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Court File No.

CANADA
FEDERAL COURT
Form 301 Rule 301

B E T W E E N:

ADAN MCINTOSH

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

NOTICE OF APPLICATION FOR JUDICIAL REVIEW

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Toronto Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, **WITHIN 10 DAYS** after being served with this notice of application.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____ Issued by: _____
(Registry Officer)

Address of
local office: 180 Queen Street West, Suite 200
Toronto, Ontario M5V 3L6

TO: **Attorney General of Canada**
Department of Justice Canada
284 Wellington Street
Ottawa, Ontario
Canada K1A 0H8

AND TO: **Canadian Judicial Council**
Ottawa ON K1A 0W8
info@cjc-ccm.ca

APPLICATION

1. This is an application for judicial review in respect of the following decisions of the Canadian Judicial Council:

- a) the decision of Jacqueline Corado dated 5th January 2023 in CJC file 22-0317 dismissing a complaint against Justice Geoffrey Morawetz;
- b) the decision of Jacqueline Corado dated 5th January 2023 in CJC file 22-0318 dismissing a complaint against Justice Faye McWatt, and
- c) the decision of Marc Giroux dated 5th January 2023 in CJC file 22-0317 dismissing a complaint against Justice Sharon Shore, following the decision of Jacqueline Corado dated 9th August 2022 in CJC File 22-0221 dismissing the same complaint.

2. The applicant makes application for the following relief:

- a) an order setting aside the dismissal of each complaint and a declaration that each complaint satisfies the criteria to proceed past early screening, and
- b) an order allowing the decisions above to be considered in a single judicial review.

3. The grounds for the application are:

- a) On the 12th January 2021, Justice Shore distributed inappropriate comments about the Applicant to every judge in the Toronto Superior Court and made similar comments in court documents.
- b) It is these inappropriate comments that formed the basis of the complaint against Justice Shore.

- c) Over a year later Justice McWatt removed the comments from court records and prevented any judge who received the email from adjudicating the matter. In that Justice Shore had ordered the matter to proceed to an uncontested trial without the appeal and Justice Steele, who had received Justice Shore's email, adjudicated the uncontested trial.
- d) The complaints against Justice McWatt and Justice Morawetz stem from their failure to act in a more timely manner rather than waiting over a year.
- e) Under Part III(B) of the Ethical Principles for Judges, it states "*Judges perform all judicial duties, including the delivery of reserved judgments, with punctuality and reasonable promptness, having due regard to the urgency of the matter and other special circumstances.*". It further states under Part IV(B) that "*Judges refrain from discriminatory behaviour. They disassociate themselves from and disapprove of offensive or discriminatory comments or conduct by court staff, counsel or any other person involved in judicial proceedings.*".
- f) Ms Carado failed to understand the nature of the complaint falsely stating it related to the assigning of judges.
- g) On the 15th September 2022, the Applicant to provided further submissions in support of his complaint, after being invited to do so by the CJC however, these submissions were completely ignored by Ms Corado. Based on the evidence recited in her letter, she did not consider these supplementary submissions in any capacity contrary to the principles of audi alteram partem and natural justice principle.

- h) Mr Giroux failed to understand the nature of the complaint falsely stating it related to determinations of a case management judge the assigning of judges and did not involve conduct.
- i) This is in addition to Jacqueline Carado stating that a judge "*has the discretion to comment and ask questions on the evidence and the submissions presented*" in her original decision in CJC File 22-0221.
- j) The Applicant to provided further submissions in support of his complaint, after being invited to do so by the CJC however, these submissions were completely ignored by Ms Corado. Based on the evidence recited in her letter, she did not consider these supplementary submissions in any capacity contrary to the principles of audi alteram partem and natural justice principle.
- k) The complaints all stem from the same facts, an email and case notes containing inappropriate comments written by Justice Shore and pursuant to Vennat v. Canada (Attorney General), 2006 FC 55, to save time and resources the separate decision should be heard in one judicial review.
- l) The CJC has previously relied on a letter from 17th December 2019 allegedly sent the Applicant but refused to provide a copy of the letter or prove it was sent.
- m) This judicial review is made under s18.1(1) of the Federal Courts Act

4. This application will be supported by the following:

- a) original complaint against Justice Morawetz, supplementary submissions and decision letter;

- b) original complaint against Justice McWatt, supplementary submissions and decision letter;
- c) original complaint against Justice Shore, supplementary submissions, review request and decision letters;
- d) additional correspondence between the Applicant and the Canadian Judicial Council, and
- e) any other such relevant document that is necessary and accepted by the court.
- f) Judges Act
- g) Federal Courts Act
- h) Federal Courts Rules
- i) Canadian Judicial Council Inquiries and Investigations By-laws
- j) Canadian Judicial Council Procedures for the Review of Complaints or Allegations About Federally Appointed Judges
- k) Ethical Principles for Judges

5. The applicant requests that the Canadian Judicial Council send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Canadian Judicial Council to the applicant and to the Registry:

- a) a copy of the original complaints;
- b) a copy of all emails, letters or other correspondence, sent or received by the the Canadian Judicial Council, internally or externally, regarding the matters subject to this review, and

- c) a copy of all records regarding the Applicant including the letter from 17th December 2019.

28th January 2023

Adan McIntosh

Adan McIntosh

adanmcintosh@yahoo.com