-bound to uphold the law, do so. I have presented you with a case so compelling, so disconcerting in its display of judicial contempt for the *Rule of Law,* and so shocking in its disdain for my rights as a Canadian, that it behooves you to act.

Section 101 of the *Constitution Act* clearly appoints Parliament as the lawful guardian of the courts. Section 101 demands, by its very existence, parliamentary vigilance in matters of the administration of Canadian Law. Section 101 also entrusts Parliament with the ability—and the responsibility— to address ***and remedy*** any circumstances that compromise civil confidence and/or undermine the public's trust in the courts. Section 101 anticipates that, like all evolving institutions, flaws will be revealed that may bring the administration of justice into disrepute; or violate, as in this case, the rights of a Canadian citizen. The words of Section 101 assign to Parliament the duty, from time to time, to defend the integrity and independence of our courts; and this duty compels you to act. Section 101 states:

> The Parliament of Canada may, notwithstanding anything in this Act, from time to time provide for the constitution, maintenance, and organization of a General Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada.

Clearly, the courts' administration of the law, as it exists today, is deeply flawed. As you are surely aware, the case presented herein is only one blatant example, representative of many. The voices and the learned criticisms of those whose scholarly and objective insights have long proclaimed the unlawful perversion of the law by a few, cloaked in judicial robes, are growing louder and more numerous. These few judges, who engage in acts that mock the *Rule of Law* and offend the civil sensibilities of

Canadians, must be held to account. The patterns of abuse have undermined our democracy and require remedy; their conduct taints the whole of the court, and brings the administration of justice into disrepute. **No legal matter before the *Supreme Court of Canada* can be perceived as lawful or just while this matter remains uninvestigated.**

On behalf of all Canadians, I ask that you establish a process to investigate, review and initiate a remedy that nourishes the better (and more lawful) administration of the laws of Canada. ***The events detailed herein dipict a constitutional calamity of epic proportion and should deservedly shake the judicial establishment to its core.***

Following this correspondence is a briefing document. It is not an exhaustive account of the crucial events related to this matter, but should suffice to inform you of the pertinent and compelling facts that relate to this obscene charade of so-called “justice”, and to assist you in determining the proper course of action to be taken to remedy the grievous nature of the disclosed facts.

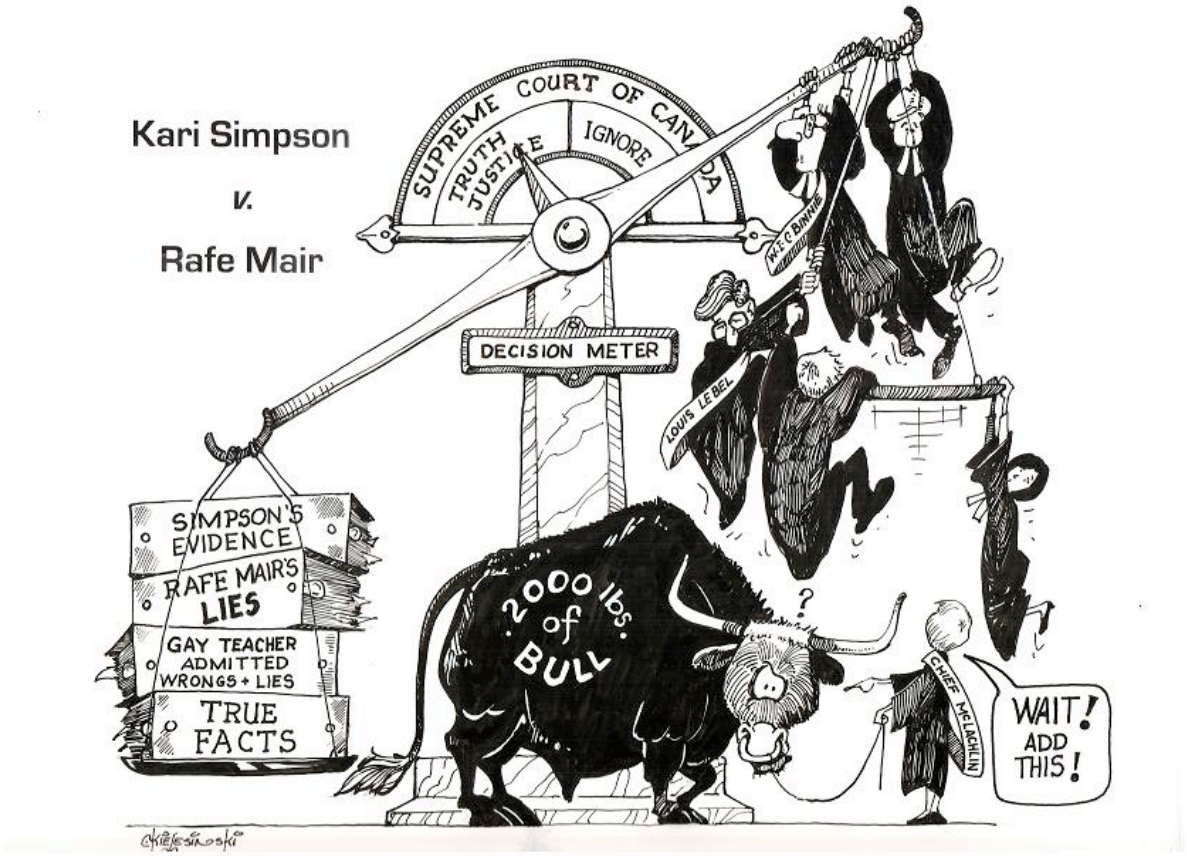
This matter cannot be ignored.

Sincerely yours,

Original signed by
Kari D. Simpson

Copied to Canadians, including: elected representatives, legal associations and published globally at www.driveforjustice.com

Courting Corruption



Summary Brief

The matters described herein relate to the Corruption of Justice, Judicial Breach of Good Behaviour and Violation of theRights of a Canadian to a fair and impartial hearing as evidenced by the factual events portrayed in:

***Simpson v. Mair & WIC Radio Ltd.*, 2004 BCSC 754**

- and -

***WIC Radio Ltd. v. Simpson*, 2008 SCC 40**

-and-

Kurtz v. (Justice)Mary Marvyn Koenigsberg & Lubomyr Prytulak aka **Lubomir Prytulak, Luby Steven Prytulak, Luby Stephan, Myroslaw Prytulak, Miroslaw Prytualk, Myroslav Prytulak, & Miroslav Prytulak**

Problem

Judicial corruption; unlawful conduct by judges—including the justices of the *Supreme Court of Canada*; cover-up and the deliberate violation of Kari Simpson's right to a fair and just hearing; and furthermore, her lawful right to protect her reputation.

