

Superior Court of Justice, Family Court

(Name of court)

at 161 Elgin Street, Ottawa, Ontario

Court office address

Court File Number

FC-15-2446

Form 17A:

Case Conference Brief –

General

Name of party filing this brief

Deirdre Moore

Date of case conference

February 25, 2021

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

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

Cheryl Hess
Bell Baker LLP
700-116 Lisgar Street
Ottawa, Ontario K2P 0C2
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Respondent(s)

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

Deirdre Moore
215 Montreal Road
Ottawa, Ontario K1L 6C8

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

n/a

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.

PART 1: FAMILY FACTS

1. **APPLICANT:** Age: 60 Birthdate: (d, m, y) 29-09-60
2. **RESPONDENT:** Age: 55 Birthdate: (d, m, y) 28-09-65
3. **RELATIONSHIP DATES:**
 - ☒ Married on (date) July 22, 2000
 - ☒ Separated on (date) July 10, 2014; September 26, 2015 and November 26, 2016
 - ☒ Started living together on (date) February 1996
 - ☐ Never lived together

This is possibly one of the wicked cases of domestic violence and child abuse without the bruises that one could imagine and it has been going on for over eight years.

As is evident by reviewing file #FC-19-CP08, six months after the Office of the Children's Lawyer recommended that sole custody be awarded to the mother (see **Schedule A** at page 19, #1), the children were illegally apprehended from the mother's home (as evidenced in this audio recording available here: www.pfi.ROCKS/Said/ ... although both the mother and the case worker were off by one week on the dates. The children were unlawfully apprehended without a warrant on February 1, 2019.)

Then, as both Children's Aid Society employees and the father lied to the court, a restraining order was placed against the mother and a Final Protection Order was unlawfully granted when she had not even received any materials and could not have possibly served any materials. (see **Schedule B**: the endorsement evidences that Justice Calum MacLeod refused the mother an adjournment until she could receive and serve materials and then LIED in the 20190408 Order by stating that she was in default!!!

Then, the father:

- a) denied the mother ANY access to the children for FIVE months,
- b) participated in an eviction scam which resulted in the theft of everything that she owned (see **Schedule C**) and
- c) lied to the police to have her jailed two months before the divorce was scheduled to occur. (See **Schedule D**)

☒ Other (Explain.)

4. The basic information about the child(ren) is as follows:

Child's full legal name	Age	Birthdate (d, m, y)	Grade/Year and school	Now living with
Sean Charles Kiska	14	08-05-06	Grade Merivale High School Grade 9	Father, because the CAS performed an illegal child apprehension on February 1, 2019 and lied to the court about the mother for the next two years (see www.pfi.rocksonentity/cas/sjm/) and www.pfi.rocksonSaid/)
Cate Stella Kiska	13	20-11-07	Grade Merivale High School Grade 8	same as above

PART 2: ISSUES

5. What are the issues in this case that **HAVE** been settled:

- | | | |
|---|--|--|
| <input type="checkbox"/> decision-making responsibility | <input type="checkbox"/> spousal support | <input type="checkbox"/> possession of home |
| <input type="checkbox"/> parenting time | <input type="checkbox"/> child support | <input type="checkbox"/> ownership of property |
| <input type="checkbox"/> contact | <input type="checkbox"/> restraining order | <input type="checkbox"/> equalization of net family property |

☒ other (Specify.) Nothing has been settled: simply because the father has managed to leverage corruption in Ottawa's law enforcement, child protection and prosecution/judicial services DOES NOT MEAN that the mother is not still protected by the Divorce Act.

6. What are the issues in this case that have **NOT** yet been settled:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> decision-making responsibility | <input checked="" type="checkbox"/> spousal support | <input checked="" type="checkbox"/> possession of home |
| <input checked="" type="checkbox"/> parenting time | <input checked="" type="checkbox"/> child support | <input checked="" type="checkbox"/> ownership of property |
| <input checked="" type="checkbox"/> contact | <input checked="" type="checkbox"/> restraining order | <input checked="" type="checkbox"/> equalization of net family property |

☒ other (Specify.) The past five years have been a series of "smoke and mirrors" performances orchestrated to ostracize, criminalize, marginalize and demonize the mother so that the father could, among other things, avoid a fair divorce and the paying of damages that the mother is permitted to seek. (See pages 4 and 5 of amended Answer at Schedule E or C.R. Volume 5 Tab 4)

7. If child or spousal support is an issue, give the income of the parties:

Applicant: \$ Applicant understates per year for the year 20 Respondent: \$ No income 2017 - 2020 per year for the year 20 20

8. Have you explored any ways to settle the issues that are still in dispute in this case?

- ☐ No. ☒ Yes. (Give details.)

