

Federal Court



Cour fédérale

**Date: 20211126**

**Docket: T-1624-19**

**Citation: 2021 FC 1312**

**Ottawa, Ontario, November 26, 2021**

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

**BETWEEN:**

**JEREMY KING**

**Plaintiff**

**and**

**FEDERATION OF NEWFOUNDLAND  
INDIANS INC. (FNI) and HER MAJESTY  
THE QUEEN (CANADA)**

**Defendants**

**and**

**COURTS ADMINISTRATION SERVICE**

**Defendant/  
Moving Party**

**AMENDED ORDER AND REASONS**

[1] By Order of the Chief Justice dated February 24, 2021, Jeremy King was ordered to appear before a judge of this Court to show cause why he should not be found in contempt of this Court [the Show Cause Hearing]. The Show Cause Hearing was held by Zoom video conference on September 23, 2021, after notice was given to all parties, including Mr. King.

[2] Mr. King chose not to attend the Show Cause Hearing and was not represented by counsel. His failure to attend is not an impediment to the matter proceeding: see e.g. *Minister of National Revenue v Cha*, 2007 FC 917.

[3] Counsel for the parties named in the substantive action, Federation of Newfoundland Indians Inc. (FNI) and Her Majesty the Queen, attended the Show Cause Hearing but did not participate or take any position on the issue before the Court. The Show Cause Hearing was conducted by counsel for Courts Administration Service [CAS], which had been granted standing for that limited purpose by Order dated July 14, 2021.

[4] Mr. King's interactions with Court Registry staff resulted in the Chief Justice issuing an Order on December 18, 2020 [the December 18, 2020 Order], ordering Mr. King to comply with certain protocols respecting his interactions with the Court and Registry staff. Specifically, the December 18, 2020 Order provided as follows:

IT IS ORDERED that:

1. The Plaintiff, Jeremy King, shall cease and desist verbally communicating with the Court and Registry staff.

2. Subject to further direction or Order by the Case Management Judge in this proceeding, Mr. King shall communicate with Registry staff and the Court only in writing.
3. In his written communications with the Court and Registry staff, Mr. King is prohibited from using offensive language.
4. Failure to comply with this Order may lead to proceedings for contempt of court. Pursuant to Rule 472 of the *Federal Courts Rules*, SOR/98-106, the consequences of a finding of contempt of court include an Order that:
  - (a) the person be imprisoned for a period of less than five years or until the person complies with the order;
  - (b) the person be imprisoned for a period of less than five years if the person fails to comply with the order;
  - (c) the person pay a fine;
  - (d) the person do or refrain from doing any act;
  - (e) in respect of a person referred to in Rule 429, the person's property be sequestered; and
  - (f) the person pay costs.
5. This Order is to take effect immediately.

[5] As a consequence of further conduct by Mr. King in his interactions with Court and Registry staff, the Chief Justice issued an Order dated February 24, 2021 [the Show Cause Order], in which he stated that he was “satisfied that there is a *prima facie* case that Mr. King is deliberately flouting the December 18th Order and that it is appropriate to issue a show cause order pursuant to Rule 467.” Paragraph 2 of the Show Cause Order addressed the specific acts alleged to have been breached:

The acts with which the Plaintiff is charged are that he breached the December 18th Order by:

- (a) persisting in verbally communicating with the Court and Registry staff, including multiple telephone calls to Registry staff

on January 8, 2021, January 11, 2021, January 18, 2021, January 27, 2021, February 2, 2021, February 11, 2021 and February 15, 2021;

(b) refusing or otherwise failing to communicate with Registry staff and the Court only in writing; and

(c) using abusive, insulting, profane or otherwise offensive language in his emails to Registry staff on January 13, 2021 and February 15, 2021.

[6] CAS called 7 members of the Court Registry staff who provided *viva voce* testimony concerning their interactions with Mr. King. CAS also filed through these witnesses 13 documents, including 11 email messages detailing interactions with Mr. King. Pursuant to my Order dated June 15, 2021, CAS served Mr. King with will say statements of these witnesses and copies of the 13 documents tendered into evidence. The following is a summary of that evidence.

[7] Natasha Brant is a Registry Officer employed by CAS. She testified that on January 11, 2021, she was assigned as the receptionist registry officer and, due to the COVID-19 pandemic, registry calls were forwarded to her work cell phone. She says that around 2:53 p.m. she received a call from an unknown caller (i.e. no caller ID or number displayed). Mr. King identified himself as the caller, he “said his name and that he wanted his case to move on and that his rights were violated.”

