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

SUPERIOR COURT

JACQUELINE SANDERSON,

Plaintiff;

-vs-

M^e^ Sébastien Dyotte et al.

Defendants;

RE-AMENDED ORIGINATING APPLICATION IN DAMAGES FOR DEFAMATION, HARASSMENT AND ABUSE OF POWER
(Article 1457 of the *Civil Code of Quebec*
articles 34, 49, 100 and 142 of the *Code of Civil Procedure*)

TO ONE OF THE HONOURABLE JUSTICE OF THE SUPERIOR COURT OF THE DISTRICT OF QUEBEC, THE PLAINTIFF SUBMITS THE FOLLOWING:

1. The Plaintiff was admitted to the legal profession as a lawyer in Quebec in December 1998 and remained a member in good standing until August 20, 2024;

2. The Plaintiff holds three academic degrees conferred by recognized institutions: a Bachelor of Commerce with a major in accounting and a minor in finance awarded in 1994, a Bachelor of Civil Law from the University of Ottawa awarded in 1997, and a Bachelor of Common Law and Transnational Law (J.D.) awarded in 2024. Copies of the Plaintiff's degrees and academic transcripts are filed herewith as **Exhibit P-1**;

3. The Plaintiff is currently enrolled at McGill University for the purpose of updating the Bachelor of Commerce degree. Two academic semesters have been completed […]. The Plaintiff obtained high academic standing in the most recent degree program and graduated *magna cum laude* from the University of Ottawa;

4. The Plaintiff's immediate family includes individuals possessing significant academic credentials. Both parents attended Oxford University under scholarship. The Plaintiff's mother holds a doctoral degree;

5. The Plaintiff has previously occupied professional positions at two of the most prominent law firms operating in Montreal, as well as at three of the four largest international accounting firms. A summary of the Plaintiff's professional experience is annexed hereto as **Exhibit P-2**;

6. The Plaintiff has demonstrated a consistent capacity to produce legal documents that are both factually accurate and well-grounded in law. Such documents have been filed before judicial and the tax authorities;

Defamation

7. At no time has any court rendered a decision declaring the Plaintiff to be "*quérulente*". As will be demonstrated at the trial on the merits, two prior judicial characterizations of the Plaintiff's procedural conduct as abusive lacked both factual and legal foundation;

8. On May 28, 2024, during a hearing before the Disciplinary Council of the Quebec Bar, Me Sébastien Dyotte repeatedly asserted that the Plaintiff was "*quérulente*." These assertions, entirely without factual basis, are recorded in the official minutes and audio transcript of the hearing filed herewith as **Exhibit P-3**;

9. During said hearing, Me Dyotte engaged in the very conduct attributed to the Plaintiff, namely, the making of false assertions. Whereas the Plaintiff had only been accused of having made such statements in written court filings later withdrawn, Me Dyotte advanced such statements in open hearing with apparent intent to cause reputational harm to the Plaintiff;

10. Me Dyotte stated that the Plaintiff had been previously convicted in disciplinary proceedings, despite the fact that said conviction remains under active appeal. Further elaboration will be provided at trial regarding inconsistencies between the admissions made by Me Thibault at the first disciplinary hearings and the judgment rendered by the Disciplinary Council;

11. During the sentencing hearing of May 28, 2024, Me Dyotte attributed to the Plaintiff a request for the retraction of a judgment, as noted at page 39 of Exhibit P-3. The request in question was filed by legal counsel who had assumed carriage of the file following the Plaintiff's withdrawal, namely, Me Robert Jodoin and not by the Plaintiff. Additional information on this issue appears in the motion for judicial review filed herewith as **Exhibit P-4**;

12. During the course of oral argument, Me Dyotte introduced the expression "*La Méthode Sanderson*," the definition of which remains ambiguous. The Plaintiff understands the term to refer to a purported strategy involving the filing of notices of appeal, as referenced at page 46 of Exhibit P-3. The Plaintiff acknowledges that she has frequently exercised her right of appeal where she genuinely believes that a judgment contains errors of fact or law. The exercise of appellate rights constitutes a fundamental aspect of the administration of justice and, it is submitted, should not be characterized in a dismissive or pejorative manner by a lawyer acting as a syndic for the Quebec Bar. Moreover, the conduct of Me Dyotte had the intent of discouraging or intimidating the Plaintiff from filing documents which she had a lawful and fundamental right to file before the courts. Furthermore,

the Plaintiff respectfully submits that the motions filed in the relevant proceedings were grounded in factual allegations and legal arguments advanced in good faith and supported by relevant authorities;

13. This comment was very unprofessional and a lawyer should not invent terms to describe conduct of the other lawyer, especially a lawyer holding a position of authority such as a syndic for the Quebec Bar;

14. In addition to the foregoing, Me Dyotte exaggerated the significance of the Plaintiff's pending disciplinary file. He alleged that the Plaintiff had effectively paralyzed the judicial process by filing an appeal of the initial disciplinary decision, as noted on page 40 of Exhibit P-3;

15. The arguments advanced by Me Dyotte appeared to discredit the Plaintiff for exercising a statutory right of appeal. The Disciplinary Council's sentencing judgment in the most recent conviction suggests that such statements materially influenced the severity of the sentence imposed;

16. Me Dyotte explicitly requested the permanent disbarment of the Plaintiff on several occasions during the hearing. The nature and repetition of this request strongly indicate a deliberate effort to mischaracterize the conduct of the Plaintiff in order to obtain the most severe disciplinary sanction possible. In fact, Me Dyotte even stated that the Plaintiff should be imposed a higher sentence than her peers based on conduct which was not even part of the record;

17. A significant procedural irregularity occurred during the hearing. In written submissions dated March 7, 2024, and served again on the Plaintiff's lawyer on May 24, 2024, Me Dyotte requested a suspension of six-months to one-year for the conduct of the Plaintiff. However, during the hearing, a request for permanent disbarment was made. This change of heart by Me Dyotte can only be characterized as acting in bad faith because there were no new facts or any hearings from the date of the written representations of March 7, 2024 and the sentencing hearing on May 28, 2024. The only difference was that the Plaintiff had mandated a new lawyer, being Me Sarto Landry to represent her for the sentencing hearing. A copy of the said written submissions is filed herewith as **Exhibit P-5**;

Discussion with Me Marie-Josée Talbot at Longueuil Courthouse

17.1 When the Plaintiff received the written representation (Exhibit P-5) from Me Dyotte suggesting a sentence of 6-months to one-year, she decided it would be in her best interest to mandate a lawyer to represent her at the sentencing hearing as the proposed sentence was extremely harsh. She decided to mandate Me Sarto Landry to represent her as he has a lot of experience in disciplinary law;

17.2 By pure coincidence at the Longueuil courthouse, the Plaintiff met a lawyer who told her that she previously worked at the Quebec Bar, being Me Marie-Josée Talbot. The

Plaintiff explained her situation to Me Talbot and that she could not understand the position of the Quebec Bar to ask for such an extreme sentence for such a minor offence especially since no person from the public ever even made a compliant against her;

17.3 Me Talbot explained that if the Quebec Bar decides that they want to go after a lawyer, then they actively try to find a manner to get evidence against them and that they do not wait for a complaint to be made against the person. She added that because of this conduct that the Plaintiff should not mandate Me Landry to represent her because the Quebec Bar does not like him;

17.4 Me Talbot added that she never pleads any cases in Drummondville even though her hometown is Victoriaville because often judges in those smaller courthouses do not like lawyers from external jurisdictions similar to the experience of the Plaintiff in Granby as will be described in more detail at the trial on the merits;

