



Form 1 (Rule 3-1 (1))

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NATHALIE G. DROUIN
No. ~~Solicitor for A.G.C.~~

Vancouver Registry

In the Supreme Court of British Columbia

Between

Kari Simpson

Plaintiff(s)

and

Mary Marvyn Koenigsberg

Defendant(s)

The Right Honourable Chief Justice Beverly McLachlin,

Defendant(s)

The Office of the Chief Justice of the Supreme Court of Canada, the Office of the
Chief Administrator for the Courts and the Office of the Chairperson for the
Canadian Judicial Council

Defendant(s)

The Office of the Chief Justice of the British Columbia Supreme Court

Defendant(s)

The Attorney General of Canada and Minister of Justice

Defendant(s)

Attorney General of British Columbia

Defendant(s)

NOTICE OF CIVIL CLAIM

[Rule 22-3 of the Supreme Court Civil Rules applies to all forms.]

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Plaintiff(s)

Part 1: STATEMENT OF FACTS

1. The Plaintiff, Kari Simpson, a Canadian citizen, resides in the Township of Langley, in the Province of British Columbia (the Plaintiff) and was the Plaintiff in *Simpson v Mair & WIC Radio* and Respondent in *WIC Radio Ltd. v. Simpson*, [2008] 2 S.C.R. 420, 2008 SCC 40.
2. The Defendant the Office of the Chief Justice of the Supreme Court of Canada and the Right Honourable Beverley McLachlin Chief Justice of the Supreme Court of Canada, Chief Administrator of the Supreme Courts, and Chair of the Canadian Judicial Council, pursuant to the *Judges Act*.
3. The Defendant Mary Marvin Koenigsberg is a retired judge of the British Columbia Supreme Court who current address is unknown.
4. The Defendant, Attorney General and Minister of Justice for Canada, appointed by commission under the Great Seal pursuant to the *Department of Justice Act* R.S.C., 1985, c. J-2
5. The Defendant David Eby is an officer of the Province of British Columbia by appointment as Attorney General for British Columbia pursuant to the *Crown Proceedings Act*.
6. Defendant Office of the Chief Justice of the Supreme Court of Canada maintains an office within the Supreme Court, located at 301 Wellington Street, Ottawa, Ontario
7. Defendant Attorney General and Minister of Justice maintains an office within the House of Commons, Ottawa, Ontario
8. Defendant Attorney General for British Columbia maintains an office within the Parliament Buildings, Victoria, British Columbia.
9. The Plaintiff was a respected Christian social activist in Canada in 1997, prior to a campaign to destroy and vilify her by a then-popular Vancouver radio talk-show host, former politician and lawyer named Rafe Mair. Mr. Mair's campaign resulted in a lawsuit initiated by the Plaintiff for defamation. Mr. Mair, now deceased, had published in excess of forty editorials asserting as "fact" information that was found to be defamatory and maliciously published. Mr. Mair testified at trial as to never having heard the Plaintiff speak on the issues on which he pontificated in those editorials.

10. The trial, *Simpson v Mair et al*, commenced on October 6, 2003 and continued through December 2003, with judgement being delivered on June 4, 2004. The judge assigned to preside over *Simpson v Mair et al* was Defendant Koenigsberg.
11. Unbeknownst to the Plaintiff at the time of the commencement of her trial, Defendant Koenigsberg was embroiled in serious legal problems involving her "spouse", Lubomyr Prytulak aka Lubomir Prytulak, Luby Steven Prytulak, Luby Stphan, Myroslaw Prytulak, Mirosław Prytuak, Myroslav Prytulak, Mirosław Prytulak. These legal problems were active in the California courts and involved facts similar to the Plaintiff case, specifically:
- the vilification of a religious person;
 - defamation; and
 - religious hatred.
12. It was also unknown by the Plaintiff at the time of her trial, that Defendant Koenigsberg was financially supporting her 'spouse' in activities that included the incitement of hatred, vilification and defaming religious people like the Plaintiff.
13. Defendant Koenigsberg's legal troubles increased during the time she was presiding over the Plaintiff's trial. Defendant Koenigsberg's spouse was charged on November 3, 2003, by the Canadian Human Rights Commission for the incitement of hatred against Jewish people in Canada.
14. At the conclusion of the Plaintiff's trial Defendant Koenigsberg orchestrated a settlement hearing. During that hearing she raised her voice and scolded Mr. Mair, stating he owed the Plaintiff an apology to the Plaintiff and directing him to settle this matter. Defendant Koenigsberg was visibly agitated and begged the Plaintiff to "help the court" and settle the matter.
15. Rafe Mair wrote about this bizarre hearing in August of 2014, in a blog titled "**Nothing to Lose**". He stated:

One of the cases in which I was involved is a very famous one. It overturned the law in Canada changing it to that as practiced in the United States as opposed to Great Britain. There was, of course, no way that the plaintiff knew this was going to happen and indeed it came as a considerable surprise to our side.

