

FEDERAL COURT

B E T W E E N :

JOHN C. TURMEL

Plaintiff
(Responding Party)

and

HER MAJESTY THE QUEEN

Defendant
(Moving Party)

AFFIDAVIT OF DEBORAH TELESFORD

I, Deborah Telesford, of the Town of Caledonia, in the Province of Ontario
AFFIRM THAT:

1. I am a paralegal in the Litigation, Extradition and Advisory Division of the Ontario Regional Office of the Department of Justice. In that capacity, I have reviewed the litigation files associated with the plaintiff, Mr. John C. Turmel (the “Plaintiff Turmel”).

A. PREVIOUS COSTS AWARDS AGAINST THE PLAINTIFF

2. The Federal Court, Federal Court of Appeal and the Supreme Court of Canada have previously ordered the Plaintiff to pay Canada’s costs in the following matters:

Style of Cause	Court	Court File No.	Order / Discontinuance Date	Amount
<i>John C Turmel v HMQ</i>	Federal Court	T-448-14	Nov 5, 2015	\$250
<i>John C Turmel v HMQ</i>	Federal Court of Appeal	A-342-14	Jan 13, 2016	\$3,350
<i>John Turmel v HMQ</i>	Supreme Court of Canada	36937	Jun 23, 2016	\$807.86 (certificate of taxation issued November 30, 2016)
<i>John C Turmel v HMQ</i>	Federal Court	T-561-15	May 12, 2016	\$6,105.03 (certificate of assessment issued May 17, 2018)
<i>John Turmel v HMQ</i>	Supreme Court of Canada	37647	Nov 23, 2017	\$877.70 (certificate of taxation issued February 7, 2018)
<i>John C Turmel v HMQ</i>	Federal Court	T-1932-18	Jan 2, 2019	\$450 (certificate of assessment issued Apr 21, 2020)
TOTAL				\$11,840.59
TOTAL with post-judgment interest as of May 21, 2021				\$13,003.39

Copies of these costs orders, certificates of assessment, and certificates of taxation are attached as **Exhibits “A”, “B”, “C”, “D”, “E” and “F”** respectively.


3. These costs remain unpaid. The total amount owed by the plaintiff to Canada as of May 21, 2021, inclusive of post-judgment interest calculated in accordance with

section 37(1) of the *Federal Courts Act* and section 129 of the *Courts of Justice Act* (Ontario) is \$13,003.39.

B. THE ANTICIPATED COSTS OF THE CURRENT ACTION

4. In responding to this claim, I anticipate that Canada will incur \$11,350 in costs, inclusive of disbursements. These anticipated costs are based on Column III of Tariff B of the *Federal Courts Rules*. A bill of anticipated costs showing these calculations is attached as **Exhibit “G”**.

Affirmed before me by video conference from the Town of Caledonia in the County of Haldimand, to the City of Toronto in the Province of Ontario, on May 20, 2021.



Commissioner for Taking Affidavits




DEBORAH TELESFORD

This is **Exhibit "A"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021


A Commissioner, etc.

Federal Court



Cour fédérale

Date: 20151106

Docket: T-488-14

Ottawa, Ontario, November 6, 2015

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA**

Defendant

ORDER

UPON MOTION by the Plaintiff for leave to lift the Stay Order (May 7, 2014) in respect of his Statement of Claim and to proceed with his Motion for Summary Judgment;

AND UPON the Court having ordered that motions to lift a stay are to proceed by way of Rule 369 motion;

AND UPON CONSIDERING that:

1. section 50(3) of the *Federal Courts Act* gives the Court the discretion to lift a stay;

2. the discretion to lift the stay should take into consideration whether the facts are “substantially different from the facts upon which the original disposition was made” (*Del Zotto v Canada (Minister of National Revenue - MNR)*, [1996] FCJ No 294/*Murphy v Compagnie Amway Canada*, 2014 FCA 136);
3. the Applicant has not shown any substantial change of facts upon which the stay order was made;
4. the *Allard* trial is complete, final submissions were concluded in July and a decision is pending;
5. the Plaintiff is, in effect, attempting to re-litigate the stay order in the face of a pending appeal; and
6. there is no proper basis for lifting the stay of proceedings.

