SUPREME COURT OF NOVA SCOTIA

Citation: *Murphy vs. Nova Scotia (Office of Information and Privacy Commissioner)*, 2025 NSSC 266

Date: 20250813
Docket: Hfx No. 540555
Registry: Halifax

Between:

Anna Murphy

v.

Office of Information and Privacy Commissioner for Nova Scotia, Nova Scotia Department of Justice, Nova Scotia Barristers' Society, Human Rights Commission of Nova Scotia, Ombudsman of Nova Scotia, Nova Scotia Freedom of Information and Protection of Privacy Review Office, Canadian Judicial Council, Canadian Bar Association (Nova Scotia Branch), Auditor General of Nova Scotia, Office of the Privacy Commissioner of Canada, Nova Scotia Legal Aid Society, Department of Community Services, Nova Scotia Maintenance Enforcement

DECISION ON RECUSAL MOTION AND MOTION TO HAVE PROCEEDINGS DECLARED A NULLITY IN ACCORDANCE WITH THE *PROCEEDINGS AGAINST THE CROWN ACT*

Judge:	The Honourable Justice Joshua Arnold
Heard:	May 13 and June 10, 2025, in Halifax, Nova Scotia
Final Written Submissions:	July 24, 2025
Written Decision:	August 13, 2025
Counsel:	Glenn Anderson and Lyndsay Scovil, for the Attorney General of Nova Scotia (Applicant) Anna Murphy, self-represented Plaintiff (Respondent)

Overview

[1] Anna Murphy has filed an action against multiple defendants, including Nova Scotia Department of Justice, Department of Community Services, and Nova Scotia Maintenance Enforcement, represented by the Attorney General of Nova Scotia ("AGNS").

[2] The AGNS has made a motion requesting that the proceedings be declared a nullity due to Ms. Murphy's failure to comply with the provisions of the *Proceedings Against the Crown Act*, R.S.N.S. 1989, c. 360 ("*PACA"*). Ms. Murphy then applied for permission to file a motion for default judgment to be heard in conjunction with this motion. Ms. Murphy also asked the court and/or the Province of Nova Scotia to pay her to compensate her for her time dedicated to bringing this action. Ms. Murphy then sought to adjourn the motion to September 2025. She also filed a motion requesting that I recuse myself or, in the alternative, that this motion be heard by a jury.

[3] For the reasons that follow, Ms. Murphy's request that I recuse myself is denied, and her alternative request that the motion be delayed so that she can have a jury trial is denied. As she was advised earlier, her request to add a motion for default judgment to this motion is denied. There is no authority to order state-funded counsel for the plaintiff in a civil action in these circumstances, nor for the court to somehow compensate a litigant directly. Ms. Murphy's filing is a nullity as against the Nova Scotia Department of Justice, the Department of Community Services, and Maintenance Enforcement, as collectively represented by the Attorney General of Nova Scotia. This decision does not impact Ms. Murphy's ability to bring her claim once she complies with the requirements of the *PACA*.

Facts

Notice of Action and Statement of Claim

[4] As noted above, Anna Murphy has filed a Notice of Action and Statement of Claim naming multiple defendants, represented by the AGNS, on February 10, 2025. In it she states:

> **3. The Office of the Information and Privacy Commissioner for Nova Scotia**
>
> …
>
> **Legal Violation:**

The Defendant failed to investigate any privacy breach complaints or take action for a period exceeding four years (2020 - present), neglecting its statutory obligation to enforce the **Freedom of Information and Protection of Privacy Act**(FOIPOP) and maintain confidentiality, causing financial harm to the Plaintiff by impacting her ability to manage sensitive information in legal matters.

Damages Sought:

The Plaintiff seeks **$10,000,000** for lost income and reputational harm caused by the Defendant's failure to meet its statutory duties.

4. **The Department of Justice**

…

Legal Violation:

The Defendant failed in its court administration responsibilities by blocking applications before the court, causing delays in the Plaintiff's ability to access her child. This has resulted in financial losses due to delays in custody arrangements, further exacerbated by the Defendant's failure to address domestic violence concerns within the application.

Damages Sought:

The Plaintiff seeks **$10,000,000** in lost income and **$5,000,000** for financial harm due to delays in legal proceedings caused by the Defendant's failure to act.

5. **Nova Scotia Barristers' Society**

…

Legal Violation:

The Defendant failed to hold its members accountable for breaches of professional and ethical standards, resulting in significant miscarriages of justice and conflicts of interest. This caused harm to the Plaintiffs ability to receive fair hearings, and trials which led to further financial consequences and harm.The Nova Scotia Barrister Society (NSBS) is a regulatory body for legal professionals and owes a primary duty to the public from unethical and fraudulent lawyers. Despite credible warnings, about various lawyer's conduct, NSBS failed to act reasonably, breaching it's duty of care to me as a member of the public, and as a result I was defrauded and suffered significant harm.

Damages Sought:

The Plaintiff seeks **$10,000,000** in damages for the significant financial harm caused, including lost income, legal fees, and reputational harm resulting from the Defendant's failure to properly oversee the conduct of its members.

6. **The Human Rights Commission**

…

Legal Violation:

The Defendant failed to act as an advocate for human rights, neglecting to protect the Plaintiff's rights in the face of significant legal challenges and family law issues.

Damages Sought:

The Plaintiff seeks **$5,000,000** for financial harm caused by the Defendant's inaction, which exacerbated the Plaintiff's legal difficulties.

7. **The Ombudsman**

…

Legal Violation:

The Defendant failed to act with due diligence and oversight in addressing the Plaintiff's complaints, leading to prolonged delays and further financial losses.

Damages Sought:

The Plaintiff seeks **$150,000** in damages for financial harm due to the Defendant's failure to exercise reasonable oversight.

8. **The Privacy and Information Review Office**

…

Legal Violation:

The Defendant failed to meet statutory timelines for responding to information requests, causing delays in legal proceedings and complicating the Plaintiff’s ability to pursue her legal rights.

Damages Sought:

The Plaintiff seeks **$10,000,000** in damages for financial losses due to the delays caused by the Defendant's failure to meet its legal obligations.

9. **Canadian Judicial Council**

…

Legal Violation:

The Defendant failed to address complaints of judicial misconduct effectively, leaving the Plaintiff to suffer harm due for the actions of judicial officers involved in her case. The Canadian Judicial Council acted in bad faith and with bias, pursuing actions driven by personal vendettas and malicious intent, thereby compromising the integrity of its proceedings.

Furthermore, the CJC exceeded its jurisdiction under the Judges Act and infringed upon my Charter-protected rights, including freedom of expression and the right to a fair process, constituting an abuse of power and a violation of fundamental legal norms.

Damages Sought:

The Plaintiff seeks **$10,000,000 in punitive damages** for the harm caused by the Defendant's failure to hold judicial officers accountable.

10. Canadian Bar Association

…

Legal Violation:

The Defendant failed to respond to the Plaintiff's attempts to engage, neglecting its oversight responsibilities regarding fairness in legal processes.

Damages Sought:

The Plaintiff seeks **$10,000,000** for the failure of the Defendant to provide appropriate oversight in the Plaintiff's case.

11. The Auditor General

…

Legal Violation:

The Defendant failed to respond to the Plaintiff's attempts to engage, neglecting its oversight responsibilities regarding fairness in legal processes.

Damages Sought:

The Plaintiff seeks **$10,000,000** for the failure of the Defendant to provide appropriate oversight in the Plaintiff's case.

12. The National Privacy Commissioner

…

Legal Violation:

The Defendant failed to respond to complaints regarding violations of the Plaintiff's privacy rights, thus failing to protect personal information in accordance with the **Privacy Act.**

Damages Sought:

The Plaintiff seeks **$10,000,000** for damages resulting from the Defendant's failure to address privacy violations.

13. Nova Scotia Legal Aid Society

…

Legal Violation:

The Defendant failed to provide consistent and adequate legal representation, leading the Plaintiff to self-represent, causing further legal complications and delays in custody proceedings.

Damages Sought:

The Plaintiff seeks **$20,000,000** for lost custody and legal fees incurred due to the Defendant's failure to provide adequate counsel.

14. The Department of Community Services

…

Legal Violation:

The Defendant failed to accurately report information, leading to negative impacts on legal proceedings and preventing fair hearings.

Damages Sought:

The Plaintiff seeks **$5,000,000** for financial harm and legal prejudice caused by the Defendant's failure to maintain accurate records.

15. The Maintenance Enforcement Program (MEP)

…

Legal Violation:

The Defendant threatened the Plaintiff with incarceration without authority to enforce such action, suspended her driver's license and passport for several years, and destroyed employment opportunities by acting unreasonably and failing to act in good faith. These actions were contrary to the Defendant's legal obligations under the Maintenance Enforcement Act.

Damages Sought:

The Plaintiff seeks **$10,000,000** for **lost income** and financial harm caused by the Defendant's unlawful actions, which included suspensions of her driver's license and passport, and actions that led to the loss of employment opportunities. These actions were detrimental to the Plaintiff's ability to work and support herself.

Claim for Damages:

The Plaintiff respectfully requests that the Court grant the following relief:

- **Special Damages** - The specifics of which are itemized for each Defendant and amount to a total of approximately **$82,500,000.**
- **General Damages** - For financial harm, lost income, reputational damage, and the lasting impact on the Plaintiff's legal and financial standing.

> • **Prejudgment Interest** - At a rate of 5% per annum, applied to the above damages, from the date of filing this claim.
>
> • **Solicitor-Client Costs** - The Plaintiff requests an award for legal fees incurred in bringing this action, as the actions of the Defendants necessitated prolonged litigation.
>
> • **Further Relief** - Any additional relief that the Honourable Court deems just and appropriate, based on the nature of the claim and the violations outlined.
>
> [As appears in original.]

Correspondence and submissions

[5] On April 22, 2025, the Attorney General filed a motion to have Ms. Murphy's claim against it declared a nullity due to her failure to comply with the *PACA*. In support of its motion, on April 22, 2025, the AGNS filed its eight-page brief and the affidavit of Lyndsay Scovil, a lawyer with the Litigation Services Division. Ms. Scovil's affidavit indicates that the Attorney General had not received notice of Ms. Murphy's action, and that other requirements under *PACA* were not met:

> 4. At the Nova Scotia Department of Justice, it is standard procedure that when the Attorney General of Nova Scotia is served with two months prior notice of intended action pursuant to section 18 of the *Proceedings Against the Crown Act*, a letter is sent to the notifying party acknowledging receipt of the notice of intended action, a copy of the notice of intended action is stamped, dated, and signed by a Solicitor for the Attorney General of Nova Scotia to verify service and both the stamped notice of intended action and the acknowledgment letter are kept on file.
>
> 5. In advance of preparing this Affidavit, I conducted a search of our files for any record of the Attorney General of Nova Scotia having been served with two months prior notice of intended action from Anna Murphy.
>
> 6. No records were found of the Attorney General of Nova Scotia having been served with two months prior notice of intended action from Anna Murphy.
>
> 7. I attach hereto and mark as **Exhibit 1** a copy of an email message sent from Anna Murphy to Nova Scotia Maintenance Enforcement Program on February 3, 2025, stating "I am writing to formally notify you of the Notice of Action and Statement of Claim being filed against you" and attached Notice of Action and Statement of Claim.
>
> 8. I attach hereto and mark as **Exhibit 2** a copy of an email message sent from Anna Murphy to Jennefer Naugler on February 3, 2025, stating "I am writing to formally

notify you of the Notice of Action and Statement of Claim being filed against you" and attached Notice of Action and Statement of Claim.

9. I attach hereto and mark as **Exhibit 3** a copy of an email message sent from Anna Murphy to Anna Murphy on February 3, 2025, stating "I am writing to formally notify you of the Notice of Action and Statement of Claim being filed against you" and attached Notice of Action and Statement of Claim.

10. I attach and mark as **Exhibit 4** a copy of a letter from Glenn Anderson to Anna Murphy dated February 28, 2025:

- advising "I have been assigned carriage of this matter on behalf of the Attorney General of Nova Scotia in relation to the action against the Crown (Department of Justice, Department of Community Services (which is now Department of Opportunities and Social Development) and Nova Scotia Maintenance Enforcement)."
- advising that she did not designate the action against the Crown or serve the Attorney General with two months prior notice of the action against the Crown as required by the *Proceedings Against the Crown Act* rendering the action against the Crown a nullity, and
- inquiring whether she would be discontinuing the action against the Crown and providing the required two months prior notice.

[6] Mr. Anderson advised the court that he emailed Ms. Murphy on April 11, 2025, asking if May 1, 2025, was a convenient date for the nullity motion to be heard, and she agreed. Therefore, the nullity motion was initially scheduled to be heard by Rowe J. in General Chambers at the usual chambers time of 9:30 AM on May 1, 2025. Ms. Murphy wrote to the court on April 23, 2025, requesting to appear by video, and to have the motion heard in the afternoon on May 1, as opposed to the 9:30 AM scheduled start time. She said she would not be in the province that day and indicated her willingness to comply with any technical requirements the court directed.

[7] On April 24, Ms. Murphy sent another letter to the court, requesting an adjournment of the May 1 hearing, due to a newly-discovered scheduling conflict. She requested a re-scheduled date in the third week of May and again requested that she be permitted to appear remotely.

[8] Ms. Murphy filed her three-page reply submissions on April 29, 2025. In those submissions she claims that e-mails she sent to the Maintenance Enforcement Program, to Jennefer Naugler, an employee of the Department of Opportunities and Social Development, and to an address carrying her own name, Anna Murphy, are sufficient notice to comply with *PACA*. Those e-mails were sent on February 3,

2025, and Ms. Murphy purported to commence the action a week later, on February 10. In addition to asking the court to deny the AGNS's motion for nullity, Ms. Murphy also requested an order granting her leave to file a motion for default judgment because the AGNS had not filed a defence, and various orders under Civil Procedure Rules 31, 35 and 85, and the *PACA*, ss. 12, 13 and 18.

[9] A Teams appointment for May 1, at 1:30 PM was sent to Ms. Murphy to allow her to appear virtually in the afternoon, as per her request. Rowe J. convened court at 1:30 PM on May 1, and an email was sent to Ms. Murphy at the start of the hearing. However, Ms. Murphy failed to appear. Rowe J. had her judicial assistant attempt to call Ms. Murphy twice, but with no success. Rowe J. noted that Ms. Murphy had filed her submissions on April 29 but did not file any accompanying evidence or affidavit. The matter was set over to General Chambers on May 7, at 9:30 AM, to provide Ms. Murphy the opportunity to participate.

[10] I happened to be scheduled for General Chambers for May 7, 2025. When I reviewed the matter in advance of May 7, it did not appear that the nullity motion could be completed in the 30-minute slot allowed for in General Chambers. Additionally, Ms. Murphy had requested to have the matter heard in the afternoon, which led to my canvassing the parties about their availability on May 13, 2025, at 2:00 PM. Both parties were available.

Because of the length of time the nullity motion would take, there was no time to piggyback Ms. Murphy's request to have default judgment added to that hearing.

[11] As noted above, in support of its motion, the Attorney General filed an eight-page brief and supporting affidavit, along with the attached exhibits. Ms. Murphy filed a three-page brief in response. Once I was scheduled to hear the nullity motion, Ms. Murphy sent an email to the court on May 5 in which she wrote, in part:

> May I, if appropriate ask a question to Justice Arnold?
>
> I understand his background is with the Crown Prosecutors Office for criminal offence/s & took direction from the Attorney General / Department of Justice / Canadian Judicial Council / NSBS / Legal Aid.
>
> <u>If I wanted to pursue charges against the Attorney General / Crown / Department of Justice / Nova Scotia Government and others for institutional collusion & obstruction of justice what would be the best way to do that?</u> Would I have to appear before the Honourable Justice Arnold to inquire this during a hearing or before him in General Chambers?

[Emphasis added]

[12] The court then sent the following response the next day:

> Justice Arnold worked for the Public Prosecution Service in the early 1990s. Thereafter, he was in private practice working as a full-time criminal defence lawyer until he was appointed to the Nova Scotia Supreme Court in October 2013.
>
> While he will certainly assist any self-represented litigant appearing before him in order to ensure that they have a procedurally fair hearing, because he is no longer a lawyer, and is now a presiding judge, he is unable to give any advice.

[13] During the May 13 hearing, Ms. Murphy appeared virtually. The Crown, being the moving party on the nullity motion, made brief supplementary oral submissions, addressing the *PACA* requirements:

> … The Proceedings Against the Crown Act requirements are not discretionary. The Crown must be properly designated. A plaintiff must provide two months' previous notice, which includes explicitly stating the cause of action and that notice must be served on the Attorney General. My submission to the court is that a failure to comply renders an action a nullity. In the affidavit before the court, Ms. Scovil's, there were three email messages sent to different entities in the government one week before the action. That's not, that's not the two months. It's an aside for me to suggest they do not explicitly state the cause of action and were not served on the Attorney General. So, my submission to the court is the required two months' notice, in this case, was not provided and there's no evidence to the contrary. I submit that the pleadings, therefore, against the Crown defendants, they are a nullity and the Attorney General is seeking a declaration that the pleadings are null and void and are struck. I would add this is not an adjudication of the merits of the plaintiff's claims. To pursue her claims, she could have simply discontinued the action against the Crown defendants, provided the required notice, and started an action two months after that notice. Ms. Murphy was given the road map in the letter from me, of February 28th, and that's at Exhibit 4 in the affidavit. …

[14] The Crown then went on to distinguish Ms. Murphy's cases.

