Supreme Court file #: 38431
ONCA file: M-48731, M-49002 and M-49082
Divisional Court file: 378-17
Ontario Superior Court file: CV 16-69785

IN THE SUPREME COURT OF CANADA

ON APPEAL FROM: THE COURT OF APPEAL FOR ONTARIO

B E T W E E N:
Ahmed Bouragba, Tarik Bouragba

APPLICANT
(Appellants)

AND

Her Majesty the Queen in right of Ontario Ministry of Education, Denis Chartrand
Ontario College of Teachers, Paul Marshall, Richard Lewko
Conseil Scolaire de District de L'Est de L'Ontario (CSDCEO), Lyne Racine,
Conseil des Ecoles Publiques de L'Est de L'Ontario (CEPEO), Stephane Vachon, Diane Lamoureux, Annie Sicard,
Ottawa Catholic District School Board (OCSB). Norma McDonald,
Ottawa Carleton District School Board Kevin Gilmore,
Ontario Human Rights Tribunal, Genevieve Debane,

RESPONDENTS
(Defendants)

APPLICANTS' REPLY TO THE RESPONDENTS

The position of the Respondents:

1- No respondent has filed a memorandum of argument.
2- The Defendant Human Rights Tribunal is not against the leave to appeal however they reserve their right to participate once leave is granted.
3- All other Defendants are not seeking costs except Defendant Mr. Paul Marshall who is acting in prima facie conflict of interest by representing 8 other defendants while himself is a Defendant represented by the Ontario College of Teachers (College). The College has no legal basis to represent him, as he was not the College's employee. This fact was concealed by all the Courts and by the government of Ontario to maintain high level of systemic judicial conspiracy in this file. Mr. Marshall is taking the case very personal, as he was the reason behind the removal and denial of Tarik's access to education because Tarik's father removed him from the Ontario College of Teachers due to a conflict of interest that lasted 6 years representing school boards and sitting in discipline hearings advising the panel members who make decisions against members of the profession who are coming from his clients (Ontario School Boards) his influence on the education and on the legal system is significant. The Supreme Court is asked kindly to assess his participation as a defendant while representing 8 other defendants and decide if he is in prima facie conflict so Canadian lawyers will not take advantage from his status and act in conflict of interest in future cases.

4- The last Respondent in this application submitted his response on January 03, 2019 and it was from the Ottawa Carleton District School Board (OCDSB), lawyer Mr. Richard Sinclair asserted that the Defendant Mr. Kevin Gilmore was not represented by the OCDSB, this submission was never raised in the last few years, the former lawyer Mr. Roger Mills who is no longer practicing law in Ontario was representing Mr. Gilmore and he never raised this issue in any of his submissions before any court, contrary to this new position, Mr. Gilmore was represented and his name appeared all the time in all OCDSB communications signed by Mr. Mills during all the hearings since 2016, By reading justice Beaudoin's both endorsement (November 01, 2016 and December 13, 2016) it becomes clear that the service was properly done and J. Beaudoin has no excuse to illegally undermine justice Kane's endorsement of September 13, 2016. What was not raised at the hearing cannot be raised at the appeal in 2018-2019.

5- The one systemic and brief traditional response by all Respondents/Defendants was: The application does not have **merit** and **it does not raise issues of national importance.** Despite the extremely serious allegations against the Defendants and against the behavior of Ontario legal system, there was no single explanation or a memorandum of argument.

6- **This case is not about extension of time or about a recusal of a judge who tactically failed to show up in his hearing to clear himself and his court from serious proven allegations of bias and judicial conspiracy. This case is about access to serious, clear and honest justice system free from lobbying and political interference to rebuild public confidence in the Ontario Legal system. It is a public importance case to provide recommendations to eliminate judicial monopoly as J. Beaudoin is the only judge who has the exclusive monopoly to use Rule 2.1 treating the Court as his own private business, this fact is documented in CanLII and recognized by him in one of Rule 2.1 decisions saying that all Rule 2.1 cases come only to him. The immunity of judges and adjudicators in Ontario must be reviewed and limited due to the lack of judicial independence. Immune judge who lacks judicial independence does not deserve immunity. Judges in Ontario are politically influenced. Court judges must not serve in their communities once appointed, judges must move from a location to another based on few years term of office so they don't feel that the Court is their own private business and they do not get influenced externally, the entire justice system must be reviewed seriously and updated to meet today's Canadians' standards and expectations. Today unreported biased or corrupt decisions could be easily published by the social media and communicated effectively.**

