Court of King's Bench of Alberta

Citation: Canadian Imperial Bank of Commerce v Gorna, 2024 ABKB 399

Date: 20240709
Docket: 2301 16135
Registry: Calgary

Between:

Canadian Imperial Bank of Commerce

Plaintiff

- and -

Honorata Gorna also known as Honorata Lidia Gorna also known as Honorata McCabe also known as Honorata Lidia McCabe

Defendant

**Endorsement
of the
Associate Chief Justice
D.B. Nixon**

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[1]   On December 4, 2023, the Plaintiff filed a Statement of Claim. On January 15, 2024, the Defendant filed a Statement of Defence. On January 31, 2024, Counsel for the Plaintiff asked the Court to review the Statement of Defence under Civil Practice Note 7 ("CPN7").

[2]   On June 7, 2024, I issued an AVAP Notice initiating the CPN7 review process for the Statement of Defence, because the Statement of Defence had *indicia* of being frivolous, vexatious, or an abuse of process on its face. Specifically, it appeared to use organized pseudo-legal commercial argument techniques, i.e., referring to the Defendant as a beneficial user and trying to discharge a debt without payment.

[3]   Pursuant to the CPN7 process, the Defendant provided a Written Submission on June 21, 2024.

[4]   I have reviewed the Defendant's Written Submission. I conclude that the Statement of Defence is frivolous, vexatious, and an abuse of process according to r 3.68(2) of the *Alberta Rules of Court*, Alta Reg 124/2010. Simply, the Defendant continues to use organized pseudo-legal argument techniques. As a result, I order the Statement of Defence to be struck pursuant to r 3.68(1) of the *Alberta Rules of Court*.

[5]   Counsel for the Plaintiff will prepare and serve the Order striking the Statement of Defence. The Defendant's approval of that Order is not required per r 9.4(2)(c) of the *Alberta Rules of Court*.

Dated at Calgary, Alberta this 9th day of July, 2024.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

Honorata Gorna – No Appearance

Mark Lieberman – No Appearance
Kronis, Rotsztain, Margles, Cappel LLP
        for the Plaintiff