



**ACTION**

Court File No. T-2027-06

**FEDERAL COURT**

**BETWEEN:**

**Connie O'Byrne  
Plaintiff**

**and**

**Department of Justice and Attorney General of Canada  
Defendants  
Hon. Irwin Cotler  
formerly, Minister of Justice and Attorney General of Canada  
Defendant  
Giuliano (Zack) Zarccadelli  
Commissioner, Royal Canadian Mounted Police  
Defendant  
Darrell McFadyen  
Assistant Commissioner, Royal Canadian Mounted Police  
Defendant  
Inspector Dave Sabean  
formerly Sergeant, Royal Canadian Mounted Police  
Defendant  
R.G. (Ron) Riddell  
Sergeant, Royal Canadian Mounted Police  
Defendant**

**STATEMENT OF CLAIM**

**STATEMENT OF CLAIM TO THE DEFENDANT**

**A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU** by the Plaintiff. The claim made against you is set out in the following pages.

**IF YOU WISH TO DEFEND THIS PROCEEDING**, you or a solicitor acting for you are required to prepare a statement of defense in Form 171B prescribed by the Federal Court Rules serve it on the plaintiff's solicitor or, where the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office

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of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defense is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defense is sixty days.

Copies of the Federal Court Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be give against you in your absence and without further notice to you.

DATE: \_\_\_\_\_

Issued by: \_\_\_\_\_  
(Registry Officer)

Address of local office: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO:  
Department of Justice and Attorney General,  
284 Wellington Street, Ottawa, K1A 0H8

Hon. Irwin Cotler  
Suite 316 – 4770 Kent Avenue, Montreal, Quebec H3W 1H2

Commissioner G. Zaccardelli  
RCMP Headquarters, 1200 Vanier Parkway, Ottawa, Ontario K1A 0R2

Asst. Comm. D. McFayden and Insp. D. Sabeau  
Division “F” Regina, Saskatchewan

Sgt. Ron Riddell  
RCMP detachment  
Indian Head, Saskatchewan S0G 2K0

## **PREAMBLE**

1. The Plaintiff is not a lawyer. She is attempting to prepare all Court documents in prescribed formats and using legal terms or concepts as best as her understanding of the legal references at her disposal. The Plaintiff has a Masters of Education in Applied Psychology (see Blue Line magazine article “Police of Political Control”, published March-April, 1991, for additional biography). Any input from the Court would be greatly appreciated to ensure the facts, or gaps in the proof of her case (Rule 60: gaps in case) are brought to her attention to ensure that the Court understands the rational and necessity of this action.

2. The Plaintiff has attached to this Statement of Claim reference material as to why she has chosen to be self represented. The demoralizing experiences with the legal profession and due process outlined in the Supreme Court of Canada action #31539 – an application for leave to appeal – describes c/w historical information the basis for the application. The “To Whom It May Concern” letter re: Why I (we) do not have a Lawyer, dated January 1st, 2006, plus a Notice of Motion filed in the Supreme Court of Canada re: misrepresentations/errors/omissions made on the file are submitted herein for the Court to understand reasons for the Plaintiff’s mistrust of due process. The denial of this Notice of Motion on November, 17th, 2006, told the Plaintiff evidence was being subverted, and the Supreme Court Judges would not have the benefit of this information to make a final decision about this corruption in Saskatchewan.

3. The Plaintiff is very concerned about the judicial process that she and her partner, Anthony Gavrielides, an Ind. Forensic Auditor, (a co-applicant on file #31539) encountered trying to secure verifiable documents and to submit evidence of financial irregularities into the Courts of Saskatchewan for scrutiny in an unbiased trial venue.

4. As a result the Plaintiff requests that information (ie. correspondence) be submitted with this Statement of Claim to substantiate her facts and to ensure the Court is aware, from day one, what preliminary material was provided to the Defendants, what

their responses were to the financial irregularities uncovered and additional material to support the Plaintiff's action (Rule 55: varying Rules and Dispensing with Compliance).

