

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Martin v. Riley*,
2023 BCSC 1607

Date: 20230829
Docket: S224058
Registry: Victoria

Between:

Maria Melane Martin

Plaintiff

And

Gillian Riley

Defendant

Before: The Honourable Justice G.C. Weatherill

Oral Reasons for Judgment

In Chambers

The plaintiff, appearing in person:

M. Martin

Counsel for the Defendant:

B.J. Cabott
S.M. Gallagher

Place and Date of Hearing:

Victoria, B.C.
August 29, 2023

Place and Date of Judgment:

Victoria, B.C.
August 29, 2023

[1] **THE COURT:** There are two applications before me.

[2] The first is the application of the defendant filed July 27, 2023 for the following orders:

- a) that the plaintiff's notice of civil claim filed in this action be struck out pursuant to Rule 9-5(1) of the *Supreme Court Civil Rules*;
- b) a declaration that the plaintiff is a vexatious litigant;
- c) an order pursuant to s. 18 of the *Supreme Court Act*, R.S.B.C. 1996, c. 443 that the plaintiff is prohibited from initiating a legal proceeding in any court and filing materials in an existing legal proceeding in any court without leave of the court; and
- d) special costs of this action and this application.

[3] The second is the July 19, 2023 application filed by the plaintiff, which, as best as I can discern, seeks judgment in this action against the defendant for \$1.5 million.

[4] As there is no need to hear the plaintiff's application if the defendant's application succeeds, I heard the defendant's application first.

[5] The factual background, including the history of the numerous other proceedings brought by the plaintiff in various court registries of this province, is set out in detail in the defendant's notice of application and there is no need to repeat it here.

[6] In this Victoria proceeding, the plaintiff essentially claims that the court orders filed in the Chilliwack proceeding dismissing her claim in that proceeding were fraudulent, because the court order was digitally signed by Justice Kirchner of this court who dismissed the claim.

[7] I have read the materials filed in support of the defendant's application, as well as the materials filed by the plaintiff in response. I have listened to the submissions of counsel for the defendant and to the submissions of the plaintiff, Ms. Martin. I recognize that Ms. Martin is a self-represented litigant, but her

submissions can only be described as rambling and without a modicum of substance.

[8] The plaintiff's action taken in the Victoria Registry is, by any measure, frivolous, vexatious, and an abuse of process of the court. It is bound to fail. I agree with the written and oral submissions of counsel for the defendant in their entirety. All of the orders sought by the defendant in her notice of application are granted, including the orders that there be special costs awarded against Ms. Martin, and an order that she be declared a vexatious litigant.

[9] What that means, Ms. Martin, is that henceforth, you may not institute any legal proceedings in any court within this jurisdiction without leave of the court. You have had numerous awards of costs made against you; you have not paid any of them. I am awarding special costs because, in my view, your conduct in bringing this proceeding is reprehensible; making allegations of fraud without any foundation whatsoever.

[10] Is there anything else, Mr. Cabott?

[11] CNSL J. CABOTT: In my experience, a term of the order that could go is that a copy of the order be sent to all Supreme Court registries in the province, so I would ask that that be made a term of the order. I am not sure if the registries have, frankly, the resources to do anything with it, but I would ask that it be made.

[12] THE COURT: I will make that as part of the order.

[13] CNSL J. CABOTT: Thank you, Justice. Secondly, I would ask that the requirement for the plaintiff's signature be dispensed with.

[14] THE COURT: I will make that order as well.

[15] CNSL J. CABOTT: Thank you.

[16] MARIA MARTIN: May I ask for clarification on what the counsel is asking as far as --

[17] THE COURT: All right, well, I have made an order that you be declared a vexatious litigant, and so to ensure that the court registries in other jurisdictions, for example, Fort St. John and other registries in this province, are made aware of the order I have just made—namely that you are prohibited from filing any further court proceedings without leave of the court—a copy of this order will be provided to each of the registries in the province, and there are about 26 -- 27 of them.

[18] MARIA MARTIN: So that is what the counsel means [indiscernible].

[19] THE COURT: And in terms of the second order, Mr. Cabott will draft the order I have just made and provide it to me for my review, to make sure it is in the language of the order I have just made. I will then sign it, likely digitally, just so you know, and then --

[20] MARIA MARTIN: So how are we going to ensure that the digital signature is a valid digital signature, and not just text --

[21] THE COURT: Well, every judge of this court signs most orders that are made digitally.

[22] MARIA MARTIN: With no certification?

[23] THE COURT: I am not arguing with you. I am simply telling you what happens. And before the order is signed digitally, the judge vets it, reads it, ensures that it is accurate and proper, and then it is signed digitally by the judge. The judge signs it digitally, nobody else does. And if the order that is sent to the judge for signature digitally does not reflect accurately what the order was made, it is rejected.

[24] So I hope you understand before you make allegations of fraud that such allegations are taken very seriously. You had better have factual basis supporting them before you make them.

[25] MARIA MARTIN: Your Honour --

[26] THE COURT: Yes?

[27] MARIA MARTIN: I can understand -- what am I supposed to do when my software says there is no digital signature of the judge?

[28] THE COURT: I am not arguing with you, Ms. Martin, I am just telling you what happens. All right.

[29] CNSL J. CABOTT: Thank you, Justice.

“G.C. Weatherill J.”