No: A-265-22

FEDERAL COURT OF APPEAL

Between:

John Turmel

Appellant

Respondent

AND

Her Majesty The Queen

Respondent

Applicant

APPELLANT'S MEMORANDUM

PART I - FACTS

1. Appellant has appealed from the Nov 9 2022 decision of Federal Court Justice Fothergill who wrote:

> [3] Mr. Turmel has instituted numerous meritless and repetitive proceedings before this Court, the Federal Court of Appeal, the Ontario Courts, and the Supreme Court of Canada. He has brought proceedings for improper purposes, frequently sought to re-litigate matters decided previously, made scandalous allegations against members of the courts and other parties, refused to follow the Federal Courts Rules, and failed to pay costs orders.
>
> [4] Despite having no qualifications or apparent ability to practice law, Mr. Turmel has developed litigation "kits" comprising templates for court documents, and has recruited others to "flood the courts" with these documents.

[5] Mr. Turmel.. continued to express contempt for the judiciary, maintaining that any judge who disagrees with him is simply wrong.

[6] Mr. Turmel does not object to the imposition of a leave requirement before commencing further proceedings in this Court. He says he is unlikely to develop further litigation "kits" unless the government imposes new vaccination mandates.

[7] For the reasons that follow, Mr. Turmel is declared to be a vexatious litigant. He must pay all outstanding costs awards issued by this Court, and obtain leave before instituting or continuing any litigation in this Court. He is also prohibited from aiding or abetting others to initiate proceedings in this Court.

II. Background

[8] According to the affidavit evidence submitted by the AGC, Mr. Turmel has instituted at least 67 court proceedings since 1980.... The proceedings have concerned a wide range of legal issues, and have been almost entirely unsuccessful.

[9] Mr. Turmel's proceedings have been dismissed as failing to disclose reasonable causes of action, as wholly unsupported by evidence, as attempts to re-litigate matters previously decided, or as otherwise frivolous and vexatious and abuses of process.

2. The Court listed the proceedings commenced by Mr. Turmel:

(1) Banking Proceedings

(2) Elections Proceedings

(a) Equitable free-time political broadcasts

(b) No change in auditor compensation in 40 years

(3) Gaming Proceedings

(a) Possession of a deck of cards

(b) Keeping a Common Gaming House

(4) CBC Dragons Den Defamation

(5) Cannabis Proceedings

(a) Contempt of Court Publication Ban

(b) Cannabis Prohibition violates Right to Life

(c) Self Defence kits

Litigation Kits

(a) MMAR;

(b) MMPR;

(c) Allard;

(c) Failure to provide juice and oil;

(d) long permit processing time delays;

(e) 150-gram cap for high-dosers;

(f) annual authorization for permanent illnesses;

(g) Health Canada rejection of doctor recommendation;

(h) Cap on patients per grower and licenses per site

(6) COVID-19 Proceedings

3. That these issues were deemed as not disclosing reasonable causes of action was a failure to see causes of action being shown. Since I was accredited an expert witness by Federal Tax Court of Canada in Mathematics of Gambling, I have the same education as Star Trek's Science Officer Spock who figured out the winningest way to go. Electrical Engineering and Mathematics of Gambling from Carleton University. I use math to determine fairness therefore judges who determine fairness by "trial and error" must be wrong to disagree.

PART II - ISSUES

4. Should these issues have been deemed frivolous and raising them deemed vexatious?

PART III - ARGUMENT

5. (1) Banking Proceedings

[11] In 1981, Mr. Turmel filed an unsuccessful application in this Court for an order that the Bank of Canada cease and desist the "genocidal practice of interest" (T-896-81). Both the FCA (A-136-81) and the SCC (17314) dismissed Mr. Turmel's attempts to appeal.

