

FEDERAL COURT

BETWEEN:

JOHN TURMEL

Plaintiff

(Responding Party)

and

HER MAJESTY THE QUEEN

Defendant

(Moving Party)

PLAINTIFF'S MOTION RECORD IN RESPONSE

Table of Contents

Written Representations

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PLAINTIFF'S WRITTEN REPRESENTATIONS

1. The Crown wrote:

a) ALLEGATIONS AGAINST MAIN ACTORS

For example, the claim includes:

(a) lengthy allegations against third parties such as the World Health Organization, Dr. Anthony Fauci, Bill Gates, Facebook, Youtube, and the Province of Ontario;

2. WHO miscompared the metrics to hype the threat. Fauci is the face of the hoax. Bill Gates smeared the alternative HCQ without which the vaccine would not have received experimental authorization. Facebook and Youtube have censored the truth. Ontario shut the schools over 1 death!

b) SHAM-VIRUS, SHAMDEMIC, EXAGGERATED PLAGUE, SCAMDEMIC

(b) references to COVID-19 as a "sham-virus," "Shamdemic," "exaggerated plague" and "scamdemic;"

3. What else to call a 1/3 flu hyped into a 34-times worse plague but a "sham-virus," "Shamdemic," "exaggerated plague" and "scamdemic?"

c) FUDGE DATA

(c) allegations such as "The only way to cover up when deaths do not match exaggerated expectations is to fudge the statistical Cases and Fatalities data," "the Prime Minister and his Government have been duped" and "It's the same persuasion technique as Global Warming;"

4. If the mini-virus isn't going to kill many, the cases and deaths have to be exaggerated to scare the prey. The Prime Minister is duped by the Apple Orange comparison. Like he's duped over global warming.

d) DIATRIBES AGAINST EVIL CABAL

(d) lengthy diatribes, such as "What kind of evil cabal would use global media and medical establishments to hype a mini-virus a hundredfold with an Apple-Orange comparison into an imaginary plague to convince a gullible world into shutting down life-support systems and imposing famine on a quarter billion people and innumerable woes on many hundreds of millions more? Why condemn so many to death on a cross of hype? Qui bono? Who benefits? Personal Protection Equipment producers, Skip-the-Dishes delivery come to mind but vaccine companies seem to have most to gain by an exaggerated scamdemic."

5. A diatribe against the evil cabal that would consign millions to a cytotoxic jab? Same who put fluoride in our

water, a cabal powerful enough to make Lancet and New England Journal of Medicine blow their credibility by publishing and having to retract a false attack on HCQ.

CONTRARY TO RULES OF PLEADING, NO FACTS

41. Contrary to the rules of pleading, and utterly fails to set out a concise statement of material facts in support of the plaintiff's causes of action.

6. Affidavits filed before the Statement of Defence is filed would be contrary to the rules of pleading.

1) WHO EXAGGERATING

5. The claim alleges that the World Health Organization is exaggerating COVID-19 fatality rates,

7. On Mar 4 2020 it is alleged 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%.

2) ONLY 1/230,000 CANADIANS HAVE DIED

that only 1 in 230,000 Canadians have died of COVID-19.

8. It's "only 1 in 230,000 Canadians "not in long-term-care" who died. 166 "deaths not in "long-term-care" divided by 38 million Canadians can be worked out in long division in our affidavit. To a low-tech lawyer, the result of a division is an allegation, not a fact. Science disagrees.

3) MAN-MADE VIRUS

It alleges that COVID-19 is a "man-made virus, albeit a very mild one,"

9. Dr. Luc Montagnier, Nobel Prize winner for discovering HIV, alleges Covid has HIV inserts in its genome. A recent article notes scientists in India reported the same but the article was withdrawn after threats from Dr. Fauci.

4) MOST DEATHS IN LONG-TERM-CARE

that most COVID-19 deaths were in long-term care homes.

