



**Nichols Gravel Limited**  
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November 30, 2005

Canadian Judicial Council  
Ottawa, On. K1A 0W8

File # 05-0406

**Attention:** Caroline Bejjani  
Executive Assistant

Dear Madame, Executive, and Members of the Canadian Judicial Council:

Thank you for your letter of November 18, 2005 in which you acknowledge having received my letter and documentation in respect to a request for Judicial Inquiry concerning the conduct of **all** Justices who made decisions concerning the litigation between Nichols Gravel Limited and the Township of Delhi David Anderson and Frank Gelinas.

You further acknowledge that we have made a complaint against the conduct in this matter of Justice J. Cavarzan, however, if you will please reference my letter of October 7 and my concluding comments Page 14 you will note that I have named **all** Justices involved with this case in respect to their negligent indifference to the lawful administration of Justice.

In addition to Justice Cavarzan's decision, I take particular exception to the cavalier indifferent perception of the administration of Justice by Divisional Appeal Court Justices Keenan, Somers and Cumming JJ.

These Divisional Court Appeal Justices could have corrected and reversed the law perverted decision of Justice Cavarzan, but chose not to exercise their discretionary authority, but instead supported the cover-up of these intentional errors in law, which made a mockery out of the lawful administration of Justices and further promoted this injustice by their own negligent misconduct with **no** reference whatsoever prior to the appeal hearing to the evidence from the trial as provided in the Appeal Book Transcripts which they neglected to obtain or review prior to hearing the appeal.

This case began to become derailed with the biased decision of Justice Cavarzan and was further supported by the following questionable events:

1. The approval of transfer of appeal by Justice Osborne from the Ontario Court of Appeal where it had been properly filed to Divisional Court.

**Comment:** Both the lawyer for Nichols Gravel Limited and for the Frank Cowan Ins. Company should have known in respect to the value of the claim as filed for 3.5 million dollars that Divisional Court possessed **no** authority to hear a claim in excess of \$25,000.00.

But the most unbelievable event was the approval of change of courts by then Deputy Chief Justice Osborne to Divisional Court, a court without jurisdiction.

I cannot believe that the Deputy Chief Justice was **not** aware of the law, so that this transfer approval, we can only conclude to be negligent indifference and disregard for the law.

2. June 3 1999 Divisional Court Appeal Justices Keenan, Somers and Cumming JJ announce at the start that they did not receive the Appeal Book Transcripts and then instructed Nichols lawyer Paul Brooks to proceed, stating that they could reference the lawyer's Appeal Books.

No questions directed to the defense, and the defense not required to speak or present any evidence.

Case dismissed supporting Justice Cavarzan's errors in law, and quoting Justice Cavarzan's decision almost word for word in their decision which duplicated and confirmed the same errors in law as noted:

- No duty of care owed.
- Township staff not required to follow Township Purchasing Policy.
- Township Purchasing Policy merely a directive between Council and Staff.
- Not a problem to waste and misappropriate public funds by not honouring low tender bids, through reckless negligent indifference.
- No interference, libel or impact to the reputation of Nichols Gravel Limited in respect to false statements by Township staff as published in the press as related to product approvals in the Ministry of Transportation Aggregate Sources List which further could **not** be identified or verified in court in reference to ASL 91-06.
- No problem with discrimination as a result of staffs illegal enforcement of Councils verbal direction (without resolution of Council) to cease business operations with Nichols Gravel Limited.

3. After the Divisional Court Dismissal decision of June 3, 1999 next was the arrogant and arbitrary performance of Justice LaBrosse when he denied all 3

motions brought before the courts by Lawyer Julian Falconer thus preventing any attempt to get this case back on track in order to obtain justice for Nichols Gravel Limited. This served to keep the negligent misconduct of the courts covered up so that the case could proceed to the next level of court for dismissal.

4. Then came the dismissal of November 24, 1999 of Leave to Appeal by Justices Finlayson, Weiler and O'Connor again without proper review and consideration and without reference to the Appeal Book Transcripts as the lost transcripts were not reproduced and available until January 2000.
5. And finally dismissal September 28, 2000 by the Supreme Court of Canada who provided instead of equality before the law, selective justice before the law, where if they decide not to review your case all of your efforts to receive justice to that point are discarded like a piece of garbage, and there is no equality before the law and no justice provided by our Canadian system of justice.

In the most likely event that we receive no appropriate response to our request for Judicial Inquiry, we shall request the Federal Justice Minister to direct a Judicial Inquiry and further in order to expose this corrupted government manipulation of the past 10 years, we shall advertise our website on TV stations in both Canada and the United States, and in this coming municipal election year as a member of the Oxford, Norfolk, Elgin landowners association in association with the Lanark County landowners association, we shall provide public protest demonstrations with dump trucks and signs at Ottawa, Queens Park, Governor Simcoe Square and Haldimand County Administration, Cayuga, Ontario. This spin and cover-up game is just about over.

I thank the members of the Judicial Council for your consideration in this matter and look forward to your appropriate review and response.

Yours sincerely,

  
Gary Nichols

- c.c. Ontario Judicial Council
- c.c. Hon. Anne McClelland, Solicitor General
- c.c. Hon. Stephen Harper, Leader of the Opposition
- c.c. Hon. Diane Finley, M.P. Haldimand-Norfolk
- c.c. Hon. Michael Bryant, Attorney General Ontario
- c.c. Toby Barrett, M.P.P. Haldimand – Norfolk
- c.c. Norfolk County Council
- c.c. Haldimand County Council