Court of King's Bench of Alberta

Citation: ATB Financial v 1719091 Alberta Ltd, 2024 ABKB 461

Date: 20240730
Docket: 2203 12106
Registry: Edmonton

Between:

ATB Financial

Applicant / Plaintiff

- and -

1719091 Alberta Ltd, Clearwater Radiator Inc, Edgewood Products Inc, and Michael David Coe

Respondents / Defendants

Memorandum of Decision
of Associate Chief Justice
K.G. Nielsen

I. Introduction

[1] This Memorandum of Decision responds to an Application by ATB Financial (ATB) that 1719091 Alberta Ltd, Clearwater Radiator Inc, Edgewood Products Inc, and Michael David Coe (Mr. Coe), collectively the Defendants, are subject to court access restrictions pursuant to *Judicature Act*, RSA 2000, c J-2 ss 23-23.1. As I understand it, the three corporate Defendants are owned by Mr. Coe. While at one point Mr. Coe was represented, he now is functionally directing the Defendants' litigation as a self-represented litigant.

[2] This Application first came before the Court on May 14, 2024 before Michalyshyn J. At that point Michalyshyn J granted a property-related Order, but referred the court access restriction component and "vexatious litigant" declaration Application to myself as the Administrative Justice for the Court of King's Bench of Alberta who responds to abusive litigation and litigants in northern Alberta.

[3] On May 21, 2024 I by letter instructed the parties that the *Judicature Act* ss 23-23.1 Application would be conducted on a document-only basis, following this Court's usual practice (***Unrau v National Dental Examining Board***, 2019 ABQB 283 at para 565 (***Unrau #2***)), and that:

> 1) The Parties have until June 7, 2024 to deliver to my office any written submissions and/or Affidavit evidence in relation to whether Mr. Coe should be subject to court access restrictions; and
>
> 2) Reply submissions and/or Affidavit evidence, if any, should be delivered to my office by June 21, 2024.

[4] These deadlines have passed. The only materials received by the Court was ATB's Application, Written Argument, and Affidavit Evidence. Mr. Coe and the other Defendants have not responded to or participated in this process.

[5] This Memorandum of Decision provides the reasons for this Court's conclusion that Mr. Coe and the other Defendants should be subject to a more limited scope *Grepe v Loam* Order (from ***Grepe v Loam***, (1887) 37 Ch D 168 (UK CA) and payment into Court of security for costs and against litigation misconduct, rather than court access restrictions pursuant to *Judicature Act* ss 23-23.1.

II. Background

[6] Some background to this litigation is necessary to appreciate the context and basis of this Memorandum of Decision. In this review I will at certain points make findings of fact and law concerning documents and arguments advanced by Mr. Coe on behalf of himself and the other Defendants.

[7] On August 9, 2022 ATB filed a Statement of Claim that sought to collect somewhat less than $1.5 million in debts owed by 1719091 Alberta Ltd (Lawsuit). That debt was secured against an industrial real property that had been fixtured for marijuana production (the Building), and was also guaranteed by Clearwater Radiator Inc, Edgewood Products Inc, and Mr. Coe, personally. The debt was not initially challenged by the Defendants. Instead, the Defendants were Noted in Default on November 8, 2022 and a Consent Judgment was granted by Applications Judge Summers on December 16, 2022. Neither step has been appealed.

[8] ATB applied to foreclose and sell the Building on January 9, 2023. A Redemption Order was issued by Applications Judge Smart on February 22, 2023. Mr. Coe participated in this process, but was then self-represented. By this point Mr. Coe deployed Organized Pseudolegal Commercial Argument (OPCA) (***Meads v Meads***, 2012 ABQB 571 (***Meads***)) strategies. OPCA ideas sound like law and use legal terminology and references, but are universally rejected by Canadian Courts as legally false non-law. OPCA schemes are typically applied to evade income tax, as a "get out of jail free card", to attack government and institutional actors, or as a way to purportedly nullify debts and get free money: ***Unrau #2*** at para 178. Employing pseudolaw is

always an abuse of Court processes, and warrants immediate Court response: ***Unrau #2*** at paras 180, 670-671.

