

C A N A D A
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

C O U R S U P É R I E U R E
(Chambre civile)

No. 500-17-129627-249

ME JACQUELINE SANDERSON

Demanderesse

c.

**CONSEIL DE DISCIPLINE DU
BARREAU DU QUÉBEC**

Intimée

- et -

**ME SÉBASTIEN DYOTTE, ÈS
QUALITÉ DE SYNDIC ADJOINT DU
BARREAU DU QUÉBEC**

Mis en cause

Extrait d'une audience tenue devant l'Honorable Ian Demers, J.C.S. en date du 3 septembre 2025.

COMPARUTIONS:

Jacqueline Sanderson

se représente elle-même

Me Sophie Gratton
Me Aimée Riou

pour le mis en cause

M. Obikoa Daniel Djedji

Greffier

(ii)

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1 --- L'extrait débute à 9 h 01

2 **[EXTRAIT DES PROCÉDURES]**

3 **LA COUR:**

4 Alors, selon l'ordonnance que mon collègue, le juge
5 Ferland, a rendue, Madame Sanderson, you testify
6 first for 45 minutes, and then you are being cross-
7 examined for 15 minutes.

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 Well ---

11 **THE COURT:**

12 Are you ready to proceed?

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 It's just because if it's a motion to dismiss,
16 shouldn't it be first?

17 **THE COURT:**

18 There's a motion to dismiss and there's a motion on

19 -- oh ---

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 The motion to dismiss, if it's so ungrateful and
23 malicious and whatever, frivolous, my motion, then
24 the motion to dismiss should be heard first.

25 **THE COURT:**

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1 Okay. But ---

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 I don't know, but ---

5 **THE COURT:**

6 --- I would like to hear the evidence first.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 The evidence first?

10 **THE COURT:**

11 Yes.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Okay. So then ---

15 **THE COURT:**

16 And then you will have to testify.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Okay.

20 **THE COURT:**

21 Whenever you're ready.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Okay. Well, it's just that my first witness will be

25 Me Sarto Landry because he is -- he was my lawyer at

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1 the time.

2 **THE COURT:**

3 That was not -- that was not what Justice Ferland
4 ordered. He ordered that you would testify for 45
5 minutes and Me Landry's testimony was not announced.
6 I will not hear it.

7 **Me SARTO LANDRY:**

8 Donc, je peux quitter, Monsieur le juge?

9 **LA COUR:**

10 Absolument. Vous êtes libéré.

11 On va noter au procès-verbal : « La demanderesse a
12 voulu faire témoigner Me Sarto Landry, S-A-R-T-O,
13 alors que l'ordonnance rendue le 2 avril 2025 par le
14 juge Ferland ne le prévoit pas. Elle prévoit le
15 témoignage de la demanderesse pendant 45 minutes. »

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 Okay. So then I'll call as my first witness Me
19 Gratton.

20 **THE COURT:**

21 No, you will testify first.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 But why do I have to testify first? I would like to
25 cross-examine her first.

1 **THE COURT:**

2 You'll have a chance to cross-examine in due course.

3 In the Order that was set by Justice Ferland, you are
4 first to testify, so I'm ready to hear you.

5

6 -----

7 In the year two thousand and twenty-five (2025), the
8 third (3rd) day of September, appeared

9 **MS. JACQUELINE SANDERSON**

10 Having made a solemn declaration, deposed and stated
11 as follows:

12 Q Your name, please?

13 A Jacqueline Sanderson.

14 Q And your address?

15 A My address is 200 Alexandre-De Prouville. It's P-R-
16 O-U-V-I-L-L-E Street in Carignan, J3L 6X2.

17 **THE COURT:**

18 Whenever you're ready.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 It's okay?

22 **THE REGISTRAR:**

23 Yes.

24 **EVIDENCE IN-CHIEF BY**

25 **MS. JACQUELINE SANDERSON:**

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JACQUELINE SANDERSON
in-ch

1 Okay. So the reason that I am continuing with the --
2 I'll first discuss the revocation of judgment and
3 then the abuse.

4 Initially ---

5 **THE COURT:**

6 Now you're testifying, so you should stick to facts.
7 Legal arguments are ---

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 Yeah, yeah, yeah. No, but I just ---

11 **THE COURT:**

12 --- your representations at the end of the hearing.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 I'll testify on the Order or whatever. Okay. So the
16 reason I couldn't make it the day of September 25th
17 was really because I was still in a very deep trauma
18 because of what happened to me because of the *Barreau*
19 *du Québec*.

20 I have two daughters that I support. I'm a single
21 mother, and I've had a lot of stress in my life.
22 I've lived a lot of, you know, hard experiences, and
23 there was no planning. I couldn't plan for the fact
24 that from one day to the next, I was going to be
25 completely unemployed because initially, in the *Plan*

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in-ch

1 *d'argumentation*, Me Dyotte had asked for six months,
2 and even based on *R. v. Doré, Barreau v. Doré*, all
3 the case law, the -- the -- even the six months to
4 one year I thought was too much. So that's why I
5 hadn't -- I hadn't prepared, but that's why -- I
6 wasn't prepared, but also even that, I thought was
7 too much, and that's why I had filed the judicial
8 review.

9 The other thing that traumatized me was the search of
10 my house because I couldn't understand, when I
11 testified in front of Justice Roberge, I testified
12 that the files were going to be transferred. All the
13 files could be transferred to Leila Kadri, and that
14 the only files that I had kept were the income tax
15 files and that I wanted to keep a copy of my files
16 because that's what everybody does when they retire
17 or whatever, even if they're not a lawyer. So, those
18 were the things that were *en litige* that day, and it
19 wasn't addressed at all. So that's why it was very
20 stressful for me and, you know, I still hadn't come
21 to the realization of everything, but now, you know,
22 slowly I'm getting better. It's been now one year,
23 and slowly I'm getting better. I've accepted that I
24 can't do litigation and that even when it's finished,
25 that I have to leave, and that's why I had started my

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1 common law in 2020. And I had just finished my
2 common law on August 20 -- August 23rd, 2024. So I
3 was getting ready to go to Ontario, and that also
4 stressed me because I couldn't -- could no longer go
5 and apply in Ontario. So there was so many things
6 that happened that it -- and because it traumatized
7 my daughters and everything, that while, you know,
8 sometimes I spent days and I would just sit on my
9 stairs and I couldn't move, honestly. And even
10 today, sometimes it's hard to think that I can't
11 plead in this province. It's because, you know, I
12 think I did good things for society, and so it's sad
13 that this is what it's come to, but I'm ready to
14 accept that I have to do my common law, and that's
15 why I'm doing my accounting at night, and I'm going
16 back to doing *fiscalité*.

17 So when the -- I just couldn't face it, and then
18 still today, it's hard for me to come to the *Palais*
19 *de justice*. It's hard for me to accept that this is
20 what it's come to, that -- to me, it's a great
21 injustice, and when you make a stance in court that,
22 you know, just like Me Gratton when she made a stance
23 in court that the *appel va être suspendu*, to me, an
24 *officier de la justice*, when you take a position,
25 especially in a penal file, you have to respect the

1 position that you take, and it's the same way of --
2 because I relied on those positions that they took,
3 and I think that it was a grave injustice that was
4 done.

5 *****

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 So that's why I should have been heard and I didn't
9 win, but that -- that is why I don't think it was
10 abusive.

11 **THE COURT:**

12 Okay. Just to make ourselves clear, what I
13 understand from the *Barreau's* application is that
14 this application for judicial review, not the
15 proceedings before the *Conseil*, this application for
16 judicial review is abusive.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Right.

20 **THE COURT:**

21 Not the rest of your proceedings. That's something
22 completely different. And ---

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 No, but ---

1 **THE COURT:**

2 --- the main argument, if I understand it correctly,
3 is that this Court is without jurisdiction to hear
4 your application for judicial review on the merits
5 because that's for the *Tribunal des professions* to
6 decide. So you're in the wrong forum.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Okay. But that's why I sent that case that's -- was
10 so recent, and that's why I'm trying to explain it
11 over and over again. A breach of the rules of
12 natural justice is considered *un excès de*
13 *jurisdiction*.

14 **THE COURT:**

15 We all agree with that.

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 Well, so that's what I was arguing.

19 **THE COURT:**

20 Well, that's not the point. The point is if there's
21 an -- if you have a right to appeal before another
22 court or another jurisdiction, you have to go there
23 first before you come to the Superior Court.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

1 No, not ---

2 **THE COURT:**

3 And to ask that jurisdiction to redress the breach of
4 natural justice. That's what I understand from the
5 *Barreau's* argument.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Yes, but it's not true.

9 **THE COURT:**

10 That's why ---

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 It says right -- if you look at paragraph 46, I'll
14 read it out:

15 "...quant aux motifs limités qui
16 permettent d'écarter l'application
17 de telle clause privative..."

18 *Quarante-six* (46) *et suivants* of the most recent
19 judgment.

20 **THE COURT:**

21 What's the reference?

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 This is the one I sent the other day for *Harvey c.*

25 *Discipline*, 2025 QCCS 1940, Elif Oral. You said it's

1 *madame la justice ---*

2 **THE COURT:**

3 Yes.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 --- l'Honorable Elif Oral.

7 **THE COURT:**

8 But you're getting into legal arguments. I asked you
9 to testify about facts.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Right, but that's what I'm -- I'm trying to explain.
13 This is why. Because I believe the rules of natural
14 justice were breached and because they were going to
15 ask for a too large sentence and because of the
16 privileged email, I thought it was the best forum to
17 go to the *Cour supérieure*. And look, I'm right. Now
18 I'm suspended during the appeal and I have no
19 recourse. I -- I'm -- it's been one year, and the
20 sentence was six months to one year. So I have
21 *raison*. In his written pleadings, he wrote six
22 months to one year, and I'm still suspended. So my
23 appeals are not going to be heard until the end, and
24 that's why that you're allowed to go to the Superior
25 Court, because you can go on *urgence* because the

1 judgment is *ab initio* no good, if you didn't have the
2 right to be heard. Just like you, you're telling me
3 I have the right to be heard today. I never had the
4 right to be heard before the *Conseil de discipline*.
5 So that's why I have a right to go to -- and that's
6 why 46 and forward, that's why it says it.
7 And just because you don't have *raison*, I only filed
8 one judicial review. After the judgment of January
9 of Dugré, I didn't go back, and I could have gone
10 back in the same file if it was still open. I could
11 have gone back in the same file to do a judicial
12 review of that judgment, but because the timeframe
13 would take so long, I just said, you know what, I'll
14 just ask to come back to the Bar after my thing.
15 So I was not abusive. I -- I kind of regret it now,
16 that I should have done it, but I didn't, and so now
17 I'm just going to apply to come back to the Bar in a
18 few months, and the appeal probably will not be
19 finished because probably it'll go to the Supreme
20 Court of Canada, but that'll be -- it'll be -- I'll
21 apply to the Bar to come back and -- but just as a
22 lawyer, not in litigation, so that I can go to
23 another province.
24 The -- just because somebody disagrees with my
25 position in law does not make it abusive. At the

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JACQUELINE SANDERSON
in-ch

1 Court of Appeal -- it's still very emotional to me --
2 that's when -- that day is when I started to develop
3 shingles. I don't know if you ever had shingles, but
4 I had never had shingles. I had chicken pox when I
5 was a very small child, and all the stress that had
6 accumulated, it started accumulating the day I was in
7 the -- the Court of Appeal on December 12th, like in
8 the night, to December 13th, and over the weekend I
9 was like, "Oh my God, oh my God, what is this?" And
10 I developed it on half of my body, so it was -- but
11 mostly on my genital area, on just half, and then in
12 the back. So I went to the Jewish General on the
13 following Monday morning, and I coded -- I -- they
14 were doing samples and checking, and I tried to get
15 the -- a copy of the thing, but because I was here
16 Friday, I was supposed to go yesterday, and then I
17 was here all day again yesterday, so I didn't go get
18 the document, but if I could maybe hold the proof
19 open for a couple of days to try and get that
20 document?

21 **THE COURT:**

22 When did it happen? When did you have shingles?

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 It lasted -- it started that day, in Dec...

1 **THE COURT:**

2 What day?

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 December 12th, the day I was in the -- 2024, and it

6 continued and it didn't go away right away.

7 **THE COURT:**

8 You had plenty of time to obtain your medical record.

9 I won't leave the evidence open.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Okay.

13 **LA COUR:**

14 On va noter au procès-verbal que le Tribunal rejette
15 la demande de permettre la présentation d'une preuve
16 après la fin de l'audience.

17 This case has been set down for hearing since April
18 2nd. You had plenty of time to prepare.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 But you don't understand how ---

22 **THE COURT:**

23 I don't understand what? Because you've had plenty
24 of time to prepare?

25 **MS. JACQUELINE SANDERSON**

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JACQUELINE SANDERSON
in-ch

1 **on her own behalf**

2 Yeah, but you think it's easy to prepare for
3 something like this when you've gone through shingles
4 and you think it's easy to prepare for something like
5 this when you've gone through this? It's very, very
6 difficult. That's why I asked Sarto to be here with
7 me today, because it's very difficult to -- there is
8 -- you're telling me -- we all know that I'm not the
9 worst lawyer that ever came in Quebec. The only
10 reason you're suspended on is usually when you're
11 *radié permanent*. This has never happened in the
12 history of Quebec. Why?

13 **THE COURT:**

14 *Radié permanent*, of course it's happened many times.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 No, *suspension temporaire de radié en appel*.

18 **THE COURT:**

19 I have no idea what you're talking about.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Okay.

23 **THE COURT:**

24 And it doesn't make any difference because let's
25 stick to what's before me today.

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 But that ---

4 **THE COURT:**

5 Your application for revocation of judgment and a
6 declaration of abuse.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 But that's part of it. The part of the reason I'm
10 not functional is partially because of that, because
11 it is a breach of the rules of natural justice, and
12 that's why the Court of Appeal is intervening. I'm
13 sure that's why, because Guylaine Gauthier, the same
14 thing happened. When you're not suspended
15 provisionally ---

16 **THE COURT:**

17 The Court of Appeal is intervening in what file? In
18 your file?

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 No, I didn't do the permission to appeal on the
22 *suspension pendant l'appel* because I already had this
23 file open and it was too much. I was already -- I
24 had shingles at the time. I was already too
25 stressed. I couldn't do the motion for judicial

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JACQUELINE SANDERSON
in-ch

1 review. I regret it. I should have done it now
2 because now the Court of Appeal has intervened. I
3 cited it in my amended motion. The -- because when
4 you're not suspended on -- no one asked for
5 provisional execution while I was -- like right away
6 when it happened. It also was a year and a half. I
7 explained it in my amended motion. It was also a
8 year and a half since the file had closed that they
9 reopened without a complaint.

10 **THE COURT:**

11 Okay. But what does it have to do with our file,
12 with what's before me?

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Because the whole thing relates to the discipline
16 that happened in first instance.

17 **THE COURT:**

18 Yes, but ---

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 So the reason ---

22 **THE COURT:**

23 In your application for judicial review, you are
24 challenging the decision on *culpabilité*.

25 **MS. JACQUELINE SANDERSON**

1 **on her own behalf**

2 Yes.

3 **THE COURT:**

4 That's the only thing that you are challenging. So
5 what you're talking about right now is the
6 provisional execution of the decision, if I'm not
7 mistaken, happened way after, when the sanction was
8 imposed. But that's not in your application for
9 judicial review. It only pertains to the declaration
10 of guilt.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 No, but you said why I can't, because I'm non-
14 functional. You said why I couldn't get -- why I
15 can't prepare. It's the same thing why I can't
16 testify today, why I can't concentrate, why I can't
17 continue as a lawyer in Quebec, because of all of
18 this.

19 **THE COURT:**

20 Okay, but it's ---

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 The stress.

24 **THE COURT:**

25 --- a circular argument. "I'm stressed, so I can't

1 obtain my medical record, and I can't obtain my
2 medical record to prove that I'm not functional."

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 Exactly.

6 **THE COURT:**

7 But you're not a doctor, you're not a lawyer. You're
8 no longer a lawyer, but you're not a medical doctor,
9 so you can't testify about your medical condition and
10 what it ---

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 Well, of course I can. Well, I'm pretty ---

14 **THE COURT:**

15 Not as an expert.

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 No, I'm testifying on my anxiety and my stress since
19 this happened and the reason for my anxiety and
20 stress. If you're a member of the legal profession
21 and they treat you, excluding you, as not treating
22 you like everybody else, what happened to me is not
23 being treated fairly like everybody else.

24 **THE COURT:**

25 Yes, but Madame Sanderson, you're challenging a

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in-ch

1 decision rendered in 2023. Your application for
2 judicial review was filed before you developed
3 shingles. So how do the shingles have anything to do
4 with what happened before-wise?

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 No, because you're asking me why I couldn't obtain my
8 medical records earlier and why I couldn't prepare
9 earlier. That is why I couldn't prepare earlier.

10 **THE COURT:**

11 You had nine months.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 I was on medical leave -- yes, but I was on medical
15 leave most of the time. I can't come to court. I
16 don't like being here anymore because I was treated
17 differently from all the other lawyers in Quebec.
18 Why was I treated differently? It's true that I
19 raise issues that you -- that people might dislike,
20 and I'm sure that you dislike me, but just because
21 you dislike me does not mean that I shouldn't be
22 treated fairly like everybody else does. It was -- I
23 was treated unfairly by the system. I should not
24 have been suspended during the appeal process.

25 **THE COURT:**

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JACQUELINE SANDERSON
in-ch

1 How do you explain that someone so sick as you
2 describe is able to file or draft an application for
3 permission to appeal within hours after my judgment
4 yesterday? You're telling me you're not functional.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 I can function intellectually, but I can't function,
8 like going to argue and things like that. Like now,
9 I can't concentrate. Intellectually, I got straight
10 A's, like I mentioned. Going in accounting, I got
11 straight A's. Intellectually, I'm very smart. I can
12 do anything written down, but like today, I can't
13 concentrate on my testimony, and the stress of coming
14 here, sometimes -- like I said, I sat on the stairs
15 for hours after my house was invaded. Do you realize
16 criminals, they get better treatment than I did.
17 They invaded my whole house.

18 **THE COURT:**

19 Okay. But how does that ---

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 How does that affect me?

23 **THE COURT:**

24 How does that prevent you from simply requesting your
25 medical record?

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1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 No, because I didn't concentrate on that part of it.

4 **THE COURT:**

5 Okay. But you're telling me that you're ---

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 I do have one thing.

9 **THE COURT:**

10 --- fully functional intellectually. All you had to
11 do was send an email or file a form to obtain your
12 medical record.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yes, I ---

16 **THE COURT:**

17 That's a very simple procedure.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Exactly, but I didn't think of it until last week.

21 **THE COURT:**

22 Ah, that's completely different.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 Exactly, but it's the same thing. When I was

1 redrafting ---

2 **THE COURT:**

3 Yeah, but my colleagues told you many times that your
4 medical arguments or your -- when you invoked your
5 health, it's not documented.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 No, it is. I ---

9 **THE COURT:**

10 I understand, but ---

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 R-1, I have ---

14 **THE COURT:**

15 You may think it is, but my colleagues concluded that
16 your allegations as to your health are unsupported.
17 That's pretty much a hint that you should get your
18 medical record.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 No, R-1 in the exhibits today, which are on the key
22 -- did you get the USB key?