18. The position held by Me Dyotte as legal counsel for the Quebec Bar does not grant exemption from compliance with the ethical duties applicable to all members of the legal profession (acting in good faith and not taking the adverse party by surprise);

19. Furthermore, on May 24, 2024, counsel for Me Dyotte submitted before the Honourable Justice Emery of the Superior Court that any sentence imposed on the Plaintiff would be suspended pending appeal. Four days later, a contrary position was adopted before the Disciplinary Council as Me Dyotte requested the permanent disbarment of the Plaintiff or if the Council ordered a suspension that it would be executed notwithstanding appeal. The relevant transcript and decision are filed herewith as **Exhibit P-6**;

20. On May 29, 2024, the Plaintiff contacted the Quebec Bar's "*Info-Déonto*" hotline to inquire as to the propriety of the conduct in question. The initial respondent for the Quebec Bar stated that such conduct would constitute a breach of collegial good faith (*surprendre la bonne fois*). Upon requesting the identity of the Plaintiff, the respondent abruptly terminated the call and refused further discussion;

21. At the time of said communication, the Plaintiff remained a member in good standing and was entitled to receive advisory services from the Quebec Bar. The said Defendant has refused to release the audio recording of the call;

22. The making of false declarations by representatives of the Quebec Bar before the Superior Court cannot be justified under any circumstance;

23. During the May 28, 2024 hearing, Me Dyotte read extensively from prepared text while seated, indicating that the impugned terminology, including "*quérulente*" and "*La Méthode Sanderson*," had been planned in advance;

24. The use of these expressions constituted highly defamatory language and caused grave reputational harm to the Plaintiff and clearly demonstrates the bad faith of Me Dyotte as he knew that the Plaintiff was never declared "*quérulente*";

25. On November 13, 2024, a news article was published in La Presse in which the Plaintiff was described as "*quérulente*". This assertion was based directly on the remarks made by Me Dyotte during the aforementioned hearing of May 28, 2024. The article remains publicly accessible. A copy is filed herewith as **Exhibit P-7**;

26. The Plaintiff does not meet the criteria required for legal designation as "*quérulente*," one of which involves the presence of a psychiatric condition. Therefore, the wording is derogatory and is probably the worst expression that could be used against a lawyer;

26.1 In *Barreau du Québec c. Srougi*[1] the Honourable Justice Wery provided the following conditions for a party to declared as querulent:

> [22] La quérulence juridique est un phénomène relativement récent. Le professeur Yves-Marie Morrissette[3], qui est un spécialiste de ce phénomène, le décrit de la façon suivante :
>
> > **Profil psychiatrique de la quérulence** : la quérulence n'apparaît pas sous cette appellation dans les deux répertoires de maladies psychiatriques les plus utilisés, (…). Elle présente cependant un tableau clinique reconnu qui partage plusieurs caractéristiques avec des maladies répertoriées, dont la paranoïa et certains troubles de la personnalité (*borderline personality disorder,* narcissisme, hypocondrie, érotomanie, etc.). Le plus souvent, le sujet n'aura pas conscience de la situation – l'affection est dite «ego systonique» plutôt que «ego dystonique» en ce sens que, comme l'érotomanie par exemple, elle échappe au sujet et s'autorenforce. Ainsi, les manifestations de rejet à l'endroit du sujet érotomane sont interprétées par lui comme une confirmation du fait qu'il est aimé; le quérulent, pour sa part, interpréterait l'échec des recours qu'il exerce devant les tribunaux comme la confirmation qu'il n'a pas encore obtenu justice.[4]
>
> [23] La psychiatre Sandrine Maillet, pour sa part, n'hésite pas à parler de syndrome. Elle décrit le quérulent ainsi :
>
> > Les quérulents processifs (…) affirment qu'ils ont été lésés, que leurs biens ont été spoliés : ils multiplient les procès, font appel, refusent toute conciliation, suspectent la corruption des juges, la complicité ou la mauvaise foi des témoins[5].
>
> [24] Comme on le voit, la quérulence constitue une problématique *fondée sur la pensée paranoïaque* où les croyances de la personne sont disproportionnées par rapport à la réalité et *ses incessantes croisades judiciaires sont issues d'un délire imaginaire* [6].
>
> [25] On est donc loin du justiciable qui désire de bonne foi faire valoir ses droits.

27. It is unfathomable that the Disciplinary Council did not intervene to prevent Me Dyotte from using this terminology even after the lawyer of the Plaintiff, Me Sarto Landry, intervened during the hearing;

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1 2007 QCCS 685 (CanLII).

Harassment and Abuse of Power- Files of Me Marie-Claude Thibault

(i) File of Michelle Brief

28. The Plaintiff has been subjected to ongoing harassment by the Quebec Bar since approximately 2011 through the pursuit and maintenance of unfounded complaints and prolonged investigations;

29. The majority of these disciplinary initiatives have been undertaken or sustained by Me Marie-Claude Thibault, acting in her capacity as syndic of the Quebec Bar;

30. Among the earliest complaints pursued was one involving Ms. Michelle Brief, a former client of the Plaintiff, who disputed an invoice notwithstanding her prior written agreement confirming the amount as a final settlement. The applicable forty-five-day deadline for contesting legal fees before the Quebec Bar had expired;

31. Despite the procedural default and the absence of legal foundation, Me Thibault proceeded with the complaint on multiple grounds lacking merit. The Quebec Bar remains under a legal obligation to respond to complaints within ninety days;

31.1 It should be noted that after Me Thibault was required to dismiss the complaint of Ms. Brief, the Plaintiff sued Ms. Brief for the outstanding legal fees that she still owed the Plaintiff. The Honourable Justice Monique Dupuis ordered Ms. Brief to pay the legal fees owed and confirmed that the Plaintiff did not commit any fault in her work in a judgment reported at *Sanderson v. M.B.*, 2015 QCCQ 9619. Justice Dupuis was very frustrated during the trial because after 3 days of trial the defendant, Ms. Brief, had not made any allegations that remotely would have been linked to a professional fault;

31.2 Notwithstanding this lack of evidence of any misconduct, Me Thibault maintained a file open against the Plaintiff in disciplinary context for more than 2 years contrary to the requirement that disciplinary complaints should be handled within 90 days of the initiation of the complaint;

(ii) File in Relation to Divorce Proceedings

32. Me Thibault subsequently opened a disciplinary file related to the Plaintiff's matrimonial proceedings. No formal complaint had been submitted, and the Plaintiff's former spouse was not the originator of the file, being informed only that the syndic had communicated with his legal counsel. Me Thibault claimed that she had happened to stumble upon a summary of the divorce of the Plaintiff on Soquij which is very improbable;

32.1 This behaviour is consistent with the comments made by Me Talbot to the Plaintiff that the Quebec Bar searches for complaints if they dislike a lawyer;

33. The disciplinary file remained open for a period exceeding two years, notwithstanding the absence of complainant participation or supporting evidence of misconduct. The only reason that Me Thibault finally closed the file in the divorce proceedings was because Justice Chamberlain of the Court of Appeal had confirmed in a judgment of the Court of Appeal that the motions of the Plaintiff were not abusive;

(iii) File of Mme Lajoie for Alleged Conflict of Interest relating to Dog Walking

34. A further complaint originated from Ms. Lajoie, a neighbour of the Plaintiff, who alleged a conflict of interest based on incidental personal contact, including occasions of dog-walking and the fact that her daughter had once tutored the Plaintiff's daughter;

35. The allegations advanced by Ms. Lajoie did not satisfy the legal threshold for establishing a conflict of interest. Notwithstanding this lack of evidence which not even remotely could have been considered by a jurist as a conflict of interest, Me Thibault maintained the disciplinary file against the Plaintiff of Ms. Lajoie for more than two years, yet again more than 90 days as required by the regulations;