[12] In 1982, the County Court of Ontario allowed an action by the Toronto Dominion Bank against Mr. Turmel, and granted judgment in the amount of $2,813.19. After unsuccessfully appealing to the Ontario Court of Appeal [ONCA], Mr. Turmel also unsuccessfully sought leave to appeal to the SCC based on the assertion that the interest charged by banks violates natural, biblical or criminal laws (18329).

6. 2. No judge accepted that foreclosing on farmers who fail to pay back 11 when banks only printed and loaned out 10 was a physical impossibility resulting in genocide of the poor by destruction of agricultural capacity. But Appellant did then publish an Anti-Foreclosure Stiff-The=Bank kit showing others how to successfully stall their foreclosures by arguing those same grounds.

7. (2) Elections Proceedings

(a) Equitable free-time political broadcasts

[13] Mr. Turmel is a perennial candidate in municipal, 2. No judge accepted that foreclosing on farmers who fail to pay back 11 when banks only printed and loaned out 10 was a physical impossibility resulting in genocide of the poor by destruction of agricultural capacity. But Appellant did then provincial and federal elections, and holds the Guinness World Record for the most elections contested and lost. He has commenced numerous court proceedings related to his candidacy in these elections.

[14] Mr. Turmel has instituted 12 proceedings against the Canadian Radio-Television and Telecommunications Commission and several broadcasters concerning their allocation of free political broadcast time or his exclusion from broadcast debates. Of these proceedings..

8. No judge found that getting zero time violated the Broadcast Act regulation that free broadcast time for partisan political debates must be shared on an "equitable basis quantitatively and qualitatively." In 2009, the Supreme Court of Canada in Turmel v. C.R.T.C. struck that legislation so media may now exclude candidates from partisan political debates.

9. (b) No change in auditor compensation in 40 years

[15] In 2015, Mr. Turmel brought an action in this Court for a declaration that the expense audit provisions of the Canada Elections Act, SC 2000, c 9, infringed his right under s 3 of the Canadian Charter of Rights and Freedoms [Charter] to participate as a candidate in federal elections (T-561-15). The action, an appeal to the FCA (A-202-16), and an application for leave to appeal to the SCC (37646) were all dismissed.

10. Elections Canada had not changed the auditor fee refund since my first election in 1979 when $250 was enough. 40 years later, it did not cover the auditor's fee the over $700 fee. So I tried to strike the $250 cap and Judge Phelan suggested I save $10 a month out of my pension so I'd be able to afford my democratic right to contest elections. After my presentation to a Parliamentary Committee, the law was changed so no auditor was needed for campaigns with expenses less than $10,000 in expenses. So Parliament found it unfair enough to correct even after the court had not.

11. (3) Gaming Proceedings

(a) Possession of a deck of cards

> **[16] Mr. Turmel has commenced multiple legal proceedings in relation to Canada's gaming laws. In 1981, he unsuccessfully applied to this Court for an Order compelling the Crown to prosecute the retail chain Simpsons-Sears for selling playing cards, which Mr. Turmel alleged were prohibited gaming devices (T-3-81).**
> **[17] In 1993, Mr. Turmel was criminally charged for keeping a gaming house and subsequently convicted by the Ontario Court of Justice (93-18193). His appeal to the ONCA (C21516) and application for leave to appeal to the SCC (25610) were both dismissed.**

12. When the Crown could not charge me with keeping a common gaming house after I allowed anyone to be the bank against me, they charged me with possession of the gambling device, the deck of cards. So I tried to charge Simpsons with possessing gambling devices to show the injustice of making me the last person ever charged with possession of a deck of cards.

(b) Keeping a Common Gaming House

13. The Court continued:

> **[17] In 1993, Mr. Turmel was criminally charged for keeping a gaming house and subsequently convicted by the Ontario Court of Justice (93-18193). His appeal to the ONCA (C21516) and application for leave to appeal to the SCC (25610) were both dismissed.**

14. The judge changed the law to convict me contrary to the Strict Interpretation of Criminal Statues, but there it is in the Criminal Code, a judge changed the meaning of the word "gain" to mean "win" without Parliament to convict me.

