

Complaint to:

The Canadian Judicial Council

Complainant:

Masood Masjoody

Name of Judges:

Lauri Ann Fenlon

Peter G. Voith

Mary V. Newbury

Name of Court :

Court of Appeal for British Columbia

Court Location :

800 Smithe Street, Vancouver, BC, V6Z 2E1

Court case number :

CA48922

Masood Masjoody v. Simon Fraser University

Date of actions that led to the complaint:

May 30, 2023 (March 14-May 30, 2023)

Date of complaint:

June 16, 2023

Description of the complaint

Disclaimer. *The reprehensible conduct of the respondent judges that this complaint is focused on is considered part of a longer-term systemically unprincipled, unethical, racist, politically motivated and outcome-driven approach taken by the justice system. For more than three years, this approach has persistently aimed at making the courts of law inaccessible to the complainant, not only through egregious lying and shameless fabrications (prominently characterizing the respondent judges' conduct) but also by yielding to extrajudicial elements and interests and colluding with enablers of a terrorist regime, whose effects of political and economic interference has made the justice system look like a joke. Therefore, as part of a broader grievance concerning the Government of Canada and its Justice Canada at large, the conduct of the respondent judges is being brought to the attention of internationally mandated organizations promoting human rights and access to justice, including, but not limited to, the **United Nations Human Rights Council**, **Amnesty International**, and **Lawyers Without Borders**. While these organizations will receive a copy of this complaint and subsequent response(s) to be provided by the CJC, this very complaint is restricted only to the respondent judges and their judicial misconduct. The complainant is well aware that the high level of ongoing violations by the top courts of BC and the justice system at large is likely to be backed by some "insurance policies" within the CJC in the form of extending the ongoing violations to the CJC and its officers. Any findings of the latter would naturally provide additional grounds for the aforementioned broader complaint.*

The subject matter of this complaint involves the following categories of misconduct of the three judges of the BC Court of Appeal involved as respondents to this complaint, i.e., Fenlon, Voith, and Newbury):

1. lack of diligence in performing general judicial duties;
2. absolute lack of diligence in reading the text of the judgment under the appeal;
3. resorting to absolute lies about the text of the judgment under the appeal in a way that embarrasses the justice system and undermines its integrity in the eyes of any reasonable and fair informed person;
4. lack of any attempt to read the documents filed with the court (thereby missing out on all basic facts of the appeal);
5. resorting to bald-faced lies and fabrications in the absence of any discernible diligence in learning the basics of the case through reading the materials filed with the Court;
6. pretending their fabricated statements made in the absence of any genuine fact-finding, to constitute the facts of the case;
7. lack of diligence by evading a proper response to multiple requests from the appellant for clarification and specification of the issues supposedly before the division;
8. multiple failures in providing the appellant with an opportunity for a fair hearing;
9. hoaxing the public through lies and deceptive conduct in a matter of high public interest;
10. engaging in overall conduct prone to obstructing justice through conspiracy among the judges to cover up for a terrorist regime's enablers and agents in Canadian soil;
11. lack of integrity;
12. lack of impartiality; and, overall,
13. conducting themselves in a way that embarrasses the Canadian justice system and fails it as the ultimate protector of democracy.

The occurrence of these categories of misconduct is established upon consideration of the factual context set out below in continuously numbered paragraphs and arranged in seven sections (**A—F**) listed below:

- A. Overview of the matter up to the commencement of the appeal proceedings on March 8, 2023*
- B. Conduct of the judges in the Court of Appeal for BC as of March 8, 2023*
- C. Judges' lies and fabrications regarding the text of the judgment under appeal*
- D. Judges' lies and fabrications in the face of the appellant's appeal material*
- E. Lack of integrity and impartiality*
- F. Conspiracy to obstruct justice*
- G. List of supporting documents ("Evidence")*

A. Overview of the matter up to the commencement of the appeal proceedings on March 8, 2023

[1] Following my disclosure of Simon Fraser University (SFU) management's political, scientific, and technical support for the terrorist regime of "***the Islamic Republic of Iran***" (***the "Regime"***) and three of the Regime's agents connected with its ballistic missile and nuclear weapon programs, Iran's dictator and the ***Islamic Revolutionary Guard Corps ("IRGC")***, SFU commenced a revengeful conspiracy campaign against me aiming at diverting the issue of its connection with and support for the Regime. I commenced an action in the court below against the respondents seeking damages for defamation and conspiracy. On August 3, 2021, a judge of the Supreme Court of British Columbia called **Shelley Colleen Fitzpatrick ("Fitzpatrick")** decided to evade the hearing of the action on the merits and block the discovery process, by claiming a lack of subject-matter jurisdiction. In the same decision, Fitzpatrick exhibited obvious signs of bias and—presumably, to please and entertain the wealthy and politically powerful SFU administration and their governmental supporters by her written judgment—inhumanly and pathetically expressed her disbelief in the allegations raised, mocked the pleadings, and verbally attacked me for daring to raise allegations against her favourite SFU administration in its connections with a terrorist regime.

