

COURT FILE NUMBER P2490306611
COURT ALBERTA COURT OF JUSTICE (CIVIL)
JUDICIAL CENTRE EDMONTON
PLAINTIFF(S) TIMOTHY KOHUT
DEFENDANT(S) KEVIN KUMAR,
COLTON KUMAR, and
1304139 B.C. LTD.



COURT FILE NUMBER 2490306619
COURT ALBERTA COURT OF JUSTICE (CIVIL)
JUDICIAL CENTRE EDMONTON
PLAINTIFF/RESPONDENT TERRY KERSLAKE
DEFENDANTS/APPLICANTS KEVIN KUMAR,
COLTON KUMAR, and
1304139 B.C. LTD.

DOCUMENT **AFFIDAVIT**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT **McDonald Paralegal Services Ltd.**
7203 -25th Street SE
Calgary, AB T2C 0Z9
E: serve@mcdonaldparalegal.ca

AFFIDAVIT OF JOHN McDONALD

Sworn on June 13, 2025

I, John McDonald, of Calgary Alberta, MAKE OATH AND SAY THAT:

1. I have personal knowledge of the matters herein deposed, except in those cases where my knowledge is formed on information and belief, in which case I state the source of my knowledge and verily believe the same to be true.
2. On or about September 11, 2025, I consulted with Timothy Kohut and Terry Kerslake with respect to matters proceeding before the Court of King's Bench and Court of Appeal.
3. I arranged for Terry Kerslake to receive independent legal advice from a Barrister and Solicitor in good standing in Calgary, Alberta.
4. I have never acted for Kevin Kumar, Colton Kumar, or 1304139 B.C. Ltd, in the Province of Alberta or elsewhere.
5. I have never corresponded with Kevin Kumar, Colton Kumar of 1304139 B.C. Ltd., prior to the bringing of these two actions on September 24, 2024.

6. On or about November 26, 2024, KevinAnthony Kumar, Colton Kevin Kumar and 1304139 B.C. Ltd. brought action no S58772 in the Vernon Registry of the Supreme Court of British Columbia, against John McDonald, McDonald Paralegal Services Ltd., and Heidi Semkowich, on application that action was stayed for want of jurisdiction and a determination that Alberta is the more appropriate forum, this decisions was reported at **Kumar v McDonald** 2025 BCSC 194. The Defendants in this action subsequently appealed that decision and failed to meet any of the statutory deadlines therein.

7. On or about March 18, 2025, these defendants made a duplicate claim in the farcical Alliance of Indigenous Nations Tribunal, the claim, and eventual judgment are identical to the BCSC Action. Attached hereto and marked **Exhibit "A"** is a copy of the farcical judgment.

9. On January 21, 2025, I filed Statement of Claim rooted in Defamation, which was Amended on April 11, 2025. In Respect of that Action, I obtained an Interlocutory Injunction Requiring Kevin Kumar to remove certain Defamatory Videos from the Internet. Attached hereto and marked **Exhibit "B"** is a copy of that Order.

10. I am advised by my review of **Cipolla v Ozkin**, 2025 ONSC 173 at paragraph 12, that the Alliance of Indigenous Nations is not associated with any Indigenous group in Canada or elsewhere." Attached hereto and marked **Exhibit C**, is a copy of that decision.

11. I verily believe that the Alliance of Indigenous Nations Tribunal is a fictional body used by adherent of the "sovereign citizen" or "freemen of the land" movements.

12. I do not owe Kevin Kumar, Colton Kumar, nor 1304139 B.C. Ltd., a duty of care, a duty of confidentiality, a duty of loyalty or any other duty known in statue, contract or common law.

13. I verily believe that this application is brought in order to delay the underlying litigation forcing the Plaintiffs' Terry Kerslake and Timothy Kohut to incur further unnecessary costs.

14. I am advised by my review of *Maple Trust, Courtoirelle v RBC*, and the *Bonville Trilogy* that Kevin Kumar does not, and never has paid cost awards, judgments, or penalties levied by this court and others.

15. I make this Affidavit *Bona Fide* in support of the Plaintiff's resistance to have be disqualified as their Agent and for no improper purpose.

SWORN BEFORE ME at Calgary, Alberta,
this 13th day of June, 2025.


