

Court File No. S-255766
Registry: Vancouver

In the Supreme Court of British Columbia

Between:

Jessie Bains
Applicant

And:

Scott Morishita
Respondent

Notice of Civil Claim

This action has been started by the plaintiff for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must
(a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
(b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must
(a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
(b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for response to civil claim

A response to civil claim must be filed and served on the plaintiff,
(a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
(b) if you were served with the notice of civil claim anywhere in the United States of America,

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within 35 days after that service,
(c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
(d) if the time for response to civil claim has been set by order of the court, within that time.

Claim of the Applicant

Part 1: STATEMENT OF FACTS

1. I, Jessie Bains, residing at [redacted]

2. The Respondent, Scott Morishita, is a man who, on June 30, 2025, presided over a chambers hearing in the Supreme Court of British Columbia in the matter of Bains v. Barker (Civil Claim S-254074).

3. This claim is brought against Scott Morishita in his private capacity, not against Justice Scott Morishita in his official capacity as a Justice of the Supreme Court of British Columbia.

4. On June 30, 2025, during a chambers hearing for Civil Claim S-254074, I made a direct and lawful request for Mr. Morishita to place his Oath of Office on the record.

5. Mr. Morishita refused this lawful request, stating only: "I have authority to hear this, and that's as much as I'm willing to – to discuss about that."

6. Mr. Morishita's refusal to produce his Oath of Office when lawfully requested undermined the legitimacy of his role on the bench and raised serious concerns about whether he was acting within lawful jurisdiction.

7. On July 7, 2025, I sent a formal Notice of Liability to the Mr. Morishita via registered mail and email, demanding:
   a) A certified copy of his Oath of Office, filed under proper legal authority;
   b) A written explanation identifying the lawful right or authority under which he refused to place his Oath of Office on the record when asked during the June 30, 2025 hearing; and
   c) Confirmation of whether it was Justice Morishita, in a judicial capacity, or Scott Morishita, acting in a private capacity, who presided over the hearing of June 30, 2025.

8. Mr. Morishita received this Notice of Liability on July 14, 2025, as confirmed by Canada Post delivery confirmation, but failed to respond.

9. On July 15, 2025, I sent a Second Notice of Liability to Mr. Morishita via registered mail and email, reiterating the demands from the first notice and providing Mr. Morishita with 7 calendar days to respond.

10. Mr. Morishita received this Second Notice of Liability on July 23, 2025, as confirmed by Canada Post delivery confirmation, but again failed to respond.

11. On July 23, 2025, I sent a Third and Final Notice of Liability to Mr. Morishita via registered mail and email, providing a final opportunity to respond within 7 calendar days.

12. Mr. Morishita failed to respond to any of the three Notices of Liability and has not provided his Oath of Office or any explanation for his refusal to place it on the record.

13. Mr. Morishita's actions were undertaken without lawful authority and outside the scope of judicial immunity, as the refusal to provide proof of his Oath of Office when lawfully requested constitutes an act in his private capacity.

Part 2: RELIEF SOUGHT

I claim against the Respondent:

1. A declaration that the Mr. Morishita's refusal to provide his Oath of Office when lawfully requested constitutes an unlawful act undertaken in his private capacity;

2. A declaration that Mr. Morishita acted without lawful authority during the chambers hearing of June 30, 2025;

3. General damages for the tort of misfeasance in public office;

4. Special damages to be determined;

5. Punitive damages;

6. Costs of this action; and

7. Such further and other relief as this Honourable Court deems just.

Part 3: LEGAL BASIS

1. I rely on the following legal basis for the claims against the Mr. Morishita:

A. The Legal Significance of the Oath of Office

2. The Oath of Office is a fundamental legal prerequisite for the lawful exercise of judicial authority in Canada. It is not merely ceremonial but serves as the foundational basis for a judicial officer's jurisdiction and authority to act.