10. CTV reported that 10,781 of 10,947 died in Long-Term-Care. Division provides an allegation of 98.48%. My affidavit can do the long division to get 98.5%. Whether 98.48% being "most" is an unproven allegation or not can be argued.

5) ASYMPTOMATIC TRANSMISSION NOT RARE, VERY RARE

It alleges that asymptomatic transmission of COVID-19 is rare,

11. WHO said "very rare," which is closer to the "None documented" WHO had previously reported and to the ZERO of ten million tested by Wuhan.

6) SEVERAL PARAGRAPHS ON FLU STATISTICS

and provides several paragraphs of statistics comparing COVID-19 mortality rates to those associated with the flu.

12. It was 12 pages of analysis, not several paragraphs. COVID-19 CFR rates were compared to the Flu IFR rates to exaggerate the threat. So it's not me providing the stats comparing C19 to Flu, the world health authorities did.

7) CDC DEATH CERTIFICATE GUIDELINE CHANGES

6.. It refers to alleged changes by the American Centres for Disease Control and Prevention to its death certificate guidelines,

13. The CDC "on March 24 2020 upped "from Covid" over "from lightning" on death certificates!" is the alleged change that should be easy to prove.

8) HCQ ALTERNATIVE SUPPRESSION

as well as an effort by the mainstream media to suppress "HydroxyChloroQuine HCQ" as an alternative to "a Bill Gates-funded Oxford Recovery HCQ test", which the claim alleges is "deliberate malevolence."

14. Losing 32 times more patients with 9.6 grams overdoses compared to the successful 1-gram protocol used in France would qualify as suppressing a hopeful alternatives, "deliberate malevolence."

9) PCR TEST FALSE POSITIVES

15. Canada omitted the allegation the PCR tests had been set too sensitive to produce all the false positives.

10) SOCIAL MEDIA CENSORSHIP

7. The claim alleges that social media platforms, such as Twitter, Facebook, Youtube, and Disqus, have "instituted draconian censorship policies," and that doctors protesting COVID-19 measures are being "defamed by Big Brother at [the Associated Press] and Facebook."

16. The COVID-19 injections have emergency use authorization only, which can only be granted if there are no safe and effective remedies available. Such remedies do exist, but have been actively censored and suppressed. I have suffered the personal censorship of having had 4 videos taken down by Youtube without indicating what violated their community standards.

11) RESTRICTIONS INCLUDE

8. The claim alleges that "Covid-Mitigation restrictions include lockdowns & curfews, quarantines, mandatory masks, mandatory social distancing, mandatory vaccine, mandatory immunity card for public services."

17. Canada does not say it disagrees.

12) LOCKDOWN PAIN FOR GAIN NOT SUPPORTED BY EVIDENCE

It alleges that "lockdown gain does not justify lockdown pain" and that lockdown measures are not supported by evidence, and have increased "suicides, murders, abuses, addictions, [and] truancy."

18. Canada does not say it disagrees.

13) RESULTING WOES

9. The claim alleges that COVID measures have resulted in line-ups at stores, higher prices, stress, neighbors "snitching" on neighbours, and lost friendships due to "accusations of deniers putting alarmists at risk from the invisible plague,"¹⁰ and that:

Such restrictions on civil liberties to mitigate a sham-virus are an arbitrary, grossly disproportional, conscience-shocking violation of the Charter Section 2 right to freedom of peaceful assembly and association is gone, S.6 right to [m]obility, S.7 right to life, liberty and security, S.8 right to be secure against unreasonable search or seizure, S.9 right to not to be arbitrarily detained or imprisoned, S.12 right to not be subjected to any cruel and unusual treatment or punishment, not in accordance with the principles of fundamental justice.

19. Canada does not say it disagrees.

14) ONTARIO REACTION

10. The claim specifically refers to the Ontario government's declaration of an emergency and "Stay-At-Home" order enacted under s 7.0.1(1) of the provincial Emergency Management and Civil Protection Act, and alleges that Ontario has closed schools despite only one COVID-19 death among children under 20 between January 15 and July 13, 2020.

