

## Superior Court of Justice Family Court Branch

(Name of court)

Form 22: Request  
to Admit

at 161 Elgin Street, Ottawa, Ontario K2P 2K1  
Court office address

## Applicant(s)

Full legal name &amp; address for service — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).

Jonathan Kiska  
1244 Lampman Crescent, Ottawa, Ontario K2C 1P8  
mobile: 613-723-0010 jk@johnkiska.com

Lawyer's name &amp; address — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).

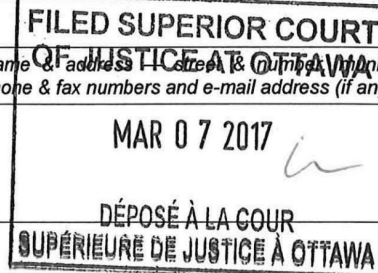
Wade Smith  
700-116 Lisgar Street, Ottawa, Ontario K2P 0C2  
phone: 613-237-3444 wsmith@bellbaker.com

## Respondent(s)

Full legal name &amp; address for service — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).

Deirdre Moore  
7 Vanson Avenue, Ottawa, Ontario K2E 6A9  
mobile: 613-791-1451 deirdre@cceh.ca

Lawyer's name &amp; address — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).



TO: (name of party) Jonathan Kiska

YOU MUST RESPOND TO THIS REQUEST WITHIN 20 DAYS AFTER BEING SERVED WITH IT.

You make your response by serving a response to request to admit in Form 22A, a blank copy of which should be attached to this request. If the blank form is missing, contact your own lawyer or the court office as soon as possible.

IF YOU DO NOT RESPOND WITHIN THE TIME GIVEN, THIS CASE WILL GO TO COURT ON THE BASIS THAT YOU ARE ADMITTING, FOR THE PURPOSE OF THIS CASE ONLY, THAT THE FACTS SET OUT BELOW ARE TRUE AND THAT THE DOCUMENTS DESCRIBED BELOW ARE GENUINE.

You are requested to admit, only for the purposes of this case, that the following facts are true. (If you need more space to list additional facts, attach an extra sheet.)

1. Form 8 Application - Custody #4: "He earns an annual income of approximately \$70,000."
2. Form 8 Application - Custody #5: "Applicant stayed at home for 5 months when his son was born and 3 months when his daughter was born."
3. Form 8 Application - Custody #6: "The reality is, however, that the Respondent suffers from serious mental health issues which prevent her from making decisions that are in the best interest of the children, at least in the interim."
4. Form 8 Application - Custody #7, Bullet 1: "February, 2013 - Onset of her psychiatric mental illness."
5. Form 8 Application - Disclosure and Police Enforceability Clause #23: "The Respondent's medical, mental health, CAS records and police reports are highly relevant to the issues in this Application and will shed light on what course is in the best interest of the children."
6. Form 14A Affidavit #1: "I am the Applicant herein and have personal knowledge of the matters set out in this my Affidavit, except where I state that my knowledge is based on information and belief, in which case I identify the source and do verily believe same to be true."
7. Form 14A Affidavit #8: "The Respondent's mental health issues started in approximately September 2012 wherein she was experiencing great difficulty in sleeping and putting her mind at rest. She was experiencing racing thoughts, stress and anxiety. She informed me about these issues. She said "I can't turn it off, I can't turn it off" when asked about her difficulties sleeping."
8. Form 14A Affidavit #9: "In early 2013 the Respondent's behaviour became increasingly worse and uncharacteristic. She insisted that the family take a vacation and unilaterally booked a trip for March 6, 2013, which was very impulsive and unlike her. Her actions and thoughts were disorganized and bizarre."
9. Form 14A Affidavit #18: "Her erratic and troubling behaviour continued throughout May to July, 2014."
10. Form 14A Affidavit #49: "I make this affidavit in support of my motion and for no improper purpose."
11. Exhibit A to the sworn affidavit of John Kiska: "Information was provided by Ms. Moore's husband, John Kiska, as Ms. Moore was too sedated to be interviewed."

