



Court File Number 2490 103260 & 2490 103259

Court Court of Justice of Alberta

Judicial Center Edmonton

Plaintiff(s) Timothy Kohut & Terry Kerslake,

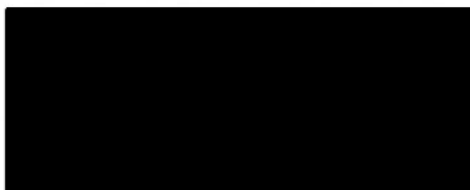
Defendant(s) Kevin Kumar

Colton Kumar

1304139 B.C. LTD.

Document Affidavit

**Address For Service and
Contact Information Of
Party Filing This Document**



I, Colton Kumar, of Vernon, British Columbia, MAKE OATH AND SAY:

1. I am a Defendant in the above-captioned proceedings, and I make this affidavit in support of an application to (i) remove John McDonald as the legal representative for the Plaintiffs, and (ii) dismiss the claim against the Defendants.
2. I make this affidavit on my own behalf and on behalf of my co-defendant Kevin Kumar, and 1304139 B.C. LTD., with their knowledge and consent.
3. John McDonald is currently acting as legal representative for the Plaintiffs in this matter. On or about January 21, 2025, Mr. McDonald filed a separate personal claim for defamation against Kevin Kumar, which remains active and ongoing.
4. This dual role creates an actual and ongoing conflict of interest under the applicable principles of legal ethics and procedural fairness. Mr. McDonald, as a personal litigant against one of the Defendants, cannot ethically or objectively represent other clients in proceedings involving that same party.

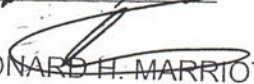
5. The conflict of interest undermines the integrity of these proceedings, compromises Mr. McDonald's ability to exercise independent legal judgment, and violates the duty of fairness owed to the Defendants.
6. Further, Mr. McDonald is a paralegal and not a member of the Law Society of Alberta. As such, he is not authorized to independently appear or act in the Alberta Court of Justice without appropriate supervision by a licensed lawyer. It remains unclear whether such supervision is in place, which raises serious procedural concerns.
7. For all the foregoing reasons, it is respectfully submitted that Mr. McDonald should be removed as legal representative for the Plaintiffs in this matter
8. With respect to the related matter of *Terry Kerslake v. Kevin Kumar, Colton Kumar, and 1304139 B.C. LTD.*, the same conflict of interest applies. Mr. McDonald continues to act as legal representative for the Plaintiff while actively pursuing a personal defamation claim against one of the Defendants, Kevin Kumar.
9. As in the Kohut action, this dual role creates a continuing ethical and procedural conflict, compromising Mr. McDonald's ability to act fairly and independently on behalf of the Plaintiff in a proceeding involving the same party he is personally suing.
10. As such, the issues of improper legal representation, procedural conflict, and evidentiary deficiencies apply equally to the Kerslake claim, further justifying the removal of Mr. McDonald in both actions.

SWORN before me at the City of Vernon,
in the Province of British Columbia, this 11 day of April, 2025.


Colton Kumar

A Commissioner for Oaths in and for the Province of Alberta
(Or Notary Public)

SWORN OR AFFIRMED BEFORE ME
at Vernon, In the
Province of British Columbia,
on April 11, 2025


LEONARD H. MARRIOTT
Lawyer & Notary Public
Unit 1, 4205 - 27th Street
Vernon, BC V1T 4Y3

OFFICER CERTIFICATION ONLY
NO LEGAL ADVICE
SOUGHT OR GIVEN

COURT FILE NUMBER 2501-01044
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
PLAINTIFF(S) JOHN McDONALD
DEFENDANT(S) KEVIN ANTHONY KUMAR also known as
TY GRIFFITHS

DOCUMENT STATEMENT OF CLAIM

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT John McDonald
C/O 7203 -25th Street SE
Calgary, AB T2C 0Z9
T: 825-904-8987

NOTICE TO DEFENDANT(S)

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

Note: State below only facts and not evidence (Rule 13.6)

Statement of facts relied on:

The Parties:

1. The Plaintiff, John McDonald, is an individual, ordinarily resident in the Province of Alberta.
2. The Defendant, Kevin Anthony Kumar, is an individual, as far as is known to the Plaintiff, the Defendant is sometimes resident in the Province of Alberta, and conducts business in the Province of Alberta and elsewhere. Kevin Anthony Kumar has also held himself out, in this Honourable Court and online as Ty Griffiths.

Defamation:

3. On or about January 13, 2025, The Defendants, jointly and severally through their website www.publicwatchdogcomplaintline.ca posted a video containing a number of allegations against the Plaintiff, and others, including but not limited to Heidi Semkowich, a Paralegal in the Province of Alberta, and the Honourable Associate Chief Justice Nielsen.
4. The video contained specific allegations that the Plaintiff:
 - a. Is "one of the most unethical paralegal teams" that they have ever seen;
 - b. Has "teamed up with the corrupt Alberta Judge Nielsen" and "other unethical bank lawyers"
 - c. That the plaintiff "does not care because they are used to taking away Canadians' due process"
5. The website www.publicwatchdogcomplaintline.ca encourages others to send a premade complaint to the Plaintiff, and others with a view to harass, demean, belittle, and otherwise abuse the Plaintiff and others.

GPAS 178629
Form 10 PZ
[Rule 3.25]



\$250

This is Exhibit "A" referred to in the
affidavit of Kevin Kumar

Sworn before me at Vernon, B.C.
this 11 day of April 2025

A Commissioner for taking Affidavits
within British Columbia

LEONARD H. MARRIOTT
Lawyer & Notary Public
Unit 1, 4205 - 27th Street
Vernon, BC V1T 4Y3

The Plaintiff has received no less than three of such "complaints" at the time of filing.

6. The Plaintiff states, and the fact is that Kevin Anthony Kumar is not a journalist, investigative or otherwise.
7. The Plaintiff states, and the fact is the remarks made by Kevin Anthony Kumar, including but not limited to unethical behavior, and teaming up with the Honorable Mr. Justice Nielsen, and is used to taking away Canadians' due process, would tend to lower the plaintiff's reputation in the eyes of a reasonable person.
8. The Plaintiff states, and the fact is the words specifically identify the Plaintiff, and the video includes a photograph of him.
9. The Plaintiff states, and the fact is the words were communicated to at least one other person than the plaintiff.
10. The Plaintiff has suffered and will continue to suffer reputational harm.
11. The Plaintiff pleads and relies on the *Defamation Act* RSA 2000 , c. D-7

Remedy sought:

4. The Plaintiff seeks the following relief from the Defendant:
 - a. Judgment in the sum of \$50,000.00;
 - b. Punitive and or aggravated damages in the sum of \$20,000.00;
 - c. An Injunction prohibiting the Defendant from Defaming, online or by other means the Plaintiff;
 - d. Costs on a party-and-party basis or such other and further basis as the Plaintiff may advise and this Honourable Court deems appropriate in the circumstances;
 - e. Interest pursuant to the *Judgment Interest Act*; and
 - f. Such other and further relief as the Plaintiff may advise and this Honourable Court deems appropriate in the circumstance.

NOTICE TO THE DEFENDANT(S)

You only have a short time to do something to defend yourself against this claim:

- 20 days if you are served in Alberta
- 1 month if you are served outside Alberta but in Canada
- 2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of King's Bench at Calgary, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's(s') address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff(s) against you.