

HAROLD C. GAFFNEY
Attn: Anthony Jasich LL.B
403-567 Lonsdale Avenue
North Vancouver, B.C. V7M 2G6
Telephone: 604.685.6518
Fax number: 604.604.685.6518
harold_gaffney1@hotmail.com

Monday, November 3, 2008

DELIVERED BY FAX & EMAIL

SUPREME COURT OF CANADA ("SCC")

Attn to: Registrar Me. Anne Roland; and
Copies: Eugene Meehan Q.C.

**RE: Factual Errors and False Written Statements for Case Summaries of
File No. 32316 & File No. 32381
Gaffney vs. A. Farber & Partners Ltd and Sheila Frances Gaffney & Gaffney vs. Gaffney
The SCC Deliberate Cover Up of Real Estate Fraud**

**Hello Registrar Me. Anne Roland of the SCC; and
Hello to all other readers privy to this correspondence;**

I am the applicant for the files noted above.

1. As you recall, the SCC denied both applications for leave to appeal for File No. 32316 and File No. 32381;
2. Both applications were on the basis of a systematic denial of a fair hearing and due process pursuant to section 1(a) and 2(e) of the *Canadian Bill of Rights*;
3. Further, both applications for Leave to Appeal were interlinked, by virtue of two prong approach executed by the trustee in bankruptcy, Kenneth A. Rowan and lawyer R. Keith Oliver, to confiscate my home at 312-450 Bromley Street, in Coquitlam, B.C.
4. When my application for leave to appeal was denied due to factual errors in the Case Summary of File No. 32316, I immediately filed an application for reconsideration on the basis of the deliberate factual errors prepared by a lawyer at the SCC for the panel of judges;
5. My application for reconsideration never went before the panel of judges, as you Registrar Me. Roland denied my application, knowing that the factual errors in the Case Summary, which had been relied on by the panel of judges, was fraudulent;
6. My pro bono lawyer Anthony J. Jasich, retired member of the British Columbia Law Society in good standing, wrote you a letter dated May 6, 08, of which I attach a copy, advising you of the failure in making the necessary corrections in the Case Summary for File No. 32316, which was subsequently posted on the SCC website;

7. In order to not place Mr. Jasich's letter before the panel of judges, you Registrar Me. Anne Roland, member of Le Barreau du Québec, sent us a letter dated June 2, 08, of which I attach a copy, claiming that since he did not identify himself as counsel of record, you would not place his correspondence before the panel of judges;

8. You further advised me in your letter, knowing that you had a duty to correct the factual errors, that you would not be reviewing my application for reconsideration and therefore would not include any of my material with File No. 32381, which was directly related to File No. 32316. --- It is evident as to why you would not include my material with File No. 32381, which will become clear as I proceed in this letter;

9. On June 6th, 08, I wrote you a letter, of which I attach a copy, regarding your correspondence of June 2, 08, letting you know that you had failed to answer to my concerns regarding the Case Summary of File No. 32316, which resulted in a denial of justice for the purpose of covering up for the criminal conduct of the lawyers involved in these files;

10. On June 13, 08, I wrote you another letter, of which I attach a copy, regarding your staff obstructing the course of justice and your failure in answering to my letter of June 6, 08;

11. The SCC registry, under your authority, faxed me a letter on June 24th, 2008, of which I attach a copy. The letter was dated June 13, 08 and it was signed by you. You acknowledged my letter of June 6, 08 and subsequently you informed me that the Case Summary of File No. 32316 had been corrected and posted on the SCC website. To my dismay you also lied in your letter when you stated that,

“In any event, however, the error in the case summary had no effect on the panel's decision since case summaries are not sent to judges.”

12. Upon reading your letter, I immediately faxed you a letter dated June 24, 08, of which I attach a copy, informing you that while you claimed in your letter of June 13, 08 that you had corrected the factual errors in the Case Summary of File No. 32316, no such corrections were in fact made on the SCC website. I provided you with an up to date page from the SCC website, showing you what you had claimed in your letter was a blatant lie;

13. On June 25, 08, after having been in receipt of my fax of June 24, you made the corrections on one of the obvious SCC website page, of which I attach a copy, notwithstanding the fact that you did not make the corrections on the other pages of the SCC website, of which I attach a copy, and as a result the public at large and the panel of judges are not cognizant of the fraud that was committed under your authority at the SCC;

14. I had faxed you a letter on June 25, 2008, of which I attach a copy, asking you to put the matter before the panel of justices and rather than forwarding my material and the letter of Mr. Jasich to the panel, I was informed that my application for leave to appeal for File No. 32381 was also denied, which was in relation to File No. 32316;