The conduct of the judges (and lawyers) involved in this matter far exceeds the criminal definition of "obstruction of justice", and is better defined as ***judicial tyranny***; Namely:

- Madam Justice Beverley McLachlin, Chief Justice of the Supreme Court of Canada
- Mr. Justice Michel Bastarache, formerly of the Supreme Court of Canada
- Mr. Justice Ian Binnie, formerly of the Supreme Court of Canada
- Mr. Justice Louis LeBel of the Supreme Court of Canada
- Madam Justice Marie Deschamps, Supreme Court of Canada
- Mr. Justice Morris J. Fish, Supreme Court of Canada
- Madam Justice Rosalie Abella, Supreme Court of Canada
- Madam Justice Louise Charron, Supreme Court of Canada
- Mr. Justice Marshall Rothstein, Supreme Court of Canada
- Former Chief Justice of the Supreme Court of British Columbia, Justice Donald Brenner (now deceased)
- Madam Justice Mary Marvyn Koenigsberg, of the Supreme Court of British Columbia

This list is not complete, as it does not include the lawyers; but it suffices for the purpose of this briefing document.

Brief Overview

October, 1999—Kari Simpson hired the soon-to-be President of the *Canadian Bar Association*, lawyer Eric Rice, to commence a legal proceeding in the *Supreme Court of British Columbia* against Rafe Mair, a lawyer, former politician and (at the time) a well-known radio talk show host.

The defamation suit filed against Mair resulted from Mair's two-year public campaign of lies, misinformation, hate and vilification, targeting Kari Simpson for her public role in defending the rights of the parents of children in the public education system against sex activist teachers who, self-admittedly, were contravening Ministry of Education policy.

Simpson also supported the removal of a young child from the classroom of one militant gay activist teacher, James Chamberlain, who was abusing his role as a Kindergarten/Grade One teacher to promote gay political ideology and left-wing politics. Mr. Chamberlain is also a religious bigot, and an admitted liar. Any sensible parent, knowing what Kari Simpson knew about this teacher, would have removed their child

from his classroom—not because the teacher is “gay”, but because he is unprofessional, and because he abused his role as a teacher. This is the same teacher involved in the Surrey Book case, who was shown judicial favour by the high court in a matter involving three books depicting same-sex-headed families—a matter in which Simpson was ***not*** involved; but somehow the courts creatively ***rewrote*** the facts of her case, incorporating the fiction—originated in Rafe Mair’s editorials—that she was involved in “opposing” the books cited in the Surrey “three book” case.

Rafe Mair wrote, published and broadcast his hate, vilification and provably vicious lies in over ***forty*** editorials between 1997 and 2000 (and continued to publish a selection of these same editorials until Simpson sued him again in 2009, after which he removed these editorials).

On October 25, 1999 Mair published an editorial so vicious that Simpson, a single mother of four, was left with no alternative but to sue. (It should be noted that Kari Simpson wrote numerous letters to Mair and management of CKNW advising him that his repeated statements about her were wrong; further, when Simpson requested an opportunity to debate Mair on his show, he cowardly refused.) In his October 25th, 1999 editorial, Mair compared Simpson to nefariously vile historical individuals and groups, including Hitler, skin-heads and the Ku Klux Klan. It should also be noted that at the time, Kari Simpson and her children were also under police protection because of death threats, hate mail and the riots organized by the International Socialists in cahoots with the BC Teachers’ Union and the Gay and Lesbian Educators of BC—their inflamed actions fanned by Rafe Mair’s continuing lies.

Rafe Mair also influenced other members of the media. It became “open-season” on Kari Simpson; after all, Mair knew Kari Simpson, so the lies seemed believable. It became a bit of a bizarre competition: some engaged in lemming-like copycatting of Mair’s manufactured false reputation of Kari Simpson, and in some cases tried to upstage him. When other media members were confronted with having to prove their absurd assertions about her, they couldn’t. Some apologized, some made a monetary settlement; others simply refrained from spreading any more lies.

Kari Simpson, up until 1997, had a long and respected public record of protecting children and their families from unwarranted state intrusion. For her work, Simspon was recognized by being appointed in 1995 to ***BC’s Child and Family Review Board,*** a quasi-judicial position overseeing and protecting the rights of children in the care of the BC government. Simpson was also the catalyst and force behind a 1991 inquiry into the government’s abuse of families in matters relating to child protection and apprehension. BC’s Ombudsman at the time, Stephen Owen, conducted the inquiry and published his findings in *Public Report #24*. He agreed with Simpson—there had been too many spurious apprehensions; children and their families were being harmed.

Kari Simpson also became the lightning rod needed to make the BC government accountable on matters relating to children who died while in the custody of the government. In 1996, an Aboriginal family whose children had been unwarrantedly

apprehended contacted Simpson and asked for her help, as thousands of other families have done over the past two decades. In this case, the family's young infant son had died while in a foster home; and social workers refused to provide the family with any details about the baby's death. It was Simpson who galvanized the opposition (BC Liberal) party to demand that the governing NDP investigate the matter—an investigation that resulted in systemic change, and accountability that now requires mandatory reporting of all children who die in the care of the government.

The list of Simpson's accomplishments goes on.

Kari Simpson's record is consistent on matters relating to the relationship between the state and the family. She often echoes the words of former Supreme Court of Canada Justice, Gerard La Forest, in her then numerous speaking engagements—words that Simspon acknowledges as truthfully portraying the reality of the challenges a free and informed society must acknowledge if the best interests of children are truly our goals: that the "state is ill-equipped" to care for children and/or to raise them, and that the nurturing and moral up-bringing of children by their own parents is of fundamental importance to our society. The Supreme Court of Canada states in *B. (R.) v. Children's Aid Society of Metropolitan Toronto*, [1995] 1 S.C.R. 315:

> In recent years, courts have expressed some reluctance to interfere with parental rights, and state intervention has been tolerated only when necessity was demonstrated, thereby confirming that the parental interest in bringing up, nurturing and caring for a child, including medical care and moral upbringing, is an individual interest of fundamental importance to our society.
>
> While parents bear responsibilities toward their children, they must enjoy correlative rights to exercise them, given the fundamental importance of choice and personal autonomy in our society. Although this liberty interest is not a parental right tantamount to a right of property in children, our society is far from having repudiated the privileged role parents exercise in the upbringing of their children. This role translates into a protected sphere of parental decision-making which is rooted in the presumption that parents should make important decisions affecting their children both because parents are more likely to appreciate the best interests of their children and because the state is ill-equipped to make such decisions itself.

