

FEDERAL COURT OF CANADA

BETWEEN:

Radu Hociung

Plaintiff

and

**Minister of Public Safety and Emergency Preparedness
and
Canada Border Services Agency
and
Her Majesty the Queen in Right of Canada**

Defendants

XXXXXXXX

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AND TO (by email):

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Summary Motion

Motion requests: "Summary Judgment dismissing the action in its entirety"

Claims:

1. Judicial review of the Minister's decision. Issues:
 1. What is the standard of review on s 134 Appeals? ([Dunsmuir c. New Brunswick 2008 SCC 9 \(CanLII\)](#), [Canada \(Minister of Citizenship and Immigration\) v. Vavilov, 2019 SCC 65 \(CanLII\)](#)) Also 2015 FC 1300 Application for Judicial Review
 2. Is the Decision Just (justified, justifiable)
 3. Is the Decision fair (due regard to the submissions before him)
 4. Is the Decision reasonable/correct
 5. Is the Decision defensible in law
 6. The reasons must be justified and justifiable, meaning the reasoning process must also be coherent and rational. An unreasonable decision is one which suffers from "circular reasoning, false dilemmas, unfounded generalizations or an absurd premise. [...] a reviewing court must ultimately be satisfied that the decision maker's reasoning 'adds up.'"
2. Criminal Jurisdiction. Issues:
 1. It was not mentioned in the Motion to Strike, Motion for Summary, or even at the Appeal of the Motion for Summary or Amendment. The FCA suggested this idea, without any representations from the parties whatsoever.
 2. Why should the court entertain it as an issue when it was not brought up by the parties?
 3. The FCA suggested it to the FC. If the FC sees it as an issue, should it request representations?
3. Threat of Violence. Issues:
 1. Are threats of violence in the Officer's toolset as provided by statute? What about other acts, eg, murder, rape, theft? Which would be permitted by statute if they occurred?

2. What are the criteria for establishing uttering threats?
3. Are the criteria met?
4. Fraud by 4 CBSA employees/Crown servants. Issues:
 1. If fraud within the working tools of Customs Officers?
 2. What are the criteria by which fraud must be proven?
 3. Did the employees commit fraud as the claim is made?
5. Money Laundering. Issues:
 1. What is the criteria by which facilitating money laundering is proven?
 2. Is the criteria met?

Amendment Motion

1. Is this one of the “clearest of cases” where leave to amend should be denied? [2007 ONCA 456 \(CanLii\)](#). Damage done by fraud or money laundering activities is not theoretical.
2. Is there prejudice to either party?
3. Are the amendments capable of being struck (ie, irreparably defective?)