

Federal Court



Cour fédérale

Date: 20260409

Docket: T-451-25

Citation: 2026 FC 464

Ottawa, Ontario, April 9, 2026

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

LLOYD'S REGISTER CANADA LTD.

Applicant

and

MUNCHANG CHOI

Respondent

ORDER AND REASONS

[1] This is an application to declare Mr. Choi, the respondent, a vexatious litigant, pursuant to section 40 of the *Federal Courts Act*, RSC 1985, c F-7 [the Act], and to prohibit him from bringing new proceedings or continuing existing proceedings in this Court. For the reasons that follow, I am granting the application.

I. Background

[2] The applicant, Lloyd's Register Canada Ltd. [Lloyd's Register], provides various services to the marine and offshore industries. From 2006, the respondent, Mr. Choi, was employed by entities related to the applicant, Lloyd's Register Canada Ltd. [Lloyd's Register], in South Korea and the United Kingdom. From 2021 to 2023, he was employed by Lloyd's Register in Vancouver, British Columbia, as a senior marine surveyor.

[3] In April 2022, Mr. Choi had unsatisfactory interactions with employees of a third party in the port of Vancouver. He recorded those interactions and complained directly with the third party. When his manager learned of this, he warned Mr. Choi that his actions breached the company's policies.

[4] In January 2023, Mr. Choi allegedly advised a client of Lloyd's Register to cease doing business with a different third party. This was reported to his manager, who confronted him. He then made a complaint against his supervisor for bullying and harassment. A few days later, on his doctor's advice, he took medical leave. In March 2023, Lloyd's Register terminated his employment.

[5] The following description of the proceedings Mr. Choi instituted in various courts and quasi-judicial bodies is not meant to be exhaustive. Rather, the aim is to provide the general context for assessing the present application.

[6] Before his termination in March 2023, Mr. Choi made a prohibited action complaint with British Columbia's Worker Compensation Board, also known as WorkSafeBC. In May 2023, he initiated a civil claim against Lloyd's Register and a number of individuals in the Supreme Court of British Columbia. Later in 2023, he made additional complaints with WorkSafeBC.

[7] WorkSafeBC dismissed Mr. Choi's complaints on their merits through decisions issued on September 19, 2024 and January 2, 2025. By a decision made on August 4, 2023, WorkSafe BC also dismissed Mr. Choi's application for compensation for mental disorder due to workplace bullying and harassment. British Columbia's Worker's Compensation Appeal Tribunal dismissed Mr. Choi's appeal from the latter decision on January 25, 2024, and his request for reconsideration of the latter decision on August 13, 2025.

[8] Mr. Choi also made complaints to various other bodies regarding several aspects of his discipline and termination, including British Columbia's Director of Employment Standards, the Canadian Industrial Relations Board [CIRB], Employment and Skills Development Canada [ESDC], the Canadian Human Rights Commission and British Columbia's Human Rights Tribunal. His complaint to the CIRB was dismissed for being late: *Choi v Lloyd's Register Canada Ltd*, 2024 CIRB 1146. ESDC found that Lloyd's Register had to pay \$6,838 to Mr. Choi in vacation pay, but rejected his complaints related to medical leave. As far as we know, the human rights complaints are still pending. His employment standards appeal was dismissed for being out of time: *Munchang Choi (Re)*, 2024 BCEST 107. His request for a reconsideration of the latter decision was also dismissed (*Munchang Choi*, 2025 BCEST 9) and he is now seeking judicial review of the reconsideration decision in the Supreme Court of British Columbia.

[9] Mr. Choi brought several proceedings in this Court. He initiated an application for judicial review of the CIRB's decision. This application was transferred to the Federal Court of Appeal and put in abeyance pending my decision in the present matter. He also brought three applications for judicial review of decisions made by ESDC. One of these applications was discontinued, another one was put in abeyance pending my decision in the present matter, and the last one is still being processed. One of these applications required an extension of time, which was granted by the Chief Justice on August 30, 2024.

[10] Mr. Choi also brought applications for judicial review in this Court that are not directly related to his employment with Lloyd's Register. Two applications relate to a hiring process by the Department of Fisheries and Oceans. They were recently dismissed by my colleague Justice Christine M. Pallotta: *Choi v Canada (Attorney General)*, 2026 FC 451. Another application pertains to a complaint Mr. Choi made against the RCMP. By an order issued concurrently with the present judgment, I am striking this application: *Choi v Canada (Attorney General)*, 2026 FC 465. The last two applications pertain to the Canadian Judicial Council's refusal to consider Mr. Choi's complaint against a judge of the British Columbia Supreme Court and to the Social Security Tribunal's dismissal of Mr. Choi's appeal regarding a disability pension. They are still being processed.

