
Court of Appeal for Saskatchewan
Docket: CACV4551, CACV4566,
CACV4571, CACV4616, and CACV4668

Citation: *Yashcheshen v Saskatchewan*
Government Insurance, 2026 SKCA 28

Date: 2026-02-20

Between:

Alicia Yashcheshen

Applicant/Appellant
(Plaintiff)

And

Saskatchewan Government Insurance

Respondent/Respondent
(Defendant)

Before: Leurer C.J.S. (in Chambers)

Dispositions: CACV4551: Leave to appeal dismissed
CACV4571: Leave to appeal granted
CACV4616: Leave to appeal granted
CACV4668: Leave to appeal dismissed

On application from: 2025 SKKB 58, Regina
QBG-RG-02705-2019, Regina (SKKB)
2025 SKKB 85, Regina
2025 SKKB 127, Regina
2025 SKKB 186, Regina

Applications heard: January 15 and 21, 2026

Counsel: Alicia Yashcheshen on her own behalf
Reginald Watson, K.C., Sean Watson and Craig Savoie for SGI

Leurer C.J.S.

I. INTRODUCTION

[1] These proceedings arise in the context of an action by Alicia Yashcheshen against Saskatchewan Government Insurance [SGI] under *The Automobile Accident Insurance Act*, RSS 1978, c A-35 [AAIA]. Her claim was dismissed under Rule 9-13(2)(a) of *The King's Bench Rules* after she failed to appear for the trial: *Yashcheshen v Saskatchewan Government Insurance*, 2025 SKKB 85 [Judgment #1]. Rule 9-13(2)(a) provides that if, when a trial is called, the defendant appears but the plaintiff does not, the defendant “is entitled to judgment dismissing the action”.

[2] Ms. Yashcheshen is seeking to appeal from *Judgment #1* (CACV4571) as well as from two fiats rendered by the trial judge before its issuance and two judgments rendered later, as follows:

- (a) *Yashcheshen v Saskatchewan Government Insurance*, 2025 SKKB 58 [Fiat #1];
- (b) *Yashcheshen v Saskatchewan Government Insurance* (11 June 2025), Regina QBG-RG-02705-2019 (SKKB) [Fiat #2];
- (c) *Yashcheshen v Saskatchewan Government Insurance*, 2025 SKKB 127 [Judgment #2]; and
- (d) *Yashcheshen v Saskatchewan Government Insurance*, 2025 SKKB 186 [Judgment #3].

[3] The appeals from *Fiat #1* (CACV4551), *Fiat #2* (CACV4566), *Judgment #1* (CACV4571) and *Judgment #2* (CACV4616) came under case management in August of 2025. The appeal from *Judgment #3* (CACV4668) came under management when it was initiated in October of 2025.

[4] Case management was required not simply because of the number of related appeals but because of several applications that had been filed by then. Some of these could be heard by a single judge. Others, such as several applications by SGI to quash several of the appeals under Rule 46.1 of *The Court of Appeal Rules*, must be decided by the Court, meaning a panel of not fewer than three of its members (see *The Court of Appeal Act, 2000*, SS 2000, c C-42.1, s 15(1)).

[5] In an appearance before me on August 28, 2025, the parties submitted, and I agreed, it was appropriate that the applications that could be dealt with by a single judge of the Court should be decided before the parties are called to file factums in the appeals themselves. Since that date, I have made many procedural orders.

[6] This Fiat decides issues of costs that were reserved by me in two previous procedural rulings. It also determines Ms. Yashcheshen's applications for leave to appeal regarding *Fiat #1*, *Judgment #1*, *Judgment #2* and *Judgment #3*. Finally, I seek to bring some order to these proceedings by giving directions concerning the hearing of the matters that now must go before a panel for determination.

II. COSTS RESERVED IN THE OCTOBER 28, 2025 PROCEDURAL RULING

[7] In August of 2025, I directed that Ms. Yashcheshen must serve any additional applications she intended to bring, such as for leave to appeal, on or before September 26, 2025: *Yashcheshen v SGI* (17 September 2025), Regina CACV4551, CACV4566, CACV4571, and CACV4616 (SKCA) [*September 17, 2025 Procedural Ruling*].

[8] Ms. Yashcheshen did not meet the September 26, 2025, deadline. Nonetheless, over the objection of SGI, I exercised my discretion to relieve Ms. Yashcheshen from this failure and granted her an extension of time to file several applications for leave to appeal as well as supporting materials: *Yashcheshen v SGI* (28 October 2025), Regina CACV4551, CACV4566, CACV4571, and CACV4616 (SKCA) [*October 28, 2025 Procedural Ruling*].