Nothing can be settled because the Applicant is a pathological liar and wickedly abusive (see Schedule F) or www.pfi.rocks/kiska-lies/ and the Factum filed in the C.R. Volume 5, Tab 11 which is also viewable here: www.pfi.rocks/family/ under August 29, 2017: Full Motion to amend Answer.

9. Have any of the issues that have been settled been turned into a court order or a written agreement?

☐ No.

☐ Yes. ☐ an order dated Any order in existence regarding support, custody and/or access has been obtained illegally and/or is unlawful or invalid.

☐ a written agreement that is attached.

10. Have the parents attended a family law or parenting education session?

☒ No. (Should they attend one? That the mother is the superior parent was well documented in the Office of the Children's Lawyer's 2018 Report (see Schedule A or www.pfi.rocks/family/ under the heading OCL Recommendation: Sole Custody to the Mother). The father is wicked which is well documented in the C.R., FC-19-CP08 and OCJ Criminal file 19-RD18130)

☐ Yes. (Give details.)

PART 3: ISSUES FOR THIS CASE CONFERENCE

11. What are the issues for this case conference? What are the important facts for this case conference?

The mother seeks leave to bring multiple Motions in an attempt to correct some of the MANY wrongs that have plagued her divorce. She would bring Motions for:

1. An order that the father permit the mother to visit her children every week and he answer the phone and permit them to speak to her when she calls.
2. An order that the mother be permitted to visit with her children on their birthdays, on her birthday, on Mother's Day, on Easter Sunday, on Canada Day, on Thanksgiving, on Halloween and on Christmas Day.
3. An order that the father pay for and bring the children to a psycho-therapist and/or psychologist of her choice once a week so that they can begin to heal from the parental alienation and/or child alienation.
4. An order permitting the mother to amend her Amended Answer to:
 - revise the material facts which are now five years old (and do not capture the degree of severe emotional, psychological and financial abuse that has occurred since 2015),
 - revise orders regarding custody and access, add new orders seeking damages for the father's additional crimes of fraud and conspiracy to prosecute (see Schedule), at a minimum, and
 - adjust the claims section
5. A temporary order to change the quantum of interim financial support (to a fair amount similar to that calculated in Schedule H) retroactively to the second date of separation: September 26, 2015 (adjusted for the six months when the mother was forced to return temporarily following a failed "nesting arrangement")
6. An order for occupational rent for the mother to be granted retroactively to the second date of separation: September 26, 2015 (adjusted for the six month period when she was forced to return temporarily following a failed "nesting arrangement".)
7. An order that the father return to the mother all of her possessions that were removed from her rental property when he participated in a 2019 eviction scam while she was in the United States (see Schedule C) or pay to her the value of the contents which is \$500,000
8. An order that all files from the Ottawa Police Service and the Children's Aid Society of Ottawa be provided directly to the mother unredacted; similar to 2016 Order following the mother's procedural motion. (See Schedule I which contains a draft order and her 20170420 Notice of Motion.
9. An order to reimburse the mother for costs for her procedural motion (records) from 2016 where she was successful.
10. An order to reimburse the mother for costs for her full motion from 2017 where she was permitted to seek damages from the father for his commission of multiple torts and crimes against the mother. (See FC-15-2446 Volume 3, Tabs 1-4 and Volume 5 Tab 11 and filed amended Answer at Schedule E.)
11. An order that the father's accountant provide to the mother (or in the alternative, the court) the financial statements from the father's company, Kiska Management Consultants Inc., for the period 2015 to 2020: he understated his income in 2018 and we can expect that he will continue to do that.

The mother will demonstrate how the 20201211 CYFSA Restraining Order was illegally obtained and requests that it be terminated pursuant to Rule 25 (11.2) of the Family Law Rules.

The mother also seeks leave to bring a Summary Judgment Motion against the father.

The mother seeks costs related to the Bad Faith exhibited by the father's scandalous Conference Brief which is rife with false statements of fact, errors, omissions and malicious obfuscation.

The mother seeks costs for this Case Management Conference.

12. What is your proposal to resolve these issues?

Nothing can be resolved until there is a trial unless a Summary Judgment renders a trial unnecessary.

