

**FEDERAL COURT OF CANADA**

BETWEEN:

**Radu Hociung**

Plaintiff

and

**Minister of Public Safety and Emergency Preparedness**

Defendant

**REPLY to Defendant's Response on Motion for disclosure.**

Radu Hociung  
246 Southwood Drive  
Kitchener, Ontario  
N2E 2B1  
Tel: (519) 883-8454  
Fax: (226) 336-8327  
email: radu.cbsa@ohmi.org

**TO:**

The Registrar  
Federal Court of Canada  
180 Queen Street West  
Suite 200  
Toronto, Ontario  
M5V 3L6

**AND TO:**

Eric Peterson, Counsel to the Defendant  
DEPARTMENT OF JUSTICE  
Ontario Regional Office  
The Exchange Tower  
130 King St. West  
Suite 3400, Box 36  
Toronto, Ontario

**FEDERAL COURT OF CANADA**

BETWEEN:

**Radu Hociung**

Plaintiff

and

**Minister of Public Safety and Emergency Preparedness**

Defendant

**REPLY to DEFENDANT's WRITTEN RESPONSE**

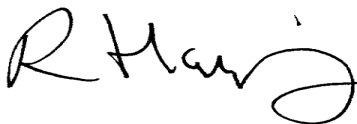
(Plaintiff's Motion to Compel Further Production)

1. The Motion Record was served on the Defendant on January 31<sup>st</sup>, 2017. He has not responded within 10 days of being served as required by Rule 369.
2. The Defendant filed a response on February 21<sup>st</sup>, 2017. This is a reply to that late response.
3. In his representations, the Defendant does not oppose the Orders sought in the motion, but takes issue with the timing of such an order.
4. The Defendant has also not made any representations that the documents he is withholding and should have been disclosed in his Affidavit of Documents, merit solicitor-client privilege status.
5. The Defendant's stated preference is that any further document production or discovery should be delayed indefinitely, but does not make any argument why this should be done, or what Court Rule would enable his request.
6. The Federal Court Rules 99 about written discovery provides him with a 30 day period in which to respond to written discovery questions. He is severely overdue (more than 1 year) in responding to follow-up questions served to him on February 2<sup>nd</sup> and 7<sup>th</sup>, 2017. The affidavit of service is contained in document 40 of the record, although to the Plaintiff's understanding, software limitations prevented registry from accurately capturing the affidavit of service of follow-up questions.

7. The proceedings are not at this phase under Case Management, nor was there any order granting the Defendant more time to comply with Rule 99.
8. If the Defendant required more time to comply, he should have started a motion seeking an Order to this effect; however he has not done this, nor has such an extension been granted by the Case Management Judge.
9. It is clear from the Defendant's conduct so far that he is unwilling to voluntarily comply with the Federal Court Rules for discovery. Even his response was served and filed outside the time limitations, and at his own convenience.
10. The Court should put a stop to the Defendant's shenanigans and high-handed treatment of the Federal Court Rules by means of a punitive cost award on this motion or on the action as a whole. His conduct has made necessary one year of case management, although it was ineffective, the November 23 motion seeking continuation of discovery, this motion, and several other enquiries and letters to the Court.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

DATE: February 26, 2018



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