

Alexandra, Paige and Clayton Misener
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- and -

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Monday, January 9, 2023

Canadian Judicial Council
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- and -

David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

**Re: Complaint Against the Judges and the Canadian Judiciary
Reference File No. 419/19 of the Superior Court of Justice (Ontario)**

Sir/Madam:

We are writing to demand the removal of the following judges from the Canadian courts, and you will hereto find attached a petition in support of this complaint:

1. M. Gibson, J.
2. MacPherson, J.
3. J.A. Ramsay, J.
4. Scott, J.
5. R.F. MacLeod, J.

6. Reid, J.

(the “specific judges”); and

7. all Judges of the Family Court Branch (Annex A)

8. all Judges of the Superior Court of Justice (Annex A)

9. all Regional Senior Judges of for the Regions of the Superior Court of Justice (Annex A)

10. the Associate Chief Justice of the Superior Court of Justice (Annex A)

11. the Chief Justice of the Superior Court of Justice (Annex A)

12. the Senior Judge for the Family Court (Annex A)

(the “non-specified judges”).

Respecting the specific judges, in reference to File No. 419/19 of the Superior Court of Justice (Family Court Branch) in the Region of Niagara, Ontario (the "case"), the substance of this complaint is as follows:

- Each of the specific judges heard the case, had the court file and, presumably, read it; accordingly, they knew or ought to have known that Alexandra and Paige Misener (the "young women") were sexually abused by Jason Kenneth ("Whittington"), at times in the presence of their ("biological mother") Kelly Nina Campbell, when they were just little girls. Regardless, each of the named judges ordered access for Campbell at her home (the place where the abuse took place). This against the wishes of Alexandra and Paige, and contrary to their safety and security. Furthermore, the only measures taken to protect Alexandra and Paige were orders not to be proximate to the children without supervision - orders they know or ought to have known Whittington continuously violated, an order that the Ontario Provincial Police refused to enforce because it was “too vague” for them to understand.

- Each specific judge refused to take action against Whittington for violating the orders, as was evidenced in his affidavits and testimony; therefore, almost encouraging him to continue his predatory conduct and deliberately putting the young women at risk for continued attacks. They may as well have stamped and signed a permission slip.

- Each specific judge refused to review, or order a review, of the actions, and more appropriately the lack of actions, of the Niagara Regional Police Service, the Ontario Provincial Police, Family and Children’s Services Niagara, the Children’s Aid Society of Haldimand Norfolk and the Office of the Children’s Lawyer. It should have been apparent that there were substantial errors in their actions and reporting that severely jeopardized their credibility and left the young women

open to continued attack. This was exacerbated by the lack of disclosure provided, leaving Alexandra and Paige without fair access to information, unknowing and frustrated. The limited material disclosed to the young women by these agencies shows a clear and consistent pattern of negligence and intentional non action, leaving the court in most serious disrepute.

- Each specific judge outright precluded Alexandra and Paige from testifying, presenting evidence, having legal representation of their own, even when their Father offered to pay for it, or even attending hearings. Some chose instead to rely on the report of an “investigator” who had no foundation, and who had an inappropriate relationship with Whittington and Campbell. This fact was ignored by the judiciary. Any effort to communicate to the court the abuse that Alexandra and Paige had suffered, and were likely to suffer again, was moot as the court was too enamoured with itself and its systems and processes that progressively silenced the victims.

- Each specific judge refused to address the orders for disclosure that Jeremy Nadeau, lawyer for the biological mother and her pedophile husband, routinely disobeyed. At the time this complaint was filed, a multiplicity of demands for disclosure have been made, several orders have been issued and no disclosure. This includes notice for the estimated eight hearings that were held in secret. This has led to an absolute lack of trust in the courts, and a virtual cancellation of any desire to comply with its wishes and priorities. The young women and their Father have been entirely and systematically precluded from their most basic and fundamental rights, and the specific judges took no action to rectify the situation.

- Each of the judges refused to address the issue of child support, agreed to and ordered but entirely unpaid. The biological mother owes Alexandra and Paige well over \$100,000.- and the courts took no action whatsoever to have that paid. Several of the specific judges simply waived the matter off, while others continue to postpone the matter indefinitely. Each of the specific judges have hereby played a role in worsening the situation of the young women, specifically in respect to their ability to afford legal counsel.

- Gibson, J. ordered police to use force against Alex and Paige, to force them to return to the house where they were sexually abused, and make them stay. In this, the greatest perversion of power displayed by the Canadian judiciary, Gibson also noted that he had serious concerns about their safety in respect to Whittington. This goes well beyond what any reasonable or prudent person would enact, it is absolutely irresponsible and horrific.

