



# Aspiring doctor and her dad rebuked for suing over med school denial

Lawsuit filed by Henya Olfman's father called frivolous and an 'absolute abuse of process'

The Canadian Press Posted: Jun 24, 2014 1:27 PM CT | Last Updated: Jun 24, 2014 1:48 PM CT



Henya Olfman was denied admission into the University of Manitoba's faculty of medicine in 2010 and lost a subsequent appeal with the school. Her father, a lawyer, then took the battle to court. (CBC)

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A judge has tossed a lawsuit filed by a woman who didn't get into medical school.

Henya Olfman was denied admission into the University of Manitoba's faculty of medicine in 2010 and lost a subsequent appeal with the school.

Her father, a lawyer, then took the battle to court, claiming his daughter was entitled to be in the medical program since she had completed her pre-med courses.

### U of M sued for denying woman admission to med school

In a recent decision, Winnipeg Court of Queen's Bench Justice Chris Martin describes the 154-page lawsuit as frivolous and an "absolute abuse of process."

He says it's unfortunate the young woman didn't get into medical school and it must have been disappointing to her parents.

"Regrettably, setbacks and denied aspirations are a part of life," writes Martin.

"Yet, to confront this through a lawsuit with the attendant substantial expenditure of time, effort and money to the specific defendants, as well as to the plaintiff herself, and to the administration of justice generally, is remarkable."

### Related Stories

U of M sued for denying woman admission to med school

In this column are the comments of Shawn David Olfman on the joint CBC - Canadian Press article to the left.

This Statement is a LIE.

The claim very clearly stated that Henya was entitled to be admitted because, based on the University's own published admissions formula, Henya's Faculty of Medicine admissions score (ie. grade point average, MCAT, references and interviews) was higher than most of the students they admitted.

This Statement is a LIE.

The lawsuit was 49 page, NOT 154 pages.

The same judge, in the same month, June, 2014, made no such comments in the case involving student Martin Green suing the University, even though he also ruled against Green; and even though in the Green case there had been 114 documents filed, whereas in Henya's case only 24 documents were filed. In the Green case there had been 27 court hearing date listings, whereas in Henya's case there were only 7 listings, and the Green case took up many more hours of court time.

## Claim called a meandering essay

Martin suggests the woman's father, Shawn Olfman, lost his objectivity in crafting the suit on behalf of his daughter. The judge calls the claim more of a meandering essay that piles up as many arguments as possible.

The lawsuit claims the university's medical school has a flawed selection process and breached an informal contract it had with Henya Olfman by offering her pre-med classes.

The suit further alleges that denying her admission violates the United Nations International Covenant on Civil and Political Rights and, in turn, the Canadian Charter of Rights and Freedoms.

The suit went as far as to call itself extraordinary. "More than any other case in Canada's history, this case will determine Canada's next few hundred years."

It's the second time the family has tried to sue. A previous claim was struck down in 2012, but it was rewritten and filed again.

The judge says claims like Olfman's clog the justice system and create delays for "proper" claims.

He awarded \$6,000 in legal costs to the university and the provincial government.

A message left at Shawn Olfman's office was not immediately returned.

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## Why were there no CBC or Canadian Press stories on the Green case, which used far more court time than Henya's case ?

In the letter Henya received from the University's Senate, they state that they could not determine if the University's Faculty of Medicine Admissions Process was flawed, and that they could not determine if Henya was wrongly denied admission. See the University's September 17, 2010 letter in the "Henya was Illegally Denied Admission" section on our home page. **Why did the CBC/Canadian Press leave that information out of their story ?**

In Henya's first case it was the judge, Justice Kaufman, who stated that there is no limit to the number of pages; and that the best way for Henya to proceed was to file a new statement of claim; which is what Henya did do. The new statement of claim, which Justice Martin criticized, was in fact, less than one-third the size of the original statement of claim. You can read the new statement of claim (and make your own determination on its content), and you can read a transcript of Justice Kaufman's comments, all in the "Documents in Henya's Appeal to the Court of Appeal, Before it was withdrawn" section on our home page.

As stated above, the claim ("statement of claim") is available on this website for you to read. Decide for yourself if it was a more useful claim than most claims. Most claims determine issues that only affect the people or corporations involved in the claim. Henya's claim would have benefited her AND would have benefited all future students, as it asked the court for declarations preventing universities from breaching students' Constitutional Rights and preventing universities from breaching International Human Rights Laws that Canada agreed to abide by.

I called back within an hour, and they told me that the story had already been published. They gave no reason as to why the story had to be published on an urgent basis without me being able to comment.

The above referred to documents were all known to The CBC and to The Canadian Press BEFORE they wrote their stories, as those documents were all in the publicly available court record. The CBC and The Canadian Press have never said why they chose to leave out the information that was in those documents.