

Transcript of 20200828 Assignment Court heard by (former CAS) Justice Engelking Moore's FC-
19-CP08 Brief for 20200828 Assignment Court

This is Exhibit ' *AC* ' referred to in the
Affidavit of *Deirdre Moore* ,
sworn before me at the City of Ottawa, this
..... day of *Jul* *15* *2021* , 20

MR

A Commissioner for taking affidavits

Court File No. FC-19-CP000008-0001

SUPERIOR COURT OF JUSTICE
FAMILY COURT

B E T W E E N:

THE CHILDREN'S AID SOCIETY OF OTTAWA

Applicant

- and -

DEIRDRE MOORE and JONATHAN KISKA

Respondent

P R O C E E D I N G S

REMOTELY BEFORE THE HONOURABLE JUSTICE T. ENGELKING
on August 28, 2020, at OTTAWA, Ontario

APPEARANCES:

D. Souder

Counsel for the Applicant

Deirdre Moore

In Person

W. Smith

Counsel for Jonathan Kiska

D. Scholey

Counsel for the Children

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FAMILY COURT
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EXHIBITS

10	<u>EXHIBIT NUMBER</u>			<u>ENTERED ON PAGE</u>
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LEGEND

[sic] Indicates preceding word has been reproduced verbatim and is not a transcription error.

20 (ph) Indicates preceding word has been spelled phonetically.

25

Transcript Ordered:	April 9, 2021
Transcript Completed:	April 13, 2021
30 Ordering Party Notified:	April 13, 2021

1.
Submissions

FRIDAY, AUGUST 28, 2020

CLERK REGISTRAR: We have the, the File Number
SC-19-CP-8-1, Moore and Kiska. If you're on
that matter, please raise your hand.

5 THE COURT: Ms. Moore, you are muted. Okay.
So the, the title, Andee Sea Cae Jak, is, is
Ms. Moore?

10 DEIRDRE MOORE: Yes, I think the - I think the
file name is actually 19-CO-08, not 81, the
last time I checked.

CLERK REGISTRAR: It's just the extension,
sorry.

THE COURT: Yeah, 08.

DEIRDRE MOORE: Oh, okay.

15 CLERK REGISTRAR: So sorry, you're on it too,
thank you.

THE COURT: Yes.

MS. SOUDER: And....

20 THE COURT: Is there - is there a worker on
this?

MS. SOUDER: Yes, Your Honour. Mr. Sayeed
(ph).

THE COURT: Okay.

25 CLERK REGISTRAR: Where is - sorry, what's the
name for the worker?

THE COURT: M. Sayeed.

CLERK REGISTRAR: Oh, sorry, I just - okay,
thank you. I think we're still missing Mr.
Snir.

30 DEIRDRE MOORE: I'm now in the breakout room
where I'm supposed to be?

THE COURT: Yes.

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Submissions

CLERK REGISTRAR: I think we're still missing Mr. Snir.

THE COURT: Well, I'm going to deal with Ms. Moore about that matter...

CLERK REGISTRAR: Okay.

THE COURT: ...first.

MS. SOUDER: I, I can indicate Mr. Snir is removed as counsel of record.

CLERK REGISTRAR: Thank you.

THE COURT: I just know that - has he been removed?

MS. SOUDER: Yes...

DEIRDRE MOORE: Yes.

MS. SOUDER: ...yesterday.

THE COURT: Oh, okay. That was going to be my first question. All right. So we have Ms. Souder for the Society, and Mr. Sayeed is the child protection worker, and we have Mr. Smith. We're missing Mr. Smith, Wade Smith, as counsel for the father.

CLERK REGISTRAR: I have a Wade. I think that's him.

THE COURT: Yes. And we also have Ms. Scholey as counsel for the children, Debora Scholey.

CLERK REGISTRAR: Yes. She should be added right now, Your Honour.

THE COURT: All right. The Wade is Mr. Smith?

CLERK REGISTRAR: Right.

THE COURT: So we have Mr. Smith for the father. We have the mother present, and - who is self-represented, and we have Ms. Scholey for the children. All right. Go ahead, Ms.

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Submissions

Souder.

5 MS. SOUDER: So Your Honour, in this matter, Mr. Snir, as I said, was removed right yesterday afternoon as counsel of record in this matter. The Society has concerns about Ms. Moore's capacity and whether or not in fact she is a special party.

10 Unfortunately, because we didn't have the motion until very late yesterday, I was unable to obtain instructions this morning. But I anticipate that I will receive instructions to bring a motion to have the Public Guardian and Trustee appointed for Ms. Moore. And that matter should be dealt with on a preliminary basis. Once that matter is dealt with, then I anticipate the Society will bring a summary judgment motion.