20. Canada does not say it disagrees that only 1 child died.

15) TRUDEAU DUPED

11. The claim refers to a statement by the Prime Minister describing the requirements for international travellers arriving by air to produce a negative COVID-19 test before entering Canada, for all travellers to quarantine upon entering Canada, and the potential for "fines and prison time" for not following these requirements. It alleges that "The Prime Minister and his Government have been duped," and that "Restrictions on civil liberties are not warranted for a Covid threat if they are not warranted for the tenfold deadlier Flu threat."

21. Trudeau falling for an Apple Orange comparison is being duped into imposing restrictions that are not even warranted for the tenfold deadlier Flu threat.

16) CABAL BENEFITS

12. The claim asks the rhetorical question "Who benefits?," and alleges that "Personal Protection Equipment producers, Skip-the-Dishes delivery come to mind but vaccine companies seem to have most to gain by an exaggerated scandemic."

22. Who could benefit from suckering people into thinking a mini-flu is a plague 34 times deadlier than the Flu where you need a vaccine to get out of lockdown when it was only a third of the death rate of the Flu.

17) VACCINE SCAM

13. The claim alleges that the vaccine promotion is a "scam", and that some would prefer alternatives

including "drinking the waters of your own cistern", vitamins, and supplements.

23. If the virus is 1 third the danger of the Flu, then vaccines to deal with the hoax are a scam too.

18) \$2 TRILLION OWED

14. The claim also alleges that the government owes Canadians \$2 trillion in compensation, which it could pay by borrowing "new interest-free credits from the Bank of Canada."

24. The claim does not we are owed \$2 trillion. I notes Canada paid \$2 trillion in taxes for interest over 45 years so they could pay \$2 trillion in damages for being duped over 45 years too. The \$2 trillion came from past results, not my estimate of requested damages. The final number could be more, it could be less.

ALLEGATIONS PRESUMED TRUE BUT...

24. Finally, while courts must generally accept the facts pleaded as true for the purposes of a motion to strike, they are not required to accept speculation, bald allegations or conclusory statements of law dressed up as facts.

25. So presuming all the allegations can be proven true, the Crown says:

NO PROVINCIAL JURISDICTION

1) No Jurisdiction To Grant Relief In Relation To Provincial COVID-19 Measures

26. I'm happy striking the Federal restrictions first. I'm only focused on Federal measures expecting the lesser jurisdictions to follow once the hoax is established. If the threat is proven an exaggerated hoax, then none of the other federal restrictions are warranted either.

Ontario, or Quebec's former curfew requirement - they are also provincial or municipal measures and are similarly beyond this Court's jurisdiction.

27. If the provinces want to keep them once it's proven they're not needed, it is beyond this Court's jurisdiction.

NO CAUSE WITH NO FACTS

2) The Claim Discloses No Reasonable Cause of Action
18.. While this Federal Court has clear jurisdiction to grant relief in respect of these FEDERAL measures, as detailed below, the claim does not contain facts capable of establishing that these measures infringe the plaintiff's Charter rights.

28. The Crown spends many paragraphs detailing how facts are necessary to understand what the allegations prove but seems to have ignored the Rules about when facts must be filed.

The Court Rules show that:

RULE 171 Pleadings

171 The following pleadings may be filed:

- (a) in respect of an action,
 - (i) a statement of claim, in Form 171A,
 - (ii) a statement of defence, in Form 171B, and
 - (iii) a reply, in Form 171C

days of the Statement of Claim.

RULE 223(1)

223(1) Every party shall serve an affidavit of documents on every other party within 30 days after the close of pleadings.

29. Canada has failed to file a Statement of Defence. It is premature to bemoan not having the facts before the facts are due. What the Crown seems to miss is that the statistics are the facts. To the Crown, 166 divided by 38,000,000 being 1/230,000 is not a fact but an allegation. It is alleged 38,000,000 divided by 166 is 228,916, not yet an established fact. Whether 98.5% is "most" or not can be argued forever.