Simpson's public record—not Mair's or the courts' manufactured lies—on issues involving public education, the unprofessional antics of activist teachers and the rights of Canadians is clear, recorded and provable. She is not anti-gay; far from it. She was not involved in the *Surrey Book Case* or "opposing" the books; in fact, she is on record as *inviting* these books into the school. She has never advocated violence—quite the contrary; in all her speeches to the thousands of British Columbians that gathered to hear her, Kari Simpson encouraged the people of BC to use ***democratic*** means for change. ***They did***. In 2001, the people of British Columbia politically decimated the governing NDP—and the government responsible for stomping on parental rights was left with only two electoral seats after the election.

Rafe Mair is demonstrably a vicious liar, who strives to ensure that influential Christians (like social policy activist Kari Simpson) will have no place in public policy debates and/or leadership. ***Mr. Mair has stated this position publicly.***

Ironically, Kari Simpson's position on these matters is ***not*** rooted in any religious belief. Common sense, civil morality and the law have formed the basis of her actions. But Rafe Mair repeatedly declared otherwise. Christian-bashing seems to be a proven tactic in Canada for attacking a person's reputation—a form of tactical hate speech seemingly also approved of by the courts. On October 27, 1999 Rafe Mair asserted that this was a "religious war, not an educational war." This statement is absurd when you consider that Rafe Mair later testified that he had never heard Kari Simpson speak on the issues about which he was pontificating.

October, 2003 – The trial *Simpson v. Mair & WIC* commenced. Unbeknownst to Simpson at the time of her trial, the judge assigned to her case, Justice Mary Marvyn Koenigsberg, was personally embroiled in another defamation suit involving her spouse—a man known by numerous aliases, but most commonly referred to in legal proceedings as "Lubomyr Prytulak." It appears from court documents that Mr. Mair and Justice Koenigsberg's spouse shared a common passion for actively promoted hatred, lies, and unbridled vilification against those whom they seek to destroy. In addition to the aforementioned court proceedings, Justice Koenigsberg's spouse was at the time being investigated by the Canadian Human Rights Commission for promoting hatred against an identifiable group, namely Jewish people.

The Trial: October 6 and December 8-11, 2003—Rafe Mair is a proven liar. He admitted he had never heard Kari Simpson speak on the issues he felt so compelled to lie about: he admitted this under oath. The case was a slam-dunk; it was not complicated. So why, then, after numerous days of trial, did Justice Koenigsberg request that the parties attend a "settlement conference?"

Simpson's antennas were up. It was a strange turn of events.

During the semi-formal conference, Justice Koenigsberg admonished Rafe Mair, and told him he owed Simpson an apology; she chastised him further about his false claims concerning a letter Simpson had written to him. Koenigsberg then introduced the politically-charged (and irrelevant) subject of abortion into the discussion while focusing on Simspon. The judge stated that she, herself, was pro-"choice" (*i.e.*, pro-abortion) and then delved into issues related to Simpson being a Christian—***matters utterly unrelated to the case***.

Koenigsberg then looked at Simpson and made a bizarre declaration. She said, "Mrs. Simpson, you and Rafe Mair are both influential people in this province; you can help the court here by settling this matter."

Simpson was taken aback at the strange request of the judge, and recalls thinking,“You must be joking, I am not here to help the court; I am here to get this matter finally dealt with, restore my reputation and to make Rafe Mair stop lying.”

Koenigsberg then asked them to settle the matter. The parties then adjourned to their assigned rooms; Rafe Mair failed to apologize, and refused to settle the matter.

On June 4, 2004 Justice Koenigsberg delivered a craftily-worded decision. The art of judicial chicanery is masterfully displayed in her manipulation of facts, and the outright lies that formed the basis of her decision. ***As in all effective deceptions, the lies are more believable when embedded in truth***.

Koenigsberg found that Rafe Mair ***had*** defamed Simpson; and that he did so maliciously. He promoted hatred and contempt against “her and her ilk” (Mair’s contempt-inspiring words). Then came a few examples of the twists: Koenigsberg found, however, that Rafe Mair and had “an honest belief in what he said”—even though he had admitted that he’d never heard Simpson speak on the matters he published, and Simpson had written to him and CKNW management, advising them that his statements were wrong.

Koenigsberg did a creative rewrite of the facts, and weasel-worded them into a fictional story. Some of the highlights include that Simpson was involved in opposing the three books in Surrey. This is a lie. Simpson is on the public record as supporting their use—providing parents are informed, as per the requirements of the Ministry of Education.

It should also be noted that transcripts of Simpson’s public appearances, including an interview on CBC where she clearly states that she was not involved in the book case, formed part of the evidence ***that was before Koenigsberg***.

Another blatantly absurd finding was Koenigsberg’s reasoning that found Mair’s assertions regarding the “gay teacher” issue to be “comments”, and not asserted as “facts”, thus saving him with the defense of “fair comment.” If she had found them to be asserted as “fact”, logical law would have found him without a defense.

Two important points on this; a comment is usually a one-off. But Rafe Mair falsely and repeatedly stated that Simpson supported the parents’ removal of their son from the classroom simply because the teacher was gay; this ***lie*** was repeated in at least ***eight*** editorials—hardly a “one-off.”

More troublesome for the jurist is the fact that Rafe Mair himself, on October 29, 1999, referred to the same situation involving the gay teacher and stated it as a “***fact***.” Rafe Mair’s own published words: “*The **facts,** briefly, were that a Mr. and Mrs. Prepchuk demanded that their child be taken out of Mr. Chamberlain’s class, presenting a clearly homophobic document called the Declaration of Family Rights in support.***”**

Note – The lies and misinformation embedded in the Koenigsberg decision are numerous and not limited to the aforementioned.

