

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Dempsey v. Pagefreezer Software Inc.*, 2026 NSSC 254

**Date:** 2026-08-18

**Docket:** Hfx 529459

**Registry:** Halifax

**Between:**

Nathan Kirk Dempsey

Applicant

v.

Pagefreezer Software Inc. and Michael Riedijk

Respondents

AND

**Docket:** Hfx 549788

**Registry:** Halifax

Nathan Kirk Dempsey

Applicant

v.

The Attorney General of Nova Scotia, Pagefreezer Software Inc. and Michael  
Riedijk

Respondents

**Judge:** The Honourable Justice Jamie S. Campbell

**Heard:** July 23, 2026, in Halifax, Nova Scotia

**Counsel:** Nathan Kirk Dempsey, self-represented Applicant  
Noah Entwisle and Scott Hickman, for the Respondents (Pagefreezer and Riedijk)  
Glenn Anderson KC and Myles Thompson, for the Respondent (AGNS)

**By the Court:**

[1] Mr. Dempsey has been engaged in a long running dispute with Pagefreezer and Mr. Riedijk. Pagefreezer and Mr. Riedijk have brought a motion seeking to have Mr. Dempsey declared a vexatious litigant. That motion is subject to a permanent sealing order issued by Justice John Keith in *Dempsey v. Pagefreezer Software Inc. and Riedijk*, 2025 NSSC 47 (Sealing Order Decision). After that motion was filed, Mr. Dempsey filed an application, as a separate original proceeding, seeking to have the vexatious litigant motion proceed publicly, and not subject to Justice Keith's sealing order. Because it was filed as a separate application it was not under the same file number as the sealing order that pertained to the main matter and the vexatious litigant motion made under it.

[2] Mr. Dempsey's motion and Pagefreezer's vexatious litigant motion were heard on the same day.

[3] This decision deals with both the vexatious litigant motion and Mr. Dempsey's application to have that motion heard publicly. The application should properly have been brought within the motion the procedure of which it sought to modify.

[4] This decision, like Justice Keith's Sealing Order Decision, will be published because it does not disclose any confidential information.

**Abuse of Process**

[5] Pagefreezer seeks to have Mr. Dempsey declared a vexatious litigant and Mr. Dempsey has responded by starting a separate matter that would force the vexatious litigant motion to be heard publicly and not subject to the sealing order. When Justice Gatchalian set the hearing of both matters for the same day Mr. Dempsey applied for leave to appeal. That appeal was denied as being "entirely without merit". The Court of Appeal held that Mr. Dempsey's four categories of error were "immaterial, misguided, and based on a mischaracterization of the Motion Judge's decision". Justice Farrar speaking for the Court of Appeal said that they appeared to be a collateral attack on Justice Keith's sealing order and that the filing of the appeal was for a vexatious purpose to embroil Pagefreezer in continued litigation and cause them expense and inconvenience addressing arguments that have no chance of success. *Dempsey v. Pagefreezer Software Inc.*, 2026 NSCA 49. That was not a finding that Mr. Dempsey was then or is now a vexatious litigant. It is a comment on that appeal.

[6] The first issue is whether Mr. Dempsey's motion is an abuse of process as a collateral attack on the sealing order imposed by Justice Keith. The rule against collateral attack protects the fairness and integrity of the justice system by preventing duplicative proceedings. A party cannot use an institutional detour to attack the validity of an order by seeking a different result in a different forum instead of appealing the order itself.

[7] In this case Pagefreezer brought the vexatious litigant motion in the context of what they are alleging is a vexatious proceeding, Hfx 529459. That is one way in which a vexatious litigant motion can be brought according to *Nova Scotia Civil Procedure Rule* 88.02(2). That matter, Hfx 529459 is sealed, for the reasons given by Justice Keith in the Sealing Order Decision. Justice Keith noted that in his effort to expose the alleged criminality and injustice of Pagefreezer and Mr. Riedijk, Mr. Dempsey had filed large volumes of materials bearing on issues that had been adjudicated on in British Columbia. There the material was deemed to be confidential and sealed in the British Columbia proceedings. Mr. Dempsey filed significant portions of the same information as part of his attempt to stay enforcement of the Execution Orders issued in Nova Scotia. On August 7, 2024, Bryson J.A. issued his decision deeming the information to be confidential and sealing the Court of Appeal's file, *Dempsey v. Pagefreezer Inc.*, 2024 NSCA 76.

[8] Justice Keith applied the test in *Sherman Estate v. Donovan*, 2021 SCC 25. Preserving the important interest of judicial comity warranted restricting openness of Hfx 529459, and the material filed by Mr. Dempsey contained a very significant amount of highly sensitive information from a personal and commercial perspective. Justice Keith found that there were no reasonable alternatives to a permanent sealing order. Finally, Justice Keith concluded that a permanent sealing order over Hfx 529459 was proportionate in the circumstances.

[9] What Mr. Dempsey is seeking to do is to have the vexatious litigant motion under Hfx 529459 heard publicly, essentially using a procedural workaround to avoid the sealing order. He argued that he was not trying to overturn Justice Keith's sealing order and that the order would still be effective. He had just filed his application under a new file so that the hearing about openness would be heard openly. That is the very definition of a collateral attack, and an abuse of process. The filing of the motion by Mr. Dempsey as an original unsealed motion, was an improper attempt to circumvent Justice Keith's sealing order that clearly applied to the vexatious litigant motion.

[10] Mr. Dempsey's motion is dismissed as an abuse of process. He cannot avoid the sealing order by filing documents that would be covered by the sealing order under another file number. The Hfx 549788 file, including materials filed by Mr. Dempsey on the motion, should be permanently sealed in compliance with the sealing order that pertains to Hfx 529459.

### **Vexatious Litigant Motion**

[11] Pagefreezer Software Inc. and Mr. Riedijk have brought a motion under s. 45B of the *Judicature Act* to have Mr. Dempsey declared a vexatious litigant. The purpose is to bar him from starting or continuing to conduct any proceedings in the Nova Scotia Supreme Court without first obtaining leave of the court. It would not limit his right to respond.

