

March 20, 2015

DELIVERED BY FACSIMILE & HAND

Registry of the Federal Courts  
Federal Court of Appeal  
90 rue Sparks Street  
Ottawa, Ontario  
K1A 0H9

**DIMITRE POPOV**

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Toronto, Ontario

Telephone:

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ATTN: Judicial Administrator  
and  
Chief Justice, The Honourable Marc Noël

Dear Madams / Sirs:

**RE: Court File No. A-197-14**  
**Izabela Popova v. Empire Life Insurance Company et al.**  
**Running the risk of a serious miscarriage of justice**

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PLEASE be advised that all legal tasks with regard to the Appellant's involvement in the above noted litigation, including drafting, preparing and filing documents, have been carried out by Dimitre Popov on behalf of and with the written authorization of the Appellant (Applicant in the first instance), Izabela Popova, who is Dimitre Popov's daughter.

The Appellant is a fulltime employee with no legal knowledge and experience that would be of assistance to her in this legal action, and thus is unable to meet the Federal Courts' demands and is unable to represent and defend her legal rights and interests in opposition to a knowledgeable, trained and experienced lawyer and his legal team – all acting for the Respondents. Therefore, at no time did Ms. Popova ever consent or agree, directly or indirectly, to act as a self-represented litigant in this matter.

Furthermore, the quoted amount for legal representation (appeals not included) of Ms. Popova by one law firm is **\$32,939**. The awards which may be applicable to the Appellant Popova are limited to **\$5,000** (*Nammo v. TransUnion of Canada Inc.*).

**T**here is growing concern over, what seems to be, an attempt to manipulate the court on the part of the lawyers acting for the Respondents in the above-noted matter.

An effort to provoke an unfriendly and punitive response from the Court towards the Appellant and her representative is self-evident, in view of the writer, from statements made by the Respondents' lawyers, Mr. Young and Mr. Cavanaugh.

With reference to content of the Written Representations of the Appellant's Representative in the Appellant's Motion Record of March 2, 2015, where the Representative for the Appellant expresses his view as to the type of issues he believes the Appellant faces,

Quoting:

**“WRITTEN REPRESENTATIONS  
OF THE  
APPELLANT’S REPRESENTATIVE”**

[ ... ]

**“PART III – ISSUES”**

[ ... ]

12. The apparent failure of the learned judge [Justice Scott] to consider the evidence properly presented before him and to make the Order on the merit of the Motion and in accordance with the *Federal Courts Rules* gives rise to reasonable apprehension of bias in favour of the Respondents;

13. The conduct of the learned judge – a matter of public interest that needs to be directed to the Canadian Judicial Council.

The lawyers for the Respondents wrote in their Responding Motion Record

Quoting:

21. “We submit that the continued appearance of the disparaging remarks concerning the Respondents’ counsel and the appearance of the disparaging remarks concerning Justice Scott shows a disregard for the legal and judicial process by the Appellant and Mr. Popov.”

**Affidavit of Cory Young, Tab 1, Para 21  
RMR, dated March 9, 2015**

14. “The Respondents submit that the continued appearance of the disparaging remarks concerning the Respondents’ counsel and the appearance of the disparaging remarks concerning Justice Scott shows a disregard for the legal and judicial process by the Appellant and Mr. Popov.”

**Mark Cavanaugh, Respondents’ Written Representations, Tab 2, Para 14  
RMR, dated March 9, 2015**

### **Are there “disparaging remarks”?**

#### **disparaging**

*adj.*

Expressing the opinion that something is of little worth; derogatory:

- *disparaging remarks about council houses*

- *Oxford Dictionary*

#### **disparage**

*vb (tr)*

1. to speak contemptuously of; belittle
2. to damage the reputation of

- *Collins English Dictionary – Complete and Unabridged © HarperCollins Publishers, 2003*