15 THE COURT: Okay. Ms. Moore, so you're muted. Do you understand what's being requested is for a motion date to be set for the appointment of a Public Guardian and Trustee? You're muted, ma'am.

20 DEIRDRE MOORE: I'm mute, okay. I...

25 THE COURT: *[Indiscernible]*.

30 DEIRDRE MOORE: ...know - this is the first time I've been muted by technology versus the, the Superior Court of Justice in Ottawa. I'm sorry. I fully understand what's going on. Do you understand what's going on, Your Honour? I will give you a summary just to refresh your memory on the last 18 months.

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Submissions

THE COURT: I...

DEIRDRE MOORE: Are...

THE COURT: ...I'm...

DEIRDRE MOORE: ...you....

THE COURT: ...I'm aware of what's going on.

DEIRDRE MOORE: Are you aware that my children were illegally apprehended by Mohammed Sayeed?

THE COURT: I'm aware of what has transpired in the proceeding.

DEIRDRE MOORE: Are you aware that I have not once been heard by the court? Are you aware that four hearings went forward without my presence; once because I was arrested for four hours before the hearing was to occur, falsely charged, held for six weeks, fully acquitted, held by a crooked psychiatrist who ignored me, relied on the false testimony of a sociopathic ex to have me deemed NCR for a crime I didn't commit. Of course, she held me beyond the 20-day period that was court-ordered, so I missed a second court appearance. Then...

THE COURT: Okay.

DEIRDRE MOORE: ...for the third one, I was falsely accused by an ex of criminal harassment. He lied to police, had me arrested, oh, and then I missed a third court appearance. And that's when the final order for sole care was awarded to Kiska.

So then, when I was in prison, I was in cells in Elgin Street and whoever you have working in that courthouse failed to bring me up from

4/30

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Submissions

cells to be heard for the fourth court appearance.

5 So here we are 18 months later. I don't know, Souder, do you know how many CAS appearances there's been since you started this smoke and mirrors in February, shortly after I was - it was suggested by the OCL investigation?

10 Justice Engelking, you wrote up the order for that to occur and the recommendation was that sole custody go to me...

THE COURT: Ms...

DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...Moore?

15 DEIRDRE MOORE: ...my children were basically kidnapped and handed over to the abusive father.

THE COURT: Ms. Moore? The request at this point is...

20 DEIRDRE MOORE: Mm-hmm.

THE COURT: ...for a, a motion date to be set.

25 DEIRDRE MOORE: I would like to bring a motion myself actually. I would like to bring a motion to have the final order altered, changed, eliminated.

THE COURT: Okay. You can't do that by motion, to begin with.

DEIRDRE MOORE: The....

THE COURT: And....

30 DEIRDRE MOORE: Well, there is something in the *Family Law* rules that says I can bring a motion to change a final order.

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Submissions

THE COURT: In Family Law, not in *CYFSA*.

DEIRDRE MOORE: Okay, well, well, it starts with FC, right? So it's an FC-19-CP...

THE COURT: Okay.

DEIRDRE MOORE: ...08.

THE COURT: I'm not going to argue with you about it. There is a rule that says motions to change do not apply. It's under Rule 15 to *CYFSA* proceedings...

DEIRDRE MOORE: So...

THE COURT: ...so....

DEIRDRE MOORE: ...Rule - so the *CYFSA* effectively circumvents the *Courts of Justice Act*...

THE COURT: Yes.

DEIRDRE MOORE: ...do I have that right?

THE COURT: Okay. We're, we're asking for a motion date to appoint a Public Guardian and Trustee for you.

DEIRDRE MOORE: What's the basis for that?

THE COURT: Well, the Society is going to have to do some materials and indicate what their evidence is for that and...

DEIRDRE MOORE: Well...

THE COURT: ...[indiscernible]....

DEIRDRE MOORE: ...yesterday....

THE COURT: And then you're going to have the opportunity to dispute it if you wish.

DEIRDRE MOORE: Yeah, but nobody reads my evidence, including you.

THE COURT: All right. What...

DEIRDRE MOORE: Just...

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Submissions

THE COURT: ...is...

DEIRDRE MOORE: ...yesterday....

THE COURT: ...it that - what is that you would like to see happen, Ms. Moore?

DEIRDRE MOORE: Well, I'll tell you exactly.

Now, first of all, let's go back to yesterday.

THE COURT: No...