5. The Plaintiff assumes as well that the Defendants can deduce, if the Statement of Claim is not crafted with lawyer like precision, what has caused so much to harm to the Plaintiff and many others of whom she has knowledge in the Province of Saskatchewan.

6. The Plaintiff also requests that the Affidavit of her partner, Anthony Gavrielides, Ind. Forensic Auditor, forms part of this Statement of Claim as he, along with others will provide "expert witness" testimony. Further, the Affidavit provides some insight into why this action is filed now, before the Supreme Court of Canada application is resolved.

7. Finally, the Plaintiff requests that the Notice of a Constitutional Question serves to inform the Court about broader issues that may be of importance, and the applicability of the research done by the Plaintiff over 15 years ago on police related matters.

8. As Constitutional Law is considered very important by, the Plaintiff, she would appreciate Court assistance in formulating the preliminary points outlined by the Notice into an appropriate argument for Court using sound legal theory, concepts, case law, "words" and practical application. The reason for the request is to improve the protection of the "public interest", especially as related to "white collar" crimes of forgery, fraud, mortgage irregularities, misappropriation of funds (public, in particular), money laundering, etc., should a system of corruption develop in Canada.

## **CLAIM**

9. The plaintiff claims relief from the Defendants for:

a) willful blindness to the corrupted legal/political/judicial system in the Province of Saskatchewan;

b) negligence for not investigating the allegation contained in Supreme Court action #31539 when forensic audits and other reports were available;

c) failure to protect the assets of many, including that of the Plaintiff, from seizure or threats of seizure based on forged, fraudulent or non-existent documentation;

d) failure to protect the Plaintiff and many others from harassment, intimidation, coercion and extortion of funds fraudulently;

e) failure to provide services from the RCMP, Governments and Court Officials as described in Mission Statements and outlined in Mandates;

f) failure to prevent or correct conflicts of interest, and conduct unbecoming in RCMP personnel and Government and Court officials, including Judges;

g) failure to provide adequate funding, or prioritizing of goals, for dedicated RCMP personnel to combat crimes of fraud, mortgage fraud, misappropriation of public funds, money laundering, etc. as uncovered by forensic audits; and

h) failure to complete investigations of cases involving persons of influence, wealth or position in relation to failed investment vehicles.

10. As a result of this willful blindness, negligence and the numerous “failures” noted above, the Plaintiff:

a) has great concern about “bogus” charges or other intimidation tactics being increased to cause the Plaintiff to abort efforts to bring the discovered

corruption to the attention of some authority with the ability to correct the situation for the sake of the “public interest”;

b) worries greatly about the economic value and safety of her residence and the safety of any assets she or her family, friends or clients may have if the Defendants are allowed to continue actions (non-action) as described herein;

c) paid, out of fear, to the Administration of the Town of Indian Head funds based on unverifiable (fraudulent) property taxation documentation;

d) is unable to assist clients emotionally deal with their asset loss because protective bodies allow the “il”legal thefts to happen based on fraudulent, forged or non-existent documentation... and there is no reasonable explanation why. Therefore, the Plaintiff is unable to function effectively in her profession;

e) has great apprehension about the “actual” protection afforded to her and others by the carefully written Statutes and the Charter of Rights of Canada;

f) no longer trusts the integrity of legal processes to produce “just” results;

g) is very concerned that the anger at the corrupted “system” (as described in Supreme Court of Canada file #31539) will result in dedicated, honest front line workers (especially police officers) being harmed in retaliation for an unaccountable and inaccessible bureaucracy.

## **FACTS**

11. The Plaintiff does not have a lawyer because of the corruption/collusion within the legal/judicial/political system of Saskatchewan, as uncovered by her partner, Anthony Gavrielides, Ind. Forensic Auditor, and other forensic auditors attempting to expose and correct this situation.

12. The Plaintiff purchased a residence in the Town of Indian Head in July 2002, but due to repairs and clean up required did not move into the Town until May, 2003.