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12. Exhibit A to the sworn affidavit of John Kiska: "Ms Moore's husband says that her bizarre behaviour began 2 weeks ago."
13. Exhibit A to the sworn affidavit of John Kiska: "She suddenly became obsessed with the idea of taking a last minute vacation with her children. She started sending multiple emails to her husband each day about planning the trip."
14. Exhibit A to the sworn affidavit of John Kiska: "He presents a large stack of her email which he described as very disorganized and bizarre."
15. Exhibit A to the sworn affidavit of John Kiska: "She also had uncharacteristic plans to get a live-in nanny, although her husband refuted this because he says it is not necessary since she works from home and they have a housekeeper 25 hours a week."
16. Exhibit A to the sworn affidavit of John Kiska: "As per Mrs. Moore's husband, Mrs. Moore's manic and psychotic symptoms started approximately 10 weeks ago, although the previous 14 months have been challenging."
17. Exhibit A to the sworn affidavit of John Kiska: "When she was told that she would not be able to access a personal trainer since she was not a paid member of the OAC, Mrs. Moore began to speak about the owner of the OAC as being a mobster."
18. Exhibit A to the sworn affidavit of John Kiska: "According to the patient's husband, Mrs. Moore took Olanzapine for 2 weeks and her paranoia improved."
19. Exhibit A to the sworn affidavit of John Kiska: "However, soon after, the patient signed up for a body building competition, buying a high-end dress and 9 pairs of heels from Holt Renfrew."
20. Exhibit A to the sworn affidavit of John Kiska: "Approximately 7 weeks ago, the patient presented herself to the QCH ER where she was admitted overnight. She refused treatment and was discharged the following morning."
21. Exhibit B to the sworn affidavit of John Kiska: "It is our belief that Deirdre has demonstrated the need for productive medical attention and treatment in order for us to feel confident in her ability to provide appropriate level of parental guidance and care. Therefore, we feel that the kids should be under John's full and complete control on an interim and temporary basis."
22. Exhibit C to the sworn affidavit of John Kiska: "March 3-5, 2013 - She was hospitalized at TOH Civic campus in psychiatry under the care of Dr. Saul after presenting with a two-week history of bizarre behaviour, manic and psychotic symptoms."
23. Exhibit C to the sworn affidavit of John Kiska: "In the hospital, she improved with Seroquel, a mood stabilizer and antipsychotic medication."
24. Exhibit C to the sworn affidavit of John Kiska: "July and August 2013 - Her husband describes that his wife was spending most of her time in bed. He had to prepare the meals for the kids. In August 2013, the family went to Mont-Termeblant for a family vacation but Mrs. Moore stayed in bed."
25. Exhibit C to the sworn affidavit of John Kiska: "December 2013 - Husband described his wife as "flat line" and "nothing"."
26. Exhibit C to the sworn affidavit of John Kiska: "January to February 2014 - Mrs. Moore was more active again. She was described as obsessive with physical fitness and exercising."
27. Exhibit C to the sworn affidavit of John Kiska: "Late April to Early May 2014 - She started to spend a lot of energy and time working out with a trainer at the OAC. The manager at the OAC later informed her she could not access the services at the OAC since she had not paid for a membership."
28. Exhibit C to the sworn affidavit of John Kiska: "Late May 2014 - Mrs. Moore presented herself voluntarily to the ER at the QCH after a crying episode at home. She was admitted overnight in order to see the psychiatrist the following morning. She was discharged the following day since she was not agreeable to receive treatment for mania in hospital and was not interested in taking any medications."
29. Exhibit C to the sworn affidavit of John Kiska: "Late May 2014 - She took Olanzapine for a brief period and she was able to sleep 7 to 8 hours at night and woke up refreshed."
30. Exhibit C to the sworn affidavit of John Kiska: "June 2014 - She got really excited and "frantic" about attending a local bodybuilding show."
31. Exhibit C to the sworn affidavit of John Kiska: "June 2014 - She bought a \$1,500 dress and 9 pairs of shoes (returned several of them later)."

Superior Court of Justice Family Court Branch

(Name of court)

