CANADA
PROVINCE OF QUÉBEC
DISTRICT OF QUEBEC

C.A.: 200-09-011058-267
SC: 200-17-037621-257

COURT OF APPEAL

JACQUELINE SANDERSON, having an office located at 3 Place Ville Marie, Suite 400, City of Montreal, Province of Quebec, H3B 2E3 ,

APPELLANT/Plaintiff;

-v.-

M^e^ Sébastien Dyotte, in his capacity as the syndic for the Barreau du Quebec, having his place of business situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

-and-

M^e^ Marie-Claude Thibault, in her capacity as the syndic for the Barreau du Quebec, having his place of business situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

-and-

BARREAU DU QUEBEC, situated at 445 Saint-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 3T8,

-and-

ATTORNEY GENERAL OF QUEBEC, having an office located at 2828 Laurier Blvd., Suite 500, City of Quebec, Province of Quebec, G1V 0B9,

-and-

LA PRESSE INC., having an office at 750 St-Laurent Blvd., City of Montreal, Province of Quebec, H2Y 2Z4,

RESPONDENTS/Defendants;

PERMISSION TO APPEAL A JUDGMENT OF JULY 8, 2026
WHICH DECLARED AN ACTION AS ABUSIVE IN NATURE
(Sections 30(3) and 352 of the *Code of Civil Procedure*)
(Dated August 7, 2026)

TO ONE OF THE HONOURABLE JUDGES OF THE COURT OF APPEAL OF THE DISTRICT OF QUEBEC, THE APPELLANT RESPECTFULLY SUBMITS THE FOLLOWING:

Judgment under Appeal

1. The Appellant is requesting permission to appeal a judgment of the Honourable Justice Étienne Parent, dated July 8, 2026, which judgment dismissed the Appellant's action against the Attorney General of Quebec ("**AGQ**") and Me Thibault and partially dismissed the Appellant's action against the Quebec Bar ("**QB**") and Me Dyotte; a copy of the judgment (the "**Parent Judgment**") is filed herewith as **Schedule 1**;

2. The present application provides this Honourable Court of Appeal with an opportunity to clarify the proper, objective and consistent application of the test for permission to appeal contained in Section 30 of the Code of Civil Procedure (C.C.P.) in the context of judgments summarily dismissing proceedings as abusive under Section 51 C.C.P. Although Section 30 identifies several circumstances in which permission to appeal may be granted, the provision is not exhaustive and the jurisprudence has recognized additional considerations, including where an impugned judgment presents an apparent weakness giving rise to a risk of injustice. The Appellant respectfully submits that the exercise of the discretion conferred by Section 30 permission should remain governed by objective and consistently applied legal principles so that litigants are able to identify the applicable legal standard, anticipate its objective and predictable application, and obtain meaningful appellate review of arguable legal errors;

3. The present application also arises in the context of the constitutional issue already raised before the Superior Court concerning the combined operation of Section 51 and paragraph 30(3) C.C.P. The Appellant continues to pursue that constitutional issue in first instance. A copy of the notice in virtue of sections 76 and 77 C.C.P. is filed herewith as **Schedule 9**. The constitutional issue is not academic. Rather, it provides the legal context

in which the present application must be considered because the judgment under appeal summarily dismissed substantial portions of the Appellant's action before any examinations, documentary disclosure or evidentiary hearing, thereby making the order of granting the permission to appeal imperative;

4. The present application satisfies several of the considerations recognized under Section 30 C.C.P. and from the jurisprudence for granting permission to appeal. In particular, the proposed appeal raises important questions of principle, presents an apparent weakness giving rise to a grave injustice, concerns issues extending beyond the interests of the parties and arises in the context of the constitutional issue presently before the Superior Court concerning the combined operation of section 51 and paragraph 30(3) C.C.P. Each of those considerations independently supports granting permission to appeal. Collectively, they demonstrate that the proposed appeal warrants the attention of this Honourable Court of Appeal;

5. The proposed appeal warrants the intervention of this Honourable Court for four principal reasons. First, it raises important questions of principle concerning the interaction between the summary dismissal mechanism established by section 51 C.C.P. and the relative immunity conferred by section 193 of the *Professional Code*. Second, the Parent Judgment presents an apparent weakness giving rise to a grave injustice. This consideration is particularly compelling where, as Justice Parent himself recognized, the summary dismissal of an action constitutes the "capital punishment" of civil procedure. Third, the issues raised extend beyond the interests of the parties and concern the administration of justice. Fourth, the proposed appeal arises in the context of the constitutional issue presently before the Superior Court concerning the combined operation of sections 51 and 30 C.C.P.;

