WORKING DRAFT - FOR REVIEW ONLY - NOT FILED

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

PLAINTIFF'S RESPONDING BRIEF

Motion of Jon Cameron and Alan Warkentin to dismiss for want of jurisdiction

Hearing: November 12, 2026; time as stated in the Court notice; The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia B3J 1S7

Filed by: Robert Colin Urquhart, Plaintiff acting on his own

Relief requested

1. The Plaintiff opposes the motion under Rule 4.07 and asks the Court to refuse the proposed dismissal order. If the Court finds territorial competence under section 4 of the Court Jurisdiction and Proceedings Transfer Act, the Plaintiff also opposes any request to decline jurisdiction under section 12 and asks that the action continue in Nova Scotia.

2. Alternatively, if the Court concludes that the current filed pleading does not include the later Nova Scotia incidents described in the Plaintiff's evidence, the Plaintiff asks the Court to adjourn the motion and set a short timetable for a properly noticed request to amend the pleading, with the jurisdiction issue to be reconsidered on the operative pleading. No proposed amendment is decided by this brief.

Issues and governing law

3. The motion raises two separate questions: whether Nova Scotia has territorial competence over the pleaded claims against each moving defendant, and, only if it does, whether the Court should decline to exercise that competence because another forum is more appropriate.

4. Rule 4.07 permits a defendant to move to dismiss an action for want of jurisdiction. The present record identifies an action commenced by notice of action; Rule 5.16 applies to an application, not this action.

5. Under section 4(e) of the Court Jurisdiction and Proceedings Transfer Act, S.N.S. 2003 (2nd Sess.), c. 2, a Nova Scotia court has territorial competence where there is a real and substantial connection between Nova Scotia and the facts on which the claim against the particular defendant is based. Section 11(g) presumes that connection where the proceeding concerns a tort committed in Nova Scotia. Section 4(d) separately concerns a defendant ordinarily resident in the Province when the proceeding commenced.

6. Territorial competence must be decided before forum non conveniens. Section 12 permits the Court to decline to exercise competence after considering the parties' interests, the ends of justice, and the comparative circumstances. Relevant factors include convenience and expense for parties and witnesses, governing law, parallel proceedings, inconsistent decisions, enforcement, and the fair and efficient working of the Canadian legal system. Club Resorts Ltd. v. Van Breda, 2012 SCC 17, [2012] 1 S.C.R. 572 at paras. 56, 104-111.

The operative pleading must be checked against the present account

7. The Plaintiff understands that the claim was filed on May 6, 2026. The photographed claim pages previously reviewed for this file bear Hfx. No. 553352 and refer to Haro Street in Vancouver and events in September through December 2024. The complete current court file and any amendments must be put before the Court to confirm the operative pleading and the exact parties.

8. That photographed material does not match the Plaintiff's present account that the claims at issue concern distinct conduct in Nova Scotia from April 2025 onward. An affidavit or brief cannot amend a pleading. The Court should decide the motion on the actual operative pleading, not on an assumed version. The Plaintiff asks for directions or an adjournment rather than a final dismissal if a proper amendment application is required.

9. The Plaintiff understands that a British Columbia proceeding concerned events from August through December 2024. If the records confirm that period and the Nova Scotia pleading asserts distinct conduct beginning in April 2025, the stated gap is approximately January through March 2025. The gap alone does not establish jurisdiction or decide whether issues overlap. The Court should compare the parties, pleadings, findings, orders, and remedies in both proceedings before deciding duplication or inconsistent-decision concerns.

10. The alleged event at 26 Meadowbrook Drive on April 17-18, 2024 predates the British Columbia period described by the Plaintiff and also predates April 2025. It is a separate alleged Nova Scotia event. The Plaintiff must confirm whether that incident is pleaded in the current action and whether it was adjudicated elsewhere. It should not be presented as an April 2025 or later event.

