

COURT FILE NUMBER

COURT

Court of Queen's Bench of Alberta

JUDICIAL CENTRE

Edmonton

PLAINTIFF

David Skrypichayko

DEFENDANT

The Law Society of Alberta

DOCUMENT

Statement of Claim

ADDRESS FOR SERVICE &
CONTACT INFORMATION OF PARTY
FILING THIS DOCUMENT

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NOTICE TO THE DEFENDANT:

You are being sued. You are a Defendant.

Go to the end of this document to see what you can do & when you must do it.

Note: State below only facts and not evidence. (Rule 13.6)

CLAIM

1. The Plaintiff claims as follows for the malfeasance in public office, negligent investigation, abuse of process, breach of statutory duty, malicious prosecution, assault, libel & maintaining a hostile regulatory environment:

- general damages in the amount of \$1 000 000 (one million dollars);
- special damages in the amount of \$12 000 000 (twelve million dollars);
- aggravated damages in the amount of \$500 000 (five hundred thousand dollars);
- punitive damages in the amount of \$1 000 000 (one million dollars);
- pre-judgment interest & post-judgment interest pursuant to the Judgment Interest Act, RSA2000, c J-1;
- costs on a substantial indemnity basis inclusive of GST; and,
- such further & other relief as this Honourable Court deems just & expedient.

PARTIES

2. The Plaintiff opened his own practice as a sole practitioner in the west end of Edmonton in May 2002 and was duly registered as a Barrister & Solicitor with the Law Society of Alberta.

- The Plaintiff restricted his practice to defence work for Canadian taxpayers who had been reassessed unfavourably by the Canada Revenue Agency (hereinafter referred to as “CRA”).
- In 2007 at the beginning of the calendar year, the Plaintiff incorporated his practice and registered with the Law Society of Alberta as “David M. Skrypichayko Professional Corporation”.
- The Plaintiff ran a small practice for over 7 years without any serious complaints or disciplinary matters filed against him.
- The Plaintiff is also an author on Organized White Collar Crime in Canada.
- The Defendant, The Law Society of Alberta (“ the Law Society”), is a corporation without share capital continued under and governed by the Legal Profession Act, RSA 2000, C L-8 (“the Act”) and is responsible for regulating lawyers in the province of Alberta.
- The Defendant has a statutory mandate to protect the public interest.
- The Law Society is vicariously liable for all of the acts, whether authorized or not, of its employees, representatives, agents, legal counsel & custodians, as described herein.
- The Law Society has a disciplinary role with respect to its members, the practicing lawyers of Alberta; and, as such, must act impartially, fairly & openly with a view to protecting the public interest. The Law Society is obliged to follow its own guidelines, which mandate “superior investigative & prosecutorial procedures & techniques” as well as a “consistent & principled approach to investigations, prosecutions, hearings & appeals”.
- The Law Society is tremendously well-funded with an endless supply of professionals who volunteer their time in addition to its dozens of employees and superior technology including: computerized trust account audit systems & general account audit systems.
- The Law Society also has numerous, well-funded committees & sub-committees upon which it may draw extra resources to meet extraordinary needs.

THE PLAINTIFF’S EARLY RECORD

- The Plaintiff sat as a committee public member for the Certified General Accountants of Alberta (as they then were) for several years. Prior to this he received extensive training in the field of accounting and tax compliance & planning at Deloitte & Touche LLP (now Deloitte) and at KPMG LLP in Vancouver. The Plaintiff advised, researched & participated on planning engagements for western Canada’s elite corporations, entrepreneurs & philanthropists. Several Justices (ACQB) & leading national politicians were clients of the Plaintiff. The Plaintiff volunteered for the “Unauthorized Practice of Law Committee” with the Law Society for 2 years during the period of 2004- 2006 approximately.