[8] Ms. Brant was aware of the December 18, 2020 Order and reminded Mr. King that he was not to call the registry or speak to its staff. When asked what his response was, Ms. Brant testified: “He went using profound (*sic*) language, abusive, aggressive, and just, you know,

demeaning words and complaints regarding this matter.” She further testified that he said that he would find ways to be heard and would keep contacting the Court and find ways to be heard. After hanging up on Mr. King, Ms. Brant received approximately 8 calls all from an unknown number from approximately 2:53 p.m. to 3:06 p.m.

[9] Ms. Brant sent an email to Judy Charles and Catherine Doré of the Registry at 3:03 p.m. on January 11, 2021, as follows:

Mr. King called again today with a (*sic*) unknown number and or No caller ID. I stated the Order on the phone that was issued from the Chief Justice. He said regardless he will keep calling and finding ways to contact us as his rights were violated and for me not to make any statement as I don't know what I'm talking about (aggressively). I simply hung up afterwards and he has been calling reception numerous times now.

[10] When asked to further describe Mr. King's conduct, she said he was “very impulsive, disrespectful in the way of using profound (*sic*) language and just demeaning to the Registry and to the Court.” She said that he was “swearing a lot as well throughout the call and screaming.”

[11] Ms. Brant was again assigned as the registry receptionist officer on February 11, 2021, and had another interaction with Mr. King. Again, he told her his name and his case matter. Again, she remind him of the December 18, 2020 Order. As before, he told Ms. Brant that “he would keep on calling regardless and he wants to be heard for this matter.” Ms. Brant again memorialized the call by email of the same date to Judy Charles.

[12] Marc Medas, a Registry Officer in the Actions section, testified. It was he who emailed the December 18, 2020 Order to Mr. King to his email address that was on file in relation to this

action. Although Mr. King did not acknowledge receipt, there was no “undelivered” notification to indicate that the message was not received and Mr. King subsequently communicated with the Registry from this address.

[13] Jean Lee, a Registry Officer at CAS, was the next witness called. She testified that on January 8, 2021, at 2:42 p.m. she sent Mr. King a direction issued by Prothonotary Molgat. She testified that within 15 minutes, “Mr. King called me using his 519 phone number.” She knew the number from past interactions and did not answer it. She says that Mr. King then called using a blocked number. She answered and they spoke for about 10 minutes. She testified that Mr. King was “agitated” and “angry”, and that “he was using profanities”, including calling one of her supervisors a “fucking cunt.” Ms. Jean advised him that she had to end the call and immediately thereafter, every minute for about six minutes, she received calls from the blocked number. She did not answer any of these calls.

[14] Ms. Lee stated that every time she had a verbal communication with Mr. King she referenced the December 18, 2020 Order, and she emailed him at 3:14 p.m. on January 8, 2021, reminding him of the Order, stating: “please kindly communicate with the Registry staff and the Court only in writing.” He responded by return email as follows (all emails from Mr. King are reproduced verbatim):

No under my treaty rights and constitutional rights I have communicated, this court has not upheld its own principles and is complicit with the defendants making them guilty of judicial misconduct outlined in the constitutional questions outlined to the best of my abilities.

IF you would like charge me with contempt but you have no ability to do so as currently I am only under the treaties this government is

failing to recognize and in nature am unceded and not governed by Canada

However I am

Requesting emergency meeting on this case in person In Federal court so that under the constitutional questions and my rights under the indigenous treaties in Canada that have been disregarded and violated that legal representation be allotted as well given those violations under the treaties that are designed to protect Mikmaq rights.

[15] Mr. King also sent an email to a number of CAS staff by email dated January 13, 2021, responding to the January 8, 2021, email message attaching the Direction of Prothonotary Molgat, writing:

Once again, this motion has been filed and and proof of service and confirmation has been done by the defendants. Get your heads out of your ass, stop defending the defendants and do you job and remain neutral and file the paperwork, along with resubmitting all paperwork submitted since the beginning including Motion of Injunction, Motion of Judicial Review, Motion of Constitutional Questions and complaints of Judicial Misconduct of this office and breach of trust for interfering with a federal case, which up to this point have not been acknowledged. I will be calling to confirm this email.

[16] Again, he was reminded by email from Ms. Lee of the December 18, 2020 Order. He wrote in response:

That order is invalid and violates indigenous treaties and the constitutional rights of the plaintiff. Also is appealed and invalid

There is no record of any appeal having been taken.

