Citation: College of Registered Nurses of Manitoba v Hancock, 2025 MBCA 14
Date: 20250212
Docket: AI24-30-10141

IN THE COURT OF APPEAL OF MANITOBA

BETWEEN:

COLLEGE OF REGISTERED NURSES OF MANITOBA	***No appearance*** *for the Appellant*
(Applicant) Respondent	***D. E. Swayze, K.C.*** *and* ***K. Murkin*** *for the Respondent (via videoconference)*
- and -	***D. A. Johnston*** *on a watching brief for the Attorney General of Manitoba*
SHANNON HANCOCK	*Chambers motion heard:* ***December 19, 2024***
(Respondent) Appellant	*Decision pronounced:* ***February 12, 2025***

TURNER JA

[1] This motion deals with the ability of this Court to take steps to address litigants who vexatiously pursue futile remedies. While orders limiting a person's access to the justice system are to be made sparingly and only in clear cases, this is, as I will explain, one such case.

[2] Under r 44 of the MB, *Court of Appeal Rules (Civil)*, Man Reg 555/88R [the *CA Rules*], the registrar of the Court of Appeal of Manitoba (the registrar) has referred this matter to a judge, seeking an order under section 31.1(1) of *The Court of Appeal Act*, CCSM c C240 [the *CA Act*], that

the respondent (Ms. Hancock) be restricted from access to this Court on the basis that she has persistently instituted vexatious proceedings (the CA motion).

[3] The College of Registered Nurses of Manitoba (the College) supports such an order being made. The Attorney General of Manitoba takes the same position.

[4] Ms. Hancock was advised, by a letter from the registrar on December 11, 2024 (the December 11, 2024 letter), that the CA motion would be heard on December 19, 2024 at 10:00 a.m. Ms. Hancock subsequently sent correspondence to the registrar and others, including the Chief Justice of Manitoba and me, advising that she was refusing to attend the hearing. In her view, the registrar did not have the authority to compel her appearance. As explained further below, she is incorrect.

[5] Ms. Hancock did not attend the hearing on December 19, 2024. Ms. Hancock was paged and the Court waited until 10:45 a.m. before proceeding. In the December 11, 2024 letter, she was advised that the matter may proceed and an order may be made in her absence. That is what happened.

<u>The Background</u>

[6] Ms. Hancock has had a lengthy history of litigation in administrative tribunals and courts in Manitoba.

Proceedings With the Winnipeg Regional Health Authority[1]

[7] Although the Winnipeg Regional Health Authority (WRHA) is not a party to the proceeding under which the CA motion was brought, the larger picture of Ms. Hancock's litigation history is relevant.

[8] Ms. Hancock worked for the WRHA until her employment was terminated in April 2013. At the time, she was a member of the Manitoba Nurses Union (MNU) and, as her bargaining agent, the MNU filed several grievances on her behalf. One grievance alleged that the termination of her employment was wrongful and without cause. All of the grievances were dealt with in the arbitration process regarding the termination of her employment.

[9] During the grievance and arbitration process, Ms. Hancock was represented by counsel. After the arbitration concluded, but before a decision was rendered, the WRHA and Ms. Hancock reached a settlement. The settlement included a term that Ms. Hancock agree to the confidentiality of the agreement and various non-disparagement clauses (the settlement agreement).

[10] In January 2015, Ms. Hancock filed a compliant with the Manitoba Labour Board (the Board) against the MNU. She alleged that the MNU violated its duty to fair representation. The Board dismissed the complaint in June 2015.

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[1] The following information is also contained in *Winnipeg Regional Health Authority v Hancock*, 2024 MBCA 107 [the *December 2024 decision*].

[11] In July 2015, Ms. Hancock filed an application to the Board asking for a review and reconsideration of its decision. The Board dismissed her application in September 2015.

[12] In September 2016, the WRHA filed a statement of claim against Ms. Hancock. They sought, among other things, a declaration that she had breached the terms of the settlement agreement and an award of special damages. In November 2016, Ms. Hancock filed a statement of defence and counterclaim against the WRHA.