23 **THE COURT:**

24 I did.

25 **MS. JACQUELINE SANDERSON**

1 pas suffisants pour justifier la
2 remise de l'audience. De plus, la
3 preuve de l'état de santé de
4 madame Sanderson, qui n'a pas
5 fourni de certificat médical à
6 l'appui de sa demande, est
7 insuffisante."

8 If that's not enough ---

9 **MS. JACQUELINE SANDERSON**
10 **on her own behalf**

11 There is a *certificat*.

12 **THE COURT:**

13 Judges get it wrong all the time, I get it. Okay?

14 But it seems to me that ---

15 **MS. JACQUELINE SANDERSON**
16 **on her own behalf**

17 He said it wasn't detailed.

18 **THE COURT:**

19 I'm not done.

20 **MS. JACQUELINE SANDERSON**
21 **on her own behalf**

22 We can ---

23 **THE COURT:**

24 It seems to me that the judges have told you, and
25 Justice Ferland is probably the last one in line,

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1 that your medical evidence is insufficient to support
2 your allegations. So that, to me, seems to be a
3 hint. You would have to substantiate your
4 allegations, and I think it's pretty clear that,
5 well, my colleagues have doubts about your medical
6 condition. Then ---

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 It's in the file.

10 **THE COURT:**

11 --- if you have a medical record, support it.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 It's in the file. It's in my motion.

15 **THE COURT:**

16 Okay.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Well, could I please see the file then? It's in
20 there. He's just said that the doctor should have
21 explained it, so I testified that that's what it was.
22 But there was the results that proved that I got
23 shingles was also attached to the medical
24 certificate, and it says exactly where it was,
25 actually. It says -- can I look for the certificate

1 then?

2 **THE COURT:**

3 Well, you could, yes. Yeah.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Because...

7 **THE COURT:**

8 Do you have it?

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 Yeah, it's right there, and this is what I gave him,
12 the medical certificate.

13 **THE COURT:**

14 Yes, and he found it just to be insufficient. I saw
15 that.

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 Okay. Well, I have another -- okay. So to you,
19 that's not -- there's no point for me to testify
20 then? Because I'm not going to -- I don't want to
21 waste the Court's time. If you don't think that you
22 want to hear me testify, then -- you just keep
23 telling me to shut up practically, so...

24 **THE COURT:**

25 No, that's not what I'm doing. I'm giving you a

1 chance to explain me what is going on, and I'm
2 telling you my colleagues have decided otherwise. So
3 explain me why I should not follow their conclusions?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Because I never testified to explain the situation
7 and they never saw the other medical certificate that
8 is in the evidence, the anxiety and depression that I
9 went through. It's -- you don't get ---

10 **THE COURT:**

11 You can go back to the witness box.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 You don't get shingles from -- you don't get shingles
15 from -- it's from -- really from stress. When I woke
16 up ---

17 **THE COURT:**

18 You're no medical expert. You can't testify on that.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Okay. Well ---

22 **THE COURT:**

23 No, you really can't.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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1 Okay. Well, when I was in the hospital on December
2 16th, I went into convulsions when I was on the table,
3 and I could hear them say, "Her blood pressure is
4 going down, down, down," and then I coded, and many
5 doctors came in and they kept me for the day at the
6 Jewish General Hospital. So the reason -- and they
7 even specifically asked me, "Did you go through
8 anything stressful?" And I said, "Yes, I was
9 disbarred." So that's -- and so that's what they
10 said probably triggered it. But ---

11 **Me SOPHIE GRATTON**

12 **pour le mis en cause**

13 Je vais m'opposer parce que...

14 **LA COUR:**

15 J'en tiendrai pas compte.

16 I can't take that into account. That's hearsay.

17 Those medical doctors are not testifying. You're no
18 medical expert. There's pretty much nothing I can do
19 with that because it's inadmissible evidence.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Okay, but the fact that I can testify on my
23 situation, if you ---

24 **THE COURT:**

25 Yes, well, you can't testify about the cause of the

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1 shingles. You may think that it's caused by stress,
2 but ---

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 Right. Okay.

6 **THE COURT:**

7 --- that's a layperson opinion.

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 That's fine. Right, okay, that's fine. Well, I
11 mean, there's no -- everyone -- obviously,
12 historically, you can't see, but obviously if you're
13 a single mother taking care of two kids in university
14 and you lose your income and someone searches your
15 house, and you're suspended on appeal for the first
16 time in all of Quebec, then you wonder. So that's
17 why I'm saying that it is a *requête-bâillon* because
18 they're trying to stop me from presenting my case,
19 obviously. Like, it's intimidation. That's exactly
20 what this is.

21 And the whole thing of how come I was the first
22 lawyer, why am I so different? Why am I the first
23 lawyer that ever happened a suspension during appeal?
24 Why am I the first lawyer that had entrance into
25 their house? Why is that? Because I'm not being

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1 treated like every other lawyer. So obviously that
2 causes stress and, you know, I feel excluded and very
3 saddened by that. So obviously it was very difficult
4 for me to prepare, and it's very difficult for me to
5 come here, just like it's very difficult for me to
6 testify in front of you. And so that's why I was
7 unable to -- I just couldn't come that day ---

8 **THE COURT:**

9 Okay. But ---

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 --- just like ---

13 **THE COURT:**

14 --- let's go back a little bit. You filed your
15 application for judicial review four months after the
16 decision. What you are explaining to me right now
17 happened way after. So how come in those four months
18 you could not file your application for judicial
19 review within 30 days?

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 It's -- the delay is not -- it's a reasonable delay.
23 It's not 30 days.

24 **THE COURT:**

25 Yes, but you're certainly aware that the Court of

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1 Appeal has told us many, many, many, many, many, many
2 times that after 30 days, you have to explain the
3 reasonableness of the delay.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Well, and so I put all the medical records in --
7 there's a full thing of medical records, what
8 happened to me before that, and the whole file of the
9 medical records is in the judicial review. If the
10 judge didn't accept my reason does not make it
11 abusive. That's the -- it's the same thing, like
12 today, if you don't think that that's sufficient, it
13 doesn't make it abusive. You know, it doesn't mean
14 because you don't agree that that's enough, that it's
15 abusive. It's the same thing with Justice Ferland
16 who does not believe that that's sufficient; it
17 doesn't mean that I couldn't -- I didn't have the
18 right to be heard, and I still have not had the right
19 to be heard.

20 And if you look at the judgment in first instance
21 before the Disciplinary Council, which is what I was
22 on appeal of, then that is where I gave the proof
23 that I didn't get the exhibits. With respect to the
24 email that I'm talking about that was privileged, I
25 argued that it was privileged, and I argued that it

1 was hearsay because the person that received it
2 should have been present. So that's another breach
3 of the rules of natural justice, because ---

4 **THE COURT:**

5 How come? You wrote the email? You were present?

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Yeah. Well ---

9 **THE COURT:**

10 We were presented with the email?

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 No, they presented it way before I was testifying.
14 Nobody presented it to me. It was already in
15 evidence.

16 **THE COURT:**

17 It was in the record?

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 It wasn't in the record from me.

21 **THE COURT:**

22 The email was in the record ---

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 I didn't put it in.

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1 **THE COURT:**

2 Of course you didn't put it in; it was against your
3 interest.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Right. So in another file that's already happened,
7 this, they had to prove it or bring the person that
8 received the email. You can't just put in evidence
9 that you want against the adverse party without
10 proving it. It's like a criminal trial. You can't
11 make the person testify first; you have to present
12 your evidence. So when he went to put the email in,
13 I said, "Objection, *oui-dire*", because I hadn't
14 testified yet. The person that received the email
15 had to testify; they didn't. And so I said, "Can I
16 please have that person come and testify?" And they
17 refused. That person should have been able to
18 testify because to me, I was planning on that working
19 as *objection, oui-dire* and *objection, privileged*, and
20 it didn't work. But -- so those are legitimate legal
21 arguments, and by not allowing them, it's like
22 breaching the rules of natural justice.

23 So then the same thing, when I didn't get the list of
24 exhibits, I said, "I didn't get any of the exhibits."

25 I have two emails or three emails where I wrote to

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1 the clerk and said, "I don't have the exhibits. I
2 don't have them. You have them as Exhibits P-4 and
3 P-5 with my judicial review." Those emails went
4 unanswered, and because they were unanswered, I never
5 got the exhibits. So I only found out what exhibits
6 were against me the night of the first day of trial.
7 That's when I got them. Nobody understood. There
8 was like a *barrière de la langue* or something, but if
9 you look at the screenshot of what I got, it's a
10 letter to an African embassy. That's what I got, and
11 the screenshot is in front of you. So that is a
12 breach of the rules of natural justice.
13 So therefore, it's the same thing, when you read the
14 judgment, there's no facts in it.

15 **THE COURT:**

16 What judgment?

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 My conviction judgment. There's no -- there's no
20 detailed facts. There's -- if you read my motion for
21 judicial review, Justice Villeneuve of the Superior
22 Court of Granby specifically said -- because the
23 whole thing started in -- the initial issue, when the
24 whole thing became a problem of *abusive* was I filed a
25 motion to declare the lawyer for the children unable

1 to act because I claim she wasn't independent. She
2 hadn't disclosed, and I said there was a *vice de*
3 *consentement* because my client had consented that she
4 become the lawyer of the children because they -- you
5 know, by consent, because they proposed her, but they
6 had never disclosed the fact that she had represented
7 the brother of -- the brother of the adverse party.
8 So the adverse party, I was representing the father,
9 so the brother of the mother had had this lawyer in
10 the past. So when I presented my motion for
11 *déclaration d'inhabileté*, Justice Villeneuve -- it
12 wasn't heard that day, but he took it upon himself to
13 say in open court, and it's in my judicial review, to
14 say in open court, "*L'avocat des enfants, c'est*
15 *similaire qu'un juge; il devrait y avoir apparence*
16 *d'indépendance, pas juste indépendance toute seule,*
17 *et alors je pense que si ça s'avère d'être vrai,*
18 *comme si c'est vrai qu'elle a déjà représenté le*
19 *frère dans le passé, que vous devriez avoir une*
20 *chance d'être entendu.*"

21 And the lawyer for the children came up and said, "Je
22 constate", and "I agree". "Je consente"; "I agree,
23 Your Honour."

24 So how can a motion be abusive if the judge, just
25 analyzing the file, like we do under *procedure 39* --

1 that was never done in my file, for some reason --
2 *procedure 39* said, "I'm going to look at the *requête*
3 *en abus*". So he did that. He said, "You know how I
4 see this?" So he said that, and that's nowhere to be
5 found in my judgment on conviction. You don't think
6 that that's the most important fact that could have
7 possibly existed was that? I do.

8 **THE COURT:**

9 Okay. But you're talking about the merits of the
10 2023 decision. If you want to contest the merits,
11 that's not an exception for this Court's
12 jurisdiction.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yes, it is.

16 **THE COURT:**

17 No, it's not.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Yes, because that's what I was saying about the
21 Three-Rivers case. The Three-Rivers case said if you
22 don't consider evidence at all, because my defence
23 wasn't considered at all by the Judicial Council --
24 if you don't consider evidence whatsoever --
25 *Université*, whatever, he said it in here, Three-

1 Rivers, then it's considered part of judicial review,
2 and its *exception: les motifs limités permettent*
3 *d'écarter l'application de telles preuves*, and it's
4 looking at *article 193 du Code des professions*.
5 Just because nobody agreed with me -- but I still
6 haven't had a chance to be heard, right?

7 **THE COURT:**

8 My other concern, and I would like you to address it
9 in the five minutes that you have left, aren't you
10 duplicating proceedings? Because you are before the
11 Superior Court but also before the *Tribunal des*
12 *professions*, if I'm not mistaken?

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yes, but ---

16 **THE COURT:**

17 For the very same decisions.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Yes, but this was before the *Tribunal des professions*
21 because ---

22 **THE COURT:**

23 I get it, but I have to take the situation as it is
24 today.

25 **MS. JACQUELINE SANDERSON**

1 **on her own behalf**

2 No.

3 **THE COURT:**

4 Well, of course.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 No, because she's arguing that it was abusive, my
8 original application that I made in April 2024,
9 before.

10 **THE COURT:**

11 Well, unless I misread the application, all you did
12 afterwards is also considered abusive, including your
13 application for revocation of judgment. So the whole
14 of the case is said to be abusive.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Yes, but ---

18 **THE COURT:**

19 Not just your application right from the start.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Yes, but how can it be abusive after if they had to
23 make misrepresentations to obtain judgment?

24 **THE COURT:**

25 Did you appeal those judgments before our court, my

1 court?

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 Which one?

5 **THE COURT:**

6 All of them. You said they made misrepresentations
7 before Justice Emery, before Justice Roberge, well,
8 probably before Justice Ferland. Were -- was any of
9 these judgments appealed?

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Well, yes, the ---

13 **THE COURT:**

14 Besides Roberge and Justice Synnott?

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Well, no, I didn't appeal Justice Synott, but I did a
18 *révocation de jugement*.

19 **THE COURT:**

20 Yeah, against one judgment, not all of them.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 Yes. What -- why -- but then it would be even more
24 abusive if I had gone and -- gone on appeal. I don't
25 understand what you're -- the ---

1 **THE COURT:**

2 Well, you're telling me that they all lie and they
3 lie all the time.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 I didn't say that.

7 **THE COURT:**

8 And they lie before every judge. Well, they made ---

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 I didn't say ---

12 **THE COURT:**

13 They made misrepresentations.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 I gave a list ---

17 **THE COURT:**

18 A misrepresentation is when you do not present the
19 reality as it should be or as it is.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Okay. Well, she said before Justice Emery, in the
23 afternoon, at 3 o'clock, that the:

24 "Maître Sanderson a juste à
25 déposer son appel."

1 And I quoted it in my motion for amendment word for
2 word from the stenographic notes.

3 So I don't understand. Of course -- of course it's a
4 misrepresentation. How can it not be? That's
5 exactly what a misrepresentation is. You can't say
6 to someone that "*l'appel va suspendre exécution*" and
7 30 minutes later, her client sent an email saying
8 *exécution provisoire*, not *exécution provisoire*
9 *nonobstant appel*, but one judgment that said
10 *exécution provisoire*. So then, that's what ---

11 **THE COURT:**

12 And there's a difference between the two?

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yes, it's explained in my motion to suspend
16 execution.

17 **THE COURT:**

18 Yeah, I read that.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Okay. *Exécution provisoire* means ---

22 **THE COURT:**

23 So it applies right away.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

1 Right, but until you file your appeal, then -- if it
2 doesn't say *nonobstant appel*, because there's many
3 judgments where they do *exécution provisoire* at the
4 *Tribunal des professions* so that it's not suspended
5 for the 30 days, that you can do a continuous
6 sentence, and that's when you order *exécution*
7 *provisoire* and you don't write *nonobstant appel*.

8 **THE COURT:**

9 So what would be the point of decided that it should
10 be executed provisionally, but then if you file an
11 appeal, it's no longer executed provisionally? I
12 don't see the point.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Because -- there's a special case. It's explained in
16 my motion to ex -- motion to suspend proceedings that
17 -- before the *Tribunal des professions*. I put all
18 the case law, and I explained it because when you
19 want to have a continuous sentence, you don't want it
20 to be suspended because the person was perhaps
21 provisionally radiated, right? So they don't want to
22 have 30 days when it's sentenced, then they do
23 *exécution provisoire*, but they don't say *nonobstant*
24 *appel*, and then it continues. So then it doesn't
25 have that 30 days. And that's when you use *exécution*

1 *provisoire* and you don't add the words *nonobstant*
2 *appel*.

3 And that's why the Court of Appeal said it's a
4 clerical error. A clerical error has to be corrected
5 in front of or the Superior Court or the *Tribunal des*
6 *professions*, or the *Conseil de discipline*. And that
7 is why I was going to have Sarto Landry testify,
8 because Sarto Landry was the one that called me right
9 after he got the sentence, and he said, "Do your
10 motion to -- your Notice of Appeal the following day
11 right away." So even though I was finishing my
12 degree and I had to get my essay in on the 23rd of
13 August 2024, I filed my Notice of Appeal on August
14 20th, 2024 right away, the same day that I got it,
15 because it said only in the *ordonnance execution*
16 *provisoire* and it didn't say notwithstanding appeal.
17 Therefore, the moment that I filed my appeal, it
18 should have suspended it. Maybe they meant to write
19 *nonobstant appel*, but you're not 100 percent sure
20 because still to this day, if they meant to write it,
21 why didn't they write it, you know? It's a clerical
22 error in an *ordonnance*. A clerical error in an
23 *ordonnance* has to be corrected, and the person that
24 has an error in an *ordonnance* has to correct it.

25 **THE COURT:**

1 Thank you, Madame Sanderson. You've testified for 45
2 minutes now.

3 You will be cross-examined, if the *Barreau* wishes to
4 cross-examine, for 15 minutes.

5 **Me SOPHIE GRATTON**

6 **pour le mis en cause**

7 En fait, non, on n'a pas de questions.

8 **LA COUR:**

9 Très bien.

10 Alors, on peut passer à l'étape suivante,
11 interrogatoire de l'avocate du mis en cause.

12 **Me SOPHIE GRATTON**

13 **pour le mis en cause**

14 En fait, puis je veux juste -- c'est un petit peu
15 confus, là...

16 **LA COUR:**

17 Moi aussi.

18 **Me SOPHIE GRATTON**

19 **pour le mis en cause**

20 ...l'interrogatoire, mais c'est sûr que je vais juste
21 expliquer mes factures.

22 **LA COUR:**

23 Ah, OK, c'est pour le...

24 **Me SOPHIE GRATTON**

25 **pour le mis en cause**

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1 C'est pour les factures, pis je sais pas si madame
2 Sanderson... je dois avouer qu'il y a juste cette
3 petite confusion-là là-dedans, si elle souhaite
4 m'interroger, me contre-interroger sur les factures
5 ou pas.

6 **Mme JACQUELINE SANDERSON**

7 **pour elle-même**

8 Non, elle a signé un affidavit sur des faits dans une
9 requête. J'ai le droit de contre-interroger sur la
10 requête et sur ses... *on her misrepresentations.*

11 **THE COURT:**

12 She just said -- no, she just said -- you want to
13 cross-examine her on her misrepresentations?

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 Of course I can cross-examine her on her
17 misrepresentations. If -- that's -- if someone's
18 going to be credible, they have to be cross-examined
19 on their misrepresentations.

20 **THE COURT:**

21 Normally, if someone files an affidavit, you examine
22 out of court. You don't examine here.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 I asked to examine out of court and the judge said,

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1 "No, you can examine her at the hearing."

2 **THE COURT:**

3 Who said that and when?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Justice Ferland. I can't send out subpoenas. As I
7 mentioned, I can't send a subpoena because I'm not a
8 lawyer.

9 **THE COURT:**

10 Yeah, I know that. You told me.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 So, I had asked, and Justice Ferland ---

14 **Me SOPHIE GRATTON**

15 **pour le mis en cause**

16 Il y a pas de faits autres que les factures au
17 soutien de ma requête en rejet. Tout ce qui est dans
18 la requête en rejet concerne des éléments qui sont au
19 dossier.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 I know. La crédibilité de quelqu'un, ça peut être...

23 **THE COURT:**

24 No, no, no, hold on.

25 **MS. JACQUELINE SANDERSON**

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1 **on her own behalf**

2 Yeah, but we're doing a motion for ---

3 **THE COURT:**

4 I'm telling you hold on. I'm looking at something.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Okay.

8 **THE COURT:**

9 Do you have any respect for the court process?

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Yes.

