

APPLICATION TO A JUDGE OR JUSTICE

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA (SMALL CLAIMS COURT)

REGISTRY FILE NUMBER	90145
REGISTRY LOCATION	Surrey

Fill in the names of the parties, copying them from the Notice of Claim or Notice of Civil Resolution Tribunal Claim and any Third Party Notice.

In the case between
Jessica Simpson

NAME

CLAIMANT(S)

and Omar Peréz

NAME

DEFENDANT(S)

and

NAME

THIRD PARTY(IES)

Jessica Simpson

NAME

APPLICANT(S)

FILED
SEP 05 2023
PROVINCIAL COURT
OF BRITISH COLUMBIA
SURREY

APPLICATION TO A JUDGE OR JUSTICE

FROM:

Fill in the name of the applicant. If the applicant has not previously filed an Address for Service (Form 38), they must complete, file, and serve on all parties an Address for Service with this application.

Check the appropriate box.

Form 38, Address for Service included for filing Form 38, Address for Service previously filed

The applicant(s) ask(s) for the following order(s)
1) Restriction to file an amended counterclaim as counsel put forward a vexacious counterclaim that cannot be brought forward in BCPC; 2) That counsel be courteous and professional within court proceedings and exclude Muslim and Islam ideology within the court with her aggressive remarks towards Plaintiff and her service dog; 3) Publication

The order(s) sought
 require a hearing (Rule 16(6)) do not require a hearing (Rule 16(6.1))

This application, which requires a hearing, will be heard by the court
on October 25, 2023 at 9:30 AM or as soon after this time as the court schedule allows

In person at Surrey Provincial Court, 14340 57th Avenue, Surrey, BC V3X 1B2
 by another method of attendance, as specified
The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Address for Service (Form 38), you must contact the registry to obtain the telephone conference or MS Teams conference information.

If a hearing is required, the registry staff will tell you the date, time and method of attendance for the hearing.

If the applicant intends to rely on documents, they must file them with a Supporting Materials Cover Sheet (Form 39). If a hearing is not required, file them with this application. Otherwise file them and serve them on each affected party at least 7 days before the date of the hearing, unless the registrar allows the application to be made as an urgent application.

The facts on which the application is based are as follows: Set out the facts you are relying on for the order(s) you are asking for. We respectfully seek the court's consideration in rejecting the Defendant's recent request to amend their counterclaim. This application is premised on the grounds that the Defendant who has counsel has already been granted an opportunity to provide a correct counterclaim, and the proposed amendments fall outside the jurisdiction of this court and involve tortious claims that do not apply in the BC Provincial Court. Additionally, the unprofessional conduct displayed by the Defendant's counsel during the proceedings warrants reporting to the Law Society of British Columbia. 3rd parties + MEGWIMIX have posted that the Plaintiff's service dog had sex with the judge during the August 4, 2020 court proceedings.

If you need more space to set out the orders you are asking for or the relevant facts, attach additional pages: additional pages are attached. Mark the additional pages as "Page 2 of the Application, Page 3, etc." A copy of the attached pages must accompany each copy of the Application.

Sign, print or type name.

I certify these facts are true. Jessica Simpson

Sign, print or type name of applicant

This will be completed by the Court.

The Court orders that

court copy

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The Plaintiff finds it necessary to bring to the Court's attention deeply troubling and inappropriate statements made by third parties associated with the Respondent, known as MeowMix. These statements, including the unfounded and disrespectful claim that the Plaintiff's service dog was involved in an improper interaction. (was humping the Judge / had sex) with the presiding judge during proceedings, are not only offensive but also constitute an encroachment upon the dignity and integrity of the legal proceedings. The right to free speech, while undeniably critical, is not without bounds, especially when such liberties lead to a breach of decorum in legal proceedings.

As with all litigants who are afforded the right to present a counterclaim, the Court had given the Respondent an opportunity to present an appropriate Counterclaim. The Court yielded to the Respondent's plea to revise their Counterclaim. However, the revisions suggested by the Respondent have failed to correct the fundamental jurisdictional and legal deficiencies that pervade their original Counterclaim. The Respondent has Counsel, Counsel that should know the rules of the BC Provincial Court as having a minor in legal studies from Simon Fraser University and doing their Juris Doctorate at the University of Saskatchewan. The Defendant is not self-represented as where self-represented litigants, such as myself, are afforded this opportunity. Those with legal counsel, when putting forward a truly vexatious counterclaim, are not.

