WORKING DRAFT — VERIFY THE CURRENT COURT CAPTION AND COMPLETE BRACKETED ITEMS BEFORE SIGNING OR FILING

2026 Hfx. No. 553352

SUPREME COURT OF NOVA SCOTIA

BETWEEN:
ROBERT COLIN URQUHART
Plaintiff

- and -

Todd Brisbane (Brisbin), Jon Cameron, Alan Warkentin, Christopher Smith (A), Lars Smith (A), Dr. Elise Keough, Denise Currie, Wesley Aubichon (Cameron/Warkentin), Alissa Spinny, Audry St. Denis, John Green, Marcus Wolfe, Rowan Enslow, Zachary Xavier, and Michael McMichaelson
Defendants

NOTICE OF MOTION

Form 23.03 — Motion on notice

To: [identify each Defendant whose filed Defence contains the relevant allegation and who is entitled to notice], at the address for delivery on the court record.

Motion

The Plaintiff, Robert Colin Urquhart, moves under Rules 23.02, 23.03, and 38.08(6) for an order that each identified Defendant provide a further and better statement of that Defendant's Defence, limited to whether the Defence alleges or relies on a material fact that the Plaintiff committed or participated in an offence involving child sexual abuse material (described in the Criminal Code as child pornography), trafficking in persons including trafficking of a child, murder or another homicide offence, or laundering proceeds of crime. If any such allegation is made, the requested particulars are limited to the material facts that could be pleaded: the conduct attributed to the Plaintiff, the approximate date or period, the location, the Plaintiff's alleged role, and the Defence paragraph in which the allegation appears. If no such allegation is made or relied on, the Defendant may state that clearly.

Hearing

Requested: November 12, 2026, at [time stated in the existing Court notice], at Halifax Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia B3J 1S7. The Plaintiff asks the Court to confirm whether this motion may be added to that hearing; otherwise, the time, date, and place must be assigned.

Estimated time

30 minutes or less, subject to the Court's direction.

Rules and evidence

Rules 23.02, 23.03, 23.10–23.11, 38.02, 38.05, 38.08(1)–(6), and 39.02. The Plaintiff relies on the supporting affidavit of Robert Colin Urquhart, to be completed, sworn or affirmed, and filed; the Plaintiff's supporting brief; and the current filed Defence, the Form 38.08 Demand for Particulars, proof of delivery, and the answer or evidence of non-response identified in the affidavit.

Notice to responding parties

A responding party may file an affidavit or brief, attend the hearing, and make submissions. An order may be made even if a responding party does not attend.

Dated at _____, Nova Scotia, on _____, 2026.

_____

Robert Colin Urquhart, Plaintiff acting on his own

Address for delivery and contact: [current contact information designated in the court record]

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Defendants

SUPPORTING AFFIDAVIT

Form 39.08

I, Robert Colin Urquhart, of [municipality], Nova Scotia, [occupation], make oath and say / solemnly affirm:

1. I am the Plaintiff in this action. I have personal knowledge of the facts in this affidavit except where I identify a fact as information and belief and state its source.

2. I make this affidavit in support of my motion for a further and better statement of a Defence in Hfx. No. 553352.

3. The current filed Defence of [full legal name of Defendant] is dated [date] and is attached as Exhibit A. It is the current operative Defence as of [date]. [If more than one Defence is relevant, identify and attach each separately.]

4. At paragraph(s) [number(s)] of Exhibit A, the Defendant states: [quote the exact relevant words, or describe the specific ambiguity without argument]. The Defence does not state [identify only the missing material particulars, if accurate].

5. On [date], I delivered to [full legal name of Defendant] a Form 38.08 Demand for Particulars concerning those paragraph(s). A true copy of the demand is attached as Exhibit B. The demand was delivered by [method] to [address for delivery or counsel]. Proof of delivery is attached as Exhibit C.

6. [Choose and complete only one:] (a) On [date], I received the Defendant's answer, attached as Exhibit D. At item [number], the answer states [quote or accurately summarize]. / (b) As of [date], more than ten days had elapsed after delivery of the demand and I had received no answer. [Attach proof of delivery and confirm that no response has since been received.]

7. The particulars I seek are limited to the material facts the Defendant would plead about any allegation that I committed or participated in the identified offences. I do not seek evidence or a description of evidence through the Demand for Particulars.

8. [State, from personal knowledge, how the unanswered or refused particulars prevent you from understanding the case to meet or preparing your response. Give concrete details. Do not state a belief about a plan, conspiracy, guilt, or future conduct unless you have admissible evidence and identify it.]

Do not swear or affirm this affidavit with any bracketed text, alternative, or unsupported statement remaining. Attach the exhibits and have each marked by the commissioner or other authorized person.

SWORN TO / AFFIRMED before me at _____, Nova Scotia, on _____, 2026.

