

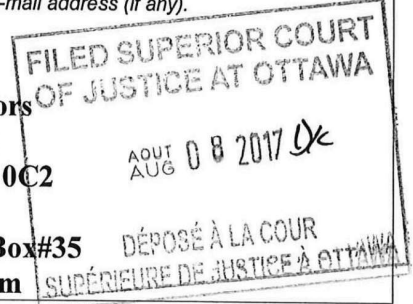
Superior Court of Justice, Family Court

(Name of Court)

161 Elgin Street, Ottawa, Ontario K2P 2K1

(Court office address)

Court File Number

FC-15-2446-0**Form 14A: Affidavit (General)
dated July 27, 2017****Applicant(s)***Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***Jonathan William Kiska
1244 Lampman Cr
Ottawa, Ontario
K2P P8***Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***Wade L. Smith
Bell Baker LLP
Barristers and Solicitors
700-116 Lisgar Street
Ottawa, Ontario K2P 0C2
Tel: (613) 237-3444
Fax: (613) 237-1413 Box#35
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 7A9
Tel: 613-791-1451****deirdre@ccch.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)

Jonathan William Kiska**I live in**

(municipality and province)

Ottawa, Province of 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.*

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.

Overview:

2. The Respondent and I first separated on October 9, 2015.
3. Following this, I retained Bell Baker LLP and initiated these proceedings on November 9, 2015.
4. The Respondent retained Victor Ages Vallance LLP and filed her Answer on January 14, 2016.

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5. The Respondent and I attended a Case Conference on February 26, 2016.
6. The Respondent and I reconciled in April of 2016 and recommenced cohabitation at the matrimonial home.
7. We separated again November 29, 2016.
8. On December 13, 2016, after attending mediation, the Respondent and I entered into an interim parenting agreement. In the Agreement we share time with the children on a 2-2-3 regime.
9. The Respondent terminated her relationship with Victor Ages Vallance on February 1, 2017. She then briefly retained Davies Law Firm on February 3, 2017, though she terminated this relationship on February 12, 2017. The Respondent has been self-represented since.
10. Since becoming self-represented, the Respondent has brought a series of procedural and other motions. Attached and marked as **Exhibit "A"** to this my Affidavit are copies of some of these Procedural Motions. The result of this has been a drastic increase in my legal costs.
11. At the outset of the litigation, I sought sole custody due to concerns regarding the Respondent's mental illness, the details of which I have set out below. I have tried to balance the safety and security of the children with the importance of their mother in their lives. At present, the Respondent appears to be following her treatment plan and, while doing so, she is capable of caring for the children. However, the Respondent has a history of lapses. Her history is as follows:
12. In early 2013, the Respondent began acting uncharacteristically. She insisted that the family take a vacation and unilaterally booked a trip for March 6, 2013. This, among other actions outside of the norm triggered an argument between the Respondent and me. In response, the Respondent became obsessed with writing a book entitled "How I Bullied the Bully out of My Husband". Attached and marked as **Exhibit "B"** to this my Affidavit is a copy of her "1st Draft". She further developed an idea to start a new not for profit mental health company that included websites, books and videos. She approached the children's teachers and Vice-Principal of their school with her elaborate ideas. They became concerned and contacted the Children's Aid Society.