DEIRDRE MOORE: Now...

THE COURT: ...we will...

DEIRDRE MOORE: ...yesterday....

THE COURT: ...not go back to yesterday.

DEIRDRE MOORE: Well, it's important. You need to be informed of yesterday's decision where Justice Mark E. Smith specifically stated that he did not see me in any way, shape or form mentally incompetent, which is why he released Gonen Snir.

THE COURT: Okay.

DEIRDRE MOORE: So he - and Gonen Snir's testimony actually says I'm fully capable, well-equipped to, to represent myself. And as you know, I've been doing this since 2016.

THE COURT: Well, then the other option is to set it to a summary judgment motion on...

DEIRDRE MOORE: Well...

THE COURT: ...the....

DEIRDRE MOORE: ...the...

THE COURT: On...

DEIRDRE MOORE: ...other....

THE COURT: ...the....

DEIRDRE MOORE: ...option...

THE COURT: ...applications...

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Submissions

DEIRDRE MOORE: ...is....

THE COURT: ...before the court.

DEIRDRE MOORE: So the other - the other option is actually to schedule a trial and I...

THE COURT: Yes.

DEIRDRE MOORE: ...think Shooter [sic] and Smith have already submitted assignment court briefs. I'm not sure if you've read any of them or at least mine.

And they've actually already put forth the days that they require for trial and I find these lawyers tend to pad files with a lot of garbage and superfluous verbosity in the courtroom...

THE COURT: Okay.

DEIRDRE MOORE: ...[indiscernible] I'll just cut to the chase. So I'll just take...

THE COURT: Here's..

DEIRDRE MOORE: ...[indiscernible]....

THE COURT: ...what we're going to do.

DEIRDRE MOORE: Days and those two...

THE COURT: Sure.

DEIRDRE MOORE: ...[indiscernible] the trial.

THE COURT: Okay. We'll, here's what we're going to do. We're going to set trial dates.

You - we're going to set trial dates. We're going to set a summary judgment date in advance of those trial dates. The summary judgment can take place. If it's dealt with by summary judgment, then the trial will not be necessary.

If there is - if the summary judgment motion is not successful, then the trial will proceed.

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Submissions

You're muted, ma'am. You're muted. I cannot hear you. Just unmute. You need - there you...

DEIRDRE MOORE: You...

THE COURT: ...go.

DEIRDRE MOORE: ...need to schedule one or the - first of all, you need to schedule one or the other, summary judgment or a trial.

Second of all, there - the, the matters before you today do not include anything to do with the appointment of a Public Guardian and Trustee. And if you're going to start entertaining the last minute request...

THE COURT: No.

DEIRDRE MOORE: ...then I would like...

THE COURT: I...

DEIRDRE MOORE: ...to....

THE COURT: ...just told you - I just...

DEIRDRE MOORE: *[Indiscernible]*.

THE COURT: ...told you...

DEIRDRE MOORE: I...

THE COURT: ...that...

DEIRDRE MOORE: ...know....

THE COURT: ...we're going to set a trial.

DEIRDRE MOORE: Great.

THE COURT: In advance of the trial, we're going to set a summary judgment motion...

DEIRDRE MOORE: No, no....

THE COURT: If...

DEIRDRE MOORE: ...no...

THE COURT: ...the...

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Submissions

DEIRDRE MOORE: ...no....

THE COURT: ...Society - if the Society wants to bring a motion for a Public Guardian and Trustee before that, they can do that...

DEIRDRE MOORE: Well...

THE COURT: ...so...

DEIRDRE MOORE: ...I...

THE COURT: ...I'm...

DEIRDRE MOORE: ...would...

THE COURT: ...just....

DEIRDRE MOORE: ...like....

THE COURT: I'm not going to set it today...

DEIRDRE MOORE: Okay...

THE COURT: ...okay.

DEIRDRE MOORE: ...so I'd like to bring a motion for...

THE COURT: Yes.

DEIRDRE MOORE: ...some way for this ex-husband who was awarded - the court ordered the fraudulently-obtained, below-poverty-level, court-ordered support of \$1,230 a month, which he stopped paying in February. So...

THE COURT: All right.

DEIRDRE MOORE: ...apparently, it's not a crime to not - to disobey - it's not a crime to disobey a court order to pay money.

So while everybody's accusing me of being incapable, incompetent, and really mentally ill, we have this abusive ex-husband getting away with, effectively, the, the murder of me.

THE COURT: Okay. Ms. Moore...

10/30

11.
Submissions

DEIRDRE MOORE: Uh-huh [sic]?