[12] The authority to declare a person a vexatious litigant comes from both s. 45B of the *Judicature Act* and the court's inherent power to regulate its own process. That is not an insignificant point. It does not water down the definition of vexatiousness, but it does allow the court to consider a pattern of behaviour that extends not only over both the Supreme Court and Court of Appeal in Nova Scotia but courts in other jurisdictions as well. In this case that matters.

### **History of the Litigation**

[13] In his decision on the sealing order Justice Keith described the litigation between Mr. Dempsey and Pagefreezer as acrimonious and complex taking place over several years. Those proceedings have spanned the country and generated multiple judicial decisions in British Columbia and Nova Scotia. "The process may reasonably be described as difficult and labyrinthine". (Sealing Order Decision, para. 5) In Schedule A to that decision Justice Keith set out a chronology of the "spider-web of legal proceedings" up to the point of the Sealing Order Decision.

**August, 2021** - Mr. Dempsey brought an initial proceeding against Pagefreezer in the British Columbia Supreme Court alleging oppression, among other things. (the "**First British Columbia Proceeding**")

**September, 2021** - The First British Columbia Proceeding was resolved under the terms of a settlement agreement between Mr. Dempsey and Pagefreezer (the "**Settlement Agreement**").

**February, 2022** - Mr. Dempsey filed a petition to set aside the Settlement Agreement reached between himself and Pagefreezer. (the “**Second British Columbia Proceeding**”)

**June, 2022** - In an effort to protect commercially sensitive and privileged information, Tucker, J. of the British Columbia Supreme Court issued an interim sealing order over the file related to the Second British Columbia Proceeding (Mr. Dempsey’s petition to set aside the settlement agreement). Tucker, J. also issued a protection order prohibiting Mr. Dempsey from disclosing any part of the sealed file to non-parties. Mr. Dempsey appealed the decision of Tucker, J. (the “**First British Columbia Appeal (Pagefreezer’s Interim Sealing Order)**” bearing Court File No. CA 48392);

**August 12, 2022** - McNaughton, J. dismissed Mr. Dempsey’s attempts to add Canada Revenue Agency as a party to the Second British Columbia Proceeding seeking to set aside the Settlement Agreement. Mr. Dempsey appealed this decision (the “**Second British Columbia Appeal (Dempsey’ Motion to Add CRA)**” bearing Court File No. CA 48500);

**August 22, 2022** - In connection with the First BRITISH COLUMBIA Appeal (Interim Sealing Order), Wilcock, J.A. issued an order which, among other things:

1. Permanently sealed portions of the record in this appeal;
2. Prohibited Mr. Dempsey from disclosing items under seal to non-parties; and
3. Required Mr. Dempsey to post security for costs in this appeal

**September 13, 2022** - Dewitt-Van Oosten, J.A. of the British Columbia Court of Appeal ordered Mr. Dempsey to post security for costs in the amount of \$8,500 for the

Second British Columbia Appeal (Motion to Add CRA) Mr. Dempsey failed to post the requisite security and this Second British Columbia Appeal was abandoned.

**October 13, 2022** - Majawa, J. dismissed the Second British Columbia Proceeding (i.e. Mr. Dempsey's petition to set aside the Settlement Agreement). Majawa, J. also issued a companion order extending the interim sealing order issued in June, 2022 and making it permanent. Mr. Dempsey appealed this decision (the "**Third British Columbia Appeal (Dempsey's Petition to Set Aside Settlement Agreement)**") bearing Court File No. CA 48624). Dewitt-Van Oosten subsequently ordered that Mr. Dempsey post security for costs in respect of this this appeal. Mr. Dempsey failed to post the requisite security and this appeal was deemed abandoned on March 9, 2023 (see below)

**November 3, 2022** - Marchand, J.A. of the British Columbia Court of Appeal dismissed the First British Columbia Appeal (Pagefreezer's Interim Sealing Order) because Mr. Dempsey failed to post the required security previously ordered by Wilcock, J.A.. He also permanently sealed certain an affidavit filed by Mr. Dempsey in respect of this appeal; any materials filed in response to Mr. Dempsey's affidavit; and all materials filed after August 22, 2022 (the date of Wilcock, J.A.'s Order). Marchand, J.A. also found Mr. Dempsey in contempt of court because he intentionally emailed sealed materials to numerous third parties, including news outlets, Pagefreezer competitors and government agencies. He ordered Mr. Dempsey to pay a fine of \$5,000 and special costs. The Registrar of the British Columbia Court of Appeal subsequently awarded ordinary costs against Mr. Dempsey in the amount of \$4,545.44 and special costs in the amount of \$36,726.09 (a total of \$41,271.53 in costs and referred to below as the "**Contempt Cost Award**") (2023 BCCA 58).

**November 30, 2022** - Mr. Dempsey filed a new action under the British Columbia *Class Proceedings Act* alleging

unlawful conduct, including deliberate breaches of the *Canadian Charter of Rights and Freedoms*. The Defendants included the Respondents in this proceeding (Pagefreezer and Mr. Riedijk), Canada Revenue Agency, and various Youtube influencers. Mr. Dempsey alleged, among other things, that they were part of a vast conspiracy to harass, stalk and defraud him. I note that Mr. Dempsey had already commenced and then discontinued a third proceeding in the British Columbia Supreme Court. (the **“Third British Columbia Proceeding”**). As such, this new proceeding became the fourth proceeding Mr. Dempsey filed in the British Columbia Court in a little more than a year (the **“Fourth British Columbia Proceeding”**)

**February 23, 2023** - Pagefreezer, Mr. Riedijk, and CRA moved to strike the Fourth British Columbia Proceeding and requested a declaration that Mr. Dempsey be declared a vexatious litigant. On this date (February 23, 2023), Majawa, J. allowed the motion. The Fourth British Columbia Proceeding was struck and Mr. Dempsey was declared a vexatious litigant.

**March 9, 2023** - The Third British Columbia Appeal (Dempsey’s Petition to Set Aside Settlement Agreement) was deemed abandoned for failure to pay security for costs.