June, 2006—Simpson appealed the Koenigsberg decision to the British Columbia *Court of Appeal* and won. June 13, 2006 the Appeals court found, in a unanimous decision, that Mair could ***not*** have had an honest belief in what he said, based on the facts. The *Court of Appeal* also made a serious declaration ***reprimanding*** the drafter of Simpson's pleadings. Lawyer Eric Rice, now Justice Rice, was the President-in-waiting of the *Canadian Bar Association* at the time Simpson retained him. The court berated him for not following the rules of the court as they relate to libel cases. ***And while the Court of Appeal did not admonish the trial judge, their message was clear: she also did not follow the rules***.

December 4, 2007—Mair and his then-employer, CKNW, appealed to the *Supreme Court of Canada ("SCC").*

Supreme Court of Canada*, December 4, 2008**—During that hearing, the SCC, with a full panel, "modified" (*i.e*., changed) the legal test for "honest belief", and then relied on numerous errors of fact to support their decision to restore the trial judge's decision—apparently largely for the sake of making a timely statement signaling a new defence of free speech. This was the first defamation case the SCC had agreed to hear in 30 years. Kari Simpson became "Road-kill***" on the information highway of public controversy, according to the *Supreme Court of Canada*.

The Real Story is about to Unfold

October 26, 2008 Simpson applied for a rehearing before the *Supreme Court of Canada*, as she could easily prove a gross miscarriage of justice, since her first lawyer had failed to provide crucial facts to the trial judge as requested by Simpson and as required by the rules.

Further, Simpson rightfully claimed that she was ***denied*** the right to know the legal test she had to meet as a result of the fact that the SCC "modified the law," but failed to send the case back before the trial judge to be re-considered under the new test. In addition, the *Supreme Court of Canada* refused to hear the matter, thus denying Simpson the right to know the test, and denying her the right to a fair hearing.

Important Note—Not included in her application for a rehearing was the factual information relating to the trial judge's lack of qualification to preside; nor was Simpson aware of the judicial shenanigans that were transpiring. At this point, she was not fully aware of all the facts and the implications of the perversion of the law unfolding in her case.

Equally disconcerting is that it appears that numerous judges and lawyers <u>were</u> well-informed—and failed to act. One of those judges, Chief Justice McLachlin, must have known (or ought to have known) that any decision of Justice

Koenigsberg would be tainted—especially one involving a similar fact pattern of religious hatred, vilification, and defamation; and, of course, Justice Koenigsberg's personal actions of obstructing the right of a successful plaintiff to collect a court award against her spouse by her fraudulent transfer of assets. No one advised Kari Simpson that her trial had been thus compromised.

2009—Simpson persevered, ***naively*** believing that justice would prevail and that the trial judge, if just given the facts as the *Rules of Court* required, would have to acknowledge that she had got it wrong. Simpson read and reread the *Rules of the BC Supreme Court* and found what she believed was a provision that would open the door.

Simpson applied to the original trial judge, Justice Koenigsberg, for a hearing of a motion, pursuant to Rule 2 of the Supreme Court of British Columbia Rules. Justice Koenigsberg agreed to hear Simpson's application in a hearing scheduled for Feb. 3, 2009.

February 3, 2009—Simpson appeared in front of Koenigsberg on the matters relating to a fraud being committed on the court. At this point, Simpson was still ***unaware*** that the true fraudster was Koenigsberg herself; but this lack of knowledge was soon going to change. Koenigsberg, of course, denied Simpson's application.

Immediately after this hearing, just outside the courtroom, Simpson was approached by an individual who indicated a desire to talk to her. Simpson excused herself from her supporters and listened intently to the information being divulged to her by this obviously well-informed man. The information disclosed was troublesome, and compelled Simpson to further investigate the trial judge and her spouse's legal and personal problems. The man provided Simpson with court file reference numbers.

The Full Picture Begins to Form

On **February 13, 2009** Kari Simpson went to the Vancouver courthouse and began her own investigation. She conducted a full review of the available filed documents involving the legal actions against Justice Koenigsberg and Prytulak. The troubling facts contained in the court records painted a disturbing picture of a corrupt judge financing a spouse's campaign of religious hatred, lies and bigotry against influential Jewish businessmen. A corrupt and disgraceful judge who engaged in deliberate acts, designed to thwart justice. A corrupt judge who seemed to have special favour with BC's then-Chief Justice, Donald Brenner; a Chief Justice who assigned and seized himself to preside over the legal challenges of one of his own judges.

The court records show that the Chief Justice engaged in a most creative and bizarre form of jurisprudence, so mystifying that it finally frustrated those who are lawfully entitled to justice, namely a respected Jewish lawyer named Gary Kurtz. Court records document Brenner's attempt to protect Koenigsberg and frustrate justice by engaging in conduct designed to deplete the resources of and deny justice to the plaintiff, Gary Kurtz.

February 20, 2009—Simpson wrote to the Chief Justice and confronted him with the details exposed in the court records involving Justice Koenigsberg and her spouse. Simpson ***wasn't*** shocked when Brenner didn't write back. A copy of her letter to him is included and follows this brief.

Court of Appeal, May 27, 2009—Kari Simpson appealed the February 3, 2009 Koenigsberg decision and appeared in the BC Court of Appeal before Madam Justice Pamela Kirkpatrick on May 27, 2009. A lively discussion ensued with the matter being adjourned so Simpson could obtain a signed order from Koenigsberg.

Now armed with the facts and growing insight into the level of corruption within the court, the dots were easily connected. The picture portrayed a level of deceit and corruption and judicial fixing of a case that suddenly made sense out of the seeming insanity.

Simpson contacted the Vancouver registry and asked again to appear in front of Koenigsberg for the purpose of clarifying and getting the order signed. This of course would require Koenigsberg to act in a "judicial capacity"—an ***act*** she wasn't qualified to do, not being "during good behaviour." A date was set: **June 18, 2009**.

June 10, 2009—Simpson made a request to appear in front of the Chief Justice, Donald Brenner. The *Rules of the BC Court* require the Chief Justice or next senior judge to preside over an application for disqualification of a judge.

