



Department of Justice
Canada

Ministère de la Justice
Canada

Ontario Regional Office
National Litigation Sector
120 Adelaide Street West Suite #400
Toronto, ON M5H 1T1

Région de l'Ontario
Secteur national du contentieux
120, rue Adelaide ouest, pièce 400
Toronto, ON M5H 1T1

Telephone/Téléphone: 647-256-0564
Fax /Télécopieur: 416-952-4518
Email/Courriel: Benjamin.Wong2@justice.gc.ca

VIA EMAIL

Our File Number: LEX-500040961

March 24, 2021

Federal Court
90 Sparks Street
Ottawa, Ontario
K1A 0H9

Attention: Registry

Dear Ms. Craigie:

Re: *TURMEL, John v Her Majesty the Queen, T-130-21*
TURMEL, Raymond v Her Majesty the Queen, T-138-21
ETHIER, Michel Denis v Her Majesty the Queen, T-171-21
INNISS, Biafia v Her Majesty the Queen, T-208-21
BRUNET, Raymond v Her Majesty the Queen, T-219-21
INNISS, Nathanael D v Her Majesty the Queen, T-212-21
ROBINSON-RITCHIE, William Ernest Wayne v Her Majesty the Queen, T-220-21
ROBINSON, Wayne Brian v Her Majesty the Queen, T-221-21
LEADLEY, Trevor J v Her Majesty the Queen, T-230-21
BRAUN, Jason F v Her Majesty the Queen, T-242-21

I am writing on behalf of the defendant in the above-noted matters, Her Majesty the Queen in Right of Canada (“Canada”), in response to the Court’s March 11, 2021, direction. I ask that you kindly place this letter before the case-management judge, Madam Prothonotary Aylen.

Canada agrees with the Court’s proposal to designate a lead claim and to stay the remaining claims pursuant to s 50(1)(b) of the *Federal Courts Act* pending final determination of the lead claim.

The power to temporarily stay a proceeding pending other proceedings in the same court is a broad discretionary power akin to granting an adjournment. The question in each case is whether a stay is in the interests of justice, having regard to such factors as whether the proceedings raise

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similar issues, whether a stay will conserve judicial and party resources, and whether it will result in injustice to the parties.¹

In the circumstances of this case, each of these factors favours a stay. The above-noted claims are substantially similar. The Court's proposal to designate a lead claim, and to stay the other claims pending final determination of that claim, has the potential to significantly narrow the issues in dispute in the other files and to conserve judicial and party resources that would otherwise be spent on those issues. Since the above-noted claims were filed, another 50-plus plaintiffs have also filed similar claims. There appears to be a significant likelihood of more such claims, which if not stayed, would consume further resources, while also creating a "moving target" for Canada's forthcoming motion to strike and complicating the proceedings with multiple claims at different stages of progress.

Finally, a temporary stay will not result in an injustice to the plaintiffs. Following the final determination of the lead claim, the plaintiffs in the other matters will have the opportunity to provide submissions on the merits of their claims. Plaintiffs wishing to monitor the status of the lead claim during any stay would also have the opportunity to do so via the Federal Court's online docket or at <https://groups.google.com/g/alt.fan.john-turmel>, a public website where Mr. Turmel appears to be providing comprehensive updates on the status of the claims.

Canada accordingly requests that the Court designate a lead claim and stay the remaining claims pending the final determination of the lead claim. However, if the Court decides not to stay the claims of those plaintiffs who do not consent to a stay, Canada requests that it be permitted to serve and file a single motion to strike those claims.

Sincerely,



Benjamin Wong
Counsel

c.c. John Turmel, plaintiff, via e-mail
Raymond Turmel, plaintiff, via e-mail
Michel Denis Ethier, plaintiff, via e-mail
Biafia Inniss, plaintiff, via e-mail
Raymond Brunet, plaintiff, via e-mail
Nathanael D Inniss, plaintiff, via e-mail
William Ernest Wayne Robinson-Ritchie, plaintiff, via e-mail
Wayne Brian Robinson, plaintiff, via e-mail
Trevor J Leadley, plaintiff, via e-mail
Jason F Braun, plaintiff, via e-mail

¹ *Astrazeneca Canada Inc v Mylan Pharmaceuticals ULC*, 2011 FCA 312 at paras 5, 14, 19; *Re Marihuana Medical Access Regulations*, 2014 FC 435, paras 18-19.