

CANADA / JUDGMENT

Choi v. Slopinski

2025 BCCA 474

COURT

British Columbia Court of Appeal

DECIDED

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2025 BCCA 474 Choi v. Slopinski COURT OF APPEAL FOR BRITISH COLUMBIA Citation: Choi v. Slopinski, 2025 BCCA 474 Date: 20250925 Docket: CA50876 Between: Munchang Choi Appellant (Plaintiff) And Sandra Slopinski, Michele Vincenti, Mazi Shirvani, Stephanie Chu, Amirali Nourbakhsh, Sandra Song and University Canada West (UCW) Respondents (Defendants) Corrected Judgment: The text of the judgment was corrected at paras. 1, 2, 7, 8 and 11 on February 6, 2026. Before: The Honourable Mr. Justice Groberman (In Chambers) On appeal from: An order of the Supreme Court of British Columbia, dated April 3, 2025 (Choi v. Slopinski, Vancouver Docket S250289). Oral Reasons for Judgment No one appearing on behalf of the Appellant. Counsel for the Respondents: L. Tsang K.M. Samson Place and Date of Hearing: Vancouver, British Columbia September 25, 2025 Place and Date of Judgment: Vancouver, British Columbia September 25, 2025 Summary: The applicant wishes to appeal an order in the court below directing that a motion to strike his claim be heard before other applications and staying the proceedings pending the hearing of the motion to strike. He applies for no fee status, an extension of time to apply for leave and for leave to appeal. He also applies to stay the order below pending appeal. Held: all four applications dismissed. The order that the application to strike the claim be heard first was a case management order that was manifestly within the discretion of the chambers judge. There is no possibility it would be interfered with on appeal. As the proposed appeal is without merit, all four applications fail.

- [1] GROBERMAN J.A.: There are, before me, four applications by Mr. Choi: 1) an application for extension of time to seek leave to appeal; 2) a no fee application; 3) an application for leave to appeal; and 4) a stay application.
- [2] In my view, the proposed appeal stands no chance of success. In the result, I would dismiss the no fee application because it is, to my mind, in respect of a frivolous application. The extension application will be dismissed on the same basis and leave to appeal on the same basis.
- [3] The stay application is an application that I do not even, frankly, understand. The order made in the court below is a sequencing order that is within the jurisdiction of the Supreme Court. This Court will not interfere with the discretion of the Supreme Court to sequence applications in front of it.

- [4] To briefly set out my understanding of the situation, Mr. Choi brought an action against the respondents for, among other things, "plagiarism". It does not, on the face of it, appear to disclose a cause of action, but that question is a matter for the Supreme Court to address. An application to strike was brought before the Supreme Court and, concurrently, Mr. Choi had an application to cross-examine the opposite parties.
- [5] These came before the chambers judge who decided she would hear both applications on the same day. Mr. Choi was not satisfied with that arrangement and stated he was not prepared to argue the application to strike his claim. Not surprisingly, the judge considered that the strike application should be among the first things to be heard. She adjourned it. She stayed the existing action pending the results of the strike application, and also ordered that the cross-examination application be heard at the same time as the strike application.
- [6] All of those sequencing orders are within the jurisdiction of the Supreme Court to manage its own case load. They are essentially case management functions and this Court is very unlikely to interfere with them.
- [7] Mr. Choi, in his materials, is primarily concerned with the question of whether the matters should have been decided by written application, given his disabilities and circumstances. That issue was not, however, raised before the chambers judge. It was raised in a requisition filed before the proceeding. The requisition was dismissed by an associate judge and no appeal was taken from the dismissal. In my view, the matter is not properly before this Court.
- [8] To the extent that Mr. Choi wishes to argue that he was not accorded procedural fairness before the chambers judge, that would, of course, be an issue that could be raised before this Court. But it could only be raised in opposition to the orders that were granted if it arguably affected them.
- [9] As I have said, there is simply no way that this Court is going to interfere with those orders. So this is a frivolous appeal.
- [10] I would observe that Mr. Choi requested that today's hearing be a hearing in writing only. I rejected that because, frankly, his own materials were confusing and prolix and I felt that I needed to clarify the background of the case. The respondents' materials have assisted greatly. Today, I have simply asked the respondents whether my understanding of the matter is correct and been assured that it is.
- [11] I have proceeded without hearing oral argument from the respondents and I am relying solely on what was in writing. In essence, Mr. Choi has obtained what he wished, which is that this matter be dealt with on the basis of written submissions. His written materials have not convinced me that the requests he has made have any merit.

[12] With respect to costs, no special order as to costs has been sought. The Court of Appeal Rules, B.C. Reg. 120/2022, provide that a successful party is, unless otherwise ordered, entitled to costs. That will apply here. The result is that all costs of the appeal will be payable on the ordinary scale from Mr. Choi to the respondents. "The Honourable Mr. Justice Groberman"

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