13 **THE COURT:**

14 By the way, you're seeking -- you're making an
15 application for revocation of judgment, which is akin
16 to an appeal because you want me to quash a decision
17 from my colleague, but whenever I'm trying to help
18 you, look how you act: disrespectfully.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Well, I really don't know ---

22 **THE COURT:**

23 So if you're seeking the Court's help in obtaining
24 redress, you should show some respect for the Court's
25 process. And I'm just trying to look at the motion

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1 to rule on the objection, but you're not even willing
2 to let me do that.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 I'm willing to ---

6 **THE COURT:**

7 No, you're not. I have to look at something. I'll
8 do this first.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 Okay.

12 **THE COURT:**

13 And then I'll ask for your comments.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 Okay. So you can...

17 **THE COURT:**

18 And you would like to cross-examine Me Gratton on

19 what representations? Before the *Conseil de*

20 *discipline*? I won't allow that.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 But she didn't represent him before the *Conseil de*
24 *discipline*. On the representations that she made
25 before Justice Emery in this file.

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1 **THE COURT:**

2 What does it have to do with your application for
3 revocation of judgment and the abuse?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Exactly that. How can something be abusive if
7 someone had to make misrepresentations to obtain
8 judgment? And the misrepresentations before the
9 Court of Appeal are even worse.

10 **THE COURT:**

11 I don't care about the Court of Appeal. Not that I
12 do not care about the Court, but I don't care about
13 the process before the Court of Appeal because it's
14 the Court of Appeal. So I'll -- you'll have to
15 concentrate -- focus on this proceeding before the
16 Superior Court and no other, and if your questions go
17 out of bound, I'll just put an end to your
18 examination.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Yeah, but the whole part of the rules of natural
22 justice is the right to confront your accuser. If
23 she's accusing me of being abusive ---

24 **THE COURT:**

25 You have to understand -- didn't you understand what

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1 I just told you? You'll be allowed to cross-examine.
2 What more do you need?

3 **MS. JACQUELINE SANDERSON**
4 **on her own behalf**

5 Okay. No, but ---

6 **THE COURT:**

7 What more do you need? Tell me. Explain to me ---

8 **MS. JACQUELINE SANDERSON**
9 **on her own behalf**

10 Okay. Well ---

11 **THE COURT:**

12 --- how my decision is unfair, because I'm allowing
13 you to cross-examine on misrepresentations before
14 this Court.

15 **MS. JACQUELINE SANDERSON**
16 **on her own behalf**

17 Because she tried to explain what she said to Justice
18 Emery in the Court of Appeal when Justice Marcotte
19 confronted her on it, and she made more
20 misrepresentations.

21 **THE COURT:**

22 I am not seized with that question. I'm seized with
23 misrepresentations ---

24 **MS. JACQUELINE SANDERSON**
25 **on her own behalf**

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1 It goes to credibility.

2 **THE COURT:**

3 --- before this Court. You're telling me that ---

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 But it was before this Court because she was
7 explaining what happened in this Court to the Court
8 of Appeal, because Justice Marcotte drilled her
9 exactly on that.

10 **THE COURT:**

11 Okay. I will allow you to cross-examine on alleged
12 misrepresentations before this Court.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Okay.

16 **LA COUR:**

17 Maître Gratton?

18 But must tell you that you're on a very thin line
19 because I don't see the relevance of it. Really, I
20 don't see the relevance of it.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 Okay.

24 **THE COURT:**

25 I'm allowing you to cross-examine. You don't have to

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1 convince me further.

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 It's \$40,000 of legal fees which has never been done
5 before in ---

6 **THE COURT:**

7 It doesn't allow you to do anything you want. It
8 doesn't allow you to cross-examine on pretty much
9 anything that you see fit.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Okay, but I just told you that I'm broke because of
13 the representations that she made.

14 **THE COURT:**

15 Okay. Madame Sanderson, if you're not willing to
16 cross-examine, tell me right now; I'll put an end to
17 it.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 No, I ---

21 **THE COURT:**

22 Because I've allowed you twice already.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 Thank you.

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1 **THE COURT:**

2 Remember a few minutes ago, I told you about respect
3 for the Court?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Yes, I understand, and I apologize.

7 **THE COURT:**

8 And manifestly, you don't have any respect for the
9 Court because even though I make a decision that is
10 favourable to you, you still -- you keep on arguing.
11 So we've lost 10 minutes on that, so your cross-
12 examination time will be cut from 30 to 20 minutes.
13 Make good use of it.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 Okay. Thank you.

17 **LA COUR:**

18 Oui, on va l'assermenter, s'il vous plait.

19 **Me SOPHIE GRATTON**

20 **pour le mis en cause**

21 J'ai le cahier de pièces en version papier.

22 **LA COUR:**

23 Oui.

24 **Me SOPHIE GRATTON**

25 **pour le mis en cause**

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1 Et on a réimprimé 3.2 avec des... la 3.2 c'est les
2 factures de la dernière semaine... ben, le temps
3 enregistré...

4 **LA COUR:**

5 Oui.

6 **Me SOPHIE GRATTON**

7 **pour le mis en cause**

8 ...avec des... en quadrillé, qui est plus facile pour
9 la lecture.

10 **LA COUR:**

11 Oui.

12 **Me SOPHIE GRATTON**

13 **pour le mis en cause**

14 Donc, je vais vous remettre ça, puis j'en ai une
15 copie pour vous, Madame Sanderson, si vous en voulez
16 une.

17 **Mme JACQUELINE SANDERSON**

18 **pour elle-même**

19 OK, merci.

20 **LA COUR:**

21 On va noter au procès-verbal : « Le Tribunal
22 restreint l'interrogatoire... en fait, le contre-
23 interrogatoire aux procédures qui se sont déroulées
24 devant la Cour supérieure. »

25 Before you start, it will be absolutely important

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1 that when you ask a question, you let the witness
2 finish her answer.

3 **MS. JACQUELINE SANDERSON**
4 **on her own behalf**

5 Okay.

6 **THE COURT:**

7 If you keep obstructing her like you obstruct me all
8 the time, I'll put an end to your cross-examination.
9 You're advised.

10 **MS. JACQUELINE SANDERSON**
11 **on her own behalf**

12 Okay, thank you. Okay.

13 **THE COURT:**

14 Because the way you're acting is not a proper way of
15 acting in court, and as a former lawyer, you should
16 know better.

17 **MS. JACQUELINE SANDERSON**
18 **on her own behalf**

19 Yes, but it's different when it's yourself.

20 **THE COURT:**

21 I don't want your explanations.

22 **MS. JACQUELINE SANDERSON**
23 **on her own behalf**

24 I apologize.

25 **THE COURT:**

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1 I'm telling you ---

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 Okay.

5 **THE COURT:**

6 --- how to behave, and I'm telling you the
7 consequences of not behaving like I told you to.

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 Okay. Thank you.

11 **THE COURT:**

12 Is that clear enough?

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yes, thank you.

16 **LA COUR:**

17 On va assermenter Me Gratton.

18 -----

19 Dans l'année deux mille vingt-cinq (2025), le
20 troisième (3^e) jour du mois de septembre, a comparu

21 **SOPHIE GRATTON :**

22 Après avoir fait une déclaration solennelle, dépose
23 et dit :

24 **LE GREFFIER :**

25 Q Votre nom, s'il vous plait?

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SOPHIE GRATTON
contre-int. (Sanderson)

1 R Sophie Gratton.

2 Q Votre adresse professionnelle, s'il vous plait?

3 R Oui, mon adresse professionnelle c'est le 485, rue
4 McGill, suite 500. Le code postal, je le sais pas.

5 **LA COUR:**

6 C'est pas grave, on le trouvera.

7 **Me SOPHIE GRATTON**

8 **pour le mis en cause**

9 C'est bon? OK. Je pense que je l'ai ici. Je pense.

10 Non? C'est bon?

11 **CONTRE-INTERROGÉE PAR Mme JACQUELINE SANDERSON :**

12 Q OK. Devant monsieur...

13 R Je veux juste une dernière... parce que moi, je veux
14 faire un petit témoignage sur mes factures...

15 **LA COUR:**

16 Vous aurez la chance de le faire.

17 **Me SOPHIE GRATTON**

18 **pour le mis en cause**

19 Après? OK.

20 **LA COUR:**

21 Oui, absolument.

22 **PAR Mme JACQUELINE SANDERSON :**

23 Q Vous, devant le juge Emery... est-ce que vous
24 pouvez... vous pourrez regarder monsieur le juge.

25 Devant le juge Emery, vous avez plaidé que les règles

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SOPHIE GRATTON
contre-int. (Sanderson)

1 de justice naturelle ne peuvent pas être révisée en
2 *judicial review*... sorry, my French is a bit -- I've
3 lost my French in the last year. But you mentioned
4 that you can't use -- it's not considered an excess
5 of jurisdiction to breach the rules of natural
6 justice, and you mentioned it on several times,
7 including in your ---

8 **THE COURT:**

9 What is the question?

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Well, it's just 'cause she's not -- she shouldn't be
13 referring ---

14 **Me SOPHIE GRATTON**

15 **pour le mis en cause**

16 Je le regarde... c'est parce que je veux regarder mon
17 plan d'argumentation.

18 **THE COURT:**

19 You're asking her to remember something she said to
20 Justice Emery, and if she has an outline or a *plan*
21 *d'argumentation*, she can look at it.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Yeah, but she has to say, "Okay, I'd like to look at
25 my *plan d'argumentation*."

1 le pourvoi n'est pas ouvert,
2 lorsque la demanderesse dispose un
3 droit d'appel à un tribunal
4 spécialisé. »

5 J'ai référé à l'article 529. J'ai également référé à
6 la décision *Landry c. Tribunal des professions* 2007
7 QCCS 4498, où effectivement dans cette décision-là...
8 je l'ai sortie tout à l'heure... on parle de la
9 compétence de la Cour supérieure et je vais... je
10 citais le paragraphe 20, le paragraphe 34 à 37. Donc,
11 je vais lire le paragraphe 20, une partie du
12 paragraphe 20, les reproches, qui est surligné, et
13 qui avait été remis au juge :

14 Les reproches formulés par le
15 demandeur concernent l'application
16 des règles de droit pertinentes en
17 matière de radiation provisoire,
18 le non-respect des règles de
19 justice naturelle, le non-respect
20 des droits reconnus par la *Charte*,
21 le droit à la présomption
22 d'innocence, le droit à une
23 défense pleine et entière et la
24 règle *audi alteram partem*. »

25 Et ce qu'il conclut dans cette décision-là c'est que

1 le Tribunal des professions... donc, c'est des moyens
2 d'appel que le Tribunal des professions peut
3 trancher.

4 Q OK. Mais si je vous montre paragraphe 46, alors, de
5 ce jugement le plus récent, est-ce que vous avez lu
6 qu'est-ce que j'ai envoyé?

7 R Quel jugement le plus récent?

8 **LA COUR:**

9 Quel jugement?

10 **Mme JACQUELINE SANDERSON**

11 **pour elle-même**

12 C'est le jugement que j'ai référé de Me Harvey. J'ai
13 envoyé...

14 **Me SOPHIE GRATTON**

15 **pour le mis en cause**

16 Il n'a pas été plaidé ce jour-là. J'ai pas eu à...

17 **THE COURT:**

18 No, but you're talking -- if you're trying to
19 convince her that your legal argument is right,
20 that's not cross-examination, that's a debate. If
21 you want to -- you asked me to cross-examine her on
22 her alleged misrepresentations before Justice Emery.
23 Of course, that case had not been decided yet. It
24 can't be used; it wasn't available.

25 **Mme JACQUELINE SANDERSON**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **pour elle-même**

2 La jurisprudence, ça date de 1980. C'est *Three-*
3 *Rivers*.

4 **THE COURT:**

5 She answered you. You may not like the answer; then
6 you ---

7 **Mme JACQUELINE SANDERSON**

8 **pour elle-même**

9 Non, non, c'est correct.

10 **THE COURT:**

11 --- shall go on to your next question.

12 **PAR Mme JACQUELINE SANDERSON**

13 **pour elle-même**

14 Q OK. Alors, à votre connaissance, vous ne savez pas
15 qu'une clause privative, ça peut être un excès de
16 juridiction? Vous savez pas ça, que ça peut être un
17 excès de juridiction de briser... brimer les droits
18 naturels?

19 Elle regarde...

20 R Non, non, c'est parce que c'est ma jeune collègue, je
21 lui ai demandé... qui commence, là. Donc, elle...

22 **Me AIMÉE RIOU**

23 **pour le mis en cause**

24 C'est pas pertinent à la question qu'on... qu'on a à
25 trancher aujourd'hui, là, donc je pense que...

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1 **THE COURT:**

2 Madame Sanderson, you asked the witness what she told
3 Justice Emery, and you think it's misrepresentations.
4 Your cross-examination should be restricted to facts.
5 She told you what she told Justice Emery.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Okay.

9 **THE COURT:**

10 If you think it's misrepresentations, that's for
11 argument.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Right, right, okay, okay.

15 **THE COURT:**

16 You're arguing with the witness.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 No, no, okay.

20 **THE COURT:**

21 You should cross-examine.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Yes.

25 **THE COURT:**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 Ask questions about facts.

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 Yes, yes.

5 Q OK. Alors, vous avez mentionné que ça serait Me
6 Sanderson, elle, va avoir le droit d'appel. N'est-il
7 pas vrai que vous avez dit à justice Emery, « Me
8 Sanderson, elle, elle va avoir le droit d'appel,
9 alors elle aurait aucun préjudice » ? N'est-il pas
10 vrai?

11 R Ce que j'ai plaidé c'est que, effectivement, il y
12 avait un droit d'appel prévu devant le Tribunal des
13 professions.

14 **LA COUR:**

15 Je vais simplement vous demander de ne pas taper sur
16 la table.

17 **Me SOPHIE GRATTON**

18 **pour le mis en cause**

19 Je m'excuse.

20 **LA COUR:**

21 C'est pour l'enregistrement.

22 **Me SOPHIE GRATTON**

23 **pour le mis en cause**

24 Oui. Qu'il y avait un droit d'appel, effectivement.

25 Je sais que j'ai lu... j'ai parlé, dans les notes

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contre-int. (Sanderson)

1 sténographiques, j'ai mentionné que le droit d'appel
2 suspend l'exécution de la sanction qui est imposée en
3 première instance.

4 **PAR Mme JACQUELINE SANDERSON**

5 **pour elle-même**

6 Q OK, mais n'est-il pas vrai que vous avez dit : « Donc
7 elle ne serait pas radiée si elle loge son appel, tel
8 que prévu dans le Tribunal spécialisé. Ben, son droit
9 d'exercer ne serait pas suspendu avant que l'appel
10 soit entendu. »

11 R Si vous lisez les notes sténographiques, oui, j'ai dû
12 dire ça. Le contexte étant... c'était pas la question
13 en jeu, là. La question en jeu c'était le droit
14 apparent et le préjudice c'est... j'ai pas fait une
15 dissertation sur toutes les sanctions possibles et
16 impossibles. L'exécution... la sanction n'avait pas
17 été prononcée ce jour-là. Elle n'avait même pas été
18 plaidée ce jour-là. Donc, je veux pas non plus nuire
19 au secret... j'avais un secret professionnel avec mon
20 client à cette date-là, là, mais je... pis... donc,
21 ce jour-là, on savait pas ça allait être quoi la
22 sanction. On n'avait aucune idée. Si Me Sanderson
23 avait voulu creuser plus sur son droit d'appel, elle
24 avait le droit de mentionner que non, si c'était
25 exécutoire ou pas exécutoire, radiation permanente ou

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contre-int. (Sanderson)

1 pas, que ça changeait les règles. J'ai pas fait une
2 dissertation sur l'ensemble.

3 Q OK.

4 R J'ai juste dit que vous aviez un droit d'appel parce
5 qu'on était en train de vouloir suspendre une
6 instance disciplinaire en plein milieu, avant le
7 prononcé de la sanction. Et ce qui a été plaidé c'est
8 que c'était le processus disciplinaire. Donc, c'était
9 préférable que le processus disciplinaire suive son
10 cours.

11 Q OK. Mais est-ce que je peux juste lire après, une
12 fois la décision sur...

13 **LA COUR:**

14 Vous lisez de quoi?

15 **Mme JACQUELINE SANDERSON**

16 **pour elle-même**

17 Les notes sténographiques, page 10, R-3.7, les notes
18 sténographiques devant le juge Emery.

19 **LA COUR:**

20 You should put them before the witness.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 Okay.

24 Q Est-ce que vous voulez lire, s'il vous plait?

25 **LA COUR:**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 C'est le sens de votre objection?

2 **Me AIMÉE RIOU**

3 **pour le mis en cause**

4 Pardon?

5 **LA COUR:**

6 Est-ce que c'était le sens de votre objection?

7 **Me AIMÉE RIOU**

8 **pour le mis en cause**

9 En fait, moi, je... je voulais m'objecter parce que
10 je sens... t'sé, les questions vont sur la... la
11 demande de sursis qui a été plaidée devant le juge
12 Emery, sauf qu'ici on est sur la demande en
13 rétractation de la décision du juge Synott, qui a
14 accueilli notre demande en rejet parce que la Cour
15 n'a pas compétence. Donc, toute la question de
16 l'audience devant le juge Emery, ce n'est simplement
17 pas pertinent...

18 **LA COUR:**

19 Oui.

20 **Me AIMÉE RIOU**

21 **pour le mis en cause**

22 ...pour... pour la décision aujourd'hui.

23 **LA COUR:**

24 Je vais prendre l'objection sous réserve. Il reste
25 quand même quelques minutes au contre-interrogatoire.

1 Vous pourrez me le replaider dans les représentations
2 à la fin.

3 So what part of the notes you would like to -- of the
4 transcript you would like the witness to look at?

5 **BY MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Q It's highlighted; it's page 10 of Exhibit R-3.7, and
8 I think it's line ---

9 R Ben, il y a rien de faux dans ce que je dis, là. Je
10 dis :

11 « Une fois la décision sur
12 sanction rendue, elle a un droit
13 d'appel et le droit d'appel devant
14 le Tribunal des professions
15 suspend l'exécution du jugement
16 automatiquement. »

17 Q OK.

18 R « Donc, elle ne sera pas radiée si
19 elle loge son appel, tel que prévu
20 dans le Tribunal spécialisé. »

21 Q OK.

22 R Donc, la décision n'ayant pas été rendue, je ne
23 savais pas non plus... et comme je... la décision
24 n'ayant pas été rendue, il y a rien de faux dans ce
25 que je viens de dire. C'est vrai que si on a un cas

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contre-int. (Sanderson)

1 particulier d'exécution provisoire, on verra, mais...

2 puis nonobstant appel, mais...

3 Q N'est-il pas vrai qu'exécution provisoire c'est
4 seulement au demande du plaignant que vous, vous
5 représentez devant le juge Emery?

6 R J'ai pas compris la question.

7 Q N'est... n'est-il pas vrai que exécution provisoire
8 pour une suspension c'est seulement si... si c'est
9 demande... à la demande de Me Dyotte et pas
10 automatique, jamais, sauf radiation permanente?
11 Alors, c'est juste si votre client aurait demandé, et
12 c'était quatre jours avant la sentence. Alors si
13 votre client veut demander ça et c'est pas dans sa
14 plaidoirie écrite, n'est-il pas vrai que vous savez
15 qu'il va demander ça?

