

COURT OF APPEAL FOR ONTARIO

CITATION: Mohammad v. McMaster University, 2023 ONCA 598

DATE: 20230913

DOCKET: M54098 (C70082), M54246 (C70431)

and COA-22-CV-0479

van Rensburg, Nordheimer and George JJ.A.

DOCKET: M54098 (C70082)

BETWEEN

Ahmad Mohammad

Plaintiff (Appellant/Moving Party)

and

McMaster University and CUPE 3906

Defendants (Respondents/Responding Parties)

DOCKET: M54246 (C70431)

AND BETWEEN

Ahmad Yousef, Esraa Mohamed and Sara Mohamed

Plaintiffs (Appellant/Moving Party)

and

Gary Chaimowitz, Maaz Usmani and Salomeh Mohajer

Defendants (Respondents/Responding Parties)

AND BETWEEN

Ahmad Mohammad

Plaintiff (Appellant)

and

Google LLC

Defendant (Respondent)

Ahmad Mohammad (also known as Ahmad Yousef), acting in person

Jennifer R. Bernardo and Ajanthana Anandarajah, for the respondent/responding party, McMaster University

Devon M. Paul, for the respondent/responding party, CUPE, Local 3906

Kate Martini, for the respondents/responding parties, Gary Chaimowitz and Maaz Usmani

Anisah Hassan and Alexandria Matic, for the respondent, Google LLC

Heard: in writing

Determination pursuant to r. 2.1 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 with respect to the appeal from the order of Justice William Chalmers of the Superior Court of Justice dated November 20, 2021 (M54098 (C70082)).

Determination pursuant to r. 2.1 of the *Rules of Civil Procedure* with respect to the appeal from the order of Justice Nancy Mossip of the Superior Court of Justice dated November 21, 2021 (M54246 (C70431)).

Determination pursuant to r. 2.1 of the *Rules of Civil Procedure* with respect to the appeal from the order of Justice William Black of the Superior Court of Justice dated December 7, 2022 (COA-22-CV-0479).

REASONS FOR DECISION

[1] The appellant, Ahmad Mohammad, who is also known as Ahmad Yousef, has three appeals before this court from orders dismissing actions brought by him pursuant to r. 2.1.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

[2] On June 29, 2023, the court issued notices to the appellant that the court is considering staying or dismissing two of his motions and one of his appeals pursuant to r. 2.1.02 and r. 2.1.01 respectively. The court also issued a notice to the appellant that is it considering making an order revoking the appellant's fee waivers in all three proceedings pursuant to s. 4.10 of the *Administration of Justice Act*, R.S.O. 1990, c. A.6.

[3] Two of the appeals have been dismissed for delay by the registrar: (1) the appeal of the claim against McMaster University and CUPE, Local 3906 ("the McMaster University appeal") and (2) the appeal of the claim against Dr. Gary Chaimowitz, Dr. Maaz Usmani and Salomeh Mohajer ("the Chaimowitz appeal"). In both appeals, a motion judge of this court declined to set aside the registrar's dismissal for delay. The appellant has filed a panel motion in each matter to review both motion judges' decisions.

[4] The third appeal relates to a claim brought against Google LLC ("the Google appeal"). The appellant did not perfect the appeal by the extended deadline granted by a motion judge of this court. The appeal was not dismissed by the

registrar for the delay while the appellant attempted to file deficient materials and then additional motions for a further extension of time.

[5] For the reasons that follow, the panel review motions in the McMaster University and the Chaimowitz appeals are dismissed pursuant to r. 2.1.02 and the Google appeal is dismissed pursuant to r. 2.1.01. Additionally, the court orders that the appellant's fee waivers are revoked in each of the three proceedings and that the appellant may not make any further requests for a fee waiver under the Act with respect to these proceedings or any related proceedings, without permission from a judge pursuant to ss. 4.10(1) and (5) of the Act.

