

(SEAL)

FCA No. A-265-22
FCC No: T-962-22

FEDERAL COURT OF APPEAL

Between:

John Turmel

Appellant
Respondent

AND

Her Majesty The Queen

Respondent
Applicant

NOTICE OF APPEAL

Pursuant to Rule 337

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Toronto.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the Federal

Courts Rules and serve it on the appellants solicitor, or where the appellant is self-represented, on the appellant, WITHIN 10 DAYS of being served with this notice of appeal. IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: Dec 9 2022

Issued by: D. MIRI - REGISTRY OFFICER (09-DEC-2022)
(Registry Officer)

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APPEAL

1. THE APPELLANT APPEALS to the Federal Court of Appeal from the Nov 9 2022 decision 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.

A. Proceedings Commenced by Mr. Turmel

[10] Mr. Turmel's numerous legal proceedings may be divided into the following categories.

(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.

2. No judge accepted that foreclosing on farmers who fail to pay back 11 when banks only printed 10 was a physical impossibility resulting in genocide of the poor. And since I use math to determine fairness, judges who determine fairness by "trial and error" must be wrong to disagree.

3. The Court continued:

[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).

4. And then published an Anti-Foreclosure Stiff-The=Bank kit showing others how to stall their evictions by arguing the same.

5. The Court continued:

(2) Elections Proceedings

[13] Mr. Turmel is a perennial candidate in municipal, 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..

6. No judge found that getting zero time violated the Broadcast Act regulation that free broadcast time partisan political debates must be shared by all rival candidates 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.

7. The Court continued:

[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.

8. 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. 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 run. After a presentation to the Parliamentary Committee, the law was changed so no auditor was needed for campaigns with expenses less than \$10K| So Parliament found it unfair enough to fix even after the court had not.

9. The Court continued:

(3) Gaming Proceedings

[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.

10. When the Crown would not charge me when 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.

11. 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.

12. 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.

13. The Court continued:

(4) Canadian Broadcasting Corporation Proceedings

[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 all dismissed.

14. 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 and CBC had to give me the whole 15 minutes which I posted to show who made fun of whom:

20110602 KingofthePaupers on Dragons Den for Brantford Bucks
10% Royalty <http://www.youtube.com/watch?v=UV0L2hyqAZc>

13. The Court continued:

(5) Cannabis Proceedings

[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).

14. Discovering Health Canada hid those who died while awaiting their permits in the "dormant" file seemed important enough to publish and try to stop. This is the only time I ever ignored a court order.

15. The Court continued:

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).

16. My appeal 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 frivolous or meritless?

17. The Court continued:

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.

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

19. The Court continued:

(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 Ayles (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).

20. 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 France 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 any restrictions based on a false alarm unconstitutional.

21. The Court continued:

[24] On February 16, 2022, Mr. Turmel filed a claim challenging the constitutionality of Canada's vaccination requirements for air travellers (T-277-22).

This Court struck the claim without leave to amend.

22. My claim had been struck because there was then no restriction on me and now that there was a restriction on me, this action has been deemed to be relitigation.

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:

(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;

(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;

(d) 393 actions challenging the processing time for registration with Health Canada to produce cannabis for

personal medical use;

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

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

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

(h) one action challenging the production site requirements for producing cannabis for personal medical use, and one action challenging criminal record requirements.

24. (b) The Allard decision grand-fathered the grow permits of all exemptees but not the possession permits. So half of Canada's 36,000 medpot patients could no longer possess what they could grow. The kit let them seek to have their permits back because their doctor had prescribed cannabis and Health Canada had authorized them. Proof of permit was deemed insufficient when the court wanted to see their medical files and their actions were dismissed.

25. 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."

26. 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.

27. The Court continued:

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

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

29. 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."

30. 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."

31. 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;

32. 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 initiating.

33. The Court continued:

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

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

35. The Court continued:

(c) re-litigating settled issues;

36. 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.

37. The Court continued:

(d) unsuccessfully appealing decisions;

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

39. The Court continued:

(e) ignoring court orders and rules; and

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

41. 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.

42. 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.

43. 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.

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

45. The Court continued:

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

46. 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?

47. The Court continued:

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

48. 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.

49. 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.

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

51. 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]

52. I did cover all the Harris' costs up to when he refused to continue filing the Supreme Court of Canada 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 and refused to file.

53. 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."

54. Just tough talk from a pauper who can't afford to pay.

55. 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.

56. 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 Dec 9 2022



For the Appellant/Respondent

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