[11] In a standalone application, Lloyd's Register is now asking the Court to declare that Mr. Choi is a vexatious litigant, pursuant to section 40 of the Act. Lloyds's Register obtained the consent of the Attorney General for this purpose.

II. Analysis

A. *General Principles*

[12] Subsection 40(1) of the Act reads as follows:

<p>40 (1) If the Federal Court of Appeal or the Federal Court is satisfied, on application, that a person has persistently instituted vexatious proceedings or has conducted a proceeding in a vexatious manner, it may order that no further proceedings be instituted by the person in that court or that a proceeding previously instituted by the person in that court not be continued, except by leave of that court.</p>	<p>40 (1) La Cour d'appel fédérale ou la Cour fédérale, selon le cas, peut, si elle est convaincue par suite d'une requête qu'une personne a de façon persistante introduit des instances vexatoires devant elle ou y a agi de façon vexatoire au cours d'une instance, lui interdire d'engager d'autres instances devant elle ou de continuer devant elle une instance déjà engagée, sauf avec son autorisation.</p>
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[13] Section 40 does not foreclose access to justice. Rather, it makes this access conditional upon obtaining leave of the Court, which then plays a gatekeeping role. This additional layer of regulation is warranted when a litigant's use of the justice system has resulted in a squandering of judicial resources and the infliction of unwarranted consequences on other litigants and is likely to continue if left unchecked. The Federal Court of Appeal described the purposes of section 40 as follows in *Canada v Olumide*, 2017 FCA 42, [2018] 2 FCR 328 [*Olumide*]:

[19] The Federal Courts have finite resources that cannot be squandered. Every moment devoted to a vexatious litigant is a moment unavailable to a deserving litigant. The unrestricted access to courts by those whose access should be restricted affects the access of others who need and deserve it. Inaction on the former damages the latter.

[...]

[22] Section 40 is aimed at litigants who bring one or more proceedings that, whether intended or not, further improper purposes, such as inflicting damage or wreaking retribution upon the parties or the Court. Section 40 is also aimed at ungovernable litigants: those who flout procedural rules, ignore orders and directions of the Court, and relitigate previously-decided proceedings and motions.

[14] There is no fixed set of criteria to define vexatiousness. The concept must be understood mainly by referring to the purposes of section 40: *Olumide*, at paragraphs 31–32. Nevertheless, courts have identified several “hallmarks” of vexatiousness. The Federal Court of Appeal enumerated the most common hallmarks in *Feeney v Canada*, 2022 FCA 190 at paragraph 20:

- a) being admonished by various courts for engaging in vexatious and abusive behaviour;
- b) instituting frivolous proceedings (including motions, applications, actions, and appeals);
- c) making scandalous and unsupported allegations against opposing parties or the Court;
- d) re-litigating issues which have been already been decided against the vexatious litigant;
- e) bringing unsuccessful appeals of interlocutory and final decisions as a matter of course;
- f) ignoring court orders and court rules; and
- g) refusing to pay outstanding costs awards against the vexatious litigant.

[15] Malicious intent is not a precondition to an order pursuant to section 40 of the Act. A vexatious litigant may not always realize that their behaviour is harmful or excessive: *Olumide* at paragraph 22; Yves-Marie Morissette, “Abus de droit, quérulence et parties non représentées” (2003) 49 McGill LJ 23 at 26 [Morissette, “Abus de droit”]. For the same reasons, a litigant’s

perception of the validity of their claims is not a relevant factor in assessing whether an order pursuant to section 40 should be made.

B. *Application*

[16] Mr. Choi must be declared a vexatious litigant, as his behaviour exhibits some of the indicia of vexatious behaviour and calls into play the purposes of section 40 of the Act.

[17] While Lloyd's Register made a wide range of submissions, there is no need to address all of them. What follows is sufficient to justify an order pursuant to section 40. In particular, there is no need to make a finding regarding Mr. Choi's intention.