15. Registrar Me. Roland, a French National, you have wittingly deceived me and deceived the public, when in your letter of June 13, 08, you made a fraudulent declaration in writing when you claimed that the corrections regarding File No. 32316 had been made on the SCC website. You have deliberately tricked me into believing that the Case Summary for File No. 32316 was corrected on all the pages of the SCC website, when you very well knew that you had not corrected the factual errors from all the pages on the SCC website;

16. Registrar Me. Roland, you have personally denied my application for reconsideration of File No. 32316 and refused to include any of my material with File No. 32381, and as a result you have assisted lawyer Keith Oliver in executing his two prong approach for the purpose of stealing my home from me;

17. You were adamant to keep both Files No. 32316 and 32381 separate, so that the different set of panel of judges would not be cognizant of the two prong approach taken by both trustee Kenneth A. Rowan and lawyer R. Keith Oliver;

18. Reading the SCC webpage entitled, **SUPREME COURT OF CANADA -- JUDGMENTS TO BE RENDERED IN LEAVE APPLICATIONS of December 17, 07**, and the web page entitled, **Bulletin of December 21, 2007**, it is apparent that the panel of judges relied on the Case Summary prepared exclusively for them, and by keeping both of my files separate, the panel of judges could not be accused of being wilfully blind and for covering up crimes committed by the lawyers and judges of the lower court;

19. Following is the Case Summary of File No. 32316, coming from the SCC website, which was obviously not corrected, and was in fact relied on by the panel of judges, namely Binnie, LeBel and Deschamps JJ. The bold lettering indicates the factual errors deliberately made by the lawyer who prepared the summary for the judges, which is libelous to me;

a) The Case Summary starts out by stating that my wife and I are estranged, thus giving the appearance that we are legally separated and therefore making me appear demented in asking for relief. When the truth is, my wife and I are not legally separated, and therefore without the required triggering event, as per the British Columbia *Family Relations Act*, no assets can be separated, including the matrimonial home, which the lawyer referred to as the "*former matrimonial home*". Since the lawyers used a two prong approach to steal the property from me, I became a victim of theft. The two prong approach is as follows:

- i. Trustee Kenneth A. Rowan assigned my malicious wife into bankruptcy, knowing she was not insolvent and knowing that the mortgage and the title of our property was held jointly. Once Kenneth A. Rowan and R. Keith Oliver realized my mortgage loan was being paid out ever month, in order to fund their crime, Mr. Rowan made a fraudulent claim to CRA, on behalf of my wife, for a child disability tax credit refund, going back to 1999, and in June of 2006 he collected \$13,000.00. (No child living with us were disabled);
- ii. Once Ken Rowan collected the money from CRA, he transferred my wife's ½ interest back on the property, but as a tenant in common, which allowed R. Keith Oliver to sue me on behalf of his client, by demanding possession of my property;

- iii. In April of 2007, an order for partition of my property was executed by Crawford J. and in November of 2007, Keith Oliver lined up his classmate chum from law school, Lance Bernard, who overruled the entered order of Justice Crawford and ended up approving the sale of my property for less than what was offered and for less than the value of the city tax assessment and ordered that all the proceeds of the sale of the property go his chum R. Keith Oliver, contrary to the entered Order of Crawford J.
- iv. Keith Oliver than obtained Justice Grant Burnyeat to order me out of my home by December 15, 07 and on December 14, 07, Justice Binnie of this court, instantaneously dismissed my application for a stay of proceedings, giving the appearance that he was in communication with the lawyers and the judges of the court below. It is to be noted that Burnyeat, J is a judge that is known to whore for Financial Institutions, mainly CIBC -- the bank that holds my mortgage -- since prior at being appointed to the bench in 1996, he was the leading mortgage foreclosure lawyer in all of B.C. and possibly all of Canada, and is reputed to have single-handedly foreclosed more than 40% of all the mortgage foreclosures in B.C.
- v. I was tricked both by the lawyers and by Burnyeat J. into giving up possession of my home, when neither Bernard, J. nor Burnyeat, J. knew or cared to know, whether the lawyer William Cadman for the alleged purchasers had raised the funds to buy my property;
- vi. The funds were not raised for my property and everyone in the justice system assisted a lawyer to commit real estate fraud, including Meiklem, J, who made a finding in the course of the proceedings that *the trustee was well aware there was no bankruptcy*;

CASE SUMMARY

Harold Gaffney is the estranged husband of Sheila Gaffney. When Ms. Gaffney filed an assignment in bankruptcy in May 2005, her one-half interest in a piece of property she and Mr. Gaffney owned as tenants in common was transferred to the trustee. No proofs of claim were filed in the bankruptcy; in particular, Mr. Gaffney made no claim. In May 2006, the Registrar of the Supreme Court granted Ms. Gaffney a discharge. Mr. Gaffney raised the Registrar's hearing, but did not raise an objection to the discharge. The trustee then transferred Ms. Gaffney's interest in the property back to her.