- In that time, 1998-2001, the Plaintiff developed a sophisticated “Audit Protocol” together with his colleagues at the Edmonton Land Titles Registrar (“LTO”) to prevent the Canada Revenue Agency from double-dipping on the GST collected from real estate developers. Senior staff within Service Alberta & LTO were concerned with fraudulent real estate transactions & financing at that time.
- On the recommendation of Justice Rod Jerke, Alberta Court of Queen’s Bench, who was President of the Law Society at this time, the Plaintiff began to take on some pro bono files for those clients who could not otherwise afford legal fees; and one such client, Grant Tarapacki, had become entangled in a sophisticated mortgage fraud operation being run by a firm of Edmonton lawyers.
- The actual referral came from a firm of Chartered Accountants with whom the Plaintiff had a professional relationship of utmost impeccable standards dating back to 1999.
- Maurice Dumont, QC, dismissed the matter from the Law Society and fired-off an intimidating letter to Grant Tarapacki.
- Later referring this pro bono file onto a practitioner with experience in consumer bankruptcy & insolvency, the Plaintiff revised his Audit Protocol together with the help of a veteran Land Titles Examiner, Jane Saik. With the revisions, the Plaintiff was certain this Audit Protocol would greatly assist the Law Society in pin-pointing transactions of concern, elevated frequency of certain transactions, overall irregular deposits & transfers. He hoped to work with investigators & audit staff during implementation.
- The Plaintiff then presented this Audit Protocol to Don Thompson, Executive Director of the Law Society, where he received a hostile reception and was booted out of their Calgary offices. Don Thompson would refuse to communicate with the Plaintiff from there on.
- Acting on the concerns of Chief Justice Alan Wachowich, ACQB (as he then was), the Plaintiff became more fully aware of the dire need for a solution to address mortgage fraud operations within the law profession in Alberta. It was abundantly clear that the Law Society was not meeting this objective; and, the earlier \$300 million liability (booked at Canada Mortgage & Housing Insurance) had nearly doubled in a couple short years.
- In a further meeting with Greg Busch, Director of Lawyer Enforcement for the Law Society, the Plaintiff was once again given a stern warning & veiled threat about interfering with certain territory of the Law Society. Two hostile meetings in Calgary with the Defendant occurred prior to the end of 2006.
- A hostile regulatory environment was maintained by the Law Society.
- The Plaintiff had no disciplinary record with the Law Society until his unwarranted suspension in June 2013.
- The Plaintiff was then kicked off a Law Society Committee & treated with hostility by several Presidents of the Law Society (post 2006). Phone calls & messages to the Law Society would remain neglected for months, even years on end. Mortgage Fraud files & claims continued to climb at the Law Society.

- Once the Law Society learned of the Plaintiff's book on Organized White Collar Crime, their persecution & harassment of the Plaintiff intensified. The assaults continued.
- Law Society employees harassed the Plaintiff in public. One employee, Maurice Dumont, QC, the Manager of Complaints for the Law Society, would intimidate the Plaintiff at a downtown Edmonton restaurant, Metro Billiards, repeatedly. The Plaintiff became increasingly afraid of this escalating level of threats & intimidation.
- On 4th June, 2013, Carolyn Dunn of the CBC reported a settlement for \$9.2 million between the Law Society & the Bank of Montreal (also known as "BMO") in relation to a \$70 million Calgary mortgage fraud operation involving 17 Alberta lawyers, 325 properties, 200 people. This fraud would never have escalated if the Audit Protocol (of the Plaintiff) was in place.

COMPLAINTS BY CLIENTS & BUSINESS PARTNERS

- One client (Client #1) made a complaint (in 2009) after he significantly lost his application to tax the Plaintiff's invoices for fees. The Plaintiff opened 11 files, submitted several Notices of Objection to CRA – Appeals, and advised Client #1 to pay his GST arrears forthwith. Client #1 was uncooperative, deceitful & diverted correspondence away from the Plaintiff. Client #1 suffered no harm & the Appeals were duly accepted by CRA.
- The Plaintiff delivered all documentation as requested to the Law Society; and, Maurice Dumont, QC received this entire banker's box of files ahead of his deadline. At that meeting on or about 15 October, 2010, Maurice Dumont, QC threatened the Plaintiff yet again.
- The complaint of Client #1 was neglected by the Law Society for over 3 years.
- A second client (Client #2) filed a complaint (in 2011) after the Plaintiff reviewed over 10 years of tax returns & correspondence, only to determine that Client #2 had unreported income. Client #2 did not want to pay for further services by the Plaintiff.
- A former business partner (for a \$1billion US project in Cameroon) of the Plaintiff filed a complaint (in 2014) when the Plaintiff filed (& later discharged) a lien on his behalf. The work was done by one of their joint business partners & the Plaintiff took it down to the Land Titles Registrar for filing & discharge. The Plaintiff was suspended at this time, and so advised his business partner.
- The Law Society concluded that the Plaintiff was practicing law when he registered & then filed the discharge of lien. The Investigator at the Law Society stated under oath: "I issued my report without even seeing the file".
- And fourthly, a long time friend of the Plaintiff required new business financing for his trucking & gravel business in north east Alberta (in 2014). The Plaintiff advised of his suspension and introduced his friend to a banker in Edmonton who would attempt to finance the new business. The Plaintiff provided limited accounting services only. The lawyer who was advising on this new financing was Trevor Lee, Barrister & Solicitor, of St. Paul, Alberta; and he was prepared to handle all legal matters including any new mortgage.
- For these 5 years, the Law Society stalled and deceived the Plaintiff, delayed the

investigations, strayed from the statutorily mandated procedures, ignored their own professional training, and engaged in secretive, dishonest correspondence with the Benchers.