_____ _____

Signature of authority Signature of witness

Print name: _____ Robert Colin Urquhart

Official capacity: _____

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Defendants

PLAINTIFF'S SUPPORTING BRIEF

Motion for a further and better statement of Defence

Relief requested

1. The Plaintiff seeks a focused order requiring only the Defendant(s) identified in the Notice of Motion to clarify whether their filed Defence alleges or relies on a material fact that the Plaintiff committed or participated in an offence involving child sexual abuse material, trafficking in persons including trafficking of a child, murder or another homicide offence, or laundering proceeds of crime.

2. If an allegation is made, the requested statement is limited to the material facts that belong in a pleading: the conduct attributed to the Plaintiff, the approximate date or period, the location, the Plaintiff's alleged role, and the Defence paragraph. If none is made or relied on, the Defendant may say so. The motion does not ask the Court to decide whether any allegation is true.

Procedural sequence and record

3. Rule 38.08 provides that a party may deliver a demand for a further and better statement of a claim or Defence. The demand may ask only for a statement that could have been included in the original pleading; it must not demand evidence or a description of evidence. The demand is not filed with the Court. A response is due within ten days under Rule 38.09 and becomes part of the pleading; a refusal must give its reason.

4. A motion under Rule 38.08(6) is appropriate only after the Plaintiff has delivered a focused Form 38.08 demand and received an inadequate refusal or no response. The supporting affidavit must attach the operative Defence, the demand, proof of delivery, and the answer or evidence that the ten-day period expired without an answer. Until those steps and exhibits are complete, this packet is a conditional draft and should not be filed.

5. The filed caption, operative Defence, Defendant identity, paragraph references, delivery date, and any answer are not in the materials presently available for this draft. They must be verified against the actual court file and service records. The Plaintiff should direct the demand only to a Defendant whose Defence actually raises the relevant issue.

Governing rules

6. Rule 38.02 requires pleadings to give enough information for the other party to know the case to meet and avoid surprise. Material facts, rather than evidence proving those facts, belong in a pleading. Rule 38.05(c) requires a Defence to specifically plead a material fact or point of law on which the defendant intends to rely at trial where omission would cause surprise or raise an issue not clearly raised by the claim and the Defence.

7. Rule 38.08(1)–(3) permits a demand for particulars within those limits, and Rule 38.08(6) authorizes a judge to order a further or better statement of a claim or Defence. Rule 39.02 requires affidavit evidence to be admissible and requires the source and belief for permitted hearsay. Rule 23.02–23.03 requires a notice of motion and draft order, with supporting affidavit evidence.

Application

8. If the operative Defence contains an ambiguous or incomplete material allegation of the kind described above, the Plaintiff needs to know whether it is actually part of the Defence and, if so, the material facts the Defendant attributes to him. These particulars would define the issues and avoid surprise.

9. The requested relief is narrow. It does not seek a defendant's private litigation strategy, a prediction about future conduct, privileged communications, police or medical records, third-party identifying information, or evidence. It does not allege that the Defendants committed the listed offences or intend to frame the Plaintiff. If the Defence contains no such allegation, a clear statement to that effect resolves the issue.

Order requested

10. The Plaintiff asks for a further and better statement from each responding Defendant within ten days or another time fixed by the Court, limited to the material facts described in the Notice of Motion. Costs are reserved.

Authorities

Nova Scotia Civil Procedure Rules, Rules 23.02–23.03, 23.10–23.11, 38.02, 38.05, 38.08(1)–(6), 38.09, and 39.02.

Dated: _____, 2026. Respectfully submitted, _____ Robert Colin Urquhart

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Defendants

DRAFT PROPOSED ORDER

Form 78.05

Before the Honourable _____, Justice of the Supreme Court of Nova Scotia, in chambers

UPON the motion of the Plaintiff under Rule 38.08(6); AND UPON reviewing the evidence and hearing the parties;

IT IS ORDERED THAT:

1. [Full legal name of Defendant] shall, within ten days after this Order or by [date], file and deliver a further and better statement of that Defendant's Defence, limited to the matters in paragraphs 2 and 3 below.

2. If the Defendant's Defence alleges or relies on a material fact that the Plaintiff committed or participated in an offence involving child sexual abuse material (described in the Criminal Code as child pornography), trafficking in persons including trafficking of a child, murder or another homicide offence, or laundering proceeds of crime, the further statement shall identify each relevant allegation and state the material facts about the conduct attributed to the Plaintiff, the approximate date or period, the location, the Plaintiff's alleged role, and the paragraph of the Defence where the allegation is pleaded.

3. If the Defendant does not allege or rely on any such matter in the Defence, the further statement shall say so. Any later reliance on a new material allegation remains subject to the Rules governing amendment of pleadings.

4. This Order does not require production of evidence, a description of evidence, privileged communications, private litigation strategy, or information about an unrelated investigation. It makes no finding that any offence occurred or that any allegation is true.

5. Costs are reserved.

Issued at Halifax, Nova Scotia, on _____, 2026.

_____

Prothonotary