[9] Ms. Yashcheshen was given this accommodation because, although she had not exercised reasonable diligence, (a) the only prejudice that SGI had suffered by reason of the missed deadline was additional expenses, which could be compensated for by a costs award; (b) while Ms. Yashcheshen had disregarded the court-directed schedule, I could not conclude, on the record, that she had *intended* to subvert the Court's processes; and (c) the prejudice to Ms. Yashcheshen, should she be denied this relief, overwhelmed other considerations (see *October 28, 2025 Procedural Ruling* at paras 26-36).

[10] While Ms. Yashcheshen was given this extension of time, I also found that SGI was entitled to an award of costs because she failed to meet the September 26, 2025, filing deadline. SGI asked that I fix these costs at \$10,000 based on the expenses it claims to have wasted because Ms. Yashcheshen failed to adhere to the court-ordered schedule.

[11] I am satisfied that SGI has been put to additional expenses because Ms. Yashcheshen missed the September 26, 2025, filing deadline. However, they are much more modest than what SGI is seeking. In this regard, most of SGI's claimed costs did not flow from the fact that Ms. Yashcheshen missed the filing deadline. Rather, they are a product of the fact that her applications for leave to appeal have rendered moot SGI's applications to quash several of these appeals, so far as they were premised on the failure by Ms. Yashcheshen to seek leave to appeal. SGI's entitlement to costs on this account are appropriately addressed in the context of considering Ms. Yashcheshen's applications for leave to appeal.

[12] In all these circumstances, I fix SGI's costs, as reserved in the *October 28, 2025 Procedural Ruling*, at \$1,000.

III. COSTS ASSOCIATED WITH THE ABORTED JANUARY 12, 2026 HEARING

[13] After much case management, the applications that are the subject of this Fiat, as well as other applications to address evidentiary issues that are not dealt within it, were set down for a hearing on Monday, January 12, 2026. I made known to the parties that all applications would be argued that day.

[14] Notwithstanding this direction, in a letter sent the day before the hearing, Ms. Yashcheshen asked that a separate date be set for the hearing of each of the applications. Early the next day, she sent an email to the Registrar indicating that she would be asking for an adjournment of all matters, so that nothing would be heard on January 12, 2026.

[15] The parties attended court, as scheduled, on January 12, 2026. Ms. Yashcheshen appeared by telephone. SGI was represented by counsel who appeared in person. What took place is recorded in a fiat I delivered later that day (see *Yashcheshen v Saskatchewan Government*

Insurance (12 January 2026), Regina CACV4551, CACV4566, CACV4571, CACV4616, and CACV4668 (SKCA) [*January 12, 2026 Procedural Ruling*]).

[16] In summary, at the opening of the hearing, I advised the parties that I was aware of Ms. Yashcheshen's request that the applications be heard on separate days and that all matters be adjourned. I indicated I would first have Ms. Yashcheshen explain why she was asking for separate hearing dates for each application and then have Ms. Yashcheshen speak to her request for an adjournment of all matters.

[17] After receiving submissions on the first topic, I advised the parties that I would not schedule separate hearing dates for each application. I also gave my summary reasons for this and indicated I would set out more complete reasons in a fiat to be delivered later. Those reasons can be found in the *January 12, 2026 Procedural Ruling*.

[18] I then invited Ms. Yashcheshen to address her request for an adjournment. After Ms. Yashcheshen had made some submissions but before SGI was called to respond, and therefore also before I had ruled on the adjournment request, Ms. Yashcheshen indicated she would not continue with the hearing and hung up, ending her participation in that day's proceedings. I decided I would not continue with the hearing in Ms. Yashcheshen's absence.

[19] In the *January 12, 2026 Procedural Ruling*, I invited the parties to make submissions on what costs should be awarded in favour of SGI because of Ms. Yashcheshen's conduct that day. I have now received their arguments in this regard.

[20] Having received those submissions, I am satisfied that SGI is entitled to costs on a full indemnity basis for the additional actual out-of-pocket legal expenses it incurred because Ms. Yashcheshen walked out of court on January 12, 2026.

[21] In the *January 12, 2026 Procedural Ruling*, I wrote that, by "metaphorically walking out of the hearing, Ms. Yashcheshen, in substance, obtained the adjournment she was seeking" and that by "achieving this result through unilateral action, she has displayed a lack of regard or consideration to the Court and to SGI" (at para 32). I will expand briefly on these statements.

[22] Ms. Yashcheshen was seeking to adjourn a hearing that had been scheduled far in advance to determine the outcome of many interrelated applications, only some of which are decided in this Fiat. Almost all of these applications had been outstanding for many months, and their resolution was standing in the way of any substantive progress being made towards a hearing of these appeals. Notwithstanding these facts, Ms. Yashcheshen had her reasons to request an adjournment, at least some of which she had articulated to me. SGI had made known that it opposed the request for the adjournment, in part because of its view that Ms. Yashcheshen's very request was a continuation of a pattern of what it characterized as her abusive conduct.

