

## PRACTICE

### COMMENCEMENT OF PROCEEDINGS

Appeal from order of Federal Court dated December 17, 2018 upholding earlier order by Prothonotary — Appellant, spouse of Ade Olumide — Ade Olumide previously declared to be vexatious litigant by Federal Court of Appeal, prohibited from starting new proceedings without leave — In present instance, Olumide litigating his interests through appellant without leave, therefore in breach of vexatious litigant order — Appellant having no interest in appeal — Documents filed by spouse those of Olumide — Circumstance calling for use of *Federal Courts Rules*, SOR/98-106, r. 74, wherein document filed contrary to Court order “must be removed from the Court file” — Acceptable for one Judge to hear present matter as Judge not hearing appeal but addressing issue of non-compliance with vexatious litigant order — Possible consequences of breach of vexatious litigant order, i.e. contempt proceedings, discussed — While contempt proceedings against Olumide could be started herein, Court exercising discretion not to on basis Olumide never told in detail about serious consequences following from such proceedings — Instead, Olumide warned that recurrence of conduct herein or similar conduct will be met with proceedings for contempt — Appellant warned such proceedings may be brought against her if found to be complicit with Olumide — Appeal, filing of notice of appeal contrary to vexatious litigant order — Notice of appeal ordered removed from file, file closed, pursuant to r. 74 — Motion dismissed.

VIRGO V. CANADA (ATTORNEY GENERAL) (A-36-19, 2019 FCA 167, Stratas J.A., reasons for order dated May 31, 2019, 11 pp.)