15. (4) CBC Dragons Den Defamation

> **[18] In 2010, Mr. Turmel brought two libel actions against the Canadian Broadcasting Corporation in the Ontario Superior Court of Justice [OSCJ] (CV-10-48 and CV-699-2010) arising from his appearance on the television program Dragon's Den. The actions, appeals to the ONCA (CFN 52849 and C53732), and an application for leave to appeal to the SCC (34882) were dismissed.**

16. When Dragons Den made fun of me after chopping my 15 minute presentation to 1 with me speaking for 15 seconds, I sued for defamation to obtain the whole 15 minutes: KingofthePaupers on Dragons Den for Brantford Bucks 10% Royalty http://www.youtube.com/watch?v=UV0L2hyqAZc

17. (5) Cannabis Proceedings

(a) Contempt of Court Publication Ban

> **[19] Mr. Turmel has brought or helped others to bring numerous constitutional challenges to Canada's cannabis laws. In 2001, Mr. Turmel was charged with contempt for violating a publication ban issued by the Quebec Superior Court (550-01003994).**

18. I once violated the publication ban arguing it was necessary to end a genocide of medical cannabis users going on after Health Canada cannabis director Cindy Cripps-Prawak's had testified in my brother's case that they had 94 files which had not been accepted or refused but had been classified as "dormant" which I deduced were the number of people who could no longer finish their correspondence. Probably by reason of death. 94 people waiting for their doctor's prescriptions to be exempted by the Minister croaked while being successfully stalled. Over the year in question, that's 8 a month.

19. It made sense. Consider the case of Don Appleby suffering AIDS whose exemption took over 1 year before being refused. How many other AIDS patients waiting a year became dormant before their exemptions could be added to the refused category? "Dormant" six feet under?" Once they died and could no longer correspond with the Ministry, where did they put those files? There had to be some. There is no category "died before process." So the only conclusion I could come to was that 8 people a month were dying without their prescribed medicine.

20. So despite the impropriety, like the man who raises his voice in a cinema to shout "fire" is justified in violating that publication ban, so too, my raising my voice to shout "94 deaths with 8 more a month" seemed justified in violating that publication ban. Or so I argued. Though I faced a fine and 90 days in jail, the chance to raise the alarm about the genocide going on made it worth a try. I was convicted and fined $250.

21. Despite the allegation: He often refuses to follow court orders, rules and timelines" this is the only court "order" I have ever ignored and was punished for. And no one can refuse to follow court orders.

22. (b) Cannabis Prohibition violates Right to Life

> **Mr. Turmel also brought a motion for a declaration that the marihuana prohibitions in the Controlled Drugs and Substances Act, SC 1996, c 19 [CDSA], infringed s 7 of the Charter, which was dismissed.**
> **[20] In 2002 and 2003, Mr. Turmel brought two unsuccessful applications in the OSCJ for Orders declaring that the marihuana provisions of the CDSA were unconstitutional (573/3003 and 133-2003). The**

applications, appeals to the ONCA (C39740 and C39653), and an application for leave to appeal to the SCC (30570) were all dismissed.

[21] In 2003, Mr. Turmel was charged with possession of marihuana for the purposes of trafficking. In the course of his prosecution, he brought three applications in the OSCJ challenging the constitutionality of the CDSA marihuana provisions. These applications, the appeals to the ONCA (C40127, C44587, C44588) and applications for leave to appeal to the SCC (32011 and 32012) were all dismissed. Mr. Turmel was ultimately convicted, and all of his attempts to appeal, together with related motions, were dismissed by the ONCA (C45295, M45479, M45751) and the SCC (32013 and 37064).

