

# UPDATE ON COMER LITIGATION

On March 26<sup>th</sup>, 2015, COMER served and filed its amended statement of claim.

On April 26<sup>th</sup>, 2015, the Department of Justice indicated that it would not be filing a statement of defence, but would *again* move to strike the claim.

Shortly thereafter, I was served with what is an abusive motion to strike which:

1. purports to take a second run at the ruling of Justice Russell, and what he determined was justiciable and upheld by the Federal Court of Appeal on July 26<sup>th</sup>, 2014; and
2. the motion further repeats grounds on issue(s) *removed* from the original claim. (Clearly the amended claim was not read with any attention.)

So, what we have is a repeat of the same motion in disregard to the judicial rulings.

I have requested, and Department of Justice is **NOT** opposing, that any motion be placed before Justice Russell so as to not duplicate unnecessary time, resources and expense.

In addition, and concurrently, in light of the above, abusive motion, COMER is seeking leave, to the Supreme Court of Canada, from the Federal Court of Appeal, for not having simply ordered the matter to proceed to trial, on the main justiciable issues, rather than maintain the striking of the claim and order an amended statement of claim, *albeit* that we complied with filing the amended claim.

Rocco Galati, May 13<sup>th</sup>, 2015.