

Docket: 2012-4740(IT)G

BETWEEN:

GIOVANNI (JOHN) DI MAURO,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

ORDER

Upon consideration of a written motion made by counsel for the Appellant seeking leave to file a New Amended Notice of Appeal to replace his Amended Notice of Appeal, this Court orders that the Appellant's motion is dismissed, with costs, in accordance with the attached reasons for order.

Signed at Ottawa, Canada, this 12th day of April 2016.

“Patrick Boyle”

Boyle J.

BETWEEN:

DEBORA DO COUTO,

Appellant,

and

HER MAJESTY THE QUEEN,

Respondent.

ORDER

Upon consideration of a written motion made by counsel for the Appellant seeking leave to file a New Amended Notice of Appeal to replace her Amended Notice of Appeal, this Court orders that the Appellant's motion is dismissed, with costs, in accordance with the attached reasons for order

Signed at Ottawa, Canada, this 12th day of April 2016.

“Patrick Boyle”

Boyle J.

Citation: 2016 TCC 87
Date: 20160412
Dockets: 2012-4740(IT)G
2012-4742(IT)G

BETWEEN:

GIOVANNI (JOHN) DI MAURO,
DEBORA DO COUTO,

Appellants,

and

HER MAJESTY THE QUEEN,

Respondent.

REASONS FOR ORDER

Boyle J.

[1] The Appellants, Giovanni (John) Di Mauro and Debora Do Couto, are represented by the same counsel with respect to what they describe as their Fiscal Arbitrators fictional principal/agent generated losses. They have each filed motions to file New Amended Notices of Appeal to replace their Amended Notices of Appeal. They have asked that the motions be decided based upon their motion material without an appearance. I have reviewed and considered both parties' materials for these motions.

[2] Each of the Appellants previously sought to file Fresh Amended Notices of Appeal to replace their Amended Notices of Appeal. This Court did not allow it. Their appeals to the Federal Court of Appeal were unsuccessful in those regards.

[3] To the extent the proposed New Amended Notices of Appeal seek to add facts, matters, issues or reasons sought to be added in their previous Fresh Amended Notice of Appeal, this motion is highly improper and inappropriate.

[4] To the extent the proposed New Amended Notices of Appeal seek to add a deprivation of property rights without due process *Bill of Rights* issue, and/or to add an arbitrary deprivation of property United Nations *Universal Declaration of*

Human Rights issue, they would not disclose a reasonable cause of action nor have any prospect of success. These arguments have been made unsuccessfully in Fiscal Arbitrators cases already: see Oberkirsch and Dupuis (2016 TCC 84). Such new amendments will not be allowed.

[5] To the extent the proposed New Amended Notices of Appeal seek to add a cruel and unusual punishment *Charter* argument, counsel has not provided the Court with any support or authority to allow it to conclude that this is a reasonable cause of action and would have a reasonable prospect of success. It is not the motions judge's job to do counsel's work. I am not satisfied that this would disclose a reasonable ground for appeal.

[6] The Appellants' motions are dismissed, with costs. The appeals are to proceed based on the Amended Notices of Appeal as specified in the Reasons for Judgment of the Federal Court of Appeal.

Signed at Ottawa, Canada, this 12th day of April 2016.

“Patrick Boyle”

Boyle J.

CITATION: 2016 TCC 87

COURT FILE NOS.: 2012-4740(IT)G
2012-4742(IT)G

STYLE OF CAUSE: GIOVANNI (JOHN) DI MAURO,
DEBORA DO COUTO, v. THE QUEEN

REASONS FOR ORDER BY: The Honourable Justice Patrick Boyle

DATE OF ORDER: April 12, 2016

REPRESENTATIVES:

Counsel for the Appellants: Joel Allan Sumner
Counsel for the Respondent: H. Annette Evans

COUNSEL OF RECORD:

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