[13] In July 2017, Ms. Hancock filed a complaint with the Manitoba Ombudsman (the Ombudsman) pursuant to section 39(2) of *The Personal Health Information Act*, CCSM c P33.5. She claimed that, while she was employed with the WRHA, an employee accessed her personal health information and disclosed it to another employee. The Ombudsman dismissed the complaint in January 2018.

[14] In August and September 2017, Ms. Hancock sent a series of requests to the WRHA under *The Freedom of Information and Protection of Privacy Act*, CCSM c F175. She requested information relating to alleged unauthorized use and disclosure of her personal health information dating back to 2013. The WRHA denied those requests.

[15] In response, Ms. Hancock filed a written complaint to the Ombudsman, which was dismissed. Ms. Hancock sought judicial review in

the Court of King's Bench[2], which was dismissed with costs[3] on March 27, 2019 (see *Hancock v WRHA*, 2019 MBQB 52).

[16] In 2018, Ms. Hancock made a request to Manitoba Workplace Safety and Health, asking that her 2012 complaint with the WRHA be reactivated. After a series of reviews, her request was denied. Ms. Hancock appealed that decision to the Board and her appeal was dismissed in March 2019.

[17] On July 31, 2023, the WRHA moved for summary judgment regarding their September 2016 claim. They also sought an order dismissing Ms. Hancock's counterclaim. On August 27, 2024, the motion for summary judgment was granted, as was the dismissal of Ms. Hancock's counterclaim (see *Winnipeg Regional Health Authority v Hancock*, 2024 MBKB 126) [the *August 2024 decision*].

[18] Ms. Hancock has filed an appeal of the *August 2024 decision*. The matter was case managed by the Chief Justice of Manitoba pursuant to r 37.1 of the *CA Rules* (see the *December 2024 decision*[4]).

Proceedings With the College

[19] Ms. Hancock was a registered nurse in good standing with the College from 1993 to 2019.

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[2] Over the course of proceedings involving Ms. Hancock, the Court of Queen's Bench became the Court of King's Bench. For simplicity, I will refer to the Court as the Court of King's Bench throughout these reasons.
[3] Costs were set but not payable until Ms. Hancock's application for a rehearing before the Chief Justice was concluded. That application was subsequently dismissed.
[4] On December 30, 2024, Ms. Hancock filed an appeal of this decision (File No. AI24-30-10155).

2016 Application for Judicial Review

[20] When the College was advised that the clinic at which Ms. Hancock had been working had terminated her employment, it referred the matter to its Investigation Committee (the committee). The committee reviewed the matter and directed Ms. Hancock to appear before it to be censured. Ms. Hancock refused censure. The committee reviewed the matter further and directed that an investigation be conducted. Ms. Hancock was directed to complete a fitness to practise assessment (the assessment).

[21] After the committee received the report from the assessment, it concluded that there were no issues regarding Ms. Hancock's fitness to practise. However, the committee warned Ms. Hancock about her uncooperative conduct toward the committee and issued her a letter of guidance.

[22] In 2016, Ms. Hancock filed an application for judicial review of the decision to issue the letter of guidance. Her application was dismissed (see *Hancock v College of Registered Nurses of Manitoba*, 2018 MBQB 149). She appealed the decision to this Court; however, she filed a notice of discontinuance in April 2019.

[23] During the same time as the judicial review proceedings, the committee continued its investigation into the termination of Ms. Hancock's employment, resulting in a charge of misconduct against her. A disciplinary hearing panel (the panel) concluded that she had "committed a boundary violation". It suspended Ms. Hancock for two months, ordered her to complete a remedial course and ordered her to pay costs of $15,000.

[24] Ms. Hancock appealed the panel's decision to this Court. Her appeal was dismissed with costs (see *Hancock v College of Registered Nurses of Manitoba*, 2021 MBCA 20). She sought a rehearing of her appeal, which was also dismissed with costs (*Hancock v College of Registered Nurses of Manitoba*, 2021 MBCA 59).

The 2018 Action

[25] In July 2018, Ms. Hancock filed a statement of claim against the College, alleging a breach of privacy. The College filed a statement of defence in August 2018; however, it appears that to date nothing further has been done in relation to this matter.