6. Although the Supreme Court in *Finney* did not expressly state that the assessment of bad faith under section 193 of the *Professional Code* is an objective one, that principle necessarily follows from the jurisprudence governing civil liability and the application of statutory immunities. The inquiry is not whether the individual decision-maker personally believed that he or she was acting appropriately, but whether the impugned conduct, viewed objectively and in its entirety, is capable of amounting to bad faith or conduct equivalent to bad faith so as to defeat the immunity;

Apparent Weaknesses:

7. The Appellant respectfully submits that Justice Parent did not undertake that objective analysis. Rather than examining the cumulative conduct alleged against the Respondents to determine whether it was objectively capable of disclosing bad faith, the Parent Judgment considered the allegations individually and accepted the explanations advanced by the Respondents without the benefit of examinations, documentary disclosure or an evidentiary hearing;

8. More fundamentally, Justice Parent did not analyze several of the Appellant's central allegations. In particular, the judgment does not meaningfully analyze the allegations against Me Thibault and Me Pilote, nor does it determine the central legal question underlying those allegations, namely whether the Disciplinary Council erred in concluding that the *Labrie* judgment continued to apply on the dates of the alleged disciplinary infractions notwithstanding the severance of the criminal proceedings, and what legal effect, if any, should be attributed to the **waiver** executed by the two co-accused. Those issues form the foundation of the Appellant's allegations of bad faith and could not properly be disregarded in determining whether the immunity under Section 193 applied;

9. Moreover, the Parent Judgment presents an apparent weakness because Justice Parent repeatedly evaluated the Appellant's allegations by asking whether they had a "reasonable chance of success." With respect, that is not the legal inquiry on a motion under section 51 C.C.P. The exceptional remedy of summary dismissal requires the Court to determine whether the proceedings are manifestly unfounded, frivolous, abusive or otherwise fall within the limited circumstances contemplated by Section 51. By repeatedly assessing whether the Appellant was likely to succeed on the merits, Justice Parent effectively conducted a premature merits analysis before examinations, documentary disclosure or an evidentiary hearing had taken place. This error is particularly significant because, as Justice Parent himself recognized, the summary dismissal of an action constitutes the "capital punishment" of civil procedure. The application of an incorrect legal test in the context of such an exceptional remedy gives rise to an apparent weakness creating a grave injustice and therefore strongly supports granting permission to appeal;

10. The proposed appeal extends beyond the interests of the parties because it concerns the proper limits of the immunity conferred by section 193 of the *Professional Code* and the circumstances in which allegations of bad faith against a professional order and its representatives may be summarily dismissed under section 51 C.C.P. These issues are capable of affecting the administration of the disciplinary process and the accountability of professional regulators throughout Québec;

Issues Relating to Important Principles of Law

11. The appeal also raises broader questions concerning the procedural safeguards applicable before a civil action alleging bad faith against public authorities may be dismissed without examinations, documentary disclosure or an evidentiary hearing. Those questions concern the proper balance between judicial economy and the fundamental principle that serious allegations should ordinarily be determined upon a complete evidentiary record rather than at a preliminary stage;

12. Finally, the proposed appeal concerns the proper interpretation and application of the Supreme Court of Canada's judgment in *Finney v. Barreau du Québec*. That judgment remains the leading authority governing the scope of the immunity conferred by section 193 of the *Professional Code*. Clarification of the proper application of the *Finney* framework in the context of motions under section 51 C.C.P. is therefore a matter of importance extending beyond the present litigation.

FOR THESE REASONS MAY IT PLEASE THIS HONOURABLE COURT OF APPEAL TO:

GRANT permission to appeal the judgment of Justice Parent dated July 8, 2026;

GRANT the appeal on the merits and dismiss the Respondents' Applications to Dismiss and return the file to the Superior Court to continue the file in first instance.

WITH LEGAL COSTS

SIGNED AT CARIGNAN THIS 7TH DAY OF AUGUST, 2026

Jacqueline Sanderson

_____

Ms. Jacqueline Sanderson

LIST OF SCHEDULES

Schedule 9

Notice in virtue of Sections 76 and 77 CCP regarding sections 51 and 30(3) CCP

SWORN DECLARATION OF THE APPELLANT

I, the undersigned, **Jacqueline Sanderson**, having an office at 3 Place Ville Marie, Suite 400, Montréal, Province of Quebec, H3B 2E3, solemnly declare as follows:

1. I am the Appellant in the present file;

2. I have personal knowledge of the facts alleged in the present Application for Permission to Appeal, except where otherwise indicated; and

3. All the facts alleged in the present Application for Permission to Appeal are true to the best of my knowledge.

AND I HAVE SIGNED AT CARIGNAN

Jacqueline Sanderson

Solemnly declared before me at the City of Carignan, Province of Quebec, on this 7th day of August, 2026.

