

Small Claims Get Big Results

As a visible minority and a lifer I've experienced the worst CSC has to offer. I've done it all in terms of physically reacting to CSC maltreatment and yes, the momentary gratification is good but the consequences suck. So what else can I do to make things better for me and for the next guy?

I found the solution! Lawyers are expensive so why not sue individual CSC employees in Small Claims Court?

So I tried it myself in Mar 2012 in QC. Surprise, surprise, I received an immediate settlement. In BC where max payouts for Small Claims are \$25,000 + expenses/costs, I went after more CSC individual employees under 'Roncarelli' a Supreme Court decision that says if an employee violates policy then you can sue the individual if you want and you don't need to go through all of the BS of Federal Court.

Well, now I'm receiving settlements on the regular, guards at Kent have been fired, conditions are improving for cons wherever I go.

Illegal segregation placement constitutes a loss of liberty. I have recent case law of \$4,000 and \$10,000 per day for loss of liberty.

All 'Use of Force' (CD 567-1) are received by Ottawa and if you file a 3rd Level National Grievance, call the Correctional Investigator to file an additional complaint, and then fill out a CSC Offender Privacy Act Request form (CSC form 1381) asking for all video/emails/Security Incident Reports/Executive Summaries disclosure, you will then start to get the results you are looking for! If 'they' tell you 'the video no longer exists', they are lying. CSC keeps all video for 30 days min. and on 'Use of Force' for 2 years min.

Call your local Provincial Court for Small Claims Rules, Forms, etc. Filing fees are 'waived' for most cons. Learn & know your rights and even more importantly, exercise your rights!

Make the guards & their negligent bosses pay, and trust me when I tell you this, it prevents and stops a lot of BS too as there is absolutely nothing a guard hates more than paying a con money from his paycheck.

I document everything, file Grievances, and call in Verbal Complaints to the Correctional Investigator/ Human Rights Commission for any maltreatment. I remind myself to be patient and not to flip out!

Anonymous, NS, 2013

Roncarelli v. Duplessis, [1959] S.C.R. 121

Roncarelli v. Duplessis, [1959] S.C.R. 121, was a landmark constitutional decision of the Supreme Court of Canada where the Court held that Maurice Duplessis, the premier of Quebec, had overstepped his authority by revoking the liquor licence of a Jehovah's Witness. Justice

Rand wrote in his often-quoted reasons that the unwritten constitutional principle of the "rule of law" meant no public official was above the law, that is, they could neither suspend it or dispense it. Though he had the authority to do this by the law granting him the discretion, he overstepped the reasons why he held this. It is held as an example of a ruling showing we need, and have, rules governing the granting of authority.

Background

Frank Roncarelli was a successful restaurant owner and practicing Jehovah's Witness in Montreal. He was very active in the Jehovah's Witness community and used his wealth to support persecuted members by offering bail security for those who had been arrested by the municipal government.

At the time, sometimes violent tension between the dominant Roman Catholic community and the Jehovah's Witness community saw increasing arrests of Jehovah's Witness members for giving out copies of their magazines without the necessary permits under a city by-law which was later determined to be unconstitutional in *Saumur v. The City of Quebec*.

Roncarelli furnished bail for over 375 Jehovah's Witness members in three years and many were arrested multiple times.

The Chief Prosecutor of the city, Oscar Gagnon, overwhelmed by the number of Witnesses being arrested and then set free by Roncarelli's intervention, contacted the Premier who spoke to Edouard Archambault, Chairman of the Quebec Liquor Commission. Roncarelli's liquor licence was subsequently revoked. Extensive testimony showed the government actors believed Roncarelli was disrupting the court system, causing civil disorder, and was therefore not entitled to the liquor licence. Roncarelli was told that he was "forever" barred from holding a liquor licence and that this action was a warning to others that they would similarly be stripped of provincial "privileges" if they persisted in their activities related to the Witnesses.

Roncarelli received news of the revocation in December 1946, and while he tried to keep his business open without the licence, it was not profitable and he put it up for sale within six months. Consequently, he brought an action against Duplessis for \$90,000 in damages.

At trial, the Québec Court of Queen's Bench found in favour of Roncarelli, however it was overturned on appeal.

Decision of the Court

In a 6-to-3 decision, the Supreme Court of Canada reinstated the trial decision; holding that Duplessis wrongfully caused the revocation of Roncarelli's liquor licence.

The six judges who sided with Roncarelli used different legal reasoning to reach their decision. Three judges wrote that Duplessis had ordered the cancellation which was outside his authority as premier; two judges stated that although Duplessis had the power to order the cancellation, he had done so in bad faith; and the sixth judge concluded the premier was not entitled to immunity as a public official.

Roncarelli was awarded \$33,123.53 in damages, a fraction of his claim, plus costs in the Court of Queen's Bench and the Supreme Court of Canada. Roncarelli's son, however, maintained that it was a significant moral victory in his father's struggle against the system.

Roncarelli's legal counsel throughout were A.L. Stein and Professor Frank Scott.

Duplessis died shortly after the verdict.

Dissent

Cartwright J. wrote a dissenting judgement which argued that it was within the power of the commission to refuse to grant Roncarelli a permit as the act only fettered the commission by delineating circumstances under which the granting of a permit was forbidden and circumstances in which the cancellation of a permit was mandatory, and nothing more. Cartwright J. argued that as this was an administrative tribunal, and not a judicial one, it was "a

law unto itself" and did not need to base its decision on anything more than policy and expediency. Cartwright J. went on to argue that even if the commission were to be considered quasi-judicial, in which case procedural fairness guarantees would apply, that still would not entitle the plaintiff to monetary damages.

The court's francophone judges supported Duplessis, and had done so in other cases of abuse of power by the government of Duplessis. Two were sons of previous premiers of Quebec.

Inmates in need are generally in Seg and when they are not, it is extremely difficult to navigate through the 'red tape' and restrictions placed on us. To actually get a hold of a Small Claims Court in a court house in the Pacific Region, here is how to help yourself and others. If you are in another region, this process may not be exactly the same, but you will understand what to do.

First, call Inquiries BC at 1-800-663-7867. Tell the operator you are a Federal Inmate and that you require them to stay online until you are completely connected to the Court House Small Claims Department. If you are in Kent or Mountain, ask for Chilliwack Court House. Ask for 'Small Claims Forms' and for 'Request to Register Forms'. Always ask for extras, 10-15. Hand out the ones you will not need. It is free to file as a Federal Inmate.

Every Region is a little bit different, such as Information numbers. Keep your head up.