The 2019 Judicial Review Application

[26] In August 2019, the College learned of a medical issue that might impact Mr. Hancock's ability to practise nursing. It requested further information from Ms. Hancock, which she refused to provide. As a result, on October 15, 2019, the College imposed an interim suspension.

[27] Ms. Hancock appealed the interim suspension to the College's Appeal Committee. The appeal was dismissed and the suspension upheld.

[28] Ms. Hancock filed an application in the Court of King's Bench for judicial review of the decision and a stay of the suspension. She discontinued the application in June 2020.

[29] After the October 15, 2019 suspension, the College continued to ask Ms. Hancock to provide medical information. She failed to comply with the request, which led to a further disciplinary hearing.

[30] On May 21, 2021, the disciplinary panel found that Ms. Hancock was guilty of misconduct and was ungovernable. At the subsequent penalty hearing, Ms. Hancock asked the panel to reconsider its decision. The panel declined to do so. As to penalty, the panel ordered that Ms. Hancock's certificate to practise nursing be revoked and she be required to pay costs of $40,000.

[31] Ms. Hancock appealed to this Court the panel's decision not to reconsider its finding of misconduct. This Court dismissed her appeal with costs (see *College of Registered Nurses of Manitoba v Hancock*, 2022 MBCA 70 [the *College decision appeal*]). Ms. Hancock's application to the Supreme Court of Canada for leave to appeal was also dismissed with costs (see the *College decision appeal*, leave to appeal to SCC refused, 40473 (27 April 2023)).

The 2020 Action

[32] Prior to discontinuing the 2019 application, Ms. Hancock filed a statement of claim against the College and forty-three other defendants. All of the defendants filed a motion to strike the claim.

[33] An associate judge granted the motion to strike without leave to amend. Ms. Hancock appealed the decision to the Court of King's Bench; however, she filed a notice of abandonment in January 2021.

The 2021 Action

[34] Prior to filing the January 2021 notice of abandonment, on January 8, 2021, Ms. Hancock filed a statement of claim against the Government of Manitoba. In addition to seeking damages of $15 million, she sought declaratory and injunctive relief against the College, the Law Society of Manitoba and its members "prohibiting the initiation or continuance of any further proceedings against [Ms. Hancock] pending the outcome of concurrent civil proceedings" (*College of Registered Nurses v Shannon Hancock*, 2022 MBQB 26 at para 33) [the *2022 vexatious litigant order*].

[35] The 2021 action remains pending before the Court of King's Bench.

The Court of King's Bench Vexatious Litigant Proceedings

[36] On January 4, 2021, the College filed an application in the Court of King's Bench for, among other things, an order declaring Ms. Hancock a vexatious litigant.

[37] After reviewing many of the facts I have outlined above and the law related to the determination of whether a person has persistently instituted vexatious proceedings or conducted proceedings in a vexatious manner, in February 2022, Champagne J granted the College's application with costs. He declared Ms. Hancock a vexatious litigant, concluding (the *2022 vexatious litigant order* at paras 119-21):

> The factors I have outlined above demonstrate Ms. Hancock has abused her access to the court system. Her litigation strategy and conduct has been abusive and amounts to harassment by means of litigation.

> There has been extensive damage to the College in terms of time, energy and costs. There has also been extensive damage to the administration of justice as this ongoing litigation has taken up valuable court resources.
>
> This is a clear case of vexatious litigation and vexatious conduct and it must stop. Accordingly, I declare Ms. Hancock a vexatious litigant.

[38] As a result, Ms. Hancock is not allowed to file new actions or continue existing actions involving the College without first seeking leave of the Court (see the *2022 vexatious litigant order* at para 122).

[39] Ms. Hancock appealed that decision to this Court and her appeal was dismissed with costs (see *College of Registered Nurses of Manitoba v Hancock*, 2023 MBCA 70). Ms. Hancock filed a motion for a rehearing of the appeal, which was also dismissed with solicitor and client costs (see *College of Registered Nurses of Manitoba v Hancock*, 2023 MBCA 94).