[23] In this context, I was faced with a decision of whether to proceed with a hearing on January 12, 2026. It would involve a balancing of interests and positions of two litigants in a context of a complicated set of proceedings with a complicated history. It was a decision for me to make, not Ms. Yashcheshen. However, it was a decision I was not afforded the opportunity to make because of Ms. Yashcheshen's precipitous conduct.

[24] In this overall context, I can see the possibility that some may suggest my earlier statement, that Ms. Yashcheshen displayed a lack of regard or consideration to the Court and to SGI, was too mild. Nonetheless, it can be said unequivocally that there is no excuse for Ms. Yashcheshen's conduct. Such behaviour is simply not to be countenanced.

[25] In the circumstances, the litigant that has been put to unnecessary expense should be compensated for its actual out-of-pocket legal expenses that resulted from this conduct, and I award costs on that basis. The award of these costs is to be limited by two factors.

[26] First, because the overall hearing time did not expand, the additional costs incurred by SGI are the expense of its counsel attending in Court on January 12, 2026.

[27] Second, although SGI has been represented by three counsel at these hearings, Mr. Watson appropriately acknowledged that the matter could be dealt with by one lawyer on its behalf, and the attendance of his co-counsel was largely for the purposes of training. Mr. Watson is to be commended for mentoring young lawyers in this way; however, the cost of him so doing should not be visited on Ms. Yashcheshen.

[28] I direct SGI to particularize its out-of-pocket legal expenses from Mr. Watson's appearance on January 12, 2026, and serve and file its bill of costs claimed pursuant to my award, within seven (7) days of this Fiat. If Ms. Yashcheshen intends to object to the quantum of SGI's claimed costs, she shall, within seven (7) days of the service of the bill of costs, serve and file a written statement of her objection not to exceed three (3) pages. In that circumstance, a date for a hearing in front of me will be set by the Registrar.

IV. LEAVE TO APPEAL *FIAT #1* (CACV4551)

[29] *Fiat #1* was issued on April 24, 2025, with the trial set to begin on June 16, 2025. That fiat contains the trial judge's reasons for declining Ms. Yashcheshen's request for certain personal accommodations pertaining to the manner of her appearance at the trial. These related to the location of the courtroom; her request to eat, drink and vape in the courtroom; and the scheduling of breaks. The judge declined to grant these requests "because they either pertain to matters outside my authority or do not appear necessary" (at para 32). *Fiat #1* also addressed the parties' requests to schedule a case conference and provided the judge's reasons for certain other procedural rulings.

[30] Ms. Yashcheshen filed a notice of appeal from *Fiat #1* on May 16, 2025. In broad strokes, she alleges that the judge erred in law by declining what she describes as her disability-related accommodation needs.

[31] On May 20, 2025, acting pursuant to Rule 46.1(1) of *The Court of Appeal Rules*, SGI filed a notice of application for an order by the Court dismissing CACV4551. The grounds for the application included that the orders under appeal were interlocutory in nature and that the appeal was frivolous and an abuse of process.

[32] On May 23, 2025, Ms. Yashcheshen filed a Notice of Application to Extend Time for Appeal and a Notice of Application to Obtain Leave to Appeal from *Fiat #1*. In argument before me, she conceded that she required leave to appeal from *Fiat #1* because the orders were interlocutory.

[33] I have concluded that Ms. Yashcheshen's application for an extension of time to seek leave to appeal *Fiat #1* should be granted but that her request for leave to appeal from it must be dismissed.

[34] Although sometimes expressed in slightly different language or in a different order, judges of this Court have consistently identified four factors as bearing on the question as to whether an extension of time to appeal should be granted. These are whether:

- (a) the party seeking the extension possessed a bona fide intention to appeal within the time limited for appeal;
- (b) the party seeking the extension has acted with reasonable diligence or has a reasonable explanation for the delay;
- (c) the respondent will suffer prejudice, beyond what would be incurred in the usual appeal process, if the extension is granted; and
- (d) there is an arguable case to be made to a panel of the Court.

[35] See, for example only: *Bank of Nova Scotia v Saskatoon Salvage Company (1954) Ltd.*, 1983 CanLII 2314 at paras 18-19, 29 Sask R 285 (SKCA); *Dutchak v Dutchak*, 2009 SKCA 89 at para 12; *Saskatoon (City) v Walmart Canada Corp.*, 2016 SKCA 123 at para 30; *MacInnis v Bayer Inc.*, 2021 SKCA 160 at para 10; and *Choquette v Viczko*, 2022 SKCA 11 at para 17.

[36] The case law emphasizes that these four factors "are not prerequisites but only customary considerations in the analysis of what is just and equitable" (*Patel v Whiting*, 2020 SKCA 49 at para 35). As explained by Ryan-Froslic J.A., "[i]n order to succeed in his application, [the applicant] does not need to establish each of the factors Rather, he must show that, taking those factors into account, it is just and equitable to extend the time for appeal" (*Taheri v Vujanovic*, 2018 SKCA 40 at para 22).