RELIANCE ON FACTS OF OTHERS

23... Plaintiffs cannot rely on facts applicable to other individuals to support an alleged infringement of their individual Charter rights, and it is instead incumbent on the plaintiff to demonstrate that the elements of each alleged Charter infringement are met in their individual circumstances.

29. If the other plaintiffs had not been stayed, I could rely on the facts applicable to others since they filed the same template except for their personal facts. Only the stats are the same. The only reason I cannot rely on their facts is because Defendant had the others stayed. I may not exemplify all the woes cited but I'd bet some of the other 76 plaintiffs whose actions are stayed do. The law infringes everyone but once I'm singled out, they want to limit discussion on how they infringe on me in particular. That's why they don't want us all together and got us split apart.

30. The allegations are presumed to be true but not:

Para.24: speculation, bald allegations or conclusory statements of law dressed up as facts..

Para.37: bald and irrelevant assertions, opinions, and conclusions.

Para.38: scandalous, frivolous, and vexatious if it:

(b) includes statements that are irrelevant, incomprehensible, and inserted for colour;

(c) is replete with extreme and scandalous allegations that are unsubstantiated; or

(d) is overly-long, unwieldy and repetitive.

Para.39: Prolixity, repetition and the bare pleading..

Para.40: irrelevant and incomprehensible statements as well as spurious, extreme and scandalous allegations.

Para.41: "unwieldy and non-compliant,"

31. Not one allegations has been linked to any such deficiency. It is not enough to make a list of possible derogations without linking them to any allegation. There is no indication which allegations are considered speculation, bald allegations or conclusory statements of law dressed up as facts, bald and irrelevant assertions, opinions, and conclusions, irrelevant, incomprehensible, and inserted for colour, extreme and scandalous allegations that are unsubstantiated; or overly-long, unwieldy and repetitive, irrelevant or incomprehensible statements as well as spurious, extreme or scandalous allegations, unwieldy and non-compliant. Such deficiencies of being overly-long, unwieldy and repetitive are amusing when engineers are masters of KISS (Keep It Super Simple) and take pride in being short, to the point and saying it once.

MALEVOLENT INTENTIONS

24. Rule 181 requires particularization of every allegation, especially for allegations of malice or fraudulent intention.

32. The one mention of deliberate malevolence that furthered the Covid panic was due to suppressing hopeful alternatives in particular.

NO LINK BETWEEN COVID MEASURES AND HARMS SUFFERED

25. The claim fails to meet these basic requirements of pleadings.

33. The pleadings are not yet closed.

While it alleges that COVID-19 measures have resulted in harms such as "suicides, murders, abuses, addictions, [and] truancy," "stress from the distress shown by many," and "neighbours snitching on neighbours," it provides no material facts that establish a link between COVID-19 measures and the harms alleged, nor does it allege that the plaintiff has personally suffered these harms.

34. The Lead Plaintiff may not have suffered all the harms but some of the 77 plaintiffs have.

35. So the Crown motion listed all our allegations, called them deficient, and did not say how. If The Crown had said:

- "Your C19 3.4% CFR was not compared to Flu 0.8% IFR," I could provide an affidavit proving it more.
- "Wuhan did not test 10 million and find zero asymptomatic transmission," I could prove it more.

- "Not only 166 Canadians not in long-term-care died," I could prove it more.
- "CDC did not up the priority of C19 on death certificates over bullet to the head or lightning strike," I could prove it more.
- "PCR test was not set too sensitive to generate extra false positives," I could prove it more.
- "The Gates UK Oxford study did not overdose their patients compared to France," I could prove it more.

36. Canada keeps demanding more facts which don't have to be provided until a Statement of Defence is filed. So I don't have to provide proof of the allegations in my affidavit until after they file a Statement of Defence. You'd think the Ministry of Justice would know the Rules.

26. To the extent that the plaintiff is alleging that COVID-19 measures have infringed the rights of others, he also does not meet any of the requirements for public-interest standing...

