

FEDERAL COURT

BETWEEN:

JOHN C. TURMEL

Applicant

Plaintiff

and

HER MAJESTY THE QUEEN

Respondent

Defendant

RECORD OF MOTION

- 1. Notice of Motion..... (2)
- 2. Applicant's Affidavit..... (5)
- 3. Applicant's Written Representations..... (10)

For the Applicant/Plaintiff

John C. Turmel, B.Eng.,
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For the Respondent/Defendant

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NOTICE OF MOTION

TAKE NOTICE THAT on Friday Feb 25 2022 or at any time thereafter set by the Court, the Plaintiff will make a motion by Zoom or teleconference to the Court on short notice if necessary.

THE MOTION IS FOR an Order granting Plaintiff interim relief of a personal constitutional exemption to the vaccine requirement for air travel promulgated by the Minister of Transport on January 15, 2022, in "Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No. 52" (the "Decision").

THE GROUNDS FOR THE MOTION ARE that the requirement is in reaction to a Covid pandemic that is a hundredfold exaggerated psy-op false alarm.

AND FOR ANY ORDER abridging the time or mode of service or dispensing with any documents or amending any error or omission which this Honourable Court may allow.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used: Applicant's Affidavit and any other material this court will allow.

Dated at Brantford on Feb 22 2022.

For the Applicant:

John C. Turmel, B.Eng.,
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johnturmel@yahoo.com

TO: Registrar of this Court,
Attorney General of Canada

File No: T-277-22

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APPLICANT'S AFFIDAVIT

I, John Turmel, residing at 50 Brant Ave. in Brantford Ontario, make oath:

1. I was accredited an expert witness in the Mathematics of Gambling in the Oct 20 2003 decision of the Honourable Justice Diane Campbell of the Federal Tax Court of Canada in Epel v. The Queen (2003 TCC 707; Docket: 2001-1769(IT)G) <https://decision.tcc-cci.gc.ca/tcc-cci/decisions/en/item/27060/index.do>

2. On Mar 4 2020, the Toronto Star reported:

WHO said the latest mortality rate for the virus is 3.4%. This is well above the seasonal flu, which has a mortality rate of under 0.1%.

<https://www.thestar.com/news/gta/2020/03/11/the-novel-coronavirus-outbreak-is-threatening-to-turn-into-a-global-pandemic-heres-everything-we-know-about-covid-19.html>

3. WHO mislabeled the Covid 3.4% CFR (Case Fatality Rate) and the Flu's 0.1% IFR (Infection Fatality Rate) as mortality rates without informing that they were different mortality rates.

4. Comparing Covid's 3.4% CFR Apple not to Flu's 10% CFR Apple but to Flu's 0.1% IFR Orange made the Covid threat look 34 times deadlier than the Flu's when it was really only a third as bad.

5. WHO's finding no documented asymptomatic transmission and Wuhan's finding zero clusters of infections transmitted by 300 asymptomatics out of 10 million tested shows the "Theory of Asymptomatic Transmission" behind masked social distanced lockdowns did not agree with experiment.

6. The Statement of Claim lists other things done to hype the false alarm:

- CTV censoring that only 166 healthy Canadians had died making the odds 1/230,000 of a healthy Canadian dying;
- PCR test set too sensitive to hype cases with false positives;
- Mar 24 2020 Death Certificate Guideline change to up deaths "with Covid" over deaths "from lightning strike" or "from bullet to the head" or "from cancer" or "from heart attack" leaving only 6% (1/17) dying from Covid alone;
- Bill Gates' UK Oxford Recovery trial showing HydroxyChloroQuine was dangerous by killing 25.7% of the patients with a 9.6 gram overdose after Dr. Didier Raoult had lost only 0.8% in France using 1 gram.

7. Plaintiff has started an action to declare the "Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No. 52" (the "Decision") which restricts the mobility of Canadians based on their Covid-19 vaccination status to be ultra vires section 6.41 of the Aeronautics Act and therefore of no force and effect.

8. Plaintiff argues the Decision, with limited exceptions, effectively bans Canadians who have chosen not to receive an experimental medical treatment from domestic and international travel by airplane resulting in discrimination and a gross violation of the constitutionally protected right to Mobility afforded to the Plaintiff by section 6 of the Charter.

9. Plaintiff seeks a Declaration that the Decision is invalid due to errors in fact and a declaration pursuant to section 52(1) of the Constitution Act, 1982 that sections 17.1 to 17.4, 17.7, 17.9, 17.10, 17.22, 17.30 to 17.33, 17.36 and 17.40 of the Decision ("the Vaccine Provisions") violate the Plaintiff's section 6 Charter right and that these violations are not demonstrably justified under section 1 of the Charter;

10. Restriction on air travel to mitigate a false alarm over a virus with mortality hyped a hundredfold is an arbitrary, grossly disproportional, conscience-shocking violation of Charter right.

11. Affiant wishes to fly to Ottawa to visit family and should not be deprived of such mobility in reaction to a Covid pandemic false alarm.

12. This Affidavit is made in support of a Motion for an Order granting Plaintiff an interim personal constitutional exemption from the Minister of Transport's January 15, 2022 "Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No. 52" (the "Decision") requiring proof of vaccination for air travel pending adjudication of the action.

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Sworn before me at Brantford on Feb 22 2022.

A COMMISSIONER, ETC.

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APPLICANT'S WRITTEN REPRESENTATIONS

1. Applicant has shown that WHO compared the Covid 3.4% Case Fatality Rate ("CFR") to the hundredfold too-small Flu 0.1% Infection Fatality Rate ("IFR") to hype the false alarm a hundredfold without informing that they were comparing two different mortality rates.

2. No asymptomatic transmission mandating masked social distanced lockdowns has yet to be documented.

3. Applicant attests that restricting air travel for the unvaccinated because of a Covid pandemic false alarm is an unreasonable violation of Applicant's Mobility Right under S.6 of the Charter.

4. Applicant's seeks an Order granting Plaintiff interim relief of a personal constitutional exemption to the vaccine requirement for air travel by the Minister of Transport in the January 15, 2022 "Interim Order Respecting Certain Requirements for Civil Aviation Due to Covid-19, No. 52" (the "Decision") requiring proof of vaccination for air travel pending adjudication of the action.

Dated at Brantford on Feb 22 2022.

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