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Tuesday Mar 1 2021
VIA EMAIL

Chief Administrator
Courts Administration Service
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Dear Sir or Madam:

re: John Turmel v. HMTQ T-130-21

Could you please place this letter about the Feb 26 2021 Order of Chief Justice Crampton appointing a prothonotary to be Case Management Judge for our actions before him.

In my past template actions with two large groups of self-represented plaintiffs, a judge was appointed Case Management Judge. I am unfamiliar with how the appointment of a prothonotary as case management judge should differ.

I am aware that Rule 51(1) allows that "An order of a prothonotary may be appealed by a motion to a judge of the Federal Court."

I am aware that Rule 50(1) allows that a prothonotary may hear any motion other than:

(c) a motion for summary judgment or summary trial.

Given Her Majesty The Queen is in default of filing a Statement of Defence within the required 30 days, though a motion for summary judgment may not be sought before a prothonotary, may a motion for Default Judgment be sought before a prothonotary? If not, how should Plaintiff proceed should default Judgment be sought?

(e) for an injunction;

This is an action seeking an injunction prohibiting Covid restrictions. How should Plaintiff proceed should interim injunction be sought?

If the prothonotary may not hear a plaintiff motion for injunctive remedy, may a prothonotary hear a defendant's motion to strike a claim for injunctive remedy? How should the Crown proceed should striking the claim be sought?

(1) for the certification of an action or an application as a class proceeding.

There are now over 50 Plaintiffs. How should Plaintiffs proceed should class certification be sought?

I know final adjudication has to be by a judge and having a prothonotary deal with administrative issues is no problem. I only seek clarification on how motions a prothonotary may not adjudicate should be dealt with?

Dated at Brantford on Tuesday Mar 2 2021.



John C. Turmel

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