[15] Ms. Murphy was then called on to respond. She made submissions as to why she believed the requirements in *PACA* either were complied with, or were not mandatory:

> Your Honour, this is not simply a matter of procedural missteps, this is a matter of accountability. Accountability long evaded by Crown institutions that have known since as early as 2021 that I intended to seek legal redress for the profound and

> ongoing harm inflicted on me and my son. To be clear: the Crown defendants were notified, repeatedly and in writing, of my intentions to sue. They cannot now feign surprise or prejudice when they have had ample opportunities – years, in fact – to respond or engage. Their current motion to nullify is not a legitimate procedural concern, it's a strategic attempt to avoid facing the truth in open court. Now, some of the, uh, decisions I'm going to reference, *Latta v. Ontario* [2001] OJ No. 4890, the court made it clear that substantial compliance and notice provisions are sufficient where the defendant has not been prejudiced. That standard is exceeded here. They had meaningful, repeated notice. For the Rule 85 of the Civil Procedure Rules grants this Honourable Court broad remedial powers to cure technical defects – powers that should be exercised when justice requires it, as it clearly does here. Your Honour, the Crown's motion to nullify is not only disproportionate, it is an affront to the principles of access to justice and judicial fairness, emphasized in *Ofume vs. Nova Scotia*, 2004 NSSC 132. In that case the court rightly noted that Crown proceedings should not be waived only on procedural formality, but also on the substance of the grievance brought forward – especially when systemic misconduct is alleged.

[16] Ms. Murphy then went on to try to give evidence and to introduce other motions, which was problematic as she had not filed an affidavit, was not testifying, and the motions she was referencing were not properly filed or scheduled to be heard by me. She stated:

> I ask the court to consider the facts in context. My son's emotional development is approximately that of a five-year-old, the age he was when judicial and institutional decisions began determining our lives. He has suffered developmental, emotional, and psychological harm from this drawn-out process. Each delay causes irreparable damage. The Crown defendants have failed to file a timely defence and, as such, I seek leave to file a motion for a default judgment by correspondence, as permitted, when the defendants failed to respond. While the evidence sought may seem significant on paper - $82 and a half million – the truth is the liquidated damages I've suffered in lost income, destroyed [inaudible], reputational damage, unlawful restriction on my mobility, and permanent emotional damage to my child far exceed what I've asked for. The Statement of Claim represents only a conservative summary of that harm. The legal violations range from failures to investigate, fail to protect privacy, to obstructive and punitive action, such a suspending my driver's license and threatening incarceration, all down to [inaudible] lawful authority, these actions crushed my ability to work and protect my child. Furthermore, I must place on the record the reason I have not filed a formal affidavit or motion in prescribed form. I have encountered persistent interference and obstruction from court staff. My documents have not been processed in a timely manner and, in several instances, I have had to point out errors made by staff – errors they now appear to be more interested in covering up than correcting. I believe that my un-, my willingness to speak up about these failures has led to further retaliation, including unexplained

> delays and interference in my filings. In *Green vs. Nova Scotia*, the court emphasized public interest in holding institutions accountable when they exceed their mandate or act outside lawful authority. That principle must guide this Honourable Court today. This case is not about procedural perfection, it is about whether institutions can be held accountable when they harm citizens, that justice must not be divide…denied when the Crown wishes to avoid scrutiny. I am a good and loving mother. I have done everything I can to seek help through legal channels to protect my son and to demand a fair process. We do not deserve to suffer any longer. The Crown's failure to respond, combined with systemic delays and emotional and financial ruin has caused me and my son, make a default judgment not only appropriate but just. Therefore, I respectfully request that the court deny the Crown's motion to nullify, grant leave for me to file my motion for default judgment by correspondence, allow remedial relief under Rules 31, 35, and 85, acknowledge the extraordinary circumstances and abuses of power present here, and grant any other relief this Honourable Court deems just and necessary. Thank you, Your Honour.

[17] Once Ms. Murphy had completed her submissions on the nullity motion, I attempted to clarify her position, advised her that making submissions was not the same as testifying, and explained that she would need to file an affidavit if she wanted to give evidence. The following exchange between Ms. Murphy and the court occurred:

> Ms. Murphy: Your, Your Honour, Your Honour, with all due, with all due respect, I filed this application in February, I've submitted at least two notices of motion for default judgments. The court has done their best to obstruct those filings. I was intending to file, which the court was emailed a copy of when we were looking for an extension of this motion, I filed a full package to the court to make sure there wasn't going to be any little changes that they wanted to it before it was submitted. And then, um, there was a disagreement about the date of this appearance. And, so, it was originally supposed to be in front of Justice Rowe, I believe on May the 2nd, and so Your Honour, the Department of Justice, Glenn Anderson, didn't want to allow me enough time to file a response. They were trying to ensure that there was not enough time for me to file a response that, you know, would allow me to file an affidavit. And, so, um, you know, we were arguing about that date. I said I wasn't available. I said four different times I wasn't available. They went ahead and had the appearance anyway, which has led to this appearance. I have not spent, you know, two or three more hours of time trying to get that submitted because it's, it's, you know, there is a problem at the court with, with accepting my documents and, so, um, it appears that Caroline McInnes is related to the law firm McInnes Cooper. Um, I've had some concerns, Your Honour, about, you know,

> whether the defence for the Nova Scotia Barristers' Society has been backdated because I sent my filings for the default judgments for the other two parties to Ms. McInnes and the next day that they were sent to the court. Um, and, so, it just, it, certainly my original intention was to have an affidavit prepared for this but, given the obstruction that's taken place to date with my filings, it certainly seems that, you know, we're not looking to, for justice here at all. We're looking to block these Crown entities, these institutions, and these quasi-government and non-government agencies from, you know, from holding them accountable for the wrong-doing and certainly, you know, I certainly feel that my time and my money has been wasted for nine years now, you know, and some, you know it doesn't matter what I do or say, you know, that I'm gonna be blocked, you know, from justice because, you know, certain people want to keep certain things secret.
>
> [Emphasis added.]

[18] Ms. Murphy confirmed that she had agreed to the scheduling of the May 13 hearing:

> Ms. Murphy: I did, Your Honour, agree to this date, yup. So, so, so, so, so to be quite clear, and I can back through my email to give you the timeline of events, but…
>
> The Court: I don't, I don't need you to. All I'm asking is – because you're not, you're not listening to what I'm asking you…
>
> Ms. Murphy: I don't know what you're asking me, Your Honour.
>
> The Court: Okay, the date right now, May the 13th, right now, at 2 PM Atlantic Standard Time was a date that you agreed to, right?

[19] Instead of responding to the question, Ms. Murphy discussed other motions that she was attempting to file:

> Ms. Murphy: The court was emailed an affidavit on or around the 30th of April as it relates to this appearance, that was not processed, there was a disagreement about the date, um, for the appearance. They received my Notice of Motion for correspondence, Notice of Motion for a Default Judgment against the Crown, they received, uh, an unsigned Affidavit as it relates to this, this motion and this evidence that you are so interested in receiving today, they received, um, a full package as it relates to the certificate against the Crown for a default judgment, they received a brief as it relates to, um, as it relates to the default judgment, they received a full package as it relates to a default judgment against the Crown and that was

received, um, leading up to the uh, the May 2nd appearance that I mentioned four different times I wasn't, wasn't available for, including the day before. I sent an email to Caroline McInnes asking for information as it relates to a judicial review because I knew that that appearance was going forward even though I said I wasn't available. And, um, you know, certainly, the Department of Justice didn't, only wanted to give me five days, they, they, you know, made, made, made it known in email as it relates to that scheduling date, they didn't want to give me five days to file a motion against them, that they wanted to obstruct justice, they wanted to attempt to, you know, not allow me enough time to respond to the motion. I have that well documented and, certainly, you know, given all that that's happened today, you know, they've had that information. I certainly, you know, felt one page to respond, to see how this is gonna go today, to determine, you know, if the court is going to, you know, act appropriately in accordance with the laws and the procedures. You know, the two default motions that I've submitted so far I believe have been in full compliance with the law and the procedure rules and they haven't been processed and I've spent, you know, a considerable amount of hours preparing, you know, for these motions, preparing these documents, a certain amount of time and cost on my side and, and certainly to date there's, there's been no justice had, and every day, every interaction I've had with the court over the last two months, has certainly seemed that there's, there's considerable amount of resistance from every corner. So, if, you know, if we're looking to be, you know, fully open and fully transparent, and, you know, we're looking for, for, for some sort of outcome that, um, certainly, you know, the general public would look at as, as just, as you know, we put, we're supposed to put our, you know, trust in these, these, um, you know, government agencies, we're supposed to put our trust in, you know, the human rights, we're supposed to put our trust in, you know, providing confidential information to, um, you know, the, the FOIPOP people, they're, you know, full-on obstructing justice from every corner. The Department of Justice should be a trusted, you know, we're looking at the Department of Justice as supposed to be an entity that, you know, we can look to – to, you know, to put in jail people who have done wrong and to, you know, people that are wrongly accused to get off, and certainly, I'm sure, in your career you've seen, you know, innocent people go to jail and you've seen innocent – you know, you've seen guilty people not go to jail, so, you know, this court process over the last nine years has certainly taught me a lot and I, you know, I've had thoughts about whether I should state this before on the record or not, but I, I honestly I'm going to say it. I didn't know what organized crime looked like until I entered the legal system and

> this, this process. So, you know, Your Honour, I hope you, you take what I've said with some consideration, you know, before you make any ruling but, certainly, you know, these government and quasi-government agencies have gotten away with, with, you know, corruption and wrongdoing and collusion for, for, for way too long and, you know, I certainly believe that, um, you know, that it's time for, you know, Nova Scotia, to, you know, to put an end to, to the wrongdoing, to put an end to the incompetence and the ignorance and to, you know, to stand up and, you know, move forward in a way that, you know, is respectful and honest and with transparency.
>
> [Emphasis added.]

[20] I then gave her another opportunity to file an affidavit, explaining that it had to be sworn and in proper form. She indicated that this could be done "by the end of the week." I directed Ms. Murphy to file her affidavit with evidence in relation to the nullity motion only, not her other proposed motions. She indicated that she understood. The following exchange then occurred:

> The Court: Okay, so June the 10th at 2 PM for one hour. And, Ms. Murphy, you understand what I have said? You can file an affidavit in relation to this application, but it has to be a proper affidavit. You can't just file a document and say that it's an affidavit, it has to be an affidavit, okay? Do you understand that?
>
> Ms. Murphy: Yes, Your Honour. The orig – just to be clear, the original was an affidavit. I was just, you know, 'cause I've gotten a lot of pushback from them, I wanted them to have their first look at it to see if they anything else to say as it related to anything else in terms of procedure rules before signing it, and that's where we had the pushback with all the dates and the, uh, you know, uh, Mr. Anderson not wanting to give me enough time to file a motion for, uh, any additional motions, he didn't want to allow me that opportunity, being the Department of Justice wanting to, um, you know, certainly not give me enough time to file a response. So, yes, Your Honour, I am aware that, uh, that you, uh, you're giving me permission to file an affidavit. May I, my original intention as part of that motion – and, and certainly within the affidavit that I have started, includes, uh, you know, it's kind of an affidavit as it relates to, you know, the response to them, but, you know, it also relates to the default judgment against them for not filing a defence within the appropriate time. So, I wanted just to make sure that…
>
> The Court: No.
>
> Ms. Murphy: …you were aware that…

The Court: You haven't filed a motion in relation to that, but if you want to put some information in about it, you may. Okay?

Ms. Murphy: Yes. Okay

…

Ms. Murphy: Just a little bit. My apologies. So, I feel like I've got a little bit of a conflicting message from you. I feel like I could file the motion, I just don't want to be, like, you know, punished because I, you know, did the wrong thing, um, because, certainly, that's happened before.

The Court: Okay, Ms. Murphy, I can't give you – I'm a judge, I'm not a lawyer, I don't give legal advice, but I do try to make sure, and I have to make sure, that somebody who's representing themself is dealt with procedurally fairly in court. So, in relation to this matter, you have indicated that you want me to consider evidence that wasn't before the court. So I'm giving you an opportunity to file that evidence, along with a brief or further submissions if you want to, and I'm giving you until early next week to do that, and then we're going to have a hearing date, and I would do it sooner if I could but I just don't have any time available in my calendar to do it sooner because I'm in another hearing. So, June the 10th at 2 is the earliest that I can hear it, okay? If you want to, if you want to…

Ms. Murphy: Is it fine, Your Honour, is it fine for me to file the motion or not? I'm trying to figure that out. Am I allowed to file it?

The Court: You can file a motion if you wish, but it's not going to be heard…

Ms. Murphy: Okay.

The Court: …it's not going to be heard in relation to this, at the same time. It's not going to be heard by me I can assure you because I know what my schedule is like over the next number of months and, and I'm not scheduled to be doing any more civil matters for a number of months and, two, I do not have time to hear it on June the 10th , so it's…

Ms. Murphy: Okay.

The Court: …not going to be heard then.

[21] So, on May 13, Ms. Murphy replied to the Crown's application, making what appeared to be her complete submissions. She proceeded on May 13 as if she was fully prepared to respond, and requested no adjournment. However, midway through her submissions, Ms. Murphy became emotional, and, departing from purely legal submissions, attempted to make a combination of factual and legal submissions. Nonetheless, she completed her planned submissions. I explained to

Ms. Murphy that her submissions were not evidence, and gave her the opportunity to file evidence by way of affidavit and make further submissions, if desired. Ms. Murphy then stated that she could have her affidavit filed with the court by May 16, 2025. The matter was adjourned to June 10, 2025. Once again, to accommodate Ms. Murphy, the matter was both scheduled to start at 2:00 PM and Ms. Murphy was permitted to appear virtually.

[22] Ms. Murphy filed her affidavit on May 21, 2025, and the AGNS subsequently objected to the majority of its contents. Ms. Murphy made various allegations against AGNS counsel and court staff, as well as claims of "failure to investigate judicial abuse."

[23] On May 21, 2025, Ms. Murphy attempted to file a Leave to Amend her pleadings to amend the identification of the parties. The filing was refused by court staff for failure to comply with the *Civil Procedure Rules*. Court staff informed her that she must pay the filing fee, among other requirements. She requested a fee waiver form, and was directed to the court's website, as well as being sent the form as an attachment. She was informed that this would require a current pay or benefits stub, or a tax return or notice of assessment. The following exchange subsequently took place:

> **Email to Ms. Murphy on May 23, 2025**
>
> Good afternoon Ms. Murphy,
>
> Please be advised that your Affidavit, sworn May 20, 2025, has been accepted as an unoriginal affidavit and placed in the Court file. The Motion for leave to amend has not been accepted for filing, however, it has been provided to Justice Arnold for his review prior to the June 10 hearing.
>
> The Motion for leave to amend will not be heard at the June 10 hearing before Justice Arnold. If you would like to have a motion to amend set down, you may file a motion for general chambers in the normal course.
>
> Thank you,
>
> Jessica Smith
>
> **Email from Ms. Murphy on May 23, 2025, at 2:57 PM**
>
> Ms. Smith,
>
> I don't have time to waste on non-sense.
>
> I will need to seek an adjournment on this one also then.
>
> Anna Murphy.
>
> [Emphasis added]

Email from Ms. Murphy on May 26, 2025, at 4:32 PM

> Please be advised that in the morning my time I will be submitting a request for an adjournment. Today is Memorial Day in case the courthouse in Halifax is unaware of the holiday. I have had no time to submit a response given my schedule and existing commitments. And the courts haven't made a decision in 9 years that's in my favour so certainly isn't a priority given the 9 years of my life and sons life wasted in the corruption within the system.
>
> [Emphasis added]

Email from Ms. Murphy on May 27, 2025, at 1:00 PM

> See attached adjournment request in process of being faxed to the court.

Email from Ms. Murphy on May 27, 2025, at 4:31 PM

> Based on yesterday's emails I understood the judge was to be Justice Brothers, and that's why the adjournment request was addressed to that Justice.
>
> Given that I've spent the good part of 100 hours so far, including many in the first week of April, that the court staff have prevented from being heard, I've taken on more commitments and don't have the time to prepare. I expect the summer months to be busy, and suggest the matters be put down for September.
>
> Thanks,
>
> Anna Murphy
>
> [Emphasis added]

[24] The court sent the following email to Ms. Murphy on June 3:

> To recap, on May 13, 2025, midway through the substantive application to nullify, Ms. Murphy requested an adjournment to prepare and file an affidavit in support of her position. All parties agreed that they were available on June 10, 2025, at 2:00 PM (Atlantic Standard Time) for continuation of the matter.
>
> Ms. Murphy wrote to the court on May 27, 2025, suggesting she wanted to apply to adjourn the matter scheduled to be heard on June 10, 2025, at 2:00 PM.
>
> Justice Arnold offered two times (June 3 or 4, 2025 at 2:00 PM) when he was available to hear Ms. Murphy's adjournment request, keeping in mind her preference for an afternoon start time.
>
> Ms. Murphy rejected both of the dates offered for her adjournment application. Counsel for the AGNS rejected the June 4, 2025, option.
>
> Because there has been no formal adjournment application presented on the record, and no adjournment granted, the matter will proceed as scheduled on June 10,

> 2025, at 2:00 PM. However, if Ms. Murphy wishes to make an adjournment application at that time she will be permitted to make such an application. If Ms. Murphy chooses to make an adjournment application on June 10, 2025, at 2:00 PM, there are two possible outcomes:
>
> 1) The adjournment is granted and the matter will be set to be heard on another date; or
>
> 2) The adjournment request is denied and the matter proceeds as scheduled on June 10, 2025, immediately following the adjournment application.
>
> Therefore, the parties should be prepared to proceed on June 10, 2025, at 2:00 PM (Atlantic Standard Time) in relation to both of these possibilities.
>
> [Emphasis added]

[25] Correspondence was received from Ms. Murphy the next day requesting financial assistance in advancing her claim:

> May I seek permission from Justice Arnold, if appropriate, financial contribution or interim from the Court or the Crown for the ongoing financial and emotional commitment for these matters? I've spent roughly 100 hours so far since this action was filed in February, and several thousand dollars, so if I could invoice the court or the crown $50K USD so far, and $500 /hour going forward and costs for printing, notarized, scanning and any motion costs I would very much appreciate it.

