

COURT FILE NUMBER: *F-2193-18*

IN THE FEDERAL COURT OF CANADA

BETWEEN:

DONGMEI YE

AND

THE ATTORNEY GENERAL OF CANADA

AND

HONOURABLE MS. JUSTICE KATHERINE E. SWINTON; MR. JUSTICE PAUL M. PERELL; MR. JUSTICE EDWARD E. GAREAU

AND

CANADIAN JUDICIAL COUNCIL

RESPONDENTS

*ID1*

FILED	FEDERAL COURT COUR FÉDÉRALE	DÉPOSÉ
	DEC 27 2018	
	DEC 27 2018	
	MAVIS GRIFFITH	
TORONTO, ON		/

**NOTICE OF APPLICATION**

(pursuant to ss 18 Federal Courts Act)

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

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 prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where 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: December 27, 2018

**Mavis Griffith**  
**Senior Registry Officer**  
**Agent principal du greffe**

Issued by: \_\_\_\_\_  
(Registry Officer)

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

TO:

Attorney General of Canada  
Department of Justice, Toronto Regional Office,  
First Canadian Place Box 36, Toronto ON M5X 1K6

And to:

Canadian Judicial Council Ottawa, ON K1A 0W8,  
Fax: 613-288-1575

And to:

The honorable Ms. Justice Katherine E. Swinton; Mr. Justice Paul M. Perell; Mr. Justice Edward E. Gareau  
c/o The Ministry of the Attorney General, 720 Bay Street Toronto ON M7A 2S9  
and  
c/o Judges Reception, Superior Court of Justice, Divisional Court, 130 Queen Street West Toronto ON M5H 2N5

## APPLICATION

This is an application for judicial review in respect of the decision dated November 26, 2018 and made by the Executive Director ("ED"), of the Canadian Judicial Council ("CJC"), Mr. Norman Sabourin. The ED concludes that Applicant's complaint against the Judges of the panel does not warrant CJC's consideration because the complaint falls within the scope of Section 5(b) as it does not involve the judges' conduct.

**The applicant makes application for:**

1. Declaration that CJC decision is wrong;
2. An order of certiorari quashing the CJC decision;
3. An order of mandamus returning the matter to CJC and requiring CJC to investigate and refer the matter to the Committee for consideration on the merits of the complaint in accordance with the direction and declarations of this Court;
4. Costs of this application;
5. Such further and other relief as this Court deems just.

**The grounds for the application are:**

1. Complaint is about judicial misconduct, not the decision;
2. Judicial misconduct includes judicial decision-making according to past CJC cases and CJC's own Guide to judicial misconduct, the ethical principles for Judges.
3. Refusal to exercise its jurisdiction is an error in law.

**This application will be supported by the following material:**

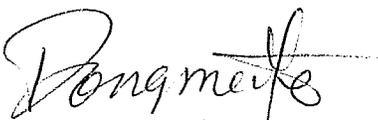
1. Applicant's complaint to CJC via emails;
2. Any additional materials that may exist from CJC through rules 317 and 318;
3. A memorandum of fact and law;
4. Such further evidence as applicant may advise and this Court permit.

The applicant requests CJC to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the CJC to the applicant and to the Registry:

1. A copy of any and all document, memos, electronic or others, with respect to the complaint, investigation, if any, and decision at the CJC with respect to the complaint, except to the content clearly privileged.
2. A copy of the CJC's entire files with the CJC touching upon the decision the subject of which within judicial review, except to the content clearly privileged.

Date: December 27, 2018

Applicant: Dongmei Ye



9 Winstanly Crescent Scarborough ON M1B 1N3  
Tel: 519-805-4080

COURT FILE NUMBER:

FEDERAL COURT OF CANADA  
D. Ye

BETWEEN:

DONGMEI YE

APPLICANT

AND

THE ATTORNEY GENERAL OF CANADA

AND

HONOURABLE MS. JUSTICE KATHERINE E. SWINTON;

MR. JUSTICE PAUL M. PERELL;

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RESPONDENTS

### NOTICE OF APPLICATION

(pursuant to ss 18 Federal Courts Act)

Dongmei Ye

9 Winstanly Crescent Scarborough ON M1B 1N3

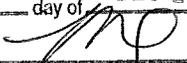
Tel: 519-805-4080

I HEREBY CERTIFY that the above document is a true copy of the

original issued out of / filed in the Court on the \_\_\_\_\_

day of DEC 27 2018 A.D. 20 \_\_\_\_\_

Dated this \_\_\_\_\_ day of DEC 27 2018 20 \_\_\_\_\_

  
**Mavis Griffith**  
Senior Registry Officer  
Agent principal du greffe