
Court of Appeal for Saskatchewan
Docket: CACV4634

Citation: *Marynick v Fairstone Financial Inc.*, 2026 SKCA 72

Date: 2026-07-02

Between:

Marlin Marynick

Appellant
(Plaintiff/Applicant)

And

Fairstone Financial Inc.

Respondent
(Defendant/Respondent)

Before: Tholl, McCreary and Drennan JJ.A.

Disposition: Appeal dismissed

Written reasons by: The Court

On appeal from: KBG-RG-00775-2024, Regina
Appeal heard: June 19, 2026

Counsel: Marlin Marynick on his own behalf
Corbin W. Golding for the Respondent

The Court

I. INTRODUCTION

[1] Marlin Marynick executed a mortgage in favour of Fairstone Financial Inc. [Fairstone] on November 29, 2019. The mortgage fell into arrears. Thereafter, Mr. Marynick filed a Statement of Claim against Fairstone asking for various forms of relief. After filing his claim, he brought an interim application pursuant to Rule 6-5 of *The King’s Bench Rules* seeking the relief that he sought in his claim, specifically: for Fairstone to provide documentation respecting the mortgage in a particular form, and for an order compelling Fairstone to remove its charge against the property and restore Mr. Marynick’s credit, unless Fairstone could prove current ownership of the debt in the form requested by Mr. Marynick.

[2] In a decision dated September 3, 2025, a judge of the Court of King’s Bench dismissed Mr. Marynick’s Rule 6-5 application. She observed that Mr. Marynick was “essentially seeking summary judgment of his claim but [had] not provided the appropriate foundation to ground such an application” as required by *The King’s Bench Rules: Marynick v Fairstone Financial Inc.* (3 September 2025), Regina KBG-RG-00775-2024 at para 22 (SKKB).

[3] Mr. Marynick now appeals to this Court from the judge’s order dismissing his application. While the key issue is the judge’s conclusion that he had not provided an appropriate foundation for an application for summary judgment, Mr. Marynick’s submissions focus on his allegations that the judge committed a variety of errors of law in how she treated Fairstone’s affidavit evidence filed in the alternative in reply to his application.

II. ANALYSIS

A. Preliminary issue – Representation

[4] As a preliminary matter, Mr. Marynick sought to be represented at the hearing of this appeal by a non-lawyer, John Cipolla. In support of his request, Mr. Marynick filed a document with the Court's Registry titled "Notice of Designation of Indigenous Representative". This is a form of document not contemplated in *The Court of Appeal Rules* or *The King's Bench Rules*. This notice asserted that any rule of court, practice directive or procedural requirement that would require him to be represented by a lawyer was inconsistent with a "constitutional framework" that allowed Mr. Marynick to be represented by anyone he chose, pursuant to the *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, Article 18.

[5] At the hearing, the Court ruled that it would not permit Mr. Cipolla to represent Mr. Marynick. In the normal course, parties appearing in this Court may represent themselves, or be represented by a lawyer. In exceptional circumstances, the Court may allow a non-lawyer to speak on behalf of a litigant, if the non-lawyer would assist the litigant and the Court. In this case, the Court concluded that Mr. Cipolla would not assist either Mr. Marynick in presenting his case, or the Court in determining the appeal. Mr. Cipolla had been found in other contexts to use what have been referred to as "organized pseudolegal commercial arguments" [OPCA] as a tactic when appearing in Canadian courts: see *Cipolla v Ozkin*, 2025 ONSC 173, and *Woodley v Cipolla*, 2022 ONSC 7096. At the hearing, the Court was advised by Mr. Marynick that Mr. Cipolla had assisted him in filing documents in this matter that were of that same nature. Such arguments are widely discredited and have never been successful in any Canadian court and, as such, this Court would not permit Mr. Cipolla to make those types of submissions on behalf of another person.