- Some of the specific judges, and potentially others not known, continued to hold trials, motions and decision without so much as notice to Alexandra, Paige

and Clayton Misener. This includes motions under the Hague Convention, criminal charges (which they tried in absentia, without the accused even being made aware of the allegations), etc. This was a complete violation of our most basic rights that continues to this day. Alexandra, Paige and Clayton Misener are only vaguely aware of some of these trials due to media reports.

Respecting the specific judges, the non-specified judges and the court as a whole (the "Canadian judiciary"):

- The Canadian judiciary as a whole has failed institute benchmarks and standards in respect to the natural right of all persons, even those under the age of eighteen, to attend court, give testimony and evidence, make and answer questions and perform other essential functions, specifically including to be made aware. The failures of the Office of the Children's Lawyer, social service workers and others could easily be rectified by acknowledging the absolute right of all humans to speak in witness or defence, regardless of their physical age. This system of para-professional guesswork and mind-reading, would be psychologists and psychiatrists reading the mind of children and giving their opinion leaves far too much open to error, as well as malicious reporting. This was certainly the case with the young women. The European Union, for example, has it in their code that children have the absolute right to address the courts, to the best of their ability. The judiciary has, as an entity, failed to uphold the rights of young people and in doing so impacts greatly on their personal safety and security.

- Childhood victims of sexual assault must be believed, regardless. Their testimony should be given the highest weight and the outcome should be as they decide. There should never be a time where a child cries out for help and protection, and the courts elect not to take measures to protect the child. This is outrageous yet it happens all the time. It happened in this case. The continued failure on the part of the Canadian judiciary to rectify their performance, and to protect children, may well be the first step in their demise as an organization. And it should be.

- The Canadian judiciary has not only permitted, but enabled and actively encouraged the courts to become overwhelmingly complex, rigid and intimidating to the average person. It is the spirit of the law that must be considered and the Canadian judiciary must every day to ensure the system of justice in Canada - of, for and by Canadians - is open, simple and available to all. Failing in this respect is discriminatory on the basis of family class and financial state, often also on other grounds including race, religion, etc. While the Canadian judiciary may feel more comfortable operating within the insulated bubble it has created, propped up by the legal profession and other gatekeepers, it no longer serves Canadians

and must be dismantled.

- The Canadian judiciary as a whole has failed to institute an effective means of determining the placement of children in need of protection. How ironic it is that judges make these decisions while refusing to hear from the children. This does nothing but further harm, and endorse the agenda of abusers. Further to this is the bias that continues to exist in favour of mothers over fathers. When judges rely on a barrage of so called experts to render a decision, instead of formulating their own opinion based on the first-hand testimony, their decisions are moot and we would be better off having a council of robots.

- The notion of parental alienation is highly controversial, yet the judiciary treats the doctrine as gospel. Parental alienation does not occur when there is abuse. It isn't the parent who is guiding them away from the other, it is the fact that the other parent abused them, or as is the case here, allowed the abuse to continue. The Canadian judiciary has to be more aware of the tactics of lawyers who assert parental alienation and instead rely on science or common sense. Children who have been abused tend not to want to see their abuser.

In this case, when Alexandra, Paige and Clayton (the "family") were forced to flee for their own safety, the following was lost:

- Trust lost. The family no longer trusts the courts, not even in the most basic way - fairness. Voluntary compliance, therefore, is no longer extended. The family has no faith in the Canadian judiciary. Canada being a safe place where rights are respected is political rhetoric, and the family disavows itself of any civic responsibility.

- Loss of protection. The actions and inactions of the court left the young women quite vulnerable, likely to be re-victimized without the protection of their Father. The notion of being forced back to the place where they suffered terrible abuse rendered them panic stricken. The insensitivity, callousness, ignorance and wilful negligence of the Canadian judiciary was felt throughout the entire and extended family of the young women. Resulting from this, the family no longer looks at the Canadian judiciary as a source of safety and protection. They are simply a bunch of lawyers wearing black gowns.

- Loss of identity. When the family left Canada, they lost their identity - their home, belongings and roots in the community. These are crucial to the stable development of children. For Gibson, J. to think for a moment that these two bright and capable young women would simply give into his wishes and allow the abuse to continue voluntarily for Whittington is ridiculous. Gibson, J. should have known they would flee, and in making his far left field order, he sealed their fate.