[37] Here, Ms. Yashcheshen demonstrated an intention to appeal within the required time. She acted promptly when the need for leave to appeal was identified, and SGI has suffered no prejudice because Ms. Yashcheshen filed a notice of appeal before she sought leave to appeal. Thus, if there is an impediment to the granting of an extension of time, it is found in the merits part of the test.

However, I am also satisfied that her appeal is at least arguable. Thus, she is entitled to an extension of time to bring her leave application.

[38] Ms. Yashcheshen's application for leave to appeal is to be tested against the criteria specified by in *Rothmans, Benson & Hedges Inc. v Saskatchewan*, 2002 SKCA 119 at para 6 [*Rothmans*]. Broadly speaking, the proposed appeal must be: (a) "of *sufficient merit* to warrant the attention of the Court of Appeal"; and (b) "of *sufficient importance* to the proceedings before the court, or to the field of practice or the state of the law, or to the administration of justice generally, to warrant determination by the Court of Appeal". These "constitute conventional considerations rather than fixed rules, ... are case sensitive, and ... their point by point reduction is not exhaustive" (*Rothmans* at para 6, emphasis in original).

[39] In *Rothmans*, Cameron J.A. suggested that a judge scrutinizing the merits of a proposed appeal should ask several questions, such as whether the appeal is *prima facie* frivolous or vexatious or destined to fail (see para 6). This largely mirrors the "arguable case" test when considering a request for an extension of time. Accordingly, I am satisfied that leave should not be denied because the proposed appeal lacks merit.

[40] However, Ms. Yashcheshen's application for leave to appeal fails because of its lack of importance. In this regard, leaving aside all other issues, events have overtaken where matters stood when Ms. Yashcheshen filed her original notice of appeal and her subsequent applications for an extension of time and for leave to appeal. In this regard, the rulings made in *Fiat #1* were interlocutory and are now subsumed in *Judgment #1*. If these rulings affected the outcome of her action, they can be appealed as part of the appeal from *Judgment #1* (*Herold v Wasserman*, 2021 SKCA 142 at para 15; *Ceapro Inc. v Saskatchewan*, 2008 SKCA 64 at para 12; *Prince Albert Credit Union Limited v Diehl and Diehler's Choice Steak and Lobster Limited*, 1986 CanLII 2913 at para 2, 47 Sask R 284 (SKCA)). All of this means that there is no need for a separate appeal from *Fiat #1*. Indeed, any issues that Ms. Yashcheshen has with the rulings found in that fiat are far better dealt with in the context of her appeal against *Judgment #1*, since it will focus attention on the question of whether the outcome of Ms. Yashcheshen's claim was affected by those rulings.

[41] For these reasons, I dismiss the application for leave to appeal from *Fiat #1*.

[42] SGI is entitled to costs in connection with this application for leave to appeal. I fix these costs at \$1,000. This amount accounts for all the steps taken in the proceeding.

V. LEAVE TO APPEAL *FIAT* #2 (CACV4566)

[43] *Fiat* #2 records the reasons given by the judge on June 11, 2025, for allowing, in part, SGI's objection to an affidavit filed by Ms. Yashcheshen and for dismissing Ms. Yashcheshen's application to adjourn the trial, which as noted already was scheduled to begin on June 16, 2025.

[44] By way of notice of appeal dated June 12, 2025, Ms. Yashcheshen initiated an appeal from *Fiat* #2. She also applied for a stay of the proceedings in the Court of King's Bench.

[45] The next day, SGI applied to quash the appeal. The grounds for that application included that *Fiat* #1 was the grant of an interlocutory order, and the appeal was frivolous and an abuse of process.

[46] Ms. Yashcheshen's stay application came before Kilback J.A. on June 25, 2025. In a fiat delivered the next day, Kilback J.A. dismissed Ms. Yashcheshen's stay request (see *Yashcheshen v Saskatchewan Government Insurance* (26 June 2025), Regina CACV4566 (SKCA) [*Kilback Fiat*]). In doing so, Kilback J.A. found that the stay request was moot in light of the issuance of *Judgment* #1, which had been delivered the week prior, on June 19, 2025. In the same fiat, Kilback J.A. also dismissed a request for leave to appeal *Fiat* #2 on a *nunc pro tunc* basis. In this regard, Kilback J.A. held that "[s]ince SGI has applied to quash the appeal of [*Fiat* #2] on the grounds that leave to appeal was required and not sought, it is preferable for any request for leave *nunc pro tunc* to be decided by the panel hearing that application" (at para 23).

