

ONTARIO

Superior Court of Justice Family Court Branch

(Name of court)

Court File Number

FC-15-2446-0

Form 14A: Affidavit  
(general) dated

at 161 Elgin Street, Ottawa Ontario K2P 2K1

Court office address

Reply

**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, Ott., ON  
K2C 1P8 723-0010 jkiska@advisorontrack.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, Ott., ON K2P 0C2  
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 Vanson Avenue, Ott., ON K2E 6A9  
791-1451 deirdre@cceh.ca

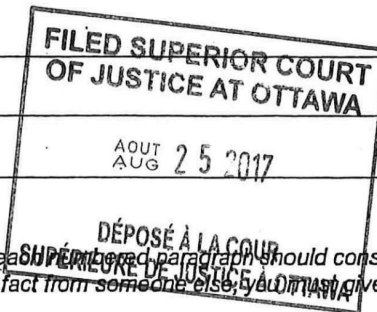
Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

My name is (full legal name) Deirdre Ann Moore

I live in (municipality & province) Ottawa, Ontario

and I swear/affirm that the following is true:

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.



As per endorsement from procedural motion on  
July 13, 2017,

please find attached my reply to the Applicant's  
Affidavit received July 27, 2017, (Moore's 7-day Reply)  
with 10 exhibits "A" to "J" as well as  
updated Table of Contents.

## Moore's 7-day Reply to the Kiska (Applicant) Affidavit

Re: Motion scheduled for August 29, 2017 at 10:00 a.m.

Amend Answer with the Court's Permission

### OBSERVATIONS

#### 1. Applicant's complaints regarding increased legal costs

The Applicant's assignment of blame for his legal costs is misdirected. If he wanted to avoid legal costs then:

- a. The Applicant **should not** have ignored the document disclosure that Moore requested on March 6, 2017. It was only through: a notice of a procedural motion (cancelled), an actual procedural motion and Moore's insistence—which required her drafting of a letter to Justice MacKinnon—that the letters of direction mirror her Honour's endorsement that the Applicant provided document disclosure as per Rule 19(1). (see exhibit A). The process took over 3 ½ months.
- b. The Applicant **should not** have duped Moore for four months regarding the provision of consent for an Amended Answer. (see exhibit B)
- c. The Applicant **should not** have sent to me an e-mail that stated I should no longer communicate directly with him (see exhibit C, page 1) or refused to answer the door when being served (see Exhibit C, page 3).
- d. The Applicant's legal team **should not** be refusing to confirm/acknowledge the receipt/service/contents of materials served such as the Form 22 (see exhibit D) or my Affidavit for this Motion (see exhibit E).
- e. The Applicant **should not** be refusing to provide meaningful support (see exhibit F). As we enter our 10<sup>th</sup> month of separation, this behavior will likely result in a Motion for Interim Support.

The Applicant takes every opportunity to portray me as severely mentally ill and incompetent: his legal costs, however, are a direct result of his own poorly-made decisions—paragraph 38 has no merit.

The Applicant displayed similar behavior during our previous separation of 2015/16 when his behaviour (see exhibit G, page 1-4) racked up \$25,000 in legal costs (see exhibit G, page 5) for me without any progress whatsoever—and this was through "mediation".

#### 2. Applicant's expectation that I blindly follow his lawyer's advice

It would be foolish for me to believe that advice from the Applicant's lawyer (especially, in light of 1. above) is in my best interest—paragraphs 35, 36 and 37 (along with their exhibits "L" and "M") are irrelevant. My exhibit B (page 2) is a far more accurate depiction of my interactions with said lawyer. Furthermore, other case law, such as McLean vs Danicic (see exhibit J, paragraph 84: an excerpt from the full decision used as exhibit R in Moore's affidavit to this Motion).

3. Applicant's "denial of accusations" and "rejection of allegations"

If the Applicant agreed with the accusations and accepted the allegations, we would not be in Court—**paragraphs 33 and 34 are irrelevant.** The 20-day expiration of the Form 22: Request to Admit served on July 28, 2017 (see Exhibit H) will support the validity of all accusations and allegations.