Hélène Otis
244864
COMMISSAIRE À L'ASSERMENTATION
Pour le Québec et pour l'extérieur du Québec
Québec

NOTICE OF PRESENTATION

TO THE RESPONDENTS AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that the present **Application for Permission to Appeal** of the judgment rendered on July 8, 2026 by the Honourable Justice Étienne Parent of the Superior Court will be presented before a Judge of the Court of Appeal of Quebec, sitting at the courthouse located at **300 Jean-Lesage Boulevard, Québec City, Province of Quebec, G1K 8K6**, on the 19th day of October, 2026, at 9:30 A.M. or so soon thereafter as the parties may be heard.

DO GOVERN YOURSELVES ACCORDINGLY.

CARIGNAN, this 6th day of August, 2026.

Jacqueline Sanderson
_____
Jacqueline Sanderson

CANADA
PROVINCE OF QUEBEC
DISTRICT OF QUEBEC
File no. 200-17-037621-257

SUPERIOR COURT

JACQUELINE SANDERSON,

Plaintiff;

-vs-

M^e Sébastien Dyotte et al.,

Defendants;

NOTICE TO THE ATTORNEY GENERAL OF QUEBEC REGARDING THE CONSITUTIONALITY OF THE COMBINED OPERATION OF SECTION 51 AND PARAGRAPH 30(3) OF THE CODE OF CIVIL PROCEDURE
(Sections 76 and 77 of the *Code of Civil Procedure*)

TO ONE OF THE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF QUEBEC, THE PLAINTIFF RESPECTFULLY SUBMITS THE FOLLOWING:

1. The Plaintiff respectfully submits that the present motions raise a constitutional issue concerning the combined operation of section 51 and paragraph 30(3) C.C.P., particularly where proceedings are summarily dismissed before a litigant receives a meaningful hearing on the merits;

2. The Plaintiff does not argue that there exists a constitutional right to appeal. Rather, the Plaintiff submits that sections 23 and 24 of the *Quebec Charter of Human Rights and Freedoms*, together with the principles of procedural fairness and natural justice, guarantee a meaningful right to be heard in first instance;

3. The constitutional concern arises where:
    a. proceedings are summarily dismissed as abusive pursuant to article 51 C.C.P.;
    b. the litigant is denied examinations, documentary disclosure, and a full evidentiary hearing;
    c. material legal issues allegedly remain unresolved or are not substantively addressed;
    d. appellate review thereafter depends upon discretionary leave under article 30(3) C.C.P.; and
    e. serious legal errors may never receive meaningful scrutiny even when there is an apparent injustice.

Constitutional Questions

4. The constitutional questions proposed are substantially the following:

    (i) Whether the combined operation and application of articles 51 and 30(3) C.C.P., where proceedings may be summarily dismissed before

examinations, documentary disclosure and a full evidentiary hearing, infringes the right to a fair and impartial hearing guaranteed by section 23 of the *Charter of Human Rights and Freedoms* by depriving a litigant of a meaningful opportunity to be heard in first instance.

(ii) Whether the combined operation of those provisions is constitutionally inoperative where a litigant has not first received a meaningful hearing on material allegations and appellate review thereafter depends solely upon discretionary leave notwithstanding arguable:
(a) errors of law;
(b) palpable and overriding errors of fact;
(c) failures to determine material issues;
(d) breaches of procedural fairness;
(e) breaches of the rules of natural justice;
(f) reasonable apprehensions of bias; or
(g) apparent injustice.

5. Whether articles 51 and 30(3) C.C.P. are constitutionally inoperative, to the extent that they permit proceedings to be summarily dismissed before a litigant has had a meaningful opportunity to be heard on the merits;

6. Whether articles 51 and 30(3) C.C.P. must be interpreted consistently with sections 23 and 24 of the Quebec Charter so as to ensure that a litigant receives both a meaningful hearing in first instance and, where appropriate, meaningful appellate review of arguable legal errors, failures to determine material issues or breaches of procedural fairness or natural justice;

Grounds for Constitutional Attack

7. The Court of Appeal has repeatedly recognized the exceptional caution required before dismissing proceedings as abusive, noting that such dismissal effectively constitutes the “capital punishment” of civil procedure;

8. In *Brazil c. Boileau*, the Court of Appeal granted leave to appeal because the impugned judgment presented “une certaine faiblesse” and risked causing a denial of justice. The Court emphasized the prudence required before summarily dismissing proceedings as abusive;