[9] ATB received several OPCA documents. The first was a "Money Order" that purported to pay ATB $1,732.986, with the Canada Revenue Agency as the source of the funds. The Money Order states the "issuer" is Mr. Coe's Social Insurance Number, while the "acceptor" is Mr. Coe's Alberta birth documentation number. The second document, titled "payment", had much the same text, but purported to transfer to ATB $1,949,609. These purported debt payments were rejected by ATB. The Court is familiar with this OPCA strategy. This is an "Accept For Value" or "A4V" scheme, in which governments purportedly operate secret bank accounts linked to birth documentation. Pseudolaw promoters, "gurus", teach that with special documents and declarations these hidden funds can be accessed and used to pay debts and obtain "money for nothing": ***Meads*** at paras 531-543.

[10] On March 24, 2023 Mr. Coe wrote Counsel for ATB and deployed a different pseudolaw scheme, that "lawful money" does not exist, and instead only worthless "fait currency" is issued by the Canadian government:

> In consideration that only fiat money exists in circulation with which to discharge debt and in order to facilitate lawful commercial transactions and in order to lawfully engage in commerce within and/or near the jurisdiction of the ATB Financial, use of a promissory note is necessitated.

[11] This time Mr. Coe sent to ATB a March 24, 2023 "Promissory Note" from Vanessa Amy Landry (Ms. Landry) that promised she would pay ATB's debt at a rate of $200 per month. Ms. Landry is well known to this Court as having collaborated with Freeman-on-the-Land OPCA promoter/guru Dean Clifford in a mortgage elimination money for nothing scheme in which Ms. Landry claimed in the Court of King's Bench of Alberta to pay very large mortgage debts with one ounce of silver: ***Scotia Mortgage Corporation v Landry***, 2018 ABQB 856; court access restrictions imposed 2018 ABQB 951.

[12] Next, Mr. Coe on May 4 and May 19, 2023 applied for and then appealed that the Court unwind the foreclosure process, and cancel the outstanding debt, citing the *Bills of Exchange Act*, RSC 1985, c B-4. Mr. Coe complained that ATB had wrongly rejected "... all offers to settle this matter ...", apparently arguing that the Landry promissory note paid all debts. This dispute was then scheduled for a Special Chambers hearing that was heard on February 28, 2024 by Teskey J.

[13] ATB's materials include the transcript of this proceeding. Mr. Coe engaged in stereotypic OPCA litigant behaviour, such as declaring he was making a "special appearance" (a US-legal term for appearing in Court but only to reject the Court's jurisdiction) and to direct the Court:

> ... for failure fiducial duty and settle all accounts as trustee per the bill of complaint in equity which I have presented to this court and recognize my right as subrogation for this matter.

Politely, this statement is legal-sounding gibberish.

[14] Mr. Coe continued to argue he had paid for his debt three-fold by sending ATB the A4V documents and Landry promissory note. Mr. Coe claimed his payment was from his "Trust". That obviously is Mr. Coe's imaginary A4V government-operated bank account:

> Well, this trust has been set up through your birth certificate, through your number on your birth certificate, and every time you are in court, or incarcerated, or made a ward of the court, or through a bank loan, or through any of this stuff, they access your trust, and I know this. I am not stupid and I want what is actually mine. I come for -- for -- in front of you today to let you know that I am of the age of majority. I have not abandoned any of my securities. I am of sound mind and I'm -- I'm done with the act. I'm actually done with the crimes that have been committed and the harm that has been put forth in front of me for years, and years, and years, and years, and years. ... So, I am looking for relief. I'm looking for just cause for the harm that's being done and I'm looking for my trust that legally is mine because I am of the age of majority and of sound mind.
>
> ... Well, it's calculated many ways. There -- there is so much in this trust. They trade my name on the market. They trade my social insurance number.
>
> ... I have looked it up and I have been traded in over 280 countries through my social insurance number. Anytime, of course, -- anytime through any kind of legal system, or legal ID, whether it is your driver's licence, a credit card, CRA, into the bank, anything to do with all caps -- that is the other thing. When I filled out these applications that is not how I spelt my name. ...