[47] Much later, Ms. Yashcheshen filed a Notice of Application to Obtain Leave to Appeal from *Fiat* #2, dated December 17, 2025. I have previously advised the parties that, because of the direction given by Kilback J.A., this notice of application must be heard by the panel that hears the appeal (CACV4566) (see *Yashcheshen v SGI* (18 December 2025), Regina CACV4551, CACV4566, CACV4571, CACV4616, and CACV4668 (SKCA) at para 6).

[48] I mention these facts to explain why this Fiat does not address Ms. Yashcheshen's request for leave to appeal from *Fiat #2*.

[49] Nonetheless, it is evident that the issues raised in this appeal are related to the appeal from *Judgment #1* (CACV4571) and to a lesser extent the appeals from *Judgment #2* (CACV4616). For this reason, I will be providing directions regarding the filing of an appeal book and factums in connection with the appeal from the *Fiat #2* appeal (CACV4566) under the heading "Further Directions" below.

VI. LEAVE TO APPEAL *JUDGMENT #1* (CACV4571)

[50] *Judgment #1*, which dismissed Ms. Yashcheshen's action, issued on June 19, 2025. The next day, on June 20, 2025, Ms. Yashcheshen filed a notice of appeal from *Judgment #1*, initiating the opening of Registry file CACV4571.

[51] SGI responded to the filing of this notice of appeal by serving a notice of application seeking an order quashing this appeal on grounds that included the fact Ms. Yashcheshen had not obtained leave to appeal from *Judgment #1*. In taking this position SGI relied on s. 194 of the *AAIA* which provides as follows:

Appeal to the Court of Appeal

194(1) With leave of a judge of the Court of Appeal, the insurer or the claimant may appeal a decision of the Court of King's Bench or appeal commission to the Court of Appeal on a question of law only.

(2) An appeal pursuant to this section must be made within 30 days after the date of the decision of the Court of King's Bench or appeal commission or within any further time that a judge of the Court of Appeal may allow.

[52] In support of the applicability of s. 194(1), SGI refers to *Hasapis v Saskatchewan Government Insurance* (2 February 2024), Regina CACV4159 (SKCA). This case involved a request for leave to appeal from a merits-based decision of the Automobile Injury Appeal Commission after a full hearing. As has been noted, *Judgment #1* was granted pursuant to an application made under Rule 9-13, without receiving evidence from Ms. Yashcheshen on the merits.

[53] In one of her briefs of law, Ms. Yashcheshen argued that s. 194 is intended to address appeals from determinations of the entitlement to benefits under the *AAIA*. She asserted that because a determination under Rule 9-13 does not involve statutory entitlements, s. 194 does not apply. Notwithstanding this submission, Ms. Yashcheshen now concedes that SGI is correct that she requires leave to appeal from *Judgment #1*. Acting in accordance with the extension of time given to her in the *October 28, 2025 Procedural Ruling*, Ms. Yashcheshen has filed a Notice of Application to Extend Time for Appeal and a Notice of Application to Obtain Leave to Appeal from *Judgment #1*.

[54] Given Ms. Yashcheshen's concession, and because I am satisfied the test for leave to appeal from *Judgment #1* has been met, I prefer not to decide one way or the other if s. 194 of the *AAIA* is engaged in this appeal or if s. 7(3) of *The Court of Appeal Act, 2000* applies such that Ms. Yashcheshen has right of appeal from *Judgment #1* without the need for leave to appeal.

[55] The reasons for concluding that Ms. Yashcheshen should be granted an extension of time to seek leave to appeal from *Judgment #1* are grounded in (a) the fact that, since its issuance, Ms. Yashcheshen has shown a consistent interest in appealing from it; (b) the absence of prejudice to SGI related to the fact that Ms. Yashcheshen initially filed a notice of appeal rather than an application for leave to appeal; and (c) the finality of the judgment dismissing Ms. Yashcheshen's action.

[56] I am equally satisfied that the test for leave to appeal has been met. The proposed appeal from *Judgment #1* passes the importance criteria, since the judgment finally disposed of Ms. Yashcheshen's action against SGI. Ms. Yashcheshen's proposed appeal also raises some issues that may have importance to the development of the law. Therefore, the only possible barrier to the grant of leave to appeal is the merits criteria.

[57] At the hearing of her applications, Ms. Yashcheshen confirmed that she intended to advance her appeal through the draft notice of appeal dated October 28, 2025. It lists many grounds, in subparagraphs (a) to (l), but in (l) it identifies the following proposed questions of law:

- (1) Did the trial judge err in law by dismissing the Appellant's action under Rule 9-13(2) of *The King's Bench Rules* without exercising discretion to accommodate the Appellant's documented medical disability and self-represented status, thereby breaching the principles of procedural fairness, equality under section 15 of the *Charter*, and judicial duties

articulated in *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. 3, and *Pintea v Johns* (2017 SCC 23), and undermining access to justice for persons with disabilities?

