

VANCOUVER  
AUG 28 2023  
COURT OF APPEAL  
REGISTRY

August 28, 2023

Masood Masjoody

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

**RE: Application of Jun 27, 2023, for Correcting the Text of Judgment 2023 BCCA 220  
CA48922 Masood Masjoody v. Simon Fraser University;**

**To:**

- 1- The Chief Justice of British Columbia;**
- 2- The Division of the Court, Judges: Peter G. Voith, Lauri Ann Fenlon, and Mary V. Newbury); and**
- 3- The Court of Appeal for British Columbia (any other division to be hearing the matter following the recusal of the current Division)**

**Copied to:**

- The **Canadian Judicial Council** ("CJC"), in the matter of complaint against three respondent judges of BC Court of Appeal: Voith, Fenlon, and Newbury,
- The **United Nations Human Rights Council** ("UNHRC") in the matter of complaint against Canada for violations against the right to justice whereby favouring radical Islamic terrorism over the rule of law

I hereby request that the Chief Justice prohibit any further direct or indirect involvement of Registrar Tim Outerbridge in this matter and in an obstruction of justice scheme favouring a terrorist regime's agents and enablers.

**Summary:**

This application is presented in three parts seeking to:

- 1- Supplementarily amend the application of June 27, 2023, by presenting, among other things, an inadvertent admission of the respondents/defendants of the fact that the Division crafted lies in the face of the text of the judgment under appeal
- 2- Require that due to bias and reasonable apprehension of bias, Judges **Voith**, **Fenlon**, and **Newbury** recuse themselves from determining the application of June 27 and its amendment of August 28, 2023; and further or in the alternative,
- 3- Require the direction of the Chief Justice that Judges **Voith**, **Fenlon**, and **Newbury** be recused from determining the application of June 27 and its amendment, for bias and reasonable apprehension of bias.

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## A- Amending the application of June 27, 2023

[1] Crafting multiple absolute lies out of nowhere by judges **Voith**, **Fenlon**, and **Newbury**, all of which lies are plainly and simply contradicted by the courts' own authored and publicly available judgments, made the Reasons for Judgment 2023 BCCA 220 look like paid content ordered and funded by the terrorists and terrorists' enablers who are clear beneficiaries of the resulting obstruction of justice. However, the application of June 27, 2023, was made humbly only to have the Court correct one of the many lies crafted by the Court. Nevertheless, all of the Court's crafted lies are readily recognizable by anybody who is not absolutely illiterate and is not so intellectually impaired as to fail to distinguish a simple sentence or proposition from its negation.

[2] The concerned lie belongs to a larger set of absolute lies that appear to have been crafted deceitfully and out of nowhere by a division of three judges who were desperate to block access to justice. The judges were eager to ignore the universally appreciated principles of human ethics (let alone those of professional ethics), such as honesty and truthfulness, only to "reach" the Court's predetermined result in favour of agents and enablers of the terrorist regime of the Islamic Republic. The latter issue constitutes an integral part of the judicial misconduct complaint to the CJC seeking the removal from office of the respondent judges, to whom the application of June 27 was originally made.

[3] The concerned lie claims that the judge of the court below, Shelley Fitzpatrick, "ordered Dr. Masjoody to pay the costs of the proceeding."

[4] I applied on June 27, 2023, to have this lie replaced with the true fact that Fitzpatrick "did not order any party to pay the costs of the proceeding and expressly deferred addressing the costs of the applications, including those of an adjourned injunction application, to a further application to her by the parties[...]."

[5] In any case or in case a person gets involved in deciding the application of June 27, 2023, who does not even want to compare the Division's absolutely dishonest statement with the actual content of Fitzpatrick's judgment, I am making a supplementary amendment to include the respondents' own admission about the cost and other matters, which admission I obtained by an email that the Supreme Court of British Columbia sent me on August 25, 2023. Accordingly, I am attaching the email of the court below as **Appendix A** and, for the Court's information, my initial response to the court below as **Appendix B**.

[6] On August 25, 2023, the respondents/defendants made an application to appear before Shelley Fitzpatrick of the court below. (This is the judge that the Court deceitfully claims to not have any further involvement in the matter of *Masjoody v. SFU*.) The respondents/defendants applied to appear before Fitzpatrick "to address costs," stating that:

**"Reason why this must be heard by (Madam Justice Fitzpatrick):** Pursuant to Justice Fitzpatrick's Reasons for Judgment, she will be seized and allowed parties to return to address costs."

August 25, 2023

And, in the part "Nature of Application," the respondents/defendants stated, referring to Fitzpatrick's judgment, that:

"In Justice Fitzpatrick's Reasons for Judgment dated August 3, 2021, she gave the parties leave to speak to costs. ...The defendants wish to seek ordinary costs against the plaintiff. ... We are hoping that we can appear at 9am some time in the first half of September [2023]."

