

Federal Court



Cour fédérale

**Date: 20210805**

**Dockets: T-268-17  
T-1143-19  
T-868-21**

**Citation: 2021 FC 815**

**Ottawa, Ontario, August 5, 2021**

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

**Docket: 268-17**

**BETWEEN:**

**KRISTIN ERNEST HUTTON**

**Plaintiff**

**and**

**RIA SAYAT, LYNN DUHAIME also known as STEPHANIE  
DUHAIME the former Canadian Charge d’Affaires for the  
Republic of Iraq, THE ATTORNEY GENERAL OF  
CANADA (on behalf of THE DEPARTMENT OF  
NATIONAL DEFENCE, CANADIAN SECURITY  
INTELLIGENCE SERVICE and CANADIAN SECURITY  
ESTABLISHMENT), HER MAJESTY THE QUEEN**

**Defendants**

**Docket: T-1143-19**

**AND BETWEEN:**

**KRISTIN ERNEST HUTTON**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA  
and COMMUNICATIONS SECURITY ESTABLISHMENT**

**Respondents**

**Docket: T-868-21**

**AND BETWEEN:**

**KRISTIN ERNEST HUTTON**

**Applicant**

**and**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**ORDER AND REASONS**

I. Overview

[1] Kristin Ernest Hutton is a lawyer and a member of the Law Society of Ontario [LSO]. The LSO is currently examining Mr. Hutton's capacity to practice law. The LSO's inquiry into Mr. Hutton's capacity was prompted by a complaint to the LSO made by counsel for Ria Sayat, a Defendant in one of the many proceedings Mr. Hutton has commenced in this Court.

[2] On November 10, 2020, the LSO ordered that Mr. Hutton undergo a psychiatric evaluation. Mr. Hutton appealed the order, and the appeal was heard on July 7, 2021. Judgment has been reserved.

[3] On June 10, 2021, Prothonotary Mandy Aylen directed that the parties to all current proceedings involving Mr. Hutton state their positions on whether the proceedings should be stayed pursuant to s 50(1)(b) of the *Federal Courts Act*, RSC 1985, c F-7, pending: (a) the final resolution of the LSO's examination of Mr. Hutton's capacity to practice law; or (b) Mr. Hutton's appointment of legal counsel to represent him in all proceedings.

[4] The parties provided their initial written submissions on June 21, 2021. They provided their responding written submissions on June 28, 2021.

[5] As this Court has held previously, Mr. Hutton's efforts to pursue his claims against Ms. Sayat and Ms. Duhaime are a form of harassment. His claims have no apparent basis in reality, and appear to be predicated on delusions. Mr. Hutton has repeatedly, and in multiple forums, initiated and conducted proceedings in a manner that is abusive and vexatious, with evident disregard for judicial resources and those of the parties. If the current proceedings are not stayed, this will undermine the ability of the Court to control its own process and will bring the administration of justice into disrepute.

[6] Court File Nos T-268-17, T-1143-19 and T-868-21 will therefore be stayed pursuant to s 50(1)(b) of the *Federal Courts Act* pending: (a) the completion of the LSO's examination of Mr.

Hutton's capacity to practice law, and any appeals or reviews related thereto; or (b) Mr. Hutton's appointment of legal counsel to represent him in those proceedings. The stay of proceedings may be revisited following the final resolution of the LSO's examination of Mr. Hutton's capacity to practice law. It will be automatically lifted upon Mr. Hutton's appointment of counsel.

[7] Judgment in Court File No DES-7-19 is issued together with this Order and Reasons.

## II. Background

[8] The actions and applications Mr. Hutton has commenced in this Court include the following:

### A. *T-1721-17*

[9] This was an action commenced by Mr. Hutton against Daniel Gosselin, the former Chief Administrator of the Courts Administration Service, for a declaration that the Defendant acted "without statutory power and usurped his power" in relation to a scheduled motion to strike. On January 31, 2018, Prothonotary Kevin Aalto struck the action without leave to amend, holding that:

It is patently obvious on the most cursory review of the Claim that it discloses no sustainable cause of action. In any event, any complaint which the Plaintiff had with the conduct of action T-268-17 could, should and was resolved in that action. This action is nothing short of an abuse of process and is frivolous and vexatious. It is so clearly futile that it has no chance of success [see, for example, *Ruman v HMQ* 2005 FC 389 at para. 18]. It is

astonishing that a lawyer licensed to practice law in Ontario would issue such a Claim.