13. The Plaintiff's partner was asked to run for the provincial Liberals in the election of November 2003. His biography became known and a petition began to circulate (mid November, 2003) among the residents of the Town to ask him to determine "the Town's financial affairs in general, and in particular the controversial Local Improvements Project Work Area 4". The Plaintiff and her partner stopped the signature gathering at 56 names.

14. The Plaintiff requested assistance from the RCMP for herself and others on January 11, 2004, re: 1) protection from harassment and "dirty" tricks and 2) obtaining documents to quell taxpayers' anger. This correspondence included attachments to inform the local RCMP detachment of the history.

15. The Plaintiff first met Sgt. Dave Sabeau on January 15th, 2004, when she called the local detachment to resolve a dispute over a deposit required for a water meter, over and above all other charges for service. As credit has not been a problem for the Plaintiff, the request was unusual, especially since the "trust" money was put into general revenue with no interest paid to depositors.

16. Sgt. Sabeau facilitated the transfer of funds at the RCMP detachment, and offered to make himself available in other meetings involving Town officials and the residents. The Plaintiff was hopeful that verifiable documents would be forthcoming as a result of this involvement.

17. However, by late January, 2004, the Town's lawyer was becoming involved. A paid advertisement in the local paper attempted to keep the residents informed. A second paid advertisement copied verbatim correspondence to this lawyer,

dated January 22, 2004, regarding the verifiable documents and questions residents wanted answered.

18. By January 26th, 2004, the Town officials had agreed to a meeting and an agenda was set outlining the documents required for verification by the Plaintiff's partner, Anthony Gavrielides.

19. Correspondence by the Plaintiff to the Town's lawyer, John Williams of Gerrard Rath Johnson, on January 29th, 2004, indicated the disclosure process to the residents ought not to be prefixed by a "one-time-in-your-face-attitude".

20. A third paid advertisement, prepared by the Plaintiff, to update the residents was pulled from the local paper on February 25th, 2004.

21. The Plaintiff received a telephone call from Constable Dale McArthur on February 25th, 2004 alleging that she was harassing Councilor, Glenna Cross. The allegation arose because someone had posted the "pulled" advertisement on the storefront of the Councilor and elsewhere in the Town.

22. The Plaintiff responded by letter to Sgt. Sabeau, dated February 25th, 2004, comparing the ignored (no response) 16 page fax sent January 11th, 2004, to the detachment to this accusation by Constable McArthur. This same correspondence also brought to the attention of Sgt. Sabeau that the Special Assessment by Town officials was apparently financed 125%.

23. On the next day Sgt. Sabeau telephoned the Plaintiff to apologize for the telephone call from his Constable. The Plaintiff was pleased and hopeful that the situation would improve.

24. Base on some verifiable information from the Town officials and from other sources, the Plaintiff and her partner, Anthony Gavrielides, prepared a report to the

residents of the Town. This report, dated April 1st, 2004, was faxed to many parties, including the RCMP detachment and government officials. The Summary of preliminary findings outlined financial irregularities (ie. no debenture registry, large unsubstantiated financial transaction) and considerable “missing” information, etc.

25. Anthony Gavrielides prepared correspondence dated June 11, 16 and 18th, 2004, to Town and Government officials and the RCMP detachment about the financial irregularities and criminal code sections applicable to the situation. This correspondence also addressed the intimidation of various residents.

26 The Plaintiff prepared another request for assistance addressed to Sgt. Sabean and Fred Wendel, the Provincial Auditor on June 22nd, 2004. This 28 page fax outlined affidavits available to include situations of harassment, loss of assets, financial intimidation tactics, threats of job loss or sanctions, conflicts of interest, etc. from the clients of the Plaintiff and her partner. Criminal code sections were attached.

27. The response on the same date from Sgt. Sabean was very disheartening to the Plaintiff as she knew that it was the responsibility of the RCMP to investigate financial irregularities as expressed in the April 1st, 2004 report to the residents --- not hers. Sgt. Sabean was blunt in the letter saying “ I am not inclined to conduct a complete review of the town project at this time to look for any wrongdoing, or in other words to embark upon a fishing trip.”.