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13. On March 1, 2013, Yvonne Munro, a CAS worker, arrived at our home to address the school's concerns. She recommended that the Respondent seek medical assistance.
14. On March 3, 2013, the Respondent was brought to The Ottawa Hospital to be assessed. The Psychiatry Consultation details the Respondent's bizarre behaviour over the previous days, and how she had:
- "made an elaborate collage about "J.C.", which [were] the initials of a man involved in a murder suicide in Stittsville. She told her husband that "J.C." really means Jesus Christ and that it means that she was chosen to solve the world's problems. Yesterday in the washroom at home, she coloured with marker over about 20 sanitary napkins while taking pictures of herself. Her husband found this very bizarre and brought them to PES to demonstrate her behaviour. Her husband had observed that she was talking to herself and to dead family members over the past couple of days." Attached and marked as **Exhibit "C"** to this my Affidavit is a copy of The Ottawa Hospital report from the Psychiatry Consultation.
15. The Respondent remained under observation at The Ottawa Hospital for three days following assessment before being released and returning home.
16. Upon discharge, the Respondent's mental state continued to decline. In her own words:
- "At some point in April 2013, delusions slowly began to return. I was again starting to focus on how I could expose bullies within the system and put an end to it. As the date of the CAS meeting drew nearer, I was also working on a tight work deadline as well as experiencing problems with my computer. It seemed as if nothing was working. Plus, an organization called the Ontario Coalition for Accountability was actively looking for people to sign its petition to have Bill 42 (Ombudsman Amendment Act) reintroduced for consideration. I read lots of horror stories of how the CAS was breaking up homes and watched a parliamentary presentation that stated there were 4,000 complaints lodged against the CAS over the past x years. I believe that my anxiety over the upcoming CAS meeting lead to this second round of delusions. This time they included delusions of persecution. I believed that the CAS was in cahoots with the public school system to identify smart kids that could be removed from their homes, given a broken childhood so that they would eventually turn to the streets and get caught up in human trafficking. I believed that the police were also involved. On the day of the meeting, April 16th, I felt my husband wasn't doing enough to prepare the house for the CAS meeting. As I started to panic, John began to boss me around. I felt he was setting me up to lose custody again. I believed he was doing this so that he could get the kids and that he was planning to divorce me for

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another women who would take her kids from her husband. At some point I began to believe that the CAS-school operation was Irish and part of the IRA. At some point I began to believe that my mother (born in Belfast Ireland) was the leader of the Canadian IRA branch and that she was part of setting me up as well. I broke in and out of a psychotic state several times that day and ended up at the Civic that night on April 16th." Attached and marked as **Exhibit "D"** to this my Affidavit is a copy of the Respondent's type-written notes.

17. The Respondent remained at the Ottawa Hospital, Civic Campus, from April 16, 2013 until May 28, 2013. On the date of her admission, The Royal Ottawa Mental Health Centre issued a Letter of Concern, which stated that the Respondent was suffering from "delusional beliefs that her husband and the government were going to "get her", [and that] her behaviours are escalating as she attempted to flee [that] morning with her children, and [was] making statements that she and her children may be better off dead." Attached and marked as **Exhibit "E"** to this my Affidavit is a copy of the Letter of Concern signed by Ruth Mattok, MSW, RSW.
18. The Respondent was admitted under a Form 1, which allowed the hospital to hold the Respondent on an involuntary basis for up to 72 hours. Subsequently, a Form 2 (Order for Examination) and Form 3 (Certificate of Involuntary Admission) were completed. She was prescribed Olanzapine, but later admitted to her doctor that she was "cheeking" her medication.
19. The Respondent's discharge diagnosis was Bipolar Affective Disorder, with manic episodes and psychotic features. While the Respondent agreed that this diagnosis was accurate, she discontinued her medication immediately upon release. Attached and marked as **Exhibit "F"** to this my Affidavit is a copy of a Memo to Dr. Charbonneau, Files from the Respondent dated May 29, 2013.
20. Following her release in May of 2013 until April of 2014, the Respondent's mental health remained relatively stable and the family returned to normal life.
21. In April of 2014, the Respondent began to experience paranoid delusions. She believed that the "mob" was targeting her and her family. Between April 27 and 28, 2014, she withdrew \$130,000 from the Parties' bank account and converted it into GICs. Attached and marked as **Exhibit "G"** to this my Affidavit are copies of the Bank of Montreal Cashable RateRiser GICs 1-13.

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22. This erratic and troubling behaviour continued throughout May to July of 2014. On July 1, 2014, the Respondent removed and hid sharp objects, medication and ropes from her parent's house in Morrisburg while the family was visiting because she "believed that there was a risk they would all kill themselves once they realized I had been selected to "save the world"", and that "the Secret Service and I were going to crash/boost the global stock markets in order to redistribute wealth." Attached and marked as **Exhibit "H"** to this my Affidavit is a copy of the Respondent's notes to herself.
23. These delusions continued until July 4, 2014 when the Respondent wrote in her journal that "my body guards alert me that it's time to go to a safe place. I fake "crazy" to get home. She then details:
"Montfort admittance. Looking for support: re abusive husband to "get in." Would not admit due to no condition to treat therefore acted manic."
The Respondent then left Montfort and was found by police at the Casino Lac-Leamy in Gatineau. See **Exhibit "H"**.
24. The Respondent was involuntarily admitted to the Ottawa Hospital Civic Campus on July 9, 2014 where she remained until September 5, 2014. She was placed on an involuntary Community Treatment Order as a result of her history of non-compliance with proposed medical treatments plans.
25. During the Respondent's hospitalization she was able to leave on day passes. The Respondent informed me that she had rented an apartment in Gatineau and had leased a 2014 Murano vehicle from a Quebec dealership. She informed me that she wanted to establish residency in Quebec where the Community Treatment Order would not apply.
26. In early 2015 the Respondent secured part- time employment at Carleton University. Attached and marked as **Exhibit "I"** to this my Affidavit is a copy of the Contract Services Agreement.
27. In May of 2015, the Respondent began to experience delusions again. She became suspicious of a number of Italian individuals who she believed may be part of a mafia operation which was monitoring her. She received a telephone call from Export Development Canada offering her an interview. In notes to herself,