THIS COURT ORDERS that this motion be dismissed with costs payable forthwith of \$250.00.

“Michael L. Phelan”

Judge

This is **Exhibit "B"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021

A handwritten signature in black ink, appearing to read "R. J. [unclear]", is written over a horizontal line. The signature is stylized and cursive.

A Commissioner, etc.

Federal Court of Appeal



Cour d'appel fédérale

Date: 20160113

Docket: A-342-14

Toronto, Ontario, January 13, 2016

CORAM: PELLETIER J.A.
STRATAS J.A.
GLEASON J.A.

BETWEEN:

JOHN C. TURMEL

Appellant

and

HER MAJESTY THE QUEEN

Respondent

JUDGMENT

The appeal is dismissed with costs fixed in the amount of \$3,350, all inclusive.

“J.D. Denis Pelletier”

J.A.

This is **Exhibit "C"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021

A handwritten signature in black ink, appearing to read "R. J. [unclear]", is written over a horizontal line. The signature is stylized and cursive.

A Commissioner, etc.

Supreme Court of Canada



Cour suprême du Canada



No. 36937

BETWEEN:

John Turmel

Applicant

- and -

Her Majesty the Queen

Respondent

ENTRE :

John Turmel

Demandeur

- et -

Sa Majesté la Reine

Intimée

I hereby certify that the costs of the respondent have been taxed and allowed in the sum of eight hundred seven dollars and eighty-six cents (\$807.86).

Je certifie par les présentes que les frais de l'intimée ont été taxés et que leur montant a été fixé à huit cent sept dollars et quatre-vingt-six cents (807,86\$).

REGISTRAR OF THE
SUPREME COURT OF CANADA

REGISTRAIRE DE LA
COUR SUPRÊME DU CANADA

Dated this 30th day of November 2016.

Fait le 30e jour de novembre 2016.

This is **Exhibit "D"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021

A handwritten signature in black ink, appearing to read "B. J.", is written over a horizontal line. The signature is stylized and cursive.

A Commissioner, etc.

Federal Court



Cour fédérale

Date: 20180517

Docket: T-561-15

BETWEEN:

JOHN TURMEL

Plaintiff

and

**HER MAJESTY THE QUEEN IN RIGHT OF
CANADA**

Defendant

CERTIFICATE OF ASSESSMENT OF COSTS

UPON the Order and Reasons signed by the Court on May 12, 2016, dismissing the action, with costs;

AND UPON the bill of costs filed February 23, 2018, and amended on March 18, 2018;

AND UPON the directions issued and served on February 26, 2018, informing the parties that the assessment of costs would proceed in writing and of the deadline to file materials and representations;

AND UPON CONSIDERING the material in support of the bill of costs as well as the written representations on costs;

AND UPON CONSIDERING that no other representations were received by the Registry of the Court, nor were any requests to extend the time to file submissions;

AND UPON CONSIDERING the decision in *Dahl v Canada*, 2007 FC 192, in which it is stated at paragraph 2:

Effectively, the absence of any relevant representations by the Plaintiff, which could assist me in identifying issues and making a decision, leaves the bill of costs unopposed. My view, often expressed in comparable circumstances, is that the *Federal Courts Rules* do not contemplate a litigant benefiting by an assessment officer stepping away from a position of neutrality to act as the litigant's advocate in challenging given items in a bill of costs. However, the assessment officer cannot certify unlawful items, i.e. those outside the authority of the judgment and the Tariff.

AND UPON HAVING CONSIDERED the above referenced comments and the lack of challenge by the opposing party, I have reviewed the file and the materials submitted;

AND UPON HAVING CONCLUDED that the assessable services claimed under Tariff B of the *Federal Courts Rules* are reasonable;

AND UPON HAVING CONCLUDED that the disbursements claimed were all necessary charges for the conduct of this matter and that the amounts claimed are reasonable;

I HEREBY CERTIFY that the bill of costs presented by the Defendant is assessed and allowed at \$6,105.03.

"Johanne Parent"

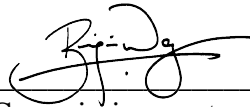
Assessment Officer

CERTIFIED AT TORONTO, ONTARIO, this 17th day of May, 2018.

