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RESPONSE to the REPLY OF MS. CHRISTINE CLIFFORD
FOR THE RESPONDENTS CITY OF REGINA POLICE DEPARTMENT
CHIEF CAL JOHNSTON, CORPORAL DEBBIE FERGUSON

PART I STATEMENT OF FACTS

1. **STATEMENT OF FACTS** page [1] line 2 the Respondent makes the same error as the learned Chamber's judge often did in his decision, failing to distinguish between the original Statement of Claim filed on July 25, 2005 and the Statement of Claim (Amended-Fresh Copy) filed on January 18, 2006.

2. The Respondent(s) jointly had nothing of substance to support the Applicant's position that the Appellate justices erred when they agreed that the Chamber's judge made no error in law in striking her amended claim.

3. The Applicant's STATEMENT OF FACTS, (pages 1-5, and paragraphs [1] to [49] inclusive) is not addressed by the Respondent(s) in any meaningful way.

4. The Respondent(s) STATEMENT OF FACTS relies almost entirely on the Chamber's judge's decision of which he quotes extensively to support his case for striking her claim

PART II: THE STATEMENT OF THE QUESTIONS IN ISSUE

5. The Respondent(s) comment on page 3 [8] claim the questions at issues does not raise questions of law and yet these questions are found on pages 5 and 6 of her MEMORANDUM and relate to the Applicant's grounds for determining the appellate judges erred in law as detailed in her Application, pages v. to vii inc.

PART III: THE STATEMENT OF ARGUMENT:

6. Whether anything remains at law or not, in the Applicant's amended claim, which relates to this Respondent or any of the Respondents; or whether a new law is needed concerning their respective culpability, becomes secondary to the FACT THAT a new application, (TO STRIKE HER CLAIM AS AMENDED) as the Respondent was directed to do by the Honourable Justice F. Kovach on December 01, 2005 never occurred.

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7. Justice Kovach directed the Respondent(s) on December 01, 2005 and she relies on the Order that she filed on December 23, 2005 for this application.

8. The application that the Respondent(s) had to file either individually or collectively was a new motion under Rule 173 'to strike' the Applicant's Statement of Claim (Amended-Fresh Copy), as detailed throughout the Applicant's MEMORANDUM Part III referenced on page 9 [67] to [71] inclusive under PROCEDURAL IRREGULARITIES & ILLEGALITIES.

9. The Respondent fails to acknowledge that they had to do this and explains no reason as to why it was never done.

10. Further the Respondent(s) do not provide and explanation as to why the Respondent(s) failed to file any supporting materials new or amended such as a STATEMENT OF DEFENCE and Affidavit that this Respondent is attempting to now file new or as amended.

11. Clearly the Appellate judges erred in not realizing the paramount significance of such a fatal error on behalf of all of the Respondents.

12. The Respondent(s) never had a legal right to strike her amended claim and no explanation is provided.

13. Due to this fatal error the Applicant argues that the Appellate judges did err in not determining that the Chambers should have taken all of her pleadings as *prima facia* and true and that the Chamber judge should never even deliberated on the amended claim to strike it but instead determined that the Respondent(s) should collectively lose by default and the parties she requested be added would be added.

14. Instead of an Order originating from the arguments heard by the Chamber's judge on March 07, 2006 and his holding his decision for 2 years less a day, it should have gone straight to judgment as deemed in her Affidavit and MEMORANDUM.

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15. The applicant requests the Supreme Court Justices to at least read the materials which were served by Email to Mr. Gibson, Mr. Cann and Ms. Clifford on behalf of their respective Respondents on November 08, 2010 as attached.

16. The 4 infant children as plaintiffs and the 2 defendants: the Attorney General of the Government of Canada and Joyce LaPrise should have been added to her amended claim, on March 07, 2006.

17. The Respondent'(s)' either ignored or denied as referred in her MEMORANDUM at PART I pages 1 to 5 [2] to [49] inclusive and in her Argument at pages 7 to 9 beginning at par. [58] and inclusive to [66].

