

File#: _____

COURT OF APPEAL FOR ONTARIO

B E T W E E N :

JOEL ALLAN SUMNER

(Moving Party)

-AND-

THE LAW SOCIETY OF UPPER CANADA

THE TORONTO POLICE SERVICES BOARD

MALCOM MERCER

BARBARA MURCHI

JOHN KOCHIS

(Respondents)

Notice of Motion

The Moving Party will make a motion to the Judge on June 25th, 2019, at 10:00am, or soon after that time as the motion can be heard, at Osgoode Hall, 130 Queen Street West, Toronto Ontario, M5H 2N5.

PROPOSED METHOD OF HEARING: The motion is to be heard

- in writing under subrule 37.12.1 (1) because it is (insert one of on consent, unopposed or made without notice);
- in writing as an opposed motion under subrule 37.12.1 (4);
- X orally.

THE MOTION IS FOR:

- (1) The motion is for an extension of time to file an appeal from the Superior Court of Justice ordering dismissing Mr. Sumner's lawsuit on or about August 17, 2017.

JURISDICTION

- (1) The Superior Court of Justice had jurisdiction over the matter because under the Courts of Justice Act section 11(2) it states "The Superior Court of Justice has all the jurisdiction, power and authority historically exercised by courts of common law and equity in England and Ontario."
- (2) There was a lawsuit filed for conversion and trespass to chattel by way of extortion and robbery, which historically would be in a court of common law. There was at least one alleged act of conversion by way of extortion while Mr. Kochis was in California and Mr. Sumner in Toronto. The other other acts of extortion occurred by the Toronto Defendants while they and Mr. Sumner were in Toronto.
- (3) This Court has jurisdiction because the Courts of Justice Act section 6(1)(b) states "An appeal lies to the Court of Appeal from, ... (b) a final order of a judge of the Superior Court of Justice, except an order referred to in clause 19 (1) (a) or an order from which an appeal lies to the Divisional Court under another Act".
- (4) Section 19 of the Courts of Justice act states that an appeal lies to the divisional court if there is a single payment less than \$50,000. The lawsuit was filed for several hundred million dollars, which is more than \$50,000.

THE GROUNDS FOR THE MOTION ARE

- (5) Mr. Sumner filed a lawsuit in 2017 for the main purpose of litigating if one thousand (1,000) years ago the Norman Kings drew and understood the term extortion to mean a public official threatening to use or using official acts (similar to a robber threatening to use or using violence) to obtain property not solely for the benefit of Government. Mr. Sumner also sued to find out if modern day extortion has been statutorily expanded to include more familiar forms of blackmail. Lastly, Mr. Sumner sued to find out if adjudicators at the law society of upper canada hold immunity to the anti-corruption laws.
- (6) Mr. Sumner could not retain an attorney because in the underlying lawsuit Mr. Sumner is accusing the Law Society of Upper Canada of being infiltrated by organized crime and each and every attorney in Ontario is a member of the Law Society of Upper Canada and therefore an alleged member of a criminal organization.

