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Mar 29 2021

Court Administrator
fc_reception_cf@cas-satj.gc.ca

re: T-130-21 TURMEL: John Turmel

Dear Sir/Madam:

Would you please put this email response to the Defendant's
Mar 24 2021 Response before Case Management Judge Ayles.

1. In the Feb 11 2021 letter, the Defendant Canada wrote:

In light of the common issues, Canada will be requesting
leave to seek this relief by way of a single motion
that would be applicable to all of the proceedings.

2. On Feb 22 2021 Prothonotary Aalto ordered:

AND UPON reading the Defendant's request and noting the
Plaintiff's Consent to the Defendant's request for leave
to seek relief by way of a single motion...

3. I had consented:

"As long as the other plaintiffs receive all documentation by email before ceding right to be served personally with relevant documents.

4. I further asked:

that the Court order that Defendant provide Lead Plaintiff with the list of plaintiff emails, say once a week.

5. On Mar 1 2021 Case Management Judge Prothonotary Aylen ordered a Mar 11 hearing to determine:

(a) Whether the parties consent to T-130-21 being the lead file, with the balance of the files held in abeyance and bound by the outcome of any determinations in T-130-21.

6. On Mar 5 2021,

Canada also requests that these claims be held in abeyance pending the outcome of the lead file, and that they be bound by any determinations made in the lead file.

7. I noted that in the past group management by Justice Brown, later claims were improved and Lead Plaintiff's claim was ordered amended to match. So I could not advise anyone to accept being bound by a persuasive decision on an original claim when there is a good chance later claims will have been improved.

8. At the Mar 11 2021 hearing, some plaintiffs agreed to be stayed, some did not, and some got more time to decide.

9. The Defendant refused to email a Carbon Copy of the documentation to those upon which it wished to not serve documentation and the Court could not impose such an unwanted burden.

10. In the Mar 18 2021 Turmel submission on stays, I pointed out how Justice Phelan had all the plaintiffs on the style of cause heading, all were served documentation, and all took part in the "unprecedented, extraordinary, remarkable" hearing of the Crown's motion to strike in a teleconference in 10 provinces in 12 courtrooms. Only under case management of Justice Brown was it agreed to have a Lead Plaintiff and failed to make sure all plaintiffs got documentation. I noted that was a mistake I didn't want to make again given Canada seemed to have no problem with serving everyone for Justice Phelan's group.

11. In Defendant's March 24 2021 Response:

Canada agrees with the Court's proposal to designate a lead claim and to stay the remaining claims... pending final determination of the lead claim...

12. This would have been fine had Canada agreed to CC the other plaintiffs but no longer now that it has refused.

13. Canada argues a stay is in the interests of justice but does not explain how the interests of justice are served by plaintiffs not being served documentation of arguments that affect them.

14. Canada argues a stay will conserve judicial and party resources but does not say how resources would be wasted by sending everyone a copy of the documentation? Not filing 70 motions for 70 actions in 70 Registry files would conserve judicial resources but not emailing 70 copies of the one motion would conserve virtually none in our day of merge-printing of document with list of recipients that do not expend much resources.

15. Canada argues that a stay will result in the potential to significantly narrow the issues in dispute in the other files even though the other files are virtually identical and have no other issues in dispute.

16. Canada argues that adding more new plaintiffs could consume further resources and complicate the proceedings at different stages of progress though there are not different stages of progress. There is only one stage. You have an Action or you don't. On or Off. The only resources being consumed would be the adding names to the style of cause and CC list.

17. Canada argues that there would be no injustice to the parties because

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.

18. Others can keep watching my site every day over the next few years to see if I posted anything rather than get the news themselves in the mail. I don't think all would be so vigilant.

19. Canada added:

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.

20. Though the other plaintiffs can still present their own submissions, it cannot be as effective as if they had been in on the whole proceeding. They would be denied the information they are due. Not being kept apprised allows the chance they might seek remedies that were already settled

while they weren't watching. Getting their own emailed motion does not pose such risk them missing something if they fail to check my blog for developments. To watch is to be able to do it better and make more perfected arguments when comes the time, later, as Crown says.

21. Finally, Canada says:

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.

21. That is exactly what was done with the first group with Justice Phelan. Everyone's name was on the motion and everyone for sent a copy. Not separate motions for each. So of course, we agree with that last request to serve and file a single motion on all of us in the group. And new filers can simply be added to the style of cause and CC list in later documentation as they join.

A handwritten signature in black ink that reads "JC Turmel". The signature is written in a cursive, flowing style.

John Turmel

CC: benjamin.wong2@justice.gc.ca.