18. On page 9. [vii a.] the Applicant quotes an excerpt from her 'Application to Take Leave to Appeal'. The Appellate Judges decision (2010SKCA109CanLII) ON PAGE 2 [2] stated:

> [2] --- **the Chambers judge *erred in considering the original statement of claim and the submissions* made in relation thereto,**

And the Respondent does not respond to this in his REPLY but instead continues on with the same deception in attaching his STATEMENT OF DEFENCE for Dr. E. Ivanochko.

19. His attempting to deceive even the justices of the Supreme Court of Canada into believing that this STATEMENT OF DEFENCE is somehow new material or amended materials filed in the TIME FRAME that the Respondent(s) were directed to do, which was between January 18th and February 07, 20o6 is simply deceptive and again another attempt to defeat justice for the Applicant.

20. The Respondent(s) were unscrupulous in their joint efforts to defeat the Applicant's Statement of Claim (Amended Fresh Copy) and continue in this same vain.

21. This document, application was never served again or filed new or amended between the dates that Justice Kovach gave them which was between January 18th and February (07th 2006) and not one of the Respondents did this.

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22. This is why it was imperative that the APPEAL BOOK that was compiled for the Applicant and the Respondents only have substantive materials from any filings done in support of the original claim not be allowed in.

23. This is why the APPLICANT removed the STATEMENT OF DEFENCE filed in this APPEAL BOOK and has only submitted Excerpts from the APPEAL BOOK which she filed to support her amended claim as filed.

24. The Applicant makes this point in her Argument in her MEMORANDUM and in her Affidavit to support it, that the Respondents had a new judge and never figured on her appealing his decision, considering it was extensive and covered both the original claim and the amended Statement of Claim, so that somehow this would legitimize this APPEAL BOOK but does NOT.

25. The Respondent(s) can only rely on the Chamber judge's decision to have her amended claim struck and the hope that the Appellate judge's did not err in law.

26. To conclude the Appellant's RESPONSE to this Respondent and all Respondents whom this applies to, that all of you had to know that it was illegal to attempt to file materials to support striking her amended claim and this Respondent continues to ignore this.

27. The Appellate judges, for whatever reason, did err in not recognizing the legal significance of the substantive materials not being able to be used to defeat her amended claim.

28. The Chamber's judge's conclusions concerning her amended claim are made solely on his taking the position of the Respondents and he has fatally prejudiced her to date. Concluding that the Chamber's judge has liberty to do what he wants only legitimizes the Respondents' actions.

29. The APPEAL BOOK was done as a means 'to put' these substantive materials forward before the Court of Appeal and now before the Supreme Court and defeat the course of justice for the Applicant and the 4 infant children named as Plaintiffs.

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30. The Chamber's judge had no legal right to refuse her the adding of all of parties proposed in the absence of any STAEMENT OF DEFENCE.

31. What this Respondent(s) has done both in the APPEAL BOOK and again by attaching his STATEMENT OF DEFENCE is an indictable offence and is on page 4 of Exhibit A. to her Argument of the bound APPLICATION TO TAKE NOTICE TO APPEAL. The offence she relies on for this Respondent(s) relates to **Affidavit under Offences relating to affidavits – obstructing justice. 139 (1) and (2).**

32. In this supporting document to her Argument she wishes to bring attention to the areas highlighted in purple which does relate to all of the Respondents' CRIMINAL ACTIONS.

33. The Respondent(s) purposely misled the Applicant and the Court of Appeal justices, but perhaps not the Appellate justices as Chief Justice Klebuc had indicated ***that they (the 3 appellate judges) knew exactly what had happened here,*** and Chief Justice Klebuc personally thanked her for the clarity of her materials which she had placed before the Court.

34. Nevertheless, this litigation has ended up in this Court.

PART IV. SUBMISSIONS

35. The Applicant's submissions in support of the Orders sought for costs remains the same as stated on page 18 [a to e. inclusive] with the exception as to the damages, whereby she requests double the amounts being sought as detailed in her amended claim at the end of each part.

36. She determines this based on the magnitude of what has transpired here.

PART V. ORDERS SOUGHT

37. The Applicant requests that this Honourable Court hold all accountable for their actions as pleaded, and prosecute if need be.