[26] The court responded to Ms. Murphy on June 5:

> I have copied Mr. Anderson and Ms. Scovil, as you did not do so in the email you sent this morning. Every piece of correspondence to the court must be copied to the other parties.
>
> Justice Arnold is tied up in relation to other matters and is not able to immediately respond. He will do so when he has the opportunity. However, in relation to the email you sent yesterday, Justice Arnold is waiting for the Crown's response before he replies.
>
> The only motion that Justice Arnold is dealing with is the Attorney General of Nova Scotia's Motion for Nullity. There will be no motion added onto this motion. Any motion you want heard must be filed separately. Any motion that you file, if accepted by the Prothonotary's office, will be scheduled separately and likely before a different judge.
>
> Mr. Anderson and Ms. Scovil, please provide your position by 3:00 PM tomorrow (June 6, 2025) regarding the email Ms. Murphy sent yesterday.

[27] The following e-mails were received from Ms. Murphy on June 6:

> Mr. Anderson, I will have a damages letter from Mr. Jeff Fleming for the $10M in damages that were caused by MEP's suspension of my passport. What is inappropriate is your gross disregard for my rights & your attempted coverup of illegal activity.
>
> …
>
> Ms. Kane, I'd like to point out that the department of justice if they wanted me to have justice (which clearly they do not) would ensure that I have the funds to pursue justice. They want to bleed me dry so that justice is not attainable. They aren't even pretending that they want justice or that they are attempting to save face as my sons father did as they are counting on the court to side with them as they are in fact the DOJ. Suggesting that they want off this action, on a notice requirement when in fact they have no desire whatsoever to make me whole.
>
> If the court can't decide in my favour on this, I'm going to have to consider all alternative actions available to me.
>
> Please advise Ms Kane what Justice Arnold's position is on this.

[28] The court responded that Ms. Murphy's inquiry would be addressed at the June 10 hearing. On that day, at 1:08 PM (42 minutes prior to the start time of 2:00 PM), Ms. Murphy sent the following email:

> Could I kindly ask that the materials that were sent via efforts to strike parts of affidavit be re-sent as it appears that Mr. Anderson doesn't send majority of the important information directly so I can't find it in my inbox to review if in the event I need to be aware of what it says. I have not read it, only opened very briefly when it was originally received and have not had any time to read it... I am just attempting to find it now, and can not.

[29] Ms. Murphy then appeared by video. The hearing did not go smoothly:

> Ms. Murphy: Uh, Your Honour, I respectfully rise to bring forward two motions today: a request for an adjournment for a hearing scheduled for today and a request for consideration of interim financial support from the court or the Crown, given the significant burden this matter has imposed. The request for the adjournment, as outlined in my letter dated May 27th, 2005[sic], I am unable to adequately prepare for the scheduled hearing due to unavoidable scheduling and logistical constraints. Additionally, I have been informed by Ms. Jessica Smith via correspondence dated May 23rd that my motion for leave to amend has not been accepted for filing and will not be addressed at this hearing or, you know, today's, at today's time that we had, um, decided on originally. Proceeding at this time would be both premature and inefficient. I respectively submit that my availability, preparedness, and procedural rights should be

> treated with the same fairness and respect extended to all parties before the court. I therefore request that the hearing be adjourned to a later date when all relevant matters can be properly heard. Reg…concerns regarding…
>
> The Court: Okay, okay…
>
> Ms. Murphy: …the fee waiver process…

[30] As noted above, the court had offered Ms. Murphy dates the previous week to make an adjournment application (which she had rejected), had advised her that there was a possibility that if she made an adjournment request on June 10 such request could be denied and she would have to be prepared to continue, and that the only motion to be heard was the Crown's nullity motion. The court had advised Ms. Murphy that her adjournment request could be denied and she should be prepared to make her submissions, and had previously instructed Ms. Murphy to address the nullity motion, and not to attempt to add other motions.

[31] During the June 10 hearing it was clear that Ms. Murphy was focused on reading her submissions and was launching into issues beyond the adjournment request, so I attempted to ask her a question. She would not stop speaking, and would not take direction from the court:

> The Court: Time out, time out.
>
> Ms. Murphy: …I…
>
> The Court: Time out, time out, Ms. Murphy, time out. I'm only going to deal with the adjournment request right this minute, okay?
>
> Ms. Murphy: There are some things that I would like to say on the record that I haven't had a chance to say yet, um, Your Honour, if I could kindly go forward with what I prepared for today's appearance.

[32] Ms. Murphy then proceeded to make further submissions despite my asking her to stop:

> Ms. Murphy: I have intended to file additional materials, including a written brief and supporting documents, but encountered obstacles related to the fee waiver process. The court declined to accept my waiver on the basis of how the form was completed. I find this troubling. It is not just, in my view, to compel me to provide sensitive personal information under the current circumstances, especially when, based on past experience, such information has not been handled with care and confidentiality that a reasonable person would expect from the court of law. I believe the system must not only be

procedurally sound, but also trustworthy and secure for all litigants. I have a concern regarding institutional conflict of interest. Your Honour, I feel it necessary to raise a broader concern which affects my perception of fairness in these proceedings. As the presiding judge in this matter is paid by the Province of Nova Scotia and the laws govern this [inaudible] also created and enforced by the same province, I believe this presents an inherent institutional conflict of interest. While I do not question the integrity of any individual, I respectfully submit that when a judge is employed by the very government that is named as the defendant or his agencies are implicated, it becomes difficult for an ordinary person to believe that the process is neutrally…fully neutral. In my view, the public's understanding of justice and the Department of Justice's execution of justice appear increasingly misaligned. I say this not to accuse, but to raise an important issue that affects public trust in the system and my ability to feel heard on equal footing. I would like to request for interim financial contribution. Since the filing of this action in February 2025, I've spent over a hundred hours preparing and responding to the requirements of this case. I've also incurred several thousand dollars in personal costs for documentation preparation, notarization, printing, scanning, and legal research. This follows nearly nine years of ongoing family court litigation, which I've received no rulings in my favour despite what I sincerely believe consistent in good faith effort. I've lost meaningful custody of my son, severe emotional and financial strain, and remain without closure or resolution. I therefore respectfully request that the court consider allowing a motion for interim financial contribution either from the court or the Crown based on the extraordinary burden the process has placed upon me. Specifically, I estimate that my out-of-pocket cost and time exceed $50,000 to date since this action has been filed. I request consideration at a rate of $500/hour going forward to reflect the actual effort and personal resources I am expending to participate meaningfully in this litigation. I ask that all reasonable expenses incurred for [inaudible] be eligible for reimbursement. Should the court be open to this consideration, I am willing to submit sworn affidavits and supporting documentation, including time spent and receipts. Your Honour, I am not seeking privilege or exemption from the rule of law, only that the process I participate in reflects fairness, impartiality, and decency that justice requires. I continue to move forward in faith, trusting that trust, integrity still matter in this process. I thank the court for hearing this motion and respectfully submit these matters be considered with the serious need that they deserve. Thank you, Your Honour.

[Emphasis added]

[33] I then attempted to ask Ms. Murphy why she needed the adjournment and what further preparation she required:

> The Court: Okay, I have some questions for you in relation to the adjournment application. We were here a few weeks ago and you agreed on this date. So, why didn't you get your materials in or why aren't you prepared?
>
> Ms. Murphy: Yeah, so, I will tell you exactly what happened. I did file the affidavit and the supporting documentation…
>
> The Court: Right.
>
> Ms. Murphy: …and the court did not accept all those materials. Then, I told them, then they told me I needed to submit a brief, um, and another thing which I was working on, and then they didn't submit – they didn't accept my fee waiver. So, I'm supposed to continue to spend time and money on this process when the court doesn't accept anything that I've submitted, just wants more, takes more from me – takes more time, more money, and then they told me it was too late or that, you know, that it had been decided. <u>And then I get this response from Glenn Anderson, which I had to ask for this morning, which I have not read, trying to strike things from what I did take the time to prepare</u>. So, they want to basically be off the hook? Have me file a separate action, so I have two different parallel matters and essentially have evidence on, you know, over here that impacts over here, you know, to, essentially, this is, this is my interpretation of what happens with the court. They take piece by piece apart, so then the big picture does not become factual. So, they, they take it apart. How do you eat an elephant? One piece at a time. So, you take each piece apart, so then, you know, it doesn't become justice, it becomes, you know, how someone has moved around the law to avoid responsibility and accountability for a harm that they have caused.
>
> [Emphasis added]

[34] Ms. Murphy told the court that she either did not have or had not read the AGNS's materials regarding the objections to her affidavit, which were filed with the court on May 27, two weeks prior to the June 10 hearing. I then attempted to clarify with Ms. Murphy why she was not prepared:

> The Court: So, you didn't receive Mr. Anderson's Objection on Affidavits until today?
>
> Ms. Murphy: Your Honour, I filed the affidavit that I had told you that I was going to file on the date that I told you I was going to file it. I also provided

other materials. The court responded to me the next day. They wanted more documents. I was busy that day, I was busy the following day, and I was going to prepare what it is that they had wanted, and then I got an email. Then, then there was other arguments going back an forth about more stuff to [inaudible], you know, there seems to be a lot of emails – none of which are in my favour or support me in any way – then they, then they decided it wasn't going to be heard because I didn't respond to them with what they wanted in, in the time frame that they wanted it. And then I, I, I, I had mentioned I'm busy Monday, Wednesday, and Friday, from 9 to 2. So, then they were emailing me during those hours asking for things and, because I didn't respond during those hours, when I already said I had commitments, they decided it wasn't gonna be heard. And then, all of a sudden I get, uh, you know, this, this, this strike from Glenn Anderson or, you know, whatever this is – which I have not had time to read. I don't understand why I have to continue to spend five hours or 10 hours or – it takes an entire day, if not two days, to prepare an affidavit. For what? For what?

The Court: You have yet to answer my question. So…

Ms. Murphy: I don't know what your question was, Your Honour.

The Court: Well, then, why don't you try…

Ms. Murphy: I have not read it. Did I receive it? Glenn Anderson, when he sends emails, someone else sends them so I can't relocate them in my email inbox because I do by, by search. I get a lot of emails. So, if I search Glenn Anderson's name, his filings for the majority of them, don't come up because he, someone else emails them on his behalf. So, I, I was looking for it this morning to try and read it, to try and understand what it said. I did not locate it. I had to ask him for it because I have not had a chance to read it.

The Court: Okay.

Ms. Murphy: I've been…

The Court: Having a chance to read it…

Ms. Murphy: I cannot spend every single day of my life focused on this when it's only costing me money and it's costing me time and it's costing me emotional bandwidth. I cannot, and I am not getting paid, I'm spending money for what? There has never been a decision in my favour. Never. The Department of Justice doesn't care. They're causing it in the first place.

The Court: Ms…

Ms. Murphy: They're the one who wrote these laws.

> The Court: Ms. Murphy, when did you receive Mr. Anderson's Objection on the Affidavit?
>
> Ms. Murphy: If I could find it, I would tell you. I do not know the answer to that. I looked for it this morning, I did not find it. I do not know.

[35] Ms. Murphy did not answer my question about whether she received the AGNS's objections to her affidavit. I then asked her to clarify why she was requesting the adjournment of the nullity motion:

> Ms. Murphy: Because I want to go and fix it, to put the right name on it – which is what I prepared in the affidavit, so I can go and put their name on the right documents that they apparently have an issue with.
>
> The Court: I don't think that was the only issue.
>
> Ms. Murphy: A motion for leave, I'd like a motion for leave to – to correct…
>
> The Court: You will not, okay...
>
> Ms. Murphy: …the proper…
>
> The Court: Right, so the other complaint that they have is that you didn't give them notice under *Proceedings Against the Crown Act*. So, in relation to when you would be prepared to deal with this motion for nullification, when would you be prepared to deal with it? When?
>
> Ms. Murphy: September.
>
> The Court: No. That is too far away, and it does not take that long to do what you want to do. So…

[36] Ms. Murphy then raised the issue of the defendants and/or the court paying her to proceed with her action, which she described as the "root issue", and the following exchange occurred:

> The Court: I, I'm in court every day, Ms. Murphy. I certainly understand the issue. You've brought an action, you're not the defendant in relation to this matter. You've brought the action in relation to this matter. I'm not aware, I'm not aware of any provision anywhere where somebody bringing an action gets funding from the opposite party or the court or the government in a civil case.
>
> Ms. Murphy: But the, but the semant- the semantics of this are, Your Honour, this is the Department of Justice, so you guys all created this system, right? Self-represented people are not, are not funded, but for some reason you think this is a justice system where there is a difference between, I don't, I don't know, you know, God is, you know, who I put my trust and faith in. But certainly, self-represented people are not getting justice before the court. And if, you know, if the

> Department of Justice cared about justice, and wanted guilty people to, you know, to suffer the consequences of that, innocent people, you know, to, to have, you know, justice, then they would ensure that those people had adequate resources…
>
> The Court: In criminal matters…
>
> Ms. Murphy: …to get justice in the first place.
>
> The Court: …in criminal matters, Ms. Murphy, it's a different process. But this isn't a criminal matter, this is a civil matter…
>
> Ms. Murphy: But there has been criminal matters come up during my, during my affidavit. There has been criminal acts...
>
> The Court: You're not….
>
> Ms. Murphy: …at the hands of various government agencies…
>
> The Court: …you're not, you're not…
>
> Ms. Murphy: …and I brought those things to light, Your Honour.
>
> The Court: …you're not charged with a criminal offence, so it's different. So, in relation…
>
> Ms. Murphy: I understand it's different. I – I understand it's different and the court doesn't care about children. I understand that the court likes to abuse children on a daily basis and they do not care.
>
> [Emphasis added.]

[37] Ms. Murphy was becoming increasingly emotional during this exchange and then reached forward and either grabbed her camera or shut her laptop. She disconnected from the virtual hearing – akin to walking out of the courtroom in the midst of her submissions - without the court's permission. Court staff then attempted to reconnect with Ms. Murphy, and sent her an e-mail advising her that court was recessed for five minutes, after which we would resume. When we did so, the following was put on the record:

> The Court: Okay, so, before we turn to the A.G.'s position, again, to clarify for the record, because transcripts don't always pick this stuff up or, in fact, don't pick this stuff up, that during the course of my interchange with Ms. Murphy, I did try to redirect her to the relevant, what I thought were the relevant aspects this afternoon and she had an agenda of wanting to say what she had prepared and proceeded in any event – despite the fact that it wasn't what I was asking her to respond to, and she became increasingly upset, such that her tone of voice was upset and she was tearful, she had to stop to compose herself several times because she was tearful during the exchange, and then that culminated in her becoming extremely

> tearful and upset and grabbed the camera on the computer and shut it off and then disconnected. So, we recessed for a few minutes to give her an opportunity to compose herself and rejoin, should she so choose and Ms. Kane, who is the judicial assistant in court today made some efforts to contact Ms. Murphy during the break, even though Ms. Murphy doesn't appear to have tried to rejoin. So, Ms. Kane, maybe you can just indicate how long we were recessed and what you did during that break to try and get Ms. Murphy back involved.
>
> Ms. Kane: We were recessed for approximately five minutes. I sent an email at 2:23 advising that we had, that court had recessed for five minutes and would be resuming at 2:25 PM (Atlantic Standard Time). And I also tried calling twice and it went to voice mail – that was after the email was sent.
>
> The Court: Okay, and no response from any of that?
>
> Ms. Kane: No.

[38] The AGNS confirmed that it had sent Ms. Murphy its objection to her affidavit on May 27, and had sent it again at her request at 1:16 that day, shortly before the start of the hearing. The AGNS also confirmed that it was opposed to any further adjournment, in light of the events of the scheduled motions to that point. Counsel summarized:

> Ms. Scovil: So, it's, it's our position today that she has filed her affidavit, she filed her legal submissions in response to this nullity motion and it's just in the circumstances to proceed. It's been, it's been adjourned three times. We believe that the submissions, the written submissions have been made, the affidavits have been filed, and the Attorney General is prepared to proceed to today with the nullity motion.

[39] I then put on the record a description of Ms. Murphy's behaviour during both hearings and set the matter over to allow Ms. Murphy the opportunity to compose herself and make any additional submissions:

> The Court: Okay. The last time that we were in court – again, the record won't reflect it – Ms. Murphy became very emotional as well, that required some time for her to compose herself and/or to proceed while she was making submissions and very upset at the same time. I don't know anything about her background or anything else but, in light of what, what happened today, the matter can't be put off forever. And, on the other hand, I would think that it would be fair, because of what happened, and that – you know, there could be lots

> of reasons for why what happened happened, I'm not going to say any more, but there could be various reasons for that. It is obviously improper for somebody to leave court in the middle of making submissions whether it's virtually or in person. If somebody chooses to represent themselves, then they choose to abide by the court processes. On the other hand, I don't want to make a decision *ex parte* right this minute because I would like to give her a chance to resume if she can compose herself, and if she doesn't show up for the next court date, then, then I will hear the Crown's position in relation to proceeding *ex parte* and whatever remainder of submissions you have. I already heard submissions last day. But I think that in fairness because I don't know what's going on with Ms. Murphy exactly, that it would be sensible to give her an opportunity to rejoin not very far in the future.

[40] A further appearance was set for June 17, 2025, at 2:30 PM, to proceed whether or not Ms. Murphy chose to appear.

