



From the desk of:

# Captain E. G. da Costa Duarte

To: **Chief Justice of the Federal Court of Canada**

Ottawa, Ontario

Canada K1A 0H9

January 16, 2012

Re: Court File T-1003-10, Justice Lemieux Order of December 2, 2011 and Appeal Court of B.C. Files CA39471, CA039548 and Provincial Court File 37556, Prothonotary Roger R. Lafreniere Order of January 16, 2012.

**Honourable Chief Justice of the Federal Court:**

Today, January 16, 2012 I received an Order that originated from Prothonotary Roger R. Lafreniere dated this same day. The said Order must be incorporated on the world's book of records for the quickest response from a Judge. Also, it clearly shows that the "*tail wags the dog*" within the Federal Court of Canada.

My previous letter, sent to you yesterday, received no reply from you and consists of very serious allegations of Federal Court corruption experienced while I conducted a defense to Federal Court File, T-1003-10. Moreover, the Plaintiff's cause of action is, nothing less, than a collateral attempt by the Campbell River Harbour Authority (CRHA), the Board of Directors of the Campbell River Harbour Authority and the CRHA staff to undermine my capacity to continue my prosecution outlined in Form 2 – Information, of Case file 37556, and is an abuse of Canada's judicial process.

Again, I repeat the obvious, the specific mannerisms of Ms. Chapelski, counsel for the CRHA Corporation that took place before Prothonotary Judge, Roger R. Lafreniere, during the Pre-trial Conference of June 14, 2011, **nullify and outright** dismisses the CRHA Cause of Action. The Rule of Law in Canada does not provide for the usage of Admiralty law within a Court Action for the sole purpose of intimidating a citizen into abandoning criminal prosecution against acts of FRAUD practiced within a PUBLIC FACILITY.

Ms. Shelley Chapelski, counsel for the CRHA, to date, consumed legal fees in excess of \$ 50,000.00 dollars, monies that originate from taxpayers and Harbour User's fees. What law of Parliament, stipulates that public monies are to be used to cover-up FRAUD and discredit Harbour users that did **no wrong**?

**Ms. Chapelski, must accept that being an officer of the court prevents her from entertaining anything that is outside the Rule of Law and of a criminal nature; pursuing a civil law suit when her client is engaged in criminal activity and initiating a bribe with a determined attempt to stop criminal prosecution of her client, is wrong, morally and otherwise.**

**A detailed criminal investigation involving the totality of issues originating from the CRHA will, without a doubt, show that Prothonotary Roger R. Lafreniere and Ms. Chapelski are in a cooperative mode to use the Federal Court for the purposes of supporting fraudsters. Bringing forth the question; are they profiting from the said CRHA related fraud? A question that demands answers.**

I will appeal the January 16, 2012 Order of Prothonotary Roger R. Lafreniere, mimicking the scenario that occurred before Justice Lemieux.

In conclusion, and again, to add “insult to injury”, the Federal Court continues to award costs (\$1,500.00 Dollars) to Fraudsters – the CRHA Board of Directors - by robbing the victim of his money, when I (victim) is only trying to bring criminals to justice. **An appalling judicial system that deliberately fails the society it is mandated to guard. Further, I challenge the Federal Court (specifically, Prothonotary Roger R. Lafreniere) to show evidence that I am pursuing imaginary thoughts of fraud, hurled at the Campbell River Harbour Authority and the CRHA Board of Directors.**

Is the Federal Court of Canada condoning Criminal Activity? I demand a truthful answer. **The Federal Court Justices and Prothonotaries are not above the Rule of Law.**



**Captain E. G. da Costa Duarte** - Contact Info: Telephone - 1.250.202.1518 Email - egduarte@live.ca

Email Copy, sent to Ms. Chapelski and Ms. McKinnon counsels for the CRHA.

Email Copy, sent to Mr. Ross E. McLarty

Email Copy, sent the Attorney General of British Columbia and the Attorney General of Canada

Email Copy, sent to Mr. John Carten

Faxed copy to the Judicial Council of Canada – with introduction letter attached, referencing all Court Files

Faxed to the Govenrer General of Canada - with introduction letter attached, referencing all Court Files

Published in the Web Pages of [www.sealegacy.com](http://www.sealegacy.com) – All letters sent to the Chief Justice



From the desk of:

# Captain E. G. da Costa Duarte

To: **Chief Justice of the Federal Court of Canada**

Ottawa, Ontario

Canada K1A 0H9

**January 13, 2012**

**Re: Court File T-1003-10, Justice Lemieux Order of December 2, 2011 and Appeal Court of B.C. Files CA39471, CA039548 and Provincial Court File 37556**

**Honourable Chief Justice of the Federal Court:**

On October 24, 2011 I participated on a Motion hearing before Justice Lemieux. The said Motion dealt with issues involving the court file at hand and ended with the initiation of Supervised Mediation before Justice Lemieux. Via post mail, I received the following Order of Justice Lemieux;

*“With the consent of the parties, this appeal by the Defendants from the July 20, 2011 Order of Prothonatary Lafreniere striking out the Defendant’s counterclaim and ordering better answers and further documents arising from the written examination for discovery is dismissed”.*

Subsequently, a Case Management Conference took place before Justice Lemieux that resulted on the Order of December 2, 2011. The above-mentioned Conference, again, concluded with an attempt by the parties to settle Court File T-1003-10. Unfortunately, the attempt to settle failed and the parties are locked into a small issue that fails rationale.

Again, I repeat previous statements to you about Federal Court File T-1003-10;

*“The reality, for the lack of settlement, originates from the fact that the Federal Court of Canada has no jurisdiction to resolve issues of Fraud and other criminal activity governing Provincial Court File 37556 and has no jurisdiction to apply Admiralty Law to my vessel as per my Memorandum of Fact and Law submitted to the Federal Court on June 28, 2011. Further, I am not willing to pay money to fraudsters that purposely refuse to abide by the provisions of the Canada Corporations Act, Part II, the Campbell River Harbour Authority By-laws, the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations”.*

*“Augmenting the issue further, **Federal Court File T-1003-10 began nearly four months after I commenced criminal proceedings against the CRHA and the CRHA Board of Directors for misleading financial statements and government grant money that disappeared. To date, nearly two years later, the monies are unaccounted together with other criminal activity that demand conviction**”.*

*“I question the motives of the Federal Court of Canada, allowing Court File T-1003-10 to continue; is the Federal Court sanctioning Fraud practices? Better said, is the Federal Court bullying me to cover-up Fisheries and Oceans sponsored Fraud? Should I be wrong; it stands to reason that the CRHA Corporation make available all their financial transactions to Harbour Users with detailed explanations as to the lack of Audits mandated by the CRHA By-Laws and Canada*

*Corporations Act, Part II. The lack of Accountability and Transparency is a strong indication of Fraud, yet the availability of DFO invoices proving that grant monies vanished and never spent on designated CRHA FAC Code numbers, stipulated on the said invoices, concretely establishes Fraud”.*

*“The Plaintiff’s argument brought forward against my vessel is ridiculous and mostly originates from a chronic liar that calls herself a “BITCH” managing the CRHA facility with a high level of incompetence. For example, the worse sailor that served under my command is an expert mariner compared to the practices of Phyllis Titus. Further, issues of Vessel Insurance, Harbour Fees, Berthage Agreement, Staff Incompetence, etc..., must be resolved under the stated authorities governing the CRHA Corporation, namely; the Canada Corporations Act, Part II, the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations”.*

The totality of issues originating from this Federal Court Fiasco, are now complex, where separate criminal court actions are currently ongoing, before the Supreme Court (Criminal Proceedings) and Appeal Court of British Columbia, **creating an embarrassment to Canada and exposing our lack of maritime management to the world.** Appeal Court of B.C. files CA39471 and CA039548, will proceed to the **Supreme Court of Canada;** unless a decision to issue process results from the said Appeal Court Files. Further, an application initiated by the Attorney General of British Columbia, Court File CA39471, resulted in an Order from Appeal Court Justice Hall that concluded with the following statement;

*“[7] Before leaving the case, I observe that it is to be hoped that this matter can be addressed (as provided for in the Code) before the Provincial Court in a timely fashion. Perhaps Mr. Juk can take such steps as he may consider useful to see that there is no undue delay in having this matter addressed in the proper forum”.*

Following the Order of Justice Hall, I requested directions from the Appeal Court of B.C. as to whether I can proceed to the Supreme Court of Canada bypassing a hearing before a panel of three Justices. Court File CA39471 that originates from Supreme Court of B.C. file 37556 commenced criminal proceedings against Ms. Shelley Chapelski, counsel for the CRHA and Prothonotary Judge, Roger R. Lafreniere. For details involving the Appeal Court Files and others before the Supreme Court of British Columbia, please download such from my Web Pages; [www.sealegacy.com](http://www.sealegacy.com)

**When reviewing my Web Pages, I ask the Honourable Chief Justice to read the Impact Statements originating from the Flynn family, involving the suspicious death of a CRHA founding Director, Mr. Douglas Michael Flynn. Was it Murder?**

Returning to the Case Management Conference that took place on December 1, 2011 before Justice Lemieux the issues involving Federal Court File T-1003-10 were fully argued and need not be repeated in this letter. Yet, arguments and Justice Lemieux’s comments and suggestions must be addressed and examined to ascertain the validity of Federal Court File T-1003-10. Justice Lemieux is not named on the ongoing criminal files because of his rulings and instructions to the parties, wanting to see Federal Court File T-1003-10 settled.