- The Law Society refused to acknowledge the role of the Plaintiff as a material witness in the aforementioned Mortgage Fraud Ring investigations in Alberta; and they refused to appoint impartial investigators, afford the Plaintiff any protection, and safeguard the evidence assembled. The Law Society has no policy to protect witnesses & refuses to develop such.
- In fact, the Law Society renewed & cultivated a relationship with one of the bankers in Edmonton who had been intimately involved in the Mortgage Fraud operations with several of the lawyers under investigation by the RCMP & others.

INVESTIGATIONS

- Any honest, competent investigator, especially one with over 20 years experience as a Chartered Accountant, would have known there were no serious breaches of the rules by the Plaintiff, as set down by the Law Society.
- Confusion over 3 small (one-page) accounts, which had been to taxation, were contrived, exaggerated & falsely misrepresented to the Benchers by the Law Society Investigator.
- The Law Society contrived a dramatic performance alleging non-cooperation of the Plaintiff all the while refusing to provide the Plaintiff with an accurate inventory of the documents he had provided. Refusal to address a chain of custody for the evidence and documents in these investigations is both negligent & malicious on the part of the Law Society.
- At no time ever, has the Law Society contacted Rebecca Isbister, the secretary of the Plaintiff to set up a meeting, request documents or arrange for delivery of files or documents.
- The Law Society has sent agents, employees and custodians, without justification or under contrived pretense, to the home of the Plaintiff at least 6 times with the specific intent to intimidate & threaten the Plaintiff. On several occasions, the Plaintiff was assaulted by an agent, employee or custodian of the Law Society.
- The Plaintiff was threatened about his writings.
- Other lawyers in Alberta, have received correspondence & been given an opportunity to set up meetings with the Law Society; however, the Plaintiff has received nothing but harsh treatment, unannounced meetings, false accusations (prior to investigation) and assaults.
- The Plaintiff has been discriminated against as a Metis professional with a Ukrainian heritage and Catholic background. His attempts to protect victims of mortgage fraud in Alberta's Aboriginal & Ukrainian communities have been ridiculed & thwarted by the Law Society.
- The Plaintiff's subjective definition of integrity has been publicly mocked by the Law

Society.

CONDUCT COMMITTEE HEARING

- The Law Society assembled a Hearing Panel of Benchers who were simultaneously liable (as Directors of the Law Society) for the wrongdoings, improper procedures & investigations, non-enforcement and breaches of Statutory Mandates (of the Law Society) in relation to the \$500 million Mortgage Fraud Operations being run by Alberta lawyers.
- The Hearing Panel Benchers were politically & personally motivated to discredit & humiliate the Plaintiff at the outset of the Hearing.
- Seven years after an initial complaint, the Conduct Committee Hearing (the “Hearing”) timed a 4-day show trial to end the day before the Plaintiff’s 51st birthday, in an effort to exacerbate the hardship & depression the Plaintiff had been enduring for years.
- For 2 entire days, approximately 10 hours, the Investigator for the Law Society, Brian Olesky CA, a professional accountant with +20 years experience at the time, fumbled & mumbled without having even made a proper index of his documentation, in a calculated effort to waste half of the time for the hearing (over the preliminary Application to Dismiss due to Unreasonable Delay by the Defendant).
- The Law Society failed to include relevant documentary evidence in its reports & decision.
- The Law Society failed to include relevant email evidence in its reports & decision.
- The Hearing Panel of veteran lawyer/benchers refused to acknowledge that a balance of probabilities was the threshold for certain evidentiary burdens faced by the Plaintiff. This is unheard of with senior counsel at this level.
- Having collected 100s of pages of evidence & transcripts of interviews, the Law Society knew it had no real substantive case against the Plaintiff other than some matters of etiquette.
- The Hearing was conducted in a manner with disregard for the actual events, facts, filings & nature of the files performed by the Plaintiff. The Investigators for the Law Society submitted a 2000 page report wherein he photocopied the aforementioned 3x one page invoices over a dozen times. That same Investigator misrepresented these 3 small invoices repeatedly and in a contrived manner, evidencing his inability to understand the 11 files opened by the Plaintiff.
- When asked to explain his “years & years of diligent work & investigation”, the Investigator for the Law Society, Brian Olesky CA, could not answer the simplest question about these 3 one-page invoices (Client #1). He in fact discredited the judgment of Justice Crighton.
- Client #2 did not even attend the Hearing to present evidence. He also suffered no harm from any of the actions of the Plaintiff.
- In both matters of the business-partners, neither submitted any proof whatsoever that any legal services were performed: the first was the registration & discharge of a pre-prepared lien, the latter, accounting services. Both had been notified, in a couple of ways, that the