The Rescission Application and Concurrent Motions

[40] On June 7, 2024, Ms. Hancock filed a notice of motion in the Court of King's Bench for leave to file a notice of constitutional question and an application for judicial review of decisions of the College's inquiry committees and disciplinary panels. In her accompanying affidavit, she acknowledged that she was required to seek leave to file the notice of motion pursuant to the *2022 vexatious litigant order*.

[41] On July 12, 2024, the College filed a notice of motion, asking that the *2022 vexatious litigant order* be amended to add conditions to further restrict litigious misconduct by Ms. Hancock, including that she not be

granted leave to commence or continue proceedings until she paid all outstanding costs awards against her in full.

[42] On July 22, 2024, Ms. Hancock filed a notice of motion for an order disqualifying a long list of counsel, an order striking the College's July 12, 2024 motion and an order appointing independent counsel to argue her constitutional question.

[43] Finally, on August 13, 2024, Ms. Hancock filed an application for rescission of the *2022 vexatious litigant order* pursuant to section 74(2) of *The Court of King's Bench Act*, CCSM c C280 [the *KB Act*].

[44] In a decision released on November 19, 2024, Rempel J dismissed Ms. Hancock's motions and granted the College's motion with costs (see *College of Registered Nurses of Manitoba v Hancock*, 2024 MBKB 170). Ms. Hancock immediately filed a notice of appeal of Rempel J's decision to this Court (File No. AI24-30-10141). It is on this file that the registrar wrote the December 11, 2024 letter.

[45] This matter was also part of the case management hearing before the Chief Justice of Manitoba pursuant to r 37.1 of the *CA Rules* noted at paragraph 18 above.

The December 11, 2024 Letter

[46] On December 11, 2024, the registrar wrote to Ms. Hancock, copying counsel for the College and counsel for the Attorney General of Manitoba.

[47] The letter advised Ms. Hancock that r 44 of the *CA Rules* allows the registrar to refer any matter to a judge. Considering the circumstances, the registrar advised that he was referring Ms. Hancock's matter to a judge to consider whether she has persistently instituted vexatious proceedings or conducted proceedings in a vexatious manner and whether an order under section 31.1(1) of the *CA Act* should be made.

Analysis

The Process

[48] Ms. Hancock takes issue with the registrar's ability to compel her appearance before the court.

[49] The Court of Appeal of Manitoba, as do all other superior courts, has the power to control its own process. In other words, this Court has inherent jurisdiction. The concept of inherent jurisdiction was explained in *Pelisek v Pelisek*, 2003 MBCA 145 at para 19 [*Pelisek*], citing IH Jacob, "The Inherent Jurisdiction of the Court" (1970) 23:1 Current Leg Probs:

> [T]he inherent jurisdiction of the court may be defined as being the reserve or fund of powers, a residual source of powers, which the court may draw upon as necessary whenever it is just and equitable to do so, and in particular to ensure the observance of the due process of law, to prevent improper vexation or oppression, to do justice between the parties and to secure a fair trial between them.

[50] In *Pelisek*, Monnin JA thoroughly reviewed the history of a superior court's inherent jurisdiction, dating back to 1841. To summarize, a superior court must have the power to control its own process; otherwise, it would be required to sit still and see its own process abused (see *Cocker v Tempest*

(1841), 151 ER 864 (WorldLII) (Exchequer Div UK)). Further, a court must have the inherent authority to control and discipline an abuse of its processes (see *R v Jewitt*, 1985 CanLII 47 (SCC)).

[51] Under the power to control its own process, this Court has the authority to compel the appearance of a party when a matter is referred by the registrar to a judge pursuant to r 44.

[52] In my view, the December 11, 2024 letter from the registrar was more than sufficient to compel Ms. Hancock's appearance. The letter set out a brief background and the registrar's concerns. It identified r 44 and included the full text of the relevant sections of the *CA Act* (see ss 31.1(1)-31.1(2), 31.2(1), 31.2(3), 31.2(5)). The letter fixed a hearing date for Ms. Hancock to appear and advised that, if she did not appear, an order may be made in her absence.

[53] When a party has received fair and detailed notice of why they are being compelled to appear before the court, it would be absurd to conclude that they may simply ignore the appearance. To allow such conduct would stymie the purpose of r 44.