- (7) A Judge signed a dismissal order committing the crime of extortion under the colour (for private third-party benefit) of official right (knowing it was with official acts) on or about August 17, 2017 without a hearing of any kind whatsoever. Maybe our ancestors were brilliant theorists who knew the difference between right and wrong and they should be allowed to speak through the common-law, not arbitrarily dismissed and obstructed.
- (8) Mr. Sumner only received notice of dismissal on or about October 2, 2017. On the day he received the notice Mr. Sumner was busy at the Ontario Court of Justice with another extortionate scheme where corrupt public officials were ganging up against Mr. Sumner in order to overcome what they knew was his resistance to Mr. Kochis stealing by way of extortion.
- (9) Shortly afterwards on October 10, 2017 Mr. Sumner received a corruptly and illegally issued order from the Ontario Court of Justice that for eighteen (18) months he is not to communicate directly or indirectly with some of the respondents in this matter. As such, Mr. Sumner had no way to serve the respondents without fear of some sort of criminal sanction. This made it into a crime for Mr. Sumner to publicly participate in the conversation with this Court.
- (10) Mr. Sumner was also corruptly ordered for eighteen (18) months not to physically attend the law society building. The Ontario Court of Appeal is housed in the Law Society building. As such, communication with this Court was obstructed.
- (11) Mr. Kochis, the American respondent in this matter has been unjustifiably (without right) threatening Mr. Sumner since 2009 and continues to threaten Mr. Sumner with an assault and battery. Mr. Kochis is making these unlawful threats to overcome resistance to stealing and to evade a citizen's arrest for the crimes of extortion, interfering with commerce through threats or violence, wire fraud, mail fraud, and racketeering.
- (12) Mr. Sumner went to Israel to get away from the Ontario winter just now and returned the last day of March 2019, so he could immediately finalize this motion while he would be free from threat of a criminal sanction.
- (13) This was Mr. Sumner's first year as a snowbird and he made a lot of mistakes and miscalculations. He endured a lot of problems, but the largest of which was that he did not winterize his living accommodations correctly and therefore did not manage to get running water until May 10, 2019. Upon solving his running water problem, Mr. Sumner began working diligently to finalize this motion and even physically attended the Court

multiple time to talk to the clerk, which wasn't allowed under the corruptly and illegally issued order.

LAW AND ANALYSIS

- (14) Mr. Sumner could not file an appeal within the appropriate timeframe because he was not given notice of the dismissal within the required time frame. He could not appeal an order he did not know existed. As such, he always had to file this motion.
- (15) Mr. Sumner could demonstrate that the order issued on or about October 10th, 2017 from the Ontario Court of Justice was illegally and corruptly issued because a public official (Judge) obtained rights knowing it was with an official act for the benefit of private actors (John Kochis for example). But this is not the correct venue to prove the elements of common-law and statutory extortion.
- (16) Proving the elements of extortion is for trials and appeals, not motions to extend time. Because the meaning of the word extortion is the basis of the underlying litigation, which Mr. Sumner has not been allowed to litigate, for purposes of this motion it should be presumed that orders violate the common-law and statutory anti-corruption laws.
- (17) In addition, when talking about the judiciary committing extortion at common-law the United States Supreme Court said in *Wilkie v. Robbins*, 551 U.S. 537 (2007)
- Whaley* was about a charge of extortion against a justice of the peace who wrongfully ordered a litigant to pay compensation to the other party as well as a small administrative fee to the court. Because the case involved illegally obtaining property for the benefit of a private third party, it does not stand for the proposition that an act for the benefit of the Government alone can be extortion.
- (18) The October 10th order also obstructs Justice because it corruptly threatens Mr. Sumner with some sort of criminal sanction if he were to perform all required steps to peacefully and orderly petition this Court for a redress of grievances against private actors.
- (19) Mr. Sumner should not have to deal with this motion, nor this appeal. He should be allowed to sue without obstruction (obstacles).
- (20) Lastly, the defendants are not prejudiced in any way at all. The Judge in the Superior Court of Justice dismissed the case without a hearing of any kind whatsoever. At no

point should a non-tyrant believe that an order that denied a person the right to peacefully and orderly petition the Courts for a redress of grievances against them would stand-up to anything, but disgust. It is dogs that do not have the right to unobstructed access to peacefully and orderly petition the Courts for a redress of grievances.

REQUESTED RELIEF

The relief requested is that an extension of time is ordered to this date, plus 60 days and the notice of appeal is filed with the clerk of the Court. Or any other lawful and appropriate relief.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:
(list the affidavits or other documentary evidence to be relied on).

Affidavit of Joel Allan Sumner
Order from the Ontario Court of Justice

**The Moving Party Lawyer OR Moving party
Name, Address and Telephone number**

Dated this 24th day of May 2019.

TO:

**The Responding Party Lawyer OR Responding party
Name, Address and Telephone number**

BACKSHEET

*Sumner V. Law Society of Canada, et
al*

COURT OF APPEAL FOR ONTARIO

PROCEEDING COMMENCED AT *Toronto, Ontario*

Notice of Motion

(Motion Record)

**Moving Party Lawyer OR Moving party
Name, Address and Telephone number**