Plaintiff was a suspended lawyer; and when testifying, their lies were the subject of giggling by the Law Society Panel and by counsel for the Law Society.

- The Hearing concluded 18 March 2016 and the decision was not made available until 11 May 2017. This 1 year delay was also contrived & abusive: the Hearing Panel Chair citing she had read 2000 pages of Investigators reports in a couple weeks before hearing yet taking +1 year to write a very simplistic decision.

A HOSTILE REGULATORY ENVIRONMENT

- Over the course of the last 11 years, the Plaintiff has suffered from severe depression, a nervous breakdown, 3 cases of shingles, extreme muscle tension & damage, nerve damage, loss of sleep and considerable weight gain. These were all caused by the assaults, threats, intimidation tactics & bullying of the Law Society and its agents, employees & custodians.
- In the Plaintiff's immediate family, during the last 8 years, the Plaintiff has endured both a heart attack & breast cancer with his mother, open-heart surgery with his father, a divorce with his brother's wife, and the deaths of 5 uncles. The Plaintiff has extended substantial support in the care of his aging parents & his brother's (then) teenage children.
- The Plaintiff has been unable to work, unable to enjoy his regular routines & lifestyle; and, he has suffered extraordinary emotional & financial setbacks.
- The Law Society has been advised of these effects on the Plaintiff and they have witnessed these extraordinary difficulties firsthand; and, the Law Society has taken advantage of the hardships endured by the Plaintiff and continues to do so relentlessly.
- The Law Society has sent agents, employees and custodians, without justification or under contrived pretense, to the home of the Plaintiff at least 6 times with the specific intent to intimidate & threaten the Plaintiff. On several occasions, the Plaintiff was assaulted by an agent, employee or custodian of the Law Society.
- When certain client files & records were due to be returned to the Plaintiff, the Custodian or agent threw the box of documents in the mud behind the Plaintiff's truck, destroying them.
- International & domestic clients, Judges & Justices of the Alberta Courts, Metis leaders, prominent citizens of the Ukrainian Academic & Cultural community were contacted by Investigators (and others within certain committees) of the Law Society and cajoled into a recurring libelous pattern of the Plaintiff's reputation over a period of years.
- Those aforementioned acts of defamation go far beyond the limitations of a qualified publication defense or any privilege associated with the Law Society.
- The Plaintiff has suffered irreparable harm & permanent damage to his professional, academic & personal reputation.
- The Plaintiff pleads that this onslaught of defamation & injurious conduct by the Law Society, its current & former employees, agents & custodians, is being directed for purposes of intimidation of a witness (the Plaintiff) and intimidation of others (within the Metis Nation & communities) who are victims & witnesses of certain Mortgage Fraud

Rings currently operating within Alberta.