[2] Fitzpatrick then ordered on August 3, 2021, that she would be seized of any applications, including for costs and an injunction application, to be rescheduled in the matter.

Evidence, pgs 16-17
Evidence, pg 126 at par. 98-100

[3] While Fitzpatrick ruled in her judgment that it was not the issue before her to determine the merits of the allegations, on the very occasion that she aborted the discovery process as a necessary step for fact-finding, she pathetically called out the allegations against her favourite wealthy and politically powerful side as "escalated", "bizarre", and "irrational". Fitzpatrick also decorated her judgement with fact manipulations, fabrications and many outright lies, all amounting to appeasing the Regime and its enablers.

[4] By her judgment, Fitzpatrick paved the way for the lobbyists and apologists in Canada of the Regime to double down on the SFU's conspiracy and Fitzpatrick's own pathetic conduct against the complainant. This is not a mere possibility- the apologists of the Regime in Canada started to assassinate my character merely a day after the publication of Fitzpatrick's judgment, admittedly based on Fitzpatrick's biased words against a justice-seeking victim of a terrorist regime's enablers.

[5] On August 17, 2021, I appealed Fitzpatrick's decision only 14 days after it was pronounced and in the subsequent factum, expressly addressed the bias of the judge and sought that the Court set aside the seizure of the matter by Fitzpatrick. However, these matters were not addressed by the Court as a result of which I ended up filing a fresh appeal focusing solely on these ignored issues.

B. Conduct of the judges in the Court of Appeal for BC as of March 8, 2023

[6] On March 8, 2023, I filed an appeal with the Court of Appeal for British Columbia (the "Court") on the ground that due to a reasonable apprehension of bias, Fitzpatrick has not had any jurisdiction in the legal matter before her and seeking, in particular, an order that Fitzpatrick shall not be seized of any further application in the proceedings in the court below.

Evidence, pg 3

[7] Concurrently, I filed an application and a supporting affidavit (made on March 8 and filed on March 9, 2023) setting out the facts that: In an earlier appeal I commenced on August 17, 2021, both of the following were brought up:

(1) the bias of Fitzpatrick; and

(2) seeking to set aside the seizure of the matter by Fitzpatrick.

However, as shown in the affidavit, three (other) judges of the Court astonishingly failed to adjudicate them and indeed turned a blind eye to them. Based on these, I argued that what appears to be the lateness of the appeal of March 8, 2023, was indeed caused by the Court and if required, an extension of time should be granted for bringing the fresh appeal, and the required extension is in the interest of justice. The Court scheduled the hearing of the application for March 16, 2023.

Evidence, pgs 6-12

[8] On March 16, 2023, the registry of the Court told me and then wrote to me that the application of that day, i.e., March 16, 2023, was adjourned on the hearing date (but has never provided me with an order of any adjudicator adjourning that hearing) and informed me that two days prior, on March 14, the registrar of the Court called Tim Outerbridge referred my appeal to a division for summary determination.

Evidence, pg 201

[9] On March 17, 2023, I took to the Court's registry a notice of application relying on Section 30 of the Court of Appeal Act to seek that: "In this matter, all powers otherwise given to the registrar by the Rules or the Act must be exercised by a justice of the Court. The registrar's directions or decisions in this matter are retroactively voided and without effect. " **The Registry refrained from filing my application.**

Evidence, pgs 199-205

[10] The respondents did not file a notice of appearance and did not participate in the appeal proceedings.

[11] I wrote **five** letters to the division requesting:

(1) the recusal of the registrar from this matter and voiding his directions (as per my "unfiled" application of March 17, 2023);

- (2) clarifications and specifications of the issues before the court; and,
- (3) an in-person appearance before the division for a fair and informed hearing.

The letters, which were never properly responded to, were sent on the following dates:

- March 20, 2023;
- April 17, 2023;
- April 20, 2023;
- April 25, 2023; and
- May 5, 2023.