[15] Mr. Coe also explained that the money that ATB had "loaned" him was actually his own trust money which was then fraudulently presented to him as money that belonged to the lender. Mr. Coe also argued that ***Bank of Canada v Bank of Montreal***, [1978] 1 SCR 1148 means that delivery of a promissory note, in itself, had repaid the funds loaned by ATB: "a promise to pay a sum certain in money is itself money". Mr. Coe also stated that he had sent a "fee schedule" to ATB and Counsel for ATB that set the amount Mr. Coe must be paid whenever Mr. Coe is contacted by ATB and/or Counsel for ATB.

[16] Teskey J dismissed Mr. Coe's appeal with oral reasons, concluding:

> ... While Mr. Coe tells me that he doesn't subscribe to the OPCA legal principles that are often articulated in Meads and the case of Boisjoli, what I have heard this afternoon is largely just a rote repetition of most of that pseudolegal philosophy that has had no bearing in the court and has been soundly rejected. ...
>
> ... what we have heard today is largely just a rote repetition of these sorts of theories engaging conspiracy theories, non-legal reasoning, a lack of evidence with respect to this matter. I rely entirely on the comments of Justice Rooke in Boisjoli and find that there was absolutely no basis to this appeal. I dismiss it summarily for the reasons largely that are to Boisjoli.

[17] Teskey J awarded solicitor-client costs against Mr. Coe. While Mr. Coe post-judgment indicated he would then appeal Justice Teskey's decision to the Supreme Court of Canada, no appeal steps have apparently been taken by Mr. Coe up to this point, though on April 5, 2024, Mr. Coe wrote to Counsel for ATB alleging the February 28, 2024 Special Chambers appeal was a crime, and "[a]ny and all Actions against me will be submitted into the criminal investigation."

[18] I draw several conclusions from the documentary record provided by ATB. First, I agree with and adopt the conclusion of Teskey J in rejecting Mr. Coe's debt elimination strategies as being well-known and long rejected pseudolaw concepts, including A4V and the "promissory

notes are cash" claim. Mr. Coe's arguments are an abuse of the Court and ATB: ***Unrau #2*** at paras 180, 670-671.

[19] Another key conclusion is that Mr. Coe in his materials is invoking Strawman Theory, the commonplace pseudolaw concept that Mr. Coe has two aspects, a "flesh and blood" human, and a legal, non-corporeal "Strawman" that was created by birth documentation. The usual way to distinguish the two halves is the Strawman's name is in all capital letters, "MICHAEL DAVID COE". Mr. Coe clearly references this duality and naming convention. Strawman Theory is so notoriously false that anyone who employs Strawman Theory is presumed in law to do so in bad faith, and for abusive, ulterior purposes: ***Fiander v Mills***, 2015 NLCA 31 at paras 37-40; ***Rothweiler v Payette***, 2018 ABQB 288 at paras 6-21; ***Unrau v National Dental Examining Board***, 2019 ABQB 283 at para 180. I draw that *prima facie* inference in relation to Mr. Coe.