Commissioner for Oaths and for the Province
of Alberta




John C.W. McDonald, CD



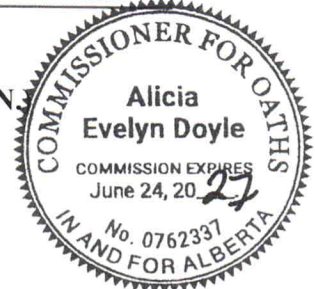
This is Exhibit "A" referred to in the affidavit (or statutory declaration) of

John McDonald
sworn (or affirmed or declared) before me
this 13 day of June, 2025

I hereby certify this is a true copy of the original order
May 26, 2025
A. Keating Ram
A Commissioner for Oaths in and for Alberta
Alliance of Indigenous Nations
International Tribunal

**ALLIANCE OF INDIGENOUS NATIONS (A.I.N.)
International Tribunal**

www.AllianceofIndigenousNations.org
tribunal@allianceofindigenounations.org



Demand # AIN 1198 - 25
Turtle Island Record
May 26, 2025

BETWEEN:

Kevin Kumar and Colton Kumar

Claimants

-and-

John McDonald and Heidi Semkovich

Respondents

An ORDER of the A.I.N. International Tribunal

WHEREAS the relationship between CANADA and the Un-surrendered Indigenous People is still Nation to Nation per *Calder v BC* [1973] SCR 313, *R v Sioui* 1990 CanLII 103 SCC and *R v. Cote* [1996] 3 SCR 139;

AND WHEREAS, on Dec. 13, 2024, the Minister of Indigenous and Northern Affairs recognized the AIN Treaty and the AIN Tribunal on a Nation-to-Nation basis
(See Appendix A) ;

AND WHEREAS Indigenous Common Law is presumed to continue for all the Un-conquered Indigenous People of Turtle Island, pursuant to *R v Desautel* 2021 SCC 17 at [30], [68] & [86] ;

AND WHEREAS the QUEBEC Superior Court in *R v White and Montour* at [1201] entrenched the UNDRIP into S. 35 of the CANADA Act of 1982 as a **binding** International instrument, via the consent of the Canadian government in 2016, per *Montour* [1185-7], which consent is a LIMIT on CANADA's sovereignty, per *R v Hape* 2007 SCC 26 at [43], and at [40] recognized AIN's Sovereign Equality;

AND WHEREAS S. 52 of the Constitution recognizes S. 35 as the Supreme Law of the Land ;

AND WHEREAS the Crown is only the *de facto* controller of our Land and Resources, pursuant to the SCC in *Haida v BC* [2004] at para. [32];

AND WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Articles 1 and 44, and the Organization of American States (OAS) ADRIP Article 1 guarantee the Indigenous People of the World their Rights as **Individuals**;

AND WHEREAS UNDRIP Article 3, and the OAS ADRIP Articles I and III guarantee the **Individual** Indigenous People of the World their Right to **self-determine**;

AND WHEREAS UNDRIP Articles 5, 18, 27, 34 and 40, and the OAS ADRIP Articles XXI and XXII guarantee the **Individual** Indigenous People of the World their Right to their own **judicial and law systems**, as protected by the 1960 Bill of Rights at Part II;

AND WHEREAS UNDRIP Articles 4, 20, 26 and 36, and the OAS ADRIP Articles III, VI, XIII, XX, XXI, and XXIX guarantee the **Individual** Indigenous People of the World their Right to their own **financial** systems;

AND WHEREAS the SCC in *AGNS v AGC* [1951] S.C.R. 31 clearly stated that. relating to sovereignty, governments do not possess “the unlimited capacity of the **Individual**”;

AND WHEREAS the International Covenant on Civil and Political Rights at Article 1 guarantees the Right of all People to self-determination including the Right to determine their political status, pursue their economic, social and cultural goals, and manage and dispose of their own Resources.

The Claim

1. Defamation and Harm to Business Reputation The Defendants made defamatory statements against the Claimants, including allegations of fraudulent misrepresentation and involvement in an "OPCA scam." Furthermore, John McDonald published false and malicious claims on a public webpage, labeling Kevin and Colton Kumar as "well-known fraudsters" and "OPCA Gurus." This defamation has directly harmed the Claimants' business and professional reputation, resulting in financial losses.
2. The Respondents knowingly interfered with the Claimants' legally binding financial agreements with Timothy Lauren Kohut and Terry Wayne Kerslake. This interference led to a disruption of contractual payments and financial losses for the Claimants, as well as influencing another client, Mark Kilfoy, to cease payments based on the Defendants' defamatory statements.