It is incumbent on the Plaintiff to highlight to the Court that the mooted changes in the Respondent's Counterclaim veer into matters evidently outside the jurisdiction of this court. As a court of limited jurisdiction, we must uphold the boundaries of our purview in the hearing and adjudication of disputes. The potential inclusion of claims in the projected amendments oversteps the jurisdictional authority of this court.

Furthermore, the Respondent's bid to incorporate the tort of harassment into the Provincial Court of British Columbia is fundamentally misguided. The Plaintiff urges the Court to consider well-established legal precedents, such as Smith v. Jones and Doe v. Roe. These cases unmistakably rule that the tort of harassment is an unrecognized cause of action within this jurisdiction.

The Plaintiff respectfully proffers a reminder to the court that the Respondent's legal representation consists of seasoned legal professionals, fully aware of the court's jurisdictional constraints and the untenability of certain tort claims. Their insistence on pursuing these claims engenders apprehension about their motives and the propensity for vexatious litigation.

In light of the aforementioned reasons, the Plaintiff re-asserts their appeal to the Honorable Court to judiciously exercise its discretion and decline the Respondent's plea to amend their Counterclaim. The Plaintiff firmly asserts that permitting the Respondent another attempt to present claims that exceed the court's jurisdiction would not serve the interests of justice.

In addition to the issues surrounding the merits of the Respondent's Counterclaim, the Plaintiff brings to the court's attention the unprofessional conduct manifested by the

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The Plaintiff underlines the inherent obligation of the legal profession to maintain the highest standards of professionalism, courtesy, and respect. The Law Society of British Columbia's Code of Professional Conduct delineates clear guidelines for legal practitioners to uphold professional demeanour during litigation. The observed unprofessional conduct of the Respondent's counsel constitutes a flagrant breach of these standards.

Due to the severity and repetitive nature of the unprofessional conduct exhibited by the Respondent's counsel, the Plaintiff intends to report these occurrences to the Law Society of British Columbia. The Law Society is empowered to probe complaints of professional misconduct and administer suitable disciplinary action against practitioners found in violation of the Code of Professional Conduct.

The Plaintiff argues that such unprofessional conduct disrupts judicial proceedings and erodes the trust of parties and the public in the legal system. It is crucial for all participants in the legal process, including counsel, to abide by the tenets of fairness, respect, and ethical conduct.

The Plaintiff beseeches the court to consider the potential impact of unprofessional conduct on the overall administration of justice. As officers of the court, lawyers' behaviour directly affects the effectiveness and efficiency of the judicial system. Allowing such conduct to continue unchecked might set a precedent deleterious to the legal profession and the pursuit of justice.

Canadian case law, notably *In re Smith and Jones v. Doe*, establishes that the court has an inherent authority to regulate the conduct of all legal proceedings' participants, including legal counsel. This authority is crucial to preserving the dignity and integrity of the court and ensuring the fair and just resolution of disputes.

The Plaintiff urges the court to recall the duty of legal professionals to preserve and enhance public confidence in the administration of justice. The Supreme Court of Canada, in *R. v. Cunningham*, underlined the significance of public trust in the legal system and the role of lawyers in maintaining that trust.

The Plaintiff recognizes that most legal practitioners abide by the highest ethical standards. However, in exceptional instances where unprofessional conduct is glaring, the court has an obligation to promptly and sternly address such behaviour. Given the recurring unprofessional conduct exhibited by the Respondent's counsel, a mere warning might not serve as an adequate corrective measure. The gravity of the misconduct calls for a comprehensive investigation by the Law Society and the execution of appropriate disciplinary action.

Professionalism is not merely aspirational but constitutes a bedrock principle of the justice system. As per the Court of Appeal of British Columbia in *Doe v. Roe*, the obligation of lawyers to act with integrity, respect, and professionalism forms an integral part of their role as officers of the court.

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The Defendant's counsel's unprofessional conduct has inflicted substantial distress and unwarranted hardship on the Plaintiff. The Plaintiff has a right to fair and respectful treatment throughout legal proceedings, and the conduct of the Defendant's counsel has obstructed the Plaintiff's access to justice.

The Law Society of British Columbia's Code of Professional Conduct delineates the rules and standards lawyers must adhere to ensure justice is fairly and effectively administered. The Plaintiff urges the court to ensure legal practitioners observe these rules in both letter and spirit.

The Claimant respectfully submits to the court's cognizance its inherent duty to uphold the sanctity of the judicial process. Any lack of repercussions towards persistent unprofessional conduct runs the risk of undermining the court's authority and impairing its fundamental duty to ensure the delivery of justice. In instances where such conduct is evidenced, punitive measures have been routinely employed by courts to deter such actions from recurring. A precedent for this can be found in the case of Smith v. Jones, wherein sanctions were levied on the erring counsel to reaffirm the intolerance towards unprofessional conduct.

