



August 16, 2010

PRIVATE AND CONFIDENTIAL

Mr. Gana Kiritharan
307 – 10 Stonehill Court
Scarborough, ON M1W 2X8

Dear Mr. Kiritharan:

**Re: Complaint Under Section 86.2 of the *Courts of Justice Act* –
Court File: CV-07-CV341987-0000**

I acknowledge receipt of your letter of complaint dated February 27, 2010, sent to Chief Justice Heather Smith of the Superior Court of Justice. For the reasons outlined below, the Chief Justice has decided to dismiss your complaints and has asked me to communicate her decision to you through this response.

Pursuant to s. 86.2 of the provincial *Courts of Justice Act*, the Chief Justice's jurisdiction is to review complaints of misconduct on the part of Case Management Masters. The Chief Justice has no authority to consider any of your complaints against a Superior Court judge, employees of the provincial government, or lawyers involved in your proceedings.

Your first complaint suggests that Case Management Master Egan communicated with a party without you or your counsel being present. However, it appears from your letter that the purpose of such communication was to arrange for your participation in a phone conference. The Chief Justice is of the view that such communications are common within the normal course of civil proceedings generally, and in this case these actions do not amount to judicial misconduct.

Your second complaint relates to the time for release of a decision in a matter before Case Management Master Birnbaum. Under s. 122(5) of the *Courts of Justice Act*, such matters are required to be released within 3 months. Notwithstanding some corrections to the text of the judgment that you may have later sought, this matter appears to have been disposed of within an appropriate timeline, and therefore any delay in this instance also does not constitute judicial misconduct.

Your letter characterizes the remainder of your complaints against Case Management Master Birnbaum as follows:

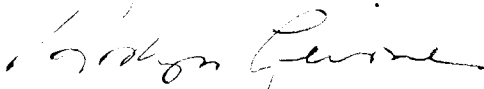
- i) Contradicting court orders;
- ii) A court order or orders based on edited or misleading Information;
- iii) Refusals to accept evidence, and;
- iv) Your dispute of a costs order.

Chief Justice Smith has determined that each of the remaining grounds of complaint you have raised are all matters related to judicial decision-making and are not judicial misconduct. As your complaint letter appears to acknowledge, such matters are the appropriate subject matter of a review before an appropriate appellate body.

Your letter also makes several broad allegations of both criminal and civil nature. The Chief Justice has no authority to consider these allegations. You may wish to seek legal advice as to the appropriate court procedures and the legal remedies, if any that may exist in law, to assist you in this matter. The Lawyer Referral Service operated by the Law Society of Upper Canada will provide you with the name of lawyer who can provide you with up to 30 minutes of free consultation to help you determine your rights and options. You can access this service by calling 416-947-3330.

Consequently, and based on her reasons outlined above, the Chief Justice has directed that your complaints be dismissed and the matter to be closed with this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Roslyn J. Levine".

Roslyn J. Levine, Q.C.,
Executive Legal Officer.

RJL:ld