File No: T-130-21

FEDERAL COURT

Between:

John Turmel

Appellant

Plaintiff

AND

Her Majesty The Queen

Respondent

Defendant

RECORD OF APPEAL MOTION

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NOTICE OF APPEAL MOTION

TAKE NOTICE THAT John Turmel moves to appeal the July 12 2021 Order of Federal Court Prothonotary and Case Management Judge Mandy Aylen striking the Statement of Claim.

THE GROUNDS of the appeal are that the learned judge failed to see deadly lockdowns are unjustified for:
A) a Covid mortality rate hyped a hundredfold turning a 1/3 mini-Flu into a 34-times-worse-than-Flu plague;
B) a Covid asymptomatic transmission rate hyped infinitely turning zero documented symptomless spread into 50%.

AND FOR ANY ORDER abridging the time for service, filing, or hearing of the motion, or amending any defect of the motion as to form or content, or for any Order deemed just.

Dated at Brantford Ontario on July 21 2021.

____

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WRITTEN REPRESENTATIONS

1. The July 12 2021 Order of Prothonotary and Case Management Judge Mandy Aylen stated:

> [1] The Court is case managing a group of 74 actions in which the self-represented Plaintiffs seek various forms of relief related to the federal Government's COVID-19 mitigation measures.
>
> [2] In his Statement of Claim, the Plaintiff alleges(A) that:
>
> > 116. All of the world's elected politicians fell for the Apple-Orange Comparison and only Guinness Record never-elected-100-times politician John Turmel did not.
> >
> > 117. The Prime Minister and his Government have been duped by the most elementary trick in statistics, comparing apples to oranges to exaggerate the threat by a hundredfold,(B);

duped by an unproven theory of asymptomatic transmission,(C);
of a virus with only 166 Canadians not in Long-Term-Care dying up to Nov. 15, 2020; a Population Fatality Rate for Canadians not in Long-Term-Care of a mere 0.00044%, 1 in 230,000.(D)

2. (A) In a motion to strike, no cause of action must be shown despite the facts in the claim being presumed to be provably true. Instead of saying "the Plaintiff alleges that.." it should have said "it is presumed true that".
(B) The 3.4% Covid CFR Apple was compared to the 0.1% Flu IFR Orange, not its 10% CFR Apple. Comparing the Covid Apple 3.4 to a tenth and not to ten makes it look a hundredfold bigger. 1/3 as bad as the Flu was hyped to be 34 times worse. A hundredfold!
(C) Duped by a disproven CDC theory of half of transmissions by asymptomatics necessitating masked social distancing. WHO reported no symptomless spread documented, reported again it was "very rare" and Wuhan found zero out of 10 million tested disproving the CDC's theory of 50% spread by asymptomatics.
(D) 166 Canadians dying not in long-term-care were still probably the sickest. Almost no healthy Canadians died.

3. The Court continued:

> [3] The Statement of Claim makes extensive references to statistics comparing COVID-19 mortality rates to those of the flu, news reports and statements and reports made by the World Health Organization, Dr. Fauci, and the American Centers for Disease Control and Prevention CDC].

[4] The Plaintiff alleges that there has been a "cover up" because actual deaths from COVID19 do not match the exaggerated expected death rate, such that the Government has "fudged the statistical Cases and Fatalities data". The pleading refers to alleged changes by the CDC to its death certificate guidelines, setting PCR test kits with sensitivity cycles set too high in order to generate massive false positives and an effort by mainstream media to discredit HydroxyChloroQuine HCQ as a treatment alternative (as opposed to a "Bill Gates-funded Oxford Recovery HCQ test protocol that "was really murder on his patients"), which suppression of hopeful alternatives suggests "deliberate malevolence:.

[11] Based on the foregoing, the Plaintiff seeks the following relief:

> **A. A declaration pursuant to section 52(1) of the Canadian Charter of Rights and Freedoms that the Government of Canada's COVID-mitigation restrictions are arbitrary and constitutionally unreasonable restrictions on the Charter section 2 right to freedom of peaceful assembly and association, section 6 right to mobility, section 7 right to life, liberty and security, section 8 right to be secure against unreasonable search or seizure, section 9 right to not be arbitrarily detained or imprisoned, section 12 right to not be subjected to any cruel and unusual treatment or punishment not in accordance with the principles of fundamental justice and not saved by section 1 of the Charter;**

B. An order pursuant to section 24(1) of the Charter for an injunction prohibiting any federal COVID-mitigation restrictions that are not imposed on the deadlier Flu;

C. A permanent constitutional exemption from any COVID-mitigation restrictions;

D. An order for an appropriate and just remedy for damages incurred by such unconstitutional restrictions on rights for pain and losses, including the:

i. Stress and concern suffered;

ii. Family and friend connections damaged;

iii. Inconvenience and time lost in line-ups; and

iv. Higher expected prices for COVID Mitigation Measures;...

[12] The Defendants have brought the present motion seeking an order striking the claim without leave to amend...