36. In a related civil proceeding, legal counsel for Ms. Lajoie introduced a motion to have the Plaintiff declared unable to act for the ex-boyfriend of Ms. Lajoie. The motion was later withdrawn by counsel of Ms. Lajoie following recognition of its lack of legal viability;

37. In a criminal matter involving Mr. Florin Dimitru, the former partner of Ms. Lajoie, a similar motion was filed by the Crown prosecutor. The Crown prosecutor maintained the motion seeking to have the Plaintiff declared unable to act. The Honourable Justice Dudemaine of the Court of Québec dismissed the motion without requiring representations from the Plaintiff. The criminal charges against Mr. Dimitru were subsequently withdrawn;

38. Comparable attempts were made in other files before the Longueuil courthouse by Crown prosecutors who filed motions with the objective of declaring the Plaintiff unable to act. As will be demonstrated at the trial on the merits, this pattern of conduct occurred in several additional cases;

39. Despite the manifest lack of merit in the allegations made by Ms. Lajoie, the syndic, Me Thibault, continued to pursue the disciplinary file against the Plaintiff for a period exceeding two years;

40. The Plaintiff retained legal representation from Me Julius Grey following the syndic's insistence on conducting an out-of-court examination in relation to the matter;

41. The Quebec Bar has refused to provide evidence confirming whether this examination occurred. The Plaintiff anticipates issuing a subpoena for her lawyer to testify on this issue due to this lack of cooperation by the Quebec Bar;

(iv) File of Mariane Khalil in Divorce Proceedings

42. Me Thibault, in her role as syndic, opened an additional disciplinary file in connection with Ms. Marianne Khalil, a former client of the Plaintiff. Ms. Khalil did not initiate any formal complaint and had stated that she was unable to pay the balance of her legal fees;

43. Notwithstanding the absence of a formal complaint, the syndic, Me Thibault, opened a new disciplinary file and proceeded with an out-of-court examination of the Plaintiff in relation to the matter (again consistent with the comments made by Me Talbot in the library of the Longueuil Courthouse);

44. Ms. Khalil later conveyed a message to the Plaintiff expressing her appreciation for the services rendered. Notwithstanding this confirmation, Me Thibault continued to harass the Plaintiff with respect to Ms. Khalil;

45. Ms. Khalil continues to be grateful to the Plaintiff because the Plaintiff had succeeded in obtaining the reversal of an interim Superior Court judgment that had removed custodial rights of her children from Ms. Khalil in her absence;

46. Although the appeal was ultimately unsuccessful, the reasoning of the Court of Appeal contributed to the reinstatement of custody at a subsequent hearing before the Superior Court;

47. Ms. Khalil maintained communication with the Plaintiff following the proceedings and eventually paid the legal fees in full. In a subsequent conversation, Ms. Khalil informed the Plaintiff that the Honourable Justice Pascale Nolin had addressed the matter during a hearing in which the former spouse of Ms. Khalil alleged procedural abuse by the Plaintiff;

48. The Honourable Justice Nolin expressly stated that the appeal filed on behalf of Ms. Khalil by the Plaintiff was not abusive and had materially contributed to the reinstatement of her custodial rights. A copy of the judgment rendered by the Honourable Justice Pascale Nolin is filed herewith as **Exhibit P-8** (see paragraph 135 in *Droit de la famille — 23946*, 2023 QCCS 2225 in which Justice Nolin noted that the lawyer for the adverse party had induced the Superior Court in error as confirmed by the Court of Appeal;

48.1 This insistence of the Plaintiff as a lawyer by filing permission to appeal against a grave injustice with respect to the custody of a child even on an interim order proved fruitful for the Plaintiff's client, Ms. Khalil. Therefore, the "*Méthode Sanderson*" is sometimes fruitful!

49. Me Thibault maintained this file open for several years too;

(i) Files of Me Vicky-Anik Pilote

46. Me Thibault also opened two disciplinary files against the Plaintiff arising from complaints submitted by a Crown Prosecutor, Me Vicky-Anik Pilote, from Longueuil in regards to the criminal files of Michael Lacoste-Méthot ("**Lacoste**") and Samuel Roberge;

47. The first disciplinary file remains under appeal at the present time. Conflicting positions were taken by Me Pilote and the syndic, Me Thibault, with respect to the nature and timing of the alleged infractions;

48. Me Pilote alleged that the Plaintiff had acted in a situation of conflict of interest by communicating with a former client in the corridors of the Longueuil courthouse, purportedly in violation of a judgment rendered by the Court of Québec on December 11, 2017. A copy of the said judgment is filed herewith as **Exhibit P-9**;

49. In contrast, Me Thibault acknowledged that any potential conflict of interest had ceased at the time of the alleged incident. Nonetheless, she maintained that the Plaintiff had failed to respect the terms of the judgment rendered on December 11, 2017 by the Court of Québec;

50. The inconsistency in positions between the Crown prosecutor and the syndic highlights the implausibility of the allegations. A judgment cannot be violated if it no longer applies;

51. Despite the foregoing, the Disciplinary Council of the Quebec Bar rendered a decision concluding that a conflict of interest continued to exist, in contradiction with the position of the syndic and the evidence and case law provided by the Plaintiff;

52. The appeal of that decision remains pending. In light of the contradiction between the position of the syndic and the findings of the Disciplinary Council, it is submitted that Me Thibault ought to have withdrawn the complaint upon acknowledging that no conflict of interest subsisted at the time of the alleged conduct;

53. The Plaintiff filed her appeal factum in that disciplinary file on May 30, 2025 which is filed herewith as **Exhibit 9.1**;

54. The Plaintiff acted as legal counsel for Mr. Michael Lacoste in proceedings instituted against the Quebec Bar and the Attorney General of Quebec. The action arose from allegations that Me Thibault and Me Pilote jointly took steps to prevent the Plaintiff from representing Mr. Lacoste in his criminal defence, despite the severance of the proceedings against Mr. Lacoste and his former co-accused, which eliminated any potential conflict of interest;

55. During the hearing of May 28, 2024, Me Dyotte referred in a disparaging manner to the Plaintiff's continued position that no conflict of interest existed in the Lacoste matter, as appears at page 44 of Exhibit P-3. Given that Me Thibault had herself conceded that any conflict of interest had ceased, the Plaintiff submits that she cannot be faulted for maintaining that no ethical breach had occurred;

55.1 Me Thibault clearly is continuing to act in bad faith because she is maintaining the disciplinary file on appeal against the Plaintiff even though she has clearly admitted that the potential conflict of interest no longer existed. The facts related to these proceedings involving Lacoste were described in detail in the motion to declare Me Teasdale unable to act, as appears in the court record;

56. A notice of appeal was filed in the matter involving Mr. Lacoste, which is submitted herewith as **Exhibit P-10**;

57. During the hearing of May 28, 2024, Me Dyotte cited a judgment rendered by the Honourable Justice Hussain of the Superior Court as if it were a final finding of abuse against the Plaintiff. Moreover, the judgment was rendered after the conviction and was therefore not admissible for the sentencing as the Plaintiff was not provided the right to be heard on the file;

58. However, the appeal of that judgment was heard before the Honourable Justice Guy Cournoyer on July 4, 2024, after the said hearing of May 28, 2024. Neither Justice Cournoyer nor counsel for the Quebec Bar or the Attorney General of Quebec suggested that the Plaintiff's action was abusive yet the Disciplinary Council relied on this judgment to request that the Plaintiff be suspended during the appeal process even though the judgment of Justice Hussain was rendered on December 13, 2023, more than a month after the conviction of the Plaintiff in her second disciplinary file. This also demonstrates the bad faith of Me Dyotte and to a certain extent Me Manon Lavoie, the President of the Disciplinary Council;