Court File Number

FC-15-2446-0

**Form 22: Request  
to Admit**

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

*Court office address*

32. Exhibit C to the sworn affidavit of John Kiska: "June 2014 - At the intermission, they walked arms in arms to a restaurant and enjoyed a good meal with wine."
33. Exhibit C to the sworn affidavit of John Kiska: "However, after leaving the hospital, she never went home. Instead she went to the casino in Hull and spend \$500.00 and stayed at a Bed and Breakfast Inn."
34. Exhibit D to the sworn affidavit of John Kiska: "The pt's husband called while pt is being assessed in PES by Dr. Mikhail."
35. Exhibit D to the sworn affidavit of John Kiska: "He states reports that it has been a real struggle the past 18 months since she first became ill."
36. Exhibit D to the sworn affidavit of John Kiska: "Even since pt was discharged from the Civic Hospital last July she was not recovered."
37. Exhibit D to the sworn affidavit of John Kiska: "He states she has tried to maintain her mental health by working out and he tried to help by maintaining the domestic chores and caring for their two children."
38. Exhibit D to the sworn affidavit of John Kiska: "The pt was working out with a Trainer at the Ottawa Athletic Club. However, 10 weeks ago she was told that she could not work out there with the Trainer unless she was a member and she did not want to become a member."
39. Exhibit D to the sworn affidavit of John Kiska: "She did return home indicating she was taking Olanzapine and for two weeks he felt things were the best they had been since she was first ill."
40. Exhibit D to the sworn affidavit of John Kiska: "Then she stopped taking the meds for a month. Things then "got really weird". She planned an outing for her husband and her parents to go see a body building show. No one wanted to go, but she insisted."
41. Exhibit D to the sworn affidavit of John Kiska: "She bought a \$1500 dress and 9 pairs of shoes from Holt Renfrew."
42. Exhibit D to the sworn affidavit of John Kiska: "It is discovered through a credit card search that she is in the Casino in Hull and has spent \$500."
43. Exhibit D to the sworn affidavit of John Kiska: "He does not get the Gatineau police involved."
44. Exhibit D to the sworn affidavit of John Kiska: "In his opinion, the pt has now not slept x 8 days."
45. Exhibit D to the sworn affidavit of John Kiska: "In summary, the pt's husband John states that if she is not admitted on a form 1 tonight, he and the kids will leave the house immediately, that the bags are packed and in their car."
46. Exhibit D to the sworn affidavit of John Kiska: "Report given to Dr. Mikhail."
47. Exhibit D to the sworn affidavit of John Kiska: "At 0045 a voicemail was left confirming admission."

You are requested to admit, only for the purposes of this case, that the following documents are genuine. (*Being "genuine" also means:*

- that a document that claims to be an original was written, signed or sealed as it appears to have been;
- that a document claiming to be a copy is a true copy of the original; and
- where the document claims to be a copy of a letter, fax, electronic-mail message or other document ordinarily sent from one person to another, that it was sent as it appears to have been sent and received by the person to whom it was addressed.)

Describe each document and identify it by date, type of document, author, name of person to whom it was sent, etc. Indicate whether the document is an original or a copy. If you need more space to list additional documents, attach a sheet.

1. Letter of notification that Mr. Kiska is bringing an emergency motion on November 17, 2015 and enclosed documentation including Application, Affidavit in Support of Custody/Access, Financial Statement, Certificate of Financial Disclosure, Notice fo Motion and Affidavit. (This is a true copy of the original that was received by Deirdre Moore while staying voluntarily at The Ottawa Civic Hospital.) >> Date: November 10, 2015; Type: Letter with enclosures; Author: Katie Laframboise; Recipient: Deirdre Moore;

A copy of each document named above is attached to this request, except for: (*Give the number of any document that you are NOT attaching and state your reason for not doing so. Generally, you must attach copies of all the documents mentioned unless the other party already has a copy or it is impractical to attach a copy.*)

  
Signature

March 6, 2017  
Date of signature

Superior Court of Justice, Family Court

(Name of court)

at 161 Elgin Street, Ottawa ON K2P 2K1

Court office address

Court File Number

FC-15-2446-0

Form 6B: Affidavit of Service  
sworn/affirmed

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Jonathan Kiska  
1244 Lampman Crescent, Ottawa, ON K2C1P8  
mobile 613 723 0010 jk@johnkiska.com

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Wade Smith  
700-116 Lisgar Street, Ottawa, ON K2P 0C2  
phone 613 237-3444 wsmith@bellbaker.com

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Deirdre Moore  
7 Varson Avenue, Ottawa, ON K2E 6A9  
mobile 613-791-1451 deirdre@ceeh.ca

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Wade Smith  
700-116 Lisgar Street, Ottawa, ON K2P 0C2  
phone 613 237-3444 wsmith@bellbaker.com

My name is (full legal name) Deirdre Ann Moore

I live in (municipality & province) City of Ottawa, Ontario

and I swear/affirm that the following is true:

1. On (date) March 7, 2017, at (time) 12:45 p.m., I served (name of person to be served)

~~Mr. Wade Smith~~ Mr. Jonathan Kiska with the following document(s) in this case:

Name of document	Author (if applicable)	Date when document signed, issued, sworn, etc.
Form 22 - Request to Admit		March 6, 2017
Form 14B - Motion Form (Rule 11(3))		March 7, 2017
Form 14A - Affidavit (re Motion Rule 11(3))		March 7, 2017

List the documents served

Form 22 - Request to Admit

March 6, 2017

Form 14B - Motion Form (Rule 11(3))

March 7, 2017

Form 14A - Affidavit (re Motion Rule 11(3))

March 7, 2017

NOTE: You can leave out any part of this form that is not applicable.