(2) Did the trial judge err in law by treating procedural non-attendance as dispositive of the action, without considering whether such dismissal was proportionate, reasonable, or necessary to achieve the objectives of justice?

(3) Did the trial judge err in law by creating a reasonable apprehension of bias through remarks and reasoning that questioned the legitimacy of the Appellant's medical condition and credibility?

(4) Did the trial judge err in law by rejecting uncontroverted medical evidence without expert basis, contrary to the evidentiary standards, and the principles of natural justice?

[58] In argument, Ms. Yashcheshen confirmed that these four numbered questions subsume the other grounds referred to in her draft notice of appeal and form the basis of her request for leave to appeal. I am satisfied they raise questions of law and have sufficient merit to justify the grant of leave to appeal. In this regard, ground (2) would appear to raise an ordinary question of law regarding the interpretation of rules and the selection of appropriate legal tests. Grounds (1), (3) and (4) identify similar kinds of questions, but, more importantly, they all raise questions of procedural fairness as concerns the accommodation of self-represented or disabled litigants, reasonable apprehension of bias and other denials of natural justice. For the purposes of appellate review, procedural fairness in the proceeding under review is generally treated as raising a question of law (see e.g. *Hollinger v SaskTel Centre*, 2025 SKCA 40 at para 6; *Koch v Borgatti Estate*, 2022 FCA 201 at para 40).

[59] Accordingly, I grant Ms. Yashcheshen leave to appeal from *Judgment #1* and for that purpose she may file a notice of appeal that is substantially the same as that filed in draft form on October 28, 2025, along with any grounds reasonably related to *Fiat #1*. In the latter regard, earlier in these reasons I indicated I was not prepared to grant Ms. Yashcheshen leave to appeal from *Fiat #1* because the rulings made in it were incidental to the conduct of the trial itself and can be appealed as part of the appeal from *Judgment #1*. Therefore, I also grant Ms. Yashcheshen leave to include in her notice of appeal any grounds that allege an error in *Fiat #1* that affected the outcome of her action.

[60] If, after Ms. Yashcheshen files her notice of appeal, SGI is of the view that any ground included by Ms. Yashcheshen in her notice of appeal falls outside of what I have approved, it can

contact the Registrar and arrangements will be made for the dispute to come back before me for resolution.

[61] I reserve to the panel all questions of costs pertaining to SGI's application to quash Ms. Yashcheshen's original appeal and the granting to her of leave to appeal.

VII. LEAVE TO APPEAL *JUDGMENT* #2 (CACV4616)

[62] As has been mentioned, *Judgment #1*, which dismissed Ms. Yashcheshen's action, was issued on June 19, 2025. Ms. Yashcheshen promptly applied to the trial judge under Rule 9-13(3) of *The King's Bench Rules* to set aside that judgment. This Rule provides that any "judgment obtained if one party does not appear at the trial may be set aside by the Court on those terms that the Court considers just, on an application made within 15 days after the trial".

[63] *Judgment #2*, issued on August 15, 2025, contains the judge's reasons for dismissing Ms. Yashcheshen's application under this Rule.

[64] Ms. Yashcheshen filed a notice of appeal from *Judgment #2* on August 18, 2025, and the Registry assigned the putative appeal number CACV4616.

[65] SGI again took the position that Ms. Yashcheshen's only right of appeal from *Judgment #2* is pursuant to s. 194 of the *AAIA*. On this basis, and others, it applied to strike the notice of appeal.

[66] As she did in connection with her appeal against *Judgment #1*, Ms. Yashcheshen has now conceded that she requires leave to appeal from *Judgment #2*. Acting in accordance with the extension of time given to her in the *October 28, 2025 Procedural Ruling*, she filed a Notice of Application to Extend Time for Appeal and a Notice of Application to Obtain Leave to Appeal from *Judgment #2*. As I did in connection with *Judgment #1*, because of Ms. Yashcheshen's concession and because it does not matter in this case, I will assume that leave to appeal is required in this case.

[67] The tests for an extension of time to appeal and for leave to appeal from *Judgment #2* are met for the same basic reasons they are met in connection with *Judgment #1*. Ms. Yashcheshen is,

therefore, granted leave to appeal from *Judgment #2* and, for that purpose, file a notice of appeal that is substantially the same as that filed in draft form on October 28, 2025.

[68] There might be an argument that an appeal from an order made under Rule 9-13 should not be appealed separately from the judgment that is left undisturbed. However, neither party suggested I approach matters in this way. Accordingly, without deciding the point, I accept this appeal has vitality that is independent from the appeal in *Judgment #1*.

[69] I reserve the question of costs associated with the applications filed by both parties in this matter to the panel who hears this appeal.

