May 31, 2023

Masood Masjoody

Court of Appeal for British Columbia
400-800 Smithe St
Vancouver, BC, V6Z2C5

RE: CA48922 Masood Masjoody v Amélie TROTIGNON; Simon Fraser University
Request for making submissions for re-opening the appeal;
clear misapprehending and overlooking the evidence, facts, and arguments

The Honourable Division of the Court of Appeal for British Columbia,

Summary:

The summary of the judgment 2023 BCCA 220 of yesterday's date, May 30, 2023, is very telling. Both of the two grounds stated for the dismissal of the appeal are manifestly false and their statement is indicative of the dominance of an air of miscomprehension of facts, evidence, and argument. The seizure of the matter by Fitzpatrick and the reasonable apprehension of bias are not moot nor is it correct to suggest that the seizure and the bias of the judge were not raised previously. Based on these and other errors due to miscomprehending and overlooking facts and evidence, it is in the interest of justice to re-open Appeal CA48922. In addition, it is not in the interest of justice to give effect to a summary determination of the appeal when in the absence of an in-person hearing and the appeal material (including Appeal Record, Appeal Book, Factum, and Book of Authorities) the Court has been so vulnerable to getting wrong even the most fundamental and determinative facts of the case. I, therefore, want to apply to have the appeal reopened and the due process of full appeal followed.

This letter is copied to the registrar whose recusal from this appeal I had demanded because the same registrar would otherwise try to extraordinarily enter the Division's order merely to block the appellant's path for a re-opening application. That is why I am bringing this letter to the Division's attention immediately after the judgment was issued. I am prepared to provide the Division with supplementary submissions regarding the intended re-opening application in this matter.

I now quickly bring to the Division's attention some instances of the grounds for re-opening the appeal.

(A) Paragraph [1]

At paragraph 1, the judgment strangely says that:

> "Dr. Masjoody [is] seeking to appeal further aspects of the original chambers judge's order"
>
> 2023 BCCA 220, para 1

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This is false, misguided, and misleading. My respectful submission is: If this was honestly an issue you were considering, it is unfortunate that you were misguided and have been dramatically misapprehending the facts and evidence before you. You had my application of March 8 before you. You had the corresponding argument and supporting affidavit before you. These should have resolved the Division and any reasonable person's possible misapprehension and error in recognizing the basic facts and evidence manifested in para [1]. On top of this, I had asked the Division not once, not twice, but at least three times in writing to specify the matters it's been considering, but the Division did not do that nor has it been able to apprehend the evidence and facts that were before it.

This appeal is **NOT** about **FURTHER** aspects of Fitzpatrick's order, but the aspect of her order which was conveniently **IGNORED** by your colleagues who heard the first appeal. Maybe, spending some time on the evidence by actually reading it would have helped.

The opening statement in the first factum, **filed Nov 17, 2021**, reads:

> The judge engaged in disputing facts pleaded by the plaintiff, by the way of dishonest reporting, mockery and calling the facts bizarre and unreasonable, while those facts were not disputed by the defendants in any pleadings …Using loaded language, especially in a jurisdictional challenge, by the chambers judge not only shows the **bias** of the judge but also can affect an ultimate jury trial for determining this defamation and conspiracy action…I respectfully submit that the orders of the Court below be set aside that (1) dismissed the action for lack of jurisdiction and (2) ruled that Madam Justice Fitzpatrick will be seized of any other applications in this matter …
>
> Affidavit 1 of the appellant, filed March 9, 2023, page 18 of Exhibits (Opening Statement: bias of Fitzpatrick and the orders sought on appeal)

Instances of the bias of the judge were raised throughout the factum in my first appeal. The problem then was that the court somehow managed to not see them and the problem now is that the court still does not see them and does not see the evident evidence that clearly points it to the true facts of the case.

As with the opening of the factum in my first appeal, its ending should have alone resolved the Division's apparent misapprehension. It reads:

> …(2) Setting aside the judgment of [Madam Justice Fitzapatrick] that ordered that Madam Justice Fitzapatrick will be seized of any further applications in this matter.
>
> Affidavit 1 of the appellant, filed March 9, 2023 page 18, page 46 of Exhibits (Page 28 of the first factum, Nature of Order Sought)

(B) Paragraph [8]: Cost

At paragraph 8 the judgment says with no basis that:

> The judge also ordered Dr. Masjoody to pay the costs of the proceeding.
>
> 2023 BCCA 220, para 8

This is FALSE and if uttered purposefully, a miserable lie. Fitzpatrick **DID NOT** issue any order regarding the costs. The cost has not been addressed at all let alone assessed. The parties are yet to address the issue of the cost.