Evidence of Nova Scotia connections

11. The Plaintiff reports direct observations of people he identified, or believed he identified, as defendants at or near 26 Meadowbrook Drive. The affidavit describes an April 8 entryway observation, the April 17-18, 2024 event at the residence, a May 8 parking-lot camera view, and a patio-side observation on or about August 26 or 27. The year for April 8, May 8, and August 26/27 remains unconfirmed. Each identity and date must be supported by the Plaintiff's actual recollection, a clear basis for identification, and any available records.

12. If the operative claims against a moving defendant concern a tort committed in Nova Scotia, section 11(g) supports a presumption of a real and substantial connection. The Plaintiff relies on alleged conduct and evidence located in Nova Scotia, not merely on his own residence. The Court should assess each moving defendant and each pleaded claim separately. A defendant's visit to Nova Scotia, without a connection to the pleaded claim, does not by itself decide the issue.

13. The Plaintiff says an officer told him on June 30, 2026 that Jon Cameron and Alan Warkentin had moved to Halifax. The officer's identity, exact words, and basis of knowledge should be supplied. The report does not establish when the move occurred. Because the claim is said to have commenced May 6, 2026, the June 30 information does not, without more, prove that either defendant ordinarily resided in Nova Scotia at commencement under section 4(d).

14. The Plaintiff reports continuing harassment and cyberstalking and lost work or income. The response must identify specific post-April 2025 incidents, dates, locations, defendant attribution, messages or other records, and the resulting loss. Conduct after May 6, 2026 was not in the originating pleading when filed and may require an amendment or other procedural direction.

Nova Scotia is the more appropriate forum for distinct local claims

15. If the Court finds territorial competence, the Plaintiff submits that the local claims should remain here. The alleged events occurred in Halifax; the Plaintiff identifies local witnesses, police or medical records, and camera evidence. The affidavit must name each witness, identify what that witness personally knows, and confirm where the witness can be found. The assertion that all witnesses reside in Nova Scotia should be supported by a specific list.

16. The Plaintiff reports that he is on a fixed income and that travel and lodging in British Columbia would be a substantial hardship. The Court can weigh that evidence with the comparative expense of witnesses and the

location of records. The affidavit should state actual income or relevant hardship facts and attach reasonable travel estimates if available.

17. The existing British Columbia proceeding must be considered, but the available account does not establish that it decided later, distinct Nova Scotia conduct. The full BC pleadings, judgment, and any order or appeal record should be produced before the Court decides multiplicity, issue overlap, or inconsistent decisions.

18. The Plaintiff reports past threats to take him to British Columbia and have him involuntarily committed. Those allegations are not relied on here unless the Plaintiff can state who made each threat, when and where it was made, the words used, and what record or witness supports it. The Plaintiff does not ask the Court to infer that police, medical staff, or any other public officials are compromised without admissible evidence.

Conclusion

19. The Plaintiff asks the Court to dismiss the want-of-jurisdiction motion if the admissible evidence and operative pleading establish a real and substantial connection with Nova Scotia. Any section 12 forum non conveniens request must be decided separately. If the pleading does not yet contain the distinct local claims, the Plaintiff asks for directions and an opportunity to seek amendment before the action is finally dismissed.

20. The Plaintiff reserves the right to seek amendment under Rule 83 if the current pleading does not identify distinct Nova Scotia claims. This brief does not itself add claims or amend the operative pleading.

Authorities

Court Jurisdiction and Proceedings Transfer Act, S.N.S. 2003 (2nd Sess.), c. 2, ss. 4(d)-(e), 7, 11(g), and 12.

Nova Scotia Civil Procedure Rules (official consolidation June 19, 2026), Rules 4.07, 23.10-23.12, 39.02, 39.04, 39.08, 40.02, and 83.

Club Resorts Ltd. v. Van Breda, 2012 SCC 17, [2012] 1 S.C.R. 572.

Dated at Halifax, Nova Scotia, this ____ day of _____, 2026.

_____

Robert Colin Urquhart, Plaintiff acting on his own

Address for delivery: [confirm current address]

Email: [confirm current email] Telephone: [insert if used]