[17] Mr. King emailed the CAS staff again on January 13, 2021, writing:

Also note to say include prior case from superior court as well as human rights complaints that have been filed and documented

These is no record of the matters to which he refers.

[18] Mr. King's last email in this chain is dated January 27, 2021, wherein he writes:

Once again their is no word from Federal court on resubmitted documents and once again their are active reprisals by this government and its police forces. It's a good thing an injunction was filed that is not being honoured over a year ago.

Requesting immediate mediation by the courts and a real answer to why a robotham lawyer cannot be provided given the amount of reprisals by the defendants to deter the plaintiff from proceedings.

[19] Ms. Lee testified that she received a call on February 1, 2021, from Mr. King using his 519 number. She did not answer it. She also received a call on February 2, 2021, and February 15, 2021, from an unknown caller, whom she believed was Mr. King. She did not answer those calls.

[20] Ms. Lee testified concerning another email exchange with Mr. King on February 15, 2021. It appears to have started when counsel for Canada sent a letter to the Court and copied Mr. King involving some aspect of the litigation. Mr. King responded, copying the Court, as follows:

In regards to your attachment and prior engagements. This dishonorable court, staff and judge has not acknowledged documents that have been sent in prior, including, motion for judicial review, motion for constitutional questions to be heard and answered, motion of injunction against the defendants, motion for Robotham application for the plaintiff and has taken it upon itself to commit Judicial Misconduct for the defendants breaching their own principles and rules. I have asked multiple times for these



issues to be resolved by the courts who are unwilling to come forward and do so and act neutral in a dispute where their employer "The Government of Canada" is the defendant. Multiple complaints have been lodged to advocacy groups, media and the courts over these occurrences. Once again I am asking the courts to schedule a meeting in person in Federal court in Toronto to resolve these issues.

[21] Ms. Lee responded, asking Mr. King to “[p]lease provide your information in the form of a letter so that it may be placed on the Court docket” and informing him that once it has, it will be placed before the Court. This prompted the following email response from Mr. King:

That has already been done multiple times, which this court and its staff has intentionally not filed properly in order to aid the defendants in this case. I have also made numerous attempts to have the courts have a meeting with me and the defendants to resolve these issues, but unfortunately all communication by the courts has been shut down. I have also made complaints about treaties not being upheld by the court's interference or Judicial Misconduct in this case. There will be a time in the near future when this court will have wished it had done the right thing and not interfered with this case, it will come back to haunt you, Canada and these rascist policies and discrimination the plaintiff has received. SO PLEASE, do your fucking job.

[22] When asked to be mindful of the December 18, 2020 Order, Mr. King responded:

Be mindful that order is discriminatory in nature and does not uphold the treaties signed by the defendants that are NOT BEING HONORED. That instead of reviewing this case as should have been done, the Federal Court remains in Judicial Misconduct, is breaking the law and with the complaints still there, along with unanswered Constitutional Questions. Do your fucking job, forward this to the court and stop hampering a federal court case.

[23] Ms. Lee testified that her interactions with Mr. King made her “feel very uncomfortable and he made me fear for my security.”

[24] The next witness called was Annette Houle, Senior Registry Officer, responsible for the ITA section and the Case Management section of the Registry. She described her interaction with Mr. King on January 18, 2021, when she was manning the registry reception line.

[25] It is her recollection that Mr. King called on his 519 number, and that he stated that he had appealed the December 18, 2020 Order and wanted his judicial review heard. She reminded him of that Order and that he was to contact the Registry only in writing. In response he stated that “our laws do not apply to him” and that the Court has no jurisdiction over him. Ms. Houle said she ended the call after he became “nasty”, “using profane language” and making “references to Madam [Prothonotary] Molgat which were not very polite or proper.” After Ms. Houle ended the call, she received a call on a blocked number, which she assumed was him, and she did not answer it.

[26] Ms. Houle has a second interaction with Mr. King on January 27, 2021. Again, she had a call from his 519 number but, recognizing it, she did not answer the call. She then received one or two calls from a blocked number which were unanswered.

[27] Mr. King called twice on February 2, 2021. He first identified himself and the file number. When reminded of the December 18, 2020 Order he responded: “Hold me in contempt.” She described Mr. King as rude and swearing “and then he would say, ‘Oh, I’m sorry for swearing, but this is the way I am.’”

[28] Ms. Houle memorialized these conversations in writing and her notes were put into evidence.