7-**The merit of this case:**

The access to public education in one of the top G7 countries for a minor student is a top priority. There is no single case law or an opinion in Canada that does not agree with this fact. It is documented fact that honorable justice Kane from the Ottawa Superior Court allowed an emergency injunction to proceed solely to save the education of Tarik and to uphold public confidence in the public systems. The injunction was allowed on September 13, 2016. If there was no merit J. Kane would not be successful in his legal test and he would reject the injunction. Defendant/lawyer Paul Marshall involved his lobby and his special relationship with Justice Beaudoin who

applied Rule 2.1 to serve injustice, he illegally undermined the injunction when he had zero jurisdiction to interfere while the endorsement of Honorable Justice Kane was still valid. Justice Kane allowed the injunction on September 13, 2016, the Court did not allow any further movement waiting for J.Beaudoin endorsement, J. Beaudoin endorsement came on November 01, 2016, bad faith and bias were additionally proven by keeping the minor student Tarik further out of school. Justice Beaudoin as any other judge in Ontario had no choice but to obey to Mr. Marshall's desire of his personal vendetta against Tarik's father who only removed him from the College due to a serious conflict of interest that lasted 6 years.

When Beaudoin decided that the application had no merit and frivolous and vexatious to justify his wrong use of Rule 2.1 he received our reply on November 15, 2016 so he asked the Defendants to reply but they could not say anything, so they did not reply except the College of Teachers who replied with a page of no value. Despite the fact that the Applicant's reply accused Beaudoin with his inappropriate interference and his contradictions and his actions in concealing all the major and visible facts to save Defendant Marshall, he still was not able to dismiss the action because there was a high merit that no matter how the legal system was biased it could not be hidden. Beaudoin recognized that Tarik was indeed denied access to public education however the political pressure and bias did not allow him to act with judicial integrity as an impartial judge so he invoked an imaginary jurisdiction to temporary stay the action against the best interest of Tarik, J.Beaudoin stayed the action to ensure that the student continues without access to education for another school year, the jurisdiction he pretended to have under Rule 106 was violated by him for the following two reasons:

A) J. Beaudoin missed to apply the legal test when he indicated that he has jurisdiction to stay the civil action. Judges do not have jurisdiction to stay a civil action based on their personal desire without the application of the legal tests. The illegal stay served the interest of Mr Marshall, by attempting to force the applicant to drop the allegations against Defendant-lawyer Marshall so he can continue to act in conflict. The interest of Mr. Marshall's clients was also served by the decision that J. Beaudoin made when he removed Lyne Racine who destroyed the education of Tarik when she illegally removed him from his classroom after one month of successful attendance. The removal was prima facie violation of the Education Act.

B) Beaudoin recognition in his December 13, 2016 endorsement that Tarik was denied access to education means directly that the case was not frivolous, vexatious or an abuse of process so Rule 2.1 had no further effect and it became null and void. J. Beaudoin applied the first automatic stay, which was included in the package of Rule 2.1 power. Rule 2.1 is applicable only in the clearest cases where it must be so obvious that the action is entirely meritless, once Beaudoin did not dismiss the action under Rule 2.1 he must be out of the game and any further engagement would be justified by legal tests and respect of the rules of law, which unfortunately was totally missed. J. Beaudoin knew all of those facts but he chose to disrespect the law because he knew if he had to apply the stay test, Mr. Marshall and his group would fall, as the test to stay requires merit, balance of harm and balance of conveniences, all the three elements are in favour of Tarik to be back in his classroom against the desire of Mr. Marshall and his allies.