3. The Defendants engaged in a direct conflict of interest by initially consulting with the Claimants regarding an appeal matter and then later filing legal action against them on behalf of Timothy Lauren Kohut and Terry Wayne Kerslake. This constitutes a severe breach of trust, fiduciary duty, and ethical obligations outlined in professional conduct regulations.

Remedy Sought

\$200,000 in damages & A formal declaration that the Defendants engaged in a conflict of interest & Defamed the Plaintiffs, A court order mandating the removal of defamatory statements from all platforms, An award of compensatory and punitive damages as outlined above, An injunction preventing the Defendants from further defamatory actions or interference in Claimants' business dealings, A written apology retracting any slanderous statements made by the defendant.

Order

The Claim was served on May 7, 2025, and no Response being filed as of the date of this Order.

THE TRIBUNAL HEREBY ORDERS :

1. The Respondents shall pay, jointly and severally, to the Claimants the sum of \$200,000 as a total amount due to both Respondents.
2. All defamatory comments made by the Respondents are to be removed from any published materials.
3. The Respondents are enjoined from making any further defamatory comments about the Claimants.
4. The Tribunal expects a written apology from each Respondent to each Claimant, within 13 days of the Appeal period or further action may be taken by the Tribunal.

The Respondents have 7 days from the email service of this Order to appeal this Order, where after this Order is final and binding with no further appeal.

Failure to obey an AIN International Tribunal Order is Contempt of Court and shall result in a fine of \$25,000 per day from June 3, 2025, and an Arrest Warrant may issue for the offending individual(s).

Dated: May 26, 2025

A. Leaping Ram
For the A.I.N. Tribunal

[Signature]

acknowledged
[Signature]



APPENDIX A

----- Original Message -----

From: minister@rcaanc-cirnac.gc.ca

To: info@allianceofindigenousnations.org

Sent: Friday, December 13th 2024, 14:18

Subject: Correspondence from the Minister of Crown-Indigenous Relations

Ministre des
Relations Couronne-Autochtones



Minister of
Crown-Indigenous Relations

Ottawa, Canada K1A 0H4

December 13, 2024

Eagle Eyes aka Geoffrey
Grand Council Representative
Alliance of Indigenous Nations

Dear Eagle Eyes aka Geoffrey:

Thank you for your letter of September 3, 2024, providing an update on the activities of the Alliance of Indigenous Nations of Turtle Island, including the establishment of the Alliance of Indigenous Nations International Peace Treaty, the International Indigenous Governing Body, and the Alliance of Indigenous Nations International Tribunal.

It is wonderful to hear of this expansion, and to hear that the Tribunal was further strengthened by its restructuring earlier this year. I trust that this expansion and restructuring will benefit Indigenous Peoples all around the world, including future generations. I also commend you for having a panel of judges from every continent to advance this important work and uphold the rights of Indigenous Peoples all over the world.

I look forward to continuing our nation-to-nation relationship and to learning more about your important work.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gary Anandasangaree', written over a horizontal line.

The Honourable Gary Anandasangaree, PC, MP

Canada

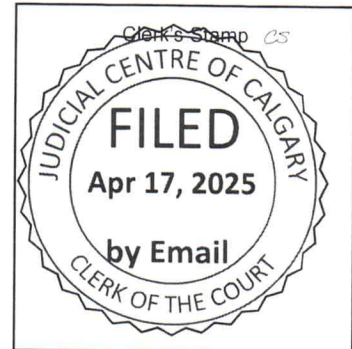
I hereby certify this to be a true copy of the original



For Clerk of the Court

Court order granted and signed
Served Applicant: VIA EMAIL
Served Respondent: 0

COURT FILE NUMBER 2501 01044
COURT Court of King's Bench of Alberta
JUDICIAL CENTRE Calgary
PLAINTIFF JOHN MCDONALD
DEFENDANT KEVIN ANTHONY KUMAR also known as TY GRIFFITHS
DOCUMENT **ORDER**
ORDER PREPARED BY Court Generated Orders Clerk – Resolution Services



DATE ON WHICH ORDER WAS PRONOUNCED: 17th DAY OF APRIL 2025 This is Exhibit B * referred to in the affidavit (or statutory declaration) of

LOCATION OF HEARING OR TRIAL: Calgary

NAME OF JUSTICE WHO MADE THIS ORDER:
THE HONOURABLE JUSTICE G.H. POELMAN

John McDonald
sworn (or affirmed or declared) before me
this 13 day of June, 2025