[29] Jonathan Macena was called next. He is a Registry Officer with the Actions section. He had an interaction with Mr. King on February 15, 2021. Mr. Macena was doing receptionist duties, with Ms. Brant. He took a call from Mr. King. He testified that Mr. King wanted to speak to the Chief Justice to share with him how Indigenous individuals were treated. Mr. Macena described the character of this call as follows:

He was pretty angry and was using a lot of profanity. He called my supervisor a 'fucking cunt' and he threatened the Registry by saying that he was going to lock the building with chains and come hurt us in person.

[30] Mr. Macena followed up the call with an email to the Registry stating that Mr. King had called, writing that "it was unpleasant and he threatened the employees at the Federal Court."

[31] Judy Charles was called next. She is Director of General Proceedings in the Registry of the Federal Court. She had an interaction with Mr. King on January 8, 2021. After being informed that Mr. King had been calling the Registry and was asking to speak to a supervisor, she wrote reminding him of the December 18, 2020 Order and asking him to submit his concerns to her by email. Mr. King responded as follows:

The order supposedly submitted breaks the treaties of indigenous people. As well motions for constitutional questions have been ignored and complaints of judicial misconduct involving yourself n prothonotary have been ignored. This court is guilty of discrimination and Judicial Misconduct and until my rights and the treaties signed with the Mikmaq are upheld and legal representation allotted to challenge properly the order you are referring to has no merit regardless who signed it. If you feel

otherwise have police charge me with contempt for advocating for those rights.

Without physically resubmitting I'm requesting all documentation on file be resubmitted to Chief Justice Crampton and/or elevated to Supreme Court and an emergency hearing be held in Toronto Federal court, and also I verbally am appealing this so called order that is discriminating in its nature given that the plaintiff myself has asked for a judicial review and have submitted constitutional questions to be heard and answered with legal representation allotted under my rights in Canada. If this is not to be done then I have no rights in Canada and the court would be deeming indigenous treaties Invalid n null.

[32] The last witness called was Nathalie Lemieux, a General Clerk in Support Services for the General Proceedings section of the Registry. She received a call from Mr. King on July 14, 2021. He asked to speak with someone in the Registry. He was told that due to COVID restrictions that was not possible, and that she would take his name and number. He insisted on speaking with someone right away. When told that was not possible, Ms. Lemieux stated that he started to get mad and then said:

I'm not far from Toronto local office. If I don't receive a call by 3:30, 4:00 p.m., then I will go there and they will – then I will let them know that I'm there.

[33] Being concerned for the security of staff in the Toronto office, Ms. Lemieux filed a report to CAS Security Services:

Around 1:50 p.m. I received a call from Jeremy King. He wanted to talk with someone in the Registry, but I told him that I will take his name and phone number. He started to be mad, he wanted to know what is happening with his case and he said that nobody wants to talk to him. He said that he is tired of this. He said that if he did not talk to someone, he is not far from Toronto Office and he will go there around 3:30 - 4:00 p.m. and make sure that we will hear from him! It is like a threat, and I feel scared for Toronto Office.

[34] The law of contempt in this Court is governed by the *Federal Courts Rules*, SOR/98-106 and the common law.

[35] Rule 466(b) provides that, subject to the requirement that a show cause hearing be held, “a person is guilty of contempt of Court who [...] disobeys a process or order of the Court.” Rule 469 provides that a finding of contempt “shall be based on proof beyond a reasonable doubt.”

[36] Justice Pallotta recently set out the principles applicable to civil contempt in *Canadian Standards Association v PS Knight Co Ltd*, 2021 FC 770 at paras 21 to 25:

[21] A finding of civil contempt requires that three elements be established: the order alleged to have been breached must state clearly and unequivocally what should and should not be done; the alleged contemnor must have had knowledge of the order; and the alleged contemnor must have intentionally carried out the act that the order prohibits or failed to carry out the act that the order requires: *Carey v Laiken*, 2015 SCC 17 at paras 33-35 [*Carey*].

[22] It is not necessary to show that the alleged contemnor intended, by doing the act, to “interfere with the orderly administration of justice or to impair the authority or dignity of the Court”. It is sufficient to find that the order was “clear and that the alleged contemnor knowingly committed the prohibited act”: *Apotex Inc v Merck & Co Inc*, 2003 FCA 234 at para 60.