8- Justice Beaudoin did not only stay the action illegitimately but he made biased decisions that affected the entire case so his recusal is extremely necessary in order to quash his corrupt decision made in the absence of any hearing, relying on Rule 2.1 that it was not even valid due to the presence of a serious merit in the case which was recognized by him since he failed to dismiss the action, in other words, J. Beaudoin must be disqualified so his corrupt order is also quashed based on his bias as he did choose to not appear and correct his errors and clear himself with his Court, this is an essential step in the proceeding that all appellate courts failed to address properly due to systemic judicial conspiracy and lack of judicial independence in the province of Ontario, hoping that the Supreme Court will look at the case diligently.

9- By reading carefully from page 29 to 31 of the Applicant's memorandum, justice Feldman from the Court of Appeal was not deciding an extension of time request, her decision was above the law, she entirely ignored the Rule of law in deciding an extension of time, she decided a jurisdictional question about a nature of the order made by justice Maranger who conspired with justice Beaudoin and accepted to hear a presumed stayed action about the recusal of Beaudoin due to bias with Mr. Marshall. J. Feldman refused to order costs against the Applicants despite the fact of the request made by the Defendants, she was convinced that the case was corrupt, the recusal motion was outside the scope of the presumed stay but she lacked the judicial independence to serve justice due to Mr. Marshall and Beaudoin extreme influence on the justice system so she exceeded her jurisdiction as a single motion judge and erred in law by ignoring the application of the legal test. J. Feldman also contradicted all case law in deciding an extension of time and mainly she contradicted other decisions about the jurisdiction of a single motion judge from the Court of Appeal in deciding a jurisdiction question. When Justice Macpherson came to correct her errors he was harassed by Mr. Marshall and forced to adjourn the motion because he was not bilingual while Marshall had no issue with J. Feldman who was also not bilingual but she was weak. Mr. Marshall forced the Court of Appeal to appoint justice Pardu who concealed the egregious errors and excess of jurisdiction made by Feldman. J. Pardu was biased with Marshall's lobby and she decided that Feldman did not err, for her action she was rewarded to become the acting chef justice. The panel who came to hear the appeal was also influenced politically as they did not review the errors of the judges and they focused on the nature of the recusal application saying that it was not final, by doing so they contradicted their own court's decision which decided that a recusal application when it was not granted is a final order. See (Currie v. Crown)

10- What is very interesting in this case that the breach of the duties of care by all Defendants was so systemic to unfortunately include the Courts in providing impartial justice under the law. The College of teachers must discipline the violators but he provided them with full immunity and paid for their lawyers, the duty and the mandate of the ministry of education is to ensure the school board are providing education to minor students, the Ministry conspired against the best interest of the student, the Courts must remain impartial according to their mandate and serve the public interest by providing adequate justice but they colluded and protected the corruption instead. What confers the merit in this case is the fact of the systemic blind violations of all Acts and mandates by all the Defendants, the disrespect of the law and the ignorance of the