23. My appeal from conviction for taking 7 pounds of marijuana onto Parliament Hill resulted in the Crown staying the last 4,000 remaining possession charges. Now that the medical benefits of marijuana are truly established, can trying to abolish its prohibition be considered "meritless?" http://SmartestMan.Ca/stay4k.jpg

24. (c) Self Defence kits

22] Mr. Turmel frequently purports to provide legal assistance to others charged with marihuana offences. Between 2008 and 2014, at least four accused persons relied on court materials or legal strategies developed by Mr. Turmel to bring applications challenging the constitutionality of the CDSA marihuana provisions. The OSCJ dismissed each of these applications.

25. http://SmartestMan.Ca/wins lists the other 80 wins where charges were withdrawn or the accused were given sweet deals to plead to lesser charges with no criminal records.

26. B. Mr. Turmel's Litigation Kits

> **[25] Since 2014, Mr. Turmel has prepared and distributed litigation "kits" comprising templates for initiating legal claims. These have been used by other litigants to file more than 800 claims, nearly all of which have been dismissed or are in the process of being dismissed as failing to disclose reasonable causes of action, or as otherwise frivolous, vexatious or abuses of process. Several of these litigants are subject to costs awards, many of which remain unpaid.**
> **[28] Using Mr. Turmel's kits, litigants have filed or attempted to file hundreds of substantially identical proceedings challenging various aspects of Canada's medical cannabis regulatory regime, including:**

27. (a)(b) Manson J. MMAR extension

> **(a) 315 actions, including one by Mr. Turmel (T-488-14), challenging the former Marihuana Medical Access Regulations and Marihuana for Medical Purposes Regulations;**
> **(b) 19 motions for extensions of time to appeal the decision of this Court in Allard v Canada, 2014 FC 1260;**

28. (a) Health Canada announced in October 2013 that the MMAR grow exemptions were being terminated on April 1 2014 to be replaced by the MMPR that would let them purchase their cannabis from Licensed Producers. But as April 1 neared, there were insufficient L.P.s to furnish the cannabis for 36,000 permit-holders. Since the Parker decision stated the prohibition becomes invalid absent a working exemption and everyone's MMAR permits were being cancelled on April 1 2014 when the MMPR took over and they would then not be able to buy their pot from not enough Licensed Producers, so the prohibitions were going to be invalidated on April 1 2014 when the MMPR exemption failed.

29. So rather than everyone becoming legal on April 1, John Conroy suckered MMAR permit holders into believing they would no longer be exempt after April 1 and requesting an extension of the MMAR so they would remain legal (while everyone else remained illegal).

30. Judge Manson granted the extension of the MMAR exemption... to only half of Canada's 36,000 patients whose permits had not expired. Everyone's grow permits were grandfathered but only the possess permits of those whose exemptions had not expired were.

31. Robert Roy's permit expired on Mar 18 2014, the date of the hearing. But Judge Manson reserved his decision until Mar 21. So because Roy had not paid a doctor to renew his exemption in the 2 weeks from Mar 18 to April 1, his possession permit for what he had a permit to grow was cancelled. About 18,000 of Canada's 36,000 exempted patients lost their prescriptions that day. So while the half whose permits were extended made news celebrating, the other half who'd had their prescriptions cancelled were not heard. Imagine how many suffered and died of the stress of losing their prescribed and cheap medication! Until their court actions with my templates made the news.

32. The kit let them seek to have their permits back because their doctor had prescribed cannabis and Health Canada had authorized them. Their actions were dismissed as proof of previous permit was deemed insufficient when the court wanted to see their medical files.

33. Many appealed needing more than their previous permit to prove their doctor authorized medical need.

34. (c) Juice and Oil

> **(c) nine actions, including one by Mr. Turmel (T-1932-18), for declarations that the CDSA infringes s 7 of the Charter by failing to provide access to cannabis juice and oil for medical purposes;**

35. Licensed Producers did not offer juice or oil and only self-growing could do that. Since some wanted juice or oil but not to grow, it made sense to ask for juice and oil.