[41] The court sent Ms. Murphy the following email on June 11:

> The Motion continuation for this matter, specifically the Attorney General of Nova Scotia's Motion to Nullify, was scheduled for Tuesday, June 10, 2025, at 2 PM before Justice Arnold.
>
> Approximately 15 minutes into the hearing, you ended your video and about a minute later you exited the Teams call. While still on the record, I called the number the court has on file for you (…). The call went to voice mail. Court then recessed for five minutes to allow you to compose yourself and rejoin.
>
> During the recess, I sent you an email at 2:23 PM advising that court had recessed for five minutes and would be resuming at 2:25PM (Atlantic Standard Time). I also called the phone number noted above twice and it went to voice mail both times.
>
> Once court had resumed, Mr. Anderson confirmed that the brief and book of authorities were provided to you on May 27 to your email address. In addition, Mr. Anderson stated that shortly after 1 PM yesterday you asked them to resend and he did.
>
> Ms. Scovil stated that the Attorney General opposes your request to have the Motion for Nullity adjourned.
>
> Justice Arnold stated that he did not want to make a decision ex parte at that time because he wanted to give you a chance to resume. However, if you do not show up for the next court date, he will hear the Crown's submissions in relation to proceeding ex parte. Justice Arnold thought that, in fairness, it would be sensible to give you an opportunity to rejoin in the future.

> The matter was adjourned to Tuesday, June 17, 2025, at 2:30 PM (Atlantic Standard Time) for Motion Continuation. I will send you a Teams appointment for that date and time shortly after sending this email.
>
> We've picked Tuesday in the afternoon to accommodate what we think is your schedule. The matter will be resuming at that time. If you choose not to be present, Justice Arnold will be hearing the Crown's motion to proceed ex parte and depending on Justice Arnold's decision, the matter may go ahead in your absence.

[42] Ms. Murphy e-mailed the court on June 11, reiterating her previous requests and positions in the form of a script of her oral submissions on June 10:

> I was in distress which is on the record, along with the Statements regarding the biases of the Judge and Judges who are paid by the Province of Nova Scotia which is biased. Judges should not be arguing on behalf of the defendants which he did yesterday, showing clear bias.
>
> This is a written record of the statements I made yesterday, for record keeping purposes;
>
> **Your Honour,**
>
> I respectfully rise to bring forward two motions today:
>
> A request for adjournment of the hearing currently scheduled for June 10, 2025; and
>
> A request for consideration of interim financial support from the Court or the Crown, given the significant burden this matter has imposed.
>
> **1. Request for Adjournment**
>
> As outlined in my letter dated May 27, 2025, I am unable to adequately prepare for the scheduled hearing due to unavoidable scheduling and logistical constraints. Additionally, I have been informed by Ms. Jessica Smith, via correspondence dated May 23, 2025, that my Motion for Leave to Amend has not been accepted for filing and will not be addressed at that hearing. Proceeding at this time would be both premature and inefficient.
>
> I respectfully submit that my availability, preparedness, and procedural rights should be treated with the same fairness and respect extended to all parties before the Court. I therefore request that the hearing be adjourned to a later date when all relevant matters can be properly heard.
>
> **2. Concerns Regarding the Fee Waiver Process**
>
> I had intended to file additional materials, including a written brief and supporting documents, but encountered obstacles related to the fee waiver process. The Court declined to accept my waiver on the basis of how the form was completed. I find this troubling.
>
> It is not just, in my view, to compel me to provide sensitive personal information under the current circumstances—especially when, based on past experience, such information has not been handled with the care and confidentiality that a reasonable person would expect from a court of law. I believe the system must not only be procedurally sound but also trustworthy and secure for all litigants.

3. Concern Regarding Institutional Conflict of Interest

Your Honour, I feel it is necessary to raise a broader concern which affects my perception of fairness in these proceedings. As the presiding judge in this matter is paid by the Province of Nova Scotia—and the laws governing this dispute are also created and enforced by the same Province—**I believe this presents an inherent institutional conflict of interest.**

While I do not question the integrity of any individual, I respectfully submit that when a judge is employed by the very government that is named as a defendant or whose agencies are implicated, it becomes difficult for an ordinary person to believe that the process is fully neutral.

In my view, the **public's understanding of justice and the Department of Justice's execution of justice appear increasingly misaligned**. I say this not to accuse, but to raise an important issue that affects public trust in the system and my ability to feel heard on equal footing.

4. Request for Interim Financial Contribution

Since the filing of this action in February 2025, I have spent over **100 hours** preparing and responding to the requirements of this case. I have also incurred several thousand dollars in personal costs for document preparation, notarization, printing, scanning, and legal research.

This follows nearly **nine years** of ongoing family court litigation in which I have received no rulings in my favour, despite what I sincerely believe to be consistent and good-faith effort. I have lost meaningful custody of my son, suffered severe emotional and financial strain, and remain without closure or resolution.

I therefore respectfully request that the Court consider allowing a **motion for interim financial contribution**—either from the Court or from the Crown—based on the extraordinary burden this process has placed upon me.

Specifically:

- I estimate that my out-of-pocket costs for my time exceed **$50,000 USD to date**,
- I request consideration of a **rate of $500 per hour going forward**, to reflect the actual effort and personal resources I am expanding to participate meaningfully in this litigation, and
- I ask that all reasonable expenses incurred for court-related submissions be eligible for reimbursement.

Should the Court be open to this consideration, I am willing to submit sworn affidavits and supporting documentation, including time logs and receipts.

Closing Statement

Your Honour, I am not seeking privilege or exemption from the rule of law—only that the process I participate in reflects the fairness, impartiality, and decency that justice requires.

I continue to move forward in faith, trusting that truth and integrity still matter in this process. I thank the Court for hearing this motion and respectfully request that these matters be considered with the seriousness they deserve.

Respectfully submitted,

> **Anna Murphy**
>
> The last thing I said before ending the court call was that the Department of Justice / Family Court / Judges abuse children on a daily basis and DO NOT care. Any decisions made, if not in my favour, will be subject to judicial review. In addition, the court has evidence before them of criminal acts by government and court staff.
>
> Will the court be acting on the evidence of Criminal acts by government and court staff, including the evidence that's been provided to them, or is it intended to Collude to cover up the illegal activity ?
>
> [Emphasis in bold in original, Emphasis with underlining added]

[43] To address one of Ms. Murphy's allegations, Nova Scotia Supreme Court judges are part of the judicial branch of the government and are not paid by the Province of Nova Scotia. They operate under the constitutional principles of judicial independence, and do not answer to federal or provincial governments in performing their judicial duties.

[44] Ms. Murphy then wrote again on June 13:

> Also, during the court appearance, the judge acknowledged, that the Department of Justice only provides lawyers for criminal matters when they are changed while being aware that the department of justice has a duty of care over not just criminal matters, but also family, and civil matters so on the fully record acknowledged his awareness of the ongoing negligence of the department of justice in his arguments and position on the record.
>
> While it's clear to everyone that the system has caused me serious damages for 9 years, being involved in this incompetent, ignorant, and financially motivated system that aims to control and suppress the parties to a action for years and force their political & biased views onto the parties in the actions, what's telling is the facial expressions, and shame associated when the judge covered his face with his hands to hide the shock from being called out on the truth of the matters because most people don't have the guts or courage to do so.
>
> Please kindly provide a status update as it relates to this. Will I be receiving compensation as it relates to the 9 years of chaos created by the negligence of this government & broken system?
>
> [Emphasis added]

[45] At no time during the June 10, 2025, motion did I cover my face with my hands "to hide the shock from being called out on the truth of the matters because most people don't have the guts or courage to do so." When Ms. Murphy refused to take direction from the court to address the actual issues, and proceeded to talk over me, I rested my head in my right hand, as there was no need to take notes.

Ms. Murphy then wrote, in a subsequent e-mail on the evening of June 15, requesting, *inter alia*, that all future proceedings be in writing:

> I am writing to formally request an adjournment of the hearing scheduled for Tuesday, June 17, 2025, at 2:30 PM (AST) before the Honourable Justice Arnold.
>
> As I have previously indicated on the record, I am under considerable emotional and psychological distress when discussing specific topics and events as a result of nearly nine years of trauma; meaning my nervous system has been overwhelmed by the emotional turmoil caused by the fraudulent allegations & decisions, procedural irregularities, and biased adjudication of the courts processes.
>
> In light of this, I am respectfully requesting that all future proceedings be handled through written correspondence, to avoid further duress and allow for more equitable and accessible participation on my part. This request is made as a form of reasonable accommodation, which I believe is both warranted and required under basic principles of fairness and procedural justice.
>
> Additionally, I would like to reiterate that during the June 10, 2025 appearance, I made an oral motion requesting interim financial contribution from the Crown, which remains unresolved. As noted during the proceeding, the cumulative burden of this prolonged litigation has resulted in:
>
> - Over $50,000 USD in personal costs, including expenses related to legal document preparation, time, printing, scanning, research, and other required filings.
> - More than 100 hours of unpaid labour dedicated to participating in this process in good faith.
> - Significant financial and emotional hardship due to the lack of closure, meaningful rulings, or any support.
>
> I respectfully request that the Court address this issue without further delay and consider interim financial relief as proposed, including:
>
> 1. A contribution rate of $500 USD/hour for ongoing preparation and participation, retroactive to the initiation of this claim in February 2025.
> 2. Reimbursement of reasonable litigation expenses incurred to date, for which I am willing to submit detailed receipts, time logs, and supporting affidavits.
> 3. A determination as to whether the Crown will be directed to provide any form of immediate financial contribution pending full resolution of this matter.
>
> This request is not made frivolously, but out of necessity. The procedural imbalance, lack of access to legal representation, and acknowledged duty of care owed by the Department of Justice—especially in civil and family law matters—underscore the legitimacy and urgency of this.

> Lastly, I would appreciate confirmation on whether the Court intends to take action on the evidence of misconduct and criminal activity by government and court personnel that has already been submitted into the record.
>
> I trust this letter will be placed before the Honourable Justice Arnold for urgent consideration, and I would appreciate a formal reply at your earliest convenience.
>
> [Emphasis added]

[46] The court replied to this correspondence on June 16, stating, in part:

> **Submissions by Correspondence Instead of In-Person**
>
> Ms. Murphy says she has psychological issues that prevent her from making oral submissions in relation to the AGNS's motion to nullify. She says that a fair accommodation for her issues is to allow her to make submissions exclusively in writing.
>
> In relation to this discreet motion, despite there being no admissible evidence, expert or otherwise, supporting Ms. Murphy's claim of psychological difficulties, it was clear during both previous virtual appearances that Ms. Murphy became emotional while making oral submissions.
>
> Therefore, specifically in relation to the Crown's motion to nullify, Justice Arnold will allow Ms. Murphy to make her submissions exclusively in writing.
>
> This decision regarding an accommodation for Ms. Murphy to exclusively file written submissions on the motion to nullify has no impact on any other matters Ms. Murphy has, or may have, before the court. Each judge will make their decision about procedure independent of this accommodation.
>
> **Adjournment Request**
>
> Ms. Murphy is requesting an adjournment to file written submissions. The AGNS is opposed to any further adjournment.
>
> Justice Arnold agrees that a brief adjournment would be fair to allow Ms. Murphy to file her written submissions, but he does not agree that the issues before the court require the lengthy adjournment to September as requested by Ms. Murphy.
>
> Justice Arnold will therefore grant Ms. Murphy a brief adjournment to allow her to file her written submissions. The parties will be subject to the following parameters in relation to filings about the motion to nullify:
>
> - **Written submissions going forward about the motion to nullify will be limited to ten (10) pages, 14-font, double-spaced.**
> - **Ms. Murphy must file her submissions on the motion to nullify through the court no later than June 25, 2025, at 4:00 PM (AST).**
> - **The AGNS must file its reply no later than July 2, 2025, at 4:00 PM (AST).**

Justice Arnold will then provide the parties with his written decision in due course.

Interim Funding

Ms. Murphy's request for interim funding in relation to the motion to nullify is denied.

Justice Arnold knows of no authority or rule that would allow for such an application. His written reasons regarding this issue will be included in the decision regarding the motion to nullify.

Investigation of Governmental Behaviour

Ms. Murphy wrote: "Lastly, I would appreciate confirmation on whether the Court intends to take action on the evidence of misconduct and criminal activity by government and court personnel that has already been submitted into the record."

Justice Arnold has already told Ms. Murphy that he is dealing exclusively with the AGNS's motion to nullify. If she wants to file other motions, she must do so in accordance with the Nova Scotia Civil Procedure Rules. She cannot piggyback other motions on this motion. Justice Arnold declines to consider any of Ms. Murphy's other proposed motions.

Justice Arnold asks the Crown to prepare an Order reflecting the contents of this letter.

The motion to nullify continuation scheduled for tomorrow (June 17, 2025) at 2:30 PM will not be proceeding as previously scheduled and the date will be released on the basis of the filing dates and directions detailed above.

[Emphasis in original]

[47] Ms. Murphy replied the same day:

While I can certainly do my best to prepare, this appears to be a set-up should I not have enough time to prepare, that I would be found in contempt of court. Given 9 years of court proceedings, none of which required a court order for a filing deadline, I believe this constitutes grounds to have the judge recuse himself for bias. & Certainly, the cause of the upset was never noted, only that I was upset due to disrespectful, unsupportive, and now retaliatory behaviour which is cited in the report by the Canadian Bar Associated, that over 7000 lawyers and paralegals have suffered similar treatments.

There is a cost to prepare what you are asking.. where should the funds come from if the Crown doesn't provide them or isn't responsible to provide them? Why should I suffer further harm as a result of the negligence of the department of justice?

[Emphasis added]

[48] On June 24, Ms. Murphy sent supplementary submissions regarding the Crown's nullity motion. She also emailed materials for a proposed motion requesting that I recuse myself. In those filings, Ms. Murphy stated that she would also file the documents with the court. On July 4, 2025, it came to my attention that Ms. Murphy had not filed all of her documents as required, and sent the parties an email advising of this, inquiring whether Ms. Murphy had received a fax notifying her, and querying how the Attorney General proposed to proceed in reply. This was followed by a further e-mail from the court on July 7:

> As noted in the email I sent on Friday afternoon, Ms. Murphy's recusal motion materials were not accepted for filing (as per the document attached to the email).
>
> Due to the recusal motion being directly related to the Crown's motion declaring the pleadings against the Crown Defendants (Nova Scotia Department of Justice, Department of Community Services, and Nova Scotia Maintenance Enforcement) a nullity for failure to comply with the *Proceedings Against the Crown Act,* I am writing to advise of the following:
>
> > Justice Arnold is prepared to exercise his discretion to waive the need for a filing fee and a draft order in relation to the recusal motion only. To reiterate, this exercise of Justice Arnold's discretion is exclusively related to Ms. Murphy's application for recusal and nothing else.
>
> Therefore, the recusal motion materials that were initially faxed to the court will be processed and returned, for this application only, via email (rather than by fax). All future motions must be filed in accordance with the rules.
>
> The normal procedure is for the filed documents to be returned to the party filing, who is then responsible to provide it to the other party. However, in this case only, I have attached a scanned copy of the filed materials to this email, copied to both parties.
>
> In light of this, Mr. Anderson and Ms. Scovil, when will the Attorney General's materials in response to Ms. Murphy's recusal motion be filed?

[49] On July 7, Ms. Murphy sent the court the following email:

> Please provide me evidence of permission or the direction the court was provided by me to contact me at the fax number you stated was faxed to.
>
> Please refrain from contacting me on any North American Holidays.
>
> Please provide me the procedure rules or case precedence as it relates to sharing information with the opposing party as it relates to my fee waiver request.
>
> Is the court aware (outside of Ms. McInnis'[sic] email account) that no court stamped documents have been provided to me until I threatened to call the police, and following that one email was provided within 5 minutes with the court stamped

> copies of the court filings however since that time any filings have not been provided with court stamps.
>
> I understood that the recusal motion would be heard by a separate judge given the nature of the filing.
>
> I am concerned that court staff and all involved in the process of processing my materials including the judical assistants & justices & their actions have made them a party and there is no unbiased actions taking place whatsoever.

[50] The court sent the parties an email the same day, stating, in part:

> Ms. Murphy, it is the practice of the Court Administration office to use the same fax number a party faxed from to fax something back to that party.
>
> Regarding the Waiver of Fees Application, I purposely did not include it in the email I sent last Friday, as it is not something that would normally be shared with the other party. I did, however, advise in my email that I wasn't including it so you would know I had purposely not included it at that time.
>
> Justice Arnold, as the judge about whom the recusal request is being made, is required to hear and determine the recusal motion. As Derrick, J.A. said in *Fraser v. Nova Scotia Barristers' Society*, 2024 NSCA 79, at paragraph 40: "When a motion for recusal is made, the judge whose recusal is being sought must hear and determine the issue."

Vexatious or Scandalous Submissions and Behaviour

[51] In her affidavit of May 21, 2025, Ms. Murphy made scandalous accusations about the Honourable Justice John Keith of this court:

> **2. OBSTRUCTION AND COLLUSION BY COURT STAFF**
>
> …
>
> 5. On April 8th, 2025 I received an email from John Boyle, lawyer at Cox & Palmer for the Canadian Bar Association that regarding wanting a court appearance for June 2nd, 2025, for a summary judgement. Within minutes of that email I received a letter from Ms. Smith with directions from Justice Keith (Justice Keith having had roughly 20 years of previous ties to Cox & Palmer.)
>
> 6. On April 8, 2025, I was informed that Justice Keith reviewed the matter and declined to permit the motion by correspondence, citing preference for an in-person hearing- even though Civil Procedure Rule 27.0l(l)(g) allows motions by correspondence. It appears based on the timing of those events that Mr. Boyle & Mr. Keith spoke directly, or that there was a phone call that took place between Mr. Boyle & the court, that led to Justice Keith commenting on the default judgements but not following the law as it relates to processing them, in so much

> that a decision wasn't rendered and court staff would not process them despite them being in compliance with the procedure rules and case law.

[52] On May 22, 2025, John T. Boyle, a partner at Cox and Palmer, sent a letter to the court stating:

> In her affidavit, Ms. Murphy alleges that I have colluded with the Honourable Justice John Keith by engaging in *ex parte* communications with Justice Keith. Given the seriousness of the allegation, I felt compelled to confirm that I have had no communication (*ex parte* or otherwise) with Justice Keith regarding this matter and have not engaged in any form of collusion with the court. Ms. Murphy's allegation is completely meritless and without foundation.