- The Law Society also seized unlawfully approximately 3000 pages of RCMP evidence which the Plaintiff had assembled over 10 years exclusively for the RCMP. It was clearly marked as such and was part of the ongoing RCMP investigation into Mortgage Fraud Operations of Alberta law firms since 2005. The Law Society did not forward this evidence to the RCMP.
- When the Law Society attended the home office of the Plaintiff, the Custodian lunged at these boxes of RCMP evidence and gleefully shouted: I've got it!
- The Law Society and its agents, employees & custodian clearly violated their Statutory Authority under the Legal Profession Act and interfered with the administration of justice.
- The Law Society and its agents, employees & custodians exceeded their authority & violated the terms of Court of Queen's Bench Order dated 28 June 2013 (per J TW Wakeling) for the sole purpose of intimidation of a witness, unlawfully seizing RCMP evidence, and interfering with the administration of justice.
- The Plaintiff had advised the Custodian that all client files would be delivered by his secretary & friend, Rebecca Isbister, whenever that Custodian called her on her cell phone. Neither he nor his secretary ever called her.
- The Law Society and its agents, employees & custodian had previously assaulted the Plaintiff over a period of years beginning in 1997. As such, the Plaintiff was apprehensive & afraid of these individuals especially while the Plaintiff was suffering from a debilitating shoulder injury which made him extremely weak & unable to sleep for months.
- The Law Society unilaterally decided to devote (what it claims are) hundreds of hours (over a course of years) towards persecuting the Plaintiff and intimidating him with the intended effect of preventing the Plaintiff from testifying in a future criminal proceeding against rogue lawyers. A secondary effect of this intimidation is stopping publication of the Plaintiff's book on Organized White Collar Crime in Canada.
- Numerous violations of statutory mandates, of witness intimidation, & reckless chain of custody policies for evidence were rewarded & applauded in year-end compensation by the Law Society for its agents, employees and Custodians.

DELAY

- The Plaintiff complied with the overwhelming majority of demands from the Defendant and its agents until the burden of such became excessive & impossible to bear for a sole practitioner.
- The Defendant used delay in a sophisticated and structured manner to exacerbate hardship on the Plaintiff, who the Defendant knew was struggling with personal, family, health & financial issues. Part of this sophisticated delay was applied in a discriminatory way against the Plaintiff. The Law Society pays for & encourages training in this field.
- The Law Society also discriminated against the Plaintiff because he was a witness in an ongoing multi-million dollar mortgage fraud operation by Alberta lawyers; and, any

attention or successful convictions associated therewith implicated the Law Society & the Benchers (who also sat as the Hearing Panel herein).

- The Defendant left one particular set of files (related to one complaint) sitting in a box for 3 years without any bona fide effort to resolve the matters alleged therein.
- Complainants suffered no real harm & filed no civil suits against the Plaintiff; and, one particular matter was not set down for a Hearing until 10 years after he initially engaged with the Plaintiff.
- The delay caused immeasurable harm to the Plaintiff; and the Law Society sought to use delay to their advantage.
- Material witnesses moved out of the province and others passed away in the interim.
- Recollection of events & memories eroded with this undue delay.
- Financial records, already in the possession of the Custodian or the Accounting Department of the Defendant were repeatedly demanded by the Investigators for the Defendant. Invoices, trust account statements, notes on files, and documentation were withheld from the Plaintiff impairing his ability to prepare for hearing & recall details.
- The Defendant refused to return these financial records to the Plaintiff for his use in resolving these above referenced matters, thereby creating further delays, hardship & a hostile environment.
- The Defendant compounded these delays with a contrived bundle of accusations & demands which were hostile towards a sole practitioner with limited technological & administrative support and rapidly dwindling financial resources.
- The Defendant corresponded with the Plaintiff that he “was rearranging his priorities”; and, this decision resulted in a further one year delay on a certain complaint file.
- The Law Society continues to refuse to release the transcript of the Hearing to the Plaintiff without payment of \$9000 in advance, a sum which the Plaintiff cannot raise and has not been able to raise for years. This delays the Appeal process.

CONFLICT and BREACH OF AUDIT PROTOCOL

- When the Defendant initiated an audit of the Plaintiff’s practice, several breaches of standard audit protocol occurred.
- The Defendant hired a relative of the Investigator, in breach of impartiality & objectiveness guidelines & protocol, to serve as an Independent Auditor.
- That Independent Auditor, a Chartered Accountant with +20 years experience, refused to recuse himself from the engagement audit.
- That same Independent Auditor refused to look at certain source documentation provided to him by the Plaintiff with respect to sources of income of a certain International client.

- The Independent Auditor then filed a false Audit report with the Defendant.
- Part of the demands of this Independent Auditor were that certain Trust Reconciliations must be in prescribed form, when in fact there was no prescribed form for such at the time. The Plaintiff had valid Trust Account Reconciliations on file.