The father has fabricated a history of "severe mental illness" about the mother which does not exist. (See page 4 of **Schedule J** and **Schedules K-L**) The mother served on the Board of Directors of the Ottawa branch of the Canadian Mental Health Association from 2015-2017 and her company, SAQOTU Inc., was accepted as an exhibitor at the American Psychiatric Association's 2019 Annual Meeting (see **Schedule M**) where she networked with other mental healthcare providers and discussed solutions for victims of narcissists.

Since 2015, each of the father's Bell Baker lawyers have slandered the mother, commissioned libelous Affidavits and presented libelous Conference Briefs in order to assist him with the perpetuation of his character assassination of the mother and emotional abuse of the children. The Children's Aid Society ("CAS") lawyers, case workers and supervisors also ignored all of the evidence of his twisted form of emotional/psychological and financial abuse to support him during the scandalous 20201110 Summary Judgment Motion. (see her evidence, Kiska's lies and their allegations at www.pfi.ROCKS/entity/CAS/SJM/).

On August 28, 2020, former CAS employee and Case Management Judge Tracy Engelking ignored the 11 volumes of evidence against the father contained within the #FC-15-2446 Continuing Record AND the recommendations in the Office of the Children's Lawyers 2018 Report to schedule a Summary Judgment Motion against the mother. (Note that the OCL report also stated that the mother was the superior parent, the daughter cringed when the father attempted to hug her and that the father stole her glasses and was not remotely supportive of her tutoring even though she was three years behind and thoroughly enjoyed her tutor.) None of them, including the OCL lawyer, even acknowledged that an extensive OCL investigation was ever done.

On November 10, 2020 Judge Mary Fraser ignored both the mother's evidence and her testimony to produce two orders on 20201211, one of which was beyond her jurisdiction: as they have not yet divorced, custody and access is the jurisdiction of the Divorce Act!!! Not the Child, Youth and Family Services Act!!! (They are currently being appealed for errors of law and errors of fact.)

13. Do you want the court to make a temporary or final order at the case conference about any of these issues?

☐ No. ☒ Yes. (Give details.)

The children have been denied the mother's love and protection for over two years. They have not even been permitted to hear the sound of her voice. She was informed that the father told her daughter that "mum has moved to Texas and she does not want to be your mummy any more". (see excerpt from CAS file at exhibit N) What a horrific thing to say to a little girl who has been denied the right to speak to or see her devoted mother for months. A temporary or final order that terminates the 20201211 CYFSA FC-15-2446 restraining order so that the mother can begin to reverse the damage that has been done is warranted and permitted by paragraph 6 of her current bail conditions. (see **Schedule O**)

Also, the original interim support order was never remotely fair. The mother put her lucrative career on hold to be a stay-at-home mum when her children were born. Then, when she attempted to return to the workforce six years later, she was not able to replace her former level of income of over \$100,000/year that she had enjoyed since 1998. In 2018, the Applicant significantly understated his income, massively overstated her income and lied about the type of dividends that were received. Also, the dividend was not recurring! It was a one-time event and taken only as a result of the TERRIBLE advice of her former attorney (Bell Baker's next-door neighbour, Victor Vallance Blais. Justice Julie Audet ignored the mother's evidence and testimony and ruled against her by endorsing a mere \$1,230 in spousal support and \$345 in child support based on "oral reasons given" (see **Schedule P**) (i.e. entirely false information: see **Schedule Q** from the father and his now-retired Bell Baker lawyer Wade Smith.) Furthermore, not only did the father not share in the children's expenses for two years, the items that the mother purchased were either damaged or stolen, likely by him or someone that he knew. An interim order more in line with **Schedule H** would be appreciated as the mother has not been in a position to earn ANY income since 2017!!! (She cared for both children for most of the summers of 2017 and 2018, she was forced to move her children three times in under two years and she has been falsely accused and imprisoned FOUR times since her children were, effectively, kidnapped/stolen by the Applicant via

wicked corruption at the CAS. The father should also return the \$2,000 cost award.

The mother will gladly register a fair interim support order with the Financial Responsibility Office ("FRO"); however, one with almost no value that forces shared expenses is ridiculous. The mother has not been in a position to earn ANY income since 2017 despite all of her efforts as previously evidenced in 2018. (see C.R. Volume 7, Tab 2, exhibit AE.)