[53] In Ms. Murphy's affidavit, under the same heading, she also alleges scandalous behaviour on the part of court staff:

> 8. I raised concerns of collusion and obstruction of justice with court officers on April 18 and April 22, 2025, after noting repeated failures to process my motions, unclear or shifting procedural explanations, and disregard of my timely communications.

[54] She further alleges bad faith and misconduct on the part of counsel for the Attorney General:

> **ATTORNEY GENERAL'S COUNSEL ACTING IN BAD FAITH**
>
> 8. Glenn Anderson serves as counsel for the Attorney General of Nova Scotia, as well as for multiple other defendants in this matter, including:
>
> - Department of Justice,
> - Office of the Ombudsman,
> - Maintenance Enforcement Program (MEP),
> - Community Services,
> - and formerly, the Auditor General.
>
> 9. His attempt to nullify this action is not a neutral legal act but a conflicted defense strategy to shield his many clients from liability and prevent the Court from reviewing evidence that implicates his office in serious misconduct.
>
> 10. Blocking court applications is precisely the kind of institutional misconduct that forms the basis of my lawsuit against the Department of Justice.

[55] In relation to counsel completely unrelated to this motion, Ms. Murphy also makes scandalous accusations:

4. NEGLIGENT OVERSIGHT BY ANDREW TAILLON

11 . Andrew Taillon, currently Managing Lawyer for the Department of Justice, previously served as a senior official at the Nova Scotia Barristers' Society (NSBS).

12. While at NSBS, Mr. Taillon received the majority of my negligence complaints against legal professionals who caused me harm. He failed to act, shielded lawyers from accountability, and enabled systemic cover-up of legal misconduct.

13. Whether his move to the DOJ was a promotion or demotion is immaterial. What is clear is that his institutional negligence has followed him, and he now works within another agency (DOJ) that is similarly obstructive and unaccountable.

[56] She also accuses the court of improper behaviour:

5. FAILURE TO INVESTIGATE JUDICIAL ABUSE

14. The Attorney General of Nova Scotia, who Glenn Anderson represents, has been provided with evidence that over 7,000 lawyers and paralegals have suffered serious harm due to judicial abuse of power, public humiliation by judges, and professional sabotage.

15. Despite this overwhelming evidence, no public inquiry has been launched. There has been no invocation of investigative powers under section 63(1) of the Judges Act, nor any other mechanism to protect the public interest.

16. This failure illustrates wilful blindness and dereliction of duty at the highest levels of legal oversight, reinforcing the need for Court intervention and full adjudication.

[57] Ms. Murphy accuses court staff and others of obstruction and misconduct:

6. PATTERN OF SYSTEMIC NEGLIGENCE AND DAMAGE

17. In addition to obstruction by court staff and misconduct by legal regulators, I have presented evidence that:

- FOIPOP officials tampered with evidence, including recalling emails after court filings;
- Court officers and Crown counsel coordinated procedural delay and selective enforcement of Civil Procedure Rules;
- I have been denied access to justice, subjected to reputational and psychological damage, and financially devastated by these institutional failures.

18. The cumulative impact of these actions and omissions has caused harm now estimated to exceed $82.5 million, including:

- Loss of employment and income,
- Loss of child access and family rights,
- Reputational harm and psychological injury,
- Financial losses in legal costs and life opportunities.

[58] Ms. Murphy also sent several emails to the court, without permission, to make demands as to how staff should deal with her and making allegations of misconduct against court staff with no foundation. In an email to the court dated July 7, 2025, Ms. Murphy states:

> Please provide me evidence of permission or the direction the court was provided by me to contact me at the fax number you stated was faxed to.
>
> Please refrain from contacting me on any North American Holidays**.**
>
> Please provide me the procedure rules or case precedence as it relates to sharing information with the opposing party as it relates to my fee waiver request.
>
> Is the court aware (outside of Ms. McInnis' email account) that no court stamped documents have been provided to me until I threatened to call the police, and following that one email was provided within 5 minutes with the court stamped copies of the court filings however since that time any filings have not been provided with court stamps.
>
> I understood that the recusal motion would be heard by a separate judge given the nature of the filing.
>
> I am concerned that court staff and all involved in the process of processing my materials including the judical assistants & justices & their actions have made them a party and there is no unbiased actions taking place whatsoever.
>
> [Emphasis added]

[59] Ms. Murphy followed that caustic email with another on the same day:

> What's clear is the court sees nothing wrong with its actions and creates its own rules while every one else is suppose to follow the laws exactly while it makes it up as it goes.
>
> It's very obvious that the court is well aware that fax number has nothing to do with me. It's very obvious you knew when you emailed me it was the 4th of July which is a holiday and you purposely emailed me that day.
>
> Your email included the crown regarding your rejection of my fee wavier and additional information and details you wanted from me. Now it's waived but only on this matter. God forbid you waive the fees for the other motions and have justice prevail.

> It's very clear that if the judge doesn't grant this delay or jury trial that it is a matter of obstruction of justice and does not want unbiased people to rule over the matters.
>
> Why are any of you involved in the administration of justice is the main purpose of your actions in my filing is to manipulate the outcome and protect the very system meant to uphold.
>
> What's the purpose of swearing on the Holy Bible before the court when none of the justices are god fearing and would rather showcase their Muslim agenda or Arab views of misogyny towards women in their actions. Why include the Bible at all?
>
> [Emphasis added]

[60] On July 11, 2025, Ms. Murphy sent another email, threatening various consequences should she be dissatisfied with the outcome of the motion:

> Please be advised that should for whatever reason the crown be successful in getting off this action or the other parties also, including not limited to the CJC and CBA I am providing you notice of my intention to file a new action in the US for the actual amount of damages estimated at $5.6B USD. Or greater.

[61] On July 14, Ms. Murphy sent another irrelevant and caustic email:

> Egypt has one of the highest rates of domestic violence in the world that go unaddressed and women are severely oppressed. Domestic violence is widespread and this abuse has nine years and counting and for support by the Nova Scotia government.
>
> The damage from this abuse I've been forced to endure through judge's decisions is immeasurable.
>
> You all need a serious education in what is morally right and wrong.

[62] Ms. Murphy continues to send emails to the court despite having filed her rebuttal materials and despite the ability of either party to file additional submissions on the present issues to have concluded.

Permission to File other Motions

[63] During the course of Ms. Murphy's submissions on May 13, 2025, she stated that she needed permission to file any additional motions. I advised her that I did not know to what she was referring. In her May 21 affidavit Ms. Murphy referenced her desire to file a motion for default judgment. As noted above, I advised Ms. Murphy that I would not hear that motion and it would have to be properly filed with the court. She also requested permission to file a motion for

leave to amend the style of cause. In correspondence, I advised Ms. Murphy that she would also have to properly file that motion, but I also advised that I would consider her intention to file that motion during the nullity motion, as it is relevant.

Accommodations

[64] Litigants are presumptively expected to appear in court in person. Allowing a litigant to appear virtually is not a right but is within the judge's discretion. Ms. Murphy was initially granted the opportunity to appear virtually. On June 10, she abused this accommodation by disconnecting in the midst of her submissions and then ignoring the court's request that she reconnect. Nonetheless, on June 10, I did not allow the Crown's request to proceed *ex parte*. Instead, I set the matter over to try repeatedly to get Ms. Murphy to reconnect and complete her submissions. When that failed, instead of allowing the Crown to proceed *ex parte* I had the court email Ms. Murphy to see if she wanted to make additional submissions virtually. As noted above, after I gave Ms. Murphy yet another opportunity to make her submissions, she sent an email, asking for permission to file her submissions exclusively in writing.

[65] Despite the Crown being opposed to any further adjournment, I also granted Ms. Murphy's requests for more time to file her submissions, and to make her submissions in writing, because she was obviously in a state of distress when making her submissions orally. By this point, Ms. Murphy:

- Had been permitted to appear virtually;
- Did not appear for the May 1, 2025, hearing, so that court time was lost;
- Had been permitted to commence at 2:00 PM, as opposed to the usual 9:30 AM start time;
- Was permitted to have the matter scheduled for a Tuesday or a Thursday, convenient to her schedule;
- Did not file proper materials for the May 13, 2025 hearing, so that court time was lost;
- Intentionally disconnected and refused to reconnect during the June 10, 2025, hearing, so that court time was lost; and
- Was granted an adjournment and was permitted to make the remainder of her submissions exclusively in writing.

Issues

[66] The issues for this decision are as follows:

1. Should I recuse myself?

2. Should Ms. Murphy's action against the various provincial entities be declared a nullity due to a failure to comply with the *Proceedings Against The Crown Act?*

Issue 1 - Recusal / Judicial Bias Motion

[67] Ms. Murphy alleges that I am biased. She states in her submissions, in part:

> 2. Throughout these proceedings, I have observed numerous actions and decisions by Justice Arnold that have led me to believe that he is not impartial in this matter, and that there is a reasonable apprehension of bias.
>
> 3. On multiple occasions, Justice Arnold has advanced arguments on behalf of the Crown, even when it was not clear if the Crown was formally represented during appearances.
>
> 4. In communications and during court proceedings, Justice Arnold has explicitly acknowledged his awareness that the Crown fails to provide legal representation in family law and civil matters, yet he has nonetheless repeatedly defended the Crown's positions.
>
> 5. The Crown has relied upon decisions made by Justice Arnold to advance their motion to nullify my pleadings, effectively using his prior rulings as part of their legal strategy against me.
>
> 6. I am a self-represented litigant and have repeatedly requested reasonable accommodations due to the complexity and volume of the matters involved. Specifically, I advised the Court that I required additional time until September to prepare and respond to filings. Justice Arnold denied my request without meaningful consideration of my circumstances.
>
> 7. I sincerely believe that if I had been represented by legal counsel or if I were a male litigant, my request for additional time would have been granted, as similar accommodations are often made for represented parties.
>
> 8. Justice Arnold imposed highly restrictive filing requirements on me via court order, including a 10-page limit, 14-point font, and double spacing, severely limiting my ability to fully present my submissions. No such restrictions were imposed on the Crown.
>
> 9. In my nine years of experience with legal proceedings, I have never previously been subjected to such strict and arbitrary filing limitations by court order.
>
> 10. The cumulative effect of these actions has created a reasonable apprehension that Justice Arnold is biased against me, and that I am not receiving a fair and impartial hearing.

> 11. These proceedings involve serious allegations of systemic government misconduct, breaches of public trust, conflicts of interest, and judicial misconduct. The appearance of bias severely undermines my confidence in receiving a fair adjudication of these claims.
>
> 12. My constitutional rights under the Canadian Charter of Rights and Freedoms are directly engaged, including my rights under sections 7, 11(d), 15, and 24(1).
>
> 13. I therefore respectfully request that Justice Arnold recuse himself from this matter, and that a different judge be assigned. In the alternative, I respectfully request that this matter be delayed until a jury can be selected so that these serious issues may be adjudicated fairly and transparently by a jury of my peers.

Process and Test for Recusal

[68] Via email, Ms. Murphy expressed surprise that I would be hearing the recusal motion, as opposed to it being heard by another judge. In *Fraser v. Nova Scotia Barristers' Society*, 2024 NSCA 79, Derrick J.A. confirmed that it is **mandatory** that the judge whose recusal is being sought hear and determine the issue:

> [40] When a motion for recusal is made, the judge whose recusal is being sought **must** hear and determine the issue (*Bossé v. Lavigne*, 2015 NBCA 54, at paragraph 5). This approach was taken in *Arsenault-Cameron v. Prince Edward Island*, [1999] 3 S.C.R. 851, and by Saunders, J. of this Court in *Doncaster v. Chignecto-Central Regional School Board*, 2013 NSCA 59, at para. 14.
>
> [Emphasis added]

[69] In *R. v. K.J.M.J.,* 2023 NSCA 84, Bryson J.A., for the court, reviewed the law pertaining to an allegation of judicial bias:

> [53] The paramountcy of impartiality has been prominently noticed by the Supreme Court (*R. v. Curragh Inc.*, [1997] 1 S.C.R. 537; *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484). In *R. v. Schneider*, 2004 NSCA 99, this Court said:
>
> > [68] Nothing is more important in the legal system than the impartiality of judges. […]
>
> [54] The vital necessity of judicial impartiality is a very old principle of our common law. Sir Matthew Hale was Chief Justice of the King's Bench of England in the 1670s. He put it this way in some of his resolutions which he wrote out to guide his conduct at the time:
>
> > That I suffer not myself to be prepossessed with any judgment at all, till the whole business and both parties be heard.

> That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard.

The principles embodied in these sentiments endure today.

[55] If a reasonable apprehension of bias is established owing to a judge's words or conduct, then the judge has exceeded his or her jurisdiction and erred in law. The recent decision of *R. v. Lilly*, 2023 NSCA 80 at ¶44, quotes from relevant jurisprudence of this Court applying Supreme Court of Canada authority:

> [44] This issue arises for the first time on appeal. The test for determining a reasonable apprehension of bias was set out in *C.B. v. T.M.*, 2013 NSCA 53:
>
> > [31] If a reasonable apprehension of bias arises from a judge's words or conduct, then the judge has exceeded his or her jurisdiction and erred in law: *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484 at ¶ 99. In *C.H.D.* at ¶ 25, Hamilton J.A., for this court set out the test for reasonable apprehension of bias:
> >
> > > **25** The test for a reasonable apprehension of bias is set out in **R. v. R.D.S.**, [1997] 3 S.C.R. 484:
> > >
> > > > [31] The test for reasonable apprehension of bias is that set out by de Grandpré J. in *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369. Though he wrote dissenting reasons, de Grandpré J.'s articulation of the test for bias was adopted by the majority of the Court, and has been consistently endorsed by this Court in the intervening two decades: [citations omitted]. De Grandpré J. stated, at pp. 394-95:
> > > >
> > > > > ... the apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information ... [T]hat test is "what would an informed person, viewing the matter realistically and practically and having thought the matter through conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly."
> > >
> > > The grounds for this apprehension must, however, be substantial and I ... refus[e] to accept the suggestion that the test be related to the "very sensitive or scrupulous conscience". [Emphasis added]

> [32] In *S. (R.D.)* at ¶ 35, the Supreme Court of Canada observed that according to its Commentaries on Judicial Conduct (1991), the Canadian Judicial Council stated at p. 12:
>
> > True impartiality does not require that the judge have no sympathies or opinions; it requires that the judge nevertheless be free to entertain and act upon different points of view with an open mind.
>
> [33] According to *S. (R.D.)*, to successfully assert that a judge might be partial, one must demonstrate that the beliefs, opinions, or biases held by the judge prevent him or her from setting aside any preconceptions and reaching a decision based only on the evidence:
>
> > 113 Regardless of the precise words used to describe the test, the object of the different formulations is to emphasize that the threshold for a finding of real or perceived bias is high. It is a finding that must be carefully considered since it calls into question an element of judicial integrity. Indeed an allegation of reasonable apprehension of bias calls into question not simply the personal integrity of the judge, but the integrity of the entire administration of justice. See *Stark, supra*, at paras. 19-20. Where reasonable grounds to make such an allegation arise, counsel must be free to fearlessly raise such allegations. Yet, this is a serious step that should not be undertaken lightly. [Emphasis added]
>
> [Emphasis in original.]
>
> [56] Establishing a reasonable apprehension of bias is very difficult to do, in part because there is a strong presumption of judicial impartiality. The appellant must lead evidence establishing "serious grounds" sufficient to justify that a decision maker should be disqualified owing to an apprehension of bias. Whether such an apprehension exists is highly fact specific and depends on the context.
>
> [57] The test for a reasonable apprehension of bias is objective and is related to the requirement that justice must be seen to be done.
>
> [58] Once a reasonable apprehension of bias is found the only remedy is a new trial because the judge has lost jurisdiction.

[70] In *R. v. Nevin*, 2024 NSCA 64, Farrar J.A., for the court, reiterated that the objective component of the reasonable apprehension of bias test is "whether a reasonable person, with knowledge of the relevant circumstances, would have a reasonable apprehension of bias". He added that the judge should not take such an allegation personally:

> [84] The trial judge's apprehension of bias analysis suffers from a third fatal flaw: failure to properly apply the objective component of the reasonable

> apprehension of bias test. Instead of focusing on the proper objective question – whether a reasonable person, with knowledge of the relevant circumstances, would have a reasonable apprehension of bias – the trial judge took the reasonable apprehension of bias allegations personally. Consequently, and despite the efforts of defence counsel on the motion, the recusal hearing was an inquiry about whether the trial judge was personally biased.

[71] In *Fraser v. MacIntosh*, 2024 NSCA 85, Beaton J.A. for the court, explained that there is a strong presumption in favour of judicial impartiality and clarified that a party claiming judicial bias bears a heavy burden:

> [26] There is a strong presumption in favour of judicial impartiality. Mr. Fraser bears a heavy burden to demonstrate judicial bias (*Ward v. Murphy*, 2024 NSCA 81 at paras 26-27). The test to establish judicial bias is discussed in *Green v. Green*, 2022 NSCA 83:
>
> > [41] In *Wewaykum Indian Band v. Canada*, 2003 SCC 45, the Supreme Court of Canada explained that the apprehension of bias must be a reasonable one:
> >
> > > 60 In Canadian law, one standard has now emerged as the criterion for disqualification. The criterion, as expressed by de Grandpré J. in *Committee for Justice and Liberty v. National Energy Board, supra,* at p. 394, is the reasonable apprehension of bias:
> > >
> > > > ...the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is "what would an informed person, viewing the matter realistically and practically — and having thought the matter through — conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly."...
> >
> > [42] As stated by this Court in *R. v. Potter*; *R. v. Colpitts*, 2020 NSCA 9 where there is a finding of a reasonable apprehension of bias, the offending judge's decision results in an error of law:
> >
> > > [753] If a reasonable apprehension of bias arises from, or an actual bias is found in, a judge's words or conduct, then the judge has exceeded his or her jurisdiction and erred in law.

