

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)**

**BETWEEN:
MYRIAM MICHAIL**

APPLICANT

— and —

**ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION, MARSHALL
JARVIS, BRUNO MUZZI, FERN HOGAN, JOANNE SCHLEEN, SHELLEY
MALONE, SHEILA BRESCIA;**

**LONDON DISTRICT CATHOLIC SCHOOL BOARD AND
ONTARIO LABOUR RELATIONS BOARD**

RESPONDENTS

**ATTORNEY GENERAL OF CANADA and
ATTORNEY GENERAL OF ONTARIO**

RESPONDENTS

**NOTICE OF MOTION TO THE COURT
FOR AN EXTENSION OF TIME
FILED BY THE APPLICANT, MYRIAM MICHAIL
Self-Represented Litigant**

Pursuant to Section 59 (1) of the *Supreme Court Act* and
Rule 6 of the *Rules of the Supreme Court of Canada*

September 26, 2019

TAKE NOTICE that Myriam Michail, hereby applies to the Court pursuant to section 59(1) of the *Supreme Court of Canada* and Rule 6 of the *Rules of the Supreme Court of Canada* for an order for an extension of time for filing an application for leave to appeal, or any further or order that the Court may deem appropriate;

AND FURTHER TAKE NOTICE that the motion shall be made on the following grounds:

1. Upon the facts and circumstances set out in the Affidavit of Myriam Michail, here attached;
2. Such further and other grounds as I am advised and as this Court may permit.

In *Roberge v R.*, [2005] 2 SCR 469, the Supreme Court of Canada set out the following factors that will be considered by the Court when deciding if a motion for an extension of time should be granted:

- a) whether the applicant communicated a bona fide intention to seek leave to appeal to the other side within the time allowed;
- b) whether counsel moved diligently;

- c) whether a proper explanation has been offered for the delay;
- d) the extent of the delay;
- e) whether granting or denying the extension will unduly prejudice one of the parties;
- f) the merits of the application for leave to appeal

Please find below the Affidavit explaining the current situation.

Dated at London, Ontario this 24th day of September, 2019.

SIGNED BY:

Myriam Michail
Self-Represented Litigant

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

ORIGINAL TO: The Registrar
COPIES TO:

<p>Jacob Pollice The Attorney General of Canada Department of Justice 120 Adelaide Street West, suite 400 Toronto, ON M5H 1T1 Tel: 647-256-0542 Fax: 416-973-4328 Email: Jacob.Pollice@justice.gc.ca</p>	<p>Aaron Hart Ontario Labour Relations Board 505 University Avenue – 2nd Floor Toronto, ON M5G 2P1 Tel: (416) 326-7533 Fax: (416) 326-7531 Email: Aaron.Hart@ontario.ca</p>
<p>Elizabeth M. Traynor & Liam Ledgerwood Counsels for LDCSB Siskinds LLP 680 Waterloo Street London ON N6A 3V8 Tel: 519-660-7890 Fax: 519-660-7891 Email: beth.traynor@siskinds.com / liam.ledgerwood@siskinds.com</p>	<p>Paul Cavalluzzo & Chris Perri Counsels for OECTA Cavalluzzo Shilton McIntyre Cornish LLP 474 Bathurst Street, Suite 300 Toronto, ON M5T 2S6 Tel: 416-964-1115 Fax: 416-964-5895 Email: pcavalluzzo@cavalluzzo.com CPerri@cavalluzzo.com</p>
<p>The Attorney General of Ontario Constitutional Law Branch 720 Bay St. 4th Floor Toronto, ON M7A 2S9 Tel: 416-212-1161 Fax: 416-326-4181 Email: audra.ranalli@ontario.ca</p>	

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RESPONDENTS

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RESPONDENTS

**AFFIDAVIT OF MYRIAM MICHAIL
MOTION FOR EXTENSION**

I, Myriam Michail, of the City of London, in the Province of Ontario, **MAKE OATH AND SAY:**

1. All Respondents were informed that I would ask the Supreme Court for leave since I filed a motion at the Court of Appeal on November 1st, 2018¹ to obtain transcripts.
2. There is no evidence of prejudice to the Respondents. On the contrary, denying this appeal would cause harm to me as an individual and to our society as a whole considering the seriousness of the issues subject to this appeal.
3. I am a Self- Represented Litigant and I am dealing with a medical condition.
See Dr. Reist and Dr. Horne letters attached as Exhibit 1 and 2.
4. This matter sheds light on an outrageous assault on the *Charter* rights and *United Nations Human Rights Declarations* of millions of hard-working unionized Canadians. This case is emblematic of a serious hidden lacuna in labour law and “raises a number of complex and

¹ See Decision on Motion Volume 1 Tab 2 N and Supreme Court Application for Leave to Appeal File #38727 Volume 2 Tab 5

novel administrative law matters of national importance”² that are central to our legal system as a whole, and that warrants consideration by this Court.