36. (d) Permit Processing Delays

> **(d) 393 actions challenging the processing time for registration with Health Canada to produce cannabis for personal medical use;**

37. Health Canada used to process MMAR permits in under a month and now they were processing them in 5 to 11 months. So, my template started with a Statement of Claim for damages due to delay, lost rent and pot not grown, with over 80 motions for interim permits while waiting for Health Canada to deliver their permits. In almost all motions, Health Canada hopped to it and delivered the permit so the Crown could tell the judge that the motion hearing was now mooted and no longer necessary since the permit had been delivered.

38. I have continued to distribute and promote the Turmel Kit processing-time claims long after the Federal Court of Appeal and this court struck hundreds of these claims. In 2021, Igor Mozajko had to file an action against the delay in processing his change of address and they hopped to it to mooten his hearing. In 2021, Gisele Pilon had to file an action against the delay in processing her permit and they hopped to it to mooten her claim. So Health Canada is still

making people wait for their permits and the kits are still useful to those victims.

39. (e) 150 gram cap on public possession

> **(e) 36 actions challenging the 150-gram public limit on public possession and shipping of cannabis for medical purposes;**

40. The MMPR that was eventually struck had introduced a cap of 150 grams on possession. When judge Manson extended the MMAR, he imposed the new MMPR 150 gram cap on possession! So Parliament did not impose the new cap, Judge Manson did. In BC, some high-dosers in Barber v. HMTQ applied to strike the cap and the judge granted them a 10-day supply possession limit.

41. So my claim template asked to strike the cap and for the interim remedy of the same 10-day supply pending the hearing of the action. Judge Brown dismissed the Crown motion to strike the action against the cap and granted the Lead Plaintiff the same 10-day supply granted in the B.C. Garber case. http://johnturmel.com/150cn1j.pdf but the Federal Court of Appeal overruled him, sustained by the Supreme Court of Canada. http://johnturmel.com/150fcaj.pdf

42. (f) Annual prescription for permanent illnesses

> **(f) four actions challenging the requirement for annual healthcare practitioner authorization to use cannabis for medical purposes;**

43. The claim argued that it was a needless hassle for patients with permanent diseases to see a doctor to renew every year.

44. (g) Rejection for black ink

> **(g) one action challenging Health Canada's rejection of a plaintiff's application for registration to produce cannabis for personal medical use; and**

45. Plaintiff Arthur Jackes, whose application was rejected because it was signed in blue ink, objected that Licensed Producers were urged to sign their application in black ink.

46. (h) Grower caps

> **(h) One action challenging the production-site requirements for individuals producing cannabis for personal medical use,**

47. This was the challenge no more than 2 patients for a Designated Grower and no more than 4 licenses per site as being enacted to make it uneconomic for small dosers to find a grower. When the Sfetkopoulos decision of this court struck the cap of 1 patient per grower as too unconstitutionally limiting, Health Canada promulgated a new cap of 2. When the Beren decision struck the cap of 3 licenses per site as too unconstitutionally limiting, Health Canada promulgated a new cap of 4. Jackes argued a minimal increase of 1 was still too unconstitutionally limiting and showed contempt for the courts.

48. (h) Criminal Record Ban

> **(h) and one action challenging the criminal-record requirements.**

49. Bela Beke challenged the prohibition on a Designated Producer having a criminal record for cannabis in the past 10 years on the grounds he should have a right to go straight now that marijuana was legal.

