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Mar 18 2021

Court Administrator

re: T-130-21 TURMEL: John Turmel

Dear Sir/Madam:

Would you please put this email response to the Mar 11 2021  
Direction before Case Management Judge Ayles.

In 2014, half of Canada's 36,000 cannabis patients had their  
permits invalidated. A group of over 300 filed suit to get  
their permits back proffering their previous Health Canada  
Authorization as proof of medical need. Justice Phelan was  
appointed Case Management Judge and on April 29 2014, he  
presided over an "unprecedented, remarkable, extraordinary"  
teleconferenced hearing in 10 provinces in 12 courthouses.  
No Lead Plaintiff was named and all 315 names are on the  
Style of Cause;

<https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/218251/1/document.do>

BETWEEN:

"In the matter of numerous filings seeking a declaration  
pursuant to s 52(1) of the Canadian Charter of Rights  
and Freedoms"

MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO,  
ORDER AND REASONS: PHELAN J.  
DATED: JANUARY 11, 2017  
WRITTEN REPRESENTATIONS BY: John Turmel  
FOR THE PLAINTIFF (T-488-14)  
Jon Bricker FOR THE DEFENDANT

[44] For all these reasons, the motion is granted. The  
Court will issue an Order that:

- a) all of the claims/application listed are struck  
without leave to amend; and
- b) no costs being requested, no costs will be granted.  
(It is doubtful under the circumstances if the Court  
would have granted costs.)

No plaintiff but me submitted written representations but the decision applied to all without any need for a Lead Plaintiff even though they did not submit a reply. That style of cause is now listed as:

"subsection 52(1) of the Canadian Charter of Rights and Freedoms" and the listing the 316 files.

Since our current actions are also under "subsection 52(1) of the Canadian Charter of Rights and Freedoms," that group title cannot be used again. Should a new title be sought, I would note that our Facebook Page is titled: APPLE ORANGE RESISTANCE. So a preferred style of cause might be:

BETWEEN:

"In the matter of numerous APPLE ORANGE RESISTANCE filings seeking a declaration pursuant to s 52(1) of the Canadian Charter of Rights and Freedoms"

In 2016, another group of cannabis patients filed templates for damages due to long delays in processing medpot grow applications. Justice Brown was appointed Case Management Judge. He named one plaintiff Lead and I was derelict in not realizing that the other plaintiffs would not be kept apprised while the Lead Plaintiff's action was pursued.

Canada has noted as a precedent that no plaintiffs in that second group were kept apprised. I submitted we don't want that happening again.

I had consented to Canada's request to file a motion to strike on one lead plaintiff with the pre-requisite that the other plaintiffs would be emailed the documentation of the Lead case. The Crown has refused to email a copy TO the others and this Court had found it cannot impose such a burden on an unwilling Defendant.

If Judge Phelan's management could keep all plaintiffs on the style of cause and thus fully informed, then that is the right way to proceed here now that Canada has stated its unwillingness to send a copy of the documentation to other plaintiffs.

John Turmel

CC:

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