4. Applicant's final paragraph—paragraph 39

Not only do I own my home, but I also own half of the matrimonial home and half of AdvisorOnTrack Inc. However, I live in the first one and have no access to the liquidity in the other two. And, not only is "We are attempting to negotiate the equalization payment..." a stretch; but, the division of assets is somewhat dependent on the outcome of this Motion. An amendment of my Answer that permits me to file for Divorce for Cruelty could change the separation date and corresponding asset/liability values—**paragraph 39 is irrelevant.**

5. The other six pages of the Applicant's Affidavit

Overall, the other six pages are another iteration of the Applicant's version of the history of my mental illness. Some of it is true: some of it isn't. Some of it contradicts his previous (multiple) versions of the history (see Applicant's paragraph 20 vs. his previous statement highlighted here in exhibit I) and some of it is purely nonsense. For example, there is no such thing as "admitted under voluntary observation" in his paragraph 31. Even if there were, he failed to mention that during this hospital stay, I had multiple passes and: I bought a house, met my work deadline at Carleton University, went to a CMHA Board meeting, went to the gym, got my hair done and took a couple of piano lessons. Likely, I will be using most of the statements made in these six pages as evidence at some point. In my view, for the purposes of this Motion, **paragraphs 1 to 31 are irrelevant.**

6. **Paragraph 32? Paragraph 32 supports statements 1 a. and b. above.**

Without documentation, how could Moore's Answer be finalized? Plus, as per (for example, #51 and #52) in the Request to Admit (see Exhibit H), Kiska has continued to provide more content for the history portion of Moore's amended Answer throughout this process.

Deirdre Moore  
August 3, 2017

Please note: Last minute change in Applicant's ability to parent today, prevented me from completing my final proof of this document.

TML

Put a line through any blank space left on this page.

Sworn/Affirmed before me at

Ottawa

municipality

in

Ontario

province, state, or country

on

August 3, 2017

date

J. Stosilla

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

Terrence Moore

Signature

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

Superior Court of Justice, Family Court

(Name of court)

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

Court office address

Court File Number

FC-15-2446-0

Form 6B: Affidavit of Service  
sworn/affirmed

August 25, 2017

**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, Ontario K2C 1P8  
mobile: 613-723-0010 jkiska@advisorontrack.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, Ontario 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 Vanson Avenue, Ottawa, Ontario K2E 6A9  
mobile: 613-791-1451 deirdre@cceh.ca

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

n/a

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) August 3, 2017, at (time) 12:00 noon, I served (name of person to be served) Wade Smith of BellBaker with the following document(s) in this case:

Name of document

Author (if applicable)

FILED SUPERIOR COURT  
OF JUSTICE AT OTTAWA  
August 3, 2017

Reply to Kiska; Affidavit re: Amended Answer  
(with exhibits A-J)

Deirdre Moore

List the  
documents  
served

AUG 25 2017

DÉPOSÉ À LA COUR  
SUPÉRIEURE DE JUSTICE À OTTAWA

**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)

700-116 Lisgar Street, Ottawa, Ontario K2P 0C2

by: ☐ leaving a copy with the person.

☒ leaving a copy with (name) Elizabeth Vaughns

Check one  
box only.  
Strike out  
paragraphs 4  
to 10 and go  
to paragraph  
11.

☐ 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) Receptionist

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.

☐ 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.) \_\_\_\_\_

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

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.

☐ 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.) \_\_\_\_\_

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

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.

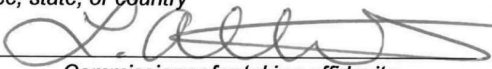
13. To serve the document(s), I had to travel 9 kilometres. My fee for service of the document(s) is \$ 0 including travel.

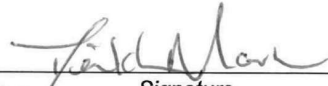
Sworn/Affirmed before me at Ottawa  
in Ontario  
on August 25, 2017

municipality

province, state, or country

date

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

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