**March 29, 2023** - Mr. Dempsey filed a complaint with the British Columbia Human Rights Tribunal alleging that Majawa, J.’s decision dated February 23, 2023 represented a denial of his right to a fair trial. Mr. Dempsey attempted to appeal this decision but did not file his Notice of Appeal on time. A subsequent request to extend the time for appeal was denied on May 16, 2023 (see below).

**April 17, 2023** - The Prothonotary of the Nova Scotia Supreme Court opened court file no. Hfx 523054 and registered the Contempt Costs Award as a judgment of this Court pursuant to the *Enforcement of Canadian Judgment and Decrees Act*, S.N.S. 2001, c. 30 as amended (the **“First NS Proceeding (Enforcement of Contempt Costs)”**).

**April 27, 2023** - Horsman, J.A. of the British Columbia Court of Appeal issued permanent sealing orders in respect of certain unredacted materials filed in connection with the Second British Columbia Appeal and Third British Columbia Appeal. (2023 BCCA 179)

**April 27, 2023** - The Nova Scotia Supreme Court issued an Execution Order obtained in the First NS Proceeding (Contempt Costs Award) bearing Hfx No 523054.

**May 15, 2023** - Voith, J.A. issued his decision in response to contempt proceedings brought by Pagefreezer in First British Columbia Appeal (Pagefreezer's Interim Sealing Order). In particular, Pagefreezer and Mr. Riedijk alleged that Mr. Dempsey breached the sealing orders of both Wilcock, J.A. issued August 22, 2022, and Marchand, J.A. issued November 3, 2022 by disclosing sealed materials to non-parties identified as various politicians, the Law Society of British Columbia, the Canadian Bar Association, the Canadian Judicial Council, and the British Columbia Human Rights Tribunal. Voith, J.A. found Mr. Dempsey in contempt and fined him \$10,000. He also ordered special costs in the amount of \$15,570. Mr. Dempsey appealed to the Supreme Court of Canada but failed to file his motion for leave to appeal on time. Mr. Dempsey's request for an extension of time to appeal was denied by the Supreme Court of Canada on December 21, 2023 (see below)

**May 16, 2023** - Stromberg-Stein, J.A. of the British Columbia Court of Appeal dismissed Mr. Dempsey's application for an extension of time to appeal the decision of Majawa, J. in the Fourth British Columbia Proceeding where, among other things, Mr. Dempsey was declared a vexatious litigant. Mr. Dempsey sought leave to appeal to the Supreme Court of Canada. His leave motion was denied on December 21, 2023 (see below).

**June 9, 2023** - Mr. Dempsey filed a motion in the Nova Scotia Supreme Court to stay the Execution Order for the Contempt Costs Award and seeking to suspend enforcement

in Nova Scotia. Mr. Dempsey’s motion to stay execution was dismissed by Rosinski, J. on July 12, 2023 (see below)

**June 9, 2023** - Mr. Dempsey also filed various motions with the Supreme Court of Canada seeking leave to appeal the decisions of Voith, JA issued May 15, 2023 and Stromburg-Stein, J.A. issued May 16, 2023 (see above).

**July 21, 2023** - Rosinski, J. dismissed Mr. Dempsey’s request to stay the Execution Order issued April 27, 2023 under the First NS Proceeding (Enforcement of Contempt Costs). See 2023 NSSC 240. Mr. Dempsey appealed (the “**First NS Appeal (Dempsey’s Motion to Stay Enforcement of Contempt Costs Award)**”) The Appeal was dismissed on December 4, 2023 (see below).

**November 16, 2023** - The Registrar of the British Columbia Supreme Court assessed special costs against Mr. Dempsey in the amount of \$295,581.11 (the “**Special Costs Award**”)

**December 4, 2023** - The Nova Scotia Court of Appeal dismissed the First NS Appeal (Dempsey’s Motion to Stay Enforcement of Contempt Costs Award). At that time, it also granted a sealing order with respect to that appeal.

**December 14, 2023** - The Prothonotary of the Nova Scotia Supreme Court opened Court file Hfx No. 529459 and registered the Special Costs Award (\$295,581.11) as a judgment of this Court under the *Enforcement of Canadian Judgment and Decrees Act*, S.N.S. 2001, c. 30 as amended. (the “**Second NS Proceeding (Pagefreezer’s Enforcement of Special Costs Award)**”).

**December 21, 2023** - The Supreme Court of Canada denied:

1. Mr. Dempsey’s motion to extend the time to seek leave to appeal the decision of Voith, J.A. issued May 15, 2023; and

2. Mr. Dempsey's motion for leave to appeal the decision of Stromburg-Stein, J.A. issued May 16, 2023.

**January 10, 2024** - Mr. Dempsey files a motion requesting that the Supreme Court of Canada reconsider its December 21, 2023 decisions. (see above) By decision dated July 5, 2024, the Registrar of the Supreme Court of Canada confirms that the request for reconsideration is not accepted for filing.

**January 22, 2024** - The Nova Scotia Supreme Court issued an Execution Order for the Second Costs Award under Hfx No. 529459 (the Second NS Proceeding (Pagefreezer's Enforcement of Special Costs Award)). Mr. Dempsey moved to stay enforcement of this Execution Order. Mr. Dempsey's motion to stay enforcement was dismissed by Smith, J. on March 21, 2024 (see below).

**March 21, 2024** - Smith, J. dismissed Mr. Dempsey's motion to stay execution of the issued Execution Order in respect of the Second NS Proceeding (Enforcement of Special Costs Award). Mr. Dempsey appealed. (the **"Second NS Appeal (Dempsey's Motion to Stay Enforcement of Special Costs Costs Award)"**).

**May 14, 2024** - Pagefreezer and Mr. Riedijk moved before the Nova Scotia Court of Appeal asking the Mr. Dempsey to post security for costs in respect of the Second NS Appeal (Dempsey's Motion to Stay Enforcement of the Special Costs Award). Bourgeois, J.A. allowed that motion. Mr. Dempsey was required to post security totalling \$9,000 on or before May 24, 2024. Mr. Dempsey failed to post the required security and the appeal was summarily dismissed.