[72] Beaton J.A. warned litigants not to conflate dissatisfaction with a decision with the judge's conduct of the proceeding leading to it and clarified that the test is

whether a reasonable and right-minded person informed of the circumstances of the case could conclude that the judge was biased:

> [28] I am not persuaded any reasonable and right minded person informed of the circumstances of the case could conclude the judge was biased against Mr. Fraser. A high costs award, in itself, does not support an allegation of judicial bias.
>
> [29] Claims of judicial bias rarely meet with success, reflecting the gravity of the assertion, and as noted earlier, the heavy onus on the party making it. Litigants like Mr. Fraser should not conflate their dissatisfaction with a decision with the judge's conduct of the proceeding leading to it.

[73] In *Fraser v. Nova Scotia Barristers' Society*, Derrick J.A. determined that she was not biased and should not recuse herself. In summarizing the facts upon which the applicant grounded his complaint. Derrick J.A. stated:

> [3] The applicant's recusal motion draws its grounds from a Chambers hearing before me in relation to his other appeal - CA 532155 *Donn Fraser v. Bruce MacIntosh* ("*Fraser v. MacIntosh*"). *Fraser v. MacIntosh* is a costs appeal. As Chambers judge on July 11, 2024 I dealt with motions brought by Bruce MacIntosh, the respondent in that appeal. I rendered my decision on the motions on July 17, 2024 (*Fraser v. MacIntosh*, 2024 NSCA 70). The applicant says remarks I made during the Chambers hearing and aspects of my decision have given rise to a reasonable apprehension of bias against him.

[74] Derrick J.A. then set out the test for a judge to determine if they should recuse themselves:

> [42] The law that governs recusal motions grounded in allegations of a reasonable apprehension of bias is well-settled and long-standing. As stated in *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 S.C.R. 369, at pp. 394-395 and repeated in R. v. R.D.S., [1997] 3 S.C.R. 484, at paragraph 31:
>
> > …the apprehension of bias must be a reasonable one, held by reasonable and right-minded persons, applying themselves to the question and obtaining thereon the required information…[T]hat test is "what would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly.
>
> [43] The Supreme Court of Canada in *Yukon Francophone School Board, Education Area No. 23 v. Yukon Territory (Attorney General)*, 2015 SCC 25

noted its consistent endorsement of the reasonable apprehension of bias test, and set out the governing principles in paragraphs 22 and 23:

- The objective of the test is to ensure not only the reality, but the appearance of a fair adjudicative process.
- The issue of bias is "inextricably linked to the need for impartiality".
- Impartiality "connotes absence of bias, actual or perceived" (*Valente v. The Queen*, [1985] 2 S.C.R. 673, at p. 685).
- Impartiality and the absence of bias have both legal and ethical requirements. "Judges are required – and expected – to approach every case with impartiality and an open mind".
- Public confidence in the legal system is "rooted in the fundamental belief" that judges will adjudicate free or bias or prejudice and "must be perceived to do so" (*Wewaykum Indian Band v. Canada*, [2003] 2 S.C.R. 259, at paragraph 57).

[44] A judge confronted by a recusal motion is expected to assess subjectively whether they are able to adjudicate with impartiality. And even in the event a judge concludes they are able to judge impartially, they must then consider "whether there is nevertheless a reasonable apprehension of bias (*Bossé*, at para. 7). The test for a reasonable apprehension of bias is objective (*R. v. K.J.M.J.*, 2023 NSCA 84, at para. 57).

[45] Due to a strong presumption of judicial impartiality, an applicant's burden on a recusal motion is a heavy one, requiring cogent evidence of bias. The grounds advanced in support of a reasonable apprehension of bias "must be considered in the context of the circumstances, and in light of the whole proceeding" (*R.D.S.*, at para. 141).

[46] These principles have been emphasized by this Court in *Nova Scotia (Attorney General) v. MacLean*, 2017 NSCA 24:

> [39] First, as a matter of law, there is a strong presumption of judicial impartiality, which is not easily displaced. Second, there is a heavy burden of proof upon the person making the allegation to present cogent evidence establishing "serious grounds" sufficient to justify a finding that the decision-maker should be disqualified on account of bias. Third, whether a reasonable apprehension of bias exists is "highly fact-specific". Such an inquiry is one where the context, and the particular circumstances, are of supreme importance. The allegation can only be addressed carefully in light of the entire context. There are no shortcuts. See *Wewaykum Indian Band v. Canada*, 2003 SCC 45.

[75] In *Ward v. Murphy*, 2024 NSCA 81, Van den Eyden, J.A., summarized the foundation for Mr. Ward's recusal motion:

> [25] In short, the driver behind Mr. Ward's recusal motion is his hurt feelings over my concurrence in dismissing an unrelated issue he previously raised on appeal. As will become evident in the following analysis, that is not a reason warranting my recusal.

[76] In reviewing the applicable law, Van den Eyden J.A. stated:

> [26] As explained by this Court in *R. v K.J.M.J.*, 2023 NSCA 84, the burden on a party claiming a reasonable apprehension of bias or actual bias on the part of a judge is onerous. There is a strong presumption of judicial impartiality that must be overcome by a claimant. The inquiry is fact-specific and requires clear evidence of serious grounds:
>
> > [56] Establishing a reasonable apprehension of bias is very difficult to do, in part because there is a strong presumption of judicial impartiality. The appellant must lead evidence establishing "serious grounds" sufficient to justify that a decision maker should be disqualified owing to an apprehension of bias. Whether such an apprehension exists is highly fact specific and depends on the context.
> >
> > [citations omitted]
>
> See also *Wewaykum Indian Band v. Canada*, 2003 SCC 45 at paras. 76-77 and *R. v. Teskey*, 2007 SCC 25 at para. 21.
>
> [27] Further, as set out in *R. v. Nevin*, 2024 NSCA 64:
>
> > [47] …The test for establishing a reasonable apprehension of bias has been consistently applied by Canadian courts of all levels since the case of *Committee for Justice and Liberty v. Canada (National Energy Board)*:
> >
> > > [...] the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. [...] that test is "what would an informed person, viewing the matter realistically and practically—and having thought the matter through—conclude. Would he think that it is more likely than not that [the trier of fact], whether consciously or unconsciously, would not decide fairly."
> >
> > [48] The notion of fairness in the context of reasonable apprehension of bias was further commented on by the Supreme Court of Canada in *R. v. R.D.S*:
> >
> > > [94] [...] Fairness and impartiality must be both subjectively present and objectively demonstrated to the informed and reasonable observer. …
>
> [28] In *C.B. v. T.M*, 2013 NSCA 53 this Court observed:

> [32] In *S. (R.D.)* at ¶ 35, the Supreme Court of Canada observed that according to its Commentaries on Judicial Conduct (1991), the Canadian Judicial Council stated at p. 12:
>
> [33] According to *S. (R.D.)*, to successfully assert that a judge might be partial, one must demonstrate that the beliefs, opinions, or biases held by the judge prevent him or her from setting aside any preconceptions and reaching a decision based only on the evidence…

Analysis – Recusal / Judicial Bias Motion

[77] Ms. Murphy raises multiple issues and allegations in her judicial bias/recusal application. The first two paragraphs of her affidavit are introductory, and the issues start at her third paragraph:

> **3. On multiple occasions, Justice Arnold has advanced arguments on behalf of the Crown, even when it was not clear if the Crown was formally represented during appearances.**

[78] I have no idea what Ms. Murphy is referencing. She does not provide specifics. The Crown has been represented by Glenn Anderson, K.C. and Lyndsay Scovil at every step of my involvement with the Crown's Motion for Nullity. I have not advanced arguments on behalf of the Crown. When I did try to ask questions of Ms. Murphy about aspects of her position in the normal course of my function as a judge, in order to gain clarity about her arguments, she became very agitated, and on June 10, she disconnected from the hearing. As the Crown notes in its reply brief of July 14, 2025:

> In her Affidavit, Ms. Murphy misstates Justice Arnold's actions and decisions, including:
>
> • "Justice Arnold advanced arguments on behalf of the Crown, even when it was not clear if the Crown was formally represented during appearances." (para. 3)
>
> • "Justice Arnold has explicitly acknowledged his awareness that the Crown fails to provide legal representation in family and criminal matters, yet he has nonetheless repeatedly defended the Crown's positions." (para. 4)
>
> • "Justice Arnold denied my request [to adjourn the Nullity Motion until September] without meaningful consideration of my circumstances" (para. 6)
>
> • "Justice Arnold imposed highly restrictive filing requirements on me ...No such restrictions were imposed on the Crown." (para. 8)

[79] Ms. Murphy added the following in a rebuttal brief dated July 24, 2025:

> **5. Reply to AGNS Submissions**
>
> - **"Insufficient Evidence"**: AGNS contends there is no cogent proof of bias, yet the combined weight of improper assignment, prosecutorial allegiance, denial of fair process, dismissal of core allegations, indifference to hardship, systemic jury exclusion, differential fee waivers, unremedied harms, and Department of Justice oversight surpasses the "serious grounds" threshold.
> - **"Neutral Listening"**: Their defense of secret recordings fails to disclose or notify Ms. Murphy—an undisclosed procedural advantage reinforcing staff obstruction.
> - **"Inflammatory Language"**: Criticizing her rhetoric while ignoring government-sanctioned abuses and credible threats reveals a bias privileging only the Crown's narrative.

[80] At the end of her July 24 brief, Ms. Murphy also added a novel request that not only should I be disqualified, but so should any judge under the oversight of the Canadian Judicial Council. This would include any judge of this court, the Nova Scotia Court of Appeal, and/or the Supreme Court of Canada, and can clearly not be given effect.

[81] I agree with the AGNS. Ms. Murphy has misstated my actions and decisions in this regard.

> **4. In communications and during court proceedings, Justice Arnold has explicitly acknowledged his awareness that the Crown fails to provide legal representation in family law and civil matters, yet he has nonetheless repeatedly defended the Crown's positions.**

[82] In criminal law matters, when an accused person's jeopardy is at stake, there are rare occasions when a judge will appoint state-funded counsel. In *R. v. Rowbotham* (1988), 25 O.A.C. 321, the Ontario Court of Appeal held that even in a criminal matter, where liberty is at stake, an accused person does not have an unqualified right to counsel at trial. Where the accused satisfies the court that: 1) he or she lacks the means to hire counsel; 2) legal aid refuses to fund counsel; and 3) the case is sufficiently complex in the context of the accused person's skills, ability or capacity to comprehend the issues and defend themselves, the court will assess whether representation by legal counsel is essential to a fair trial in accordance with ss. 7 and 11(b) of the *Charter* and may grant a s. 24(1) *Charter* remedy staying proceedings until state-funded counsel is provided. This type of assessment requires

a determination as to whether the applicant can fund legal counsel and the applicant is required to satisfy an evidentiary burden on a balance of probabilities. The applicant must satisfy rigorous criteria because, where a remedy is sought to prevent an anticipated breach of a *Charter* right, the applicant must demonstrate a 'high degree of probability' that the *Charter* infringement will occur: *Phillips v. Nova Scotia (Commission of Inquiry into the Westray Mine Tragedy),* [1995] 2 S.C.R. 97, at para. 108.

[83] Ms. Murphy is the plaintiff in a civil proceeding, not an accused in a criminal proceeding. She brought the claim to the court and is ultimately looking for a financial award to be ordered by the court. Her liberty is not at stake. A s. 24(2) *Charter* remedy is inapplicable. There is no Civil Procedure Rule that would allow Ms. Murphy to request funding from the defendants, much less the court, in these particular circumstances, where she is disputing whether she is bound by the procedural requirements of the *PACA*. There is simply no law to support her request in this regard. Ms. Murphy's claim for funding is denied.

> **5. The Crown has relied upon decisions made by Justice Arnold to advance their motion to nullify my pleadings, effectively using his prior rulings as part of their legal strategy against me.**

[84] The Crown has not cited any precedents written by me. I have no idea what Ms. Murphy is referencing. The Crown states in its July 14 brief:

> In her Affidavit, Ms. Murphy misstates that Justice Arnold decided the precedents relied on by the AGNS:
>
> > • "The Crown has relied upon decisions made by Justice Arnold to advance their motion to nullify my pleadings, effectively using his prior rulings as part of their legal strategy against me." (para. 5)

[85] I agree with the AGNS. I did not rely on any of my own prior decisions. Even if I had, there is nothing wrong with a judge doing that, and *stare decisis* requires judges to render decisions consistent with the law as stated in prior decisions.

> **6. I am a self-represented litigant and have repeatedly requested reasonable accommodations due to the complexity and volume of the matters involved. Specifically, I advised the Court that I required additional time until September to prepare and respond to filings. Justice Arnold denied my request without meaningful consideration of my circumstances.**

[86] This issue has several components.

Accommodations Generally

[87] Ms. Murphy chose to file her own claim. She has been granted many accommodations on this otherwise straightforward motion, including: 1) appearing virtually as per her initial request; 2) appearing only on a Tuesday or a Thursday; 3) appearing in the afternoons only; 4) filing an affidavit after the proper filing date; 5) making further submissions after she intentionally disconnected during a virtual hearing and refused to reconnect; and 6) making supplementary submissions exclusively in writing.

Adjournment

[88] Ms. Murphy eventually requested an adjournment to September 2025.

[89] The Crown's motion is not complex. The matter was scheduled to be heard by Rowe J. on May 1, but Ms. Murphy asked for it to be adjourned and then was heard by me on two separate court dates (May 13 and June 10). The hearing was not completed on any of those dates, directly because of Ms. Murphy's actions.

[90] The AGNS filed its brief regarding the objections to Ms. Murphy's affidavit on May 27. Continuation of the motion was scheduled for June 10, 2025, at 2:00 PM.

[91] During the June 10 hearing Ms. Murphy intentionally disconnected from the hearing without the permission of the court and refused to reconnect. The AGNS asked the court to continue the proceeding *ex parte.* I denied that request because I wanted to give Ms. Murphy the opportunity to compose herself and complete her submissions. Ms. Murphy refused to reconnect to the hearing. The court e-mailed Ms. Murphy on June 11, advising that the matter had been adjourned to June 17 to allow her the opportunity to make further submissions. Ms. Murphy then sent several emails accusing the court of various misdeeds, including the allegation that I am in conflict from hearing any matter because I am paid by the defendant province. As noted earlier, this is incorrect as a factual assertion. It is also without foundation in view of the principles of judicial independence. Ms. Murphy wrote again on June 13, once again vilifying the legal system and incorrectly alleging that I covered my face with my hands "to hide the shock from being called out on the truth of the matters…" As noted earlier, this did not occur. Ms. Murphy then wrote again on June 15, again complaining about the judicial system and the courts, and requesting financial support for her litigation and "confirmation on whether the court intends to take action on the evidence of misconduct and

criminal activity by government and court personnel that has already been submitted into the record."

[92] Although Ms. Murphy presented no admissible evidence to support her request to proceed exclusively in writing, considering her behaviour and apparent state of mind during the prior proceedings, I felt it fair to accommodate her request. However, Ms. Murphy articulated no valid reason to have this matter set over for another three to four months. She had evidently not bothered to read the Crown's objections to her affidavit, saying she was busy with other things and did not want to "waste" her time preparing. To reiterate, Ms. Murphy should have been prepared to make her submissions on May 1, but did not appear; she was prepared to make her final submissions on May 13, but had not filed an affidavit as required; she filed her affidavit on May 21, and was clearly directed to be ready to make her submissions on June 10; on June 10 she was in the process of making what should have been her fulsome submissions when she intentionally disconnected from the hearing; and she then, without the court's permission, sent her full June 10 submissions via email on June 11. She had the opportunity to address the nullity issue on each occasion and instead raised other issues.

[93] On each occasion that I have dealt with Ms. Murphy, she has tried to insert an agenda that goes beyond the Attorney General's motion to have her claim declared a nullity, including: requesting funding from the Crown and the court without any basis in law; alleging that court staff have conspired to prevent her from filing documents; alleging that the Honourable Justice John Keith of this court conspired with lawyers from Cox and Palmer; and making generalized allegations about misconduct on the part of the government and the court. During the June 10 hearing, I asked Ms. Murphy directly to address the nullity issue, but she completely ignored my directions, spoke over me, and then disconnected. Ms. Murphy did make a number of submissions on May 23 and June 10, though not all were in relation to the relevant issues.

[94] The Crown's motion is not complex. Ms. Murphy said that because she is self-represented, and suffering from trauma related her involvement with the court process, she needed a multi-month adjournment. Ms. Murphy presented no persuasive explanation as to why such a lengthy adjournment in relation to this specific motion is necessary, or how prolonging the time would assist her in any way. The granting of an adjournment is discretionary. Her request for an adjournment until September was neither reasonable, nor necessary. Therefore, the court wrote to her on June 16, allowing her to make further written submissions but

denying her requests for an adjournment, for interim funding, and for me to investigate governmental behaviour.

[95] Ms. Murphy's abuse of court resources by not appearing, not being prepared and/or sabotaging a hearing, and her repeated approach to the nullity motion, attempting to piggyback other motions into the motion and sending emails with abusive content, required me to set the matter over for one week, not several months, in order to receive final submissions.

> **7. I sincerely believe that if I had been represented by legal counsel or if I were a male litigant, my request for additional time would have been granted, as similar accommodations are often made for represented parties.**

[96] Ms. Murphy's gender was and is irrelevant to the legal principles that I have applied. Had Ms. Murphy been represented by counsel, and had counsel behaved in a manner similar to Ms. Murphy, it is likely that fewer, not more, accommodations would have been extended.

> **8. Justice Arnold imposed highly restrictive filing requirements on me via court order, including a 10-page limit, 14-point font, and double spacing, severely limiting my ability to fully present my submissions. No such restrictions were imposed on the Crown.**

[97] I did impose restrictive filing requirements – and they were imposed for a reason - due to Ms. Murphy's constantly attempting to add issues to the actual motion without permission. Nonetheless, the restrictions were imposed on **both** parties, not just Ms. Murphy.