28. The Affidavit of Anthony Gavrielides (Exhibit “A” and “B”) provided a response, dated June 24th, 2004, to Sgt. Sabean which again outlined the financial situation that was causing considerable anger in the residents of the Town against its officials and their privileged friends. It also discussed the vandalism of the Town Office via spray painted messages to the Officials.

29. On June 28th, 2004, residents from the Town came to the home of the Plaintiff to tell her that the Administrator and Foreman of the Town were burning

documents at the local dump. The Plaintiff picked up a local resident then went to the local RCMP detachment to tell them about the destruction of documents and to ask for assistance in saving this information. Sgt. Sabean refused to do anything which was extremely upsetting for the Plaintiff.

30. The Plaintiff then went to the dump with the other resident to retrieve what she could of value. She dragged a large piece of drywall onto the fire, then jumped on it to smother the flames. She was able to retrieve enough legible material to suggest there was misappropriation of public funds (cheques, purchase orders) and assessment irregularities, among other things.

31. The next day, June 29th, 2004, Sgt. Sabean appeared at the home of the Plaintiff in accompaniment of a female officer. The Plaintiff met him on the outside deck and told him to stay off her property unless he had a search warrant or something.

32. The first question asked by Sgt. Sabean of the Plaintiff was “Do you know what public mischief is?” The Plaintiff responded, “yes – it is usually the favorite charge of corrupt cops thwarting or covering up an investigation!”

33. The Plaintiff told Sgt. Sabean of the information she had retrieved, but he couldn’t have it because she no longer trusted him to do his job properly.

34. Since the ensuing “high volume” discussion could be heard for blocks. The Plaintiff’s partner, Anthony Gavrielides was surprised, but pleased when many residents congratulated “90 pounds” for telling the cops where to go and for standing her ground against them. The Plaintiff believes other residents would like the opportunity to tell of their experiences with the RCMP and the Town officials.

35. After this experience the Plaintiff was understandably worried that the “cops” would not be available to investigate the continuing seizure of client’s assets and property because they were “bad”.

36. Over the next number of months the Plaintiff and her Ind. Forensic Auditor partner tried every avenue to obtain verifiable documents to support: taxation proceedings used to seize property of clients; a forged signature on a mortgage renewal document used to seize the home of a low income, single woman; caveats and other title encumbrances used to create legal problems for the unsuspecting. These people would then retain a lawyer (with undisclosed conflicts of interest), and so on, and so on...

37. Finally the theft of over \$10,000.00 worth of horse tack and equipment and a registered 22-calibre rifle, plus ammunition, and the RCMP attention to this over a break-in where cigarettes were stolen prompted the Plaintiff to write to Hon. Irwin Cotler, Minister of Justice and Attorney General, and to Commissioner Zaccardelli on March 23rd, 2005. The Plaintiff included attachments re: the burning of current public (Town) documents; correspondence to Sgt. Dave Sabeau, dated June 22nd, 2004, and his response; correspondence to Chief Justice Gerein, dated September 7th, 2004; and to Phil Boivin and Minister Len Taylor of the Department of Government Affairs for Saskatchewan, dated August 9th, 2004.

38. The response to this correspondence was date May 10th, 2005, from the Ministerial Correspondence Unit. It informed the Plaintiff that the material had been forwarded to the Hon. Anne McLellan, Deputy Prime Minister and Minister of Public Safety for reply.

39. Hon. Anne McLellan finally responded August 2nd, 2005, to the March 23rd letter, by explaining the Provincial Police Services agreement with the RCMP. She recommended the Plaintiff take her concerns to the Minister of Justice and the Attorney General for Saskatchewan, Hon. Chris Axworthy. Unfortunately, Mr. Axworthy was no longer an MLA or even in politics any more, since 2003. She also provided the address for the Commission for Public Complaints (CPC) in Ottawa.