50. (6) COVID-19 Proceedings

> **[23] In January 2021, Mr. Turmel filed a claim in this Court alleging that Canada's COVID19 public health measures infringed the Charter (T-130-21). He asserted that COVID-19 was an "imaginary plague", and the resulting deaths were greatly exaggerated by an "evil cabal" that includes the World Health Organization. On July 21, 2021, Prothonotary Mandy Aylen (as she then was) struck Mr. Turmel's claim without leave to amend. Subsequent appeals of this decision were dismissed by both this Court and the FCA (A-286-21).**

(a) Action against "any" restriction

51. Since January 2021, 80 self-represented plaintiffs joined me in filing substantially identical Federal Court claims against any restriction based on a the Covid Mortality Hyped Hundredfold false alarm due to WHO's comparing the Covid 3.4% "Apple" CFR "Case Fatality Rate" not to Flu's known 10% CFR "Apple" but to the 100-times smaller Flu 0.1% "Orange" IFR "Infection Fatality Rate" exaggerated the threat by a hundredfold; and CDC said masked social distanced lockdowns were needed when "most coronavirus cases spread from people with no symptoms." An asymptomatic spreader would unknowingly infect clusters of family and friends. But no such clusters have been found. On April 2 WHO found "no documented asymptomatic transmission." On June 3, Wuhan tested 10 million to find zero transmission by asymptomatics.

52. On July 21, 2021, after splitting me off from the other plaintiffs, Prothonotary Aylen (as she then was) ruled that WHO comparing Covid CFR to Flu IFR to hundredfold hype the threat was not a fact and struck my claim without leave to

amend on the technicality that I had to specify which restriction affecting me was unconstitutional rather than get a declaration that any restriction was. I could not rely on the sufferings of the other plaintiffs who had been separated from me. The other 79 claims remain stayed pending the outcome of this appeal.

53. This Court has since dismissed my appeal of this decision. A further appeal to the Federal Court of Appeal was dismissed. Leave to appeal the Aylen decision is now being sought at the Supreme Court of Canada.

54. I've appealed that the judge should have let the action go through since a judge can do anything that is just and it would be just to warn the world that the Covid mortality hyped a hundredfold was a false alarm. and Applicant seems to be hoping that this Court will bar the higher court from hearing that appeal.

55. Christine Anderson (German MP) EU called Covid Vaccines the Biggest Crime Ever Committed on Humanity. And finding out the Covid Mortality was a false alarm could have prevented it.

56. Dr. Francis Christian, former Director of Patient Safety and Quality of surgery in Saskatchewan (fired for warning us) https://www.youtube.com/watch?v=kKbOvsLTbeU said 1 in 5,000 suffer myocarditis heart damage and noted that that's just those that are reported. It could be one in 1000. So of the 3 billion vaxed on the planet, there could be 3 million with new myocarditis we should expect to die in the next 5 to 10 years.

57. All because Judge Aylen found a technicality to not warn the world it was a false alarm. She didn't take smartestman.ca seriously and now has to live with the blood

of millions on her hands. Whenever I see an article about someone collapsing and dying, I share it to my http://gab.com/johnturmel page with the comment asking if they would have taken the clot shot had Judge Aylen not suppressed that the Covid threat was a false alarm.

58. More articles are now coming out showing statistics that the vax mandate is a genocide, a genocide that only a declaration that the threat was a false alarm could have averted. So every Federal Court judge who read my action to find out it was a false and did nothing has the blood of millions on their hands.

59. (b) Action against "air travel" restriction

60. On February 16, 2022, after the air travel restriction had been placed on me, I filed a further claim challenging the constitutionality of Canada's vaccination requirements for air travellers based on a false alarm. On May 18, 2022, Prothonatary Horne struck this claim without leave to amend on grounds the Mobility right in the Charter ensures the right to live in, move to, or work in any province but not to travel domestically. Premier Brian Peckford and People's Party Leader Maxime Bernier have also filed actions relying on the Charter right to Mobility and will find out, as we did, it does not apply, So I did not appeal. And Judge Horne hit me with $2,000 in costs and hit the other 8 plaintiffs with double the costs requested by the Crown. That's our punishment for trying to warn the world of the Covid false alarm and save millions from the VAIDS genocide.

61. So I have brought no proceedings that are meritless, I submit the mega-deaths resulting from the court's failure to see the merit in my actions speaks for itself.

62. I have not brought any proceedings are were scandalous, frivolous, vexatious or an abuse of process though pointing out the mega-deaths does seem like hyperbole.