VIII. LEAVE TO APPEAL JUDGMENT #3 (CACV4668)

[70] Ms. Yashcheshen is dissatisfied with the award of costs made by the judge in *Judgment #2*. She brought an application before him for leave to appeal those costs, invoking s. 6-14 of *The King's Bench Act*, SS 2023, c 28. That provision provides as follows:

No appeal of certain judgments without leave

6-14 Except with leave of the judge giving the judgment or making the order, the following judgments and orders are not subject to appeal:

- (a) judgments given or orders made by a judge with the consent of the parties;
- (b) subject to the rules of court, judgments given or orders made by a judge as to costs only that, by law, are left to the discretion of the judge.

[71] At the same time, Ms. Yashcheshen applied for an order authorizing her to record her Chambers appearance before the trial judge. The judge dismissed both applications in *Judgment #3*.

[72] Ms. Yashcheshen has applied for leave to appeal from both parts of *Judgment #3*.

[73] The trial judge dismissed Ms. Yashcheshen's application under s. 6-14 of *The King's Bench Act* because he followed *Collis v Saskatchewan Government Insurance*, 2002 SKCA 64 [*Collis*], to find that the section only applied to "costs only" judgments. After reproducing several paragraphs from *Collis*, the judge wrote as follows:

[15] This reasoning strikes me as applicable to this application. As in *Collis*, Ms. Yashcheshen seeks to appeal against more than an award of costs. The *Judgment* and

Costs Award are in two separate, but related, decisions. The *Costs Award* arises from the *Judgment*. If the existing appeal against the *Judgment* is allowed, then any appeal against the *Costs Award* becomes moot.

[16] It appears to me that ss. 6-14(b) of *The King's Bench Act* does not apply to the proposed appeal, since the appeal is not "as to costs only". The existing appeals in the Court of Appeal are related. However, in case I am wrong, I will go on to consider the proposed grounds of appeal.

[74] *Collis* was decided under what was then s. 38 of *The Queen's Bench Act, 1998*, SS 1998, c Q-1.01, which in material terms was identical to what is now s. 6-14 of *The King's Bench Act*. Although the judge went on and provided additional reasons to dismiss Ms. Yashcheshen's application, reasons which Ms. Yashcheshen takes some issue with, none of this matters.

[75] The simple fact is that, through her appeal of *Judgment #2*, Ms. Yashcheshen can appeal the costs award made in that judgment. This has been conceded by SGI and I note that in the draft notice of appeal from *Judgment #2* I have approved, Ms. Yashcheshen includes as one ground that the "costs awarded [by the trial judge] were punitive and disproportionate given the Appellant's self-represented status and medical disability". In short, Ms. Yashcheshen's application to the judge was ill-conceived. Her request to appeal from *Judgment #3* is of doubtful merit and, in any event, is unimportant.

[76] I would similarly dismiss Ms. Yashcheshen's request to appeal the judge's refusal to allow her to record the Chambers' appearance. Apart from other reservations I have about this proposed appeal, the issue it seeks to resolve is moot. The Chambers' appearance has been held, and no purpose could be served by this Court examining this issue, at least in the context of this case.

[77] SGI is entitled to its costs in connection with this application for leave to appeal. I fix these costs at \$1,000.

IX. FURTHER DIRECTIONS

[78] As a result of *Kilback Fiat* and the rulings I have made in this Fiat, there are matters in three appeals that must go before a panel, as follows:

- (a) in CACV4566, Ms. Yashcheshen's appeal from *Fiat #2*, as well as SGI's application to quash that appeal and Ms. Yashcheshen's application for leave to appeal *nunc pro tunc*;
- (b) in CACV4571, Ms. Yashcheshen's appeal from *Judgment #1*; and
- (c) in CACV4616, Ms. Yashcheshen's appeal from *Judgment #2*.

[79] There is a deep interrelation between the issues that pertain to each of these matters. I direct the Registrar to set them down for hearing on the same day before the same panel of judges.

[80] It would also be wasteful to require Ms. Yashcheshen, who must prepare the appeal books in these matters, to prepare separate appeal books for each of these three appeals. For these reasons, I order as follows:

- (a) there shall be a common appeal book for CACV4566, CACV4571 and CACV4616. In addition to what is required by *The Court of Appeal Rules*, it shall contain *Fiat #1*, *Fiat #2*, *Judgment #1*, *Judgment #2* and *Judgment #3*, as well as the notices of appeal in each of CACV4566, CACV4571 and CACV4616, SGI's application to quash that appeal brought in CACV4566, and Ms. Yashcheshen's application for leave to appeal *nunc pro tunc* brought in CACV4566; and
- (b) Ms. Yashcheshen shall file an electronic copy of the common appeal book on each Court of Appeal file but shall only be required to file three paper copies of it.