[98] Ms. Murphy was given multiple opportunities to make her submissions. In advance of the first scheduled court appearance, the AGNS filed an eight-page brief in relation to its nullity motion. Ms. Murphy responded by filing a three-page response, which at the time was clearly what she expected were her final written submissions. On May 1, she failed to appear, and the court time was therefore wasted. On May 13, the Crown made its complete oral submissions. Ms. Murphy made what she expected were her complete oral submissions. However, as noted above, she attempted to make submissions and give evidence simultaneously and was therefore offered an adjournment. Ms. Murphy was clearly advised by the court that she should be prepared to make her full and final submissions on June 10. Ms. Murphy made submissions not completely related to the nullity motion, refused to follow directions from the court to address the objections about her affidavit and the nullity issue as opposed to the issues she had raised, talked over

me, intentionally disconnected from the hearing and refused to reconnect. On June 11 she filed a script she had prepared for June 10. Ms. Murphy repeatedly attempted to piggyback other motions onto her response to the Crown's motion for nullity, despite being directed by the court not to do so.

[99] Although Ms. Murphy had already been granted several opportunities to make her complete submissions, I granted her request to file additional submissions, exclusively in writing. Because Ms. Murphy did not make productive use of the time on the previous hearings, had already filed and/or had the opportunity to make fulsome submissions on multiple occasions, and repeatedly inserted irrelevant, unrelated issues and scandalous comments into her reply to this motion, I therefore directed **both** parties (not just Ms. Murphy) to keep whatever might be remaining of their submissions concise, in the hope that Ms. Murphy would direct her comments to the actual issue. My Order therefore stated:

> **IT IS HEREBY ORDERED THAT:**
>
> 1. The hearing of the motion is adjourned to permit the parties to file written submissions in relation to the motion to nullify;
> 2. The parties will be subject to the following parameters in relation to the written submissions on the motion to nullify:
>   a) Written submissions about the motion to nullify will be limited to ten (l0) pages, 14-font, double-spaced;
>   b) Anna Murphy must file her written submissions on the motion to nullify through the Court no later than June 25, 2025, at 4:00 PM (AST);
>   c) The Attorney General of Nova Scotia must file her written reply no later than July 2, 2025, at 4:00 PM (AST);
> 3. The Plaintiff's request for interim funding in relation to the motion to nullify is denied.

[100] There is no basis for the claim that filing requirements were imposed only on Ms. Murphy.

> **10. The cumulative effect of these actions has created a reasonable apprehension that Justice Arnold is biased against me, and that I am not receiving a fair and impartial hearing.**

[101] I am satisfied that no reasonable person, with knowledge of the relevant circumstances, would perceive a reasonable apprehension of bias in these circumstances. In relation to responding to this motion, Ms. Murphy has been extended courtesies and opportunities far beyond what the *Civil Procedure Rules* and the relevant jurisprudence would require. The AGNS states in its July 14 brief:

> Ms. Murphy bears a heavy burden of proof to succeed on her Recusal Motion. She has not provided any substantive evidence of bias that would overcome the strong presumption of judicial impartiality established in the jurisprudence. Further, she provided no substance to support the allegations raised in her Recusal Motion.

[102] The Crown's position is accurate in this regard.

> **11. These proceedings involve serious allegations of systemic government misconduct, breaches of public trust, conflicts of interest, and judicial misconduct. The appearance of bias severely undermines my confidence in receiving a fair adjudication of these claims.**

[103] This is a motion to have Ms. Murphy's proposed action against various provincial entities declared a nullity. I am not dealing with the substance of Ms. Murphy's allegations. Her assertions in this regard are therefore irrelevant.

> **12. My constitutional rights under the Canadian Charter of Rights and Freedoms are directly engaged, including my rights under sections 7, 11(d), 15, and 24(1).**

[104] Ms. Murphy has not brought a motion to have the relevant sections of the *PACA* declared unconstitutional and has not explained how her *Charter* rights are allegedly infringed. While every interaction between a citizen and the state, in the present case, Ms. Murphy and the AGNS, must be viewed through the lens of the *Charter* and constitutional fairness, there is no basis for the court to enter into any form of constitutional analysis on this motion.

> **13. I therefore respectfully request that Justice Arnold recuse himself from this matter, and that a different judge be assigned. In the alternative, I respectfully request that this matter be delayed until a jury can be selected so that these serious issues may be adjudicated fairly and transparently by a jury of my peers.**

[105] As the Crown notes in its July 14 brief:

> Ms. Murphy is asking Justice Arnold to recuse himself on the Nullity Motion. If she is unsuccessful, Justice Arnold would continue to preside over the Nullity Motion. To delay until a jury is selected is not an alternative remedy available.
>
> In any event,
>
> • there can be no jury trial against the Crown (*Proceedings Against the Crown Act*, s. 14 and *Nova Scotia (Attorney General) v Mattatall*, 2013 NSSC 184)
>
> • the Civil Procedure Rules do not contemplate the selection of a jury for preliminary proceedings

• there are several other parties in the Action not participating in this Motion.

[106] Section 14 of the *PACA* states that "[i]n proceeding against the Crown the trial shall be without a jury." As Murphy J. stated in *Nova Scotia (Attorney General) v. Mattatall*, 2013 NSSC 184, where the Crown is the defendant in a civil trial (as is the situation in the present case), there cannot be a jury trial:

> [6] … There is no question that under that legislation in Nova Scotia, there is not a jury trial in a civil claim where the Crown is a defendant. If the Crown is a defendant by counterclaim or interpleader or there is claim by way of setoff, under s.2(f) of the *Act* trial by jury is also precluded.

[107] If there cannot be a jury trial, then it goes without saying that this motion cannot be delayed until Ms. Murphy's claim can be heard by a jury. In any event, this motion must be determined by a judge in advance of trial.

Funding

[108] As noted above, no basis is apparent either by statute, rules, or common law for a plaintiff to have state-funded counsel appointed in these circumstances. Nor is there authority for a plaintiff to obtain court-ordered funding from a defendant (or the court) to assist them in suing that defendant, in circumstances like these.

Conclusion on Recusal Motion

[109] Ms. Murphy's motion for recusal is denied. No reasonable person, with knowledge of the relevant circumstances, would perceive a reasonable apprehension of bias in these circumstances.

Issue 2 - Motion to have Ms. Murphy's Pleadings declared a Nullity

Relevant legislation

[110] Sections 12, 13, and 18 of the *Proceedings Against the Crown Act,* RSNS 1989, c 360, state:

> **Style of Crown**
>
> **12** In proceedings under this Act, the Crown **shall** be designated "The Attorney General of Nova Scotia representing Her Majesty the Queen in right of the Province of Nova Scotia".
>
> **Service of document on Crown**

> **13** A document to be served on the Crown **shall** be served by delivering a copy to the office of the Attorney General or the Deputy Attorney General or any barrister or solicitor employed in the Department of the Attorney General, or by delivering a copy to a barrister or solicitor designated for the purpose by the Attorney General.
>
> ...
>
> **Notice to Crown**
>
> **18** No action **shall** be brought against the Crown unless two months previous notice in writing thereof has been served on the Attorney General, in which notice the name and residence of the proposed plaintiff, the cause of action and the court in which it is to be brought shall be explicitly stated.
>
> [Emphasis added]

[111] Civil Procedure Rule 31.03(1) (j) requires personal service in accordance with the *PACA*:

> (1) Personal service **must** be effected as follows:
>
> > (j) **His Majesty the King in the Right of Nova Scotia** - to His Majesty the King in the Right of Nova Scotia, in accordance with the Proceedings Against the Crown Act…
> >
> > [Emphasis added]

[112] Civil Procedure Rule 31.05 sets out what constitutes proof of personal service:

> **31.05 Proof of personal service**
>
> **(1)** A party who causes a document to be personally served must obtain an affidavit of service that proves all material facts of the service.
>
> **(2)** The affidavit of service must contain a standard heading written in accordance with Rule 82 - Administration of Civil Proceedings, be entitled Affidavit of Service, and include all of the following:
>
> > **(a)** the name of the person swearing or affirming the affidavit and of the community where the person resides;
> >
> > **(b)** a statement that the person personally delivered a certified copy of the notice to the person to be notified;
> >
> > **(c)** a reference to an exhibited certified copy of the notice;
> >
> > **(d)** the hour, date, and place of delivery;
> >
> > **(e)** the name of the person to whom delivery was made;

> **(f)** how the person swearing or affirming the affidavit identified the person as the one to whom delivery is to be made;
>
> **(g)** a certified copy of the notice attached and marked as an exhibit to the affidavit.
>
> **(3)** The affidavit may be in Form 31.05.

[113] As noted above, on May 21, 2025, Ms. Murphy filed an affidavit, with attached exhibits, in support of her opposition to the AGNS's motion to have her pleadings declared a nullity. The Crown objected to the majority of Ms. Murphy's affidavit, stating in its brief:

> The issue on the Motion is whether the Plaintiff properly designated the Crown and provided the notice required by the *Proceedings Against the Crown Act.* The Plaintiffs Affidavit raises another issue.
>
> The Attorney General objects to almost all the contents of the Plaintiffs Affidavit and attached documents on the grounds they are irrelevant, frivolous, vexatious, scandalous and/or submissions and argument and submits they should be struck. The exceptions are paragraphs l and 24; and attached pages 1-5 and 7-8.
>
> The Attorney General does not object to (l) paragraph 24 (it includes a reference to legal notices delivered" to The Attorney General and others) or (2) attached pages 1-5and 7-8 (they are email messages that predate the issuance of the Notice of Action).

[114] Ms. Murphy filed written submissions in response, in which she stated, in part:

> The Crown has provided an itemized list seeking to strike significant portions of the Plaintiff's affidavit on grounds such as "irrelevant", "frivolous", "submission or plea", or "argument." The Plaintiff respectfully submits that the Crown mischaracterizes the affidavit contents:
>
> - Where the affidavit contains statements of fact based on the Plaintiff's personal knowledge and lived experience, these statements are admissible under Rule 39.02 and are central to the Plaintiff's claims.
> - Assertions regarding obstruction by court staff, misconduct by Crown counsel, conflicts of interest, negligent oversight, systemic negligence, and judicial misconduct are not mere "argument." They are factual allegations forming the essence of the Plaintiff's case that must be adjudicated on a full evidentiary record after disclosure and cross-examination.
> - Allegations characterized by the Crown as "irrelevant" are in fact highly relevant to demonstrating the systemic patterns of conduct, collusion, conflicts, and institutional failures that underpin the Plaintiff's claims.

- The authorities relied upon by the Crown (such as Waverley and CN Teamsters) concern narrow administrative or judicial review contexts, where the record is fixed. This case, however, involves systemic Crown liability claims in the civil context, where discovery has not yet occurred, and where the Plaintiff is entitled to develop her full evidentiary record. None of the affidavit contents objected to rise to the level of being scandalous or abusive under Rule 39.05. They present serious factual allegations that the Plaintiff is entitled to prove at trial.

[115] Civil Procedure Rules 39.02, 39.04 and 39.05 state:

39.02 Affidavit is to provide evidence

(1) A party may only file an affidavit that contains evidence admissible under the rules of evidence, these Rules, or legislation.

(2) An affidavit that includes hearsay permitted under these Rules, a rule of evidence, or legislation must identify the source of the information and swear to, or affirm, the witness' belief in the truth of the information.

39.04 Striking part or all of affidavit

(1) A judge may strike an affidavit containing information that is not admissible evidence, or evidence that is not appropriate to the affidavit.

(2) A judge must strike a part of an affidavit containing either of the following:

(a) information that is not admissible, such as an irrelevant statement or a submission or plea;

(b) information that may be admissible but for which the grounds of admission have not been provided in the affidavit, such as hearsay admissible on a motion but not supported by evidence of the source and belief in the truth of the information.

(3) If the parts of the affidavit to be struck cannot readily be separated from the rest, or if striking the parts leaves the rest difficult to understand, the judge may strike the whole affidavit.

(4) A judge who orders that the whole of an affidavit be struck may direct the prothonotary to remove the affidavit from the court file and maintain it, for the record, in a sealed envelope kept separate from the file.

(5) A judge who strikes parts, or the whole, of an affidavit must consider ordering the party who filed the affidavit to indemnify another party for the expense of the motion to strike and any adjournment caused by it.

39.05 Scandalous affidavit

A party who files a scandalous, irrelevant, or otherwise oppressive affidavit is subject to the provisions of Rule 88 - Abuse of Process.

[116] In the oft cited and leading case of *Waverley (Village Commissioners) v Nova Scotia (Minister of Municipal Affairs),* 1993 NSSC 71, Davison J. set out the basic principles governing contents of affidavits:

> It would helpful to segregate principles which are apparent from consideration of the foregoing authorities and I would enumerate these principles as follows:
>
> 1. Affidavits should be confined to facts. There is no place in affidavits for speculation or inadmissable material. An affidavit should not take on the flavour of a plea or a summation.
> 2. The facts should be, for the most part, based on the personal knowledge of the affiant with the exception being an affidavit used in an application. Affidavits should stipulate at the outset that the affiant has personal knowledge of the matters deposed to except where stated to be based on information and belief.
> 3. Affidavits used in applications may refer to facts based on information and belief but the source of the information should be referred to in the affidavit. It is insufficient to say simply that "I am advised".
> 4. The information as to the source must be sufficient to permit the court to conclude that the information comes from a sound source and preferably the original source.

[117] Contrary to Ms. Murphy's assertion, *Waverley* is not restricted to assessing the admissibility of affidavits in "narrow administrative or judicial review contexts, where the record is fixed". Instead, it has been broadly relied on by courts of all levels in Nova Scotia as a guide in an assessment precisely like the one in the present case.

[118] Paragraph 1 of Ms. Murphy's affidavit is introductory and is admissible. It states:

> I am the Plaintiff in this proceeding and have direct knowledge of the facts herein, unless otherwise stated.

[119] Paragraph 2 is a submission and is inadmissible. It states:

> 2. This affidavit supports my opposition to any attempt by the Crown or its legal counsel to nullify this action, and affirms that the Crown, its agencies, and various legal and judicial actors have caused me severe and ongoing harm through obstruction, negligence, and abuse of power, resulting in damages exceeding $82.5 million.

[120] Paragraphs 3-8, under the heading of 'OBSTRUCTION AND COLLUSION BY COURT STAFF" are irrelevant to this motion, and in some instances are submissions, scandalous, and vexatious. They state:

> 3. On April 2, 2025 at 12:22 PM, I submitted a 62-page Motion for Default Judgment by email and fax. This included an affidavit, legal brief, and draft order.
>
> 4. Despite multiple confirmations of transmission, court staff (specifically Jessica Smith) misrepresented the materials as incomplete. I re-sent the materials, and even provided fax confirmations, yet was told only the legal brief and order were received.
>
> *5.* On April 8th, 2025 I received an email from John Boyle, lawyer at Cox & Palmer for the Canadian Bar Association that regarding wanting a court appearance for June 2nd, 2025, for a summary judgement. Within minutes of that email I received a letter from Ms. Smith with directions from Justice Keith (Justice Keith having had roughly 20 years of previous ties to Cox & Palmer.)
>
> 6. On April 8, 2025, I was informed that Justice Keith reviewed the matter and declined to permit the motion by correspondence, citing preference for an in-person hearing- even though Civil Procedure Rule 27.0l(l)(g) allows motions by correspondence. It appears based on the timing of those events that Mr. Boyle & Mr. Keith spoke directly, or that there was a phone call that took place between Mr. Boyle & the court, that led to Justice Keith commenting on the default judgements but not following the law as it relates to processing them, in so much that a decision wasn't rendered and court staff would not process them despite them being in compliance with the procedure rules and case law.
>
> 7. This created a barrier to access to justice, particularly for a self-represented litigant. Court staff applied procedural rules inconsistently and unfairly, causing material harm.
>
> 8. I raised concerns of collusion and obstruction of justice with court officers on April 18 and April 22, 2025, after noting repeated failures to process my motions, unclear or shifting procedural explanations, and disregard of my timely communications.

[121] Paragraphs 8 to 10, under the heading "ATTORNEY GENERAL'S COUNSEL ACTING IN BAD FAITH" are submissions and are irrelevant. They make the following allegations against counsel for the Attorney General:

> 9 His attempt to nullify this action is not a neutral legal act but a conflicted defense strategy to shield his many clients from liability and prevent the Court from reviewing evidence that implicates his office in serious misconduct.
>
> 10. Blocking court applications is precisely the kind of institutional misconduct that forms the basis of my lawsuit against the Department of Justice.

[122] Paragraphs 11 to 13, under the heading "NEGLIGENT OVERSIGHT BY ANDREW TAILLON, are irrelevant to this motion, are submissions, and are scandalous. They raise various allegations against the Managing Lawyer for the Department of Justice and former "senior official" at the Barristers' Society:

> 12. While at NSBS, Mr. Taillon received the majority of my negligence complaints against legal professionals who caused me harm. He failed to act, shielded lawyers from accountability, and enabled systemic cover-up of legal misconduct.
>
> 13. Whether his move to the DOJ was a promotion or demotion is immaterial. What is clear is that his institutional negligence has followed him, and he now works within another agency (DOJ) that is similarly obstructive and unaccountable.

[123] Paragraphs 14 to 16, under the heading "FAILURE TO INVESTIGATE JUDICIAL ABUSE", are irrelevant to this application, are submissions and are scandalous. They state:

> 14. The Attorney General of Nova Scotia, who Glenn Anderson represents, has been provided with evidence that over 7,000 lawyers and paralegals have suffered serious harm due to judicial abuse of power, public humiliation by judges, and professional sabotage.
>
> 15. Despite this overwhelming evidence, no public inquiry has been launched. There has been no invocation of investigative powers under section 63(1) of the Judges Act, nor any other mechanism to protect the public interest.
>
> 16. This failure illustrates wilful blindness and dereliction of duty at the highest levels of legal oversight, reinforcing the need for Court intervention and full adjudication.