40. The file sent to Commissioner Zaccardelli was responded to by D.W. McFayden, Officer in Charge of Criminal Operation, April 13th, 2005. He advised the Plaintiff, “until such time as you are able to provide the type of information as requested by Sergeant Sabean, no further action can or will be taken.”. He also provided the address for the CPC in Surrey, B.C., to review the situation in the format of a complaint.

41. The Plaintiff believed the situation at hand deserved more than “complaint” status by the RCMP or the Federal Government. She decided this avenue to obtain verifiable documents or stop the seizure of assets based on fraudulent or non-existent documents would only be another “dead end” effort.

42. After several Judges in the Court of Queen’s Bench refused to order a verifiable mortgage history to either substantiate or defeat a forged renewal document being used in a foreclosure proceeding, the Plaintiff again wrote to Hon. Irwin Cotler, and to Commissioner Zaccardelli for assistance on April 18th, 2005. She provided supporting documentation in the form of Affidavits and a historical analysis of the mortgage fraud and forgery situation. No response....

43. May 19th, 2005, the Plaintiff again wrote to Hon. Irwin Cotler for assistance. She provided again the documentation of the April 18th letter, copies of articles regarding mortgage fraud, correspondence to and from Chief Justice Gerein regarding this same forgery on the mortgage renewal document, fraudulent property tax proceedings and a biography of her partner, Anthony Gavrielides. No response.....

44. Sergeant Sabean advised the Plaintiff’s partner by E-mail that he would be leaving the command of the Indian Head detachment at the end of May, 2005, for a new posting at Division “F” in Regina. The Plaintiff understands he has been promoted to Inspector.

45. The National Liberal caucus meeting was held in Regina, Saskatchewan, August 22-25, 2005, with the Prime Minister, most Liberal MP’s (including Cotler) and

Senators in attendance. According to news reports it was heralded as a chance for Saskatchewan issues to come to the political forefront. The Plaintiff was unable to arrange a meeting with anyone at this conference.

46. Court Action Q.B.G.1381/2005 was filed August 10th, 2005 by the Plaintiff's partner, Anthony Gavrielides, as the Ind. Forensic Auditor, in trust of all affairs relating to one of his clients. Another action Q.B.G. 1768/2005 was filed October 25th, 2005, by the Plaintiff and her partner to expose the corruption and collusion that was being ignored and to seek Court intervention in the seizure of assets based on fraudulent and non-existent documentation. Serious allegations were made.... The material filed in these actions are the subject of the Supreme Court of Canada file #31539 application for leave to appeal.... and the attached "denied" Notice of Motion re: the Memorandum of Objection, as noted in paragraph 2, above.

47. On November 9th, 2005, the Plaintiff again requested of Hon. Irwin Cotler assistance with SERIOUS justice related problems. She attached copies of previous correspondence, the Statement of Claims for Q.B.G. 1381/2005 and Q.B.G. 1768/2005, and a Consent of the Attorney General, Frank Quennell, to prevent the Plaintiff's partner from commencing any further actions without leave of that Court. A quick review of the Defendants in action Q.B.G. 1768/2005 would certainly predict that obtaining such leave would be highly unlikely, under any circumstances of a "just" cause.

48. The Plaintiff prepared a package of over 100 pages to support a covering "To Whom It May Concern" letter, dated November 28th, 2005. This correspondence referred to 1472 (at last count) unsubstantiated Federal Writs of Possession and Seizure, bogus caveats and mortgages on property titles, forged mortgage documents, phony Debentures and testimonials about corruption and conflicts of interest (documented) in the legal and accounting professions. This package was sent to numerous parties.

49. A “non” response from the Ministerial Correspondence Unit of the Department of Justice Canada, dated January 17th, 2006, was received by the Plaintiff suggesting that she seek the assistance of a lawyer.

