



Date: 20230717

Docket: T-138-21

Halifax, Nova Scotia, July 17, 2023

PRESENT: Associate Judge Trent Horne

BETWEEN:

RAYMOND TURMEL

Plaintiff

And

HIS MAJESTY THE KING

Defendant



ORDER

[1] On June 22, 2023, the plaintiff filed a “record of motion for reconsideration”. The motion did not contain an affidavit, and was accepted for filing under reserve of objection of the defendant and the Court.

[2] By correspondence dated June 23, 2023, the defendant requested that the motion record be removed from the Court file.

[3] I issued the following direction on June 28, 2023:

The plaintiff has filed a motion for reconsideration of my order of June 19, 2023 on the basis that John Turmel has brought a motion to the Supreme Court of Canada to reconsider the decision on his leave to appeal. The motion record does not include an affidavit, and does not include evidence related to any motion at the Supreme Court.

The defendant, by letter dated June 23, 2023, requests that the motion be removed from the Court file on the grounds that the motion record identifies no basis on which the Court could reconsider the June 19, 2023 order, and that it appears the motion was prepared and distributed by John Turmel.

Rule 74 provides that an order to remove a document from the Court file can only be made if all interested parties have been given an opportunity to make submissions.

John Turmel has been declared to be a vexatious litigant (*Canada (Attorney General) v Turmel*, 2022 FC 1526). The Court's judgment, among other things, states that "Mr. Turmel is prohibited from assisting others with any proceedings before this Court, including by filing materials, or purporting to represent them, or communicating with the Court on their behalf."

The affidavit of service for the reconsideration motion in T-138-21 was sworn by John Turmel. The defendant's correspondence includes an email from John Turmel to counsel for the defendant stating "I'm filing for reconsideration of the decision until it's over at the top." The font and style of the documents for the motion in T-138-21 is somewhat unique, and the same as the documents filed by John Turmel in T-130-21 and T-277-22. This gives the appearance that John Turmel is directly assisting the plaintiff in T-138-21.

Raymond Turmel shall therefore be given an opportunity to make submissions as to why the reconsideration motion in T-138-21 should not be removed from the Court file. The submissions must specifically address the extent, if at all, that John Turmel provided assistance with the preparation and filing of the reconsideration motion. Any such submissions shall be served and filed by July 14, 2023. Any responding submissions shall be served and filed by July 28, 2023. None of the deadlines in this or related

proceedings are suspended or otherwise affected by this direction. If Raymond Turmel does not serve and file submissions by July 14, 2023, the reconsideration motion shall be removed from the Court file.

[4] The plaintiff did not serve and file submissions by the July 14, 2023, deadline. The motion record shall therefore be removed from the Court file.

THIS COURT ORDERS that the plaintiff's motion record filed on June 22, 2023, and the associated affidavit of service of John Turmel sworn on June 22, 2023, shall be removed from the Court file.

"Trent Horne"
Associate Judge