63. My actions were not supported by little or no evidence even if the judges failed to see the logic.

64. My appeals never failed to allege court error. To disagree with a righteous request with lives at stake is to err.

65. The Court ruled that:
- WHO comparing the Covid CFR mortality to the Flu IFR mortality to exaggerate the threat a hundredfold wasn't a fact;
- Wuhan finding zero asymptomatic transmission out of 10 million tested was not a fact;
- CTV announcing only 166 deaths not in long-term-care in Canada was not a fact;
- CDC changing the death certificate guidelines from "dead from covid" to "dead with covid" so accidents, suicides and murders, other co-morbidities count as Covid was not a fact;
- Setting PCR tests too sensitive was not a fact;
- Lancet and NEJM publishing bogus anti-HCQ data and Bill Gates Oxford test killing 32 times more patients than in france by over-dosing the patients with 9.6 times the dosage was not a fact.
And the fact I had not personally suffered any restriction on me while the other plaintiffs' actions were stayed was reason to strike my claim to declare unconstitutional any restrictions based on a false alarm.

66. The Court continued:

> **[26] Mr. Turmel candidly admits that his litigation kits are ineffective. According to the AGC:**

> In still other [social media] posts, Mr. Turmel acknowledges that his kit proceedings lack merit... noting that "Sure, the chances are slim but I enjoy exposing judicial failures to their bosses."

67. I have never said my kits lacked merit and slim chance of finding a judge does not mean no chance. I don't refile to show the judges who are wrong, I refile to find a judge who will be right.

68. The Court continued:

> [27] Mr. Turmel also admits that he encourages plaintiffs to use his litigation kits to "flood the courts".

69. I explain it is better to flood the Crown than to flood Ottawa streets to get Ottawa's attention.

70. The Court continued:

> [32] Mr. Turmel frequently uses social media to insult the intelligence or integrity of judges who dismiss his proceedings or those commenced by users of his litigation kits. He calls judges "imbeciles", and alleges that those who have dismissed his cannabis or COVID-19 kit claims have "blood on their hands" or "deserve death row for what they have done."

71. Paragraph 78 of my Memorandum says:

> 78. Applicant alleges I referred to judges as "imbeciles." I had asked whom posterity will rule to be the imbecile in the matter, (me or the judge?) I had said one of us was, not that the judge was."

72. The Court continued:

> **IV. Analysis**
>
> **A. Should Mr. Turmel be declared a vexatious litigant?**
>
> **[38] While "vexatiousness" does not have a precise meaning, its indicia may include: (a) instituting frivolous proceedings;**

73. I have not yet heard of one frivolous proceeding. Trying to delay foreclosure wasn't; trying to legalize casinos wasn't; trying to decriminalize cannabis wasn't; trying to get 18,000 patients their medical permits back wasn't; trying to strike the 150 gram cap preventing hi-dosers from leaving home wasn't; trying to call off mandates for vaccines for a false alarm wasn't; not one frivolous proceeding that I am not proud of.

74. The Court continued:

> **(b) making scandalous or unsupported allegations against opposing parties;**

75. Saying Bill Gates murdered his patients to discredit HCQ and enable Emergency Use Authorization may seem scandalous but was supported by the data.

76. The Court continued:

> **(c) re-litigating settled issues;**

77. Using the same facts to litigate the new air travel ban on me was not relitigating the claim against any restriction. The only issue I did relitigate was when judges kept finding that my getting zero broadcast time was equitable as I kept seeking a judge who would find not.

78. The Court continued:

> **(d) unsuccessfully appealing decisions;**

79. There is no law against appealing whether successful or not.

80. The Court continued:

> **(e) ignoring court orders and rules; and**

81. I only ever ignored a court order once. And how could I get away with ignoring court rules?

82. The Court continued:

> **(f) refusing to pay outstanding cost awards (Olumide v Canada, 2016 FC 1106 at para 10). Mr. Turmel exhibits all of these indicia.**

83. It's not being able to pay rather than refusing to pay. When I could pay, I did pay. But I was examined about costs and showed enough impecuniosity that they gave up trying to collect.