Evidence, pgs 199-216

[12] On May 8, 2023, I filed my Appeal Record. Accordingly, my Factum and Appeal Book were due on June 7, 2023.

[13] Despite the appellant's numerous requests, the division refrained from revealing the issues it was supposedly considering as the basis for possible summary determination nor did it provide the appellant with an opportunity for an in-person hearing.

[14] As of March 14, 2023, the division was supposedly dealing with a referral of the appeal by the Court's registrar for a summary determination of the appeal. The division persistently failed to address the appellant's "unfiled" application of March 17, 2023, seeking to recuse the registrar from the matter and setting aside his directions, including his referring the appeal to a division of the court.

[15] On May 30, 2023, the division dismissed my appeal without a hearing and without allowing for the rest of the appeal material to be filed in due course.

[16] The division's judgment revealed that it had not even examined the material it had before it and in place of the facts of the case resorted to lies and deliberate fabrications, even concerning such basic facts as what was included in, or missing from, the judgment under appeal.

[17] Speaking of lies, I am not referring to genuine but failed attempts at fact findings based on adversarial sets of evidence. But, **the division included bald-faced lies not**

only in the face of the appellant's evidence but shockingly in the face of the court below's published judgment.

[18] Moreover, the judgment issued by the division provides further evidence of the division's absolute lack of diligence in performing its judicial duty.

C. Judges' lies and fabrications regarding the text of the judgment under appeal

C(1). Costs

[22] The three respondent judges egregiously lie about the costs of the proceedings in the court below, and with no basis shamelessly resorted to the absolute fabrication that:

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

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

[24] The reprehensibility of a deliberate **attempt of the judges at hoaxing the public in a matter of public interest** cannot be understated.

[25] Even regardless of the fabrication, had the judges shown some tiny bit of diligence in performing their judicial duties, they would have found the following as the sole paragraph in Fitzpatrick's judgment regarding the costs (with the total occurrence of the word "costs/cost" in the entire judgment under appeal being two):

[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.

Evidence pg 126, par 98
2021 BCSC 1502, para 98 (emphasis added)

C(2). The Injunction Application, and a temporary consent order to be effective until the Injunction Application is "heard and determined"

[26] The three judges falsely claim that the issue[s] I raised, i.e., Fitzpatrick's bias and being seized of the matter, **"appears to be moot"** (para. 25) and **"there was, and there is, simply no need for the parties to reappear before [Fitzpatrick]"** (para. 27).

[27] This is another obvious indication of their lack of ethics and diligence, among other misconducts. Had they actually read Fitzpatrick's judgment before resorting to such obvious lies and fabrications, they would have found multiple passages there referring to **matters to be "rescheduled" before Fitzpatrick**, including an injunction application ("Injunction Application"), a consent order ("Consent Order") whose effects and terms are explicitly reliant on the hearing and determination of the outcome of the Injunction Application, and, of course, the costs of the proceedings.

[28] Therefore, in addition to the costs, the Injunction Application is another live matter before the court below which Fitzpatrick is seized of.

C(2).a. The Consent Order

[29] Needless to say, one 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. Moreover, the determination (not only the hearing) of the injunction application is determinative of the termination of the terms of the Consent Order which, alongside the communications leading to and related to it, are in my affidavit 1 in the appeal proceedings. Even Fitzpatrick's order of August 3, 2021, alone makes the latter clear.

Evidence, pgs 143-156

Evidence, pg 104, par.8 (Fitzpatrick's Judgment)

[30] The Consent Order was reached between the lawyers (without a hearing) simply to adjourn a hearing scheduled to happen in 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. Fitzpatrick wrote in her judgement that:

"...The Consent Order is effective until the injunction application is heard and determined by the Court."

Evidence, pg 104, par 8 (2021 BCSC 1502, par. 8)

[31] 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 individuals against me, could as a matter of technicality be found in breach of the court below if I talk about aspects of

these individuals criminality, including but not limited to sexual harassment, defamation, bribery, etc.

C(3). Conclusion: Falsely claiming the mootness of the appeal

[32] The judges fabricated the lie that the appeal is moot, in the face of the judgment under the appeal which clearly shows the opposite.

[33] Fitzpatrick expressly named in her judgment issues and applications that have been before the court below and were not and still have not been heard and determined, such as the Injunction Application and the costs of the proceedings in the court below. The judges' lack of diligence in reading the text of Fitzpatrick's judgment has definitely factored in alongside other misconducts enumerated herein.