**July 5, 2024** - The Registrar of the Supreme Court of Canada confirms that Mr. Dempsey's motion for reconsideration is not accepted for filing.

**July 7, 2024** - Pagefreezer brought a motion in the Second NS Proceeding (Pagefreezer's Enforcement of Special Costs Award) bearing Hfx No. 529459 for an Order permanently sealing the file. The hearing was delayed as a result of an intervening motion by Pagefreezer for contempt (see below).

**July 11, 2024** - Norton, J. found Mr. Dempsey in contempt for failing to respond to discovery subpoenas issued by the Nova Scotia Supreme Court in aid of Pagefreezer's efforts to enforce the Execution Orders issued in Nova Scotia for the Special Costs Award (\$295,581.11). At that time, Norton, J. determined that the hearing to determine the appropriate penalty for Mr. Dempsey's contempt would proceed on August 9, 2024. In the interim, Norton, J. provided Mr. Dempsey with the opportunity to purge the contempt by submitting to a discovery in aid of execution on July 26, 2024, prior to the penalty hearing on August 9, 2024 (2024 NSSC 205). Mr. Dempsey refused to purge the contempt and the penalty hearing proceeding (see below).

**August 7, 2024** - Although the Second NS Appeal (Dempsey's Motion to Stay Enforcement of the Special Costs Award (\$295,581.11) was dismissed, Pagefreezer and Mr. Riedijk moved before the NS Court of Appeal to seal the Appeal Court's file. Mr. Dempsey opposed the sealing order. On this date, Bryson, J.A. issued his decision sealing the subject affidavits filed by Mr. Dempsey. (2024 NSCA 76)

**August 9, 2024** - Hearing for the penalty resulting from Norton, J.'s contempt finding on July 11, 2024. As indicated, Mr. Dempsey did not purge the contempt by attending at the discovery in aid of execution. Mr. Dempsey also did not appear at the penalty hearing previously scheduled

**August 15, 2024** - Norton, J. imposed a custodial sentence of 30 days subject to it being purged if Mr. Dempsey attended a discovery in aid of execution before the

completion of his custodial term (2024 NSSC 233). Mr. Dempsey decided to serve the custodial sentence rather than purge the contempt.

**October 7, 2024** - Pagefreezer amends its Notice of Motion to seal the file associated with the Second NS Proceeding (Pagefreezer's Enforcement of the Special Costs Award).

**October 21, 2024** - Hearing of Pagefreezer's motion to permanently seal the file in the Second NS Proceeding (Pagefreezer's Enforcement of Special Costs Award). The parties subsequently sought and consented to re-opening the motion for the purpose of filing additional affidavit evidence in the file. The additional affidavit evidence was filed on January 23 and 24, 2025 (see below).

**January 23-24, 2025** - Mr. Dempsey and Pagefreezer filed additional affidavit evidence in connection with Pagefreezer's motion to seal the file associated with the Second NS Proceeding (Pagefreezer's Enforcement of the Special Costs Award). Mr. Dempsey stated that the evidence is also relevant to a further contempt motion brought by Pagefreezer as part of its ongoing enforcement efforts.

[14] In summary up to early 2025 Mr. Dempsey had, in November 2022, been held in contempt of the sealing order of Justice Peter Willcock of the British Columbia Court of Appeal. On February 23, 2023, Mr. Dempsey was found by Justice Majawa of the British Columbia Supreme Court to be a vexatious litigant in British Columbia, *Dempsey v. Pagefreezer Software Inc.*, 2023 BCSC 538. That decision of course is not binding and does not inexorably lead to the conclusion that Mr. Dempsey should be found to be a vexatious litigant in Nova Scotia. It is evidence from which inferences may be drawn. Justice Majawa found that Mr. Dempsey had made duplicative claims that had no merit in which he made serious and unsubstantiated allegations of criminal behaviour. He had brought unsuccessful appeals and failed to pay security for costs, instead choosing to reformulate the same claims made in previous actions. Justice Majawa said that Mr. Dempsey used the court's process to pursue a vendetta. He repeatedly showed disdain for the court by refusing to attend hearings, refusing to pay costs awards, and repeatedly disclosing confidential information in contravention of court orders.

He repeatedly filed prolix and convoluted pleadings, applications and supporting materials. He consistently filed vast amounts of duplicative and irrelevant materials and sent inappropriate correspondence to court staff. Those findings are not binding in this matter. What is interesting is just how the pattern described by Justice Majawa is reflected in Mr. Dempsey's actions in Nova Scotia.

[15] On May 15, 2023, Mr. Dempsey was found once again to have been in contempt of Justice Willcock's sealing order and was fined another \$10,000. Mr. Dempsey filed applications to the Supreme Court of Canada to overturn the contempt orders, fines and costs orders made by courts in British Columbia. His leave motions were dismissed. He moved for reconsideration by the Supreme Court of Canada. The Registrar of the Supreme Court of Canada rejected that motion. By the time he left British Columbia and moved to Nova Scotia Mr. Dempsey faced costs awards from the British Columbia courts in relation to Pagefreezer and Mr. Riedijk of more than \$400,000. None of those have been paid. He continues to dispute them despite the fact that all appeals with respect to those costs awards have been exhausted. While he persists in referring to those awards as grand theft felony and a billing scandal, there has been no court decision in his favour with respect to that issue.

[16] When Mr. Dempsey came to Nova Scotia Pagefreezer and Mr. Riedijk sought to enforce the British Columbia orders against him here. In June 2023 Mr. Dempsey filed a chambers motion to stay the execution of those judgments on the basis that the leave application to the Supreme Court of Canada was still pending. That motion was dismissed by Justice Rosinski in *Dempsey v. Pagefreezer Software Inc.*, 2023 NSSC 240. Mr. Dempsey had not shown a serious or arguable issue to allow for leave to be granted at the Supreme Court of Canada and had not shown that he would suffer irreparable harm if the stay were not granted. Mr. Dempsey appealed Justice Rosinski's decision. That appeal was not successful. The proceeding was sealed.