rules of law, the inconsistencies and the contradictions in law and against jurisprudence for the unique purpose to destroy a minor student's education so he is pushed to be criminal by his own government system that decided to protect corruption on the account of justice.
All the facts are documented and proven by direct evidence therefore no Defendant was able to provide a memorandum of argument in response, as any discussion of the merit will expose the systemic violations and contradictions.
11- The case does not raise only a national importance issue but an international issue due to the violation of the Geneva convention by the government of Ontario. The government of Ontario is the only government who injected resources to fight the education of its minor students. Tarik's case is not the only one due to the systemic corruption in education supported by a biased legal system run by business lobbies against the interest of the children of Ontario and against the interest of justice. Good judges in Ontario are afraid because they are intimidated by the Crown' and corporations' lawyers.
12- A credible articles reported by the Toronto Star investigative unit dated February 2017 under "Government lawyers being terrorized by bully bosses" indicates the existence of an official report confirming a deeply embedded dysfunctional culture at the Ministry of Attorney General, the report also confirmed the abuse of the process by the Crown forcing the Crown's lawyers to change their opinions to please other ministries and political lobbies..)
An international petition was signed by 1000 people in over twenty countries condemning the irresponsible actions of the Ontario ministry of education. J. Beaudoin did not give any weight to the prima facie violation of the Geneva convention in the Applicants' Statement of Claim.
13- Reasons why the leave to appeal should be granted/Ontario Legal system today is known with:
1- The absolute lack of judicial independence in the largest province of Canada raises an issue of national importance, if all the violations took place in the National Capital, the Canadians have a right to worry about the future of their children in the absence of a strong and impartial justice system.
2- Special lawyers allowed and encouraged to act in conflict of interest.
3- Same level Judge undermining another judge's endorsement with no legal basis.
4- Abuse of Rule 2.1 to serve injustice.
5- Systemic Judicial conspiracy and disregard to important merit.
6- Judge acting above the law, disregarding the Rules of law and undermining legal tests.
7- Government institutions acting against their own mandate, violating their own Acts.
8- Judges covering for the mistakes of each other against the interest of justice
9- Judges allowed to order 6 times more costs than what was asked by a party.
10- Judges allowed to excess of their jurisdictions.
11- Judges contradicting all Canadian jurisprudence and case law.
12- Some judges acting in bad faith.
13- Impartial judges are harassed by lawyers and by the Ontario Attorney General office.

14- Judges acting as lawyers against self-represented Canadians by supporting the strongest corporations.
15- Judges violating the principles of costs and undermining Anti-SLAPP legislation (see Ontario College of Teachers v. Bouragba, to silence the Applicant in this action, the government initiated a frivolous and vexatious defamation case asking 200.000$ where no individual Plaintiff was named, Tarik's father used Rule 2.1 to dismiss the action but the Court was dishonest and refused to give it to a judge for determination so Bouragba brought a motion under the new legislation 137.1 rule to dismiss the action as the communications were purely matters of public interest since they included a public inquiry signed by Bouragba and other elected council members of the Ontario College of Teachers exposing systemic corruption but the judge Andra Pollak from Toronto Superior Court was forced to dismiss the motion in a corrupt way. See the unreported case 2018 ONSC 4069, the Applicant's position was entirely disregarded with his case law proving that the case was public interest and that government can't sue individual for defamation (Niagara Conservation Authority v. Smith2017ONSC6973)
16- Judges tactically escaping their recusal motions, relying on their colleagues to dismiss the motion with cost against the moving party.

14- This case is just one of many cases happening in Ontario today, the Canadians in Ontario are aware that the legal system is completely dysfunctional and needs to be quashed and rebuilt from the ground to regain respect and public confidence in the entire public system, the lack of judicial independence in the legal system has a serious impact on the safety of the citizens and it does negatively affect the fundamental principles of democracy, the politicians are not able to correct or improve the situation despite their possible good faith because the deep judicial corruption was not faced at an early stage with the proper tools and with strong authorities. The Supreme Court of Canada is mandated to protect the public interest and to maintain a strong justice system by protecting the basic value of freedom and democracy. Any serious intervention to reduce or eliminate the judicial conspiracy and negative political interference in the administration of justice must be encouraged and implemented to avoid public reactions.

15- Jurisdiction of the Supreme Court

The Court assures uniformity, consistency and correctness in the articulation, development and interpretation of legal principles throughout the Canadian judicial system. This case definitely demonstrates that the jurisdiction is not respected by Ontario Legal industry.

16- CONCLUSION

The interests of justice is beyond those of the parties which warrant granting leave in this case to protect the reputation of the administration of justice and to uphold public confidence in the entire public system. The Applicants as a free Canadian citizens have the right to enter to a Court that is clear from judicial bias and conspiracy and is able to make decisions in consistency with the Rules of law and respect to jurisprudence.
In 2017 we faxed our concerns to the Court chef justice McNamara but he failed to take any step to address the serious issues hence the Supreme Court must assume it responsibility to solve the systemic serious and complex judicial issues created by Ontario.

Respectfully submitted on January 09, 2019

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