Without a doubt, the Statement of Claim, submitted on June 24, 2010 to the Federal Court of Canada, Court File T-1003-10 is a collateral attempt by the Campbell River Harbour Authority (CRHA), the Board of Directors of the Campbell River Harbour Authority and the CRHA staff to undermine my capacity to continue my prosecution outlined in Form 2 – Information, of Case file 37556, and is an abuse of Canada’s judicial process. Again, the Federal Court does not have any jurisdiction to hear the matters referred to in the Statement of Claim submitted on June 24, 2010 to the Federal Court of Canada, Court File T-1003-10; by reasons of the fact that those matters do not involve matters that fall within the jurisdiction of the Federal Court of Canada. Moreover, my Memorandum of Fact and Law submitted to the Court is ignored, contrary to Federal Court Rules. **The fact that the said memorandum was and remains ignored by the Federal Court precludes any trial process to happen. And, depending on rulings originating from the Appeal**

**Court of B.C. I will argue these issues before the Supreme Court of Canada via the ongoing criminal Files.**

Ms. Shelley Chapelski, counsel for the CRHA, to date, consumed legal fees in excess of \$ 50,000.00 dollars, monies that originate from taxpayers and Harbour User's fees. What law of Parliament, stipulates that public monies are to be used to cover-up FRAUD and discredit Harbour users that did **no wrong**? **Ms. Chapelski, must accept that being an officer of the court prevents her from entertaining anything that is outside the Rule of Law and of a criminal nature; pursuing a civil law suit when her client is engaged in criminal activity and initiating a bribe with a determined attempt to stop criminal prosecution of her client, is wrong, morally and otherwise.**

The specific mannerisms of Ms. Chapelski, counsel for the CRHA Corporation that took place before Prothonotary Judge, Roger R. Lafreniere, during the Pre-trial Conference of June 14, 2011, nullify and outright dismisses the CRHA Cause of Action. The Rule of Law in Canada does not provide for the usage of Admiralty law within a Court Action for the sole purpose of intimidating a citizen into abandoning criminal prosecution against acts of FRAUD practiced within a PUBLIC FACILITY. The following excerpt originating from my Memorandum of Fact and Law bluntly describes the Plaintiff's **real** Cause of Action;

*90. During the Pre-Trial Conference Hearing before Prothonotary Judge, Roger R. Lafreniere, it was clearly heard the Plaintiff's offer. Accentuating the Plaintiff's offer, Tim Hobbs CRHA Director/Treasurer and Phyllis Titus, CRHA Manager, were both available to affirm such.*

*91. To the best of the Defendant's note taking, during the said Hearing, Ms. Chapelski, counsel for the Plaintiff, stated the following;*

*"What we offer was... that if the counterclaim was abandoned we would recommend to the Campbell River Harbour Authority that it waive its claim for outstanding moorage and damages, in exchange for drop of the counterclaim and an agreement not to return to the Harbour without prior written permission from the Harbour Authority". "And, agree to stay away from the Harbour...Now subsequently as you point out, Mr. Duarte, if you continue to engage the criminal courts to get charges laid against the Board of Directors".*

*"Subsequent to that offer being made which was we would drop our claim and waive our costs in exchange for you staying away from the Harbour and drop your counterclaim. My understanding, you continue to engage the criminal court to have charges laid against members of the Campbell River Harbour Authority either employees or directors and that you tried to use the criminal courts to have them winding-up as a corporate entity".*

*92. Prothonotary Roger R. Lafreniere clarifies the Plaintiff's offer;*

*"My understanding from Ms. Chapelski is that their settlement offer was contingent upon your resolution of the dispute between the parties. And, if I understand correctly, Ms. Chapelski is suggesting that your continued use of the court process against individuals with the Plaintiff's is causing some difficulties and is impacting their offer. So, they want a release from you from all of these claims, and they want you to seize and desist from continuing these actions, so Mr. Duarte, are you going to seize and desist or not"?*

*93. The above-mentioned quotes, clarify the intent of the Federal Court File T-1003-10 to be of an intimidating nature with a sole purpose of getting the Defendant to seize and desist criminal prosecution. An issue that brings into question the purpose of the Federal Court upon witnessing such blunt statements of intimidation.*

Clearly, the statements of Prothonotary Roger R. Lafreniere and the plaintiff's counsel, Ms. Chapelski, are contrary to section 139 of the Criminal Code, that the "*Defendant to seize and desist criminal prosecution*". Moreover, Prothonotary

Roger R. Lafreniere, via his appointed legal counsel, Mr. Ross E. McLarty, under Court Files 37556 and CA39471, produced an affidavit verifying that the totality of statements above-mentioned **did occur** during the already mentioned Pre-trial Conference of June 14, 2011.

Adding “insult to injury”, sometime during the Pre-Trial Conference Prothonotary Roger R. Lafreniere stated; **“This is not your show”**. Certainly, such a ridiculous statement begs an answer; if I am not part of the show, then I must be a spectator. Therefore, my continued participation with Court File T-1003-10 is entirely dependent on whether I wish to see the show or not. **Bringing forth taxpayers money, I along with the rest of the Taxpayers, are paying for his show where the democratic process is nowhere to be seen.**

**Without a doubt, the essence of Federal Court File T-1003-10 is to prevent my determined plight of discovering the real money flow that originated from Fisheries and Oceans Canada and awarded to the CRHA Corporation, where it mysteriously disappeared.** The same applies to unreported Harbour User’s fees and misleading financial statements that fail accountability and transparency. Specifically, when all my written and verbal submissions to the Federal Court of Canada are mainly dismissed and purposely ignored, I conclude with strong suspicion that Prothonotary Judge, Roger R. Lafreniere and Federal Court Justices named in Provincial Court File 37556 and Appeal Court File CA039458 are purposely preventing the dismissal of Federal Court File T-1003-10. If true, a shameful act, perpetrated by those that are mandated to uphold the Canadian Rule of Law.

Within the Order of Prothonotary Judge, Roger R. Lafreniere, dated July 20, 2011, he quoted from case law - Carten v Canada 358 FTR 118, 2009 FC 1233 – a review of the said case law allowed for an understanding of Mr. John Carten’s current legal plight involving the Federal Court of Canada. The following excerpts originate from Mr. Carten’s Web Pages;

**“Federal Court system Canada, Organized by Politicians and Government Insiders to Block Legitimate Claims and Cover Up Crimes By Politicians in Canada”.**

*“Faced with corruption by the judiciary in the Court systems of British Columbia and Alberta, we filed a lawsuit in Canada's re-constituted Federal Court”.*

*“Under Canadian law, the Federal Court has clear unfettered jurisdiction to hear "proceedings in which relief is sought against any person for anything done or omitted to be done in the performance of the duties of that person as an officer, servant or agent of the Crown against Canada's federal government, its employees, servants and agents" [See Federal Court Act, section 17 (5) (b)]”.*

**“But, for reasons that are linked to the political nature of Canada's judiciary, Canada's Federal Court stalled for two and one half years and, when pressed for a decision, stating, falsely, that it had no jurisdiction to hear the case”.**

*“This Federal Court has been under the leadership of **Chief Justice Allan Lutfy**, (shown above to the immediate right of the Courts new Coat of Arms) who was appointed to his position by and was a former close adviser to Prime Minister Jean Chretien (shown above far right). **Lutfy immediately assigned Mr. Lafreniere** (another Chretien appointed official - a Prothonotary (not a judge) - shown to the right of Lutfy above) to hear the case, as if he were a judge, which he is not. **After 18 months of stalling and delay (and three more dead judges), Mr. Lafreniere, who is not a judge, dismissed our lawsuit just like we expected he would due to his allegiances to Jean Chretien. Click here to Go to Reasons for Dismissal By Mr. Lafreniere.***

*“We then filed an appeal asking for a "real judge" of the Federal Court to review the deliberately delayed decision of the Prothonotary "de novo" which basically means a complete re-hearing of the applications by the Governments to dismiss our case. The appeal was heard on April 20, 2010, and Chief Justice Lutfy, who was appointed by Mr. Chretien,*

assigned another Chretien appointed official, Madam Justice Johanne Gauthier to hear our appeal of the decision of Lafreniere, the Chretien appointed Prothonotary, who is not a judge”.

“At this stage, it would be understandable if the reader were thinking that "you people are nuts to continue because the fix is in" with all of these Chretien appointed judges doing their best to protect Mr. Chretien”.

“Well, we were prepared to reserve judgment on Madam Justice Gauthier, who readily acknowledged that she was appointed to her job by Mr. Chretien, and, who assured us that her connection to Mr. Chretien would have no bearing on her decision”.

“**However, on August 27, 2010, Madam Justice Gauthier, proved her bias and tossed our case out of court, directly contrary to provisions of the Federal Court Act, an act of Parliament - not judge-made law - that gives unfettered jurisdiction to the Federal Court to hear claims against the "Crown and officers, servants or agents of the Crown "**”.

“On February 8, 2011, Madam Justice Layden-Stevenson of the Federal Court of Appeal, another Chretien appointed judge, knowing we did not have the funds, attempted to block the appeal by ordering that we post \$10,000.00 in security for costs. **That decision is now the subject of an application for leave to appeal to the Supreme Court of Canada where two judges, Ian Binnine and Beverley McLachlann have conflicts of interest”.**

The above-mentioned excerpts have similarities to Federal Court File T-1003-10, certainly not on a parallel basis given that Mr. Carten’s Court files involve different issues; yet the modus operandi is obvious. A review of all the Orders against my **GOOD NAME**, issued by the Federal Court, along with a detail review of associated hearings, establishes that the modus operandi is the same. For example, one of many, when I produced my July 28, 2011 Motion Record requesting a review **de novo**, I did not get such to take place. July 28, 2011 Motion Record excerpt follows;

“6. The Defendant requests a review **de novo** on the basis that the issues raised within the Defendant’s Memorandum of Fact and Law are vital to the final issue in the case. The final issue of the case is governed by the provisions of the Fishing and Recreational Harbours Act, the Fishing and Recreational Harbours Regulations and the Canada Corporations Act. The Federal Court has no Jurisdiction to rule on the said issues, outlined within the Defendant’s Memorandum of Fact and Law, thus contributing interference to criminal prosecution, while the defendant awaits a never ending wait for Provincial court time, given the useless courts of British Columbia that are in a current state of disrepute”.

While, I reviewed near all of Mr. Carten’s recent case files before the Federal Court, I am assured that Federal Court File T-1003-10 takes the Federal Court to a higher level, specific to outright Obstruction of Justice.

## **Conclusions**

The “fix” is on, from the onset of Federal Court File T-1003-10. Firstly, I submitted two documents to the Federal Court of Canada before any hearing took place, the July 8, 2010 letter to Chief Justice Allan Lufy, fully informed the Federal Court of my ongoing prosecution that commenced criminal proceedings against the CRHA on February 23, 2010. An excerpt from such letter sent to the Federal Court, Chief Justice Allan Lufy, follows;

“Honourable Justice Allan Lufy:

*Criminal prosecution is hardly a process of simple undertakings, whether a peace officer, an officer of the court or private citizen commences a judicial process alleging criminal wrongdoing, ultimately the facts governing the allegations must be brought before a court judge for a resolution. This is fundamental practice within the Province of British*

*Columbia. Certainly, this is how I interpret the process according to the provisions of the Criminal Code and, to date, accepted by presiding criminal judges involved with court files 36999-1 and 37034-1. These criminal files involve members of the Campbell River Harbour Authority (CRHA) and Phyllis Titus. The following are the pertaining sections of the Criminal Code; Fraud, section 367 (a) - Defamatory Libel, section 300 - Contravened an Act of Parliament, section 126 (1) - Public Mischief, section 140 (1) (c) - Financial Fraud, section 380 (1) (a) - Perjury, section 131 (1)”.*

The second document consisted of a Motion Record addressing the Plaintiff’s motion that was scheduled for July 12, 2010 requesting the removal of my vessel from the CRHA facility. My July 10, 2010 Motion Record was purposely rejected by Madam Justice Tremblay-Lamer, after Chief Justice Allan Lufty also purposely ignored my letter providing full details of an ongoing criminal prosecution before the Provincial Courts. Important, to also mention that soon after I sent the said letter to Chief Justice Allan Lufty of the Federal Court, I called the Ottawa Registry office of the Federal Court to inform them that I was scheduled to appear in the Provincial Courts of Campbell River on July 12, 2010, the same date scheduled by the Plaintiff’s Motion to remove my vessel from the CRHA facility. In summary, all my efforts to inform the Federal Court of ongoing criminal files and the involvement of the RCMP at keeping the peace were purposely and bluntly ignored, resulting in acts of bad faith perpetrated by the Chief Justice Allan Lufty and Madam Justice Tremblay-Lamer. Regarding official of the Registry that I made aware of conflicting Court dates; they assure me, at a later time that all documents and verbal information was relayed to the said Justices.

