Court of King's Bench of Alberta

Citation: Advanced Orthomolecular Research Inc v Li, 2026 ABKB 721

Date: 20261015
Docket: 2301 14979
Registry: Calgary

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Between:

Advanced Orthomolecular Research Inc also known as AOR

Applicant

- and -

Ruo Li

Respondent

Reasons for Decision
of the
Honourable Justice N.E. Devlin

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[1] Ms. Li is suing her former employer ("AOR") for wrongful dismissal. She brought an application for Summary Judgment. She was twice ordered to attend for cross-examination on her affidavit in support of that motion and twice failed to appear or refused to proceed. AOR brought an application seeking to hold Ms. Li in contempt and dismiss her Summary Judgment application as a remedy. This matter came before me in morning Chambers. At the conclusion of that hearing, I found Ms. Li in contempt and terminated her Summary Judgment application.

[2] Given comments made by Ms. Li at the hearing, I subsequently gave her the opportunity to make further submissions on why the second attempt at questioning had been aborted. I was concerned that there was a chance the contempt was the product of an honest mistake and wanted to make sure neither language barriers nor the status of Ms. Li as a self-represented litigant ("SRL") led to an injustice.

[3] Following my invitation, both parties provided extensive submissions. These included the Court Reporter's Statutory Declaration from the second, aborted examination, and transcripts of the appearance where Ms. Li's attendance for that examination had been ordered by Justice Hollins (the "Hollins Order").

[4] My initial conclusion had been that Ms. Li had intentionally and unjustifiably resisted and delayed examination. The expanded record only bolstered the finding that her obstructionism was culpable and correctly subject to sanction.

[5] Ms. Li is a sophisticated individual and was legally educated in China. She is comfortable making extensive and complex written legal submissions citing and interpreting the *Rules of Court*, Alta Reg 124/2010 (the "*Rules*"). The pleadings also reveal that she was employed in a responsible professional position here in Alberta. These factors dispel any possibility that she is a vulnerable or naïve litigant.

[6] More importantly, the expanded materials only made clearer that Ms. Li's refusal to participate in the examination because of the Reporter's remote attendance was a pretence. It establishes to my complete satisfaction that her real motivation was an absolute determination to not answer questions on the case in its entirety at this stage, and to not advance her objections through proper process.

[7] Both in pre-questioning correspondence and at the appointment itself, Ms. Li asserted forcefully that she was not subject to cross-examination on the case at large, but only on what she deposed in her affidavit in support of Summary Judgment. She repeatedly insisted that opposing counsel, Ms. Kheong, both agree to this and acknowledge her "mistake" on this point as conditions precedent to the examination taking place.

[8] AOR's counsel properly refused to pre-constrain her cross-examination. Ms. Kheong also repeatedly, politely, and correctly pointed out that the scope of the application at hand defined the scope of cross-examination: ***Marathon Canada Limited v Enron Canada Corp***, 2006 ABQB 651 at paras 4-7. As Wittman CJ stated in ***Alberta (Attorney General) v Alberta Power (2000) Ltd***, 2017 ABQB 195 at para 26:

> [t]he scope of cross-examination on Affidavit is framed by the motion that the Affidavit is made in support of, but when the motion itself is the entire law suit, for example with an Originating Notice, permissible cross-examination on the Affidavit can "cover the whole lawsuit": [citing Gill v 735458 Alberta Inc, 2003 ABQB 501 at para 35]

[9] On a Summary Judgment application, which seeks to dispose of the lawsuit in its entirety without a trial, the affidavit in support of that motion is the only evidence the moving party ever wants the Court to receive before finally deciding the case. The right to cross-examine on that affidavit, in defence against final judgment, will almost necessarily span everything in issue between the parties.

[10] Moreover, it is for the Court to decide what is a relevant and proper question on cross-examination where the parties cannot agree. It is not for one of the parties to dictate those terms in advance. Ms. Li's attempt to do so was unreasonable, improper, and contrary to the *Rules.*

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[11] Ms. Li's own affidavit confirms her intransigence on this point, stating that she anticipated that "the Majority of the questions will be improper, so I have to refuse to answer improper questions during questioning." Rather than following the proper procedure of politely stating an objection and its basis, Ms. Li enforced her refusals by refusing to be examined at all. The problem is that she had, by that point, been twice ordered to sit for examination.