59. The stenographic notes from the hearing before Justice Cournoyer are filed herewith as **Exhibit P-11**;

60. During the course of those proceedings, Justice Cournoyer observed that the judgment of the Honourable Justice Labrie was extremely limited in scope, thereby undermining the conclusions drawn by the Disciplinary Council in the Plaintiff's first disciplinary file;

61. It is also relevant to note that Justice Hussain's final judgment contradicted certain statements made by him during the oral hearing concerning prescription. A copy of the audio recording of the hearing before Justice Hussain is filed herewith as **Exhibit P-12**;

61.1 Notwithstanding the obvious errors by Justice Hussain on the issue of prescription, neither the lawyer of the Attorney General Quebec, nor the lawyer of the Quebec Bar, Me Teasdale, admitted this to Justice Cournoyer before the Court of Appeal on July 4, 2024 as confirmed in Exhibit P-11, being the stenographic notes of the hearing before Justice Cournoyer;

61.2 Me Teasdale and Me Marcio Gutierrez, both had a legal and ethical obligation to advise the Court of Appeal of such errors. Lawyers working for the government have an obligation to uphold the law. The Plaintiff submits that this is yet another fault committed by the Defendants;

61.3 Both these lawyers knew there was an error in the judgment of the Disciplinary Council which confirmed that there was a conflict of interest at the time to the alleged infraction on March 9, 2018, yet they did not advise the Superior Court or the Court of Appeal of same;

61.4 Me Marcio Gutierrez knew that proceedings before the Profession Tribunal had been suspended in order to decide the issue of the potential conflict of interest which the Disciplinary Council had incorrectly decided, however, he insisted before Justice Hussain that the judgment of the Disciplinary Council should be relied upon by the Superior Court as *res judicata*. These issues were explained in great detail in the motion to declare Me Teasdale unable to act as appears in the court record;

61.5 Evidently, the present action against the Quebec Bar and the Attorney General of Quebec is not prescribed because the appeal of the disciplinary file is ongoing. The prescription does not begin to run until the disciplinary file is finished. This was confirmed by Justice Hussain during the hearing of December 5, 2023 before the Superior Court. At 10:12 A.M. (48 minutes and 19 seconds) Justice Hussain stated the following:

> Why would it not be a better course of action to let the um let the process in front fo the Tribunal des Professions unfold and then if the unhappy party wants to go on judicial review of that decision
>
> Sanderson:
>
> Yes because that is one
>
> Justice Hussain:
>
> You do not know if you are going to lose

61.5 Justice Hussain would not have suggested this method of proceeding if the file would be prescribed thereafter, yet in his judgment he nevertheless concluded that the action was prescribed without a hearing on the merits contrary to the case law with respect to abuse and the requirement for a hearing on the merits for issues of prescription;

62. In his written reasons, Justice Hussain cited the disciplinary decision then under appeal as if it were a final judgment, notwithstanding that the matter remained pending before the Professions Tribunal and notwithstanding his comments above in which he knew that the file was still pending before the Professions Tribunal and that even he stated that he was unsure if the Plaintiff would win on appeal. Considering the most recent judgments of the Professions Tribunal with questionable conclusions it is unlikely that the Plaintiff will win the appeal even though Me Thibault admitted that the conflict of interest no longer applied at the time of the alleged infraction;

62.1 Justice Hussain also changed of his own accord the prescription dates in his judgment even though Me Marcio Gutierrez had admitted during the hearing of December 5, 2023, that the starting date for the prescription was October 25, 2019. The action was not prescribed because the ending date was April 25, 2023 due of the COVID suspension periods. The action was taken on February 5, 2023 prior to April 25, 2023;

62.2 Justice Hussain also criticized the Plaintiff for no reason whatsoever because the action was clearly not abusive. Since Justice Hussain intentionally misapplied the law and made unwarranted criticisms against the Plaintiff, the Plaintiff filed a complaint with the Canadian Judicial Council. The complaint is currently under judicial review before the Federal Court in file number T-1006-25, a copy of the Amended Notice of Application is filed herewith as **Exhibit P-12.1**;

63. Furthermore, Justice Zoar had previously ordered the suspension of the Professions Tribunal proceedings to allow the Superior Court to adjudicate the question of conflict of interest. Despite this, Justice Hussain declined to render a definitive ruling on that central issue. Further details appear in the notice of appeal filed as Exhibit P-10;

64. Under these circumstances, the reliance by Me Dyotte on the non-final disciplinary decision and the non-final judgment of Justice Hussain in his plea for permanent disbarment constitutes conduct in bad faith;

65. As a result of the representations made by Me Dyotte, the Disciplinary Council imposed a suspension of twenty-two months on the Plaintiff and included in its conclusion the phrase "*exécution provisoire*" omitting any reference to "*nonobstant appel*". A copy of the sentencing decision is filed herewith as **Exhibit P-13**;

66. The Plaintiff filed a notice of appeal the day after receiving the judgment. A copy of the said notice is filed herewith as **Exhibit P-14**;

67. Notwithstanding that the judgment does not state "*nonobstant appel"*, Me Dyotte acted as of right that the words were indicated on the judgment even though "*execution provisoire*" in the context of disciplinary sentencing judgments has a completely different meaning;

68. On December 13, 2024, the Honourable Justice Geneviève Marcotte of the Court of Appeal confirmed that there was a clerical error in the sentencing judgment, a copy of the judgment of the Court of Appeal is filed herewith as **Exhibit P-15**;

69. If the wording in question was indeed the result of a clerical error, as acknowledged by the Court of Appeal, then Me Dyotte and his representatives were under an obligation to seek a formal correction before the Professions Tribunal pursuant to section 161.1 of the *Professional Code* or pursuant to the *Civil Code of Quebec*;

70. The Quebec Bar and its representatives are bound to follow statutory procedure and may not unilaterally alter the wording of a judgment. Any unauthorized modification, particularly where it leads to an altered legal effect, is impermissible;

71. In this instance, the factual circumstances of the case did not support the execution of the sentence pending appeal. As will be demonstrated at the hearing on the merits, there has been only one precedent in the history of the Quebec Bar in which a sentence was executed notwithstanding appeal. The circumstances of that case were far more egregious than those at issue in the disciplinary files of the Plaintiff;

72. It is relevant to recall that on May 24, 2024, during proceedings before the Honourable Justice Emery of the Superior Court, counsel for Me Dyotte, namely Me Sophie Gratton, represented to the Court that the sentence would be suspended pending appeal before the Professions Tribunal;

73. Subsequent representations made by Me Dyotte and his counsel before the Superior Court falsely conveyed an impression of urgency regarding the retrieval of client files from the Plaintiff;

74. On August 29, 2024, Me Dyotte and his legal counsel obtained a search warrant authorizing entry into the Plaintiff's private residence with force if necessary. A copy of the warrant is filed herewith as **Exhibit P-16**;

75. In the application for the warrant, it was alleged that the Plaintiff had failed to return physical and electronic client files. This allegation was incorrect. On August 27, 2024, the Plaintiff had returned all physical files in her possession dating back seven years, with the exception of her income tax files;

76. The income tax files were retained by the Plaintiff on the basis that tax consulting

services are not governed by the professional exclusivity of the legal profession;

77. During the hearing of December 12, 2024, before the Honourable Justice Marcotte of the Court of Appeal, it was acknowledged that the Quebec Bar should not have retained those files. Me Gratton confirmed on behalf of Me Dyotte that the Plaintiff would recover her income tax files;

