

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20230206**

**Dockets: A-119-21  
A-42-22**

**Citation: 2023 FCA 26**

**CORAM: STRATAS J.A.  
WEBB J.A.  
MONAGHAN J.A.**

**BETWEEN:**

**CHINEDU G. UBAH**

**Appellant**

**and**

**ATTORNEY GENERAL OF CANADA**

**Respondent**

Heard by online video conference hosted by the Registry on February 6, 2023.  
Judgment delivered from the Bench at Ottawa, Ontario, on February 6, 2023.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**STRATAS J.A.**

Federal Court of Appeal



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BETWEEN:

CHINEDU G. UBAH

Appellant

and

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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the Bench at Ottawa, Ontario, on February 6, 2023).

**STRATAS J.A.**

[1] Mr. Ubah appeals an order and a judgment of the Federal Court: an order dated April 16, 2021 (*per* Elliott J.) dismissing Mr. Ubah's motion to strike the respondent's application to declare him a vexatious litigant and a judgment dated December 23, 2021 in 2021 FC 1466 (*per*

Pallotta J.) granting the application. In the latter, the Federal Court also regulated other proceedings in the Federal Court concerning Mr. Ubah.

[2] This Court consolidated these two appeals. These are the reasons for both appeals.

[3] In making the order and the judgment, the Federal Court did not err in law or commit palpable and overriding error. Neither do we see any bias or procedural unfairness on the part of the Federal Court. The dismissal of Mr. Ubah's motion to strike, the granting of the vexatious litigant application and the regulation of other pending proceedings concerning Mr. Ubah were based on the principles of section 40 of the *Federal Courts Act*, R.S.C. 1985, c. F-4 as discussed in *Canada v. Olumide*, 2017 FCA 42, [2018] 2 F.C.R. 328.

[4] In oral argument, Mr. Ubah suggested that there was "no evidence" to support the Federal Court's finding in paragraph 38 in its reasons on the application to declare him a vexatious litigant. There, the Federal Court found that he was "directing his family members' litigation", in fact in a "significant" way, and was displaying "indicia of vexatious conduct". He adds that the findings in paragraphs 39, 40 and 42 of its reasons are also unsupported.

[5] We disagree. Evidence in the record supports all aspects of these findings. We add that the Federal Court also made other findings of vexatious conduct. Overall, all of the Federal Court's key findings in support of its decision to declare Mr. Ubah a vexatious litigant are supported by evidence, in some cases plenty of evidence.

[6] We direct that the Registry exercise best efforts to send a copy of these reasons and the judgments in files A-119-21 and A-42-22 to all parties in the files mentioned in paragraph 7 of the Federal Court's judgment on the vexatious litigant application. We also direct that these reasons be placed on file A-119-21 and a copy placed on file A-42-22.

[7] We will dismiss both appeals with costs.

“David Stratas”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKETS:** A-119-21 AND A-42-22

**APPEAL FROM AN ORDER OF THE HONOURABLE JUSTICE ELLIOTT DATED APRIL 16, 2021, DOCKET NO. T-1570-20 (A-119-21)**

**APPEAL FROM A JUDGMENT OF THE HONOURABLE JUSTICE PALLOTTA DATED DECEMBER 23, 2021, DOCKET NO. T-1570-20 (A-42-22)**

**STYLE OF CAUSE:** CHINEDU G. UBAH v.  
ATTORNEY GENERAL OF  
CANADA

**PLACE OF HEARING:** HEARD BY ONLINE VIDEO  
CONFERENCE HOSTED BY  
THE REGISTRY

**DATE OF HEARING:** FEBRUARY 6, 2023

**REASONS FOR JUDGMENT OF THE COURT  
BY:** STRATAS J.A.  
WEBB J.A.  
MONAGHAN J.A.

**DELIVERED FROM THE BENCH BY:** STRATAS J.A.

**APPEARANCES:**

Chinedu G. Ubah ON THEIR OWN BEHALF

Aminollah Sabzevari FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

A. François Daigle FOR THE RESPONDENT  
Deputy Attorney General of Canada