The family had to learn a new language, adopt to a culture not their own and give up everything about themselves. They said goodbye to their close family, their friends and everything they had; yet, for some unknown reason, some allege they are being controlled or brainwashed. The family believes that the Canadian judiciary are desperately grasping at straws, trying to defer blame for this horrible loss. Anyone who knows the family would know this is nonsense.

- Freedom of thought. The Canadian judiciary robbed the young women of their basic and natural right to speak, express themselves and communicate their experiences. They were excluded from hearings, where others told lies about them. They were instructed to speak through an untrained and biased investigator who had an inappropriate relationship with Whittington and Campbell. They were denied access to a courtroom and, therefore, a judge. They learned only through lawyers that the Canadian judiciary had no belief in them, and no intention to protect them. They were not only denied input, they were denied recourse.

- Access to information. The family had, and has, the right of full, frank and fair disclosure and they got nothing. Time and time again, the Canadian judiciary brushed aside their righteous demands for notice and disclosure. Resulting from this arrogant display, they lost any hope of presenting a case, and any hope of fairness. The Canadian judiciary is ultimately responsible to ensure that rights are respected, yet time and time again, they did not. Secret hearings became the most expeditious and comfortable venue for the Canadian judiciary - a disgusting display of arrogance. The case should have been dismissed long ago, but the Canadian judiciary is on a mission to destroy the young women as is obvious by their conduct. The young women and the family as a whole were denied legal counsel. They had nothing. Yet they were expected to navigate their way through the complex maze of the disinterested, bias and negligent Canadian judiciary.

- Security of the person. The Canadian judiciary put the young women in a position where they were likely to be raped under the watchful eye of police. Then they gathered information derived from torture, threats of torture and intimidation from France and, without any notice whatsoever, decided to the wishes of the man who abused them, and their complicit biological mother. This robbed the young women of any safety and security. Further aggravating this decision is that the Canadian judiciary elected not to enforce child support payments, due since 2015. This is an obvious attempt to deprive the family of all money and, therefore, deprive the young women of any form of security.

- Privacy. The young women have and had a right to privacy, yet their photos, private records and information about them was put all over the internet by their biological mother and her pedophile husband, and the Canadian judiciary did

nothing to prevent it. Consent was never given. Whittington continues to post their photos and harassing (and threatening) content on social media and the Canadian judiciary does nothing. This has left the young women feeling even more violated, exploited and like chattel, and it has worsened the lack of trust they have in the Canadian judiciary, who should have stopped this practice years ago.

- Arts. The young women had a right to develop and grow within their community, but this was all taken by the decisions of the Canadian judiciary. When the Canadian judiciary forced the young women to flee Canada, they had to give up their advanced jiu jitsu studies, art program, piano instruction, roller derby (two clubs) and other activities they enjoyed and benefited from tremendously. They had to leave all of this behind.

- Reparations. The family has been denied reparations for what they have been through, for what the Canadian judiciary has put them through. From psychotherapists being ordered to impose reconciliation therapy to the police screaming and yelling at one of the young women to the point she urinated fully dressed. The secrets, denials - the whole experience. The young women have been re-victimized over and over again at the hands of the arrogant Canadian judiciary. They will never forget this experience and will never forgive the participants. All of the officials who carried out the orders of the Canadian judiciary, no doubt enjoying their service like nazis lined up for Hitler, have evaded prosecution. They all revert to that common phrase, "I was just doing my job," and "I was just following orders." The Canadian judiciary is responsible for the soldiers they command, and they should be held to account.

- Government responsibility. The family has been robbed of government responsibility in every step of their encounter, largely at the hands of the Canadian judiciary. Every official misconduct, some of which has now been exposed, has ties back to the acts and non acts of the Canadian judiciary. It is the Canadian judiciary that is responsible for the non-detection and non-action on every wrong committed. This has left the family effectively abandoned from recourse and it must be accounted for. Unfair and undue acts of negligence, dismissal and malicious acts have led to the family no longer trusting in judicial authority or efficacy, and therefore unwilling to voluntarily subordinate to the presumed authority of the Canadian judiciary.

**WE, ON OUR OWN BEHALF AND ON BEHALF OF THOSE SIGNATORIES
HERETO SIGNED IN SUPPORT OF OUR DEMANDS,
DEMAND THAT THE JUDGES NAMED HEREIN BE REMOVED FROM THE
CANADIAN COURT SYSTEM, ENTIRELY.**

SIGNED Monday, January 9, 2023.

Clayton Misener, Alexandra Misener, Paige Misener