[17] An execution order was issued for the recovery of the costs judgments from British Columbia. Mr. Dempsey indicated that he did not intend to comply with a subpoena for discovery in aid of execution and that he did not consider it worthwhile to bring a motion to stay the subpoena because he felt that the decision of the court would be consistent with the "egregious and systemic" obstruction of justice that he had experienced in British Columbia. He said that a finding of contempt would reflect the court's "defiance of Constitutional law". In March 2024 he brought an *ex parte* motion to rescind the first of two subpoenas. The Prothonotary denied the motion. Mr. Dempsey made a second motion to stay

enforcement of the British Columbia costs awards. That was dismissed by Justice Ann Smith, and costs were awarded against Mr. Dempsey. Mr. Dempsey sought a stay of that order. That was not successful. He appealed the order. That was dismissed when he failed to post security for costs and pay the costs award as ordered by Justice Smith. The affidavits in the appeal were sealed by Justice Bryson of the Court of Appeal. *Dempsey v. Pagefreezer Software Inc.*, 2024 NSCA 76. Justice Bryson observed that the affidavits filed in that proceeding contained materials that had been sealed by the court of British Columbia and comity was an important public interest under the test in *Sherman Estate v. Donovan*, 2021 SCC 25.

[18] A motion was made to hold Mr. Dempsey in contempt of one subpoena and to require him to account for his failure to comply with a second subpoena. Mr. Dempsey filed a brief and affidavit in those matters in which he contended that he should absolutely reject, “orders, certifications, mandates, and/or subpoenas issued in support of grand-theft felony”. He said that it was incumbent upon him to act in a “unilateral capacity” in defense of his constitutional rights when the conduct of “public service institutions, agencies and regulators” had been “unnaturally and palpably wrong”. He said that he would refuse to act on orders issued by any adjudicator, in any court, that disregards the evidence and legal tests relevant to the matters concerning the parties and his rights under the Constitution. He said that this included matters pertaining to the execution order, “the same being an attempt in grand-theft felony facilitated through legitimate authorities”.

[19] Mr. Dempsey filed materials and appeared before Justice Scott Norton for the contempt hearing on July 11, 2024. Mr. Dempsey was held in contempt of both subpoenas, and a penalty hearing was scheduled for August 9, 2024. Mr. Dempsey filed a 145-page affidavit. He did not appear for the penalty hearing. Justice Norton sentenced Mr. Dempsey to 30 days in custody and issued a warrant. *Dempsey v. Pagefreezer Software Inc.*, 2024 NSSC 233. In that decision Justice Norton said at para. 10,

Nonetheless, Mr. Dempsey has repeatedly expressed his contempt for this Court’s authority in the clearest possible terms. He repeatedly elevates his own theories and judgment above the lawful authority of this Court, and he refuses to accept the legitimacy of any order or decision which is contrary to his interests. Mr. Dempsey’s words and actions pose a serious threat to the administration of justice and warrant a strong rebuke from this court.

[20] Mr. Dempsey served his sentence at the Central Nova Scotia Correctional Facility.

[21] Pagefreezer and Mr. Riedijk brought a motion to seal the proceeding. Justice John Keith permanently sealed this proceeding. In his decision (Sealing Order Decision) Justice Keith described the position taken by Mr. Dempsey.

[10] Mr. Dempsey insists that his allegations of scandal and criminality serve to diminish whatever concerns the Court may have about the finality of the existing order and the importance of judicial comity in terms of giving the decisions of other Canadian courts full faith and credit. The affidavits and written submissions filed in support of his opposition to this sealing order are replete with statements that confirm his perspective and his determination to uncover an underlying scandal and expose the individuals responsible. The following examples illustrate the point:

1. Mr. Dempsey's written submissions dated October 16, 2024: Mr. Dempsey states at p. 1 that these enforcement proceedings are "... mated to a scandal which was denied customary review, and likewise, denied police investigation concerning its related criminal components. By means of the same, the subject matter in this file maintains centrality."
2. Mr. Dempsey's affidavit filed October 16, 2024: Mr. Dempsey attests at para. 2 that: "The file contents detail the existence of a scandal that was denied judicial review in appellate venues, and one that is accompanied by related criminal interference."
3. Mr. Dempsey's written submissions dated January 24, 2025: Mr. Dempsey argues that the information in his affidavits exposes "...a scandal which was denied customary recourse and correction". At page 9 of the same submissions, Mr. Dempsey argues that the failure to afford him justice extends to the Supreme Court of Canada. He states that Pagefreezer's and Mr. Riedijk's attempt to seal the file "can ... reasonably be attributed to their interest in concealing a serious scandal involving the fees of British Columbia legal counsel retainer fees, which was denied appellate review, and denied docket entry at the SCC despite satisfying the docket entry test."
4. Mr. Dempsey's affidavit filed January 24, 2025: Mr. Dempsey attests at para. 6 that "the files demonstrate miscarriage of justice, and an obvious scandal concerning the Respondents' retainer fees in British Columbia". With respect to these fees, Mr. Dempsey maintains that the lawyers' billable charges which formed the basis of the costs awards against him are tainted by a "clear and palpable scandal" which "may be related to criminal offences" (Mr. Dempsey's written submissions dated January 24, 2025 at p. 10). As such, any solicitor and client privilege must be stripped away and this information must now be re-considered as part of an unsealed Court file;

5. In addition to these judicial missteps, Mr. Dempsey also seeks to rely upon what he describes as “bombshell” evidence revealing a multifaceted criminal collusion directed against him and allegedly involving Pagefreezer, Mr. Riedijk, an estranged nephew, and a North Carolina woman who he describes as his nephew’s biological mother and as a “known egg donor at the Halifax IWK fertility clinic in 1995”. He describes this woman as a “prolific figure” within a known “online criminal group” (Mr. Dempsey’s written submissions filed January 24, 2025, at p. 11). Pagefreezer and Mr. Riedijk deny any connection to or knowledge of this North Carolina woman or the alleged conspiracy; and
6. Mr. Dempsey further alleges that he became the target of “ongoing break-ins, cyber attacks, electronic attacks through my smartphone, surveillance, on-heels stalking, and disruptions to [his] business relationships” and that he was “forced to relocate from British Columbia to Nova Scotia on short notice in February 2022 as a result of acute death threats” (Mr. Dempsey’s written submissions filed January 24, 2025, at p. 11).