POINTS OF LAW

- The Defendant & its Counsel at one hearing of the Benchers in March of 2013, submitted repeatedly over 8 hours, that the Plaintiff lacked integrity and as such was in breach of protocol. This was clearly abusive & libelous towards the Plaintiff.
- The Defendant refused to provide any definition of integrity, whether by way of statute or regulation.
- The Plaintiff is a practicing Catholic with Ukrainian, French & Metis heritage who defines integrity subjectively.
- Shortly before another hearing in June 2013, one Investigator for the Defendant wrote & submitted in secret, a false & inflammatory letter to the hearing committee detailing his: “profound confusion with 3 one-page invoices totaling approximately \$12500 in fees” which had already been taxed in Court of Queen’s Bench (J. Crighton as she then was).
- The Defendant refused to replace the Investigators and the Custodian with individuals who had sufficient objectivity on a professional standard. Any professional association or regulatory body would recognize this conflict of interest; but the Law Society had a vested interest in discrediting the Plaintiff & intimidating him in future criminal proceedings against certain Alberta lawyers.
- The Law Society fails in its Statutory Mandate to have an adequate policy protecting witnesses who come forward with evidence & testimony about the unlawful conduct of lawyers.
- The Plaintiff was prohibited from communicating with the Law Society & his insurer; those aforementioned risk-management proposals within the Plaintiff’s Audit Protocol were critical to the regulation of lawyers & mortgages. Ten years prior to this Hearing in 2016, the Law Society formed the intent to marginalize the Plaintiff and shelter those higher risk lawyers who presented with significant insurance/assurance liabilities.
- The Defendant refused to acknowledge that the past history of the Custodian and his acquaintances (with the Plaintiff) included a physical assault on the Plaintiff in 1997 and again at his home office in the spring of 2014.
- The Defendant refused to acknowledge the risks to the Plaintiff in so far as he served as a material witness to a multi-million dollar mortgage fraud investigation of lawyers in the province of Alberta. The Law Society was ultra vires in acting to intimidate witnesses (the Plaintiff et al) and permit the destruction of evidence by the Custodian.
- The Defendant was in breach of its Statutory Duty to protect witnesses and evidence in relation to an on-going investigation by the RCMP.
- During the March 2016 Disciplinary Hearing, the committee accepted and relied upon

evidence without having the author or person with first-hand knowledge of that evidence sworn in or even present at the Hearing.

- In March 2016, one Investigator proudly testified that he “prepared his report without seeing the file” on day 3 of a 4 day Hearing. He could not answer if he even knew which city that file was located in at the time of his report. The committee still accepted his testimony.
- On the last 2 days of the Disciplinary Hearing, on or about 17-18 March 2016, the Committee failed to acknowledge that the Plaintiff was under duress and had been recently threatened by an individual associated with one complainant.
- The Law Society was able to coerce a signed statement of admitted facts from the Plaintiff by way of the aforementioned.
- During the four days of Hearing, when advised of the assaults & continuing harassment & threats against the Plaintiff, the Hearing Panel did nothing to secure the safety of the Plaintiff nor to ensure he could make submissions without being under severe duress.

DUTY OF CARE

- The Law Society owed the Plaintiff a duty of care arising from:
 - the relationship between regulator and licensee;
 - the unique role of the Plaintiff as a material witness in a major fraud investigation of other lawyers in the province of Alberta; and,
 - its role as statutory protector of the public (including witnesses and the Plaintiff) who
 - reasonably expect the Law Society to pursue its mandate competently & in good faith.
- In respect of the duty of care, the Plaintiff states:
 - the harm complained of was reasonably foreseeable;
 - there was sufficient proximity between the plaintiffs and the Law Society and its agents, custodians & employees that it would be fair and just to impose a duty of care; and,
 - there are no legitimate, residual policy reasons for declining to impose such a duty.
- The nature and quality of the duty of care owed to the Plaintiff by the Law Society approached that of a fiduciary, as it was at all times informed by the following circumstances of control and vulnerability (the “Special Circumstances”):
 - the Law Society unilaterally assumed the role of both complainant, and prosecutor and custodian of documents, trust funds, files & correspondence;
 - the Law Society controlled a quasi-judicial process which permitted no opportunity for early termination based on absence of evidence (such as a

- summary judgment motion); and,
- the foreseeable effect of delaying & prosecuting the complaints against the Plaintiff in this manner was economically tantamount to disbarment, no matter what the result.
- The Law Society was in breach of their Statutory Duty to safeguard witnesses and evidence.