[23] Contempt of court is criminal or quasi-criminal in nature. Therefore, the elements of contempt must be established to the criminal standard of proof, beyond a reasonable doubt: Rule 469 of the *FC Rules* [added italics]. The alleged contemnor is presumed to be innocent, and the burden of proving contempt rests with the accuser and never shifts to the accused: *R v Lifchus*, [1997] 3 SCR 320 at para 36 [*Lifchus*]; *Sweda Farms Ltd v Ontario Egg Producers*, 2011 ONSC 3650 at paras 24-25 [*Sweda Farms*] (aff’d 2012 ONCA 337).

[24] The approach to credibility findings in respect of disputed evidence, on the elements of contempt and any defences raised,

requires that I acquit if I believe the accused parties' exculpatory evidence, or if I do not believe the exculpatory evidence but it leaves me with a reasonable doubt about where the truth of the matter lies, or if the evidence that I accept does not convince me, beyond a reasonable doubt, that the accused parties are in contempt: *Sweda Farms* at para 25. A reasonable doubt must be based upon reason and common sense, and must be logically connected to the evidence or the absence of evidence. It does not involve proof to an absolute certainty: *Lifchus* at para 36. An alleged contemnor is not compelled to testify "but, if he chooses to testify his evidence is subject to full scrutiny, and the court may draw adverse inferences from his evidence": *Sweda Farms* at para 24.

[25] The Court's contempt powers are discretionary and should be exercised as a measure of last resort and only where necessary to safeguard the administration of justice: *Carey* at para 36; *Morassee v Nadeau-Dubois*, 2016 SCC 44 at para 21.

[37] Applying those principles to the matter before me, I first find that the December 18, 2020 Order that is alleged to have been breached states clearly and unequivocally what Mr. King was to do and what he was not to do. I further find that he had knowledge of the December 18, 2020 Order. It was sent to him when issued and oftentimes thereafter. Furthermore, its terms were conveyed to him orally during many of the conversations he had with Registry staff, as well as in follow-up email messages. Moreover, he acknowledged knowing its terms if only to dispute their application to him as an Indigenous person.

[38] Lastly, I find on the undisputed evidence that Mr. King intentionally acted in contravention of the December 18, 2020 Order. Specifically, I find contrary to the December 18, 2020 Order:

- a) Mr. King verbally communicated with the Court and Registry staff many times, including on January 8, 2021, January 11, 2021, January 18, 2021, January 27, 2021, February 2, 2021, February 11, 2021, and February 15, 2021;
- b) Mr. King refused or otherwise failed to communicate with the Court and Registry staff only in writing; and
- c) Mr. King used abusive, insulting, profane or otherwise offensive language in his written communications to the Court and Registry staff on January 13, 2021, and February 15, 2021.

[39] For these reasons, based upon the evidence presented, I am satisfied beyond a reasonable doubt that Mr. Jeremy King is guilty of contempt of court. I retain jurisdiction to deal with the penalty or sentencing of Mr. King. The parties shall be afforded the opportunity to make representations on the appropriate penalty to be imposed. Costs shall be dealt with at the sentencing hearing.

[40] These reasons and this Order shall be served on the parties by email, and a copy mailed to the addresses on the Court's file.

[41] This matter shall be referred to the Office of the Judicial Administrator to schedule a sentencing hearing to be held by Zoom.

**ORDER IN T-1624-19**

**THIS COURT**, having found that Jeremy King is in contempt of Court, **ORDERS that**:

1. This matter is referred to the Office of the Judicial Administrator to schedule a sentencing hearing to be held by Zoom, at which the parties may make representations as to the appropriate sentence to be imposed. A further order shall issue after the sentencing hearing, confirming the finding that Jeremy King is in contempt of court;
2. Service of this Order shall be made in accordance with paragraph 40 of the reasons for this Order; and
3. Costs may be spoken to at the sentencing hearing.

"Russel W. Zinn"

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Judge



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

**DOCKET:** T-1624-19

**STYLE OF CAUSE:** JEREMY KING v FEDERATION OF  
NEWFOUNDLAND INDIANS INC (FNI) ET AL

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** SEPTEMBER 23, 2021

**ORDER AND REASONS:** ZINN J.

**DATED:** NOVEMBER 26, 2021

**APPEARANCES:**

No Appearance APPLICANT

Roger Horst FOR THE DEFENDANT (FNI)

Gail Soonarane FOR THE DEFENDANT (HMTQ - CANADA)  
Christopher Rupar

Mannu Chowdhury FOR THE DEFENDANT/MOVING PARTY (CAS)

**SOLICITORS OF RECORD:**

- Nil - SELF-REPRESENTED APPLICANT

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