[22] Pagefreezer and Mr. Riedijk obtained a discovery subpoena in aid of execution on September 20, 2024. That required Mr. Dempsey to attend for discovery on October 25, 2024. Mr. Dempsey replied to correspondence sent to him explaining the potential consequences if he did not comply. That email response went to members of the media, national and regional law enforcement, government officials and court officials. He protested the issuance of the subpoena and reasserted his claims against Pagefreezer, Mr. Riedijk and others. On the same day he replied to counsel. It was not clear whether Mr. Dempsey intended to attend. His response can perhaps most kindly be described as cryptic. In the event he did not attend. A second contempt motion was brought before Justice Ann Smith. Mr. Dempsey filed a motion seeking to have Justice Smith recuse herself. He claimed that Justice Smith had shown bias by not using her discretion to not hold him in contempt. At page 25 of his brief on the recusal motion Mr. Dempsey asked, “Your Motive: Are you Mandated, Malevolent or Mentally Ill?” He suggested that Justice Smith showed “grave moral defects” in giving decisions against him. The recusal motion was dismissed. Mr. Dempsey did not purge his contempt, and he was sentenced to 45 days of house arrest.

[23] Mr. Dempsey appealed Justice Smith’s contempt decision and Justice Keith’s Sealing Order Decision. He was ordered to pay \$8,000 as security for costs for each of the appeals. *Dempsey v. Pagefreezer Inc.*, 2025 NSCA 32. At that time Justice Van den Eynden observed that there was doubt as to whether Mr. Dempsey was a good faith appellant advancing an arguable appeal. That once again is not a

finding of bad faith. Mr. Dempsey then brought a motion seeking the recusal of Justice Van den Eynden. He claimed that she was biased because she had made previous decisions against him. His motion was dismissed and his claims of bias were described as “misguided”, “absurd and baseless”. *Dempsey v. Pagefreezer Software*, 2025 NSCA 36, paras. 11-12.

[24] Mr. Dempsey then brought yet another motion in the appeal regarding the contempt finding. He sought to stay the penalty and enjoin Pagefreezer and Mr. Riedijk from taking further enforcement steps. That motion was dismissed by Justice Derrick in *Dempsey v. Pagefreezer Software Inc.*, 2025 NSCA 40. Justice Derrick observed that she saw nothing in Mr. Dempsey’s Notice of Appeal that could be characterized as an arguable issue. His grounds were recitals of his disagreements with Justice Smith’s decision. He advanced a “concentrated effort to relitigate issues that have been exhaustively recycled through earlier proceedings”. (para. 33) Justice Derrick’s turn of phrase captures not only Mr. Dempsey’s behaviour in that appeal but a pattern of behaviour throughout the protracted and bitter dispute.

[25] Mr. Dempsey was denied leave to appeal, and both appeals were sealed permanently.

[26] Mr. Dempsey filed a complaint with the Nova Scotia Barristers’ Society against opposing legal counsel. He claimed that counsel had breached the Code of Conduct and s. 21 of the *Criminal Code* by “assisting his client in the collection of a half-million dollars in retainer fees, which were certified in BC on the basis of six (6) short-chambers hearings under one hour in duration”. He alleged that the case files revealed “a palpable account of fraud, perjury, and collusion, which was subsequently transitioned into a significant windfall for the perpetrators”. The complaint was summarily dismissed. Mr. Dempsey sought a review of the dismissal of that complaint. The Complaints Review Committee concluded that the dismissal was reasonable. Mr. Dempsey started a judicial review of that decision. The hearing of that matter is scheduled for October 2026. *Dempsey v. Nova Scotia Barristers’ Society*, 2026 NSSC 109.

[27] Mr. Dempsey filed an application for judicial review with respect to the decision of the Nova Scotia Police Complaints Commissioner to dismiss his complaints against an HRM police constable and civilian employee. The complaints relate to the unwillingness of the Halifax Regional Police to investigate Mr. Dempsey’s allegations of criminal conduct on the part of Pagefreezer Software Inc. and Mr. Riedijk.

### *Definition of a Vexatious Litigant*

[28] People are entitled to pursue litigation with single minded determination. They are entitled to be undeterred by losses in various courts. The integrity of the system depends on allowing and in fact encouraging people to challenge authority, test the limits and swing for the fences in litigation. A persistent, determined, annoying, and single-minded litigant with an unshakable conviction in the justice of their cause is not necessarily a vexatious litigant. Losing repeatedly is not the issue.

[29] But there comes a point at which the court process is used in a way that demonstrates contempt for the very process that is being used.

[30] Section 45B of the *Judicature Act*, 1989 R.S.N.S. c. 240, permits the Supreme Court and the Court of Appeal to make an order restraining a litigant from starting or continuing to conduct proceedings without leave of the court. That can be done when the court is satisfied that a person has habitually, persistently and without reasonable grounds started a vexatious proceeding or conducted a proceeding in a vexatious manner in the court.

[31] The leading authority on the issue is *Tupper v. Nova Scotia (Attorney General)*, 2015 NSCA 92. Section 45B of the *Judicature Act* works together with the inherent jurisdiction of the court to control and regulate its own process. While s. 45B is limited to dealing with actions in Nova Scotia under the inherent jurisdiction the court can consider actions by a litigant undertaken elsewhere. Restraining orders must be reserved for the clearest of cases and be used only where required to prevent ongoing abuse. There must be a pattern of abuse that demonstrates a blatant disregard or contempt for the process. There is a difference between a troublesome litigant who because of the fervour of their belief in their cause or lack of understanding of the court process, causes difficulty in a particular proceeding and a vexatious litigant. The Court of Appeal adopted a non-exhaustive list of features of a vexatious litigant. Their claims are often “manifestly without merit”. They may ignore procedural setbacks including awards of costs made against them. They may resort to multiple unnecessary proceedings. Those can often be against the same person. They may sue anyone who they perceive as an obstacle. They do not seem to care about resources whether their own, those of other litigants of public bodies.

