

TORTIOUS ACTIONS AND OMISSIONS OF THE DEFENDANTS

43. The plaintiff states, and the fact is that the defendant, Mary Fraser, and Clare E. Burns, have:
- (a) breached the plaintiff's ss. 2, 7 and 15 *Charter* rights to his children and fair and due process without regard to race or religion;
 - (b) breached the plaintiff's statutory rights under the *CLRA* and *Courts of Justice Act* as well as:
 - i) breaching the plaintiff's constitutional right(s) to a fair and independent judiciary found in the pre-amble to the *Constitution Act, 1867*;
 - ii) his common-law right of equality as between citizens as enunciated by the Supreme Court of Canada in *Winner*;
 - (c) have instigated and fostered constitutional breaches which fester to the point that the plaintiff cannot and will not,
 - i) receive a fair trial absent a real apprehension of bias in accordance with s.7 of the *Charter* and common law; and
 - ii) a fair trial absent a reasonable apprehension of bias in accordance with s.7 of the *Charter* and at common law;
 in their and their office's representation of the children;
 - (d) engaged in abuse of authority and abuse of process at common law, and under s. 7 of the *Charter*, as enunciated by the Supreme Court of Canada in *Roncarelli* and in, *inter alia*, *USA v. Cobb*;
 - (e) engaged in public misfeasance;
 - (f) have, with the defendants, Daniel Lanoue and Ginger Restall, and others unknown, engaged in the tort of conspiracy to deprive the plaintiff of his statutory and constitutional rights in that:
 - i) the defendants and their officials, did and continue to combine to act unlawfully;
 - ii) their conduct was and is directed towards the plaintiff (and others) similarly situated; and
 - iii) the likelihood of injury to the plaintiff (and others) was and continues to be known to the defendants or should have been known to them in the circumstances;