

CANADA / JUDGMENT

Masjoody v. Pahlavi

2025 BCSC 2469

COURT

Supreme Court of British Columbia

DECIDED

3 December 2025

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2025 BCSC 2469 Masjoody v. Pahlavi IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Masjoody v. Pahlavi, 2025 BCSC 2469 Date: 20251203 Docket: S246401 Registry: Vancouver Between: Masood Masjoody Plaintiff And Reza Pahlavi, Mehdi Ahmadzadeh, Sedigheh Minachi, Azar Khorramshahi, Mehdi Hajati, Avidah Motmaen-Far, X Corp., John Doe #1, John Doe #2, John Doe #3, John Doe #4, John Doe #5, John Doe #6, John Doe #7, John Doe #8, Arezou Soltani, and Canadian Iranian Wakuppers Foundation Defendants Before: Associate Judge Robertson Oral Reasons for Judgment In Chambers The Plaintiff, appearing in person: M. Masjoody Counsel for the Defendant Mehdi Ahmadzadeh: N. Faust-Robinson, A/S No other appearances Place and Date of /Hearing: Vancouver, B.C. December 3, 2025 Place and Date of Judgment: Vancouver, B.C. December 3, 2025

- [1] THE COURT: Having heard Dr. Masjoody's submissions, it is clear the purpose for the disclosure being sought through this application is to seek to impeach the credibility of the defendants in term of their assertions or denials as to their involvement with the Canadian Iranian Wakuppers Foundation (the "Foundation"), a co-defendant. When questioned, Dr. Masjoody did not put forward any other issue that the disclosure sought would address.
- [2] The starting point of any application for production of records under R. 7-1 is that the documents must be relevant.
- [3] It has been stated in various cases that credibility or the impeachment of credibility is not a basis for relevance as credibility is a collateral issue. This was described in Roberts v. Singh, 2006 BCSC 906 where the court noted:
- [11] The first question before me deals with whether or not these records, as sought by the defendants, are relevant and thereby produceable when they deal only with the issue of credibility. This issue was addressed by Master Horn in the case of Sandhu (Guardian ad litem of) v. Philipow, [1996] B.C.J. No. 1113. In that case Master Horn was dealing with a request that the Superintendent of Motor Vehicles be compelled to furnish the plaintiffs with an abstract of the driving records of the defendants in the action. Master Horn, at para. 8 of his decision says as follows: The issue whether a witness has been convicted or not is a collateral issue which goes to credibility only (see Clarke v. Holdsworth (1967) 1967 CanLII 852 (BC SC), 62 W.W.R. 1 (S.C.)). It is well established that the credibility of a party or of a

witness is not a matter in issue in an action. The credibility of a party is not a matter which is examinable on discovery (see *M.(A.) v. Ryan* (1994) 1994 CanLII 6417 (BC CA), 98 B.C.L.R. (2d) 1 (B.C.C.A.); *Union Bus Sales v. Dueck on Broadway Ltd.* (1958) 1958 CanLII 256 (BC SC), 24 W.W.R. 644 (B.C.C.A.). The document which plaintiff's counsel seeks from the Superintendent is not relevant if it relates to credibility only. .

- [13] Credibility is a collateral issue. In this regard the defendants already have the evidence of the plaintiff given at his examination for discovery. The file material sought by the defendants in their Notice of Motion is in my respectful view irrelevant and accordingly I decline to order its production.
- [4] In *Ellis v. Ellis*, 2018 BCSC 510 at para. 33 the court confirmed that testing of credibility is not a proper basis for a document disclosure order.
- [5] I dismiss the application on the basis that the records of the TD Bank with respect to the Foundation are not relevant, and are being sought for the purposes of, as Dr. Masjoody has argued, impeaching credibility, which is not a proper basis for such an order.
- [6] Even if I were wrong in that analysis, I note that there are a number of moving parts with respect to this action, including, this being one of four applications that have been filed to be heard in the next two-week period, and one of 18 applications filed by the Dr. Masjoody since the action was commenced in the fall of 2024. There are, I am advised by counsel for the defendants, applications that appear to be pending or contemplated which may go to whether Dr. Masjoody should be declared a vexatious litigant, including a determination in that respect, I believe made by the Court of Appeal for the purposes of that court.
- [7] As such, if I were not dismissing the application I would be adjourning it to enable such applications to be brought and determined, albeit with an outside date for that to be done, or perhaps some other case management orders to be put in place.
- [8] I will say this to Dr. Masjoody as an explanation: court resources are a precious commodity. You can see from the court list for today that not everyone is going to be heard. There are important matters that the court will not have enough time to hear. The court must use its time judicially, and in the way that the interests of justice are served for all litigants. If one matter is taking an inordinate amount of court resources, particularly with serial applications, that runs counter to an overall efficient use of the court time and the interests of justice. As such, if I were not dismissing the application outright, I would adjourn or hold the application to enable case management orders to be made to address the inefficient way in which this action has been proceeding.
- [9] The application is dismissed. Thank you. "Associate Judge Robertson"

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Prepared on 26 October 2026 · Esheria