

Superior Court of Justice Family Court Branch

(Name of court)

Form 14A: Affidavit
(general) datedat 161 Elgin Street, Ottawa, Ontario K2P 2K1
Court office addressAugust 24, 2018 TMTM updated on August 29, 2018 TM

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 johnkiska@gmail.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: ~~613-791-1464~~ 613-261-3520

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

n/a

AOT
AUG 29 2018

SUPERIEURE DE JUSTICE A OTTAWA

My name is (full legal name) Deirdre Ann MooreI live in (municipality & province) City of 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.

1. Regarding our divorce, the Applicant (Kiska) has stated that "I will go for the jugular"—and he has. (see exhibit A) Also included in Exhibit A are a few pieces of evidence of his abuse.
2. With respect to 2018 income, the Respondent ("Moore") has received none.
3. There was no 2018 AdvisorOnTrack Inc. ("AOT") dividend agreed to by Moore and Kiska, declared by Moore and Kiska, issued by Moore and Kiska or received by Moore and Kiska.
4. There was, after much effort, a shareholder loan agreed to by Kiska and Moore as highlighted throughout exhibit B.
5. A shareholder loan must be repaid with interest; however, it is not taxable to the borrower.
6. It would be illogical for Moore to agree to a 2018 AOT dividend which would serve only to deprive her and her children from meaningful support and further drain her retirement savings.
7. Any suggestion made by Kiska that there was a 2018 AOT dividend is false and any "evidence" that supports such a suggestion has either been fabricated or cherry-picked.
8. Following the false statements made by Kiska and Smith during the March 22, 2018 hearing for Interim Support, Moore cancelled the two \$25,000 AOT shareholder loan cheques that she had co-signed for Kiska.

9. There was a 2017 AOT dividend which was ineligible as were all of the AOT dividends for the past 15 years. Moore's 2017 Tax Return and NOA are included as exhibit C.

10. Moore alleges that the attempt made by Kiska's lawyer, Wade Smith of Bell Baker LLP ("Smith"), to convince the Court that any of Moore and Kiska's dividends were ~~ineligible~~ was merely further malicious effort to reduce the interim support awarded—Smith wasn't counting on a second Motion where Moore could prove otherwise.

11. Respectfully, Moore did not realize that the 2017 AOT dividend would be included as income and that the result would be eventual denial of Spousal support and an impact on child support and shared expenses.

12. Moore was advised to issue 2017 AOT dividends by two different lawyers: Michele Blais of Victor Ages Vallance LLP (who charged Moore approximately \$30,000⁺ to accomplish little other than set her up for demise by persuading Moore to sign an Interim Shared Parenting Agreement that did not speak to Interim Support or Shared Expenses) and Tanya Davies of Davies LLP (who charged Moore over \$5,000 in one week to accomplish nothing except further convince Moore that the issuance of an AOT dividend would not affect financial support. (see exhibit D)

* b1 ** b2-5 * * * b6-8

13. It would be illogical for Moore to knowingly agree to 2017 AOT dividends which would serve only to deprive her and her children from meaningful support and further drain her retirement savings.

14. At the March 22nd hearing, most of Smith's "Oral Reasons Given" were false, half-truths or malicious obfuscation designed only to prevent Moore from receiving meaningful support from Kiska.

15. Kiska has "gone for the jugular", primarily, by misleading the Court and has been successful—likely due to his lawyer, Smith, who also misleads the Court either without evidence or with "evidence" that is outdated or false.

16. Mostly recently, Smith sent to your Honour a letter on April 23, 2018, where he stated that: "Although being advised by you at the Motion that she was not allowed to bring any other Motions other than those specifically granted leave in advance by a judge, Ms. Moore brought a Procedural Motion with respect to the wording of Orders which were made on prior occasions." (see Exhibit E)

17. However, as confirmed by James Law, SCJ Assistant Trial Co-ordinator, after our March 22, 2018 hearing, no such Motion was suggested by Moore, brought by Moore or ever occurred. (see exhibit F)

18. Moore could not believe that Smith actually sent this letter, until she saw your Honour's endorsement of May 1, 2018.

19. ~~Smith's~~ Smith's statement was entirely false—he simply wants to deem ^{Moore} ~~me~~ powerless and enable Kiska to "go for the jugular" as stated in exhibit A. ^{page 1.}

20. The two paragraphs that follow Smith's statement identified in paragraph 16 are malicious obfuscations of the truth: Moore had to bring Motions (as is documented in Vol 3 Tab 4 Exhibits A+B) because ~~the~~ Smith ignored, delayed and/or denied many requests that are allowed as per the Family Law Rules. Moore had no choice but to bring Motions and ~~the~~ every one the rulings were in Moore's favour.

21. As per exhibit G, Khamen Wood, Victim Support Worker of Ottawa Victim Services, stated that:
- "Ms. Moore showed me extensive efforts to document all ongoing interactions between herself and her ex-husband."

- "It is my hope that Ms. Moore is able to have this matter taken to court and to be able to present her evidence [against her husband]".

22. With respect to an imputed income of \$30,000 and the pursuit of a minimum wage job due to the Moore's limited capacity given her mental illness—the statement is ridiculous.

23. Moore has not been successful in finding meaningful employment since 2015 for many reasons including her need to re-enter a workforce that has drastically changed technology-wise since Moore chose to be a stay-at-home mum plus Kiska has smeared her reputation by repeatedly making false statements regarding the cause and nature of her mental illness to colleagues, friends and family (which is why Moore is seeking damages for Criminal Defamation, among other things, in her amended Answer—see Vol 5, Tab 4, page 4)

24. A list of professionals who can speak to paragraph 23 above is included as exhibit ~~E~~ H

25. Kiska has been unresponsive to most of Moore's requests and concerns since the March 22, 2018 hearing.

26. Due to the recognition that her technology has been hacked, Moore has attempted to communicate with Smith and Kiska not only by e-mail, but by fax and telephone as well. (See exhibit I)

27. However, there has been no response other than one which "pretends" that Kiska is not aware that Moore is required to sell her house to financially survive—moving herself and her children for the third time in less than two years. (See exhibit J) *Note: this has changed since preparation of this Affidavit as described in Factum.*

28. Given all of the allegations made by Kiska and Smith throughout the Continuing Record regarding Moore's mental health and her ability to make decisions for and care for the children, it is illogical that Kiska would not reach out to Moore for implementation of the OCL's many recommendations, other than a recent scolding from Smith as described in Factum.

29. The severity of the circumstances detailed in this affidavit has led to the filing of a Police Report (as recommended by Staff Sergeant Francois D'Aoust of the Ottawa Police Services) by Moore against Kiska on August 23, 2018 which is attached as exhibit K.

30. It is Moore's hope that your Honour will reconsider the decision made for "Oral Reasons Given" on March 22, 2018 and/or consider the evidence that I have included in this Affidavit as support to grant leave to any of the requests made in her Notice of Motion.

31. Kiska's proveable attempts to "go for the jugular" are severely harming the well-being of Moore and the children—if it continues, it will have a long-term impact on them.

32. Much abuse has happened since the initial ~~Motion~~ Motion held in March.

* hence all of the "typos"
in this affidavit as well as
errors in format.

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

Sworn/Affirmed before me at City of Ottawa
municipality

in Ontario
province, state, or country

on Aug 29/18
date

[Signature]
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.)