August 25, 2023

[7] The respondents never made an appearance in this appeal to provide any position, whatsoever, against the appeal, particularly any statement contrary to what they included in their application of Aug 25, 2023, to Shelley Fitzpatrick. Like Fitzpatrick's judgment, the respondents' position speaks clearly, however inadvertently, against what the Court falsely and deceitfully included in the text of the judgment regarding costs (and other matters).

[8] There must be no doubt that the three judges of the Court lied and their egregious falsehood must be corrected as the appellant required.

[9] In the circumstances, it is fair and legitimate to ask: How the hell did such a blatant lie even make its way into the text of a judgment of the Court, which is publicly available and may be perceived by the public as (1) written, (2) factually reviewed, and (3) endorsed, by three independent, dutiful, and honest judges of the Court of Appeal for British Columbia? Indeed, with significant likelihood, all aspects of these three perceptions could be wrong. Foreign influence and interference by the terrorist regime of the Islamic Republic must be gravely concerning.

[10] Furthermore, despite the simple nature of the application and its material facts, for two months (and counting) the Court has been unable to make any move, whatsoever, on it (for or against). Both the concerned falsehood and the subsequent delay are degrading to the integrity of the Court and detrimental to the public's confidence and trust in the Court for a fair administration of justice in any matter that comes before it. In light of the latest revelation about the respondents' position, now, the Court should immediately address the application of June 27, 2023, and correct the text of its judgment as required by the appellant.

#### **B- Application to each of the judges in the current Division for recusing themselves**

[11] The current Division's unreasonable delay of two months in responding to the straightforward application made to the judges establishes bias and, alternatively, reasonable apprehension of bias.

[12] An integral part of the CJC Complaint against the judges in the Division is the undeniable evidence of the judges' lying in the face of evidence, including, in particular, lying out of nowhere in the face of the courts' own documents, including blatantly lying about the text of the judgment under appeal. While the CJC Complaint is still underway and may (and should) result in the removal of the respondent judges from office, the respondent judges have proven to be incapable of disposing of their most basic judicial duties regarding the application of June 27, 2023. Therefore, the judges have been

unable to administer justice fairly, reasonably, and in a timely manner regarding the appellant, which fact establishes the actual bias of the judges. Even if they responded, then, regardless of actual bias, a reasonable person would still perceive a reasonable apprehension of bias of the respondent judges against the appellant in any matter before them.

[13] Furthermore, regarding the required correction, even the respondents' position establishes the deceitful conduct of judges in including a lie (indeed many lies) crafted out of nowhere by the judges. There is no question that the judges' lying against the interests of the appellant was intentional: In the Court, the lie was solely crafted by the judges without any supporting material or parties' positions (regardless of reliability), which fact establishes the intent and suffices to establish the bias of the judges against the appellant.

[14] A fair consideration of the conduct of the judges before June 27, 2023 (as outlined in the application of June 27, 2023, particularly on pages 7-17 of its appendix) shows:

- the dominance of lack of proper response, diligence, and due consideration of the material before the Court in the general conduct of the judges;
- judges' lies and fabrications regarding the text of the judgment under appeal; and
- judges' lies and fabrications in the face of the appeal material,

and establishes the following types of misconduct implying bias, lack of impartiality, and reasonable apprehension of bias on the judges' side, even before June 27, 2023:

1. lack of diligence in performing basic 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;
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; and
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 on Canadian soil.

[15] Substantive evidence and history of judicial misconduct strongly suggest that judges Voith, Fenlon, and Newbury would not and could not decide the application of June 27, 2023, impartially and based on considering, rather than trampling, evidence and law. Judges Voith, Fenlon, and Newbury should recuse themselves from this matter due to bias and reasonable apprehension of bias, and allow for a different division of the Court to hear and determine the application of June 27, 2023.

**C- Application to the Chief Justice for recusing the judges of the current Division**

[16] I apply to the Chief Justice to disqualify each one of the named judges who refrains from his or her own recusal from this matter. The basis for disqualification constitutes bias and reasonable apprehension of bias, and the responsibility of the Chief Justice to the integrity of the Court and a fair, impartial, and accessible administration of justice.

All of which is respectfully submitted.

Date: August 28, 2023

Masood Masjoody, Ph.D.

