

ONTARIO

CV-21 000 862 01 0000

SUPERIOR COURT OF JUSTICE

BETWEEN:

Deirdre Moore

plaintiff

and

Attorney General of Ontario

defendant



T/M
~~*Courts of Justice Act*~~
T/M

STATEMENT OF CLAIM

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$3,500.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date APR 06 2021

Issued by 

Local registrar

Address of ~~.....~~ ONTARIO SUPERIOR COURT OF JUSTICE

Court Office 161 Elgin Street, Ottawa, ON K2P 2K1

CLAIM

1. The plaintiff claims:
 - Pecuniary damages in the amount of \$500,000 due to Justice Calum MacLeod's negligence, defamation, intentional infliction of emotional suffering and/or malice.
 - Pecuniary damages in the amount of \$500,000 (less the amount awarded for his negligence, defamation, intentional infliction of emotional suffering and/or malice) due to his negligent infliction of emotional suffering.
 - Other damages that the Court deems to be fair and just.
 - Costs on a full-indemnity basis.
2. Following years of verbal, emotional, psychological and psychiatric abuse, the plaintiff separated from the co-defendant Jonathan Kiska ("Kiska") (for the second time) on September 26, 2015 and informed him on October 1, 2015 that she would be seeking a divorce for cruelty.
3. His reaction ultimately resulted in Moore driving herself to The Ottawa Hospital ("TOH") on October 12, 2015 where she was treated for a brief psychotic episode.
4. As Moore was interviewing lawyers, Kiska served on her a malicious Form 8: Application for separation first—with an urgent Notice of Motion seeking sole custody and access of their children.
5. Kiska's Application was laden with false statements, omissions of material facts and malicious obfuscation.
6. Moore retained Victor Vallance Blais LLP to represent her; however, they prepared an incredibly deficient Answer, charged exorbitant fees and did little to protect the interests of Moore and her children.

7. Forced to return to Kiska in April 2016, due to the cost of his legal bullying and the inadequacy of her lawyer, Moore left Kiska for the third and final time in December 2016.
8. Following a harrowing year in Family court where Moore was self-representing, in November 2017 Moore received permission to amend her Answer to seek damages for the many torts and crimes that Kiska had been committing over the years including, but not limited to, defamation, the intentional infliction of emotional suffering and mental harm and *attempted* parental alienation.
9. Following a four-month investigation by my clinician Katherine Bobula, in July 2018, the Office of the Children's Lawyer ("OCL") produced a report that recommended sole custody of Sean Kiska and Cate Kiska be awarded to Moore: it also documented how Moore was the superior parent.
10. The abuse of Moore increased drastically following the release of OCL report as Kiska desperately wanted to invoke another psychotic break so that he could claim Moore had some chronic mental illness and better position himself for the divorce proceedings.
11. Kiska had limited success and recruited the assistance of corrupt child protection worker, Mohammed Said ("Said") of the Children's Aid Society of Ottawa ("CAS").
12. On February 1, 2019, Said performed an illegal child apprehension by removing Moore's children from her home and delivering them to Kiska when he had no warrant and there was no imminent danger.
13. By the end of February, the CAS obtained for Kiska the restraining order that he desired to continue with his strategy of accomplishing 100% parental alienation and 100% child alienation prior to the divorce.
14. On her way to a March 14, 2019 *Child, Youth and Family Services Act* ("CYFSA") hearing, Moore was apprehended by Quebec Provincial Police ("QPP") and falsely accused of Flight from Peace Officer: she missed the *CYFSA* hearing and the CAS took the opportunity to

obtain an order for substituted service (i.e. by service by e-mail) from Justice Mark P. Shelston.

15. During her Bail Review, instead of being heard by the court, the duty counsel—that Moore had refused—insisted on being heard by the court and he requested that a psychiatric assessment for fitness to stand trial take place.
16. On or about March 19, 2019, the plaintiff (“Moore”) was admitted to Hôpital du Suroît (“Suroit”) in Salaberry-de-Valleyfield, Quebec for an independent psychiatric assessment.
17. Psychiatrist Dr. Paule Kemgni (“Kemgni”) was selected to complete the assessment; however, Kemgni only met with Moore a couple of times within the first week:
 - a. initially, to get basic information and request that Moore sign two, blank forms so that Kemgni could be paid by the Province of Ontario.
 - b. then, to find out where she lived in Ontario and hear a brief overview of her current situation.
18. Moore informed Kemgni that she would sign the forms once the assessment was completed; however, she was not going to sign blank forms in advance of any clinical interviews taking place or the administration of any tests.
19. Kemgni did not speak to Moore after the initial meetings: Moore approached Kemgni several times without success.
20. Moore arranged for her laptop to be couriered to Suroit so that Kemgni could review the letters and opinions from Dr. Iris Jackson, Dr. Gary Kay, Ottawa Victim Services and others; however, Kemgni refused to review any of Moore’s documentation.
21. By the beginning of April, Moore was concerned about what could possibly go into Kemgni’s “independent assessment”.
22. Moore wrote several letters of complaint to the Suroit administration about the conduct of Kemgni—her complaints were ignored.