On July 13, 2010 Madam Justice Tremblay-Lamer issued an Order for the removal of the Applicant’s vessel, the S/V Açor, a pleasure craft, from the CRHA facility, based on non-existent law, by-laws, rules and regulations that assign jurisdiction to the Federal Court to issue such order of removal. Moreover, the authority to remove a vessel from the CRHA facility resides with the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations. An Act of Parliament that the Ministry of Fisheries and Oceans Canada has not authority to over-rule.

Specifically, the above-mentioned Order of Removal was issued by default, given that I was previously committed to a Provincial Court date set by the Campbell River Courts, therefore not able to be in two Courts at once (Federal Court of Canada and Provincial Court of British Columbia).

The Federal Court of Canada was well informed of my predicament, yet it chose to adjudicate with intent to injure me then and continues to do so today, with endless Orders that it has no jurisdiction to issue.

How will the Federal Court cover-up all this evidence, clearly showing acts of bad faith? Certainly, I no longer need to read Mr. Carten’s conclusions about Federal Court practice; it is bluntly obvious that several Justices of the Federal Court are purposely causing interference with intent to prevent Federal Government accountability and transparency.

The failure of Prothonotary Roger R. Lafreniere to grasp the criminal on goings of the CRHA Corporation and Fisheries and Oceans Canada, involving misappropriations of funds, generates a negative image of the Federal Court and reflects an image that it is above the Rule of Law. Apparently, the Federal Court issues judgments with no regard for the victims it creates. I, along with Harbour users; Mr. Manfred Binger, Mr. Glenn Lusk and Mr. Ronald Griffin are victims of abuse, where the CRHA Corporation and the Federal Court are robbing us of our rights, specifically, the Federal Court via Prothonotary Roger R. Lafreniere and Justice Mandamin failed or better said; do not want to address the problems they created.

And, again, to add “insult to injury”, the Federal Court continues to award costs (\$1,500.00 Dollars) to Fraudsters – the CRHA Board of Directors - by robbing the victim of his money, when I (victim) is only trying to bring criminals to justice. An appalling judicial system that deliberately fails the society it is mandated to guard. Further, I challenge the Federal Court (specifically, Prothonotary Roger R. Lafreniere) to show evidence that I am pursuing imaginary thoughts of



fraud, hurled at the Campbell River Harbour Authority and the CRHA Board of Directors.

Because of past abuse hurled at my good name, originating from various Motion hearings and written Court Orders, I no longer have requests for case management conferences also I do not see a need to initiate a Motion Record addressing issues, when I am fully aware of the Federal Court Bias in favor of DFO and the CRHA. Rather, I fully expect to address all the said issues before the **Supreme Court of Canada**, criminal proceedings, via the ongoing Appeal Court of B.C. files CA39471 and CA039458 that originated from criminal Provincial Court file 37556.

Is the Federal of Canada condoning Criminal Activity?

A handwritten signature in blue ink that reads "E. G. da Costa Duarte". The signature is written in a cursive style with a horizontal line underneath the name.

**Captain E. G. da Costa Duarte** - Contact Info: Telephone - 1.250.202.1518 Email - egduarte@live.ca

Email Copy, sent to Ms. Chapelski and Ms. McKinnon counsels for the CRHA.

Email Copy, sent to Mr. Ross E. McLarty

Email Copy, sent the Attorney General of British Columbia and the Attorney General of Canada

Email Copy, sent to Mr. John Carten

Faxed copy to the Judicial Council of Canada – with introduction letter attached, referencing all Court Files

Faxed to the Govenner General of Canada - with introduction letter attached, referencing all Court Files

Published in the Web Pages of [www.sealegacy.com](http://www.sealegacy.com) – All letters sent to the Chief Justice



From the desk of:

# Captain E. G. da Costa Duarte

To: **Chief Justice of the Federal Court of Canada**

Ottawa, Ontario

Canada K1A 0H9

**November 20, 2011**

**Re: Court File T-1003-10, Justice Lemieux initiated Supervised Mediation and Court File 37556**

**Honourable Chief Justice of the Federal Court:**

On October 24, 2011 I participated on a Motion hearing before Justice Lemieux. The said Motion dealt with issues involving the court file at hand and ended with the initiation of Supervised Mediation before Justice Lemieux. Subsequently, via post mail, I received the following Order of Justice Lemieux;

*“With the consent of the parties, this appeal by the Defendants from the July 20, 2011 Order of Prothonatary Lafreniere striking out the Defenedant’s counterclaim and ordering better answers and further documents arising from the written examination for discovery is dismissed”.*

The above-mentioned Supervised Mediation concluded with an attempt by the parties to settle Court File T-1003-10. Unfortunately, the attempt to settle failed and the parties are locked into a small issue that fails rationale. The Plaintiff’s offer follows;

*“This is what we suggest the order would look like:*

*Captain Duarte and the ACOR vessel agree not to return to the premises of the CRHA unless obtaining written permission from the Harbour Manager of the CRHA in advance of seeking to do so.*

*Captain Duarte will pay \$1021.94\* in full and final satisfaction of unpaid moorage and power from February 2010 to July 10, 2010.*

*Captain Duarte pay \$1500 in satisfaction of costs of this proceeding. Captain Duarte agrees to pay all amounts due hereunder by wire or certified cheque payable to counsel for the Plaintiff no later than January 24, 2012\*\* (3 months from now)”.*

My reply to the above offers follows;

*“Summary, forget the money and I will agree to the Order”.*

The reality, for the lack of settlement, originates from the fact that the Federal Court of Canada has no jurisdiction to resolve issues of Fraud and other criminal activity governing Provincial Court File 37556 and has no jurisdiction to apply Admiralty Law to my vessel as per my Memorandum of Fact and Law submitted to the Federal Court on June 28, 2011. Further, I am not willing to pay money to fraudsters that purposely refuse to abide by the provisions of the Canada Corporations Act, Part II, the Campbell River Harbour Authority By-laws, the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations.

Augmenting the issue further, Federal Court File T-1003-10 began nearly four months after I commenced criminal proceedings against the CRHA and the CRHA Board of Directors for misleading financial statements and government grant money that disappeared. To date, nearly two years later, the monies are unaccounted together with other criminal activity that demand conviction.

Today, I question the motives of the Federal Court of Canada, allowing Court File T-1003-10 to continue; is the Federal Court sanctioning Fraud practices? Better said, is the Federal Court bullying me to cover-up Fisheries and Oceans sponsored Fraud? Should I be wrong; it stands to reason that the CRHA Corporation make available all their financial transactions to Harbour Users with detailed explanations as to the lack of Audits mandated by the CRHA By-Laws and Canada Corporations Act, Part II. The lack of Accountability and Transparency is a strong indication of Fraud, yet the availability of DFO invoices proving that grant monies vanished and never spent on designated CRHA FAC Code numbers, stipulated on the said invoices, concretely establishes Fraud.

The Plaintiff's argument brought forward against my vessel is ridiculous and mostly originates from a chronic liar that calls herself a "BITCH" managing the CRHA facility with a high level of incompetence. For example, the worse sailor that served under my command is an expert mariner compared to the practices of Phyllis Titus. Further, issues of Vessel Insurance, Harbour Fees, Berthage Agreement, Staff Incompetence, etc..., must be resolved under the stated authorities governing the CRHA Corporation, namely; the Canada Corporations Act, Part II, the Fishing and Recreational Harbours Act and the Fishing and Recreational Harbours Regulations.

In conclusion, the totality of issues originating from this Federal Court Fiasco, are now complex, where separate court actions are currently ongoing, before the Supreme Court (Criminal Proceedings) and Appeal Court of British Columbia. Creating an embarrassment to Canada and exposing our lack of maritime management to the world. Wishing this fiasco to end, **I propose a continuation of Federal Court Supervised Mediation that Justice Lemieux initiated on October 24, 2011 with a strong mandate to resolve the differences.**

Ms. Chapelski, Counsel for the Plaintiff, must accept that being an officer of the court prevents her from entertaining anything that is outside the Rule of Law; pursuing a civil law suit when her client is engaged in criminal activity and initiating a bribe with a determined attempt to stop criminal prosecution of her client, is wrong, morally and otherwise.

In a further attempt to bring clarity to this fiasco, I am completing a detailed Request to Admit, in accordance with Federal Court Rule 255. The said Request to Admit will involve newly acquired evidence, originating from the CRHA.



## **Captain E. G. da Costa Duarte**

Contact Info: Telephone - 1.250.202.1518 Email - egduarte@live.ca

**Email Copy, sent to Ms. Chapelski and Ms. McKinnon counsels for the CRHA.**

**Email Copy, sent to Ross E. McLarty**

**Email Copy, sent the Attorney General of British Columbia and the Attorney General of Canada**



From the desk of:  
**Captain E. G. da Costa Duarte**

**To: Chief Justice of the Federal Court of Canada**  
Ottawa, Ontario  
Canada K1A 0H9

**September 17, 2011**

**Re: Court File T-1003-10, Serving of Supreme Court of British Columbia, Notice of Application, Court File 37556**

**Honourable Chief Justice of the Federal Court:**

On September 15, 2011 I sent an email to Ms. Chan of the Vancouver Registry with an attached Notice of Application, Criminal Court File 37556, requesting that the registry deliver the said Notice of Application to Prothonotary Roger R. Lafreniere. My email follows;

***From:** Capt. E. G. da Costa Duarte [mailto:egduarte@live.ca]  
**Sent:** Thursday, September 15, 2011 9:25 AM  
**To:** Chan, Mun Yee  
**Subject:** Re: Notice of Application Court file 37556 - Supreme Court of B.C.*

*Dear Ms. Chan:*

*Attached you will find a Notice of Application to be served on Prothonotary Roger R. Lafreniere. The Criminal Rules of the Supreme Court of B.C. allow me to serve the said Judge via email to the Resgistry Office where he presides. The document involves 27 pages and it is too large for my digital fax system. Please understand my limits. The document service requires a confirmation from Prothonotary Roger R. Lafreniere that he received the said document. Please let me know his confirmation or he can email me directly at this email address.*

*Sincerely,*

*Capt. E. G. da Costa Duarte*

The above-mentioned email was clear and in accordance with Rule 3 – Service – of the Criminal Rules of the Supreme Court of British Columbia which are available online for review. To say the least, the reply, originating from Ms. Chan was quick and straight to the point;

*Dear Capt da Costa Duarte,*

*I regret to inform you that the Registry will not be actioning your request.*

Already engulfing much distaste for the Federal Court that allowed court file – T-1003-10 - under Admiralty law, to begin proceedings against my vessel, one of the safest and best built within a public facility, the Campbell River Harbour Authority (CRHA), where no evidence was heard, before a justice, showing facts involving vessel, facility conditions, management practices and the fact that no insurance company covers a pleasure craft moored under conditions exemplified by the CRHA, it is clear that Prothonotary Roger R. Lafreniere is evading the court of criminal jurisdiction by hiding behind a small irregularity, given my method of service. Therefore, I am asking the Chief Justice, to bring dignity to the Federal Court and demand that the Scoundrel, Prothonotary Roger R. Lafreniere, accept service by email that I sent to the Vancouver Registry.