B. *T-268-17*

[10] This is an action commenced by Mr. Hutton in which he alleges that Ms. Sayat and Ms. Duhaime are, or have previously been, undisclosed intelligence agents of Her Majesty the Queen and have caused him harm. On June 29, 2018, Prothonotary Ayles granted, in part, a motion by the Defendants to strike Mr. Hutton's claims against Gary Gibbs, Peter Mitchell, Chris Ritchie, Shannon Fitzpatrick, and Johns and Janes Doe, holding that Mr. Hutton had failed to plead sufficient material facts to support the allegations.

[11] In *Hutton v Sayat*, 2020 FC 1183 [*Sayat*], Justice Richard Mosley dismissed an appeal of an order respecting the production of documents, holding as follows (at paras 1-2):

[...] the underlying action is an extraordinary farrago of claims in which the Plaintiff purports to be the target of surveillance by Canada's security agencies, his work associates and friends including two former romantic partners. His efforts to pursue those claims against the named individual defendants are, in this Judge's view, a form of harassment.

The claims against all of the Defendants have no apparent basis in reality and are predicated on delusions. [...]

[12] Justice Mosley continued (at para 7);

In the underlying action, the Plaintiff alleged that Ms. Ria Sayat and Ms. Lynn Duhaime, two of the Plaintiff's former romantic

partners, as well as many other friends and colleagues, are servants or agents of the Federal Crown who pursued relationships with him for the purpose of establishing and maintaining cover stories related to intelligence work, to monitor, report upon and manipulate his activities and/or to recruit him. In another action before the Court, in Court file T-2086-19, the Plaintiff has alleged that his own father and several other former romantic partners are part of the conspiracy against him.

[13] In *obiter*, Justice Mosley offered the following additional observations (*Sayat* at paras 52-53):

This is one of six actions and applications for judicial review that the Plaintiff has filed in the Federal Court since 2017. All of them have required the expenditure of public funds and judicial resources as well as those of the Defendants and Respondents. The Court does not lightly point to what appears to be delusional behaviour, but it has to be concerned when there is no realistic basis for the proceedings brought by the Plaintiff. This judge has fifteen years of experience in dealing with matters relating to national security as well as related prior legal experience. Nothing in that experience suggests that there is any merit to the Plaintiff's claims.

[14] On May 26, 2021, Mr. Hutton filed a purported appeal of Prothonotary Aylen's Direction dated May 19, 2021 concerning the cross-examination of a Crown affiant. Mr. Hutton seeks voluminous relief, including declarations pursuant to the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [*Charter*], declarations concerning s 18.2 of the *Canadian Security Intelligence Services Act*, RSC, 1985, c C-23 [*CSIS Act*], and the appointment of a security-cleared *amicus curiae*.

C. *T-1143-19*

[15] This is an application for judicial review of a decision by the former Office of the Communications Security Establishment Commissioner [OCSEC] to dismiss a complaint made by Mr. Hutton in which he alleged that the Communications Security Establishment [CSE] had intercepted or otherwise manipulated his electronic communications. On November 16, 2020, Mr. Hutton sought to amend the application to allege personal and institutional bias against the decision-maker. The AGC did not concede that there was any merit to these allegations, but did not object to Mr. Hutton amending the application in order to advance them. Mr. Hutton also sought a further and better certified tribunal record [CTR].

[16] On September 30, 2020, I granted Mr. Hutton's motion to amend the application and for a further and better CTR, but only in part. While I found that additional disclosure may be warranted when there are allegations of bias or a breach of procedural fairness, I also noted that this does not allow a person to engage in a fishing expedition in the hopes of discovering some documents to establish the claim. I therefore rejected Mr. Hutton's request for a significant expansion of the CTR, holding as follows:

Mr. Hutton's demand for production of copies of the 'hundreds of complaints' considered and dismissed by the OCSEC in the years preceding his own complaint is the kind of vague and overbroad request that is entirely inconsistent with the summary nature of judicial review.

D. *DES-7-19 and DES-5-21*

[17] These are consolidated applications brought by the AGC pursuant to s 38 of the *Canada Evidence Act*, RSC, 1985, c C-5 [CEA], to maintain the confidentiality of information that is subject to disclosure in Court Files Nos T-1143-19 and T-268-17 pertaining to the investigation conducted by the OCSEC. On December 11, 2020, I appointed Anil Kapoor as *amicus curiae* to assist with the *in camera*, *ex parte* hearing of the applications. The public hearing of the applications occurred on April 29, 2021, and the *ex parte*, *in camera* hearing took place on June 15, 2021. Judgment respecting these applications is issued together with this Order and Reasons.