Mr. Gaffney then applied before a judge to have the discharge annulled and for ancillary relief. The application was later broadened to an application for an order declaring the bankruptcy annulled. The trustee applied for a declaration that Mr. Gaffney had no legal standing to ask for an order annulling the order for discharge of the bankrupt, or, in the alternative, an amendment of Mr. Gaffney's. Mr. Gaffney was found to be without standing and his application was struck out and dismissed. Mr. Gaffney sought to appeal that decision, but did so outside the prescribed time. A motion for an extension of time was denied by a single judge of the Court of Appeal. A panel of the Court of Appeal then denied a motion to vary that decision.

- November 17, 2006 and January 25, 2007, Supreme Court of British Columbia (Meiklem J.), Neutral citation: 2006 BCSC 1710;
Motion to annul discharge from bankruptcy struck out and dismissed on Trustee's motion challenging Mr. Gaffney's standing to bring motion to annul;
- March 27, 2007, Court of Appeal for British Columbia,(Vancouver), (Newbury J.A.), Neutral citation: 2007 BCCA 182
Extension of time to appeal order denied; appeal declared a nullity

- July 4, 2007, Court of Appeal for British Columbia, (Vancouver), (Smith, Lowry, Kirkpatrick JJ.A.) Neutral citation: 2007 BCCA 361;
- Motion to vary order of March 27, 2007, denied, October 4, 2007
Application for leave to appeal, motions to adduce new evidence, for extension of time, for a stay filed ;
- Supreme Court of Canada

20. Following is the Case Summary of File No. 32381 coming from the SCC website, which was relied on by another panel of judges, namely, Chief Justice McLachlin and Fish and Rothstein JJ. and kept separate from File No. 32316. The bold lettering indicates the factual errors deliberately made by the lawyer who prepared the summary for the judges, which is libelous to me. In File No. 32316 the lawyer uses language that makes my wife and I appear legally separated and in File No. 32381, the lawyer uses language that makes us appear still married to each other. The question is who directed the lawyer to summarize falsehoods, because what he or she summarize for File No. 32381 is not part of the decisions, transcripts, and Orders of Crawford, J., the trial judge in the partition action which is subject to File No. 32381;

CASE SUMMARY

The Respondent wife brought a partition action seeking a court order to sell the matrimonial property, a condominium, which the parties jointly owned according to the trial judge. The Respondent went into bankruptcy and was discharged. The Applicant husband has brought numerous applications to oppose the wife's discharge from bankruptcy as well as the partition and sale of the condominium.

- May 22, 2007, Supreme Court of British Columbia (Crawford J.)
Approval of the partition and sale of **former matrimonial** home confirmed; effect delayed until result of appeal of Respondent's bankruptcy discharge
- November 26, 2007, Supreme Court of British Columbia, (Bernard J.)
Approval of contract of sale of **former matrimonial** home
- November 29, 2007, Court of Appeal for British Columbia, (Vancouver) (Finch C.J. and Hall and Levine JJ.A.) Neutral citation: 2007 BCCA 595
Applicant's applications and appeals dismissed; Special costs awarded to Respondent; Order under s. 29 *Court of Appeal Act* precluding Applicant from bringing proceedings before Court of Appeal without leave of a justice;
- May 5, 2008, Supreme Court of Canada
Application for and extension of time to file and application for leave to appeal filed

21. It is evident as to why Registrar Me. Roland you did not want to submit both of my files together to one panel of judges, as both Case Summaries, noted above and attached as documents herein, are obviously fraudulent on its face especially when both are read together.

22. Whereas Eugene Meehan Q.C. of the law firm Lang Michener, http://www.supremecourtlaw.ca/lawletters/canadalawletters_pdfs/december2007/english/dec_20_e.asp corrected the deliberate factual errors on his website for File No. 32316, he failed to include the Case Summary of File No. 32381, perhaps because he knows that if the members of the public and others in his profession read both of the Case Summaries on his website, they would naturally conclude that there was no legal reasons for the matter to be denied. There cannot be a justifiable hearing when the facts are deliberately misrepresented;

23. I know Registrar Me. Roland that you want me and the public to believe that Case Summaries prepared by lawyers are not sent to judges, as you alleged, however we both know that if this would be the case, there would be no need to even have lawyers at the SCC prepare case summaries. In the alternative, while you continue lying and obstruct the course of justice, I have evidence that shows that while there are no Reasons for Judgment on application for leave to appeal, "*the SCC has a law branch that prepares all the summaries for the judges, who in turn relies on the summaries prepared by a lawyer to make their decisions*". Basically the judges at the SCC rely on Case Summaries prepared by lawyers, who make up their own spin, for the purpose of covering up crimes coming from the lower courts, as evidence in my own cases;