[124] Paragraphs 17 and 18, under the heading "PATTERN OF SYSTEMIC NEGLIGENCE AND DAMAGE", are irrelevant to this application, are submissions, include conclusory statements, and are scandalous. They state:

> 17. In addition to obstruction by court staff and misconduct by legal regulators, I have presented evidence that:
>
> • FOIPOP officials tampered with evidence, including recalling emails after court filings;
>
> • Court officers and Crown counsel coordinated procedural delay and selective
>
> enforcement of Civil Procedure Rules;

> • I have been denied access to justice, subjected to reputational and psychological damage, and financially devastated by these institutional failures.
>
> 18. The cumulative impact of these actions and omissions has caused harm now estimated to exceed $82.5 million, including:
>
> • Loss of employment and income,
>
> • Loss of child access and family rights,
>
> • Reputational harm and psychological injury,
>
> • Financial losses in legal costs and life opportunities.

[125] Paragraph 19, under the heading "RELIEF SOUGHT", is irrelevant to this application, is a submission, and is scandalous. It states:

> 19. I respectfully request that this Court:
>
> • Reject any motion by Glenn Anderson or the Crown to nullify these proceedings;
>
> • Recognize the conflict of interest in his representation of all major Crown entities
>
> involved;
>
> • Take judicial notice of the Attorney General's refusal to act despite evidence of mass
>
> professional harm;
>
> • Consider the full scope of obstruction, collusion, and negligence by named parties;
>
> • And allow this matter to proceed without further delay, toward trial and damages for the extensive harm suffered.

[126] Paragraphs 20 to 26, under the heading "REQUEST TO FILE MOTION FOR DEFAULT JUDGMENT BY CORRESPONDENCE, although included for an irrelevant purpose (requesting to file an additional motion in this manner, instead of filing it properly with the Court Administration Office), contains some evidence that is relevant to this motion. They state:

> 20. This matter was formally filed on February 10, 2025. As of today, May 20, 2025, a total of 99 days have elapsed without resolution or compliant response from the majority of the named Defendants.
>
> 21. During this time, I have made extensive good faith efforts to advance the matter, including filing materials, submitting motions, and communicating directly

with court staff. Despite my diligence, I have faced persistent obstruction, technical dismissals, and delays that are unreasonable and prejudicial.

22. I now seek leave of the Court to file a Motion for Default Judgment by Correspondence, in accordance with Civil Procedure Rule 27 .0l(l)(g), due to:

- The unreasonable length of time that has passed since filing (99 days),
- The lack of responsive pleadings by several Defendants,
- And the hardship created by forcing a self-represented litigant to endure further delay and expense for matters that are procedurally ripe.

23. The damages I am claiming have been well documented, both in the public record and throughout formal court filings. These include:

- Psychological trauma,
- Economic losses,
- Reputational harm,
- And violations of constitutional rights and procedural fairness.

24. Further, I have consistently notified Crown entities of my intention to seek damages as early as 2021, including written correspondence, formal complaints, and legal notices delivered to:

- The Attorney General of Nova Scotia,
- The Department of Justice,
- The Office of the Information and Privacy Commissioner,
- And other related regulatory and oversight bodies.

25. The long-standing awareness by these agencies of the harm they have caused, and their consistent refusal to engage in remedial action or meaningful settlement discussions, supports the issuance of default judgment without the need for a full oral hearing.

26. I respectfully request the Court to:

- Grant permission for me to proceed by correspondence,
- Accept my previously submitted notice of motions for default judgments, against Nova Scotia Legal Aid Commission, Canadian Judicial Council, Nova Scotia Barrister's Society, Auditor General of Nova Scotia, & His Majesty the King in right of the Province of Nova Scotia, as represented by the Attorney General of Nova Scotia
- And allow the default judgment to be adjudicated on the basis of the written record already before the Court.

[127] Paragraph 20 is partly irrelevant as it discusses defendants other than the parties to this motion, so the words “from the majority of the named Defendants”

are inadmissible. Otherwise, it is admissible. Paragraph 21 is admissible with the exception of the words “Despite my diligence” and “that are unreasonable and prejudicial.” Paragraph 22 is irrelevant and contains submissions. It is inadmissible. Paragraph 23 is inadmissible as it is conclusory and is mainly submissions. Paragraph 24 is relevant and admissible. Paragraphs 25 to 26 are irrelevant, being submissions.

[128] Paragraphs 27 to 31, under the heading MOTION FOR LEAVE TO AMEND STYLE OF CAUSE”, are admissible as I told Ms. Murphy on May 13 that she had to file any additional motions with the court, and could not simply add a motion onto this motion, but I stated that I would consider any such efforts. They state:

> 27. In reviewing the style of cause and filings in this matter, I have identified that the Crown has been referred to as the "Attorney General of Nova Scotia," whereas the proper naming convention in accordance with civil procedure and constitutional principles is:
>
> **"His Majesty the King in right of the Province of Nova Scotia, as represented by the Attorney General of Nova Scotia."**
>
> 28. This correction is necessary to ensure clarity and conformity with the required legal form for proceedings involving the provincial Crown.
>
> 29. I respectfully seek leave of the Court to amend the Notice of Action and Statement of Claim accordingly, under **Rules 83.02 and 83.08.**
>
> 30. This amendment does not alter the substance of my claim or create any prejudice to the Crown, which has been served and is clearly aware of this action.
>
> 31. I ask that the amendment be granted in the interest of procedural fairness and justice.
>
> [Emphasis in original]

[129] If the proceeding is declared a nullity, Ms. Murphy will not be prevented from bringing a new proceeding in accordance with correct procedures, including using the correct style of cause.

Analysis - Motion to have the pleadings declared a nullity

[130] Ms. Murphy claims that e-mails she sent to the Maintenance Enforcement Program, to Jennefer Naugler, an employee of the Department of Opportunities and Social Development, and to an address carrying her own name, Anna Murphy, are sufficient notice for the purposes of the *PACA*. In reviewing the Crown’s affidavit, and the remaining aspects of Ms. Murphy’s affidavit, it is clear that the e-

mails from Ms. Murphy were sent on February 3, 2025. As noted, Ms. Murphy commenced the action a week later, on February 10, 2025. In addition to asking the court to deny the AGNS's nullity motion, Ms. Murphy also initially requested an order granting her leave to file a Motion for Default judgment by correspondence because the AGNS has not filed a defence, and an order permitting her to seek procedural corrections under Civil Procedure Rules 31, 35 and 85, and the *PACA*, ss. 12, 13 and 18.

[131] Ms. Murphy does not dispute that she did not comply with various provisions of the *PACA,* including failing to give formal notice in writing two months in advance of the intended action; failing to state the name and residence of the proposed plaintiff, the cause of action, and the court in which the action is to be brought; failing to set out the precise designation of the Crown required for the style of cause; and failing to effect service on the Crown as required by the *PACA*. However, she says that through her lengthy involvement in litigation with various provincial entities, and through email exchanges with provincial entities, she provided the Crown with plenty of notice of this litigation. She also has now expressed a desire to amend her pleadings. Ms. Murphy says that fairness, her constitutionally protected *Charter* rights, the need for access to justice, and the serious nature of her allegations, all demand that the *PACA* requirements be waived.

[132] Where a person intends to bring an action against the Crown, s. 18 of the *PACA* requires "two months previous notice in writing thereof" to be served on the Attorney General. The notice must explicitly state the name and residence of the proposed plaintiff, the cause of action, and the court in which the action is to be brought. Additionally, s. 12 sets out the precise designation of the Crown required for the style of cause, and s. 13 requires that service on the Crown be made "by delivering a copy to the office of the Attorney General or the Deputy Attorney General or any barrister or solicitor employed in the Department of the Attorney General, or by delivering a copy to a barrister or solicitor designated for the purpose by the Attorney General." These provisions of the *PACA* are clear and are mandatory, not discretionary. Civil Procedure Rule 31.04(1)(j) confirms that personal service must conform with the *PACA.*

[133] It is apparent on the record that Ms. Murphy's February 3, 2025, e-mails did not provide notice compliant with the requirements of the *PACA*. Even if it was otherwise compliant (and it was not), it would have merely provided one week's notice, not the legislatively required two months. On its face, however, the e-mail did not meet any of the other requirements of s. 12 or 18, and service of the notice

was not made upon the office of the Attorney General or the Deputy Attorney General, or upon a lawyer as otherwise contemplated by s. 13 and the *Civil Procedure Rules*.

[134] As Smith J. said in *Green v Nova Scotia (Department of Community Services)*, 2023 NSSC 155, "the provisions of the *PACA* are not discretionary but are mandated by statute and must be strictly construed and complied with before any action against the Crown can proceed" (paras 33). This includes personal service of the notice pursuant to the *Civil Procedure Rules* (paras 34-36 and 47-51). Smith J. undertook a thorough review of the law regarding the notice and service requirements under the *PACA*:

> [52] It is well established by the Courts in this province and in jurisdictions across Canada that a failure to strictly comply with the notice provisions of the respective *Proceedings Against the Crown Act* renders an action null and void. Any form of an informal or implied notice of intended action does not meet the strict statutory requirements of the *PACA*.
>
> [53] For example, in the case of *B.M.G. Farming Ltd v. New Brunswick*, 2010 NBQB 151 (CanLII), Justice LaVigne held at para. 81 that the notice provisions of the *Proceedings Against the Crown Act* (New Brunswick) "must be strictly construed" and "must be complied with before the process may validly issue".
>
> [54] In *Biseau v Harnish*, 2012 NBQB 339 (CanLII), the plaintiff, Erica M. Biseau and the defendant, Scott Harnish, were involved in a motor vehicle accident which occurred on April 16, 2009. Mr. Harnish was employed by the Province of New Brunswick, Minister of Transportation, and was operating a vehicle owned by the Department of Transportation at the time of the accident. The adjuster for the insurers of the Province were notified of the accident. Given that the Province's adjuster was aware of the claim, Justice Rideout of the Court of Queen's Bench of New Brunswick considered whether the court had discretion to prevent the strict application of the notice requirements under New Brunswick's *Proceedings Against the Crown Act*. He concluded at para. 23 that "no such discretion exists." As such, Mrs. Biseau's action against the Province of New Brunswick was struck.
>
> [55] In *Beardsley v. Ontario*, 2001 CanLII 8621 (ON CA) the plaintiff sued the Crown and two Ontario police officers for false arrest, false imprisonment, malicious prosecution, negligence and breach of his *Canadian Charter of Rights and Freedoms* rights. A formal letter of notice under s. 7(1) of the *Proceedings Against the Crown Act*, RSO 1990, c. P.27 was sent by counsel for the plaintiff the day after the statement of claim was issued. On a motion brought pursuant to *Rule* 21.01(1)(a) and (b) of the *Ontario Rules of Civil Procedure*, the motions judge held that the claims against the Crown and the police officers were void, having been instituted without the appropriate notice under s. 7(1) of

the *Proceedings Against the Crown Act*. The plaintiff appealed and the Ontario Court of Appeal upheld the motion judge's decision.

[56] On appeal, the appellant attempted to argue that a letter of complaint against the individual police officers sent by his counsel several months before the claim was filed met the notice provisions of the *Act*. The Court of Appeal found at para. 13 that not "every letter of complaint delivered to a provincial agency will fulfil the notice requirements of s. 7(1) of the *Proceedings Against the Crown Act*." As the letter was not before the Court to determine if it complied with the notice provisions of the Act the Court of Appeal did not interfere with the motion judge's findings that sufficient notice was not given.

[57] Nova Scotia Courts have taken a similar approach to nullifying claims that do not strictly adhere to the notice provisions of the *PACA.* For example, in *Clayton Developments Ltd. v Nova Scotia (Housing Commission),* 1978 CarswellNS 409, 26 NSR (2d) 161 the sole issue before the Court of Appeal was whether the plaintiff was required to give two months' notice before commencing its action against the Crown pursuant to the *PACA.* The Nova Scotia Court of Appeal held that the notice requirements in the *PACA* apply to all actions, including any civil proceedings, and thus the originating notice of action and statement of claim must be set aside for failure to provide two months' notice of intended action.

[58] In *Offume v. [Nova] Scotia*, 2004 NSSC 132, the Court struck Mr. Ofume's action against various Crown entities for failure to provide proper notice to the Crown pursuant to s. 18 of the *PACA*. Although Mr. Ofume alleged that some form of notice was given to the Crown, the Court rejected that assertion and accepted the Crown's position that the notice was never served on the Attorney General pursuant to the *PACA* and therefore did not constitute clear notice of intended action or cause of action.

[59] In both *Union of Nova Scotia Indians v. Nova Scotia (Attorney General),* 1999 NSCA 160 and *Cook v. Nova Scotia*, 2005 NSCA 23, the Court of Appeal affirmed the motion judges' decisions to strike claims against the Province for failure to provide notice in accordance with the *PACA*. In both cases, failure to provide the Attorney General with proper notice of intended action in accordance with the *PACA* rendered the actions against the Crown nullities.

[60] Most recently in *Layes v. AGNS*, 2018 NSSC 29 this Court granted an order setting aside and declaring an application a nullity for failure to provide proper notice under the *PACA.* In *Layes* the applicant attempted to argue that notice was not required under the *Act* because it was an application for the collection and preservation of evidence and thus the *PACA* did not apply. In the alternative, the applicant argued that the Crown had implicit notice as a result of a separate, but related action that was filed in the Truro courts. This Court rejected the argument that the Crown had implicit notice due to its knowledge of the Truro action and stated at para. 28 that "notice to the Crown, if required, is formal notice."

[135] I agree with and endorse the comments of Smith J. It is well established by the courts in this province and in jurisdictions across Canada that a failure to strictly comply with the respective *PACA* provisions renders an action null and void. Informal or implied notice does not meet the strict statutory requirements of the *PACA*. It is trite to say that I am bound by the Nova Scotia decisions referenced above. In these circumstances, there is simply no ability for the court to grant an order permitting the procedural corrections Ms. Murphy has requested under Civil Procedure Rules 31, 35 and 85, and the *PACA*, ss. 12, 13 and 18.

[136] Ms. Murphy submits that her e-mails constitute "substantial compliance", citing *Latta v. Ontario*, [2001] O.J. No. 4890 (Sup. Ct. J.). The court in that case did not refer to "substantial compliance." The majority of the Ontario Court of Appeal, in reversing it, at [2002] O.J. No. 4106, did hold that adequate notice under the Ontario legislation did not require any specific form of words, and could be satisfied by language that "could reasonably be anticipated to result in litigation against the Crown" (para 31). This conclusion was based on different statutory language, which required only "a notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose, and the Attorney General may require such additional particulars as in his or her opinion are necessary to enable the claim to be investigated." There was no prescribed form of notice, and no guidelines with respect to service (para 23). The document purporting to give notice was an Accident/Injury Report filed with the institution where the proposed claimant was incarcerated. This contrasts with the Nova Scotia legislation, which requires identification of the cause of action and the court in which the action will be brought. Furthermore, there was no suggestion by the Ontario Court of Appeal that the relevant timeline could be abridged. As such, *Latta* is of little assistance to Ms. Murphy.

[137] The Nova Scotia cases cited by Ms. Murphy, particularly *Clayton Developments Ltd. v. Nova Scotia (Housing Commission)*, 1978 CarswellNS 409 (SCAD), and *CIBC Mortgage Corp. v. Ofume*, 2004 NSSC 132, are addressed in *Green*. Along with the other Nova Scotia authorities referenced by Smith J., the Nova Scotia cases reinforce the principle that strict compliance with the express statutory requirements is required.

[138] Before Ms. Murphy can proceed with her action, she must give notice to the AGNS as required by the *PACA*. Civil Procedure Rules 31, 35 and 85 do not allow for the procedural corrections requested by Ms. Murphy in this situation.

[139] Ms. Murphy says that the Crown's motion to have her pleadings declared a nullity is an abuse of process and a violation of her *Charter* rights; that public interest demands that her claim proceeds; that family law issues require special considerations; and that the AGNS, as the Crown, has a heightened responsibility to ensure every litigant is treated fairly. There is nothing unfair about requiring a litigant to comply with the *PACA* procedural requirements, and no constitutional challenge has been brought. Furthermore, this ruling goes no further than confirming that Ms. Murphy must follow mandatory procedures. Rendering her pleadings a nullity does not prevent her from refiling in accordance with *PACA* requirements and then proceeding with litigation in the usual fashion.

Conclusion on Nullity Motion

[140] Given the lack of compliance with the *PACA*, Ms. Murphy's filing is a nullity as against the Nova Scotia Department of Justice, the Department of Community Services, and Nova Scotia Maintenance Enforcement, as represented by the AGNS. That does not prevent her from filing a motion in the future. A similar result occurred in *Green*, where Smith J. stated:

> [71] Mr. Green's March 3, 2022 letter does not comply with s. 18 of the *PACA* because the cause of action is not "explicitly stated."
>
> [72] The within Notice of Action and Statement of Claim are each nullities because Mr. Green failed to give proper notice pursuant to the *Proceedings Against the Crown Act*. Further, Mr. Green failed to properly serve the Action on the AGNS.
>
> [73] The Contempt Motion is dismissed. The AGNS Defendants did not fail to file a Defence in accordance with the *Rules*. That is because Mr. Green's Notice of Action and Statement of Claim are each a nullity because of his failure to give notice pursuant to the *Proceedings Against the Crown Ac*t.

[141] As such, Ms. Murphy is free to pursue litigation in accordance with the applicable procedures, but she is not exempt from the same mandatory requirements that apply to any other litigant or intended litigant.

Conclusion

[142] Ms. Murphy's request for recusal is denied. Her filing is a nullity as against the parties represented by the AGNS.

Arnold, J.