Analysis

[6] The application of r. 2.1 is "limited to the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to support the resort to the attenuated process": *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, 343 O.A.C. 87, at para. 8. The appellant's proceedings are not a close call. The abusive nature of the proceedings is apparent on the face of each of the pleadings in the underlying court proceedings and in the documents the appellant has filed and has attempted to file with this court. Resort to r. 2.1 is warranted.

[7] The McMaster University appeal arises from an action by the appellant against the respondents. The action appears to relate to the appellant's academic

complaints and the university's subsequent order barring him from attending the university premises. These events have been the subject of grievances at the University and Labour Relations Board. After the appellant was given an opportunity to amend his statement of claim, the r. 2.1 judge dismissed the action under r. 2.1.01 as there was not "an intelligible core complaint" and the action was "destined to fail".

[8] In declining to set aside the registrar's dismissal of the appeal for delay, the motion judge at this court observed that the appellant pointed to no error in the r. 2.1 judge's application of the relevant principles, analysis or conclusion and that the appellant has "doggedly and unsuccessfully pursued the same grievances against each of the respondents for several years."

[9] The Chaimowitz appeal arises from an action by the appellant against two doctors and a hospital representative that appear to relate to the respondents' characterization of the appellant's health. The r. 2.1 judge dismissed this action under r. 2.1.01 on the basis that there was no discernable cause of action and that the claim essentially consisted of "impermissible evidence allegedly related to an undisclosed claim."

[10] In declining to set aside the registrar's dismissal of the appeal for delay, the motion judge at this court concluded that there appears to be no merit to the appeal and the underlying claim appears to have all the hallmarks of a vexatious claim.

[11] The Google appeal arises from the appellant's action against the respondent that alleges that Google is suppressing the visibility of the appellant's academic work on its search platform. In dismissing the action under r. 2.1.01, the r. 2.1 judge concluded that there was no coherent cause of action and that the appellant's submissions were largely *ad hominem* attacks.

[12] A motion judge in this court granted the appellant a short extension to perfect his appeal, in light of the importance of the issues to him and the short time in which he said he could perfect his appeal. However, the appellant did not perfect the appeal by the deadline and is now out of time to perfect.

[13] Having reviewed the various notices of appeal, the related notices of motion and the appellant's r. 2.1 submissions, it is apparent that they all bear many of the hallmarks of proceedings that are frivolous, vexatious and an abuse of process: see e.g. *Lochner v. Ontario Civilian Police Commission*, 2020 ONCA 720 at paras. 18-20. A common feature of the appellant's different proceedings is that, even with a generous reading of the various pleadings for drafting deficiencies, there are no discernable or intelligible grounds of appeal, nor are there discernable or intelligible allegations in the statements of claim. Instead, what is set out in the notices of appeal and notices of motion for panel review are mostly spurious allegations against the judge who made the order.

[14] The appellant's submissions in response to the notices given under r. 2.1 of the *Rules of Civil Procedure* and s. 4.10 of the *Administration of Justice Act* are also disjointed and non-responsive. The bulk of the submissions are bald and allege conspiracies between the various respondents and multiple other individuals. The submissions contain over 100 pages of irrelevant attachments and multiple video and audio clips.

[15] There is no doubt that the appellant believes he has been wronged by the various respondents and other parties. However, fairness in the adversarial process requires the respondents and the court to be able to glean discernable causes of action in statements of claim and grounds of appeal in notices of appeal. That is not possible in any of these three matters.

[16] It is not in the interests of justice to allow these proceedings to continue. Prolonging these frivolous proceedings will only serve to occupy scarce judicial resources and place an undue burden on the various respondents who will be forced to respond to this vexatious litigation.

[17] For the same reasons, it is also appropriate for the court to revoke the appellant's fee waivers for the three proceedings and to order that the appellant not make any further requests for a fee waiver under the *Administration of Justice Act* with respect to these proceedings or any related proceedings, without permission from a judge.

[18] We make no order as to costs.

“K. van Rensburg J.A.”
“I.V.B. Nordheimer J.A.”
“J. George J.A.”