

Superior Court of Justice Family Court Branch

(Name of court)

Court File Number

FC-15-2446-0

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

Court office address

Form 22: Request to Admit

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 jonathankiska@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: 613-261-3520 deirdre.fff@gmail.com

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

n/a

FILED SUPERIOR COURT
OF JUSTICE AT OTTAWA

OCT 12 2018 ML

DÉPOSÉ À LA COUR

SUPÉRIEURE DE JUSTICE À OTTAWA

TO: (name of party) Mr. Wade Smith

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. On September 26, 2015, Moore separated from Kiska because she found evidence that Kiska had provided multiple false statements to physicians.
2. On September 27, 2015, Kiska told Moore that he would "fix the [medical] file" and that "we would get through this".
3. On September 28, 2015, Moore turned 50 years of age and, handing her a small bouquet of flowers, said "Here. Happy Birthday."
4. On September 29, 2015, Moore detailed her disgust with Kiska in an e-mail.
5. On October 1, 2015, Moore informed Kiska that she would "expose him for the "man" that he [was]" and divorce him for cruelty.

6. By October 11, 2015, Moore's heightened anxiety led to her self-admittance to The Ottawa Hospital.
7. Before Moore had a chance to serve upon Kiska a Form 8A: Application (Divorce) for Cruelty, Kiska served on Moore a Form 8: Application and an Emergency Custody Order.
8. The impact of Kiska's emotional abuse, psychological abuse, financial abuse, defamation and continuous false statements of fact made to the Court is mounting.
9. Kiska has refused to implement any of the Office of the Children's Lawyer's recommendations.
10. Kiska has not contributed to the cost of any of daughter Cate's tutoring even though she is three years behind in math and tutoring has been recommended.
11. The OCL has recommended, among other things, that sole custody be awarded to Moore.
12. Since his Application noted in paragraph 7 above, Kiska has continuously claimed (most recently to the OCL) that "his children are at potential risk of harm while in [Moore's] care."
13. Meanwhile, Kiska has misled the Court into believing that he should pay only \$1,575/month in financial support.

14. Among other things, Kiska has told the Court that all dividends received by Moore and Kiska were eligible.
15. Among other things, Kiska has told the Court that Moore received a \$50,000 dividend in 2018.
16. Among other things, Kiska has told the Court that he has paid for most of the children's expenses.
17. AdvisorOnTrack Inc. has never issued an eligible dividend.
18. Moore did not receive a \$50,000 dividend in 2018.
19. Moore paid for most, if not all, of the children's expenses in 2017 (albeit with financial contributions from Kiska).
20. The manner in which Kiska presented paragraphs 16 and 19 above was misleading.
21. Kiska has had several weeks to correct the errors of fact that were presented to the Court on September 7, 2018.
22. Kiska has had several months to correct the errors of fact that were presented to the Court on March 22, 2018.

23. Moore should not have an income of \$30,000 imputed on her as it is through no fault of her own that she has not been able to retain meaningful employment.
24. Kiska is aware that Moore has been actively seeking meaningful employment since daughter Cate turned five years of age — which was November 30, 2012 ... coincidentally exactly three months prior to Moore's first ever mental breakdown.
25. Moore's mental illness, Brief Psychotic Disorder with known stressors is situational (not chronic) and triggered by the abusive nature of Kiska.
26. Kiska is aware that Moore intends to pursue an advocacy role regarding the Fragility of Mental Health while in an Abusive Relationship.
27. Kiska is aware that Moore has provided evidence that her personal technology has been hacked.
28. Kiska is aware that Organized Community-Based Stalking is recognized as a form of emotional-psychological abuse.

29. Kiska requested a property appraisal on October 3, 2018 even though one had already been personally served on him by Moore
30. Kiska requested a Settlement Conference Brief on October 4, 2018 even though one had already been personally served on him by Moore
31. Kiska never responded to the letter from Moore dated January 18, 2018.

32. Kiska was served Moore's Affidavit dated August 29, 2018.

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. Mattress Mart receipt dated September 26, 2015. (copy)
2. Email from Moore to Kiska dated September 29, 2015 (copy of marked-up copy)
3. Email from Moore to Kiska dated October 1, 2015 (copy of marked-up copy)
4. Copy of page 1 of letter written to Dr. Kay at the Ottawa Hospital dated October 19, 2015.
5. Copy of letter sent from Douglas King dated August 28, 2018 with six pages of statements and payments.

6. Copy of e-mail from Dr. Matheson to
| Moore dated May 29, 2018 with an excerpt
from daughter Cate's Assessment report
(page 9 only) (remainder of Cate's assessment held back
as confidential and not required here)
 7. Copy of Assessment from Sylvan Learning dated
May 8, 2018 (four pages) that indicates
daughter Cate's Math is ranked at 8th percentile
and Reading is ranked at 27th percentile.
 8. Copy of Report of the Children's Lawyer dated
July 18, 2018 (41 pages plus cover letter, oath
and backsheet) that indicates on page 19 that
their recommendation is for sole custody to be
awarded to Moore.
 9. Copy of letter from Wade Smith to Moore
dated August 14, 2018^{*} that included Kiska's
6-page letter of objection statement to the
Office of the Children's Lawyer dated
July 18, 2018.
^{*} when Moore was on a 3-day camping trip
with her children.
-

10. Copy of correspondence dated September 17, 2018 from Wade Smith to Moore that consisted of
- a) a cover letter dated September 17, 2018.
 - b) a draft Order with four different dates (March 22, 2018; May 1, 2018; May 17, 2018 and September 17, 2018) that ~~specified~~ indicated:
 - Moore was entitled to \$345/month (total) in child support
 - Moore was entitled to \$1,230/month in spousal support
 - Moore owed Kiska \$2,094 for his previous six months of "over payment"
 - Moore owed Kiska \$2,000 in costs [because she "lost" the Motion for Interim Financial Support].
 - c) a consent form dated September 17, 2018, regarding b) above, signed by Wade Smith.
11. A copy of Kiska's support cheque to Moore dated October 1, 2018 in the amount of \$1,575.