16 **THE COURT:**

17 What is the question? Because you ---

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Okay, well, it's because in ---

21 **THE COURT:**

22 You're commenting on your question and commenting on
23 yourself, and then asking a second question.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 Okay.

2 **THE COURT:**

3 You should restrict yourself to a question that is
4 understandable.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Okay. Because -- well, maybe if I said it in
8 English, and then maybe you could help me?

9 **THE COURT:**

10 No, I won't help you because the Supreme Court in
11 *Mazraani* told us that we are not interpreters. If
12 you need an interpreter, you have to bring one with
13 you.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 Okay.

17 Q Par le code de profession, si vous voulez avoir
18 exécution provisoire nonobstant appel, ça doit être à
19 la demande du plaignant?

20 R Il faudrait que je relise l'article, là.

21 **THE COURT:**

22 It's simply logic.

23 **Me SOPHIE GRATTON**

24 **pour le mis en cause**

25 Oui.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **THE COURT:**

2 It's simple logic. Would a professional ask for
3 provisional execution of a judgment that sanctions
4 him?

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 No, it's ---

8 **THE COURT:**

9 Would you? When the section was made, would you ask
10 for provisional execution of the decision?

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 No, it's by the -- Me Dyotte had to ask for it, and
14 in the written pleadings ---

15 Q Est-ce que vous avez vu les plaidoiries écrites?

16 R Je peux juste dire que selon mon expérience et de ce
17 que je connais du droit disciplinaire, c'est le
18 Conseil de discipline qui a le dernier mot puis qui
19 impose la sanction. Ils ne sont pas liés par les
20 recommandations des parties. Donc, un conseil de
21 discipline... puis là je suis en train de vous donner
22 un cours de droit, là, mais... peut décider de
23 s'écarter des...

24 Q Mais ça c'est exactement...

25 R Puis j'étais pas en première instance. Comme vous

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SOPHIE GRATTON
contre-int. (Sanderson)

1 l'avez dit tout à l'heure, je n'étais pas en première
2 instance du tout. J'ai été appelée juste pour le
3 pourvoi.

4 Q OK.

5 R Et je devais répondre à... mon mandat consistait à
6 m'opposer au sursis.

7 Q OK. Mais c'est seulement aux demandes de Me Dyotte
8 que ça peut être exécution provisoire nonobstant
9 appel. Ça c'est dans la loi. Vous n'êtes pas au
10 courant de ça?

11 R Je... dans la loi? Si vous pouvez me pointer quel
12 article? Je sais pas là, est-ce qu'on fait un débat
13 sur le droit?

14 Q C'est 158. C'est 158. Ça dit... vous savez pas ça?

15 **THE COURT:**

16 Is that a question?

17 **Me SOPHIE GRATTON**

18 **pour le mis en cause**

19 Je le sais pas, là.

20 **PAR Mme JACQUELINE SANDERSON**

21 **pour elle-même**

22 Q Est-ce que vous êtes au courant alors... vous êtes
23 pas au courant que c'est juste au plaignant qui peut
24 demander ça?

25 **THE COURT:**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 It's only logical. It's only logical. The
2 professional that is under a disciplinary proceeding
3 will never ask for provisional execution of a
4 judgment against himself.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Yes, but the Disciplinary Council cannot grant it
8 unless it's asked for by the *plaignant*.

9 **THE COURT:**

10 That's a legal argument and Me Gratton was not
11 involved in that proceeding, so what's the point?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 No, but she's representing -- making representations
15 before the Council.

16 **THE COURT:**

17 No. I asked you to restrict your questions to the
18 Superior Court ---

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Not before the Council, before Justice Emery with
22 respect to ---

23 **THE COURT:**

24 She answered your question and you don't like the
25 answer.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 No ---

4 **THE COURT:**

5 Then go on to your next question.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Okay. The ---

9 **THE COURT:**

10 You have two minutes left.

11 **PAR Mme JACQUELINE SANDERSON**

12 **pour elle-même**

13 Q J'ai vu la semaine passée, quand j'étais ici, quand
14 on... moi, j'ai regardé à vous, assise dans la salle
15 en train de travailler pendant qu'on était ici devant
16 le juge Brossard. N'est-il pas vrai que vous
17 travailliez pendant que vous attendez à la cour?

18 **THE COURT:**

19 What's this question? Your question ---

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 It's called double billing. She billed for the full
23 day here and she worked on other files while she was
24 waiting, and I saw her doing it last week and this
25 morning as well.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **Me SOPHIE GRATTON**

2 **pour le mis en cause**

3 Je travaillais. Je sais pas si vous regardiez mon
4 écran, mais je travaillais sur votre dossier parce
5 que je voulais me préparer pour cette semaine et la
6 requête la semaine dernière.

7 **PAR Mme JACQUELINE SANDERSON**

8 **pour elle-même**

9 Q Et vous n'avez jamais travaillé sur d'autres
10 dossiers?

11 **Me AIMÉE RIOU**

12 **pour le mis en cause**

13 Encore une fois, je vais m'objecter pour la
14 pertinence.

15 **LA COUR:**

16 Objection accueillie.

17 That's a fishing expedition. You're going nowhere.

18 **Mme JACQUELINE SANDERSON**

19 **pour elle-même**

20 Avec tout respect, Votre honneur, si quelqu'un...

21 **THE COURT:**

22 I just granted the objection.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 Okay.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **THE COURT:**

2 You're going nowhere.

3 **PAR Mme JACQUELINE SANDERSON**

4 **pour elle-même**

5 Q Vous avez facturé pour la saisie et la journée à la
6 cour et toute la préparation pour la saisie. Si on
7 avait un débat, c'était sur est-ce que je pouvais
8 transférer les dossiers à Me Kadri. Est-ce que vous
9 avez oublié de mettre le courriel devant justice
10 Roberge, le courriel qui est déposé en preuve qui dit
11 qu'elle va prendre tous les dossiers?

12 **Me AIMÉE RIOU**

13 **pour le mis en cause**

14 Encore une fois, moi, je vais m'objecter parce qu'on
15 est ici pour la rétractation. C'est pas pertinent.

16 **THE COURT:**

17 And how is this relevant?

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Because she didn't put the evidence before -- she's
21 charging me for fees, but she didn't put all the
22 evidence before Justice Roberge.

23 **THE COURT:**

24 Well, you were asking to be allowed to transfer your
25 files to Me Kadri, then you were the one who should

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SOPHIE GRATTON
contre-int. (Sanderson)

1 have adduced the email as evidence, no?

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 No.

5 **THE COURT:**

6 Yes. Well ---

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Because she's saying that they can't be transferred,
10 so I was simply -- I had put her as a party in the
11 motion, and it was never heard, as it's explained in
12 my motion. She was never brought as a person.

13 Q N'est-il pas vrai que Me Kadri est jamais venue à
14 l'audience?

15 **THE COURT:**

16 I'm not satisfied with the explanation. I'll grant
17 the objection.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Okay.

21 **THE COURT:**

22 And your cross-examination is finished. It's been
23 over 20 minutes now. I cut it down to 20 minutes
24 because you were wasting my time before you cross-
25 examined. You may sit down.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 Alors, Maître Gratton, vous aviez des explications à
2 me fournir sur...

3 **Me SOPHIE GRATTON**
4 **pour le mis en cause**

5 En fait, sur les factures. On voulait juste expliquer
6 parce qu'il y a différents formats. Je veux juste
7 montrer ici à madame Sanderson, je me suis fait des
8 notes sur les montants puis les honoraires parce que
9 je voulais être sûre. Ça c'est les montants qui sont
10 repris dans le... dans les factures.

11 **MS. JACQUELINE SANDERSON**
12 **on her own behalf**

13 But can I ask questions about this?

14 **Me SOPHIE GRATTON**
15 **pour le mis en cause**

16 Oui, je vais... mais là je vais parler de mes
17 factures.

18 **THE COURT:**

19 Of course, but first I'd like to hear Me Gratton. If
20 you have questions after she's testified about the
21 bills, the billing, I'll -- you'll be granted five
22 minutes to ask questions, but no more than five
23 minutes because you did not make a very good use of
24 your time previously.

25 -----

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **LA COUR:**

2 Très bien.

3 Do you have any questions for Me Gratton?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Yes.

7 **CONTRE-INTERROGÉE PAR Mme JACQUELINE SANDERSON**

8 **pour elle-même**

9 Q Vous chargez les frais pour votre propre requête.

10 Est-ce que votre propre requête était abusive?

11 R Ma propre requête était abusive?

12 **LA COUR:**

13 La requête pour autorisation de... pour autorisation
14 de pénétrer dans la demeure, saisir les ordinateurs.

15 That's what you're referring to?

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 Q Yes.

19 R OK. Est-ce que ma propre requête était abusive?

20 **THE COURT:**

21 That's not a question, and you know the answer. The
22 answer will be no.

23 **Me SOPHIE GRATTON**

24 **pour le mis en cause**

25 Non.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **THE COURT:**

2 You ask a proper question. I know where you could be
3 going with that question.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Okay.

7 **THE COURT:**

8 But that's not a proper question to ask. If you ask
9 someone, "Is it abusive?", the answer is "No." If I
10 ask you, "Is your proceeding abusive?" You're
11 telling me, "No." I know the answer already. So ask
12 a question ---

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Okay.

16 **THE COURT:**

17 --- that will lead to an answer that will learn me
18 something.

19 **BY MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Okay, okay.

22 Q J'ai mal formulé, je m'excuse. Je vais essayer de le
23 formuler correctement. N'est-il pas vrai que les
24 factures pour la requête pour rentrer chez moi c'est
25 votre propre requête, alors ça ne peut pas être

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SOPHIE GRATTON
contre-int. (Sanderson)

1 exclus... inclus dans les extraordinaires...

2 **THE COURT:**

3 That's a legal argument. You're not asking a
4 question, you're debating with the witness. The
5 first part of your question was correct: "Are you
6 claiming fees for a motion that you made?"

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Okay, okay.

10 **THE COURT:**

11 But besides that, it's legal argument.

12 **BY MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Okay.

15 Q Est-ce que vous réclamez des frais pour une requête
16 que vous, vous avez faite extrajudiciaire pour une
17 requête que vous-même vous avez faite?

18 R Pour une requête que j'ai faite, oui.

19 Q OK, mais d'habitude...

20 **THE COURT:**

21 No, you're arguing with the witness. Do you know
22 what a cross-examination is? Apparently you've
23 litigated for 25 years and more.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 No. No, I haven't litigated for 25 years.

2 **THE COURT:**

3 Oh no?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 No.

7 **THE COURT:**

8 Well, then -- now it's too late, but manifestly,
9 you're not asking questions, you're arguing with
10 witnesses, and this is not how a cross-examination
11 should go.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 No, but I had all my questions prepared and I
15 couldn't ask the questions that I had already
16 prepared. I didn't ask any ---

17 **THE COURT:**

18 You wasted your time and you're still wasting your
19 time. Ask questions. If you have questions, I can
20 hear them. If you don't have questions, then I'll
21 put an end to your cross-examination because it's
22 going nowhere.

23 **PAR Mme JACQUELINE SANDERSON**

24 **pour elle-même**

25 Q Est-ce que vous savez exactement c'est combien le

1 montant qui était pour les extrajudiciaires pour
2 votre propre travail pour cette requête-là?

3 R Je le sais pas par cœur. Il faudrait que je regarde,
4 mais c'est inscrit dans la facture. Je pense que
5 c'est très bien détaillé. C'est facile de...
6 d'additionner les montants, là. C'est très détaillé
7 sur quoi on travaille à chaque fois.

8 Q OK. Et si la remise était... n'est-il pas vrai que la
9 remise était donnée par justice Ferland? Est-ce que
10 vous avez facturé pour une remise qui était donnée
11 parce que vous, vous avez fait une requête tardive en
12 abus?

13 R Je vais... je pense que c'est encore une question de
14 droit, là. On peut lire la décision de Ferland. Je
15 suis pas d'accord sur votre prémisse. Je...

16 Q Mais est-ce que vous avez inclus...

17 R Vous avez transmis...

18 Q ...les frais pour la demande...

19 R ...si je me souviens bien, pis là... OK, le...

20 **LA COUR:**

21 Avant d'essayer de répondre à une question qu'on ne
22 comprend pas...

23 You rephrase the question. What is it that you want
24 to know?

25 **PAR Mme JACQUELINE SANDERSON**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **pour elle-même**

2 Q Est-ce que vous avez chargé les frais pour une remise
3 qui était donnée par justice Ferland parce que lui,
4 il a dit que votre requête en abus était tardive,
5 était pas inscrite sur le rôle?

6 R Je vais reprendre la décision du juge Ferland.

7 Q Mais est-ce qu'il n'a pas donné la remise?

8 **THE COURT:**

9 You let the witness answer.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Okay.

13 **THE COURT:**

14 You asked a question. There was no objection. Then
15 you wait for the witness' answer.

16 **Mme JACQUELINE SANDERSON**

17 **pour elle-même**

18 Non, non, mais je pensais qu'elle a posé...

19 **THE COURT:**

20 Madame Sanderson, stop arguing.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 No, I'm not arguing.

24 **THE COURT:**

25 In the sense that, no, you are always arguing and

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1 always trying to have the last word. It's
2 unnecessary, completely unnecessary. I said that the
3 witness should answer, and wait for the answer.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Okay.

7 **Me SOPHIE GRATTON**

8 **pour le mis en cause**

9 Si je me souviens bien, là, puis ce que je comprends
10 du jugement, là, en fait, le Tribunal est saisi d'une
11 demande de remise prévue pour vendredi, le 4 avril.
12 Il souligne également qu'elle constate que cette
13 audience a été fixée depuis plusieurs mois. Donc,
14 il... en fait, ce qu'il commente dans les deux
15 premiers paragraphes c'est que la demande de remise
16 était insuffisante, était pas... les motifs invoqués
17 étaient insuffisants et, effectivement, nous avons,
18 suite à la demande de remise de madame Sanderson,
19 déposé une demande en rejet, ainsi qu'une demande de
20 déclaration d'abus de procédure suite à sa demande de
21 remise. Et une fois devant le Tribunal, on a décidé
22 d'entendre les deux en même temps. Donc, la demande
23 de remise a été accordée pour cette raison-là et
24 donc, oui, j'ai chargé mon temps. Je réclame le temps
25 parce que, encore une fois, c'est injustifié de... je

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contre-int. (Sanderson)

1 vais le plaider tout à l'heure, là, de réclamer. Nous
2 considérons que c'était injustifié encore,
3 l'investissement de temps et d'argent qui était mis
4 dans ce dossier.

5 **THE COURT:**

6 One last question?

7 **PAR Mme JACQUELINE SANDERSON**

8 **pour elle-même**

9 Q Est-ce que vous êtes au courant... vous avez
10 représenté beaucoup de fois le Barreau. Est-ce que
11 vous avez déjà réclamé des frais ou est-ce que vous
12 êtes au courant de réclamer des frais
13 extrajudiciaires à aucun avocat dans le passé ou ex-
14 avocat?

15 R Je peux pas répondre à la question parce que j'ai pas
16 fait une recherche exhaustive à ce sujet-là. Je suis
17 désolée, là.

18 Q Mais dans votre connaissance personnelle, est-ce que
19 c'était déjà fait?

20 **THE COURT:**

21 The witness has answered already; she doesn't know.

22 **Mme JACQUELINE SANDERSON**

23 **pour elle-même**

24 Non, mais dans sa connaissance personnelle à elle,
25 est-ce qu'elle a déjà fait ça?

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **THE COURT:**

2 How is this relevant? There's always a first time to
3 anything. When the *Code of Civil Procedure* came into
4 force in 2016 and the new provisions on abusive
5 procedure were -- came into force as well, well,
6 there was a first time and you may be the first time.
7 It doesn't have any relevance whatsoever to the
8 declaration of abuse that the *Barreau* is seeking. If
9 you're abusing the process, I'll declare that you're
10 abusing the process, no matter what, if you're the
11 lawyer -- the first lawyer to be condemned to such an
12 amount. It will not make any difference.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Okay. So you answered the question then. Thank you.

16 **LA COUR:**

17 Alors, fin du contre-interrogatoire. Merci, Maître
18 Gratton.

19 Alors, selon l'échéancier que le juge Ferland nous
20 avait donné, ce serait le temps des représentations,
21 75 minutes chacune.

22 **Me SOPHIE GRATTON**

23 **pour le mis en cause**

24 Oui.

25 **PAR Mme JACQUELINE SANDERSON**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **pour elle-même**

2 Oui.

3 **LA COUR:**

4 Alors, je suggère qu'on prenne une pause jusqu'à
5 11h00 et on reprendra les représentations. Alors, il
6 y a une demande en rejet, en irrecevabilité. Je vais
7 vous entendre d'abord, Maître Gratton, et ensuite,
8 Madame Sanderson, sur votre demande en rétractation
9 de jugement. Alors...

10 **Me SOPHIE GRATTON**

11 **pour le mis en cause**

12 Vous voulez que je plaide... c'est ça, juste la
13 demande en rejet en premier? Je vais replaider une
14 deuxième fois ou...

15 **LA COUR:**

16 Vous aurez chacune l'occasion de le plaider une
17 deuxième fois en réplique de l'autre, de façon à ce
18 qu'on ait vraiment tout couvert.

19 **Me SOPHIE GRATTON**

20 **pour le mis en cause**

21 Mais est-ce que je peux plaider tout d'un coup ou...

22 **LA COUR:**

23 Oui, oui, oui, je vous encourage à plaider tout d'un
24 coup. Les deux sont interreliées.

25 **Me SOPHIE GRATTON**

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **pour le mis en cause**

2 Est-ce que vous voulez... j'ai un plan
3 d'argumentation... les autorités?

4 **LA COUR:**

5 Oui, je peux le prendre maintenant.

6 **Me SOPHIE GRATTON**

7 **pour le mis en cause**

8 Le plan d'argumentation est ici. Parfait. Maître
9 Sanderson... Madame Sanderson.

10 **Mme JACQUELINE SANDERSON**

11 **pour elle-même**

12 Merci.

13 **THE COURT:**

14 Do you have an outline or authorities?

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 What I have, it's on -- I just have it with links on
18 it, so I can send it by ---

19 **THE COURT:**

20 Yes, you can send it by email.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 --- by email.

24 **THE COURT:**

25 Yes, send it to me, please. So after the break, 75

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contre-int. (Sanderson)

1 minutes for the *Barreau*, 75 minutes for you; reply,
2 10 minutes; reply, 10 minutes, and then the hearing
3 will be over.

4 So recess until 11 o'clock.

5 **LE GREFFIER:**

6 Veuillez vous lever. L'audience est suspendue.

7

8 (SUSPENSION DE L'AUDIENCE/RECESS)

9

10 **LA COUR:**

11 Maître Gratton?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Your Honour, I feel so uncomfortable. I feel that
15 you -- you already made your decision. You only took
16 notes on what she said. You even took notes on
17 specific amounts. You didn't take notes on anything
18 I said, and then you answered that question just like
19 that.

20 **THE COURT:**

21 Okay.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 I don't feel that it's an impartial -- that it's as
25 if you made your judgment already.

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SOPHIE GRATTON
contre-int. (Sanderson)

1 **THE COURT:**

2 Of course. You probably didn't see me take notes
3 while you were testifying. I took down pretty much
4 everything you said.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 It's just the comment that you just made that it's
8 going to be the first one in Quebec.