The emailed request stated:

> **From:** citizens@direct.ca [mailto:citizens@direct.ca]
> **Sent:** June-10-2009 9:54 AM
> **To:** citizens@direct.ca; dburnett@owenbird.com
> **Subject:** Chief Justice Brenner or the next senior judge--VA C996052--*Kari Simpson v. Rafe Mair & WIC Radio Ltd*.--CONF#610099530533
>
> Chief Justice Brenner or the next senior judge--VA C996052--Kari Simpson v. Rafe Mair & WIC Radio Ltd.
> **Type of hearing:** Chamber
> **Time estimate:** 30 minutes
> **Available dates:** any time next week
> **Nature of Application:** Pursuant to Rule 64(10)(11) an order for directions and/or an order disqualifying Madame Justice Koenigsberg from exercising any further jurisdiction in the matter of *Kari Simpson v. Rafe Mair & WIC Radio LTD*. Further, for directions on how to proceed and obtain a signed, valid and lawful order from the February 3, 2009 hearing if Madame Justice Koenigsberg is disqualified and it is determined that it is "impossible" for her to act in any further judicial capacity. Madame Justice Koenigsberg has asserted that she will again act in a judicial capacity and exercise jurisdiction in this matter and has refused to hear an application by the applicant for her disqualification. I request that the Chief Judge or the next senior judge deal with this application prior to the hearing before Madame Justice Koenigsberg that is scheduled for June 18, 2009.

Reason why this must be heard by (Chief Justice Brenner or the next senior judge): Rule 64 requires that the Chief Justice or the next senior judge hear the application.
Opposing Counsel's/Litigant's position on this application: Unknown

This application was never heard by the Chief Justice as he resigned the next day.

June 11, 2009—*Chief Justice Donald Brenner resigns*.

June 18, 2009—Simpson appears in front of Koenigsberg with a motion asking Koenigsberg to disqualify herself. Koenigsberg refuses to hear the motion and instead suggests Simpson start a new lawsuit and/or appeal her decision.

At this juncture it became clear to Simpson that justice would be futile without leveling the playing field. How foolish would it be for her or anyone to wallow any deeper into the bowels of this judicial abyss without changing the odds.

RoadKill Radio.com

2009—Simpson established an internet presence by developing a online webcast called ***RoadKill Radio*** that has now grown into a multimedia corporation.

DriveForJustice.com

June, 2012 saw the launch of RoadKill Radio's new reality series called ***Drive For Justice***—a no-holds-barred, "take no prisoners" reality series that will follow Simpson's every step, every letter, every court appearance… as she seeks justice. Yes, the show names names and provides documents that will prove every word uttered by Simpson. A series that will continue until j**ustice is done**.

Lies and More Lies

It should be noted that the Internet is today full of lies and misinformation about Kari Simpson as a direct result of the ***Supreme Court of Canada's*** willingness to publish deliberate and known lies about her, and the facts related to the Rafe Mair defamation suit. The harm that has been foisted upon Simpson by the unlawful actions of the court is immeasurable. Those who are privy to the facts of this case are outraged; and those numbers grow each and every day. Those numbers now include elected representatives, lawyers and judges—but most importantly, they include many ordinary Canadians who know that the foundations of justice upon which our nation is set have been compromised and reconize that the rule of law is at best a charade; and that their own rights to justice are threatened by this miscarriage, by these incidents of misfeasance and malfeasance.

Reference Material

Applicable Law (not an exhaustive listing) & the CJC Ethical Principles

Wewaykum Indian Band v. Canada, 2003 SCC 45, [2003] 2 S.C.R. 259 stated:

> Public confidence in our legal system is rooted in the fundamental belief that those who adjudicate in law must always do so without bias or prejudice and must be perceived to do so. A judge's impartiality is presumed and a party arguing for disqualification must establish that the circumstances justify a finding that the judge must be disqualified. The criterion of disqualification is the reasonable apprehension of bias. The question is what would an informed, reasonable and right-minded person, viewing the matter realistically and practically, and having thought the matter through, conclude. Would he think that it is more likely than not that the judge, whether consciously or unconsciously, would not decide fairly?

The *Supreme Court of Canada* goes on to say:

> With respect to the notion of automatic disqualification, English case law suggests that automatic disqualification is justified in cases where a judge has an interest in the outcome of a proceeding.

Justice Koenigsberg had a personal interest in the outcome of this case. This crucial issue is explored and determined before the Royal Courts of Justice in ***LOCABAIL (UK) LTD v. Bayfield Properties Ltd et al*.** The Supreme Court of Judicature Court of Appeal, beginning at paragraph 3, stated:

> Any judge (for convenience, we shall in this judgment use the term "judge" to embrace every judicial decision-maker, whether judge, lay justice or juror) who allows any judicial decision to be influenced by partiality or prejudice deprives the litigant of the important right to which we have referred, and violates one of the most fundamental principles underlying the administration of justice.
>
> Where in any particular case the existence of such partiality or prejudice is actually shown, the litigant has irresistible grounds for objecting to the trial of the case by

> that judge (if the objection is made before the hearing) or for applying to set aside any judgment given. Such objections and applications based on what, in the case law, is called “actual bias” are very rare, partly (as we trust) because the existence of actual bias is very rare, but partly for other reasons also.
>
> The proof of actual bias is very difficult, because the law does not countenance the questioning of a judge about extraneous influences affecting his mind; and the policy of the common law is to protect litigants who can discharge the lesser burden of showing a real danger of bias without requiring them to show that such bias actually exists.
>
> There is, however, one situation in which, on proof of the requisite facts, the existence of bias is effectively presumed, and in such cases it gives rise to what has been called automatic disqualification. That is where the judge is shown to have an interest in the outcome of the case which he is to decide or has decided.

***Newfoundland Telephone Co. v. Newfoundland (Board of Commissioners of Public Utilities)*, [1992] 1 S.C.R. 623, Cory J. writing on behalf of The Supreme Court of Canada states:**

> The duty to act fairly includes the duty to provide procedural fairness to the parties. That simply cannot exist if an adjudicator is biased. It is, of course, impossible to determine the precise state of mind of an adjudicator who has made an administrative board decision. As a result, the courts have taken the position that an unbiased appearance is, in itself, an essential component of procedural fairness. To ensure fairness the conduct of members of administrative tribunals has been measured against a standard of reasonable apprehension of bias. The test is whether a reasonably informed bystander could reasonably perceive bias on the part of an adjudicator.

Cory J. continues in his analysis by identifying *The Consequences of a Finding of Bias*, he says:

> Everyone appearing before administrative boards is entitled to be treated fairly. It is an independent and unqualified right. As I have stated, it is impossible to have a fair hearing or to

> have procedural fairness if a reasonable apprehension of bias has been established. If there has been a denial of a right to a fair hearing it cannot be cured by the tribunal's subsequent decision. A decision of a tribunal which denied the parties a fair hearing cannot be simply voidable and rendered valid as a result of the subsequent decision of the tribunal. Procedural fairness is an essential aspect of any hearing before a tribunal. The damage created by apprehension of bias cannot be remedied. The hearing, and any subsequent order resulting from it, is void.

Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated:

> Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function—thus where the impartial functions of the court have been directly corrupted.

The Supreme Court of Canada clearly illustrates and recognizes the sound, judicial judgment of Madam Justice Abella in ***Mugesera v. Canada (Minister of Citizenship and Immigration)*, [2005] 2 S.C.R. 91, 2005 SCC 39.** The court addressing this issue of bias or perceived bias states at paragraph 8:

> Within days of her appointment, upon reading the list of cases scheduled to be heard in December 2004, Abella J. recused herself of her own accord on September 16, 2004. Her husband, as chair of the War Crimes Committee of the Canadian Jewish Congress, a party to these proceedings, had conveyed representations about this case to the then Minister of Citizenship and Immigration, the Honourable Denis Coderre. The Registrar of this Court immediately informed the parties that Abella J. would not be taking part in this appeal.

In the publication produced by the Canadian Judicial Council; "***Ethical Principals for Judges***" Chapter Three addresses "Integrity" as it pertains to Judges. The Statement asserts:

Judges should strive to conduct themselves with integrity so as to sustain and enhance public confidence in the judiciary.

Chapter Three further asserts these two "Principles":

1. Judges should make every effort to ensure that their conduct is above reproach in the view of reasonable, fair-minded and informed persons.

2. Judges, in addition to observing this high standard personally, should encourage and support its observance by their judicial colleagues.

Further -

5. A judge's conduct, both in and out of court, is bound to be the subject of public scrutiny and comment. Judges must therefore accept some restrictions on their activities—even activities that would not elicit adverse notice if carried out by other members of the community. Judges need to strike a delicate balance between the requirements of judicial office and the legitimate demands of the judge's personal life, development and family.

6. In addition to judges' observing high standards of conduct personally they should also encourage and support their judicial colleagues to do the same as questionable conduct by one judge reflects on the judiciary as a whole.

7. Judges also have opportunities to be aware of the conduct of their judicial colleagues. If a judge is aware of evidence which, in the judge's view, is reliable and indicates a strong likelihood of unprofessional conduct by another judge, serious consideration should be given as to how best to ensure that appropriate action is taken having regard to the public interest in the due administration of justice. This may involve counselling, making inquiries of colleagues, or informing the chief justice or associate chief justice of the court.

Chapter 6 requires of judges:

6. Impartiality

Statement:

Judges must be and should appear to be impartial with respect to their decisions and decision making.

Principles:

A. General

1. Judges should strive to ensure that their conduct, both in and out of court, maintains and enhances confidence in their impartiality and that of the judiciary.

2. Judges should as much as reasonably possible conduct their personal and business affairs so as to minimize the occasions on which it will be necessary to be disqualified from hearing cases.

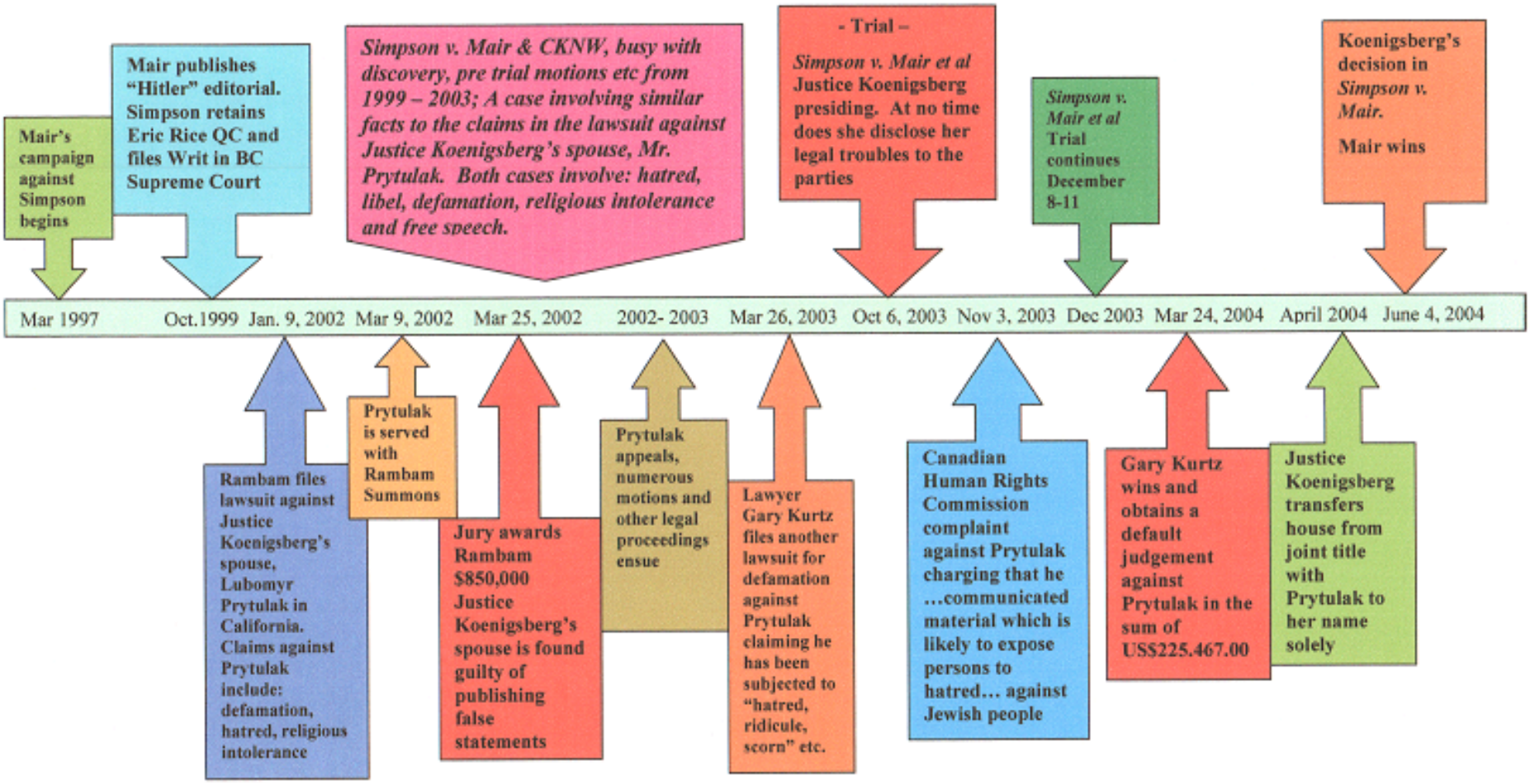
3. The appearance of impartiality is to be assessed from the perspective of a reasonable, fair minded and informed person.