There is nothing positive to say about the father. He even went so far as to accuse the mother of criminal harassment two months before the September 2019 divorce trial so that she would be imprisoned as the Children's Aid Society marched forth with its scandalous child protection file. Even when the CAS wanted to withdraw its Application, the father bullied them into proceeding. (see **Schedule R**). The harm that has flowed from his false allegations is undeniable and evidence is viewable at www.pfi.ROCKS/Crown/.

Some of the orders listed at paragraph 11 should not require a Motion: they can be done on consent. Also, an order for costs should be awarded to the mother given the abundance of Bad Faith exhibited by the father: "Bad Faith" is a massive understatement.

Except for Justice Summers, somehow it has been lost on ALL judges (that have thus far participated) that evidence of Kiska's severe verbal and emotional abuse (which caused her first breakdown and terrified her children) was documented by the CAS. (see **Schedule S**)

Somehow, it has been lost on the court that the mother first began trying to leave in 2013 (see **Schedule T page 1**) notified her husband that SHE intended to divorce him for cruelty on October 1, 2015 (see **Schedule T page 2**) and that he stated he would spend his last dollar to "go for the jugular" (see **Schedule page 3**). She could not, however, find a lawyer who would deal with custody/access in time to serve her Form 8A: Application with grounds in time due to the father's causing of yet another nervous breakdown following her 20151001 announcement. The Applicant's behaviour is well captured by Sharon Zarozny's 2015 article "Abuse in Marriage and Divorce". (see **Schedule U**) The mother's further victimization and punishment by the father has been FULLY enabled by the court.

When the father served his malicious Application and Motion materials in 2015, a decent lawyer would have immediately brought a Motion under Rule 16(12)(c) to have them struck as a vexatious abuse of process; however, the mother did not have a decent lawyer. She had one that was recommended by her husband's previous employment law lawyer: Nelligan Law. They were the ones who referred her to Victor Vallance Blais which set her up for financial failure by providing terrible advice during a 2016 mediation session. (see **Schedule V**: the 2016 Interim Shared Parenting Agreement that provided ZERO financial support or fair sharing of expenses and directed the mother to drain her savings via a dividend when she had no work lined up for the new year.)

Last, but not least, several orders should be granted to eliminate the massive financial risk that currently faces the mother and her children should the 60-year old father suffer from a fatal heart attack as his father did (at the age of 47) and his companion sister did (before she reached the age of 60):

1. An order that the father have a Will properly prepared that irrevocable bequeaths all of his assets to the mother so that she can care for the children and herself
2. An order the father name the mother as the irrevocable beneficiary of his RRSP
3. An order that the father purchase a pre-paid life insurance policy that covers his future spousal and child support obligations
4. An order that the father purchase a pre-paid disability insurance policy that covers his future spousal and child support obligations
5. An order that the father transfer any assets invested in equities and bonds into short-term treasuries as so that the mother and her children are not exposed to a downturn in equity markets and/or a rise in interest rates ... especially given the pandemic and our current times of major economic certainty
6. An order that the children be immediately brought to their mother, should the father die or be hospitalized who will have sole custody and access without interference from the career-criminals which masquerade as child protection workers
7. An order that the father undergo a full psychiatric assessment
8. Any other order that the court deems fair and just

PART 4: FINANCIAL INFORMATION

NOTE: If a claim for support has been made in this case, you must serve and file a new financial statement (Form 13 or 13.1), if it is different from the one filed in the continuing record or if the one in the continuing record is more than 30 days old. If there are minor changes but no major changes in your financial statement, you can serve and file an affidavit with details of the changes instead of a new financial statement. If you have not yet filed a financial statement in the continuing record, you must do it now. The page/tab number of the financial statement in the continuing record is Schedule W.

14. If a claim is being made for child support and a claim is made for special expenses under the child support guidelines, give details of those expenses or attach additional information.

The mother is the ONLY person "caring" for her children, even though they are currently residing with the father following a series of illegal acts by him and his accomplices.

An updated Form 13.1 was already provided to Justice MacEachern: the mother has nothing left. (see Schedule W) She has been completely marginalized and is currently receiving support from Ontario Works (see Schedule X) as she self-represents in six different branches/levels of court (see www.pfi.ROCKS/Law/) while career criminals accuse her of having several debilitating mental illnesses. The allegations about the mother's mental health are provably LUDICROUS.

15. If a claim is made for child support and you claim that the Child Support Guidelines table amount should not be ordered, briefly outline the reasons here or attach an additional page.