9. However, the criteria governing leave under article 30(3) C.C.P. are inconsistently articulated and applied in practice by the Court of Appeal. That is, several Judges have not granted leave even if serious legal errors existed in first instance;

10. In proceedings before Justice Guy Cournoyer in *Michael Lacoste-Méthot c. Procureur général du Québec et al.*, the applicable inquiry was framed as whether the issues “dépassent l’intérêt des parties et méritent l’attention de la Cour” rather than whether serious legal error or risk of injustice existed (Exhibit P-11);

11. Similarly, in *Robichaud v. Hadd*, 2024 QCCA 1297, another judgment of Justice Cournoyer in which Justice Demers rendered the judgment in first instance, leave to

appeal was refused notwithstanding an alleged apparent weakness because the matter did not sufficiently surpass the interests of the parties;

12. The seriousness of this inconsistency became particularly apparent in *Olongo c. Dollarama*, 2026 QCCA 279, where Justice Marcotte summarized the conditions governing leave to appeal under article 30(3) C.C.P. to a self-represented litigant by referring only to the three express statutory criteria without reference to the jurisprudential criterion recognizing leave where an impugned judgment presents an apparent weakness giving rise to a risk of injustice;

13. Later that same day, during the Plaintiff's own hearing, the Plaintiff expressly raised the omission made during the *Olongo* hearing and Justice Marcotte acknowledged that the criterion concerning apparent weakness and risk of injustice did in fact form part of the applicable legal framework under article 30(3) C.C.P., thereby confirming that the summary of the applicable conditions provided to Mr. Olongo had been incompletely provided by Justice Marcotte;

14. It is also interesting to note that the respondents in the Olongo file never filed an affidavit with their motion under section 51 CCP. The lawyers from Stikeman Elliott entered evidence emanating from the Quebec Bar regarding applications that Mr. Olongo had made in the past and the Quebec Bar was not even a party to the case. Mr. Olongo had objected to this evidence and both Justice Demers and Justice Marcotte refused this serious error notwithstanding that the right to cross-examine under paragraph 105(3) of the CCP is of "*droit strict*";

15. Another example of the application of the breach of the right to be heard is with respect to the judgment of Justice Demers dated September 16, 2025 in which he declared the Plaintiff's motion as abusive without even analyzing the merits. Justice Demers incorrectly stated at paragraph 35 of the judgment that the Professions Tribunal was the proper forum to analyze a breach of the rules of natural justice. Paragraph 35 of the judgment provided as follows:

> Toujours à l'audition de la demande en rétractation, Mme Sanderson a restreint ses moyens de défense à la compétence de la Cour, malgré la disponibilité d'un appel devant une autre juridiction, **en cas d'excès de compétence**. Elle a occulté le deuxième motif justifiant le rejet du pourvoi : il n'a pas été signifié dans un délai raisonnable.
>
> Translation:
>
> Still at the hearing of the motion for retraction, Ms. Sanderson limited her grounds of defence to the jurisdiction of the Court, despite the availability of an appeal before another court **in the event of excess of jurisdiction**. She disregarded the second ground justifying the dismissal of the application: it was not served within a reasonable time.

16. The Plaintiff contends that paragraph 35 of the Demers judgment illustrates the constitutional issue raised by the present notice because it is the Plaintiff's position that the judgment proceeded on the basis that alleged breaches of the rules of natural justice were matters to be addressed by the Professions Tribunal rather than through the Superior Court's supervisory jurisdiction. This interpretation of the privative clause and the CCP would be unconstitutional;

17. During the hearing for permission to appeal of this judgment on February 27, 2026, Justice Marcotte asked the respondents (being Me Dyotte and the Attorney General of Quebec which are the same defendants in the present case) how they interpreted this paragraph and Justice Marcotte added “what does that paragraph even mean?”;

18. The Plaintiff contends that this position is inconsistent with the scope of the Superior Court's supervisory jurisdiction as recognized in the jurisprudence. It is trite law that the supervisory powers of the Superior Court in the case of breach of the rules of natural justice cannot be removed. The Quebec Bar, being Me Sophie Gratton on behalf of Me Dyotte, argued at every hearing in that file that a breach of the rules of natural justice is not sufficient to engage the supervisory powers of the Superior Court if an appeal is available which is false. Suddenly before Justice Marcotte, Me Gratton admitted that this was not the case but that the allegations of the breach of the rules of natural justice by the Plaintiff were not valid;