To just touch upon the facts, the plaintiff was and remains a public figure in the Fraser Valley. I made some adverse comments about her and a meeting she

had attended and she sued me. The lawsuit took, as I recall, about eight years to complete.

Just to recapitulate, during that eight years the lawsuit was a nightmare to the plaintiff who had to finance her side of it on her own while for me it was an occasional nuisance.

When we went to trial, I evidently didn't have a prayer. The trial judge took an instant dislike to me – and I to her – and she summoned us into her private chambers just before giving judgment and reamed my ass out.

What a surprise it was to find that she gave me judgment!

In due course the plaintiff took the matter to the British Columbia Court of Appeal. There it was quite a different matter and the court found three to nothing against me. That looked like the end of the matter except to have an assessment of damages.

My counsel wanted to appeal to the Supreme Court of Canada except that the upper court very rarely ever took civil appeals, preferring that they be settled in the provincial courts of appeal. To our amazement we were granted leave to appeal.

16. The Plaintiff was troubled by this “settlement” hearing as Defendant Koenigsberg was highly agitated.
17. Defendants Koenigsberg's legal problems continued to escalate while still presiding over the Plaintiff's case. On March 24, 2004, the California Court ruled in favour of Jewish lawyer Gary Kurtz, plaintiff in a lawsuit against defendant Koenigsberg's spouse. The default judgement awarded him \$225,467.00 in US currency.
18. On April 26, 2004, approximately one month after the California judgement, Defendant Koenigsberg, while still presiding over the Plaintiffs case engaged in illegal activities, specifically the fraudulent conveyance of a valuable property in Vancouver pursuant to, and in violation of, the **Fraudulent Conveyance Act** of BC. Defendant Koenigsberg petitioned the BC Land Titles office to remove the name of her spouse, Lybomyr Prytulak, from the title of an asset they jointly owned, knowing full well that the said property was attached to legal proceeding that fell under the scope of BC **Fraudulent Conveyance Act**.
19. Defendant Koenigsberg delivered her decision in *Simpson v Mair & WIC Radio* on June 4, 2004, and found that Rafe Mair had defamed the Plaintiff and did so maliciously. Defendant Koenigsberg made defamatory and untrue statements

about the Plaintiff in her decision and granted the defense of fair comment to Mair citing the his words were not stated as facts, despite the evidence to the contrary.

20. At no time did Defendant Koenigsberg disclose to the Plaintiff or her legal counsel that the appearance of bias could be considered as she was active is financially supporting her spouse in his vile hate motivated activities—activities that made her unqualified to preside over the Plaintiff's similar fact case.
21. Defendant Koenigsberg failed at this time to inform the Plaintiff that she acted in a manner inconsistent to her specific lawful obligation to be a judge of "good behaviour", as required by the *Constitution Act*, by wilfully contravening the ***Fraudulent Conveyance Act*** of BC.
22. Had the Plaintiff been informed of any of the activities, she would have instructed counsel to seek defendant Koenigsberg's immediate recusal; and if Koenigsberg refused, the Plaintiff would have sought her disqualification from the Chief Justice of the BC Supreme Court.
21. The Office of the Chief Justice of the BC Supreme Court at the time of the trial was occupied by the now-deceased Donald Brenner. The Office of the Chief Judge is charged with a duty to ensure:
 - the rule of law is adhered to;
 - that the administration of justice is not brought into disrepute;
 - that the BC Supreme Courts operate without fear or favour; and
 - that the *Charter* rights of all Canadians are upheld, including the right to a fair hearing.
22. The Defendant Office of the BCSC Chief Justice is also responsible for the assignment of qualified judges to preside over cases, and to guard against any bias or appearance of bias and/or any other wrong-doing—including committing a fraud upon the court.
23. The Defendant Office of the Chief Justice of the BCSC knew or ought to have known that Defendant Koenigsberg's personal legal problems made her unfit to preside over any matter involving defamation, vilification and/or hatred based on religion.
24. The Defendant Office of the Chief Justice of the BCSC knew or ought to have known that Defendant Koenigsberg, a justice of that court, had engaged in the

Fraudulent Conveyance of her asset, and as such was not fit to sit as a judge of "good behaviour" as required by the *Constitution Act*.