9 **THE COURT:**

10 No, I'm telling you ---

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 That's what you said.

14 **THE COURT:**

15 --- it could be the first time because there's a
16 first time to everything.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Yeah, but ---

20 **THE COURT:**

21 There's a first time to everything. It may be you,
22 it may not be you, but to me, it has no relevance
23 whatsoever.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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SUBMISSIONS
(Sanderson)

1 How could it not be relevant that Me Harvey did seven
2 *pourvois*?

3 **THE COURT:**

4 The sixth was declared abusive, so ---

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Yeah, but not with any *frais extrajudiciaires*.

8 That's why I asked her that.

9 **THE COURT:**

10 You'll argue it when it's your -- when your time --

11 when your turn comes. You may sit down now.

12 Maître Gratton

13

14 -----

15 **THE COURT:**

16 You may start.

17 **SUBMISSIONS BY MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Okay. So the main reason that Me Gratton is saying

20 that it was abusive is because of *absence de*

21 *compétence*, so I want to start with that right away

22 even though -- because that is the main reason for

23 the initial motions, et cetera. It's just not true.

24 First of all, one of the main reasons in the

25 suspension motion before Justice Emery was with

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SUBMISSIONS
(Sanderson)

1 respect to the privileged email. Just because you
2 don't win doesn't make it abusive. And the most
3 important -- and I've sent all the cases just now,
4 and they're not new cases; that's what mindworks me
5 -- is because they're cases on -- with respect to
6 breach of the rules of natural justice, date back to
7 the '90s. So the most important one is *Université de*
8 *Québec à Trois-Rivières v. Larocque*:

9 "And that is not true, however, in
10 cases where, as occurred here in
11 the submission of the Respondent,
12 the arbitrator's decision on the
13 relevance of evidence had the
14 effect of breaching the rules of
15 natural justice. A breach of the
16 rules of natural justice is
17 regarded in itself as an excess of
18 jurisdiction and, consequently,
19 there is no doubt that such a
20 breach opens the way to judicial
21 review that brings to the point at
22 issue in case."

23 Therefore, this case was before the sentence and was
24 before -- and that is the reason -- the main reason
25 in the first judicial review was that.

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SUBMISSIONS
(Sanderson)

1 **THE COURT:**

2 Suppose I agree with you, that's a ground of appeal.
3 If you -- we -- because you have to argue your
4 revocation as well. Suppose -- you may be right for
5 the abuse, but that's not a ground for revocation,
6 that's a ground of appeal.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Okay. So right, right, okay. So I'm going ---

10 **THE COURT:**

11 You go as you want, but ---

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 No, no, okay, so you're right.

15 **THE COURT:**

16 There's a limit to that argument.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Right, okay. So if you want to go to the revocation,
20 there's a doctor's note and my testimony. Being
21 disbarred when you have a huge practice and you've
22 been practising not only in litigation, but for 25
23 years I was practising but as -- I do tax law as
24 well as the other things.

25 With respect to the file taking, my testimony was

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SUBMISSIONS
(Sanderson)

1 clear today and was clear in front of Justice
2 Roberge. I had already -- and it's in the letters --
3 I had already brought back my income tax file -- all
4 the files except the income tax files. All the
5 physical files had been brought back in a pickup
6 truck and brought to the *Barreau*.

7 **THE COURT:**

8 Are you going to argue that my colleague was wrong?
9 Because if it's that, it's not relevant.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 No, no, I'm not saying that. I'm saying she's saying
13 that that motion is *abusive*. She said I didn't bring
14 back all my files. I had already brought back all my
15 files on the 27th. The 27th, I had organized it, and
16 the 28th, early in the morning, I had brought them
17 back. In the hearsay evidence deposited, it
18 specifically said the only issue is of keeping a copy
19 of the files, and bringing back the physical files
20 were already done. So that's why it's -- I'm just
21 correcting Me Gratton on what she -- the statements
22 that she made with respect to that motion.

23 Therefore, whether I legally won or not does not make
24 it abusive, that motion. How could it be abusive if
25 the interpretation of whether I could keep a copy of

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(Sanderson)

1 my records, which every single lawyer does, and I had
2 already brought back all the physical files, and I
3 was only keeping the income tax files. And if you
4 read the judgment of the Court of Appeal, it
5 specifically said that I should have been able to
6 keep them, and Me Gratton made representations before
7 the Court of Appeal that I could keep the income tax
8 files, and I still don't have them. So that -- to
9 use that as part of her argument that it's abusive,
10 it's not -- it's not right.

11 With respect to the revocation, obviously whether
12 it's right or wrong, someone entering your house when
13 it takes a -- when someone is -- especially someone
14 that practises criminal law, when the criminal has
15 the protection where nobody can go in their house and
16 they have to have reasonable grounds, and then for
17 the *Barreau* to be able to go right into my house, no,
18 I'm sorry, I ---

19 **THE COURT:**

20 Okay.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 Whether it's right or wrong, it still caused severe
24 stress, and that's ---

25 **THE COURT:**

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SUBMISSIONS
(Sanderson)

1 Madame Sanderson ---

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 --- what I testified on.

5 **THE COURT:**

6 Madame Sanderson, you're not seeking revocation of
7 the judgment of Justice Roberge, you're seeking a
8 revocation of the judgment of Justice Synott.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 And I couldn't function after that happened. That is
12 what ---

13 **THE COURT:**

14 Can I finish my question?

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Yes.

18 **THE COURT:**

19 Are you sure?

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Yes, sorry, I just was trying to reexplain what I was
23 trying to explain, that's all.

24 **THE COURT:**

25 No, but I'm going to explain you, but you should

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SUBMISSIONS
(Sanderson)

1 listen first.

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 Okay.

5 **THE COURT:**

6 This has not -- what you're telling me has nothing to
7 do with the judgment of Justice Synott because you're
8 seeking the revocation of the judgment of Justice
9 Synott, not Justice Roberge. You appealed that, and
10 permission was not granted. So that's out of the
11 picture for revocation. So you're seeking revocation
12 of the judgment made on September 25, 2024 by Justice
13 Synott. So what are your grounds for revocation of
14 that judgment?

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 That's exactly what I'm saying.

18 **THE COURT:**

19 No, you're talking about Justice Roberge's decision
20 and the consequences of his decision. That's ---

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 That's what I testified on, that I had become non-
24 functional. I told you I sat for several days, just
25 sat on my stairs, looking at the door to see if

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SUBMISSIONS
(Sanderson)

1 anyone was going to come in. You know, I delete all
2 my text messages now. I delete every single thing in
3 my phone. I have a brand-new computer. I couldn't
4 use any of the computers that were taken by ---

5 **THE COURT:**

6 Okay, let's go back again.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Okay. No, but I was going to read ---

10 **THE COURT:**

11 Madame Sanderson, listen.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Okay.

15 **THE COURT:**

16 You have to place yourself back to September 25,
17 2024. I don't care if today you delete all your
18 emails and text messages. It has no relevance
19 whatsoever to the revocation of a judgment that was
20 made one year ago.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 But I have a doctor's note from that day.

24 **THE COURT:**

25 Yes, and it's -- it was deemed to be insufficient ---

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SUBMISSIONS
(Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 No.

4 **THE COURT:**

5 --- and it is insufficient. There's nothing in
6 there.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 No, that's the other doctor's note in front of
10 Justice Ferland. Exhibit R-2, I don't have a
11 hardcopy, but I could show you ---

12 **THE COURT:**

13 How come you don't have a hardcopy? You're supposed
14 to have a hardcopy because it's a court of record.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Well, I don't have it. I don't have a hardcopy with
18 me, I'm sorry.

19 **THE COURT:**

20 You have litigated for 25 years and more, and you
21 told me, "No, no, no, I don't litigate much." Your
22 name pops up at least 100 to 125 times as counsel on
23 record in CanLII. You've argued approximately as
24 many cases that I have argued in my lawyer's career.
25 You know the rules. You know that a Superior Court

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(Sanderson)

1 is a court of record and you know that you can't just
2 send documents electronically. You have to have a
3 hardcopy for the file.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Yes, I was going to get everything printed out, but I
7 spent the whole day here on Friday and then the whole
8 day here yesterday, so I had no time to send it to
9 the *Bureau en gros* with a *clé USB*.

10 **THE COURT:**

11 This hearing was set six months ago. Don't tell me
12 that you could never have time during those six
13 months to print the documents that you would like to
14 use.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 No, but I just changed all the documents this week.
18 It's the -- the rule is that you can amend. I know
19 that you didn't allow me to amend, but the rule is
20 that you can amend right up until the last week.

21 **THE COURT:**

22 And?

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 And so I amended the motion and added a whole bunch

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SUBMISSIONS
(Sanderson)

1 of exhibits.

2 **THE COURT:**

3 Yes, but if you want to amend until the last minute,
4 you have to be prepared to bring hardcopies of the
5 exhibits you want to use. It's not because you may
6 amend until the day of the hearing without
7 preauthorization that you're exempted from bringing
8 hardcopies to the court.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 I know. I wanted to ---

12 **THE COURT:**

13 If you know, then why is there no hardcopy of those
14 documents?

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Because I was hoping to be able to do it today,
18 after, because I couldn't go yesterday or on Friday.

19 **THE COURT:**

20 Today is the hearing, so you perfectly know that you
21 should bring your material before the hearing starts
22 and not after. That's how it works.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 There was no ---

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SUBMISSIONS
(Sanderson)

1 **THE COURT:**

2 It's been working like that for at least 100 years.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 Yes, but I explained it to many judges in the past
6 that I couldn't get a hardcopy and it was acceptable
7 to bring it the same day, and judges have left
8 evidence open for me in many cases, not just for --
9 to bring an extra document if need be. It's not
10 exceptional. If something happens and you need an
11 extra delay to bring a document, judges have always
12 granted it because that is the right to be heard.

13 **THE COURT:**

14 Nothing -- you're abusing the right to be heard here
15 and you were given an extension. That is
16 unacceptable.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Well ---

20 **THE COURT:**

21 It's not -- there's nothing exceptional because all
22 those documents, you had them before and you could
23 have printed them and filed them with the court.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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1 Yes, I ---

2 **THE COURT:**

3 In due time, not under your rules of procedure but
4 under the Court's rules of procedure.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Okay, but then if the rules of procedure are so
8 important, then how come they don't have to have an
9 affidavit with their motions? How come they ---

10 **THE COURT:**

11 Because they don't need it. Well, they had an
12 affidavit ---

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Only in the last one, and it wasn't on the *rôle*. The
16 one that's on the *rôle* for that day was the 005.
17 They brought an affidavit that wasn't on -- a motion
18 that had no -- the one that was fixed 005, *cotte 005*
19 that was heard before Justice Synott had no
20 affidavit, zero.

21 **THE COURT:**

22 You don't need it because it's a legal argument.
23 Because when you seek dismissal of a motion or an
24 application for judicial review, you have to take the
25 facts for granted, and there must be no legal basis

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(Sanderson)

1 for the Court to entertain that application. So ---

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 Exactly.

5 **THE COURT:**

6 --- it's here.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 But it's not true, there is a legal basis.

10 **THE COURT:**

11 Hey, hey, I'm not done.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Okay.

15 **THE COURT:**

16 That explains why there's no need for an affidavit,
17 and in fact, an affidavit is inadmissible in support
18 of an application to dismiss. So ---

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Okay. And ---

22 **THE COURT:**

23 --- there's no breach of the rule there.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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1 Okay. What about section 39? It was never respected
2 by the Superior Court. How come that was never
3 respected? How come all the rules, like even how
4 much time I can have, everything is restricted?
5 There's no amending anything, but section 39 of the
6 *directive* wasn't applied once, not once, for any one
7 of their four motions?

8 **THE COURT:**

9 What does it change? The motions were heard on
10 merits.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 What do you mean, "what does it change"? That is a
14 rule that wasn't applied. How come only in my file a
15 rule isn't applied and it's okay?

16 **THE COURT:**

17 Okay. But then you would put the Court on trial.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 What do you mean?

21 **THE COURT:**

22 The Court is not on trial. Because it's for the
23 Court to apply Rule 39, not for the parties. That's
24 our rule of procedure.

25 **MS. JACQUELINE SANDERSON**

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(Sanderson)

1 **on her own behalf**

2 No.

3 **THE COURT:**

4 Yes.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 No, but if ---

8 **THE COURT:**

9 Yes, a party cannot ask the Court to send an
10 application to dismiss to a judge for a preliminary
11 review. That's how the Court functions. But if the
12 Court doesn't do it and sends the application for a
13 hearing on the merits, then it's heard on the merits.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 Okay, but the one that was on the *rôle* is 005. They
17 wouldn't give me a copy. The real thing that was on
18 the *rôle* was 005, *cotte* 005. It's not all the
19 amended one that Me Gratton added, and that's what
20 was pleaded in front of Justice Synott.

21 **THE COURT:**

22 Okay.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 It was the wrong motion. Therefore ---

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1 **THE COURT:**

2 The wrong motion? And where is that in your
3 pleadings? Have you argued that before today?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Yes, I even wrote it in the emails.

7 **THE COURT:**

8 Okay.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 I wrote it in the emails and I -- when I was here,
12 trying to get the file, and it wasn't available when
13 it was -- with your assistant, I went downstairs and
14 went to the *maître des rôles* and asked for a copy to
15 prove that it wasn't on the *rôle* and that's when I
16 wrote to you that I'm still trying to get it, and you
17 told me that I had to do my own proof. Well, they
18 wouldn't give me a copy at -- and I can't send a
19 subpoena. But if you look on the exhibit that I put
20 of Justice Roberge of -- it's R-9, I think -- the PV
21 says *cotte 005*, and that's not what was pleaded
22 before Justice Synott, and that is what is on the
23 *rôle* and I got a copy of the *rôle*, but they wouldn't
24 let me take a picture of it. So Me Gratton amended
25 the motion less than a week before, on September

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1 19th, and that's where she asked for legal fees or
2 something like that. She amended it one week before,
3 and it wasn't on the *rôle*. So he -- Justice Synott
4 ---

5 **THE COURT:**

6 What are you talking about?

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Her motion was amended on ---

10 **THE COURT:**

11 What motion? Be precise.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 The motion for abuse that she presented to Justice
15 Synott was amended on August -- on September 19th,
16 and that's what she -- the motion that she gave to
17 Justice Synott even though it wasn't on the *rôle*.
18 What was on the *rôle* was what Justice Rogers fixed
19 005, *cotte 005*. And it was not the one that was --
20 that she gave to Justice Synott and not the one that
21 said about requesting legal fees and all that. It
22 was the initial motion for abuse of May 2024 that was
23 on the *rôle*, and Justice Mainville told Me Gratton,
24 again by email, in April, in front of Justice Ferland
25 that that -- and the emails are in the file because I

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1 -- when I videocameraed it last week, the emails from
2 Justice Mainville were specifically there. She said
3 you can't. That's how I got the idea about looking
4 for the Rule 35 and what was on the *rôle*, because
5 Justice Mainville said -- Johanne Mainville said,
6 "Maître, you can't just add it, you have to follow
7 the procedure."

8 **THE COURT:**

9 Okay. In the original motion to dismiss filed in
10 May, early May 2024, there is a conclusion that your
11 application for judicial review be declared abusive.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Yes, just declared abusive, not asking for
15 *extrajudiciaires*.

16 **THE COURT:**

17 No, that came afterwards. Well, no, no -- yes,
18 "*Condamner la demanderesse à payer les honoraires*
19 *extrajudiciaires et les frais de justice que le mis*
20 *en cause a dû engager en la présente instance.*"

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 Yes, but that's ---

24 **THE COURT:**

25 Well, that was requested.

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SUBMISSIONS
(Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 It dates back to that day.

4 **THE COURT:**

5 I'm not done.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Okay, sorry.

9 **THE COURT:**

10 That was requested right from early May 2024.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 Yes, but only on that day. Then it was amended
14 several other times, and there were several other
15 motions. So it's only that one that got heard on
16 September 25th, not all the other ones.

17 **THE COURT:**

18 And?

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Well, so obviously she can't charge all the fees
22 after that one.

23 **THE COURT:**

24 Why not?

25 **MS. JACQUELINE SANDERSON**

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1 **on her own behalf**

2 Because it's that motion that was heard before
3 Justice -- and he reserve the right for that motion
4 that's dated May -- early May. So it's the fees up
5 until early May.

6 **THE COURT:**

7 If I'm not mistaken, but you'll correct me if I'm
8 wrong ---

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 No, it's like you're trying to help them do something
12 that's exceptional, out of this world, and you're
13 trying to help them. Why ---

14 **THE COURT:**

15 No, it's just that your arguments do not fit the
16 record.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Yes, they do.

20 **THE COURT:**

21 And I'm trying -- no, they do not.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Okay.

25 **THE COURT:**

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(Sanderson)

1 And I'm trying to get your explanation because what I
2 also see is a motion filed around March 28, 2025,
3 *Demande du mise en cause en rejet de la demande de*
4 *retractation et en déclaration d'abus de procédure*
5 *par la demanderesse.* So that was six months ago, and
6 the conclusions to that motion ---

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 Yes.

10 **THE COURT:**

11 --- include to order you to pay a certain amount of
12 legal fees.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yeah, but that wasn't before Justice Synott. That's
16 after.

17 **THE COURT:**

18 Yes, and?

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Okay, because she -- that -- it's not the same thing.
22 You have to look at all the different -- the other
23 *étapes.* So if that motion came after, then it means
24 that it's only after. You can't look at it
25 retroactively.

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(Sanderson)

1 **THE COURT:**

2 Well, of course we can. We do that all the time.
3 Suppose that they're hearing an action on the merits
4 and a party seeks legal fees because the whole
5 process has been abusive, most of the time, the
6 application or the demand for legal fees comes at the
7 very end of the process and we look at how a party
8 acted throughout the proceedings, and then we declare
9 an abuse or not and which part of the process was
10 abusive. We do that all the time.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 But right now we're looking at just the retraction.
14 That's what I'm saying. Then, after, you can look
15 at, oh, is the retraction abusive, but for the
16 retraction, what was supposed to be heard before
17 Justice Synott was *cotte 005*. And I saw with my own
18 eyes the -- on -- it says the *cotte 005* is what
19 Justice Rogers fixed on May 24th and it's what was
20 supposed to be before Justice Synott, but then she
21 gave him a motion that she amended on September 19th.
22 So he didn't even have the motion -- the proper
23 motion in front of him.

24 **THE COURT:**

25 Well, you just told me earlier that there's a right

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SUBMISSIONS
(Sanderson)

1 to amend up until the hearing.

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 Yes.

5 **THE COURT:**

6 Isn't it the same for the *Barreau*? They can amend
7 their proceedings up until the hearing, and then ---

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 Yes, but then ---

11 **THE COURT:**

12 --- the amended application is heard.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 No.

16 **THE COURT:**

17 Oh no? Okay.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Then the new process starts again, and it's exactly
21 what Johanne Mainville refused to put her motion on
22 the *rôle* when she put it a week before the date that
23 was in April. And that's why we had the postponement
24 to today, because she wanted to continue on her
25 motion for abuse, the new motion, and Justice

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1 Mainville said, "No, you only sent it last week, you
2 can't have a new motion like that." And so the
3 procedure that was supposed to apply when she put the
4 new one in was that it was refixed. So you only --
5 Justice Synott could only look at the motion that was
6 from *cotte 005* and not the other motion. And she ---

7 **THE COURT:**

8 What other motion? Now, there's so many motions you
9 have to be more precise.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 The motion from September 19th. It had to be the one
13 from May 2024, *cotte 005* on the *plumitif*. That's the
14 only one that he was allowed to hear.

