

FCA No: A-286-21

FCC No: T-130-21

FEDERAL COURT OF APPEAL

Between:

John Turmel

Appellant

Plaintiff

AND

Her Majesty The Queen

Respondent

Defendant

APPELLANT'S MEMORANDUM

PART I - FACTS

1. THE APPELLANT APPEALED to the Federal Court of Appeal from the Oct 18 2021 decision Federal Court Justice Zinn dismissing the appeal against the July 12 2021 Order of the Case Management Judge Prothonotary Mandy Aylen, as she then was, striking the Statement of Claim for an Injunction prohibiting any federal Covid-mitigation restrictions in its entirety, without leave to amend and with costs, for disclosing no cause of action.

2. It was held that the claim contained bare assertions of Charter breaches without sufficient material facts to satisfy the criteria.

3. On a motion to strike, the allegations in the Statement of Claim are presumed to be true but that even so, there is no cause of action.

EVIL CABAL

4. My Statement of Claim asks what kind of "evil cabal" of epic proportion" comprising WHO, CDC, MainStreamMedia, top Medical Journals, pharmaceutical corporations, government leaders and financiers could do this to us.

5. My book at Amazon "Covid Mortality Hyped Hundredfold" <https://www.amazon.com/dp/b09dfgld8d> explains details of how Covid 3.4% CFR Apple was compared to the Flu 0.1% IFR Orange to trick us. It lays out my Statement of Claim for all to read and the legal documentation for it not reaching trial.

6. I showed that the Forces Of Evil, FOE, had the power to:

6) Discredit HydroxyChloroQuine

7. France's Didier Raoult used 200mg of HCQ for 5 days, 1 gram total, to save 99.2% of 4,000 patients and only lose 0.8%. Bill Gates' UK Oxford Recovery test used 9.6 total grams over 10 days to lose 25.7% proving not that HCQ doesn't work but that overdosing patients doesn't work. Ten times the dosage was really murder on Gates' Recovery patients.

8. On May 22, Lancet and New England Journal of Medicine publish bogus study discrediting HCQ so WHO shut down studies on it. On June 4, Lancet and NEJM retracted their

stories citing the bogus data used though many studies remain shut down. Must have missed the retraction!

9. Since there would be no Emergency Use Authorization with an effective already-existing pill, they got Bill Gates to lose 25% of his patients to prove HCQ doesn't work after Didier Raoult only lost under 1% using a tenth of the dosage and they got the world's two most prestigious medical journals to publish a false smear to take out their competition. Doing the same with Ivermectin and Vitamin D now.

5) Up Covid over lightning on death certificates

10. On Mar 24 2020 CDC changed Death Certificate Guidelines hyping the deaths by changing the death certificate guidelines to up death from "Covid" over "bullet," "lightning" or "accident." CDC site shows only 6% died FROM Covid alone. Hyping deaths by 1,600%. They also pumped up the deaths by sending those who tested positive home until they could come back really sick to be put on a ventilator and finished off.

4) Over Amplify PCR Test for False Positives

11. The Tanzanian President/Chemist John Magafuli declared the number of cases was hyped with many false positives from PCR tests set too sensitive after a goat, sheep and papaya samples tested positive.

3) CTV deletes number of healthy Covid fatalities

12. On Nov 15 2020, CTV reported 10,947 deaths had 10,781 in long-term care (98.5%) omitting the difference of only 166 deaths (1.5%) not in long-term-care! Now deleted from their online video. 166 deaths from 38,000,000 non-long-term-care Canadians is 0.00044%: 1 in 230,000 healthy Canadians perish! 99.99956% of healthy Canadians survive.

13. With mainly the old, fat, diabetic and vitamin-D-deficient perishing, almost no healthy Canadians have died. Between Jan 15 to July 13, Ontario reported 1 death for children under 20. Co-morbidities? They shut down schools to prevent a second death?

2) CDC theory vs Wuhan 10M experiment

14. Governments imposed masked social distanced lockdowns when CDC said "most coronavirus cases spread from people with no symptoms." An asymptomatic spreader would unknowingly infect clusters of family and friends. On April 2 WHO found "no documented asymptomatic transmission." On June 3, Wuhan tested 10 million to find zero transmission by asymptomatics. No clusters have been found.