25. If Defendant Koenigsberg unethically and fraudulently kept this information from the Chief Justice, it soon came to his attention as he presided of the matters involving Defendant Koenigsberg in or about November 29, 2005 when Gary Kurtz filed his first case in the BCSC Vancouver Registry.
26. The Plaintiff found it unethical and clearly biased for the Chief Justice to have presided over the matters involving one of his own judges; but he did. A number of case files were open involving Mr. Prytulak, including, according to the BC civil court search:

KURTZ Gary v PRYTULAK Lubromyr
Supreme Enforcement Proceedings, File No: 052882
File opened November 29, 2005

KURTZ Gary v PRYTULAK Lubromyr
Supreme Civil (General) File No: 056398
File opened December 5, 2005

KURTZ Gary v PRYTULAK Lubromyr
Supreme Civil (General) File No: 071009
File opened February 13, 2007

KURTZ Gary v KOENIGSBERG, Mary
Supreme Civil (General) File No: 071008
File opened February 13, 2007
27. Defendant Chief Justice of the BCSC failed to inform the Plaintiff or her counsel that there was a problem with the trial judge he assigned, namely Defendant Koenigsberg. By November 2005, defendant BCSC CJ was well aware that Defendant Koenigsberg had been compromised as a judge.
28. Defendants the Office of the Chief Justice of the SCC and McLachlin for all intents and purposes in these matters acted, pursuant to the *Judges Act* in three distinct roles: namely as Chief Justice, Chief Administrator of the Courts, and as Chairperson of the Canadian Judicial Council (CJC), and is referenced herein as three distinct Defendants.
29. According to the SCC website, Defendants The Office of the SCC and McLachlin's distinguishable roles are defined:

The Chief Justice presides over all sittings of the Court at which he or she is present. The Chief Justice oversees the work of the Court by designating the panels of judges who are to hear the cases and motions brought before it.

In addition to his or her Court duties, the Chief Justice is chairperson of the Canadian Judicial Council, whose members include the chief justices and associate chief justices of the federal and provincial superior courts, and the senior judges of the territorial superior courts. This body, established by the *Judges Act*, has a mandate to promote efficiency, uniformity and accountability, as well as to improve the administration of justice throughout Canada.

30. As Chief Justice, Defendant McLachlin acts as the Chief Administrator and is responsible for the assignment of judges for cases appearing before the SCC, and owes a duty of care to all parties appearing before the SCC to protect their right to a fair hearing.
31. Defendant McLachlin, in her role as Chief Justice and all that flows from that, knew or ought to have known prior to the *Vancouver Province* news report coming out on July 9, 2006, that Defendant Koenigsberg, at the very least ought to have been investigated by the Canadian Judicial Council (CJC) or relieved of her duties pending the outcome of her court case before the BCSC.
32. Had this information about Defendant Koenigsberg been suppressed from Defendant McLachlin prior to the news report, she certainly had to have known after its publication on July 9, 2006, at which time she then had a duty to become informed and to have placed the administration of justice as her highest priority, by ordering a public investigation of Defendant Koenigsberg by the CJC.
33. According to the guidelines of ethical conduct for judges, the notification of Defendant Koenigsberg's activities ought to have been reported to the CJC.
34. By Dec 4, 2007 Defendant McLachlin ought to have known that any matter flowing from a court presided over by Defendant Koenigsberg was doomed. At no time did Defendant McLachlin inform the Plaintiff through any means that her trial judge was compromised. Defendants the Office of the SCC and McLachlin in her capacity as Chief Justice, Chief Administrator and Chair of the CJC breached her duty to the Plaintiff and numerous others.
35. Instead, Defendant McLachlin allowed the tainted case, fraudulently presided over by a trial judge of dubious character—by then known as *WIC v Simpson*—to proceed before the SCC.

36. On December 4, 2007 the Plaintiff's case was heard by the full panel of SCC justices, including Justice Marshall Rothstein who was not qualified to sit on the bench of the high court.

37. The Plaintiff has since learned that there was a common knowledge in the legal community about Mr. Justice Rothstein's unqualified and unlawful presence on the SCC bench but apparently Defendant McLachlin failed to act, and instead assigned a judicial fraudster to preside over the Plaintiff's case.

38. On June 27, 2008 the SCC pronounced judgement. Writing for the majority, SCC Justice Binnie asserted that the legal test for fair comment was now "modified." Binnie J wrote in, *WIC Radio Ltd. v. Simpson*, [2008] 2 S.C.R. 420, 2008 SCC 40:

It is therefore appropriate to modify the "honest belief" element of the fair comment defence so that the test, as modified, consists of the following elements: (a) the comment must be on a matter of public interest; (b) the comment must be based on fact; (c) the comment, though it can include inferences of fact, must be recognizable as comment; (d) the comment must satisfy the following objective test: could any person honestly express that opinion on the proved facts?