[20] Mr. Coe also states he is claiming to unilaterally impose charges and penalties upon others via a "fee schedule". The OPCA fee schedule penalty scheme employed by Mr. Coe has been consistently rejected and condemned by Canadian Courts as a form of illegal intimidation: e.g., ***Meads*** at para 527; ***Fearn v Canada Customs***, 2014 ABQB 114 at para 199; ***Bank of Montreal v Rogozinsky***, 2014 ABQB 771 at para 78; ***Gidda v Hirsch***, 2014 BCSC 1286 at para 84; ***R v Sands***, 2013 SKQB 115 at para 18; ***R v Boxrud***, 2014 SKQB 221 at para 46; ***Re Boisjoli***, 2015 ABQB 629 at paras 58-69; ***Allen Boisjoli Holdings v Papadoptu***, 2016 FC 1260; ***Pomerleau v Canada Revenue Agency***, 2017 ABQB 123 at para 135; ***Canadian Imperial Bank of Commerce v McDougald***, 2017 ABQB 124 at para 28; ***Gauthier v Starr***, 2016 ABQB 213 at para 39, aff'd 2018 ABCA 14; ***Re Gauthier***, 2017 ABQB 555 at paras 65-66, aff'd 2018 ABCA 14; ***Potvin (Re)***, 2018 ABQB 652 at paras 79-80; ***Knutson (Re)***, 2018 ABQB 858 at paras 61-62, Court access restricted 2018 ABQB 1050 at para 18; ***DKD (Re) (Dependent Adult)***, 2018 ABQB 1021 at para 14; ***Labonte v Alberta Health Services***, 2019 ABQB 41 at paras 22-26; ***CP (Re)***, 2019 ABQB 310 at para 29; ***Portincasa v Taylor***, 2022 ABQB 451 at para 12; ***Royal Bank of Canada v Anderson***, 2022 ABQB 525 at para 36; ***Behr v Behr***, 2024 ABKB 394 at paras 7-8.

[21] However, I also note that the record before the Court shows that Mr. Coe's abusive litigation activities have not expanded outside the debt collection and foreclosure proceeding, and one Court of King's Bench of Alberta appeal. No additional parties have been targeted by litigation. Mr. Coe has not initiated retaliatory lawsuits and/or applications. Instead, Mr. Coe has operated "defensively" inside the current action. While there is no question that Mr. Coe has, as the active Defendant in this proceeding, engaged pseudolaw concepts and strategies, he has done so in a comparatively narrow manner, especially when compared with other persons who have deployed these non-law concepts.

III. ATB's Argument

[22] Counsel for ATB argues that the Defendants should be designated as vexatious litigants, and subject to court access restrictions pursuant to *Judicature Act* ss 23-23.1 or under the Court's inherent jurisdiction. ATB traces through the events in the Lawsuit. ATB highlights that the Defendants (operationally meaning Mr. Coe) have repeatedly deployed pseudolaw arguments with the intention of defeating ATB's debt enforcement litigation.

[23] ATB points to ***Unrau #2*** for setting the test that court access restrictions should be imposed, when "... it is reasonably foreseeable that the Defendants will plausibly engage in

litigation misconduct that extends outside the existing legal proceedings." ATB notes Mr. Coe (for the Defendants) has repeatedly used legally ineffective arguments and techniques that purportedly pay off his debt. Case law such as ***Meads***, ***Re Boisjoli***, and ***Canadian Imperial Bank of Commerce v McDougald*** specifically reject the money for nothing, A4V, and promissory note claims made by Mr. Coe. Teskey J has already found that Mr. Coe's arguments were baseless pseudolaw claims, and an abuse of the Court and ATB.

[24] Counsel for ATB stresses that after the unsuccessful appeal before Teskey J that the Defendants have still not cooperated with the judicial sale of the Building, and, instead, in correspondence to ATB reject any outstanding debt. ATB concludes that the Defendants satisfy the criteria for a vexatious litigant designation by persistently re-litigating issues, conducting hopeless, repetitive proceedings, making unsubstantiated allegations of conspiracy and misconduct, and engaging in inherently abusive OPCA litigation and arguments.

IV. The Law

[25] The current approach by the Court of King's Bench of Alberta to when this Court may impose prospective court access restrictions pursuant to *Judicature Act* ss 23-23.1 was recently confirmed by the Court of Appeal of Alberta in ***Weidenfeld v Alberta (Minister of Seniors, Community and Social Services)***, 2023 ABCA 353. Guiding principles include:

1) whether or not a person should be subject to prospective litigation gatekeeping pursuant to *Judicature Act* ss 23-23.1 is a backwards looking exercise that focuses on the record of the abusive litigant(s);

2) that record may include activities in other jurisdictions and before tribunals;

3) litigation and litigant management steps require the Court to identify certain forms of abusive activity itemized in *Judicature Act* s 23(2) and detailed in case law such as ***Unrau #2***;

4) abusive litigation conduct must be "persistent", which means multiple examples of abusive conduct;

5) when evaluating whether court access restrictions should be imposed "focused" evidence is required, rather than "... an encyclopedia of every last detail about the litigant's litigation history ..."; and

6) court access restrictions are a "last ditch" step that may only be imposed after other litigation management approaches have failed, and when less intrusive alternatives, such as case management, are ineffective.

V. Analysis

[26] Here the facts are not in dispute. The record provided by ATB provides a clear basis to conclude that Mr. Coe has engaged OPCA money-for-nothing and debt elimination strategies. Mr. Coe's use of Strawman Theory concepts creates a presumption of bad-faith ulterior motive conduct. Mr. Coe has done nothing to refute that.

[27] Instead, in his May 19, 2023 Affidavit and at the February 28, 2024 appeal before Teskey J, Mr. Coe denied he is an OPCA litigant, citing ***Meads***. So Mr. Coe has had the opportunity to educate himself about pseudolaw and how Canadian Courts unambiguously and consistently

reject these non-law ideas. I also put special emphasis on the fact that in his promissory note scheme Mr. Coe is working with Ms. Landry, a known OPCA malefactor who in collaboration with a pseudolaw guru has engaged in attempts to defraud lenders and frustrate Court processes. I conclude, on a balance of probabilities, that Mr. Coe is a participant in a broader OPCA-based enterprise or endeavor with a financial basis and objective: to use pseudolaw non-law to get money, eliminate debt, and/or frustrate debt collection.

[28] All that said, ATB has not identified a basis for a *Judicature Act* ss 23-23.1 "vexatious litigant" court access restrictions Order. The issue is that Counsel for ATB has not cited and followed the test applied in Alberta to determine whether or not a person should be prohibited from initiating future hypothetical litigation, except with leave of the Court. Instead, the principles that govern that step were set by Slatter JA in ***Jonsson v Lymer***, 2020 ABCA 167 (***Lymer***) that delineates when this Court may impose a prospective leave requirement for future lawsuits. Only past bad conduct may be considered. Any limit must be set narrowly. All alternative litigation and litigant management steps must be first attempted and fail, or are invalid, before "vexatious litigant" status can be assigned and prospective litigation management engaged.

[29] Simply put, ATB's Application does not satisfy those criteria. Mr. Coe's problematic OPCA litigation has remained restricted to "defensive" steps and one appeal. Mr. Coe has no record of conducting repeated persistent litigation that involves anyone. Counsel for ATB argues that persons who employ OPCA strategies are known to engage in wide-spanning abusive litigation. While some do engage OPCA strategies on an ideological and/or political basis that could predict future bad and abusive litigation conduct, others do not. Academic investigation of pseudolaw litigants has identified a second non-ideological subpopulation of "mercenaries" who abandon pseudolaw once these ideas are identified as false and/or ineffective: Donald J Netolitzky, "A Ride With My Best Friend: The Fiscal Arbitrators Pseudolaw Tax Evasion Scheme, Recruitment, and Litigation" (2023) 6 International Journal of Coercion, Abuse & Manipulation, online: *Researchgate* <www.researchgate.net/publication/370057535_A_Ride_With_My_Best_Friend_The_Fiscal_Arbitrators_Pseudolaw_Tax_Evasion_Scheme_Recruitment_and_Litigation>; Donald J Netolitzky, "Lawyer and Court Representation of Organized Pseudolegal Commercial Argument [OPCA] Litigants in Canada" (2018) 51(2) UBC L Rev 419.

[30] Beyond that, the law in Alberta is that the only valid evidence to predict future bad Court conduct is a record of *historic* bad conduct. To be explicit, ***Lymer*** is a binding authority on this Court that directs, for example, that if Mr. Coe were to sue ATB without any legal basis, then that alone would not be a basis for *Judicature Act* ss 23-23.1 court access restrictions. That would not be "persistent", and no history of that bad conduct exists. Pursuant to ***Lymer***, Mr. Coe would have to initiate the same lawsuit against ATB, repeatedly, before ground criteria would exist for the Court to limit Mr. Coe's right to initiate litigation.

[31] In my May 21, 2024 letter I requested submissions on whether a more limited common law inherent jurisdiction *Grepe v Loam* order would be appropriate to manage Mr. Coe and the other Defendants. The authority for and scope of *Grepe v Loam* orders was reviewed in ***Unrau #2*** at paras 344-352. This category of court access restrictions operates "inside" an existing legal action, and may limit and/or control a litigant's actions in a flexible manner to address litigation misconduct: ***Unrau #2*** at para 346. Here the issue is Mr. Coe is taking illegitimate OPCA-based steps intended to frustrate ATB's attempts to collect on its Default and Consent Judgments. Mr.

Coe's deploying Strawman Theory creates the presumption Mr. Coe is acting on bad-faith bases and for an ulterior purposes, which obviously here is to get the Building for free. What reinforces that conclusion is Mr. Coe is:

1) aware of and referenced the Court's jurisprudence that rejects OPCA concepts and strategies; and

2) is collaborating with a larger debt elimination/money-for-nothing network or group.

[32] Given these factors, I order that Mr. Coe and the other Defendants are prohibited from initiating any applications, appeals, or other processes in the Court of King's Bench of Alberta *ATB Financial v 1719091 Alberta Ltd*, Action No. 2230 12106 lawsuit, except in which the Defendants have first obtained leave of the Court to take that step:

1. To commence an appeal, application, or other process in the Court of King's Bench of Alberta *ATB Financial v 1719091 Alberta Ltd*, Action No. 2230 12106 proceeding, 1719091 Alberta Ltd, Clearwater Radiator Inc, Edgewood Products Inc, and/or Michael David Coe must first submit an Application to the Chief Justice or Associate Chief Justice, or his designate. If such an Application is made:

   (i) The Chief Justice or Associate Chief Justice, or his designate, may, at any time, direct that notice of an Application to commence an appeal, application, or process be given to any other person;

   (ii) Any Application shall be made in writing;

   (iii) Any Application to commence any appeal, application, or process must be accompanied by an Affidavit:

   a) Attaching a copy of the Order arising from this Memorandum of Decision that restricts 1719091 Alberta Ltd, Clearwater Radiator Inc, Edgewood Products Inc, and/or Michael David Coe's participation in Court of King's Bench of Alberta *ATB Financial v 1719091 Alberta Ltd*, Action No. 2230 12106;

   b) Attaching a copy of the appeal, application, or process that 1719091 Alberta Ltd, Clearwater Radiator Inc, Edgewood Products Inc, and/or Michael David Coe proposes to issue or file;

   c) Deposing fully and completely to the facts and circumstances surrounding the proposed appeal, application, or process, so as to demonstrate that the proceeding is not an abuse of process, and that there are reasonable grounds for it;

   d) Undertaking that, if leave is granted, the authorized appeal, application, or process, the Order granting leave to proceed, and the affidavit in support of the Order will promptly be served on the Respondents; and

   e) Undertaking to diligently prosecute the proceeding;

   (iv) The Chief Justice or Associate Chief Justice, or his designate, may:

a) Require the Applicant for leave, or the Court on its own motion, to give notice of the proposed claim or proceeding and the opportunity to make submissions on the proposed claim or proceeding, if they so choose, to:

(1) the involved potential parties;

(2) other relevant persons identified by the Court; and

(3) the Attorneys General of Alberta and Canada;

b) Respond to and dispose of the leave Application in writing; or

c) Hear and dispose of the leave Application in open Court;

2. An Application that is dismissed may not be made again, directly or indirectly;

3. An Application to vary or set aside this Order must be made on notice to any person as directed by the Court.

[33] This Court has recently in ***Bonville v President's Choice Financial***, 2024 ABKB 356 at paras 11-32 (***Bonville***) concluded that a different litigation and litigant management approach is necessary where the Court is confronted with "for profit" OPCA litigation schemes that exploit Court processes. These are scams in which persons advertise on the Internet that they have secret techniques that will eliminate debt. That leads to an array of different but centrally coordinated litigants entering into the Court apparatus, using parallel techniques and documents, but in separate litigation processes. As I observed in that case at para 13: "This litigation debt elimination business is the proverbial hydra with many heads, sprouting from a body that is out of reach." Litigation and litigant management steps that have been used historically to manage abusive litigation fail when confronted by these "litigation for profit" programs: ***Bonville*** at paras 11-16.

[34] I conclude that Mr. Coe is a participant in one such scheme. The OPCA A4V and promissory note strategies he has engaged have one objective – money – and he is known to be collaborating with Ms. Landry, another individual who has previously been part of these scams that target lenders. Review of the February 28, 2024 transcript of Mr. Coe's appearance before Teskey J makes it very plain Mr. Coe was following a kind of script, what Teskey J called "a rote repetition". As I have previously indicated, Mr. Coe's employing Strawman Theory and its derivative A4V creates a strong negative inference about why he attempted to defeat ATB's claim.

[35] In ***Bonville*** at para 21 and ***Kohut v Royal Bank of Canada***, 2024 ABKB 395 at paras 6, 11 (***Kohut***), I concluded that when an OPCA litigant seeks to pursue a claim to defeat and/or frustrate a debt claim in this manner, then the abusive litigant should be willing to "put their money where their mouth is", to establish they do have a legitimate basis for their action, or to resist debt collection. Here, the debt against Defendants has crystallized, and is no longer in question. Foreclosure and sale were then ordered. Thus, little legitimate remains to be addressed in the Lawsuit.

[36] I therefore in parallel with ***Bonville*** and ***Kohut*** order that the Defendants may not seek leave to initiate steps in Court of King's Bench of Alberta *ATB Financial v 1719091 Alberta Ltd*, Action No. 2203 12106 unless the Defendants first pay to the Clerk of the Court $10,000. This amount represents both:

1) security for costs pursuant to r 4.22 of the *Alberta Rules of Court*, Alta Reg 124/2010, and

2) security against pseudolaw and abusive conduct in the Court of King's Bench of Alberta that injures others and causes injustice, in parallel with ***Royal Bank of Canada v Anderson***, 2023 ABKB 180.

[37] I note that this $10,000 amount is very modest, in comparison to the nearly $1.5 million debt Mr. Coe says never existed, or that has been paid by unorthodox means. If the Defendants' challenge to the Default and Consent Judgments is genuine, then this amount is a very small sum to establish good-faith and sincere intentions.

VI. Conclusion

[38] ATB's Application for a *Judicature Act* ss 23-23.1 Order that declares the Defendants to be "vexatious litigants" is denied. Instead, the Court directs the *Grepe v Loam* Order and security payment precondition indicated above. I direct no costs against either party given this outcome.

[39] Counsel for ATB shall prepare and serve the Order giving effect to this Memorandum of Decision. The Defendants' approval of that Order is dispensed with pursuant to the *Alberta Rules of Court*.

[40] I very strongly recommend Mr. Coe review the case law cited in this Memorandum of Decision, which can be viewed at no cost on the CanLII website. Mr. Coe should also consult with a lawyer certified by the Law Society of Alberta prior to seeking leave to take steps in the Lawsuit. There are large sums involved in this matter, and further OPCA-related misconduct could have very serious negative financial and other consequences for the Defendants.

Dated at the City of Edmonton, Alberta this 30th day of July, 2024.

K.G. Nielsen
A.C.J.C.K.B.A.

Appearances:

Tom Gusa & Kurtis P. Letwin
Dentons Canada LLP
for the Applicant / Plaintiff ATB Financial
(by written submissions)

No one
for the Respondents / Defendants 1719091 Alberta Ltd, Clearwater Radiator Inc, Edgewood Products Inc, and Michael David Coe