E. Conflicts of Interest

1. Judges should disqualify themselves in any case in which they believe they will be unable to judge impartially.

2. Judges should disqualify themselves in any case in which they believe that a reasonable, fair-minded and informed person would have a reasoned suspicion of conflict between a judge's personal interest (or that of a judge's immediate family or close friends or associates) and a judge's duty.

Comparative Timeline between Justice Koenigsberg's personal legal problems - **involving libel, defamation, hate, religious intolerance, free speech, *Obstruction of Justice* and *Fraudulent Conveyance*** - while she is presiding over the *Simpson v. Mair et al* trial



Kari D. Simpson
22678-28th Avenue
Langley, BC V2Z 3B2
Email: citizens@direct.ca
Tel:604.514.1614/Fax:604.514.1669

Chief Justice Donald Brenner,
Chief Justice of the British Columbia Supreme Court
800 Smyth Street
Vancouver, B.C.

VIA FACSIMILE

February 20, 2009

RE: **Justice Mary Marvyn Koenigsberg**

Dear Chief Justice Brenner,

My name is Kari Simpson; I am the Plaintiff in Simpson v. Rafe Mair & CKNW and known now from the Supreme Court of Canada proceeding as WIC Radio LTD. & Rafe Mair v. Kari Simpson. As you know, I am sure, it is a very important case involving defamation, truth, my reputation, free speech and the integrity of court. My original trial, the foundational underpinning for all legal considerations by the higher courts, was heard before Madam Justice Koenigsberg.

I have recently been made aware of information that is disturbing concerning Madam Justice Koenigsberg's legal troubles and that of her spouse, Lubromyr Prytulak, which problems happened to be most pressing during the time she presided over my trial. As you can appreciate the discovery of this information and the implications of it to my case are most serious and distressing. The magnitude is best described as scandalous. Be advised that I will seek through all legal channels available to me to have the trial voided; therefore I require the following information.

Firstly, for the purposes of court, I need to establish who was responsible for assigning Justice Koenigsberg to my case – especially when the assigner either knew or should have known that Justice Koenigsberg was personally embroiled at the time in a serious matter of defamation. The alleged and later proven defamer in the case is Justice Koenigsberg's spouse, Lubromyr Prytulak. Mr. Prytulak stands as someone accused of being "religiously intolerant" and someone who holds "extreme political views" and who conducts defamatory campaigns against other individuals, which ironically include some of the same slanders that Mr. Mair untruthfully made against me. Then, to make matters worse, I found out that Justice Koenigsberg has been publicly exposed for conduct that any reasonable and fair-minded individual would conclude to

be highly questionable at best, contemptible certainly and/or worse. I refer of course to the transferring of assets jointly held by Justice Koenigsberg and her spouse. The timing of the transfer rightfully conjures suspicion, considering a California court assigned damages in excess of $200,000 against Mr. Prytulak a month or so before. And all this while his "spouse," Justice Koenigsberg, was presiding over and deciding my case! Surely someone should have noticed that at the very least it put her in an apparent conflict of interest or the appearance of bias, take your pick.

Then there is another matter involving Mr Prytulak: a complaint alleging hate which is before the *Canadian Human Rights Commission* in November 2003. Justice Koenigsberg is sitting on my trial at this exact time. In a letter from the *Canadian Human Rights Commission,* Mr. Prytulak is advised about the complaint findings. The letter referencing File # 2003 1527 states:

> The evidence shows that the material which forms the basis of this complaint was observed on the Internet. The evidence shows that the Respondent, Lubromyr Prytulak, was living in Canada and was communicating or causing to be communicated material which is likely to expose persons to hatred or contempt based on grounds of religion and national or ethnic origin.

You should also be aware that I possess documents that prove Justice Koenigsberg not only resided with Mr. Prytulak but financially supported him. It is also important to state that this document acknowledges that Justice Koenigsberg was aware she was underwriting or enabling, with her financial support, the activities of Mr. Prytulak. I understand this very document was before you in the matter involving alleged fraudulent conveyance naming Justice Koenigsberg and her spouse Lubromyr Prytulak. The document is Exhibit 30 and is referred to in Mr. Prytulak's sworn affidavit. Exhibit 30, the "Agreement," is signed by Justice Koenigsberg, Mr. Prytulak and witnessed. The document states:

> Over the years, Lubromyr has chosen to pursue non-remunerative projects rather than those which would have generated income or salary for himself, and has also suffered losses resulting from various investments:

Of course the document goes further in explaining how Justice Koenigsberg has paid the expenses relating to the house, mortgage etc. The date of the "Agreement" is April 23, 2004 which was a short time after the damage award was assigned in Mr. Prytulak's defamation case in California. It should also be noted that during that same time Justice Koenigsberg was deciding my case and within six weeks she delivered the first decision in Simpson v. Mair et al.

Secondly, I need to know whether or not you as Chief Justice were aware of these facts at the time and still allowed Judge Koenigsberg to sit on my case knowing that there would be at the very least an obvious appearance of bias, or worse a likelihood of actual bias, conflict of interest and the appearance of wrong-doing.

Lastly, please be advised that a number of other legal matters will be before the court involving the defendants. The purpose of this inquiry is a simple one. Please answer the following questions forthwith as I will be seeking to have a stay of proceedings and my trial voided. The truthful answers to these questions are crucial to my case. I trust in the interest of justice that you will cooperate fully and honourably. I appreciate from my growing understanding of this case, from speaking to others more learned in the law than I and from confirming facts with the "defamed lawyer" Mr. Gary Kurtz, that there might be serious implications in this for you but that is not my problem, it is yours.

Please give your attention to this matter as it deserves priority. If you fail to act in a timely fashion it may be viewed as a deliberate attempt to frustrate justice. As I said, this IS a serious matter.