78. Following the hearing, the Plaintiff contacted Me Dyotte to request the return of the said income tax files. The request was refused. As of the date of this filing, the Plaintiff has not recovered her income tax files from the Quebec Bar;

76. Prior to the search, Me Dyotte had received written confirmation from a lawyer, Me Leila Kadri, who had agreed to accept the transfer of the Plaintiff's client files. A copy of this confirmation is filed herewith as **Exhibit P-17**;

76.1 Me Dyotte sent a letter to the Plaintiff confirming that initially he would accept that the files of the Plaintiff would be transferred to Me Kadri. The letter provided that she had a delay until August 29, 2024 at 5:00 P.M. to decide which files that she was keeping and which files she would not be keeping, a copy of the letter Is filed as **Exhibit P-18**. The exact words were as follows:

> Le 28 août 2024
> Me Leila Kadri
> 390 Boulevard Henri-Bourassa Ouest
> Bureau 300
> Montréal QC H3L3T5
> OBJET : Me Sébastien Dyotte c. « Me » Jacqueline Sanderson
>
> La présente fait suite à notre entretien téléphonique de ce jour.
>
> Nous comprenons que malgré avoir stipulé par courriel reçu ce matin que vous seriez la cessionnaire de « tous les dossiers » de Madame Sanderson, vous seriez uniquement disposée à prendre les dossiers de nature familiale et possiblement quelques dossiers civils. Vous ne faites aucun droit pénal ou criminel.
>
> Nous comprenons que vous aller tenter de convoquer Madame Sanderson à vos bureaux demain afin qu'elle vous explique certains dossiers. Comme le soussigné vous a expliqué au téléphone, il est impératif que vous preniez rapidement position et identifier les dossiers que vous allez garder afin que, de notre côté, nous puissions contacter les clients « orphelins » sans délai pour qu'ils récupèrent rapidement leur dossier et se trouvent un avocat afin qu'ils ne perdent pas de droits.
>
> Nous vous demandons donc de nous aviser dans les meilleurs délais et au plus tard le **jeudi 29 août 2024 à 17h** afin que nous prenions les démarches appropriées dans les dossiers que vous ne prendrez pas.
>
> Je joins tel que discuté un modèle de lettre qui pourra être envoyé aux clients dont vous serez la cessionnaire.
>
> […]

76.2 Notwithstanding that the above-captioned demand letter of Me Dyotte provided a delay until 5:00 P.M. on August 29, 2024, for Me Kadri to provide an answer to the Quebec Bar, the following morning at 9:00 A.M., a few minutes before a hearing before the Superior Court, the lawyer of Me Dyotte, Me Sophie Gratton served a search and seizure motion on the Plaintiff to enter her personal residence and seize her personal laptops, cell phone and client files, a copy of the motion is filed herewith as **Exhibit P-19**;

76.3 With respect, bringing a motion to enter the personal residence of an individual to seize her computers, allegedly for the first time in Quebec history, before the delay stipulated in your own demand letter had even expired, is conduct that can hardly be characterized as anything other than bad faith and an abuse of process;

77. During the hearing of December 12, 2024, the Honourable Justice Marcotte of the Court of Appeal questioned counsel for Me Dyotte regarding the justification for the search of the Plaintiff's residence. In response, Me Sophie Gratton submitted that the urgency arose from the Plaintiff's removal from the Roll of the Order, which, according to her, rendered the Plaintiff no longer subject to professional secrecy. This alleged change in status was presented as the legal basis for the Quebec Bar's immediate need to recover all client files in the Plaintiff's possession;

78. This representation by counsel for the Quebec Bar is legally incorrect. A former lawyer remains bound by solicitor-client privilege concerning any confidential information obtained while acting in a professional capacity;

79. The Plaintiff continues to be subject to the obligations of professional secrecy and solicitor-client privilege with respect to all legal matters handled while a member of the Quebec Bar;

80. Furthermore, no evidence has been submitted indicating that the Quebec Bar offered assistance to the former clients of the Plaintiff to mitigate disruption resulting from the disciplinary decision;

81. On August 29, 2024, Me Daniel Brooks agreed to accept the mandates of former clients of the Plaintiff. However, several clients were unable to afford the retainer required to proceed with new legal representation;

81.1 Moreover, Me Brooks admitted to the Quebec Bar that he did not do legal aid files nor income tax matters. Therefore, he was not able to do many of the files of the Plaintiff due to his lack of competence in certain matters and the fact that he charged significantly more for his services than the Plaintiff. Nevertheless, Me Dyotte allowed the transfer of all the files of the Plaintiff to Me Brooks. Consequently, there was no reason to deny the transfer of the files of the Plaintiff to Me Kadri simply because she did not do criminal files. This was obviously a pretext simply to obtain a warrant to enter the house of the Plaintiff to further traumatize the Plaintiff and her family. This is also confirmed by the fact that Me Dyotte filed a motion for search and seizure even before the delay had expired for Me Kadri to respond to Me Dyotte. In fact, the Quebec Bar had already entered

the personal residence of the Plaintiff at 4:00 P.M. prior to the expiry of the delay as explained above;

82. In light of the foregoing, no genuine urgency existed to justify the exceptional measure of entering the Plaintiff's personal residence by judicial authorization. The conduct of Me Dyotte in seeking and executing the warrant constitutes an abuse of authority;

83. During the execution of the search, agents of the Quebec Bar seized personal papers belonging to the Plaintiff, including all her personal accounting documents. The agents also examined boxes containing strictly private and unrelated materials;

84. The most serious privacy violation resulted from the inspection of the Plaintiff's electronic devices. The agents left behind certain clearly personal documents on the Plaintiff's laptop. The Plaintiff had expressly requested that all personal files be deleted. The fact that only selected personal files were retained on the device demonstrates that the content was reviewed and evaluated for relevance;

85. This is clearly in contravention of the search warrant;

86. On the basis of the conduct described above, the Plaintiff believes that files protected by solicitor-client privilege were likely reviewed by the Quebec Bar during the search and seizure operation. In fact, on one of the personal computers, the Plaintiff did not have time to go through the documents, therefore, she simply told the agent from the Quebec Bar to delete all the files. However, as opposed to deleting the files, the Quebec Bar analyzed the documents and even left some of the documents on the computer including a document entitled Notes from Sentencing Hearing, a photo of the saved document is filed herewith as **Exhibit P-20**;

86. As a direct consequence of the search of her residence, the Plaintiff experienced significant psychological distress. In the days that followed, the Plaintiff remained in disbelief that a Superior Court judge would authorize such an invasive measure in the absence of serious allegations;

87. The Plaintiff has come to the conclusion that the judiciary has consistently accepted the representations made by the Quebec Bar, even in the absence of legal or evidentiary foundation;

88. In light of the conduct described above, including the collaboration between Me Thibault and Crown Prosecutor, Me Pilote, with the objective of depriving an accused person of the counsel of his choice despite the cessation of any conflict of interest, the Plaintiff reasonably believes that she can never again rejoin the legal profession in Quebec, given the systematic nature of the harassment and the lack of judicial intervention;

89. Not only is the Plaintiff not protected by the order but it is clear that the Quebec Bar invented misconduct to intentionally cause harm to the Plaintiff. Moreover, the Superior Court did not protect the Plaintiff from this conduct and always agreed with the Quebec Bar;

90. The Plaintiff further submits that since Me Thibault is continuing the appeal in the first disciplinary file notwithstanding that she herself admitted that there was no longer a conflict of interest at the time of the alleged infraction, the Plaintiff is worried that the Professions Tribunal will not reverse the judgment notwithstanding the evident errors at law on the face of the judgment;