[32] Another list of “hallmarks” of a vexatious litigant is found in *Turmel v. Canada*, 2023 FCA 140. Vexatious litigants have often been admonished by courts

for their conduct. They start frivolous proceedings, including motions, applications, actions, and appeals. They make scandalous and unsupported allegations against opposing parties. They relitigate issues that have already been decided against them. They bring unsuccessful appeals as a matter of course. They ignore court orders. They refuse to pay outstanding costs awards.

[33] While courts are obligated to assist self-represented litigants that accommodation does not extend to the point of tolerating abuse.

[34] As Justice Saunders said in *Doncaster v. Chignecto-Central Regional School Board*, 2013 NSCA 59, litigants with legitimate interests at stake will be treated respectfully. People within the system including judges are prepared to “bend over backwards” to accommodate their needs, explain procedures and ensure that the merits of their disputes are heard. Those with a different agenda,

designed to wreak havoc on the system by a succession of endless, mindless or mind-numbing paper or electronic filings, or meant to drive spouse or opposite party to distraction or despair or financial ruin will quickly come to realize that the Court’s patience, tolerance and largesse have worn thin. They and their cases will be seen as an affront to justice and summarily shown the door. (para. 46)

[35] Justice Saunders referred to the latter group as “self-serving litigants”. They leave a trail of unpaid judgments and costs orders in their wake.

Faux litigants will be exposed, soon earning the tag “vexatious litigant” or “paper terrorist” whose offerings deserve a sharp rebuff and rebuke. (para. 47)

[36] Mr. Dempsey argued that the Alberta Court of Appeal case in *Jonsson v. Lymer*, 2020 ABCA 167, essentially prevents him being designated as vexatious litigant. Slatter J.A. in that case noted that any response to problematic litigation must find the proper balance. That balance is between maintaining reasonable access to the court, while at the same time preserving court resources and shielding other litigants from abusive behavior. The procedures must be fair and proportionate. The objective is to prevent future behaviour and not to punish past behaviour but drawing an inference from past behaviour to predict likely future behaviour does not make the application punitive.

[37] Justice Slatter commented that a vexatious litigant finding was not an appropriate remedy for contempt which appeared to be the way in which it was being used in that case. There was also an issue with making a finding that a party who was defending an action was a vexatious litigant.

As noted, the purpose of a vexatious litigant order is to prevent a named litigant from commencing or continuing proceedings. It is somewhat anomalous to apply the concept to a defendant. The appellant has not been "commencing or continuing proceedings". It is the Objecting Creditors who continue to press for further and better disclosure, and sanctions for contempt. The appellant is primarily in a defensive mode, seeking to establish that he has in fact purged his contempt. He may be mounting his defence in an inappropriate way, but a vexatious litigant order precluding new proceedings appears out of context, and the order cannot reasonably prevent him from defending the allegations of contempt against him. (para. 57) (emphasis in original)

[38] The Alberta Court of Appeal was of the view that specific case management orders were more appropriate than a broad finding of vexatiousness.

[39] In Nova Scotia a motion seeking to have a person designated as a vexatious litigant is not limited to being directed at plaintiffs. While a vexatious litigant finding places limits only on the ability of a litigant to start or continue proceedings, the inherent jurisdiction of the court to control its own process necessarily implies that a litigant may be vexatious as a defending or responding party. In the event and in this case, Mr. Dempsey started the action against Pagefreezer and Mr. Riedijk. They are trying to collect costs awards, as the defending parties in the matter. Mr. Dempsey has continued to make allegations against them and actively sought to subvert the orders of the British Columbia and Nova Scotia courts. Mr. Dempsey has filed motions and appeals, and is not the defendant or responding party in anything but the vexatious litigant motion itself.

*Mr. Dempsey as a Vexatious Litigant*

[40] The issue is not whether Mr. Dempsey has shown contumacious behaviour toward the courts in British Columbia and Nova Scotia. A vexatious litigant finding is not a remedy for specific instances of contempt of court. The issue is whether he has used the court process improperly and in a way that shows contempt for the process.

[41] Mr. Dempsey's fight with Pagefreezer and Mr. Riedijk started in August 2021. He sought to overturn a settlement that he had reached when he was represented by legal counsel. That grew to be an over \$400,000 mess. He showed no respect for the authority of the courts in that province. Mr. Dempsey would not accept the ruling of any court that did not apply the law in the way that he thought it should be applied. He has expressed his view that this was not only his right but his obligation. He has refused to accept the finality of the appeal process.

[42] Mr. Dempsey was found to have been a vexatious litigant by Justice Majawa. His behaviour there was much as it has been in Nova Scotia. He made duplicative claims, with serious unsubstantiated claims and allegations of criminal behaviour. He brought unsuccessful appeals and failed to pay security for costs on those appeals instead reformulating the same claims in other actions. He showed disdain for the court by refusing to attend hearings that were properly set, refusing to pay costs orders made against him and repeatedly disclosing confidential information in contravention of orders made by the court to the extent that he was found in contempt. He repeatedly filed prolix and convoluted pleadings, applications and supporting materials. And he constantly filed vast amounts of duplicative and irrelevant materials and sent inappropriate correspondence to court scheduling staff.

[43] That accurately describes the pattern of behaviour since the centre of the dispute moved to Nova Scotia. Having been held in contempt in British Columbia, he has been found to have been in contempt of court by Justice Norton and Justice Ann Smith.

[44] Mr. Dempsey has brought meritless motions and applications. He filed a motion for a stay of the execution of the British Columbia costs awards pending his appeal to the Supreme Court of Canada. He was told by Justice Rosinski that he did not have a realistic chance of being granted leave to appeal. The matter was not one of “national importance”. *Dempsey v. Pagefreezer*, 2023 NSSC 240, para. 38. That decision was upheld on appeal.