15 **THE COURT:**

16 All right. So ---

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Especially since I wasn't present.

20 **THE COURT:**

21 --- if I follow your argument ---

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Well, it's exactly the argument that Johanne ---

25 **THE COURT:**

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(Sanderson)

1 I'm not done with my question. If I follow your
2 argument, when this hearing today was fixed, I would
3 have to decide only the applications as they were
4 drafted on the date they were fixed. All further
5 modifications could not be entertained, including
6 yours.

7 **MS. JACQUELINE SANDERSON**
8 **on her own behalf**

9 No, because it's the -- the reason is because of
10 *Directive 39*, not because of the *Code de procédure*
11 *civile*. That's why Johanne Mainville did that,
12 because she said, "No, you can't -- it's exceptional
13 *abus de procédure*, therefore you cannot get it on the
14 *rôle* like that." And it's true that if Me Gratton
15 had contested my amended motion, then I would have
16 to, within the 10 days, then I would have had to
17 explain why I need to amend it. But the rule is
18 you're usually always granted amendments, except for
19 *abus*. Then it goes through the process, like Justice
20 Mainville refused to allow her to put it on the *rôle*,
21 and that's why we weren't heard on it in front of
22 Justice Ferland. And that was why the wrong motion
23 was in front of Justice Synott, because I -- Justice
24 Mainville didn't interfere on that day, but she did
25 it in the emails, presumably to protect me. She did

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1 it, and that's when I found out about it.

2 **THE COURT:**

3 What emails? I barely see the name of Justice
4 Mainville anywhere.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 I saw it in the -- it's in the -- Justice Mainville
8 sent it in the emails to both -- to us, but it was in
9 the file, and there's several exchanges.

10 **THE COURT:**

11 On what date?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Just before the other hearing on March -- I saw it in
15 the file when I was looking through it last week, in
16 March, and that's the only reason that we weren't
17 heard in front of -- so my -- that's what I'm
18 explaining. That's why I was asking about the
19 *demande de remise*. And so I even wrote and I copied
20 Me Gratton on the email. After the hearing in April,
21 I wrote to Justice Mainville and I said, "Could I
22 please have copies of all those rules" or whatever
23 she was explaining, and she said she no longer had
24 the file, but I -- you know, so I couldn't look.

25 **THE COURT:**

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1 *qui prévoit qu'une telle demande*
2 *doit être accompagnée d'une*
3 *déclaration commune pour fixation*
4 *d'audience prévue et d'une durée*
5 *de plus d'une heure et être*
6 *acheminée au juge de la..."*

7 So there was never a *déclaration commune* filed in any
8 of the motions for abuse, none. And Justice
9 Mainville specifically told Me Gratton of that, and
10 we still never did one. There's not one *déclaration*
11 *commune*, and she says "doit". It doesn't seem too
12 optional in my opinion.

13 **THE COURT:**

14 Okay. So I'm trying to understand where this
15 argument goes.

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 Well, it ---

19 **THE COURT:**

20 My colleague, in April, decided that both the
21 application for abuse and your application for
22 revocation of judgment would be heard today.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 Yes.

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1 **THE COURT:**

2 So assuming there's no *déclaration commune*, what does
3 it change?

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 What does it change?

7 **THE COURT:**

8 He made an order that replaces a *déclaration commune*.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 Yeah, but why is he allowed to do that? It says
12 "*doit*" -- "*doit être accompagnée d'une déclaration*
13 *commune pour fixation d'audience prévue et d'une*
14 *durée de plus d'une heure et acheminée à un juge pour*
15 *une décision sur vue du dossier.*"

16 No one looked at the file. No one ever looked at the
17 file, and still to this day, no one is taking into
18 account -- and it's not just Three-Rivers, it's
19 specifically judicial review is available on *clause* -
20 - the *clause privative* does not apply. 193 of the
21 *Code des professions* does not apply if there's an
22 allegation of breach of the rules of natural justice.
23 That's why I keep telling you that it's not *absence*
24 *de compétence* like she keeps saying. It's not. And
25 I'm reading out, this is -- he cites several authors.

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SUBMISSIONS
(Sanderson)

1 She -- you said it's she. It's paragraph 45:

2 "Quand un motif intime a permis
3 d'écarter l'application de telle
4 clause privative complète..."

5 *Complète.*

6 "...certains auteurs de doctrines
7 les résument ainsi..."

8 Therefore, if a judge had reviewed the file properly,
9 they would have noticed that I was alleging and I
10 would have the right to be heard on that.

11 **THE COURT:**

12 And how is this a ground for revocation of judgment?
13 It seems to me a ground of appeal, not a ground for
14 revocation.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Well, okay, but I mean ---

18 **THE COURT:**

19 That's completely different because I can't sit in
20 appeal from my colleague's judgment. I can only
21 revoke a judgment.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 No, right. Okay, so I understand ---

25 **THE COURT:**

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SUBMISSIONS
(Sanderson)

1 The grounds for revocation are limited in the *Code of*
2 *Civil Procedure*, and if it's ground of appeal --
3 suppose that my colleague was completely wrong and
4 got it wrong on the jurisdiction part, then you have
5 to appeal that judgment.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 No, you can't appeal if you didn't do it, if you
9 weren't present.

10 **THE COURT:**

11 Why not?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Well, first, you have to do a -- *évoquer tous les*
15 *recours*. You first have to do a revocation of
16 judgment, then you go on appeal, because if you have
17 no defence and you weren't even there, you can't do a
18 -- you can't go on appeal.

19 **THE COURT:**

20 Yeah.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 You first have to do a *révocation de jugement* and
24 lose your *révocation de jugement*.

25 **THE COURT:**

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SUBMISSIONS
(Sanderson)

1 But to obtain revocation you have to submit a ground
2 for revocation, and you are submitting a ground of
3 appeal.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Okay. I -- no ---

7 **THE COURT:**

8 The fact that -- the fact that my colleague's
9 judgment is wrong -- suppose it is wrong -- is not a
10 ground to revoke his judgment.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 Okay. That, I agree, but then it comes to the --
14 before Justice Synott, she didn't put any
15 *extrajudiciaires*, so I'm allowed to go against the
16 *extrajudiciaires* based on not being abusive,
17 especially since the motion was after and never was
18 put before. So on the grounds for *révocation*, it's
19 my medical note and my testimony of today. And, you
20 know, I'm going to read the medical note. You might
21 not think it's sufficient, but I don't know who in
22 their -- like, think about it, if someone came in
23 your house, it's the biggest violation. If you look
24 at any *Charter* -- *Charter* motions, *Charter* judgments
25 of the Supreme Court of Canada, the biggest violation

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1 possible, *R. v. Vu*, is the violation of your house
2 and then the violation of your computer, and they put
3 them both at the same level. So to think that I
4 could -- I'm still surprised that I'm sane and I'm
5 surprised that I made it through school the last nine
6 months. So believe me, it's lucky that they didn't
7 have to take me off in a straitjacket because I was
8 suicidal after, and that is in the note that is filed
9 as R-2.

10 **THE COURT:**

11 What's in the note?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 It says:

15 "Par la présente, j'atteste avoir
16 évalué madame Jacqueline
17 Sanderson, le 29 septembre 2024.
18 Trois rencontres ont eu lieu. La
19 prise en charge s'inscrit dans les
20 difficultés adaptives et..."

21 I can't read it.

22 "...suite à sa perte d'emploi,
23 entraînée de l'anxiété, de la
24 dépression et... la prise en
25 charge..."

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(Sanderson)

1 And I testified to that. I was still in shock on
2 that day over what happened. I'm still in shock
3 today. It's never happened. The Supreme Court of
4 Canada says what the criteria is to go in someone's
5 house and to seize their computer, and it still
6 shocks me because I am so legal oriented, because I
7 have -- my motions are all well argued in law. I
8 would never do anything abusive, with respect, never.
9 I've never ever filed an abusive motion in my entire
10 life. Most of my motions are all legally sound with
11 legal arguments in every single one and, you know,
12 I'm extremely bright and I, you know, I got straight
13 A's in accounting and *magna cum laude* with my
14 degrees. I just finished my common law last summer
15 and I got A in Ethics. So ---

16 **THE COURT:**

17 I'm not judging you on your résumé, I'm judging you
18 on the file as it is.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Exactly.

22 **THE COURT:**

23 I'm not -- I'm not concerned whether you're a good
24 person or a good student. Actually, it has no
25 relevance whatsoever with what I have to decide.

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SUBMISSIONS
(Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 Yes, it does because ---

4 **THE COURT:**

5 No, it doesn't.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Yes, because -- okay, say you say that my medical --
9 medical certificate is not sufficient for -- for a
10 *révocation*, but I think it is because it's -- it's
11 from a psychologist. It even says, "*Je reste*
12 *disponible pour plus d'information.*" And Me Gratton
13 never asked me to bring him as a witness.

14 **THE COURT:**

15 That would be for you to bring her as a witness. She
16 doesn't have to lead evidence in your favour.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 No, but the certificate says, and I did testify, so
20 even if you don't accept that that is sufficient
21 grounds for revocation, which I would be surprised
22 because of the stress that I was under and am still
23 under, it doesn't -- you can't -- just because
24 someone doesn't convince a court of something does
25 not make it abusive. That's where I see -- she's

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(Sanderson)

1 saying that the *révocation* is abusive. How can it be
2 abusive if there's a medical certificate that says
3 I'm under pressure and I testified? You might not
4 think it's sufficient. As you say, you're going to
5 look at whatever Justice Ferland said even though I
6 didn't testify in front of him. The -- just because
7 you don't agree that it's sufficient for a *révocation*
8 *de jugement*, it doesn't make it abusive. That's
9 another step, and that's what I'm saying.

10 **THE COURT:**

11 Okay. I think I've heard these arguments many times
12 now. You may go on to new arguments, just to make
13 sure you have enough time to cover all your
14 arguments, because you've repeated all I've heard so
15 far during your testimony, which was more of a legal
16 argument.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 Okay. So I also submitted in my -- both in my -- in
20 my amended motion and in the *plaidoirie écrite* that I
21 sent you, there's links to it with respect to the --
22 what abuse of process. I put some excerpts. I
23 thought there was one good summary by Justice
24 Lussier, which discusses *comportement contraire aux*
25 *pénalités du système de justice, témérité,*

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1 *l'inexistence de fondement juridique*. If all those
2 legal arguments are in the motion and you're even
3 saying that I could have gone on appeal to the --
4 because based on the *excès de compétence* ---

5 **THE COURT:**

6 That's not what I'm saying. I'm saying it's a ground
7 of appeal. I'm not saying you -- you could have gone
8 to appeal, and I'm not saying that you would have
9 succeeded. I'm saying it's a ground of appeal.
10 That's the only thing I'm saying.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 Yes, but ---

14 **THE COURT:**

15 Don't distort my comments.

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 Yeah, but if a ground of an appeal exists, then --
19 and there's a controversy, then it's not abusive.
20 How can it be *téméraire* if there's two divisions?

21 **THE COURT:**

22 No, no, no, I'm only saying it qualifies as a ground
23 of appeal. It may have no success whatsoever. I'm
24 not judging the value of the ground of appeal. I'm
25 only telling you that as a ground of appeal, it's not

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1 a ground for revocation. That's the only thing I'm
2 saying.

3 **MS. JACQUELINE SANDERSON**
4 **on her own behalf**

5 Yes.

6 **THE COURT:**

7 Don't distort my comments.

8 **MS. JACQUELINE SANDERSON**
9 **on her own behalf**

10 No. What I'm saying is the revocation is with
11 respect to my physical state, my mental state. That
12 is, whether it's *suffisant*, I think it's *suffisant*.
13 It's never happened in the whole history of the Bar
14 that someone is suspended on appeal. It's never
15 happened in the whole history of the Bar that there's
16 been a seizure in their house. Therefore, the fact
17 that I couldn't withstand and I couldn't operate
18 after such happenings is completely normal and not --
19 and is explainable and reasonable.

20 **THE COURT:**

21 What's the evidence between -- what's the medical
22 evidence between the day that the *Conseil de*
23 *discipline* found you guilty and the day you filed
24 your application for a judicial review? Because you
25 concentrate most of your evidence on September 25,

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(Sanderson)

1 but your application for judicial review was also
2 dismissed because of unreasonable delay in filing it.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 No, it wasn't.

6 **THE COURT:**

7 Okay.

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 No, because the -- and that was actually in front of
11 Justice Emery. He didn't understand how she could
12 say it's *prémature* and late at the same time. Which
13 one is it? You're allowed to or you're not. My
14 whole medical file is filed as an exhibit, and I
15 don't even think it was under seal. I don't think I
16 put it under seal. It's Exhibit R-3.3.

17 **THE COURT:**

18 If you read page 4 of the *procès-verbal* of September
19 25, 2024, right in the middle:

20 "De plus, le Tribunal est d'avis
21 que le pourvoi en contrôle
22 judiciaire est tardif. Les motifs
23 invoqués par madame Sanderson pour
24 contrer l'argument de tardivité
25 n'étant pas satisfaisant. Celle-ci

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1 a été en arrêt de travail durant
2 certaines périodes et ces arrêts
3 de travaux étaient antérieurs à
4 l'expiration du délai raisonnable
5 pour instituer son recours en
6 pourvoi judiciaire. En effet,
7 l'arrêt de travail évoqué a eu
8 lieu entre le 21 juillet et le 7
9 septembre 2023, bien avant que la
10 décision attaquée n'a été rendue.
11 De plus, cet arrêt de travail ne
12 l'a pas empêchée de citer et de
13 faire des représentations devant
14 le Conseil de discipline lors
15 d'une audition sur culpabilité les
16 25, 26, 27 octobre 2023."

17 I think, unless I'm mistaken, and you may show me
18 wrong, but it seems to me that the judge concluded
19 that this is an unreasonable delay in filing the
20 application for judicial review.

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 Yeah, but that's not the *motif pour abus*. The *motif*
24 *pour abus* is ---

25 **THE COURT:**

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SUBMISSIONS
(Sanderson)

1 You're mixing up things here. I'm talking about, and
2 I was picking up on your comment ---

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 Okay.

6 **THE COURT:**

7 --- as to the revocation of that judgment, Justice
8 Synott found that the delay in filing the application
9 was unreasonable because your medical evidence was
10 unsatisfactory. Is there a ground for revocation
11 against that conclusion?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Well, I mean, the medical file, it's very extensive.
15 It's not months. It's very extensive, and it's
16 exactly that. Obviously, I was in no state to plead
17 my case on the 25th, 26th and 27th, and it's in the
18 judicial review -- the judicial review motion. I
19 specifically write that -- and probably the comments
20 of Justice Lavoie said, "You're not prepared" several
21 times during the hearing, et cetera. So, no ---

22 **THE COURT:**

23 Okay. It's now 12:30. You've used 40 minutes of
24 your time. After the break, you'll have 25 minutes
25 left and 10 minutes each for the reply. Have a good

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(Sanderson)

1 lunch.

2 (SUSPENSION DE L'AUDIENCE/LUNCH RECESS)

3 -----

4 **LA COUR:**

5 Bon après-midi à toutes les deux. Vous avez perdu
6 votre collègue?

7 **Me SOPHIE GRATTON**

8 **pour le mis en cause**

9 Oui, elle avait un autre...

10 **LA COUR:**

11 Pas de souci.

12 Madame Sanderson, je vous écoute.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Yes. So, Your Honour, I would like to ask for a
16 suspension to prepare a motion for recusal, and I
17 would ask that I would be -- I'm going to also make a
18 complaint to the *Conseil de la magistrature* and ask
19 that they become a *mis en cause*, and I would like the
20 time to prepare it in writing and order the
21 stenographer notes from this morning, yesterday and
22 Friday. I feel like my evidence was limited.

23 **THE COURT:**

24 Your Motion is dismissed.

25 **MS. JACQUELINE SANDERSON**

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(Sanderson)

1 **on her own behalf**

2 But I'd like time to -- to prepare the motion in
3 writing.

4 **THE COURT:**

5 This is the second time in two days that you are
6 asking my recusation. This is only a *mesure*
7 *dilatoire*. I haven't expressed any opinion
8 whatsoever in your case. I've asked many questions
9 because I'm required to ask questions and understand
10 your case. So what are the grounds for your motion
11 for my recusation?

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 I could -- I would rather do it in writing with all
15 the proof and the stenographic notes. When I asked a
16 question, you answered the question for the -- that's
17 just the most recent one. And during her *plaidoirie*,
18 you let her plead the whole thing, and for me, you
19 continuously interrupted. And I don't have to give
20 all the reasons, and I'm allowed to ask for time to
21 do a written ---

22 **THE COURT:**

23 You're allowed to ask and your motion is dismissed,
24 and your motion for recusation is dismissed and your
25 motion for *mettre en cause le Conseil de la*

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1 *magistrature* is also dismissed. That's not the way
2 it works. If you want to file a complaint, you file
3 a complaint with the *Conseil de la magistrature*. I
4 think you know how it works. So all your motions are
5 dismissed, and you still have 25 left -- 25 minutes
6 left for your arguments.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 So I'd like to go on appeal then, to suspend to go on
10 appeal of that judgment because I'm allowed to
11 suspend, to ask time to prepare a motion to recuse.

12 **THE COURT:**

13 That's not a right, and I have the discretion to
14 allow you to make a formal motion. It is manifestly
15 baseless. You have no grounds for recusation. I
16 will dismiss your application. It's only one among
17 other things that you've done to delay a decision, a
18 final decision in this file, and I will not allow it.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 So ---

22 **THE COURT:**

23 So you have 25 minutes left for argument.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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SUBMISSIONS
(Sanderson)

1 I'm not trying to delay anything.

2 **THE COURT:**

3 I made my decision.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Okay. Could I suspend for two minutes?

7 **THE COURT:**

8 No.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 Just to call my lawyer?

12 **THE COURT:**

13 No, if you wanted a lawyer present, you had to call
14 him or make sure that he would be available.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Well, I'm sure he's available. I can just call him
18 right now.

19 **THE COURT:**

20 I told you no, and I don't -- I know that you have
21 difficulty taking no for an answer. We're here to
22 proceed.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 I understand. Okay. Thank you.

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SUBMISSIONS
(Sanderson)

1 **THE COURT:**

2 So you have 25 minutes left of argument.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 That's okay.

6 **THE COURT:**

7 You forego it?

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 Well, there's no point.

11 **THE COURT:**

12 You think there's no point. How do you know? I
13 haven't made my decision.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 You said you're going to be the first judge to order
17 that I pay legal fees. You didn't let me ask her the
18 question of whether it's ever happened in the past to
19 her knowledge. That's what a cross-examination is
20 about, "To your knowledge? Okay. No? Yes? Maybe?"
21 That's it.

22 **THE COURT:**

23 Okay. But still, it has to be relevant. You can't
24 cross-examine on any topic that you like.

25 **MS. JACQUELINE SANDERSON**

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(Sanderson)

1 **on her own behalf**

2 It's for every ---

3 **THE COURT:**

4 No, it's not, and I ruled -- I ruled that it's not.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Yeah, but she didn't make an objection. That's the
8 other thing.