50. On April 4th, 2006, correspondence to the Officer in Charge of the Indian Head detachment (Sgt. Riddell) questioned the actions of Constable Mel Zurevinsky while he, without allowing the Plaintiff to be a witness while present on her client’s property where the Officer had come, told her client he would be arrested. This client had been hospitalized in the past for major depression and emotional breakdown directly related to the theft of his assets “il”legally. Officer Zurevinsky was fully aware of this history as he had resided in the Town for many years. The continued harassment of her client had the Plaintiff extremely worried for her client’s safety and emotional well being.

51. The Plaintiff is aware that the laws of slander and libel prevent the media from printing blatant untruths.... Or anyone else for that matter. She is also aware the best defense for slander or libel is the truth.

52. Therefore the Plaintiff wants to bring to the attention of the Federal Court media reports of material for which “original based writings” are necessary in this action. She intends to use this material either “in person” testimony or via the actual reports.

53. The applicability of the particular sampling (not exclusive of others) at this time is as follows:

a) March 22nd, 2005: The local paper, Indian Head Wolseley News, headline of “No Gangs Here – Sgt. Sabean”, yet the Regina “Leader Post carried an informative front page story on the increasing presence of gangs in this province.”.

b) June 27th, 2006: The local paper, Indian Head Wolseley News, has a headline “Police Raid an Indian Head Business”. Indian Head was now linked to major drug trafficking out of Quebec and “Riddell, Sergeant at the Indian Head Detachment was hoping to obtain more details as well.”.

c) The Plaintiff is obviously concerned the RCMP drug investigators of Quebec had a valid reason for not informing local police or politicians of the pending raid. It took the whole Town (or at least the Plaintiff) by surprise and since rumors take on a life of their own, it is important the “truth” be known.

d) March 19th, 2006: The Canoe-CNEWS network stated “Justice Department undermining fraud squads, say documents” by Dean Beeby. Three years into the Integrated Marketing Enforcement Teams (IMET) mandate, “no charges have been laid”. The Plaintiff is concerned if there is a systemic situation in place designed to make use of “limitation” clauses to prevent prosecution in high profile cases.

e) September 23rd, 2006: On the Canada.com website, “RCMP probe sparks furor: Rank and file outraged after time runs out on ethics probe”, by Don Martin of the Calgary Herald. This probe along with other brought to the attention of the Plaintiff is a serious cause for concern. Does it show an attitude in top management of the RCMP that has filtered out into the field, especially in Saskatchewan???

f) The article states, “an internal probe into alleged nepotism, misappropriation of pension funds, contracting irregularities, dereliction of duty, harassment and improper hiring practices concluded last week with Zaccardelli admitting time has run out to impose disciplinary action on four senior members of the force.”.

To the Plaintiff, based on research into police matters in the late ‘80’ early ‘90’s, this is a recipe to make internal corruption destroy Police Officer morale and policing priorities dedicated to protecting funds of the general public.

g) November 14th, 2006: The local paper, Indian Head Wolseley News article, “Highway Patrol Drop Hammer”. It is the Plaintiff’s understanding that at least three vehicles from a detachment over and hour away “blitzed”, within the Town of Indian Head boundaries, and issued numerous violations. As many of the residents of the Town are seniors the “sluggish” driving habits within the Town may have been due to

care in driving, rather than carelessness. This has the Plaintiff quite concerned because RCMP officers may have sacrificed “common sense” for “dollars and cents” quotas to make the trip worthwhile.

h) Other articles which may impact the allegations made in this action are the reports of the Auditor General of Canada on various areas of RCMP activity.

54. The partner of the Plaintiff, Anthony Gavrielides, was served on October 19th, 2006, a summons based on hearsay evidence, for an alleged violation of the Traffic Safety Act, s.212(2): passing a school bus with flashing lights, carrying a penalty of \$350.00, to be paid to the Municipality if found guilty. Exhibit “C” of the Affidavit of Anthony Gavrielides provided a response to this ticket on this date addressed to Sgt. Ron Riddell.

55. The Plaintiff believes this was an intentional act of intimidation concocted by local officials and their friends – with the assistance of the RCMP. Anthony Gavrielides was in the City of Regina, not the Town of Indian Head, on the day and at the time of this alleged violation and is, therefore, “not guilty”.

