CV-21-86203

*ONTARIO*

SUPERIOR COURT OF JUSTICE

B E T W E E N:

| | |
|---|---|
| Deirdre Moore | *plaintiff* |
| and | |
| Khaldoon Habib-Allah | *defendant (landlord)* |
| Lamah El-Rayes | *defendant (real estate agent)* |
| Diego Fernandez-Stoll | *defendant (paralegal)* |
| Jonathan Kiska | *defendant (former spouse)* |
| Ottawa Police Service | *defendant* |

**COST SUBMISSION OF THE PLAINTIFF (RESPONDING PARTY)**

**Opening Remarks**

This outcome of this Motion may be similar to the outcome of most of Moore's legal matters in this crime-infested capital of Canada as detailed in Moore's recently-served Factum for this matter. Typically, the court protects the perpetrators when, really, the "Dispose of the Spouse", taxpayer-funded, criminal syndicate should be exposed and disassembled.

# A. The Issues

1. Moore is entering her TENTH year ***attempting*** to divorce her abusive spouse, co-defendant Jonathan Kiska ("Kiska").
2. When Moore was falsely accused of a crime in Quebec and detained for six weeks, she was evicted without her knowledge.
3. At least two of the five defendants were aware of Moore's detention; possibly all of them were.

# B. The Facts

4. In exercising its discretion under section 131 of the *Courts of Justice Act* ("*CJA*") to award costs, pursuant to Rule 57.01 (1) the court may consider, in addition to the result in the proceeding and any offer to settle or to contribute made in writing:

a) the principle of indemnity, including, where applicable, the experience of the lawyer for the party entitled to the costs as well as the rates charged and the hours spent by that lawyer;

This is only the second first Notice of Motion seeking leave to Stay for Moore but likely not the first one for the Defendant's counsels whose hourly rate is highway robbery.

b) the amount of costs that an unsuccessful party could reasonably expect to pay in relation to the step in the proceeding for which costs are being fixed;

Deprived of meaningful financial support from impossible-to-divorce Kiska—as well as severely defamed, rendering her professionally unemployable in the City of Ottawa—his fraudulently-obtained spousal support order provides her only $1,230/month which does not even cover her rent where she was FORCED to reside due to one of his other accomplices employed by the Crown Attorney Office.

c) the amount claimed and the amount recovered in the proceeding;

N/A

d) the apportionment of liability;

N/A

e) the complexity of the proceeding;

The issues are complex: the court needs to acknowledge the obvious collusion between the co-defendants and recognize the crimes that are being committed while the torts are executed.

f) the importance of the issues;

VERY HIGH: The tortious and criminal behaviour of law enforcement is incredibly important given the power that they have—especially in "Violence against Women" cases where children are involved.

g) the conduct of any party that tended to shorten or to lengthen unnecessarily the duration of the proceeding;

VERY HIGH: The three of five defendants "piggy-backed" the original Motion and:

- delayed delivery of their materials for months,
- scheduled only one hour for the hearing of their motions
- refused consent to an adjournment … plus,
- OPS's Andrew Reesor clearly lied in his Affidavit (see Affidavit (#1) Exhibit C, page 3, ) vs. his sworn Affidavit submitted for the court's consideration at Factum Tab 33, page 10.)

h) whether any step in the proceeding was,

i. improper, vexatious or unnecessary, or

ii. taken through negligence, mistake or excessive caution;

VERY HIGH: This Motion is improper, vexatious and unnecessary: they are simply fraudsters who do not wish to suffer any consequences.

i) a party's denial of or refusal to admit anything that should have been admitted;

VERY SIGNIFICANT: Ottawa Police Services Board lied in their Affidavit which was clearly evidenced in Moore's submission. Other co-defendants lied in their submissions as well which will become evident upon Discovery. Other defendants refused to admit that I was detained during the eviction, received zero documentation and was in not position to stop the theft of her property.

j) whether it is appropriate to award any costs or more than one set of costs where a party,

i. commenced separate proceedings for claims that should have been made in one proceeding,

ii. in defending a proceeding separated unnecessarily from another party in the same interest or defended by a different lawyer;

N/A

k) whether a party unreasonably objected to proceeding by telephone conference or video conference under rule 1.08; and

N/A

l) any other matter relevant to the question of costs.

It has already been deemed by the court that seeking a cost award against Moore who is merely in pursuit of accessing justice would be “cold-hearted, meaningless, and just mean”. (see Affidavit (#1) [redacted]).

## C. The Law

5. Pursuant to Rule 57.01(2), the fact that a party is successful in a proceeding or a step in a proceeding does not prevent the court from awarding costs against the party in a proper case. R.R.O. 1990, Reg. 194, r. 57.01 (2).

6. Pursuant to Rule 57.01(4), nothing in this rule or rules 57.02 to 57.07 affects the authority of the court under section 131 of the *CJA*,

a) to award or refuse costs in respect of a particular issue or part of a proceeding;

b) to award a percentage of assessed costs or award assessed costs up to or from a particular stage of a proceeding;

c) to award all or part of the costs on a substantial indemnity basis;

d) to award costs in an amount that represents full indemnity; or to award costs to a party acting in person. R.R.O. 1990, Reg. 194, r. 57.01 (4); O. Reg. 284/01, s. 15 (2); O. Reg. 42/05, s. 4 (2); O. Reg. 8/07, s. 3. 1

## D. ORDERS SOUGHT

12. In light of the foregoing, Moore respectfully requests:

e) an order for costs in the amount of $25,000 (See Appendix 1) and

f) given the degree of “Bad Faith” exhibited by the other parties, an order in the amount of $5,000 and/or other relief as this Honourable Court deems just.

g) in the alternative, that any cost award be reserved to the cause and/or deferred until the action against the defendants has concluded.

ALL OF WHICH IS RESPECTFULLY SUBMITTED THIS 1st DAY OF JUNE, 2022.

*Deirdre Moore*

JUNE 1, 2022

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TO **Christopher Moore**, 63 Robert St., Ottawa ON K2P 1G5
counsel for landlord Khaldoon Habib-Allah

AND TO **Michael Swindley,** Templeman LLP, 401-366 King Street E, Kingston ON K7K 6Y3
counsel for rental agent Lamah El-Rayes

AND TO **Kelli Day**, Black & Associates, 300-300 Gilmour St. Ottawa, ON K2P 0R3
counsel for paralegal Diego Fernandez-Stoll

AND TO **Charlotte Watson** Bell Baker LLP, 700-116 Lisgar St., Ottawa ON K2P 0C2
counsel for estranged spouse Jonathan Kiska

AND TO **Michelle Doody**, Borden Ladner Gervais, 1300-100 Queen St., Ottawa, ON K1P 1J9
counsel for the Ottawa Police Service

# APPENDIX 1

## Table of Costs

| | |
|---|---|
| Preparation of documents (98.42 hours @ $250/hour) | $24,605.00 |
| Transcript (cost) | 264.53 |
| Ink & Paper | 55.00 |
| Travel/Costs for commissioning of documents | 75.00 |
| TOTAL | $24,999.53 |

Court File No*:* CV-21-86203

DEIRDRE MOORE and KHALDOON HABIB-ALLAH ET AL.

DEIRDRE MOORE vs. KHALDOON HABIB-ALLAH ET AL.

ONTARIO

SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT 161 ELGIN STREET

OTTAWA, ONTARIO K2P 2K1

**COST SUBMISSION OF THE PLAINTIFF (RESPONDING PARTY)**

Appellant
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