Notice, among other things, that Fitzpatrick concluded in her judgment that:

> [98] Costs of these applications are to be addressed by the Court upon further application by the parties, as both defendants' counsel and Dr. Masjoody agreed. Drs. Kropinski and Mishna do not seek any costs award.
>
> Page 90 of Appeal record, para 98

I, therefore, wonder where you get your para 8 from. I presume Outerbridge was involved.

You say the issues in this appeal are moot apparently because you are of the view that everything has been decided in the Supreme Court of British Columbia.

The issue of the cost, about which the Division is wrong, is just an example but it should suffice to refute the Division's unsubstantiated view about mootness.

(C) Injunction Application: a live matter in the Court below

The Defendants' Injunction Application is another matter before the Court below which Fitzpatrick is seized of. You can not simply say that because Injunction Application was made by the defendants who have not rescheduled it yet, then the matter of seizure is moot. Furthermore, the determination (not only the hearing) of the injunction application is determinative of the effect of a consent order that you can find in my affidavit 1 in this appeal alongside the communications leading to and related to that consent order:

> Affidavit 1 of the appellant, filed March 9, 2023
> Exhibit D, pgs 128-141of Exhibits
> (Consent Order: pgs 139-40)

Despite Fitzpatrick's monumental lies and fabrications about the facts surrounding it, the Consent Order was reached between the lawyers (without a hearing) simply to adjourn a hearing scheduled for April 2021 whereby allowing the plaintiff's then-newly hired lawyer to have time to review the court material.

The terms of the consent order are in place until such time as both Strike Application and Injunction Application are heard and determined.

To make it simpler for your understanding, this means until the Injunction Application is determined, I, a victim of the barbaric conduct of a university administration that enabled agents of an Islamic terrorist regime and directed animalistic conduct and conspiracy of

several fake feminists such as Marni Mishna, Marry-Catherine Kropinski, Paul Kench, Andrew Petter, etc, may be technically found in breach of the court below if I talk about certain aspects of these animals' criminality, including but not limited to sexual harassment, defamation, bribery, etc.

In retribution for my disclosure about agents at SFU of the regime of the Islamic regime, the aforementioned animals conspired to sexually harass and defame me and invade my private life. Shelley Fitzpatrick sided with these animals (which, having known her track records, now does not surprise me) and while declaring a lack of jurisdiction, viciously attacked me for daring to raise allegations against her apparent favourites.

And now, given all of these, on what basis are you saying that the seizure of the matter by this individual is moot?! If it is still hard for you to understand, read the last couple of paragraphs over and over again and stay away from people like Outerbridge.

(D) Paragraph 15

In paragraph 15, the judgment says:

> [15] If an issue has been distinctly **raised and decided** in an action… it is unjust and unreasonable to permit the same issue to be litigated afresh between the same parties or persons claiming under them.
>
> 2023 BCCA 220, para 15

Having addressed the effects of the Consent Order and its connection to the Injunction Application, I now want to emphasize that the issues of seizure and bias are not moot in this Court either. These issues have been raised not once but twice (including in the first appeal) but **were never adjudicated and decided**, and the latter is the Court's fault for which it is diagonally opposite to the interest of justice to have a victim of a conspiracy by enablers of terrorists be prejudiced.

On top of this, I asked the Division not once, not twice, but three times in writing to specify the matters it's been considering, but the Division did not do that nor has it been able to apprehend the evidence and facts that were before it.

The issue with the aspect of Fitzpatrick's ruling on seizure is that THE COURT NEVER ADJUDICATED IT DESPITE THE FACT THAT IT WAS RAISED IN MY FIRST APPEAL. The inevitable effect of setting aside the seizure of the matter would have been voiding all of the orders issued by Fitzpatrick and remitting the underlying matters to the Court below before a different adjudicator. Complementary submissions to follow.

All of which is respectfully submitted. Date: May 31, 2023

Yours sincerely,

Masood Masjoody