5. As a Self-Represented Litigant with a disability I was unable to respond within the same time frame as lawyers with extensive support teams of lawyers, assistants and secretaries working for them. I have to research numerous legal points of law prior to making any submission.
6. Despite my extensive efforts, I was unable to secure legal representation. Lawyers are either “employer side” or “union side” where power and money reside, and the underdog is left without representation.
7. I have also spent much time and effort trying to secure an agent in Ottawa to help me craft my issues in a way to get the Court's attention to maximize my prospects of success in seeking leave. I was informed that Agents only deal with lawyers.
8. This case is convoluted. On June 24, 2019, I submitted another Application for leave to Appeal the COA decision [2019 ONCA 319](#) of April 24, 2019, Supreme Court file no. 38727.
9. I tried to start working on this Application for leave to Appeal as soon as I received the first decision of the Ontario Court of Appeal, [2018 ONCA 857](#) of October 25, 2018; however, I could not, physically or mentally, handle two procedures at the same time.
10. The Respondents have engaged in numerous maneuvers and dilatory tactics to obstruct the adjudication of this case. I was unable to focus on my work due to the overwhelming stress and anxiety created by the series of vexatious and improper actions of the Respondent's' lawyers and COA employees.
11. At this stage I feel exhausted and distressed. I am calling upon you to ensure that underdogs in our country are not oppressed by the powerful.
12. While this appeal concerns a decision issued on October 25, 2018, in all fairness, the calculation of time needs to start from after I submitted my leave to appeal the second decision of the COA on June 24, 2019 SCC File # 38727 which also included many interruptions.
13. I was subjected to countless maneuvers to obstruct justice rendering the process most onerous and torturous for me as a self-represented litigant with a disability. I have listed below a chronology of some of the events that occurred with the hope you will appreciate the amount of grief I endured.

² Lawyer for the union OECTA Mr. Paul Cavalluzzo's factum to the Superior Court June 2017

Timeline of Events

- **October 25, 2018.** The decision was issued
- **November 3, 2018:** I brought a motion in compliance with rule 17 of the *Practice Direction Concerning Civil Appeals at the Court of Appeal for Ontario*³, seeking orders exempting me from the requirement that I provide undertaking not to publish audio recordings of earlier motion hearings, directing publication of decision on the court's website and permitting me to challenge the constitutional validity of portions of s. 136 of CJA. Brown J.A. dismissed the motion for lack of jurisdiction.
- **November 23, 2018:** Judge Brown issued his decision, ruling he has no jurisdiction to consider my motion.
- **November 28, 2018:** I filed my appeal of Judge Brown's decision
- **November 30, 2018:** I inadvertently received an email, in which AGC's lawyer Jacob Pollice instigates the Respondents to file a second r. 2.1 request to have my "latest appeal summarily dismissed"⁴.
- **January 2, 2019:** I sent a letter to Senior Legal Officer & Appeal Scheduling Unit and the Honourable Chief Justice George R. Strathy and the Honourable Associate Chief Justice Alexandra Hoy regarding the difficulties I am encountering in their Court.
- **January 2, 2019:** Ms. Traynor, obliged and advanced a request on behalf of the Respondents to have the Motion appeal M49883 dismissed in the form of a r. 2.1 request⁵.
- **January 16, 2019:** Mr. Marentic, Registrar for the COA, send a letter thanking and appreciating Ms. Traynor for filing her vexatious 2.1 request, advancing false and misleading information to obstruct justice and wasting Court resources⁶.
- **January 24, 2019:** Ms. Debnath and Ms. Miranda sent me a Notice of hearing for M49616;
- **January 30, 2019:** I wrote to Ms. Debnath and Ms. Miranda that the notice: "*incorrectly lists the motion under M49616*";
- **February 5, 2019:** Ms. Debnath sent me a letter listing M49883, informing me that the request for a five-judge panel is denied;
- **February 7, 2019:** I discovered this maneuver entirely by coincidence when Ms. Campbell informed me that the only motion scheduled was M49616, as M49883 was neither listed nor perfected, the following fraudulent actions have taken place:
 - * **the removal of my perfected motion M49883** - Appeal of Justice David Brown's decision on Motion M49750, dated November 23, 2018- from the hearing list and
 - * its **replacement with an old motion, M49616** (an appeal of Judge Paciocco's decision that the court refused to hear back in September 2018, that was part of my quashed Appeal C65674 and that is now of course redundant), and

³ Explanation of Rule 17 Volume 3 **Tab 4 (30)**

⁴ Email exchange between AGC's lawyer Jacob Pollice and Respondents **Tab 4 (28)**

⁵ Rule 2.1 second request volume 3 **Tab 4 (29)**

⁶ Letter from Mr. Marentic volume 3 **Tab 4 (31)**

* **the change of the status of motion M49883 to “not perfected” although it was perfected** and left idle since November 28, 2018.

- **February 8, 2019:** I reported this fraud to Justice Lauwers. He ordered M49616 “off the table” and reinstated M49883⁷, but refused to investigate.
- **February 28, 2019:** Letter from ACJ Hoy, where she fails to provide an explanation on how M49883 that was declared neither perfected nor listed yet she states that it was still being considered for a five-judge panel
- **March 4, 2019:** Letter to CJ Strathy
- **March 20, 2019:** The hearing took place with Rouleau, Miller and Fairburn JJ.A.
- **April 24, 2019:** Decision subject of this application for leave to appeal was issued
- **June 24, 2019:** I went to Ottawa to submit Application for leave to Appeal the Ontario Court of Appeal decision [2019 ONCA 319](#) of April 24, 2019, Supreme Court file no. 38727
- **August 22, 2019 to September 3, 2019:** I was working in my reply to both Attorneys General of Ontario and Canada’s response to my memorandum for Leave to Appeal SCC File no. 38727

14. That I make the within Affidavit in support of my Application for an Extension of Time for filing of the Application for leave to Appeal herein pursuant to Section 59(1) of the Supreme Court of Canada and do so believing that the matters deposed herein are true

Sworn before me at the city of St. Thomas, in the Province of Ontario, on September 24, 2019

.....
Commissioner for Taking Affidavits
(or as may be)

.....
(Signature of deponent)
Myriam Michail

⁷ Lauwers J.A. Decision **Tab 2 O**