

IN THE COURT OF APPEAL OF MANITOBA

Coram: Madam Justice Diana M. Cameron
Mr. Justice Christopher J. Mainella
Madam Justice Jennifer A. Pfuetzner

BETWEEN:

<i>“IGLESIA NI CRISTO” CHURCH OF</i>	)	
<i>CHRIST, IGLESIA NI CRISTO (CHURCH</i>	)	
<i>OF CHRIST) IN ALBERTA, IGLESIA NI</i>	)	<i>J. Prober,</i>
<i>CRISTO CHURCH OF CHRIST INC.,</i>	)	<i>D. Hill and</i>
<i>“IGLESIA NI CRISTO” CHURCH OF</i>	)	<i>C. Tokar</i>
<i>CHRIST, MANITOBA INC., IGLESIA NI</i>	)	<i>for the Appellants</i>
<i>CRISTO, and EGLISE DU CHRIST</i>	)	
<i>(MONTREAL) / IGLESIA NI CRISTO</i>	)	
<i>(MONTREAL), all carrying on religious</i>	)	<i>J. Kroft, K.C. and</i>
<i>activities as IGLESIA NI CRISTO</i>	)	<i>C. Liebzeit</i>
	)	<i>for the Respondents</i>
<i>(Plaintiffs) Appellants</i>	)	<i>Canadian Broadcasting</i>
	)	<i>Corporation, T. Sawa,</i>
<i>- and -</i>	)	<i>L. Fortune and R. McKeown</i>
	)	
<i>CANADIAN BROADCASTING</i>	)	
<i>CORPORATION, TIMOTHY SAWA,</i>	)	<i>R. Ewasiuk</i>
<i>LYNETTE FORTUNE, ROBERT McKEOWN,</i>	)	<i>for the Respondent</i>
<i>and ROLANDO DIZON</i>	)	<i>R. Dizon</i>
	)	<i>(via videoconference)</i>
<i>(Defendants) Respondents</i>	)	
	)	
<i>- and -</i>	)	<i>Appeal heard and</i>
	)	<i>Decision pronounced:</i>
<i>LOWELL II ROBOSA MENORCA and</i>	)	<i>May 6, 2026</i>
<i>LIEZL DE OCAMPO</i>	)	
	)	
<i>(Defendants)</i>	)	

MAINELLA JA (for the Court):

[1] The motion judge exercised his discretion to strike or dismiss the plaintiffs' defamation action (a) for failure to serve an affidavit of documents or produce a document in compliance with the MB, *King's Bench Rules*, Man Reg 553/88 [the *Rules*] (see r 30.08(2)(b)); (b) for misconduct during an examination for discovery (see r 34.14(1)(b)); and (c) as an abuse of process as he was satisfied that the action was part of a "concerted strategy" of the plaintiff, "Iglesia Ni Cristo" Church of Christ (the INC), to use the court process to silence critics of that religious organization (see r 25.11(1)(c)).

[2] Regrettably, the record before the motion judge was one of several years of deliberate avoidance by the plaintiffs of their discovery obligations even in the face of numerous directions from the Court to rectify the non-compliance. It is readily apparent from the record that the plaintiffs refused to produce documentation about the inner workings of the INC relevant to the published accounts of its financial improprieties and its use of violence that were the subject of the defamation action. Additionally, for the purpose of the examination for discovery, the INC appointed a representative, Brother Rvy, whom the motion judge described as a "sacrificial lamb" as he knew extraordinarily little about the operations of the INC that were the subject of the defamation action. To make matters worse, several undertakings Brother Rvy provided during his examination for discovery were never answered despite several directions from the Court to complete the undertakings.

[3] We see no basis to interfere with the motion judge's finding that the plaintiffs deliberately failed to meet their documentary disclosure obligations

under the *Rules* and engaged in misconduct during the examination for discovery by making the calculated decision to appoint a straw man representative who provided worthless undertakings. A different finding on this record would have surprised us.

[4] As to the remedy the motion judge ordered, we would note that this is an exercise of discretion that is entitled to significant appellate deference absent demonstration of a legal error, a palpable and overriding factual error, or a failure to exercise the discretion judicially (which includes acting arbitrarily or being so clearly wrong as to amount to an injustice) (see *Saskatchewan (Environment) v Métis Nation – Saskatchewan*, 2025 SCC 4 at para 32).

[5] We are not persuaded there is any basis to interfere with the motion judge’s decision to strike or dismiss the action pursuant to rules 30.08(2)(b) and 34.14(1)(b) of the *Rules*. Given this conclusion, it is unnecessary to comment on the question of the striking of the claim as an abuse of process or the plaintiffs’ submission on alleged non-compliance with rule 50.07(2).

[6] In the result, the appeal is dismissed with costs.

_____ JA

_____ JA

_____ JA