

Federal Court



Cour fédérale

**Date: 20210528**

**Dockets: T-675-21  
T-676-21  
T-693-21**

**Citation: 2021 FC 509**

**Ottawa, Ontario, May 28, 2021**

**PRESENT: The Honourable Mr. Justice Lafrenière**

**Docket: T-675-21**

**BETWEEN:**

**CLAUFIELD COOTE**

**Applicant**

**and**

**CANADIAN IMPERIAL BANK OF  
COMMERCE**

**Respondent**

**Docket: T-676-21**

**AND BETWEEN:**

**CLAUFIELD COOTE**

**Applicant**

**and**

**CANADIAN HUMAN RIGHTS  
COMMISSION  
AND DIANNA SCARTY**

**AND FINANCIAL CONSUMER AGENCY  
OF CANADA ET AL**

**Respondents**

**Docket: T-693-21**

**AND BETWEEN:**

**CLAUFIELD COOTE**

**Applicant**

**and**

**CANADIAN HUMAN RIGHTS  
COMMISSION  
AND DIANNA SCARTY ET AL  
AND BANK OF NOVA SCOTIA ET AL**

**Respondents**

**ORDER AND REASONS**

[1] The only issue before the Court is whether the Notices of Application filed in Court File Nos. T-675-21, T-676-21 and T-693-21 by the Applicant, Claufied Coote, should be removed from the Court files pursuant to Rule 74 of the *Federal Courts Rules*, SOR/98-106 [the *Rules*] on the ground that the originating pleadings were not filed in accordance with an order of the Court.

[2] By way of background, Mr. Justice Roger Hughes issued three Orders dated June 13, 2013 in Court File No. T-312-13 with accompanying reasons. In one of the Orders [the Vexatious Litigant Order], the respondent, Anthony Coote, was declared to have persistently and

without reasonable grounds instituted vexatious proceedings and conducted proceedings in the Federal Court in a vexatious manner within the meaning of section 40 of the *Federal Courts Act*, RSC 1985, c. F-7. Mr. Justice Hughes also prohibited the respondent from directly or indirectly, instituting or continuing any proceedings in the Federal Court and Federal Court of Appeal, except with leave of a judge of the Federal Court, with such request for leave to be made pursuant to s. 40 of the *Federal Courts Act*, by application on at least ten days' notice of the Attorney General of Canada.

[3] In his reasons, Mr. Justice Hughes noted that the respondent was also known as Antoine Coote or Caufield Anthony St. Orbain Coote: *Lawyers' Professional Indemnity Company v. Coote*, 2013 FC 643. The Vexatious Litigant Order was affirmed by the Federal Court of Appeal in *Coote v. Lawpro Professional Indemnity Company*, 2013 FCA 246. Leave to appeal that decision was denied by the Supreme Court of Canada: 2015 CanLII 17889 (SCC) (Tab C).

[4] On April 26, 2021, a person identifying himself as Claufield Coote filed two Notices of Application purporting to challenge decisions of the Canadian Human Rights Commission [CHRC] dismissing his complaints that the Canadian Imperial Bank of Commerce [CIBC] and the Financial Consumer Agency of Canada discriminated against him contrary to the *Canadian Human Rights Act*, RSC 1985, c H-6. A third Notice of Application was filed on April 29, 2021 by Claufield Coote seeking to challenge a decision of the CHRC dismissing his complaint against the Bank of Nova Scotia [Scotiabank].

[5] On May 7, 2021, Mr. Justice Paul Favel issued the following Direction:

Upon review of correspondence dated May 5, 2021 from counsel for the Attorney General of Canada, related to Applications T-675-21, T-676-21 and T-693- 21 [Filed Applications], indicating the Applicant is subject to a vexatious litigant order pursuant to Section 40 of the Federal Courts Act, the Court is of the view that Rule 74 has application to the Filed Applications. As such, according to *Virgo v Canada (Attorney General)*, 2019 FCA 167 the Court directs the following:

1. The Applicant in the Filed Applications will, by 4:00 p.m. (Eastern Daylight Time) on Wednesday, May 12, 2021, serve and file written submissions of no more than 10 pages in length responding to whether he is the same individual who is subject to the vexatious litigant order as set out in the May 5, 2021 correspondence from the Attorney General of Canada;
2. The Respondents in the Filed Applications will, by 4:00 p.m. (Eastern Daylight Time) on Monday, May 17, 2021, serve and file written submissions of no more than 10 pages in length responding to the Applicant's submissions; and
3. The submitted materials will then be considered and addressed by the duty judge.