Even though the comment satisfies the objective test of honest belief, the defence can be defeated if the plaintiff proves that the defendant was subjectively actuated by express malice. The defendant must prove the four elements of the defence before the onus switches back to the plaintiff to establish malice. [28] [52]

39. In "modifying" the legal test, Defendant McLachlin and her cohorts, exceeding their jurisdiction, deprived the Plaintiff of her right to a fair hearing, and violated her Constitutional right to know the legal test she had to meet.

40. The decision asserted a number of fabrications and defamatory comments.

41. The Plaintiff knew something was wrong, but she was unaware at this juncture of how corrupt the judicial system was. In good faith, she filed a motion pursuant to s. 72 for a Re-Hearing with the SCC.

42. The Plaintiff asserted this right, among others, in her application for a re-hearing:

The Applicant requests a Re-Hearing of Appeal on the grounds that this Honourable Court was denied crucial and factual information due to the failings of the trial judge and counsels to understand the complexities of libel law and their requirements.
Further, that the trial judge and my counsel were without the

knowledge or benefit of knowing the new “modified test” that this court has applied to its findings, and as such was denied knowing the burden of proof required to meet such a standard, or in this case, such a “test.”

43. The Plaintiff's application for a re-hearing was denied by the SCC without reasons.
44. Defendants the Office of the Chief Justice of the SCC and McLachlin in all of her three distinct roles ought to have known that the Plaintiff had a right to know the legal test she was required to meet.
45. Defendant McLachlin in all three distinct roles, each and of themselves, ought to have reasonably foreseen that by breaching her duty to uphold the rule of law and the right of the Plaintiff that she would bring a catastrophic blow to the administration of justice in Canada.
46. During the time the Plaintiff's case was before the SCC, another matter involving defamation was proceeding through the courts. *Creative Salmon Company Ltd. v. Staniford*, 2009 BCCA 61, was referred back for a new trial, citing the change in the legal test resulting from the Plaintiff's case.
47. In a unanimous decision before the BC Court Of Appeal, The Honourable Mr. Justice Tysoe, writing the decision in which both The Honourable Mr. Justice Frankel and The Honourable Madam Justice Levine concurred, stated, at para 1-3:.

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.

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).

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

[Emphases are the writer's]

48. The Plaintiff is not a lawyer, but she knew she had a right to know the legal test; and that what had transpired was wrong, corrupt and illegal.
49. Unlike the parties in *Creative Salmon Company Ltd. v. Staniford*, 2009 BCCA 61 the Plaintiff was not granted, though entitled, her legal right to have her case heard with reference to the new legal test established in her own case.
50. Instead the SCC imposed the assignment of costs onto the Plaintiff. The Plaintiff viewed this conduct as abusive, malicious, torturous, illegal and designed to deliberately penalize her for being an outspoken Christian on matters that conflict with the Defendant McLachlin's political and philosophical views as expressed in other cases.
51. Defendants Office of the Chief Justice of the SCC and McLachlin knew full well that this decision was unlawful, and abused her role to silence the plaintiff by destroying her credibility and imposing financial ruin upon her.
52. By late 2008, the Plaintiff knew something was wrong and began to explore ways to reopen her case. At this time the Plaintiff believed it had been the improper drafting of her pleadings that had caused the courts to be confused. This consideration flowed from the reprimand Madam Justice Southin had directed to both the Plaintiff's first lawyer and the trial judge in *Simpson v. Mair and WIC Radio Ltd.*, 2006 BCCA 287 for failing to draft the pleadings properly, and the trial judge for not adhering to the rules associated with Libel law. At para 11- 12 and 24 Madam Justice Southin

The Pleadings

[11] Because the pleadings may be critically important in an action for defamation, I propose, before coming to the learned trial judge's reasons, to comment on these pleadings. As to how critical pleadings can be, those who engage in this branch of the law might consult *Plato Films, Ltd. v. Speidel*, [1961] 1 All E.R. 876 (H.L.), albeit an action very different from the case at bar.

[12] In this context, I am reminded of the comment of Russell L.J., later the third Lord Russell of Killowen, who had come to the Court of Appeal from the Chancery Division, in *Broadway Approvals, Ltd. v. Odhams Press, Ltd.*, [1965] 2 All E.R. 523 at 540 (C.A.): To the comparative newcomer, the law of libel seems to have characteristics of such complication and subtlety that I wonder whether a jury on retiring can readily distinguish their heads from their heels.