15. Mathematician Richard Feynman quipped: "It doesn't matter how beautiful your theory is, how smart you are. If it doesn't agree with experiment, it's wrong."

1) Covid Mortality Hyped Hundredfold by Apple Orange

16. WHO's comparing the Covid 3.4% CFR "Case Fatality Rate" "Apple" not to Flu's known 10% CFR "Apple" but to the 100-times smaller Flu 0.1% IFR "Infection Fatality Rate" "Orange" exaggerated the threat by a hundredfold.

17. So they blew the credibility of the top two medical journals and over-dosed patients to prove HCQ was dangerous, changed death certificate guidelines to hype deaths by 1,600%, made PCR tests over-amplify false positives, made CTV delete that only 166 healthy Canadians had died, exaggerated zero symptomless spread to 50% infections by asymptomatics and compared the Covid CFR Apple to the Flu IFR Orange to hundredfold hype the Covid mortality.

18. Tricking us with an Apple Orange comparison is laughing at us.

NOT PERSONALLY AFFECTED

19. Zinn J. pointed out the Crown argued I did not personally suffer any federal mitigation restrictions suffered by other plaintiffs whose actions were stayed.
Justice Zinn:

<< He suggested that this was an approach used in another matter by Justice Phelan in 2015. I believe that the Plaintiff may be referring to John Doe v Canada, 2015 FC 916; >>

20. No, that is not the decision. A search of the court web site does not find that judgment given by Justice Phelan on Jan 11 2017. It was buried in an early case management order under the Style of Cause:

<< Date: 20140507
Ottawa, Ontario, May 7, 2014
PRESENT: The Honourable Mr. Justice Phelan
BETWEEN:

In the matter of numerous filings seeking a declaration pursuant to s. 52 (1) of the Canadian Charter of Rights and Freedoms ("The Charter");

and

In the matter of numerous motions requesting interim or interlocutory relief pursuant to s. 24(1) of The Charter with regards to changes to the Marihuana Medical Access Regulations ("MMAR") and the Marihuana for Medical Purposes Regulations ("MMPR".) >>

21. The judgment was given by Justice Phelan Jan 11 2017 under "Reference re subsection 52(1) of the Canadian Charter of Rights and Freedoms" at:

<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/218251/index.do>

22. In the hearing, over 300 self-represented plaintiffs were invited to attend a teleconference in 12 courtrooms in 10 provinces where all were given the opportunity to contribute their complaints. Had that format allowing all plaintiffs to participate been used, the Crown could not be arguing that my action should be dismissed because I personally did not suffer violations which others did. Yes, the Court had jurisdiction to stay the other actions pending mine but that stay by the Court is the only reason I could not rely on the material facts of the other plaintiffs.

23. Though others who were stayed cannot contribute their facts to bolster my case, they will have the option to continue their actions once I'm through. We can make sure that when asked who wants to continue, we have one plaintiff who has been personally

affected by the federal violation of that particular right that I did not. I wasn't quarantined, impeded in travelling, but the others who were will be still able to opt to make the point.

24. So another plaintiff who has had their S.2 right to freedom of peaceful assembly and association violated will continue their action, a plaintiff for the S.6 right to mobility violation, one for the S.7 right to life, liberty and security violation, one for the S.8 right to be secure against unreasonable search or seizure violation, one for the S.9 right to not to be arbitrarily detained or imprisoned violation, one for the S.12 right to not be subjected to any cruel and unusual treatment or punishment violation. So though I am now bemoaning not having them with me now, there will be a plaintiff to challenge each violation of right later separately. Dismissing my claim because those stayed are not with me now only wastes time.

SPIKES CAUSE CLOTS

25. Blood vessels are designed to be smooth to permit fast laminar flow. But when your cells start producing spike proteins to protrude into the capillaries, the spikes impede the flow. Impeding the flow of blood causes clots. So it's a good bet that everyone who got the clot shot now have their capillaries clogged with micro-clots and a D-Dimer test is the only way to find out. But it makes sense from a fluid mechanical point of view that if you've got impediments in the bloodstream like spikes, you're going to form clots around them. And there have already been many reports of clots with respect to the vaccine from doctors.