(1) Re-litigation of the Same Issue

[18] The vast majority of the proceedings described above stem from Mr. Choi's discipline and termination by Lloyd's Register. While each case is based on a specific legal regime and its factual focus may be slightly different, they seek fundamentally the same thing: redress for what Mr. Choi considers his unlawful discipline and termination. This includes his civil lawsuit, his complaints before WorkSafeBC, the Director of Employment Standards, ESDC and the CIRB, as well as his human rights complaints.

[19] Mr. Choi even brought complaints before the United States Equal Employment Opportunity Commission and the United Kingdom's Employment Tribunal dealing with the same issues. The former dismissed the complaint as being out of time and the latter declined to

hear the case after a lengthy discussion of its extraterritorial jurisdiction: *Choi v Lloyd's Register Group Services Ltd*, [2024] UKET 6002646/2024.

[20] It appears that Mr. Choi proceeded in multiple waves of complaints. As a result, several of the most recent complaints were out of time. Mr. Choi was aware of this and repeatedly sought extensions of time based on his mental health condition and the need to care for his son with complex needs. This has become another issue that Mr. Choi is constantly relitigating. Two of his applications in this Court and in the Federal Court of Appeal involving Lloyd's Register pertain to this issue only.

[21] Mr. Choi's conduct brings into play one of the purposes of section 40 of the Act, namely, preventing the dilapidation of scarce judicial resources by the repetitive initiation of legal proceedings involving substantially the same issue. Mr. Choi has brought a seemingly endless string of complaints and lawsuits, in this Court and other forums, challenging his discipline and termination. Irrespective of their lack of merit, the way in which Mr. Choi pursued these claims runs against two fundamental principles of civil procedure, finality and proportionality. This justifies imposing on Mr. Choi the additional layer of regulation provided by section 40.

(2) Proceedings Lacking any Merit

[22] For various reasons, a judge hearing an application to declare a litigant vexatious may not always be able to assess the merits of the various proceedings initiated by the litigant. Yet, when they have already been dismissed or when their lack of merit is apparent on their face, this may contribute to a finding that the litigant is vexatious.

[23] In Mr. Choi's case, the proceedings that were decided on the merits were all dismissed. This includes Mr. Choi's complaints to WorkSafeBC and the applications for judicial review in this Court regarding his complaint against the RCMP and the hiring process at the Department of Fisheries and Oceans. In addition, with one exception, Mr. Choi's requests for extensions of time based on his mental health condition were all dismissed.

[24] Moreover, decisions rendered on the merits may reveal a litigant's tendency to burden the courts with frivolous claims, to escalate insignificant issues into a lawsuit or to try to use the courts to have the last word. In this regard, two decisions involving Mr. Choi are telling.

[25] In *Choi v Slopinski*, 2025 BCSC 2226, Mr. Choi was suing University Canada West, where he is now studying, and some of its staff members. The basis of his action is the university's alleged mishandling of his complaint to the effect that certain instructors had engaged in plagiarism of other persons' work (not Mr. Choi's). Mr. Choi's statement of claim was struck as showing no reasonable cause of action. That judicial resources had to be devoted to such a trifling matter is disconcerting.

[26] Similarly, Mr. Choi's application for judicial review related to his attendance at an RCMP detachment was clearly not a proper use of judicial resources. Once again, it appears that Mr. Choi seeks the courts' intervention as soon as he is unable to resolve disagreements of everyday life.

[27] That Mr. Choi institutes proceedings that are systematically dismissed gives rise to the presumption that, unless regulated, he will continue bringing lawsuits that will result in a waste of the Court's resources. This justifies the further regulation of his access to justice and the imposition of the gatekeeping process provided by section 40 of the Act.

[28] Mr. Choi points to certain decisions that were favourable to him, in particular his insurer's decision to grant him long-term disability benefits and the extension of time granted by this Court's Chief Justice. In my view, these decisions say very little as to the merits of the numerous claims he has brought. Moreover, the record contains little information regarding the process followed by the insurer or the basis for the decision concerning disability benefits. It remains that the proceedings Mr. Choi initiated were all dismissed when they were decided on the merits by a court or an administrative tribunal.

(3) Making Complaints About Lawyers and Judges

[29] In addition, Mr. Choi has made unfounded complaints against Lloyd's Register's in-house counsel and external lawyers. Information about those complaints is found in the affidavit supporting Lloyd's Register's application to declare Mr. Choi a vexatious litigant. While supporting documents were not provided, Mr. Choi did not deny that he made such complaints and that they were all dismissed. Making unfounded disciplinary complaints against justice system professionals is another hallmark of vexatious conduct: Morissette, "Abus de droit" at 30–31; *Fiederer v Giroux*, 2024 FC 156 at paragraph 24 [*Fiederer*].