9 **THE COURT:**

10 Now you're arguing my decision. You can't do that.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 Okay. But that's the same thing ---

14 **THE COURT:**

15 The mere fact -- I'm not finished -- the mere fact
16 that I accepted an objection to your question does
17 not mean that I'm prejudiced against you. It has
18 nothing to do with that. And again, you're
19 distorting my comments. I said ---

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Well, that's ---

23 **THE COURT:**

24 --- whether or not you are the first lawyer to be
25 ordered to pay damages has no relevance whatsoever.

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(Sanderson)

1 There's a first time to everything. If you are the
2 first, then you are the first, but first I have to be
3 convinced that there's an abuse of process and that
4 the legal fees are reasonable. And to that, I
5 haven't decided.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Okay, but every time I was trying to make my
9 arguments, you interrupted me the whole time, and it
10 was hard to concentrate, and that is a reason for
11 breach of the rules of natural justice. I understand
12 that you think I'm inter -- I'm argumentative, but
13 I'm in court and I'm supposed to be arguing to defend
14 myself.

15 **THE COURT:**

16 And during argument, you're supposed to see -- also
17 to be ready to answer questions.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 Yes, but I mean ---

21 **THE COURT:**

22 And I have many questions, and you're mixing up
23 things. You're mixing up the revocation and the
24 abuse, which are two completely separate
25 applications, and trying to ascertain whether some of

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(Sanderson)

1 your statements are true. You told me, for example,
2 that Justice Synott had not decided your application
3 about the reasonableness of the delay. I doubted
4 that. I had to interrupt you because that's not
5 accurate. He decided plainly for that reason to
6 dismiss your application for judicial review. So if
7 I'm not asking you any questions, what will happen is
8 that I will find my own answers, and you'll complain
9 to the Court of Appeal that I didn't ask you the
10 proper questions in due time and give you the
11 opportunity to explain what I see as a discrepancy.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 Yes ---

15 **THE COURT:**

16 But because I've done it, then you would like me to
17 recuse myself.

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 But there's a difference between that. During her
21 testimony, she was talking to the other lawyer and
22 looking at documents. You can't do that. That is
23 total decorum -- like, totally not acceptable.

24 **THE COURT:**

25 You're talking about decorum, really?

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(Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 Well ---

4 **THE COURT:**

5 Seriously? You have little respect for decorum. You
6 have little respect for the rules of procedure, but
7 you're complaining that on one occasion the other
8 party did not respect the rules of procedure?

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 It wasn't one occasion. The entire time, she wanted
12 her to object to questions I was asking and she
13 wasn't objecting, so she was talking to her to try
14 and object.

15 **THE COURT:**

16 Right. Yes, she did, exactly.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 So that ---

20 **THE COURT:**

21 But I've already dismissed your motion for recusation
22 and I've already asked you many times, for the last
23 five minutes, to go on with your argument. You have
24 25 minutes left. It's time now.

25 **MS. JACQUELINE SANDERSON**

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(Sanderson)

1 **on her own behalf**

2 Okay, but I wanted to just ask my lawyer for two
3 minutes a question before I -- before I proceed. I
4 don't understand why I can't take five minutes to
5 just call my lawyer, and you can deduct it like you
6 deducted my other times.

7 **THE COURT:**

8 I did not deduct it this time.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 I absolutely don't mind ---

12 **THE COURT:**

13 I'm still letting you use the 25 minutes, but if you
14 want, I can cut it down to 20 minutes.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 But can I talk to my lawyer for five minutes then?

18 **THE COURT:**

19 What for?

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Because I want to know what I should do. Obviously,
23 I don't know what to do.

24 **THE COURT:**

25 You don't know what to do?

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(Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 No, I don't know what to do.

4 **THE COURT:**

5 Well, I'll dismiss your motion and I -- the hearing
6 will continue whether or not you participate.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 I know, but I just want to ---

10 **THE COURT:**

11 So you should participate.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 I just want to ask him what I should do.

15 **THE COURT:**

16 All right.

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 It'll take me two minutes to ---

20 **THE COURT:**

21 All right. Recess until 2:15. This is highly
22 inappropriate.

23 **MS. JACQUELINE SANDERSON**

24 **on her own behalf**

25 Okay, forget it, forget it.

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1 **THE COURT:**

2 No, no, you asked for a recess; you have the recess.

3 (SUSPENSION DE L'AUDIENCE/RECESS)

4 **SUBMISSIONS BY Me JACQUELINE SANDERSON (CONT'D)**

5 **on her own behalf**

6 Okay. So I think I was at a point, and I was trying

7 to explain not to go on appeal of the judgment of

8 Justice Roberge but to tell the facts that were

9 before him when the judgment was rendered. So when

10 ---

11 **THE COURT:**

12 And how is this relevant to the applications that are

13 before me?

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 Because, first of all, she's saying it's abusive,

17 that hearing, and if it's abusive, then you have to

18 know the facts. So each -- each one ---

19 **THE COURT:**

20 Okay. But does it have anything to do with the

21 revocation?

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Well, no, the revocation is solely based on the

25 medical note and the -- it does a little bit because

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(Sanderson)

1 of the stress that I told you that I had because they
2 entered my house, and because the facts were not
3 considered, and that is what it was. What happened,
4 and it's contrary to what Me Gratton said, I had
5 already returned -- it's in the exhibits that were
6 before Justice Roberge. In the exhibits, it
7 specifically says in the letter that you can't keep
8 your tax files, and that was the debate. I had
9 already given back all the other physical files,
10 except during my cross-examination, Me Gratton had
11 remembered that I had said, oh, I had some files from
12 like 2010, and I didn't even know what they were. So
13 the only physical files that I still had were files
14 from -- that were like way older than seven years,
15 from 2010, and my income tax files.
16 The only other thing was how the transfer of the
17 electronic files was supposed to be done. There was
18 -- I wasn't not cooperating. The only thing was can
19 I keep a copy of my files so that I can use it for my
20 -- like, as a present because, you know, I do tax
21 files or whatever, so to use like tax precedent and
22 to continue to work on my tax files and the thing.
23 So when there was an Order to go to my house, it's
24 like taking a sledgehammer to go do a thing. So that
25 stressed me out very much, and that's why I couldn't

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(Sanderson)

1 -- I couldn't function. And it was only after the
2 shingles happened that I could, you know, realize --
3 and I went into cardiac arrest at the Jewish. It was
4 only because of that that I said, okay, now you know
5 you have to take your life into your hands, and
6 that's when I went back to school. So I'm doing my
7 CPA, and I put that in my motion. So that was when I
8 started to be able to start organizing, but at the
9 same time, shingles, you have to -- you have to like
10 not have stress in your life to make it go away, or
11 else it stays. I was lucky that it stayed only on
12 one side of my body, but it's like a -- it's like
13 having herpes all over your body, that you would get
14 on your lips all over your body, and it only heals if
15 you relax.

16 **THE COURT:**

17 Remember that you're no medical expert and I can't
18 take your opinion as a fact.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 No, but this is what happened to me. So I went back
22 to school, and that's what happened. But the -- that
23 was why I couldn't be at the court on the 25th of
24 September, because of the stress up until that day,
25 and I think that that is sufficient for a revocation

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SUBMISSIONS
(Sanderson)

1 of a judgment when you have it in default.

2 With respect ---

3 **THE COURT:**

4 On that ---

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Okay.

8 **THE COURT:**

9 --- did it prevent you to even show up on Teams and
10 argue your motion for a postponement?

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 No, I didn't -- honestly, I didn't see those emails.
14 Now -- she mentioned it now, but I didn't see the
15 other emails and I didn't know that they proceeded
16 after.

17 **THE COURT:**

18 You read ---

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 I didn't ---

22 **THE COURT:**

23 If I'm not mistaken, on the same day, you answered an
24 email informing my colleague that you would not show
25 up.

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(Sanderson)

1 **MS. JACQUELINE SANDERSON**

2 **on her own behalf**

3 Yes, I said I couldn't show up, but I didn't know
4 after that I could go by Teams to ask for the
5 postponement. I didn't know. I couldn't -- I didn't
6 -- I wasn't -- I didn't go back and check the emails.
7 I, right away, said, "This is ridiculous; I have to
8 do something" and I right away got an appointment.
9 Right away, I was going to check myself in because I
10 couldn't -- I couldn't manage the stress, and that's
11 why I right away got a psychologist and I right away
12 did something about it. It wasn't like I waited. I
13 realized I couldn't go, and that's why I went.

14 **THE COURT:**

15 So ---

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 I don't want to be ---

19 **THE COURT:**

20 So you're telling me that you sent an email on
21 September 25 at 9:49 explaining that you would not
22 show up, but you did not receive the judge's answer
23 15 minutes later?

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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(Sanderson)

1 No, not in enough time. I did later that day, but I
2 didn't see it, that I could go, and honestly, I
3 couldn't think of going to court after what happened.
4 It was a long time before I was able to go back into
5 this building. And even now, you know, obviously
6 it's -- you know, as I testified, I don't think I'll
7 ever want to plead before a judge in this -- for sure
8 not in this building until this is a very long time
9 over. That's what I pleaded, and I don't plan on --
10 you know, it's not a minor thing. It's huge because
11 it's the only -- the reason why it was such a big
12 deal, and I explained it during my testimony, is
13 because it's never happened in all of Quebec. Why
14 just me? What I did does not warrant this kind of
15 treatment. That's exactly what Justice Roberge says,
16 "I'm not going to analyze the merits of the case."
17 But you have to analyze the merits of the case. You
18 have to analyze it, read the judgment of November
19 30th, read the judgment of Justice Ouellet. You have
20 to. You have to read the judgment of Justice
21 Villeneuve or the stenographic notes of Justice
22 Villeneuve where he says, "*Oui, vous avez le droit à*
23 *être entendue*" et l'avocate de l'avocate said, "*Oui,*
24 *vous avez le droit.*" You have to read the whole
25 judgment because many people have read it now, and

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(Sanderson)

1 they're like, "Okay, a few emails." I can tell you,
2 you see the way I am, *pratique déloyale* is not in my
3 vocabulary.

4 **THE COURT:**

5 Okay. But you know I can't go there?

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Of course.

9 **THE COURT:**

10 No, I can't because that's for the *Tribunal des*
11 *professions* to decide if indeed the sanction is
12 correct or not.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 No, because you have to read the sanction. In the
16 bottom, in the orders, it says, "*exécution*
17 *provisoire*". It doesn't say "*exécution provisoire*
18 *nonobstant appel*". And there ---

19 **THE COURT:**

20 Madame Sanderson, you did not challenge the sanction
21 in this case. You challenged the declaration of
22 guilt. Your application for judicial review is
23 directed at the first decision, not the second.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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1 Yes, and I explained that.

2 **THE COURT:**

3 So I can't delve into the merits of the second
4 decision. It's not even before me.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Yes, you can because Justice Roberge has the sentence
8 in front of him and so does Justice Castonguay.
9 That's why I went back to them, because there's an
10 interpretation issue. They didn't interpret it in my
11 favour. Justice Roberge refused to even look at it.
12 He said, "I'm not here to look at it." But you have
13 to look at it.

14 **THE COURT:**

15 Okay.

16 **MS. JACQUELINE SANDERSON**

17 **on her own behalf**

18 I don't understand why you think that you don't have
19 to look at it. If there's an interpretation issue of
20 the *ordonnance*, it's not the only place to go is the
21 *Tribunal des professions*. It's not true. That is
22 the whole point of the Superior Court. That's
23 exactly what it says in all the judgments that I
24 cited and that I submitted. And then with respect to
25 the abuse, I put a 42-page *plumitif* -- and I have the

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(Sanderson)

1 hardcopy for the file of R-17. So if I could deposit
2 the hardcopy for the file?

3 **LA COUR:**

4 Pièce R-17.

5 **PIÈCE R-17:** Copie papier de l'extrait du
6 plumitif des révisions judiciaires
7 de Me Harvey

8 **MS. JACQUELINE SANDERSON**

9 **on her own behalf**

10 R-17, ça c'est le plumitif de juge les révisions
11 judiciaires, six, même pas les appels de toutes les
12 révisions judiciaires de Me Stéphane Harvey avec son
13 consentement.

14 **THE COURT:**

15 How is this relevant to you abusing the process in
16 this case?

17 **MS. JACQUELINE SANDERSON**

18 **on her own behalf**

19 I don't understand how you can see it's not relevant.

20 **THE COURT:**

21 Well, if I'm asking the question, it's because I
22 don't see it, and if I don't see it, that's why I'm
23 asking the question. So ---

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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(Sanderson)

1 Because he ---

2 **THE COURT:**

3 --- I need the answer.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 Because he did seven, and it wasn't *abusive*, and he
7 didn't have even a request to have -- to have -- a
8 request to have *extrajudiciaires*, and that's why I
9 was asking her that question ---

10 **THE COURT:**

11 But the six ---

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 --- if she was aware of a time -- and he was a
15 lawyer. He wasn't even suspended during his appeal,
16 and he had *appropriation de fonds*, all kinds of
17 stuff. I was suspended.

18 **THE COURT:**

19 Okay. But I'm not here to impose a sanction because
20 that's not my role, and his sixth application for
21 judicial review was declared abusive.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Yes, but not -- no, it wasn't -- the last one isn't
25 abusive. The last judgment of June 6th, I have it

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(Sanderson)

1 right in front of me. There's no *déclaration d'abus*.

2 **THE COURT:**

3 It's not the ---

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 « Rejette la demande de sursis. »

7 **THE COURT:**

8 Yes, but it's not been finally decided. It's still
9 at the interlocutory stage. It's a motion to stay;
10 it's not a final judgment. Me Harvey moved to have
11 the decision suspended during the application for
12 judicial review, and my colleague said no.

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Right, but this one, they did ask to have it *déclaré*
16 *abusive*, this one as well, but it wasn't. It's all
17 *déclare et abus*, and there's no -- and the most
18 important thing is the *clause*.

19 **THE COURT:**

20 The what?

21 **MS. JACQUELINE SANDERSON**

22 **on her own behalf**

23 The *clause* -- the *mention de la clause* 46 and
24 following, when you're allowed to have exception, and
25 you just mentioned that it's only before, but she's

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1 saying that all my motions are abusive, after the
2 sanction and everything. When I went back to the
3 Superior Court, it was to interpret the judgment of
4 the sentence because I had already filed my appeal.

5 **THE COURT:**

6 So you filed an appeal against the sentence, but
7 you're asking the Superior Court to interpret the
8 judgment even though you're appealing it, if I
9 understand you correctly?

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Yeah, because the -- there was already a file open
13 with judicial review, and because it didn't -- it
14 said just *exécution provisoire*. And if you look at
15 my motion to suspend, I explain the difference
16 between each of them. And the Court of Appeal
17 specifically said that there's an *erreur cléricale*.
18 Of if there's an *erreur cléricale*, it has to be
19 corrected. So it doesn't -- it can't be abusive if
20 there's an *erreur cléricale*. That's what I'm trying
21 to explain. There's obviously ambiguity if it
22 doesn't say it in the *ordonnance*. It's not as cut
23 and dry as it is.

24 **THE COURT:**

25 Yeah, but what gives me the power to interpret a

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(Sanderson)

1 decision that you're not challenging before this
2 Court? This Court is not a legal office where you
3 can ask for a legal opinion as to the meaning of a
4 paragraph in a decision. The only challenge -- the
5 only decision that you challenge in your application
6 for judicial review is the first decision, the
7 declaration of guilt. So what gives me the power to
8 make an opinion ---

9 **MS. JACQUELINE SANDERSON**
10 **on her own behalf**

11 A safeguard order. The Superior Court, I was asking
12 for a safeguard.

13 **THE COURT:**

14 Yeah, I know, but in the course of a proceeding,
15 challenging the first decision.

16 **MS. JACQUELINE SANDERSON**
17 **on her own behalf**

18 Yeah. But it's the same ---

19 **THE COURT:**

20 So it's like an open buffet and you can ask for the
21 suspension of any other decision in the proceedings
22 before the *Conseil de discipline* simply because you
23 opened a file in the Superior Court against the first
24 decision?

25 **MS. JACQUELINE SANDERSON**

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1 **on her own behalf**
2 Why not? It's the Superior Court. It's a safeguard
3 order to protect the interest. If there's ambiguity,
4 you can ask for declaratory judgment, and that's
5 exactly what it is. To me, Me Gratton said that in
6 my motion -- my Notice of Appeal, I had to put a
7 *demande de suspendre, exécution nonobstant appel*, but
8 I didn't. Why did I not have to? Because it just
9 said *exécution provisoire*. So the minute I filed my
10 Notice of Appeal, it suspended just *exécution*
11 *provisoire*. If they wanted to fix the clerical
12 error, they had to do the motion before, because I
13 rushed -- intentionally, I rushed so that they
14 couldn't go back to the *magistrature* because in the
15 *Code of Civil Procedure*, under the correction code,
16 under 161 or 162, there's a place where it says --
17 it's like the motion that you can do for correcting
18 before the Superior Court. It says before the
19 appeal, you can go back to the *Conseil de discipline*
20 and ask them to correct it. So I wanted to block
21 them to not be able to go ask to do the clerical
22 error. So I filed my Notice of Appeal the same day.
23 It's an interpretation issue. It's not abusive. I
24 lost the interpretation. Actually, Justice
25 Castonguay didn't even hear my safeguard order. He

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1 didn't waste any time; he was one second in, one
2 second out. But he should have heard my -- I still
3 believe to this day that he should have heard my
4 safeguard order because it's a clerical error. You
5 know, if you read the stenographic notes, the full
6 stenographic notes before Justice Marcotte, you'll
7 see that she does not in any way think that I'm
8 abusive. She said, "*C'est la première fois qu'elle*
9 *vient en appel,*" and this is in December. She
10 doesn't comment on any of the other motions. They're
11 all in front of her. She sees everything I've done.
12 She says -- because she tried to do a verbal motion
13 for abuse. She said, "*C'est la première fois qu'elle*
14 *vient en appel dans ce dossier. Elle n'a pas eu le*
15 *temps de préparer. Pourquoi c'est abusif?*" I spent
16 one minute in front of Justice Castonguay.

17 **THE COURT:**

18 In fact, 15. I just checked.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Whatever. So ---

22 **THE COURT:**

23 Well, it makes a difference.

24 **MS. JACQUELINE SANDERSON**

25 **on her own behalf**

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1 Well, it seemed like one minute.

2 **THE COURT:**

3 Ah!

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 You can see that ---

7 **THE COURT:**

8 I don't work with impressions. I work with facts.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 --- it was very, very short. We didn't do a lot of
12 *plaidoiries*. He didn't look at my motion. He didn't
13 read my motion at all, and it was a safeguard. It
14 was a safeguard to interpret the judgment. I still
15 think that they had *compétence* because of the
16 safeguard *compétence* of the Superior Court because in
17 the conclusions, it said *exécution provisoire*, not
18 *nonobstant appel*. And as I explained earlier today,
19 those two words appear many times, because I did
20 obviously the search like you said you did on my
21 name, I did it in CanLII. And if you do just
22 *exécution provisoire* in a disciplinary bank, then you
23 get all these decisions that have a meaning. So it
24 could have meant that that was *exécution provisoire*.

25 **THE COURT:**

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1 And the clerical decision that you keep referring to,
2 what is it about the *exécution provisoire*? We're
3 talking about the provisional execution.

4 **MS. JACQUELINE SANDERSON**

5 **on her own behalf**

6 The Court of Appeal judgment of Justice Marcotte?

7 **THE COURT:**

8 No, I have that. You keep referring to the Court of
9 Appeal decision about provisional execution and
10 provisional execution notwithstanding appeal. There
11 seems to be a difference between the two, so what is
12 that judgment?

