*(Court file no.)*

Form 2.2D

Courts of Justice Act

RESPONSE FROM potential SUBJECT OF VEXATIOUS LITIGANT ORDER

*(General heading)*

RESPONSE FROM potential SUBJECT OF VEXATIOUS LITIGANT ORDER

I, *(insert name)*, am the person who is the potential subject of a vexatious litigant order under subsection 140 (1) of the *Courts of Justice Act* named in the *(select one:* notice of motion by *(identify moving party)* / notice of application by *(identify applicant)* / registrar’s notice*)*.

 *(Set out in separate, consecutively numbered paragraphs the grounds to be argued.)*

*(Date) (Name, address, email address (if any) and telephone number of your lawyer or you)*

TO *(Name, address, email address (if any) and telephone number of all lawyers or parties to the proceeding and all other persons named in the list of ongoing proceedings on the notice)*

RCP-E 2.2D (June 1, 2024)

Instructions for Making a Response from Potential Subject of Vexatious Litigant Order

**Note:** A vexatious litigant order under section 140 (1) of the *Courts of Justice Act* is a serious matter. If a vexatious litigant order is made against you, you may be prevented from commencing or continuing court proceedings in Ontario in future without leave (permission) of a judge of the Superior Court of Justice.

**You are strongly encouraged to seek professional legal advice about your options, including how to respond to the notice.** The following instructions are a basic guide only and are **not** a substitute for the advice and assistance of a lawyer. For information on how to find a lawyer, including free and lower-cost options, go to: <https://www.ontario.ca/page/find-lawyer-or-paralegal>.

**Step 1:** **COMPLETE** the **Response from Potential Subject of Vexatious Litigant Order** form. Specify the grounds to be argued.

**Step 2: SERVE.** You must give a copy of your response to the party who made the notice (if any) and to all other parties or persons named in the list of **ongoing** proceedings on the notice. This is called “serving” the parties. There are rules about how this must be done. See Rule 2.2 and Rule 16 of the *Rules of Civil Procedure*. Unless the court orders otherwise, you do not need to serve persons who are named only in the list of disposed proceedings.

**Step 3: FILE** the response, along with proof of service in accordance with rule 16.09 of the *Rules of Civil Procedure*, with the court where the notice of motion or notice of application against you was filed or where the registrar’s notice was made. You must file your response within 20 days after you received the notice.

What Happens Next?

**REPLY.** Any other party or person named in the list of ongoing proceedings in the notice may choose to serve and file a **Form 2.2E Reply Respecting Potential Vexatious Litigant Order** up to 20 days after you serve your response. If you do not serve and file a response, any other party or person named in the list of ongoing proceedings on the notice may serve and file a reply up to 30 days after the notice was received.

**JUDGE’S INITIAL REVIEW.** After the time to file a response and any replies has elapsed, a judge will conduct an initial review of all submissions. Upon completion of the review, the judge will make an order in **Form 2.2F Order Following Initial Review Under Rule 2.2** regarding whether to schedule a hearing in the matter. The registrar will provide a copy of the order to every party or person who filed a document to participate in the matter.

**HEARING, DECISION AND ORDER.** If a hearing is ordered following the initial review, the hearing will be conducted according to the directions provided. After the hearing, the presiding judge will either make a vexatious litigant order in **Form 2.2G Vexatious Litigant Order** or decline to make a vexatious litigant order. If a vexatious litigant order is made against you, you may be declared a vexatious litigant and be restricted from:

* commencing or continuing any court proceedings in future;
* commencing or continuing any court proceedings in future against particular parties; and/or
* commencing or continuing any court proceedings in future regarding particular subject matter

without leave (permission) of a judge of the Superior Court of Justice. You may also be subject to other terms that the presiding judge determines are just.

If the judge declines to make a vexatious litigant order against you, the judge will make an order reflecting this decision and will provide reasons.

**APPEAL.** A vexatious litigant order may be appealed, as set out in section 140(2.3) of the *Courts of Justice Act*.