THE COURT: ...you indicated that the Society had outlined a number of dates that they would need for trial. How...

DEIRDRE MOORE: Yes.

THE COURT: ...many was that, Ms. Souder?

DEIRDRE MOORE: I believe it was nine.

THE COURT: I'm just - she's muted. I'm just waiting to hear...

DEIRDRE MOORE: She....

THE COURT: ...from her.

DEIRDRE MOORE: They probably don't remember.

THE COURT: Ms. Moore...

DEIRDRE MOORE: They...

THE COURT: ...I'm....

DEIRDRE MOORE: ...just - oh, it's...

THE COURT: I'm...

DEIRDRE MOORE: ...Scholey (ph)...

THE COURT: ...waiting.

DEIRDRE MOORE: ...[indiscernible]. She's only at three.

THE COURT: All right. So Mr. Smith, how many days do you anticipate requiring for trial?

DEIRDRE MOORE: He, he only...

THE COURT: I...

DEIRDRE MOORE: ...asked...

THE COURT: ...am...

DEIRDRE MOORE: ...for....

THE COURT: ...talking to Mr. Smith.

MR. SMITH: Your Honour, I, I expect that my client's case would take about two days.

THE COURT: All right. And Ms. Souder, did you

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Submissions

say three in your brief?

MS. SOUDER: No, I believe it was four in the brief, Your Honour.

5 THE COURT: Okay. So that's six. Ms. Moore, how many days do you think you need? And I'm not going to give you as many as you need because you have a list that's a mile long. You're going to have to figure out what your evidence is going to be. You're muted.

10 DEIRDRE MOORE: Well, let's see. We've got six. We have three and we have two. So I'm against three lawyers, self-representing, which shouldn't be a problem, given the fact that most of their evidence is inadmissible and fabrication.

15 THE COURT: How many days do you need, Ms. Moore?

20 DEIRDRE MOORE: Well, how - it depends on how many witnesses they're bringing, because basically my, my strategy will be to, to show that they have absolutely no credibility whatsoever.

THE COURT: Okay.

DEIRDRE MOORE: So...

25 THE COURT: ...how...

DEIRDRE MOORE: ...I'll...

THE COURT: ...many...

DEIRDRE MOORE: ...be...

THE COURT: ...days...

30 DEIRDRE MOORE: ...cross-examining....

THE COURT: ...do you need?

DEIRDRE MOORE: Well, okay, Justice Engelking,

12/30

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Submissions

here's the thing. I never even received the assignment court brief from Ms. Scholey. I haven't received any of the documents that support Ms. Souder's allegations.

And so I would like to know which specific witnesses they're calling. And then I can ascertain how many, you know, minutes it might take to cross-examine them and produce all of the contradictory information that they provided to the court to the past six years.

If required, I may invite a few of my own - Ms. - my own witnesses. And actually, you're going to be one of - one of them to just testify that I've been, at a minimum, financially - forget abuse, assaulted since the divorce began.

THE COURT: The court...

DEIRDRE MOORE: And...

THE COURT: ...is...

DEIRDRE MOORE: ...and...

THE COURT: ...not...

DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...going...

DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...to...

DEIRDRE MOORE: ...[indiscernible]....

THE COURT: ...be a witness.

DEIRDRE MOORE: The evidence of that I then - we can take through [indiscernible] effort (ph). Well, it's, it's, today. I mean it's - he won't - he won't...

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Submissions

THE COURT: *[Indiscernible]*.

DEIRDRE MOORE: ...provide it to the court.

THE COURT: Ms. Souder, can you advise us who your witnesses are going to be, please? You're muted. All right.

MS. SOUDER: So they're listed in the - our brief. And that would be Mr. Sayeed, Ms. Campbell, Dr. Mercer, Dr. Chou (ph), and Ms. Ebrahim (ph). So one, two, three, four, five witnesses.

THE COURT: All right, thank you. There, Ms. Moore, you know who the Society's witnesses are going to be. Mr. Smith, who are your witnesses going to be?

MR. SMITH: Yes, Your Honour, I'm intending just to call my client, John Kiska.

THE COURT: Okay...

DEIRDRE MOORE: *[Indiscernible]*.

THE COURT: ...so that's six witnesses.

DEIRDRE MOORE: Okay. Oh, and Ms. Scholey.

MS. SCHOLEY: I won't be calling any independent witnesses. I'll just be merely cross-examining the witnesses that are presented by the other parties.

THE COURT: Thank you. So that's six.

