

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MR.
JUSTICE LEACH

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)
) MONDAY, JANUARY 25, 2016
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BETWEEN:

CRICH HOLDINGS AND BUILDINGS LIMITED
and TERRACORP MANAGEMENT INC.
and STEPHEN KLEIMAN

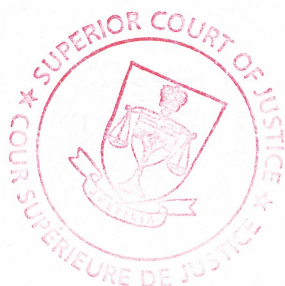
Applicants

- AND -

THE ESTATE of MARY ILENE BECKY
and

JOHN SHANE BECKY, personally,
and as representative of the Estate of Mary Ilene Becky

Respondents



JUDGMENT

THIS APPLICATION made by the Applicants for an order declaring the Respondents to be vexatious litigants, and for other relief, was heard on Monday, January 25, 2016 at London, Ontario.

ON READING the materials submitted by the Applicants for this Application, properly served and filed, **AND ON HEARING** the submissions of counsel for the Applicants and of the John Shane Becky, appearing in his personal capacity and in his capacity of Representative of the Estate of Mary Ilene Becky [the "Respondents"], appearing unrepresented and submitting no materials, the orders detailed below are made.

1. THIS COURT DECLARES THAT John Shane Becky has persistently and without reasonable grounds instituted vexatious proceedings and conducted proceedings in a vexatious manner in the Ontario Superior Court of Justice and the Divisional Court within the meaning of sections 140(1)(a) and (b) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, AND THIS COURT FURTHER DELARES John Shane Becky to be a vexatious litigant pursuant to said section 140.
2. THIS COURT PROHIBITS John Shane Becky either directly or indirectly, from instituting any proceeding or continuing any proceedings previously instituted in any court in Ontario, except and until such time as he has obtained leave pursuant to s. 140(3) of the *Courts of Justice Act* and as provided for in this order.
3. THIS COURT DECLARES THAT the Estate of Mary Ilene Becky and the personal representative of said Estate have persistently and without reasonable grounds instituted vexatious proceedings and conducted proceedings in a vexatious manner in the Ontario Superior Court of Justice and the Divisional Court within the meaning of sections 140(1)(a) and (b) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, AND THIS COURT FURTHER DELARES the Estate of Mary Ilene Becky to be a vexatious litigant pursuant to said section 140.
4. THIS COURT PROHIBITS THAT the Estate of Mary Ilene Becky and the personal representative of said Estate either directly or indirectly, from instituting any proceeding or continuing any proceedings previously instituted in any court in Ontario, except and until such time as they have obtained leave pursuant to s. 140(3) of the *Courts of Justice Act* and as provided for in this order.

5. THIS COURT ORDERS THAT all extent actions, appeals and applications brought by either John Shane Becky or the Estate of Mary Ilene Becky be and are immediately stayed except and until such time as he has obtained leave pursuant to s. 140(3) of the *Courts of Justice Act* and as provided for in this order.
6. THIS COURT ORDERS THAT the Respondents herein shall immediately provide to the lawyer for the Applicants a complete list of all extant actions in which they are parties in the Province of Ontario.
7. THIS COURT ORDERS, without limiting the generality of the foregoing Paragraph 5, THAT
 - 7.1. London Superior Court actions 332/15, 959/15, and 1564/15 be and are stayed;
 - 7.2. London Superior Court action 1372/15 be and is stayed;
 - 7.3. London Superior Court action 4104/14 be and is stayed;
 - 7.4. and Counsel for the Applicants herein shall have a copy of this Order placed in the court files for said actions, and shall have the Court staff mark the stay in their records for that file.
8. THIS COURT DIRECTS THAT any such application for leave shall be in writing and sent by fax or registered mail to the Regional Senior Justice of the Southwest Region (the "RSJSW") *ex parte*, which shall be accompanied by an affidavit that outlines the merits of the proposed proceeding or step, and a copy of this Order. The application and affidavit shall not exceed ten pages in length. The application for leave will be determined by the RSJSW or his or her designate, who will:
 - 8.1. give directions as to service of the application, which shall include service on all Applicants herein, with at least one (1) copy being

- sent to the counsel for the Applicants herein; and
- 8.2. the procedure for determination of the application; or
 - 8.3. dismiss the application.
9. THIS COURT ORDERS THAT should the Respondents herein file material seeking to commence or continue a proceeding or any appeal in any court in Ontario without first filing an entered Order permitting him to do so, the proceeding shall be immediately stayed upon any person filing a copy of this Order in such court.
10. THIS COURT ORDERS THAT no further proceedings will be accepted from the Respondents for filing or scheduling by any court in Ontario without the approval of the RSJSW or his or her designate.
11. THIS COURT ORDERS THAT a copy of this Order be forthwith delivered to the Ontario Court of Appeal and every region of the Superior Court of Justice and Divisional Court.
12. THIS COURT ORDERS THAT costs are to be addressed by written submissions if the parties cannot agree and Applicants wish to pursue the matter of costs. In that regard:
- 12.1. The Applicants are to deliver written costs submissions within two (2) weeks. They are not to exceed five (5) pages, not including any attached Bill of Costs or similar material.
 - 12.2. Mr. Becky is then to have two (2) weeks to deliver any responding written cost submissions similarly limited to five (5) pages, not including any attached Bill of Costs or similar material.
 - 12.3. Applicants shall thereafter one (1) week to deliver any Reply written costs submissions, limited to two (2) pages
 - 12.4. If no costs submissions are received within two (2) weeks, no costs

of the application are ordered.

13. THIS COURT ORDERS THAT the Respondents' approval of this or any other draft order herein be dispensed with.
14. The Applicants are to provide Mr. Becky with a copy of my January 25, 2016 endorsement by mailing it to his P.O. Box.

K. Handman

ORDER ENTERED

JAN 20 2016

4789.

SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT LONDON

JUDGMENT

January 25, 2016

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