1. In the Written Representations of the Appellant’s Representative, “PART III – ISSUES, ” the representative for the Appellant has expressed his view as to the type of issues he believes the Appellant faces as a result of the Order of the Honourable Mr. Justice Scott, for convenience repeated below:

“12. The apparent failure of the learned judge [Justice Scott] to consider the evidence properly presented before him and to make the Order on the merit of the Motion and in accordance with the *Federal Courts Rules* gives rise to reasonable apprehension of bias in favour of the Respondents;

2. The part “apparent failure” is in the sense of “seeming”.

#### **apparent**

*adj.*

2. **seeming**: appearing to show particular qualities, feelings, or attributes that may not be genuine

- *The American Heritage® Dictionary of the English Language. All rights reserved.*

3. The Appellant's representative has the right to express his own understanding like anybody else who finds him or herself in his position. His indication that the order of the Honourable Mr. Justice Scott "gives rise to reasonable apprehension of bias in favour of the Respondents," is his own understanding.

4. With regard to the Appellant's representative's view concerning the type of issues he believes the Appellant faces as a result of the Order of the Honourable Mr. Justice Scott, for convenience repeated below.

13. The conduct of the learned judge – a matter of public interest that needs to be directed to the Canadian Judicial Council."

The Appellant's representative expresses his understanding (and believes to have legitimate grounds for it unless the order was the result of an error caused by the Respondents' representatives) that it would be of public interest if the matter is "directed" to the Canadian Judicial Council – an organization which has the mandate to handle also complaints against a judge of the court.

**In view of the writer,**

5. It is clear – it is respectfully submitted – that there are no "*disparaging remarks concerning Justice Scott*" and no "*disregard for the legal and judicial process by the Appellant and Mr. Popov.*"

6. It is evident from the title of the document "Written Representations of the Appellant's Representative," the content, on which the Respondents' lawyers' comments of "disparaging remarks" are based, expresses solely the view of the Appellant's representative in which, clearly, there is not even any implication of "disparaging remarks" whatsoever; therefore, the accusations of the lawyers for the Respondents that the Appellant Popova has shown "a disregard for the legal and judicial process" are clearly false.

7. In case an argument is raised based on the appearance of the Appellant's signature in the document, as it has been previously indicated by the Appellant's representative in document/s filed with the court and served on the Respondents, the Registry of the Federal Court refuses to accept any Appellant's document for filing that does not bear her signature because, they said, she was "not represented by a lawyer." The Appellant's signature is beneath the signature of the Appellant's representative, his contact information and the reading "Authorized by the Appellant representative." The Respondents' lawyers knew or had reason to know from the

introduction in all documents served on them that Dimitre Popov is the Appellant's representative who is responsible for all of the Appellant's documents. Accordingly, the accusations made by the lawyers for the Respondents that the Appellant Popova has shown "a disregard for the legal and judicial process" are clearly false.

8. The Respondents' lawyers' accusations that the Appellant's representative has made "disparaging remarks concerning Justice Scott," are proved to be false by the content of the document, which the accusations are being referencing.

9. There are reasonable grounds to believe that the false accusations made by the Respondents' lawyers are

- a) made in an effort to provoke an unfriendly and punitive response from the Court towards the Appellant and her representative;
- b) meant to inflict emotional and mental suffering on the Appellant; and
- c) motivated by malice towards the Appellant and her representative.

**And because** a decision on the Motion, in which the above noted false allegations of the Respondents' are made, is pending;

**And because** of the likelihood that the impartiality of the Honourable Mr. Justice Scott could be influenced by the false accusations made by the Respondents' lawyers in an attempt to "defend" him,

The writer of this letter respectfully requests Chief Justice, The Honourable Marc Noël, for his timely intervention.

**I trust the integrity of the Court will be upheld and decisions in the best interest of justice and society would be made with regard to this matter.**

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**

March 20, 2015

*/ signature /*

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Authorized by the Appellant representative

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Solicitor for the respondents in the first instance,  
Empire Life Insurance Company and Maureen Wheeler