DEIRDRE MOORE: Six? Okay. Then I will bring six as well. I'll start with Kasha M. Bobula (ph), who was the investigator from the Office of the Children's Lawyer who did four months investigation and recommended - she not only documented cases of abuse but recommended sole custody go to me. That would be one.

14/30

15.
Submissions

5 I will subpoena Dr. Iris Jackson, who followed me for over three years, and knows that I'm not mentally ill, but I've suffered severe psychological and emotional abuse over the years.

10 I will ask Dr. Gary Kay (ph), who - from the Ottawa Hospital, a psychiatrist who did the most recent psychiatric diagnosis, which the Office of the Children's Lawyer here, Scholey, and Souder refuse to acknowledge.

15 And I will bring three others who are aware of the situation. And I'm going to have to short-list it. I probably - as you know, I have mountains of evidence against this group, and I could call 30 witnesses. So I'll just say it's the last three and I can get back to the group on that early next week.

20 THE COURT: Okay. So how many - how much time do you need for that? How many days?

25 DEIRDRE MOORE: Okay. So I have three lawyers and they're at, what, six days. One day, six witnesses, crossing each one. I don't know, two hours as well. Two days for that of my own.

THE COURT: I think their estimates include cross-examination time.

30 DEIRDRE MOORE: Yes, but you can't really trust any of their estimates, like, or any of their case law. Did you see yesterday where Walter

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Submissions

5
Kim, who is Office of the Public Guardian and Trustee was actually doctoring case law for citation? So you can't really trust what they tell you. So how about I'll go with - I'll go six.

THE COURT: Okay, Ms. McGilvery (ph), we need a trial for 12 days. And I, I, I understood you had dates in November or December?

TRIAL COORDINATOR: Yes.

10
THE COURT: See if you can find us 12 days.

DEIRDRE MOORE: Yes, Your Honour, it's, it's - I'm looking at sleeping on the sidewalk as of next Thursday when I'm released from quarantine because I'm - I've been locked out of my savings. Everything I have has been stolen and Kiska refuses to pay any financial support. He is like almost seven months behind.

15
I'm worried about my safety as well as the safety of my kids but is there any way that anyone can, you know, force this support that the *Divorce Act* says - like, I really - I, I should have been getting 7,000 a month for the past four years. So I've been living off fumes.

20
THE COURT: I need 12 days, Ms. McGilvery.

TRIAL COORDINATOR: Yes. [Indiscernible], Your Honour.

25
DEIRDRE MOORE: Oh, was I muted again?

30
THE COURT: No, I, I heard you. But we're dealing with the trial dates at the moment.

DEIRDRE MOORE: Did what I say to you, did it

16/30

17.
Submissions

land anywhere on you, like, do you have any....

TRIAL COORDINATOR: Oh, sorry, 12 days.

DEIRDRE MOORE: [Indiscernible]....

THE COURT: I'm dealing with the trial dates at the moment.

TRIAL COORDINATOR: Excuse...

THE COURT: When...

TRIAL COORDINATOR ...me.

THE COURT: ...when we want to hear about other matters, we'll hear about other matters. But right now, I've asked the trial coordinator to find us 12 days of trial. So that's what we're dealing with. Go ahead.

TRIAL COORDINATOR: So....

THE COURT: ...Ms., Ms. McGilvery.

TRIAL COORDINATOR: We have November the 2nd, 9th, and the 16th.

MS. SOUDER: Your Honour, that would duplicate a trial that's already been set for me.

THE COURT: Okay.

TRIAL COORDINATOR: Okay. The 23rd, the 30th, and December 7th.

MS. SOUDER: That's not available to the Society, Your Honour. I anticipate that by - that by the time I bring both of those motions, I would be seeking a trial date in the new year.

TRIAL COORDINATOR: January 11th, 25th, and February 8th.

MS. SOUDER: So I can indicate that - sorry, January 25th was one week and then February 8th?

17/30

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Submissions

5 TRIAL COORDINATOR: No, January 11th, the 25th,
and then February the 8th.

MS. SOUDER: So those are not back-to-back
weeks?

10 TRIAL COORDINATOR: Sorry, I didn't prepare
this so just give me a second.

THE COURT: Yeah, I think we would want back-
to-back weeks. We don't want any break in
this.

15 TRIAL COORDINATOR: Yeah, so, sorry, after the,
the 29th of, of January, it would be into
February, the first week of February.

THE COURT: I'm sorry, let me understand that,
Ms. McGilvery. Are you talking about the week
of January 25th...

TRIAL COORDINATOR: What...

THE COURT: ...and...

TRIAL COORDINATOR: ...I'm...