E. *T-2071-19 and T-2086-19*

[18] These were actions commenced by Mr. Hutton against Robert Hutton, Gary W Gibbs, Michelle Gibbs, Peter Mitchell, Charlotte Freeman-Shaw, Rega Chang, Elke Jessen, Ria Sayat, Stephanie Lynn Duhaime, Chris Ritchie, Shannon Fitzpatrick, Rhys Jenkins and Bob Scott Ryan (Court File No T-2071-19) and against the Attorney General of Canada [AGC] (T-2086-19). In the former action, Mr. Hutton once again alleged that the Defendants are, or were previously, undisclosed intelligence agents of Her Majesty the Queen. Mr. Hutton also alleged that his rights under ss 7, 9, 12 and 15 of the *Charter*, had been violated by the government's refusal to confirm his claims. In the latter action, Mr. Hutton sought declarations that the actions of Crown employees had infringed his rights under ss 7, 8, 9, 12 and 15 of the *Charter*, that the AGC was in breach of fiduciary and constitutional duties owed to him, and that concurrently holding



employment as a lawyer in Ontario and as “an active undisclosed servant or agent of the security apparatus” contravened s 71 of the Ontario *Courts of Justice Act*, RSO 1990, c C-43.

[19] On January 22, 2021, I struck the statements of claim in T-2071-19 and T-2086-19 in their entirety, without leave to amend. I found that the new actions were obvious and egregious attempts to circumvent Prothonotary Ayleson’s case management orders, after they had been upheld on appeal (*Hutton v Sayat*, 2019 FC 799). I therefore concluded that the statements of claims constituted an abuse of the Court’s process (*Hutton v Canada (Attorney General)*, 2021 FC 75).

F. *T-771-20*

[20] This was an application for judicial review commenced by Mr. Hutton in respect of a decision by the Office of the Privacy Commissioner [OPC] to dismiss his complaint under ss 7, 8, 25 and 35 of the *Privacy Act*, RSC, 1985, c P-21. Mr. Hutton sought an order in the nature of *mandamus* remitting the matter to the OPC, and requiring the OPC to conduct a more comprehensive investigation into the refusal of his request for disclosure of employment records of individuals he alleged to be former or current members of the “Federal Security Apparatus”. Mr. Hutton discontinued the application on October 18, 2020.

G. *T-868-21*

[21] This is an application commenced by Mr. Hutton in which he challenges the constitutional validity and applicability of s 18.2 of the *CSIS Act*, and any binding policy respecting the application or operation of this provision in relation to the subject-matter of his various other actions and applications. On June 10, 2021, Prothonotary Aylen directed that Court File No T-868-21 be held in abeyance pending further direction or order of this Court.

III. Positions of the Parties

A. *Attorney General of Canada*

[22] The AGC says that the totality of the circumstances, including the unnecessary duplication of issues, parallel proceedings, unnecessary motions, misguided appeals, and repeated and varied meritless arguments, provide the Court with ample jurisdiction to stay Mr. Hutton's current proceedings. According to the AGC, the consumption of the Court's and parties' resources continues to mount, despite the fact that Mr. Hutton has been unsuccessful at every turn. Mr. Hutton has yet to provide any evidence to support his theories, which lack even an air of reality.

[23] The AGC describes Mr. Hutton's proceedings as "parts of an extensive fishing expedition that seeks to nourish his unfortunate and misguided theories". The AGC notes that Mr. Hutton has candidly admitted his allegations lack evidence, and his various proceedings are intended to

uncover facts to support his theories. Mr. Hutton has stated a number of times that his challenge to the CEA motions in Court File Nos T-1143-19 and DES-7-19 is driven by his belief that the existence of redactions must mean that his theories are true. It has been explained to Mr. Hutton by both counsel for the AGC and the Court that this inference is unjustified.

[24] Both Ms. Duhaime and Ms. Sayat have filed affidavits in T-268-17 in which they explain their careers, their relationships with Mr. Hutton, and the lack of any foundation for Mr. Hutton's theories and accusations. The OCSEC has confirmed that none of the persons Mr. Hutton alleges to be part of the "security apparatus" ever worked for CSE. An affidavit has also been filed confirming that the individual Defendants were not members of the Canadian Forces or employed by the Department of National Defence. Global Affairs Canada has provided an affidavit confirming that Ms. Duhaime's work for that organization was as she describes in her affidavit. Global Affairs Canada has also confirmed that Ms. Sayat was never an employee.