MALFEASANCE IN PUBLIC OFFICE

- The Law Society and its agents, custodians & employees are subject to the law and should not have abused their powers to the detriment of the Plaintiff who had a reasonable expectation that he would not be intentionally injured through deliberate & unlawful conduct. The Law Society failed to meet that expectation multiple times.
- The Law Society was malfeasant in its discharge of its public office, abused its powers, and breached its statutory duty to protect the public:
 - both as originator, investigator, auditor, prosecutor & as custodian while acting as a public official;
 - the Plaintiff's claims arise from the Law Society's exercise of power as a public official;
 - the Law Society acted with malice & bad faith, repeatedly and without abatement, and without regard for the safety of the Plaintiff as a witness and the evidence he had compiled for the RCMP on a major fraud investigation; and,
 - as a result of the Law Society's malfeasant discharge of public office, the Plaintiff has suffered damage.
- The Law Society was aware (or should have been aware) given their considerable resources & powers that their bad faith & malice were unlawful. They repeated their behavior regardless of being forewarned, of having the trust accounting records of those lawyers involved in Mortgage Fraud operations, and of knowing such acts were likely to injure the Plaintiff.

NEGLIGENT INVESTIGATION

- The Law Society committed the tort of negligent investigation in that it owed the Plaintiff a duty of care & failed to meet an appropriate standard causing the Plaintiff a compensable loss. That loss was caused by the Law Society's grossly negligent acts or omissions amounting to bad faith.
- Specifically, full investigation into professional misconduct includes reasonably timely efforts to uncover all relevant evidence regarding complaints & allegations.
- Given similar circumstances, and considering the Special Circumstances, the conduct of the Law Society should be measured against other regulatory institutions. Those investigators, agents, employees & custodians with over 20 years professional experience in their respective fields are furthermore expected to exhibit professional, timely, objective conduct in their assigned tasks.
- The sheer length of time a certain Investigator for the Law Society dedicated to investigating a small file with 3 one-page invoices (already through taxation) is proof of

negligence & a sophisticated contrived plan to exaggerate a complaint.

- The Law Society failed to meet this standard of care by fully investigating the complaints, safeguarding & ensuring a chain of custody of the documents, and employing reasonably diligent efforts commensurate with the education & experience of the senior investigators, agents, employees & custodians involved.
- In the alternative, the Law Society was reckless, willfully blind and/or politically motivated to intimidate the Plaintiff and prevent him from testifying against the Alberta lawyers operating a Mortgage Fraud Ring.
- By failing to appoint & regularly monitor objective investigators, agents, employees & custodians, the Law Society violated its own mandate under the Legal Profession Act of Alberta. The magnitude of the Law Society's errors went far beyond simple misjudgment and amounted to an uncontrolled escalation of gross negligence & bad faith over a period of years. Their intent to prevent publication of the Plaintiff's book is obvious.
- Delays, contrived misunderstanding, lack of reasonable judgment from senior professionals with over 20 years experience as chartered accountants, secretive communications, harassment of the Plaintiff, intimidation of witnesses in an ongoing police investigation, misplaced documents were cumulatively an unwarranted & pre-emptive punishment of the Plaintiff over the course of years.
- The aforementioned never-ending delays, contrivance, callousness, intimidation, abusiveness & bullying tactics were both ultra vires & an unlawful usurpation of the authority of the Courts.

BAD FAITH, MALICE, GROSS NEGLIGENCE & DISCRIMINATION

- The particulars of the Law Society's bad faith, gross negligence & discrimination against this Plaintiff, in addition to the aforementioned, are as follows:
 - by the imposition of unlimited liability on the Plaintiff, it discriminated against him vis-à-vis other lawyers in Alberta;
 - by the application & inference of unlimited credit terms in the practice of the Plaintiff, it sought to create an unsustainable business policy;
 - unlimited liability & unlimited credit, as imposed upon the Plaintiff, are discriminatory insofar as these attributes & policies are not imposed consistently throughout the legal profession in Alberta;
 - acting ultra vires, there is no specifically legislated override to amend contractual terms years after the services have been provided & accepted by both parties;
 - by inferring that the Plaintiff must accept terms & make representations in a Court which the Plaintiff has determined are instructions which he cannot accept & which will prove detrimental to the interests of the Client;
 - by deliberately ignoring the facts, evidence & documents during investigations & proceeding with prosecution;
 - developing tunnel vision & proceeding with a lack of objectivity;
 - refusal to re-evaluate the cases in light of new evidence;
 - failing to meet the standard of care of an ordinary, prudent & reasonable regulator;
 - failure to halt proceedings when the Plaintiff was unable to continue effectively because of duress;
 - failure to halt the proceedings & reject testimony & evidence of Investigators