My Notice of Application, Court file 37556, brings the totality of corruptive practices originating from individuals such as Ms. Chapelski and Prothonotary Roger R. Lafreniere that are willfully ignoring facts and staging events created to assure my complete loss of Court File T-1003-10. Certainly, my preceding statement addresses evidence that is before the Federal Court and completely ignored.

My Memorandum of Fact and Law dictates that the Jurisdiction of the Federal Court is not established, involving the totality of Federal Court File T-1003-10.

The below-mentioned statements originating from Justice Mandamin are relevant to issues at hand, indicating contradictions that must be resolved with a determination to end Federal Court File in my favor. Secondly, the recommendation of mediation was purposely dismissed by Prothonotary Roger R. Lafreniere during his case management directions.

Federal Court File T-1003-10. Defendant, Capt. E. G. da Costa Duarte, motion to the Court on Monday August 9, 2010, at 9:30 a.m. Justice Mandamin Quotes:

**"Those issues that you (Capt. E. G. da Costa Duarte) raise, broadly speaking are the kind of issues that could be raised and challenged in the process of an action. This application is an application to remove the Federal Order issued previously, and in my view, we are not dealing with the broader questions in an action you filed your (Capt. E. G. da Costa Duarte's statement of defence) statement of defence and those issues you take to raise, those issues and the respondent seek to counter them in the action. Right now we are just dealing with the question of the Order".**

*"From listening to you (Capt. E. G. da Costa Duarte), I take that you are not having any conversation with the Harbour Authority about how to go forward on this. Are both of you locked into your positions?"*

*"It is clear that there is not a dialogue, if any going on between the harbour Authority and yourself Mr. Duarte, except via the courts, which is not a desirable situation".*

**"First of all, on the subject of irrefutable harm, clearly excluding Mr. Duarte from the Harbour, Mr. Duarte's vessel from the Harbour, has a substantial impact on him, that was not before Madam Justice Tremblay-Lamer, when she issued that order, but more importantly the Harbour authority, by interlocutory order, is achieving much of the result that is seeking in the action and that is not fundamentally the intention of interlocutory orders, that what you are seeking is his (Capt. E. G. da Costa Duarte) exclusion from the Harbour and you are getting that by an interlocutory order that gives me cause for concern".**

**"It seems to me that you got an ongoing dispute here that the parties would be well advised to resolve in the form of mediation".**

*"I do encourage both of you to come to this agreement it would be one step toward sort of working out a way of reaching a settlement on the ultimate issue and I can assure you and Ms Chapelski can assure your clients (Campbell River Harbour Authority) that or you can advise your clients that in my view a settlement reached by the parties is generally more satisfactory to the parties than any adjudication by the court in litigation".*

**The Supreme Court of British Columbia, Notice of Application is posted online at [www.sealagacy.com](http://www.sealagacy.com) for your review.**



## **Captain E. G. da Costa Duarte**

Contact Info: Telephone - 1.250.202.1518 Email - egduarte@live.ca

**Email Copy, sent to Ms. Chapelski and Ms. McKinnon counsels for the CRHA.**

The undersigned, Sailmaster Glenn Lusk, is a CRHA Harbour User, concerned citizen and Informant under Criminal Court File 37556. Sailmaster Glenn Lusk informs the Chief Justice that criminal issues involving the Campbell River Harbour Authority were ongoing when the Federal Court File began. Further, RCMP Sgt. Craig Massey took control of the aggressive manerisms of the CRHA Board of Directors and CRHA Staff prior to the initiation of the said Federal Court File, thus allowing for the ongoing Criminal Court File to reach a resolution.

The RCMP did not initiate any summary conviction charges against anyone that questioned the CRHA financial practices under the provisions of the Fisheries and Recreational Harbours Act or the Fisheries and Recreational Harbours Regulations, giving a clear indication that our moorage rights were assured within a Federal Public Facility. Yet, there is evidence that the involvement of the Federal Court is contrary to our Charter of Rights and Freedoms that are part of our Canadian Constitution. Taking it a step further, a Constitutional Question is in order.

Evidence shows that Federal Court File T-1003-10 was initiated to prevent DFO-CRHA financial accountability to CRHA Harbour Users and Canadian Taxpayers.



## **Sailmaster Glenn Lusk**



From the desk of:

# Captain E. G. da Costa Duarte

To: **Chief Justice of the Federal Court of Canada**

Ottawa, Ontario

Canada K1A 0H9

**August 29, 2011**

**Re: Court File T-1003-10, Defendant's response to August 29, 2011 letter of Plaintiff's Counsel, Ms. Chapelski**

**Honourable Chief Justice of the Federal Court:**

The following excerpt from the Plaintiff's counsel, Ms. Chapelski, is infuriating involving gross understatements with a determined purpose to cover up FRAUD;

*"Mr. Duarte's continued allegations of criminal malfeasance by the Plaintiff, its employees, its directors, its counsel in this matter and now, stating that Prothonotary Lafreniere has sanctioned criminal activities are scurrilous and exemplify the harassment that is being endured at the hands of Mr. Duarte. To allow Mr. Duarte to drag the matter through appeals prejudices the Plaintiff".*

Further, available evidence clearly show that large sums of CRHA money are unaccounted. Therefore, if I am wrong, WHERE IS THE MONEY? The CRHA has never been audited as per the CRHA By-LAWS, a strong indication that FRAUD was planned from the start (1997) with no accountability to the CRHA membership and Harbour Users, as per the provisions of the CRHA Letters Patent. All the said documents are posted on my web site for every Canadian to review and judge for themselves how their money is being managed; [www.sealegacy.com](http://www.sealegacy.com)

Federal Court File T-1003-10 is contributing directly to removing my democratic rights of addressing issues of misappropriation of Taxpayers money and prosecuting the culprits before a court of Law. How long is the Federal Court going to ignore the evidence of Fraud to pursue a court file purposely designed to intimidate me, thus, aiding at preventing me from my legal right to prosecute.

If the Federal Court is an entity that addresses right from wrong with a purpose to safeguard Canadian Society from criminal wrong doing, it must address all the issues involving my relationship with the CRHA and stop supporting attempts to bribe me, as per the Plaintiff's counsel settlement proposal before Prothonotary Lafreniere. Moreover, refusing to address, by oral hearing, my Memorandum of Fact and Law relating to Federal Court Jurisdiction, indicates a determined intent to prevent judicial accountability; shame on the Federal Court, a court of law that entertains Maritime Fraud for the betterment of Society's Scoundrels; the CRHA Board of Directors and DFO officials that refuse to address where CRHA invoiced money went to.

The Federal Court is not a dictatorship and if it is setting itself as a dictatorial organization, preventing my rights to seek financial accountability, then it needs to take into consideration my Canadian Veteran Status, with extensive knowledge of Communism doctrines and European Dictators. I am a Cold War and Vietnam Veteran of the Canadian Merchant Navy where my early years were spent under the rule of an European dictator. Therefore, I caution the Federal Court as to mannerism it followed, thus far. Democratic rights dictate that all available evidence, involving the CRHA Corporation



must be brought to the Judicial “table” and dealt with in a fair manner consistent with the Rule of Law that implies prosecution of criminals. Additionally, the Canadian Charter of Rights and Freedoms indicate that discrimination is at play against my good name, with determined purpose to single me out from others, because I dare to point out Fraud originating from a public facility, managed by the CRHA, a not-for-profit Corporation.

In conclusion, Ms. Chapelski purposely fails to address numerous pieces of evidence that describe clearly the attitudes and malicious intent at controlling the CRHA Corporation for the betterment of CRHA Board of Directors. For example, audio recorded interviews between Manfred Binger and Tim Hobbs, CRHA Director/Treasurer - audio recorded interviews between Glenn Lusk and Phyllis Titus and Letters written by Tom Forge, CRHA Director/President with no legal authority, specific to the excerpt that follows;

***March 4, 2010, letter signed by Tom Forge - “Even if you were a member, you would not be entitled to review the accounting records asked for in questions 6 & 7 other than the financial statements provided to the membership at the AGM”.***

The above excerpt basically states that the CRHA Board of Directors are entitled to create misleading financial statements at will, with no regard to the CRHA By-Laws and Letters Patent. Unfortunately, this criminal attitude does not end, it continues with the help of Provincial Courts that refuse to give me a date to deal with Court file 37556 and the Federal Court that refuses to acknowledge the same evidence and stay the totality of Court File T-1003-10 allowing the fraud and other criminal issues to reach a Judicial resolution.

Adding insult to injury, the CRHA Board of Directors continue to find ways to maintain a stronghold of the CRHA Corporation, the following excerpt originating from a letter signed by Tom Forge addressing the membership, installs the idea that they can continue to control a Corporation with no financial accountability to CRHA Harbour Users and Canadian Taxpayers;

***November, 2010, letter signed by Tom Forge - “With that in mind, the directors have formed a sub-committee to examine our current policies and practices, looking for ways to improve our management and if necessary develop the tools to more easily remove a vessel from the harbour if its owner refuses to pay its bills or abide by the terms of the standard moorage agreement. Recommended changes will be brought to the AGM for approval by the membership”.***

The Federal Court is strongly requested to address my concerns and to clear its name from an installed determination of choking my submissions, for the betterment of Fraud. No evidence exists that the CRHA Corporation used Government Grant money to maintain and develop the CRHA facility as per invoices paid to them for such work. Also, berthage fees show approximately **half a million dollars** unreported. Additionally, The Federal Court demands that I pay 1,500.00 dollars to fraudsters, an indication of a judicial failure; to correct a wrong against Canadian Taxpayers.