3. Section 10 of the Judges Act, R.S.C., 1985, c. J-1, requires that every person appointed to be a judge shall, before entering upon the duties of office, take an oath that they will duly and faithfully execute their powers and trusts as a judge.

4. Section 9 of the Provincial Court Act, R.S.B.C. 1996, c. 379, similarly requires judges to take an oath of office before acting as a judge.

5. The Supreme Court of Canada in Roncarelli v. Duplessis, [1959] S.C.R. 121, established that public officials who act outside their lawful authority may be personally liable for their actions.

6. The oath serves as a public assurance that the judicial officer will act impartially, within jurisdiction, and in accordance with the rule of law. It is the formal mechanism by which judicial authority is conferred and acknowledged.

B. The Right to Request Verification of Jurisdiction

7. Every man or woman appearing before a court has the right to verify the jurisdiction of the presiding judicial officer. This right is fundamental to the rule of law and procedural fairness.

8. The Supreme Court of Canada in Crevier v. Attorney General of Quebec, [1981] 2 S.C.R. 220, confirmed that jurisdiction is fundamental to the Canadian legal system and cannot be ousted by mere assertion.

9. When a reasonable request is made to verify jurisdiction through production of an Oath of Office, refusal to provide such verification constitutes a breach of procedural fairness and natural justice.

10. The refusal to provide proof of jurisdiction when lawfully requested transforms what would otherwise be a judicial act into a private act undertaken without lawful authority.

C. Misfeasance in Public Office

11. The elements of the tort of misfeasance in public office, as established in Odhavji Estate v. Woodhouse, 2003 SCC 69, are:
a) The defendant must be a public officer;
b) The defendant must have engaged in deliberate and unlawful conduct in his capacity as a public officer;
c) The defendant must have been aware that the conduct was unlawful and likely to harm the plaintiff; and
d) The conduct must have been specifically directed toward the plaintiff.

12. Mr. Morishita, while purporting to act as a Justice of the Supreme Court of British Columbia, deliberately refused to provide verification of his lawful authority when reasonably requested to do so.

13. Mr. Morishita knew or ought to have known that refusing to provide his Oath of Office when lawfully requested was contrary to law and would harm me by forcing me to participate in proceedings before a man whose jurisdiction had not been verified.

14. Mr. Morishita's conduct was specifically directed toward me, as it was in direct response to my lawful request during proceedings in which I was a party.

D. Acting in a Private Capacity

15. When a judicial officer refuses to verify their jurisdiction through production of their Oath of Office, they are acting outside the scope of their judicial office and therefore in a private capacity.

16. In Cooper v. Hobart, 2001 SCC 79, the Supreme Court of Canada recognized that public officials may be liable for actions taken outside their statutory authority.

17. Mr. Morishita's refusal to provide his Oath of Office constitutes an act undertaken in his private capacity as Scott Morishita, not in his judicial capacity as Justice Morishita.

18. Judicial immunity does not extend to acts undertaken in a private capacity or acts that are fundamentally outside the scope of judicial authority.

E. Breach of Public Trust

19. Mr. Morishita's refusal to provide his Oath of Office constitutes a breach of the public trust inherent in judicial office.

20. In R. v. Boulanger, 2006 SCC 32, the Supreme Court of Canada recognized that public officials have a duty to act in accordance with the public trust placed in them.

21. By refusing to verify his jurisdiction when lawfully requested to do so, Mr. Morishita breached this public trust and undermined public confidence in the administration of justice.

Part 4: APPLICANT'S ADDRESS FOR SERVICE

Jessie Bains
[redacted]

Place of trial: Vancouver, British Columbia

The address of the registry is: 800 Smithe Street, Vancouver, BC V6Z 2E1

Date: Aug 1, 2025

Signature of Jessie Bains
Applicant

Rule 7-1 (1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
(a) prepare a list of documents in Form 22 that lists
(i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
(ii) all other documents to which the party intends to refer at trial, and
(b) serve the list on all parties of record.