## Appendix 1

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### Madam Justice Fitzpatrick--\nminutes --CONF#825231220070

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**WebServices SC** <WebServices\_SC@bcccourts.ca>  
Reply-To: SC Civil-Vancouver <sc.civil\_va@bcccourts.ca>  
To: "yli-reilly@farris.com" <yli-reilly@farris.com>, "  
Cc: SC Civil-Vancouver <sc.civil\_va@bcccourts.ca>

25 August 2023 at 12:20

Madam Justice Fitzpatrick--VA VA S204587-

**Case Type:** Civil

**Type of hearing:** Order for ordinary costs

**Time estimate:** 5 minutes

**Court location of previous hearing:** Vancouver

**Date of the previous hearing:** 2021/07/14

**Available dates:** Hoping for a 9am hearing in the first two weeks of September

**Nature of Application:** In Justice Fitzpatrick's Reasons for Judgment dated August 3, 2021, she gave the parties leave to speak to costs. The defendants, Simon Fraser University and Amelie Trotignon were successful in having the plaintiff's action dismissed and struck. All appeals have been dismissed. The defendants (successful parties) wish to seek ordinary costs against the plaintiff. We would like to request an appearance before Justice Fitzpatrick, if Madam Justice deems it necessary, to seek an order for ordinary costs. We are hoping that we can appear at 9am some time in the first half of September. Madam Justice may deem it unnecessary to hear from counsel, in which case we can simply submit a desk order by requisition. Please bring this to the attention of the Court. Thank you.

**Reason why this must be heard by (Madam Justice Fitzpatrick):** Pursuant to Justice Fitzpatrick's Reasons for Judgment, she will be seized and allowed parties to return to address costs.

**Opponent's position regarding this application/request:** N/A

**Applicant's name:** Simon Fraser University (counsel: Yun Li-Reilly)  
**Email address:** yli-reilly@farris.com  
**Phone number:** 6046619353

**Opposing counsel(s)/Litigant(s):**  
**Name:** Masood Masjoody (Plaintiff)



## Appendix 2



### Madam Justice Fitzpatrick--VA VA S204587--Masjoody v. Trotignon--TE:5 minutes --CONF#825231220070

Masood Masjoody

25 August 2023 at 15:11

To: SC Civil-Vancouver <sc.civil\_va@bccourts.ca>

Cc: "yli-reilly@farris.com" <yli-reilly@farris.com>, SC Civil-Vancouver <sc.civil\_va@bccourts.ca>

#### To The Supreme Court of British Columbia:

Greetings,

The defendant Simon Fraser university, who has had a proven history of illegally influencing the courts of BC via judicial oligarchs, did not seek my position regarding this matter.

Therefore, I am writing to bring to the Court's attention that:

There are several aspects of this matter related to several forums, including this Court, as follows:

- The United Nations Human Rights Council, in the matter of complaint against Canada for systemic violations of right to justice whereby supporting radical Islamic terrorism
- The Court of Appeal for British Columbia, in the twice-raised, yet unheard, matter of the bias of judge of the lower court Shelley Fitzpatrick;
- The Supreme Court of Canada;
- The Canadian Judicial Council, regarding the judicial misconduct complaints seeking the removal from office of
  - Judge Shelley Fitzpatrick, for, among other things, (1) lying, (2) laziness, (3) speculating, (4) fabricating, (5) egregiously biased conduct, (6) victim-shaming while declining jurisdiction to hear a victim of terrorists' enablers, (7) misusing the court to cover up agents and enablers of a terrorist regime, and (8) motivating other lobbyists and supporters of the Islamic terrorism in the cult of Nizari Ismailis to engage in defaming the plaintiff; (CJC File 22-0316) and
  - Judges Voith, Fenlon, and Newbury of the Court of Appeal, for, among other things, (1) lack of integrity, (2) absolute lack of diligence in considering appeal proceedings that raised the bias of S. Fitzpatrick, (3) egregiously lying to block access to justice, (4) conspiracy to obstruct justice, (5) hoaxing the public in a matter of high public interest, (6) continuing to cover up agents and enablers of a terrorist regime, and (7) overall conduct that diminishes public's confidence and trust in the Canadian justice system; (CJC File 23-0233) and
- The **Supreme Court of British Columbia.**

There are indeed several aspects of this matter related to the Supreme Court of British Columbia alone, which I am ready to enumerate and elaborate on if necessary. Among all of them, I hold the position that the judge of the Court Shelley Fitzpatrick should affirm that she has been biased against the plaintiff and does not have, and has never had, jurisdiction to hear any matter regarding the plaintiff. Consequently, and among other things, judge Fitzpatrick must recuse herself from the matter for reasonable apprehension of bias and for actual bias.

Moreover, it is strongly in the interest of justice that the bias of judge Fitzpatrick and her recusal from the matter be addressed in-person and in open court. **I strongly oppose any format of proceedings relating to this judge that does not enjoy full transparency and does not provide for real-time scrutiny by the public.**

Respectfully,

Masood Masjoody, Plaintiff  
Aug 25, 2023