Sincerely,



**Captain E. G. da Costa Duarte**

Contact Info: Telephone - 1.250.202.1518 Email - egduarte@live.ca

**Email Copy, sent to Ms. Chapelski and Ms. McKinnon counsels for the CRHA.**





From the desk of:

# Captain E. G. da Costa Duarte

To: **Chief Justice of the Federal Court of Canada**

Ottawa, Ontario

Canada K1A 0H9

**August 26, 2011**

**Re: Court File T-1003-10, Defendant's request for an immediate Case Management Conference.**

**Honourable Chief Justice of the Federal Court:**

I, the undersigned, Capt. E. G. da Costa Duarte request an immediate Case Management Conference to defuse various confusing Court Orders, statements and mannerisms associated with the ongoing Case File T-1003-10. Specifically, I begin with the attached letters originating from the Plaintiff, dated today August 26, 2011 and a previous letter dated August 24, 2011 and received today. The said letters demand that I produce an affidavit; ***“for greater clarity, we require that you comply with the Order and serve a complete and sworn affidavit of documents and answer the questions listed in Schedule A, which is enclosed for your reference, no later than 12:00 p.m. on Wednesday, August 31, 2011”.***

Schedule A, above-stated, is complete; my answers are spelled out to the best of my knowledge and understanding of the issues involving the CRHA, while my vessel was moored at the said facility and I resided onboard. The said answers were submitted to the Plaintiff via my affidavit Sworn (or Affirmed) before Carol Daenckaert on March 14, 2011. Therefore, where did I fail to ***“complete and sworn affidavit of documents and answer the questions listed in Schedule A”?*** The said requests, for better answers fail rationale.

I originated an appeal of the Order of Prothonotary Lafreniere, scheduled for October 24, 2011 to deal with all these confusing demands and confusing statements originating from both Prothonotary Lafreniere and Plaintiff's Counsel. My Motion Record dated July 28, 2011 clarifies how I understand the court process after analyzing the Federal Court Act and Regulations. Federal Court File T-1003-10 is a Specially Managed Proceedings, specifically designed to address confusing issues hurled at a self-represented Litigant. Canadian Justice is designed to enforce the Rule of Law, with no confusing statements fabricated to confuse a Defendant when the underlying issue is Fraud; a criminal act originating from the CRHA Corporation and the CRHA Board of Directors, robbing taxpayers of their money.

Additionally, my Memorandum of Fact and Law submitted to the Federal Court on June 28, 2011 was largely ignored by the Federal Court. Specifically, the Jurisdiction of the Federal Court governing my vessel's berthage at the CRHA facility remains unanswered and a clarification that the Federal Court File T-1003-10 **is or is not** of an intimidating nature with a sole purpose of getting me to seize and desist criminal prosecution within the Jurisdiction of the Provincial Courts. An issue that brings into question the purpose of the Federal Court upon witnessing such blunt statements of intimidation, as per the excerpts quoted on paragraphs 90 and 91 of my Memorandum of Fact and Law. The following is an excerpt from my Motion Record dated July 28, 2011;

*The exercise of discretion by Prothonotary Roger R. Lafreniere was based upon the wrong principle of justice; that the Campbell River Harbour Authority is free to make deals with the defendant based on criminal activity. Exemplified by;*

- a. *Dismissing Fraudulent Practices Involving the CRHA and the CRHA Board of Directors, where Prothonotary Roger R. Lafreniere has offered no evidence dismissing the CRHA Board of Directors from criminal wrongdoing.*
- b. *Plaintiff's Settlement Offer to be of an intimidating nature with a sole purpose of getting the Defendant to seize and desist criminal prosecution in Provincial Courts. The statements of Shelley Chapelski, described within the Defendant's Memorandum of Fact and Law paragraphs; 90 to 95 are contrary to section 139 of the Criminal Code. The said offer was repeated by Prothonotary Roger R. Lafreniere.*
- c. *The Campbell River Harbour Authority is a Public Harbour; 1335; Campbell River, page 36, as per the provisions of the Fishing and Recreational Harbours Regulations, for the enjoyment of the Public. Instead, it is a front for misappropriation of Taxpayers Money; no evidence to the contrary exists.*

In conclusion, I further request that Prothonotary Lafreniere be removed from this special managed Court File and a new Judge appointed; sanctioning criminal activity originating from the Counsels for the Plaintiff is beyond the Rule of Law and brings the Federal Court into disrepute. Moreover, Prothonotary Lafreniere persistently failed to issue proper directions when requested to do so and sanctions criminal activity, contrary to section 139 of the Criminal Code.

I am available for a Case Management Conference within the dates already submitted to Federal Court by the Plaintiff; September 26<sup>th</sup>, October 3<sup>rd</sup>. or October 24, 2011. Any other dates, from the Plaintiff or the Court, please let me know.

**Federal Court Rules are extremely confusing, supporting constant manipulation of such to suit the desired needs of presiding Judges or Justices to the detriment of a deemed undesired litigant, a clear indication of a failed Justice system.**

Sincerely,



**Captain E. G. da Costa Duarte**

Contact Info: Telephone - 1.250.202.1518 Email - egduarte@live.ca

**Email Copy, sent to Ms. Chapelski and Ms. McKinnon counsels for the CRHA.**



From the desk of:

# Captain E. G. da Costa Duarte

To: **The Honourable Allan Lutfy Chief Justice**

Federal Court

Ottawa, Ontario

Canada K1A 0H9

**August 15, 2010**

**Re: Federal Court File T-1003-10, Criminal Court Files 36999-1 and 37034-1 and RCMP Case File 2010-2363**

Honourable Justice Allan Lutfy:

This is my second letter addressed to My Lord, where I received no reply addressing the contents of my first letter dated July 8, 2010. I am aware that addressing My Lord, originates from no Federal Court Rule and it is done on a concerned citizen basis, questioning the worth of the Federal Court to resolve issues of criminal activity.

The attached, Appendix B, signed by Campbell River Harbour Authority members and harbour users, prompted the need to submit this letter. A request originating from them, requesting answers, when issues of confusion are apparent.

I trust that the need to inform My Lord, of my concerns and those of others, as per the attached Appendix B, is taken with an understanding that Federal Court time is to be limited to cases of worth. Our Provincial Courts and the participation of the RCMP to handle a frustrating series of events, involving our demands for accountability and democratic rights, are enough drain to taxpayer's without the need to further involve the Federal Court, for the sole purpose of financial gain to Ms. Chapelski, CRHA solicitor.

The Honourable Justice Mandamin presided over parts of this case file already, I would appreciate his awareness of these documents.

Contact information:

Address: 3945 Discovery Drive, Campbell River, BC, V9W 4X5

Tel. 1.250.202.1518 Email: egduarte@live.ca or egduarte@sealegacy.com

**(Please reply to this letter via email, I do not receive snail mail promptly)**

Respectfully submitted, Sincerely,

**Captain E. G. da Costa Duarte**





From the desk of:

# Captain E. G. da Costa Duarte

To: **The Honourable Allan Lutfy Chief Justice**

Federal Court

Ottawa, Ontario

Canada K1A 0H9

**July 8, 2010**

**Re: Federal Court File T-1003-10 and Criminal Court Files 36999-1 and 37034-1**

Honourable Justice Allan Lutfy:

Criminal prosecution is hardly a process of simple undertakings, whether a peace officer, an officer of the court or a private citizen commences a judicial process alleging criminal wrongdoing, ultimately the facts governing the allegations must be brought before a court judge for a resolution. This is fundamental practice within the Province of British Columbia. Certainly, this is how I interpret the process according to the provisions of the Criminal Code and, to date, accepted by presiding criminal judges involved with court files 36999-1 and 37034-1. These criminal files involve members of the Campbell River Harbour Authority (CRHA) and Phyllis Titus. The following are the pertaining sections of the Criminal Code; Fraud, section 367 (a) - Defamatory Libel, section 300 - Contravened an Act of Parliament, section 126 (1) - Public Mischief, section 140 (1) (c) - Financial Fraud, section 380 (1) (a) - Perjury, section 131 (1).

Further, under section 810 of the Criminal Code a hearing to issue a Peace Bond against the Board of Directors of the CRHA and Staff, was heard on June 18, 2010, before Judge Cowling and refused, allowing for the ongoing involvement of the Campbell River RCMP at keeping the peace with a mandate to stop further threats against my vessel, the S/V Açor, my wife and I. At the conclusion of the said hearing, Judge Cowling gave specific instruction that I was to return to court to issue a Peace Bond should the threats resume. To date, thanks to the efforts of RCMP Sergeant Craig Massey, RCMP Detachment, Campbell River, no further threats occurred. Yet, given the Federal Court File T-1003-10, the Board of Directors of the CRHA and staff used unorthodox methods of serving me with court documents. On June 25, 2010, at approximately mid day, I was served with the relevant court documents by a laughing parade of Directors and staff in an act of provocation, on finger 5 of the Campbell River Harbour where my vessel is docked. Certainly, an unethical method of serving court documents with signs of deranged minds. Unfortunately, of late, this activity of serving Federal Court documents has extended to trespassing, where Phyllis Titus uses it to board my vessel, while I am away, taping plastic bags with copies of court documents to my companion way. I fail to see the need to board my vessel when there is no refusal to receive court documents from my side. Certainly, not an issue to call the RCMP, but an indication of an attitude that prevails, masquerading under different forms.

My decision to pursue the above-listed criminal court files dismisses any act of burdening the Provincial courts with vexatious litigation or criminal allegations hurled at innocent persons. Supporting the previous statement, I contribute two subjects of relevance:

A recent (2009) global economic crime survey reported by PricewaterhouseCoopers places Canada as the fourth most fraudulent nation in the world -- behind Russia, South Africa and Kenya. "Broadly defined, economic crime can encompass everything from bribery, embezzlement and manipulating financial statements to the theft of pencils from the office storeroom".

"We're (Canadians) not as bad as many [developing] countries, but if you look around the OECD, the really developed economies with strong democratic governments, I think we (Canadians) are pretty high on the list for having a high incidence of commercial fraud," says Mr. Grout. He says the reason for that is the lack of deterrents. "We don't put anyone in jail," he said".

Already, the above-mentioned report holds true, the Board of Directors and office staff of the Campbell River Harbour Authority (CRHA) declared their confidence via various statements to Harbour users that Court Files: 36999-1 and 37034-1 will not result in any criminal conviction.

During the mid seventies the lower portion of Brimley Road, City of Scarborough, Province of Ontario, was a garbage dump. The shoreline and beaches, facing Lake Ontario below, were almost inaccessible because of the rugged and dangerous headlands. Fortunately, this scenario changed when the Metropolitan Toronto and Regional Conservation Authority decided to undertake massive erosion measures along the lakefront. Their intent was not only to control erosion, but also to provide safe and secure access to the waterfront. Subsequently, landfill from city construction sites, was hauled down Brimley Road and dumped into Lake Ontario to form a basin. When completed, the preliminary landfill resembled embracing arms reaching out into the lake. More fill was dumped resulting in a peninsula, complete with small harbours, involving more than 14 acres of land. Later, this peninsula would be converted into an island with the inclusion of a bridge.