13 **MS. JACQUELINE SANDERSON**

14 **on her own behalf**

15 Oh, it's not the Court of Appeal. I did the search
16 in the *base de données*, and it's in -- I list all of
17 them.

18 **THE COURT:**

19 No, that's not my question.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Okay.

23 **THE COURT:**

24 My question is you keep referring -- you keep talking
25 about a judgment from the Court of Appeal that said

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(Sanderson)

1 there's a difference between provisional execution
2 and provisional execution notwithstanding appeal, and
3 that the *Conseil de discipline* or any other *conseil*
4 should correct its judgment.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Because that's the Court of Appeal.

8 **THE COURT:**

9 Yes.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Justice Marcotte wrote there's a clerical error in
13 paragraph -- in the conclusion. She specifically
14 used -- in the English version of the judgment that
15 she sent me because I'm not a lawyer, she sent me an
16 English version and she uses the word "clerical
17 error". So because there's a clerical error,
18 obviously it can't be so cut and dry. There's some
19 ambiguity which leaves room for non-abuse.

20 Therefore, my motion to ask for an interpretation of
21 a judgment that has a clerical error is not abusive.
22 The difference ---

23 **THE COURT:**

24 Okay. Do you have any authorities supporting your
25 view that as a Court, I have authority to interpret a

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SUBMISSIONS
(Sanderson)

1 decision that is not challenged before the Court?
2 Like very wide-open general jurisdiction over pretty
3 much anything that concerns you, you can address the
4 Court and ask for the interpretation, even though
5 that second decision is not before us?

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 The provisions on ---

9 **THE COURT:**

10 It's not challenged.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 The provisions on declaratory judgment that allow you
14 to address the Superior Court on declaratory judgment
15 and the Superior Court's powers, general powers.

16 **THE COURT:**

17 No, I'm asking for an authority. I know these
18 provisions. For an authority within a proceeding
19 challenging a decision. Where is my authority to
20 interpret a second decision that has not been
21 challenged before this Court at any time?

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Well, I mean, to me, it was already challenged at
25 this Court.

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1 **THE COURT:**

2 It can't because at the time you filed your
3 application for judicial review, the decision on
4 sanction had not been made.

5 **MS. JACQUELINE SANDERSON**

6 **on her own behalf**

7 Yeah, I know, but I mean, I didn't give it ---

8 **THE COURT:**

9 And you never amended the application for judicial
10 review to challenge that second decision as well.

11 **MS. JACQUELINE SANDERSON**

12 **on her own behalf**

13 Yeah, but that was obviously what my intent was when
14 I did the interpretation. I would have amended it if
15 I had -- to me, it was the same thing. You can't say
16 that they're two so completely different judgments.

17 The reason I wanted to ---

18 **THE COURT:**

19 How many Notices of Appeal did you file in the
20 *Tribunal des professions*? You filed two, one against
21 the first decision, one against the second decision?

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 No, they -- it's only one Notice of Appeal.

25 **THE COURT:**

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SUBMISSIONS
(Sanderson)

1 Only one?

2 **MS. JACQUELINE SANDERSON**

3 **on her own behalf**

4 You only have to do one Notice of Appeal for both
5 judgments. That's the -- you only -- you don't do
6 the Notice of Appeal. That's the whole problem is
7 that I couldn't do just a Notice of Appeal of the
8 conviction; you have to wait until after you're
9 sentenced, like a criminal trial, to do the appeal.
10 Oh no, not after sentence. That's true. It's not in
11 a criminal trial, but ---

12 **THE COURT:**

13 No, it's not a criminal trial.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 No. Yeah, it's not the -- criminal, you can appeal
17 just the conviction. And actually, I almost did a
18 Notice of Appeal in my other one, in my other file,
19 and I wrote to the -- Me Thibault and I said, "I'm
20 just interpreting this. Do you agree with my
21 interpretation to be sure that you don't have to?"
22 And she said, "Yeah." So you don't have to.

23 **THE COURT:**

24 You have five minutes left.

25 **MS. JACQUELINE SANDERSON**

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1 **on her own behalf**

2 Okay. So it's R-3.5 is the application to suspend
3 proceedings before -- it's R-5.3 is the -- in that
4 motion, I put all the legal arguments and all the
5 different -- explain the differences between all the
6 jurisprudence in support of it, explaining the
7 difference of the *exécution provisoire nonobstant*
8 *appel*. So if you read in paragraph 7 of that motion,
9 Exhibit 5.3, R-5.3, section 158 of the *Professional*
10 *Code* is actually cited and it says:

11 "La décision du Conseil de
12 discipline imposant une ou
13 plusieurs des sanctions prévues
14 aux alinéas de... et exécution à
15 l'expiration des délais d'appel
16 suivant les conditions et
17 modalités qui y sont jugées
18 adéquates, à moins que..."

19 And it says :

20 "...sur demande du plaignant."

21 That's what I was explaining before.

22 "...sur demande du plaignant, le
23 Conseil n'en ordonne exécution
24 provisoire nonobstant appel..."

25 And it ha to be all four of those words. And it's

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1 only on the *demande of le plaignant*. So:

2 "...dès sa signification à
3 l'intimé."

4 So it's only if Me Dyotte would have asked it that it
5 comes into force. The *Conseil* cannot order it of its
6 own volition, and it has to be all four of those
7 words. And in the jurisprudence cited on page 2,
8 there's *Comeau v. Dodelin (phon.)* and it explains
9 what the difference is between *exécution provisoire*
10 just by itself, and I put -- okay, so it says -- the
11 first case that I put was:

12 "Impose à l'intimé sur chacun des
13 deux chefs de la plainte une
14 radiation temporaire se terminant
15 le 13 août 2004; ordonne que
16 toutes les périodes de radiation
17 imposées à l'intimé dans les
18 dossiers portant le numéro...
19 soient purgées concurremment;
20 ordonne conformément à 158 du *Code*
21 *des professions* l'exécution
22 provisoire de la présente décision
23 dès sa signification à l'intimé."

24 So not *exécution provisoire nonobstant appel* means
25 something different.

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1 **THE COURT:**

2 Okay.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 So that's -- okay, so they didn't agree with me, but
6 honestly, it's -- I know I'm right because ---

7 **THE COURT:**

8 Of course.

9 **MS. JACQUELINE SANDERSON**

10 **on her own behalf**

11 Well, no one has analyzed that issue yet. It's only
12 on appeal that it's going to be analyzed. No one
13 analyzed the difference between *exécution provisoire*
14 and *exécution provisoire nonobstant appel*. No one
15 has analyzed the actual difference with these cases,
16 citing these cases. So I didn't win, but it doesn't
17 make it abusive because of the ambiguity in the
18 conclusions. That is the only reason that I'm saying
19 it's not abusive. I went to the Superior Court to
20 say, "Please interpret just *exécution provisoire*
21 which doesn't say *nonobstant appel*." How could I
22 know that I had to put in "notwithstanding appeal" in
23 my Notice of Appeal when I did it the next day? I
24 did do a new motion after, later on, the one I'm
25 reading, but how was I supposed to know that I had to

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SUBMISSIONS
(Sanderson)

1 know to do that? I was just trying to block it so
2 that they had to go to the *Tribunal des professions*
3 to get the correction because, technically, after
4 that, they had to -- they couldn't go to the *Conseil*
5 *de discipline* to get -- to correct the clerical
6 error, they could only go to the Superior Court. In
7 this file, they could have gone. It's the same
8 thing. You're saying ---

9 **THE COURT:**

10 But why not the *Conseil* itself? It can correct its
11 own decision if it's a clerical error.

12 **MS. JACQUELINE SANDERSON**

13 **on her own behalf**

14 They could have, but in the *Code* it says you can't
15 after the appeal is lodged. That's why I did the
16 appeal so fast, so that they couldn't go back and do
17 a motion before the *Conseil*. It goes into the hands
18 of the *Tribunal des professions*. So it's them -- the
19 ball was in their court to do the motion to correct
20 the conclusion.

21 And on top of it, you're saying, "Why are they doing
22 at Superior Court?" They added a motion. They had
23 nothing in my file. Why did they do an injunction
24 against me in my file? It's the same thing. There
25 was nothing in their judgments. They weren't on

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1 appeal, so how could they do a safeguard motion and
2 get an injunction in my file? And like I said, that
3 was unfair because it was in the wrong jurisdiction
4 because it was in Montreal, and if I was the
5 defendant with a real injunction, it would have been
6 on the South Shore if they had to get a real
7 injunction, and on top of it, I would have -- all
8 injunctions are *appels de plein droit*. So I would
9 have had an *appel de plein droit*, and with the
10 comments made about the income tax files by Justice
11 Marcotte and the suspension -- the comments made by
12 Justice Emery, I would have most likely been heard on
13 appeal of an injunction if they had taken a separate
14 injunction in a real Superior Court.

15 **THE COURT:**

16 In a real Superior Court? This court is not a real
17 Superior Court?

18 **MS. JACQUELINE SANDERSON**

19 **on her own behalf**

20 No, no, but I mean in a real, like, separate file.

21 If they had to do open -- go to the ---

22 **THE COURT:**

23 Okay, but I get your argument. I was foreseeing it.
24 So what's the difference between your situation where
25 you're asking the interpretation of a decision that

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SUBMISSIONS
(Sanderson)

1 you're not challenging and the injunction they're
2 seeking? If it's good for you, it's good for them.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 Exactly.

6 **THE COURT:**

7 Well, then, you were at the wrong place asking the
8 interpretation of the second decision that you were
9 not challenging anyway.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Well ---

13 **THE COURT:**

14 If they're in the wrong place asking for injunction,
15 in your challenge of the first decision, you were in
16 the wrong place asking for the interpretation of the
17 second decision that you've never challenged before
18 this Court.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 Exactly. So, it's so ambiguous and there's so much
22 confusion, then how can it be abusive? It means
23 *aucune* -- what did they say, *témérité* or -- I just
24 want to read some of the words.

25 **THE COURT:**

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REPLY
(Sanderson)

1 You've exceeded your 25 minutes, so I'll ask you to
2 conclude.

3 **MS. JACQUELINE SANDERSON**

4 **on her own behalf**

5 So that's what I'm saying, all the things, there's
6 ambiguity. So when it's ambiguous and when -- okay,
7 I shouldn't have taken my motion here, but they
8 shouldn't have taken their motion there. To be
9 honest, I had already opened a file, so I was asking
10 for interpretation of a judgment that took less than
11 half a second, or 15 minutes, like you said. It
12 didn't take any time. And they opened up a
13 completely new injunction that's never been done
14 before in my file. So ---

15 **THE COURT:**

16 Thank you.

17 -----

18 **THE COURT:**

19 You have 10 minutes.

20 **REPLY BY MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Okay. I said in my testimony I had the income tax
23 files. I had returned all the other physical files,
24 and we were debating over whether I had to delete the
25 hard drive or not. And it's in the letters that Me

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REPLY
(Sanderson)

1 Gratton deposited, R-1, R-2, R-3 and R-3(a) and R-
2 3(b) in front of Roberge. So even initially, he was
3 -- Me Dyotte initially was going to allow the
4 transfer of all the files, if you read those letters.
5 He was going to allow the transfer of all the files,
6 and suddenly in hearsay that he put in the motion, he
7 said, "She couldn't do the criminal files." But it's
8 not true that a lawyer cannot do just criminal files.
9 You can still transfer them as the *cessionnaire* and
10 when you look at the *Pièce R-3(a)* and R-3(b), it was
11 a sample letter that Me Kadri was supposed to send.
12 So:

13 "La présente a pour but de vous
14 informer que madame Jacqueline
15 Sanderson n'est plus membre du
16 Barreau du Québec depuis sa
17 radiation temporaire effective à
18 compter du 21 août. La
19 soussignée..."

20 So:

21 "Dans les circonstances, vous avez
22 l'obligation de vous trouver un
23 nouvel avocat ou de comparaître
24 personnellement."

25 It was just to send this. It doesn't need to be that

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REPLY
(Sanderson)

1 she could do criminal files or not, and that's why I
2 mentioned the thing about Me Brooks, that Me Brooks
3 doesn't do tax files either.

4 **THE COURT:**

5 Who is Me Brooks? He's not been mentioned even once
6 today.

7 **MS. JACQUELINE SANDERSON**

8 **on her own behalf**

9 No, Me Brooks is in the affidavit. I mentioned it in
10 my amended motion, in the amend...

11 **THE COURT:**

12 Yes, but he's not been a subject of any argument or
13 fact or testimony today. How come he comes up at the
14 very last minute?

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Well, because it's in my motion. I signed an
18 affidavit. Me Gratton didn't -- I didn't testify on
19 every single thing in my motion. It would have taken
20 me 'til tomorrow if I testified on every single thing
21 in my amended motion. That's why I said that I
22 wanted Me Brooks to come and testify, was because he
23 doesn't do tax and he didn't do the free files, but
24 they allowed him to take the files 10 minutes after
25 the *Barreau* left, before the files were even downtown

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REPLY
(Sanderson)

1 Montreal, before they had even taken my computers. I
2 had spent the day trying to find someone to do it, so
3 finally, he had agreed. But Me Leila Kadri had also
4 agreed, and the email that Me Gratton is referring to
5 says I will take all the files. It doesn't even --
6 it doesn't even qualify it at all. That's why I'm
7 saying that there was conf -- there was confusion.
8 Confusion means it can't be abusive. I know you're
9 not writing anything and that everything I say
10 doesn't mean anything, but once there's confusion ---

11 **THE COURT:**

12 Madame Sanderson, I have taken notes throughout your
13 arguments, and I just stopped taking notes two
14 seconds ago.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Okay, but this is really important.

18 **THE COURT:**

19 No, no, no, but you are blaming me for not listening
20 to you and not taking notes, and making nothing of
21 your arguments.

22 **MS. JACQUELINE SANDERSON**

23 **on her own behalf**

24 Well ---

25 **THE COURT:**

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REPLY
(Sanderson)

1 This is baseless. This is a baseless accusation, and
2 it is disrespectful for the Court. You have been
3 heard today throughout the day. This matter was
4 heard from 9 o'clock this morning until -- it's 3
5 o'clock now.

6 **MS. JACQUELINE SANDERSON**

7 **on her own behalf**

8 Yeah, but there was no reason that Me Landry couldn't
9 have testified, and it would have taken 10 minutes
10 for Me Brooks to testify on that issue. He could
11 have come on by Zoom.

12 **THE COURT:**

13 I made my decisions.

14 **MS. JACQUELINE SANDERSON**

15 **on her own behalf**

16 No, I understand.

17 **THE COURT:**

18 Now, you go on with your arguments. You have only a
19 few minutes left.

20 **MS. JACQUELINE SANDERSON**

21 **on her own behalf**

22 Okay, so -- but that's what I'm saying, in those
23 *pièces* that she put and in my exhibits, there's a --
24 so it's R-4.2 and it specifically says -- okay, it's
25 on -- it's actually sent to Me Dyotte after he sent

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REPLY
(Sanderson)

1 me a letter. He wrote:

2 "Vous recevez... veuillez trouver
3 ci-jointe une correspondance..."

4 In answer :

5 "Bonjour, Me Dyotte."

6 This is from Me Leila Kadri:

7 "Nous confirmons la présente est
8 cessionnaire de tous les dossiers
9 de Me Jacqueline Sanderson. Nous
10 sommes présentement à l'extérieur
11 du bureau, de retour demain, mais
12 demeurons disponibles sur
13 cellulaire au..."

14 Et ils ont écrit leurs numéros.

15 "...au besoin."

16 **Me SOPHIE GRATTON**

17 **pour le mis en cause**

18 Je veux dire, c'est de la preuve, là, mais... ça
19 c'est de la preuve. Il y a eu d'autre preuve
20 administrée devant le juge Roberge, d'autres
21 courriels. J'ai l'impression...

22 **Mme JACQUELINE SANDERSON**

23 **pour elle-même**

24 Non, non, il y avait pas autres courriels. Je
25 m'excuse, mais il y avait juste un téléphone que Me

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REPLY
(Sanderson)

1 Dyotte a eu supposément qui est...

2 **THE COURT:**

3 You keep arguing to me.

4 **Mme JACQUELINE SANDERSON**

5 **pour elle-même**

6 ...qui est le oui-dire, que j'ai objecté, et que
7 l'objection était prise sous réserve et jamais
8 répondue par le juge Roberge, alors il pouvait pas
9 utiliser cette preuve-là. Mais le oui-dire, c'était
10 un appel téléphonique supposément entre...

11 supposément parce que Me Dyotte est pas venu
12 témoigner et j'ai pas eu la chance de contre-
13 interroger...

14 **THE COURT:**

15 Okay, enough with that. I know I dismissed your
16 application. I'm perfectly aware of that because I'm
17 the one who dismissed it. Now, you go on to
18 something else.

19 **MS. JACQUELINE SANDERSON**

20 **on her own behalf**

21 No, but what -- this is the -- before Justice
22 Roberge. The hearsay was that he called her, and she
23 said she didn't know how to do criminal files. But
24 he knew that she didn't know how to do criminal
25 files, just like Me Brooks didn't know how to do

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REPLY
(Sanderson)

1 certain criminal files and could not do the income
2 tax files. So that's why that email was important.
3 And the emails that were put in place, the ones that
4 are in as R-3(a) and 3(b) in front of Justice Roberge
5 specifically give explanations to Me Leila Kadri what
6 to do to send to the things. And then suddenly, we
7 couldn't go through with that anymore. So there was
8 obviously contradictions. I'm not saying that
9 whatever Justice Roberge or whatever -- I'm not
10 saying the judgments are wrong or whatever, but
11 they're -- there's no way that it was abusive because
12 of the context. There was a rush. There was a
13 supposed rush because Justice Marcotte specifically
14 asked -- Geneviève Marcotte specifically asked Me
15 Gratton, "What is the rush?" And in the stenographic
16 notes, Me Gratton said because I wasn't *liée par le*
17 *secret professionnel* anymore. That was the rush.
18 Which obviously I'm still *liée* today by the *secret*
19 *professionnel* of my clients that I was when I was a
20 lawyer. So the sudden rush, I don't know what it
21 was, but initially it was okay for Me Leila Kadri.
22 But all I'm saying, not to go back on the judgments,
23 just to say how can I be responsible for the
24 *extrajudiciaire* fees for these files when there was
25 ambiguity? The minute there's any ambiguity and you

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REPLY
(Sanderson)

1 need a court to *trancher* on interpreting a clerical
2 error, on which court has jurisdiction, on the *clause*
3 *privative*, then obviously there's not
4 *extrajudiciaires*. I can -- you know, you -- the
5 reason that I'm here today is not to reopen the file.
6 The reason I'm here today is just to say that it's
7 not abusive.

8 **THE COURT:**

9 Thank you.

10 **MS. JACQUELINE SANDERSON**

11 **on her own behalf**

12 Okay. Can I just ---

13 **THE COURT:**

14 No, your time is up.

15 **MS. JACQUELINE SANDERSON**

16 **on her own behalf**

17 Okay. No, because I just wanted to read out the
18 paragraph of -- because she brought it up, of
19 Marcotte.

20 **THE COURT:**

21 Yes, but you've argued for 10 minutes; your reply is
22 done.

23 Très bien. Alors, je vous remercie de vos
24 représentations. Je vais prendre l'affaire en
25 délibéré. Passez une bonne journée.