38. A thorough investigation of all matters presented in whatever manner necessary.

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39. The matter go directly to judgment and these Respondents and/or the Attorney General for the Saskatchewan and/or the Attorney General for the Government of Canada pay all costs related to this claim and pay for all damages relating to it as stated on page 6. of her RESPONSE [35] AND [36].

40. The Applicant further requests and prayerfully requests that this is done in an expedious manner, considering the length of time that this entire matter has been before the Saskatchewan courts and the pain and suffering it has caused.

41. They also had no new or amended materials filed between January 18th and February 07th, 2006 to support their arguments.

42. The Respondent failed her professional obligations to Charlene Dobson when she only performed a partial psychological assessment, leaving the country.

43. Yet she proceeded to make conclusions about the Applicant and Charlene Dobson (then 4 years of age) which had dire consequences as described in her amended claim.

44. The Applicant's STATEMENT OF CLAIM (AMENDED-FRESH COPY) which can be found in the APPENDIX to her Application to take Leave to Appeal, is found at pages 1 to 61 (or numbers 117 to 194 of this Respondent's APPEAL BOOK). Note that the pleadings that the Applicant made against all the Respondents, proposed included, are summarized and attached as ATTACHMENT A.

45. The same has been done in summary form concerning the issues at law, and attached as ATTACHMENT B.

46. For damages sought this also is summarized at ATTACHMENT C.

47. The Respondents are all responsible for THE PORTIONS OF HER CLAIM that she has detailed in these ATTACHMENTS.

48. For these reasons the Applicant objects to any Respondent attempting to file for this appeal any substantive filings prior to January 18, 2006.

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49. This date being when she filed her Statement of Claim (Amended Fresh Copy), be not allowed in as per her request to the Supreme Court of Canada dated November 26, 2010, the same day she received the Respondent's REPLY by facsimile. The matters which the Respondent(s) refers to on page 2 [5] needs explanation in that the Applicant misinterpreted a rule of the Supreme Court of Canada whereby she believed that she could file her MEMORANDUM for the 3 Appellate judges to reconsider

50. On page -3- [6] the Respondent's REPLY there is a mention of paragraphs 5-7 which are at issue but are relevant in determining whether Charlene Dobson should be added as an adult to her amended claim.

51. The matter of Charlene Dobson which the Respondent(s) mentions in regards to adding her, he notes the Chamber judge's decision on page 2.

> [64] I refuse to add the proposed infant children as infant Plaintiffs Should any of these children, when they reach adulthood consider that they have a claim against anyone ---" *he does not object to their being added.*

52. The applicant claims as does Charlene Dobson that she has a claim against the Respondents as pleaded by the Applicant on her behalf.

53. She is a mature young woman and will have reached adulthood January 25, 2011.

54. The letter and attachments which she provided to the Registrar of the Supreme Court of Canada and all Respondents, placed in a sealed envelope, says it all.

55. It is the Applicant's understanding, that one of two criteria must exist for a case to be heard by the Supreme Court of Canada, the first being that the Appellate justices would have had to have made some ERROR 'at law' or that the matter was generally one of importance to all Canadians.

56. The Applicant deems that both criteria exist for the Applicant to be successful in her Application to Take Leave to Appeal.

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57. The first Criteria is at law: the Respondent(s) quote on Page -2- [3] line 1a. "**The Applicant appealed from the Order striking out her claim"** and claims that the Appellate justices erred in not determining that an Order 'to strike' her Statement of Claim (Amended Fresh Copy) should never have been made.

58. She bases this on several facts that the Respondents could not simply 'piggy-back' their original motion to strike her amended claim.

59. On page 9. [vii a.] the Applicant quotes an excerpt from her 'Application to Take Leave to Appeal'. The Appellate Judges decision (2010SKCA109CanLII) at page 2 [2] a. states:

> [2] --- **the Chambers judge *erred in considering the original statement of claim and the submissions* made in relation thereto, ---**
>
> ALL OF WHICH IS RESPECTFULLY submitted this 04th day of December, 2010.
>
> original signed
>
> _____
> ARLENE LOWERY, M.A.
> Acting on her own behalf
> and in acting for Charlene Dobson,
> Jonathan Dobson, Leslie and
> Lyle as Infant Children Plaintiffs (proposed).