[13] The statement of claim, by paragraph 5, pleads false innuendoes only.

[14] There is no plea responding to the requirement of Rule 19(12)(a), which addresses true innuendoes:

(12) In an action for libel or slander,

(a) where the plaintiff alleges that the words or matter complained of were used in a derogatory sense other than their ordinary meaning, the plaintiff shall give particulars of the facts and matters on which the plaintiff relies in support of that sense, ...

[24] Counsel before us did not address whether the appellant ought to have observed Rule 19(12)(a) in the circumstances of this case.

Therefore, I need say nothing more about it except to warn those who go into the minefield that is the law of libel that attention should be paid to this rule.

53. The Plaintiff appeared in front of Defendant Koenigsberg on February 3, 2009 to argue that the Rules had not been followed and as such the court was left with a factual void due to the improper drafting of the pleadings. Defendant Koenigsberg said that she could only reopen the case if a fraud had been committed and declared herself functus.
54. The Plaintiff, standing outside the courtroom after the appearance in front of Defendant Koenigsberg, talking with those supporters who had attended with her, was approached by a stranger asking for a few minutes to talk.
55. During the course of this conversation the Plaintiff became aware, through information provided to her by the stranger that Defendant Koenigsberg had fraudulently presided over her case. The stranger revealed troubling information to the Plaintiff about the legal matters Defendant Koenigsberg had been named in.
56. The individual informed the Plaintiff that her case was “fixed” and that numerous people were aware but frightened for their careers if they were to speak out.
57. The information caused the Plaintiff distress, she did not comprehend fully at the time the serious assault committed upon the law, the administration of justice and her rights.
58. On February 13, 2009, shortly after the encounter the Plaintiff followed the direction provided to her and went to the Vancouver Courthouse and researched the BCSC case files involving Defendant Koenigsberg. The Plaintiff now possessed the damning information. This information included the oral decision

in Kurtz v. Prytulak pronounced on November 7, 2007, by then, now deceased, BCSC Chief Justice Donald Brenner in which he fails to refer to Defendant Koenigsberg by name despite the citation naming her, and instead refers to her as Lybromyr's "spouse" throughout the decision.

59. The Plaintiff saw this as judicial favouritism.

60. On February 9, 2009 the Plaintiff wrote to then Chief Justice Brenner demanding answers as to why he had assigned Defendant Koenigsberg to her case and if he was aware at the time of her legal troubles.

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 again 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,
Kari D. Simpson

61. The Plaintiff did not receive a response.
62. The Plaintiff appealed the February 3, 2009 decision of Koenigsberg to the BC Court of Appeal.
63. By now the Plaintiff was fully armed with the information related to Defendant Koenigsberg.
64. The Plaintiff, appearing before Madam Justice Pamela Kirkpatrick, on May 27, 2009, informed her about the antics of Defendant Koenigsberg and how her right pursuant to s. 24 of the Charter had been violated.
65. Madam Justice Kirkpatrick decided she wanted to move forward, but needed a signed order from Defendant Koenigsberg and the Plaintiff was required to obtain one.
66. The Plaintiff scheduled another hearing in front of Defendant Koenigsberg to confirm and sign the order.

67. On June 10, 2009 the Plaintiff also made application to appear in front of Chief Justice Brenner. The Plaintiff wanted him to disqualify Defendant Koenigsberg from any further judicial duty. It was an important strategy in the Plaintiff's mind and opportunity to confront Chief Justice Brenner.
68. On June 11, 2009 Chief Justice Brenner resigned and failed to appear to hear the Plaintiff's application to disqualify Defendant Koenigsberg.
69. On June 18, 2009 the Plaintiff appeared in front of Defendant Koenigsberg and confronts her as having committed a fraud upon the court. The Plaintiff puts on the record that Koenigsberg isn't and wasn't qualified to preside over her case. Koenigsberg refuses to disqualify herself and advises the Plaintiff to start a lawsuit if she feels there was a fraud committed upon the court. Defendant Koenigsberg signs the order. The Plaintiff refuses to sign the order.
70. The Plaintiff has lost all confidence in the judicial system at this point and turned to the Defendant Attorney General for help.
71. The BC *Attorney-General Act* states the duties and powers of the Attorney-General to include:
- (b) must see that the administration of public affairs is in accordance with law,
 - (c) must superintend all matters connected with the administration of justice in British Columbia that are not within the jurisdiction of the Government of Canada,
73. The Defendant Attorney-General for BC knew about the bad behaviour of Defendant Koenigsberg, and was quoted in the Vancouver Province news report in 2005.
74. The Plaintiff wrote to the Attorney-General on February 29, 2009, requesting that he, pursuant to s. 63 of the *Judges Act*, request an inquiry into the conduct of Defendant Koenigsberg:

Therefore, I am writing to you to request that as Attorney General for the Province of British Columbia you request forthwith a full inquiry into the conduct of Justice Mary Marvyn Koenigsberg by the ***Canadian Judicial Council***.

