

MEMORANDUM — IN-COURT VIVA VOCE DECLARATION PROTOCOL FOR CO-PLAINTIFFS

**IN THE SUPREME COURT OF BRITISH COLUMBIA · VANCOUVER
REGISTRY**

Filing #12 · Ceylan Pass 3 · 27 April 2026 · Papa's Canary Day

Prepared by: Francesco Giovanni Longo, lead Plaintiff, self-represented, for the guidance of the co-Plaintiffs Lucy Ceylan, Armin Ceylan, and Betty Salem, and for the assistance of the Honourable Court at first appearance.

§ 1 · PURPOSE

This memorandum is filed in support of the Notice of Civil Claim (Filing #01) and the companion affidavits (Filings #05-#08). It explains how the co-Plaintiffs Lucy Ceylan, Armin Ceylan, and Betty Salem may, if they so elect, deliver their sworn evidence in this action in the form of viva voce in-court declaration before the Presiding Justice at first appearance, in lieu of pre-signed written affidavits.

The choice belongs to each co-Plaintiff. The lead Plaintiff files this memorandum because the choice is a procedurally unusual one for self-represented indigent plaintiffs and the Court is entitled to a written explanation of the intended mechanism in advance.

§ 2 · LEGAL BASIS

§ 2.1 Evidence Act (British Columbia)

Section 17 of the Evidence Act, R.S.B.C. 1996, c. 124, permits a witness giving evidence in any proceeding in British Columbia to affirm the truth of the witness's statement under solemn affirmation in lieu of oath. The statutory affirmation carries the same legal weight as an oath and exposes the deponent to the same sanctions for perjury under s. 131 of the Criminal Code.

§ 2.2 Supreme Court Civil Rules (BCSC)

- **Rule 12-5 (Evidence and Procedure at Trial)** contemplates the calling of witnesses viva voce at hearings, and governs oath / affirmation, examination in chief, cross-examination, and re-examination.
- **Rule 22-2 (Affidavits)** governs the use of written affidavits but expressly contemplates, under sub-rule (11), that affidavit evidence may be supplemented or replaced by oral evidence where the Court so directs or permits in the interests of justice.
- **Rule 8-1 (Applications)** permits the Court, in the interests of the just, speedy, and inexpensive determination of an application, to direct oral evidence in lieu of affidavit evidence (sub-rule (20)).
- **Rule 20-3 (Persons under Disability)** and its accommodation provisions support viva voce procedures where a lay plaintiff would otherwise be procedurally disadvantaged.
- **Rule 1-3 (Object of the Rules)** commands construction and application of the Rules to secure the just, speedy, and inexpensive determination of every proceeding on its merits — the overarching interpretive principle that guides this request.

§ 2.3 Rationale — why this is often judicially preferred

Where a self-represented, indigent plaintiff is advancing a complex and evidentially-heavy claim, many presiding judges prefer to hear the plaintiff's own testimony directly and to engage in contemporaneous clarification. The judge can test the witness's capacity, personal knowledge, and candour in a way that a written affidavit prepared under duress of time (or, here, from detention) cannot replicate.

This Court has not infrequently directed, in complex self-represented or representative proceedings, that evidence be given viva voce on application at first appearance. The direction is routine in summary judgment hearings, Mareva return-date hearings, and interlocutory injunction continuation hearings — all categories into which this action's interlocutory relief falls.

§ 3 · THE PARTICULAR CIRCUMSTANCES OF EACH CO-PLAINTIFF

§ 3.1 Lucy Ceylan

Lucy Ceylan is the principal fact witness. She is the lawful custodian of more than 300 audio and video recordings. A written affidavit, even one of several thousand

words, cannot exhaustively document each recording's timestamp, speaker, context, and evidentiary meaning. Viva voce declaration allows the Court to:

- Receive Lucy's identification of each recording in her own voice;
- Permit the Court to ask contemporaneous clarifying questions about timestamps and speaker identification;
- Permit the Court to issue a preservation order responsive to the custodial situation it hears directly; and
- Adapt the examination to the recordings that the Court directs to be played in chambers.

§ 3.2 Armin Ceylan

Armin Ceylan is presently in custody in Ontario. An in-person sworn before a commissioner affidavit is practically difficult to arrange. A viva voce declaration by video-link from the correctional facility is, by contrast, administratively routine under Rule 12-5 combined with the standard video-link protocols employed by Canadian courts since 2020.

Armin's viva voce declaration allows the Court to:

- Hear his evidence without requiring pre-trial logistics around commissioner-access in a correctional facility;
- Observe him first-hand, which is particularly important given that his detention is itself pleaded as relevant to the Windsor Cartel Joint Enterprise pattern (paragraph 14 of his Affidavit in the written alternative);
- Issue any ancillary directions responsive to his detention status.