[25] On February 19, 2020, in response to a complaint submitted by Mr. Hutton, the Canadian Security Intelligence Service [CSIS] informed him as follows:

The allegations you describe in your letters and attachments have been carefully reviewed and the appropriate internal inquiries have been made. We can assure you that CSIS is not involved in the circumstances you allege and that none of the individuals you allege work for CSIS are in fact employees or contractors of the Service.

[26] Despite including the CSIS letter in his affidavit of documents, Mr. Hutton has not consented to its admission on a motion for summary judgment. He has repeatedly taken the

position that s 18.2 of the *CSIS Act* permits witnesses to perjure themselves in court without penalty. At present, there are three matters before this Court in which Mr. Hutton advances his misguided interpretation of this statutory provision.

[27] The AGC also relies on Mr. Hutton's meritless attacks on Prothonotary Ayles' case management orders, as upheld by Justices Gleeson and Mosley, and his attempts to circumvent case management orders with new actions that have been struck by the Court as an abuse of process.

B. *Ria Sayat*

[28] Ms. Sayat acknowledges that, as a general rule, a party may choose to represent himself in legal proceedings; however, it may be appropriate for a court to require a self-represented litigant to retain counsel when it is clear that the individual is incapable of managing the proceedings and is causing prejudice to other parties. It is readily apparent from the proliferation of proceedings and meritless appeals that Mr. Hutton is incapable of managing these proceedings reasonably or effectively, and that he is causing significant prejudice to the Defendants and to the orderly administration of justice.

[29] Ms. Sayat maintains that it would be an insufficient remedy to order Mr. Hutton to retain counsel, as representation by counsel has not precluded Mr. Hutton from acting abusively in the past. Mr. Hutton has repeatedly sought to re-litigate issues and revive allegations that have previously been struck. Ms. Sayat says that these proceedings ought to be stayed as an abuse of

process, and the stay should remain in effect until the LSO's inquiry into Mr. Hutton's capacity is finally resolved.

[30] According to Ms. Sayat, Mr. Hutton has demonstrated a wanton and willful disregard for this Court's process and rules, and for the resources of the parties and this Court. She provides the following examples:

- (a) Mr. Hutton was ordered to pay heightened costs in his unsuccessful motion for production before this Court and the Federal Court of Appeal. Despite the fact that Justice Mosley's decision was clearly interlocutory, Mr. Hutton insisted it was final and then filed his appeal materials late. The appeal was struck on the basis that it was out of time and had no chance of success. The Federal Court of Appeal awarded Ms. Sayat costs on a solicitor-client basis, which Mr. Hutton has refused to pay. Ms. Sayat had been forced to undertake assessment proceedings.
- (b) Under the guise of a "refusals motion", Mr. Hutton has sought relief entirely unrelated to a refusals motion, disregarding this Court's rules and processes.
- (c) Mr. Hutton has raised the constitutionality of s 18.2 of the *CSIS Act* in multiple proceedings (Court File Nos T-268-17, DES-17-19 and T-868-21), and before the LSO Tribunal. This has resulted in a proliferation of proceedings relating to the same subject-matter in various forums.
- (d) Mr. Hutton currently has numerous unpaid costs awards against him.

- (e) Mr. Hutton's conduct before the LSO Tribunal is equally vexatious, and demonstrates a pattern of abusive behaviour. In the fall of 2020, the LSO brought a motion for an order that Mr. Hutton be examined by a psychiatrist. Mr. Hutton responded with a motion to strike the LSO's application, and obtained summonses for Ms. Sayat and various Crown representatives. The summonses were quashed, the LSO Tribunal dismissed Mr. Hutton's motion to strike and ordered that he be examined by a psychiatrist. Mr. Hutton is appealing these decisions, and is also seeking to overturn various interlocutory orders, including the orders to quash the summonses of Ms. Sayat and various Crown representatives. The LSO has brought preliminary motions to quash Mr. Hutton's Notice of Appeal insofar as it relates to interlocutory decisions. Again, Mr. Hutton has shown complete disregard for the rules and processes of the LSO Tribunal, resulting in a further proliferation of proceedings and wasted resources.
- (f) Mr. Hutton has submitted a complaint against Ms. Sayat to the College of Nurses of Ontario [CNO] based on similar allegations to those made in Court File No T-268-17. The CNO declined to consider the complaint on the ground that it was an abuse of process. Mr. Hutton requested a review of this decision. The Health Professions and Review Board held that Mr. Hutton's request was frivolous, vexatious, made in bad faith, moot, or otherwise an abuse of process.

