

**Complaint**  
*The Canadian Judicial Council*

**Complainant:**

*Masood Masjoody*

**Name of Judge:**

*Shelley Colleen Fitzpatrick*

**Name of Court:**

*Supreme Court of British Columbia*

**Court Location:**

800 Smithe Street, Vancouver, BC, V6Z 2E1

**Court case number:**

VLC-SS 204587

**Date of actions leading to the complaint:**

August 3, 2021 (July 14, 2021-August 3, 2021)

August 9, 2022

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### **Description of the complaint**

#### **A- The judge dealing with a jurisdictional challenge following the blockage of discovery**

The judge reserved her judgment after hearing a defendants' jurisdictional challenge on July 14-16, 2021. She issued Reasons For Judgment (the "Reasons") on August 3, 2021, which Reasons were made public on September 15, 2021, through the Court's official website (**Supporting Document 2**).

One of the defendants is a financially and politically powerful academic institution named Simon Fraser University ("SFU").

The plaintiff (complainant herein) had claimed damages against an individual defendant and SFU for defamation and conspiracy allegedly carried out in retaliation to the plaintiff's disclosure of SFU's engagement with a state supporter of terrorism, officially known as the Islamic Republic of Iran (**Supporting Document 1**).

After blocking the plaintiff's several applications for document discovery and the individual defendant's refusal to participate in her scheduled examination for discovery, SFU applied to the Court to dismiss the claims for lack of subject matter jurisdiction. The hearing took place July 14-16, 2021. The Reasons were pronounced on August 3, 2021.

During the hearing of the jurisdictional challenge by the defendants, the judge indicated through her remarks and facial expressions that she was adamant about abusing her position as the presiding judge to:

- (1) show her support for the powerful public body that was a defendant; and
- (2) make every effort to embarrass the plaintiff by signalling her disbelief in the allegations made against the public body, which allegations were the subject of the jurisdictional challenge in a pre-trial application, not the subject of fact-finding on the merits.

The opposing counsels, Yun Li-Reilly, Robert B. Kennedy, and Claire E. Hunter, have had extensive dealings with the courts of British Columbia through paid work for the courts or connections with the courts' officials. (**Supporting Document 6**)

### **B- Victim-shaming and mockery by the judge; undeniable indications of bias**

During and after the hearing, the judge prominently engaged in victim-shaming the plaintiff, who alleges that he has been victimized and conspired against by the powerful public body, SFU.

This misconduct of the judge is evident from the text of the Reasons,

The judge's conduct tends to subject the plaintiff to further abuse by SFU and SFU's affiliates and supporters, particularly in the media.

More importantly, the judge's conduct tends to discourage other individuals from seeking justice in courts against powerful organizations and institutions.

It must be obvious that partisan conduct and using loaded language, especially in a jurisdictional challenge, not only shows the bias of the judge but also can affect an ultimate jury trial, or any forum, whatsoever, for deciding the merits of allegations or any allegations made, or to be made, by the same plaintiff.

Despite the facts that the judge included in the Reasons that (1) fact-finding about the allegations was not the issue before her and (2) ruled that the Court did not have jurisdiction to determine the allegations, in the same Reasons, including in the background and analysis, she repeatedly mocked the allegations and called them out as "bizarre", "escalated", "unreasonable" and "irrational".

The judge's inhumane conduct was carried out despite the well-established law that in a jurisdictional challenge, the judge must presume the truth of the allegations made by the plaintiff and, based on that presumption, determine whether or not the courts have jurisdiction to hear and determine the claim, i.e. whether the courts are authorized to let the discovery process, including document and witness examinations, move forward and ultimately, during the trial, engage in fact-finding on the merits of the allegations.

It is again noteworthy that the plaintiff had made several applications for disclosure of fully identified documents, but the Court had adjourned all of those applications pending the determination of SFU's jurisdictional challenge.

**C- Suppression of the plaintiff's pleadings that were the subject of the jurisdictional challenge and replacing them with the judge's fabrications, lies, and decidedly false speculations**

While inhumanly abusing her office for shaming a victim of conspiratorial defamation and sexual harassment by SFU, the judge did not even describe the allegations properly. She disregarded the actual notice of claim (the "ANoCC") that was before the Court (**Supporting Document 1**).

Fitzpatrick arrogantly stated that she did not need to read the ANoCC in reaching her jurisdictional decision about AnoCC (which decision or ruling is not the subject of this complaint). Indeed, the judge engaged heavily in blanket mockery of the allegations that she did not even bother to read and properly report on.

Notably, 38 paragraphs in the judge's 100-paragraph Reasons, including but not limited to the entire background, are copied directly from the defendants' notice of application, while, as stated above, the judge ignored the subject of the jurisdictional challenge, i.e. the ANoCC.

#### **D- Further victim-shaming through the judge's fabrications, lies, and manifestly false speculations**

Following the hearing, the judge decidedly engaged in manipulations, fabrications, and manifestly false speculations about the plaintiff's pleadings and affidavits that she apparently had not bothered to read. Hence, the judge further decorated her victim-shaming with fact manipulations, fabrications, and many outright lies, all in support of, and to appease, the wealthy and politically powerful enablers within the SFU administration of terrorists from the Islamic Republic regime.