19. The Plaintiff contends that the alleged legal error identified above was one which, in the circumstances, warranted meaningful appellate consideration. Therefore, permission should automatically have been granted by Justice Marcotte because Justice Demers based on his mistaken belief cited above in paragraph 35 of his judgment never read the motion for judicial review of the Plaintiff which contained various allegations of the breach of the rules of natural justice being the following:

    a. The Quebec Bar withheld evidence, being a report prepared by an inspector of the Quebec Bar, Me Marcil, dated April 26, 2023 and only provided to the plaintiff after the trial was finished on November 11, 2023, being 2 weeks after the disciplinary hearing;
    b. The Plaintiff only received the list of exhibits from Me Dyotte on the second day of trial due to a problem with the link provided by Me Dyotte (*i.e.* the fault of the Quebec Bar). Therefore, a postponement should have been granted due to lack of notice;
    c. The Disciplinary Council did not consider the defence of the Plaintiff in their judgment and did not refer to any of the exhibits that she had filed; and
    d. The Disciplinary Council refused to allow the Plaintiff to have a key witness, being the assistant of Justice Ouellet who allegedly received an email from the Plaintiff referring to the phrase “retarded judgment”, being hearsay evidence;

20. The judgments of Justice Demers and Justice Marcotte do not expressly address the foregoing allegations of breaches of the rules of natural justice, either to accept or reject them. The Plaintiff contends that, in these circumstances, those issues did not receive meaningful judicial consideration before leave to appeal was refused. This is a breach of the right to be heard in first instance;

21. The Plaintiff further relies upon the subsequent judgments rendered by Justice Parent in the present file as illustrations of the practical consequences of the combined operation of articles 51 and 30(3) C.C.P. In particular, Justice Parent relied upon observations made by Justice Demers, including the statement at paragraph 77 of the Demers judgment describing the Plaintiff as "*quérulente*." The Plaintiff submits that the characterization of a litigant as "*quérulente*" is a serious

judicial finding capable of significantly affecting subsequent proceedings. The Plaintiff further notes that neither the judgment of Justice Demers nor that of Justice Marcotte contains any substantive analysis of the Plaintiff's pleaded allegations that the disciplinary proceedings were affected by breaches of the rules of natural justice. According to the Plaintiff, those allegations were neither addressed nor determined before the Plaintiff's judicial review application was dismissed and before she was subsequently characterized as "*quérulente*." The Plaintiff will contend that this illustrates the constitutional concern raised by the present notice, namely that a litigant may be subjected to serious judicial findings without first receiving a meaningful hearing on merits in first instance and permission to appeal was refused;

22. The Plaintiff respectfully submits that this inconsistency is constitutionally significant. This issue often arises when parties are self-represented to make matters even worse;

23. If a litigant whose proceeding has been summarily dismissed under article 51 C.C.P. may be denied leave notwithstanding alleged serious legal error because different criteria are emphasized, omitted or inconsistently applied by the Court of Appeal, the litigant risks permanently losing any meaningful opportunity to be heard on the merits contrary to sections 23 and 24 of the *Quebec Charter*, the principles of natural justice and procedural fairness which form part of the constitutionally protected framework of the Canadian justice system;

24. The Plaintiff therefore submits that before summarily dismissing the present proceeding, this Honourable Court must determine the constitutional issue concerning the combined operation and application of articles 51 and 30(3) C.C.P.

FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS TRIBUNAL TO:

GRANT the present application;

DISMISS the Defendants' motions to dismiss;

DECLARE that the constitutional validity and/or constitutional application of section 51 and paragraph 30(3) of the *Code of Civil Procedure* is properly raised in the present proceeding;

DECLARE that, in the circumstances of the present case, the combined operation and application of section 51 and paragraph 30(3) of the *Code of Civil Procedure*., if interpreted so as to permit the summary dismissal of proceedings without sworn evidence, without examinations, without meaningful documentary disclosure, and without any meaningful opportunity to challenge serious legal error, infringes the Plaintiff's right to a fair hearing, procedural fairness, and natural justice protected by sections 23 and 24 of the *Quebec Charter of Human Rights and Freedoms* and the constitutional framework of the Canadian justice system;

ALLOW the Plaintiff to proceed to examinations and documentary disclosure;

RESERVE the Plaintiff's right to amend the proceedings following the conclusion of disciplinary proceedings, judicial reviews, and appeals;

THE WHOLE without legal costs.

CARIGNAN, July 22, 2026

Jacqueline Sanderson

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File No.:

COURT OF APPEAL
District of Quebec

JACQUELINE SANDERSON,

APPELLANT/Plaintiff;

vs.

THE BARREAU DU QUEBEC et al.,

RESPONDENTS/Defendants;

APPLICATION FOR PERMISSION TO APPEAL
(Dated August 7, 2026)

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