

Date: 20080129

Dockets: T-1265-07

T-1315-07

T-1317-07

T-1318-07

Citation: 2008 FC 119

Toronto, Ontario, January 29, 2008

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

WILLIAM A. JOHNSON

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

REASONS FOR ORDER AND ORDER

[1] These Reasons and Order deal with appeals brought by the Applicant in four different proceedings, all related, from a decision of Prothonotary Aalto in all proceedings, dated October 5, 2007. One Order, applicable to all four proceedings T-1265-07; T-1315-07; T-1317-07; and T-1318-07 was given by the Prothonotary and one set of Reasons of Order applicable to all four is given here. The appeals will be dismissed with costs in the sum of \$50 in each proceeding that is, a total of \$200.00 payable to the Respondent by the Applicant.

[2] The Order is question arose from a motion in each proceeding made by the Applicant for the following relief:

1. *Directions concerning the procedure to be followed under r.467 of the Federal Courts Rules for the purpose of r. 466(c); alternatively, an Order in the nature.*
2. *In the alternative, an Order requiring PAULINE McGEE and the Warden of Warkworth Institution (“WI”) and each or either of them to:*
 - a) *appear before a judge at a time and stipulated in the Order;*
 - b) *be prepared to hear proof of the act with which she is charged; and*
 - c) *be prepared to present any defence that one may have.*
3. *An Order extending the time usually provided under Part 5 of the Rules for the steps remaining to be completed there under.*
4. *Costs in the cause.*
5. *Such further and other relief as the applicant may advise and this Honourable Court deems just and appropriate.*

The matter was dealt with in writing and the Prothonotary made the following Order:

THIS COURT ORDERS that

1. *The Applicant is granted an extension of time to November 9, 2007 within which to amend the Notices of Application in this proceeding and in T-1265-07, T-1315-07 and T-1318-07.*
2. *The Applicant is granted a further extension of time to November 30, 2007 to serve and file the Applicant’s Record in this proceeding and in T-1265-07, T-1315-07 and T-1318-07.*
3. *The time for taking subsequent steps in this proceeding is extended to run from the date of the service of the Applicant’s Record on the Respondent in each proceeding.*
4. *This motion and the companion motions in each of T-1265-07, T-1315-07 and T-1318-07 are otherwise dismissed.*
5. *There shall be no costs of these motions.*

In his Reasons for making the Order the Prothonotary said:

This matter is one of four actions (the others being T-1265-07, T-1315-07, T-1318-07) commenced by this Applicant for relief relating to various decisions made by Corrections Officers. This Order applies to each of these proceedings. By Order dated August 24, 2007, the Applicant was granted leave to amend each of the Notices of Application as noted in the Order. The Applicant seeks an extension of time to complete the amendments and file the Application records. To do so he needs his computer. However, he has managed to prepare this Motion Record and the Motion Record in each of the Applications. Thus, he has access to the means to complete the amendments and file the Applicants' Records. An extension of time will be granted. The alternative relief is dismissed and in the circumstances all without costs.

[3] Having regard to the requests made by the Applicant in his motion the extension of time requested was granted, no costs were ordered and the Prothonotary refused to provide directions respecting Rule 466(c) and refused to require persons who are not named as parties to appear before a judge in the manner requested.

[4] A motion for directions is discretionary and a refusal to provide directions is not a matter vital to an issue in this case; there is no proper basis for reconsideration of the Prothonotary's order in that regard.

[5] The request that persons not party the action appear before a judge and hear proof and present a defence clearly reflects a misunderstanding that the Applicant, who is self-represented, has as to the Court process. A person who is not a party to an action can only be subject to such proceedings in the nature of contempt if that person has, in the course of the proceedings, conducted

themselves in a manner as set out in Rule 466. Rule 466 (c) relied upon by the Applicant is a general provision which applies to conduct of an individual within the context of the proceeding. It does not apply to prior conduct that may be alleged as forming the basis of the cause of action. There is no evidence presented on the motion to show that the named individuals conducted themselves in any way that would come within Rule 466. The Prothonotary was correct in dismissing this request.

[6] I appreciate that the Applicant is self-represented however, he should be careful in making motions and taking steps that do not have a sound basis. For that reason, I am assessing costs at a very modest level, \$50.00 in each of the four proceedings, against the Applicant.

ORDER

For the reasons given, THIS COURT ORDERS that:

1. The motion appealing from the Orders of Prothonotary Aalto dated October 5, 2007 are proceedings T-1265-07; T-1315-07; T-1317-07; and T-1318-07 is dismissed.
2. The Respondent is entitled to costs in each of the four proceedings in the sum of \$50 each, totalling \$200.00.

“Roger T. Hughes”

Judge

FEDERAL COURT

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: T-1265-07, T-1315-07,
T-1317-07, T-1318-07

STYLE OF CAUSE: WILLIAM A. JOHNSON V. ATTORNEY
GENERAL OF CANADA

**CONSIDERED AT TORONTO, ONTARIO, MOTION IN WRITING WITHOUT
PERSONAL APPEARANCE OF THE PARTIES**

**REASONS FOR ORDER
AND ORDER:** HUGHES J.

DATED: JANUARY 29, 2008

WRITTEN REPRESENTATIONS BY:

William A. Johnson FOR THE APPLICANT (Self-Represented)

SOLICITORS OF RECORD:

William A. Johnson
Brighton Township, Ontario FOR THE APPLICANT (Self-Represented)