26. Doctors who are warning us against the clot shot are being fired, censored, their accounts been taken down, their licenses have been suspended. Spikes must clog capillaries with micro-clots. The vaxed are Walking Dead who will need blood-thinners for life.

VAERS

27. A doctor has to spend an unpaid half an hour filling out an Vaccine Adverse Event Reaction form and most of the symptoms are minor. Like sneezes, or flus, or pains, little symptoms. What doctor is going to spend half an hour reporting an ache? So VAERS forms don't get filled out very much and are understated, they say by a factor of 100.

28. Worse, the CDC now doesn't count those vaccinated under 14 days as officially vaccinated. They might die the day after the shot but it doesn't count as a vaccine death until 14 days later. Since most adverse effects are in the first days, it ensures that they are not listed as vaccine adverse effects. They're fudging the numbers right to your face!

HEART PROBLEMS

29. <http://archive.is/pvgggn> is the University of Ottawa study over June and July 2021 of 32 heart problems after 15,997 Moderna and 16,382 Pfizer shots. 32/32,379 is about 1/1,000.

30. Though 32 heart problems in 32,379 doses is 1/1,000, if they double-dosed, then it's 30 heart problems in 16,000 patients. So, not 1/1,000 but could be 1/500 who get heart problems!

31. A National Post Sep 24 2021 article titled "Study claiming 1 in 1,000 risk of heart inflammation after Covid vaccine got calculation wrong" claims the result is overstated for using the wrong denominator. It said 32 problems were not from 32,000 doses but from 833,000 doses. The report was filed before the last reading came in which added 800,000 shots to the already-counted 32,000.

32. If you believe they missed the last data entry from 32k to 833k doses, 416 double-dosed patients, then it's $32/416,000$, $1/13,000$, 25 times less than the $1/500$!

33. 26 million vaccinated Canadians * $1/13,000$ th is 2,000 new heart patients. How many would have taken the shot if they had known that the Virus Mortality was an exaggerated false alarm?

34. 2.6 billion vaccinated around the world * $1/13,000$ = 200,000 new heart conditions.

35. But if we accept the original result out of 32K and not 833K, then $1/500$ of Canada's 26 million = 52,000 heart problems. $1/500$ of the world's 2.6 billion = 5.2 million heart problems! How many would have taken the jab had they known Covid was no more deadly than a lousy $1/3$ mini-Flu?

36. That's just heart problems. Now count clots to the lungs and brain and destruction of the immune system for many more patients coming up.

INSANITIES

VACCINES DO NOT WORK

37. Prime Minister Trudeau said he will not allow the unvaxed to put the vaxed at risk of infection by letting them travel on public transportation putting the lie to the claim that vaccines are effective. Despite the vaxed also able to spread the infection, only the unvaxed will be restricted in their travel. So they took a unsafe shot for an exaggerated threat that doesn't even prevent infection!

VACCINATE IMMUNE KIDS

38. Give clots to kids who are in no danger from the virus. If 1/230,000 not in long-term-care perish, kids are in even less danger. Zero deaths or transmission by youth reported in Iceland and Ireland and Germany, So instead of the over-all death rate of one in a quarter million healthy Canadians, say it's 1 in a million for kids. And Justin Trudeau still wants to clog their capillaries with clots?

39. And given the 1/1/230,000 chance of a healthy person dying, it would seem to be insane to compel healthy Canadians to take their clots over a 1/230,000 chance of death.

NATURAL IMMUNITY NOT CONSIDERED

40. It is now established that natural immunity to a virus from sleeping off infection is many ways better than unnatural immunity by vaccine for just one designer spike

protein. But superior natural immunity is not considered in the rush to clot everyone. it's insane to make them risk clots when they're already better immunized by natural antibodies rather than unnatural ones.

41. A court has the power to do anything that is just. This Court can lawfully allow millions to die but it can also do justice to let millions live.

42. The Court ruled that I can't ask for a declaration that any Covid mitigation restriction at all based on a false alarm is unconstitutional, I must state which one or ones when they are imposed, but can not ask for "not any" before.

PART II - ISSUES

Should the Court declare any future restrictions based on a false alarm are unconstitutional?