THE COURT: ...then....

20 TRIAL COORDINATOR: ...talking - no, I'm
talking about January 11th, the 18th, and the
25th.

THE COURT: Okay. So those weeks are
available, January 11th, January 18th, January
25th?

25 TRIAL COORDINATOR: Right.

THE COURT: So I would want it to be scheduled
no later than that.

30 MS. SOUDER: So I can indicate - I can
indicate, Your Honour, that I would be
available the weeks of the 18th and the 25th.

THE COURT: Okay. But we're looking at 12

18/30

19.
Submissions

days. So...

MS. SOUDER: Yes.

THE COURT: ...so what about starting on the
14th of January?

5 MS. SOUDER: Yes, that would be fine, Your
Honour.

THE COURT: Okay.

10 TRIAL COORDINATOR: I'm going to confirm that
counsel is not available - sorry, to Ms.
Souder, that you're not available on the 11th
of January.

MS. SOUDER: Just - if I can just have a
second, I'll check something.

THE COURT: Yes.

15 MS. SOUDER: Yes, I would be available on the
11th.

TRIAL COORDINATOR: Okay, so we have the 11th,
the - sorry, the 18th, and the 25th for 12 days
available.

20 THE COURT: Right. So if we started the 11th,
we would finish on the 26th?

MS. SOUDER: Right.

THE COURT: Does that work?

MS. SOUDER: It does for...

25 TRIAL COORDINATOR: [Indiscernible]...

MS. SOUDER: ...the...

TRIAL COORDINATOR: ...[indiscernible].

MS. SIMPSON: ...Society.

30 THE COURT: Okay. Ms. Moore, you're, you're
muted.

DEIRDRE MOORE: Oh, where did we go?

THE COURT: There you go. January 11th to

19/30

20.
Submissions

26th?

5 DEIRDRE MOORE: So January - well, you know,
I'm available - I'm, I'm currently homeless and
I'm, I'm seven days away from living on the
street because of how long these people have
dragged it out.

10 So if you - if that's the best that anyone can
do - well, a), it's suspect but January 11th to
26th, Souder or Sooter [sic] is not the only
lawyer at CAS. These people swap in and out
like nobody's business so her availability, I'm
not sure why we need her. She just showed up
to [indiscernible] McDougall. There's got to
15 be another one who could be available. You
know, I could be ready by the end of September.

THE COURT: This is her file...

DEIRDRE MOORE: [Indiscernible]...

THE COURT: ...and...

20 DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...this....

DEIRDRE MOORE: ...this and I haven't seen my
kids for two years because of this smoke and
mirrors.

25 THE COURT: Okay.

DEIRDRE MOORE: Two years. Two years.

THE COURT: Thank you. You're available. Mr.
Smith?

MR. SMITH: I'm available, Your Honour.

30 THE COURT: Okay. Ms. Scholey?

MS. SCHOLEY: I will be retired by then but I
will advise the Office of the Children's

21.
Submissions

Lawyer. I'm sure they'll be able to find a lawyer...

DEIRDRE MOORE: Or...

MS. SCHOLEY: ...who...

DEIRDRE MOORE: ...imprisoned.

MS. SCHOLEY: ...would be able to fill in for then.

THE COURT: Sorry, thank you. All right. So now I want a summary judgment date well in advance of the trial, perhaps in the beginning of November, even in October if there is one.

MS. SOUDER: Your Honour, I would anticipate that this would likely take a day.

THE COURT: I would as well. Madam Registrar, are you looking for the dates?

CLERK REGISTRAR: For a trial management conference, was it?

THE COURT: No, no, it's for a summary judgment motion, a day-long summary judgment motion. At the end of October, beginning of November.

CLERK REGISTRAR: I don't have any dates available for that day, that month. I don't know, Maureen (ph), do you have any dates for that month?

TRIAL COORDINATOR: Let me just take a look.

CLERK REGISTRAR: If it's a full day.

TRIAL COORDINATOR: Okay. Can you get out of the calendar and I'll get into it?

DEIRDRE MOORE: I'm just trying to find a day.

TRIAL COORDINATOR: Sorry, it's taking me a long time to get into the, the calendar...

THE COURT: That's...

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Submissions

TRIAL COORDINATOR: ...so....

5 THE COURT: ...all right. If it's of any assistance the - one of the matters that was recorded vacated (ph) this morning was set for trial starting October 13th and into the following week. So I don't know whether somebody else has taken that trial time but it's not - possibly a day in that - in that date range.