§ 3.3 Betty Salem

Betty Salem is the mother of the decedent Raffi Ceylan. Her evidence is personal and grief-informed; she has stated to the lead Plaintiff that she would prefer to speak to the Court directly rather than through a written affidavit vetted only by the lead Plaintiff. Her preference should be honoured where the Rules permit, as they do.

§ 3.4 Francesco Giovanni Longo

The lead Plaintiff has sworn a full written Affidavit (Filing #05) and does not rely on the viva voce mechanism for his own evidence. The lead Plaintiff will be present at first appearance and available to be examined viva voce at the Court's direction if that is of assistance.

§ 4 • PROPOSED PROCEDURE AT FIRST APPEARANCE

The lead Plaintiff respectfully proposes the following procedure for the first appearance of this action. The proposal is subject to any direction the Court makes.

1. At the opening of the hearing, the lead Plaintiff hands up the Notice of Civil Claim and all four written Affidavits (#05, #06, #07, #08) — each Affidavit bearing the dual-execution footer permitting either commissioner execution or in-court viva voce declaration as Option A / Option B.
2. For each of Lucy Ceylan, Armin Ceylan, and Betty Salem, the lead Plaintiff advises the Court that the co-Plaintiff elects Option B (in-court viva voce declaration) pursuant to Evidence Act (B.C.) s. 17 and Rule 12-5.
3. The Court administers the affirmation to each co-Plaintiff in turn.
4. The co-Plaintiff reads or summarizes the paragraphs of their Affidavit that they are prepared to adopt under oath as their evidence in chief. The Court may ask clarifying questions at any point.
5. The Clerk notes on the record the affirmation, the adoption of the Affidavit paragraphs, and any oral additions or corrections.
6. The Affidavit, with a notation of in-court adoption signed by the Deponent and the Registrar / Clerk, is filed as the Affidavit of record in this proceeding. Its evidentiary weight is identical to that of a commissioner-executed affidavit.

§ 5 • ONE-PAGE SCRIPT FOR IN-COURT USE

The following one-page script is intended for the use of each of Lucy Ceylan, Armin Ceylan, and Betty Salem. Each may deliver it in the first person upon invitation by the Presiding Justice.

[Introduction]

"My Lord / My Lady, my name is [LUCY CEYLAN / ARMIN CEYLAN / BETTY SALEM]. I am a co-Plaintiff in this action. I am the [twin sister / brother / mother] of the decedent Raffi Ceylan, who died on 16 July 2016 at Chapleau, Ontario. I have been handed my written Affidavit, marked as Filing #[06 / 07 / 08] in this action. I have read it. It is true to my personal knowledge except where I have stated otherwise.

[Affirmation]

I affirm, pursuant to Evidence Act (British Columbia) section 17, that the contents of my Affidavit are true, and I adopt each paragraph of my Affidavit as my sworn evidence in this proceeding. I understand I am giving this evidence under penalty for perjury.

[Closing]

I make this declaration for use in support of the Notice of Civil Claim and the companion applications filed in this action, and for no other purpose."

A brief supplementary oral addition may be delivered at that point if the Deponent wishes to add, correct, or emphasize any fact. The Court may ask clarifying questions. The Clerk records the declaration on the trial record and the Deponent signs the in-court attestation at the foot of the written Affidavit.

§ 6 · DOWNSTREAM USE

An Affidavit adopted by viva voce declaration before the Presiding Justice carries full evidentiary weight in:

- This proceeding at all stages (interlocutory, summary, and trial) subject only to routine cross-examination rights of any Defendant who appears;
- Any subsequent appeal (where the trial-level evidentiary record is the basis of the appellate review);
- Any parallel Canadian proceeding into which this action's record is transferred or incorporated by leave;
- The Longo-side proceedings identified in the Affidavit of Francesco Giovanni Longo (MDFL 8:05-cr-263-T-17MSS and SCJ 05-CR-573), to the extent procedurally permissible in those fora.

§ 7 · CONCLUSION

The lead Plaintiff respectfully submits that permitting Lucy Ceylan, Armin Ceylan, and Betty Salem to deliver their sworn evidence in this action as viva voce declarations at first appearance advances the just, speedy, and inexpensive determination of the action on its merits, is procedurally grounded in Evidence Act (B.C.) s. 17 and Rule 12-5, and serves the practical interests of three co-Plaintiffs each of whom — for the reasons described in § 3 — would otherwise face concrete procedural barriers to prompt written-affidavit execution.

The filing proceeds, in any event, on the Notice of Civil Claim (Filing #01) and the Affidavit of Francesco Giovanni Longo (Filing #05), whether or not the co-Plaintiffs have pre-signed written affidavits. This memorandum explains the alternate mechanism; it does not gate the filing. The Unified-Tort Filing Memorandum (Filing #13) develops the substantive procedural doctrine that underpins this conclusion.

End of Viva Voce Declaration Protocol Memorandum. Approximately 2,100 words.