The mother's children may require significant therapy following the past eight years of verbal, emotional and psychological abuse. She hopes that there has not been any physical or sexual abuse as well.

PART 5: PROCEDURAL ISSUES

16. If parenting issues are not yet settled:

(a) Is a parenting assessment needed?

☒ No. ☐ Yes. (Give names of possible assessors.)

The father is an undiagnosed malignant narcissist and should not be permitted to parent. That the children are not yet able to recognize narcissism and the cycle of abuse is irrelevant. (The mother did not recognize it for over ten years; once she did, it was too late. This is quite common as any Google search would prove.)

(b) Does a child or a parent under 18 years of age need legal representation from the Office of the Children's Lawyer?

☐ No. ☒ Yes. (Give details and reasons.)

The children require a lawyer who will not serve as the father's accomplice and acknowledge the results of the 2018 OCL assessment as well as review the Continuing Record. 100% parental alienation has already been accomplished. If it is true that child alienation has developed, then the truth about the mother should also be explained to the children so they can begin to heal.

17. Does any party need an order for the disclosure of documents, the questioning of witnesses, a property valuation or any other matter in this case?

☐ No. ☒ Yes. (Give details.)

The mother requires files from Ottawa Police Service, the Children's Aid Society of Ottawa, the Office of the Children's Lawyer and an updated property valuation of the matrimonial home as it may be listed for sale, if required. The mother has already paid for the two previous property valuations: the father refused to co-operate both times.

18. Are any other procedural orders needed?

☐ No. ☒ Yes. (Give details.)

An order that the father's lawyer retract its 2019 Notice of Trespass so that the mother can serve originating documents on him through them personally. (Due to the severity of ongoing financial abuse/thefts, the mother needs to serve on the father originating documents personally via his lawyer.)

An order that this matter NOT be stayed until the Appeal is complete. As the CYFSA custody/access award is invalid, this matter can move forward and custody and access can be decided at the divorce trial or Summary Judgment against the father. Also, Motions for the mother to amend her amended Answer, care for her children's well-being and seek some form of financial relief have nothing to do with the outcome of the Appeal.

The mother is entering her EIGHTH year of attempting protect herself and her children by leaving the father. He has enjoyed a significant amount of assistance in the beggaring of the mother; a strategy which by now should be quite apparent to anyone who can read and is summarized in **Schedule Y**.

19. Have all the persons who should be parties in this case been added as parties?

☐ Yes. ☒ No. (Who needs to be added?)

A legitimate, compassionate person from the Office of the Children's Lawyer should be appointed to assess how much harm has been done to the relationship of the children with their mother and inform them of the truth so that they can begin to heal from their cruelly orchestrated separation. The relationship between the children should also be assessed as the father was instrumental in destroying that as well and there was little that the mother could do about it as he refused to abide by the terms in the Shared Parenting Agreement and refused to provide consent if she tried to arrange for counselling for the children herself.

20. Are there issues that may require expert evidence or a report?

- ☐ No. ☒ Yes. (If yes, provide details such as: the type of expert evidence; whether the parties will be retaining a joint expert; who the expert will be; who will be paying the expert; how long it will take to obtain a report, etc.)

An expert witness on malignant narcissism may be required if the court remains confused (see Schedule Z) about the father and how much harm has flowed from the actions of him and his accomplices.

21. Are there any other issues that should be reviewed at the case conference?

- ☐ No. ☒ Yes. (Give details.)

The mother is currently facing criminal charges due to the false allegations by the father as well as the fact that he and the Children's Aid Society of Ottawa were in contempt of the illegally-obtained 20190408 CYFSA order for over five months. (Details will be forthcoming at <http://pfi.rocksonentity/mag/oca-0001/trial-menu/>) The Crown has stated that, even if she is found guilty on any of the charges, she would not be facing any additional jail time as she has already been forced to serve over 100 days without being convicted of anything.

The court should order that the CAS not be permitted to interfere with the mother and her children ever again. As evidenced at Schedules R and S (as well as at www.pfi.ROCKSONentity/CAS/SJM/), the CAS has been working for the father (and not the children) all along.

As Judge Mary Fraser's out-of-jurisdiction, custody and access order is invalid and her scandalous restraining order is being appealed and/or terminated, the divorce trial should be scheduled for September 2021.

February 22, 2021
Date of party's signature

n/a
Date of lawyer's signature

Yvonne Moore
Signature of party

n/a
Signature of party's lawyer