[12] The intensity of Ms. Li's obstructionism on this basis was laid bare at the failed examination, when she presented a pre-printed document for opposing counsel to sign titled: "ADMISSIONS and PROMISES for Questioning". It already had counsel's name on it and the date, with space for the signature demanded of her below the following three points:

1. I Megan Kheong admit that I made mistakes, and I was wrong.
2. I Megan Kheong promise that AOR will limit all questions to focus on Ruo Li's December 8, 2025 Affidavit.
3. I Megan Kheong promise that AOR will limit all questions to focus on answering the most critical question for a summary judgment application:
    - "is there a genuine issue requiring a trial"

[13] When Ms. Kheong quite rightly refused to sign this preposterous document, Ms. Li left the examination. I find as a fact that this is why Ms. Li refused to obey Justice Hollins' Order to be examined. In simple terms, she wanted to control the process and otherwise refused to participate without reasonable excuse.

[14] This was the basis on which I initially found her in contempt and granted a remedy. The materials submitted subsequently have only made it clearer that this decision was justified.

[15] Ms. Li's mischaracterization of events in her submissions buttresses that conclusion. For instance, her affidavit at para 24 states that:

> Due to the lack of participation in any advance testing, technical issues with the videoconference equipment in the meeting room caused communication difficulties during the questioning. [emphasis added]

[16] By contrast, the Court Reporter's Statutory Declaration, which I accept, states that Ms. Li refused to be cross-examined and left, "before the questioning commenced." The suggestion that the examination was aborted for technical reasons is materially and intentionally misleading.

[17] I further find that Ms. Li's questioning of the Reporter's credentials was another bad faith act, calculated to obstruct the proceeding. There was no justification for this conduct whatsoever. This sort of behaviour, while perhaps tolerable *once* from an SRL ignorant of the Reporters' role and office, will not be given a pass when committed by a sophisticated litigant. This is especially true where it dovetails with a collateral agenda of obstruction.

[18] The Court will make reasonable, and indeed often generous, accommodations for SRLs, including for their peccadillos born of unfamiliarity with, and perhaps even genuine suspicion of, the civil litigation process: ***Gionet v Pingue***, 2018 ONCA 1040 at para 31; and see generally the Canadian Judicial Council's *Statement of Principles on Self-represented Litigants and Accused*

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Persons, 2006 CanLIIDocs 691. It was my reflection on those principles that spawned the invitation to the parties to provide further submissions.

[19] What the Court will not tolerate, however, is obstruction of the process by SRLs who think they get to dictate the rules and then refuse to participate when they do not get their way. SRLs must be assisted and accommodated but are ultimately required to play by the same rules as everyone else: ***Condominium Corporation No 0723447 v Anders***, 2016 ABQB 656 at para 32.

[20] On review, I remain satisfied that Ms. Li's behaviour was intentional and unacceptable. The two prior orders directing her to appear for examination were clear. She was present when they were issued. Her belief that she was entitled to not go through with questioning because opposing counsel would not agree in advance to circumscribe her examination is not a valid excuse.

[21] Her added insistence that counsel admit an error and apologize was discourteous. While I place much less emphasis on this factor with Ms. Li as an SRL than I might in other contexts, it is illustrative of Ms. Li's mindset towards her legal obligations.

[22] An Order was clearly pronounced. Ms. Li knew and understood what it said. She refused to carry through with what it demanded of her. She did so, not because of a *bona fide* belief that she was entitled to defer her obligation on account of procedural irregularities, but primarily because the other side would not bend to her will on what she was willing to answer.

[23] Ms. Li did not comply with the Hollins Order that required her attendance for examination. This is a legal and literal contempt of the Hollins Order: *Rule* 10.52(3)(iv).

[24] Dismissal of the Summary Judgment application on which the contemner refused to be questioned is a just and proportional remedy in this case: *Rule* 10.53(1)(d)(iii). A party who makes a demand and initiates a match, but then obstructs the process, in a controlling and entitled manner, by refusing to play by the rules, should have their ball taken from them and be sent off the field.

[25] Moreover, a review of the pleadings, together with the events in this application, satisfies me that dismissal of the Summary Judgment application deprives Ms. Li of very little and may benefit all the parties by hastening this matter to a proper hearing and conclusion.

[26] The original Order stands. Ms. Li's Summary Judgment application is dismissed. Costs of this unfortunate interlude, in favour of AOR, shall be in the cause on a double column-costs basis to reflect the litigation misconduct involved.

Dated at the City of Calgary, Alberta this 15th day of October, 2026.

N.E. Devlin
J.C.K.B.A.

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Appearances:

Megan Kheong
for the Applicant

Ruo Li
for the Respondent, Self-Represented Litigant

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