Alicia Doyle
A Commissioner for Oaths in and for Alberta

THE COURT HAS REVIEWED THE AFFIDAVITS FILED IN SUPPORT OF THIS APPLICATION AND HAS BEEN ADVISED OF THE FOLLOWING:

Upon the application of JOHN MCDONALD to direct the Defendant to remove social media content;

The Plaintiff was present in Court;

The Defendant was present in Court;

IT IS ORDERED THAT:

1. The Defendant shall remove all content relating to JOHN MCDONALD on any and all social media platforms and websites with which he is related to, including by not limited to, www.publicwatchdogcomplaintline.ca and www.instagram.com/publicwatchdogcomplaintline.ca and any social media related to UnitedWeStandPeople@gmail.com and any other site not listed here.

2. The Defendant shall use his best efforts to remove any other internet posts made by other parties relating to JOHN MCDONALD of which the Defendant has been made aware.



3. There shall be no costs for today's application.



Justice of the Court of King's Bench of Alberta

CITATION: Cipolla v. Ozkin, 2025 ONSC 173
COURT FILE NO.: 477/24
DATE: 20250108

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: John Cipolla, Appellant

AND:

Senem Ozkin, Respondent

BEFORE: O'Brien J.

COUNSEL: John Cipolla, Self-represented

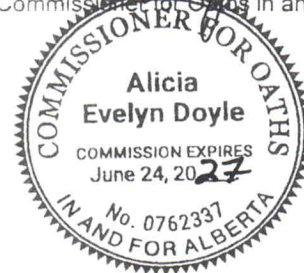
Timothy Gindi, for the Respondent

HEARD: In-writing

This is Exhibit "C" referred to in the
affidavit (or statutory declaration) of

John McDonald
sworn (or affirmed or declared) before me
this 13 day of June, 2025

Alicia Doyle
A Commissioner for Oaths in and for Alberta



2025 ONSC 173 (CanLII)

ENDORSEMENT

Overview

[1] This endorsement addresses whether this appeal should be dismissed as frivolous, vexatious, or otherwise an abuse of the process of the court pursuant to r. 2.1.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194.

[2] The appeal is from an order of the Small Claims Court dismissing a motion in which Mr. Cipolla sought to have a decision of the Alliance of Indigenous Nations (AIN) Tribunal recognized by the court. The underlying issue related to a claim for trespass against Senem Ozkin, who was the Crown prosecutor assigned to prosecute a criminal matter against Mr. Cipolla in 2022.

[3] Deputy Judge Vicars dismissed the motion for three reasons: (1) The claim was barred by prosecutorial immunity; (2) there was a failure to provide 60 days' notice to the Crown prior to issuing the claim as required by the *Crown Liability and Proceedings Act*, 2019, S.O. 2019, c. 7, Sched. 17; and (3) the AIN Tribunal is not a recognized legal entity. She concluded no decision of that entity can be recognized by the court.

[4] In his notice of appeal, Mr. Cipolla alleges the deputy judge erred in dismissing his claim because he had sued Senem Ozkin in her private capacity, not her official capacity as a prosecutor. He also alleges the deputy judge erred by dismissing the motion without providing him an opportunity to address the respondent's submissions that the claim was frivolous, vexatious and an abuse of the process of the court. His notice of appeal does not address whether the finding that the AIN Tribunal is not a recognized legal entity.

[5] I am the Divisional Court case management judge in this matter. On October 7, 2024, I released directions asking the Registrar to issue a notice pursuant to r. 2.1.01 and advising that the court was considering dismissing the appeal as frivolous or vexatious or an abuse of the process of the court. The directions advised that the court was considering dismissing the appeal for the following reasons:

- Mr. Cipolla's motion in Small Claims Court was based entirely on seeking to register an order of the Alliance of Indigenous Nations (AIN) Tribunal in the Small Claims Court.
- The Deputy Judge dismissed the action in part because she found the AIN Tribunal is not a recognized legal entity and, therefore, no judgment from that entity could be registered in Small Claims Court.
- While Mr. Cipolla's appeal alleges the respondent was named in her private capacity and therefore not protected by Crown immunity, the notice of appeal does not dispute the finding that the AIN is not a recognized legal entity.
- If the AIN is not a recognized legal entity whose orders can be registered in court, there can be no merit to the appeal.