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she wrote:

"Ah ha, I thought, that's where they want me to work: I am somehow to be involved in laundering money via EDC. I calmly drove across town to meet with the recruiter and carried out the interview; well-practiced in "playing along" from the "under-cover" work I was doing last year."

She then recognized this to be a delusion, and treated herself with Latuda. Attached and marked as **Exhibit "J"** to this my Affidavit is a copy of the Respondent's "Getting to the root of the problem: Heightened anxiety that leads to delusion".

28. In September of 2015, the Respondent came across notes that a member of her treatment team had made from information provided by the Applicant during her 2014 hospitalization. Attached and marked as **Exhibit "K"** to this my Affidavit is a copy of the notes of the treatment team. The Respondent believed these statements to be untrue, and demanded that I contact her doctors to retract what he had said. I verily believe that our relationship broke down as a result of this medical note.
29. On or about October 9, 2015, I returned home to find that the Respondent and the children were missing. I called the police, who were able to locate the Respondent by tracking her cell phone to the Lac Leamy hotel and casino in Gatineau.
30. On or about October 10, I was informed by the Ottawa Police that the Respondent had attended the station in order to file criminal harassment charges against me. The Police later closed their file and no charges were laid. Later that night, I received a phone call from my son indicating that the Respondent had left gifts by the front door of their home to encourage me to turn myself into the police.
31. The Respondent later brought herself to the Ottawa Hospital, Civic campus, and was admitted under voluntary observation. She remained in the hospital until November 12, 2015.
- Amendments to Answer:**
32. The Respondent has sent my lawyer, Mr. Wade Smith, a series of Amended Answers and asked for my consent to the amendments.

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33. One of the Respondent's main complaints is that she feels that her diagnosed mental illness has been "caused" by me. I reject this accusation in its entirety.
34. The Respondent has claimed damages based on the tort of the "intentional infliction of mental suffering". Again, I strenuously deny all such allegations pleaded in the Amended Answer.
35. I verily believe that my lawyer has advised the Respondent that the claim for intentional infliction of mental suffering is not allowed in family law and, consequently, we cannot agree to consent to the amended pleading. Attached as **Exhibit "L"** to this my Affidavit is a true copy of an email to the Respondent providing her with a copy of the case of *Lo v. Lo*. A copy of the case is also attached.
36. Despite this advice, the Respondent insisted on proceeding with a Motion in the Procedural Motions Court requesting leave to amend her Answer.
37. Prior to the procedural motion date, I verily believe that my lawyer advised the Respondent that even if the Amendments were to be allowed, the argument as to whether it should be is not the subject of a Procedural Motion, but requires a full Motion in the Court. Attached and marked as **Exhibit "M"** to this my Affidavit is a true copy of the email to the Respondent.
38. The Respondent's lack of understanding of legal procedure has greatly hindered this process and having significant impact on my legal costs. It is on this basis that I am requesting costs of this motion on a substantial basis.
39. The Respondent is the owner of her own home. We are attempting to negotiate the equalization payment to be made from one party to the other.

40. I make this affidavit in support of my motion and for no improper purpose.

Put a line through any blank space on this page.

Sworn/Affirmed before me at:

Ottawa

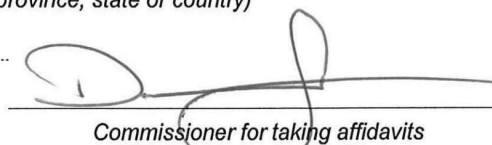
(municipality)

in Province of Ontario

(province, state or country)

on July 27, 2017.