Specifically:

1. For bias or the appearance of bias in Simpson v Mair & WIC Radio.
2. For conflict of interests or the appearance of conflicts of interests in Simpson v. Mair & WIC Radio.
3. For failing to recuse herself in Simpson v Mair & WIC Radio
4. To determine the knowledge of Chief Justice Donald Brenner about the activities of Justice Koenigsberg's spouse - Lubromyr Prytulak - activities that included allegations of hate, religious intolerance, libel and defamation etc. at the same time she was assigned to my case involving very similar accusations (albeit in my case false ones against me).
5. To answer a further question about why the Chief Justice failed to inform my counsel and the defendant's counsel about the apparent or real biases and conflicts that could arise as a result of Justice Koenigsberg's personal affiliations and problems. The documents prove that he had fulsome knowledge in 2004 about Justice Koenigsberg's situation involving Mr. Prytulak and all that flows from this scandal.
6. The allegations of fraudulent conveyance against Justice Koenigsberg.
7. The involvement and conducts of Chief Justice Brenner as it relates to the Kurtz v. Koenigsberg et al matter.
8. Any and all other matters that will no doubt arise when you request an inquiry by the Canadian Judicial Council, including but not limited to her handling of certain other high-profile cases. That is, was there any pattern in the cases she was assigned to handle, and/or any pattern in the decisions she made, which may bring into question the integrity of the justice system?

75. Defendant Attorney-General for BC, refused to aid the Plaintiff.

76. The Plaintiff has written several times to Defendant McLachlin in her role as Chief Justice/Administrator and Chair of the CJC. On October 6, 2012, the Plaintiff sent by registered mail a correspondence requesting any information concerning any form of investigation into Defendant Koenigsberg.

77. On November 26, 2012 the Plaintiff received a threatening response from Norman Sabourin, Executive Director and Senior Counsel for the CJC, advising that the Plaintiff's correspondence to Defendant McLachlin was referred to him by Defendant McLachlin's "Executive Legal Officer for response".

78. Mr. Sabourin makes a number of bold and concerning statements, and appears to be acting as a gatekeeper rather than someone whose duty is to investigate the serious and provable assertions of the Plaintiff. The most telling assertion contained in the Sabourin response is his statement:

Having considered all available information, I come to the view that your correspondence constitutes an obvious abuse of the complaint process and therefore falls within the scope of that provision. Accordingly, I will not be opening a complaint file.

79. Mr. Sabourin goes on to say:

I have taken good note that you have written to the Prime Minister, the Minister of Justice and others to ask for a Parliamentary inquiry into the conduct of the judiciary generally. I also note that, from publicly available information, that you have written to elected officials in recent years, including attorney generals [sic], to ask them to direct the Council to conduct an inquiry into the conduct of Justice Koenigsberg. Should the Canadian Judicial Council receive such a request from an attorney general under s. 63(1) of the *Judges Act*, you can be assured that the council will immediately commence the appropriate inquiry. At this time, I can confirm to you that no Attorney General has presented such a request to the CJC.

80. Mr. Sabourin is a direct subordinate to Defendant McLachlin and is “accountable” to her in her role as Chair of the CJC.

81. The Defendant Minister of Justice is duty bound to administer justice without fear or favour. Further, to uphold the rule of law and guard against the administration of justice falling into disrepute and to:

(a) see that the administration of public affairs is in accordance with law;

(b) have the superintendence of all matters connected with the administration of justice in Canada, not within the jurisdiction of the governments of the provinces;

82. The Plaintiff wrote to Defendant Minister of Justice on October 4, 2012, asking for help, relief and that he acts in accordance with his statutory obligations—specifically, to superintend this particular matter, a matter that overtly demonstrated a corrupt judiciary.

83. The Minister refused.

84. The Plaintiff has also learned that Defendant McLachlin, in her capacity as Chief administrator, fraudulently assigned a justice of the SCC to preside over the Plaintiff’s case who was not qualified at the time to sit on the bench of the SCC at the time of the Plaintiff’s case, thus compounding the judicial sham.