56. The issuing of the “trumped up’ charges, coupled with the visit from Sgt. Dave Sabeau, on June 29th, 2004, re: “public mischief”, and other unpleasant exchanges with the local RCMP detachment about their decided biases in law enforcement; the uninvestigated vandalism and theft of property; and the verbal threats of “making life so miserable” for the Plaintiff and her partner that they would be forced to move made the issuing of this Statement of Claim a necessity.

57. All the above, and more, caused the Plaintiff to prepare this action for Court intervention now, not later, when the allegations outlined in the Supreme Court of Canada action #31539 were reviewed in hopefully and unbiased Court of law. However, the Plaintiff is apprehensive that Judges will not see the entire file because filed material and evidence is being withheld that is available in the “denied” Notice of Motion.

58. Correspondence to the current Minister of Justice, Attorney General of Canada, Hon. Vic Toews and Hon. Carol Skelton, Minister of National Revenue and Minister of Western Economic Development, dated October 16th and 24th, 2006, by the Plaintiff, advised them of the seizure of approximately \$40,000.00 by virtue of fraudulently based Rev/Can documents having no basis of verifiable support.

59. The “no response” or “form letter” response seems to be a pattern, regardless of the political party in power. This lack of accessibility and accountability troubles the Plaintiff greatly

## **THE DEFENDANTS**

60. The Department of Justice and Attorney General have a Mission Statement to “support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice.”. The current Minister responsible for this Department is Hon. Vic Toews.

61. Hon. Irwin Cotler was the Minister of Justice at the time the Plaintiff requested assistance for SERIOUS justice related problems in Saskatchewan. He was also responsible for past judicial appointments in the Province of Saskatchewan. He currently sits as an opposition M.P.

62. Commissioner Guiliano (Zack) Zacarrdelli is responsible for all aspects of the management and ongoing operation of the Royal Canadian Mounted Police. He has had considerable experience in commercial crime and was involved in several high profile “white collar” crime investigations. He holds a Bachelor of Commerce (Business Administration).

63. Assistant Commissioner, Darrell McFayden has considerable experience in Commercial Crime and is a Certified Management Accountant (CMA). He was the

Criminal Operations Officer for Division “F” until he assumed the role of Commanding Officer in Division “F” in August 2005.

64. Inspector Dave Sabeau was the NCO (Sergeant) of the Indian Head Detachment when the Plaintiff moved to the Town of Indian Head in May 2003. He was promoted to Inspector after he left the Indian Head Detachment to take a position at Division “F” in Regina.

65. Sergeant Ron Riddell is the current NCO of the Indian Head Detachment. He and his wife are long time residents of Indian Head and are involved in business and local affairs.

66. These Defendants, jointly and severally, by their willful blindness and negligence failed to fulfill their Oaths of Office, organizational Mandates and/or Mission Statement objectives.

67. These Defendants ought to have known, by virtue of their respective training in legal and accounting/business procedures related to financial irregularities that a problem exists for the Plaintiff and many others. The Defendants ought to have conducted an investigation as part of their position and authority to do so when they were made aware. It was not the responsibility of the Plaintiff to do the investigation, guided by principles of “due diligence” to protect the general public, but theirs, and they did not. In fact, the Plaintiff is concerned that these Defendants may have even obstructed or perverted the course of justice in this matter.

## **SUMMARY**

68. The Plaintiff in this Statement of Claim has attempted to illustrate a serious problem that someone of authority ought to have addressed before it was necessary for the Plaintiff and her partner, Anthony Gavrielides (Ind. Forensic Auditor) found it necessary to prepare an Application for Leave to Appeal at the Supreme Court of Canada to secure verifiable documents and stop the fraudulent seizure of assets (and

threats of seizure unless payments were made based on fraudulent documents). “But for” this failure this Supreme Court Action would not be a reality.