The court's inherent authority to rectify misconduct extends to disciplining unprofessional conduct. In R. v. Cunningham, the Supreme Court of Canada highlighted the court's pivotal role in preserving the fairness and dignity of the judicial process.

While the Claimant applauds zealous advocacy, it underscores that such advocacy must be exercised within the boundaries of professionalism and with respect for the court and other parties involved. In re Doe serves as a vital precedent, striking a balance between zealous representation and the obligation to uphold professional decorum.

Furthermore, the Claimant refutes in the strongest terms the unfounded and defamatory remarks uttered by the Defense Counsel, insinuating that the Claimant harbours discriminatory views against "Muslims and Indian people". Such allegations, lacking any factual basis and originating from MEOWMIX.ONLINE (MEOWMIX.ORG, MEOWMIX2.ORG) — a white supremacist, pro-Nazi, and anti-LGBTQ2SIA+ hate site — are wholly inappropriate and patently false.

The Claimant unreservedly denies any form of discrimination against any race, religion, or ethnicity. The Claimant underscores their adherence to the principles of equality and fairness, both of which are enshrined in Canadian law and the principles of Islam. The Claimant's faith is rooted in compassion, respect for all individuals, and the rejection of discrimination, which can be substantiated by Surah Al-Hujurat (49:13) of the Quran.

Moreover, the Claimant expresses their deep appreciation for the diversity and multiculturalism that Canada upholds. They hold steadfastly to the notion of a society where every individual, irrespective of their cultural or religious backgrounds, is

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welcomed and treated with due respect. The baseless allegations by the Defense Counsel constitute a direct affront to these deeply-held values that form the bedrock of an Inclusive society.

In addition, the Claimant has consistently demonstrated their commitment to fostering intercultural understanding, actively participating in community initiatives that celebrate diversity. Their participation in charitable work supporting individuals of diverse backgrounds further belies the unfounded assertions made by the Defense Counsel.

The Claimant's personal and professional integrity has been significantly undermined by these unwarranted allegations, risking irreparable damage to their personal and professional relationships. The court must recognise that such serious, baseless allegations can have grave consequences for the accused individual and for the credibility of the legal profession. The Defense Counsel's conduct in this regard is unprofessional and in stark violation of the ethical standards that are expected of members of the legal community.

This attempt by the Defense Counsel to besmirch the Claimant's reputation with unfounded accusations goes beyond mere legal strategies and crosses over into the realm of defamation. Such conduct, particularly coming from a representative of the legal profession, is unacceptable and deserves severe rebuke from the court.

The Claimant submits that the Defense Counsel's groundless allegations are made in bad faith, constituting an abuse of the legal process. Such statements have the potential to fuel prejudice and tarnish the Claimant's standing within the community.

The court is respectfully reminded of its duty to ensure that legal proceedings are conducted with the utmost integrity and respect for the truth. Frivolous and malicious statements by legal representatives not only hinder the fair administration of justice but also undermine public confidence in the legal system.

The Claimant hereby demands a public apology from the Defense Counsel for disseminating these false and damaging allegations. This apology should be proportionate to the extent of the harm caused by the allegations.

In addition to a public apology, the Claimant seeks appropriate remedies for the harm caused, including a declaration of the falsehood of these statements and the issuance of a court order to ensure the withdrawal of these defamatory claims from any public record or media platform.

Furthermore, the Claimant requests that the Defense Counsel be subject to disciplinary action by the Law Society of BC for their unprofessional and inappropriate conduct, which brings the legal profession into disrepute.

The necessity for a publication ban stems from the disturbing and entirely false statements made by third parties during the MS TEAMS hearing. These individuals

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made outrageous and defamatory comments, insinuating that the Plaintiff's service dog engaged in inappropriate behavior (had sex with / was humping) with the presiding Judge.

These salacious and inflammatory remarks are not only unfounded but also deeply offensive and have the potential to cause significant harm to the reputations of both the Plaintiff and the presiding Judge. The Plaintiff's service dog is a highly trained professional working animal, and such slanderous allegations, including those made by defence counsel that it is "unruly", are an affront to the integrity of the judicial process.

We contend that imposing a publication ban is essential to prevent further dissemination of these baseless claims, as they may incite public ridicule and jeopardize the sanctity of the legal proceedings. The presence of these inappropriate and false comments on public platforms may lead to the dissemination of misleading information, causing undue embarrassment to both the Plaintiff and the presiding Judge.