91. As a result of sustained harassment and the cumulative effects of the violations described above, the Plaintiff was required to commence psychological treatment;

92. On December 16, 2024, the Plaintiff suffered a cardiac arrest while receiving medical treatment at the Jewish General Hospital. The cardiac episode followed a diagnosis of shingles, which was determined to have been triggered by extreme stress resulting from her disbarment;

93. The condition of shingles proved difficult to manage. The Plaintiff required multiple courses of medication and experienced substantial physical pain throughout the duration of treatment;

94. The Plaintiff continues to suffer from heightened levels of stress and anxiety and no longer maintains confidence in the integrity of the legal system;

95. The Plaintiff has experienced severe psychological suffering and moral prejudice due to the violations of her rights committed by representatives of the Quebec Bar;

96. The conduct of Me Thibault, Me Dyotte and Me Vicky-Anik Pilote was intentional and calculated to cause the Plaintiff maximum professional, reputational and personal harm;

97. Considering the foregoing, the Plaintiff claims an amount of $100,000 in compensatory damages for moral and psychological prejudice and an additional amount of $100,000 in punitive damages for abusive conduct, breach of ethics and abuse of authority;

98. The Plaintiff expressly reserves the right to amend the present application following further developments in the defamation-related claims and the ongoing appeals, which may give rise to additional compensable damages;

Article in La Presse

99. As explained in paragraph 25 above, an article appeared in La Presse written by

Tristan Peloquin on November 13, 2024 (Exhibit P-7). The Plaintiff was presented to Mr. Peloquin by her bailiff, Mr. Richard Gauthier;

100. Mr. Peloquin expressed interested in writing an article because he also believed that her sentence received from the Disciplinary Council was exaggerated and that it was unfair that she was disbarred on appeal;

101. The Plaintiff explained to Mr. Peloquin that the Quebec Bar was initially asking for a suspension of only 6-months to one-year but then increased it to permanent disbarment at the hearing. The Plaintiff provided Mr. Peloquin with a copy of Exhibit P-5;

102. Spontaneously, without being prompted by the Plaintiff, Mr. Peloquin stated that most likely the Quebec Bar increased their request for sentencing after the Plaintiff obtained a criminal indictment against a police officer of Longueuil, being Mr. Didier Tanguay on April 16, 2024;

103. Notwithstanding Mr. Peloquin's acknowledgment of this correlation, he did not mention in the article of November 13, 2024 that the syndic for the Quebec Bar, being Me Dyotte, had only asked for a 6-months to one-year suspension in a written document, dated March 7, 2024;

104. The Plaintiff was counting on Mr. Peloquin to indicate this fact in the article because, although the Plaintiff had submitted this document to several Judges of the Superior Court since her sentence date, none of the Judges had acknowledged the existence of this document in the judgments. That is, including this fact was one of the primary reasons for her putting the time and energy to help Mr. Peloquin to write the article. Had the Plaintiff known that Mr. Peloquin would not put this in the article, then she would not have helped him;

105. On November 13, 2024, just after the Plaintiff saw the article, she contacted Mr. Peloquin. He immediately admitted that the lawyers for La Presse made him remove this fact. He even added that it would make no difference to the Plaintiff and the Courts would not rely on an article;

106. However, the Plaintiff submits that this fact being public would have impacted public opinion. Furthermore, the Plaintiff had requested a postponement of her hearing before the Professions Tribunal for the article to be published;

107. Recently, a journalist from Droit Inc., Ms. Fleur, contacted the Plaintiff to have her comments because she wanted to write an article. The Plaintiff told her about Exhibit P-7 and the initial request by the Quebec Bar for a sentence of only a 6-months to one-year suspension. The journalist specifically stated that she would have to ask permission from the Quebec Bar to publish the article (for some unknown reason). Presumably, Ms. Fleur did not obtain permission because she wrote back to the Plaintiff to state that she was not writing the article anymore;

108. Clearly, the Quebec Bar believes that public opinion is important or they would not have prevented Droit Inc. from writing an article on the most recent events. It is noteworthy that the article of Mr. Peloquin mentions that the DPCP and the SPAL did not provide any comments, implicitly admitting that the Quebec Bar did provide certain comments which presumably included a request that the mention of the initial sentence of 6-months to one-year suspension (Exhibit P-5) be removed from the article;

109. But that is not the only omission in the article written by Mr. Peloquin. He had also omitted to add in the article that Me Eve Malouin, the Crown prosecutor in the criminal file of Samuel Roberge, was married to a police officer in Longueuil, Francis Tremblay, who was also coincidentally the superior of the police officer who admitted at the trial that he did not draft a police report even though his name was indicated as the "*redacteur*". This police officer, Viet Long Nguyen, also admitted that someone had forged his initials on the same police report on the first page. Mr. Nguyen was the only officer out of the 6 signing officers who admitted that the report was fraudulent. The other five officers admitted that they may have signed on another date but they pretended it was a valid report, notwithstanding that none of them had any notes from the day in question to base the detailed report;

110. Mr. Peloquin did not even write that these statements by Mr. Nguyen were at another trial which was held in June 2024, 1.5 years after the trial in which the video was shown to Mr. Didier Tanguay. Mr. Peloquin did not mention that Mr. Samuel Roberge was still in jail, notwithstanding these admissions by the police officers at his trial;

111. It should be noted that to this date, Mr. Roberge is still in jail and his new lawyer, Me Stéphane Harvey, was recently disbarred by the same President of the Disciplinary Council who disbarred the Plaintiff, being Me Manon Lavoie;

112. The Plaintiff would never have assisted Mr. Peloquin to write the article if he had admitted that he would omit these relevant facts from the article as these facts were the *raison-d'être* of the Plaintiff making the request to Mr. Peloquin to write the article in the first place. The Plaintiff worked on the documents for the article for more than one week and had numerous discussions and did additional research for Mr. Peloquin;

113. Moreover, the Plaintiff submits that omitting these facts is considered *soft-censorship* as it is in the public interest to know all the facts to the story;

114. Furthermore, Mr. Peloquin tilted the article against the Plaintiff even though initially he had agreed with the Plaintiff that the sentence of two years was exaggerated. For example, the Plaintiff had explained to Mr. Peloquin that she had never been declared as "*quérulente*" by a judge in the past yet he did not even

qualify this mention in the article and insinuated that it was true;

115. Moreover, the Plaintiff's personal love life was also not relevant. The reason that the Plaintiff had mentioned the fact that she had had an affair with Samuel Roberge was because the Crown had used this as a motive to try to have her declared unable to act in the previous file of Samuel Roberge with Mr. Lacoste. Since Mr. Peloquin did not discuss this other file or the judgments of Justice Hussain or Justice Cournoyer described above, this addition coupled with the reference to the affair with a man from the Mafia was also irrelevant and was meant to attack the Plaintiff;

116. Furthermore, the article mentions the words "*pratiques déloyales*" but does not specify the relevant facts with respect to this unfounded attack by the Quebec Bar. For example, the Quebec Bar considered a sarcastic email that the Plaintiff sent to Me Nadeau, the lawyer for the children, as a "*pratique déloyale"*. As will be explained at the trial on the merits, the Plaintiff wrote to the lawyer of the children, Me Nadeau, to ask her why she wanted to meet with the children prior to the hearing of a motion in which the client of the Plaintiff had requested that the children continue to see a psychologist because one of the children had verbalized that he wanted to commit suicide. It was unbelievable enough that Me Nadeau was even considering contesting the motion considering the circumstances, however, that she wanted to consult with the children thereon was even more ridiculous. Based on the foregoing, the Plaintiff sarcastically asked if Me Nadeau was also going to consult with the children on the legal question of what constituted a "common domicile";