23. Moore attempted to file police complaints with both the QPP and the Ottawa Police Service (“OPS”) about the conduct of Kemgni—her complaints were ignored.
24. On April 8, 2019, Moore attended a *Child, Youth and Family Services Act* (“CYFSA”) hearing by telephone even though she had not received any materials nor could she prepare any.
25. Moore requested an adjournment until she could be in a position to receive/file materials and properly attend; however, Justice Calum MacLeod (“MacLeod”) refused and granted a **final** protection order against Moore.
26. MacLeod simply used the order that the CAS provided even though:
- a. No materials were filed by Moore.
 - b. No relevant materials were properly filed by Kiska.
 - c. Only a CAS Affidavit laden with errors, omissions and malicious obfuscation that was dated merely three days before the hearing was filed “over the bench” on April 8th.
- Essentially, there were ZERO materials properly before the court and Moore did not consent to any late filing.
27. The order stated that Moore was **in default of the proceedings**: no one expected Moore to be able to phone in.
28. Further evidence of MacLeod’s malice is that he **sub-delegated** Moore’s access to her children to the CAS when he should have ordered minimum access for Moore.
29. MacLeod stated in his endorsement and order that the order would be subject to review in four months; however, **he labelled it a final order.**
30. During a CAS Summary Judgment Motion on 20201110, the CAS stated that the children had been found in need of protection from Moore in a final order to support its statement that there were no genuine issues for trial.

31. The reality is that Moore's children *are* in need of protection; however, they require protection from (undiagnosed) malignant narcissist Jonathan Kiska and his accomplices which operate out of the CAS and the OCL.
32. The degree of verbal, emotional, psychological (and for Moore, psychiatric and financial) abuse that Moore and her children endured from February 2013 to April 2019 is scandalous.
33. Damages that continue to spiral could have been somewhat mitigated if Moore had been permitted to be heard by the court and present evidence: under the circumstances, an adjournment was not just reasonable ... it was the proper course of action.
34. Nearly two years later, the on-going child and spousal abuse continues—Kiska has been fully enabled by the CAS and the OCL and MacLeod's "rubber-stamped" **temporary and final** order is being used by—not only Kiska and the CAS—but by Ottawa's Office of the Crown Attorney ("Crown") which is *also* serving as an accomplice to Kiska's crimes and torts against Moore and her children.
35. How MacLeod harmed Moore has already been addressed: the damages, however, will be difficult to assess as the harm is ongoing and escalating.
36. The statute of limitations approaching, Moore has no choice but to originate this claim immediately even though MacLeod's 2019 conduct and misconduct continues to cause harm to her and her children.
37. MacLeod has contributed to the parental alienation and child alienation that Moore and her children are currently experiencing while Kiska continues to emotionally and psychologically abuse their children—while emotionally and financially abusing Moore.

April 6, 2019

Deirdre Moore, 215 Montreal Road, Ottawa, ON K1L 6C8

(613) 848-6832

APR 06 2021

Court File No.

CV-21-86201

ATTORNEY GENERAL OF ONTARIO

DEIRDRE ANN MOORE

vs.

DEIRDRE ANN MOORE vs. ATTORNEY GENERAL OF

ONTARIO

ONTARIO

SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT 161 ELGIN STREET

OTTAWA, ONTARIO K2P 2K1

STATEMENT OF CLAIM

SAQOTU Inc. 215 Montreal Road, Ottawa, Ontario K1L 6C8
Deirdre Moore || LSO No.: n/a
ph (613) 848-6832 || dmoore@pfi.rocks
Representative for the plaintiff

Attorney General of Ontario
cloc.reception@ontario.ca fax: (416) 326-4181
Defendant