Sometime in 1978, I became a member of the Bluffers Park Boating Federation; a direct result of the Metropolitan Toronto Parks Department, Steering Committee of ten people to develop boating facilities on this new island. In the spring of 1978, before the landfill was completed, thirty floating docks were constructed on the East end of the emerging island. Rapid progress attracted boaters, with similar needs to the mine, from around the area who identified this development as an opportunity to relocate their boats closer to their homes. Original plans called for 750 boats; 500 wet moorings and 250 dry-sailed dinghies, with ample parking space for cars. As a result, membership in the Boating Federation grew quickly and it was made clear to each new member that they would eventually be required to belong to one of the four yacht clubs planned for the island. The government sponsors wanted the site to be developed by the members themselves.

The Toronto Harbour Commission designed the basins and tested the scaled designs at the National Research Council lab for wave spending and protection capabilities. The materials for dock construction were raised by assessing each Federation member \$500.00 plus a \$50.00 membership fee. Each applicant also had to provide a minimum of fifty hours of productive labour for the Federation and thirty hours for their designated club. From the very beginning small groups of members began to meet and plan the development of their club. Their dream was to establish a club the average sailor could afford. It was to run on the principles of self-help and cost containment. Their plan included a small clubhouse, Hydro, water and sewer system and a parking lot that would double for winter boat storage. On March 11, 1980, the members submitted their proposal to the Bluffers Park Boating Federation. Even as these plans were being made, construction on the docks continued. Those on the east end of the island were completed first, and one group of Federation members chose that area to establish Cathedral Bluffs Yacht Club. I participated on the development of the Bluffers park basin nearly from the start, eventually forming part of the Cathedral Bluffs Yacht Club membership, where I

participated for approximately 12 years. Bluffers Park, aerial view shown below, circa mid eighties.



Concluding, the preceding example, showing your honour how a not-for-profit Canadian Corporation must function, "by the members for the members", in comparison, the lease agreement between the Campbell River Harbour Authority involves a payment to the Ministry of Fisheries and Oceans (DFO) of ONE DOLLAR per year. Meaning, that it is given to the members of the CRHA to manage and enjoy a public facility that we, Canadian Taxpayers, own. The CRHA not-for-profit Corporation Letters Patent, By-Laws, Fishing and Recreational Harbours Act and Fishing and Recreational Harbours Regulations clarify the whole issue with no need to entertain criminal behavior originating from the CRHA Board of Directors and staff.

Again, returning to the example above-given, during 12 years of participation, I never encountered financial fraud originating from elected directors of the Bluffers Park Boating Federation and Cathedral Bluffs Yacht Club, why? Because, every member was aware of the law and everyone that questioned the financial practices of elected board of directors was immediately shown the accounts. And, any violations involving a member's rights resulted in a general meeting requesting a resolution. Today, Bluffers Park incorporates parkland and beaches, a number of small harbours, a public marina, and four yacht clubs; Bluffers Park Yacht Club; Cathedral Yacht Club; Highland Yacht Club; and the Scarborough Sailing Club. These yacht clubs are luxurious, in comparison to CRHA, yet most memberships cost less than boat fees applied to non-commercial CRHA members. Further, the mandate of the CRHA is to operate a bare public marine facility, as per the lease agreement with DFO and Letters Patent of the CRHA Corporation, certainly a less complicated structure than a Yacht Club serving the needs of members with a taste for the "upper class". By contrast, the following two images, display a large shredding truck destroying all the CRHA financial documents, a few days after I met with RCMP Sergeant Craig Massey, Campbell River Detachment.





On April 20, 2010, a Mobile Paper Shredding Truck, R&R (250) 287-9880, was contracted by CRHA to shred a large number of documents originating from their office located at 705 Island Highway, Campbell River, BC. An assurance that no financial or other evidence exists at the CRHA office.

Bringing forth the issue of membership, the PRIMER FOR DIRECTORS OF NOT-FOR-PROFIT CORPORATIONS, Industry Canada, 2002 is a self explanatory document, addressing the responsibilities of the CRHA Directors. For example, below, I quote the penalty for failure to disclose the membership list to a member. I requested the CRHA membership list sometime in 2008, several months before I submitted a formal written request dated February 18, 2010, to review the CRHA finances and begin a formal investigation into CRHA practices. To date no list ever materialized.

“(a) where the corporation fails to furnish a membership list when properly requested to do so, subsection 111.1(1) provides that every director and officer who “...knowingly authorized, permitted or acquiesced” while in the office is guilty of an offence and is liable on summary conviction to a fine of up to \$1,000.00 or six months imprisonment or both”.

Additionally, the process of signing members to the CRHA not-for-profit Corporation is ridiculous and self-serving to the needs of four or five CRHA directors that control the CRHA Corporation, forming part of the Board for the last THIRTEEN years, contrary to the CRHA By-Laws that a director must resign after a prescribed amount of time.

Basically, anyone that shows up at the CRHA Annual General Meeting and pays a dollar, receives a right to vote. Obviously, the majority of individuals that show up at general meetings are close friends of the close knit controlling directors. Anyone, with a normal rational ability, witnessing a general meeting knows that something is wrong; whenever a vote is taken everyone agrees with the board's recommendations. Additional information pertaining to this subject is available on the letter addressed to the DFO Minister, sent to your honour forming part of these submissions for review.

According to a recent discussion paper produced by the Law Commission of Canada; "there are at least four democratic principles that should guide our discussions of whether to define behavior as unwanted, as well as our interventions that follow. The principles that are outlined in this Discussion Paper are justice, equality, accountability and efficiency".

"Justice means that individuals in our society should be treated fairly, that there should be some proportionality between the punishment and the behavior, and that their freedom of action should not be unduly limited. Justice also means that citizens should enjoy equal access to its associated mechanisms and that we must consider issues of social justice". "Equality reflects a commitment to ensuring equality in society and addressing inequities. Accountability means that people who exercise authority in our society must be held responsible for the power they exercise in both the public and private realms, and that citizens are accountable for their own conduct. Efficiency means that our intervention strategies should deliver on what they promise". "Finally, all of us have a role to play in promoting democratic principles that enhance the capacity of everyone to participate in society. Promoting democratic values can be done only by practicing these important values in all of our social settings, whether government, media, school, work or home".

When highlighting the CRHA directors, the Law Commission of Canada offers the following quote:

"Many critics caution against relying too heavily on communities to administer justice when the community itself does not espouse notions of justice". "Many observers argue that people who fit the typical offender profile are over-policed, while those who commit serious harms but do not hold these characteristics are typically under-policed. Often people from poor and working class backgrounds charged with committing street crimes are less able to resist the use of criminal law, whereas the business and professional classes who engage in corporate wrongdoing are better able to resist the criminal label as a result of their influence and financial resources". Certainly, a quote befitting the setup of the Campbell

River Harbour Authority and the flagrant attitude of the DFO Minister, reflective of a failure to maintain a public facility free from criminal behavior originating from the business and professional classes that govern the CRHA: namely, Tim Hobbs (business owner), Bruce Kempling (business owner) and Hugh Silver (professional engineer).

The absence of proper ministerial (DFO) conduct overseeing the operation of the Campbell River Harbour Authority, bringing forth the fact that the CRHA is a not-for-profit Corporation specifically designed to serve its members and Harbour users, directly contributed to an escalation in manipulative behavior for the betterment of so few; the CRHA board of directors. My Prosecutions involving court files 36999-1 and 37034-1 is a direct result of a Government failure to administer public property. **However, the recent involvement of the Federal Court in the form of a law suit against my good name, where the Campbell River Harbour Authority (CRHA) is suing its own member, me, for failure to pay berthage dues when, in fact, it was a board of Director's decision to refuse my payments in a retaliatory manner to my criminal prosecutions, wanting me to depart Campbell River. Alone, the issue of berthage dues, brings forth the following sections of the CRHA Lease Agreement:**

**Annoyance, Nuisance and Disturbance**

19. The Harbour Authority shall not do, cause or permit any act on the Leased Area to be or to become an annoyance, disturbance or nuisance to anyone.

Whether anything is or may become an annoyance, disturbance or nuisance to anyone is a decision that only the Lessor may make. The Lessor's decision is binding on the Harbour Authority.

**Compliance with Law**

17. The Harbour Authority must comply with all applicable federal, provincial and territorial laws, regulations and rules and all municipal by-laws.

Three issues of concern are apparent, which I bring forth in this document and must be dealt with forthright. Firstly, my allegations of criminal activity currently before the Provincial Courts against the practices of the CRHA board of directors and staff, must take precedence, before any civil action takes place. Obviously, the outcome of the criminal court will directly affect any civil law suit governing the CRHA.

Secondly, the DFO Minister, Gail Shea, together with her underlings failed to correct a wrong as per their mandate to oversee CRHA financial operation, stipulated on the Lease Agreement between DFO and the Campbell River Harbour Authority (CRHA). A failure that resulted in burdening the courts with extra cases at taxpayers' expense.