117. Needless to say that the Superior Court Judge granted the motion of the client of the Plaintiff to have the children continue to see a psychologist, especially because the expert psychologist in the file had recommended same. Ironically, it was Me Nadeau and Me Côté who were interfering with expert psychologist, Dr. Raymond David, who was appointed by the Superior Court. Of course, none of these facts are anywhere to be found in the article or the judgments of the Disciplinary Council;

118. The Plaintiff was deeply saddened by the actions of Mr. Peloquin because she trusted him and was expecting him to write an accurate story on the events. They had spoken on numerous occasions and the Plaintiff believed that Mr. Peloquin would respect his agreement;

119. Mr. Peloquin should not have mentioned half-truths in the article as this has had an impact on the reputation of the Plaintiff. The Plaintiff has stopped allowing head-hunters to present her file to accounting firms because it is obvious that the article has impacted the Plaintiff's reputation. The article has even deterred men from wanting to date the Plaintiff;

120. Therefore, the Plaintiff is asking this Court to order that the Defendant, La

Presse, be ordered to remove the reference to the Plaintiff's personal love affairs as they are totally irrelevant to the article;

121. Moreover, if La Presse wants to leave the reference to "*practiques déloyales*"`in the article, then they should have to include the ridiculous facts which the Quebec Bar considered to be "*practiques déloyales*" and should not leave it to the imagination of the readers;

122. Furthermore, the reference to "*quérulente*" should be qualified by the true fact that the Plaintiff had never been declared as "*quérulente*" by the Superior Court;

123. The Defendant caused even more emotional stress than she had already suffered by the abuse by the Quebec Bar;

Misconduct by Me Sophie Gratton on behalf of Me Dyotte

124. As explained above, Me Dyotte of the Quebec Bar had been and continues to be represented by Me Sophie Gratton of the law firm Sarazin Plourde. The Plaintiff filed a complaint to the Disciplinary Council against Me Gratton on October 8, 2024, which was amended on July 7, 2025, a copy of the amended complaint is filed herewith as **Exhibit P-21**:

125. The disciplinary file remains ongoing and is currently the subject of judicial review, a copy of which is filed as **Exhibit P-22**. Consequently, the matter has not attained the authority of *res judicata* at the present time. Moreover, Me Lavergne, acting in her capacity as President of the Disciplinary Council, refused to hear both the motion to amend the complaint and the motion seeking her recusal, and instead rendered judgment solely on the motion to dismiss filed by Me Gratton. As a result, the amended complaint was never evaluated on its merits by the Disciplinary Council. Consequently, this Honourable Court should independently assess the conduct of Me Sophie Gratton in the present proceedings. In any event, disciplinary proceedings are not determinative or binding upon the Superior Court in matters of civil liability. Conduct may constitute a civil fault without necessarily giving rise to disciplinary sanctions, just as conduct attracting disciplinary scrutiny may not necessarily amount to civil liability;

126. As explained above, the Plaintiff filed a motion for judicial review of her conviction (Exhibit P-4). The Plaintiff was convicted on November 30, 2023 in *Barreau du Québec (syndic adjoint) v. Sanderson*[2] by Me Manon Lavoie and two (2) other lawyers as indicated thereon. Me Manon Lavoie made numerous reviewable errors and the rules of natural justice were also breached on several occasions;

127. As described at paragraphs 50 to 52 of the motion for judicial review (Exhibit P-4), the Plaintiff was not provided the list of exhibits until the end of the first day

[2] 2023 QCCDBQ 81 (CanLII).

of the trial. The Plaintiff had written to the Quebec Bar on three separate occasions to explain that the hyperlink did not work, however, the Clerk of the Disciplinary Council did not respond;

128. Furthermore, the Plaintiff had an inspection by the Quebec Bar which was triggered by the judgment of Justice Charles Ouellet in *Droit de la famille — 212088*[3] (the "**Ouellet Judgment**"). The report from this inspection was never provided by the Quebec Bar to the Plaintiff. Evidently, a report by two (2) lawyers of the Quebec Bar dated 6 months before the hearing was relevant to the proceedings because it related to the main motive to the disciplinary file, that is, the Ouellet Judgment;

129. It should be remembered that the Ouellet Judgment condemned the client of the Plaintiff as being abusive, however, the Judge did not even condemn the Plaintiff to costs.[4] Moreover, Justice Ouellet did not even analyze the main motive for the motion to declare the lawyer of the children unable to act being the fact that she did not disclose to the client of the Plaintiff that she represented the brother of the adverse party prior to accepting the mandate. On this issue prior to the hearing of the motion to declare the lawyer unable to act, Justice Villeneuve of the Superior Court provided the following comments which are reproduce at paragraph 21 of the motion for judicial review:

> Les déclarations d'inhabilité c'est toujours des questions qui remettent en doute l'intégrité professionnelle. Ça fait pas exception à la cause.
>
> [...]
>
> Mais la question là, il y a toujours, je rappelle les grands principes pour peut-être orienter là, au même titre que les parties parfois demandent la récusation d'un juge, il y a toujours la question de justice et d'apparence de justice. Puis dans les cas des mandats donnés aux avocates, ou aux avocats des enfants, il y a toujours la question d'apparence d'impartialité aussi qu'on veut préserver pour des raisons évidentes, c'est qu'on veut éviter qu'il y ait une influence indue de part de l'un ou l'autre des parents sur l'avocat. Puis s'il y a des mandats qui ont déjà été donnés auparavant, puis ça s'avère avéré, il y a peut-être un problème **qui doit être, à tout le moins, évalué par la Cour.** Puis, je prononce rien Maître Dionne là, je vais juste dire que c'est...
>
> PAR Me MARIO DIONNE
> J'en conviens que ça doit être évalué, Monsieur le Juge,

130. Justice Villeneuve confirmed in the above passage that the Plaintiff's client had a right to be heard and the lawyer of the attorney for the children confirmed same. If a judge confirmed that the client had a right to be heard and the lawyer of the attorney confirmed same, then it begs the question "how on earth could the motion be abusive?" It is not surprising that the Disciplinary Council did not mention these comments in the judgment on conviction in *Barreau du Québec (syndic adjoint) v.*

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[3] 2021 QCCS 4576 (CanLII).

[4] In cases in which the abuse is allegedly excessive, the lawyers are condemned to costs, see for example *Charland v. Lessard*, 2015 QCCA 14 (CanLII).