PART III - SUBMISSIONS

43. I may not prove the false alarm before I suffer restrictions based on the false alarm.

44. This situation is analogous to shouting "Fire" in a crowded church which is a crime because many could be hurt in the stampede. The crime would be compounded if the preacher was told it was a false alarm and did not inform the congregation.

45. The pharma-cabal set off the alarm and this court refused to call it a false alarm and is thusly as

responsible for the deadly repercussions as the preacher who did not call the false alarm.

46. So if this Court were to grant a declaration that any covid mitigation restriction is unconstitutional to avoid any genocidal repercussions, the Crown could appeal and see if the Supreme Court reverses the decision for all the lawyerly reasons stated.

47. Making the declaration stops all the strife. Zap. Gone. No more discussion when it is admitted vaccines are not needed for a false alarm mortality rate. Once a Court declares the Covid Mortality a hundredfold hyped false alarm, it stops all restrictions everywhere, world-wide. To the plaudits of humanity if not the pharmaceutical corporations.

48. Declare the Covid Mortality a false alarm to end the strife and see if they take your just ruling away for the lawful one and await us coming back with the actual victims of personal woes to get the court to declare each right violated because of the Covid Mortality Hyped Hundredfold Hoax.

49. I have been warning everyone to whom I gave my flyer with proof that the Covid Mortality Hyped Hundredfold is your Judgment Day. Once you found out the threat was a false alarm, did you warn your friends and family to avoid the needless experimental gene therapy? No? Would they have taken the jab if you had warned them?

50. My <http://SmartestMan.Ca/fauci> poem now ends with:

<< Would you have taken jab if Crown Ben Wong had Trudeau told,
Covid Mortality was over hyped by hundredfold?

Would you have taken jab if Justice Crampton had us told,
That Apple Orange were compared to hype by hundredfold

Would you have taken clot shot if Judge Ayles said: Behold
The CFR to IFR's too small by hundredfold

Would you have taken jab if Justice Zinn had us all told,
Comparing Apple Orange hyped the threat by hundredfold.

Would you have taken jab if Randy Hillier had you told...

Would you have taken clot shot if Max Bernier had you told...

Would you have taken jab if MPPs had us all told...

Would you have taken jab if those who knew had us told...

51. This is not the first time I tried to save millions and the court stopped me. In 1982, Supreme Court of Canada Chief Justice Laskin dismissed my application that would have given every citizen of Canada, then the whole world, an interest-free credit card which would have ended poverty overnight. With 40 million souls perishing of poverty every year since then, that's an Equation of Responsibility of 1,600 million souls I tried to save and 1,600 million souls Justice Laskin let die.

52. I never thought anyone would top Justice Laskin's 1.6 billion lost souls but with almost 3 billion now having suffered the clot shot since this Court knew the threat was a false alarm, this may well exceed Justice Laskin's equation of responsibility.

53. After Prothonotary Ayles had dismissed the Statement of Claim after having had carriage of it before March, every time I

see an article about someone who died from a blood clot from the vaccine taken after she knew Covid Mortality was a hoax, I share it to my Apple Orange Resistance Facebook group wondering if they'd have taken the killer shot if Judge Aylen had them warned them...

54. With such a powerful cabal to contend with, I can only hope for justice and not law.

55. Appellant seeks an Order allowing the Statement of Claim to proceed to trial or, to end the disaster immediately, an Order declaring the Covid pandemic a false alarm.

Dated at Brantford on Jan 23 2022

For the Appellant/Plaintiff
John C. Turmel, B.Eng.,
50 Brant Ave.,
Brantford, N3T 3G7,
519-753-5122, Cell: 226-966-4754
johnturmel@yahoo.com

To: Benjamin Wong
Attorney General for Canada
400-120 Adelaide St. W.
Toronto, ON, M5H 1T1
647-256-0564
Benjamin.Wong2@justice.gc.ca

FCA No: A-286-21

FCC No: T-130-21

FEDERAL COURT OF APPEAL

Between:

John Turmel

Appellant

Plaintiff

AND

Her Majesty The Queen

Respondent

Defendant

APPELLANT'S MEMORANDUM

For the Appellant/Plaintiff

John C. Turmel, B.Eng.,

50 Brant Ave.,

Brantford, N3T 3G7,

519-753-5122 Cell: 226-966-4754

johnтурmel@yahoo.com