[81] Because of the interrelationship of issues, it will be wasteful, confusing and inefficient to file separate factums in each of these matters. For these reasons I order as follows:

- (a) the parties shall each file one factum (or in Ms. Yashcheshen's case a written argument should she choose), which shall not exceed 60 pages in length, that is to address, within these (maximum) 60 pages, these three appeals (CACV4566, CACV4571 and CACV4616) as well as SGI's application to quash the appeal brought in CACV4566 and Ms. Yashcheshen's application for leave to appeal *nunc pro tunc* brought in CACV4566. Each factum shall be organized in a way that

distinguishes the issues in each appeal and the said applications and, to that extent, the requirements of Rule 28 of *The Court of Appeal Rules* are modified; and

- (b) the parties shall file an electronic copy of their factum on each Court of Appeal file but shall only be required to file three paper copies of it.

[82] It is left to the panel how it will organize the argument of these matters.

X. CONCLUSION

[83] In summary, I order as follows:

- (a) Ms. Yashcheshen's application for an extension of time to seek leave to appeal for *Fiat #1* (CACV4551) is granted but her request for leave to appeal is dismissed.
- (b) Ms. Yashcheshen is granted leave to appeal from *Judgment #1* (CACV4571) on the following terms:
 - (i) Ms. Yashcheshen may file a notice of appeal that is substantially the same as that filed in draft form on October 28, 2025. She may also include in her notice of appeal any grounds that allege an error in *Fiat #1*, provided that, after Ms. Yashcheshen files her notice of appeal, if SGI is of the view that any ground included by Ms. Yashcheshen in her notice of appeal falls outside of what I have approved, it can contact the Registrar and arrangements will be made for the dispute to come back before me for resolution; and
 - (ii) all questions of costs pertaining to SGI's application to quash Ms. Yashcheshen's original appeal and the granting to her of leave to appeal are reserved to the panel.
- (c) Ms. Yashcheshen is granted leave to appeal from *Judgment #2* (CACV4616) on the following terms:

- (i) Ms. Yashcheshen may file a notice of appeal that is substantially the same as that filed in draft form on October 28, 2025; and
- (ii) all questions of costs pertaining to SGI's application to quash Ms. Yashcheshen's original appeal and the granting to her of leave to appeal are reserved to the panel.
- (d) Ms. Yashcheshen's application for leave to appeal *Judgment #3* (CACV4668) is dismissed.
- (e) The Registrar shall set CACV4566, CACV4571 and CACV4616 down for hearing on the same day before the same panel of judges.
- (f) There shall be a common appeal book for these matters. In addition to what is required by *The Court of Appeal Rules*, it shall contain *Fiat #1*, *Fiat #2*, *Judgment #1*, *Judgment #2* and *Judgment #3*, as well as the notices of appeal in each of CACV4566, CACV4571 and CACV4616, SGI's application to quash that appeal brought in CACV4566, and Ms. Yashcheshen's application for leave to appeal *nunc pro tunc* brought in CACV4566.
- (g) Ms. Yashcheshen shall file an electronic copy of the common appeal book on each Court of Appeal file but shall only be required to file three paper copies of it.
- (h) The parties shall each file one factum (or in Ms. Yashcheshen's case a written argument should she choose), which shall not exceed 60 pages in length, that is to address, within these (maximum) 60 pages, these three appeals (CACV4566, CACV4571 and CACV4616) as well as the aforementioned applications brought in CACV4566. Each factum shall be organized in a way that distinguishes the issues in each appeal and the said applications and, to that extent, the requirements of Rule 28 of *The Court of Appeal Rules* are modified.
- (i) The parties shall file an electronic copy of their factum on each Court of Appeal file but shall only be required to file three paper copies of it.

- (j) Ms. Yashcheshen shall pay costs to SGI on a full indemnity basis for the additional actual out-of-pocket legal expenses it incurred because Ms. Yashcheshen walked out of Court on January 12, 2026, limited in the way described in this Fiat. SGI shall serve and file its bill of costs within seven (7) days of this Fiat. If Ms. Yashcheshen objects to the quantum of SGI's claimed costs, she shall, within seven (7) days of the service of the bill of costs, serve and file a written statement of her objection not to exceed three (3) pages, and a date will be set by the Registrar for a hearing in front of me.
- (k) In addition to the costs ordered in sub-paragraph (j), Ms. Yashcheshen shall pay costs to SGI in the fixed amount of \$3,000 calculated as follows:
 - (i) \$1,000, pursuant to the *September 17, 2025 Procedural Ruling* made in CACV4551, CACV4566, CACV4571, and CACV4616;
 - (ii) \$1,000, in connection with the application for leave to appeal from *Fiat #1* (CACV4551); and
 - (iii) \$1,000, in connection with the application for leave to appeal from *Judgment #3* (CACV4668).

[84] I will remain available to the parties should these appeals require further management prior to their hearing or the assignment of a panel to hear these matters.

“Leurer C.J.S.”

Leurer C.J.S.