C. *Kristin Hutton*

[31] Mr. Hutton opposes a stay of proceedings. According to Mr. Hutton, staying all proceedings at this time will have the practical effect of:

- (a) curtailing and suppressing the public's knowledge and subsequent dialogue concerning the deteriorated state of "oversight" in Canada;
- (b) diminishing the public's knowledge and critique of the operations and activities of the citizen-funded "Security Apparatus";
- (c) quashing any judicial guidance or intervention concerning the operation and application of s 18.2 of the *CSIS Act*, a provision that has no identifiable statutory restrictions and lawfully permits employees or "official designates" of the Canadian Security Intelligence Service to openly flaunt the *Criminal Code of Canada*, RSC 1985, c C-46;
- (d) undermining the true purpose and intent of s 50(1)(b) of the *Federal Courts Act*, which limits a stay to only the most serious of cases; and
- (e) rewarding the Defendants in the civil action for the damage they have caused to Mr. Hutton by their collective infringements of his guarantees under the *Charter*, including state-sponsored sexual assault and battery.

[32] Mr. Hutton argues that the AGC should be prohibited from arguing in favour of a stay of proceedings while simultaneously advancing the motions brought pursuant to s 38 of the CEA to prohibit the disclosure of information.

[33] Mr. Hutton notes that Ms. Sayat's counsel initiated the complaint to the LSO, which he says that was done in retaliation for issuing a pleading in this Court.

#### IV. Analysis

[34] Proceedings before this Court may be stayed pursuant to s 50(1)(a) of the *Federal Courts Act* where a claim is being proceeded with in another court, and pursuant to s 50(1)(b) "where for any other reason it is in the interest of justice that the proceedings be stayed". The decision to stay proceedings is a discretionary one. The test under s 50(1)(b) is whether the continuation of the proceedings would cause prejudice or injustice, not merely inconvenience and additional expense, and whether a stay would be unjust (*Siemens Canada Limited v JD Irving Limited*, 2012 FCA 225 at paras 125-127).

[35] The "interest of justice" has been interpreted broadly and with flexibility. It transcends the interest of any party before the Court, and entails a consideration of fundamental notions of justice and the integrity of the judicial process (*Pearson v Canada*, 1999 CanLII 8631 (FC) at paras 20-23, citing *Canada (Minister of Citizenship and Immigration) v Tobiass*, [1997] 3 SCR 391 [*Tobiass*]).



[36] This Court has jurisdiction to grant a stay pursuant to s 50(1)(b) of the *Federal Courts Act* where a proceeding is conducted in such a manner as to connote unfairness or vexatiousness of such a degree that it contravenes fundamental notions of justice and thus undermines the integrity of the judicial process (*Tobiass* at para 89, citing *R v O'Connor*, [1995] 4 SCR 411 at para 73).

[37] *Tobiass* concerned state misconduct and whether the ultimate remedy of a permanent stay of proceedings was appropriate in those circumstances. *Tobiass* is therefore not directly applicable here. An important consideration in this case is that the proposed stay will be temporary in nature. It may be lifted as soon as Mr. Hutton retains competent counsel, or revisited following the final resolution of the LSO's inquiry into Mr. Hutton's capacity.

[38] As the Federal Court of Appeal observed in *Innovation and Development Partners/IDP Inc v Canada*, [1994] FCJ No 360 [*Innovation Partners*] at paragraph 25:

Section 50(1)(b) of the *Federal Court Act*, R.S.C. 1985, c. F-7, empowers the court, in its discretion, to stay proceedings in the interest of justice. In the case at bar, the respondent's continuing defiance and arrogance amount to an abuse of process that cannot be too severely condemned. The respondent can simply not be allowed to continue to "use the court as its own private playground without abiding by its rules" [citations omitted].

[39] The circumstances of *Innovation Partners* are also distinct from the present case. In many respects, this case is unique. As Justice Mosley remarked in *Sayat*, the Court does not lightly point to what appears to be delusional behaviour, but it has to be concerned when there is no realistic basis for a litigant's proceedings.