Sanderson[5];

131. The Disciplinary Council (Me Manon Lavoie) did not consider the defence of the Plaintiff in any manner whatsoever and did not even analyze her testimony or the documents submitted in her defence. Usually a judge is supposed to at least analyze the proposed defence of the defendant and state in the reasons for judgment why the proposed defence is not acceptable. The Disciplinary Council does not even refer to the documents or the testimony of the Plaintiff on any of the important issues, especially the comments of Justice Villeneuve above;

132. Me Sophie Gratton, on behalf of Me Dyotte, filed 4 motions for abusive procedures against the Plaintiff in the file for judicial review. The main argument of the Quebec Bar was that since the Plaintiff had a right of appeal to the Professions Tribunal, judicial review is not available under any circumstance even for a breach of the rules of natural justice as confirmed at pages 7 to 9 of the stenographic notes before Justice Emery (Exhibit P-6 (ii));

133. Me Sophie Gratton induced Justice Emery in error by arguing that the Plaintiff would not suffer any prejudice from the sentence to be imposed by Me Manon Lavoie because it would be suspended on appeal. These misrepresentations are explained in detail in the motion for a retraction of a judgment of the Superior Court, dated August 25, 2025 filed herewith as **Exhibit P-23**;

134. However, all jurists know that once there is a breach of the rules of natural justice by the administrative tribunal, the said tribunal has exceeded its jurisdiction and the judgment is *null ab initio*. This is a fundamental right protected by the *Canadian Constitution, 1867*;

135. This issue was addressed during the cross-examination of Me Sophie Gratton on September 3, 2025 before the Honourable Justice Ian Demers in the file of judicial review, the stenographic notes of the hearing of September 3, 2025 are filed herewith as **Exhibit P-24**;

136. Me Gratton stated that a breach of the rules was not an excess of jurisdiction as confirmed at pages 61 to 64 of Exhibit P-24;

137. These false statements made by Me Gratton with respect to the right to judicial review clearly influenced Justice Demers into making an incorrect and unconstitutional statement at paragraph 35 of his judgment, dated September 16, 2025 which provides as follows:

> Toujours à l'audition de la demande en rétractation, Mme Sanderson a restreint ses moyens de défense à la compétence de la Cour, malgré la disponibilité d'un appel devant une autre juridiction, **en cas d'excès de compétence**. Elle a occulté le

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deuxième motif justifiant le rejet du pourvoi : il n'a pas été signifié dans un délai raisonnable.

Translation :

Still at the hearing of the motion for retraction, Ms. Sanderson limited her grounds of defence to the jurisdiction of the Court, despite the availability of an appeal before another court **in the event of excess of jurisdiction**. She disregarded the second ground justifying the dismissal of the application: it was not served within a reasonable time.

138. Based on the foregoing, Me Gratton induced Justice Demers in error with respect to the meaning of exceeding jurisdiction within the context of judicial review;

139. On June 10, 2025, Justice Olaf in *Harvey v. Conseil de discipline du Barreau du Québec*[6] explained the exceptions to the privative clause contained in the *Professional Code* as follows:

> [46] Quant aux motifs limités **qui permettent d'écarter** l'application de telles clauses privatives complètes, certains auteurs de doctrine les résument ainsi :
>
> > Toutefois, et malgré l'existence de cette clause privative, la Cour supérieure pourra se pencher sur les questions de compétence, que ce soit les cas d'ouverture liés à l'absence de compétence **légale *ab initio* du décideur**, la violation de garanties procédurales fondamentales, les cas d'abus de pouvoir et de discrimination, de même que certaines erreurs de droit et de fait. Ceci découle non seulement du contenu de la clause privative comme telle, mais également de la *Loi constitutionnelle de 1867* qui empêche le législateur de retirer toute juridiction à la Cour supérieure en matière de contrôle de la légalité d'une décision d'un tribunal administratif.
> >
> > Essentiellement, la Cour supérieure pourra décider d'intervenir et d'exercer judicieusement sa discrétion en matière de contrôle judiciaire pour trois grandes catégories de cas :
> >
> > 1. L'absence de compétence;
> >
> > 2. La violation des garanties procédurales; ou
> >
> > 3. Les illégalités relatives au contenu de la décision rendue par l'organisme ou le tribunal administratif. [38]
>
> [47] **L'absence de compétence** vise un cas « où, par exemple, un conseil de discipline agira hors du cadre qui lui est fixé par le législateur. En effet, le conseil de discipline étant créé par une loi, à savoir le *Code des professions*, il tire sa compétence du libellé même de la loi »[39].
>
> [48] Quant à la **violation des garanties procédurales**, c'est « la mise en pratique des principes du droit à une défense pleine et entière, l'expectative légitime, le devoir d'agir équitablement ainsi que **le respect des règles de justice naturelle** »[40] qui est en cause.
>
> [49] Pour terminer, concernant les illégalités relatives au contenu de la décision rendue, « il s'agit notamment des erreurs déraisonnables dans l'appréciation des faits ou dans l'application du droit aux faits. **Malgré la déférence qui doit être apportée à l'instance administrative, une telle illégalité pourra justifier l'intervention de la Cour supérieure**, notamment

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> lorsque l'instance administrative interprétera ses dispositions habilitantes – ce qui est au cœur de sa compétence – de manière déraisonnable »[41].
>
> [50] En somme, il revient au demandeur de démontrer que les décisions attaquées rencontrent chacun des trois critères reconnus afin de convaincre le Tribunal d'exercer son pouvoir hautement discrétionnaire d'ordonner **le sursis demandé**, dont celui de l'apparence de droit qui doit être apprécié tant en fonction des catégories exceptionnelles de décisions interlocutoires qui peuvent faire l'objet d'un pourvoi en contrôle judiciaire immédiat que des clauses privatives complètes du *Code des professions*.

140. The appeal of this judgment of Justice Demers was heard on February 27, 2026, before the Honourable Justice Marcotte of the Court of Appeal who was clearly in a conflict of interest as explained in the application for leave to the Supreme Court of Canada, dated May 4, 2026, filed herewith as **Exhibit P-25**;

141. During the hearing before Justice Marcotte on February 27, 2026, Me Gratton suddenly changed her argument after arguing before numerous judges that the judicial review of a judgment of the Disciplinary Council was not available even for a breach of the rules of natural justice and even testifying under oath to that effect, Me Gratton finally admitted that judicial review is available if there is a breach of the rules of natural justice;

142. Me Gratton was obviously forced to accept this position because the Plaintiff had argued that the conclusion above of Justice Demers was unconstitutional because it violated Section 96 of the *Constitution Act, 1867*. That is, the Plaintiff added the Attorney General of Canada as a party to the case;

143. Based on the foregoing, it is submitted that Me Gratton, acting on behalf of Me Dyotte, continues to act in bad faith by maintaining that the motion for judicial review is abusive. Me Gratton admitted that a breach of the rules of natural justice constitutes an excess of jurisdiction. In these circumstances, it is difficult to reconcile the continued position of the Quebec Bar that the motion for judicial review is abusive where the allegations concern excess of jurisdiction and serious breaches of procedural fairness;

144. Furthermore, the Plaintiff was ordered to pay more than $18,000 in legal fees of Me Gratton to the Quebec Bar, notwithstanding that this is the first time in Quebec history that such costs have been awarded in comparable circumstances and despite the fact that costs were not even sought in other similar matters;

146. Based on the foregoing because the Quebec Bar and the Attorney General of Quebec obtained favourable judgments by making misrepresentations to the Superior Court, the Plaintiff is entitled to the damages described above.

FOR THESE REASONS, MAY IT PLEASE THIS HONOURABLE COURT TO:

GRANT the present application;

ORDER the Defendant, La Presse Inc. to remove the article dated November 13, 2024 (Exhibit P-7) from the internet and/or to make the aforementioned corrections to accurately represent the story and to remove irrelevant facts;

ORDER the Defendants to pay the Plaintiff the sum of $200,000 as compensation for psychological and moral prejudice;

ORDER the Defendants to pay the Plaintiff the sum of $150,000 as punitive damages in light of the intentional abuse of authority and ethical breaches committed;

ORDER interest and the additional indemnity provided for in article 1619 of the *Civil Code of Québec* from the date of service of the present proceedings;

RESERVE the Plaintiff's right to amend the conclusions and monetary claims as new damages become known or quantified;

THE WHOLE with judicial costs against the Defendants.

CARIGNAN, May 27, 2026

Jacqueline Sanderson

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File No.: 200-17-037621-257

SUPERIOR COURT
District of Quebec

JACQUELINE SANDERSON,

Plaintiff;

vs.

M[E] SÉBASTIEN DYOTTE et al.,

Defendants;

RE-AMENDED ORIGINATING APPLICATION

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