2. I served the documents mentioned in paragraph 1 by:

- ☒ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ same day courier. (Go to paragraph 5 if you used courier.)
- ☐ next day courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ an electronic document exchange. (Go to paragraph 7 if you used an electronic document exchange.)
- ☐ fax. (Go to paragraph 8 if you used fax.)
- ☐ email. (Go to paragraph 9 if you used email.)
- ☐ substituted service or advertisement. (Go to paragraph 10 if you used substituted service or advertisement.)

Check one box only and go to indicated paragraph.



3. I carried out special service of the document(s) on the person named in paragraph 1 at (place or address)

Bell Baker, 700-116 Lizard Street, Ottawa, ON K2P 0C2

by: ☐ leaving a copy with the person.

☒ leaving a copy with (name) Christine Hammond (assistant to Wade Smith)

☐ who is a lawyer who accepted service in writing on a copy of the document.

☐ who is the person's lawyer of record.

☒ who is the (office or position) Office assistant

of the corporation named in paragraph 1.

☐ mailing a copy to the person together with a prepaid return postcard in Form 6 in an envelope bearing the sender's return address. This postcard, in which receipt of the document(s) is acknowledged, was returned and is attached to this affidavit.

☐ leaving a copy in a sealed envelope addressed to the person at the person's place of residence with (name) \_\_\_\_\_

who provided me with identification to show that he/she was an adult person residing at the same address and by mailing another copy of the same document(s) on the same or following day to the person named in paragraph 1 at that place of residence.

☐ other (Specify. See rule 6 for details.) \_\_\_\_\_

4. I mailed the document(s) to be served by addressing the covering envelope to the person named in paragraph 1 at:

(Set out address.) \_\_\_\_\_

which is the address ☐ of the person's place of business.

Check appropriate paragraph and strike out paragraphs 3, 5, 6, 7, 8, 9 and 10.

☐ of a lawyer who accepted service on the person's behalf.

☐ of the person's lawyer of record.

☐ of the person's home.

☐ on the document most recently filed in court by the person.

☐ other (Specify.) \_\_\_\_\_

5. The document(s) to be served was/were placed in an envelope that was picked up at \_\_\_\_\_ a.m./p.m. on (date) \_\_\_\_\_ by (name of courier service) \_\_\_\_\_

a private courier service, a copy of whose receipt is attached to this affidavit. The envelope was addressed to the person named in paragraph 1 at: (Set out address.) \_\_\_\_\_

which is the address ☐ of the person's place of business.

☐ of a lawyer who accepted service on the person's behalf.

Check appropriate paragraph and strike out paragraphs 3, 4, 6, 7, 8, 9 and 10.

☐ of the person's lawyer of record.

☐ of the person's home.

☐ on the document most recently filed in court by the person.

☐ other (Specify.) \_\_\_\_\_

6. The document(s) was/were deposited at a document exchange. The exchange's date stamp on the attached copy shows the date of deposit. *(Strike out paragraphs 3, 4, 5, 7, 8, 9, 10 and 13.)*
7. The documents were served through an electronic document exchange. The record of service from the exchange is attached to this affidavit. *(Strike out paragraphs 3, 4, 5, 6, 8, 9, 10 and 13.)*
8. The document(s) to be served was/were faxed. The fax confirmation is attached to this affidavit. *(Strike out paragraphs 3, 4, 5, 6, 7, 9, 10 and 13.)*
9. The documents were served by email. Attached to this Affidavit is a copy of the email that the document was attached to. *(Strike out paragraphs 3, 4, 5, 6, 7, 8, 10 and 13.)*
10. An order of this court made on (date) \_\_\_\_\_ allowed  
☐ substituted service.  
☐ service by advertisement. *(Attach advertisement.)*

The order was carried out as follows: *(Give details. Then go to paragraph 13 if you had to travel to serve substitutionally or by advertisement.)*

11. My relationship to, or affiliation with, any party in this case is as follows: Respondent

12. I am at least 18 years of age.

13. To serve the document(s), I had to travel 9 kilometres. My fee for service of the document(s) is \$ 0 including travel.

Sworn/Affirmed before me at City of Ottawa  
municipality

in Ontario  
province, state, or country

on March 7, 2017  
date

Chris Lee  
Commissioner for taking affidavits  
*(Type or print name below if signature is illegible.)*

[Signature]  
Signature  
*(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.)*