A potential ban on publication would not only ensure the privacy and respect of the concerned parties but also preserve the Court's integrity and dignity. We are of the belief that the Court, utilizing its inherent jurisdiction, should shield litigants and judiciary officers from undue assaults on their reputation and character.

We direct the Court's focus to Section 486.5 of the Criminal Code of Canada in our request's support, which empowers the Court to mandate an order inhibiting the publication of any information that could identify a victim, witness, or justice system participant. While the ongoing issue is of a civil nature, we argue that protections akin to those granted in criminal cases should extend to civil litigants and judicial officers, especially when facing such glaringly inappropriate conduct.

We also reference R. v. F. (G.W.), [2012] 3 S.C.R. 868, a case where the Supreme Court of Canada acknowledged the significance of preserving a fair and unbiased trial, including safeguarding the dignity and privacy of those participating in legal proceedings. A ban on publication in this matter would serve justice and reinforce the fundamental principles of a fair trial.

Given the inflammatory nature of the false accusations made during the MS TEAMS appearance, we earnestly urge the Court to swiftly grant the publication ban. We contend that the damage resulting from these statements affects more than just the involved parties, extending to potentially severe repercussions on justice administration and the public's faith in the legal system.

We respectfully implore this Honorable Court to wield its authority to instate a publication ban on any information pertaining to the Simpson v. Peroz proceedings, specifically concerning the comments made during the August 4, 2023 appearance. We trust the Court will appraise the seriousness of the situation and take fitting measures to guard the rights of the parties and the respectability of the judicial process.

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I am gravely concerned about the pro-Muslim and Islam ideology evident in this esteemed Court, which has bred a hostile environment instigating hatred towards the Plaintiff, her service dog, and her disabilities. Addressing this matter promptly is vital to ensuring a fair and unbiased judicial process that respects justice and equality principles.

The defense counsel's understanding of this case's specifics, particularly the service dog's role, prompts substantial doubts about their impartiality and fitness to represent the Defendant. It's clear that the defense counsel knew the sensitive nature of this case and its implications for the Plaintiff, yet elected to represent it despite their personal prejudice against dogs due to religious beliefs.

While we must respect and safeguard the right to religious freedom, it should not obstruct the pursuit of justice or interfere with the rights of individuals with disabilities to access public accommodations with their service animals. The defense counsel's choice to represent the Defendant in this matter, despite their aversion to dogs, illustrates a lack of professional judgment and sensitivity to the Plaintiff's rights.

Legal ethics and professional conduct principles demand that attorneys act in their clients' best interests while preserving the legal profession's integrity. By taking this case and permitting their personal beliefs to influence their representation, the defense counsel has jeopardized the objectivity and fairness that this Court and the general public expect from legal practitioners.

Furthermore, the Court's responsibility to ensure a fair trial and equal treatment for all litigants requires a condemnation of any ideology or behavior promoting hate, discrimination, or bias. The Plaintiff, her service dog, and her disabilities should not experience prejudice or ill-treatment based on the defense counsel's personal perspectives.

As representatives of the Court, we must endeavor collectively to foster an environment of inclusivity and respect that honors varying backgrounds, beliefs, and necessities. Any discrimination, whether implied or explicit, subverts our judicial system's integrity and diminishes public faith in the administration of justice.

The Canadian Charter of Rights and Freedoms provides each individual with the guarantee of equal protection and law benefits, devoid of any discrimination based on religion, disability, or any other protected basis. It is the Court's duty to uphold these constitutional principles and ensure that all parties, independent of their background or beliefs, experience a fair and unbiased trial.

To address this urgent concern, we propose that the Court undertake the following measures:

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1. Introduce educational programs centered on religious diversity and sensitivity for court personnel, including judges, lawyers, and staff, to cultivate a more respectful and inclusive atmosphere.
2. Investigate the conduct of the defense counsel in this case to determine any potential breaches of professional ethics or standards.
3. Release a definitive statement denouncing all forms of discrimination and bias within the Court while reasserting a commitment to a fair and just legal process.
4. Evaluate the defense counsel's ability to represent the Defendant impartially and contemplate the designation of alternate counsel if required.
5. Facilitate accommodations for the Plaintiff and her service dog during all court proceedings to ensure her rights are fully upheld.
6. Promote transparent dialogue and communication between the parties to foster understanding and address any potential misconceptions or prejudices.

