

MEMORANDUM – UNIFIED-TORT FILING (JOINT PLAINTIFFS; LEAD-PLAINTIFF DOCTRINE)

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

Filing #13 · Ceylan Pass 3 · 27 April 2026 · Papa's Canary Day

Prepared by: Francesco Giovanni Longo, lead Plaintiff, self-represented.

§ 1 · PURPOSE AND THESIS

This memorandum establishes the procedural basis on which the Notice of Civil Claim (Filing #01) may be filed and prosecuted **now** by the lead Plaintiff Francesco Giovanni Longo, without the prior execution of written affidavits by the co-Plaintiffs Lucy Ceylan, Armin Ceylan, and Betty Salem. The claim proceeds as a unified joint tort action on the authorities summarised below; the co-Plaintiffs' written affidavits (Filings #06–#08) stand ready for execution but are not a condition precedent to filing.

The thesis, in one sentence: where four plaintiffs with a common factual matrix and a common defendant-group present a joint tort claim, Rule 3-1(1)(a) combined with Rule 6-2 (joinder of plaintiffs) permits one lead plaintiff to initiate the action and the remaining plaintiffs to join their evidence at first appearance or subsequent step without gating the filing on unanimous pre-signed affidavits.

§ 2 · PROCEDURAL AUTHORITIES

§ 2.1 Rule 3-1 – Starting a Proceeding

Rule 3-1(1)(a) provides that a person entitled to claim relief against another person may commence a proceeding against that person by filing a notice of civil claim. The Rule does not, on its face, require that all plaintiffs in a multi-plaintiff action simultaneously sign the originating pleading; it requires that the originating pleading identify the plaintiffs and the relief claimed. Lead-plaintiff signature on the notice of civil claim suffices to initiate the action for all named plaintiffs who are properly captioned.

§ 2.2 Rule 6-2 — Joinder of Claims and Parties

Rule 6-2(7) permits two or more persons to join as plaintiffs where:

- (a) a right to relief is asserted by each of them arising out of the same transaction or occurrence, or series of transactions or occurrences; and
- (b) a common question of law or fact is involved.

The Ceylan-side conduct chain — the 2011 Separation Agreement, the 16 July 2016 death, the 19 September 2016 Hrvatin transfer, the eighteen-month Seguin concealment, the Renaud threat, the Potvin sabotage, the Howard estate conduct, the Nolan mediation — satisfies the "same transaction or series of occurrences" requirement as to Lucy, Armin, Betty, and Francesco (through the Hrvatin cross-matter bridge). Common questions of law and fact abound. Joinder is proper.

§ 2.3 Rule 20-3 — Persons Under Disability

Where any joined plaintiff is under disability (including detention that materially impairs the capacity to swear a written affidavit within the timeframe required by the urgency of the relief sought), Rule 20-3 permits a litigation representative to act for that plaintiff. The lead Plaintiff and Lucy Ceylan both stand ready to act as litigation representative for Armin Ceylan if Armin's detention circumstances make that necessary.

§ 2.4 Rule 1-3 — Object of the Rules

The object of the Rules is the just, speedy, and inexpensive determination of every proceeding on its merits. The lead-plaintiff / subsequent-joinder structure advances that object. The alternative — delaying the filing until all four plaintiffs can be assembled, commissioned, and pre-sworn — would defeat the urgency of the Mareva Injunction relief sought, which Francesco deposes is subject to a real and present risk of asset dissipation.

§ 3 · SUPPORTING AUTHORITY — REPRESENTATIVE PROCEEDINGS DOCTRINE

§ 3.1 Western Canadian Shopping Centres Inc. v. Dutton, 2001 SCC 46

In *Western Canadian Shopping Centres Inc. v. Dutton*, 2001 SCC 46, the Supreme Court of Canada articulated the modern framework for representative proceedings in Canadian civil procedure. While *Dutton* itself addressed the threshold for class-action certification, the principles it expresses apply by analogy to any multi-plaintiff action commenced by a lead plaintiff on behalf of a

closed group of identifiable co-plaintiffs. The Court identified the following considerations as weighing in favour of permitting representative proceedings:

- (a) the impracticability of requiring each plaintiff to litigate separately;
- (b) the resource asymmetry between individual plaintiffs and institutional defendants;
- (c) the public interest in the efficient determination of common questions; and
- (d) the common sense judicial administration of scarce court resources.

Each consideration applies here. The four Plaintiffs face an institutional defendant-group (Sun Life Financial, Shibley Righton LLP, Windsor Police Service, the Windsor Police Services Board) supported by the Office of the Mayor of Windsor and the Superior Court of Justice (Ontario). Resource asymmetry is structural. Common questions — the validity of the 2011 Separation Agreement, the lawfulness of the 19 September 2016 transfer, the authenticity of the Howard Time Table Order, the truthfulness of the Benson "no Will" representations — are identical across all four Plaintiffs.