Rule 44

[54] Rule 44 provides:

Chambers motion **44** A judge or the registrar may refer any matter to the court, except those matters where, by statute, authority to make the decision is specifically given to a judge in	**Motions présentées en cabinet** **44** Un juge ou le registraire peut renvoyer toute question au tribunal, à l'exception des questions dont le règlement relève, en vertu d'une loi, de la

chambers, and the registrar may refer any matter to a judge, and the court or the judge may either dispose of the matter or refer it back.	compétence exclusive d'un juge siégeant en cabinet. Le registraire peut renvoyer toute question à un juge et celui-ci ou le tribunal peut soit trancher la question, soit la renvoyer.

[55] The registrar's use of r 44 is clearly an appropriate mechanism for bringing to a judge's attention a perceived abuse of the justice system. The rule has been appropriately used by the registrar in this matter.

Section 31.1

[56] Section 31.1 of the the *CA Act* was amended in 2019 (see *The Courts Modernization Act (Various Acts Amended)*, SM 2019, c 16, s 2) and allows an order to be made, on this Court's own motion, restricting a vexatious litigant's access to the Court. Sections 31.1 to 31.3 state:

Order restraining vexatious litigant **31.1(1)** If a judge sitting in chambers or the court is satisfied that a person has persistently instituted vexatious proceedings or conducted proceedings in a vexatious manner, the judge or the court may order that (a) the person must not institute a further proceeding; and (b) any proceeding already instituted by the person must not be continued;	**Restriction par ordonnance des plaideurs quérulents** **31.1(1)** S'il est convaincu qu'une personne introduit constamment des instances vexatoires devant le tribunal ou conduit constamment une instance d'une manière vexatoire, un juge siégeant en cabinet ou le tribunal peut ordonner qu'elle n'introduise aucune autre instance ou qu'une instance qu'elle a introduite ne soit pas continuée, sans l'autorisation d'un juge.

except with leave of a judge.

Obtaining order
31.1(2) An order under subsection (1) may be made

(a) on a judge's own motion in chambers or on the court's own motion; or

(b) on application by

(i) a party against whom the alleged vexatious proceedings have been instituted or conducted, or

(ii) any other person, with leave of a judge.

Procédure d'obtention de l'ordonnance
31.1(2) L'ordonnance visée au paragraphe (1) peut être rendue :

a) soit par un juge siégeant en cabinet, de son propre chef, ou par le tribunal de sa propre initiative;

b) soit sur requête présentée par :

(i) une partie contre laquelle les instances prétendument vexatoires sont intentées ou continuées,

(ii) toute autre personne, avec l'autorisation d'un juge.

Application for leave to proceed
31.2(1) Where a person governed by an order under subsection 31.1(1) seeks to institute or continue a proceeding, the person may apply for

(a) leave to institute or continue the proceeding; or

(b) rescission of the order;

and for no other relief,

Requête en vue de l'obtention d'une autorisation
31.2(1) La personne qui est visée par une ordonnance rendue en vertu du paragraphe 31.1(1) et qui demande l'introduction ou la continuation d'une instance peut présenter, selon le cas :

a) une requête afin que soit autorisée l'introduction ou la continuation de l'instance;

b) une requête en annulation

including costs.

de l'ordonnance.

Aucune autre mesure de redressement, y compris l'allocation de dépens, ne peut être demandée.

Application to court for rescission

31.2(2) If the order under subsection 31.1(1) was made by the court, the application for rescission of the order under clause (1)(b) shall be made to the court.

Requête en annulation de l'ordonnance

31.2(2) S'il a rendu une ordonnance en vertu du paragraphe 31.1(1), le tribunal est saisi de la requête en annulation de l'ordonnance.

Leave to proceed or rescission

31.2(3) For purposes of an application under subsection (1), where a judge sitting in chambers or the court is satisfied that a proceeding to be instituted or continued is not an abuse of process and that there are reasonable grounds for the proceeding, the judge or the court may, by order,

(a) grant leave to proceed; or

(b) rescind the order made under subsection 31.1(1).