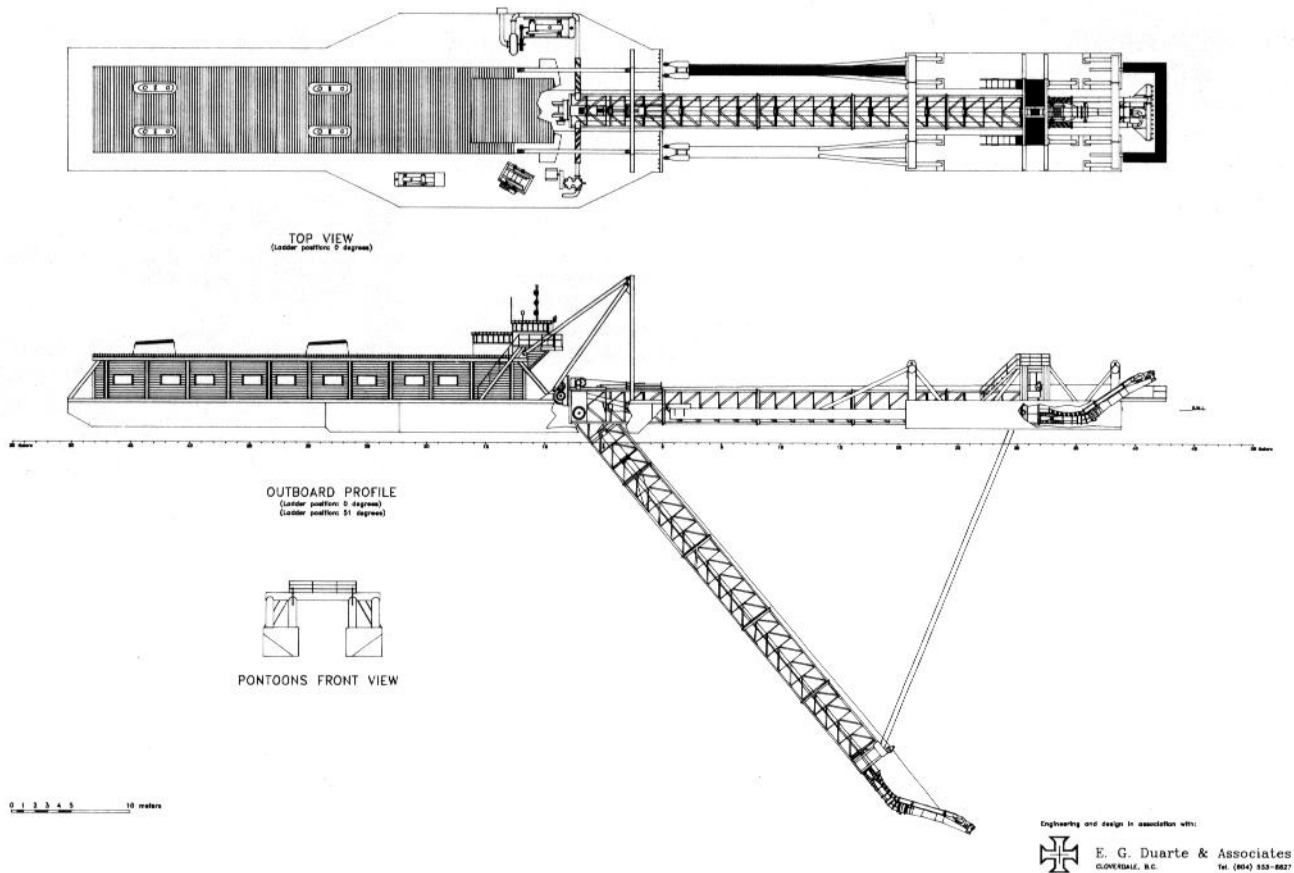
Lastly, while I have excellent memories of a great nation, Canada, that gave me opportunities to expand my horizons beyond anything that my nation of birth was able to afford at the time of my departure, I am sad today, to see Canada in a state of decay. The involvement of the Federal Court, in the form of a law suit, between the CRHA and a me, initiated with intent to force my departure from Campbell River effectively preventing my prosecutions to take hold, deserves the immediate intervention of your office. Using the Federal Court to issue an injunction against a victim of criminal activity, demonstrates a trend that I am becoming accustomed to seeing within the Canadian Marine Industry. Surely, bringing accounts of past wrongdoing, will not solve what is currently before us.

Alike many professional individuals that I had the pleasure of meeting during numerous tours of professional duty encompassing a global arena, I am disturbed when someone with malicious intent fabricates innuendo to defame my good name. Specifically, when the defamation involves a public court document that is certain to pass before many individuals of professional worth. Exemplifying this negative mannerism, I bring forth Phyllis Titus statement about my past



residence being within a storage facility, namely 800 Boyd Street. True, this address is part of a Newly built storage facility located in New Westminster, BC, yet it fails to mention that it involves a residence and office space which I rented for an extended period of time. More important, my residency/office met all the New Westminster residency and office By-Laws, conveniently located near Industrial Marine facilities and the Fraser Port.

While the subject of my New Westminster office/residency originated from an interest to put down my expert status as a marine professional, instead it brings forth a place of great business dealings where many professionals arrived to discuss business of worth. To name just a few, I begin with the Mayor of New Westminster, two Republic of China delegations to discuss ship design and stability software, the vice-president of the second largest shipyard in the world that built most of the cruise ships passing Campbell River, several author friends with a library of their autographed books, visiting merchant ship captains (mainly Cruise ships), steamship inspectors and regulatory officials, not dismissing others of a personal nature. The following drawing represents a deep dredger (perhaps the deepest in the world) that lay the foundation for the Delta Port. Engineering and drawings were produced at the above-mentioned address, by my Naval Architect Firm.



The provisions of the Canada Corporations Act and the Canada Business Corporations Act dealing with issues of conflict involving a not-for-profit Corporation, states that jurisdiction lays with the Supreme Court of British Columbia; **Under the provisions of Part II of the Canada Corporations Act, states that "court" means,**

**(a) in Ontario, Nova Scotia, British Columbia and Newfoundland, the Supreme Court, Further, Canada Business Corporations Act also states that “court” means**

**(b) Provinces of Nova Scotia and British Columbia, the Supreme Court of the Province,**

Therefore, preventing a law suit between a not-for-profit Corporation and one of its members to occur within the Jurisdiction of the Federal Court. In other words, spending my money to file a law suit against me, with no mandate from CRHA members, subsequently, demands a law suit against the current Directors and staff for recovery of money spent.

Together with this letter, I am send your honour two letters sent to the DFO Minister, the Honourable Gail Shea. These letters, dated March 26, 2010 and June 14, 2010, further describe issues of great concern involving the CRHA.

Regarding, the Federal Court File T-1003-10, I will submit a Motion Record requesting an adjournment allowing the ongoing criminal process, before the Criminal Courts of Campbell River, to reach a resolution.

Contact information:

Address: 3945 Discovery Drive, Campbell River, BC, V9W 4X5

Tel. 1.250.202.1518 Email: egduarte@live.ca or egduarte@sealegacy.com

**(Please reply to this letter via email, I do not receive snail mail promptly)**

Respectfully submitted, Sincerely,

**Captain E. G. da Costa Duarte**



**FEDERAL COURT  
ACTION IN REM AGAINST THE S/V "AÇOR"  
AND IN PERSONAM AGAINST  
THE OWNER OF THE S/V "AÇOR"**

BETWEEN:

CAMPBELL RIVER HARBOUR AUTHORITY (CRHA)

PLAINTIFF

AND:

THE OWNERS AND ALL OTHERS INTERESTED  
IN THE S/V "AÇOR", Captain E. G. da COSTA DUARTE

DEFENDANTS

**APPENDIX B - AUGUST 15, 2010**

We the undersigned, members and Harbour users of the Campbell River Harbour Authority (CRHA), wish to inform the Federal Court of Canada of our knowledge of the facts involving Federal Court File T-1003-10 and Criminal Court Files 36999-1 and 37034-1. Our knowledge extends to information not yet before the Federal Court involving several audio recordings, video recordings and images of contradictory evidence originating from Phyllis Titus and Tim Hobbs. The following main topics are of enough scope to request RCMP investigation and/or a Judicial Inquiry of the Campbell River Harbour Authority (CRHA) and its participating Board of Directors, Phyllis Titus and Ministry of Fisheries and Oceans (DFO) officials; Ken Smith and Robin Richardson. Also, we request the participation of the Attorney General of Canada to address serious contraventions of the following Acts of Parliament; *Canada Corporations Act, Canada Business Corporations Act, Fishing and Recreational Harbours Act and Fishing, Recreational Harbours Regulations and Federal Real Property and Federal Immovables Act.*

We the undersigned are willing participants at bringing justice to the CRHA facility, currently our time and effort is limited to gathering evidence for the courts, leaving no time to educate other harbour users of the corruptive on goings of the CRHA Board of Directors and Phyllis Titus. Currently the process of educating the average harbour user is too great, given the thirteen years head start initiated by the founding members; Bruce Kempling, Tim Hobbs, Hugh Silver, Tom Forge Dave Christian and Tom Green. Certainly, all the outcome of the Federal and Provincial Courts will be used as a tool to educate the current harbour users, whether a positive or negative outcome occurs.

The production of Appendix B does not install a support for all decision originating from Capt. E. G. da Costa Duarte. For example, his recent decision to not return to the CRHA facility until the outcome of the Criminal process, is rejected by all of us. Capt. E. G. da Costa Duarte was removed from the premises based on false accusations originating from an individual that makes it her life to disrupt our life, robbing us of our laws and rights, not dismissing that her work is representative of the CRHA Board of Directors. While Capt. E. G. da Costa Duarte has taken an interest to learn about the Canadian Judicial process, we are not at his level. Our current level of judicial understanding does not prevent us from questioning the involvement of Ms. Chapelski, solicitor for the CRHA. Her role fails reasoning, for example, the letter (Exhibit M) dated March 4, 2010, signed by Tom Forge, CRHA President, addressing a written request for financial details (exhibit J), fails reasoning and meets all the underhanded practices of the CRHA Board of Directors. The last paragraph of the letter states the following; **"Even if you were a member, you would not be entitled to review the accounting records asked for..."** This statement alone and in a "nut shell" nullifies this Federal law suit T-1003-10. Since when does a court process begin with a plaintiff demonstrating a flagrant disregard for a parliamentary Act, namely the Canada Corporations Act and Canada Business Corporations Act? Should Canadian taxpayers and CRHA members waste their money entertaining a civil law suit, when the Plaintiff's Board of Directors President Tom Forge practices highly questionable behaviour? Given that Ms. Chapelski is paid with membership money, where does the right to protect those that are destroying our Corporation merit stand above our right to the protection of the law. This criminal behaviour is not the only practice originating from Tom Forge. The letter (Exhibit I), dated February 18, 2010, is a direct result of an insistence to review the CRHA financial details. With no mandate from the CRHA membership, Tom Forge engulfed himself in criminal behaviour by protecting financial details from reaching the membership. Only, a criminally motivated

Board of Directors would appreciate the efforts of the flagrant Tom Forge. Unfortunately, Capt. E. G. da Costa Duarte is not the only victim of an abusive CRHA Board of Directors, our undersigned, Manfred Binger was prevented from voting at the 2010, CRHA Annual General Meeting. Why, because Manfred Binger wanted to record the general meeting for public scrutiny and because he continuously demanded a review of the CRHA Corporation finances. A request for financial review originating prior to 2007.

The written request, Federal Court File T-1003-10, (Exhibit J), requesting financial details and the membership list, reviewed by Corporation Canada, Ministry of Industry, namely, Mr. Michel Duchesneau, Manager of Compliance, and submitted to the CRHA Board of Directors on February 18, 2010, was not a sole creation of Capt. E. G. da Costa Duarte, we, the undersigned participated on its creation. While Mr. Duchesneau was instrumental at arranging the review of Letters Patent, Objects of the Corporation and By-Laws. The CRHA Board of Directors continue to prevent the democratic process to take hold. Supporting the fact that no membership mandate is sought, the Board of Directors do as they choose and please. Accentuating the fact that the Campbell River Harbour Authority has no mandate or authority to file a civil law suit against any CRHA member, without the consent of the membership.