85. The Plaintiff believes that Defendant Attorney-General for Canada was also aware of this.

86. In 2017 it came to the attention of the Plaintiff that the Defendant McLachlin orchestrated the violation of the rights of another influential public figure and Christian, William Whatcott. Like the Plaintiff, the high court deliberately denied Mr. Whatcott the right to know the legal test he had to meet in his defence, once again “modifying” the law and then pronouncing judgement without protecting his right to a fair hearing.

Part 2: RELIEF SOUGHT

87. As the Plaintiff has suffered irreparable harm as a result of the matters herein, including the defamatory publication of words published by the court the Plaintiff has been vilified, is hated, endures on-going verbal assault based on the judgements of the courts named herein, and endures death threats and other threats made against her and her children.

88. Further, the Plaintiff is terrorized daily by the financial assault targeted against her by Defendant McLachlin, in the awarding of costs against her and has led to stress, frustration and loss of revenue and business opportunity. Defendant McLachlin's conduct in this assignment was a malicious abuse of her office.

89. Moreover, the Plaintiff's quality of life has been irreparably harmed. Loss of sleep, anger, frustration, pain and suffering, a torturous existence.

90. As a direct result of the Plaintiff involvement in these judicial proceeding she has lost all confidence in the judicial system and is restricted in matters of judicial relevance and feels she has no recourse except to take the law into her own hands. This is what happens when the rule of law is trounced upon with such widespread flagrant disregard.

91. The Plaintiff claims against the Defendants for:

- a. An order compelling the Defendant Minister of Justice to convene a Parliamentary Inquiry into the matters related herein; to investigate specifically, but not limited to:
 - (i) How and why Defendant Koenigsberg was permitted to continue to act as a justice of the BC Supreme Court after engaging in the fraudulent conveyance of an asset, and therefore could no longer be considered a judge “of good behaviour”?
 - (ii) Why Defendant Koenigsberg was assigned to the Plaintiff's case?
 - (iii) When did Defendant Koenigsberg first inform the Defendant BCSC Chief Justice of her legal troubles?

- (iv) Why did Defendant Koenigsberg fail to recuse herself from the Plaintiff's trial?
 - (v) Why did Defendant BCSC Chief Justice resign the day after the Plaintiff made application to appear in front of him?
 - (vi) Why didn't anyone within the judiciary, on any level, inform the Plaintiff that her trial had been tainted? Or make the CJC aware?
 - (vii) Why did the Supreme Court of Canada purposely violate the right of the Plaintiff to know the legal test she had to meet?
 - (viii) Why didn't the SCC send the Plaintiff's case back to the trial judge? Was it because they knew the trial judge wasn't qualified to hear the matter?
 - (ix) Why did so many judges remain silent about the well-known violation and abuse of the Plaintiffs rights.
 - (x) How to make the Judiciary more accountable.
 - (xi) Did the CJC cover-up what was transpiring?
 - (xii) Exploring Civilian oversight of the judiciary; judges monitoring judges is not working.
 - (xiii) Are there any other cases involving the "modifying" of a legal test, and the failure of the SCC to afford a party to that proceeding the lawful right to know the legal test? If so voiding them.
 - (xiv) Other cases that the Plaintiff is aware of that need investigation.
- b. An order requiring the Defendant Minister of Justice to pay all costs associated with the Plaintiff and her legal counsel to participate in matters involving the Parliamentary Inquiry if so ordered.
 - c. An order requiring the Defendant Minister of Justice to inform all Canadian law schools and media that the administration of justice failed to uphold and protect the rights of the Plaintiff, and to issue a formal apology and admission of wrong-doing to the Plaintiff—acknowledging that the harm imposed on her is irreparable. This order is to also compel the apology and admission of wrong-doing to be published on all public forums used by the Minister of Justice to communicate.
 - d. An order that the Defendants Attorney-General and Minister of Justice pay all costs related to restoring the Plaintiff's online reputation,

including the notification of those still publishing false information gleaned from the judgements in the *Simpson v Mair* matter.

- e. An order to remove all judgements and costs assigned to the Plaintiff's home that resulted from the SCC awarding costs to Mr. Mair and CKNW/WIC.
- f. The Plaintiff claims general damages.
- g. The Plaintiff claims special damages.
- h. The Plaintiff claims aggravated damages
- i. The Plaintiff claims total damages in the amount of eleven million dollars (\$11,000,000.00).
- j. The Plaintiff claims interest, pursuant to the *Court Orders Interest Act* RSBC 1996
- k. The Plaintiff claims costs.
- l. The Plaintiff claims any such further relief the Court deems appropriate.