12. A copy of Kiska's 4-page Affidavit dated 11 August 29, 2018 (and signed by Kiska and Wade Smith) that states "... all dividend income [is] eligible..." on page two.
13. A copy of Kiska's 2015 T5 that ^{indicates} ~~states~~ all dividends are "other than eligible".
14. A copy of a certified copy of Moore's 2015 T5 that ~~states~~ indicates all dividends are "other than eligible"... and was served as an exhibit on Kiska prior to the September 7, 2018 Motion.
-

15. A copy of Moore's 2017 Income Tax Return ("ITR") ~~and~~ dated April 23, 2018 and Notice of Assessment ("NOA") with supporting documents that indicate all dividends were "other than eligible".
16. A copy of Moore's 2016 ITR dated June 18, 2017 and NOA with supporting documents that indicate all dividends were "other than eligible".
17. A copy of Moore's 2015 ITR ~~dated~~ (undated and unsigned—likely due to stress of divorce?) and Notice of Reassessment dated January 25, 2018 that indicates all dividends were "other than eligible".
18. A copy of Moore's 2014 ITR Information - Regular* that indicates all dividends were "other than eligible".
19. A copy of Moore's 2013 ITR Information - Regular* that indicates all dividends were "other than eligible".

* Issued by CRA dated 27 JUL 15 and 16 JUN 14, respectively

8/11

20. Copy of Moore's Factum (with some statements or words redacted) dated August 29, 2018 with Tabs A, B, C, Cps, D and Law:

Purcara v. Purcara, 2010 ONCA 92
where the decision/judgement of
Justice Victor Paisley to "strike
[the husband's] pleadings and
financial statements and [preclude]
him from participating in the
trial ..." was upheld.

(with 4 extra pages that support Factum was served on Smith)

21. A copy of a marked-up copy of ^{Moore's} ~~my~~ Affidavit
(Reply continued) dated September 4, 2018 with
Affidavit of Service dated September 4, 2018 at 1:05 p.m.*
(that was not accepted by the file clerk at the
Courthouse, and therefore not filed, even though I
was there at/before 2:00 p.m. deadline).
* 9 pages in total

22. ~~Evidence that ^{Moore's} technology has been hacked.~~
~~is labelled " in Tab 22 of the~~
"See Tab 21 A of this Request to Admit"
dated October 12, 2018 by Beirdre Moore

23. A copy of a marked-up copy of Moore's revised Form 14C: Confirmation that:

- a) was served and commissioned on August 30, 2018
- b) referred to the Continuing Record Volume 8 where all of Moore's motion materials were filed for the September 7, 2018 motion for Interim Financial Support.
- c) could not be filed for the same reasons cited at paragraph 21
- d) was likely not seen by Justice Audet in order to review due to 23(c) above.

24. A copy of a ^{marked up copy} letter from Anne B. Gregory to Wade Smith dated January 18, 2018 with one of the two DivorceMate calculations attached. (7 pages in total)

25. A copy of a ^{marked-up copy of} Moore's Form 17C: Settlement Conference Brief dated October 17, 2018 with five additional pages for reference.

26. A copy of an e-mail exchange ending on October 6, 2018 at 8:43 a.m. between Moore and Wade Smith regarding multiple issues including his receipt of Moore's Settlement Conference Brief.

27. A copy of a marked-up copy of page 7 from Kiska's Settlement Conference Brief dated June 21, 2017 that states:

"[Kiska] has paid \$15,000.00 per month to [Moore] for the support of the children".

28. A copy of an e-mail dated March 24, 2013 from Moore to Kiska (that highlights the severity of marital conflict that existing existed in 2013 ^{which} ~~that~~ Kiska has stated in many Court documents:

"... was the onset of [Moore's] mental illness.

29. A copy of Moore's Form 17F: Confirmation of Conference requesting the setting of a trial management date

OR

Order that [Kiska's] Application be struck.
(dated and certified on October 11, 2018)

30. A copy of Kiska's Settlement Conference Brief
31. Draft TSEF dated October 12, 2018

Zeildie Moore

October 12, 2018
11 Oct. 2018

11/11

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

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 jonathankiska@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: 613-261-3520 deirdre_cfa@icloud.com

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

n/a

FILED SUPERIOR COURT
OF JUSTICE AT OTTAWA

OCT 12 2018 ML

DÉPOSÉ À LA COUR
SUPÉRIEURE DE JUSTICE À OTTAWA

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) October 12, 2018, at (time) 9:04 a.m., 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)

Date when document
signed, issued, sworn, etc.

List the
documents
served

Request to Admit
w/ 32 statements + 31 documents
Updated Table of Contents

Deirdre Moore
Deirdre Moore

October 12, 2018
October 12, 2018

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.

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.

Check appropriate
paragraph and strike
out paragraphs 3, 4, 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.) _____

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 \$ 125.00 including travel.

Sworn/Affirmed before me at Ottawa
_____ municipality
in Ontario
_____ province, state, or country
on 12 Oct 18
_____ date

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

M La France

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