84. The Court continued:

> **[41] Mr. Turmel and his kit users have often brought identical motions for interlocutory relief, claiming that the impugned legislative provisions violate their Charter rights. These motions have all been dismissed, as have Mr. Turmel's numerous appeals.**

85. Most of those motions were only dismissed after Health Canada granted the permits to mooten the motion hearings. They weren't dismissed on the merits, but on the Respondent satisfying the interim relief sought.

86. The Court continued:

> **[42] In his social media posts, Mr. Turmel admits that he has filed materials for others,**

87. I have filed the documentation of others for them, online and live. There is no law preventing someone from filing documentation for others live, why would there be for others online? Clerks do it.

88. The Court continued:

> **[43] Mr. Turmel has.. shown disregard for court rules and timelines.**

89. I have missed a few deadlines and needed extensions of time mostly granted but after more than 40 years know better than to disregard court rules.

90. The Court continued:

> **[44] Rule 119 of the Rules states that an individual may act in person or be represented by a solicitor in a proceeding. Mr. Turmel nevertheless purports to make legal submissions on behalf of others, despite not being a solicitor and in defiance of numerous admonitions from the courts not to engage in this behaviour.**

91. I can't trick the courts into thinking I'm a lawyer to make legal representations for others. I ask to be a McKenzie friend of the court to make it easy and have often with success before lower courts, courts of appeal, and even Supreme Court of Canada Chouinard once.

92. The Court continued:

> [45] Not only are Mr. Turmel's litigation kits ineffective; they have also caused direct harm to the legal and financial interests of those who have used them. In a post on social media, Jeff Harris, one of Mr. Turmel's "lead plaintiffs", wrote the following:
>
> > People put their faith in you to help and you never do. you spout lies and nonsense but when the Crown does it-you cry foul...way too funny. you think you're such a big deal and so important. just because you're a loser?? i guess we should be aware of something like you [.] too bad you didn't cover all the costs. I had to pay some myself. you knew there was more to pay. but you said nothing to me after your cheques ran out. nice try claiming you paid it all...another LIE !
> > [sic throughout]

93. I did cover all the Harris' costs up to when he refused to continue filing the documentation I had prepared for him. I paid $2,500 for his last proceeding before the Federal Court of Appeal at $200 a month. So I paid all his costs until he quit.

94. The Court continued:

> [46] Mr. Turmel has paid just one of the many costs orders issued against him, in the amount of $100. The remaining accumulated sum of $18,453.04 remains unpaid. An additional 22 cost orders totalling $16,362.82 awarded against his kit users remain unpaid. In social media posts, Mr. Turmel has told kit users that "It's okay to skip out on costs" and remarked, "I'd forgotten about all the times I stiffed them on costs."

95. Tough talk from a pauper who can't afford to pay.

96. The Court continued:

> [47] The test for vexatiousness is if "the litigant's ungovernability or harmfulness to the court system and its participants justify a leave-granting process for any new proceedings" (Simon at para 18). Mr. Turmel is a vexatious litigant. His conduct is both ungovernable and harmful, and requires the imposition of restrictions on his conduct before this Court.

97. I only initiated 5 different actions in the past 8 years even if with many participating victims. None of the issues was frivolous and none were vexatious. And given no further such actions are foreseen unless Canada aggrieves me and many more, there is no reason for any restrictions on my access to the court.

Dated at Brantford on Feb 27 2023

_____

For the Appellant/Respondent
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No: A-265-22

FEDERAL COURT OF APPEAL

Between:
John Turmel
Appellant
Plaintiff

AND

His Majesty The King
Respondent
Defendant

APPELLANT'S MEMORANDUM

For the Appellant/Plaintiff
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