- which was clearly contrived & contrary to acceptable professional standards;
- proceeding with complaints when there was a clear & utter absence of evidence that the clients suffered any harm;
- developing new theories of culpability against the Plaintiff;
- failing to recognize prejudice, bias & conflicts of interest in the Investigators, employees & reports and permitting a continuation of those gratuitous & irrelevant allegations against the Plaintiff at the Hearing;
- developing new theories of the Plaintiff's alleged failure to serve client interests;
- it was not competent to understand the details of the CRA appeals and failed to advise itself & the Benchers in this regard;
- it failed to retain independent professionals who understood the CRA appeals process;
- not proceeding in a reasonable manner with a view to mitigating delay;
- losing and misplacing documentation together with a haphazard approach to chain of custody protocols in handling evidence;
- delaying work on the various files until witnesses were unavailable;
- intimidation of the Plaintiff and other witnesses throughout the entire Investigative & Hearing phases;
- failure to properly & objectively interpret evidence & documentation;
- non-compliance with its own policies, professional standards & Statutory Mandate;
- acting illegally and immorally;
- failing to interview third parties relevant to certain records & clients;
- failing to re-interview the Plaintiff for clarification of issues it did not comprehend;
- failing to ask for documentation for third parties in a timely fashion;
- treating the Plaintiff in a discriminatory manner prior to & during Investigations;
- not having due regard for the judgment of Justice Crighton, ACQB, in a taxation matter for a particular Client;
- adapting an approach which was disproportionate to the issues at stake;
- failure to perform any test or cross-examination for purposes of determining conflicts of interest;
- by not demanding that individuals disclose their related party transaction & investments with the Plaintiff & with the Benchers in advance of the Hearing;
- ignoring the clerical nature of registering & discharging a builders' lien;
- accepting a false audit report from a related party to its investigative staff;
- failing to recognize deficiencies & derogations from professional standards in senior accounting & auditing staff, Investigators, & Auditors;
- acting in a manner so markedly inconsistent with its own statutory mandate & professional guideline & standards that one cannot possibly conclude the whole of the proceedings, over a course of over 7 years, was performed in good faith;
- incorporating animus & hostility into the proceedings against the Plaintiff;
- failing to consider Special Circumstances;
- acting in a deliberate way; and,
- other particulars which are in the knowledge of the Law Society, its agents, its employees past & present, its Custodians and the RCMP.

DAMAGES

- As a direct result of the actions of the Law Society, described herein, the Plaintiff's lucrative legal career has been destroyed.
- The Plaintiff has had to leave the legal profession; and, suffered substantial income loss in addition to other damages.

- Exemplary & Punitive Damages are warranted given the deliberate actions of the Law Society and its agents, employees past & present, and its Custodians.

PRAYER FOR RELIEF & REMEDY SOUGHT

The Plaintiff prays for the following relief:

General damages in the amount of \$1 000 000 (one million dollars);

Special damages in the amount of \$12 000 000 (twelve million dollars);

Aggravated damages in the amount of \$500 000 (five hundred thousand dollars);

Exemplary damages in the amount of \$1 000 000 (one million dollars);

Pre-judgment interest & post-judgment interest pursuant to the Judgment Interest Act, RSA2000, c J-1;

Costs on a substantial indemnity basis inclusive of GST; and,

Such further & other relief as this Honourable Court deems just & expedient.

Dated this __ day of March, 2019

Submitted by,

David Skrypichayko
(self-represented)
#13 St Vital Ave, St Albert, AB T8N 1K4
780.221.2274

NOTICE TO THE DEFENDANT

You only have a short time to do something to defend yourself against this claim:

- 20 days if you are served in Alberta
- 1 month if you are served outside of Alberta but in Canada
- 2 months if you are served outside of Canada

You can respond by filing a Statement of Defence or a Demand for Notice in the office of the Clerk of the Court of Queen's Bench at Edmonton, Alberta AND serving your Statement of Defence or a Demand for Notice on the Plaintiff's address for service.

WARNING

If you do not file and serve a Statement of Defence or a Demand for Notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the Plaintiff against you.

COURT FILE NUMBER

Court of Queen's Bench of Alberta

Judicial Centre of

Edmonton

STATEMENT OF CLAIM

David Skrypichayko (Plaintiff)

v.

The Law Society of Alberta (Defendant)

David Skrypichayko (self represented)
#13 St. Vital Ave
St. Albert, AB T8N 1K4
Direct: 780.221.2274
Fax: 780.458.1955
Email: dmskryp@gmail.com