(date)



Commissioner for taking affidavits

Katie Laframboise

(Type or print name below if signature illegible.)



Signature

(This form 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)

Court File Number

FC-15-2446-0at **161 Elgin Street, Ottawa, Ontario K2P 2K1**

(Court office address)

**Form 6B: Affidavit of Service
sworn/affirmed
August 1, 2017****Applicant(s)**

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

**Jonathan William Kiska
1244 Lampman Cr
Ottawa, Ontario
K2P P8**

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

**Wade L. Smith
Bell Baker LLP
Barristers and Solicitors
700-116 Lisgar Street
Ottawa, Ontario K2P 0C2
Tel: (613) 237-3444
Fax: (613) 237-1413 Box#35
wsmith@bellbaker.com**FILED SUPERIOR COURT
OF JUSTICE AT OTTAWAAOUT 08 2017 *DK*
AUG

DÉPOSÉ À LA COUR

SUPÉRIEURE DE JUSTICE À OTTAWA

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 7A9
Tel: 613-791-1451**

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

deirdre@ccch.ca**My name is**

(full legal name)

Elizabeth Vaughns, Receptionist at the law firm of Bell Baker LLP**I live in**

(municipality and province)

City of Ottawa, Province of Ontario**and I swear/affirm that the following is true:**

1. On (date) **July 27, 2017**, at (time) **2:13 p.m.**, I served (name of person to be served)
The Respondent (Moving Party), Deirdre Moore
 with the following document(s) in this case: (List the documents served.)

Name of document	Author (if applicable)	Date when document signed, issued, sworn, etc.
Affidavit of Jonathan William Kiska	Applicant (Responding Party)	July 27, 2017

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

2. I served the document(s) 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)

Check one
box only and
go to indicated
paragraph.

sworn/affirmed August 1, 2017.

- 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.)

5. The document(s) to be served was/were placed in an envelope that was picked up at 2:13 p.m.

on (date) July 27, 2017 by (name of courier service) Personal Touch 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.)

7 Vanson Avenue, Ottawa, Ontario K2E 6A9

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 to 10 and 13.

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

I am the receptionist at the law firm of Bell Baker LLP, lawyers for the Applicant (Responding Party).

12. I am at least 18 years of age.

Sworn/Affirmed before me at:

Ottawa

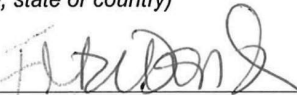
(municipality)

in Province of Ontario

(province, state or country)

on August 1, 2017.

(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.)

Erika MacDonald,
a Commissioner, etc., Province of Ontario,
for Bell Baker LLP, Barristers and Solicitors.
Expires July 5, 2019.

1/21/2017

Confirmed Order



Order W789675

Ordered By ELIZABETH VAUGHNS On 7/27/2017 2:13:00 PM

ACCOUNT

1050: BELL BAKER

YOUR REFERENCE NUMBER

14160772

OUTGOING SERVICE

LEVEL: NON-RUSH 1 ENVELOPE(S)
VEHICLE: CAR/BICYCLE

PICKUP INFORMATION

BELL BAKER
700-116 LISGAR ST
OTTAWA, ON
K2P 0C2

DELIVER TO INFORMATION

DEIDRE MOORE
7 VANSON AVE
OTTAWA, ON
K2E 6A9

COMMENTS

SIGNATURE NOT REQUIRED (MAIL BOX)

ESTIMATED PRICE (Excluding Fuel Surcharge and GST)

DESCRIPTION	DELIVERY	RETURN	TOTAL
ZONE			4
RATE	\$7.50		\$7.50
WEIGHT	\$0.00		\$0.00
HB/TRUCK	\$0.00		\$0.00
POD	\$0.00		\$0.00
TOTAL	\$7.50		\$7.50

INSURANCE: Contents automatically insured for \$50.00. If additional valuation is required, please contact our office for approval.
NON-NEGOTIABLE BILL OF LADING

Thanks for the Order ELIZABETH! To assist us in serving you, please write the Order Number and Service Level on the item(s) being delivered.

The Order is confirmed and a courier will be at the pickup address shortly (No pickups before 8:30 AM). If you have any questions regarding this order, please contact us at (613) 723-5891 referring to Order Number W789675.

Driver Number _____