D. Judges' lies and fabrications in the face of the appellant's appeal material

[34] The judges' lack of diligence extends to the appellant's material that was before the judges but the judges do not seem to have read it. A clear indication of the latter is the judges' obvious fabrications whose falsity is apparent upon even skimming the appeal material.

[35] In paragraph 1 of their judgment, the respondent judges say that:

“Dr. Masjoody [is] seeking to appeal further aspects of the original chambers judge’s order”

2023 BCCA 220, para 1.

[36] The respondent judges mean the seizure of the matter by Fitzpatrick and aspects of her conduct indicating her bias, about both of which they blatantly lied.

[37] In paragraph 18 of their judgment, speaking of the seizure of the matter by Fitzpatrick, the respondent judges say:

"[I]n his new Notice of Appeal (CA48922) Dr. Masjoody seeks to raise an issue that was determined by Justice Fitzpatrick **but was not raised by him in his initial appeal** (CA47689)."

2023 BCCA 220, para 18.

[38] Then, in paragraph 20 of their judgment, the respondent judges continue on the matter of Fitzpatrick's being seized of the matter by claiming that:

"[I]t may have been open to Dr. Masjoody to appeal Justice Fitzpatrick's order that she was seized of all further applications unless she was unavailable. He chose not to do so."

2023 BCCA 220, para 20.

[39] In addition to indicating the judges' lack of diligence, these statements are false, misguided, and misleading. **This is not just a mistake honestly made during any genuine fact-finding. The respondent judges had my application of March 8 before them. They had the corresponding argument and supporting affidavit before them.** Any consideration of these records should have eliminated any reasonable person's possible misapprehension and error in recognizing the basic facts of the appeal. But, these judges seem to be too ignorant of their basic duties and invested in lying to show a tiny bit of diligence and read the documents before lying in a publicly available document issued by the Court.

[40] On top of this, I had asked the Division not once, not twice, but five times in writing to specify the matters it's been considering, but not only the Division did not do that but also did not even bother to read the material that it had before it and instead, resorted to lies and pure fabrications regarding the most basic facts of the case.

Evidence, pgs 199-216

[41] Even an infinitesimally diligent judge would have learnt by skimming the appeal material that the appeal is NOT about FURTHER aspects of Fitzpatrick's order, but the aspects of her order which were conveniently IGNORED by the Court during the primary appeal.

[42] The opening statement in the appellant's factum in the first appeal proceedings, **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 ...

[43] 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, and while showing a lack of diligence to read the appeal material, eagerly engages in absolute lies and fabrications regarding the basics of the appeal.

[44] As with the opening of the factum in my first appeal, reading its ending should have prevented the respondent judges from the inclusion of their blatant lies and fabrications in paras. 1, 18, and 20 of their judgment:

...(2) Setting aside the judgment of [Madam Justice Fitzpatrick] that ordered that Madam Justice Fitzpatrick will be seized of any further applications in this matter.

Evidence, pg 61
(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))

E. Lack of integrity and impartiality

[45] The respondent judges do not seem to have had open eyes to see and read the material before them, let alone open minds to determine the matter fairly and impartially. They well crossed the boundaries of integrity and impartiality when all their lies and fabrications seem to have been created to benefit one side of the dispute, broadly including agents and enablers of a terrorist regime, who after all, do not seem to be short of monetary and political resources to interfere with and disturb the determination of any judicial matter they are involved in.

[46] The respondent judges presented themselves not as principled professionals but principally as professional liars, who do not deserve to occupy a high public office that requires the utmost trust and confidence of the public.

F. Conspiracy to obstruct justice

[47] Lack of diligence may not be able to fully explain the conduct of the respondent judges when they were collectively involved in lies and fabrications that led to the continuation of a cover-up scheme for the benefit of a terrorist regime's enablers and affiliates in Canada. In that regard, it is expected that during the Council's inquiry, the aspects of the judges' misconduct indicative of a conspiracy among them to obstruct justice be properly examined by the Council.

G. List of supporting documents

[48] The following supporting documents are being presented to the Council:

- 1- Document 1: Notice of Appeal, March 8, 2023;
- 2- Document 2: Application for an extension of time and the written arguments, March 8, 2023;
- 3- Document 3: Affidavit 1 of Masood Masjoody, filed March 9, 2023;
- 4- Document 4: Letters to the Division (respondent judges) dated:
 - March 20, 2023;
 - April 17, 2023;
 - April 20, 2023;
 - April 25, 2023; and
 - May 5, 2023