69. The Plaintiff in this Statement of Claim attempted to show that the serious justice related problems in Saskatchewan, ignored by the Defendant, harmed many, including the Plaintiff. As a direct result of inaction by the Defendants, tangible and intangible assets of the Plaintiff, as a Masters of Education in Applied Psychology, were harmed as noted in paragraph 11, above.

70. Supportive audit reports were prepared by the partner of the Plaintiff, Anthony Gavrielides in the Enron financial collapse. The failure of Worldcom, Adelphia and Enron harmed many small investors (and the next generation) because someone of authority did not stop the fraud and greed soon enough. It should not have happened, but it did.

71. For the Plaintiff, on a larger scale of harm, this action is about the failure of a system to protect the “public interest” in areas where most of the Defendants have knowledge of the economic impact of a lack of such protection.

72. For the Plaintiff the inaction of the Defendants on SERIOUS fraudulently based activities by influential political/professional/judicial parties speaks volumes to her and to everyone aware of or harmed by the situation.

73. The failure to understand growing anger may have contributed to an attack on tall buildings in New York’s financial hub and government offices at the Pentagon, with the loss of innocent lives. This should not have happened either, but it did.

74. For the Plaintiff the (now numerous) “blitzes”, even though based on enforcement of the law, also speaks volumes to her and to those who, within Town limits, were ticketed for seatbelt violations, “sluggish” driving habits, etc.

75. For the Plaintiff this action MAY BE about RCMP Detachments becoming “profit” centers for public coffers, with an armed force of “ticket toting tax collectors”, instead of centers for protection from White Collar criminals who steal assets “legally” because they can. The influence or knowledge they have, or the immunity the laws provide to them makes it possible for these criminals to succeed. If any of this premise is more true than not, anger toward front line Police Officers will grow, and all the benefits of Community Based Policing initiatives will “go out the window”.

76. The Plaintiff truly hopes that the Judiciary is still independent and unbiased enough in its rulings to allow this action to proceed to trial (or preferably an Inquiry) to bring out the truth about unverifiable documents being used to steal assets of the unsuspecting and vulnerable public and the Royal Canadian Mounted Police, for whatever reason, not fulfilling their mandate “to serve and protect”.

77. Furthermore, the Plaintiff hopes that Constitutional guarantees and the implicit expectation of good governance, free from corruption, can be dealt with by the Notice of Motion for a Constitutional Question forming part of this action. The Plaintiff would truly appreciate the assistance of a qualified person to guide the Plaintiff in developing her thoughts, as expressed in the Notice, according to sound legal theory and principles to endure the “public interest” is constitutionally protected from corrupted, influential individuals.

78. Finally, it is Plaintiff’s observation that the pages of history are plastered with the bodies of the “elite” who failed to consider the consequences of ignoring the “public interest” over the “self interest” of a few. The Plaintiff truly hopes that our elite do not make this same mistake of judgment because history has a terrible way of repeating when the population becomes angry.

## RELIEF

79. The Plaintiff requests the following relief:

a) an Order to have the financial affairs of the RCMP detachment of Indian Head audited by an Independent Forensic Auditor;

b) an Order for verifiable documentation to be produced to complete forensic audits in progress that were denied by the Courts of Saskatchewan;

c) an Order for all “original” reports to be produced that would support the Media reports as noted herein, but also future report the Plaintiff believes are relevant;

d) an Order to proceed to trial, or preferably a Public Inquiry into the allegations into this Court action, and possibly those of the Supreme Court of Canada action “31539”;

e) an Order for pecuniary damages to the Plaintiff for harm done to her explicit and implicit assets, and to enable her to assist others who have experienced similar harms to their assets in the amount of Twenty Five Million Dollars (\$25,000,000.00); and

f) an Order for punitive damages as the Court sees reasonable in its wisdom to prevent such damages to the “public interest” in the future.

The Plaintiff proposes that this action be tried at Memorial Hall Court, in the Town of Indian Head, the Province of Saskatchewan.

Dated this 17th day of November, 2006

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Connie O’Byrne (Plaintiff)

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