(4) Lack of Compliance with Court Rules and Orders

[30] Lastly, Mr. Choi has little regard for the Court's rules. His proceedings have required intensive case management. He repeatedly filed pleadings and documents that did not comply with the *Federal Courts Rules*. Again, this is an indicium of vexatiousness.

[31] I do not wish to engage in a detailed review of Mr. Choi's interactions with the Court. One incident, however, deserves mention. In the present proceeding, Mr. Choi filed a motion record that appeared to contain hallucinated case law citations generated by artificial intelligence. When asked to explain this, Mr. Choi asserted that he simply made a mistake when copying the citation to one case. My colleague Justice Simon Fothergill did not accept this explanation, directed that the motion record be removed from the Court record and condemned Mr. Choi to pay costs in the amount of \$500: *Lloyd's Register Canada Ltd v Choi*, 2025 FC 1233. Moreover, he noted that the CIRB, in the decision cited above, had already admonished Mr. Choi for his inclusion of hallucinated citations in his written submissions.

[32] While artificial intelligence may enhance access to justice when used properly, it also has the potential to magnify vexatious behaviour. We know that Mr. Choi has twice relied on artificial intelligence to craft improper submissions. We do not know to what extent he has used it to generate the pleadings and other documents he filed or attempted to file in the numerous proceedings he has initiated. What is certain, however, is that Mr. Choi has not ensured that the documents he submits comply with the *Federal Courts Rules*.

(5) Summary

[33] To summarize, Mr. Choi's conduct exhibits several hallmarks of vexatiousness. He repeatedly initiates proceedings that have no merit. Many of these proceedings are attempts to relitigate issues related to his discipline and termination. He systematically asks for reconsideration of unfavourable decisions or appeals them. He is ungovernable and does not comply with court rules.

[34] Whatever his intentions may be, significant resources will be squandered unless he is declared a vexatious litigant and required to obtain leave before commencing further proceedings or continuing existing ones. This is clearly not a situation that can be addressed by more intensive case management. Case management cannot prevent a litigant from initiating multiple unfounded proceedings or relitigating issues. Clearly, the purposes of section 40 will not be achieved by less restrictive measures.

C. *Remedy*

[35] Lloyd's Register's notice of application states that it is seeking an order declaring Mr. Choi a vexatious litigant and requiring him "to seek leave to institute, or continue any proceedings in the Federal Court, or Federal Court of Appeal." This is the usual remedy contemplated by section 40.

[36] Hence, my order will prohibit Mr. Choi from initiating new proceedings or continuing existing proceedings in this Court without leave of the Court. With respect to existing

proceedings, this will include files T-2532-24 and T-2304-25, in which Lloyd's Register is a Respondent or interested party. This will also include Mr. Choi's application for judicial review of a decision of the Canadian Judicial Council in file T-2303-25 as well as his application for judicial review of a decision of the Social Security Tribunal in file T-4949-25.

[37] However, my order will not extend to Mr. Choi's application for judicial review of the decision of the CIRB in file A-234-25. This file was transferred to the Federal Court of Appeal, and section 40 does not empower this Court to regulate the conduct of litigants in the Federal Court of Appeal: *Turmel v Canada*, 2023 FCA 140 at paragraph 12.

III. Disposition and Costs

[38] For the foregoing reasons, I will issue an order prohibiting Mr. Choi from commencing or continuing proceedings in this Court except with leave of the Court.

[39] Lloyd's Register is seeking costs on a solicitor-client basis, arguing that Mr. Choi's conduct has been "reprehensible, scandalous or outrageous," which is the test laid out by the Supreme Court of Canada in *Young v Young*, [1993] 4 SCR 3 at 134. Solicitor-client costs amount to a full indemnity for a party's lawyers' fees and other expenses. In most cases, their amount is substantially higher than costs assessed according to the tariff found in the *Federal Courts Rules*.