10 DEIRDRE MOORE: Is there 12 days there?

THE COURT: Not two weeks of it.

DEIRDRE MOORE: Is there 10 days? I can cut my time. That'd be worth it. I'll give up two days if I can get it scheduled for October.

15 MS. SOUDER: Well, Your Honour, I'm not - I'm not available for that entire block of time any longer.

DEIRDRE MOORE: But we don't need you.

20 THE COURT: All right. Ms. McGilvery, can we use one of those dates?

TRIAL COORDINATOR: I'm just trying to still get into this, I'm sorry.

THE COURT: I don't think they've been vacated yet.

25 CLERK REGISTRAR: I, I did sign off, Maureen.

TRIAL COORDINATOR: I, I can't get in. Is there nothing available that is scheduled for a day in November?

30 CLERK REGISTRAR: Let me just check real quickly.

MS. SOUDER: Okay. And I can indicate, Your Honour, that those trial dates were vacated,

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Submissions

but it was late yesterday so it may not have made it into the system yet.

THE COURT: I see.

CLERK REGISTRAR: For the full, full day?
For....

THE COURT: Yes.

CLERK REGISTRAR: November 10th?

THE COURT: All right. Ms. Souder, November 10th?

MS. SOUDER: Yes, that's available.

THE COURT: Mr. Smith?

MR. SMITH: That is available, Your Honour.

THE COURT: Ms. Moore?

DEIRDRE MOORE: I'm available all the time.

THE COURT: Ms. Scholey?

MS. SCHOLEY: I'm available.

THE COURT: All right. Okay. So there's going to be a summary judgment motion for a full day on November 10th, 2020, at 10:00 a.m. There's going to be 12 days of trial commencing January 11th, at 10:00 a.m., 2021, up until January 26th, 2021. And with respect to your support matters, Ms. Moore, those are related to your family file.

DEIRDRE MOORE: Yeah, well, the reality is I'm on the sidewalk next week and I'm - you're asking me to prepare for a 12-day trial when I'm on the - on the sidewalk.

So you can rely on whatever, whatever you want. The reality is I'm currently being wickedly abused by the man all of you are attempt - are

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Submissions

protecting.

MR. SMITH: Just to [indiscernible]...

THE COURT: [Indiscernible].

MR. SMITH: ...on this, Your Honour, the
5 payments that were made, we forwarded them
to....

DEIRDRE MOORE: They're lying.

MR. SMITH: An...

THE COURT: Ms....

MR. SMITH: ...address....

THE COURT: ...Ms. Moore, he is talking now.

DEIRDRE MOORE: I know but he - every time he
10 talks, he lies. I have - I haven't received
anything since February. That's the reality.

THE COURT: Okay. Go ahead, Mr. Smith.

DEIRDRE MOORE: Go ahead, Smith.

MR. SMITH: We were advised by Ms. Moore that
15 she was residing in the Sheraton Hotel in
Boston. We sent the cheques there....

DEIRDRE MOORE: No, you didn't.

MR. SMITH: They were subsequently returned to
20 our office. Ms. Moore had already vacated that
location. We - to get the payments to her, we
have tried to get her to agree to the order
that was made to have it issued and entered so
25 we could make the payments through the Family
Responsibility Office.

THE COURT: Mm-hmm.

MR. SMITH: If Ms. Moore would approve that
30 order, it would facilitate the payment to her.
My client is anxious to make those payments.

THE COURT: Ms. Moore, it sounds like the

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Submissions

ball's in your court.

5 DEIRDRE MOORE: Oh, yeah, okay, well, here,
here's the thing. It - I'm entitled to
approximately \$7,000 a month in support because
we live in a million - we used to live in a
million dollar...

THE COURT: Okay.

DEIRDRE MOORE: ...home here...

THE COURT: My...

10 DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...understanding is there's an
order in place.

15 DEIRDRE MOORE: Yeah, it was an illegally-
obtained-through-fraud-and-defamation order for
\$1,230 a month, which doesn't even pay the
rent. So I have been trying to have that
temporary illegally-obtained-through - through
- you know, half a dozen crimes court order.
Why am I going to approve a court order for
20 \$12,000 a year?

THE COURT: Okay. Is there some way that Mr.
Smith can arrange to have his client pay you
what has been ordered so far, such that you
will be in receipt of that?

25 DEIRDRE MOORE: Your Honour, I've been trying
to get Mr. Smith and Mr. Kiska to e-transfer me
the 1,230 measly dollars per month for the last
five, five months. I have evidence of that.
They refused. They...

30 THE COURT: Mr...

DEIRDRE MOORE: ...they....