Part 3: LEGAL BASIS

92. The Defendants individually and jointly violated the Plaintiff's rights protected by the *Canadian Charter of Rights and Freedoms*, Sections 7, 12, 15(1) and 24(1).

7. Everyone has the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

93. The Defendants Koenigsberg, Office of the BCSC Chief Justice and the offices of the SCC Chief Justice McLachlin wilfully violated, and continue to do so, the Plaintiffs s. 7 right to security of person and reputation, plus the security to believe in the rule of law and to hold confidence in the administration of justice.

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

94. The Defendants individually and jointly subjected the Plaintiff to cruel and unusual treatments, and allowed those treatments to continue to this day.

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

95. The Defendants individually and jointly failed to protect and uphold the Plaintiff's right to equal benefit of the law, and instead circled the wagons and attempted to silence the Plaintiff and pervert the course of justice.

24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

96. The Plaintiff exercises her right to apply to this court pursuant to s. 24(1) and obtain a just remedy. The matters stated herein are a travesty of justice, and those responsible must be held to account; and reparations and compensation must be made.

Breach of Duty, Dereliction of Duty, Fraud upon the Court, Malfeasance, Malice

97. Defendant Koenigsberg breached her duty of care to the Plaintiff when she acted in a manner inconsistent to her specific lawful obligation to be a judge of "good behaviour", as required by the *Constitution Act*, by wilfully contravening the ***Fraudulent Conveyance Act*** of BC.
98. By failing to inform the Plaintiff of her plethora of legal problems involving her spouse, her financial support of his activities and the fraudulent conveyance of her asset, Defendant Koenigsberg committed a fraud upon the court, violated the right and trust of the Plaintiff to have a qualified jurist and in doing so has brought the administration of justice into dispute.
99. Defendant Office of the Chief Justice of the BCSC breached the duty of care owed to the Plaintiff, tax-payers and all honourable judges by his negligence. It was reasonable to anticipate that the facts associated with Defendant Koenigsberg would eventually bring irreparable harm to the administration of

justice, Defendant BCSC CJ failed in his duty to uphold the administration of justice.

100. Defendants McLachlin and the Office of the Chief Justice of the SCC owed a duty of care to the Plaintiff. As Chief Administrator, Defendant McLachlin is duty-bound to ensure that the lawful operation of the court is maintained; instead she deliberately engaged in the defilement of the rule of law, and sabotaged the judicial machinery designed for just and civil resolution. Defendant McLachlin is and has been fully aware of this violation of the Plaintiff's rights and has steadfastly failed in her duty to remedy it.

101. Defendants Minister of Justice and the Attorney-General for BC owed the Plaintiff a duty of care and have failed to superintend the administration of justice. Instead, though both fully informed, ignored the overt corruption so plainly evident, and failed to protect the rights of the plaintiff.

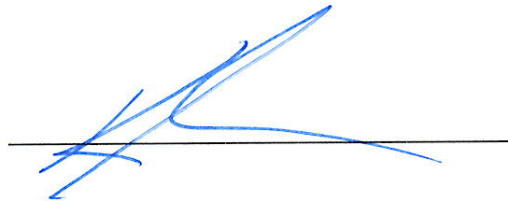
Plaintiff's(s') address for service: 22678 – 28th Avenue, Langley, BC V2Z 3B2

E-mail address for service (if any): DriveforJustice@gmail.com

Place of trial: Vancouver, British Columbia

The address of the registry is: 800 Smithe Street, Vancouver, BC, V6Z 2E1

Date: 14th Day of December, 2017



Signature of
[X] plaintiff [] lawyer for plaintiff(s)

Kari D. Simpson

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

(a) prepare a list of documents in Form 22 that lists

(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and

(ii) all other documents to which the party intends to refer at trial, and

(b) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

The Plaintiff was owed a duty of care by those duty bound to ensure the rule of law was upheld. The Plaintiff is suing those who were derelict in their duty.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

A personal injury arising out of:

☐ a motor vehicle accident

☐ medical malpractice

☒ another cause

A dispute concerning:

☐ contaminated sites

☐ construction defects

☐ real property (real estate)

☐ personal property

☐ the provision of goods or services or other general commercial matters

- ☐ investment losses
- ☐ the lending of money
- ☐ an employment relationship
- ☐ a will or other issues concerning the probate of an estate
- ☒ a matter not listed here

Part 3: THIS CLAIM INVOLVES:

- ☐ a class action
- ☐ maritime law
- ☐ aboriginal law
- ☒ constitutional law
- ☒ conflict of laws
- ☐ none of the above
- ☐ do not know

Part 4: