



COURT FILE No. *A-138-22*
Court File No. T-871-20

FEDERAL COURT OF APPEAL

BETWEEN:

GARY CURTIS

and

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
FILED	Appellant JUN 28 2022
JENA RUSSELL	
TORONTO, ON	

**THE MINISTER OF EMPLOYMENT, WORKFORCE DEVELOPMENT AND
DISABILITY INCLUSION, EMPLOYMENT AND SOCIAL DEVELOPMENT
CANADA, THE MINISTER OF LABOUR, THE MINISTER OF JUSTICE AND THE
ATTORNEY GENERAL OF CANADA AND THE PRIME MINISTER OF CANADA,
THE BANK OF NOVA SCOTIA, THE PRESIDENT AND CEO OF SCOTIA
MORTGAGE AUTHORITY OF THE BANK OF NOVA SCOTIA, THE PRESIDENT
AND CHIEF EXECUTIVE OFFICER OF THE BANK OF NOVA SCOTIA, THE
BOARD OF DIRECTORS OF THE BANK OF NOVA SCOTIA**

Respondents

NOTICE OF APPEAL

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Appellant.
The relief claimed by the appellant appears on the following page.

THIS APPEAL 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 requested by the Appellant. The Appellant requests that the appeal be heard in Toronto.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the Federal Court Rules and serve it on the appellant solicitor, or when the appellant is self-represented, on the appellant, **WITHIN 10 DAYS** after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION, of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Court 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 APPEAL, JUDGEMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU

June 28, 2022

Issued by: JENA RUSSELL
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Self-Represented Litigant

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the Final Judgement of Justice Elliott (“Final Judgement”) dated June 6, 2022, dismissing the Appellant’s Statement of Claim without leave to amend and dismissing the action against BNS and AGC and an appeal of the cost orders awarded to BNS in the amount of \$3,400 and to the AGC in the amount of \$500., payable by the Plaintiff,

THE APPELLANT ASKS that the appeal be allowed with costs in this Court and the Court below, and that the Final Judgement order of Justice Elliott dated June 6, 2022, and the cost orders of \$3,400 and \$500 be set aside and that the Plaintiff/Appellant’s Statement of Claim be reinstated and granted with leave to amend.

THE GROUNDS OF APPEAL ARE AS FOLLOWS:

1. Rules 27(1)(a) of the *Federal Court Act*
2. Justice Elliott made numerous errors in facts and law, denied procedural fairness, denied judicial fairness, denied jurisdiction and ignored clear evidence that supports the action against all the defendants and took undue delay of 11 month to come to this wrong decision which is way past the time that judges should issue a decision, which is usually in 3 to 4 months, have safely prejudiced the plaintiff rights in this action. There was no justifiable reason why it took 11 months to issue a decision, which should be overturn on this basis a lone, in addition to the numerous errors in facts and law and ignored evidence as well.
3. Justice Elliott erred in facts and law in para 2 of her decision by completely misinterpreting the facts, while Justice Elliott was given cogent evidence which clearly showed that there was no fraud found or proven, in fact the Canada Labour Code conducted its own investigation, which proved that the allegations were false and BNS withdrew it’s allegations of fraud. Justice Elliott was also provided clear evidence that the plaintiff

resigned his position, due to BNS's illegal indefinite suspension without pay, carried out in bad faith, despite BNS' false statement that it 'suspended with pay', forcing the plaintiff to seek employment elsewhere to earn an income. The plaintiff was never paid for the bank's illegal suspension to this day.

4. Justice Elliott erred in that para 3 of her decision, as the Fresh as Amended Statement of Claim which was before her in court, only included the Crown and the Bank of Nova Scotia.
5. Justice Elliott erred in facts and law in para 8 of her decision, as the AGC did not swear and file an affidavit of evidence, so the crown could not argue Rule 221 (1)(a) (c) and (f).
6. Justice Elliott erred in facts and law in para 12 of her decision, as the only claims against BNS were breach of the Canada Labour Code, BNS did not pay me for this illegal suspension and did not pay me for unpaid commissions, severance pay and pensions. BNS Also breach the PIPEDA laws and Canada Human Rights Act and the Charter of Rights and Freedom also
7. Also breached its duty of honest performance.
8. Justice Elliott erred in facts and law in para's 14 to 19 of her decision, as I clearly stated in court on the record and in the Fresh as Amended Statement of Claim, that the claim for Charter of Rights and Freedom were only against the AGC not BNS, so there was no basis for Justice Elliott to state 'both defendants' which was a major error in facts and law for her to do so.
9. Justice Elliott erred in facts and there were no claims sought in the Fresh as Amended Statement of Claim against BNS for Negligence and Breach of Duty of Honest Performance.
10. Justice Elliott erred in facts in para 44 as the plaintiff did show the Justice several documents and cogent evidence to support the charter claim to support the action against the AGC, which she erred by completely ignoring the documents it.

11. Justice Elliott erred in facts in para 45 of her decision as the plaintiff did show examples of intent to injure, interference and significant economic losses, which she ignored in the Fresh as amended Statement Claim, and any deficiencies could be cured through amendments which she erred in not allowing leave to amend against the AGC.
12. Justice Elliott erred in facts and law in para 46 of her decision as the plaintiff did provide particulars to show the abuse of public which she ignored in the Fresh as amended Claim, and any deficiencies could be addressed through amendments which she erred in not allowing leave to amend against the AGC.
13. Justice Elliott erred in facts and law in para 47 of her decision as the plaintiff did provide particulars to show conspiracy which she ignored in the Fresh as amended Claim, and any deficiencies could be cured through amendments which she erred in not allowing leave to amend against the AGC.
14. Justice Elliott erred in facts and law in para 48 of her decision as she was provided examples of BNS illegally banning the plaintiff from the banking industry, the AGC Ministries were aware of this fact and did not sanction BNS but simply allowed BNS to stop the plaintiff from working in the banking industry anywhere in Canada. Justice Elliott erred by not granting leave to the self-represented litigant to address any deficiencies.
15. Justice Elliott erred in facts and law in para 49 of her decision as there were some material facts and particulars to form a defence and/or to grant leave to amend to cure any deficiencies, which she erred in not granting the self-represented litigant leave to amend.
16. Justice Elliott erred in facts and law in para 50-53 of her decision as the plaintiff provided transcripts as evidence to support the Judges state of mind, for both Judge Heneghan and Justice Dow, which clearly showed the state of mind (reasonable apprehension of bias) and shows they misapplied the law which goes to negligence if not abuse of public office. Justice Elliott erred in not allowing the plaintiff to leave to amend to cure any deficiencies.
17. Justice Elliott erred in facts and law in para 54-55 of her decision, as the Crown can be liable for negligent act done by its servants, which was done in the plaintiff case, that the

self-represented litigant could have cured to correct any deficient of facts, which Justice Elliott erred in jurisdiction in not granting leave to amend.

18. Justice Elliott erred in facts in para 56-57 of her decision, as was well aware that the plaintiff only had the Crown and BNS in the Fresh as amended Claim and stated on the record he was not pursuing any action against the Prime Minister in the action but the Justice ignored this and continued to falsely state the plaintiff was seeking this relief.
19. Justice Elliott erred in facts and law in para 58 of her decision as the plaintiff did provide particulars of which Crown servants committed wrongful acts against the plaintiff and provided some material facts and particulars to form a defence, and/or enough facts to grant leave to amend to cure the deficiencies, which she erred in not granting leave to amend.
20. Justice Elliott erred in facts and law in para 59 of her decision as the plaintiff claims against the Minister of Justice and Crown are justified as they represented the CHRC which Pascal Legace of the CHRC denied their duties to accept amendments and did not deal with the amended complaint and did not investigate the matter. There were significant material facts and particulars which Justice Elliott erred in ignoring.
21. Justice Elliott erred in facts and law in 60 to 62 of her decision as the CHRC can not perform the same 40/41 Objection report four (4) times and delay the complaint from moving forward and then six (6) years later did not deal with the Plaintiff's complaint, which the commission had accepted and said it would deal with. There is enough material facts and particulars to form a defence and she erred in Jurisdiction in not granting the self-represented litigant leave to amend.
22. Justice Elliott erred in facts and law in para 63 to 65 in her decision as there were enough facts and particulars that were in no way scandalous, frivolous and vexatious, as there was enough evidence provided to demonstrate a broken and negligent CHRC and Justice System which denied my Charter of Rights for several years. Justice Elliott erred in not granting leave to amend to cure any deficiencies.

23. Justice Elliott erred in facts and law in para 66, as the plaintiff clearly stated in court on the record as well as in the Fresh as amended Claim that the plaintiff was not seeking damages for Charter damages against BNS, but she erred in included this false relief in her decision.
24. Justice Elliott completely erred in facts and law in para 71 of her decision, as the plaintiff clearly stated on the record in court and in the Fresh as amended Claim that he is not seeking Charter damages against BNS, and she erred in mentioning Charter Claims against BNS in her decision.
25. Justice Elliott completely erred in facts and law in para 72 to 75 of her decision, as the Plaintiff was not seeking damages for loss of employment in the Federal Court. The plaintiff was seeking damages against BNS for unpaid suspension, unpaid wages, payment of wages to another employee for work performed by the plaintiff, which were violations of the CLC; that was ignored by CLC, which under the Federal Court jurisdiction. Also, for multiple violations of the Human Rights Act, done to the plaintiff by BNS, which BNS is liable for breaching multiple Federal Laws. Justice Elliott erred in not granting the self-represented litigant leave to amend the claim to cure any deficiencies.
26. Justice Elliott completely erred in facts and law in para 76 and 77 of her decision, as the Case Management Judge ordered that no further steps in the process should occur while the motion to strike was in process; this prevented the plaintiff from filing the Fresh New Claim. Justice Elliott was aware of these fact and simply ignored them and refused the Fresh as amended Claim when it was filed in the Motion materials and should have been considered for the motion.
27. Justice Elliott erred in facts and law in para 78 to 81 of her decision, as there were sufficient material facts and particulars to form a defence, and/or enough facts to from a reasonable cause of action, which Justice Elliott erred by not allowing procedural fairness to the self-represented litigant leave to amend to cure the deficiencies.
28. Justice Elliott erred in facts and law in para 83-85 of her decision, as there were reasonable cause of actions against both defendants, while this court had jurisdiction to rule against

BNS. These actions were deliberately taken outside of the rules of law by the Crown servants. Justice Elliott erred in jurisdiction by not allowing the self-represented plaintiff leave to amend the claim and action to cure any deficiencies against each of the defendants.

29. Justice Elliott erred in para 86-88 as she failed to provide any reasons to support giving BNS such an outrageous amount of cost of \$3,400 against a self-represented litigant and any costs at all to the Crown, which should not be charging costs to the public. Justice Elliott took eleven (11) months to come back with this extremely flawed and prejudicial decision, which exceeds any reasonable length of time and failed to state the reasons for the unreasonable delay in issuing the decision, which has caused severely prejudice the plaintiff and must be set side by this court.

30. Justice Elliott erred and showed no procedural fair since she was provided with clear evidence of that the plaintiff sought consent to remove the other BNS defendants almost nine (9) months before the motion, but nonetheless refused to do so, in order to charge the Plaintiff costs at the hearing. On the basis of these bad faith actions of BNS, they should not get any costs at all.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of this appeal:

- 1) Federal Court Judgement Order of Justice Elliott dated June 6, 2022.
- 2) The CJC Principles of Dealing with a Self-Represented Litigant.
- 3) Such further and other evidence as the plaintiff my advice and this Honourable Court may permit.

Date: June 28, 2022



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