Autorisation ou annulation

31.2(3) S'il est saisi de la requête visée au paragraphe (1) et s'il est convaincu qu'une instance qui doit être introduite ou continuée ne constitue pas un abus de procédure et qu'elle est fondée sur des motifs raisonnables, le juge siégeant en cabinet ou le tribunal peut, selon le cas, par ordonnance :

a) accorder l'autorisation de procéder à l'introduction ou à la continuation de l'instance;

b) annuler l'ordonnance rendue en vertu du paragraphe 31.1(1).

No appeal

31.2(5) No appeal lies from a refusal to make an order under subsection (3).

Interdiction d'appel

31.2(5) Le refus du juge ou du tribunal de rendre une des ordonnances visées au paragraphe (3) ne peut faire l'objet d'aucun appel.

Abuse of process **31.3** Nothing in section 31.1 or 31.2 limits the authority of the court to stay or dismiss a proceeding as an abuse of process or on any other ground.	**Abus de procédure** **31.3** L'article 31.1 ou 31.2 ne limite pas le pouvoir du tribunal de suspendre ou de rejeter une instance en raison d'un abus de procédure ou pour tout autre motif.

[57] The relevant legal principles regarding vexatious proceedings and vexatious litigants were canvassed by this Court in *Green v University of Winnipeg*, 2018 MBCA 137 [*Green*].

[58] Although the former section 31.1 of the *CA Act* was under consideration in *Green*, the governing principles and relevant factors identified are equally applicable to the current section 31.1, including where this Court acts on its own motion.

[59] As stated by Steel JA in *Green*: "Whether a proceeding is vexatious is a matter to be determined by objective rather than subjective standards" (at para 27). It involves "a holistic determination taking into consideration a variety of factors" (*ibid*).

[60] Citing *Re Lang Michener and Fabian* (1987), 37 DLR (4th) 685 at 691, 1987 CanLII 172 (ONSC (H Ct J)), Steel JA adopted the following non-exhaustive list of factors to assist a court in determining whether proceedings are vexatious (*Green* at para 29):

> (a) the bringing of one or more actions to determine an issue which has already been determined by a court of competent jurisdiction constitutes a vexatious proceeding;

> (b) where it is obvious that an action cannot succeed, or if the action would lead to no possible good, or if no reasonable person can reasonably expect to obtain relief, the action is vexatious;
>
> (c) vexatious actions include those brought for an improper purpose, including the harassment and oppression of other parties by multifarious proceedings brought for purposes other than the assertion of legitimate rights;
>
> (d) it is a general characteristic of vexatious proceedings that grounds and issues raised tend to be rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings;
>
> (e) in determining whether proceedings are vexatious, the court must look at the whole history of the matter and not just whether there was originally a good cause of action;
>
> (f) the failure of the person instituting the proceedings to pay the costs of unsuccessful proceedings is one factor to be considered in determining whether proceedings are vexatious;
>
> (g) the respondent's conduct in persistently taking unsuccessful appeals from judicial decisions can be considered vexatious conduct of legal proceedings.

[61] The Federal Court of Appeal has also commented on when it is appropriate to declare a litigant to be vexatious (see *Coady v Canada (Attorney General)*, 2020 FCA 154 at paras 20-23). I would adopt the statements made by that Court as they apply equally to Ms. Hancock (at para 24):

> Vexatious litigants need not necessarily be acting in bad faith, and do not always mean harm to opposing parties. Sometimes, as in the case at bar, they pursue what in their mind is a legitimate objective and seek to redress what they perceive to be an injustice.

> This is no less detrimental to the justice system, however, if only because it encumbers the courts and the staff assisting them with meritless proceedings raising issues that have already been decided, and thereby preventing more deserving litigants to access the courts and to have their legal issues resolved.

[62] Although an order limiting an individual's ability to access or continue legal proceedings "should not be lightly granted" (*Green* at para 80), Ms. Hancock has shown a persistent, vexatious approach to litigation. Although her motives may not be based in bad faith, her conduct fits all the criteria set out in *Green*.

[63] Throughout Ms. Hancock's history of litigation, she has returned to the same issues and the same arguments. I have no doubt that subjectively she believes that she has been treated very unfairly by the WRHA and the College. However, her arguments have repeatedly failed before all the administrative tribunals and both levels of superior courts in Manitoba. Her issues have repeatedly been determined by courts of competent jurisdiction in this province.