[40] Given the history of Mr. Hutton's numerous and overlapping proceedings, Ms. Sayat is understandably concerned that a temporary stay that allows for the resumption of proceedings upon the appointment of counsel is insufficient. However, even a temporary stay of proceedings is a strong remedy; one that should be granted only when less severe measures have proved to be inadequate.

[41] A temporary stay of proceedings under s 50(1)(b) of the *Federal Courts Act* is one of the few remaining remedies available to the Court. Heightened cost awards and strong admonitions have not had their desired effect. Justice Mosley's *obiter* comments in *Sayat* regarding the Federal Courts' constrained ability to control their own processes bear repeating:

As stated by the Federal Court of Appeal in *Canada v Olumide*, 2017 FCA 42 at para 32, vexatiousness comes in all shapes and sizes:

**... Sometimes it is the litigant's purpose, often revealed by the parties sued, the nature of the allegations against them and the language used.** Sometimes it is the manner in which proceedings and motions are prosecuted, such as multiple, needless filings, prolix, incomprehensible or intemperate affidavits and submissions, **and the harassment or victimization of opposing parties.**  
[Emphasis original]

The Court is not aware of any consideration by the Attorney General of Canada of a s 40 application in these proceedings. But the requirement that the Attorney General must consent to an application under s 40 unnecessarily constrains the ability of the Federal Courts to control their own processes

[42] I agree with Justice Mosley that Mr. Hutton's efforts to pursue his claims against Ms. Sayat and Ms. Duhaime are a form of harassment. His claims have no apparent basis in reality,

and appear to be predicated on delusions. Mr. Hutton has repeatedly, and in multiple forums, initiated and conducted proceedings in a manner that is abusive and vexatious, with evident disregard for judicial resources and those of the parties. If the proceedings are not stayed, this will undermine the ability of the Court to control its own process and will bring the administration of justice into disrepute.

[43] Judgment in Court File No DES-7-19 is issued together with this Order and Reasons. All of Mr. Hutton's remaining proceedings will be stayed pursuant to s 50(1)(b) of the *Federal Courts Act* pending: (a) the completion of the LSO's examination of Mr. Hutton's capacity to practice law, and any appeals or reviews related thereto; or (b) Mr. Hutton's appointment of legal counsel to represent him in all proceedings.

V. Conclusion

[44] Court File Nos T-268-17, T-1143-19 and T-868-21 shall be stayed pursuant to s 50(1)(b) of the *Federal Courts Act* pending: (a) the completion of the LSO's examination of Mr. Hutton's capacity to practice law and any appeals or reviews related thereto; or (b) Mr. Hutton's appointment of legal counsel to represent him in all proceedings.

[45] The stay of proceedings may be revisited following the final resolution of the LSO's examination of Mr. Hutton's capacity to practice law. It will be automatically lifted upon Mr. Hutton's appointment of counsel.

[46] Judgment in Court File No DES-7-19 is issued together with this Order and Reasons.

**ORDER**

**THIS COURT ORDERS that:**

1. Court File Nos T-268-17, T-1143-19 and T-868-21 are stayed pursuant to s 50(1)(b) of the *Federal Courts Act* pending: (a) the completion of the Law Society of Ontario's examination of Mr. Hutton's capacity to practice law, and any appeals or reviews related thereto; or (b) Mr. Hutton's appointment of legal counsel to represent him in those proceedings.
  
2. The stay of proceedings may be revisited following the final resolution of the LSO's examination of Mr. Hutton's capacity to practice law. It will be automatically lifted upon Mr. Hutton's appointment of counsel.

"Simon Fothergill"

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Judge

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

**DOCKET:** T-268-17  
T-1143-19  
T-868-21

**STYLE OF CAUSE:** KRISTIN ERNEST HUTTON v ATTORNEY  
GENERAL OF CANADA ET AL.

**ORDER AND REASONS:** FOTHERGILL J.

**DATED:** AUGUST 5, 2021

**WRITTEN SUBMISSIONS BY:**

Kristin Hutton PLAINTIFF/APPLICANT  
on his own behalf

Shain Widdifield FOR THE DEFENDANT/RESPONDENT  
Attorney General of Canada et al.

Natai Shelsen FOR THE DEFENDANT  
Ria Sayat

**SOLICITORS OF RECORD:**

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Toronto, Ontario Ria Sayat