

FEDERAL COURT

B E T W E E N :

JOHN C. TURMEL

Plaintiff
(Responding Party)

and

HER MAJESTY THE QUEEN

Defendant
(Moving Party)

NOTICE OF MOTION

TAKE NOTICE THAT the defendant, Her Majesty the Queen (“Canada”), will make a motion to the Court in writing under Rule 369 of the *Federal Courts Rules*.

THE MOTION IS FOR:

1. An order striking the claim without leave to amend; or
2. In the alternative, an order requiring the plaintiff to provide security for costs in the amount of \$11,350, and not take any further steps in the action until security for costs is provided;
3. The costs of this motion and of the action; and
4. Such further and other relief as this Honourable Court may allow.

THE GROUNDS FOR THE MOTION ARE:**A. The claim**

5. The claim seeks declarations that provisions of the Minister of Transport's *Interim Order Respecting Certain Requirements for Civil Aviation Due to COVID-19, No. 52 (Interim Order)* (the "Interim Order") unjustifiably infringe the plaintiff's rights under ss. 2, 6, 7, 8, 9, 12 and 15 of the *Canadian Charter of Rights and Freedoms* (the "Charter"), and are *ultra vires* s. 6.41 of the *Aeronautics Act*, RSC 1985 c A-2;

B. The claim does not disclose a reasonable cause of action

6. It is plain and obvious that the claim does not disclose a reasonable cause of action;
7. The claim does not set out sufficient material facts to establish any of the causes of action alleged;

C. The claim is scandalous, frivolous, vexatious and an abuse of process

8. The claim is scandalous, frivolous, vexatious, and an abuse of process;
9. The claim is prolix and repetitive, and fails to set out a concise statement of material facts capable of establishing a deprivation of any of the causes of action alleged;
10. The claim makes unparticularized allegation of malice and fraud, and is replete with lengthy diatribes and makes scandalous and extreme allegations that are unsubstantiated;
11. The claim attempts to relitigate allegations from a previous claim (Federal Court File No.: T-130-21) that was struck without leave to amend by this Court;


D. If the claim is not struck without leave to amend, the plaintiff should be required to provide security for costs

12. Canada has eight orders against the plaintiff for costs in other proceedings, which remain unpaid;
13. The outstanding costs awards total \$15,006.16, including post-judgment interest; and
14. The claim is frivolous and vexatious and there is reason to believe the plaintiff will have insufficient assets available to pay Canada's costs;
15. *Federal Courts Rules*, SOR/98-106, Rules 3, 174, 181, 221(1)(a),(c),(f), 369, 416(1)(f), (g), and 418; and
16. Such other grounds as counsel may advise and this Honourable Court may accept.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

1. Affidavit of Duane Crocker, affirmed March 17, 2022.

March 17, 2022



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AND TO: John C. Turmel
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Plaintiff, self represented