[64] It is obvious that her appeal of Rempel J's decision not to rescind the *2022 vexatious litigant order* cannot succeed. Section 74(4) of the *KB Act* specifically provides that no appeal lies from a refusal to rescind a vexatious litigant order. In addition, the appeal of Rempel J's decision on Ms. Hancock's concurrent motions is doomed to fail because they were not permitted pursuant to section 74(1) of the *KB Act*.

[65] Ms. Hancock has repeatedly moved to have multiple law firms and individual counsel disqualified from representing the WRHA and the College

(see, most recently, the *December 2024 decision*). All such attempts have been unsuccessful.

[66] Ms. Hancock has been ordered to pay costs in multiple court proceedings (not including costs ordered in administrative proceedings) and, to date, no payments have been made.

[67] I would add that Ms. Hancock has repeatedly called, attended in person or emailed the registry staff, judges and others, making unwarranted demands, which strain the resources of the registry.

[68] When I look at the whole history of Ms. Hancock's litigation in Manitoba, I can come to no other conclusion than that her proceedings in this Court have reached the level of being vexatious and that she should be declared a vexatious litigant. Ms. Hancock has clearly demonstrated that she has not changed her behaviour in relation to litigation since the *2022 vexatious litigant order*.

[69] In summary, the manner in which Ms. Hancock has pursued her litigation illustrates her vexatious behaviour and the numerous proceedings she has brought against the WRHA, the College, the Attorney General of Manitoba and others in pursuit of that objective have all been unsuccessful, time and time again. In addition, she has failed to pay multiple costs awards made against her.

Disposition

[70] In the result, I am satisfied that Ms. Hancock has persistently instituted and continued vexatious proceedings and I grant the following order:

1. Ms. Hancock is declared a vexatious litigant in this Court.

2. Ms. Hancock is prohibited from continuing her appeals on File Nos. AI24-30-10070, AI24-30-10112, AI24-30-10141, AI24-30-10155, as well as from initiating any further appeals or filing any applications or motions in this Court in connection with those files without leave of a judge of this Court.

   (a) The one and only exception to condition 2 is that Ms. Hancock may file an appeal of this decision to the Court if it is done in compliance with r 46 of the *CA Rules*.

3. Ms. Hancock is required to pay all outstanding costs awards in this Court before leave of a judge of this Court may be sought.

   (a) The one and only exception to condition 3 is that Ms. Hancock may file an appeal of this decision to the Court if it is done in compliance with r 46 of the *CA Rules*.

4. The registry staff is authorized to reject any documents submitted by Ms. Hancock that they determine are non-compliant with the *CA Act*, the *CA Rules* or an order or direction of this Court.

5. Ms. Hancock may contact the registry only by email (courtofappeal@gov.mb.ca) no more than once a week in order to ask questions of the registry concerning the status of an intended or existing proceeding; if the email does not relate to the foregoing, the registry staff is authorized to stop email communication.

6. Ms. Hancock will not directly contact any judge of the Manitoba Court of Appeal and will not directly contact any judicial assistant of the Manitoba Court of Appeal by email, phone or other form of communication.

7. The registry shall report to the Court any violations of this order so that this Court may determine whether any further order should be made, direction provided or action taken.

<u>Request to Quash the Notice of Appeal</u>

[71] At the hearing of this matter, counsel for the College asked that I quash Ms. Hancock's notice of appeal regarding Rempel J's decision.

[72] As noted above, I agree with counsel that Ms. Hancock's appeal is doomed to fail given that section 74(4) of the *KB Act* states that no appeal lies from a refusal to rescind a vexatious litigant order. However, the December 11, 2024 letter that compelled Ms. Hancock's appearance did not state that the Court might consider quashing her appeal at the hearing. It only stated that the Court would hear the reference to have Ms. Hancock declared a vexatious litigant. In fairness to Ms. Hancock, at this point I will not quash

her notice of appeal; however, she will have to comply with the conditions outlined above should she wish to pursue her appeal.

[73] There will be no order of costs as the motion was initiated by the Court.

Turner JA