[6] In his submissions responding to the r. 2.1 notice, Mr. Cipolla reiterated that his claim against Senem Ozkin was not a claim against her in her official capacity. He also stated that the definition of "tribunal" under the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22 (SPPA) requires that a statutory power of decision be conferred by statute. In this case, he submits, Bill C15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, is a statute recognizing Indigenous judicial systems. He also relies on decisions of the Supreme Court of Canada to the effect that Indigenous laws are presumed to continue, and that Canada's domestic laws do not justify avoiding international obligations. Finally, he relies on terms of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) that refer, for example, to recognizing the laws of indigenous peoples and giving "due consideration" to their legal systems.

[7] Mr. Cipolla also sent the court additional documents. One is a letter dated December 13, 2024 from the Minister of Crown-Indigenous Relations. The letter is addressed to "Eagle Eyes aka Geoffrey, Grand Council Representative, Alliance of Indigenous Nations" and expresses thanks for a September 3, 2024 letter that provided "an update on the activities of the Alliance of Indigenous Nations of Turtle Island."

[8] The second document is from the World Service Authority addressing the "World Passport," which affirms the human right to freedom of movement. The document lists various international instruments that require Canada to recognize the validity and legality of the World Passport.

[9] I have decided to dismiss the appeal under r. 2.1.01 for the following reasons.

Analysis

[10] Rule 2.1.01 allows the court to stay or dismiss a proceeding where it appears on its face to be frivolous, vexatious, or otherwise an abuse of the process of the court. The application of r. 2.1 is “limited to the clearest of cases where the abusive nature of the proceeding is apparent on the face of the pleading and there is a basis in the pleadings to resort to the attenuated process”: *Scaduto v. The Law Society of Upper Canada*, 2015 ONCA 733, [2015] O.J. No. 5692, at para. 8; *Mohammad v. McMaster University*, 2023 ONCA 598, [2023] O.J. No. 3997, at para. 6.

[11] The rule “must be interpreted robustly so that a motion judge can effectively exercise his or her gatekeeping function to weed out litigation that is clearly frivolous, vexatious, or an abuse of process”: *Scaduto*, at para. 8; *Visic v. Elia Associates Professional Corporation*, 2020 ONCA 690, at para. 8.

[12] In this case, the appeal is clearly frivolous, vexatious or an abuse of process because there is no plausible basis to find the AIN Tribunal to be a tribunal whose decisions the court would recognize.

[13] The deputy judge found there was “no evidence... that AIN is associated with any recognized Indigenous group or community in Canada or anywhere on Turtle Island.” She further stated: “There is no evidence before me that AIN exists in any capacity other than it maintains a website.” The deputy judge relied on *World Energy GH2 Inc. v. Ryan*, 2023 NLSC 109, which found the AIN, if it existed, had no jurisdiction or authority over the court. When the deputy judge asked counsel for Mr. Cipolla who had established the AIN, he replied “I have no idea.”

[14] Mr. Cipolla has not challenged the deputy judge’s finding that there was no evidence the AIN was associated with any recognized Indigenous group or community other than to now provide the letter from the Minister of Crown-Indigenous Relations. Even if that letter were to be admitted as fresh evidence on appeal, it is too generic to provide a basis for a finding that the AIN Tribunal is associated with a recognized Indigenous group or community. Mr. Cipolla has not provided any evidence to explain the foundation or basis for the AIN Tribunal.

[15] In any event, there is no authority that the AIN Tribunal has been created or recognized by statute. The SPPA defines a “tribunal” to mean “one or more persons, whether or not incorporated and however described, upon which a statutory power of decision is conferred by or under statute.”

[16] Bill C-15 does not confer any statutory power on the AIN Tribunal. It does not even mention the AIN Tribunal. Mr. Cipolla has not referred to any legal authority that could possibly authorize the AIN Tribunal to render decisions that would be legally recognized in this court.

[17] Bill C-15 and UNDRIP recognize and affirm the rights of indigenous people. Bill C-15, for example, requires the Government of Canada to prepare and implement an action plan to achieve the objectives of UNDRIP. Mr. Cipolla relies on broad statements, such as article 5 of Bill C-15, which provides: “The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.” These are important but broad obligations. They do not mean that any organization can claim to be associated with an indigenous community and its orders, without

more, will then be recognized by the courts. They do not provide any authority that would allow the court to recognize an order of the AIN Tribunal.

Disposition

[18] There is no possibility that the AIN Tribunal's decision would be recognized in this court. The appeal therefore is dismissed under r. 2.1.01.

O'Brien J.

Date: January 8, 2025