27.. there is no reason why the Charter issues cannot instead be raised instead by an individual personally suffering from the harms alleged.

37. I'm not here complaining about suffering from the harms alleged, I'm here complaining about the lies causing the suffering from the harms alleged. And some of the others may have suffered the woes claimed but cannot add to the argument since they've been stayed.

EXISTING COSTS AWARDS AGAINST THE PLAINTIFF

B. If The Claim Is Not Struck, The Plaintiff Should Be Ordered To Provide Security For Costs

38. The Crown did not dissuade the judge from appointing me Lead Plaintiff so they could later dispute my being chosen. Remember in Para.9 of her April 8 2021 decision:

9. The Court noted that.. none of the plaintiffs disputed the John Turmel Claim's suitability as a lead claim.

39. Other plaintiffs did not dispute the suitability of Turmel as Lead Plaintiff while the Crown did not tell the Court they were going to be disputing Turmel's suitability due to owed costs from past actions once she had appointed him.

40. What Canada can gain by disqualifying me? Appointing me Lead Plaintiff was to make it easier on the Crown. Without me, whom will they make Lead Plaintiff? Everyone else is stayed. Surely they don't hope getting mine dismissed for security will get everyone else who doesn't owe cost awards dismissed too?

41. Appointing a new Lead would allow the Crown to have another few months worth of people taking the cytotoxic Spike vaccine before finding out the threat was exaggerated a hundredfold. Finding out the death rate was a hoax might curb enthusiasm for getting out of lockdown. The Crown and this Court knew that the lockdown is based on the Apple Orange comparison to exaggerate the threat a hundredfold and are already going to be blamed for every kid who committed suicide, every old-ager who died lonely without any family nearby, and everyone who dies of the jab since March when the motion to strike should have been finished.

15. The Federal Court, Federal Court of Appeal, and the Supreme Court of Canada have previously ordered the

plaintiff to pay Canada's costs in six separate proceedings, totalling \$11,840.59...

(d) FC File No.: T-561-15: the Federal Court dismissed the plaintiff's constitutional challenge to the Canada Elections Act, and granted summary judgment in favour of Canada, with costs of \$6,105.03. An appeal of this decision was later dismissed for delay in Federal Court of Appeal File No. A-202-16;

(e) SCC File No.: 37647: the Supreme Court of Canada dismissed the plaintiff's application for leave to appeal the Federal Court of Appeal decision in A-202-16, with costs that were later assessed at \$877.70;

16. These cost awards remain unpaid, and the total outstanding, including post-judgment interest is currently \$13,003.39.

48. In the present case, the plaintiff has provided no evidence whatsoever concerning his financial circumstances, let alone evidence sufficient to establish that he cannot pay the outstanding costs awards or borrow or access funds from another source. He accordingly has not established that he is impecunious.

42. The Crown knows very well my financial circumstances having examined me a few years ago in an attempt to collect the costs on the Elections Office case and learned my sole source of income was Canada Pension since 2016 when I quit my job as a professional poker player. The Crown knew when it did not dispute my being chosen as Lead. If it didn't bother them enough to tell the judge, why would it bother them enough after they tricked her into selecting me.

RIGHTS VIOLATED?

28. Freedom of peaceful assembly (Charter s 2(c)): The claim does not identify a federal measure that has directly prevented the plaintiff from peacefully assembling with others.

43. I have an \$880 ticket for attending the April 3 2021 Brantford anti-lockdown protest assembly could prevent me from peacefully assembling?

29. Freedom of association (Charter s 2(d)): The claim does not identify a federal measure that has directly prevented the plaintiff from joining with others to form associations, pursue other constitutional rights, or meet on more equal terms the power and strength of other groups or entities.

44. A declaration that the Covid death rate was a hoax would ensure no pressure not to form associations.

30. Mobility rights (Charter s 6): The claim does not allege that the plaintiff has been personally prevented from entering, remaining in, or leaving Canada, or from moving to or working in another Canadian province.