THE COURT: ...Smith, can...

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Submissions

DEIRDRE MOORE: Refused.

THE COURT: ...your client e-transfer the money?

MR. SMITH: I will ask him to do so, Your Honour.

THE COURT: All right.

DEIRDRE MOORE: It doesn't mean he - no, no. Can you - can you get him to - so Smith asked him to do so but he doesn't do it, right?

THE COURT: I, I...

DEIRDRE MOORE: *[Indiscernible]*...

THE COURT: ...think...

DEIRDRE MOORE: ...*[indiscernible]*...

THE COURT: ...it, it behooves you to get it paid pursuant to the order. And then if Ms. Moore doesn't want to sign the draft order - it doesn't change that there is an order so....

DEIRDRE MOORE: Yeah, but what I'm going to - what I'm going to be doing is submitting an, another urgent request.

Justice Pamela MacEachern dismissed my notice of motion to - motion to change that temporary order because she, she, for some reason, believed that it wasn't urgent, and that I only started asking, you know, a month ago. Well, I have evidence that dates back to actually 2017. So what I'm going to do is a new - a new notice of motion with that tiny 10-page limit that submits enough evidence so that we can have the whole thing reviewed and I, I don't have to...

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Submissions

THE COURT: Okay.

DEIRDRE MOORE: ...[indiscernible]...

THE COURT: That's for - that will be up to
Justice MacEachern.

DEIRDRE MOORE: Oh...

THE COURT: Mr...

DEIRDRE MOORE: ...I...

THE COURT: ...Mr...

DEIRDRE MOORE: ...know.

THE COURT: ...Smith, you're going to make the
payments that have been ordered happen in the
meantime. And so I'm going to write an
endorsement that sets out the trial dates and
the summary judgment motion. If the Society
decides to bring a motion for the appointment
of a PG and T, they can file that through the -
through the counter.

MS. SOUDER: And...

DEIRDRE MOORE: Thank...

MS. SOUDER: ...Your...

DEIRDRE MOORE: ...you. May I...

MS. SOUDER: Your Honour....

DEIRDRE MOORE: Excuse me, Ms. Souder. Your
Honour, may I request leave to bring a motion
to have the CAS file dismissed. I have more
than enough evidence to show it was a malicious
abuse of process and...

THE COURT: Well...

DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...that...

DEIRDRE MOORE: ...[indiscernible]...

THE COURT: ...can...

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Submissions

DEIRDRE MOORE: ...[indiscernible]....

THE COURT: ...certainly be your response to
the summary judgment motion. And...

DEIRDRE MOORE: So...

THE COURT: ...you...

DEIRDRE MOORE: ...is...

THE COURT: ...can....

DEIRDRE MOORE: ...there any - there's nothing
- it won't take me a day. I could - I could
provide an affidavit with...

THE COURT: Okay.

DEIRDRE MOORE: ...enough evidence.

THE COURT: That can be your...

DEIRDRE MOORE: [Indiscernible]...

THE COURT: ...response...

DEIRDRE MOORE: ...[indiscernible].

THE COURT: ...to the summary judgment motion
that you think the Society's proceedings should
be dismissed.

DEIRDRE MOORE: It's just so far away. Is
there anything in September?

THE COURT: No, we're going to do it all on the
same date.

DEIRDRE MOORE: All right. Thank you, Your
Honour.

THE COURT: Thank you.

MR. SMITH: Thank you, Your Honour.

MS. SOUDER: Yes...

MR. SMITH: Thank...

MS. SOUDER: ...Your...

MR. SMITH: ...you.

MS. SOUDER: ...Honour, would you include in

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Submissions

5
your endorsement that the Society is permitted
to bring a motion in relation to the
appointment of the Public Guardian and Trustee
since the matter has been set down for trial
now?

THE COURT: Yes, I'll indicate that.

MS. SOUDER: Thank you, Your Honour.

THE COURT: Okay. Thank you.

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...WHEREUPON THE PROCEEDINGS ARE ADJOURNED

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Certification

FORM 2

**Certificate of Transcript (Subsection 5(2))
Evidence Act**

5 I, Robert Oates, certify that this document is a true and accurate transcript of the recording of *CAS of Ottawa v Deirdre Moore and Jonathan Kiska* in the Superior Court of Justice Family Court at 161 Elgin Street, Ottawa, Ontario, taken from Recording No.

10 0411_CR23_20200828_091841__10_ENGELKT.dcr, which has been certified in Form 1.

15 13 April 2021



(date)

(signature of authorized person)

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