This is **Exhibit "E"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021

A handwritten signature in black ink, appearing to read "R. J. [unclear]", written over a horizontal line.

A Commissioner, etc.

Supreme Court of Canada



Cour suprême du Canada



No. 37647

BETWEEN:

John Turmel

Applicant

- and -

Her Majesty the Queen

Respondent

ENTRE :

John Turmel

Demandeur

- et -

Sa Majesté la Reine

Intimée

I hereby certify that the costs of the respondent have been taxed and allowed in the sum of eight hundred seventy-seven dollars and seventy cents (\$877.70).

Je certifie par les présentes que les frais de l'intimée ont été taxés et que leur montant a été fixé à huit cent soixante-dix-sept dollars et soixante-dix cents (877,70 \$).

**REGISTRAR OF THE
SUPREME COURT OF CANADA**

**REGISTRAIRE DE LA
COUR SUPRÊME DU CANADA**

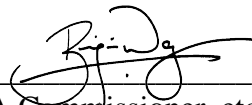
Dated this 7th day of February 2018.

Fait le 7e jour de février 2018.

This is **Exhibit "F"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021

A handwritten signature in black ink, appearing to be "R. J.", written over a horizontal line.

A Commissioner, etc.

Federal Court



Cour fédérale

Date: 20200421

Docket: T-1932-18

BETWEEN:

JOHN C. TURMEL

Plaintiff

and

HER MAJESTY THE QUEEN

Defendant

CERTIFICATE OF ASSESSMENT

I HEREBY CERTIFY that the Defendant's Bill of Costs has been assessed and allowed
in the amount of \$450.00.

"Garnet Morgan"
Assessment Officer

CERTIFIED AT TORONTO, ONTARIO, this 21st day of April 2020.

This is **Exhibit "G"** referred to in
the Affidavit of

Deborah Telesford

AFFIRMED before me this 20th day
of May, 2021


A Commissioner, etc.

FEDERAL COURT

BETWEEN:

JOHN C. TURMELPlaintiff
(Responding Party)

and

HER MAJESTY THE QUEENDefendant
(Moving Party)

BILL OF ANTICIPATED COSTS OF THE DEFENDANT

A claim for fees is being made with respect to:

COUNSEL FOR THE RESPONDENT

Benjamin Wong (Year of Call – 2019)

FEES:

<u>ITEM</u>	<u>ASSESSMENT SERVICE</u>	<u>COLUMN III UNITS</u>	<u>UNITS CLAIMED</u>	<u>FEE</u>
	A. Originating documents and Other Pleadings			
A2	Preparation and filing of all defences, replies, counterclaims or respondents' records and materials.	4-7	6	\$900

	C. Discovery and Examinations			
C7	Discovery of documents, including listing, affidavit and inspection.	2-5	4	\$600
C8	Preparation for an examination, including examinations for discovery, on affidavits, and in aid of execution.	2-5	4	\$600
C9	Attending on examinations, per hour.	0-3	12 2 units x 6 hours (1 day)	\$1800
	D. Pre-Trial and Pre-Hearing Procedures			
D13	Counsel fee: (a) preparation for trial or hearing, whether or not the trial or hearing proceeds, including correspondence, preparation of witnesses, issuance of subpoenas and other services not otherwise particularized in this Tariff; and	2-5	4	\$600
	E. Trial or Hearing			
E14	Counsel fee: (a) to first counsel, per hour in Court; and	2-3	12 2 units x 6 hours (1 day)	\$1,800
E15	Preparation and filing of written argument, where requested or permitted by the Court.	3-7	5	\$750
	HST (not payable by the Federal Crown)			\$0.00
	Total Estimated Fees:		47 units	<u>\$7,050.00</u>

	<u>ANTICIPATORY DISBURSEMENTS (inclusive of HST)</u>	<u>FEE</u>
	Court reporter attendance fees and transcripts, for Plaintiff's and Defendant's discovery	\$4,300
	Total Estimated Disbursements:	<u>\$4,300.00</u>

TOTAL ANTICIPATED FEES AND DISBURSEMENTS: \$11,350.00