[13] The Defendant seeks to strike the Statement of Claim on the basis that:

(i) this Court lacks jurisdiction in relation to any provincial or municipal COVID-19 measures;

(ii) to the extent that the claim targets federal COVID-19 measures, the Plaintiff has not pleaded that he was affected by these measures;

(iii) the pleading discloses no reasonable cause of action; and

(iv) the pleading is frivolous and vexatious...

[15] For the reasons that follow, the Defendant's motion is granted and the Statement of Claim is hereby struck, without leave to amend.

[18] It is fundamental to the trial process that a plaintiff plead material facts in sufficient detail to support the claim and relief sought.

[22] In the case of a Rule 221(1)(c) or (f) motion, a pleading will be struck as being scandalous, frivolous or vexatious or an abuse of process where the claim is so clearly futile that it has not the slightest chance of succeeding [see Apotex Inc v Syntex Pharmaceuticals International Ltd, 2005 FC 1310 at para 33]. A statement of claim containing bare assertions but no facts on which to base those assertions discloses no reasonable cause of action and may also be struck as an abuse of process. Bare assertions of conclusions that the Court is called upon to pronounce are not allegations of material fact, and making bald conclusory allegations without any evidentiary foundation constitutes an abuse of process [see Merchant Law Group v Canada Revenue Agency, 2010 FCA 184 at para 34; Mancuso at paras 17 and 27].

[26] The Plaintiff asserts that it is premature to provide facts at this stage of the proceeding as the pleadings are not yet closed and that the necessary facts will be provided in due course when the parties present their evidence. This is incorrect. The Plaintiff appears to conflate facts, with evidence. The Plaintiff must plead, in his Statement of Claim, the material facts in sufficient detail to support the claims and relief sought. Where the necessary material facts are absent (as is the case here), the Statement of Claim will be struck before the close of pleadings.

> [27] The Plaintiff admitted in his responding motion materials that he "may not exemplify all of the woes cited, but I'd bet some of the other 76 plaintiffs whose actions are stayed do". However, as detailed above, the Plaintiff may not rely on facts applicable to other plaintiffs to support his Charter breach allegations.

4. The material facts and constitutional violations of the other plaintiffs would have been under discussion had the Court not stayed their actions leaving me alone.

5. The Court concluded:

> [28] I find that the Statement of Claim contains bare assertions of Charter breaches without sufficient material facts to satisfy the criteria applicable to each of the Charter rights alleged to have been violated. As a result, the Statement of Claim discloses no cause of action and shall be struck.
>
> [29] Moreover, I find that the Statement of Claim should also be struck as an abuse of process as it pleads bare assertions without the necessary material facts on which to base those assertions, such that the Defendant cannot know how to answer it, is replete with lengthy diatribes and makes scandalous and extreme allegations that are unsubstantiated, such as alleged cover-ups and conspiracies.
>
> THIS COURT ORDERS that:
>
> 1. The Statement of Claim is hereby struck in its entirety.
>
> Mandy Aylen Case Management Judge

6. On Feb 26, the Court was made aware of the fact that:
a) the WHO mis-compared the Covid CFR to the Flu IFR to exaggerate the threat of Covid a hundredfold;
b) the asymptomatic transmission rate was exaggerated from zero to 50%.

7. Rather than expedite the action to strike down Covid restrictions based on fudged data, the Court delayed any hearing these last few months so that deaths due to lockdowns and vaccinations under fraudulent fear could continue.

8. They're not going to be able to keep the Apple Orange fudging of the mortality rates secret for much longer. When word gets out people took a jab that was unneeded for a trick pandemic only because Judge Aylen wouldn't let the case to go trial, more people will be angry. If the Cause of Anger goes viral, many more may still sign on. Millions of Canadians who took the jab thinking it was a plague should be quite angry to find out the court knew it was a 1/3 mini-Flu all along. Would they have taken the experimental vaccine to escape lockdown had the Court not suppressed that the virus mortality rate was exaggerated?

9. Every person who died due to lockdown in the 5 months the Court knew the virus was a hoax is blood on this court's hands. Everyone who took the jab since then the Court learned the fact will know whom to blame for their not being told the reason for lockdown was a lie! Millions will have cause to be angry for the Court failing to see the exaggeration of the threat and letting them be injected without telling them it was only a mini-Flu. This Court's failure to see the hoax puts the blood on their hands.

10. Worse, this month, virologist Dr. Bridle of Guelph University announced "We made a big mistake. We didn't know the spike protein would travel from the injection site to harm the heart and brain!"

11. If the experimental novel gene therapy is the big mistake Dr. Bridle fears, the victims be able to curse the court on their tombstones. Credit where credit is due. If the jab is a killer, every person who will die due to the experiment is more blood on this court's hands for failing to see the facts.

12. Yes, the Court would like this action to be dismissed with no one ever finding out how we were tricked to death but it's too late now. The whole world will find out. When the trickery is finally exposed, this court's abetting of the fraud will be finally exposed too. So many will die because the Court could not see the material facts. There's no washing the blood off the hands for this one.

Dated at Brantford Ontario on July 21 2021

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