[6] Mr. Marynick did not wish to adjourn the hearing to retain a lawyer to represent him. We note, however, that after the Court delivered its ruling on this point, Mr. Marynick continued to insist that he was entitled to an "Indigenous representative" and that he did not consent to continuing unless Mr. Cipolla was permitted to represent him. Nonetheless, Mr. Marynick did make oral argument and directed the Court to the written argument he had filed.

B. Issue on appeal – September 3, 2025, Court of King’s Bench decision

[7] We now turn to the main issue on the appeal – the dismissal of Mr. Marynick’s application in the Court of King’s Bench.

[8] Leaving aside the fact that this was an interlocutory order requiring leave to appeal and no leave was sought, we are unanimously of the view that the appeal must be dismissed.

[9] While the Court of King’s Bench judge made some comments about the substance of Mr. Marynick’s claim and his apparent reliance on online and/or OPCA legal advice to support it, she dismissed the application because she determined that he had not established an appropriate foundation for what was, in substance, an application for summary judgment. We can see no error in this conclusion.

[10] An application that seeks final relief (such as the one brought by Mr. Marynick) must be “brought as an application for summary judgment pursuant to Rule 7-2” of *The King’s Bench Rules: Stromberg v Olafson*, 2023 SKCA 67 at para 8. A party cannot apply for a remedy equivalent to summary judgment other than pursuant to Rule 7-2: see *Stromberg* at paras 72 and 86. As such, in seeking the same relief as that requested in his claim, Mr. Marynick was required to bring his application pursuant to the summary judgment rules in Division 2 of Part 7 of *The King’s Bench Rules* and was required to provide the necessary evidentiary foundation to support his claim. He also needed to demonstrate that there was no genuine issue for trial, and to comply with the associated procedural requirements. He did not do any of this. It follows that the judge committed no error in concluding that the application must be dismissed.

[11] Our finding on this point disposes of Mr. Marynick’s appeal without the need to address his arguments that the judge erred in her acceptance and use of certain affidavit evidence.

C. Costs

[12] Fairstone seeks the costs of this appeal on an enhanced basis. It argues that Mr. Marynick has engaged in OPCA conduct, which is evident in the materials he filed with the Court, and in his and Mr. Cipolla's conduct at the hearing. Fairstone notes that such conduct is an abuse of process that deserves a strong deterrent response.

[13] We agree that Mr. Marynick's written argument and the "Notice of Designation of Indigenous Representative" he filed demonstrate hallmarks of OPCA language and OPCA tactics. We also find that the conduct of Mr. Cipolla during the hearing of this matter was disruptive.

[14] For example, Mr. Cipolla repeatedly interrupted while the decision was being given by the Court respecting his representation of Mr. Marynick to say that he believed the ruling was defamatory of Mr. Cipolla. Because of his interruptions, he was expelled from the Webex hearing (he had been attending virtually). In addition, during submissions by Fairstone's lawyer, Mr. Marynick (who was also attending virtually) interrupted and indicated that he was disconnecting from the appeal hearing because he was entitled to an "Indigenous representative". Thereafter, another individual called back into the Webex hearing under the name "IRC", interrupting the proceedings and repeatedly stating that Mr. Marynick was entitled to an "Indigenous representative" and that Mr. Marynick did not consent to the appeal hearing being conducted without such representation. That individual, whose voice was recognizable as that of Mr. Cipolla, refused to respond to any inquiries from the Court and was also expelled from the Webex hearing due to his conduct.

[15] The type of OPCA litigation strategy that Mr. Marynick has engaged in must be strongly discouraged as an abuse of process. Conduct like this wastes considerable resources – both of other parties and of the courts. Mr. Marynick had previously been given notice that this type of conduct is an abuse of process that will ultimately warrant an award of enhanced costs, however, he continued, undeterred. In our view, it is therefore appropriate to award enhanced costs in respect of this appeal.

III. CONCLUSION

[16] In the result, the appeal is dismissed, with costs payable by Mr. Marynick to Fairstone, fixed at \$5,150.00.

“Tholl J.A.”

Tholl J.A.

“McCreary J.A.”

McCreary J.A.

“Drennan J.A.”

Drennan J.A.