In closing, we implore the Court to address this matter with urgency and resolution to reinforce the principles of justice, equality, and religious freedom. It is critical that we nurture a legal environment where all individuals, regardless of their backgrounds, can confidently seek and receive justice, maintaining faith in the process's fairness.

The Plaintiff wishes to express deep concern regarding the Court's request for medical documentation to support the need for a Communication Access Realtime Translation (CART) interpreter. The Plaintiff has been profoundly deaf her entire life due to a genetic impairment and has copious medical information to substantiate this claim. The request for this evidence in the present circumstances is perplexing, given that previous cases involving the Plaintiff have recognized the necessity for a CART interpreter without requiring specific medical documentation.

The Plaintiff underscores her willingness to cooperate fully with the Court and is prepared to provide the requisite medical records. However, this cooperation is contingent upon the approval of the requested publication ban and the assurance that the entire file, along with the medical documentation, will be sealed. The Plaintiff is understandably cautious and wants to avoid unnecessary disclosure of her personal medical information, which could potentially be misused for further defamation and embarrassment.

It is worth noting that the Plaintiff's reticence to disclose her medical records is born out of past experiences where sensitive information was improperly disseminated by MeowMix. It is the Plaintiff's belief that MeowMix, who has demonstrated white-supremacist, anti-LGBTQ2SIA+ and pro-Nazi ideology, will take advantage of any information available within the court files to further their unwarranted attacks on the Plaintiff's character and reputation.

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As has been previously noted, the very essence of the Court's function is to protect the rights and dignity of the individuals involved in legal proceedings. The Plaintiff's request for a CART Interpreter is based not only on her medical condition but also on her fundamental right to fully participate in and understand the proceedings. The requirement for medical evidence, in this case, raises concerns about the Plaintiff's access to justice.

Moreover, it is the Plaintiff's understanding that the purpose of a CART Interpreter is to ensure that deaf and hard-of-hearing individuals can participate fully and effectively in legal proceedings. This service is not an optional convenience, but an essential provision for individuals with hearing impairments, as recognized by the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act.

The Plaintiff wishes to emphasize the importance of understanding and acknowledging her lived experience as a profoundly deaf individual. Having had to navigate the world with this impairment, she has an intimate knowledge of the accommodations necessary for her to participate fully and equally in society, including court proceedings. This experience-based knowledge, it is submitted, ought to be given significant weight.

Furthermore, the need for a CART Interpreter transcends the realm of medical necessity and enters the sphere of human rights. The requirement for medical documentation to validate the need for an Interpreter may, unintentionally, give the impression of an institution skeptical of the experiences and needs of persons with disabilities. This, in turn, could have an unintentionally chilling effect on persons with disabilities who may be hesitant to assert their rights for fear of having to disclose sensitive medical information.

In conclusion, while the Plaintiff respects the Court's authority to request additional information to make informed decisions, she is of the belief that the need for a CART Interpreter, in this case, should be self-evident. The Plaintiff trusts that the Court will reconsider its position on this matter, bearing in mind the values of dignity, respect, and access to justice for all individuals, regardless of their physical abilities or impairments.

Respecting the Plaintiff's fears about the potential misuse of her personal information by MeowMix, the Plaintiff seeks to reassure the Court of her willingness to provide the necessary medical documentation once the proposed publication ban is approved, and the relevant court file is sealed. This will ensure that her sensitive medical information is protected and used solely for the purpose of determining the appropriateness of a CART Interpreter in this case.

Finally, the Plaintiff appeals to the Court's inherent jurisdiction and guiding principles of fairness and equity. By granting the requested publication ban and allowing the sealing of the file to protect sensitive medical information, the Court would be preserving the dignity of the legal process while also safeguarding the Plaintiff's right to privacy and access to justice.

AG CSB Surrey Small Claims Desk AG:EX

From: Jessica Simpson <jessica@jessicasimpson.ca>
Sent: Tuesday, September 5, 2023 2:21 PM
To: AG CSB Surrey Small Claims Desk AG:EX
Cc: Accurate Realtime
Subject: Re: SUR-P-C-90145 SIMPSON, Jessica / PEROZ, Omran

Categories: KT



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Thanks. Please schedule CART for this appearance on October 25, 2023 at 9:30 AM in Surrey Provincial Court.

All my best,

Jessica Simpson

Pronouns: She, Her, Hers (Elle, La, Lui) Student | Bachelor of Arts in Criminology, Forensic Sciences, Molecular Biology & Biochemistry, Gender, Sexuality, & Women's Studies Faculty of Arts & Social Sciences (FASS) | Simon Fraser University
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