Again, bringing forth the participation of Ms. Chapelski, solicitor for the CRHA Corporation, her written RESPONSE TO REQUEST TO ADMIT dated August 5, 2010, states the following;

**Excerpt from Capt. E. G. da Costa Duarte - Request to Admit:**

**YOU ARE REQUESTED TO ADMIT**, for the purposes of this proceeding only, the authenticity of the following documents:

1. The original "incident/occurrence report" submitted to the defendant on February 18, 2010.

2. The original Letters Patent of the CRHA Corporation, Objects of the Corporation, By-Laws and Annuals.

The plaintiff is required to have copies or the original documents listed on paragraphs 1 and 2. The defendant has possession of the document listed in paragraph 1. Paragraph 2 was obtained from Industry Canada, Ottawa, Ontario.

**Excerpt from Ms. Chapelski's response:**

**4. Denies the authenticity of the documents numbered : 1 and 2**

for the following reasons:

Neither of the documents numbered 1 or 2 were attached to the Defendants' Request to Admit, and thus it is impossible for the Plaintiff to know the exact documents referred to and, if authentic, admit their authenticity, or if not authentic, deny their authenticity.

Despite the fact that Industry Canada has forward to us all the particulars of the Letters Patent, Objects of the Corporation, By-Laws and Annuals, Ms. Chapelski maintains the same tune, originating from the corrupt Board of Directors, insinuating that these documents do not exist. Our review of the CRHA Letters Patent, Objects of the Corporation, By-laws, and Corporation Annuals is strictly denied. Further, our Review of the CRHA Lease Agreement is strictly denied. Currently, these documents are in our possession, via several requests to Industry Canada and Freedom of Information within the recent past, given the current Criminal Court Files 36999-1 and 37034-1. This is an appalling practice originating from Directors of a not-for-profit Corporation, the Campbell River Harbour Authority, against its own members. A deprivation of our rights, fully supported by Ms. Chapelski, an officer of the Court mandated to uphold our Canadian laws.

Given the overwhelming evidence involving the above-mentioned audio recordings, video recordings, images, witnessed events and evidence already before the criminal court, the financial waste, spent paying Ms. Chapelski to initiate and conduct a federal Court law suit against Capt. E. G. da Costa Duarte and possible others, demands mandatory financial recupe from the currruptive CRHA Board of Directors. The evidence not yet before the courts reflect the following audio recordings;

**Phyllis Titus** - Numerous contradictions involving; live-a-boards, Corporate finances, threats, women haters, the real purpose for the live-a-board agreement, etc...

**Kent Moeller** - Clarification that no audit was ever undertaken by Kent Moeller and his accounting firm, contrary to information posted on the CRHA Annuals sent to Industry Canada (possible criminal activity - forged document).

**Tim Hobbs** - An explanation of the CRHA Corporation, purposely distorting fact. This information was sent to Industry Canada at the onset of criminal court files 36999-1 and 37034-1.

**Dave Ostler** - Views of Phyllis Titus behaviour, etc...

**Ted Thompson** - Description of the event that took place on February 17, 2010, involving the sinking of his skiff and how Phyllis Titus reacted to the emergency, refusing to assist a member in need, conducive with her past mannerisms.

Evidence originating from video recordings and digital images represent the follows topics: **Pollution, unseaworthy vessels, CRHA document shredding, missing new fir planks, etc...**

We, the undersigned, see the Federal Court Process quickly becoming an obstacle rather than a facilitator. The absence of proper ministerial (DFO) conduct overseeing the operation of the Campbell River Harbour Authority, bringing forth the fact that the CRHA is a not-for-profit Corporation specifically designed to serve its members and Harbour users, directly contributed to an escalation in manipulative behaviour for the betterment of so few, the CRHA board of directors. Criminal Court Files 36999-1 and 37034-1 is a direct result of a Government failure to administer public property. However, the ridiculous and confusing mannerisms of Ms. Chapelski, solicitor for the CRHA Corporation and the involvement of the Federal Court are far more damaging to the democratic process, than any other criminal activity before witnessed by us, because it perpetuates the wrongs initiated by the criminal element, in this case, the CRHA Board of Directors and Phyllis Titus.

**The following are additional issues of concern to us, addressed in numbered paragraph format:**

- 1.** After several requests, both verbal and written, to the CRHA Board of Directors and CRHA staff, to obtain the CRHA membership list to ascertain legal voting practices, remain unrealized. **No membership list was ever shown to us.**
- 2.** Our membership in the CRHA Corporation and our usage of the facility is constantly under threat of removal, membership cancellation and Phyllis Titus own style of threats against our manhood and lack of conformity. Phyllis Titus, disrespect for our wives and children with idle accusations of "women haters"; applicable to Manfred Binger and Capt. E. G. da Costa Duarte. Threats involving our live-a-board status with retractions when we meet their desired conformity. The preceding threat is accompanied by an additional threat of a rate increase to a daily payment associated with the current transient rates of .75 cents per foot per day, opposed to \$3.12 per foot per month enjoyed by all of us. All these threats combined impose a stressful maritime existence, specifically when the facility is our Federal Property to enjoy.
- 3.** The conduct of the CRHA Annual General Meetings are contrary to Canadian Democratic practice, where the members are selected from individuals that show up at the door and pay the required one dollar. The practice basically follows a well orchestrated methodology showing the majority of members being of the same group that support the established status quo, developed by the original founding directors that serve the board for the last thirteen years. A practice contrary to the CRHA By-laws. Originating from witnessed mannerisms, not all members pay and receive a membership card, they are automatically allowed to vote regardless of membership requirements addressed to us. Specifically this attitude is applied to the fisherman that maintain a close relationship to Tim Hobbs establishment, Redden Net.
- 4.** Since March 2, 2010, the involvement of RCMP Sergeant Craig Massey brought peace to the CRHA facility allowing for the Criminal process to take its run. This action resulted in a period of unprecedented peace not available in the past, unfortunately since Capt. E. G. da Costa Duarte departed the CRHA facility, past mannerisms have returned, now with a slew of additional new threats. These new threats are a result of the Federal Court Injunction against Capt. E. G. da Costa Duarte and his vessel, where the Board of Directors claim victory, thus threatening to evict us in the same manner.
- 5.** Further, we bring forth the missing lumber, exemplifying one of our noted events, showing the removal of all new Fir wood planks nailed to new dock extensions (fingers 5,4, etc...), early 2009, and its replacement with new Cedar planks. Sometime during the 2009 year, CRHA Director Dave Christian together with his daughter removed all the new Fir planks from the noted fingers and replaced them with new Cedar planks. We, along with several other members, saw Dave Christian load it all on a trailer and remove them from the CRHA premises. A conservative estimate of the cost for treated Fir planks surpasses five thousand dollars. When the totality of Fir planks is considered, are the missing Fir planks theft, taking place in plain day light? The missing Fir planks, a lack of financial accountability, and creation of self-interest CRHA rules with no regard to the provisions of Parliament Acts and CRHA By-laws, etc.... What all indicates? Given that payments to contractors are never shown to the membership, how much did Director Dave Christian receive? Yet, this is a not-for-profit Corporation accountable to its membership.
- 6.** **Ms. Chapelski, solicitor for the CRHA Corporation, accertains that the CRHA harbour facility is a "commercial fishing harbour at Campbell River" further Phyllis Titus affidavit states the following; "the purpose of the organization is to maintain berthage at Campbell River for commercial fishing vessels". "Pleasure craft may be allowed to berth in the Harbour, but only as a supplement to the commercial fishing fleet". These statements are a farse and insult the commercial fisherman that use the facility. We, the undersigned are well aware of the numerous complaints originating from licensed commercial fisherman that use the CRHA facilities, when no space is available to them because Director Hugh Silver Yacht Club and pleasure transient boaters prevent fishing vessel berthage. This year, as per previous years, commercial fisherman were ordered to remove their vessels from the designated transient docks to make space available to pleasure craft. Therefore, we strongly recommend that Ms. Chapelski step down from her ivory tower and visit the CRHA facility to obtain a dosage of the facts governing Federal Court File T-1003-10. Futher, Ms. Chapelski should become aware of statements made by the Ministry of**

**Fisheries and Oceans regarding the transfer of these public facilities for usage mainly by pleasure craft. We recommend Small Harbours webpages under DFO website.**

7. Evidence obtained from the above-mentioned audio recordings, indicate a stronger involvement by DFO officials at dictating how the CRHA not-for-profit Corporation should operate. An indication that the CRHA Board of Directors are performing according to the interests of DFO, rather than directives from the membership. Also, the CRHA Lease Agreement states that the Lessor (DFO) "may terminate the Lease Agreement for any reason on 60 day's notice". See excerpt below;

***Termination On Notice***

**26. (1) This Lease may be terminated at any time by either of the Lessor and the Harbour Authority for any reason on 60 day's notice in writing.**

**(2) This Lease terminates at the end of the notice period specified in this section.**

**Thus, making this whole not-for-profit Corporation exercise futile. There is no assurance that any effort to better the CRHA facility would result in a gain for the CRHA membership, after all, it can revert back to the Federal Government on 60 days notice and sold to a private party at the Government's discretion. Therefore, the only issue worthy of a resolution is the financial aspect of the CRHA Corporation. Is the CRHA monetary gain diverted to the financial gain of the CRHA Directors? and, what other gains the CRHA Directors collected during the thirteen years of management?**

**In essence, all the CRHA membership is doing is maintaining a Government facility, risk free to the Federal Government, until our Federal Government decides what to do with it; resulting in a future sale to the private sector with no benefit to the commercial fisherman. The first letter written by Capt. E. G. da Costa Duarte addressed to the Honourable Justice Allan Lutfy, describes the development of Bluffers Park located in Scarborough, Ontario, where the membership constructed marine facilities under a long term lease, rather than a lease favouring only the Federal Government. The Bluffers Park facility assured long term enjoyment of the facility to the membership as a product of their hard work.**

8. Continuing along the same topic as paragraph 7 above-mentioned, even the basic needs of the facility are not met, even when there is surplus finances to accommodate these projects; no grid upgrades, no dinghy racks built, no removal of unseaworthy vessels from the CRHA facility, no pollution controls, etc...

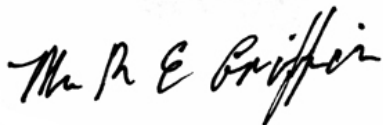
In conclusion, we are assured of one thing, every effort to better our life at the CRHA facility is controlled by forces unknown to us. The behaviour of the CRHA Board of Directors is irrelevant when a great deal of money is diverted to pay a lawyer to fight a groundless case that ultimately will be used against us, if we choose to question the current status quo of the CRHA Corporation and the Board of Directors. The two letters addressed to the Minister of Fisheries and Oceans produced by Capt. E. G. da Costa Duarte on behalf of all of us, resulted in no resolution. A strong indication that DFO is not an Honourable participant, rather an underhanded Government Ministry that fails its citizens.



Manfred Binger



Glenn Lusk



Ron Griffin



Sean Foy