[45] Mr. Dempsey made another motion for a stay of execution based on his request that the Supreme Court of Canada reconsider its dismissal of his application for leave, having been told by Justice Rosinski that the leave application did not have a chance of success in the first place.

[46] During one of the contempt motions, he made a motion for the recusal of Justice Ann Smith and Justice Van den Eynden of the Court of Appeal. Neither was successful or even close to being successful.

[47] Mr. Dempsey made the application that has already been referred to seeking to have this matter proceed publicly, despite Justice Keith’s Sealing Order Decision. That was a bit of procedural legerdemain, intended to avoid the sealing order because Mr. Dempsey did not agree with the sealing order. Mr. Dempsey’s firmly held opinions or convictions, in his view, trump court orders. He has said as much.

[48] The way this motion was argued by Mr. Dempsey was consistent with his behaviour throughout. Justice Gail Gatchalian scheduled Mr. Dempsey's application and the vexatious litigant motion to be heard the same day. That is a routine procedure. Mr. Dempsey appealed that. The appeal was not successful and as noted earlier Justice Farrar observed that the grounds of appeal not only lacked merit but were "completely irrelevant". The four categories of alleged error were "immaterial, misguided and based on a mischaracterization of the Motion Judge's decision". They appeared to be a collateral attack on Justice Keith's Sealing Order Decision, and the Court of Appeal could only conclude the appeal was for a vexatious purpose. That said, Mr. Dempsey has filed a notice of application for leave to appeal that decision to the Supreme Court of Canada. The Supreme Court of Canada will be asked to find that the decision to schedule two related motions of the same day is a matter of national importance. The chances of that appeal being heard are vanishingly small.

[49] In court on these matters, Mr. Dempsey asked for an adjournment of the vexatious litigant motion. He said that it would take three days to argue such a complex matter. The adjournment was not granted. Counsel for Pagefreezer and Mr. Riedijk was given less than one hour in the morning to present his case. Mr. Dempsey was told that he would be given the remainder of the day until 4 pm to argue his case. Opposing counsel would get 20 minutes to respond. Mr. Dempsey finished at 2:50pm. He was given the opportunity to take a break and collect his thoughts to determine if there were other issues that he wanted to address. He spoke for 10 more minutes, while saying that he still believed that it would take three days to present his case.

[50] Mr. Dempsey continued to argue that the costs awards against him in British Columbia were a billing scandal.

[51] Mr. Dempsey filed a 72-page brief and a 798-page affidavit. The brief contains some cogent argument with focused legal research. He cited relevant caselaw, in particular the Alberta Court of Appeal decision in *Jonsson v. Lymer*. But much of it amounts to strange and incomprehensible collection of jargon.

[52] Part V of the brief is entitled "The Technology-Mediated Harm Record and the Investigative Threshold". Mr. Dempsey says that the section was not required to defeat the motion because the *Lymer* test and the record were sufficient to do that. "It is needed here because it is expected that it may be the cause." Mr. Dempsey alleges that "nanoparticle transduction has placed his biometric and

brainwave data on the dark web, where it is available to bad actors in a manner that supports Pagefreezer's interests." (Dempsey Brief, p. 42)

[53] Mr. Dempsey argues that there are two live explanations that the court must keep analytically separate.

The first is a **public-ethics scandal concerning institutional conduct**: Mr. Dempsey was subject to technologically mediated interference affecting cognition, nervous system function, attention, decision-making, and litigation, while institutional actors were not themselves affected but nevertheless chose their responses through coordination, foresight, assurances, wilful blindness, recklessness, or at a minimum destructive institutional apathy. That explanation becomes difficult to sustain across multiple venues: if no broader influence was operating, then the Court must still confront why independent institutional actors in different forums repeatedly treated astonishing record characteristics the same way, with the same practical effect of protecting the record from scrutiny and converting unresolved evidence into characterization. The second is a **public-health scandal**: the same class of imperceptible cognitive influence may have operated within the institutional environment, affecting not only Mr. Dempsey, but other participants whose judgment, attention, risk perception, or compliance with governing authorities may have been compromised.

There is no viable third option here. (Dempsey brief, p. 42) (emphasis in original)

[54] Mr. Dempsey appears to believe that the only explanation for judges and others not agreeing with him would be explained by a scandal of either public-ethics or public health. There is no viable third option. There is then no chance that he could just be wrong. And even if he is not wrong, and those in the system are wrong, they are wrong because of a scandal of public ethics or public health.

[55] Mr. Dempsey's pattern of behaviour is a continuation of that observed by Justice Majawa in British Columbia. It was further commented upon by Justice Norton. It is consistent with the characteristics of vexatious litigants set out in *Tupper* and *Turmel*. He has been admonished by the courts in British Columbia and Nova Scotia, including through contempt findings. He has made frivolous motions, applications and appeals that are not only without merit but entirely and demonstrably without merit. He has continued to make allegations against opposing parties and despite Justice Keith's Sealing Order Decision has insisted on publishing those allegations through a court filing and his website. He has persistently relitigated issues that have been finally resolved by the courts. His dispute about the costs award has been resolved. He continued to argue it in this motion. He has routinely appealed decisions made against him, including appealing a scheduling decision and seeking leave to appeal to the Supreme Court

of Canada. He has not made a payment of costs in any of the proceedings. His materials are prolix, difficult to understand and at points border on being bizarre. Mr. Dempsey is not merely convinced of the justice of his cause. He believes that his failure at every stage is not a signal that he might possibly be wrong but that there is a scandal within justice system. He does not believe that he should follow court orders or judgments that do not reflect his belief of how the law should be interpreted.

[56] Mr. Dempsey is a vexatious litigant. I will sign the order in the form provided by counsel.

[57] I will hear from the parties regarding costs by way of written submissions. Submissions from counsel for Pagefreezer and Mr. Riedijk are due 30 days from the date of this decision (September 18, 2026) and Mr. Dempsey's reply submissions are due 60 days from the date of this decision (October 18, 2026). Costs submissions are limited to 10 pages.

Campbell, J.