The judge appears to have been too lazy to read the (plaintiff's) material, including pleadings and affidavits, which were all before her but, at the same time, was too eager to mock them and call them out apparently to appease SFU.

Just to give an example, there was an affidavit made by the plaintiff about a faculty member of SFU. That faculty member had supposedly been compromised due to his known history of sexual misconduct in 2013 and 2016 against several students, none of which are parties or even related to the action before the Court. The affidavit explained how that compromised—thereby compliant to the SFU authorities—faculty member was used against the plaintiff in a period **beyond** the material time of the allegations in the ANoCC (**Supporting Document 3**).

That affidavit was put before the Court as evidence of malice even after the conspiracy against the plaintiff took place. The judge, however, gives a fully speculated and manifestly false description of that affidavit and, based on her obvious lies, shamelessly puts in her judgement that "Dr. Masjoody's allegations took another bizarre turn" (para [72] of Reason which was supposed to include the judge's description of the plaintiff's affidavit 5.) At para 72 of the Reasons she wrote about my Affidavit #5 and, apparently, without bothering to read it, she decided to attach it in her imagination to the individual defendant (who had nothing to do with the facts in affidavit 5) and then astonishingly put that imagination in the judgment. Ironically, on this very occasion which is evident of her bizarre level of negligence for a judge, her view is that "[the Plaintiff's] allegation took another bizarre turn."

Likewise, Fitzpatrick's lies and fabrications extended to the facts regarding a consent order that was reached between the lawyers (without a hearing) to adjourn a hearing scheduled for April 2021 whereby allowing the plaintiff's then-newly hired lawyer to have time to review the court material. The judge, however, once more used her fabrications and fact-distortions about a simple matter to show her bias against the plaintiff, as is evident from paragraphs 77-78, among other places, in the Reasons. Communications between parties/lawyers leading to the consent order are appended to this complaint. **(Supporting Document 4)**

#### **E- Further abuse resulting from the judge's disgraceful conduct**

It must be noted that the inhumanly reckless use of loaded language by the judge and her apparent engagement in victim shaming and inclusion of blatant lies and fabrications in her Reasons have motivated and encouraged an online publisher to even build up on the judge's barbaric conduct. That publisher, who is now a defendant in another action commenced by this plaintiff, created some widely published contents inverting the facts and the roles of the parties in VLC-SS 204587, thereby subjecting a victim of defamation and conspiracy to more abuse, all presumably based on and motivated by Fitzpatrick's disgraceful conduct as a judge. **(Supporting Document 5)**

As a result, not only does this judge has abused her office to shame a justice-seeking individual against a public body, but she has effectively paved the way for other ill-minded people to attack the plaintiff. Fitzpatrick must be seen as a threat to justice not only in the courts but also out of the courtroom and deep into the public sphere.

## **F- Remarks on the Incompetence of the Judge**

The conduct of the judge also indicates that she does not have the required competence for a judge and that, in her current position, she will jeopardize the rule of law rather than uphold it.

In summary:

- 1) Fitzpatrick is professionally incompetent in that:
  - a. Fitzpatrick does not understand the rudiments of a judge's duties.
  - b. Fitzpatrick is negligent of the ethical principles for judges, including fairness and impartiality.
  - c. Fitzpatrick does not understand the importance of the discovery process and does not acknowledge its necessity for any fact-finding by the courts.
  - d. Fitzpatrick does not understand that claims can be clarified, amended, and extended.
  - e. To Fitzpatrick, exercising one's right to clarify, amend, or extend claims before a court is "bizarre" and "irrational" when claims are made against a powerful public body.
  - f. Fitzpatrick does not understand the law, particularly the laws of defamation and conspiracy.
  - g. Fitzpatrick does not understand what a jurisdiction challenge before a court is.
  - h. Fitzpatrick does not understand the difference between a trial (where merits of claims are determined based on evidence) and a pre-trial application.

- 2) Fitzpatrick's conduct was in violation of the ethical principles for judges and effectively turned a court of LAW into a realm of TYRANNY, where laws and ethics are immaterial.
- 3) Fitzpatrick did not read the material that she had a duty to read and consider.
- 4) Fitzpatrick ignored the allegations while, supposedly, determining the court's jurisdiction over those very allegations.
- 5) Fitzpatrick copied a big portion of her judgment one-sidedly from SFU's pleadings while ignoring the claims against SFU.
- 6) Fitzpatrick resorted to fact manipulations.
- 7) Fitzpatrick resorted to manifestly false speculations about the written documents before the court that she seems to have been too lazy to read before reporting on them.
- 8) Fitzpatrick resorted to lying when her lies could benefit the SFU administration.
- 9) Fitzpatrick resorted to victim-shaming to appease the wealthy and politically powerful SFU administration and deter others from pursuing justice against the powerful.
- 10) Victim-shaming by Fitzpatrick consisted in using loaded language and words such as "bizarre", "irrational", and "escalated" and attaching them pathetically and uninformedly to allegations against supporters of terrorists within the SFU administration.
- 11) Fitzpatrick resorted to loaded language against a plaintiff because the plaintiff dared to seek justice against a powerful public body.
- 12) With all the above considered, it is only fair and just to conclude that Fitzpatrick is a tyrant and, as such, a threat to justice and to the rule of law, not a decent judge upholding the rule of law.