

Court Administration

JAN 16 2018

Halifax, N.S.

Form 23.03

2018

Halifax No. 463399

SUPREME COURT OF NOVA SCOTIA

Between:

LORNE WAYNE GRABHER

Applicant

And

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
NOVA SCOTIA as represented by the Registrar of Motor Vehicles**

Respondent

NOTICE OF MOTION

To: HER MAJESTY THE QUEEN IN RIGHT OF NOVA SCOTIA, as represented
by the Registrar of Motor Vehicles

C/O Nova Scotia Department of Justice
1690 Hollis Street, Halifax NS, B3J 2L6
Ph. 902-424-4223

And To: The Nova Scotia Attorney General

C/O Nova Scotia Department of Justice
1690 Hollis Street, Halifax NS, B3J 2L6
Ph. 902-424-4223

Motion

1. The Applicant, Lorne Wayne Grabher, brings this Motion, to strike the Affidavit and attached report (the "Report") of Professor Carrie A. Rentschler (the "Rentschler Affidavit"), on the following grounds:
 - a) Professor Rentschler is biased, and the Report is not impartial, objective, necessary or relevant;
 - b) The Report improperly asserts legal opinions when the author, Professor Rentschler, has no apparent legal training and is unqualified to advance legal opinions as an expert in this case;
 - c) The Report is scandalous and irrelevant, or otherwise oppressive contrary to Rule 88, relying heavily on US media coverage of comments made by the celebrity figure Donald Trump in 2005, eleven years prior to becoming US President, all of which is irrelevant to the matter at hand, as the Respondent has publicly acknowledged;
 - d) The Report is unsigned, and attached to an unsworn Affidavit in breach of the Rules;
 - e) The opinion evidence of Professor Rentschler in the Report is unnecessary to the adjudication of this case, and should be excluded;
 - f) The author of the Report does not state in the Report that she will answer written questions from counsel in regard to the Report, in breach of the Rules;
 - g) The Report concludes and gratuitously asserts, without any evidence whatsoever, that the surname of the Applicant, Grabher, is an "act of violence", "supports violence against women", "endangers women", encourages rape culture, is somehow connected to "aggrieved white masculinity" and infers the words "by the pussy"; and
 - h) The filing of the Affidavit and Report is non-compliant with the timeline established for the filing of materials in this matter by the Order of the Honourable Mr. Justice Chipman of September 6, 2017.

Time and Place

2. The motion is to be heard by a judge on Thursday, February 1, 2018, at 9:30 AM at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. The moving party has arranged for the Motion to be heard during a half day hearing on that day. The moving party says that the Motion will not require more time.

References

3. The moving party relies on the following legislation, Rules, or points of law:
 - a) Civil Procedure Rules, including Rules 39.04, 39.05, 39.39.08(2), 39.09, 55 (in particularly Rules 55.02, 55.03(1), 55.03(3), 55.04, 55.06) and 88, and such other Rules as may apply and counsel may advise.
 - b) Caselaw regarding expert opinion evidence.

Evidence

4. The Affidavit of Lorne Grabher, sworn January 16, 2017.
5. The unsworn/unaffirmed Affidavit containing the unsigned report of Professor Rentschler filed by the Respondent December 15, 2017.

Possible Order against you

6. You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

Signature

Signed on January 15, 2018.



Jay Cameron
Counsel for the Applicant, Lorne Wayne Grabher