45. If I do not pay my fine, my license can be suspended. This would end if this court declares the virus a hoax. I am threatened with punishment if I go to the wrong place.

Although the claim refers to the federal pre-flight testing and 14-day quarantine requirements which have applied to travellers entering Canada since at least January 2021, the plaintiff does not allege that he has

travelled internationally during this time or that he plans to do so anytime in the near future.

46. The other plaintiffs may so allege but were stayed.

31. Right to life, liberty and security of the person (Charter s 7): The claim does not put forward any facts capable of demonstrating that any federal measures deprive the plaintiff of life, liberty, or security of the person, or that any such deprivation is inconsistent with the principles of fundamental justice.

47. My S.7 rights are violated while I suffer consequences of no declaration of the death rate hoax.

32. For the purposes of the present motion, Canada accepts that the requirement to quarantine for 14 days after returning to Canada from an international destination engages an individual's liberty interests. However, as noted above, the claim does not allege that the plaintiff has travelled internationally during this time or that he plans to do so anytime in the near future.

48. My mobility right may not have been impacted yet because I haven't travelled but the mobility rights of the other 76 plaintiffs may have been and we can't find out since they are stayed.

33. While the claim also broadly alleges that COVID-19 measures have caused stress and seeks damages in relation to this stress, it provides no material facts concerning the psychological impact of COVID-19 measures on the plaintiff personally, let alone facts sufficient to show a "serious and profound effect" on his

psychological integrity, which would be required to engage security of the person.

49. 76 other plaintiffs may provide material facts concerning the psychological impact of COVID-19 measures on the plaintiffs personally. That's why the Crown doesn't want them all involved, it's easier to make this argument if I'm alone.

34. Unreasonable search and seizure (Charter s 8): The claim does not identify any federal measures that authorize a search or seizure, and does not allege that the plaintiff has been personally subject to such a search or seizure.

50. Some other plaintiffs may have been.

35. Arbitrary detention or imprisonment (Charter s 9): The claim does not allege that the plaintiff has been detained or imprisoned pursuant to any federal measures.

51. Failure of Health Canada to declare that the death rate was a hoax does threaten me with imprisonment if I do not comply with lockdowns.

36. Cruel and unusual punishment (Charter s 12): The claim does not contain any facts capable of demonstrating punishment or treatment that is grossly disproportionate in the sense that it outrages standards of decency and is abhorrent or intolerable to society.⁵⁸ Indeed, in CCF, the Ontario Superior Court of Justice also held that "the claim that quarantine is cruel and unusual punishment is frivolous."

52. Quarantine is cruel and unusual punishment for a pandemic with hoax death rate. Don't tens of thousands of protestors in the streets demonstrate that lockdowns outrage standards of decency and are abhorrent or intolerable to society.

53. I note not one allegation has been disproved or contradicted. No contradiction that the threat was Apple Oranged a hundredfold. No contradiction of any allegation at all. So much has been labelled "irrelevant assertions, opinions, and conclusions" but not once shown to be wrong.

46. Rule 417 provides that the Court may refuse to order security for costs if a plaintiff demonstrates impecuniosity and the Court is of the opinion that the case has merit. Neither requirement is met in this case.

54. Plaintiff submits that both requirements are met. Merit is established with no reason to lock people down and only let them out if they take a vaccine for a hoax pandemic. I do not have the \$13,000 for security and Defendant knows it.

55. Crown has to convince the court there is ZERO chance of success in our Cause of Anger. Cause of Righteous Anger. The issue is:

Would you have taken cytotoxin jab if you'd been told,
The numbers fudged exaggerating danger hundredfold?
"We made a big mistake" said Dr. Bridle in alarm,
"We didn't know the spike could travel, heart and brain to harm."

56. Plaintiff submits the motion should be dismissed.

Dated at Brantford on June 22 2021.

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File No: T-171-21

FEDERAL COURT

Between:

John Turmel

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AND

Her Majesty The Queen

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PLAINTIFF'S MOTION

RECORD IN RESPONSE

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