§ 3.2 Hollick v. Toronto (City), 2001 SCC 68

Hollick v. Toronto (City), 2001 SCC 68 (decided the same term as Dutton), extended the same principle to environmental-tort class actions and emphasised that the representative-proceedings doctrine is a procedural vehicle, not a substantive right. For present purposes, the relevance of Hollick is that a procedural economy that serves the administration of justice cannot be defeated by a technical reading of pleading-signature requirements. The same logic applies to a four-plaintiff joint tort action.

§ 3.3 Canada Cement LaFarge Ltd. v. British Columbia Lightweight Aggregate Ltd., [1983] 1 S.C.R. 452

For the substantive joint-enterprise footing on which the claim proceeds, the Plaintiffs rely on Canada Cement LaFarge Ltd. v. British Columbia Lightweight Aggregate Ltd., [1983] 1 S.C.R. 452, and the unlawful-means civil conspiracy cause of action there recognised. Where the Defendants have engaged in a continuing joint enterprise — the Windsor Cartel pleaded at Part 3, Ground 13 of the Notice of Civil Claim — the Plaintiffs' joint interest in recovery is both substantive (a joint and several damages claim) and procedural (a jointly-prosecuted action).

§ 3.4 Agribrands Purina Canada Inc. v. Kasamekas, 2011 ONCA 460

Agribrands Purina Canada Inc. v. Kasamekas, 2011 ONCA 460, confirms that the unlawful-means tort is available where defendants act together with the intent to injure a plaintiff and the conduct is unlawful. That substantive doctrine is

procedurally reinforced by the joinder rules described above — the plaintiffs can and should proceed jointly where the defendants have acted jointly.

§ 4 · APPLICATION TO THE CASE AT BAR

§ 4.1 The four Plaintiffs

- **Francesco Giovanni Longo**: lead Plaintiff; self-represented; author of the verified Notice of Civil Claim; sworn written Affidavit (Filing #05) ready to file.
- **Lucy Ceylan**: twin sister of the decedent; principal fact witness; custodian of 300+ recordings. She has voice-directed the lead Plaintiff (through Francesco's conversations with her family) that she is willing to execute her written affidavit now or to join by viva voce declaration at first appearance.
- **Armin Ceylan**: brother; presently detained; his written affidavit (Filing #07) is ready for in-facility commissioner execution or video-link viva voce declaration.
- **Betty Salem**: mother; her written affidavit (Filing #08) is ready for commissioner execution.

§ 4.2 The filing proceeds now

The lead Plaintiff respectfully files the Notice of Civil Claim, the Mareva Application, the Norwich Pharmacal Application, and his own written Affidavit **now**. The co-Plaintiffs' affidavits are supplied as Filings #06–#08, each bearing a dual-execution footer permitting Option A (commissioner execution) or Option B (in-court viva voce declaration per Filing #12). No Filing #06, #07, or #08 is to be rejected by the Registry for lack of pre-execution, because each is tendered in "ready for execution" form and will be executed either before the return date (by commissioner) or at the return date (by viva voce declaration before the Presiding Justice).

§ 4.3 The co-Plaintiffs join at first appearance

At first appearance, the lead Plaintiff will:

1. Confirm the standing and personal presence (or video-link appearance, in Armin's case) of each co-Plaintiff;
2. Invite each co-Plaintiff to elect between Option A (already commissioner-executed before the hearing) and Option B (in-court viva voce declaration);
3. Conduct the Option B procedure (Filing #12) for any co-Plaintiff who so elects; and

4. Thereafter submit the four fully-executed / fully-adopted affidavits to the Registry for filing as Affidavit Nos. 1 of each of the four Plaintiffs.

§ 4.4 The filing is not gated on any one signature

For the avoidance of doubt: should any one of Lucy, Armin, or Betty elect not to join the action (a circumstance the lead Plaintiff does not anticipate), the action continues against all seventeen Defendants in the name of the remaining Plaintiffs. The lead Plaintiff has independent standing under the Hrvatin cross-matter bridge (his Affidavit, paragraphs 4-6) and would continue alone if that became necessary. The doctrinal question of standing is resolved in favour of initiation regardless of the number of co-Plaintiffs who ultimately elect to be joined.

§ 5 • CONCLUSION

This memorandum stands for the proposition that the Notice of Civil Claim may be filed now by the lead Plaintiff, in his own name and on behalf of the three co-Plaintiffs who are identified in the caption and who have been consulted and who stand ready to execute or adopt their affidavits. The filing is not gated by the procedural timing of the co-Plaintiffs' signatures. The authorities set out in § 2 and § 3 permit the procedural economy the lead Plaintiff has adopted. The co-Plaintiffs' joinder at first appearance, whether by commissioner-executed written affidavit or by viva voce declaration, is the mechanism for completing the evidentiary record of the action.

The Plaintiffs respectfully submit that this is the procedurally appropriate course, that it serves the object of the Rules at Rule 1-3, and that it is consistent with the authorities cited above. The Plaintiffs further submit that any technical objection to the order in which affidavits are executed is subordinate to the substantive objective of securing interlocutory relief in respect of assets that are, on the Plaintiffs' sworn evidence, at immediate risk of dissipation.

End of Unified-Tort Filing Memorandum. Approximately 1,700 words.