

Federal Court



Cour fédérale

Date: 20120918

Docket: T-478-12

Citation: 2012 FC 1087

Toronto, Ontario, September 18, 2012

PRESENT: The Honourable Mr. Justice Near

BETWEEN:

**MAJOR KEYVAN NOURHAGHIGHI AND
FARZAD NOUR HAGHIGHI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] The Applicant Major Keyvan Nourhaghighi has brought two motions seeking to have multiple persons declared to be in contempt of this Court. In my view after reviewing the evidence before me there is absolutely no merit to the Applicant's position with respect to any of the named persons. The Applicant asserts that all of the named parties are acting in some grand conspiracy against him that began more than 25 years ago and continues to this day. There is no evidence to support these allegations.

[2] With respect to the actions of John Loncar, Brad Gotkin and Jake Schutz, the only named persons who had any recent direct dealings with the Applicant concerning this file, I find that their actions do no amount to contempt in any way. The mere fact that Justice Snider of this Court may have been annoyed with Mr. Loncar and Mr. Gotkin during the motion for adjournment held on June 18, 2012 falls short of meeting the test for contempt. Indeed, if their behaviour had been so extreme there is no doubt that Justice Snider would have dealt with the matter. As such, I find that a *prima facie* case has not been made out against any of the named parties and the motions for contempt are dismissed with costs.

[3] Counsel for the Law Society of Upper Canada appeared before me and asked that costs be set given the nature of the Applicant's complaints and their ongoing nature. I agree with these submissions and set the costs at \$1,000.00 payable by the Applicant. The \$1,000.00 in costs is to be divided equally in the amount of \$500.00 each between the Respondent, The Minister of Citizenship and Immigration, and the Law Society of Upper Canada.

ORDER

THIS COURT ORDERS that:

1. The Applicant's contempt motions are hereby dismissed.

2. The Respondent, The Minister of Citizenship and Immigration and the Law Society of Upper Canada shall have their costs of these motions; such costs are set at \$1,000.00, divided equally in the amount of \$500.00 each between them.

"D.G. Near"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-478-12

STYLE OF CAUSE: MAJOR KEYVAN NOURHAGHIGHI AND FARZAD
NOUR HAGHIGHI v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: September 17, 2012

**REASONS FOR ORDER
AND ORDER BY:** NEAR J.

DATED: September 18, 2012

APPEARANCES:

Major Keyvan Nourhaghighi	FOR THE APPLICANTS (ON HIS OWN BEHALF)
John Loncar	FOR THE RESPONDENT (Minister of Citizenship and Immigration)
Helen A. Daley	FOR THE RESPONDENT
Sean L. Gosnell	FOR THE RESPONDENT
Darrell Kloeze	FOR THE RESPONDENT

SOLICITORS OF RECORD:

N/A	FOR THE APPLICANTS (ON HIS OWN BEHALF)
Myles J. Kirvan Deputy Attorney General of Canada	FOR THE RESPONDENT (Minister of Citizenship and Immigration)