[40] I decline to award costs on a solicitor-client basis. Such costs are "very rarely granted": *Quebec (Attorney General) v Lacombe*, 2010 SCC 38 at paragraph 67, [2010] 2 SCR 453. The

mere fact that a litigant was declared vexatious is insufficient to warrant solicitor-client costs. In most cases, a vexatious litigant is condemned to pay costs assessed according to the tariff or in an amount ranging from \$500 to \$5,000: *Stukanov v Canada (Attorney General)*, 2022 FC 1421; *Kibalian v Canada*, 2024 FC 141; *Fiederer; College of Immigration and Citizenship Consultants v Sandhu*, 2025 FC 504; *Canada (Attorney General) v Kostic*, 2025 FC 621. In *Hutton v Sayat*, 2024 FC 784, solicitor-client costs were awarded to an individual defendant who had to endure the harassment of the vexatious litigant for several years. Her situation cannot be compared to that of Lloyd's Register.

[41] In the present case, it is unclear that such an award would further the purposes usually associated with costs awards, namely, compensation, behaviour modification and access to justice: *British Columbia (Minister of Forests) v Okanagan Indian Band*, 2003 SCC 71 at paragraphs 19–30, [2003] 3 SCR 371. As I mentioned earlier, proof of malicious intent is not required for a litigant to be declared vexatious. Moreover, vexatiousness has often been studied through a psychiatric lens, as vexatious litigants are frequently found to exhibit patterns that may be associated with underlying psychological or behavioral conditions: Sylvette Guillemard and Benjamin Lévy, *La quérulence: quand le droit et la psychiatrie se rencontrent*, Quebec City, Presses de l'Université Laval, 2023 at 42–52; Morissette, “Abus de droit”. In this regard, Mr. Choi has disclosed, in many proceedings including this one, that he has been diagnosed with “major depressive disorder, recurrent, moderate to severe, with mood-incongruent psychotic features and anxious distress.” If Mr. Choi's vexatiousness is linked to a mental health condition, it is unlikely that a substantial monetary award against him will change his behaviour. Restrictions pursuant to section 40 of the Act are much more likely to be effective.

[42] In my view, a costs award in the amount of \$3,000, which approximates what the tariff would yield, is just and appropriate in the circumstances.

ORDER in file T-451-25**THIS COURT ORDERS that:**

1. Mr. Munchnag Choi shall not commence any new proceedings in this Court, whether acting for himself or through a representative, unless he obtains leave under subsection 40(3) of the *Federal Courts Act*.
2. Mr. Choi shall not continue existing proceedings, including the applications in files T-2532-24, T-2303-25, T-2304-25 and T-4949-25, unless he obtains leave under subsection 40(3) of the *Federal Courts Act*.
3. Unless he obtains this Court's leave to start or to continue a specific proceeding, the only material Mr. Choi may file in connection with any new or existing Court file is an application for leave under subsection 40(3) of the *Federal Courts Act*. Any application for leave under subsection 40(3) of the *Federal Courts Act* shall be made in writing and include a copy of this order. The registry may reject an application for leave that does not comply with the *Federal Courts Rules*.
4. Subject to paragraph 3,
 - a) the Registry shall reject documents of any sort, including originating documents, pleadings, notices, notices of motion, letters, faxes and fax cover sheets, emails, and other similar documents presented to it by Mr. Choi, from him, on his behalf or on his direction; the Registry shall maintain a record of rejected documents, the date of rejection and a brief description of the written document;
 - b) the Registry may destroy any rejected documents;
 - c) the Registry need not notify Mr. Choi or acknowledge that a document has been rejected; Mr. Choi shall assume that any document presented to the Registry

which the Registry has not acknowledged as being successfully filed has been rejected under this paragraph; and

- d) Mr. Choi or anyone on his behalf shall not communicate in any way with the Registry and the Court.
5. A copy of this judgment shall be placed in files T-2532-24, T-2303-25, T-2304-25 and T-4949-25.
 6. A copy of this judgment shall be delivered to the Attorney General of Canada.
 7. Mr. Choi is condemned to pay costs in the amount of \$3,000 to the applicant.

"Sébastien Grammond"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-451-25

STYLE OF CAUSE: LLOYD'S REGISTER CANADA LTD. v MUNCHANG
CHOI

**APPLICATION CONSIDERED IN WRITING AT OTTAWA, ONTARIO, ON
CONSENT BY PARTIES AND PURSUANT TO THE DIRECTION DATED
OCTOBER 3, 2025**

ORDER AND REASONS: GRAMMOND J.

DATED: APRIL 9, 2026

WRITTEN SUBMISSIONS BY:

Michelle Lahey
Michael Conway

FOR THE APPLICANT

Munchang Choi (self-represented)

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Cox and Palmer
Barristers and Solicitors
Halifax, Nova Scotia

FOR THE APPLICANT