

SUPREME COURT OF YUKON

Citation: *Toquero v. Ramirez*, 2017 YKSC 55

Date: 20171012
S.C. No. 10-D4253
Registry: Whitehorse

BETWEEN

BENJAMIN SARMIENTO TOQUERO

PLAINTIFF

AND

EVANGELINE RAMIREZ

DEFENDANT

Before Mr. Justice R.S. Veale

Appearances:

Benjamin Sarmiento Toquero
Evangeline Ramirez

No one appearing
Appearing on her own behalf

REASONS FOR JUDGMENT

INTRODUCTION

[1] Ms. Ramirez brings a without notice application to set aside the Order of

Mr. Justice Gower dated February 11, 2014, that stated:

The Defendant shall not make any applications in this matter and shall not commence proceedings against the Plaintiff in the Supreme Court of Yukon or Small Claims Court of Yukon unless represented by counsel, or with leave of a Judge. If the Defendant receives leave of a Judge, the Judge granting leave shall determine any appropriate security for costs.

BACKGROUND

[2] Ms. Ramirez commenced an action in 2016 against the same parties and their lawyers involved in a family law action tried by Gower J. in *Toquero v. Ramirez*, 2011 YKSC 81 (the “2010 action”).

[3] In my judgment on an application to strike her statement of claim, I did so on several grounds set in *Ramirez v. Mooney*, 2017 YKSC 22 (the “2016 action”). At para. 25 of that judgment, I ruled that the 2016 action was a direct breach of Gower J.’s order of February 11, 2014.

[4] The present application of Ms. Ramirez is to “remove/reverse” Justice Gower’s February 11, 2014 order. In other words, she is attacking the validity of the order that she has breached.

[5] Ms. Ramirez has expanded her previous allegations to include judicial fraud and obstruction of justice by Gower J.

CONCLUSION

[6] I conclude once again that it is Ms. Ramirez who has breached Gower J.’ order and her attack on him is without any foundation or merit.

[7] Her application is a continuation of her 2016 action, which I have ruled to be vexatious under s. 7.1(2) of the *Supreme Court Act*, R.S.Y. 2002, c. 211, as amended by S.Y. 2013, c. 15, s.19.

[8] This court will not permit any further applications of Ms. Ramirez relating to the 2010 or 2016 actions.

VEALE J.