1. Were you as Chief Justice aware at the time that Judge Marvyn Koenigsberg was assigned to my case that she was personally embroiled in serious legal matters involving large sums of money, alleged defamation, hate, religious intolerance etc. with her spouse Lubromyr Prytulak?

2. Were you aware that in addition to Justice Koenigsberg's spouse's legal troubles in California that a hate-speech complaint was made against him with the Canadian Human Rights Commission while she was presiding over my case?

3. Did Judge Koenigsberg bring to your attention these facts about her spouse's numerous legal troubles and the implications to her?

4. Did anyone else speak to you about concerns involving Justice Koenigsberg?

5. If so, who?

6. Was there any discussion between yourself and Justice Koenigsberg that the serious legal matters in her personal life would cast serious doubt on her ability to be impartial or cast the appearance of bias in a proceeding involving a very serious case of defamation with facts similar to those in her husband's cases?

7. Did Madam Justice Koenigsberg bring to your attention or anyone else's that her spouse was being sued <u>again</u> for defamation, this time for sending defamatory letters to various individuals about a lawyer?

8. It is my understanding from media reports and from documents I now possess that on April 26, 2004 the B.C. Land Title Office received an application to transfer ownership of a house jointly owned by Madam Justice Koenigsberg and her "partner" Lubromyr Prytulak into her name solely. Did Justice Koenigsberg advise you she was going to do this?

9. Please ask Madam Justice Koenigsberg why she didn't recuse herself and if she answers please provide me with a copy of it.

10. I now know that you are judicially-familiar with the facts of Justice Koenigsberg's personal problems and her conducts. I now know you presided over two proceedings

involving the defamed lawyer from California and Justice Koenigsberg. I know that you have seized yourself in that case. I know from court documents that you have knowledge about the defamation cases and the claims of religious intolerance and extreme political views of Justice Koenigsberg's spouse. I know you know that his ability to "pursue no-remunerative projects" was facilitated wholly or at least in part by the financial support provided by Justice Koenigsberg, projects that involved religious intolerance, defamation and extreme political views. I know you are aware of the facts concerning Justice Koenigsberg's transfer of assets and the serious implications that follow when one considers the legal test for fraudulent conveyance. What I don't know is why my lawyer was never informed about the conducts of Justice Koenigsberg and her spouse.

- Why as Chief Justice, with apparently fulsome knowledge of the activities of Justice Koenigsberg and her "spouse" did you fail to inform me that my trial was potentially tainted and that my rights under the Charter were potentially violated?
- Did you inform the defendants' counsel, Mr. Dan Burnett, about Justice Koenigsberg's obvious conflicts and potential bias?

11. Why did you preside over the Kurtz v Koenigsberg et al case instead of securing a judge from outside the province?

12. In my review of court documents in the Kurtz v. Koenigsberg et al matter I note that in your November 1, 2007 "Oral Reasons for Judgement" you only refer to Justice Koenigsberg as "Mr. Prytulak's spouse" in your oral reasons for judgement. Is it your typical practice to refer to women only as the "spouse" in matters where they are named or do you only do that in cases involving Supreme Court justices?

13. Justice Koenigsberg's spouse, Mr. Prytulak, appears to post a letter about one of his defamation cases on www.vanguardnewsnetwork.com in the letters section, a forum seemingly dedicated to offending at the very least Jewish people. The letter posted just prior to Mr. Prytulak's gives a better example of the worst this site has to offer. It reads:

> My dream I"Z"…
> 1. To see Israel NUKED.
> 2. To see all kikes in North America rounded up, conducted to some "relocation" place in the middle of the desert (Nevada or Arizona), and then. See them NUKED.
> 3. To see the rest of kikes around the world VAPORIZED.
>
> That's it.
> Sven

Following immediately after "Sven's" letter I find Justice Koenigsberg's spouse's posting which also happens to have some curious assumptions about our court. Mr. Prytulak states:

> What is Steven Rambam aiming for in his defamation suit against me…He has no hope of seeing one dollar of the $1.55 million that he's asking for….

> …And if the California Court of Appeal should change its mind and accept jurisdiction, he would still have to bring his judgement to Canada, and get Canadian courts to enforce it, which might not be easy.

As you can appreciate, Mr. Chief Justice, Mr. Prytulak's assertions beg this question: Did Mr. Prytulak know something the rest of us don't about the difficulty a plaintiff might have in British Columbia in collecting an award by a Californian court for a significant amount of damages against the "spouse" of a B.C. Supreme Court Justice? Even a Justice who admittedly financially supports the alleged defamer while he pursues his "non-remunerative" endeavours?? From what I know about the case it appears to be so. So Mr. Chief Justice my question is quite simple: Do the spouses of Supreme Court Justices get special preferential treatment or protection in our B.C. Courts? Are our own judges above the law??

14. Rule 11 of the *Supreme Court Act* requires you to "consult" with the Attorney General when a judge is moved. What reasoning did you provide to the Attorney General when Justice Koenigsberg moved from the Vancouver Registry and area?

15. Is the Attorney General, the Hon. Wally Oppal, aware of the serious allegations of fraudulent conveyance involving Justice Koenigsberg?

This case has brought the justice system into disrepute and will continue to do so unless those who are honourably entrusted and appointed to safeguard the integrity of our justice system are seen to act swiftly and decisively. Please find attached a copy of my recent correspondence to Mr. Mair's counsel.

It is certainly my intention to pursue this matter vigorously and clearly my position is that my right to a fair and impartial hearing has been seriously violated and unforgivably trespassed upon.

If the integrity of the court and the reputations of all those who are honourable and truly just has any measurable value in your motivations, then you will, I believe, give sombre regard to this matter and the grave consequences that will result if you fail to act expeditiously.

Sincerely yours,

Original signed by
Kari D. Simpson

Copied to -

The Hon. Rob Nicholson, Justice Minister for Canada

The Honourable Wally Oppal, Attorney General of British Columbia
Justices of the Supreme Court of Canada
Agents & Interveners in WIC Radio & Rafe Mair v. Simpson
Mr. Gary Kurtz, Lawyer & Plaintiff in Kurtz v. Koenigsberg et al

Associate Chief Justice Patrick Dohm
Concerned Informed Canadians
Law Society of British Columbia
Canadian Jewish Congress
Dan Burnett, Counsel for Rafe Mair & WIC
Canadian Judicial Council
Canadian Bar Association
Media