[6] Upon reading the written submissions filed by the Applicant, the CHRC, the Attorney General of Canada, CIBC, and Scotiabank, I note that the Applicant does not deny, and in fact admits, that he is one and the same person who is targeted by the Vexatious Litigant Order. This is apparent from the Applicant's pleadings themselves. By way of example, the Applicant seeks the following relief at paragraph 1 of the Notice of Application in T-693-21:

1. An equitable use of the Court's powers by clarifying the legal quagmire of s.41 (1) of the Canadian Human Rights Act, with some of the cases relied on by Dianna Scarty being surplusage, irrelevant, and distinguishable based on the underlying facts of this file; the underlying alleged malafides, abuses of discretion, cruel and unusual treatment, ill intent, misbehavior, immoral conduct (or what others may characterize as morally bereft or lacking moral compass) decision of retired judge and professor Roger Hughes, who shed his robes and assumed the mantle of the many defendants, and the symbiotic characteristics, are supported by justice Stratas of the federal court of appeal, who stated the federal

court contravened the law, its powers and processes, by use of their own motion to initiate proceedings against SRL's (litigants), applicable in my case by a retired Prothonotary, on behalf of Weirfoulds LLP, Faren Bogach and Farah Malik, and LAWPRO, who collectively, along with the Crown in the Right of Canada/Her Majesty The Queen In The Right Of Canada, weaponized the law against me;

[Underlining added.]

[7] It would appear that the Applicant intentionally misspelled his name in the style of cause of his pleadings (by adding an "l" to his first name), presumably in order to avoid detection by the Registry and to skirt the express requirement of the Vexatious Litigant Order that the Applicant first obtain leave of the Court before instituting a legal proceeding.

[8] Given that the Applicant is clearly subject to the Vexatious Litigant Order, I am satisfied that the Notices of Application were improperly filed. The Vexatious Litigant Order strictly prohibits the Applicant from commencing litigation in this Court without leave being granted by a judge of this Court by way of application on 10 days notice to the Attorney General of Canada.

[9] It follows that the Notices of Application were not filed in accordance with the Vexatious Litigant Order and should therefore be removed from the Court files pursuant to Rule 74(1) of the *Rules*.

**ORDER IN T-675-21, T-676-21, AND T-693-21**

**THIS COURT ORDERS that:**

1. The Notices of Application shall be removed from the Court files.
2. These proceedings are hereby deemed nullities and void *ab initio*.
3. The Registry shall not receive, accept or file any further documents from the Applicant in these Court files.

"Roger R. Lafrenière"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKETS:** T-675-21, T-676-21 AND T-693-21

**DOCKET:** T-675-21

**STYLE OF CAUSE:** CLAUFIELD COOTE v CANADIAN IMPERIAL  
BANK OF COMMERCE

**AND DOCKET:** T-676-21

**STYLE OF CAUSE:** CLAUFIELD COOTE v CANADIAN HUMAN  
RIGHTS COMMISSION, AND DIANNA SCARTY,  
AND FINANCIAL CONSUMER AGENCY OF  
CANADA ET AL

**AND DOCKET:** T-693-21

**STYLE OF CAUSE:** CLAUFIELD COOTE v CANADIAN HUMAN  
RIGHTS COMMISSION, AND DIANNA SCARTY ET  
AL, AND BANK OF NOVA SCOTIA ET AL

**LEAVE TO FILE NOTICES OF APPLICATION CONSIDERED AT OTTAWA,  
ONTARIO.**

**ORDER AND REASONS:** LAFRENIÈRE J.

**DATED:** MAY 28, 2021

**WRITTEN REPRESENTATIONS BY:**

Claufield Coote	FOR THE APPLICANT (ON HIS OWN BEHALF)
Robert J. Cooper	FOR THE RESPONDENT CANADIAN IMPERIAL BANK OF COMMERCE
Jonathan Robart	FOR THE RESPONDENTS CANADIAN HUMAN RIGHTS COMMISSION AND DIANNA SCARTY

Jennifer L. Caruso

FOR THE RESPONDENT  
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BANK OF NOVA SCOTIA

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Canadian Human Rights  
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