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Sunday May 2 2021

VIA EMAIL

Benjamin Wong
Department of Justice
Benjamin.Wong2@justice.gc.ca

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

Further to the Court's April 26, 2021, Direction in the above-noted matter, you wrote to propose the following deadlines for Canada's motion to strike and for security for costs under Rule 369:

- Service and filing of Canada's Notice of Motion and Affidavits: May 25 (+20 days from May 5)
- Service and filing of the Plaintiff's Affidavits: June 14 (+20 days)
- Cross-examinations on affidavits: June 24 (+10 days)
- Service and filing of Canada's Motion Record: July 9 (+15 days)
- Service and filing of the Plaintiff's Responding Record: July 26 (+15 days)
- Service and filing of Canada's Reply Submissions: August 2 (+7 days)

From May 5 to Aug 2 is almost 3 months before a hearing can be slated. Rule 369 mandates a 2-week timetable.

<https://laws.justice.gc.ca/eng/regulations/SOR-98-106/FullText.html>

Motions in writing

369 (1) A party may, in a notice of motion, request that the motion be decided on the basis of written representations.

(2) A respondent to a motion brought in accordance with subsection (1) shall serve and file a respondent's record within 10 days..

(3) A moving party may serve and file written representations in reply within four days after being served with a respondent's record under subsection (2).

(4) On the filing of a reply under subsection (3) or on the expiration of the period allowed for a reply, the Court may dispose of a motion in writing or fix a time and place for an oral hearing of the motion.

Your 3 month timetable does not follow the rules. I want to go with the timetable in Rule 369. The same S.369 you followed in the Ethier motion to appeal the stay. He served you on April 19, you filed your response on April 29 and Ethier will file his Reply in 4 days, tomorrow Monday!

20 days to file your motion is unacceptable when you've already had the Statement of Claim for 15 weeks now. You should not need another 3 weeks. I want the Court to give you 3 days. Or you can consent and get it done.

And then we follow the steps in Rule 369. Nothing less. Forget taking 3 months when it can be sent to the judge in under 2 weeks.

I insist on following the rules and if you don't, you'll have to explain to the judge why you need another dispensation from following the rules.

We follow the rules after you file your motion to strike. How long you get to file depends on your pleading.

You really shouldn't let the judge make a mistake that you can be sure I will be appealing. Not going by the rules again will get maximum resistance.

Dated at Brantford on Sunday May 2 2021.

John C. Turmel

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