24. My pro bono lawyer and myself had reasonably asked you Registrar Me. Roland, on more than one occasion, to make the necessary corrections on the Case Summary of File No. 32316, and to submit to the panel of judges the corrections and the application for reconsideration with File No. 32381;

25. We had further asked you Registrar Me. Roland to cease interfering in the course of justice and not cover up the crimes committed by the named lawyers on the file however it appears that you could not resist in using deceit, as shown on the SCC website, attached herein. Note that both documents were downloaded on November 1, 2008, and both of the documents show that you have not made the corrections, and as a result you have deliberately deceived me and the public through misrepresentation of the truth;

26. I had also asked you to submit to the panel the case law <http://www.canlii.org/en/bc/bcsc/doc/2007/2007bcsc1083/2007bcsc1083.pdf> of ***American Bullion Mineral Ltd.*** (Re) 2008 BCSC 639, wherein minority shareholders, who had not been required to file a proof of claim and not done so, had been given legal standing by Justice Pitfield and later Justice Pitfield had annulled the bankruptcy of *American Bullion Mineral Ltd.* based on fraud, <http://www.canlii.org/en/bc/bcsc/doc/2008/2008bcsc639/2008bcsc639.pdf>;

27. There is serious contradictions when reading both Case Summaries, since File No. 32316 states that when my wife filed an assignment in bankruptcy, her one-half interest in the property was held as tenants in common and the Case Summary for File No. 32381, it states that my wife and I were joint tenants;

28. Given that the SCC still have in its possession the application for reconsideration for File No. 32316 and given that you have misled and lied to me and by doing so, you continue to libel me, I will ask you one last time to put the true facts before the panel of judges;

29. In the event I do not obtain confirmation that you will submit to a panel of judges the corrections of both File No. 32316 and File No. 32381 and confirmation that the corrections will be posted on all the pages of the SCC website, without any delays no later than November 5, 2008, I will be requesting assistance in obtaining an investigation by an impartial body to investigate violations made by judicial officers and employees of the SCC and return indictments where appropriate;

30. The systematic denial of due process was ultimately caused by you alone, since you lied to me by claiming that you had corrected the falsehood in the Case Summary on the pages of the SCC website however it is evident that both Case Summaries, were prepared with the intent that it should be relied on by the judges who dismissed my applications for leave to appeal based on the falsehoods made by the hired lawyer, under your authority;

31. I will close for now by quoting a line from the movie "The Devil's Avocate". The film thematically raises the preposition as to whether winning is everything' in the legal profession. Do lawyers commit the basic sin of Vanity if they believe their job is to win? In one scene, John Milton, one of the most powerful lawyer in the world, played by Al Pacino, says to his lawyer son Kevin, a ruthless young Florida attorney who never lost a case:

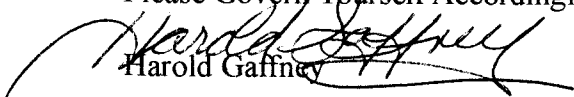
"Because the law, my boy, puts us into everything. It's the ultimate backstage pass. It's the new priesthood, baby. Did you know there are more students in law school than lawyers walking the Earth?"

32. It is my considered opinion that the attorneys hired by the SCC to prepare Case Summaries for the judges, are positioned to cover up crimes of property, committed by lawyers and judges of the lower courts and as a result applicants are denied their right to due process. That in fact, you see yourselves as the priesthods of this world and that indeed you hold a belief that being a lawyer affords you the ultimate backstage pass, which would guarantee immunity from any criminal conduct you and your confrère engaged in. Certainly from where I am standing, this is how it appears. However keep in mind that the priesthood no longer holds the same reverence as they used to and many churches, such as in the province of Québec, have been renovated and used as condominiums because people saw no future in the church as many people see no more future in the courts;

33. I reasonably expect you Registrar Me. Roland to take a pro-active role and re-submit to a panel of judges, all of my material, including the application for reconsideration which you still have in your possession, given that the SCC cashed my money order of \$75.00, with the true facts of both my applications and not get one of your lawyers again to put his own spin on it in order to deny me due process. I also expect to see the corrections made forthwith on the SCC website, no later than November 5, 2008, at noon Eastern time.

I reasonably expect to hear from you no later than November 5, 2008, at noon Eastern time. Your immediate response can be faxed to me at 604.685.6518.

Please Govern Yourself Accordingly,


Harold Gaffney